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FIRST SESSION

SENATE

THURSDAY *May 13, 1926*

(Legislative day of Monday, May 10, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924; and

S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber; and

H. R. 5242. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill of the House (H. R. 8513) to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7482) to provide for conveyance of certain lands in the State of Michigan for State park purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH, and Mr. DRIVER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 9914. An act providing for the inspection of the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Ariz.;

H. R. 10203. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes;

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes;

H. R. 10385. An act to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps;

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes;

H. R. 10896. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia;

H. R. 10984. An act to amend the national defense act of June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions;

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy;

H. R. 11613. An act to provide for the study and investigation of battle fields in the United States for commemorative purposes;

H. R. 11762. An act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.;

H. R. 12043. An act to provide for the inspection of the battle field of Stones River, Tenn.;

H. R. 12103. An act to provide for the inspection of the battle field of Fort Donelson, Tenn.; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled joint resolution (H. J. Res. 134) authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect, and it was thereupon signed by the Vice President.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, I call for the regular order.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Ferris	Harris
Bayard	Couzens	Fess	Harrison
Bingham	Cummins	Frazier	Heflin
Blease	Curtis	George	Johnson
Borah	Dale	Gillett	Jones, N. Mex.
Bratton	Deneen	Glass	Jones, Wash.
Broussard	Dill	Goff	Kendrick
Bruce	Edge	Gooding	Keyes
Butler	Edwards	Greene	King
Cameron	Ernst	Hale	La Follette
Caraway	Fernald	Harreld	McKellar

McLean	Oddie	Schall	Tyson
McMaster	Overman	Sheppard	Underwood
McNary	Phipps	Shipstead	Wadsworth
Mayfield	Pine	Shortridge	Walsh
Means	Pittman	Simmons	Warren
Metcalf	Ransdell	Smoot	Watson
Moses	Reed, Mo.	Stanfield	Weller
Neely	Reed, Pa.	Steck	Wheeler
Norbeck	Robinson, Ark.	Stephens	Williams
Norris	Robinson, Ind.	Swanson	Willis
Nye	Sackett	Trammell	

Mr. NORRIS. I regret to announce that my colleague, the junior Senator from Nebraska [Mr. HOWELL], is absent on account of a death in his family.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. McLEAN obtained the floor.

Mr. KENDRICK. Mr. President, will the Senator yield to me a moment?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Wyoming?

Mr. McLEAN. I will say to the Senator from Wyoming that I do not intend to speak more than 10 or 15 minutes, and after that I shall be very amenable to anyone who wants the floor; but I would like to proceed now before Senators leave the Chamber.

I am not a member of the subcommittee which had charge of the bill, but I have been chairman of the Committee on Banking and Currency for some time and I have been a member of that committee since the Federal reserve system was organized. I want the branch-bank controversy adjusted and settled. I think the American people want it settled and I think the banking interests want it settled. I want to say to my colleagues that the branch-banking controversy is just about as intense in the banking field as the wet-and-dry controversy is intense in the social and political field. For several years now I have received letters from one school insisting that a unit banking is bad and very bad, and from the other school insisting that branch banking is bad and very bad.

It seems to me that the time has come when we ought to adopt a policy that any fair-minded man can justify. We can not justify the so-called Hull amendments if they are adopted. No one has undertaken to justify them as between the banking interests. If a State bank in a State where branches are now permitted wishes to enter the Federal reserve system after the passage of this bill, it must get rid of its branches, while State banks that are already in the system can retain them. After the passage of this bill if a State which does not now have branch banks shall change its policy and permit them, no national bank and no State bank that wishes to become a member of the Federal reserve system can have a branch. That means that if we adopt the Hull amendments we shall not settle the controversy, but will intensify it and aggravate it. If, in any State of the Union now permitting branch banks, a State bank which has not entered the Federal reserve system wishes to come in with branches outside city limits, it can not do so, and Congress will be appealed to to do justice in the premises, and we can not refuse if we wish to be fair. So, if a State which now prohibits branch banking changes its policy, the national banks in that State and the State banks that are member banks will immediately appeal to Congress to be put upon an equal competitive basis, and if we are fair we can not refuse to grant their request.

Mr. President, I should not have said anything about the bill if the Senator from Wisconsin [Mr. LENROOT]—and I am sorry he is not here to-day—had not taken the position which he did yesterday. He admitted that the Hull amendments would perpetrate an injustice so far as the banking interests were concerned, but that he was interested in protecting the patrons of the banks, the public, and it was his fear that if we do not adopt the Hull amendments, if we enact the Senate bill, the large banks, both State and national, will put their heads together in the States and coerce legislatures into changing their policies and permitting branch banks.

Mr. President, the Senator from Wisconsin is a very able man. I hope he will represent the State of Wisconsin in the Senate as long as he lives. Wisconsin is a great State, and she has many able men there; but if she has any abler or better men than the senior Senator from that State, all I have to say is that she is exceedingly fortunate. So when the Senator uses the word "monopoly" it disturbs me, because it is a dangerous word to use in a legislative body—a word to conjure with. If it were true that the bill as amended by the Senate would permit or encourage in any way the larger banks to combine and force legislatures to grant state-wide branch banking, I would be just as strongly opposed to it as is the Senator from Wisconsin. I do not believe in state-wide branch banking, but, Mr. President, there is a restrictive feature in this bill which persuaded me to support it and sets an example to all the States which, if they will follow it, will absolutely prevent the results which are feared by the Senator from Wisconsin. I refer to the provision found on page 14 of the bill in subsection (e), as follows:

(e) No branch shall be established after the date of the approval of this act within the limits of any city, town, or village of which the population by the last decennial census was less than 25,000. No more than one such branch may be thus established where the population, as determined, of such municipal unit does not exceed 50,000, and not more than two such branches where the population does not exceed 100,000. In any such municipal unit where the population exceeds 100,000 the determination of the number of branches shall be within the discretion of the Comptroller of the Currency.

Mr. President, I assume from the position taken by the Senator from Wisconsin that he believes that the larger banks would have a strong motive, a valid purpose, in securing branch-bank privileges in States where they are now denied; but if they should secure such privileges, what would be the result? They would find themselves "hoist by their own petard." They could not establish a branch in a town of less than 25,000 population, and they could have but one branch in a town of 25,000 up to 50,000. What danger is there to the agricultural States of the Union and to the Northwest? How many towns having a population in excess of 50,000 are there in those States? Nobody has called attention to this restriction, but it seems to me that when it shall be understood it will be realized that it accomplishes the very thing we desire to accomplish. The very thing those opposed to monopoly would accomplish—it would encourage competition in the large cities.

Mr. SHIPSTEAD. Mr. President, does the Senator from Connecticut mean that in a town of 25,000 population a national bank can have one branch?

Mr. McLEAN. Yes.

Mr. EDGE. That restriction applies to a town with a population of less than 50,000.

Mr. SHIPSTEAD. The Senator from Connecticut said a town with a population of 25,000.

Mr. McLEAN. A town can have one branch bank if the population is in excess of 25,000; but if there are a dozen other towns in that State exceeding that population a bank can not establish a branch in any one of those other towns. What becomes of the fear of the agricultural States in this matter? Instead of encouraging branch banks, this provision of the bill would put an absolute restriction upon doing so, which, if followed, would render absolutely impossible the realization of any such fears as have been expressed, and the Federal Government would be setting a most worthy example. It was urged here on yesterday that we ought to take a stand against branch banking and adhere to it. If we pass the bill in its present form, what motive will there be for the large banks to coerce legislatures to grant state-wide banking privileges, for, if they succeed, they will be out of it?

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. McLEAN. I yield.

Mr. HARRELD. I have understood that the main objection to the Hull amendments was that the national banker was seeking to be relieved from the action of the State banking laws which would permit State banks to have branch banks; but with the restrictions of which the Senator speaks, where does any protection lie? Suppose, for instance, the State banker has the right to establish as many branch banks as he wishes, under this restriction which the Senator from Connecticut has just read, the national banker would be limited to the establishment of one branch bank where the population of the city is between 25,000 and 50,000, and to two where it is between 50,000 and 100,000, and so on. Where is there any protection there for the Federal banks as against the State banks which may have the right to establish branches, while Federal banks would be denied that privilege?

Mr. McLEAN. The Senator realizes, of course, that we can not regulate the State legislation in this matter?

Mr. HARRELD. I understand that. I understood the Senator from Connecticut was trying to give relief to national banks where State banks were permitted to have branches.

Mr. McLEAN. Yes.

Mr. HARRELD. But these restrictions would negative that.

Mr. McLEAN. It is proposed that where the State law permits branch banking, then the national banks shall be put upon an equal basis in those States.

Mr. HARRELD. By this bill?

Mr. McLEAN. Yes.

Mr. HARRELD. I want to get clear as to that. I thought the Senator was arguing that these restrictions apply even to those cases where State banks are allowed to have as many branches as they may desire?

Mr. McLEAN. No; the purpose of the bill is to put State banks and national banks upon an equal competitive basis in the large towns.

Mr. EDGE. It would apply where a State bank was a member of the Federal reserve system?

Mr. McLEAN. Yes.

Mr. HARRELD. I understood the Senator was arguing that these restrictions applied in all cases alike, even in cases where the State banks were allowed to have any number of branch banks. I understand the Senator's explanation now.

Mr. McLEAN. If the national banks should combine with the State banks—assuming now that we shall adopt the Senate amendments, and the fears of the Senator from Wisconsin [Mr. LENROOT] are realized—if the national banks should combine with the State banks and should succeed in coercing the State into changing its policy and permit branch banks, the State banks could have branches in that State, but the national banks could not have such branches, not even in a city. What motive, therefore, would they have for combining to change the policy of the State?

Mr. HARRELD. With the restrictions which the Senator has just read, very little relief would be afforded in that situation, unless, as I understand the Senator now to say——

Mr. McLEAN. Under the Hull amendments, if they should succeed in changing the policy of the State, a national bank could not have a branch even in the same city, but under our bill if the State should change its policy a national bank could have branches within the city limits.

Mr. HARRELD. But only in accordance with the restrictions the Senator just read?

Mr. McLEAN. In accordance always with the restrictions. They apply to all.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. McLEAN. Yes.

Mr. KING. Is it not really a controversy between two systems of banks and two theories of banking? There are many bankers in the United States who are in favor of a unit banking system, and there are many others who believe in branch banks. In those States where they have state-wide branch banking we can not prevent it, and Congress can not prevent those States which in the future desire to have branch banks from so legislating. The only thing we can do, and our only power, is to say to the Federal banks, those that are members of the Federal reserve system, "You may or may not avail yourself of the branch-banking provisions of any State law," but in order to give Federal banks within the Federal reserve system the same privileges which are now enjoyed by the State banks which have branch-banking provisions we must permit those within the Federal reserve system and within such States to have branch banks within a limited political or economic area.

Mr. McLEAN. That is right.

Mr. KING. But as to the States which do not have branch banks, having stricken out the Hull amendments, we do not say that Congress will attempt to coerce those States and prevent them from adopting whatever policy they may see fit respecting branch banks.

Mr. McLEAN. No; but we are setting them a good conservative example. We do not believe in state-wide branch banking but we do believe that the large banks in the great metropolitan centers may have what they call "tellers' windows" in different portions of a city to accommodate their patrons.

Mr. President, I have a communication here from the vice governor of the Federal Reserve Board. It is not of very great importance, but I wish to call attention to it. It has been claimed that some of the national banks at one time in the system have withdrawn and reorganized as State banks.

Mr. SMOOT. That is not on account of branch banking, however.

Mr. McLEAN. For what reason this communication does not state, but I know that some of them have gone out of the Federal reserve system and reorganized as State banks in order that they might have branch-banking privileges.

Mr. SMOOT. Mr. President, the Senator does not claim that that is the reason why many of the national banks have gone out of the Federal reserve system, does he?

Mr. McLEAN. The Senator knows the important reasons why they have withdrawn from the Federal reserve system, but some few of them have withdrawn to take advantage of branch-bank privileges.

Mr. SMOOT. I can not call to mind a single one, but there may be a few of them of which I do not know.

Mr. COUZENS. Mr. President, if I may interrupt for a moment, will the Senators tell us what the reason is for such withdrawal other than the establishment of branch banks?

Mr. McLEAN. Mr. President, they do not receive interest on their reserves. The Federal reserve banks can not pay interest on these reserves for this reason; I think the reserves at this time are about $3,000,000,000; and if they paid 2 per cent they would have paid $60,000,000 last year, whereas the net income of the Federal reserve banks—all 12 of them—was less than $10,000,000. They are not banks of discount and deposit, and two of the Federal reserve banks this year have not even paid expenses.

Mr. COUZENS. Does not the Senator think the more restrictions we put in this bill against the national banks the less advantageous it will appear to them to be members of the Federal reserve system?

Mr. McLEAN. Yes.

Mr. OVERMAN. Mr. President, will it not weaken the Federal reserve system if the House bill should be enacted?

Mr. McLEAN. I think it would.

Mr. OVERMAN. And finally it might destroy it?

Mr. McLEAN. It is certain that if we take the House bill and a State changes its policy and permits branch banks, then the larger national banks in that State will be compelled to go out of the Federal reserve system if they want to be put upon a competitive basis.

Mr. OVERMAN. Exactly.

Mr. EDGE. Mr. President, right there I do not agree with the suggestion that banks have not already gone out of the Federal reserve system entirely and exclusively because of branch-banking privileges. Banks have done so in Detroit, they have done so in New York, and they have done so in several other cities, according to the information I have received from the Comptroller of the Currency. That is the only reason assigned. They may have had other reasons, but that reason has certainly been assigned.

Mr. SIMMONS. Mr. President, the Senator from New Jersey is absolutely correct in that statement. In my own town a State bank sought admission into the Federal reserve system and obtained it. It subsequently determined that it was to its advantage to establish branches, and that bank withdrew from the system because it was not permitted to remain in the system and have branches. I think that process is going on, and I think a great many State banks that would like to become members of the Federal reserve system have been deterred from entering that system by reason of the fact that they can not carry with them their branches.

Mr. McLEAN. Yes.

Mr. SIMMONS. I did not rise, however, for that purpose. I want to understand this matter before I cast my vote. I am strongly disposed to vote for the Senate amendment, but I want to understand it exactly before I cast that vote.

As I understand, under the Senate amendment no attempt is made to restrain the action of the States at all with reference to branch banks. No attempt is made to exercise any jurisdiction over any bank unless it is a member bank of the Federal reserve system. If it is not a member bank we have nothing to do with it, either in the past, the present, or the future.

Mr. McLEAN. The Senator knows we could not if we tried.

Mr. SIMMONS. I do not think we could. I understand that if a State bank desires to become a member of the Federal reserve system, it can come in and bring with it its branches.

Mr. McLEAN. Under the Senate bill; yes.

Mr. SIMMONS. Under the Senate amendment it can bring with it its branches.

Mr. McLEAN. Yes.

Mr. SIMMONS. After this bill is passed, however, if a State bank desires to come in, it can not do it and bring its branches with it.

Mr. McLEAN. It can bring those already established, but it can not establish new ones.

Mr. SIMMONS. Unless they are already established.

Mr. McLEAN. That is right.

Mr. SIMMONS. If the branch bank is established after the passage of this bill, then the State bank entering the system can not bring with it that branch. That is true?

Mr. McLEAN. Yes; but it can establish new branches within the city limits.

Mr. SIMMONS. Yes. In the case of a national bank which is a member of the Federal reserve system, and must remain a member as long as it remains a national bank, as I understand, if that bank desires, after this bill is passed, in a State where

branch banking is permitted, it may establish branches within the corporate limits of the city in which the parent bank is located.

Mr. McLEAN. That is right; under the restrictions to which I have called attention.

Mr. SIMMONS. That is the way I understood it.

Mr. McLEAN. Mr. President, I said I would put into the RECORD this statement furnished by Vice Governor Platt, and I will keep my promise.

In the year 1919, 59 national banks retired from the system, with total resources of $115,000,000.

In 1920, 39 national banks retired from the system, with total resources of $140,000,000.

In 1921, 27 national banks retired from the system, with total resources of $112,000,000.

In 1922, 27 national banks retired from the system, with total resources of $31,000,000.

In 1923, 48 national banks retired from the system, with total resources of $46,000,000.

In 1924, 45 national banks retired from the system, with total resources of $38,000,000.

In 1925, 45 national banks retired from the system, with total resources of $31,000,000.

Making a total of $515,000,000 of resources withdrawn from the Federal reserve system.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. McLEAN. I do.

Mr. REED of Missouri. It would be interesting to know whether those banks withdrew from the system and then proceeded to incorporate as State banks and trust companies, or whether they went out of business altogether, or whether they withdrew by consolidation with other banks.

Mr. McLEAN. Some of them went out and were absorbed by other banks. As I stated, I do not know how many of them retired for the purpose of taking advantage of the branch-banking privilege; but some of them did. I put this statement into the RECORD, however, for this reason: We have 49 banking systems in the United States—the Federal system and 48 separate and distinct State systems. The situation is awkward in some respects, and probably uneconomical. We have no control over the State systems; and I hope no Member of this body wants to attempt indirectly to regulate those systems, because it will result, as all such attempts do, in a reaction that will be exceedingly unpopular; and if we tell the States by a process of indirection that they can not do a thing, that may very likely be an incentive to them to demonstrate to us that they can do it.

As I have said, we have 49 systems. The situation is awkward in some respects; it may be uneconomical; nevertheless, it does provide active competition among the credit merchants of this country. The money rate, the price of credit, is very reasonable at this time in comparison with the price of other things.

Mr. REED of Missouri. Mr. President, I do not want to interrupt the Senator unless it is agreeable to him.

Mr. McLEAN. I am perfectly willing to be interrupted at any time.

Mr. REED of Missouri. I want to go back to the figures given by the Senator of withdrawals of national banks. The Senator states that he does not know how many of them withdrew on account of consolidation or on account of failure, or whether they withdrew to organize under a State law. It is very important to have that information before we can determine at all with reference to the significance of these figures.

Mr. EDGE. Mr. President, if the Senator will permit me, I can give him that information. From the report of the Comptroller of the Currency for 1925 I read as follows, substantiating the statement made by the Senator from Connecticut:

> From October 21, 1923, to October 17, 1925, 166 national banks left the national system to engage in the banking business under State charters. These carried with them total resources of $566,600,000.

They represented 8 or 10 different States. I will not read the balance.

Mr. HEFLIN. Mr. President, if the Senator from Missouri will permit me in that connection, I should like to ask the Senator from New Jersey how many of these banks withdrew from the Federal reserve system prior to 1920.

Mr. EDGE. The statement that I have read contemplates alone the period from October 21, 1923, to October 17, 1925—two years, in other words.

Mr. McLEAN. I can give the Senator from Alabama the figures for the years 1919 and 1920. In 1919, 59 retired. In 1920, 39 retired.

Mr. HEFLIN. How many withdrew prior to 1920?

Mr. McLEAN. I have only the figures for the year 1919.

Mr. HEFLIN. Mr. President, very few withdrew until the Federal Reserve Board worked in cooperation with certain bankers in New York to bring on a panic in 1920.

Mr. REED of Missouri. Mr. President, I want to be perfectly candid and perfectly fair about this inquiry. I am making it for information and not in a controversial spirit at all. I take it, however, from the language which the Senator from New Jersey [Mr. EDGE] has read, that what is meant to be said is that these banks withdrew from the national system in order to incorporate under the State systems. If so, the withdrawals have a definite significance. If, however, the withdrawals were occasioned by consolidations—which frequently are really only a means of avoiding a failure—there would be no significance to the figures.

I know that in my own city, five or six—I think I am within the figures—national banks withdrew from the system in the sense that they consolidated with other national banks, which left only one bank where there had been two.

Mr. McLEAN. I did not understand the Senator's question. All of the banks that I have cited retired from the Federal reserve system in order to reorganize as nonmember banks—all of them.

Mr. REED of Missouri. That answers my question.

Mr. McLEAN. I thought the Senator's question was as to whether they left the national system in order to take advantage of the State branch privilege. That question I could not answer.

Mr. REED of Missouri. Now may I ask another question? How many of the banks so withdrawing to enter the State systems were located in States where branch banking is permitted, and how many of them were located in States where branch banking is not permitted?

Mr. McLEAN. I can not answer that question; but they all reorganized as nonmember banks after leaving the national system.

Mr. REED of Missouri. If the Senator will pardon me—I am trespassing on his time, but I hope he will pardon me——

Mr. McLEAN. Certainly.

Mr. REED of Missouri. There might be many other reasons, aside from the right to establish branch banks, which would cause a withdrawal. For instance, under some State laws a State bank or a State trust company can perform many acts which are prohibited to national banks; and so the withdrawal might not be at all because of an inability to establish branch banks, but might be for the purpose of acquiring the additional rights granted by State laws.

That leads me to remark, if the Senator will indulge me just a moment more, that the situation I have just discussed presents a problem that we will always have before us, namely: Shall we so modify the national banking system as to get in all of the State banks and trust companies, and, in so doing, so broaden the national banking system and its powers that we shall confer upon it every power that is conferred upon any State bank by the laws of that particular State? And if we do pursue that policy, how long will it be until we may endanger the entire structure of our Federal system?

I think we do not get to the meat of this matter by merely saying that we are going to permit the establishment of branch banks in order to keep national banks from withdrawing.

Mr. McLEAN. Was the Senator in the Chamber when I called attention to the restrictions in this bill against the establishment of branch banks?

Mr. REED of Missouri. Yes, I was; and I think the Senator's remarks on that point were illuminating, but I am afraid there is another side to the matter. But what I am talking about is another question. We are told here: "You must enlarge the national banking privilege so that the national banks can have branches in certain States"; and we are to do that in order to keep the national bank from transforming itself into a State bank or trust company.

The point I am making is that the reason for the withdrawal of State banks and trust companies is not at all to be measured by the one fact that they can not establish branches. They go out of the Federal system for other reasons. State banks and trust companies in some States possess powers that are prohibited to national banks, in addition to the mere right of establishing branches. If, in order to keep them in, we are to go to the extent of yielding in every instance and giving every power to the national bank that is possessed by the State bank and trust company in any State, then are we not in danger of undermining the entire Federal system? That is the question I would like to have answered.

Mr. McLEAN. On the contrary, I tried to express the view, in which I firmly believe, that the Senate committee bill is a

positive restriction and will prevent, as far as the Federal Government can go, the establishment of state-wide branch banks.

Let us take one of those large Northwestern States, like Wisconsin. There are probably only three cities in that State with a population of 50,000. I think there are four in the State of Minnesota, not more than that, with a population of 50,000. If we pass the Senate committee bill, no national bank and no member bank in that State can go outside of any one of those three or four cities and establish branches, and in those cities it can have one branch for 50,000, two for 100,000, and after that the number is under the regulation of the Comptroller of the Currency.

It seems to me that is a step the Federal Government ought to take to encourage and set an example to the States, indicating now that we do not believe in state-wide branch banking, and we demonstrate our disbelief in it by this law. It seems to me that it ought to be our purpose at this time to settle this question, and to settle it permanently. As I have stated, if we adopt the Hull amendment, Congress will be besieged every year with demands from member banks and national banks to put them on a competitive basis with other banks.

Mr. EDGE. Mr. President, if we adopt the Hull amendment, we practically state to 26 States in the Union that they can do as they please; that they can have state-wide branches if they please; but if we eliminate the Hull amendment, we announce to those 26 States that, so far as the Federal Government is concerned, they must confine their branches to municipalities.

Mr. McLEAN. Certainly.

Mr. WILLIAMS and Mr. COUZENS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Connecticut yield; and if so, to whom?

Mr. McLEAN. I yield to the Senator from Missouri. I believe he was on his feet first.

Mr. WILLIAMS. Mr. President, I would like to ask a question following the statement just made by the Senator from New Jersey. Am I correct in saying that the Hull amendment with respect to this particular question is found on page 19 of the bill, at the top of the page?

Mr. McLEAN. The one in controversy is subsection (c), I think, on page 13.

Mr. WILLIAMS. I understand, that one on page 13, subdivision (c).

Mr. McLEAN. Yes.

Mr. WILLIAMS. The Senator has the Pepper amendment?

Mr. McLEAN. Yes.

Mr. WILLIAMS. But at the top of page 19 the proviso is the thing contemplated in the so-called Hull amendment?

Mr. McLEAN. Yes.

Mr. EDGE. Yes; that is correct.

Mr. WILLIAMS. The Hull amendment was an amendment made in the House to the McFadden bill as introduced there, and that amendment has been stricken out by the Senate committee. It is a proviso which takes up the first seven lines on page 19, and the Senate committee strikes that out and substitutes section (c), found on page 13.

We have 1,300 or more State banks in the State of Missouri. We have just had a sharp issue raised in that State by a suit brought by the First National Bank of St. Louis, claiming the right to establish branch banks in the State of Missouri.

Has the Senator explained the difference between the Hull amendment and the Pepper amendment as being permissive under the circumstances set forth in the McFadden bill? For example, the McFadden bill provides that—

> It shall be unlawful for any member bank—

That means any national bank—

> to establish a branch in any State which does not, at the time of the approval of this act, permit banks created by or existing under the laws of the State to establish branches.

That is a direct inhibition and prohibition against national banks so establishing branch banks. The substitute inserted by the Senate committee is not a direct inhibition, but is permissive. It permits national banks to establish branch banks in States which permit branch banks.

Mr. McLEAN. In the cities. It is limited as to population, as I have stated.

Mr. WILLIAMS. Of course, in the cities, as the Senator has so clearly indicated. The real difference between the Hull amendment in the McFadden bill and the Pepper amendment in the Senate committee bill is that the latter gives an opportunity to the national banks to prevail upon the legislatures in the States to open up the way for them to establish branches. Is that all there is to it?

Mr. McLEAN. State banks would have the same privilege, bearing in mind all the time the restrictions. I do not know how many cities there are in Missouri of more than 50,000 population; probably not over four or five.

Mr. GLASS. Mr. President, the main difference between the two is that under the Senate committee amendment the State is left absolutely free to exercise its own judgment as to whether it will permit branch banking or not.

Mr. WILLIAMS. It is not the judgment of the State of Missouri that there shall be branch banking, and that is indicated by its legislative will.

Mr. GLASS. Precisely so, but legislatures sometimes change their will, and under the bill as it passed the House, should Missouri ever change its system of banking and authorize branch banking, none of its State banks could avail itself of the privilege, under penalty of exclusion from the Federal reserve system.

Mr. WILLIAMS. The Senator would really have no objection to the Hull amendment, would he, if the words "at the time of the approval of this act" were stricken out?

Mr. GLASS. That is the Hull amendment.

Mr. EDGE. That is all there is to the Hull amendment, those nine words.

Mr. GLASS. That is the Hull amendment. The Hull amendment serves notice upon the State of Missouri that the State shall never change its banking system, no matter how much it may desire to do so, with respect to branch banks, under penalty of the exclusion of all of its State banks from the Federal reserve system.

Mr. HARRELD. Mr. President, I would like to ask the Senator from Virginia a question. Take the case of Missouri. If the Hull amendment shall not be adopted, will there not be this danger, that the national banks will immediately get the State legislature of Missouri to change its law, granting the privilege of branch banking?

Mr. GLASS. The answer to that is that there is no Hull amendment in the existing law, and the national banks in Missouri have not done that.

Mr. McLEAN. Suppose they do it and succeed. They can not go outside of the city limits and establish branches.

Mr. HARRELD. They can not, if it is limited.

Mr. McLEAN. That is the point I am trying to make clear, that if the Hull amendment is adopted, the national banks will find themselves right where they do not want to be. If the State of Missouri should adopt the branch banking system, the national banks in Missouri could not have a branch bank anywhere.

Mr. HARRELD. In other words, where the State law already permits branch banking, before this becomes a law, then the provision restricting branches to cities would not apply, but it would apply to any State which would pass a law giving the privilege of unlimited branch banking.

Mr. McLEAN. They may bring in what they have when this bill passes. After they get in, no new branches could be established outside of the cities.

Mr. HARRELD. I do not quite understand yet. Here are two States. One of them at the present time permits branch banking; the other does not. This bill is enacted. After it is enacted the State that has no branch banking passes a law permitting branch banking. Then in that State there can be branch banks only in the cities, as is prescribed in the bill, but in the other State, which had branch banking before this law went into effect, there would be a right to have branch banking on the same basis as under the State law.

Mr. McLEAN. No; they can not bring in anything under the Hull amendment, if the Senator is talking about the Hull amendment.

Mr. HARRELD. I do not understand it, then.

Mr. McLEAN. I am not surprised, because it is rather involved. If the State which now prohibits branch banking changes its policy, under the Hull amendment no member bank and no national bank can ever have a branch in that State. Does the Senator understand that?

Mr. HARRELD. Yes.

Mr. McLEAN. But the State banks can go ahead and have all the state-wide branches they want.

Mr. HARRELD. I understand that.

Mr. McLEAN. I tried to emphasize that point, that instead of this being an encouragement to the national banks to join the State banks and coerce the States into changing their policy, it is absolutely restrictive, because if they succeed they get nothing out of it and the State banks get everything they want. Does the Senator understand that?

Mr. HARRELD. I understand that. But in the example I gave, where, at the present time, one State has no branch

banking and another State does have branch banking, would the passage of this bill as it is reported by the Senate committee affect those two States? That is what I want to know.

Mr. GLASS. Mr. President, if my colleague will permit me——

Mr. HARRELD. I am just asking for information.

Mr. GLASS. I have followed the Senator from Oklahoma, and I think I understand what he wants to reach.

After the passage of this bill, which does not interfere with the status in any State, no national bank in any State may establish a branch outside of the corporate limits of the home of the parent bank.

Mr. HARRELD. Does that apply to both the States I have mentioned?

Mr. GLASS. I have said so. If a State now permitting branch banking permits state-wide branch banking, and there are banks with county branches, we do not interfere with that existing status. They may retain such branches as they have established before the passage of this bill. But after the passage of this bill no national bank is permitted to have a branch outside of the metropolitan limits of the parent bank.

Mr. HARRELD. I think I understand it.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. SHIPSTEAD. Mr. President, I think I could not permit the matter to go to a vote without saying a few words on the amendment. I can not agree that the so-called McFadden banking bill settles the branch-banking proposition. I do not see how it settles the question at all. That question is going to come back here to plague us whether we pass the McFadden branch banking bill or not.

There are two schools of thought in the banking world, the small banker who believes in unit banking, and the big banker who believes in concentration of control and power. The peculiar thing is that both seem to be more or less satisfied with the McFadden bill. The banker who is opposed to branch banking is for it, and the banker who favors branch banking is for it. One or the other is going to be disillusionized.

Those who favor branch banking are for the Pepper amendment because they consider branch banking to be desirable. Under the Pepper amendment the process of establishing branches all over the country can be accomplished step by step by going to each individual State and having the legislature change the State law so as to permit State banks to have branch banks. When that is done we are going to have this question come back to Congress as we have it now. We are going to have the question come back here as the result of what the States are going to do. We are here now faced with the proposition because States have already in certain instances permitted branch banking, and so they come to Congress and say, "We must permit the national banks to go into the branch-banking business in order to be able to compete."

Mr. EDGE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. SHIPSTEAD. I yield.

Mr. EDGE. Let me explain to the Senator a situation which he just passed over. The Senator anticipates that if the bill becomes a law it would develop a campaign, as it were, on the part of national banks, and perhaps State banks, to have the legislatures of the various States not now permitting branch banking to enact laws legalizing the same. In view of the fact that the McFadden bill has been before Congress for two or more years, that the McFadden bill has always contained the so-called Hull amendment, or at least that it has been under consideration, and that the so-called Hull amendment, if adopted, would prevent the national banks, as has been so often stated, from having branches in 26 States, is it not significant to the Senator that during those two years, when they could have taken advantage of the time before the bill became a law, with possibly the Hull amendment included, and tried to have secured legislation from some of the 26 States, that not one single State, to the best of my knowledge, has enacted any branch banking legislation? In other words, a whole year has gone by when any banker could see in the distance the possibility that he would be prevented for all time to come from having a branch. If it worried him, he would naturally have tried to anticipate the law and would have gone to his legislature and said, "You must pass a bill before the McFadden bill becomes a law; otherwise we will never be able to have a branch bank."

As a matter of fact, not one of the 26 States has so acted, so far as I know. That would seem to indicate that branch banking and the determination for branch banking is not so thoroughly imbedded and established among the bankers of the country as is sometimes charged. In fact, the Cook County Bankers' Association have issued a pamphlet, which no doubt Senators have seen, including the large, powerful, influential national banks in Chicago—Illinois being a State that does not permit branch banking—petitioning Congress at this time to adopt the Hull amendment, which would forever prohibit them from having branches in Illinois. I do not believe the bankers of the country are so much interested in branch banking unless the State banks are given the privilege, and then they naturally and properly want to be put on the same footing. That is alone what the elimination of the Hull amendment permits them to have.

Mr. SHIPSTEAD. Of course, it is a question of public policy, and Congress must establish that policy. The question is whether the country is going to inaugurate a policy and permit a system of branch banking to spread all over the country. Of course, they have not done so very much in the last year or two; but in the establishing of a national policy, in the history of the Nation a year or two is not a very long time; it is a very short time. Those who are for the Hull amendment recognize, whether rightly or wrongly, that it is a menace to branch banking they are for; but the Hull amendment, so they believe, will localize what they believe is a menace. It is recognizing it and localizing it.

If the Hull amendment is adopted, I do not believe it is going to localize or settle the problem or the controversy at all. Sooner or later we must face the problem, the controversy over whether or not we shall encourage the unit bank, independent banking, or whether we shall inaugurate a policy that gradually and progressively will eliminate the independent bankers, the small-unit banker, and concentrate control of banking credit in the hands of fewer and fewer people. It may take 25 or 30 or 40 years' time, but that is the danger we must face, and the sooner we face it the better off we shall be. It is, of course, true that the Senate amendment restricts banks in States that do not now permit branch banking. But if they change their policy, a bank in that State, being a member of the Federal reserve system, can not avail itself of the privilege, and it is considered a privilege of starting branches. But suppose that my State, after the enactment of this bill into law, changes its policy and permits State banks to have branches throughout the different parts of the State, does anyone believe that Congress is going—I see the Senator from Connecticut shakes his head. Does he wish to say something?

Mr. McLEAN. No bank can have a branch outside of its own city.

Mr. SHIPSTEAD. I say a State bank. What is to prevent it?

Mr. McLEAN. Under this bill——

Mr. SHIPSTEAD. I am not talking about this bill. I say if the State of Minnesota should change its policy and permit State banks to have branches all over the State, there is nothing in the bill to prevent the State of Minnesota from doing that.

Mr. EDGE. Of course not.

Mr. SHIPSTEAD. There is nothing to prevent the State banks of Minnesota availing themselves of that privilege.

Mr. EDGE. We can not dictate to the States. We are simply trying to protect our own business.

Mr. SHIPSTEAD. But we are confronted with this situation now because certain States have granted the privilege of branch banking to their banks, and so we are simply following in the footsteps of the States. In the event that other States change their policy and permit State banks to have State branches in various parts of the State, does anyone believe that we are not going to be confronted again with the same proposition and the same question, and that this is only one step? We are not meeting the situation fairly and squarely in my opinion. It seems to me the bill is a patchwork. It does not settle anything.

Mr McLEAN How would the Senator meet the situation?

Mr. SHIPSTEAD. I do not see how it can be met unless Congress absolutely dictates the policy of what shall be the banking system so far as the Federal Government is concerned. It can either say that no bank shall have branches or that all of them may have branches.

Mr. McLEAN. Does not the bill do that so far as national banks are concerned?

Mr. SHIPSTEAD. The national banks can not now have branches in a State where the State law does not permit the State banks to have branches.

Mr. McLEAN. Does not the Senator think if we did that that it would not encourage the States to adopt branch banks?

Mr. SHIPSTEAD. Of course, I do.

Mr. McLEAN. We do not want to do that. We want to do what is fair.

Mr. SHIPSTEAD. I am not accusing the committee or charging anyone with trying to be unfair, nor am I questioning their

motives. I know the committee has labored hard on this matter, but I can not see how they are settling the question at all. The Senator said he thought this bill would settle it.

Mr. McLEAN. If we adopt the Senate committee amendment—of course, it is dangerous to assume the rôle of a prophet——

Mr. SHIPSTEAD. Yes; I realize that.

Mr. McLEAN. My impression would be that the controversy will be removed from the Halls of Congress for some time, because we are settling it as between the banking interests, and if they remain loyal to it, it is a fair proposition; it is a proposition that any fair-minded man can defend and that the Committee on Banking and Currency can defend. But if we adopt the House amendment, the so-called Hull amendment, I will assure the Senator that the Committee on Banking and Currency in the next session will be called upon to amend it.

Mr. HARRELD. For the benefit of some particular State?

Mr. McLEAN. Yes.

Mr. SHIPSTEAD. Mr. President, I send to the desk a telegram and ask that it may be read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

CHICAGO, ILL., *May 11, 1926.*

Hon. HENRIK SHIPSTEAD,
Senate Office Building, Washington, D. C.:

The following associations, representing approximately 9,000 Middle West banking institutions, respectfully ask that you aid in early enactment of McFadden banking bill as passed by House. In fairness to our national-banking system and as protection for the American system of independent banking it is imperative that the Senate concur in the action taken by the House. The Hull amendments, which were approved by Banking and Currency Committee of the House, and which are a part of the bill as passed by the House, virtually guarantee that branch banking, a monopolistic practice, shall not be permitted to destroy a banking system which has played such a leading rôle in the marvelous development of America. This is more than merely a banking question, for unless branch banking is effectively curbed the American people must resign themselves to the inadequacies of an European or Canadianized banking system. We shall deeply appreciate your assistance.

IOWA BANKERS' ASSOCIATION.
INDIANA BANKERS' ASSOCIATION.
MISSOURI BANKERS' ASSOCIATION.
WISCONSIN BANKERS' ASSOCIATION.
NEBRASKA BANKERS' ASSOCIATION.
ILLINOIS BANKERS' ASSOCIATION.
CHICAGO AND COOK COUNTY BANKERS' ASSOCIATION.

Mr. McLEAN. Mr. President, that is a sample of the propaganda to which I have been subjected for four or five years on the question of branch banking. I have plenty of such matters in my office originating from the bankers who believe in branch banking.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Mayfield	Shipstead
Bayard	Fess	Means	Shortridge
Bingham	Frazier	Metcalf	Simmons
Blease	George	Moses	Smoot
Borah	Glass	Neely	Stanfield
Bratton	Goff	Norbeck	Steck
Broussard	Gooding	Norris	Stephens
Bruce	Hale	Nye	Swanson
Butler	Harreld	Oddie	Trammell
Cameron	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Underwood
Copeland	Heflin	Pine	Wadsworth
Couzens	Jones, Wash.	Pittman	Walsh
Curtis	Kendrick	Ransdell	Warren
Dale	Keyes	Reed, Mo.	Watson
Deneen	King	Reed, Pa.	Weller
Dill	La Follette	Robinson, Ark.	Wheeler
Edge	McKellar	Robinson, Ind.	Williams
Edwards	McLean	Sackett	Willis
Ernst	McMaster	Schall	
Fernald	McNary	Sheppard	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. WILLIS. Mr. President, before the roll shall be called on the pending amendment I wish to make a brief announcement. Personally I am entirely satisfied to have the vote taken on the Senate committee amendment, which I shall support, and on the bill, which I shall support, if and when a vote shall be had; but I want to make an announcement in behalf of the senior Senator from Wisconsin [Mr. LENROOT], who is unavoidably absent to-day. He had expected that he would be able to return before the vote was taken. The Senator from Wisconsin is very much opposed to the Senate committee amendment; he is in favor of the Hull amendment, and would so vote if he were present.

The VICE PRESIDENT. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. KING. Mr. President, the bill before us has some features that commend it to my judgment. It is not, however, a satisfactory bill and will prove a disappointment to the banking interests and to the country. In my opinion the Senate bill—that is, the bill with the Senate amendments—is an improvement over the bill in the form in which it passed the House. Candor, however, compels me to state that the importance of this legislation, when measured by the standpoint of the public good, as all legislation should be measured, has been greatly overestimated and exaggerated.

Bankers naturally have been interested in this measure. That is to be expected. The banking interests of the United States desire to retain the advantages which they enjoy and to obtain every advantage which it is believed other banking institutions have.

Questions of banking policy as a rule have been viewed by bankers from the standpoint of their own advantage, and whatever improvements in legislation have been accomplished have, when supported by bankers, been sought for the purpose of making banking safer for bankers and the stockholders of banks.

The Federal reserve act was intended to consolidate the control of the banking activities of the country in the so-called Federal reserve system. Of course, it was recognized that great benefits would result from that important legislation to the entire country. It was bitterly assailed by some bankers for reasons which were unsound—indeed, I have sometimes thought, from wholly selfish reasons. Important as the Federal reserve system is, and beneficial as it has proven to be to the entire country and particularly to commercial interests, it is nevertheless not a governmental institution. The stock of the Federal reserve banks is owned by banks. The profits are distributed to the member banks according to their share holding. If the member banks do not use their rediscounting privileges with the Federal reserve bank to which they are attached, they save the discount; but if the discounting privileges are used, the profits of the discount made by the Federal reserve bank come back to them in dividends after operating expenses are paid. The earnings, however, are limited to 6 per cent on the capital, and the residue passes to the Government as a franchise tax. But the Federal reserve banks have been prosperous; they employ a large personnel at unusually high salaries. They have constructed and are constructing permanent modern banking buildings at great costs; costs that in some instances would not be incurred even for permanent structures if there were not a plethora of funds on hand for these purposes.

A bank may, however, in some circumstances prefer to have state-wide banking, a savings department, to do a trust business, to make loans on the security of real estate, to be free from the rigorous Federal inspection, and to be able to use national-bank notes and credits in other banks as reserve; it may weigh these advantages or exemptions against the rediscount privileges enjoyed by member banks with the Federal reserve banks and decide to forego the rediscount privilege in favor of these other advantages.

A tendency to make decisions of this character manifested by national banks taking out State charters, and in some cases withdrawing from the Federal reserve system, has stimulated alarm as to the consistent development and future domination of the Federal reserve system of the banking activities of the country. It is to meet this apprehension that the present legislation has been framed. This viewpoint is declared by the Senate committee in its report, which states that the enactment of this measure into law will—

> put new life into the national-banking system and produce a situation in the Federal reserve system where the rights of the national banks will be more nearly on a par with those of State member banks.

The report refers to the fact that State banks are permitted to enter the Federal reserve system with their full charter powers, and this places at a considerable disadvantage the national banks operating under the old national bank act.

Reference is made to the fact that national banks can not compete on terms of equality with State member banks while at the same time they are compelled to bear the "chief burden in supporting the Federal reserve system."

The Federal reserve system, however, is not a burden; if the arrangements for rediscounting and the concentration of re-

serves in the regional institutions do not afford sufficient assurance and advantage for the banks to maintain the system, then there is but little reason why it should be maintained. The real costs are administrative costs only and the profits of the Federal reserve operation come back to the member banks. The Government franchise tax can be automatically forestalled by lowering rediscount rates to reduce profits.

There are many persons who believe that the Federal reserve system ought not to cater to State banks. From a Federal standpoint this system is maintained as a fiscal agency of the Government, and upon this ground alone Congress has the constitutional power to create such a system. It has been argued by some that there is no reason why the Government should have more than one fiscal agency in a city; that if there were but one member of the Federal reserve system in a city or trading center the franchise would become so valuable that there would be no claim concerning the burden of maintaining the Federal reserve system or of any threats by members to withdraw.

The Federal reserve system has made great strides in unifying clearing operations, and some contend that intercity clearings represent the great field for the operation of this system. Improvement in the facilities for clearing credits will result in the reduction of balances, a material shortening of credit terms, a saving of interest, the diminution of risk, and the prevention of the need for long-term and frozen credits. This will reduce the burden on reserves and also reduce the volume of banking, because quick liquidations will shorten the life of loans and reduce the aggregate to the minimum required to carry on the business of the country.

I think no one is seriously opposed to the liberalization of the national banking act as proposed under the amendments carried in this bill. Whether the public interest will be materially benefited by these amendments some will question. Doubtless there will be greater concentration in banking under this bill. The bankers will be benefited, at least those who favor consolidation and the elimination of small competitors. However, inasmuch as money rates are fixed by statute, it may be that this concentration will not be unduly oppressive to the public. The danger, of course, is in the tendency to favor interests which control the banks in the matter of loans and give them a preference in credits which contributes to the formation of combinations by those corporations enjoying a privileged position as to credits.

But looking at the situation by and large, it may be said that the country is suffering from overbanking. There have been too many small banks, and this evil will be aggravated by the multiplicity of branch banks. Many think the ideal situation is to have a few strong institutions in each city and limited as to their locus in the city, specified in their charters. This would insure local control and identify the banks with the local commercial, economic, productive, and industrial interests.

The committee's report clearly indicates that the motive behind this proposed legislation is an endeavor to prevent the spread of branch banking and that the urge behind this bill is largely from the banks who see their own interest and position jeopardized by the spread of branch banking, either by the method of purchase or absorption of different banks or by the establishment of new branches which will have the effect of bringing more competition into the field as against the complaining banks. Congress does not have control of the banking franchises or the banking policies of the States of the Union. Many States permit State banks to have branches throughout the State. There is nothing Congress can do directly and finally to prevent this practice. It is a question of State policy, and perhaps in most of the States the banking interests will determine legislative action.

If the banking interests of a State desire branch banking it is quite likely legislation will be enacted by the States in harmony with their desires. The motive behind this bill is not so much to prevent the Federal reserve system from impairment as to use this system as a means of curtailing and preventing the practice of branch banking. The committee state that the bill—

> recognizes the absolute necessity of taking legislative action with reference to the branch-banking controversy. The present situation is intolerable to the national-banking system. The bill proposes the only practicable solution by stopping the further extension of state-wide branch banking in the Federal reserve system by State member banks and by permitting national banks to have branches in those cities where State banks are allowed to have them under the State law.

The real controversy seems to be between the national banks and the State banks. National banks are not authorized to have state-wide branches, but are limited to the city with respect of which the charter is granted. The State banks in many States are entitled to have and maintain branches throughout the State. There has been a notable development of branch banking in California under State law and this has attracted wide notice from bankers generally and has provoked controversy between the national bank and the state-wide branch banks in that State.

The bill before us, as reported by the House, denies the establishment of branch banks in those States which now do not permit branch banking. It permits, however, State banks which have branches at the date of the approval of the act to become members of Federal reserve banks, with the branches in existence upon said date of approval, and retain the branches. But the bill will not permit State banks to become members of the Federal reserve system and to obtain branches which may be acquired or established after the date of the approval of the act, except such branches as are maintained in the city where the State bank has its parent institution. Of course, the laws of the State, in any case, must authorize branch banking. In cases where the national bank and a State bank are consolidated, the latter having branches, the consolidated national bank may retain the branches.

There are other provisions in the bill to which I shall not refer. The bill seeks to confirm the present status and permit State banks to enter the Federal reserve system with the branches they now have in States permitting branch banking but to prevent them from entering the Federal reserve system and retain branches which they may hereafter acquire or establish, and prevent State banks in the Federal reserve system from establishing or acquiring any new branches, except in the city where the bank may be chartered.

It is seriously doubted that the bill, if it becomes a law, will do any more than retard the branch-banking practice which has been regarded as otherwise advantageous and desirable in any particular State. Within 10 years branch banking has been greatly extended on the part of State banks, and it appears desirable that these State banks shall become part of the Federal reserve system and contribute to the reserves held by the Federal reserve banks. There are many who believe that the bars will again be thrown down for the admission of State banks, branches and all, into the Federal reserve system which may hereafter be formed.

From the standpoint of the concentration of reserves, which was the principal reason behind the Federal reserve act, it is desirable that the State banks should be members of the Federal reserve bank for their respective districts. It is contended by some that purely from the standpoint of reserves and the safety of banking generally, which come from the consolidation of reserves, it ought to be a matter of indifference to Congress whether State banks in the Federal reserve system have or do not have branches. If this view is correct, the controversy over branch banking is a rather quasi-private controversy between national banks and State banks.

The controversy in California between the national and State banks over the question of branch banking was presented at great length to the committee. There was some feeling exhibited and branch banks were denominated by one or more witnesses as "bootlegger banks." I mention this to indicate that in its true magnitude there is something of the quasi-private character in this controversy. Of course, the attitude of the antibranch bankers of California is approved by bankers in many parts of the country, and their position in curbing branch banking has been made clear and has been earnestly presented to both the House and the Senate.

This bill will not settle the controversy. Many persons believe that Congress ought either to make the Federal reserve system a strictly nonbranch system or it ought to throw open the system to State banks without regard to the fact as to whether or not they maintain branches under their State charter powers. The bill before us seems to be a compromise on this question. As it passed the House it accommodates the present situation as to branch banks and makes a threat as to the future, which will scarcely frighten any State bank which really desires banks, and takes the view that its branch banks are worth more to it than a rediscount privilege accorded members of the Federal reserve bank.

Some of the ablest students of banking and currency problems are not giving support to this measure. They regard it as premature and as not framed with a view to meeting the real problems of the national-banking and Federal reserve system. That is the view of Dr. Henry Parker Willis, one of the highest authorities upon this question that can be found in this or any country. There are factors of vital importance in the banking situation which require treatment from Congress, which can only be accorded after a full and comprehensive

examination and a review of the whole banking field in the country, including the relation of State and national banks to the general banking activities of the United States.

Mr. President, I regret that the Banking and Currency Committee of the Senate did not report a measure more comprehensive in its character. The situation demands a measure far different from the one before us. On the 4th of January last I offered a resolution which directs attention to the defects in our banking and currency system and points out what I believe to be the proper steps to be taken in order that Congress may enact a measure that will satisfactorily meet the banking situation. I am confident that if the committees of the House and the Senate charged with the duty of framing needed banking and currency legislation had undertaken an investigation of the character indicated in my resolution we would have had before us a bill materially different in its terms and provisions from that now being considered.

Mr. GLASS. Mr. President, may I interrupt the Senator?

Mr. KING. I yield to the Senator from Virginia.

Mr. GLASS. I may say to the Senator that very likely he himself will recall that this resolution came to us practically after the committee had completed its inquiry, and that, incident to the preparation of this very bill, the Banking and Currency Committee has secured practically a library on the very subject to which the Senator is now addressing himself, embracing the most comprehensive, the most exhaustive, detailed, and complete report right along the lines of the Senator's resolution that Congress has ever had since the report of the monetary commission in 1910. If the Senate will merely authorize the publication of that report, we shall have at hand, as I have stated, a library that covers every point suggested in the Senator's resolution; and I can assure the Senator that the Banking and Currency Committee of the Senate is altogether agreeable to the consideration of the very matters he suggests in his resolution.

Mr. KING. Mr. President, my recollection is that the hearings before the Senate committee began several days after my resolution was offered. Indeed, as I recall, Doctor Willis was the first witness who testified before the committee, and my resolution had been offered prior to his appearance. However, I appreciate the statements made by the able Senator from Virginia, and sincerely hope that the monumental work presented by Doctor Willis will be published and given not only to the banking interests but to the people of our country.

I am somewhat familiar with the valuable contribution made to this intricate subject by Doctor Willis. It is the data presented to the Senate Committee by Doctor Willis to which the Senator from Virginia refers. In his testimony before the committee, Doctor Willis, referring to the bill before us, known as H. R. 2, said:

> My point is that the effect of H. R. 2 is hurting the possible expansion of the system (referring to the Federal reserve system) rather than strengthening it, as has been alleged. * * *
>
> I believe the King resolution, which is before you and calls for a general investigation of banking conditions in this country with the view of a revision of the banking legislation and getting a sound revision, is desirable. I want to make some small contributions to that, and so I present here, in volume 7, a digest or revision of the Federal reserve act and of the national banking act, which is intended to eliminate the obsolete features of both and to consolidate those sections that are repetitions and add some new features. I have no idea, of course, that it will receive more than passing attention, but I do seriously urge that some investigation be promptly undertaken for the purpose of getting similar results.
>
> I do not see that there is any emergency existing calling for the passage of H. R. 2 at the present time. The only emergency is the continuance of the present epidemic that calls for some legislative adjustment that will not make it worse, as H. R. 2 will do, but that will check it.
>
> If H. R. 2 is to be passed, it needs drastic and complete revision from the ground up. Better still that it should not be passed at all, but that the whole subject be deferred to the future that, in the meantime, it may be carefully examined.

Mr. President, the resolution which I offered is as follows:

Senate Resolution 106

Whereas the Federal reserve act of December 23, 1913, which established the Federal reserve system, has for its principal purpose the concentration of the banking reserves of the country; and

Whereas the complete concentration of banking reserves may only be accomplished by bringing the State as well as the national banks into correlation with the Federal reserve system; and

Whereas a large proportion of the State banks have never entered the Federal reserve system and a considerable number of national banks have surrendered their charters and have been converted into State banks; and

Whereas such converted banks frequently leave the Federal reserve system at the time of their conversion and otherwise are free to leave the Federal reserve system at any time if they so elect; and

Whereas it is claimed that banks incorporated under the banking laws of the several States are vested with corporate privileges, and exercise a latitude of discretion in their operations, which are denied to national banking associations, particularly with respect to the currency and funds available for reserves, loans upon the security of real property, the exercise of certain fiduciary powers, the maintenance of branch banking offices, the acceptance of time and savings deposits; and are otherwise not subject to the same necessary restrictions as are State banking institutions; and

Whereas during the past two years there have been an unprecedented number of failures of both national and State banks, the underlying causes of which have not been ascertained and the proper means for the prevention of which have not been determined; and

Whereas there is believed to be a lack of coordination in the examination of national and State banks in order that examinations shall be thorough and frequent, yet without unnecessary duplication; and

Whereas a conflicting competition is developing between national and State banks, the course of which will have an important effect upon the future of the Federal reserve system and of the national-banking associations: Now therefore be it

Resolved, That the Committee on Banking and Currency be, and is hereby, authorized and directed to study the relative increase in the number of State banks as contrasted with national-banking associations; the rights and privileges vested in State banks which are not granted but which may be safely granted to national-banking associations; the restrictions and safeguards now imposed upon State banks which may with safety be imposed upon national-banking associations; the failures of State banks and national-banking associations since the enactment of the Federal reserve act, the causes thereof, and the proper means for the prevention of such failures; the character of official supervision exercised over State banks and national-banking associations; the policy and economic effects of branch banking and of so-called chain banking or holding-company banking, by which an individual or a group of individual bankers or of banking or other corporations exercise a controlling interest in a number of banks; the causes, extent, and effects of bank mergers and bank consolidation; the relation between investment banking and commercial banking by State banks and national-banking associations; the present status of savings deposits and the best means for protecting them; the policies of the Federal Reserve Board and their effect upon State banks and national-banking associations; the general operation of the Federal reserve system, both at home and in relation to foreign central banks; whether so-called "war amendments" to the Federal revenue act ought now to be repealed.

Mr. President, the statement of Doctor Willis shows the defects in the present bill and the necessity of a more thorough study of the entire subject before legislation is enacted. The testimony which he offered and the data which he submitted, if carefully studied by Congress, will enable it to formulate needed legislation.

When I offered the resolution I believed that the hearings before the House Committee on Banking and Currency did not cover the subject nor furnish sufficient data to enable Congress to deal with the question in a thorough and satisfactory manner. I believed that the McFadden bill was incomplete; that it was even less than a temporary bridge over a stream which was of rather large proportions; and that prudence dictated that legislation be deferred until the necessary study of the subject had been made. Everyone admits that our banking and currency laws need many changes; that notwithstanding the great benefits which have resulted from the Federal reserve act the time had come for an appraisal of its achievements and results and a careful scrutiny of its operations in order that any defects discovered might be rectified.

The former opponents of the Federal reserve act are now its most enthusiastic supporters. It was the rock of our salvation during the war, and under its operations and largely because of its wise and beneficent provisions our country has reached a position of financial strength and power never before attained by any nation.

But notwithstanding the preeminent position now occupied by our Nation in the financial world, and notwithstanding the fact that we have perhaps the finest and greatest banking system in the world, it is manifest that further study is required. Before any adequate banking and currency legislation is enacted comprehensive and thorough study should be made. I am not clear why the Banking and Currency Committee of the Senate, in the light of Doctor Willis's illuminating state-

ment and the mass of facts which he submitted, and in view of the great confidence which the members of the committee have in him, felt it necessary to report the pending bill. In my opinion they should have studied the facts and materials and data which he submitted, and in the light of the same reported a bill which would have measured up to the needs and requirements of our country.

However, I shall vote for the bill, though it is not what I should like. The appeals made in behalf of banks within the Federal reserve system, because of the disadvantage under which they are placed in those States which provide branch banking, impress me with the necessity of granting or providing relief.

The question of branch banking is still a live issue in this and in other countries. I am not satisfied that it is under all circumstances an evil per se. Perhaps Canada furnishes an example that supports the view that branch banking may develop into a serious evil. There it is claimed banking is almost a monopoly; the credits of the country have been so consolidated that a monopoly exists, and a condition has been created which is an impediment to the development and growth of the country.

With my present views I should like to see no extension of the branch-banking system in the United States. I perceive some evils, as it has been developed and is being developed in some of the States of the Union. I am therefore in sympathy with the provisions of this bill which tend to curb branch banking.

Mr. President, I had intended to say but a few words and to invite the attention of the committee to the resolution which I offered on January 4 last. Before taking my seat I would like to ask the chairman of the committee whether the testimony and data submitted by Doctor Willis will be printed?

Mr. McLEAN. Mr. President, I can not answer that question. The Senator knows that estimates have been made as to the cost.

Mr. KING. Yes.

Mr. McLEAN. The best estimate we can get is not less than $17,000, if I remember correctly. Of course, the Senator realizes that at this time, when we all want to economize as much as we can, there would be some opposition to that, I think. Still it is a very valuable contribution. So far as I am personally concerned, I will say to the Senator that I should not object to the printing of that report, notwithstanding the cost of it; and that is about all I can say.

Mr. KING. The Senator but recalls what the Senator from Virginia [Mr. GLASS] said. He referred to the resolution which I had offered, and then stated that the testimony of Doctor Willis was a library and that it covered substantially all of the questions embraced in the resolution.

Mr. GLASS. Mr. President, not the testimony of Doctor Willis. Doctor Willis was one factor in this investigation. The investigation was conducted by a group of experts, composed, I suppose, of 20 persons.

Mr. KING. What I meant was that he presented it formally.

Mr. GLASS. Yes.

Mr. KING. I did not mean, of course, that all that he presented was oral testimony. He testified at length and then presented to the committee a vast amount of material and data dealing with all phases of our banking and currency system.

Mr. REED of Missouri. Mr. President, the Senator states that this bill is the best that we can get at the present time. I should like to have the Senator enlighten me on what advantages this bill gives over the present situation. I understand that the Senator is not in favor generally of branch banking.

Mr. KING. No.

Mr. REED of Missouri. Now, what are the advantages of this bill? I wish somebody would tell us.

Mr. KING. Mr. President, I am not a member of the Banking and Currency Committee, and I do not claim to be a profound student of fiscal and banking and currency matters. I can not answer the Senator as satisfactorily as other Senators could, but in a word the advantage which is claimed for this bill, as I understand, is this:

In many of the States, 22 in number, branch banks are permitted by State laws. Those banks have an advantage, so member banks of the Federal reserve system claim, in the States, because they have branch banks, and the Federal banks within the reserve system are denied that advantage. Therefore the Federal reserve banks, in view of the fact that they can not compel the dissolution of those branch banks, want some of the advantages which the State banks have under the branch-bank system, and therefore they desire that they may have branch banks within the limited area, the economic region which they serve, or the political or territorial subdivision; but they are not willing to go further. As I understand the situation, they do not desire that they shall be permitted to have state-wide branch banks, but branch banks only within those States which permit branch banks within the economic area to which I have referred. Others, however, supporting the Hull amendment, want Congress to coerce the other States that do not have branch banks—that is, if this legislation, the Hull amendment, would be coercive—so that they will not amend their banking laws and permit branch banks.

So, answering the Senator from Missouri in a word, the advantage that I understand is claimed for this bill is that in those States that have branch banking it will permit the member banks of the Federal reserve system to have branch banks within a limited area.

Mr. REED of Missouri. Then I understand that the Senator, as a man who is opposed on principle to branch banks, wants to help pass a law that will establish branch banks in twenty-some States?

Mr. KING. No; I do not think I said that. If I did, I did not mean to convey that idea. What I did say was that I was not satisfied that branch banks per se were an evil, and I was not satisfied that unlimited branch banks would not prove a great evil; and I instanced the fact that in Canada, where they have branch banks, they have practically destroyed the unit-bank system, and all of the credits are in the hands of four banks in Montreal and another large city. That I would regard as an evil; but of course Congress can not interfere with the rights of States; and if they want branch banks, Congress will be unable to prevent them from affirmatively acting. Of course we can deny to Federal banks the right to avail themselves of the branch-banking system which any State might adopt.

My position is something like that of the Senator from Virginia, as announced by him yesterday when discussing the bill. As I understood him, his view was, while the last word had not been said upon the subject of branch banking, he favored the present bill which restricted and limited Federal reserve banks from maintaining branch banks. He was also unwilling to pass legislation at least at the present time which would deny to Federal banks the right to establish and maintain branch banks in those States which hereafter might change their present banking laws and permit State banks to establish branch banks. My predilection is against branch banks, and I think as a general proposition, or at least as an academic question, a branch-banking system may prove a serious injury to the economic, industrial, and commercial development of a community or State or nation.

With my present views I should like to see a halt in the further establishment of branch banks. In the meantime I hope that Congress will give exhaustive study to this subject as well as to our general banking system and formulate legislation that will meet all of the needs of this puissant Nation and its virile and progressive people.

Mr. REED of Missouri. Mr. President, I desire to say just one word about this bill.

I think that the present conditions are not at all critical. We have gotten along pretty well under the present law. We seem to have here a bill that satisfies neither the branch-bank advocates nor the advocates of unit banking, and we are asked to pass it, the chief argument being that a number of banks have retired from the Federal reserve system and have gone into the State banking system; and we are told that therefore we must permit the establishment of national bank branches in those States where the system of State branch banks exist.

Mr. President, the trouble with that argument is that it has not any facts to rest on. The real purpose of this bill is not in a general way to remedy the banking situation in this country. It is to extend the privilege of establishing branches in those States where the State laws permit it.

We are told that the banks are withdrawing because the State banks have the privilege and the national banks do not, but the trouble with that argument, I repeat, is that it has no facts to stand on. The withdrawals from the national system have occurred in those States where the State banks are not permitted to have branches, just the same as they have occurred in those States where the State banks are permitted to have branches, which demonstrates the accuracy of the statement I made a while ago, that the reason for the withdrawals can not be charged to the inability to establish branches, to the fact that State banks or trust companies may establish branches. The reason for the withdrawals must rest outside of that particular reason.

What are the reasons? They are many. In some States a State trust company can transact almost any kind of business under the State law. Some of the State laws are so drawn that it can almost engage in the business of farming. It acts

as trustee; it acts as guardian; it acts as administrator; in some instances, I think, it actually gives bond for the faithful performance of duties by public officers and private citizens. It is because national banks want to gain advantages of that character that they are going out of the Federal reserve system, more than on account of the fact that they can not establish branches. Yet the remedy here proposed is simply to permit the establishment of branches in certain States.

If we want to keep in the Federal system all of its present members, and if they are going out because under the Federal law they can not engage in certain lines of activity which they desire to enter upon, then it is our business to find out the real reason and to direct our attention to the question whether we can afford to pay the price necessary to keep those banks in the Federal system; that is to say, whether we are willing to confer upon national banks the right to engage in the lines of business now prohibited.

That brings up sharply the question whether, in order to keep the banks in the Federal system, we must not give to them every right and every privilege which is claimed by the banks in any State, and simply say that a national bank can engage in any line of business which is permitted to State banks or trust companies by the laws of the States where they are located.

So we will have not a Federal system, formulated in accordance with a specific plan which has been determined by the Congress to be safe, but we will have a Federal system subject to the whim and the caprice of the various State legislatures that may be from time to time assembled. So that in the end we may have a Federal system absolutely rotten and unsound, and made so because we have destroyed its soundness in an attempt to extend to its members every privilege that is extended to any State bank or trust company by the legislature of any State.

That is a very serious problem, and we are dealing here today with the smallest part of that problem, the effort to keep these banks in the system by extending the privilege to establish branches in certain States. That is not the thing that is taking them out of the system at all. It is a false argument. They are not leaving the system because they can not establish branches. I undertake to say that there is not a word of testimony in the record—and I have not read it; I am simply following the line of reason and common sense when I make the assertion—I undertake to say that it can not be proven that a single bank has left the Federal reserve system because it was denied the poor privilege of establishing a branch.

That, in my judgment, is a complete answer to the whole contention that is put forward in support of this bill. What those behind this legislation want to do is to extend the branch-bank system, and they have not quite enough confidence to ask to extend it to every part of the Union, so they ask to extend it to those States where State banks and trust companies are permitted to have branches. The moment that is done we will be confronted with an appeal stating, "You permit a part of the banks in the Federal reserve system to have branches, and therefore you ought to extend it to all the other States." That brings up, then, the question whether, as a general proposition, we want to extend the privilege of establishing branch banks.

Of course, if we kept within certain limits, there would be no danger. If, for instance, in a large city a bank were permitted to have one or two or three branches which were merely for the accommodation of customers, there would be no particular danger. If we had a bill of that kind before us, I would not object. I would not object, for instance, if the National City Bank in New York City, for the accommodation of its customers, wanted to establish a branch or two or three branches, located in convenient portions of that great city. If such a bill were here, I would not object to it.

Mr. McLEAN. Mr. President, that is precisely what this bill would do.

Mr. REED of Missouri. But the bill would do more. The bill would do the other thing.

Mr. McLEAN. I do not agree with the Senator.

Mr. REED of Missouri. When it is proposed to enlarge generally the right in many States to establish branch banks I think the whole question of the wisdom of a branch-banking system, as opposed to the wisdom of the unit-banking system, comes under review. I have so often expressed myself with reference to that question that I hesitate to take even five minutes of the time of the Senate to repeat those arguments, and I do not care to repeat them, but merely suggest them.

A branch-banking system inevitably tends to the creation of a money monopoly, controlled by one or two or three great aggregations. As has been stated, there are three central systems in the Dominion of Canada, and those systems, through their branches, conduct the banking business of that vast dominion and of that rapidly growing nation.

We had that system once in the United States. It was established in fraud and corruption. It was born of bribery and roguery. It is demonstrated now that the bill establishing that system was put through Congress by absolutely corrupt means. It proceeded to establish its power and to fortify itself until at last, when its charter was again called in question, its representative was so confident of his ability to control all branches of the Government that he told Andrew Jackson that the bank was powerful enough to make and unmake Presidents. Then it was that Jackson replied, "If you are that powerful, then, by the living God, you are too powerful to live"; and Jackson struck that bank down, and there has not been an hour since that day when the great concentrated capital of this country has not clamored for the reestablishment of a single bank.

When the present Federal reserve bank bill was before the Senate committee man after man appeared insisting that there should be but one central bank. Man after man appeared insisting that that one central bank should be controlled alone by the banks and that the Federal Government should not be represented in any substantial way in the control of the affairs of the system about to be set up. All of those gentlemen of whom I am speaking were in favor of branches. They wanted a concentrated control, and I believe this whole legislation is only calculated to drive in that direction as far as they can go. They want to take now the outlying trench, and I am opposed to any such business as that.

Very briefly, the difference between the two systems is this: If the control of the finances of this country, the credits of this country, were in the hands of one central organization, of one bank, then there would be put in the hands of those who controlled that bank—it might be only one or two men—the ability to expand or contract the currency, which is the lifeblood of the commerce of 115,000,000 people. By a mere expansion, a loosening of credit, or a tightening of credit they could produce strife and ruin or they could produce inflation giving an apparent prosperity. That is one objection.

There is another objection which I think is perhaps quite as weighty. Such a system as I have been describing has no interest except of the most remote character in the prosperity of any community or of any individual. It becomes simply a great financial machine concerned only in the question of profit and loss. But the present unit-banking system is of an entirely different character. The men who organize those banks are the local citizens of the community. They not only are interested in the banks, but they are interested directly in some of the enterprises of the community and indirectly they are interested in the general prosperity of the community. Hence the bank, often abused, often referred to as the Shylock of the community, is after all the financial heart of the community and is frequently the means by which a community's prosperity is furthered. When we set up a central banking system or do anything in the nature of the creation of a central banking system with branches scattered all over the country, we take away the local interest and the local desire and the local impulse toward the building up of some community or some State, and the furthering of the private enterprises that will be upheld because they are local enterprises by a bank which is also a local enterprise and makes common cause with the people of the local community.

There is a third great reason. If one of these local banks fails, while it may be a great blow to that community, it does not generally shock the entire country and disturb the entire financial and commercial structure. It fails, brings with it some disaster, but the disaster is limited. Whereas if we set up a great system that controls generally, if such a system ever does fail, then the bankruptcy and ruin is universal and the Nation's welfare becomes imperiled. To use an old expression, it would be putting all our eggs in one basket and if that basket is dropped all of the eggs are ruined at one time.

Mr. President, I am opposed to every step leading toward branch banking. More than that I am opposed, for the sake of getting banks into the Federal reserve system, to adopting a proposition which fundamentally amounts to this: We will incorporate into the Federal system all of the dangers and all of the speculative elements that are now permitted to State banks by the various States, and that we will be obliged to do if we sacrifice the validity, the stability of the great Federal system merely for the purpose of drawing in members. If we ever shake confidence in the Federal system, it will be found that we will lose more members because that confidence has been shaken than we would lose now because some gentlemen, desiring to go into speculative banking, withdraw for that purpose. I would like to see the law stand as it stands

now until a profound study of all the circumstances and conditions should be made and a genuine improvement in our banking condition suggested which is the right production of right consideration.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. SHIPSTEAD. Mr. President, I send to the desk an amendment, which I offer.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 28, after line 21, strike out section 14 in the following words:

SEC. 14. That the fourth paragraph of section 13 of the Federal reserve act be amended to read as follows:

"No Federal reserve bank shall discount for any member bank notes, drafts, or bills of exchange of any one borrower in an amount greater than may be borrowed lawfully from any national banking association under the terms of section 5200 of the Revised Statutes, as amended: *Provided, however*, That nothing in this paragraph shall be construed to change the character or classes of paper now eligible for discount by Federal reserve banks."

Mr. SHIPSTEAD. Mr. President, whatever views Senators may have, and however they may differ on the so-called Pepper and Hull amendments, it seems to me that there is a fair ground for a difference of opinion on those things. But on this amendment of mine I can not see why there should be any difference of opinion. My amendment would leave the law as it is in regard to the limitations on a certain class of paper that can be rediscounted with the Federal reserve bank, the paper of one borrower limited under section 13 of the Federal reserve act to 10 per cent of the member bank's capital and surplus. The bill with section 14 in it would remove the limitation on that class of paper that can be rediscounted with a Federal reserve bank. The law as it now reads—that is, the present law—is as follows:

The aggregate of such notes, drafts, and bills bearing the signature or indorsement of any one borrower, whether a person, company, firm, or corporation, rediscounted for any one bank, shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank, but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actual existing value.

Section 14 would change existing law, which, I think, should not be changed. It is said that the bill is to liberalize the national banking act and the Federal reserve banking act. There is a certain kind of liberalization, a liberality against which I must protest. I do not think that the proposed change in the law is in the direction of safe banking. When the Congress enacted the Federal reserve banking law they put a limitation on certain kinds of paper that could be rediscounted with the Federal reserve banks, and the controversy arose, or the question arose, as to what Congress intended. I have here the Federal Reserve Bulletin for March 1, 1917, on page 195 of which the solicitor for the Federal Reserve Board defined the class of paper that could be rediscounted at Federal reserve banks under section 13 by member banks, and he has also given his opinion as to the kind of paper that is limited by the Congress. He said:

As commercial or business paper is not included in that part of section 13 of the Federal reserve act which is quoted above, it is evident that Congress intended to permit Federal reserve banks to rediscount without limit "bills of exchange drawn against actually existing values" acquired by member banks under section 5200, but did not intend to exempt from the limitations of section 13 that more comprehensive class of negotiable paper referred to as "commercial or business paper actually owned by the person negotiating the same." This latter class may be said to include a note, draft, bill of exchange, or other evidence of debt given in a commercial or business transaction if the person negotiating it is the actual owner of the debt evidenced by the instrument in question.

Congress, however, authorized Federal reserve banks to discount without limit only that class of commercial or business paper which consists of bills of exchange drawn against actually existing values. This being true, it is necessary to determine whether the language "actually existing values" when applied to trade acceptances may be said to refer to the value of the commodity sold and for which the bill of exchange is drawn or can be said to refer to the financial responsibility of the purchaser or drawee.

The former view has been adopted by the office of the comptroller as the more reasonable interpretation. This seems clearly justifiable, (a) since it is unlikely that Congress would have used the language "existing values" if it intended to refer merely to the financial responsibility of an individual, firm, or corporation, and (b) because the drawee against whom the bill is drawn is not legally bound to pay it until the bill is accepted.

In other words, if such bills were accepted from the limitations of section 5200 because the bank has recourse against some existing values and is not dependent solely upon the responsibility of the drawer or indorser who discounts it, the bank must be in a position to enforce this claim legally against whatever constitutes the existing value against which the bill is drawn, and must, therefore, have a lien in some form, evidenced by a bill of lading, warehouse receipt, or some other documentary evidence securing the bank if it discounts a "bill of exchange" before it is accepted and desires to treat it as drawn against actually existing value.

I can not see how there can be any real objection to the amendment. The McFadden banking bill has been called a branch banking bill. People who are opposed to branch banking are for it and people who favor branch banks are for it. I hope both sides will be satisfied. I have been unable to find any banker who is in favor of this proposed change in the Federal reserve banking act.

I have submitted it to quite a few bankers of large experience in whom I have a great deal of confidence, and in the first place they have expressed great surprise that it should be in the McFadden banking bill, and in the second place they have informed me that it should not be there.

Mr. McLEAN. Mr. President, the Senator will understand that this amendment was inserted at the request of the Federal Reserve Board and that it simply permits the Federal reserve banks to rediscount the same percentage of short-time credits that the national banks are now permitted to discount for their own customers; that is all.

Mr. SHIPSTEAD. I understand that.

Mr. McLEAN. National banks now have the right to exceed that limit, and this is simply giving the Federal reserve banks the power to take care of such paper. The Senator will observe the proviso restricts the class of paper to that which is now eligible for rediscount in the Federal reserve banks. I do not see any danger in the amendment, and if the Senator will be satisfied to let it go to conference and take his chances with the conference committee, I do not know that there will be any objection to the amendment on the part of the committee.

Mr. SHIPSTEAD. Let me say that this section does not change the character or the class of paper, but it does change the amount of that class of paper.

Mr. EDGE. Does the Senator object to a liberalization in favor of the banks if it shall be done with due regard to safety? I thought that most of the criticism in the past had been that the rules of the Federal Reserve Board were too drastic and too narrow, as it were, regarding many kinds of loans. This, of course, is in the nature of a broadening of the power.

Mr. SHIPSTEAD. I think it goes entirely too far for safety—that is my opinion—for that class of paper.

Mr. EDGE. I have great confidence in the judgment of the Federal Reserve Board; I understand they unanimously asked for the amendment, but, as the chairman of the committee, the Senator from Connecticut [Mr. McLEAN] has stated, there is no objection to having the matter discussed in conference.

Mr. SHIPSTEAD. Very well. If the amendment shall be accepted, I shall not take up the time of the Senate in its discussion.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Minnesota [Mr. SHIPSTEAD].

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I have another amendment to offer, which I send to the desk.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment, which the clerk will state.

The CHIEF CLERK. On page 28, after the words "Sec. 14," in line 22, it is proposed to insert the following:

That the first paragraph of section 13 of the Federal reserve act be amended to read as follows:

"Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purpose of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks, and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient

to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, but in no case to exceed 10 cents per $100, or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise: *Provided*, That whenever a check or checks drawn upon a bank are forwarded or presented to a bank for payment by any Federal reserve bank, or by any agent or agents thereof, the paying bank or remitting bank may pay or remit for the same, at its option, either in money or in exchange drawn upon its approved reserve agent and at its option may charge for such exchange not exceeding 10 cents per $100, or fraction thereof, based on the total of checks presented at any one time."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota, which has just been stated.

Mr. SHIPSTEAD. Mr. President, let me say a word or so before the vote shall be taken on the amendment. If agreed to, the amendment would permit banks to make a small charge for the collection of checks, 10 cents for every $100 or fraction thereof. I do not care to take up the time of the Senate in the discussion of the amendment.

Mr. GLASS. Mr. President, we have had this fight in Congress over and over again for the last 10 years. To agree to this amendment would simply mean to disrupt the fiscal system of 25,000 banks in this country which are members of the par-collection system. It would mean to impose a toll of $200,000,000 upon commerce. I hope the Senate will vote down the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I was called from the Chamber when the vote was had, but I expected that there would be a record vote upon the so-called Pepper amendments as a substitute for the so-called Hull amendments. I therefore desire to reserve those amendments for a separate vote in the Senate. When the proper time comes I shall ask for the yeas and nays on the amendments. I do not care to prolong the discussion now, but I desire to have a record vote upon those amendments. I had expected that a record vote would be had as in Committee of the Whole, but it was not, and I simply desire to have that done in the Senate.

Mr. WILLIAMS. Mr. President, in the reservation made by the Senator from Wisconsin, does he mean that he wants a separate record vote on section 5155, beginning on page 13 of the bill, or on each subsection of that section?

Mr. LA FOLLETTE. I should not be inclined to ask for a separate vote on each subsection. All that I desire is to have a record vote on the so-called Pepper amendments, which were substituted for the Hull amendments.

Mr. WILLIAMS. They are embraced in subsection c, are they not?

Mr. LA FOLLETTE. No; the portion of the bill to which I refer includes section 5155 and also takes in a part of section 5190. I should be perfectly willing to have those two voted on as one, and I think, in view of the parliamentary situation, that would be the proper procedure.

Mr. McLEAN. That is all right.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of the amendments reserved by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendments, with the exception of those reserved, were concurred in.

The PRESIDING OFFICER. The question is on concurring in the amendments reserved by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays upon concurring in the amendments to those two sections.

The PRESIDING OFFICER. Will the Senator again state the sections?

Mr. LA FOLLETTE. The committee amendment begins on page 12 of the print of the bill which I have.

Mr. EDGE. It includes section 7, in other words, does it not?

Mr. LA FOLLETTE. The section numbers have been changed, have they not? I think it includes section 7 and also section 8; but, as I have said, I am perfectly willing to vote on them together, because they are so interrelated that it is practically impossible to separate them. Therefore I ask unanimous consent that the yeas and nays shall be called upon the committee amendments to sections 7 and 8 of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. WILLIAMS. Mr. President, the objections of a number of the Members of the Senate do not run to subsections (a), (b), and (d) and other subsections of section 5155 as amended, but run rather to the effect of the Pepper amendment on the Hull amendment that is contained practically in subsection (c).

Mr. LA FOLLETTE. If the Senator from Missouri will permit the vote to be taken as I have suggested, then, if he so desires, he may offer an amendment in the Senate to subsection (c) of section 7. I desire simply to have a record vote on all of the changes of a major character.

The PRESIDING OFFICER. The yeas and nays have been demanded. Are they sufficiently seconded?

Mr. COUZENS. I ask that the amendment may be read.

The PRESIDING OFFICER. Will the Senator wait for a moment until the Chair ascertains whether the yeas and nays are ordered?

The yeas and nays were ordered.

Mr. TRAMMELL. Mr. President, my idea in revamping the banking laws is that we may enact a law that will not discriminate in favor of or against either National or State banks. From the expressions of opinion of members of the committee, and their statements as to their positions, I gather that it is also their intention that we shall have laws on the subject of branch banks that will apply in equal terms to both State and National banks.

In reading over the committee amendment on page 13, paragraph (d), I find that it is provided:

(d) If at the date of the approval of this act there is situated in any State which prohibits branches a national-banking association which has one or more branches within the city in which the parent bank is located, any other national bank situated in such city may establish within the limits of such city branches not exceeding in number the aggregate number of branches maintained by each national-banking association.

The purport and meaning of that paragraph of the amendment, as I construe, are that if, at any time when the State law permitted branch banks, a national bank within a given State established a branch bank or more than one branch bank, and subsequent to the establishment of that branch bank the State law was amended so as to prohibit branch banking, the bank established while it was legal for it to be established may be continued, although the revised and amended State law prohibits branch banking. This paragraph of the amendment, however, does not only provide for a continuation of the branch bank which was established during the time when it was legal for it to be so established, but it provides, in addition, that an equal number of branch banks may hereafter be established within that city by national banks.

So far as adjusting the situation as between national banks is concerned, that provision, of course, would appear equitable as between national banks; but when, as a matter of fact, it is illegal for a branch of a State bank to be established, in its operation it necessarily works a discrimination against existing State banks within that city and in favor of national banks, because it permits the establishment of further national banks equal to the number that have already been established and were at the time of establishment authorized by the State law.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Virginia?

Mr. TRAMMELL. I yield.

Mr. GLASS. If the Senator from Florida will yield, he is addressing himself to a provision of the bill that was stricken out by the Senate.

Mr. TRAMMELL. I am very glad to hear that it was stricken out. My criticism evidently has been recognized as just.

Mr. SIMMONS. Before the Senator made it.

Mr. TRAMMELL. Others evidently recognized the same situation. I was out of the Chamber at the time it was stricken out. I happen to be like many other Senators here. I am not always in the Chamber, and I find that about 95 other Senators are sometimes out when an amendment is proposed or part of a bill is stricken out.

Mr. GLASS. I hope the Senator will pardon me for calling his attention to that fact.

Mr. TRAMMELL. I thank the Senator very much. I am very glad that has been done.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole and reserved on the request of the Senator from Wisconsin [Mr. LA FOLLETTE]. On that question the yeas and nays have already been ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PEPPER]. I understand that if he were present he would vote as I shall vote. I therefore vote "yea."

Mr. NORRIS (when Mr. HOWELL'S name was called). I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of a death in his family.

Mr. WILLIS (when Mr. LENROOT'S name was called). I desire to announce that upon this question the senior Senator from Wisconsin [Mr. LENROOT] is paired with the senior Senator from Florida [Mr. FLETCHER]. If the Senator from Wisconsin were present, he would vote "nay," and if the Senator from Florida were present, he would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER'S name was called). My colleague [Mr. PEPPER] is necessarily absent today. If he were present, he would vote "yea."

The roll call was concluded.

Mr. ERNST. I have a general pair with the junior Senator from Nebraska [Mr. HOWELL], who would, I am informed, vote "nay." I transfer that pair to the Senator from Mississippi [Mr. HARRISON], who, if present, would vote "yea." I vote "yea."

Mr. CURTIS. I have a pair for the day with the senior Senator from Rhode Island [Mr. GERRY]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SIMMONS (after having voted in the affirmative). I am paired with the senior Senator from Oklahoma [Mr. HARRELD]. I do not see him in the Chamber. I transfer that pair to the senior Senator from South Carolina [Mr. SMITH] and will let my vote stand.

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on account of illness. He has a pair with the senior Senator from Wisconsin [Mr. LENROOT]. If my colleague were present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired on this question with the Senator from Illinois [Mr. MCKINLEY]. If present, the Senator from Delaware would vote "yea" and the Senator from Illinois would vote "nay."

Mr. ROBINSON of Arkansas. I wish to state that the senior Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate by illness.

Mr. JONES of Washington. I desire to announce that the junior Senator from Massachusetts [Mr. GILLETT] has a general pair with the senior Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 60, nays 17, as follows:

YEAS—60

Bayard	Ernst	McKellar	Sackett
Bingham	Fernald	McLean	Schall
Blease	Ferris	McMaster	Sheppard
Borah	Fess	Mayfield	Shortridge
Bratton	George	Means	Simmons
Broussard	Glass	Metcalf	Steck
Bruce	Goff	Moses	Stephens
Butler	Hale	Neely	Swanson
Caraway	Harris	Norbeck	Trammell
Copeland	Heflin	Oddie	Tyson
Couzens	Johnson	Overman	Wadsworth
Dale	Jones, N. Mex.	Phipps	Warren
Dill	Jones, Wash.	Ransdell	Watson
Edge	Keyes	Reed, Pa.	Weller
Edwards	King	Robinson, Ark.	Willis

NAYS—17

Cameron	Harreld	Nye	Wheeler
Cummins	Kendrick	Pine	Williams
Deneen	La Follette	Shipstead	
Frazier	McNary	Stanfield	
Gooding	Norris	Walsh	

NOT VOTING—19

Ashurst	Gerry	Lenroot	Robinson, Ind.
Capper	Gillett	McKinley	Smith
Curtis	Greene	Pepper	Smoot
du Pont	Harrison	Pittman	Underwood
Fletcher	Howell	Reed, Mo.	

So the amendments made as in Committee of the Whole and reserved were concurred in.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to offer an amendment.

The VICE PRESIDENT. The Senator has the right to offer the amendment at this time. The Secretary will state the amendment.

The CHIEF CLERK. It is proposed to substitute for subsection (c) of section 7 the following:

It shall be unlawful for any member bank to establish a branch in any State which does not, at the time of the approval of this act, permit banks created by or existing under the laws of such State to establish branches, or to establish in any State, after the approval of this act, a branch beyond the corporate limits of the municipality in which such bank is located.

The VICE PRESIDENT. It will be necessary to reconsider the vote by which the amendment made as in Committee of the Whole was concurred in before this amendment can be considered.

Mr. WILLIAMS. I understood that there would be no objection to that course.

Mr. McLEAN. Mr. President, this amendment involves in substance the same question that was just voted upon by the Senate; but I have no objection to a reconsideration.

The VICE PRESIDENT. Is there objection to a reconsideration? The Chair hears none. The question is on the amendment proposed by the Senator from Missouri.

Mr. WILLIAMS. Mr. President, I have no objection, and could have none, to the adoption of a large part of section 7. I think it is well in keeping with good banking and with the carrying out of the purposes of the Federal reserve act.

Section (a) of course, I think, should be adopted. Section (b) should be adopted.

We have about 1,300 or more State banks in the State of Missouri. In the State of Missouri we have a law against branch banking. Our State banks in Missouri are opposed to subsection (c) and are in favor of the Hull amendment to the McFadden bill on that subject.

I therefore ask for a vote on this amendment.

Mr. GLASS. Mr. President, the Senate should understand that the amendment proposed by the Senator from Missouri is substantially the Hull amendment which we have just voted down.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

The amendment was rejected.

The VICE PRESIDENT. Without objection, the amendment made as in Committee of the Whole will be again concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to provide for the consolidation of national banking associations,' approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5139, section 5142, section 5146 as amended, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 4, section 9, section 13, section 22, and section 24 of the Federal reserve act, and section 8 of the act entitled 'An act to supplement existing laws against unlawful restraint and monopolies, and for other purposes,' approved October 15, 1914, as amended, and for other purposes."

Mr. McLEAN. I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees.

The motion was agreed to, and the Vice President appointed Mr. McLEAN, Mr. EDGE, and Mr. GLASS conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9037) validating certain applications for and entries of public lands, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 28, 29, and 37 to the said bill and concurred therein; that the House had receded from its disagreement to the amendment of the Senate No. 27 and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House further disagreed to the amendment of the Senate No. 20.

ELIZABETH RIVER BRIDGE, VIRGINIA

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith,

F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of section 1 after the word "act" in line 1, page 2, as follows: "The construction of such bridge shall not be commenced, nor shall any alterations of such bridge be made, either before or after its completion, until the plans and specifications for such construction or alterations have been first submitted to and approved by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, acting jointly, and they, acting jointly, shall determine whether the location selected is feasible for the erection of such bridge without obstructions in navigation and without being detrimental to the development of interstate and foreign, as well as domestic, commerce moving to and from the particular location on the southern branch of the Elizabeth River to the inland waters of the State concerned, and whether public convenience will be served by such bridge as a connecting link between the Federal-aid highway systems of the State of Virginia. The said Secretaries, acting jointly, are empowered, and, if requested to do so, are directed, to hold public hearings for the full and complete determination of said precedent requirements."

WESLEY L. JONES,
HIRAM BINGHAM,
JAMES COUZENS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

Mr. KING. Mr. President, does this bill involve the question of the right of the Federal Government to exact tolls?

Mr. BINGHAM. It does not. The bill as amended by the Senate gives to the Secretary of War, the Secretary of State, and the Secretary of Commerce the right to pass upon the plans for the bridge. The House committee felt that this was an unusual arrangement and was not necessary, and after conference the Senate conferees receded from their position, so that the bill is now in the form usually adopted. The question as to the plans for the bridge must be passed upon by the Secretary of War, as in all other cases. It merely makes the bill conform to the usual form of bridge measures.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MISSISSIPPI AND MISSOURI RIVER BRIDGES

Mr. BINGHAM. I move to reconsider the votes by which the Senate yesterday ordered to a third reading and passed the bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Musics Ferry on the Missouri River.

The motion to reconsider was agreed to.

Mr. BINGHAM. On page 2, line 1, I move to strike out the words "Halls Ferry" and insert "Bellefontaine."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River."

CAPTURED WAR DEVICES AND TROPHIES

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2475) to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924, which were, on page 2, line 24, after the word "distribution," to insert "and to include the Canal Zone in such apportionment and distribution"; on page 3, to strike out all after "not," in line 11, down to and including "apportionment," in line 12, and insert "on or before July 1, 1927"; on page 3, line 14, after the word "redistributed," to insert "to the several States, Territories, and possessions of the United States, the District of Columbia, and the Canal Zone"; on page 3, line 16, after the word "rejected," to insert "on or before July 1, 1928"; on page 3, to strike out all after "determine"; in line 18, down to and including "to" in line 19; and on page 3, line 21, after the word "distribution," to insert "under this act, may be sold, or otherwise disposed of."

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

Mr. ROBINSON of Arkansas. Mr. President, I can not hear what is going on, and I would like to hear what the Senator is saying.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. WADSWORTH. The amendments suggested by the House are perfecting in character. They do not change the bill, which has been returned from the House with amendments. The bill passed the Senate earlier in the session. It is a measure relating to the distribution of World War trophies now in the hands of the War Department.

The Senator from Arkansas will doubtless recollect that something like three years ago we set up by statute a method of distributing trophies equitably among the different States, the distribution within each State to be made by the governor of the State. It seems that certain States have not applied for their entire quota of trophies, and the surplus has therefore been left in the hands of the War Department. The department, however, did not feel that it has the right under the law to make another distribution of these so-called surplus trophies, and the bill is to permit the War Department to take those unapplied-for war trophies and give them to the States that want them. The House has made some comparatively unimportant amendments of a textual character. There is no change in the purpose of the bill.

Mr. ROBINSON of Arkansas. I suppose the States that have not obtained the trophies will have ample opportunity of doing so?

Mr. WADSWORTH. Oh, yes.

Mr. TRAMMELL. Mr. President, may I ask the chairman of the Committee on Military Affairs at what time the act was passed giving the States the privilege of obtaining these trophies?

Mr. WADSWORTH. June 7, 1924; two years ago.

Mr. TRAMMELL. In a great many States there are only biennial sessions of the legislature, and it is possible that the bill will deprive some of the States of the privilege of obtaining their quota, because the legislature has not yet acted. I do not know how it is in my own State. The legislature of a State may at a subsequent session, which would be a second session of the legislature of the State, pass an appropriation for the purpose of distributing the trophies within the State. That is the objection which occurs to me.

I do not know how it is in my own State. We have had only one session of the legislature in my State since the enactment of the law. That was in April and May, 1925. It is possible that my State has made some provision for obtaining its quota; I do not know. I would dislike very much to have it precluded, if this act would preclude it, merely because the first session of the legislature did not act upon the question of making an appropriation for the distribution of the trophies. I just raise that point.

Mr. WADSWORTH. The passage of this bill would not preclude any State from getting its full quota. It merely provides that in the event any State does not want its quota the surplus may go to other States.

Mr. TRAMMELL. I thank the Senator.

Mr. KENDRICK. Mr. President, may I ask the Senator from New York whether the bill would take effect at once or will further time be given the States in which to make application?

Mr. WADSWORTH. Further time will be extended in which to make application for this class of trophies. The door is not closed to the other States which still want to get their regular quota of trophies.

Mr. KENDRICK. But if some of the trophies were distributed among the States that have already received their quota, it would more or less limit those to be distributed to States that have not made application. Is not that true?

Mr. WADSWORTH. That could only happen in the event a State informed the War Department that it did not want the full quota.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New York to concur in the amendments of the House.

The motion was agreed to.

UNITED STATES MILITARY ACADEMY

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist on its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. CAMERON, Mr. HALE, and Mr. STECK conferees on the part of the Senate.

LANDS AND FUNDS OF THE CROW TRIBE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRELD. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. HARRELD, Mr. CAMERON, and Mr. KENDRICK conferees on the part of the Senate.

DELAWARE RIVER BRIDGE NEAR BURLINGTON, N. J.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4070) granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J., which were, on page 1, line 4, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their"; on page 2, line 4, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their"; on page 2, line 16, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their"; on page 4, line 18, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their"; on page 5, line 2, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their"; and on page 5, line 11, strike out "his" and insert in lieu thereof the following: "and Clifford A. Anderson, their."

Mr. EDGE. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

VALIDATION OF PAYMENTS FOR COMMUTATION OF QUARTERS, HEAT, AND LIGHT, ETC.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2996) to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents, which were, on page 1, line 5, to strike out "to officers as" and insert "of"; and on page 2, to strike out lines 1 to 21, inclusive, and insert:

That where the payee responded to a needy family condition in an amount at least equal to the allowances obtained by him no collection shall be made on account of payment of the allowances to him prior to July 1, 1923; and amounts heretofore collected as refund of the allowances obtained in such cases prior to July 1, 1923, notwithstanding the protest of the payee, either by stoppage of pay, payment in cash, allotment of pay, or offset, shall be refunded; but this proviso shall not be applicable where the payee has admitted there was no dependency on him, or where he has refused to furnish evidence of the dependency, or where the payee has voluntarily refunded the payments in whole or in part, or has submitted no claim for the allowances in the nature of a protest against offset of his pay as refund of the payments.

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. SHORTRIDGE presented resolutions adopted by the Chamber of Commerce of Vallejo, Calif., protesting against the passage of Senate bill 3335, to regulate, control, and safeguard the expenditure of Federal funds on construction work, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the El Centro (Calif.) Chamber of Commerce, protesting against the passage of the so-called Smith bill, being the bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the San Francisco (Calif.) Chamber of Commerce, protesting against the passage of legislation providing for the compulsory consolidation of railroads and favoring voluntary consolidations subject to the approval of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the San Diego County public health committee, of San Diego; the Alameda district, of the California Federation of Women's Clubs; and the Los Angeles district board of the California Federation of Women's Clubs, all in the State of California, favoring the passage of the bill (H. R. 9497) providing funds for the reimbursement of the Indians in California for lands taken from them under the 18 treaties of 1851 and 1852, and without treaty and under subsequent court decisions for which no compensation has heretofore been made, which were referred to the Committee on Indian Affairs.

He also presented a resolution adopted by Barrett Camp, No. 29, United Spanish War Veterans, of Alameda, Calif., protesting against the passage of House bill 8538, amending the national defense act, by prohibiting any officer of the United States Army from teaching a military course in any school other than a purely military school, if such military course is a prerequisite for graduation, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by Riverside Post, No. 118, Grand Army of the Republic, and auxiliary organizations connected therewith, including Riverside Camp, No. 23, Sons of Union Veterans of the Civil War, and the auxiliary thereto; the Woman's Relief Corps; and Belle S. Herr Circle, No. 68, Ladies of the Grand Army of the Republic, all of Riverside; Sedgwick Post, No. 17, Department of California and Nevada, Grand Army of the Republic; Sedgwick Woman's Relief Corps, No. 17, Department of California and Nevada; Shiloh Circle, No. 21, Department of California and Nevada; Sarah A. Rounds Tent, No. 10, Daughters of Veterans, Department of California and Nevada; and Santa Ana Camp, No. 12, Sons of Veterans, Department of California and Nevada, in the State of California, praying for the passage of legislation providing increased pensions to veterans of the Civil War and their dependents, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. GILLETT, from the Committee on the Judiciary, to which was referred the bill (S. 2587) to amend the trading with the enemy act, reported it with an amendment and submitted a report (No. 818) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1919) for the relief of the Portland Iron Works (Rept. No. 819);

A bill (H. R. 815) for the relief of O. H. Lipps (Rept. No. 820); and

A bill (H. R. 6003) for the relief of Charles B. Beck (Rept. No. 822).

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (H. R. 2333) for the relief of Katherine Rorison, reported it without amendment and submitted a report (No. 821) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4209) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes, reported it without amendment and submitted a report (No. 823) thereon.

He also, from the same committee, to which was referred the bill (S. 4073) to provide for the establishment of the Shenandoah National Park, in the State of Virginia, and the Great Smoky Mountain National Park, in the States of North Carolina and Tennessee, and for other purposes, reported it with an amendment and submitted a report (No. 824) thereon.

He also, from the Committee on Claims, to which was referred the joint resolution (S. J. Res. 92) consenting that certain States may sue the United States, and providing for trial

on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, reported it with amendments and submitted a report (No. 829) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 825) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3884) authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington, reported it without amendment and submitted a report (No. 826) thereon.

Mr. MEANS, from the Committee on Claims, to which was referred the bill (H. R. 9938) for the relief of Frank A. Bartling, reported it without amendment and submitted a report (No. 827) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8486) for the relief of Gagnon & Co. (Inc.), reported it without amendment and submitted a report (No. 828) thereon.

Mr. JOHNSON, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 6729) to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917, reported it without amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4243) for the relief of Ella O'Neill Ballantyne; to the Committee on Finance.

By Mr. DILL:

A bill (S. 4244) granting a pension to Sarah E. Klock; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4245) granting an increase of pension to Minerva C. McMillan; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 4246) to enforce the liability of common carriers for loss of or damage to grain shipped in bulk; to the Committee on Interstate Commerce.

By Mr. BUTLER:

A bill (S. 4247) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of two new sections in said act between sections 5 and 6 and sections 41 and 42 of said act, to be designated as "5a" and "41a" of said act; to the Committee on Territories and Insular Possessions.

By Mr. PHIPPS:

A bill (S. 4248) to amend the tariff act of 1922; to the Committee on Finance.

By Mr. HARRIS:

A bill (S. 4249) to authorize the President to appoint Fred R. Crandall a first lieutenant of Infantry in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 4250) for the relief of Mrs. Ernest W. Hedlun; to the Committee on Claims.

JOHN T. PEET

On motion of Mr. CURTIS, it was

Ordered, That the papers filed with the bill (S. 400, 69th Cong. 1st sess.) for the relief of John T. Peet, be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.; to the Committee on the Library.

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes;

H. R. 10503. An act to authorize certain alterations to the six coal-burning batttleships for the purpose of providing better launching and handling arrangements for airplanes; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy; to the Committee on Naval Affairs.

H. R. 9914. An act providing for the inspection of the Bull Run battle fields from and including Centerville and to and including Thoroughfare Gap and Warrenton, in the State of Virginia;

H. R. 10052. An act to authorize the sale of the Mesa Target Range, Arizona;

H. R. 10203. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes;

H. R. 10385. An act to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the enlisted Reserve Corps;

H. R. 10984. An act to amend the national defense act of June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions;

H. R. 11613. An act to provide for the study and investigation of battle fields in the United States for commemorative purposes;

H. R. 11762. An act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.;

H. R. 12043. An act to provide for the inspection of the battle field of Stones River, Tenn.;

H. R. 12103. An act to provide for the inspection of the battle field of Fort Donelson, Tenn.; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926; to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

REGULATION OF COMMERCIAL AVIATION

Mr. BINGHAM. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 41, to encourage and regulate the use of aircraft in commerce, and for other purposes.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the report of the committee of conference, which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That as used in this act, the term 'air commerce' means transportation, in whole or in part, by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this act, the term 'interstate or foreign air commerce' means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through the airspace over any place outside thereof; or wholly within the airspace over any Territory or possession or the District of Columbia.

"SEC. 2. Promotion of air commerce.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

"(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

"SEC. 3. Regulatory powers.—The Secretary of Commerce shall by regulation—

"(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

"(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after the passage of this act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, rerate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

"(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

"(d) Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

"(e) Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

"(f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

"SEC. 4. Airspace reservations.—The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any civil or military airway designated under the provisions of this act.

"SEC. 5. Aids to air navigation.—(a) Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air-navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air navigation facilities, except airports and terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

"(b) The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.

"(c) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

"(d) The head of any Government department or other independent establishment having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

"(e) Section 3 of the act entitled 'An act to increase the efficiency and reduce the expense of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture,' approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"'Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warn-

ings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations.'

"(f) Nothing in this act shall be construed to prevent the Secretary of War from designating routes in the navigable air space as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this act, and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities.

"SEC. 6. Foreign aircraft.—(a) The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the air space over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

"(b) Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section.

"(c) If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may authorize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce.

"SEC. 7. Application of existing laws relating to foreign commerce.—(a) The navigation and shipping laws of the United States, including any definition of 'vessel' or 'vehicle' found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

"(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

"(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

"(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the Immigration Service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the Immigration Service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

"SEC. 8. Additional Assistant Secretary of Commerce.—To aid the Secretary of Commerce in fostering air commerce and to perform such functions vested in the Secretary under this act as the Secretary may designate, there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate and whose compensation shall be fixed in accordance with the classification act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this act and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this act; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as are necessary for executing the functions vested in the Secretary of Commerce by this act.

"SEC. 9. Definitions.—As used in this act—

"(a) The term 'citizen of the United States' means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per cent of the voting interest is controlled by persons who are citizens of the United States or its possessions.

"(b) The term 'United States,' when used in a geogrpahical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying air space; but shall not include the Canal Zone.

"(c) The term 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

"(d) The term 'public aircraft' means an aircraft used exclusively in the governmental service.

"(e) The term 'civil aircraft' means any aircraft other than a public aircraft.

"(f) The term 'aircraft of the United States' means any aircraft registered under this act.

"(g) The term 'air port' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

"(h) The term 'emergency landing field' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to air ports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.

"(i) The term 'air navigation facility' includes any air port, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility, used as an aid to air navigation.

"(j) The term 'civil airway' means a route in the navigable air space designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.

"(k) The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 10. Navigable air space.—As used in this act, the term 'navigable air space' means air space above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 3, and such navigable air space shall be subject

to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this act.

"SEC. 11. Penalties.—(a) It shall be unlawful, except to the extent authorized or exempt under section 6—

"(1) To navigate any aircraft within any air space reservation otherwise than in conformity with the Executive orders regulating such reservation.

"(2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States or to navigate any foreign aircraft in the United States.

"(3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.

"(4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.

"(5) To navigate any aircraft otherwise than in conformity with the air traffic rules.

"(b) Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

"(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

"(d) Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this act, or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding $1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

"(e) Any person (1) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this act, or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce, continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal, shall be guilty of an offense punishable by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

"(f) All penalties paid under this act, shall be covered into the Treasury as miscellaneous receipts.

"SEC. 12. Separability.—If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 13. Time of taking effect.—This act shall take effect upon its passage; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter.

"SEC. 14. Short title.—This act may be cited as the 'air commerce act of 1926.'"

And the House agree to the same.

WESLEY L. JONES,
BERT M. FERNALD,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
JOSEPH E. RANSDELL,
Managers on the part of the Senate.

JAMES S. PARKER,
JOHN G. COOPER,
SCHUYLER MERRITT,
SAM RAYBURN,
CLARENCE F. LEA,
Managers on the part of the House.

Mr. KING. Mr. President, will the Senator from Connecticut give us an explanation of the contents of the report?

Mr. BINGHAM. The report has already been printed in the RECORD twice. I shall be very glad to explain what the conference committee finally agreed upon.

In the first place the two principal differences between the bill as it passed the Senate and the bill as it passed the House were matters relating to State rights and State and Government ownership. The bill as it passed the House gave to the Secretary of Commerce the right to examine pilots and airplanes engaged in all sorts of flying, in interstate commerce, foreign commerce, intrastate commerce, and even in sport flying and flying for experimental purposes. The bill as it passed the Senate gave the Secretary of Commerce merely the right to examine pilots and planes and to restrict flying in interstate and foreign commerce.

The conferees have agreed upon a compromise. The House recedes from its position regarding the regulation of intrastate commerce and the regulation of sport flying and experimental flying.

The Senate agrees that all persons taking to the air must abide by the rules of the road in the air. It seemed reasonable to us that when the rules of the air should be set forth by the Secretary of Commerce all persons flying must abide by them, otherwise we should have constant interference with those flying in interstate commerce and more likelihood of accidents. Anyone may fly at any time within the boundaries of a State and take his life in his hands and fly anything which the State permits him to fly if he has a State license; but he must observe the rules of the air and he may not engage in interstate or foreign commerce without the permission of the Secretary of Commerce, as provided in the Senate bill.

For the promotion of air commerce there was very little difference between the two Houses except in this respect. The Senate did not provide for the ownership by the Federal Government for the use of private persons of commercial airports. The House in its bill provided for Government-owned airports. The conferees after a long discussion agreed that it was an unwise thing for the Federal Government to enter upon the ownership of airports, and that provision was stricken out. The Senate views in the matter were concurred in by the conferees. In future the aids to air navigation which may be provided by the Secretary of Commerce, whenever appropriations are available, are those air-navigation facilities such as radio facilities, lighthouses, airways, charts, and emergency landing fields.

The definition of an "emergency landing field" as prepared by the House was very unsatisfactory to the Senate, and the definition of "airport" was unsatisfactory. A new definition will be found in the bill and, as agreed to, meets the Senate's views. In other words, an airport as defined is what might correspond to a seaport, whereas an emergency landing field is what might correspond to a storm harbor where there is a Government breakwater and nothing else. In other words, the Federal Government under this bill may lease and regulate an

emergency landing field as it may operate a storm harbor with a breakwater, but the minute there is set up either a hangar for shelter purposes or a gas and oil station, or if it is used by any town in the vicinity for the regular taking on and landing of passengers and freight, it then ceases to become an emergency landing field and becomes an airport, and the Federal Government will keep its hands off of it in the future.

The object of the bill as now presented is to encourage municipalities to own their own airports and to permit the Secretary of Commerce to arrange for proper navigable airways.

So far as air-space reservations are concerned, the President is authorized to provide by Executive order for the setting apart and protection of air-space reservations for military, post office, or other purposes. The States may set apart and provide air-space reservations. The bill gives the States the right to say that no one shall fly low over a city or over a ball field or over a stadium within that State, and no one flying in interstate commerce may enter into that air-space reservation which the States set apart for themselves.

Mr. KING. Mr. President, may I make an inquiry of the Senator?

Mr. BINGHAM. Certainly.

Mr. KING. There is no interference with municipal or State regulation?

Mr. BINGHAM. None whatever.

Mr. KING. Even though those regulations might affect, directly or indirectly, interstate commerce flying or flying between States? For instance, the Senator just indicated municipal regulations with respect to the height at which aircraft must fly above the ground. Would any municipal regulation prescribed affect aircraft that flies between States, or would they be exempt from the operation of municipal regulations?

Mr. BINGHAM. A municipal regulation would not affect it, but the bill does say that the several States may set apart and provide for the protection of the necessary air-space reservations in addition to and not in conflict with the air-space reservations established by the President.

Mr. KING. Does the Senator think that the bill sufficiently protects the rights of the States from regulations which may be set up by the Federal authorities?

Mr. BINGHAM. I will say to the Senator that I believe the bill does give the States full rights with regard to intrastate commerce. The bill only regulates interstate and foreign commerce. The only penalties which apply to intrastate commerce or flying within the States are those concerned with the violation of rules of the road, which the Senator will recognize must be uniform all over the United States if we are to have safety in the air; but the bill does not attempt to dictate to the States who they shall permit to fly or what kind of planes they shall fly or anything in regard to the examination and certification of planes.

Mr. KING. I had in mind that municipal regulations and State regulations might be very important for the safety of the people, and in order to have full operation would regulate in part at least interstate flyers as well as intrastate. I was wondering if there was anything in the bill that would restrict the right of the States or municipalities to adopt regulations which they conceived necessary for the protection of the people, even though those regulations affected individuals who are flying from State to State. Suppose there is a regulation that no person shall operate a flying machine at an altitude less than 150 feet or 200 feet.

Mr. BINGHAM. Does the Senator refer to a State regulation?

Mr. KING. Yes; a State regulation applicable to all persons engaged in the operation of flying machines.

Mr. BINGHAM. The State now under the bill has the right to do so, and no one in interstate commerce could operate against that right.

Mr. KING. That is what I wanted to be sure of.

Mr. BINGHAM. The rights of the States have been protected in the bill.

Mr. KING. I was not sure that the Senator did not state that the rights of the States to prescribe regulations related only to machines the termini of whose operations were within the State.

Mr. JONES of Washington. Mr. President, I wonder if the Senator from Connecticut understood the Senator from Utah. As I understand, the Senator from Utah desires to ask whether machines flying in interstate commerce could be affected by State regulation. As I understand, they can not.

Mr. BINGHAM. They can not, but they can do this: The State can say that all air space, for instance, as the Senator from Utah mentioned, under 150 feet above the ground, is such a reservation that no one may fly in that in interstate commerce.

Mr. JONES of Washington. No one may fly in that in interstate commerce?

Mr. BINGHAM. Yes. That reservation is made by the State for the protection of its own citizens.

Mr. SHORTRIDGE. Mr. President, may I ask if there is any limit to the rules or regulations which the States may make as to height of flying?

Mr. BINGHAM. The rights of the States are completely protected in regard to what they consider a safe height for a plane to fly in that State.

Mr. SHORTRIDGE. In other words, those engaged in interstate commerce must respect the rules and regulations made by the States?

Mr. BINGHAM. Yes.

Mr. SHORTRIDGE. And there is no limitation placed upon the right of the States in that respect?

Mr. BINGHAM. There is no limitation placed on the right of the States to regulate the height at which planes must fly.

Mr. SHORTRIDGE. It is conceivable that a given State might stop all interstate flying.

Mr. BINGHAM. Yes; if it should go crazy.

Mr. KING. In order that there will be no misunderstanding, I would like to give one other concrete example. Suppose a State should say that no machine shall fly over the city of Chicago or over the city of Springfield or over any other large city, neither intrastate nor interstate; that no machine shall be operated over a thickly populated district, which would seem to be a reasonable regulation in view of the fact that a machine did fall in Chicago, we remember, a few years ago, and killed a large number of people. Would any person operating a machine in interstate commerce be permitted under this bill to violate that reasonable State regulation?

Mr. BINGHAM. No. The rights of the States are protected, giving them the privilege of adopting air-space reservations, provided they do not conflict with the air-space reservations as directed by the President.

The House had a provision whereby the Postmaster General and the Secretary of Commerce by joint order might direct that the facilities of the postal air mail should be handed over to the Secretary of Commerce. The Senate conferees felt that it was dangerous to grant to the Secretary of Commerce the air ports of the air mail, because that would bring the air ports under the ownership and direction of the Federal Government, and it was not our intention that any air ports should be operated by the Federal Government. The committee thought that would leave the door wide open to thousands of cities desiring to have air ports provided by the Federal Government. The Federal Government has never provided seaports, but only facilities in between seaports. Consequently the House withdrew from its desire so far as air ports are concerned, but at any time the two Secretaries—that is, the Postmaster General and the Secretary of Commerce—may jointly decide that the airway between the air ports may be turned over to the Secretary of Commerce to be operated as an airway for the public weal.

In regard to the operation of aircraft, there is no particular change except a specification accepted on the part of the Senate that foreign planes may not be engaged in either interstate or intrastate commerce. In other words, a plane flying from Mexico City to Dallas, Tex., and stopping at San Antonio, may not pick up passengers and freight at San Antonio and carry them on to Dallas, Tex., even though that is not interstate commerce.

The House had more provisions with regard to the administration of ports of entry than the Senate put in, but they are all the usual provisions applying to navigation and were not objected to, but were accepted by the Senate conferees.

With regard to definitions, the only important change, which I have already mentioned, is the definition of air port and emergency landing field. At the suggestion of certain very distinguished gentlemen, including Mr. Orville Wright, a definition was put in including the words "not used regularly for the receipt or discharge of passengers or cargo by air." The committee felt, for reasons which I previously explained, that it was very wise to discourage in every possible way the municipalities from annexing a Government-owned emergency landing field and saying, "We will not have our own air port; we will just use that field."

In regard to penalties, the House bill had criminal penalties for the violation of provisions relating to the air. The Senate had civil penalties only, and the House conferees withdrew so far as regulations were concerned, and agreed that for breaking the regulations with regard to examinations, with

regard to navigation and the rules of flying and serving with certificates, the penalty should merely be a civil penalty of not more than $500. The same rules that now apply in the navigation laws apply with regard to mitigating those penalties.

With regard to flying with a certificate which is counterfeit, a new idea so far as the Senate bill was concerned, the conferees agreed that the penalty for using a counterfeit certificate should not be as severe as that provided in the House bill, which was a $5,000 fine, but instead be one which is similar to that now in use where the master of a vessel using a certificate counterfeited for himself or his vessel; in other words, the fine is reduced to $1,000.

The penalties for using false lights, and so forth, are the same as in the Senate bill.

The law is to take effect upon its passage, but no penalty shall be enforced for any violation thereunder occurring within 90 days thereafter.

The two principal differences between the bills were regarding regulation of intrastate commerce, from which the House receded, and with regard to the Government ownership of air ports, from which the House receded.

Mr. KING. Does the bill surround the obtaining of a license with so many difficulties that it would be almost impossible to get a license?

Mr. BINGHAM. On the contrary, the bill will be found to be the most liberal bill with regard to civil aviation possessed by any country. It is not necessary for a pilot to come to Washington. A provision has been inserted whereby the Secretary of Commerce, when he satisfies himself of the qualifications of a private individual for the giving of an examination or for the examination of a plane, may, if he chooses, permit that private individual to make an examination of a plane and an examination of a person, and until such time as he finds that the private individual is improperly exercising that right he may grant that right to the private individual.

Another interesting provision has been adopted. The Senator will realize that, although a plane may be certified to as being airworthy, if it makes a rough landing on the next day it might not be airworthy the day after, and yet in ocean navigation a certificate of seaworthiness would last easily for six months or a year. The committee felt that it was advisable to give the Secretary of Commerce the privilege of making frequent examinations, and also the privilege of requiring those engaged in air commerce to have daily inspections and to submit reports from time to time to him so that he might keep track of the daily condition of the planes. Furthermore, in order that no one now having a plane might be deprived of the privilege of having it examined, without having it thrown out, the committee provided that for the first eight months after the bill goes into effect the Secretary may license such a plane without having a complete set of drawings and the design according to which it was built. In the future, however, in order to avoid the necessity of examining the inside of the plane, the design of the plane may be submitted to him before the plane shall be actually built, and if the design is approved the plane may then be certified without that kind of an examination which would cause a great deal of delay.

Furthermore, in England, as the Senator knows, the business of individual flying has been greatly retarded by the very high cost of the fees charged. Although England has certain regular airplanes operating between London and the continent and has a greater transportation business in the way of the regular carriage of passengers and freight than has hitherto been seen in this country, except in connection with the air mail, the English have charged a high fee and have provided a very severe type of examination for those engaged in private flying, with the result that there are very few airplanes engaged in private flying in England at the present time. This bill does not charge a fee for that purpose; in fact, it does not require an examination of the person engaged in private flying for pleasure or for experimental purposes.

Mr. NORRIS. Mr. President, I have been very much interested in the explanation which the Senator from Connecticut has given of the conference report. It seems to me, considering that we are entering upon a new field, the committee is entitled to a great deal of credit for what it has done, and I feel like congratulating its members.

At the same time the Senator from Connecticut has told us of one provision that involves a very serious matter and deserves careful consideration before we agree to the conference report. I understand the conference report provides for municipal ownership of airports. Am I right in that?

Mr. BINGHAM. The Senator from Nebraska misunderstood the Senator from Connecticut. The conference report does not provide for municipal ownership of airports, but it encourages it by not providing for Federal ownership.

Mr. NORRIS. That is worse yet, Mr. President. It encourages municipal ownership, the Senator says. This is a new method of transportation. If we are going to encourage municipalities to own airports the next thing we know we shall be encouraging them to own the entire system of transportation, including their street railways, their electric-light plants, and so forth. In other words, we are driving our municipalities toward socialism, to public ownership of public utilities. I am dumfounded that the great Senator from Connecticut should get behind a proposition of this kind.

Mr. BINGHAM. The Senator from Connecticut would like to say to the Senator from Nebraska that it has been the custom from time immemorial for municipalities to control their own seaports, and this is merely in the line of immemorial custom.

Mr. NORRIS. There has not been any immemorial custom about a municipality owning an airport. Mr. President, I am still a young man, and yet I can remember when the airplane was invented. I saw the first one of them fly.

Mr. BORAH. It did not fly.

Mr. NORRIS. Yes; it flew quite a distance. I have seen the airplane developed. Now, with this new method of transportation which is likely to, and some people think will, revolutionize the existing methods of transportation, we find a committee of the Senate urging municipalities to own their own airports or landing places. Are we going to interfere with private ownership of those things? Suppose I want to go up into Connecticut and acquire, own, and operate a landing place for flying machines. I will be confronted at once with an act of Congress, sponsored by the great Senator from Connecticut, under which the United States may put me out of business, an act of Congress which urges the municipalities to own such landing places and seeks to keep me from owning and operating one.

Mr. BINGHAM. Will the Senator from Nebraska be so good as to point out anything in the conference report which would discourage a private citizen from owning an airport?

Mr. NORRIS. I have not read the report, of course; I am taking the Senator's word for it; but the Senator has said here in the presence of this august body that the bill not only permits municipal ownership of landing places, of airports, but that it encourages it.

Mr. BINGHAM. The Senator from Connecticut should have said that the bill as agreed to in conference encourages municipal and private ownership of airports.

Mr. NORRIS. That relieves me a great deal. If there is some provision in it that will assist private ownership it will remove a great deal of the odium that I feared would have attached to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

JURISDICTION OVER CONDUIT ROAD IN THE DISTRICT OF COLUMBIA

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 10896) to provide for transfer of jurisdiction over the Conduit Road, District of Columbia, which was read twice by its title.

Mr. JONES of Washington. Mr. President, the Senate on the last evening when the calendar was under consideration passed a bill identical with the House bill which has just been laid down. The House, however, passed its own bill. As the two measures are identical, I ask unanimous consent that the House bill may be put upon its passage at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That jurisdiction and control over the Conduit Road for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip 19 feet wide within the lines of said road, the center of which is coincident with the center of the water supply conduit, is hereby transferred from the Secretary of War to the Commissioners of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said commissioners for public improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXHIBITION DANCE OF HOPI INDIANS

Mr. CAMERON. Mr. President, I desire to announce for the benefit of my friends and colleagues who may be interested that on Saturday morning at 11 o'clock a band of selected Hopi Indians from the Arizona Reservation, who are en route to the sesquicentennial celebration in Philadelphia, will give an exhibition snake dance in front of the Capitol, and, on behalf of the Indians, El Zaribah Temple of the Mystic Shrine, of Phoenix, and the State of Arizona, I extend an invitation to everyone to witness this unusual Indian dance.

It is unnecessary to go into details, for most of the Senators are somewhat familiar with the history of this dance. The Hopi Indians are one of the primitive, yet one of the most wonderful, tribes of Indians on the American Continent. This well-known snake dance has been attended on the native reservation in Arizona by people from all over the world. It portrays a solemn religious ritual of the tribe itself, who seek by this demonstration before the Congress of the United States and the public to show its sincerity and religious character and thus allay what they deem the unfair effort on the part of some people to deprive them of the right to conduct this religious ceremony.

This in no way is a commercial proposition, and I trust that all will be present.

LANDS IN MICHIGAN FOR PARK PURPOSES

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7482) to provide for conveyance of certain lands in the State of Michigan for State park purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STANFIELD. Mr. President, I move that Senate bill 786, relative to the retirement of civil-service employees, be made the unfinished business, and that the Senate proceed to the consideration thereof at this time.

Mr. NORRIS. Mr. President, I make the point of order against the motion that it is an impossibility under the rules of the Senate to make any measure the unfinished business by that kind of a proceeding.

The PRESIDENT pro tempore. It can not be made the unfinished business in the form in which the motion has been stated.

Mr. STANFIELD. I move that the Senate proceed to the consideration of Senate bill 786.

The PRESIDENT pro tempore. Will the Senator please permit the Senate to dispose of the message from the House of Representatives which has just been laid down in regard to the action of the House on the amendments of the Senate to House bill 7482? The Chair will state that the message from the House relates to a measure in which, he thinks, the Senator from Oregon is interested. The clerk will again read the title of the bill.

The LEGISLATIVE CLERK. A bill (H. R. 7482) to provide for conveyance of certain lands in the State of Michigan for State park purposes.

Mr. STANFIELD. I move that the Senate recede from its amendments.

The motion was agreed to.

MIGRATORY-BIRD REFUGES

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. NORBECK. I move now that the Senate proceed to the consideration of Senate bill 2607, known as the migratory bird bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota.

Mr. KING. Mr. President, a parliamentary inquiry. The motion is debatable, I assume.

The PRESIDENT pro tempore. It is.

Mr. DILL. Mr. President, as I understand, the so-called migratory bird bill provides for a sanctuary for birds in which private citizens are to be given licenses to shoot birds.

Mr. NORBECK. I do not think that is exactly a fair statement. If the Senator will permit me, I will try to explain it a little better than that. The bill provides——

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. NORBECK. Yes.

Mr. KING. While the Senator is explaining the bill, I wish he would explain whether or not it provides that in order to shoot, one must procure a Federal license; that if he violates any of the multitudinous rules and regulations under the treaty that was entered into with Great Britain and Canada, he is liable to indictment by a Federal grand jury and to be dragged hundreds of miles away from home to be tried; also, that if one violates any of the rules and regulations set up by the Biological Survey of the Agricultural Department, he is also liable to be dragged hundreds of miles away from home and indicted by a grand jury and put on trial in a Federal court. Will the Senator please explain if this bill does not contain those very salutary provisions?

Mr. NORBECK. Permit me to ask the Senator from Utah whether the present law so provides?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield; and if so, to whom?

Mr. NORBECK. I yield to the Senator from Idaho.

Mr. BORAH. I was going to ask whether this bill has been taken up for consideration.

The PRESIDENT pro tempore. A motion has been made to that effect.

Mr. NORBECK. A motion is pending to that effect.

Mr. BORAH. Is the Senator who made the motion going to debate the motion?

The PRESIDENT pro tempore. The motion is debatable; and the Chair supposes that any Senator who desires to do so may debate it.

Mr. NORBECK. The debate has started on it. There was no chance to make any explanation of the bill at all.

Mr. DILL and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield; and if so, to whom?

Mr. NORBECK. I yield first to the Senator from Washington, if he desires to make just a brief remark.

Mr. DILL. Mr. President, I want to say that if this bill were simply a bill to provide a sanctuary for birds I should be most heartily in favor of it, and I think the Congress ought to pass it; but when it is a bill that provides a sanctuary for birds, and then provides that the Federal Government shall license men to go out and shoot those birds in certain parts of it—and naturally the men who will get such licenses and do that shooting are men who live near the area of this migratory-bird reserve——

Mr. NORBECK. The men who live in Chicago and New York have private shooting clubs, so they will be taken care of otherwise.

Mr. DILL. There are a good many people who live in other sections of the country besides Chicago and New York; and I do not see why the Federal Government should provide a shooting ground for people who live in those sections, even if they do not have any other shooting ground.

This bill has not passed the House. There is other legislation pending here that is, in effect, emergency legislation. The Senator from Oregon [Mr. STANFIELD] has a retirement bill that is very important. There is a radio bill pending here that is extremely important. If this session of Congress adjourns without enacting radio legislation the whole radio situation may become topsy-turvy. The United States District Court of Chicago has decided that the Government can not prosecute a man or a company who seizes a wave length and uses it in defiance of the Government, because the law passed in 1912 is ambiguous. It was not passed for the purpose of covering radio broadcasting, but for wireless telegraphy.

The radio industry has grown in this country until it involves hundreds of millions of dollars. The annual sale of radio sets now runs into hundreds of millions of dollars. Literally millions of our people are dependent upon radio for their education and their entertainment and their amusement. It has become a great cultural force in this country. The House has already passed a bill on this subject, and the Senate bill that has been reported here varies from the House bill rather widely. Unless this bill is taken up and passed by the Senate within a reasonable time before adjournment, there is no hope of a conference report being agreed to before the session adjourns.

Mr. NORBECK. Let me suggest that there is no constitutional time fixed for adjournment. There will be plenty of time to take care of these measures.

Mr. DILL. The Senator knows that after the farm legislation is disposed of there is not going to be very much more done at this session of Congress. Congress is going to adjourn and go home about that time. So I say it seems to me that with these other measures pressing we could well take up some other bill than the migratory bird bill. It is not pressing, and it is especially not pressing that the Government should supply shooting grounds for people who live in that section of the country where this migratory-bird area is to be established.

Mr. MAYFIELD and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield; and if so, to whom?

Mr. NORBECK. I decline to yield further just now. I will yield to the Senator from Ohio in just a minute.

This bill is a conservation measure. The purpose of it is to establish bird refuges where the migratory birds may rest, may hatch their young, and may raise them. Nothing would please me better than to provide for no shooting whatever in the migratory-bird areas; but we have tried that, and we can not get an appropriation to enforce it. Therefore, this other plan has been adopted of requiring a Federal license to be taken out by everybody who shoots, whether he shoots in the reserve or not, and to permit a limited amount of shooting in the reserve, such as the Department of Agriculture will authorize.

It is true that the bill does provide a Federal license fee of $1 for those who shoot migratory birds; but it will also keep the migratory birds from becoming extinct. It is an important measure in that respect.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. NORBECK. Yes.

Mr. MAYFIELD. Can the Senator state how much money would be collected by the Federal Government under this bill from the license fees and how many game wardens would be appointed to carry out the provisions of the bill?

Mr. NORBECK. In reply to the distinguished Senator from Texas I will say that it is impossible to answer that question definitely, because no one knows how many Federal game licenses will be taken out; but no doubt there would be a large sum, possibly a million dollars. The law provides that 60 per cent of the money so received shall be used for acquiring these bird refuges and that not more than 40 per cent of it shall be used for the enforcement of the law.

Mr. OVERMAN. Mr. President, who will take the title to the refuges?

Mr. NORBECK. The Federal Government; and the bill provides that the Attorney General of the United States must pass on the title.

Mr. OVERMAN. Is there anything in the bill that provides that the Government shall buy land for the purpose of establishing a bird reserve?

Mr. NORBECK. Yes. The purpose is to buy bird reserves wherever possible.

Mr. OVERMAN. Has the Senator investigated the question of whether the Government can buy land for other than governmental purposes?

Mr. NORBECK. Yes; and this bill passed the Senate two years ago in almost exactly the same form. It passed the House during the last session. We were unable to get it to a vote here at that time. Then, just as now, each Senator felt that his own bill was the most important, and we have spent enough time talking about which bills are the most important to have passed some legislation.

I now yield to the Senator from Ohio.

Mr. WILLIS. Mr. President, I simply wanted to ask a question of the Senator. I am not interposing any objection to his suggestion. I shall be glad to vote to take up his bill, but I wanted to ask him about another matter, recalling that he is the distinguished chairman of the Committee on Pensions.

I have before me a calendar of the Senate, on which there is a large number of special pension bills—omnibus bills, they are called—including perhaps three or four thousand claims for the relief of Civil War veterans and their widows. Also, there has been a general understanding that before adjournment there would be action upon a general pension bill for those claimants. I desire to know of the Senator what plans he is making in that respect. It is a proper subject to be considered, I think, as we are determining what is to be taken up.

Mr. NORBECK. Replying to the Senator from Ohio, I will state that I appreciate his sincere interest in pension legislation. I assure him that the members of the committee of which I am the chairman are deeply concerned about it also. I may add that there has been more progress on pension legislation at this session than at any other session since I came here five years ago.

The veterans of the country have been clamoring for some relief in their old age, but our legislation has been caught in a jam here and has failed to become law. It is true that the Senate committee have maintained an attitude that has been very popular with the veterans by asking for a whole lot and getting nothing. The committee this time were of the opinion that we should take the thing more seriously and try to get what we could get. The result was that the Senate committee took the Spanish War bill as it came from the House and cut out certain features, leaving the marriage date of widows as it was before, so that those who got married after the bill was introduced and should become widows would not be the beneficiaries of the law, but every woman married within 30 years after the close of the war is eligible to pension under the bill as it passed. The Senate committee cut out the retroactive features of the bill and got it in a much more conservative shape than the House had it, and I am pleased to note that the amendments were concurred in by the House, and the bill has been signed by the President.

The Senator will also recall that we have had a large number of omnibus bills here on the calendar for a long time.

Mr. WARREN. Mr. President, if the Senator will allow me to interrupt him, has not the committee arranging the order in which bills shall be taken up on the floor marked out a place for the pending pension bills which will insure their consideration very soon?

Mr. NORBECK. Exactly so. I am getting to that. I have made several efforts to bring up the omnibus bills, and no doubt 90 per cent of the Senate are in favor of them, but one or two Senators have always objected to their being taken up on the calendar, and we have not been able to get to them. The Republican steering committee, however, in working out their problems, have provided a place for pension legislation, including all the bills that are pending or that may be brought in in the meantime, and I assure the Senator from Ohio that there is not any danger of this session of Congress adjourning without considering pension legislation seriously.

Mr. WILLIS. I thank the Senator.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORBECK. I yield.

Mr. KING. May I say to the Senators from South Dakota and Ohio that a few years ago the Senate Committee on Pensions reported a bill increasing the pensions of all Civil War veterans to $50 per month, regardless of age, condition, financial or otherwise, or whether suffering from any disabilities or not. The measure was a pure service pension bill. Of course, there were many old soldiers who were receiving pensions for injuries or disabilities who were receiving larger amounts. It was stated during the consideration of the bill by representatives of the old soldiers and their organization that if it became a law no further requests would be made for general legislation.

Mr. WILLIS. May I ask the Senator who made that statement?

Mr. KING. It was made by a number of the representatives of old soldiers who appeared before the committee, and substantially the same statement was made by the Senator who had charge of the measure on the floor of the Senate.

Mr. NORBECK. May I ask what Senator made it?

Mr. KING. Senator McCumber. I was a member of the Pension Committee at the time, and I recall that such representations were made. I do not mean to say that that is an estoppel, because nothing can estop or will estop the Senate of the United States—and, of course, I would not speak of the other body, because that would be unparliamentary—from granting pensions and bounties and subsidies for various purposes as long as there is a dollar in the Treasury or an opportunity to float Government bonds. We will continue to pass pensions and benefices and subsidies until there will be a deficit or an increase in the burdens of taxation. So there need not be the slightest concern, may I say to my friend from Ohio, about pensions. He need have no anxiety or concern about any bill that will take money out of the Treasury of the United States. It is the view of many that there should be no money in the Treasury. Congress will take it all if it can; we will go to the bottom, and then we issue bonds. If there is any extravagant body on earth, it is the Senate of the United States; and if there is any legislative body in the world that makes louder professions of economy and exercises less judgment in the matter of many appropriations it is the Senate of the United States.

Of course, I do not include the able Senator from Ohio. His great interest in this matter evidences his desire to pursue a course of economy, and no one can say that the approach of the senatorial election in Ohio has anything to do with it—of course not. The Senate is not interested in the coming election; it is wholly disinterested in the legislation considered; and appropriations and professed relief for farmers and magnificent gestures made from time to time in behalf of the agricultural interests are not superinduced by the approach of the next election. It is purely statesmanship, disinterestedness upon the part of Senators.

Now, one observation which I may make with respect to the bill before us:

A question was propounded by the Senator from Texas [Mr. MAYFIELD] to the Senator from South Dakota with regard to the amount of license fees that will be obtained under this bill. I have heard various statements as to the amount; some that

the minimum will be $1,000,000 and that the maximum will be $5,000,000. Let us assume that it is $1,000,000; that will mean that $400,000 will go for the salaries and expenses of Federal employees.

Mr. NORBECK. Not to exceed that.

Mr. KING. Not to exceed that; but that means when Congress says not to exceed 40 per cent that the employees of the Government will take 40 per cent. Not to exceed 60 per cent, it is alleged, shall be available for the purchase of lands.

Mr. CARAWAY. Mr. President, may I suggest, though, that nobody pays a cent unless he wants to. There is no compulsion upon him to pay.

Mr. KING. Of course, no one is required to take out a license, but I have no doubt that hundreds of thousands of persons will obtain Federal licenses, and I have no doubt that some who obtain licenses will at some time infract some of the provisions of the numerous rules and regulations promulgated by the bureaucrats of the Agricultural Department, and run the risk of being taken hundreds of miles from home, indicted by a Federal grand jury, and tried in a Federal court.

Mr. NORBECK. Mr. President, the Senator has not yet answered the question which I propounded to him a while ago, and that is whether the present migratory bird treaty does not also take the violator into the Federal court in the same way?

Mr. KING. Undoubtedly the present law—but I shall not trespass upon the Senator's time to discuss it now—does contain penal provisions and does provide for the trial of persons violating the provisions of the law in Federal courts.

Mr. NORBECK. Then the Senator's objection is against the present law and not against the proposed law.

Mr. KING. The bill the Senator is proposing now is a different bill from the measure which is upon the statute books. Otherwise the Senator would not be asking for its passage. If he is satisfied with the existing law, then why is he proposing a new law?

Mr. CARAWAY. Mr. President, I suggest to the Senator that the only thing this bill does is to prevent one from taking migratory birds and destroying their nests and their eggs. It provides people may hunt birds of that kind, provided they pay the insignificant sum of $1. They can hunt on their own land or the lands they rent or lease, or upon which they reside, without paying a cent.

Mr. NORBECK. And a farmer may hunt on his own land without a license. Children up to 16 years of age require no license.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. NORBECK. I yield.

Mr. ASHURST. It is obvious that within a fortnight or three weeks Congress will adjourn. I am willing to assert such as a prophecy or as a belief as to what is going to happen.

Mr. NORBECK. We have all made those prophecies every summer and found that we were mistaken. We have always stayed longer than we said we were going to.

Mr. ASHURST. Be that as it may, on the 27th of April last I called attention to the fact that there were two bills for the relief of ex-service men that ought to be considered, and I spoke in part as follows on that date:

> Obviously we are approaching a time when Members are thinking of adjournment; but I shall oppose an adjournment, and I hope to enlist the support of other Senators in opposing any adjournment, unless and until legislation is passed granting the needed relief demanded by the veterans of the World War.

At that time I placed in the RECORD, as appears on pages 8284 et sequitur, the reports from the House committees showing the need of such legislation. I will not now trespass upon the time and courtesy of the Senator who yielded to me by recounting all the features of those reports, but I do ask Senators to examine the RECORD of that day and see how important those bills are.

Mr. NORBECK. Mr. President, I know of no Senator who differs in that respect from the Senator from Arizona. Therefore, when the turn of each of those bills comes it will get favorable consideration.

Mr. ASHURST. Their turn will never come unless some one places driving force behind the bills and brings them to a turn. No matter how virtuous a bill, it is naturally inherent in legislative procedure for such bills to be lost unless they are pressed——

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that one of the bills referred to has already passed the Senate.

Mr. ASHURST. Yes; the bill was for the conversion of insurance, but I now refer to the Watson bill and to the Reed bill. Will the Senator from Utah, who is chairman of the Committee on Finance, advise as to the status of those bills?

Mr. SMOOT. If I am not mistaken, the Reed bill passed the Senate.

Mr. ASHURST. That was the bill for the conversion of insurance, but is not what I am now referring to.

Mr. SMOOT. As far as the other bills are concerned, the committee will meet Monday at 10.30, and the question of the reporting of further bills from the committee will be discussed at that meeting.

Mr. ASHURST. I have faith in the Finance Committee. I think the members of that committee are as zealous in behalf of bills for ex-service men as is any other Senator. I availed myself of the privilege on the 27th of April last to call attention to these soldier relief bills. One is Senate bill 3694, introduced by the Senator from Pennsylvania [Mr. REED], and the other is Senate bill 3695, introduced by the Senator from Indiana [Mr. WATSON].

They are meritorious measures in behalf of ex-service men. They have been reported favorably by the House committee, and they should be passed before Congress adjourns for this session.

I have received scores of letters in behalf of the bird bill and I have no doubt it will pass. It is suggested by a Senator sitting near me that I should not admit that it is a meritorious bill. It may be meritorious, but I doubt if it has such transcendent merit as to place it ahead of soldier-relief legislation.

Mr. BRATTON. Mr. President, I want to supplement what the senior Senator from Arizona has said, not in criticism or as voicing any objection to the immediate consideration of the bill sought to be called up by the Senator from South Dakota, but I attach such importance to the two bills to which the Senator from Arizona has referred that I think they merit the attention of the Finance Committee and should be passed before this session of Congress adjourns.

We are drawing near the close of the session, but I doubt if this session of Congress owes any greater duty to any one person than it does to the ex-service men. I think these measures carry with them such weight and such force as to entitle them and the beneficiaries under them to the early, the serious, and the full consideration of this and the other branch of the Congress.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. BRATTON. I yield.

Mr. SHIPSTEAD. Does the Senator know whether the steering committee has considered placing these bills on the program at this session?

Mr. BRATTON. I do not. That is one thing I had in mind in rising at this time.

Mr. CURTIS. Mr. President, the steering committee can not consider what bills will be taken up until the bills are reported and are on the calendar. The steering committee can not go to a committee and say, "You have to report out this bill." After bills get upon the calendar the steering committee is ready to act upon any bill in which any Senator is interested, if he will appear before it.

Mr. BRATTON. Mr. President, that makes it more important than ever that the Finance Committee give early attention to those bills in order that the steering committee may in turn give its attention to them.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. SMOOT. The bill for veterans' relief to which I referred a while ago, which was reported from the Finance Committee, did not even go on the calendar. Unanimous consent was asked, and it was passed without a word of explanation, without a word in favor of it or a word against it.

Mr. ASHURST. Mr. President, the Senator refers to the bill that was reported by the Senator from Pennsylvania [Mr. REED] the other day?

Mr. SMOOT. I do.

Mr. ASHURST. I know the Senator wishes to be accurate, and he is usually accurate, but the Senator from Pennsylvania made an explanation of the bill.

Mr. SMOOT. He made an explanation of an amendment, which took him just about half a minute. There was an amendment to the bill, and that amendment was explained by the Senator from Pennsylvania, but an explanation of the provisions of the bill would have taken quite a while. The Senator will remember that it did not take more than three minutes to pass the bill.

Mr. REED of Missouri. That is a sad commentary upon the Senate. If we are passing bills that way, we ought to be disbanded.

Mr. ASHURST. Mr. President, with the permission of the Senator from New Mexico, let me say that I was here when that bill for conversion of insurance was passed, and not arrogating to myself any superior information, I knew the substance of the bill, and I uttered a word of gratification when the bill passed. I do not want the Senate to be accused of passing a bill and not having known at the time what the bill was.

Mr. BRATTON. Mr. President, it is not my purpose to criticize either the Finance Committee or the steering committee of the majority party, but I do say that I think the responsibility rests upon the majority party to see that these two bills are considered, and are brought before the Senate in the regular way, and that we are given an opportunity to pass upon their merits. I appeal to the majority party, which is in control of the machinery here, to see that that is done before talk of adjournment seriously goes the rounds.

As to whether the bill is given a place on the program of the steering committee or whether it comes direct from the Finance Committee, or what the detailed procedure is, is a matter of inconsequential importance here. The important thing is to give these two bills a chance to pass upon their merits instead of letting them die in the committee or through failure to get them on the steering committee's program. It is for that that I appeal in behalf of these two measures, and I, for one, shall oppose any proposal for final adjournment until I exhaust my efforts in that respect.

Mr. CURTIS. Mr. President, a day or two ago a unanimous-consent agreement was entered into for a night session to-morrow night for the consideration of unobjected bills on the calendar. I am told there is to be a meeting in Virginia that will call away a number of Senators, and there are other meetings in which Senators are interested, and I have been asked to request unanimous consent to vacate that order. I want to state that if that is done, I shall ask for a night session early next week for the consideration of the calendar.

Therefore I ask unanimous consent to vacate the order for the meeting to-morrow night.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request propounded by the Senator from Kansas?

Mr. LA FOLLETTE. Mr. President, I shall not object if the Senator from Kansas can assure us that we shall have a night early next week for the calendar.

Mr. CURTIS. I am satisfied, I will say to the Senator from Wisconsin, that no one will object to the setting aside of a night early next week for the consideration of the calendar, and I shall make the request early in the week.

The PRESIDENT pro tempore. Is there objection to vacating the order for a session to-morrow evening? The Chair hears none, and it is so ordered.

Mr. REED of Missouri. Mr. President, before the Senate concludes to set aside the really important business of the Senate to take up this migratory bird bill, I think it might as well be understood that the passage of the bill is going to be resisted. It is not going to be a unanimous-consent bill by any manner of means.

I think this is a piece of very vicious and wholly uncalled-for legislation.

Mr. NORBECK. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. Yes.

Mr. NORBECK. The Senator has the same view regarding the migratory bird treaty also, that it is a vicious instrument, has he not?

Mr. REED of Missouri. I think it was a very bad piece of business. But what has that to do with the vice of this particular bill? The Senator might as well have asked me what was my opinion of the fall of Sodom and Gomorrah. It would have been equally pertinent.

Mr. NORBECK. I wanted the Senate to know that this was not anything new, but that the Senator's attitude toward all Federal legislation for the protection of wild game has always been the same.

Mr. REED of Missouri. It has not been the same on this bill, because this atrocity has just been brought out. It is very true that I opposed the enactment of a Federal law to regulate game. I opposed it on the ground that it was unconstitutional legislation. I opposed it so successfully on that ground that finally its proponents concluded that they had in some way to bolster it up and try to make it constitutional. Accordingly they waited until the treaty between the United States and Great Britain had been signed, and then they brought the legislation forward as in aid of a treaty and in that way secured a declaration that the bill was constitutional. With all the respect in the world to the Supreme Court, that decision contains some language that is at war with practically all the other decisions ever rendered by that great tribunal. So that as a matter of fact it is now established, at least until the matter comes before the Supreme Court again, that Congress has the power to regulate bird life. But that does not mean that the pending bill ought to be enacted into law by any manner of means. A power to do a thing does not imply at all that it ought to be done, for the power to do is the power also not to do or to use a little common sense in doing a particular thing.

Mr. President, the whole trend of modern legislation is to concentrate power here in Washington, to create a lot of spies, regulators, and other varieties of human scum, and to turn them loose on the people of the United States. We have undertaken to regulate everything from the birth of babies to the creation of international tribunals, and a lot of Senators sought to surrender the sovereignty of the United States to those international tribunals. Every time the people have had a chance to speak on it they have been engaged in the delectable experience of retiring certain of the proponents of those measures to private life.

We stand here and constantly talk about stopping the business of centralization, and the first time any individual can conceive of some new patent remedy for human ills he totes it down here to Washington, and we proceed immediately to give it the sanction of a statute. This measure ought to be entitled "A bill to raise a large sum of money annually to hire some additional Government sneaks and to interfere with the rights and privileges of the States to regulate their own business and their own affairs." There are a lot of men who do a great deal of talking about protecting game. What business does the Government have with the question of the killing of a wild duck that was hatched in Kansas and raised on a Kansas farm and killed by a Kansas boy? Under what clause of the Constitution did it get any right to say that a jay bird that picks up a grubworm in the State of Kansas and flies across to the State of Missouri and swallows the worm is engaged in interstate commerce? [Laughter.] It is just about as idiotic as it was to say that commerce between the sexes perpetrated in a certain State is commerce between States because they crossed the State line.

Of course, the Supreme Court takes back all these doctrines when it is confronted by an important proposition. It is said that if a man and a woman crossed the State line on a street car and go into a State and do something wrong they should be punished because they were violating interstate commerce; but when Congress enacts a statute that provides that if some employers hired little children to make goods in a State, made for the purpose of being shipped into another State, that it should be prohibited, the Supreme Court promptly says that that was an undue extension of the principles of interstate commerce. I am a great defender of courts, but I do not think courts are infallible. Two or three times the Supreme Court has held that that which is manufactured for the purpose of commerce and sent in interstate commerce can not be controlled at the source of its creation; but if a blue jay perches himself on top of a bit of Kansas alfalfa and then flies over into Missouri, he is an interstate commerce agency, if not an interstate commerce commission. The blue jay may have been hatched in Kansas and never got outside the State; and if he is killed in the nest where he was hatched, it is interstate commerce.

Now, what is the bill that we are asked to consider? The present law exists and now it is proposed to appoint a commission, a roving sort of commission, with two Senators on it, expenses paid, and with the Secretary of Agriculture, the Postmaster General, and two Members of the House. Those gentlemen will constitute a roving commission to go around and inspect swamps and out-of-the-way places and pick out the particular spots where birds like to hibernate or nest, and the probabilities are that the men selected would not know a woodcock from a mallard duck, much less where they would want to light or where they would best multiply. After they had picked out the place where the birds are requested to come and nest and lay their eggs and hatch, what happens? We then proceed to provide that every boy who lives out in the country and who sees one of these birds—not one that is going into the reserve but any one of them—flying about or lighting in the preserve, and who takes a shot at one of them can be dragged before a Federal court and fined and imprisoned unless he had taken out a license. It is true he can shoot on his father's own farm, but he can not invite his chum from town to shoot with him or the chum will go to jail, and probably the farmer's boy would go, for they would probably

both be indicted under the law of conspiracy that is now so generously used in this country.

What are they going to do with this dollar that they collect from the boy? This commission is going to establish somewhere, some place, a game preserve. It may be 100 and it may be 500 and it may be 1,000 miles away. Every boy and every man who goes hunting in the United States and who wants to hunt anything that there is to hunt must come down and pay his dollar to establish a game preserve that is probably hundreds of miles from his home.

Now, who is for the bill? I know who is for it because they have been to see me, and if they have been to see me, of course, they have been to see all the important Members of this body, for if they see the most unimportant they must have seen the important. The Audubon Society! The Audubon Society is composed almost exclusively of the aristocracy of the hunters. They are the chaps who own private hunting grounds. They are the gentlemen who are already fixed. They keep everybody off their preserves where they go to hunt. They now want the Government to buy a nesting place, a place where the birds hatch, so that when they are hatched and can fly and come across the country and within the range of these aristocratic guns aimed in their direction from a private lodge in a private preserve, these gentlemen will have something to shoot at. They want the farmer's boy and the town boy, who gets an old muzzle-loader, to pay for the establishment of the places where the birds are to hatch. I repeat, they are the aristocracy of the sports.

Many of them have fine lodges and game keepers, and if one goes on their grounds with a gun on his shoulder and happens to get across the division line, he is pounced on by them very promptly and is invited to go elsewhere. They are not bad gentlemen; but I am not in favor of taxing everybody in the country at their instance and request.

What else is proposed to be done by this measure? What is the next step? I forgot to tell Senators that under this bill one does not even have to violate a law in order to get into jail. All that it is necessary to do is to violate some regulation that has been promulgated by the Secretary of Agriculture. This bill contains a vice which many other bills have contained—and I hope none similar will ever be again passed by the Congress—making it a misdemeanor to violate a regulation not of law, but a regulation of an individual. The Secretary of Agriculture may make rules and regulations for the purpose of carrying out this proposed act. That gives him the right to make almost any kind of a rule or regulation he wishes to make, and Senators are liable to have their sons, if they are so fortunate to have sons, or their neighbor's sons, fined or imprisoned because they have done something that the wise man who is Secretary of Agriculture, an individual who 30 days previously, perhaps, was an unknown denizen of some State, has declared in a rule to be illegal.

Mr. KING. Mr. President, will the Senator from Missouri yield to me?

Mr. REED of Missouri. Yes.

Mr. KING. Several months ago I had examined many of our statutes and also regulations issued by various departments and Government agencies for the purpose of determining the number of regulations promulgated by departments, Federal agencies, bureaus, and bureaucratic agencies which contained penal provisions. The list was not nearly exhausted when it was reported to me that there were over 1,000 penal provisions in rules and regulations, perhaps not 1 per cent of the people of the United States being familiar with them.

Mr. REED of Missouri. We have reached the point in constitutional government where two or three gentlemen may get together, or one man by himself may do so, and take a piece of paper and write on it certain regulations, and if anybody does not do the thing he is told on that piece of paper he has got to do, that citizen of the United States may be sent to jail. Dropping into the vernacular, that is a fine state of affairs in a free country.

So far as I am concerned, I do not intend ever again to vote for any proposed law, however meritorious, that contains such an infamous provision. Rules and regulations! Let us see how far the drafters of this bill are willing to go. Let us examine this bill a little further. The bill provides in section 8:

SEC. 8. That no person shall take any migratory bird, or nest, or egg of such bird in any area of the United States which heretofore has been or which hereafter may be acquired—

And so forth. Section 18 provides:

SEC. 18. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

That is the meaning of the word "take." So under this provision if a lad starts out and attempts to pursue and attempts to capture or attempts to collect, he may be promptly haled before some Federal magistrate hundreds of miles away and consigned to "durance vile," although possibly he has not done anything more in the world than to climb a tree and to look into a bird's nest.

Not only is one to go to jail if he does it, but he is to go to jail if he attempts to pursue a thing. If he starts to run down an old swamp crane, the first step he takes is toward jail or the penitentiary. Even if he gets ready, if he pulls off his jacket to get ready to run, he is attempting to get ready to pursue, and he goes to jail. Why, Mr. President, laws such as this are not enacted by the most despotic governments. Under this bill if two farmers' boys were to wander within the holy precincts of one of these preserves and in play were to chase a robin, they would be pursuing a robin and some of my friend's Federal agents would be around there to drag them to jail so they could collect some fees or collect some scalps.

Mr. CURTIS. Mr. President, I desire to ask the Senator from Missouri if he wishes to proceed further this evening? I want a short executive session, and I understand that there are two or three Senators who want to have some bills taken up and considered by unanimous consent.

Mr. REED of Missouri. I should be very glad to yield for that purpose.

Mr. CURTIS. Then I ask unanimous consent, with the consent of the Senator from South Dakota, that the pending motion be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

GEORGE TURNER

Mr. JONES of Washington. Mr. President, for the Senator from West Virginia [Mr. GOFF], who is necessarily absent, I desire, out of order, to submit a report. I report favorably from the Committee on Claims, without amendment, the bill (H. R. 5627) for the relief of George Turner, formerly a Member of this body. Senator Turner was employed in connection with the joint commission on the boundary waters between this country and Canada. He served three or four months after we had repealed the provision for compensation, but neither he nor the department apparently knew of the provision. Senator Turner continued to render service and was paid for, I think, about three months. Then the department learned of the passage of the repealing law and called on him for a repayment.

In addition to that, Senator Turner also rendered services for another month and made a trip here to Washington City and back. The department under the law could not, of course, pay him for that. The bill which I have reported merely proposes to relieve Senator Turner from the return of what he had been paid for services actually rendered to the Government and also to pay him for the additional month's services rendered and for his expenses incurred in coming to Washington and return. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Without objection, the report will be received. The Senator from Washington asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the sum of money heretofore paid by the United States to George Turner, of Spokane, Wash., as salary for his services as counsel for the United States before the International Joint Commission on Boundary Waters for the months of July, August, September, and October, 1922, amounting to the total sum of $1,666.64, may be retained by the said George Turner as legal counsel for the said services, disregarding any question which may have been raised as to the validity of said payments, and all disbursing and accounting officers of the Government are hereby released from any liability or alleged liability on account of said payments.

SEC. 2. That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $699.93, to be paid to the said George Turner by the proper disbursing officers of the Government as compensation to him for his services as counsel of the said International Joint Commission for the month of November, 1922, and his expenses necessarily incurred in going from Spokane, Wash., to the city of Washington, and returning to Spokane upon the duties imposed upon him as counsel of the said commission in accordance with the account of the said expenses filed with the Department of State by the said George Turner.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHENANDOAH AND GREAT SMOKY MOUNTAIN NATIONAL PARKS

Mr. SWANSON. Mr. President, in view of the fact that it is necessary that I be absent from the Senate some little time, and may not be here when the calendar shall again be called, I ask unanimous consent for the immediate consideration of a bill (S. 4073) reported earlier in the day by the Senator from Oregon [Mr. STANFIELD]. It is a bill to make effective the results of a survey which was made a year ago, and is in the nature of an enabling act to provide for the establishment of the Shenandoah and the Great Smoky Mountain National Parks. The bill has been reported unanimously by the committee of the Senate, as a similar bill has been reported by the committee of the House of Representatives. It is simply an enabling act the passage of which will cost the Government nothing.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. SWANSON. I yield.

Mr. CURTIS. I desire to inquire what kind of a title will the Government acquire to this land?

Mr. SWANSON. The Government will secure an absolute title in fee for a minimum of 250,000 acres in the Shenandoah National Park and a total of 150,000 acres for the Great Smoky Mountain Park. The Government will not have to pay any money whatever for it. The bill does not become operative until the acreage of land mentioned has been donated to the Government.

Mr. MCKELLAR. The land is all donated by the States and by private individuals.

Mr. SWANSON. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment, in section 3, on page 3, line 18, before the word "thousand," to strike out "three hundred" and to insert "one hundred and fifty," so as to make the bill read:

Be it enacted, etc., That when title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there shall be, and are hereby, established, dedicated, and set apart as public parks for the benefit and enjoyment of the people the tract of land in the Blue Ridge, in the State of Virginia, being approximately 521,000 acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee, being approximately 704,000 acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided, on behalf of the United States, title to the lands referred to in the previous section hereof, and to be purchased with the $1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia, and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the $1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Inc.) (North Carolina), and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area.

SEC. 3. That the administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to these parks: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area 250,000 acres and for the Great Smoky Mountains National Park area 150,000 acres: *Provided further*, That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may for the purpose of carrying out the provisions of this act employ the commission authorized by the act approved February 21, 1925.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAMMOTH CAVE NATIONAL PARK, KY.

Mr. SACKETT. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 4209) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. Mr. President, may I ask the Senator from Kentucky if the bill is along the same lines as the bill passed a few moments ago?

Mr. SACKETT. It is almost identical.

Mr. CURTIS. And under the bill the Government will acquire the same kind of title?

Mr. SACKETT. It will acquire the same kind of title and the people will donate the land.

Mr. CURTIS. And will they give a title in fee to the Government?

Mr. SACKETT. They will give a title in fee to the Government.

Mr. REED of Missouri. Mr. President, I think the bill had better be read.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That when title to lands within the area hereinafter referred to shall have been vested in the United States in fee simple, there shall be, and there is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately 70,618 acres, recommended as a national park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the act of February 21, 1925; which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in the previous section hereof, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, 20,000 acres, including all of the caves: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may, for the purpose of carrying out the provisions of this act, employ the commission authorized by the act approved February 21, 1925.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. BORROUM AND FRANCIS P. BISHOP

Mr. MAYFIELD. I ask unanimous consent, on behalf of the Senator from Kansas [Mr. CAPPER], to call up Senate bill 4052, Order of Business No. 700. I reported this bill and told the Senator's friends that I would undertake to look out for it. It simply gives some citizens of Kansas the right to go into court and bring suit for alleged claims.

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims, with amendments.

The amendments were, on page 2, line 4, after the words "of the," to strike out:

wrongful, negligent, careless, and inefficient dipping of about 1,107 head of cattle, which said dipping was done under the direction and supervision of the United States Bureau of Animal Industry at Argenta, Kans., in the month of May, A. D. 1916, said cattle having originated in Calcasieu Parish, State of Louisiana, and were infested with what is commonly known as the splenetic fever tick, and which said cattle were shipped from Lake Charles, La., to southeastern Kansas.

And to insert:

alleged negligent dipping at Argenta, Kans., in the month of May of the year 1916, under the supervision of the Bureau of Animal Industry of the United States Department of Agriculture, of about 1,107 head of tick-infested cattle which originated in Calcasieu Parish, La., and were shipped from Lake Charles, La., to southeastern Kansas, including in such determination the question as to whether there was any negligence on the part of the said Bureau of Animal Industry and, if so, the amount of damages, if any, which proximately resulted to said claimants, or either of them, therefrom.

And on page 2, line 15, after the word "court," to insert:

and said claimants and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations.

So as to make the bill read:

Be it enacted, etc., That James L. Borroum and Francis P. Bishop, any statutes of limitation being waived, are hereby authorized to file within two years from the passage of this act their suit or suits, jointly or separately, in the United States District Court for the State of Kansas; and jurisdiction is hereby conferred upon said United States district court to hear and determine such suit or suits as may be brought upon their claims against the United States of America growing out of the alleged negligent dipping at Argenta, Ark., in the month of May of the year 1916, under the supervision of the Bureau of Animal Industry of the United States Department of Agriculture, of about 1,107 head of tick-infested cattle which originated in Calcasieu Parish, La., and were shipped from Lake Charles, La., to southeastern Kansas, including in such determination the question as to whether there was any negligence on the part of the said Bureau of Animal Industry and, if so, the amount of damages, if any which proximately resulted to said claimants, or either of them, therefrom.

The action in said court may be presented by a single petition, making the United States a party defendant, and shall set forth all the facts on which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records, or certified or photographic copies thereof, may be used as evidence. Nothing contained in this act shall be construed as waiving any defense against such demands existing prior to the approval of this act, except that the Government of the United States of America hereby waives its immunity from suit thereon; and the statutes of limitation, if applicable to said suit, are hereby waived; but every other legal or equitable defense against such demand or demands, or any of them, shall be available to the United States and shall be considered by the court; and said claimants and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations.

SEC. 2. Any judgment or judgments rendered shall not exceed the sum of $15,440.04 and shall not include interest for any period before or after rendition.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING FROM SINKING OF THE "NORMAN"

Mr. McKELLAR. Mr. President, I have exactly the same kind of a bill. It is Senate bill 2273, Order of Business No. 600. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, which was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Federal District Court for the Western District of Tennessee to hear and determine in actions at law all claims, however arising, irrespective of the amount, for damages, whether liquidated or unliquidated, for personal injury, death, or loss or damage to property against the United States of America growing out of the sinking of the vessel known as the *Norman* on the Mississippi River on or about May 8, 1925, near Memphis, Tenn., if the party suing would be entitled to redress against the United States in a court of law in respect of such claims in case the United States were suable. Recovery under this act shall be the sole right of recovery for such claims under law of the United States. Should employees elect to sue hereunder, their right of recovery shall be limited to the provisions of this act.

SEC. 2. Any such claim may be instituted at any time within two years after the passage of this act notwithstanding the lapse of time or any statute of limitation. No statute for the limitation of the liability of the owner of any vessel shall be applicable to any such claim. Proceedings in any action under this act and appeals therefrom and payment of the judgment therein shall, except when inconsistent with the provisions of this act, be had as in the case of claims over which the court has jurisdiction in actions at law under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

SEC. 3. Service on the United States of America under any suit instituted under this act shall be had on the United States district attorney of the western division of the western district of Tennessee, and the clerk of the United States district court of said district shall also send to the Attorney General of the United States a certified copy of the summons and declaration so filed, said action shall be docketed and tried as any other suit at law pending in said court and tried by jury had as in other suits at law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MERRITT W. BLAIR

Mr. BRATTON. Mr. President, I ask unanimous consent to call up House bill 9371, Order of Business No. 775. It is a bill to this effect:

A homesteader made homestead filing and received a patent to 80 acres of land in New Mexico. After the patent had issued it was discovered that the Government had no title; that the land had been conveyed to the State some 17 years before. This bill authorizes him to select 80 acres of land elsewhere of no greater value.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9371) for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees, which was read, as follows:

Be it enacted, etc., That Merritt W. Blair, his successors or assigns, be, and are hereby, authorized to select and to receive patent for not to exceed 80 acres of land to be selected from the unappropriated, unreserved, nonmineral, surveyed public lands of the United States, the land selected to be in lieu of and not to exceed in value the land erroneously patent to said Merritt W. Blair on January 27, 1922, under homestead entry Clayton 024795, all interest under the said patent dated January 27, 1922, to be reconveyed to the United States by a duly executed and recorded quitclaim deed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President, I ask that the Chair lay before the Senate the action of the House on certain Senate amendments to House bill 7554, the naval appropriation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 13, 1926.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 28, 29, and 37 to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, and concurs therein.

That the House recedes from its disagreement to the amendment of the Senate No. 27, and concurs therein with an amendment as follows: In lieu of the matter inserted by said amendment insert the follow-

ing: "for new construction and procurement of aircraft and equipment, $4,962,500; in all, $18,805,288."

That the House further disagrees to the amendment of the Senate No. 20

Mr. HALE. I move that the Senate agree to the amendment of the House to the amendment of the Senate No. 27, and that the Senate recede from its amendment No. 20.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

P. C. BLACK

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of House bill 8937. It involves a land question in Florida. The bill is recommended by the Secretary of the Interior.

Mr. CURTIS. Will the Senator state briefly what it proposes?

Mr. HEFLIN. It simply permits the rightful owner of certain lands down there, for a consideration to be paid to the Government, to clear up his title.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Chief Clerk read the bill (H. R. 8937) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to P. C. Black lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, Tallahassee meridian, in Bay County, Fla., at the rate of $1.25 per acre.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 14, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 13 (legislative day of May 10), 1926

POSTMASTERS

MARYLAND

Stewart Rodamer, Grantsville.

MINNESOTA

Edward B. Hicks, Winona.

NEW JERSEY

Harry M. Riddle, Asbury.
Joseph G. Endres, Seaside Heights.

WISCONSIN

Daniel Murray, Nashotah.

HOUSE OF REPRESENTATIVES

THURSDAY *May 13, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, only the present is ours; the future we can not claim, but we know that Thou wilt never fail us. By day and by night Thou hast been our guardian angel; even when we have been recreant to the trust reposed in us, Thy providential care has been round about us. With renewed faith in Thee and with a humble prayer for Thy guidance, help us to move forward through the hours that await us. With courage and determination may we prove ourselves worthy of Thy manifold blessings. Bid us do the works of righteousness that shall survive when the things of time shall be no more. We pray in the spirit of Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

FARM RELIEF

Mr. GARBER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the subject of agricultural relief, the pending bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARBER. Mr. Speaker and Members of the House, the spectacular development of the United States from the thirteen colonies to the richest, most influential Nation in the world in a century and a half is proof of the soundness of the principles of freedom and equality upon which her life as a nation is founded. And as from a basis of these fundamental principles her national life and character has grown, so upon the solid groundwork of agriculture, her basic industry, her enormous material prosperity is built. She is like a great tree, her eager heart straining toward heaven, her roots deep in the soil, dependent upon it for life. Agriculture is the soil of our prosperity, and the farmer, like the bread that he produces, is the staff of our national life.

Periods of agricultural depression are invariably times of general economic instability and unrest, for agriculture, in a sense, controls the economic heartbeat of the Nation. The place of agriculture in the social, economic, and political structure is so fundamental that from a standpoint of self-interest alone every class of citizens in the Nation should lend its active cooperation in effecting the rehabilitation of the industry. For can a nation be economically safe when an industry of such influence as agriculture is in an unhealthy condition? Let the figures from the Agricultural Department briefly describe it.

SHRINKAGE IN FARM VALUES IN 1921 AND 1922

In 1920 the purchasing value of farm products was 131 per cent above the purchasing value of farm products in 1913. In 1922 it was only 24 per cent above the pre-war value, representing a shrinkage in the purchasing value of the 1921 and 1922 crops of six billion. In two short years the value of farm products depreciated 107 per cent, and that at the very time our exports of farm products were the largest in our history. With all basic farm products on the free list of the Underwood Act foreign farm products flooded our markets, and farm prices here hit the rock bottom of the much-vaunted world market prices. As a consequence the gross wealth produced by farmers dropped from $23,783,000,000 in 1919 to $12,366,000,000 in 1921. The farmers received just about half as much for the big crops of 1921 as they received for the big crops of 1919. Factories shut down and bread lines came back with the 5,000,000 men out of employment, representing a population of 15,000,000. At the local markets wheat sold for 65 and 68 cents per bushel; corn, 10 and 12 cents per bushel; hogs, $2 and $2.50 to $3 per hundred; cows, $8 per head; and all other products in proportion.

UNSATISFACTORY CONDITION OF AGRICULTURE

Because of such terrific deflation, amounting almost to annihilation, and his unorganized condition the farmers of this country have not received their share of the national income and farm conditions, while improving, have not as yet been restored.

Each year we have hoped that the conditions of agriculture would improve and keep pace with the growing prosperous conditions of labor and industry. Such hopes have not as yet been realized. Agriculture still sags, and the condition of the farmer still lags behind, not in the scale of production but in the distribution of the purchasing power of his products. Each year his representatives in Congress have demanded remedial legislation and many laws have been enacted for his relief, but they have not resulted in bridging the chasm between the low purchasing power of farm products and that of nonagricultural products.

FARMERS MUST ORGANIZE TO HELP THEMSELVES

There is no question but what much of this is due to his lack of organization, to his lack of bargaining power, his lack of marketing machinery. All this he must remedy himself through cooperative marketing organizations of his own making, but his lack of organization is not alone due to his own neglect so much as it has been due to the neglect of those agencies which he set up and had a right to expect would exercise a progressive leadership. Because of such agencies his whole attention has been centered on production. The Department of Agriculture and the agricultural colleges throughout the country, specializing upon this subject of production only and the demand for its increase intensified by the war's demands dis-

located all the balances of agriculture and destroyed the price levels of its products.

OUR PROTECTIVE SYSTEM MUST INCLUDE THE FARMER

The problem to-day is one of successful merchandising, which can only be effected through cooperative marketing organizations. The farmers must be given the same power of organization as that used by other lines of business. Until that degree of organization can be effected the Government must lend its hand. It must aid agriculture as it has aided industry, as it has protected labor and the railroads, and stabilized the banking business of the country. Industry has its tariff that increases the price of manufactured articles above the world level. Labor has its immigration law that keeps out competition and the Adamson law that regulates its hours of work. The railroads have the Interstate Commerce Commission, a Government agency that fixes the price of transportation on almost every article that enters into human consumption, and the Esch-Cummins law as the authority to keep rates high enough to give them a reasonable return on their own valuation. The banks have the Federal Reserve Board, a Government agency that fixes the price of credit and stabilizes it to the country.

This is the protective system we have gradually set up in this country. It composes a protective system as distinguished from a protective tariff. In demanding a Federal marketing agency to set up a system for the merchandising of his products, the farmer is asking for nothing more than what the Government has already given industry, with its complicated rate schedules and Tariff Commission, transportation with its Interstate Commerce Commission fixing prices and prohibiting the building of other lines and forcing consolidation, and the banking system with its Federal reserve banks and boards and national banks.

SHALL WE FOLLOW ENGLAND IN SACRIFICING AGRICULTURE TO INDUSTRY?

Continued neglect of agriculture will finally industrialize this country and bring about a national calamity equal to that which but yesterday faced industrialized Great Britain. She sacrificed her agriculture to industry and now faces destruction. She now sees her great mistake and is making every effort to rectify it.

AMERICAN CONSUMER PAYS FOR FOREIGN PROTECTION

Other countries are helping their farmers at a tremendous cost to the American consumer, although we do not approve of their controls and neither would our constitutional restrictions permit of them. Great Britain controls the export of rubber in the interests of her rubber producers. The same is being done by Brazil for her coffee producers and Chile with farm fertilizer—and then there is sisal. For the protection of foreign producers the American people pay annually $830,000,000, or one-fifth of our total imports are absolutely controled by foreign governments to protect their home producers. It is the Brazilian Government that by monopoly raises the cost of coffee on every American breakfast table; the British Government, by control, the price of every tire to the American consumer; the Chilean Government the price of fertilizer to a farm population of 30,000,000. Every cent added to the cost of raw sisal adds $4,000,000 to the cost to the American consumers, and every cent added to the retail price of nitrate means $12,000,000 in additional charges to the farmers.

ECONOMIC SIGNIFICANCE OF AGRICULTURE

Surely our Government should be as greatly concerned in agriculture as it has been and now is in other lines of industry in this country and as the governments in other countries are concerned in their agriculture. The farmers of this country have contributed their part toward the building of this Nation.

The agricultural industry exercises normally a purchasing power of nearly $10,000,000,000 annually for goods and services produced by others.

It purchases about $6,000,000,000 worth of manufactured products annually, or about a tenth of the value of the manufactured goods produced.

It supplies materials upon which depend industries giving employment to more than half of our industrial workers.

It pays directly or indirectly $2,500,000,000 of the wages of urban employees.

It supplies about an eighth of the total tonnage of freight carried by our railroad system.

Its products constitute nearly half of the value of our exports.

It pays in taxes about one-fifth of the total cost of Government.

Our farms and farm property represent nearly one-fifth of our tangible national wealth, and agriculture has contributed in recent years about one-sixth of the national income.

THE FARM—THE BASIS OF OUR NATIONAL LIFE

Farms are more than workshops—they are homes, sources of our future citizenship, schools for development of the sturdy qualities of self-reliance, honesty, common sense, and character—embracing about 32,000,000 of our people, or nearly one-third of our total population. The farm population must be maintained; the difficulty of replacing it from the cities and the consequences of its disintegration are being realized more and more by foreign nations, and should remind us of the effectiveness and economy of constructive preventive policies in comparison with the difficulties of turning the tide back to the farm once it has disrupted by its outward flow the structures of agrarian society.

ORGANIZED MARKETING MUST MINIMIZE NATURAL INSTABILITY

There are certain peculiarities of the industry which render its problems particularly difficult of solution. In the first place, from the very fact that in it nature plays a controlling hand, it is impossible to perfect its organization upon a basis of mechanism and certainty, similar to that, say, of manufacturing. But though, inevitably, the market for farm products fluctuates from season to season, that does not mean that the farmers should be eternally balanced in a precarious position of financial uncertainty for—

the effects of the instability of the productive process depend chiefly upon human intelligence and ingenuity.

Thus, while production may necessarily be incapable of definite control, the marketing of this production is a problem for human efficiency.

FARMING STILL LARGELY A "FAMILY AFFAIR"

Secondly, those very qualities of character which make the farmers the backbone of the Nation, combined with the peculiar economic character of the industry, have tended to make them intensely individualistic and delayed their organization into a working unit on a plane with organized capital and labor. Farming is still in the United States primarily a "family affair"—more so than in European countries, there being nearly six and a half millions of these individual or family enterprises, more than those of industry, mining, commerce, and finance combined.

FARMERS CAN NOT CONTROL PRODUCTION NOR PRICE

In every industry, except farming, price regulates production. Manufacturers, jobbers, wholesalers take their orders a year in advance so that they know, approximately, what the demand will be and govern their production accordingly. If, by intensive competition, prices become low, production can be curtailed, overhead expenses can be reduced, and, if necessary, the industry can shut down and thus the economic balance is maintained.

But in agriculture it is entirely different. Production can not be regulated by the farmer for the simple reason that he can not regulate weather conditions. Winds, droughts, floods, boll weevil, corn borer, chinch bugs, green bugs, wheat rust, the Hessian fly, and numerous other pests and diseases make the regulation of production an impossibility.

For instance, in 1920 the corn acreage of the United States, approximately 101,000,000 acres, produced at the rate of 31.5 bushels per acre; in 1924 the yield was 22.9 bushels. On the same acreage base for those two years the variation in total yield due to weather and other factors beyond the farmer's control was 858,000,000 bushels.

The average United States cotton acreage for the years 1921–1924 was 35,000,000 acres. The 1921 yield was 124.5 pounds per acre; in 1924, 156.8 pounds. The cotton yield variation in those years, due to uncontrollable influences, amounted to 2,250,000 bales on the average acreage.

The 52,000,000 wheat acres, which produced on the average 16.5 bushels per acre, a total of 862,627,000 bushels in 1924, yielded only 12.8 bushels per acre, a total of 669,365,000 bushels in 1925. The difference, which no degree of foresight or organization on the part of the farmers could have prevented, was nearly 200,000,000 bushels of wheat. In other words, the same acreage that yielded barely enough wheat to supply our domestic requirements in 1925 had produced a gigantic exportable surplus the year before. The foregoing examples show conclusively that control of acreage is not control of production.

A SEASONAL SURPLUS AN ECONOMIC NECESSITY

Those who unthinkingly criticize the farmers because they do not curtail production to the limit of domestic consumption do not take into consideration that a seasonal surplus is an economic necessity for the consumer. It is to safeguard him against shortages, failures, and famines. Being an economic necessity for the normal food supply over a period of years, the

consumer should be willing to bear the burden of it. It is his insurance against an insufficient food supply and excessive prices. But because of the farmer's inability to regulate production and the necessity for a surplus, he is unable to fix the price, and production controls it; so that we may have the paradoxical situation of excellent crops resulting in depreciation and "hard times." This frequently occurs. Numerous examples might be cited, one of which will be sufficient. The 1924 corn crop was about 20 per cent less than that of the previous year, and inferior in quality, but it sold for about $350,000,000 more than the 1923 crop. The same is frequently true in reference to wheat, cotton, potatoes, and farm products of all descriptions.

FARMERS MUST CONTROL THEIR MARKET

And so the farmers gamble with weather and price, producing what they can and taking what they can get in a state of "every man for himself and the devil take the hindmost." They are slaves of industry while labor and industry, organized to control their market, are its masters.

DIFFERENTIAL OF 27.6 AGAINST THE FARMER

The average index of all agricultural products in 1924, reckoned on a basis of 100 in 1913, was 134 per cent while the average for nonagricultural products in the same year was 161.6, a differential of 27.6 per cent against the farmer. The differential of 27.6 per cent represents the advantage of the organized interests over the unorganized farmer of to-day.

UP TO AMERICAN STANDARDS—DOWN TO EUROPEAN—WHICH?

The ultimate problem is one of equalization. What kind of equalization should we have—an equalization up to the American standard or an equalization down to the European standard? Shall we lift agriculture up on an equality with labor and industry or shall we pull labor and industry down on a level with agriculture?

Our remedy is to equalize agriculture up to a level with labor and industry, to enlarge the scope of the protective system so as to include the farmers of this country. We have gone too far with our protective system to equalize downward. It is too firmly intrenched in our economic and political system. It would be like pulling down the pillars of the temple of our prosperity. What is the program for equalization upward?

ORGANIZATION ESSENTIAL TO EFFICIENT MERCHANDISING

First. Organization of effective cooperative marketing organizations. The problem is one of merchandising. Through marketing organizations alone can the farmers feed the market and prevent the seasonal gluts which depress the price. Six hundred million bushels of an 800,000,000-bushel wheat crop is annually dumped on the market within 90 days after the threshing season begins. This anarchy in marketing would depress and destroy the stability of any market. Only 16 per cent of the wheat growers receive a yearly average price for their products, while 82 per cent receive less than the average price. This alone amounts to an annual loss to the wheat farmers of millions of dollars.

GOVERNMENT MUST LEND A HAND

Second. With sufficient capital to be advanced by the Government in the form of a revolving fund, local, seasonal, and geographical surpluses can be handled to the best advantage, controlled, carried over, and marketed as the demand will yield a reasonable price, thus leveling the peaks and valleys of high and low prices and insuring an average price to the producer.

PRODUCER'S SHARE IN THE CONSUMER'S DOLLAR IS TOO SMALL

Third. With an effective marketing system, much of the unnecessary overhead between the producer and consumer can be cut out. It is variously estimated that the farmer only receives from 27 to 50 cents out of the dollar the consumer pays for his products. The balance is what he pays for the merchandising of his products when he should merchandise his own products and save the unnecessary overhead in the amount of three or four billion dollars annually without raising the price to the consumer.

Why should it be necessary for the farmer to receive only 96 cents per bushel for potatoes, while the public pays $2.13 per bushel; $1.25 for his wheat, while the public pays in excess of $1.68; 55 cents for his corn, for which the public pays between 90 cents and $1 per bushel; $6.50 per hundred pounds for beef cattle, while the consumer pays from 50 to 60 cents per pound; $3.86 per bushel for his beans, while the public pays from $7 to $8 per bushel; for the grower of peaches to receive $1.08 per bushel, while the public pays in excess of $9 per bushel; for the grower of apples to receive $1.68 per bushel, while the public pays from $3 to $4 per bushel; for the farmer to receive from 20 to 30 cents per dozen for his eggs, while the public pays from 40 to 50 cents per dozen; from 20 to 30 cents per pound for his butter, while the public pays from 40 to 60 cents?

It is because of a lack of marketing organizations federated throughout the entire country. Just as the corporation, the bank, and the trade associations have developed in answer to the needs of business, industry, and finance, so specialized marketing organizations must be effected for the relief of the farmer, and he must actively cooperate in effecting their organization.

The need then is one of coordination of supply and demand, its peculiar difficulty lying in the fact that production is concentrated in relatively short periods, while consumption is spread over a longer period, and so the problem at bottom is one of marketing.

GROWTH OF COOPERATIVE MARKETING ORGANIZATIONS

The disrupting effect of unsystematic dumping of products on the markets in the productive seasons by 6,500,000 individuals must give way to the orderly marketing of products through cooperative organizations which not only control the market and prevent congestion and dumping, thus stabilizing the prices of farm products, but place the farmer in more direct contact with his customer. If the intricacies of our insufficient distributing system were fairly corrected, so as to minimize the economic waste between producer and consumer, it would result in a saving of 20 per cent to the consumer, which would be equal to a one-eighth advance in the wage scale.

Agriculture has been slow in junking its old methods in favor of organization. In this respect it is far behind labor and capital, but it has made rapid progress during the last decade. During 1924 it is estimated that the business transacted by cooperative farmers' organizations, including both selling and buying operations, amounted to $2,500,000,000, approximately a fifth of the total agricultural business. The average business of cooperative associations has more than doubled between 1913 and 1923, amounting in the latter year to $217,000 per association.

Through organization the cost of living can be brought down in the cities and farmers can obtain higher prices for their products.

THE TINCHER BILL

The purpose of the Tincher bill is to promote such organizations. It is a sound, constructive measure along business lines, providing sufficient capital, if judiciously utilized by the marketing agency, to materially aid in the organization of an effective marketing system. But does it go far enough to protect the price of our farm products from the world's price depression?

SURPLUSES MUST BE CONTROLLED

Fourth. The world's price for farm products must not be permitted to depress the price of the farm products for domestic consumption of which we have an exportable surplus. Our exportable surplus must be segregated and disposed of to the best advantage as industry disposes of its surplus, with an equalization fee against the producer to pay the expenses and losses, and thus control and curtail increased production.

THE HAUGEN PLAN

The Haugen bill makes such provision. In case of an emergency period of low prices on any one or more of the basic products, an operating period may be declared on such product or products and an equalization fee imposed by the Federal farm board, this board to be composed of 12 members to be appointed (one from each Federal land bank district) by the President from a list of 36 nominated by the Federal farm advisory council. The council will be composed of four men from each land bank district to serve without salary and chosen at conventions of farm organizations and cooperative marketing associations within each district. The farm board will not declare an emergency and impose an equalization fee unless it clearly appears that an emergency actually exists and that a majority of the producers of the basic crop are willing to pay the expenses. However, such power should be vested in the producers of the crop. We favor an amendment to the bill providing—

that no operating period shall be declared and no equalization fee imposed unless first authorized by a majority of the producers of the basic crop affected.

AN AMERICAN PRICE FOR FARM PRODUCTS

While the tariff is effective on all farm products of which we do not produce a surplus and affords the farmers the necessary market at home, surpassing in consuming capacity and capacity to pay any other market of the world, yet its effectiveness can be so materially increased as to give the farmer an American price for everything of which he produces

an exportable surplus. He pays the American price for everything he has to buy and that price is reflected in the prosperity of the country. He must have his equal share.

WHY BUY FARM PRODUCTS ABROAD?

Fifth. The tariff on farm products should be increased to prevent the dumping of foreign-farm products in our markets in competition with our own. The farmer must have the full benefits of the home market.

During the year 1925, out of an approximate total of $1,818,000,000 worth of imported agricultural commodities admitted into this country, $1,056,000,000 worth, or more than 50 per cent, were such as to be in direct competition with the products of the American farmer. They included the following items: Animals, approximately $8,800,000 worth; meat, $7,252,000 worth; eggs and egg products, $8,988,000; milk and cream, $10,114,000; butter, $2,646,000; cheese, $17,349,000; animal fats, $637,000; hides and skins, $96,746,000; leather and partly manufactured leather, $36,266,000; miscellaneous animal products, $25,000,000; grains and grain preparations, $26,237,000; fodders and feed, $11,850,000; vegetables and vegetable preparations, $36,244,000; fruits (excepting bananas), $24,500,000; nuts, $34,283,000; oilseeds, $64,725,000; vegetable oils and fats, $75,000,000; sugar, sirups, and honey, $266,008,000; seeds, $11,870,000; tobacco, $83,881,000; miscellaneous vegetable products, $5,000,000; cotton, $52,775,000; flax, $3,575,000; straw materials, $3,798,000; wool, $141,976,000.

The implication of these figures can not be ignored. Shall we sit idly by while European farmers, with their products of cheap land and cheap labor, push greedily into our home market, competing with our American farmers? By an adequate increase in rates on such farm products, our farmers' market would be increased in excess of a billion dollars annually.

FREIGHT RATE REVISION—AN ECONOMIC NECESSITY FOR THE FARMER

Sixth. There must be revision and readjustment of freight rates on farm products.

Since the farmer in different sections of the country produces in surplus quantities those crops best adapted to that region, he is dependent in the efficient marketing of his produce on the availability of transportation facilities. The transportation charges in turn have a direct bearing upon his income, since, unlike most other major industries, he is unable to pass on to the consumer the costs of marketing. The farmer pays the freight to the consumer and also the freight on the commodities and implements that he buys. The agricultural industry pays about one-eighth of the country's total annual freight bill, or about $625,000,000 per year. And since the agricultural industry bought about one-tenth of the value of all manufactured products, it has been assumed that one-tenth of the freight receipts on manufactures, miscellaneous and merchandise freight for 1924 would represent the freight cost on articles bought by farmers.

THE SOLUTION OF THE FARMER'S TRANSPORTATION PROBLEM

The rate system now in operation is unjust, inequitable, and a sovereign source of the farmer's ills. Increase the efficiency of his production as he may, the dice are loaded against him in exorbitant and discriminatory rates which devour the narrow margin of his profits. The remedy lies in a reorganization of the Interstate Commerce Commission, which in its present form is cumbersome, inefficient, and unable from the very magnitude of its administrative territory to function effectively. We must have decentralization. Washington does not comprise either the country or the Government. The people who live in remote States are just as much entitled to have the convenience of Government service extended to them as the people residing in States adjoining the capital.

THE WEST MUST HAVE REPRESENTATION ON THE COMMISSION

The Interstate Commerce Commission is composed of 11 members, 10 of whom are from east of the Missouri River. The entire section west and southwest of the Missouri has only one member, as has the entire South.

The geographically small region east of the Missouri and north of the Ohio and Potomac has 9 of the 11 members. New York alone has two. Measured in terms of area, more than three-fifths of the country has only one commissioner, and that the region that furnishes the bulk of the breadstuffs, the meatstuffs, and the raw materials for the comparatively small area that has 10 members. And out in the great West, where there is no representation on the freight-making and freight-adjusting commission, the freight rates are most burdensome.

DIVISION OF THE COUNTRY FOR RATE-MAKING PURPOSES

Under the act of 1920, the Esch-Cummins Act, the commission divided the country into five sections for rate-making purposes, basing the rates upon a valuation in each section. In cooperation with the commission, the carriers have established their sectional or group freight associations, as follows: The Southern Freight Association, with main office in Atlanta, Georgia; the Southwestern Freight Bureau, with main office in St. Louis; the New England Freight Association, with main office in Boston; the Trunk Line Association, with main office in New York; the Western Freight Association, with main office in Chicago; the Central Freight Association, with main office in Chicago; and the Transcontinental Freight Association, with main office also in Chicago.

HOW RATES ARE CHANGED

Through these various associations the carriers are encouraged by the commission to work in cooperation in any proposed rate change, settlement, or controversy among themselves. The time when one carrier acted alone is passed; the notice of increase by one road would immediately be protested by every other road. When the carriers want an increase they file their tariff with the commission and notice of 30 days of the proposed change in rates must be given. If there is no complaint to the proposed change in rates, the proposed rates go into effect without investigation by the commission and right here is the vice of the whole system, especially in so far as unorganized agriculture is concerned. If there is complaint, the proposed rates are held in abeyance until an investigation is made and hearings held to determine the merits of the case.

BURDENSOME RATES PILED ON UNREPRESENTED WEST

Not being organized, the farmers have had no representatives to challenge the proposed changes in rates that have been granted by default since the enactment of the law. Changes in rates on agricultural products have been constantly granted until they have piled up and become so burdensome as to become almost confiscatory. There has been no one on guard when these proposed increases on agricultural products have been granted by reason of no objections made. The farmer on the farm, knowing nothing of the changes in the rates and not having sufficient interest and not being able financially to challenge them if he had, can not be expected to drop his farming and come down to Washington to protect his interests.

PLAN FOR DECENTRALIZATION OF THE COMMISSION AND EQUAL REPRESENTATION

My bill (H. R. 7092) amending the interstate commerce act provides for the establishment of five regional commissions of five members each, residing in the region of jurisdiction, thus bringing the commission "closer home" and giving every section of the country and every interest equal representation. It provides for a reduction in the membership of the present commission from 11 to 7 by the transfer of 4 of the commissioners to membership on the regional commissions created. The jurisdictional power of the commissions, exercised in the districts of actual residence, obviates the necessity for the large number of examiners under the present law operating from Washington with advisory powers only, so that the increased expenses incident to the establishment of regional commissions would be nominal, if any, and would be more than made up by the increased convenience and accessibility to shippers.

PROVIDES FOR UNIFORMITY AND STABILITY OF RATES

The bill uses the same sections of the country as are now being used for rate-making purposes, so there would be the same uniformity and stability of rates, and each commission would have and exercise the same rate-making powers that are now exercised by the Interstate Commerce Commission.

A MECHANISM FOR REVISION AND READJUSTMENT OF RATES

Having a clear docket, they would be in a position to examine and on their own initiative hold hearings on every proposed increase of rates. They would also have time to go over the entire rate structure in their region and revise and readjust the rates, eliminating all the glaring inequalities and discriminations that have accumulated. Living within the regions, the commissioners would be more familiar with the transportation problems of the region and of the industries affected and would feel more intensely their direct responsibility to the people living in the region. In the regions proposed, we have almost the entire mileage of a majority of the railroads operating therein.

This bill proposes a remedy through which we may hope to get a revision and readjustment of the freight rates of this country, so essential to the prosperity of the farmers, both as producers and consumers.

EQUALIZATION UPWARD THROUGH ORGANIZATION TO PROSPERITY

Thus we see that a constructive program of relief for agriculture distinguishes between production of farm products and their merchandising; that merchandising requires organization; that it can only be effected through cooperative marketing organizations that these organizations must be effected by the producers

themselves, their promotion to be encouraged by governmental assistance in setting up marketing machinery, to be furnished with capital advanced by the Government as a loan to be used as a revolving fund for the purpose of aid in the orderly and profitable marketing of farm products. When authorized by the producers of any basic crop, the Federal farm board would be empowered to declare an emergency, to estimate the amount of the surplus, and of an equalization fee sufficient to segregate the surplus from the home market and sell it abroad, the equalization fee to be levied by the board to pay the expenses and losses of the disposition of such surplus and to act as a brake for the curtailment of production.

The above, in brief, is our program for equalization of agricultural conditions upward and for farm relief. It does not put the Government in the farming business, but leaves the entire control and management with the farmers themselves, where it belongs.

EQUALIZATION DOWNWARD DOES NOT HELP THE FARMER

There are others who would equalize downward for farm relief. They insist upon the admission of the products of foreign labor and farm products of foreign countries into our market on a competitive basis with our own.

THE IMPORTANCE OF THE HOME MARKET

Foreign trade is not an index to prosperity—a bigger place in the world market is not a panacea for our agricultural economic ills. The preservation of our home market is the essential thing, worth more to us than the entire markets of the world.

The total international trade of the world is something more than $52,000,000,000 in value, divided as follows: Imports, $27,000,000,000; exports, $25,000,000,000. The share of the United States in this world trade is, roughly, about 16 per cent, or 13.3 per cent of the imports and 18.4 per cent of the exports. Fifty-two billion dollars worth of international trade is a colossal sum, but the annual productivity of the United States runs into seventy and eighty billions a year, eclipsing the amount of the world's trade by a sum larger than our national debt.

We exported during 1925, $4,909,845,000 worth of goods. So the home market for homemade goods is greater by at least $15,000,000,000 than the entire export and import trade of the world. And in addition, we imported $4,227,280,000 worth of goods.

FALLACY OF THE FOREIGN MARKET THEORY

If there was any merit in the argument that foreign markets spell prosperity for the farmer, he should have prospered to an unprecedented degree during the latter part of 1920 and in 1921. Exports of American farm products for the year 1921 were the greatest in American history. The total exports of American grains (wheat, corn, rice, rye, barley, and oats) during the year 1921 were higher than any year prior to the World War. The exports of wheat during the year 1921 were five times the exports of the five-year period, 1909-1913. The export of corn in 1921 was 120,000,000 bushels against a five-year average of only 41,000,000 bushels for the pre-war period of 1909-1913. The exports of meat products in 1921 were 80 per cent greater than for the five-year period 1909–1913. The exports of dairy products for 1921 were eleven times the exports of any year prior to the World War.

And what, actually, was the condition of the farmer during this year of unprecedented world trade? Was he evidencing the validity of the "foreign market" theory of prosperity? Was he prosperous? No. In 1921, he went "dead broke" because of low prices, the result of prevailing conditions in his home market and the low prices in foreign markets. During this period of the greatest quantity of agricultural exports ever known, there were more than 5,000,000 American wage earners out of a job, their buying power cut off. Hon. JAMES W. COLLIER, a present member of this committee representing the eighth district in Mississippi and a leading national Democrat, in describing conditions existent at that time, said:

> Here at home our troubles are economic rather than social or political. Our agricultural products are selling below the cost of their production. The purchasing power of our people is also greatly curtailed. Railroad rates are an embargo on business. Thousands are out of employment. Wages are being continually lowered. Bank credits are restricted. Our surplus products and manufactured articles are piling high for export, but there is no place for them to go. Our factories are idle and many of them closing down, for there are no purchasers to buy. Our foreign market is decreasing because the foreigner is unable to pay for what he wants. Our warehouses are full to overflowing with cotton, wool, and other products for lack of both a home and a foreign market.

FOREIGN MARKET THEORY MEANS EQUALIZATION DOWNWARD

Thus we see that foreign markets for farm products at the expense of the surrender of our home markets equalizes conditions, but equalizes them down to a dead level with the low standards abroad. It is equalization downward with a vengeance. The world market is a lower market than the home market except in the exceptional periods of world shortage. As a rule, we must sell at a loss in the markets of the world, and this rule will become more pronounced and general as the production in foreign countries increases.

THE FARMER IS ON THE ROAD TO BETTER TIMES

The war's dislocation, deflation, and the Underwood Act created postwar conditions from which we are but just now recovering, but the crisis is past. The relative purchasing power of the farmer's product, though still below normal, has shown a steady increase since 1922, when it was 74 (August, 1919–July, 1914, being used as the base of 100), to 89 in 1925. With the help of wise governmental assistance, the farmers of the country, working efficiently and conscientiously to help themselves, are climbing to better times, when they will take their rightful place on a plane of equality with the other industries of the Nation and their permanent prosperity, the basis of our national prosperity, will be assured.

ADDRESS OF PRESIDENT COOLIDGE BEFORE NATIONAL COUNCIL OF THE BOY SCOUTS OF AMERICA

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the address delivered by President Coolidge before the National Council of Boy Scouts of America.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I insert herewith the following inspiring address made by President Coolidge at Washington on the 1st of May, 1926, before the National Council of the Boy Scouts of America:

> Members of the National Council of the Boy Scouts of America: The strength and hope of civilization lies in its power to adapt itself to changing circumstances. Development and character are not passive accomplishments. They can be secured only through action. The strengthening of the physical body, the sharpening of the senses, the quickening of the intellect, are all the result of that mighty effort which we call the struggle for existence. Down through the ages it was carried on for the most part in the open, out in the fields, along the streams, and over the surface of the sea. It was there that mankind met the great struggle which has been waged with the forces of nature. We are what that struggle has made us. When the race ceases to be engaged in that great strength-giving effort the race will not be what it is now—it will change to something else. These age-old activities or their equivalent are vital to a continuation of human development. They are invaluable in the growth and training of youth.
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> Towns and cities and industrial life are very recent and modern acquirements. Such an environment did not contribute to the making of the race, nor was it bred in the lap of present-day luxury. It was born of adversity and nurtured by necessity. Though the environment has greatly changed, human nature has not changed. If the same natural life in the open requiring something of the same struggle, surrounded by the same elements of adversity and necessity, is gradually passing away in the experience of the great mass of the people; if the old struggle with nature no longer goes on; if the usual environment has been very largely changed, it becomes exceedingly necessary that an artificial environment be created to supply the necessary process for a continuation of the development and character of the race. The cinder track must be substituted for the chase.
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> Art therefore has been brought in to take the place of nature. One of the great efforts in that direction is represented by the Boy Scout movement. It was founded in the United States in 1910. In September of that year the organization was given a great impetus by the visit of the man whom we are delighted to honor this evening, Sir Robert Baden-Powell. This distinguished British general is now known all over the world as the originator of this idea. That it has been introduced into almost every civilized country must be to him a constant source of great gratification. The first annual meeting was held in the East Room of the White House in February, 1911, when President Taft made an address, and each of his successors has been pleased to serve as the honorary president of the association. It has been dignified by a Federal charter granted by the Congress to the Boy Scouts of America in 1916, and thereby ranks in the popular mind with the only two other organizations which have been similarly honored, the Red Cross and the American Legion.
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> The Boy Scouts have been fortunate in enlisting the interest of prominent men of our country to serve as the active head of the organization. For the current year that position was held by no less a figure than the late James J. Storrow. His untimely taking off was a sad experience to all of us who knew him. I cherished

him personally as a friend. I admired him for the broad public spirit that he always exhibited. Amid all the varied and exacting activities as one of our foremost business men, he yet found time to devote his thought and energy and personal attention to the advancement of this movement. His memory will constantly bring to us all that sentiment which he uttered in the New Year message that he gave to the scouts, in expressing the hope that it might bring "A more vivid realization that it is the spirit and the spiritual sides of life that count."

The more I have studied this movement, its inception, purposes, organization, and principles, the more I have been impressed. Not only is it based on the fundamental rules of right thinking and acting but it seems to embrace in its code almost every virtue needed in the personal and social life of mankind. It is a wonderful instrument for good. It is an inspiration to you whose duty and privilege it is to widen its horizon and extend its influence. If every boy in the United States between the ages of 12 and 17 could be placed under the wholesome influences of the scout program and should live up to the scout oath and rules, we would hear fewer pessimistic words as to the future of our Nation.

The boy on becoming a scout binds himself on his honor to do his best, as the oath reads:

"1. To do my duty to God and my country, and to obey the scout law.

"2. To help other people at all times.

"3. To keep myself physically strong, mentally awake, and morally straight."

The 12 articles in these scout laws are not prohibitions, but obligations; affirmative rules of conduct. Members must promise to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. How comprehensive this list! What a formula for developing moral and spiritual character! What an opportunity for splendid service in working to strengthen their observance by all scouts and to extend their influence to all boys eligible for membership! It would be a perfect world if everyone exemplified these virtues in daily life.

Acting under these principles, remarkable progress has been made. Since 1910, 3,000,000 boys in the United States have been scouts—one out of every seven eligible. Who can estimate the physical, mental, and spiritual force that would have been added to our national life during this period if the other six also had been scouts?

On January 1, 1926, there was an enrollment of nearly 600,000 boys, directed by 165,000 volunteer leaders and divided among 23,000 troops. Such is the field that has been cultivated. The great need now is for more leaders, inspired for service and properly equipped to carry out the program. It is estimated that 1,000,000 additional boys could be enrolled immediately if adequate leadership could be provided. We can not do too much honor to the 500,000 men who in the past 16 years have given freely of their time and energy as scout masters and assistant scout masters. Such service is service to God and to country. The efforts to get more devoted volunteers and to find and train those fitted and willing to make this their life work is worthy of the most complete success.

Because the principles of this movement are affirmative, I believe they are sound. The boy may not be merely passive in his allegiance to righteousness. He must be an active force in his home, his church, and his community. Too few people have a clear realization of the real purposes of the Boy Scouts. In the popular mind the program is arranged for play, for recreation, is designed solely to utilize the spare time of the boy in such a way that he may develop physically while engaged in pleasurable pursuits. This is but a faint conception, one almost wholly misleading. The program is a means to an end. Its fundamental object is to use modern environment in character building and training for citizenship.

Character is what a person is; it represents the aggregate of distinctive mental and moral qualities belonging to an individual or a race. Good character means a mental and moral fiber of high order, one which may be woven into the fabric of the community and State, going to make a great nation—great in the broadest meaning of that word.

The organization of the scouts is particularly suitable for a representative democracy such as ours, where our institutions rest on the theory of self-government and public functions are exercised through delegated authority. The boys are taught to practice the basic virtues and principles of right living and to act for themselves in accordance with such virtues and principles. They learn self-direction and self-control.

The organization is not intended to take the place of the home or religion, but to supplement and cooperate with those important factors in our national life. We hear much talk of the decline in the influence of religion, of the loosening of the home ties, of the lack of discipline—all tending to break down reverence and respect for the laws of God and of man. Such thought as I have been able to give to the subject and such observations as have come within my experience have convinced me that there is no substitute for the influences of the home and of religion. These take hold of the innermost nature of the individual and play a very dominant part in the formation of personality and character. This most necessary and most valuable service has to be performed by the parents, or it is not performed at all. It is the root of the family life. Nothing else can ever take its place. These duties can be performed by foster parents with partial success, but any attempt on the part of the Government to function in these directions breaks down almost entirely. The Boy Scout movement can never be a success as a substitute, but only as an ally of strict parental control and family life under religious influences. Parents can not shift their responsibility. If they fail to exercise proper control, nobody else can do it for them.

The last item in the scout "duodecalogue" is impressive. It declares that a scout shall be reverent. "He is reverent toward God," the paragraph reads. "He is faithful in his religious duty—respects the convictions of others in matters of custom and religion." In the past I have declared my conviction that our Government rests upon religion; that religion is the source from which we derive our reverence for truth and justice, for equality and liberty, and for the rights of mankind. So wisely and liberally is the Boy Scout movement designed that the various religious denominations have found it a most helpful agency in arousing and maintaining interest in the work of their various societies. This has helped to emphasize in the minds of youth the importance of teaching our boys to respect the religious opinions and social customs of others.

The scout theory takes the boy at an age when he is apt to get ensnared in the complexities and false values of our latter-day life, and it turns his attention toward the simple, the natural, the genuine. It provides a program for the utilization of his spare time outside his home and school and church duties. While ofttimes recreational, it is in the best sense constructive. It aims to give a useful outlet for the abundant energies of the boy, to have valuable knowledge follow innate curiosity, to develop skill and self-reliance—the power to bring things to pass—by teaching one how to use both the hand and the head. In the city-bred boy is developed love for the country, a realization of what nature means, of its power to heal the wounds and to soothe the frayed nerves incident to modern civilization. He learns that in the woods and on the hillside, on the plain, and by the stream, he has a chance to think about the eternal verities, to get a clarity of vision—a chance which the confusion and speed of city life too often renders difficult, if not impossible, of attainment. There is a very real value in implanting this idea in our boys. When they take up the burdens of manhood they may be led to return to the simple life for periods of physical, mental, and spiritual refreshment and reinvigoration.

Scouting very definitely teaches that rewards come only after achievement through personal effort and self-discipline. The boy enters as a tenderfoot. As he develops he becomes a second-class scout and then a first-class scout. Still there is before him the opportunity, in accordance with ability and hard work, to advance and get merit badges for proficiency in some 70 subjects pertaining to the arts, trades, and sciences. It is interesting to learn that in the year 1925, 195,000 merit badges were awarded as compared with 140,000 in 1924. Twenty-one such awards make the boy an "eagle scout," the highest rank. Not only does one learn to do things, but in many instances he learns what he can do best. He is guided to his life work. Vocational experts will tell you in dollars and cents what this means to society where so often much valuable time and effort is wasted by the young before they have tested, proven, and trained their individual powers.

The boy learns "to be prepared." This is the motto of the scouts. They are prepared to take their proper place in life, prepared to meet any unusual situation arising in their personal or civic relations. The scout is taught to be courageous and self-sacrificing. Individually he must do one good deed each day. He is made to understand that he is a part of organized society; that he owes an obligation to that society. Among the many activities in which the scouts have rendered public service are those for the protection of birds and wild life generally, for the conservation of natural resources, reforestation, for carrying out the "Safety first" idea. They have taken part in campaigns for church cooperation, in drives against harmful literature, and the promotion of an interest in wholesome, worth-while reading. In many communities they have cooperated with the police and fire departments. In some instances they have studied the machinery of government by temporary and volunteer participation in the city and State administration. During the war they helped in the Liberty-loan campaigns, and more recently they have assisted in "Get out the vote" movements.

All of this is exceedingly practical. It provides a method both for the training of youth and adapting him to modern life. The age-old principle of education through action and character through effort is well exemplified, but in addition the very valuable element has been added of a training for community life. It has been necessary for society to discard some of its old individualistic tendencies and promote a larger liberty and a more abundant life by cooperative effort. This theory has been developed under the principle of the division of labor, but the division of labor fails completely if any one of the divisions ceases to function.

It is well that boys should learn that lesson at an early age. Very soon they will be engaged in carrying on the work of the world. Some will enter the field of transportation, some of banking, some of industry, some of agriculture; some will be in the public service, in the police department, in the fire department, in the Post Office Department, in the health department. The public welfare, success, and prosperity of the Nation will depend upon the proper coordination of all these various efforts and upon each loyally performing the service undertaken. It will no longer do for those who have assumed the obligation to society of carrying on these different functions to say that as a body they are absolutely free and independent and responsible to no one but themselves. The public interest is greater than the interest of any one of these groups, and it is absolutely necessary that this interest be made supreme. But there is just as great a necessity on the part of the public to see that each of these groups is justly treated. Otherwise, government and society will be thrown into chaos. On each one of us rests a moral obligation to do our share of the world's work. We have no right to refuse.

The training of the Boy Scouts fits them to an early realization of this great principle and adapts them in habits and thoughts and life to its observances. We know too well what fortune overtakes those who attempt to live in opposition to these standards. They become at once rightfully and truly branded as outlaws. However much they may boast of their freedom from all restraints and their disregard of all conventionalities of society, they are immediately the recognized foes of their brethren. Their short existence is lived under greater and greater restrictions, in terror of the law, in flight from arrest, or in imprisonment. Instead of gaining freedom, they become the slaves of their own evil doing, realizing the scriptural assertion that they who sin are the servants of sin and that the wages of sin is death. The Boy Scout movement has been instituted in order that the youth, instead of falling under the domination of habits and actions that lead only to destruction, may come under the discipline of a training that leads to eternal life. They learn that they secure freedom and prosperity by observing the law.

This is but one of the many organizations that are working for good in our country. Some of them have a racial basis, some a denominational basis. All of them in their essence are patriotic and religious. Their steady growth and widening influence go very far to justify our faith in the abiding fitness of things. We can not deny that there are evil forces all about us, but a critical examination of what is going on in the world can not fail to justify the belief that wherever these powers of evil may be located, however great may be their apparent extent, they are not realities, and somewhere there is developing an even greater power of good by which they will be overcome.

We need a greater faith in the strength of right living. We need a greater faith in the power of righteousness. These are the realities which do not pass away. On these everlasting principles rests the movement of the Boy Scouts of America. It is one of the growing institutions by which our country is working out the fulfillment of an eternal promise.

FARM RELIEF

Mr. NELSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the Haugen bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. NELSON of Missouri. Mr. Speaker, my views on agricultural legislation were fairly well set forth in a speech made on March 26, at which time I offered some definite suggestions. I then stated that the tariff should be reduced, inland waterways improved, freight rates lowered, government more economically administered, and antitrust laws strengthened. At the same time I pledged my support to any sound and workable farm-aid proposition having the indorsement of the farmers of America.

While not a member of the party in absolute control and which has power to pass or defeat any farm relief measures, I feel it my duty to assist in putting through helpful legislation, even though it may not in all respects meet with my approval. One would be foolish to refuse to enter a protecting house in time of storm merely because he could not go through the door he preferred. Remembering the terrible plight of the farmer, the demoralized and distressed condition of agriculture, I am at this time more interested in effective farm relief than in some minor question of party regularity.

Believing firmly as I do in the principles of the party to which I belong, I yet recognize that in a crisis the good of all the people is paramount to the advantage of any political party.

We might as well face the facts. The present Republican Congress will give no relief to the farmer in the way of a reduction of the tariff. In the workings of the Haugen bill there is afforded a means whereby the hurtful effects of the high protective tariff may in a manner be neutralized or offset, at least for the time being. It is wiser to recognize this than foolishly butt our heads against a stone wall and refuse to do anything for the farmer merely because we can not do it in our own way, even though we firmly believe our way best.

About the Haugen bill, as reported, there are features with which I am not in accord, but I have every confidence that changes and corrections will be made, some of these having already been proposed.

I have said that I am not in favor of some features of the bill under discussion, but I note that there are admissions which I am glad to have made by the advocates of a high protective tariff. The bill as drawn is a confession that without some artificial prop it is impossible to make the tariff as effective for agriculture as it is for industry. In other words, there is the public acknowledgment that ever since the present Fordney-McCumber tariff bill was written there has been a studied attempt to fool the farmer.

If it were true that a high protective tariff could be made as effective on leading agricultural products of which we produce a surplus as on manufactured articles, the remedy for the present condition would be simple. All that would have to be done would be to raise tariff rates on wheat, corn, cattle, and other grains and livestock, maybe raise them "high as a woodpecker's hole," and everybody would be happy. But nobody, not even the most ardent high protective tariff advocate, has proposed such a ridiculous remedy.

Many have objected to the Haugen bill, alleging that it calls for a subsidy. I prefer to think of it as providing a vehicle by which the farmer may, for the time being, secure necessary working capital from the National Treasury, this representing only about one-half the amount which the high protective tariff annually takes out of his pocket. If this be a subsidy, then let the protected interests, which have for years enjoyed a subsidy many times greater, make the most of it. Let those who have stood for other subsidies do the same. What is sauce for the goose should be sauce for the gander.

The equalization fee, so called, as contained in the Haugen bill has been repeatedly referred to as a tax. As I see it, it may be likened to the "tax" one pays when he meets the premiums on his life-insurance policies. These premiums we pay for protection and because eventually we will get back more than we put in. We do not think of them as a tax. Let me make the further illustration. In practically every county in the district which I represent—and I might say in every county in the State—are farmers' mutual fire-insurance companies which provide insurance at actual cost. From time to time the policyholders pay in small amounts in the way of assessments. They do not think of these assessments as taxes. They know that in case their houses, barns, or other buildings are burned, they will be reimbursed, and they have the satisfaction of knowing that they are protected all the time. Just so with the payment of an equalization fee, as provided for in the Haugen bill. To my mind, those who refer to it as a tax do not think the matter through.

The present problem, representing trouble for the party in power, is of several years' standing. From time to time the fires have smouldered, only again and again to be kindled into flames. The speech of President Coolidge made early in December before the American Farm Bureau Federation in Chicago, and in which he virtually defied the farmer, marked the beginning of the present agricultural protest. That speech by the Chief Executive caused more kick and started a bigger fire than did the kick of O'Leary's cow, said to be responsible for the great fire which started in the same city on the lake.

Personally I have never found great fault with the results of the President's Chicago speech, which made farmers fighting mad. If that speech had not been delivered, this fight, absolutely just and voicing the protest of an oppressed people, might not now be in progress. This fire, which has produced heat sufficient to fuse many farm organizations into one mighty mass, might not have been started.

The President, like other spokesmen for his party, for a long time argued that conditions would right themselves. The working of economic laws, we were assured, would solve the problem. Were not these laws working in 1921, when net capital invested in farming showed a return of 3.6 per cent less than nothing; in 1922, when the return was 1.7 per cent less than nothing; in 1923, when the farm owner "enjoyed," if we may use the term, a return of 1.7 per cent; in 1924, when the returns were but 1.5 per cent; and in 1925, when the farmer owner realized a return of 3.6 per cent? As showing the more recent drift, we might quote from the latest report of the United States Department of Agriculture. Here, comparing farm prices on March 15 of the present year with prices on March 15, 1925, we find that wheat is 18 cents a bushel lower; corn, 45

cents a bushel lower; oats, 11 cents a bushel lower; barley, 30 cents a bushel lower; rye, 51 cents a bushel lower; while cotton and wool are each 8 cents a pound lower.

I leave it to the opponents of all farm-relief legislation, to those who demand of the farmer that he make brick without straw, to say just how long at present rates it will require for him to get on his feet.

Economists have variously estimated the number of cents in the farmer's depreciated dollar, while in fact, as shown by Government figures, he had, during much of the time, no dollar at all.

In Missouri, according to the latest reports at hand, 26 banks have failed since the first of the year. Two of these institutions were in my old home county. They were well managed—managed by honest and capable men—yet because of farm conditions these banks were forced to close their doors.

As this debate progresses from day to day we hear charges and countercharges; there are criminations and recriminations; men's motives are impugned; plays are made to prejudice and often to passion. Every subterfuge is being resorted to in order to defeat real farm-relief legislation.

Less than one-half of 1 per cent of the time in general debate was consumed by the opposition in an effort to perfect any bill, while more than 99½ per cent was taken up in an effort to discredit all proposed legislation. New Jersey, with her flocks and droves, not of cattle and hogs but of mosquitoes, has spoken; New York City, her livestock represented by "bulls" and "bears," has been heard. Powerful have been the pleas made in behalf of the "farmer" who farms the farmer. Statesmen from the cities, some of them having no more direct connection with agriculture than is represented by the prosperous "lamb" shearing works on Wall Street, talk glibly but not knowingly of actual farm conditions. Some pose as learned economists. Perhaps they are, but I doubt if they would know the difference between a lap ring and a clevis or if they could plow a furrow any straighter than their line of thought. They might possibly discourse learnedly on how many miles one can make on a gallon of gasoline in a costly car, but they know nothing about how many gallons of milk one can get from a common cow.

I have wondered what the farmer on the tractor or behind the team would think of such talk were he here in the galleries. Unfortunately he is not here. It is his busy season of the year. Back home, working twice eight hours a day, he is plowing and planting in order that the cities may not go hungry.

Opponents of the Haugen bill have found fault with it, both because it will not work and because it will work too well. As I have listened the thought has come to me that Uncle Sam might well establish here in the National Capital a college of consistency and a university of unlearning.

Again, it has seemed to me that the old idea that the only way to lead a farmer is to pull his leg still finds lodgment in many minds. Out in Missouri we would know better than try to lead a mule in this manner.

Representatives of farm organizations who came to Washington, came as openly and as honorably as ever came advocates of a high protective tariff, railroad legislation, ship subsidies, or other laws, have by some been represented as vicious or unworthy of trust and confidence. On the Republican side reference has been made to the—

> twenty-two wise men who came out of the West claiming to represent all the farmers of 11 States and who were long on demands but short on information.

Gentlemen who know but little of actual farm conditions as they have been during the last four or five years have found fault with the farmer, alleging that he did not exercise due intelligence in planning and planting his crops

It is easy to criticize. It may be true that many farmers have not practiced the most approved methods of crop rotation, and that frequently they have attempted to farm more land than might have been wise, but when the wolf is at the door, when there is interest to meet, and when debts are piling up the farmer can not stop to ask whether or not practices are "economically sound." Frequently there has been wrong rotation or overplanting in order to save the home, which in many cases was later lost. Unlike the manufacturer, the farmer can not curtail production at pleasure. Maybe he will not make expenses on the crop he plants, but he knows that idle ground will not pay interest and taxes.

He who intimates that the farmer is a fool, or even that he is selfish, does him a gross injustice. In all the world there is no more patriotic individual than the American farmer. During the war, while keeping the flag flying in the front yard, he was making the dirt fly in the back field. He produced, produced, produced. Then came the utter collapse, brought about in part by his unselfish response to a great patriotic appeal.

I know this farmer. I understand him as the man who was not born and reared on a farm and whose life has not been devoted to the cause can never understand him. The man on the farm wants only justice, and too often he has not even insisted upon this. Knowing all this as I do, I can but resent the unfair fight and the gross misrepresentations that have been made against him on this floor.

I was born and reared on a farm. My life has been devoted to the cause of agriculture. I represent, in the main, a farm constituency. My sympathy is with the man who tills the soil. My people are farmers. Back on the old home farm in Missouri to-day live my widowed mother, now in her seventy-eighth year, frail yet courageous, and my youngest brother. Yesterday I had a letter from that little mother—God bless her—and in it she wrote:

> The men are up at 4 o'clock, and your brother goes in a run when he gets up from the table and hurries to harness the horses. I am up at 5, at which time the milk is ready for me to strain.

There was more as to farm activities, yet no word of complaint. So do you wonder that my blood has boiled as I have listened to some of the things said in debate?

Yesterday I received another letter, this from a fine, progressive farmer who owns a good place in what is known as Lone Elm Prairie, a choice farming region in the heart of Missouri, and settled largely by excellent people of German descent. After a most intelligent discussion of the farm question, this man wrote:

> As you know, I am a Republican; but if we farmers can not get any help from the Government to get started in our efforts to give us a dollar that will buy as much as organized labor and other industries, then there is but one thing to do; that is, to knock the tariff wall down with sledge-hammer votes in the future, regardless of politics. It is sure coming to this sooner or later.

I find no fault with my colleagues who honestly and conscientiously do not see things as I do. We are all more or less influenced by conditions and all absorb something of the environment in which we live. Yet it is difficult to understand how anyone representing a farm constituency in such sore straits as are the farmers of the Corn Belt can oppose farm-relief legislation at this time when so many are bankrupt and others are facing certain ruin.

While I appreciate the viewpoint of the man from the city who objects to this legislation on the ground that it would mean increased prices for farm produce, I would remind him that the cities can not long continue to prosper when the farm fails. The man who is broke is a poor buyer. If conditions continue, if the drift from the country to the cities keeps up, eventually there will be left on our farms an insufficient number of producers to feed those in the cities. Then food prices will rise, rise to a point far beyond any which the most optimistic advocate of the Haugen bill believes it possible to bring about through the passage of this measure. But that would be a disastrous day. Grim-visaged want would stalk the streets of our cities and hunger would haunt many an urban home. As an advocate of this bill, I would prevent the coming of such a crisis; I would stay such suffering.

After all, we are one people and more or less dependent upon each other. The city needs the country and the country the city. With proper sympathy and understanding and with politics and prejudice laid aside, real farm relief should come.

Just one word further. It has been intimated that if Government assistance as proposed in the Haugen bill were provided, the time would come when the American farmer, like the British laborer of to-day, would go on a strike. Such an insinuation I resent with all my strength. It is an insult and does the farmer an injury. A red flag never floated from an American farm home.

There will be no strike on the part of the farmers of America. They will continue to do their best just as they have always done. But I beg that justice be done this man who believes in justice. I want you to think of the farm home as being more than a filling station, more than a place where city folks secure food. I want you to think of it as a service station, from which comes the strength of the manhood and womanhood of America. I want you to help save that farm home, to save it in order that, through the centuries, the cities may survive.

No, I do not see in the Haugen bill, or in any other measure before the House, my ideal. None of these represent the way I would prefer to go about solving the farm problem. I would begin at the other end; I would wipe out every subsidy; I would in so far as possible provide equality of

opportunity. But to meet the present emergency, to secure any immediate farm relief, I gladly join in the program as proposed. The day for parleys is past. There is not time to put into effect other proposals. Something must be done now.

DAMS IN THE MINNESOTA NATIONAL FOREST

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 292, and agree to the Senate amendment.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 292, and agree to the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 292) to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of Government land and timber.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

REPEAL AN ACT PROVIDING FOR THE CHANGE OF ENTRY

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5242, and agree to the Senate amendments.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 5242, and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5242) to repeal an act approved January 27, 1922, providing for the change of entry, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONVEYANCE OF CERTAIN LAND FOR PARK PURPOSES

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7482, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 7482, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7482) to provide for the conveyance of certain lands in the State of Michigan for State park purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SINNOTT, Mr. SMITH, and Mr. DRIVER.

BRIDGE ACROSS MONONGAHELA RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8513, and to agree to the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 8513, and agree to the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8513) to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr Craven, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4017. An act for the relief of Russell & Tucker and certain citizens of the State of Texas; and

S. 2826. An act for the construction of an irrigation dam on Walker River, Nev.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8306. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration, erecting them either along the trail itself or elsewhere in localities appropriate for the purpose, including the city of Washington;

H. R. 306. An act to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended;

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian service as Indian moneys, proceeds of labor;

H. R. 10610. An act to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians;

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy;

H. R. 9829. An act to amend section 87 of the Judicial Code.

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian colony;

H. R. 9559. An act granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes;

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 8534. An act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153);

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation;

H. R. 5673. An act authorizing the Secretary of the Interior to issue letters patent to George K. Hughes;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 4681. An act providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho;

H. R. 3990. An act for the erection of a monument upon the revolutionary battle field of White Plains, State of New York;

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 3025. An act granting a patent to certain land to Benjamin A. J Funnemark;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 1731. An act for the relief of John W. King;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1243. An act for the relief of J. H. Toulouse; and

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8313. An act to allot lands to living children on the Crow Reservation, Mont.;

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes;

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924;

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920;

S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 2058. An act for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve;

S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters;

S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia;*

S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease;

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; and

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2826. An act for the construction of an irrigation dam on Walker River, Nev.; to the Committee on Irrigation.

S. 4017. An act for the relief of Russell and Tucker and certain other citizens of the State of Texas; to the Committee on Claims.

S. 3630. An act to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I call up the conference report on the bill H. R. 7554, the naval appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Idaho calls up the conference report on the naval appropriation bill and asks that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7554) "making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 11, 24, 25, 30, 31, 32, 34, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 9, 10, 12, 18, 33, and 36, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and photostating, for department library; for"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$185,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,664,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,150,000," and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,950,000," and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,436,727," and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119,863,500," and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,207,000," and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,950,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu matter inserted by said amendment strike out the word "nine" and insert in lieu thereof the word "eight"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"Naval base, San Diego, Calif.: Construction of complete section of extensible pier (limit of cost $250,000), $100,000."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$6,553,686, including not to exceed $400,000 for the maintenance, operation, and repair, exclusive of classified employees, of the Naval Air Station, Lakehurst, N. J., and the aircraft *Los Angeles*, and"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$655,288"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 20, 27, 28, 29, and 37.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

FREDERICK HALE,
L. C. PHIPPS,
GEO. WHARTON PEPPER,
CLAUDE A. SWANSON,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1, relating to the limitation on the payment of salaries under the classification act: Provides that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate, as proposed by the Senate.

On Nos. 2 and 3, relating to the appropriation for contingent expenses, Navy Department: Makes the first clause of the appropriation applicable to the department library, as proposed by the House, modified to include photostating, and makes the second clause of the appropriation applicable to the preparation for publication of the naval records of the war with the Central Powers of Europe, as proposed by the House, instead of making such clause and the first clause both applicable to the department library, as proposed by the Senate.

On Nos. 4 and 5, relating to the appropriation "Pay, Miscellaneous": Fixes the limitation on communication expenditures at $185,000, instead of $170,000, as proposed by the House, and $195,000, as proposed by the Senate, and appropriates $1,550,000, as proposed by the House, instead of $1,575,000, as proposed by the Senate.

On Nos. 6 and 7, relating to the appropriation for transportation and recruiting, Bureau of Navigation: Makes permanent law of the provision regulating the transportation charges for officers of the Navy performing travel on Government-owned vessels, and appropriates $4,664,000 instead of $4,594,000, as proposed by the House, and $4,700,000, as proposed by the Senate.

On Nos. 8 and 9, relating to the Naval Reserve: Raises the limitation on expenditures in connection with reserve aviation from $509,245, as proposed by the House, to $520,720, as proposed by the Senate, and raises the limitation on expenditures from the reserve appropriation for fuel and for the maintenance, operation, repair, and upkeep of vessels and aircraft assigned for training the Naval Reserve from $1,015,870, as proposed by the House, to $1,124,252, as proposed by the Senate.

On Nos. 10 and 11, relating to Naval Reserve Officers' Training Corps: Defines the type of passenger-carrying vehicles as "motor propelled," and appropriates $40,000, as proposed by the House, instead of $45,000, as proposed by the Senate.

On No. 12: Removes the restriction proposed by the House on salary increases for employed inmates of the Naval Home, Philadelphia, Pa., as proposed by the Senate.

On No. 13: Appropriates $19,150,000 for "Engineering," instead of $18,730,000, as proposed by the House, and $19,500,000, as proposed by the Senate.

On No. 14: Appropriates $16,950,000 for "Construction and repair of vessels," instead of $16,780,000, as proposed by the House, and $17,100,000, as proposed by the Senate.

On Nos. 15 and 16, relating to the appropriation "Pay of the Navy": Appropriates $119,863,500, instead of $119,613,500, as proposed by the House, and $120,113,500, as proposed by the Senate, and thereby makes provision for an average enlisted strength of 82,500 men.

On No. 17: Appropriates $19,207,000 for "Provisions, Navy," instead of $19,114,000, as proposed by the House, and $19,300,000, as proposed by the Senate.

On No. 18: Corrects the phraseology of the "naval working fund," as proposed by the Senate.

On No. 19: Appropriates $13,950,000 for "Fuel and transportation," instead of $13,000,000, as proposed by the House, and $14,750,000, as proposed by the Senate.

On No. 21: Makes provision for the purchase, maintenance, repair, and operation of not to exceed eight passenger-carrying vehicles for the Navy Department, proper, instead of nine such vehicles for said department, as proposed by the Senate.

On No. 22: Appropriates $100,000 for the construction of a complete section of an extensible pier at the naval base, San Diego, Calif., to cost $250,000, instead of a like amount for water-front development at said base, to cost $1,010,000, as proposed by the Senate.

On Nos. 23 to 26, both inclusive, and No. 30, relating to the appropriation "Aviation, Navy": Allocates $6,553,686 for maintenance, repair, and operation of aviation activities, ashore and afloat, instead of $6,278,686, as proposed by the House, and $6,928,686, as proposed by the Senate, and limits expenditures from such sum on account of the Naval Air Station, Lakehurst, N. J., and the dirigible *Los Angeles*, exclusive of classified employees, to $400,000; limits expenditures for the procurement of helium to $300,000, as proposed by the House, instead of $500,000, as proposed by the Senate; allocates $1,928,000 to experimentation, as proposed by the House, instead of $1,628,000, as proposed by the Senate; allocates $655,288 for pay of classified employees, instead of $608,000, as proposed by the House, and $675,000, as proposed by the Senate, and strikes out the proposals of the Senate designed to prevent the purchase of dirigibles abroad or from citizens of foreign governments and the building of dirigibles in the absence of specific authorization.

On Nos. 31 and 34, inclusive, relating to the Marine Corps: Appropriates $55,000 for pay and allowances of Marine Corps Reserve, other than transferred and assigned men, as proposed by the House, instead of $84,653, as proposed by the Senate, and makes permanent law of the provision regulating the transportation charges for officers of the Marine Corps performing travel on Government-owned vessels.

On No. 35: Strikes out the appropriation of $12,500 proposed by the Senate for the Marine Corps Reserve Officers' Training Corps.

On No. 36: Strikes out a comma in the paragraph relative to the purchase of letters patent, as proposed by the Senate.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 20: Relating to funeral expenses of retired officers and enlisted men of the Navy and Marine Corps and transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die in naval hospitals.

On No. 27: Appropriating $4,962,500 for new construction and procurement of aircraft and equipment.

On No. 28: Authorizing contracts to be entered into for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of $4,100,000.

On No. 29: Authorizing the settlement of claims for damages to private property growing out of the operation of naval aircraft.

On No. 37: Relating to the performance of work in navy yards.

BURTON L. FRENCH,
GUY U. HARDY,
JOHN TABER,
W. A. AYRES,
W. B. OLIVER,
Managers on the part of the House.

Mr. FRENCH. Mr. Speaker, I think that a very short statement will suffice to indicate to the House the effect of the action taken by the conferees in the report that we are now presenting. As you have followed the statement as it has been read, the matters which were in controversy have been quite minutely described, and the statement closes by referring to several amendments put on by the Senate, to which the House conferees did not agree. The reason we did not take action upon those amendments is because under the rule governing the actions of conference committees we are not able either to agree or disagree. Therefore, we brought them back to the House and shall move to concur in all of them, with one exception, and as to that one we shall move to concur with an amendment.

The bill, as passed by the House, carried in direct appropriations $312,312,287. The Senate added to the bill, apart from having restored thereto the appropriation of $4,692,500 for new aircraft, which was stricken out from the bill in the House on a point of order, a total of $4,221,153.

If the conference report be adopted and the item for new aircraft, carried in the original House bill and reinserted in the Senate, shall be restored, as I shall propose, the bill will carry in direct appropriations $319,650,075, or $2,375,288 more than as passed by the House, excluding the new aircraft item, and $1,845,865 less than as passed by the Senate, and $1,304,955 less than the Budget estimates.

Apart from the direct appropriations the bill will carry in indirect appropriations $5,000,000, contract authorizations $9,082,000, assuming that the House will concur in the motion, I shall make on amendment No. 28, and reappropriations $75,000.

Thus there will be available for expenditure and obligation a grand total of $333,807,075, contrasted with $304,502,328 for the fiscal year now current.

The Senate increase of $4,221,153 divides itself into major items as follows:

Engineering	$770,000
Construction and repair of vessels	320,000
Pay, Navy	500,000
Provisions, Navy	186,000
Fuel	1,750,000
Pier, San Diego	100,000
Aviation (net)	417,000

These increases, which, with the exception of the San Diego item, represent the complete restoration of House cuts, involve four principles, clearly and fully set forth when the bill was before the House, namely:

Decommissioning vessels.

Reducing average enlisted strength from 83,000 to 82,000.

Buying more fuel on west coast than contemplated by estimates.

Closing Lakehurst.

The House conferees did not surrender any of these principles in conference. A compromise was necessary as to each. The effect of our action is that a smaller number of vessels will be decommissioned. We provide for an average enlisted strength of 82,500 men, we recede from $800,000 of the cut of $1,750,000 in fuel, and we provide for keeping Lakehurst open on a much-reduced scale.

The action that your committee recommended when this bill was brought originally to the House had not only to do with the program for the coming fiscal year but had to do with a program for the years ahead. In other words, by the end of the next fiscal year there will be available for commission the six battleships that are either undergoing major overhaul or else are to undergo such overhaul. Those battleships, then, will require for the succeeding year—1928—should they be retained in commission, the additional number of men, over the number of enlisted personnel in the Naval Establishment to-day, of 2,700. Furthermore, by the end of the coming fiscal year we shall bring into active commission the two airplane carriers, the *Lexington* and *Saratoga*.

Those two carriers will require approximately 2,340 men in addition to the men who will have to do with aviation itself and who will be detailed to those ships. In other words, in those two items alone, looking to a year from now, we shall need to provide for more than 5,000 men for the Navy for purposes other than those for which we are providing in the pending bill.

In looking ahead the question addressed itself to the committee whether or not we should, as we take on new types of ships, as the airplane carriers, add new men, new officers, and new money, or find to the extent possible the men, officers, and money within the establishment as it is to-day.

Your committee believes that we ought to follow this latter program to the extent that may be possible, and with that thought in view we proposed 82,000 men for the coming fiscal year, with the thought that we would need to add several thousand to that figure for the year following.

That is the program that, in my judgment, this country ought to adopt, and this Congress ought to indicate the beginning of the program at this time. That is what was in the mind of the House when we provided for 82,000 men, and that is what is in the minds of your conferees when we bring back the conference report with 82,500 enlisted men.

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. BYRNS. I do not exactly understand the gentleman. I understand that under this conference report the number is fixed at 82,500?

Mr. FRENCH. That is correct.

Mr. BYRNS. I understand that something more than 5,000 will be required to man these other ships to which the gentleman referred. Do I understand the gentleman to say that he expected those 5,000 men to be secured from the present personnel, or the personnel that is provided for, or that later on, in a deficiency bill during the coming year, it would be necessary to make additional appropriations to take care of them?

Mr. FRENCH. No. We shall not need any further appropriations for personnel for the coming fiscal year. Three battleships of six provided for are now undergoing major overhaul, while the other three are in commission. The three that are now undergoing major overhaul will swing back into line about the 1st of next October, and about the 1st of September the three others will be turned into the yards for the major overhaul they are to undergo.

That being the case, it will enable us to go through the entire fiscal year that we are now approaching with 2,700 less men than we otherwise would need. At the beginning of the next fiscal year, however, if these ships are to be in commission, we shall need to put back the 2,700 men. In addition to that, we shall need to find men somewhere to man the airplane carriers, and for them we shall require slightly over 2,340 men.

Mr. McKEOWN. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. McKEOWN. The gentleman has made a comprehensive study of appropriations for naval affairs, but the thing I am interested in is to know whether or not in the last three or four years there has been any indication before the gentleman's committee that we are going to reduce the expenditures of the Navy or has there been the indication that we are going to continue to increase these naval appropriations and maintain a big naval program.

Mr. FRENCH. In answer to that, may I say that the Congress has authorized within the last few years the construction of two airplane carriers. Under the limitation of armaments conference, the United States may maintain a tonnage of 135,000 in airplane carriers. When the two carriers that are now approaching completion will have been completed we shall have only about three-fifths of our tonnage within our establishment under the treaty. Now, it is up to the Congress to say whether or not we shall build new airplane carriers after these two—the *Lexington* and the *Saratoga*—shall have been completed. In addition to that, a year ago the Congress authorized the construction of eight cruisers of 10,000 tons each. We have already made appropriations for two of them and in this bill carry appropriations to begin three more. Thus three other cruisers are authorized but not as yet appropriated for. In addition to that building program, we are carrying money in the present bill for fleet submarines and for gunboats, and all of those things constitute a building program which in the coming fiscal year will aggregate in money something over $33,000,000.

Mr. McKEOWN. Will the gentleman yield further?

Mr. FRENCH. Yes.

Mr. McKEOWN. I can not understand, and I have never been able to understand, what the benefit of a disarmament conference is to the American people if it is the purpose to fix a standard at which to maintain a navy rather than a standard under which we must reduce. If it means that we are to spend millions of dollars to continue this program, what is the use of having a conference to disarm? What is the use of reducing the armaments if it means we are going to maintain the armaments and increase the armaments? I can not understand it.

Mr. FRENCH. If it had not been for the Limitation of Armaments Conference, in my judgment we would possibly be considering a naval bill carrying $250,000,000 more for the coming fiscal year than is carried in the present bill. Now, I say further, in response to the question of my friend from Oklahoma, that the Limitation of Armaments Conference treaties do not fix a hard and fast line. Your committee could bring in a bill within the 5-5-3 program that would carry between $100,000,000 and $200,000,000 more annually, and still we could defend it as being within the 5-5-3 treaty. It is our purpose as we bring in these bills to try to provide for a Navy that is adequate and try to make it as easy as possible for other nations to bear their part under the treaty and not compete in naval programs within the treaty itself. The treaty does not refer to numbers of men, nor does it limit the number of ships of various types, and so it is possible for us to increase the Navy burden annually, or it is possible for us to hold it to a fairly conservative program. With the authorizations that have been made for new cruisers, for the airplane carriers that are shortly to come in as a part of the fleet, for the fleet submarines that we are providing for as a part of the Naval Establishment, unless we withdraw men from ships that are now in the service or withdraw certain ships themselves, we would need to add more men, and the cost of the Navy would necessarily increase. It is the desire of your committee to the extent possible to find the men and the money and the officers within the establishment as it has been running for the last several years.

Mr. LAZARO. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAZARO. The gentleman from Oklahoma should understand that at the conference on the limitation of armaments we agreed to a policy of 5-5-3, did we not?

Mr. FRENCH. That is correct, touching certain types.

Mr. LAZARO. Now, does not the gentleman think that it is the duty of Congress to appropriate enough money to carry out that idea and that the American people will stand for it?

Mr. FRENCH. Well, not in exactly the language the gentleman suggests. In other words, I think we could add $100,000,000 or $200,000,000 annually to the Navy and still defend ourselves as being within the 5-5-3 program, yet I do not think we ought to do it. I think we ought to do teamwork with other nations, so that all of the nations who are parties to

the treaty may maintain their rightful ratio and yet not upon the maximum scale possible to each.

Mr. LAGUARDIA and Mr. VINSON of Georgia rose.

Mr. FRENCH. I yield to the gentleman from New York next.

Mr. LAGUARDIA. I want to ask the gentleman if it is the intention of the committee that when the two carriers are in commission and the five-year aviation program is on its way, to maintain that service within the limit of men and appropriation that you now have or to come in and ask for more men and more money?

Mr. FRENCH. It will probably be impossible to do it within the limits of appropriations carried in this bill, but it is our thought we ought to approach it as nearly as possible.

Mr. LAGUARDIA. The understanding I got was that it would be carried on without additional cost as to personnel or even appropriation.

Mr. FRENCH. Well, we hope so, and we shall approach that as the ideal, though I think it may be that we can not at all times hold to such a program.

I now yield to the gentleman from Georgia.

Mr. VINSON of Georgia. Did I understand the gentleman to say that on account of the aviation program and the putting into commission of the two airplane carriers, it is necessary to go beyond the authorized strength of 86,000 men?

Mr. FRENCH. Oh, I did not mean to say such a thing. Here is what I should have said, if I did not say it: For several years we have been proceeding on the theory we were making appropriations for 86,000 enlisted personnel. For the coming year and for the current year there will be an average of three battleships out of commission, which will take out of the needful enlisted personnel 2,700 men. With the restoration of those battleships, as they will be restored to the fleet in all probability in about a year from now, we would be asked to provide for 2,700 men for which we are making no provision for the coming year. In a year from now the airplane carriers will come in and we shall either need to add 2,340 men to the 86,000 or else find those men within the establishment for which we have been providing during the past several years. In other words, if we shall do the latter, we shall need to withdraw some of the ships that are now in commission or reduce the personnel upon them.

Mr. VINSON of Georgia. I will state to the gentleman from Idaho that the testimony before the House Committee on Naval Affairs is to the contrary; that within the authorized strength of 86,000 the Navy Department will be able to maintain the 5–5–3 ratio, keeping in commission all the ships and the personnel for the aviation force, and within the five-year period it will not even be necessary to increase the admissions to the Naval Academy in order to have sufficient officers. Let me ask the gentleman what ships the gentleman intends shall ultimately be laid up or put out of commission so he can maintain the program within the 86,000? The gentleman has to do one of two things. He has either to reduce the ships in commission or else provide more men within the five-year period, and which one does the gentleman intend to do?

Mr. FRENCH. The members of the Committee on Appropriations are not the administrative officers, and let me say that if the statement of the gentleman is correct, it bears out the argument that we advanced four years ago, that there are more men than necessary, or than needful, on the ships of the Navy, because the cry has been before our committee that we are not giving them men enough.

Mr. OLIVER of Alabama. If the gentleman from Idaho will yield, the question of the gentleman from Georgia is answered by his own statement, that the information before the Naval Affairs Committee indicates that 86,000 will be amply sufficient to maintain in commission all the ships we now have, even including those that we are now putting out in this bill, plus the new ships that are to come in. So the gentleman is asking a question about something which he has himself sufficiently answered. I want to say I fully agree with the gentleman that there will be sufficient men to be found within the number of 86,000 to keep in commission all of the ships that we are now authorizing for 1927, together with the two airplane carriers.

Mr. FRENCH. And personally I believe——

Mr. VINSON of Georgia. But the chairman of the subcommittee stated it would be necessary——

Mr. FRENCH. Just a moment. May I say that I personally think that the gentleman's statement is correct, and I should have stressed the third alternative, which is that we can find men for the airplane carriers by drawing them from stations to which they have heretofore been assigned. But the department has not felt so confident; and, in fact, in looking ahead to the commissioning of the two airplane carriers, the first estimate of the Navy Department to the Bureau of the Budget for the coming fiscal year, as I recall, was for 89,000 men, or 3,000 above the 86,000 figure—these 3,000 men to man the carriers.

I am very anxious to conclude, Mr. Speaker, and I suggest we might take up any other items as we reach them in the conference report.

Mr. VINSON of Georgia. Will the gentleman yield for a further question?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. Then in the opinion of the gentleman from Idaho it will not be necessary to have more than 86,000 men in the Navy to maintain the aviation program and to keep all ships in commission?

Mr. FRENCH. I think that is correct.

Mr. VINSON of Georgia. That is all I desired to clear up, because I got the idea the gentleman said it would require an additional enlistment of 2,300 men within the five-year period.

Mr. FRENCH. I did not mean to be understood in that way. I think my position now must be clear that we can accomplish the manning of the carriers in one of three ways—by keeping the present number of men on the ships and then adding 2,340 more; or, second, by taking ships out of commission; or, third, by reducing the number of men on ships and stations and thereby finding men for the new types.

Mr. VINSON of Georgia. But if the gentleman will yield for one more question, does not the gentleman think it should be accomplished by doing what Congress has repeatedly said it wants done—keep the enlisted strength of the Navy up to 86,000? Then you will not be required to put out of commission any ships, and you can maintain your aviation program up to a maximum of 1,000 planes within the five-year period.

Mr. FRENCH. That will doubtless be approximately the program.

Mr. SUMMERS of Washington. Will the gentleman from Idaho yield?

Mr. FRENCH. Yes.

Mr. SUMMERS of Washington. A moment ago the gentleman made a statement which I fear will be interpreted as meaning we are not maintaining the 5–5–3 program. As a matter of fact, I think we are maintaining that program, and the gentleman means that we are maintaining it but that we might still be within a tolerance if we expended more money; is that a correct statement of the gentleman's position?

Mr. FRENCH. That is correct, and we must do teamwork with other nations.

Mr. SUMMERS of Washington. And we are maintaining the 5–5–3 ratio?

Mr. FRENCH. We believe we are.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. Are we maintaining a 5–5–3 ratio other than an artificial treaty 5–5–3 ratio? Does the new construction work or the new alteration work being done by the governments, including ours, keep us on that general basis?

Mr. FRENCH. The gentleman is familiar with the fact that in some types of ships one nation exceeds another, just as Great Britain exceeds us in cruisers and just as we exceed Great Britain in submarines. You have to take all the elements into consideration and compare them; and doing that, I think our position is secure.

Mr. BLACK of New York. Are we up to the 5–5–3 ratio?

Mr. FRENCH. I think we are.

Mr. COLLINS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLLINS. How much more is the aggregate of this bill than the bill of last year for similar purposes?

Mr. FRENCH. The grand total of the current bill, if the amendments that I have to propose are adopted, will be $333,807,075, and the current appropriation is $304,802,328. The gentleman must remember that nearly $34,000,000 of that is for building. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on adopting the conference report.

The question was taken, and the conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: After line 9 insert: "also retired officers and enlisted men of the Navy and Marine Corps and transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die in naval hospitals (including St. Elizabeths Hospital)."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BUTLER. Will the gentleman make some explanation of that? We expect to live for a few days longer. [Laughter.] This involves several hundred million dollars. What is the proposition? This is proposed legislation way beyond anything we ever contemplated. What is the argument in favor of it? Who contends for it?

Mr. FRENCH. The amendment provides for the payment of the funeral expenses of retired naval and Marine Corps officers and personnel who may die in naval hospitals. That is a matter that has been urged upon the Congress for a good many years. It was urged upon our committee in the estimates that came from the department and the committee rejected it. In fact, I should say that nearly every year that I have been a member of the committee we have rejected the item. However, the amendment has been put on by another legislative body, and that body is insistent upon it. It is the feeling of your conferees that, after all, it does not involve a great sum of money, although it will involve some money, for the purpose indicated.

Mr. VINSON of Georgia. What limitation is there upon it?

Mr. FRENCH. There is no special limitation on this other than that in the general law touching funeral expenses of officers or enlisted men in the service.

Mr. VINSON of Georgia. I beg the gentleman's pardon, the law fixes the limit now at $100. As I understand the Senate amendment proposes that the Government pay the funeral expenses of every officer that dies in the naval hospital on the retired list.

Mr. FRENCH. Only to the extent that the general law attaches to the funeral of others.

Mr. VINSON of Georgia. The gentleman stated that this had been rejected by the committee several times; what caused him to change his views; why should the committee accept it now when the committee has heretofore rejected it?

Mr. FRENCH. The main reason why the committee rejected it was because we did not have jurisdiction.

Mr. VINSON of Georgia. Is not this legislation on an appropriation bill?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The legislative committee never had that suggestion put up to it. The gentleman ought not to insist upon it because it was put on in another body—especially legislation that would not be in order on the floor of the House.

Mr. FRENCH. The gentleman understands that the item is one that properly goes to the legislative committee. The Appropriation Committee has constantly rejected it; not so much because we considered it on its merits, but because we did not feel that we had jurisdiction, and we have urged that it be taken to the legislative committee. Now, under the rules of the House there is another way in which this item can come before the House, and that is the way it has come before the House to-day.

We are not advocating this proposition, but we had to come to an agreement in conference, and this is one of the items that the Senate conferees were insistent upon.

Mr. VINSON of Georgia. The gentleman has not advocated it in committee; will he help the House maintain its legislative prerogative when it is not in order on an appropriation bill?

Mr. BUTLER. Will the gentleman tell how much this will cost? That is the first question that our committee always asks.

Mr. FRENCH. The gentleman must know that it is impossible to answer that question.

Mr. BUTLER. Oh, they will give you an estimate.

Mr. FRENCH. They might give an estimate, but no one can foretell how many officers or men will go to the hospital or how many of them will die.

Mr. AYRES. The general law covers this just as it does those in the active service.

Mr. BUTLER. Of course, there is a general law to pay for funerals of those on the active list, but this is to take up the retired list. It was never hinted to the legislative committee since I have been a member of it.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. While this is not important, does not the gentleman believe it is in the interest of sound legislation to keep legislation out of appropriation bills?

Mr. FRENCH. Surely, and that is why the gentleman who is chairman of the Committee on Appropriations has year after year refused to entertain this item and has referred it back to the legislative committee.

Mr. CONNALLY of Texas. Mr. Speaker, as I understood the gentleman a moment ago he said this had been before the Committee on Appropriations frequently, and that that committee had always declined to consider it, only for the reason that it did not have jurisdiction.

Mr. FRENCH. No; that was part of the reason; and because we did not have jurisdiction we did not go into the matter thoroughly. We have simply passed it back to the legislative committee.

Mr. CONNALLY of Texas. Did not the gentleman say a while ago that the committee has repeatedly rejected it mainly because they did not have jurisdiction?

Mr. FRENCH. Possibly I did.

Mr. CONNALLY of Texas. And the point is that the gentleman now has the opportunity to agree to it because the Senate has put it on the bill. The gentleman and the other conferees are not standing up for the position of the House, opposing the Senate, but are saying to the Senate, "If you make us agree, we will agree."

Mr. FRENCH. We can not accept the Senate amendment under the rule; we must bring it back to the House for a vote, and the House may adopt my motion or it may vote it down.

Mr. CONNALLY of Texas. The gentleman stated it that way, and the gentleman admits that the conferees, instead of going over and maintaining the position of the House and saying they would not agree to it, are now in the position of saying to the Senate, "You put it on, and under the rules we can not agree to it, but we will go back to the House and advise the House to submit." Is not that about the situation?

Mr. FRENCH. The gentleman has a very vivid imagination, but let me say that when two bodies are equally responsible for legislation, one body alone can not always have its way. We must come to an agreement, and I think if the gentleman will run through the different items in dispute, he will find that this one is about as harmless a proposition as the House conferees could agree to bring back to the House.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield me two or three minutes?

Mr. FRENCH. Yes; I yield three minutes to the gentleman from Ohio.

Mr. STEPHENS. Mr. Speaker, it seems that this particular question is a matter of difference of construction. This is legislation. It has never come before the Committee on Naval Affairs of the House, and the chairman of the subcommittee has said that time after time the Committee on Appropriations has refused to consider it. I ask the Members of the House to vote down the gentleman's motion, and settle it in that way.

Mr. BUTLER. Mr. Speaker, will the gentleman yield me two minutes?

Mr. FRENCH. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, I regret very greatly to have any difference with these gentlemen. I much prefer to live in accord with them, and I dislike very much to make any sort of quarrel over the burial of the dead. Nevertheless, you are now stepping ahead outside of the regular order of business. You have opened the door to further increased cost of carrying the reserve or the retired list of the Navy. This question has never been passed upon by the committee of which I am the chairman, and in my recollection it has never been submitted to us. We have always held down the practice as tightly as we could against extending to any class of people any of the privileges that are now given to what is known as the regular list of the service. That is very embarrassing to me. I do not want to have any difference with a gentleman like my friend from Alabama [Mr. OLIVER], and I wish that the chairman of the subcommittee here had stood by the House. [Applause.] I wish the chairman of the subcommittee had said to the Senate that this is legislation and that it has never been passed upon. No word is said here in defense of it, except what the chairman of the subcommittee may have said. I do not know how much money this will cost, and it is not perhaps the paltry sum of a few dollars, but it is the principle that we are establishing. How far are we going with this retired list of the Navy?

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. OLIVER of Alabama. I understand then from the gentleman's statement that the legislative committee does not look with favor upon this item?

Mr. BUTLER. I now say to my friend that he and I are in accord on everything, and I would like to know how much this will cost, how far it is to go, and what the estimate is and the real reason for it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. FRENCH. Mr. Speaker, I yield the gentleman one minute more.

Mr. OLIVER of Alabama. As one of the conferees, if the gentleman from Pennsylvania [Mr. BUTLER] makes the statement to the House that this is an item which in his judgment his committee would not favor or that his committee first desires to hold hearings thereon, then I feel that we ought to protect the rights of the legislative committee as to this matter. [Applause.] It is not a matter that the conferees have given careful consideration to, and we simply brought it back under the rules for the action of the House. I know there was no disposition on the part of any of the House conferees to insist on this item if the legislative committee is opposed to it.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. FRENCH. Mr. Speaker, I yield the gentleman another minute.

Mr. BUTLER. Following the suggestion made by our colleague, the gentleman from Alabama [Mr. OLIVER], if this is sent back to the Committee on Naval Affairs we will report to you what in our opinion will be its effect in the way of opening the door and other opportunities in reference to conferring this privilege upon the retired list of the Navy. As I say, I do not desire to be factious. I do not want to disagree with these gentlemen who differ with me, but it is somewhat disappointing to me when this House has had no opportunity to hear—no report, these conferees have had none—that an effort should be made to take this away. It is not the paltry sum but the principle that is at stake, and this opportunity ought not to be given to a certain class of people without the committee inquiring into the necessity for it.

Mr. FRENCH. Mr. Speaker, just one more word upon this amendment. In the first place, I do not think the gentleman from Alabama quite expressed the thought I had in mind in the matter. The statement of the gentleman from Alabama in the main is expressive of my thought, but I do not quite think he meant to say that our subcommittee had not given consideration to the question. It has been brought to our attention every year for possibly four years, and we have seen what was in it and have ourselves rejected it. I think probably I could say that mainly we have rejected it because we had no jurisdiction. Whether we would have concurred had it been properly before us I do not know.

Mr. OLIVER of Alabama. If the gentleman will permit, it was not brought before the Appropriations Committee at the request of the committee.

Mr. FRENCH. Not at the request of the committee; no.

Mr. OLIVER of Alabama. And the committee, recognizing that they had no jurisdiction over the matter, did not, perhaps, inquire into the items they otherwise would. Of course, we would be unable to say to the House now what this would probably cost in the future.

Mr. FRENCH. That is correct. The thought that finally addressed itself to the conferees was that probably the number of officers and men who would be included in the group here would be a very limited number living near naval hospitals. If they should enter the hospitals and die, it would be a means of caring for the funeral the same as the funeral of others who under the law are now cared for. Now, as far as members of this committee are concerned we are not urging the program. The House has it in its power to reject the amendment or to adopt it.

Mr. McKEOWN. Will the gentleman yield for a question? I just want to know what obligation the United States owes the men who retire to pay for their funerals.

Mr. FRENCH. Oh, no. This applies only to certain retired officers and men who may die in naval hospitals.

Mr. McKEOWN. They all would enter a naval hospital if they thought we would pay for the funeral.

The SPEAKER. The question is on the motion of the gentleman from Idaho to recede and concur in the Senate amendment.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 27: Page 43, line 5, after the figures $4,100,000, strike out "in all, $13,520,500," and insert "for new construction and procurement of aircraft and equipment, $4,962,500; in all $18,900,000."

Mr. FRENCH. Mr. Speaker, I move to recede and concur with an amendment which the clerk has.

The SPEAKER pro tempore (Mr. LEHLBACH). The Clerk will report the amendment.

The Clerk read as follows:

Mr. FRENCH moves to concur in Senate amendment No. 27 with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For new construction and procurement of aircraft and equipment, $4,962,500; in all, $18,835,288."

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. VINSON of Georgia. Will the gentleman furnish the House with information as to the number of new airplanes to be obtained by the $4,000,000?

Mr. FRENCH. One hundred and thirty-seven airplanes.

Mr. VINSON of Georgia. That is the same item, is it not, that was in the appropriation bill and a point of order was made in the House when the bill was being considered?

Mr. FRENCH. Yes. And let me say to the gentleman that the situation since then has changed materially. The Naval Committee has brought in a building program and the House has approved it. The amount carried in the item in dispute is within the scope of the authorization provided in the aircraft authorization program carried in that bill.

Mr. VINSON of Georgia. I wanted to ascertain from the gentleman if the total amount for aviation for new construction authorized in the appropriation is the same air program as in the legislative bill?

Mr. FRENCH. Well, it does not exceed it.

Mr. VINSON of Georgia. I am aware of that. How much is it under?

Mr. FRENCH. The item here carries $4,962,000.

Mr. VINSON of Georgia. How much does the gentleman appropriate for aviation for new construction, only $4,000,000?

Mr. FRENCH. The amount carried here I have just indicated, but we carry an additional item for authorization in the amount of $4,100,000, a total of $9,062,000, in addition to $3,000,000 for aircraft for the *Lexington* and *Saratoga*, which was approved by the House when the bill was first under consideration.

Mr. VINSON of Georgia. I want to find out the total amount. My recollection of the appropriation bill before for new aircraft is that it was nine million and some odd thousand dollars.

Mr. FRENCH. That is correct.

Mr. VINSON of Georgia. All of that was stricken out. The gentleman brings back now only $4,000,000, judging from the reading of the statement accompanying the conference report on the bill.

Mr. FRENCH. There is another item, the next amendment, which calls for $4,100,000.

Mr. VINSON of Georgia. Then there are two items of about $4,000,000 each?

Mr. FRENCH. Yes; one in money of $4,962,000 and the other in authorization in the amount of $4,100,000.

Mr. VINSON of Georgia. And the total is about the same as that in the bill when the point of order was made?

Mr. FRENCH. They are precisely the same figures.

Mr. VINSON of Georgia. My recollection is that it is about $60,000 less. Does not the gentleman think that, in view of the fact that the House has just inaugurated a program to authorize approximately an expenditure of $12,000,000 for new aircraft, before we accept the Senate proposition investigation should be made to ascertain whether or not the conclusion of the House Committee was right, or whether the conclusion of the Senate is right, with reference to new construction? We authorized 235 new airplanes, or 213 not including those that went on the carriers. Does that new number include the number that are on the carriers?

Mr. FRENCH. No. The bill as it passed the House carried $3,000,000 for planes for the aircraft carriers. That item is not in dispute.

Mr. VINSON of Georgia. But if the Congress is to carry out the five-year program and have a thousand airplanes, you must appropriate more money each year than is provided for the fiscal year 1927.

Mr. FRENCH. We do not understand that the amount authorized is necessarily the exact amount for which a mandate is given.

Mr. VINSON of Georgia. I agree with the gentleman thoroughly as to that. The spirit and intent of Congress was to have a thousand airplanes in five years, and of the thousand airplanes so many must be purchased in each one of the years. In 1927 the gentleman proposes to have 60 planes below the number indicated in the House program. The gentleman certainly expects to carry out the mandate of the House and carry out the law and have at least a thousand airplanes in five years, and if so, you must make it up in other years, if you do not appropriate approximately the number required for 1927.

Mr. FRENCH. In the first place, the bill to which the gentleman refers has not become a law, and, in the second place, the bill itself provides for an elastic program. In

other words, no hard-and-fast program is required for any particular year.

Mr. VINSON of Georgia. On that theory, then, it is the duty of the House to reject all projects for aviation until the bill becomes a law. The gentleman should not force us into that position unless he goes all along down the line, if the gentleman wants to maintain the integrity of the Committee on Naval Affairs. The gentleman has agreed to something that was not in that bill.

Mr. FRENCH. I will say to the gentleman that this is an item to which the House conferees could not agree. We have therefore brought it back, in the orderly way provided by the rules, for a separate vote. In view of the fact that the gentleman's committee has acted upon it and the House has acted upon it in passing the legislative bill, we felt that it would be meeting the wishes of the House for us to concur in the Senate amendment.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Certainly.

Mr. OLIVER of Alabama. I think that is the feeling of the chairman of the legislative committee [Mr. BUTLER]. They reported their bill, and I think the members of the Committee on Appropriations assisted in passing the bill. We were glad to see it pass. It was then stated by the gentleman from Georgia [Mr. VINSON], as well as other members on the legislative committee, just as the gentleman from Idaho has said, that the bill did not seek to provide a hard-and-fast program, but an elastic program, and gave to the Committee on Appropriations authority to make appropriations within, not necessarily up to, the limits fixed in the bill.

Mr. VINSON of Georgia. There is no dispute between any of us on that statement of the gentleman from Alabama. But I trust that the Committee on Appropriations will carry out, if possible, the program to have a thousand planes in five years. Therefore, it is incumbent on the Committee on Appropriations to approach that number each year a little more closely than they are approaching it this year. Otherwise next year you will have to appropriate for a great many more. But, in view of the fact that the gentleman's committee is appropriating $9,000,000 for new aircraft and in view of the fact that it is within close distance of what was proposed by the legislative committee, I am not opposed to accepting the proposition.

Mr. OLIVER of Alabama. The complaint of the gentleman from Georgia should be directed at a later deficiency appropriation. In other words, the only estimate for airplanes submitted to our committee was for those we are now appropriating for.

Mr. FRENCH. That is correct.

Mr. OLIVER of Alabama. If it is the thought and desire of the gentleman from Georgia [Mr. VINSON] that this amount should be increased, then the orderly way is for the Navy Department to submit estimates for additional planes, through the Budget or otherwise, to the Committee on Appropriations before the last deficiency bill is reported.

Mr. VINSON of Georgia. Well, as we have got half of the loaf, we can wait for the other half in the deficiency bill.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. The gentleman is not appropriating the full amount required by the legislative bill. If the department will procure them efficiently it will be all that can be furnished the first year, and all that can be produced, considering that the Army is in the same market. I pointed out when we were considering the naval aviation bill that we should not plunge into the market and buy a lot of junk in the way we have been doing in the past. I doubt very much whether the department will be able to spend the $9,000,000 in such a way as to avoid coming in and asking for a deficiency, as suggested by the gentleman from Alabama.

Mr. BLACK of Texas. Will the gentleman from Idaho yield me five minutes to oppose the adoption of this amendment?

Mr. FRENCH. We are anxious to close this matter, so that the other bill on the legislative calendar may come forward, but I will yield the gentleman five minutes.

Mr. BLACK of Texas. Mr. Speaker, the amendment which the gentleman from Idaho seeks to have us concur in would add about $4,500,000 to the naval aircraft expenditures. Another amendment that immediately follows it, amendment No. 28, adds $4,100,000 more to the naval program, which will make an aggregate of nearly $9,000,000.

Now, the bill at the present time, with certain Senate amendments that have been agreed to, aggregates substantially $15,000,000 for the aeronautical division of the Navy. All provisions of the bill already, without any increases, involves considerably more than $300,000,000. We are appropriating nearly $300,000,000 for the Army. Therefore we already have, without any increases, an aggregate expenditure of $600,000,000 for the Army and the Navy. The gentleman from Idaho will admit, and also my good friend from Alabama [Mr. OLIVER], that this new aircraft program has not become a law. It passed the House but has not passed the Senate. It is not yet the law, and it will be soon enough for us to increase these bills by $9,000,000 when the bill has become a law.

Now, I know I can not defeat it; I realize that; but I am going to oppose these increases and do what little I can and go as far as I may to help defeat them. I am not going to sit here as a Member and allow to go by without any protest an addition of nearly $9,000,000 to a bill that already carries something like $325,000,000. I realize perfectly well that we must have an Army and Navy, but I insist we should call a halt on constantly increasing expenditures for these purposes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. OLIVER of Alabama. The attitude of the House as to aviation in the Navy is reflected by the appropriations now recommended. The gentleman from Texas will remember that these appropriations were carried in the bill as originally reported by the committee to the House; that they went out on a point of order; that shortly thereafter the legislative committee reported a bill authorizing the building of the planes, and the amount now carried in the bill is less than the amount required to provide the number of planes authorized for the year 1927 in the bill which the House recently passed.

Mr. BLACK of Texas. I admit all that the gentleman says, but it does not alter a single statement I have made. These items were included in the naval appropriation bill, but they went out on a point of order because they were not authorized by law, and I submit to my good friend from Alabama that if these very items were again before the House in that manner they would go out on a point of order, because the mere fact that the House has passed the bill would not make law. The Senate must pass the bill which the House recently passed, authorizing a new naval air program, before it becomes a law.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FRENCH. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. OLIVER of Alabama. My recollection is that the gentleman from Texas is thoroughly consistent in that he now not only opposes the appropriation carried in this bill for the purpose of providing for some of the planes which the House only recently authorized, but the gentleman also voted against the bill reported by the legislative committee, and under which the House authorized the building of planes for which appropriations are here proposed.

Mr. BLACK of Texas. That is correct. I did that.

Mr. OLIVER of Alabama. The gentleman voted against any authorization for any planes for 1927, and now, consistent with that position, the gentleman opposes all appropriations for any planes.

Mr. BLACK of Texas. That is correct; I oppose this new building program. I feel it my duty to not allow to go by without protest an additional appropriation of $9,000,000 which is not authorized by law, and my good friend from Alabama will admit it is not authorized by law.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. McKEOWN. Does the gentleman reach the same conclusion that some of us have that this disarmament movement does not mean the reduction of appropriations so far as the Navy is concerned?

Mr. BLACK of Texas. I will say to my good friend from Oklahoma that if we keep on voting appropriations of the kind contained in this bill we might as well have had no disarmament conference, so far as expenditures are concerned, because we are now appropriating, as I stated a while ago, more than $600,000,000 for the combined support of the Army and Navy.

Mr. OLIVER of Alabama. Will the gentleman yield further?

Mr. BLACK of Texas. Yes.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. FRENCH. Mr. Speaker, I yield the gentleman one additional minute.

Mr. OLIVER of Alabama. The House recently did this over the protest of the gentleman from Texas, and the Senate, by approving this appropriation, has itself approved the action of the House in authorizing these planes, have they not?

Mr. BLACK of Texas. Well, my friend will admit that is not the way we pass laws.

Mr. OLIVER of Alabama. But that is the fact.

Mr. BLACK of Texas. My friend from Alabama wants to be fair, I know, and if he is fair he will admit that there is no authority of existing law for this $9,000,000 appropriation. Of course, it is within our power to vote it; I will admit that, but there is no statutory law authorizing it and, therefore, to be consistent and carry out my opposition to this new building program, I am going to vote against the Senate amendment.

Mr. FRENCH. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker, relative to the point of order I made against the Navy appropriation bill, aviation paragraph, which was stricken out, that point of order was made because in the paragraph it carried an appropriation of $300,000 for an unauthorized ship, which was legislation in an appropriation bill. It has nothing to do with the amount of that particular appropriation, because this appropriation is as near as it can be to the original appropriation in the Navy bill.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Idaho to recede and concur with an amendment.

The question was taken; and the Chair being in doubt, the House divided and there were—ayes 55, noes 9.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote, and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 309, nays 35, not voting 87, as follows:

[Roll No. 89]

YEAS 309

Ackerman	Denison	Hooper	Montague
Adkins	Dickinson, Iowa	Houston	Montgomery
Allen	Dickinson, Mo.	Howard	Mooney
Allgood	Dickstein	Hudson	Moore, Ky.
Andresen	Doughton	Hudspeth	Moore, Ohio
Anthony	Douglass	Hull, Tenn.	Moore, Va.
Appleby	Dowell	Irwin	Morehead
Arentz	Drane	Jacobstein	Morgan
Arnold	Drewry	James	Morrow
Aswell	Driver	Jeffers	Murphy
Ayres	Dyer	Jenkins	Nelson, Me.
Bacharach	Eaton	Johnson, Ill.	Nelson, Mo.
Bachmann	Elliott	Johnson, S. Dak.	Newton, Minn.
Bacon	Ellis	Johnson, Tex.	Newton, Mo.
Bailey	Eslick	Johnson, Wash.	O'Connell, N. Y.
Barbour	Esterly	Kahn	O'Connell, R. I.
Beedy	Evans	Kearns	O'Connor, La.
Begg	Fairchild	Keller	O'Connor, N. Y.
Black, N. Y.	Faust	Kelly	Oldfield
Bland	Fenn	Kemp	Oliver, Ala.
Bloom	Fisher	Ketcham	Oliver, N. Y.
Boles	Fitzgerald, Roy G.	Kiefner	Parker
Bowling	Fitzgerald, W. T.	Kiess	Parks
Bowman	Fletcher	Kincheloe	Patterson
Box	Fort	Kindred	Peery
Brand, Ga.	Foss	King	Perkins
Brand, Ohio	Free	Kirk	Perlman
Briggs	French	Knutson	Pou
Brigham	Frothingham	Kopp	Prall
Browne	Fuller	Kunz	Purnell
Browning	Funk	LaGuardia	Quin
Buchanan	Furlow	Lampert	Ragon
Bulwinkle	Gambrill	Lanham	Rainey
Burdick	Garber	Lankford	Ramseyer
Burtness	Gardner, Ind.	Larsen	Rathbone
Burton	Garrett, Tenn.	Lazaro	Rayburn
Butler	Garrett, Tex.	Lea, Calif.	Reece
Byrns	Gasque	Leatherwood	Reed, Ark.
Canfield	Gibson	Leavitt	Reid, Ill.
Cannon	Gifford	Lehlbach	Robinson, Iowa
Carew	Gilbert	Letts	Robsion, Ky.
Carter, Calif.	Goldsborough	Linthicum	Rogers
Carter, Okla.	Goodwin	Little	Rouse
Celler	Gorman	Lowrey	Rowbottom
Chalmers	Green, Fla.	Luce	Rubey
Chapman	Green, Iowa	McClintic	Sanders, N. Y.
Chindblom	Greenwood	McLaughlin, Mich	Sanders, Tex.
Christopherson	Griest	McLaughlin, Nebr.	Sandlin
Clague	Hale	McLeod	Scott
Cole	Hall, Ind.	McMillan	Seger
Collier	Hall, N. Dak.	McReynolds	Simmons
Colton	Hardy	McSweeney	Sinnott
Connery	Harrison	MacGregor	Smith
Cooper, Ohio	Hastings	Madden	Smithwick
Corning	Haugen	Magee, N. Y.	Snell
Cox	Hawes	Major	Somers, N. Y.
Cramton	Hawley	Manlove	Sosnowski
Crisp	Hayden	Mansfield	Speaks
Crumpacker	Hersey	Mapes	Sproul, Ill.
Cullen	Hickey	Martin, La.	Sproul, Kans.
Curry	Hill, Ala.	Martin, Mass.	Stalker
Darrow	Hill, Wash.	Mead	Stedman
Davenport	Hoch	Merritt	Stephens
Davis	Hogg	Michener	Stobbs
Dempsey	Holaday	Miller	Strong, Kans.
Strother	Thatcher	Vinson, Ga.	Whittington
Summers, Wash.	Thompson	Vinson, Ky.	Williams, Ill.
Sumners, Tex.	Tillman	Voigt	Williams, Tex.
Swank	Tilson	Wainwright	Williamson
Swartz	Timberlake	Walters	Wingo
Sweet	Tolley	Warren	Winter
Swing	Tucker	Wason	Wolverton
Swoope	Underwood	Watres	Woodruff
Taber	Updike	Weaver	Wright
Taylor, Colo.	Upshaw	Wheeler	Wurzbach
Taylor, N. J.	Vaile	White, Kans.	
Taylor, W. Va.	Vestal	White, Me.	
Temple	Vincent, Mich.	Whitehead	

NAYS—35

Almon	Collins	Jones	Schafer
Barkley	Connally, Tex.	Kvale	Shallenberger
Beck	Crosser	Lozier	Sinclair
Bell	Dominick	McKeown	Steagall
Berger	Edwards	Milligan	Stevenson
Black, Tex.	Fulmer	Rankin	Thomas
Blanton	Hammer	Romjue	Thurston
Busby	Hare	Rutherford	Wefald
Carss	Huddleston	Sabath	

NOT VOTING—87

Abernethy	Flaherty	Lyon	Shreve
Aldrich	Frear	McDuffie	Spearing
Andrew	Fredericks	McFadden	Strong, Pa.
Auf der Heide	Freeman	McSwain	Sullivan
Bankhead	Gallivan	Magee, Pa.	Taylor, Tenn.
Beers	Garner, Tex.	Magrady	Tincher
Bixler	Glynn	Menges	Tinkham
Bowles	Golder	Michaelson	Treadway
Boylan	Graham	Mills	Tydings
Britten	Griffin	Morin	Underhill
Brumm	Hadley	Nelson, Wis.	Vare
Campbell	Hill, Md.	Norton	Watson
Carpenter	Hull, Morton D.	Peavey	Weller
Cleary	Hull, William E.	Phillips	Welsh
Connolly, Pa.	Johnson, Ind.	Porter	Wilson, La.
Cooper, Wis.	Johnson, Ky.	Pratt	Wilson, Miss.
Coyle	Kendall	Quayle	Wood
Crowther	Kerr	Ransley	Woodrum
Davey	Kurtz	Reed, N. Y.	Wyant
Deal	Lee, Ga.	Schneider	Yates
Doyle	Lindsay	Sears, Fla.	Zihlman
Fish	Lineberger	Sears, Nebr.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Wyant with Mr. Garner of Texas.
Mr. Mills with Mr. Lindsay.
Mr. McFadden with Mr. Sears of Florida.
Mr. Bixler with Mr. Weller.
Mr. Graham with Mr. Doyle.
Mr. Reed of New York with Mr. Abernethy.
Mr. Vare with Mr. Wilson of Mississippi.
Mr. Hill of Maryland with Mr. Bankhead.
Mr. Morin with Mr. Woodrum.
Mr. Magrady with Mr. Johnson of Kentucky.
Mr. Conpolly of Pennsylvania with Mr. Gallivan.
Mr. Pratt with Mr. Quayle.
Mr. Coyle with Mrs. Norton.
Mr. Shreve with Mr. Tydings.
Mr. Golder with Mr. Spearing.
Mr. Strong of Pennsylvania with Mr. Auf der Heide.
Mr. Kendall with Mr. Cleary.
Mr. Ransley with Mr. Deal.
Mr. Crowther with Mr. Griffin.
Mr. Beers with Mr. Lyon.
Mr. Wood with Mr. Sullivan.
Mr. Menges with Mr. Boylan.
Mr. Welsh with Mr. Davey.
Mr. Kurtz with Mr. Kerr.
Mr. Carpenter with Mr. Lazaro.
Mr. Freeman with Mr. McDuffie.
Mr. Underhill with Mr. Wilson of Louisiana.
Mr. Treadway with Mr. McSwain.
Mr. Taylor of Tennessee with Mr. Cooper of Wisconsin.
Mr. Yates with Mr. Peavey.
Mr. Magee of Pennsylvania with Mr. Schneider.
Mr. Porter with Mr. Frear.
Mr. Watson with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that I may have three days in which to file minority views on H. R. 3994.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 28: Page 43, line 16, after the word "airplanes," insert a colon and the following: "*Provided further*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment the Secretary of the Navy may enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of $4,100,000."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I yield one minute to the gentleman from Michigan [Mr. McLEOD].

TRANSPORTATION—RAILWAYS AND WATERWAYS

Mr. McLEOD. Mr. Speaker and gentlemen, first I want to thank the gentleman from Idaho [Mr. FRENCH] for yielding me time to speak briefly on what I deem one of the biggest questions of the day, and I sincerely believe that if you will give me your strict attention that I can bring the whole membership of this House around to my conviction.

The time has come when we can not longer fail to direct our undivided attention to a problem of the utmost importance to our country. Congress is in default of its duty to 40,000,000 of its citizens directly and to the Nation as a whole. It is for this reason that I feel it my duty to speak on the subject of transportation and give this honorable body the benefit of what light I may be able to throw on it through the fruits of several years of the most intensive study. I have followed the present phase of the problem from its beginning; I have watched its evolution and considered its consequences in my home community; I have carefully examined every paper and document dealing with this subject; I have taken soundings in every direction in which my investigations have led me; and I have come to the conclusion that some of us are deceiving not only ourselves but a very large part of the people who rely upon us to know the fundamental economic condition of the country and the dire necessity for opening the great St. Lawrence waterway to the sea.

The United States of America is the miracle of modern industrialism. We are so accustomed to hearing and reading statements to this effect that their crispness and apparent exaggeration seem to fall upon unappreciative ears. We are almost daily regaled with reports of new investments, greater extensions, taller buildings, and more magnificent achievements in invention and manufacture.

We who are familiar, or believe we are, with the workings of these giants of a scientific age are like to forget how to measure the activity which we see around us. We are slow to realize that the things manufactured and developed here have a vital and intimate connection with the other parts of the world, and that the needs of distant peoples have an equally intimate connection with us. We have been progressing so fast that we have failed to take stock of the past, neglected to appraise the present, and are often prone to plan improperly for the future. Perhaps if in the past we could have seen all that was to take place here in the realms of science, in the growth of population, in the rush of industry, we might have been able to solve in advance many of the problems which today arise to harass us out of a confused yesterday.

From Athens to Rome, London to New York—from Marco Polo to Hendrik Hudson—runs an age-old waterway. The wolf mother of Rome was careful to leave the mighty twins by the Po; 10 races have razed and built new cities on the site of London. Every great center of population rests by the side of our lakes and rivers and seas. When our own backwoodsmen went seeking inward, feeling out our vast resources, they nestled their stockades and founded their industries by the side of our waterways. New York, Detroit, Duluth, Milwaukee, Chicago, St. Louis, New Orleans, San Francisco, Portland, and on and on runs the list of our great concentration centers—all by the grace and the strategy of our rivers.

Not without cause, gentlemen, are these things true—a certain natural economy, a certain strategic philosophy, an obvious expediency underlies the course of commerce and peoples. Highways carved from rock, trails of steel or of dust, all fade before the expediency of time and custom. But peoples change to fit our waterways, the only unchanging way. We came by our rivers, we builded by them, then we turned away for a time to master our interiors for feeders; we built railroads and concrete trails. We needed them; we always will. But we may not forget our key passageways; we must now turn our commercial genius to thorough development and utilization of these rivers and lakes we came by to move our vast shipments to big centers more cheaply, to coordinate our key highways with our overland roads.

The future, however, must be taken care of in the light of the wisdom we can gather from the past, coupled with logic derived from the present situation, and it is with this thought in mind that I desire to make a few suggestions as to the possibilities in store for us and the methods best calculated to meet them.

The solution, assuming as we are a normal and healthy industrial growth, is summarized in one word—transportation. Our picture must allow for improvement in all of the natural media—land, water, and air—and must be forward looking and confident in man's continued ability and inventive genius in the harnessing and control of nature. I propose to deal now only with the first two of these media and leave the third for a later date, when, with your permission, it may be given the careful attention its importance demands.

The problem of transportation is to keep the traffic moving, and for this reason all forms of transportation must cooperate to solve the common problem. Our highways are constantly being developed, so that motor traffic is fast finding its ultimate place in relation to modern transportation; railroads have become a more or less fixed institution, and our waterways, while having in the past been employed to an extent unrealized by the majority of our citizens, are, perhaps, the least developed of all.

But the past and the present in reality offer small suggestions indeed of the mighty transformation possible, the plans for which are being discussed and the desirability of which is being increasingly agitated in many quarters. If the Great Lakes cities are to become ocean ports and seagoing ships are to dock there, we shall experience a new stimulation of this great, throbbing industrial fabric upon which our national greatness is based. [Applause.] The press, and those who follow the trend of events, are constantly talking of the St. Lawrence waterway, opening a more economical way of transportation—and the only feasible way—between the Middle West and foreign markets. I shall point out in a few minutes why this is the only practical way, and why the adaptation of any other way would be a costly makeshift. First, we must ask ourselves if, all things considered, a great benefit will result from it, whether the cost involved will be more than balanced by the advantage to be gained.

It may be observed that the vessels which may be advantageously used in service in an inland waterway to this section of the country constitute 80 per cent of the world's merchant fleet. This would mean that that number of ships could bring needed materials directly to us, and in return receive the manufactured articles which we have to offer as directly. It would immeasurably increase the volume of business which we are capable of doing. We could supply needs which are now felt, but which, for poor connections, we are now incapable of supplying. It has been estimated that the tonnage to be carried through this improvement would serve producers and consumers to a greater extent than that developed by the Panama Canal. The profit resulting to the whole Nation would equal if not surpass that which resulted from the construction of the transcontinental railroads. The Middle West, through lack of facilities for transportation, has for some time been hampered in its expansion. The opening of the St. Lawrence will remove a blight from the hopes of a most important section of our great Nation, and it is the only thing which will do it successfully. [Applause.]

Such an avenue of travel would aid tremendously in the solution of our periodic problem of congestion, car shortages, and labor trouble.

The conclusion from these general observations is that the time is at hand for providing this great inland section with the means of reaching its market at the lowest possible cost and by the most economic route—that is, opening its natural water outlet to the sea.

Let us remember that three-fourths of the boats passing through the Panama and Suez Canals are capable of navigating lake channels; that the volume of commerce passing through the Detroit River for one year is approximately 100,000,000 tons, in comparison to a yearly 20,000,000 tons each for those canals. Let us remember also that while the principal part of this huge movement consists at present of bulk shipments of ore and coal between lake ports, grain destined for the seaboard and manufactures of the Middle West make up another large part. Let us not forget that two-thirds of the agricultural products are exported and from 10 to 50 per cent of middle western manufactures are exchanged for the products of other lands, and that it supplies more than half the export tonnage of the United States and one-third of the commodity values.

The population of this area on United States soil is approximately 40,000,000, more than one-third of the entire population of the United States. These millions must now pay the same price as all our coastal populations for all imported commodities, and then an additional cost of rail transportation of the goods inland one to two thousand miles. This alone is a discrimination against our inland consumers which amounts to millions of dollars a year.

The very shores of Lake Erie is the destination of by far the greater part of our fourth largest import—rubber. More than

one-third of our largest import—sugar—is destined for the sugar bins of homes and food products industries situated close to the waters of the Great Lakes. These two kinds of necessities alone, therefore, represent import trade to this region of approximately 3,000,000 tons a year. Coffee, our third-largest import, would add roughly another half-million tons.

This does not take into account the saving which would result to Canadian consumers and the corresponding benefit to the United States caused by the increased buying power of Canadians, who demand an enormous quantity of our manufactured goods, machinery, and so forth. This same element should be taken into consideration also in any scheme of things which would facilitate the marketing of the Canadian wheat crop, to the success of which our own machinery exports respond in barometric fashion. And let us remember that while importing these products directly by water would take away a source of revenue of some railroads, their revenue would be increased in other ways, and by no means would it endanger the present profitable condition of those carriers.

As to exports, there is even now an outbound tonnage of the Great Lakes, seeking a water route to the ocean, close to 18,000,000 tons per year. When estimating future transportation needs, it is particularly appropriate to notice that the Great Lakes region is the place of origin of a number of our most important and fastest-growing export products. Wheat comes from our great Northwest; animals and animal products from Omaha, Kansas City, and Chicago; agricultural machinery and other machinery from Wisconsin, Illinois, Michigan, and Ohio; iron and steel products from Illinois, Indiana, Ohio, and western Pennsylvania, all from the area between our two great mountain ranges and from the northern portion of the Mississippi Valley—that is, the Great Lakes region.

While the cost of transportation of all these exports is of great importance, those bearing most significantly, perhaps, on the question of a water outlet to the ocean are agricultural products and automobiles. The domestic consumption of these two classes of goods can not keep pace with production. It is generally understood that the automotive industry is faced with the problem of capturing an extensive foreign market or coming to a more or less abrupt halt after a rapid march to first place. The country as a whole can not afford to court such a contingency. The beginning of precautions against such a calamity can be seen in the 25 per cent increase in the exportation of automobiles in 1924, the first whole-hearted assault by the members of that industry on foreign markets. Having just begun, they have only scratched the surface of this field. It is dangerous to predict the increase possible in this foreign business.

In the case of agricultural products, the problem is one of meeting successfully competition in foreign markets or having an appallingly large group of perpetually insolvent farmers and impoverished allied industries. This, too, is a grave problem of national proportions. In fact, a large portion of our citizens are firmly proclaiming this to be our foremost national problem and are demanding relief in no uncertain terms. The proposed St. Lawrence waterway would be a long step toward satisfying this demand and toward preventing a recurrence of a period of depression which inevitably follows bad agricultural conditions. And what is more important, it would be a solution of the problem founded on sound principles of economy. Realizing the present situation, then, can we not afford to be optimistic about the result of a deep waterway and its effect in the enlargement of shipping and ease of disposal of products from our Middle West? Will it not behoove us to be diligent in our efforts to bring this project about?

Some are fearful of the effect of the opening of the St. Lawrence waterway on the prosperity of our railroads. Let us examine their cause for concern.

The last monthly letter of the American Exchange-Pacific National Bank, of New York, speaking of the development of water transportation, says:

> Proposals looking to the development of the country's internal waterways should be considered from the standpoint of the coordination of the means of transportation and not from the standpoint of competition. Until the railroads are fully assured of enough business at relatively high rates to employ all their facilities, the country can not wisely hope to develop cheap water transportation for slow-moving goods. Rapid transportation is still more important than cheap transportation, and as long as the railroads need the revenue which now comes from the bulky freight that some day may be moved more cheaply over water routes, the development of cheap water transportation must wait. However, that does not mean that the time has not yet arrived for the commencement of actual work of development. In many sections conditions already favor the development of water transportation, and its introduction would bring needed relief to the railroads serving those sections, but not on a competitive basis. As long as there is any question about the possibility of the railroads losing needed revenues, water and rail rates should be kept on a strictly noncompetitive basis; that is, they should be equalized.
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> These measures are not considered as means of protecting the interests of the railroads in their investments, but as means for protecting the interests of the country in its transportation requirements. In view of the fact that the railroads have heretofore successfully met water competition, it might appear that feats for their future welfare in this regard are groundless, but their success in the past has been mainly due to the fact that the waterways of the country were not developed to the point of affording through routes. With the completion of improvements that would establish through water routes the situation would change, and unless the business of the country had developed to the extent that all its railroad facilities were needed for rapid moving and relatively valuable freight, the railroads would be brought into competition with facilities that would be entirely satisfactory to many shippers.
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> If it were not for the fact that the bulk of the country's business is done upon the basis of quick and efficient transportation, it would be desirable to develop a cheaper means of transportation, but since the country needs the kind of service the railroads, and the railroads, alone can give, it must take care to do nothing that will place the continuance of the service in jeopardy. Development of waterways with public money for the purpose of opening them to the use of competitors of the railroads, if the development were immediate, might force the abandonment of a large part of the rail system of transportation. However, it is probable that by the time the water routes of the country can be fully developed the business of the country will have grown to the point at which the railroads will be ready to welcome the added facilities as measures for the relief of their overburdened systems.

I call your attention to that last statement of this powerful New York bank, gentlemen, that—

> by the time the water routes of the country can be fully developed the business of the country will have grown to the point at which the railroads will be ready to welcome the added facilities as measures for the relief of their overburdened systems.

When conservative banks of the city of New York, the port which claims it will be most affected by the opening of the St. Lawrence waterway, proclaim that they share our opinion that we need a waterway to the sea now, how can we defer acting on that conviction? [Applause.]

Let us look for a moment to see what is the situation of the railroads at the present time—whether they need the revenue which now comes from the bulky freight that some day must be moved more cheaply over water routes. The latest financial statement of the Pennsylvania Railroad says that the earnings of the company are 12.46 per cent on the capital stock, and this in the face of a protracted anthracite strike, of which railroad this industry is the largest patron. This was also during a period of high taxes which will probably not again be equaled for many years. The earnings of all Class I railroads doing trunk-line business to the eastern seaboard, taken together, is well above the 6 per cent, which is the rate fixed as a fair return on the capital invested. All these railroads report also a normal growth of business which can not be taken care of except through the acquisition of additional facilities.

It looks, therefore, as if the railroads were assured of plenty of business to continue yielding a profitable return on their investment indefinitely. They could without loss surrender that portion of their business which is more readily adaptable to transportation by water. Furthermore, it should be remembered that the shift of the bulky freight from rail to the cheaper water transportation is not to be deducted from the potential business of the railroads without considering the results which will follow from the change. The millions of dollars thus saved to the shippers will be free to work in a number of ways, which will tend to increase the business of the railroads along new lines. For instance, the agricultural regions will buy more fertilizer and more manufactured goods, which must be carried by the railroads. Prof. Alva Benton, of the North Dakota Agricultural College, figures the saving to North Dakota alone on the shipment of wheat at $183,000,000 per year. Think what a quantity of needed commodities North Dakotans would buy outside their State with that amount of money!

The manufacturer will spend the money saved by the use of cheaper water transportation to buy additional raw materials needed to supply the products sold in the markets made available by the opening of the waterways and in reducing the price of the manufactured product to home consumers, thereby greatly increasing the home market, and consequently the business of the railroads as distributors of the product. It is possible, therefore, that this result alone would more than offset the loss

of revenue to the railroads due to the waterways taking over the carrying of bulky freight destined for export.

Now, as to the question whether the business of the railroads demands the use of all their facilities. In reviewing the business conditions for the year ending June 30, 1924, Secretary of Commerce Hoover said:

> This fiscal year marks the first occasion since long before the war when our railway facilities have been completely equal to the demand of the country. There were no car shortages of any consequence. There was a speeding up of delivery of all goods. This complete reconstruction, expansion, and growing efficiency in transportation facilities marks a fine accomplishment on the part of our railway management. Its economic effect is more far-reaching. Every car shortage is a strangulation in the movement of commodities which reduces price levels to the producer and increases them to the consumer. It disarranges the synchronizing of our industrial fabric and widens the margin all along the line between the producer and consumer. There is still requirement for extension of terminals and readjustment of rates. There are large consolidations needed for the ultimate best service and sound finance.

It being true, therefore, that the present volume of business of the railroads is sufficient to justify adding to their facilities, the question is, Shall this be done at the expense of shippers and consumers who could be more economically served by water transportation? To answer this question in the affirmative, gentlemen, would be inexcusable folly.

The question of the probability of competition between the St. Lawrence waterway and the railroads assumes a broader aspect when placed in the light of world economic reports. It is well known that the railroads have improved so much in the last two years that they are now, taken as a whole, on a good paying basis. This has been accomplished during a time when American exports were at a low ebb. If it is true, as is proved beyond a doubt by the report of the Secretary of Commerce given above, that the railroads have all they can do now to move the goods intended for export to the sea, how are we going to take advantage of the increased buying power of Europe unless we have a water outlet to the sea from our great production center to shoulder this tremendous added transportation burden? The Secretary of Commerce says that the lack of adequate terminal facilities is now a strangulation upon our commerce, the removal of which is a vital factor in the preservation of our prosperity. This strangulation exists at the points where our products for export converge on the Atlantic coast; it is particularly true of New York, where our gigantic stream of freight traffic is forced to pass through a bottle neck to get from the cars of the rail carriers into the holds of the foreign-bound ships. Is there common sense in the loading of more and more freight cars, hauling them to New York to be unloaded and reloaded into ships, when the ships themselves can readily be brought to the place of origin of the goods, and when, from the standpoint of the railroads, more business can not profitably be done until the tangle which exists at our eastern ports is straightened out? This is especially true in view of the amount of business which the economic stabilization of Europe will, if properly taken advantage of, bring about in this country. The failure of any of our eastern ports to realize its inability to cope singlehanded with this increasing demand for business can be explained only as blindness engendered by greed. From its distorted point of view national prosperity itself—upon which many unwittingly depend—is less important than keeping its own resolution to get for itself all the export business if there is any possible way to do it.

Were these people successful in preventing an opening of another outlet to the sea at this time, under the guise of protecting the all-important financial security of the railroads, it would be only a short-lived victory. Almost immediately they would realize that they had at last encountered something akin to a commercial earthquake, needed to readjust the strains and stresses of world trade just as earthquakes relieve irresistible stresses in the earth's crust, a process not to be stifled by the ambitions of even our hitherto greatest seaport. They would find that a water route to the sea is after all an absolute necessity, and we would then begin the same job several years after the tide of opportunity had passed and after the blight of strangulation had already wreaked untold damage on our commerce.

Having once decided, as we must, that we can not turn our backs on the necessity of a waterway to the sea, it is of the utmost importance that we choose the right way. There are those who for selfish purposes would sacrifice our country's interests. We must understand what these people have in mind.

While I do not care to unduly take up the time of the House by merely advocating the St. Lawrence project—which has been indorsed by at least 21 States as the only practicable route to the sea—I do wish to challenge the misconstruction that has been placed on the great amount of evidence in the hands of various bodies which unqualifiedly substantiates the conviction that the St. Lawrence is the most suitable and satisfactory route.

There is but one route planned and outlined by nature as an outlet of the Great Lakes to the sea and that is the St. Lawrence; simple geography and meager observation is the conclusive proof of this. The thought of this development is practically as old as the original thought of the predicted industrial greatness of the United States. When the transcontinental railroad was finished in the sixties it was agreed that some day water must take its place with the right of ways of transportation; that this vast country would eventually demand it. It is true that this line of thought has developed step by step. The Welland Canal, connecting two of the greatest lakes in the world, was one of them, an engineering feat thought impracticable and impossible at the time. Now comes to light in a most emphatic fashion the New York canal, or, to appeal to the people in a more favorable light, nicknamed the "all-American" canal, admitted by the proponents of the project to be almost a strictly artificial waterway and one which more properly might be termed the "un-American canal."

We admit that the great State of New York has done wonders in its development of water; that, in developing the territory within its boundaries, it has expended a sum of money nearly as great as was needed in building the Panama Canal, one of the wonders of the world, the greatest engineering accomplishment of which the Western Hemisphere can boast. One of these most costly projects of the State of New York is the barge canal, costing more millions than the full assessed value of some States of the Union. This artificial stream, better known as one of New York's white elephants, will be part of the pawn New York will give, and as was said by one of its advocates at the first hearing on the question—

> New York offers it in the spirit of generosity and patriotism, in making a great contribution by the people of New York to its country.

The truth of the matter is that New York wishes she had never seen this barge canal, and one of the fundamental ideas in advocating the so-called all-American waterway is that she—New York—will be relieved of this expensive, cumbersome, properly termed "barge" canal, and the Federal Government will step in and not only improve this canal but will make the whole cross-section of the Empire State, from Oswego to Albany, the rendezvous of the bulk of ocean vessels of the world, and believe, gentlemen, it would be a veritable rendezvous—a place of long and tedious delays, because the congestion would be so great and the stops so necessarily frequent. Think of the time which must necessarily elapse in opening and closing the 29 locks and either lift or swing the 81 bridges.

Nor do I condemn the citizenry of the State of New York, and much less do I condemn the gentleman from New York, the chairman of the Rivers and Harbors Committee in Congress. It is only natural that they should want their own cities and State developed and want it improved without further expense to themselves; improved to the degree that it would contain within its boundaries possibly the greatest water system that any piece of territory of equal size in the world possesses. But, gentlemen, I do not consider this commendable in the face of the welfare of 105,000,000 people against 10,000,000 New Yorkers, who most naturally want to see their State, which is one of the greatest States in the Union in many respects and whose populace we know feel that New York is America and the rest of the country a mere adjunct, further developed. It would be utterly foolish to attempt to refute the statement that New York is a great Commonwealth, but I insist its greatness does not surpass in individuality that of any other State.

Why, gentlemen, this is one of the most serious transportation questions of the day—or, I might say, age—so far as we are concerned. The country needs a waterway and needs it badly, and we can not afford to be unnecessarily extravagant by building a water system to please the State of New York that can not possibly serve the country adequately, especially when the St. Lawrence system, so uniquely provided by nature, awaits only slight improvement compared to the New York route, improvement that will cost less than half of that which would be required by the "all-American."

Gentlemen, when this great undertaking is finished the American people expect to have something real, and it is all of the American people that are entitled to that realization, at least a majority of them. I say this Government can not afford to build two great waterways, and I will say further that the "all-American" advocates would have us do that very thing. If the New York system were built it would be found inade-

quate and could not properly take care of present traffic, nor possibly take care of future traffic, and we would have spent over $500,000,000. We would then be forced to open the St. Lawrence, which, as I said before, has always been conceded as the natural outlet of the Great Lakes to the sea and the waterway desired by the majority of the States most interested.

I call your attention to the fact that we are not living in an age when Government centers around a conquering hero or a city as it did in the time of the old Greek and Dutch Republics, but in an age when "the relation of government toward industry and commerce is primarily that of preserving equality of opportunity for all."

There is still time for this Congress to immortalize itself and at the same time commemorate the name of the late Senator Charles E. Townsend, of Michigan, that able statesman who spent many of his best years in the Congress of the United States fathering the St. Lawrence water route to the sea.

I hope I have been able to impart to you something of the insight into this important question which I have gained through an exhaustive study of the subject over a long period of time. With that insight there is no other possible conclusion to be drawn than that the St. Lawrence waterway is the only feasible all-water route to the sea. I trust that I have been able to clear up any and all controversial questions that may have been in your minds in relation to this all-important matter.

The SPEAKER. The gentleman from Idaho moves to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: Page 43, line 22, after the figures "$4,100,000," insert: "*Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. I will be glad to yield to the gentleman.

Mr. BUTLER. Will the gentleman make just a brief explanation of the necessity for this provision? This is something I know nothing about at all. It authorizes the Government to pay for damages by airplanes. Did the gentleman read the hearings conducted by the Senate upon this matter? Does the gentleman know the necessity for this legislation? I would like to be told about it. Where will this lead?

Mr. FRENCH. Mr. Speaker, this language has been carried in a great many of the appropriation bills——

Mr. BUTLER. With respect to ships.

Mr. FRENCH. And goes back to the time when the appropriation bills were reported from the gentleman's committee. It provides that when accidents occur that result in damage less than $250 in amount, the department may make settlement. The question was brought before our committee. We made inquiry, and we found that the advantage of adjusting small claims that may arise through some accident is very great, and that the Government is money ahead by making the settlement shortly after the damage occurs instead of letting it drag along for years to be acted on through the Court of Claims or by the Congress. We were told that last year the moneys expended for this purpose were probably not in excess of $500. Of course, we can not prophesy what will occur, but I think it is good business and good judgment to let the department adjust any small damage claims that may arise by reason of accidents.

The SPEAKER pro tempore (Mr. LEHLBACH). The question is on the motion of the gentleman from Idaho to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 37: Page 55, line 16, after the word "plant," insert a semicolon and the following: "and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

Mr. FRENCH. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

CELEBRATION AT WILLIAMSBURG, VA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Friday, it will adjourn over until Monday. I make the request for this purpose: There occurs at Williamsburg, Va., on Saturday, the celebration of a very extraordinary historical event, an event that in my opinion marks the historical and logical genesis of the Declaration of Independence, and which has been recognized by this House in the form of a concurrent resolution, and in pursuance of which a committee of five Members of this House and five Members of the Senate has been appointed. This adjournment would be a very appropriate recognition of the one hundred and fiftieth anniversary of an historical event that should not escape the attention of the country, and especially of the legislative body of the country, the Congress of the United States. So with diffidence, but with some patriotism I hope, I submit this request to the consideration of the House. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

APPOINTMENT AND SALARY OF JUDGES OF THE UNITED STATES

Mr. SNELL, chairman of the Committee on Rules, presented for printing a resolution (H. Res. 265) in connection with the bill (H. R. 10821) for the appointment of certain additional judges and the bill (S. 2858) to fix the salaries of certain judges of the United States.

VALIDATING APPLICATIONS AND ENTRIES OF PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9037) validating certain applications and entries on public land and agree to the Senate amendments.

The SPEAKER pro tempore. The Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 9037) to validate certain applications for and entries of public lands, and for other purposes.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

TRANSPORTATION OF BLACK BASS

Mr. PARKER. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill S. 3440 from the Speaker's table, a similar bill having been reported and on the calendar, H. R. 71.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes

Be it enacted, etc., That when used in this act the word "person" includes company, partnership, corporation, association, and common carrier.

SEC. 2. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier or for any person knowingly to transport or carry by any means whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (Micropterus salmoides) or any small-mouth black bass (Micropterus dolomieu) which has either been caught, sold, purchased, or possessed in violation of the law of the State, Territory, or the District of Columbia wherein the delivery of such black bass for transportation is made or the transaction or the carrying thereof begins.

SEC. 3. Any person violating the provisions of this act shall, upon conviction thereof, be punished by fine not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to large and small mouth black bass.

SEC. 5. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes.

SEC. 6. This act shall become effective immediately upon its passage and approval.

Mr. PARKER. Mr. Speaker, I yield to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Speaker, this bill was introduced at the request of the fishermen and sportsmen of America. It is a very simple bill, following what is called the Lacey Act, passed some years ago, relating to the transportation of game birds and fur-bearing animals. It provides that where a State prohibits the commercial sale of black bass, that sale shall be prohibited in interstate commerce. It does not interfere with the rights of the State. It does not change the jurisdiction of a State, and it does provide protection against the fish hog.

It is intended to stop the destruction of black bass, a favorite game fish which inhabits all the fresh waters of America. It does not interfere with the transportation of black bass captured by the fisherman. All that it does is to prevent the transportation in interstate commerce of black bass taken from a State where the law prohibits its commercial sale.

Mr. CRAMTON. Will the gentleman yield?

Mr. HAWES. I will.

Mr. CRAMTON. I was not able to follow the reading of the bill. Is the effect of the bill in any degree to transfer from the State to the Federal Government the responsibility of enforcing the law protecting black bass?

Mr. HAWES. No; it does not.

Mr. NEWTON of Minnesota. It is drawn along the same general principles as the Lacey Act?

Mr. HAWES. Identically. The bill is intended to aid in the conservation of black bass by assisting the enforcement of State statutes. It is not a violation or usurpation of State authority; it merely supplements State authority by aiding the enforcement of State opinion expressed in legislative enactment.

It will not prevent the transportation of bass caught or carried by individuals for their own use under the limitation made by the State where procured.

It will strengthen the laws of any State wherein the taking of bass commercially is prohibited. In some States, where such law is now on the statute books, its effect is nullified by the fact that black bass are shipped out of the State in barrels, with rough fish at the top and bottom and the bass in between.

A State which for conservation purposes denies for a limited period the sale of black bass to its own citizens frequently finds that its State enactments are nullified by bass being taken from the waters of its own State where its commercial use is prohibited to its own citizens and transported from that State and sold to the citizens of another State, thus destroying the State conservation program and giving to the citizens of another State the benefit of commercial consumption which is denied its own citizens.

Mr. PARKER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HUDDLESTON] 30 minutes.

Mr. HUDDLESTON. Mr. Speaker, this bill provides that anyone who transports in interstate commerce a black bass which has been caught in violation of the statute of any State shall be guilty of a Federal offense. He is to be prosecuted in a Federal court and sent to a Federal prison. The purpose of the bill is to unload on the Federal Government the burden of enforcing State fish laws. The only argument for it is that it will afford a very convenient and satisfactory means of prosecuting violators of State fish laws, will remove the accused from local sentiment and sympathies, and impose upon him a more drastic penalty.

The bill is not intended to protect the bass in States in which it is not now protected by State law. It does not forbid catching bass nor destroying them in any way. It is aimed merely at their transportation across State lines where they have been previously caught in violation of a State law.

The bill is in line with a good deal of recent congressional action. It is of the same nature as the Mann White Slavery Act, the car breaking act, the Dyer Interstate Automobile Act, and others of similar nature. Numerous other similar bills are pending, such as bills to prevent interstate commerce in pistols and similar bills. It is in line with all the numerous invasions of the police powers of the States, under the cloak of the commerce clause of the Constitution. Where these efforts will end, no man knows. Carried to its logical extremity, there is practically no activity which may be performed within a State upon which the Federal Government can not lay its hand under the commerce clause.

The situation leads to the inquiry: Is our system of value or is it not? Is there value in a governmental system which provides for the exercise by the separate States of their police powers, or should we consolidate all governmental powers in the hands of Federal authority and leave the Federal Government as the sole governmental agency to deal with the situation? That is a question which each of those interested in political principles must answer for himself.

Again we must ask: Is there value in the principle of local self-government? Is there any reason why people of a locality should be trusted to deal with matters relating to themselves alone, or should we leave purely local matters to a supreme government seated at some remote place and out of touch with local conditions themselves? This Members must also answer to their own satisfaction.

As for me, I am an old-fashioned man. I believe in our traditions. I believe in our existing institutions. To me they are not merely matters of convenience. They represent substantial principles of governmental policy, which can not be violated with impunity. I believe in the Constitution, and in my efforts to honor it I shall not confine myself merely to its letter but will conform to its spirit. I will not, under the cloak of the commerce clause and under the pretense of regulating interstate commerce, deliberately violate the police jurisdiction of a State. Others may proceed as their lights may guide them.

The bass is king. He is king among fish, and he is also king among men. At his behest principles bow their heads in humble submission. Customs curtsy to him as they do to all kings. Great committees of Congress use the mighty tongs of their machinery to pick up a pinhead in the form of a statute for his protection. Dignified Members yoke themselves up to his car. Great political parties bow and scrape and do him obeisance. The bass is king, and the catfish has no rights that he is bound to respect. [Applause and laughter.]

I congratulate the gentleman from Missouri [Mr. HAWES], the author of the House bill, which is the same as the Senate bill. Parties and partisan spirit have bowed themselves before him as the prime minister of the king of fishes. From March 4, 1919, to the present moment this is the first bill introduced by a Democrat that has been permitted to come before the House for passage—I mean a bill of a general nature or of any importance. I make no complaint on that score. It is a custom of the House for the majority party to control.

The Republicans are in a majority in both Houses of Congress. They have the Presidency. They are responsible for the Government. During that seven years had anything good been done, which it has not, the credit would have been theirs. For all of the failures and omissions of Government, for all of its faults, the responsibility lies upon the Republicans. They have the right not to pay any attention to a bill fathered by a Democrat. They have exercised this right for more than seven years. For more than seven years no Democrat has been permitted to father a bill of any importance which has passed the House.

But this spirit of partisanship and this partisan practice has bowed to King Bass, whose champion the gentleman from Missouri [Mr. HAWES] is. When the interests of this king of fish are involved, majorities dissolve and cease to function. Partisan committees fall over themselves in haste to report the bill. In such a glorious cause even a member of the despised and lowly Democratic Party is permitted to write a bill and to get it before the House. It is about to be passed. Put a feather in your cap, Mr. HAWES, because you have done a great work.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. CANNON. Did the gentleman overlook the precedent that was created in the last Congress when a bill creating a game refuge on the Mississippi, also introduced by the gentleman from Missouri [Mr. HAWES], passed both Houses and is now on the statute books?

Mr. HUDDLESTON. The gentleman will remember that I said "a bill of any importance." Except for the fact that this is a black bass bill, I would say that it is of no importance; but I can not be so presumptuous as to say that a bill which represents a tribute to this king of fishes is a bill of no importance. [Laughter.]

Mr. RUBEY. Is it not a fact that the Aswell agricultural bill is before the House at this time?

Mr. HUDDLESTON. No; that bill is not before the House. In point of fact, there is not anything before the House in respect to agriculture except some anxious Congressmen with a weather eye on the next election [laughter]; and, God knows, I sympathize with these my brethren.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. I do not want to get too far afield. I yield.

Mr. SABATH. In view of what the gentleman states, is it not a fact that the gentleman from Missouri is a man who, having great influence here, would yield the same influence in another body?

Mr. HUDDLESTON. I have just said as much.

Mr. BARKLEY. And inasmuch as the gentleman from Missouri has been able to do this for the bass as a Member of

the House, might we not hope that if he is transported to another body he might do something for the cat?

Mr. HUDDLESTON. For the catfish; yes. [Laughter.] The gentleman from Missouri [Mr. HAWES] is a great sportsman. He loves dogs. I remember the eloquent tribute he paid to dogs here on the floor of the House, and now here he comes along with a bass bill. Of course he is interested in the bass bill for the sake of the bass, not for the pleasure of catching him, and not so much in the interest of the people who want to catch and eat the bass as in the bass himself.

I know you are going to vote for this bill, and I do not care a hoot. Among the very few things that I learned when I went to the law school long years ago was that the victim of an attack will be considered to have consented unless when it is possible to do so an outcry is not made. I am now making my outcry, and it is immaterial to me just what you do.

I know you are going to vote for the bill. Here the bass is involved, and he is of vast importance. But just here let me read you a little lecture. I do it with all humility and recognizing my own shortcomings and weaknesses. Always I see a greater light than I am able to follow, but let me read a lecture to you, my brethren. The crying need in the Congress of the United States is for men of principle [applause], men of heart and brain enough to fix upon a set of political principles as a guide for their conduct, and with courage enough, having fixed upon them, to adhere to them through night and day, under all circumstances, and without fear or favor. [Applause.]

If this Republic is to be saved, it will be saved by men like that. If it is to be lost, and if its traditions are to be destroyed, it will be by those who act here merely in accordance with the dictates of convenience and in obedience to unthinking or selfish constituencies. [Applause.]

The trouble here is that we forget principle and yield to mere convenience. Always the question is, What is the most convenient way to do this thing that I wish done? We have in our minds ends which we wish to accomplish. We strive to get through to these ends. We do not sufficiently regard the cost of getting through. We usually break through with the weight of a majority who do not think. We do not hold to high principle and take it as our sole guide and regard the mere end as a matter of secondary importance. In short, we have not yet unlearned the folly of Machiavelli. All of us agree that principles are worth while. All assert loudly that we want to follow them and that it is ruinous not to do so. We say that we do not believe that the end justifies the means, yet too often, almost always, we act as though a desirable end is everything and the means to it is of no moment.

By this bill we want to protect the bass in his cool retreat. Well, the most convenient way to do it is to unlimber the great powers of the Federal Government, invoke the Federal judiciary, call out the Army and Navy. That it violates our principles is nothing; that it makes a farce of the American system is nothing; that as a precedent it is fraught with great danger is nothing; that it is in principle and in spirit a violation of the Constitution is nothing, provided we may find a legalistic cloak for our action under the commerce clause. [Applause.]

Gentlemen stand in the House and cry with a loud voice against the tendency of the Federal Government to usurp the powers of the States. In season and out of season they cry out against the centralization of government in Washington. Oh, you all do that. Hardly a meeting of citizens can be gathered together anywhere without some public man getting up and puffing out his chest and crying out against centralization and the interference by the Federal Government with the functions of the State and with the liberties of the people. Especially are such outcries heard at meetings of business men, and there they sound a strident note against interference with the activities of business. Business men are not usually greatly interested in civil liberties, but they are tremendously interested in the right of those engaged in business to do whatever they may that will bring in profits.

The gentleman from Missouri [Mr. HAWES] is one of the main "criers out" against centralization, but, just like the rest, when he gets an opportunity to do something that he wants to do, to accomplish some purpose that is next to his heart, then away with theories and away with opposition to centralization, and "Come to my arms, you black bass." [Laughter.] But I am far from intending by that remark to call my good friend Mr. HAWES, for whom I have great respect and admiration, "a big fish." He has sworn allegiance to the king of fishes, and he must serve him, at no matter what a sacrifice of consistency. But other Members are yet free to make a righteous decision. I wonder whether they will prove themselves "big fishes" and fail to stand by their principles.

Do you believe in the exercise by the States of the police powers reserved to them by the Constitution, or do you believe in invading these powers under the pretense of regulating interstate commerce? The answer will be shown by the way you vote on this bill. This is all I have to say, and as it is, it is too much. [Applause.]

Mr. Speaker, I yield back the balance of my time. [Applause.]

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was read a third time.

The SPEAKER pro tempore. The question is, Shall the bill pass?

The question was taken, and the Speaker pro tempore expressed himself as being in doubt.

The SPEAKER pro tempore. As many as are in favor of passing the bill will rise in their places and stand until they are counted.

The House divided; and there were—ayes 104, noes 37.

So the bill was passed.

The SPEAKER pro tempore. Without objection, the House bill 71, of like import with the Senate bill, will be laid on the table.

There was no objection.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

LIGHTHOUSE BILL

Mr. PARKER. Mr. Speaker, I ask unanimous consent, with respect to the bill H. R. 10860, which was passed by the House and amended in one particular by the Senate, that the House agree to the Senate amendment. The bill is what is commonly known as the lighthouse bill. One amendment was put on by the Senate which granted a strip of land in the State of Massachusetts, down on Cape Cod, on which there was a lighthouse. It is a stub-end right of way, the rights of way on either side having been deeded back by the Government to the people who formerly owned the land. After the bill is reported I will explain it further.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 10860, with a Senate amendment, and concur in the amendment of the Senate. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes.

Mr. CONNALLY of Texas. Mr. Speaker, how many bills is the gentleman going to bring in?

Mr. PARKER. One more conference report on civil aviation.

Mr. CONNALLY of Texas. Does not the gentleman think that is chicken feed as compared in importance with the consideration of the farm relief bills?

Mr. PARKER. I am going to bring in one more bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

AIRCRAFT IN COMMERCE

Mr. PARKER. Mr. Speaker, I wish to call up the conference report on the Senate bill 41.

The SPEAKER pro tempore. The gentleman from New York calls up the conference report on Senate bill 41. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Without objection, the Clerk will read the statement.

The statement was read.

Following are the conference report and accompanying statement:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That as used in this act, the term 'air commerce' means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this act, the term 'interstate or foreign air commerce' means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through the airspace over any place outside thereof; or wholly within the airspace over any Territory or possession or the District of Columbia.

"SEC. 2. Promotion of air commerce.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

"(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

"SEC. 3. Regulatory powers.—The Secretary of Commerce shall by regulation—

"(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

"(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after the passage of this act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, rerate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

"(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

"(d) Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

"(e) Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collision between vessels and aircraft.

"(f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

"SEC. 4. Airspace reservations.—The President is authorized to provide by Executive order for the setting apart and the protection of air-space reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public-safety purposes. The several States may set apart and provide for the protection of necessary air-space reservations in addition to and not in conflict either with air-space reservations established by the President under this section or with any civil or military airway designated under the provisions of this act.

"SEC. 5. Aids to air navigation.—(a) Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air-navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangement subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air-navigation facilities, except airports and terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

"(b) The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air-navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air-navigation facility under his jurisdiction.

"(c) Air-navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

"(d) The head of any Government department or other independent establishment having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary

to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

"(e) Section 3 of the act entitled 'An act to increase the efficiency and reduce the expense of the Signal Corps of the Army, and to transfer the Weather service to the Department of Agriculture,' approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"'Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations.'

"(f) Nothing in this act shall be construed to prevent the Secretary of War from designating routes in the navigable air space as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this act, and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities.

"SEC. 6. Foreign aircraft.—(a) The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

"(b) Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section.

"(c) If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may authorize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce.

"SEC. 7. Application of existing laws relating to foreign commerce.—(a) The navigation and shipping laws of the United States, including any definition of 'vessel' or 'vehicle' found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

"(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandize carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

"(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

"(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the Immigration Service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the Immigration Service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

"SEC. 8. Additional Assistant Secretary of Commerce.—To aid the Secretary of Commerce in fostering air commerce and to perform such functions vested in the Secretary under this act as the Secretary may designate, there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the classification act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this act, and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this act; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air-navigation facilities, except air ports, as are necessary for executing the functions vested in the Secretary of Commerce by this act.

"SEC. 9. Definitions.—As used in this act—

"(a) The term 'citizen of the United States' means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per cent of the voting interest is controlled by persons who are citizens of the United States or its possessions.

"(b) The term 'United States,' when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying air space; but shall not include the Canal Zone.

"(c) The term 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

"(d) The term 'public aircraft' means an aircraft used exclusively in the governmental service.

"(e) The term 'civil aircraft' means any aircraft other than a public aircraft.

"(f) The term 'aircraft of the United States' means any aircraft registered under this act.

"(g) The term 'airport' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.

"(h) The term 'emergency landing field' means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of air-

craft and is not used regularly for the receipt or discharge of passengers or cargo by air.

"(i) The term 'air navigation facility' includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

"(j) The term 'civil airway' means a route in the navigable air space designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.

"(k) The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 10. Navigable air space—As used in this act, the term 'navigable air space' means air space above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 3, and such navigable air space shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this act.

"SEC. 11. Penalties—(a) It shall be unlawful, except to the extent authorized or exempt under section 6—

"(1) To navigate any aircraft within any air-space reservation otherwise than in conformity with the Executive orders regulating such reservation.

"(2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States; or to navigate any foreign aircraft in the United States.

"(3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.

"(4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.

"(5) To navigate any aircraft otherwise than in conformity with the air traffic rules.

"(b) Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

"(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

"(d) Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this act, or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding $1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

"(e) Any person (1) who, with intent to interfere with air navigation in the navigable air space or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this act, or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal shall be guilty of an offense punishable by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

"(f) All penalties paid under this act shall be covered into the Treasury as miscellaneous receipts.

"SEC. 12. Separability: If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 13. Time of taking effect: This act shall take effect upon its passage; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter.

"SEC. 14. Short title: This act may be cited as the 'Air Commerce Act of 1926'."

And the House agree to the same.

JAMES S. PARKER,
JOHN G. COOPER,
SCHUYLER MERRITT,
SAM RAYBURN,
CLARENCE F. LEA,
Managers on the part of the House.

WESLEY L. JONES,
BERT M. FERNALD,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
JOSEPH E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause. The Senate receded from its disagreement to the amendment of the House with an amendment which is a substitute for both the Senate bill and the House amendment.

The essential differences between the Senate bill and the House amendment may be enumerated as follows:

"1. Registration: The Senate bill restricted compulsory registration to aircraft engaging in interstate and foreign commerce, whether or not in the navigable air space. The House amendment covered all air navigation in the navigable air space, whether in interstate or intrastate commerce, and whether commercial or noncommercial. The substitute requires the registration of aircraft engaged in the following classes of commercial air navigation:

"(a) The transportation in interstate or foreign commerce of persons or property for hire, either in whole or in part by aircraft, whether or not the air portion of the transportation is interstate or foreign or is intrastate. The transportation of property for hire includes the transportation of the mails by aircraft.

"(b) The interstate and foreign navigation of aircraft in furtherance of a business, as, for instance, the transportation of factory products from the main plant to a branch office, or the use of aircraft by salesmen or insurance agents or professional men while traveling upon business. The clause of course would not cover the use of aircraft for the purpose of transportation from home to office. The clause would have no un-

reasonably restrictive application to flights for scientific or experimental purposes in furtherance of a business, for the reason that such flights would not ordinarily be interstate or foreign, but would be conducted wholly within the limits of one State.

"(c) The interstate or foreign navigation of aircraft from one place to another in the operation or conduct of a business. This clause would cover the gipsy flyer and the exhibitor at county fairs if he navigated his aircraft from a place of exhibition in one State to a place of exhibition in another State, or from a place in one State where he conducts intrastate transportation for hire to a place in another State where he conducts intrastate transportation for hire.

"Under both the Senate bill and the House amendment aircraft were eligible for registration only if owned by citizens of the United States. Under the Senate bill a corporation was deemed to be a citizen if two-thirds of the stock, whether voting or nonvoting, was owned by United States citizens. The House amendment provided for such registration in case of a corporation if 51 per cent of the voting stock is controlled by citizens of the United States. The substitute requires 51 per cent of the voting stock to be controlled by citizens of the United States.

"Under both the Senate bill and House amendment aircraft eligible for registration could obtain registration even though not required to do so by the penalty provisions. The substitute retains this provision, together with the requirement that any aircraft obtaining registration, whether or not required to register, must conform to the regulations as to airworthiness and as to the certification of its airmen.

"2. Rating of aircraft: The Senate bill provides for the inspection of each aircraft before it is used in interstate or foreign commerce and the certification of its condition, capacity, and safety at the date of inspection. Further, from time to time thereafter the Secretary of Commerce is authorized to inspect and test the aircraft as to its airworthiness. The House amendment authorized the Secretary of Commerce to provide for the examination and rating upon registration and periodically thereafter of registered aircraft as to their airworthiness. The House amendment would not require the examination to be made by officers of the Government. The substitute requires the Secretary to provide for the examination and rating of registered aircraft as to their airworthiness. It further provides specifically that the Secretary may require periodic examinations to be made of aircraft in service and reports thereon either by officers or employees of the Department of Commerce or by properly qualified private persons. In addition, the Secretary may, in his discretion, accept as a basis for rating the reports of properly qualified persons employed by manufacturers or owners of aircraft, and after the first eight months after the passage of the act may deny registration to any aircraft applying therefor unless full particulars of the design and the calculations upon which the design is based and the materials and methods used in the construction are furnished him. The Secretary may, from time to time, rerate aircraft upon the basis of the above information.

"3. Rating of airmen: The Senate bill authorized the Secretary of Commerce to examine and determine the qualifications of individuals to serve as airmen upon or in connection with any aircraft in the United States. The House amendment provided for the periodic examination of any airman serving upon or in connection with registered aircraft. The substitute adopts the provision of the House amendment.

"4. Rating of air-navigation facilities: The House amendment provided for the periodic examination and rating of air-navigation facilities. The Senate bill contained no such provision. The substitute adopts the House provision except that such examination and rating need not be periodic.

"5. Air traffic rules: The Senate bill provided the Secretary should establish aerial traffic rules for the manner of navigating and operating civil aircraft in interstate or foreign commerce. The House amendment provided that the Secretary of Commerce shall by regulation establish air traffic rules for the navigation and protection of aircraft in the navigable air space or waters of the United States, including rules for taking off and alighting, signal rules for land and water structures, rules for safe altitudes for flight, rules for identification and marking, rules for maintenance of log books, and rules for prevention of collisions between vessels and aircraft.

"The substitute provides that the Secretary shall by regulation establish air traffic rules for the navigation, protection, and identification of all aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft. The provision as to rules for taking off and alighting, for instance, was eliminated as unnecessary specification, for the reason that such rules are but one class of air traffic rules for the navigation and protection of aircraft. Rules as to marking were eliminated for the reason that such rules were fairly included within the scope of air traffic rules for the identification of aircraft. No attempt is made by either the Senate bill or the House amendment to fully define the various classes of rules that would fall within the scope of air traffic rules, as, for instance, lights and signals along airways and at airports and upon emergency landing fields. In general, these rules would relate to the same subjects as those covered by navigation laws and regulations and by the various State motor vehicle traffic codes. As noted above, surplusage was eliminated in specifying particular air traffic rules in order that the term might be given the broadest possible construction by the Department of Commerce and the courts.

"In order to protect and prevent undue burdens upon interstate and foreign air commerce the air traffic rules are to apply whether the aircraft is engaged in commercial or noncommercial, or in foreign, interstate, or intrastate navigation in the United States, and whether or not the aircraft is registered or is navigating in a civil airway.

"6. Public aircraft: Under the Senate bill public aircraft were exempt from all the regulatory interstate and foreign commerce requirements of the act. Under the House amendment public aircraft were exempt in respect of all navigation from the requirements as to airworthiness and the rating of airmen, but not from air traffic rules upon civil airways nor from registration. Under the substitute public aircraft of the Federal Government are exempt from the airworthiness requirements and the regulations as to the rating of airmen unless such aircraft are voluntarily registered, but public aircraft of the Federal Government are not exempt from the air traffic rules except in so far as the Secretary of War has control over exclusively military aircraft upon military airways.

"7. Foreign aircraft: Under the Senate bill foreign aircraft were subject to all the regulatory provisions as to foreign commerce and could not engage in interstate nor apparently in foreign commerce in the United States. Under the House amendment foreign aircraft could be exempt from any of the regulatory provisions governing foreign, interstate, and intrastate air navigation if the foreign nation granted a similar exemption, but could not engage in interstate commerce in any case. Under the substitute foreign aircraft can not engage in interstate or intrastate commerce, but can engage in all other air navigation, foreign, interstate, or intrastate, if permitted by the Secretary of Commerce and if the foreign nation grants a similar exemption. While engaged in such other air navigation foreign aircraft may, to such extent as the Secretary deems advisable, be exempt from the requirements as to airworthiness and rating of airmen, but not from the air traffic rules.

"8. Aids to air navigation: The Senate bill provided for (a) the establishment and operation by the Secretary of Commerce, within the limits of appropriations made by Congress, of aerial lights, lighthouses, and signal stations, radio directional finding facilities, and radio communication facilities, whether along air routes or at airports or emergency landing fields or elsewhere; (b) the charting of commercial air routes and the publication of maps of such routes; (c) the making available to the public the use of the airports, aerial lights and lighthouses, and signal stations, radio directional finding facilities, and radio communication facilities of any Government department, under such conditions and to such extent as the head of the department deemed advisable and by regulation prescribed; (d) the sale in emergencies at Government airports of fuel, oil, equipment, and the furnishing in emergencies of supplies and other assistance at the local fair market value; (e) the furnishing exclusively by the Weather Bureau of meteorological information to promote the safety and efficiency of air navigation, particularly along civil airways. The House amendment retained all of the above features except that air-navigation facilities could be established along airways only, i. e., at airports, emergency landing fields, and intermediate points. The House amendment provided also for the establishing and operation along airways of airports, emergency landing fields, and electrical communication facilities, and for the transfer to the Secretary of Commerce by joint action of the Postmaster General and the Secretary of Commerce of the airports, emergency landing fields, and other air-navigation facilities of the Air Mail Service. The substitute retains the features of both the Senate bill and the House amendment, except that the Secretary of Commerce may not establish or operate airports and that the transfer of the Air Mail Service airports may be made only to municipalities, and then only under arrangements subject to the approval of the President. The airports of the Air

Mail Service are referred to in section 5 (a) as airports or terminal landing fields.

"9. Penalties: The Senate bill provided for the enforcement of the provisions of the act and regulations thereunder through a system of flat civil penalties and liens subject to administrative mitigation and remission, similar to the penalties by which the customs and navigation laws are enforced. The House amendment provided for enforcement through Federal criminal penalties and also authorized the several States to provide for the prosecution of the Federal offenses occurring within their respective jurisdiction and to prescribe penalties or forfeitures, civil or criminal, to be imposed for such offenses. Trial and acquittal or conviction of any person under such State law was to constitute a bar to his trial and conviction by the Federal Government for the offense. The substitute retains the Senate provision but with such additional administrative machinery as will make the provision effective. It also provides the constitutional basis necessary for enforcement of liens and penalties against aircraft by simulated admiralty proceedings.

"10. Advisory Committee for Aeronautics: The House bill provided for increasing the membership of the Advisory Committee for Aeronautics by additional members, one each from the office of the Assistant Secretary of Commerce in charge of civil air navigation, the office of the Postmaster General in charge of the Air Mail Service, and the Coast Guard. The Senate bill contained no such provision and the substitute omits it.

"11. Navigable air space: The House bill provides a public right of freedom of interstate and foreign air navigation in the navigable air space similar to the public right of such navigation upon navigable waters. Such navigable air space comprises the air space above the minimum safe altitudes of flight prescribed by the Secretary of Commerce. These altitudes would vary with the terrane and location of cities and would coincide with the surface of the land or water at airports. The power to fix the various altitudes was, therefore, left to the discretion of the Secretary of Commerce, having regard to the above-mentioned and other relevant factors. The Senate bill contained no such section, but the provisions of the House amendment are retained by the substitute.

"12. Assistant Secretary of Commerce: The Senate bill provided for an Assistant Secretary of Commerce to be appointed by the President and the Senate and to receive a salary of $7,500 a year. The House amendment retained this provision, making it clear that the new office of the Assistant Secretary is in addition to that now provided by law, and that the functions of the new Assistant Secretary are confined to civil air navigation, but providing for the fixing of his compensation in accordance with the classification act of 1923. The substitute retains substantially the House provision.

"13. Air-space reservation: The House amendment provided for the establishment and protection of air-space reservations for national defense and other governmental purposes, and in addition in the District of Columbia for public-safety purposes. No similar provision was included in the Senate bill. The substitute retains the House provision, and all air navigation within any air-space reservation is subject to the restrictions imposed by the Executive order relating to such reservations.

"14. Issuance, suspension, and revocation of certificates: Both the Senate bill and the House amendment provided for the issuance, suspension, and revocation of certificates in enforcing the act. In the Senate bill the procedure was left to regulation by the Secretary of Commerce. The House amendment, for the more adequate protection of the individual, provided for proper notice and hearing and opportunity for review, by extraordinary remedy, of the decision of the Secretary upon questions of law, as, for example, the unconstitutionality of the substantive law applied or the procedure used, failure to observe the procedure required by law, the proper application of the statute or any regulation having the force of law, and the existence of at least some evidence to support the findings of fact. The substitute retains the provisions of the House amendment."

JAMES S. PARKER,
JOHN G. COOPER,
SCHUYLER MERRITT,
SAM RAYBURN,
CLARENCE F. LEA,
Managers on the part of the House.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

THE BLACK BASS BILL

Mr. CARSS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill S. 3440, the black bass bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CARSS. Mr. Speaker, during the 1924 campaign I heard the statement made that 15 per cent of the people of the United States owned 85 per cent of the wealth of the United States. I did not think very much about that statement when I heard it, because I had heard a great many men talking in the 1924 campaign who knew a great many things that are not so, but one morning last summer I was sitting on my dock, which extends out into the most beautiful lake in the world, up in northern Minnesota.

Like Ancient Pistol, I was watching to see the "dawn break yonder" and as I watched that faint corona of light grow brighter and brighter, I wondered if the statement I had heard on the stump regarding the wealth in the United States were true. I wondered if 15 per cent of the people of the United States had seen 85 per cent of those glorious sunrises and sunsets. I wondered if that 15 per cent had looked into the eyes of 85 per cent of the true, virtuous, loving women of the United States, had felt 85 per cent of the soft warm baby arms around their necks, had eaten 85 per cent of the roasting ears and purple grapes, had caught 85 per cent of the black bass that were caught in the United States last year.

See, now, where the light has grown stronger and all the high clouds are lighted up with the rays of the rising sun until the whole heavens resemble the interior of an irridescent, opalescent sea shell.

Let us get into the boat, and I will push her off. You get into the front. I will take the paddle. We will go along the lake shore, past that point where the old dead cedar projects over the water surrounding a perch for the kingfisher. Turn around into this little bay and get up to within about 50 or 60 feet of the growth of rushes and lily pads. Now take your little light casting rod with your smooth-running reel and your little taper line and pork rind, spinner, or plug, reel up until your bait is within a foot and one half from the end of the rod. Then pull it over to the left and give it that little twist to the right and watch the plug as it soars out. Keep your thumb lightly on the spool and drop the bait right in that opening in the lily pads just by those big rushes. See the lily pads lift; feel that thrill in your wrist and arm! What is that that comes out of the water? The gamest, scrappiest fighter that ever wore scales. Tighten the line and set the hook. I will get the canoe out into deep water, so he can not get under that old snag. Now play him. See him jump and shake his head in a vain attempt to loosen the hook. Now, reel him carefully. Look out for him when he sees the boat. He will be scared. There he goes! Keep a little strain on the line, now turn him, reel him in slowly. He is about conquered. Lead him up alongside the boat. Keep his head under water until I get him in the net. Now look him over. See how the newly risen sun lights up his beautiful colors, and ask yourself the question, "Do 15 per cent of the people of these United States own 85 per cent of the wealth?"

Gentlemen of the House, there is some wealth that does not consist in stocks and bonds and securities, mansions and limousines, jewels and silks and luxuries. Let us conserve what is left of the wealth that is not owned or controlled by the 15 per cent.

In this materialistic age any legislation that puts a little more laughter and joy and healthy amusement and sunshine into the lives of our people is good legislation.

Mr. Speaker, we have been an improvident people. We have squandered our great natural resources. Look at our wonderful forests, cut down and for the most part wasted. Think of the millions of wild animals and myriads of birds that once existed in our country, many species extinct, and all facing extermination. Let us try and preserve the black bass, the king of fresh-water game fish.

This legislation is for the poor and the rich alike. It does not cost the taxpayers one cent. It does not interfere with State rights. It simply seeks to conserve some of the wealth owned by all of our people, and it seeks to pass it on to our children and our children's children.

I hope this bill will be passed by a large majority of the Members of the House.

I thank you.

BRIDGE ACROSS THE ELIZABETH RIVER, VA.

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I present a conference report, for printing under the rule, on the bill H. R. 7093, granting the consent of Congress to the construction of a bridge across the southern branch of the Elizabeth River in Virginia.

The SPEAKER pro tempore. Ordered to be printed.

BRIDGE ACROSS THE NORTH BRANCH OF THE SUSQUEHANNA RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4116, to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa., and pass it, a similar bill having been reported and now being on the House Calendar.

The SPEAKER pro tempore. The gentleman from Illinois moves to take from the Speaker's table Senate bill 4116, a similar bill having been reported from the Committee on Interstate and Foreign Commerce and now being on the House Calendar. The Clerk will report Senate bill 4116.

The Clerk read the title of the bill.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOWARD. I saw by the official score board, uttered by the majority leader, that this day was to be devoted to agricultural bills. May I respectfully ask what time we will begin on agriculture? [Applause.]

The SPEAKER pro tempore. The Chair is unable to inform the gentleman from Nebraska.

Mr. HOWARD. The Chair does not seem to know any more than I do. [Laughter.]

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, is this a bill reported from the Committee on Interstate and Foreign Commerce?

Mr. PARKER. It is; yes.

Mr. CONNALLY of Texas. I was assured by the chairman of that committee that no other bill would be called up.

Mr. PARKER. This was a subcommittee.

Mr. CONNALLY of Texas. No subcommittee can report to the House; the full committee has to report.

Mr. PARKER. This is a bill reported from the Committee on Interstate and Foreign Commerce. I was mistaken, and I beg the gentleman's pardon.

Mr. CONNALLY of Texas. How many more bills does the gentleman expect to call up?

Mr. PARKER. This is the last one.

The SPEAKER pro tempore. This motion is not subject to objection.

Mr. CONNALLY of Texas. But, Mr. Speaker, the gentleman from Illinois asked unanimous consent to take the bill from the Speaker's table.

The SPEAKER pro tempore. The gentleman does not have to ask unanimous consent; he may move to take the bill from the Speaker's table.

Mr. CONNALLY of Texas. But the gentleman asked unanimous consent.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRISP. I am asking for information. I have no objection to this bill, but I would like to know under what rule, where a House committee reports a bill, it is on the calendar and a similar bill comes from the Senate, it is a matter of right to move to take up the Senate bill. If there is a House bill with a Senate amendment, and that amendment would require consideration in the Committee of the Whole when it comes from the Senate, it is in order to take it up; but I am asking for information as to this procedure.

The SPEAKER pro tempore. The Chair is aware of the existence of a rule which permits a motion to be entertained to take up a Senate bill provided a like bill has been reported by a House committee and is on the House Calendar. If it is on the Union Calendar, then that rule does not govern. The Chair has the rule before him:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole.

Mr. CRISP. I thank the Chair. I was familiar with the first part of the rule, but I was not familiar with the second part.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 11657) was laid on the table.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL POWERS OF BOARD

SEC. 6. The board—

(a) Shall annually designate an appointed member to act as chairman of the board.

(b) Shall maintain its principal office in the District of Columbia, and such other offices in the United States as it deems necessary.

(c) Shall have an official seal which shall be judicially noticed.

(d) Shall make an annual report to the Congress.

(e) May make such regulations as are necessary to execute the functions vested in it by this act.

(f) May—(1) appoint and fix the salaries of a secretary and such experts and, in accordance with the classification act of 1923 and subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding)—as may be necessary for the execution of the functions vested in the board. All expenditures of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

Mr. DOMINICK. Mr. Chairman, I move to strike out the last word. During the debate upon these farm-relief measures that have been before Congress we have heard much about all of our great agricultural products that are produced throughout the country. It seems that most people from their talk think that down in South Carolina we are only adapted to cotton growing. However, that is not altogether true, and I am taking this opportunity to make a slight reference to my home county, Newberry, in the third congressional district of South Carolina.

Last year the Southern Railway Co. offered a silver trophy cup, the intrinsic value of which is $2,000, to anyone in eight States who would grow the best 10 ears of corn. The competing States were Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Kentucky, and Tennessee, and it was open to all farmers in those eight States. It remained, Mr. Chairman and gentlemen of the committee, for a young boy, 17 years of age, William Pat Boland, of Newberry County, S. C., to win that trophy cup for the year 1925. [Applause.] He planted and grew this corn under the direction of Mr. T. M. Mills, the county farm demonstration agent for Newberry County, who was working under the extension service of the Department of Agriculture. Both the young man and the demonstration agent are now in the gallery, and I am glad of this opportunity to let the House see them. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

SPECIAL POWERS AND DUTIES

SEC. 7. (a) The board shall meet at the call of the chairman, the Secretary of Agriculture, or a majority of its members.

(b) The board is authorized—

(1) To obtain, from any available sources, information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, prices of agricultural commodities, wastes or unnecessary costs in connection with the present method of marketing, costs of production either domestic or foreign or both, and economic, legal, and financial information in respect of the organization, progress, business methods, and cost of operations of cooperative associations in the United States and foreign countries.

(2) To disseminate any such information, or analyses or summaries thereof, from time to time, among cooperative associations and farm organizations in the United States.

(3) To advise cooperative associations, farm organizations, and producers in the adjustment of production in order to secure the maximum benefits under this act.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: On page 9, line 3, after the word "organizations," insert "and individual farmers."

Mr. NEWTON of Minnesota. Mr. Chairman, the provision which I seek to amend is included under the special powers and duties of the Federal Farm Board, and among its duties is the dissemination of—

any such information, or analyses or summaries thereof, from time to time among cooperative associations and farm organizations in the United States.

There are many farmers, of course, who are not members of farm organizations and there are still a greater number of farmers who are not members of cooperative associations. I notice this provision does not require the disseminating of information, and so forth, to those who do not happen to be members of farm organizations or cooperative associations. I take it it was not the intention of the committee to restrict the giving of information by this governmental board to any particular group of citizens, and therefore I have sought to amend this measure so that the information will be available to every farmer, to every farm organization, whether cooperative or otherwise.

I trust I may now have the attention of the distinguished gentleman who is the chairman of the committee. There was no intention, was there, to restrict the disseminating of information to cooperatives and farm organizations and denying it to the farmer who does not happen to be a member of such an organization?

Mr. HAUGEN. Of course, it is not possible to reach all of the six and one-third million farmers. We can not go out among the farmers, but whether they belong to the organization or not they will have the information through the cooperatives. Anybody can have the information. There is no question about that; and if you say, "to every individual farmer," that, of course, would be out of the question. It could not be done.

Mr. NEWTON of Minnesota. In other words, the way the bill is now drawn the individual farmer who is not a member of one of these organizations will not be able to get this information from the Government at first hand, but must get it through an organization?

Mr. HAUGEN. If it was to be given first hand, it would be quite expensive.

Mr. NEWTON of Minnesota. I know that; but if the gentleman will permit, this information will be gathered by moneys obtained through taxation of every citizen in the country, and it does not seem to me to be fair to deny information gathered by moneys from the Public Treasury to the individual farmer simply because he does not happen to be a member of such an organization. [Applause.]

Mr. HAUGEN. The information will not be denied them.

Mr. HUDSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield.

Mr. HUDSON. Does not the language in line 5 cover what the gentleman is trying to do by his amendment by using the word "producers"? Is not the individual farmer a producer?

Mr. NEWTON of Minnesota. That does not cover it. When I first read it I was of the opinion that possibly it did, but to make certain about it I offered the amendment, and I propounded the question to the gentleman from Iowa [Mr. HAUGEN], who has given so much thought and study to this bill. He is the author of it, and he denies that that language covers it and says the individual farmer can not get this information from the Government.

Mr. HAUGEN. Oh, no.

Mr. NEWTON of Minnesota. He must obtain it from the cooperative or the farm organization.

Mr. HAUGEN. I did not say any such thing. I do not say he could not get the information. The bill provides specifically that it shall be given to farm organizations, and we are dealing with farm organizations throughout the bill.

Mr. NEWTON of Minnesota. I know that.

Mr. HAUGEN. Of course, it is impossible to get in touch with all of the six and a third million farmers in the United States.

Mr. NEWTON of Minnesota. What are you going to do about the farmer who does not want to be a member of a farm organization? Are you going to deny him the information?

Mr. HAUGEN. Oh, no.

Mr. WEFALD. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WEFALD. There is nothing in the bill that says the information has to be secret information.

Mr. NEWTON of Minnesota. No; and there is nothing in the bill which says it shall be published except through the cooperatives and the farm organizations.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken; and on a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 28, noes 52.

So the amendment was rejected.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10896) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2996. An act to validate the payments for commutation of quarters, heat and light, and of rental allowances on account of dependents;

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924; and

S. 4070. An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.

The message also announced that the Senate had receded from its amendments to the bill (H. R. 7482) entitled "An act to provide for conveyance of certain lands in the State of Michigan for State park purposes."

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. CAMERON, Mr. HALE, and Mr. STECK be the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for distribution of tribal funds, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. HARREL, Mr. CAMERON, and Mr. KENDRICK be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

FARMERS' RELIEF

The committee resumed its session.

The Clerk read as follows:

CONTROL AND DISPOSITION OF SURPLUS

SEC. 8. (a) The board shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any cooperative association or farm organization, of the domestic and world prices and the existence or the probability of the existence of a surplus of any agricultural commodity or any of its food products.

(b) The board shall furnish, upon request, to any cooperative association or farm organization or to any producer of any agricultural commodity its recommendations upon the disposition of such commodity, or any surplus thereof, and upon the available methods of financing. Whenever the board is of the opinion that the provisions of this act applicable to a basic agricultural commodity (as hereinafter defined in this section) should be made applicable to any other agricultural commodity, it shall submit its report thereon to Congress.

(c) For the purposes of this act cotton, wheat, corn, butter, cattle, and swine shall be known and are hereinafter referred to as "basic agricultural commodities," and the term "food products" means the respective food products of each such basic agricultural commodity except cotton. Whenever the board finds (1) that, in the case of cotton, there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of cotton, and that a substantial num-

ber of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations in cotton, or (2) that, in the case of wheat, corn, butter, cattle, or swine, and/or any food product of wheat, corn, cattle, or swine, there is or may be during the ensuing year a surplus above domestic requirements, and that the price of any such commodity or food product in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board) plus the amount of tariff duty thereon and plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States, and that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity or food product, then the board shall declare its findings and commence operations in respect thereof. Such operations shall continue until terminated by the board.

(d) During such operations the board shall assist in removing or withholding the surplus of such basic agricultural commodity and/or its food products and shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing and producers of other basic agricultural commodities in maintaining domestic prices which yield the maximum benefits of the tariff thereon by entering into agreements with cooperative associations engaged in handling such basic agricultural commodity or its food products, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing such basic agricultural commodity or its food products. Such agreements may provide for (1) the payment out of the equalization fund for such commodity, as hereinafter established, of the amount of losses, costs, and charges of any such association, corporation, or person arising out of the purchase, storage, sale, or other disposition of such basic agricultural commodity or its food products, or out of contracts therefor, if made after such agreement has been entered into and if made in accordance with the terms and conditions thereof; and (2) the payment into such equalization fund for such commodity of profits (after deducting the costs and charges provided for in the agreement) of any such association, corporation, or person arising out of such purchase, storage, sale, or other disposition or contracts therefor; and may provide for the making of advances out of such equalization fund to any such association or corporation for financing the purchase, storage, sale, or other disposition of basic agricultural commodities and their food products in accordance with the agreement.

(e) If the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board may enter into such agreements with other agencies.

(f) Such agreements shall provide, among other things, that—

(1) No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

(2) No sale or contract of sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

(3) Advances made by the board shall be payable on demand, whenever and to such extent as the board deems advisable, if the board finds that the market price in the principal markets of the United States for the basic agricultural commodity or its food products in respect of which the advance was made is in excess of a fair and reasonable price.

(g) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreements, the board, in entering into such agreements, shall not discriminate unreasonably against any such association and in favor of any other such association.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Nebraska: On page 10, line 23, after the word "product," insert a comma and the following: "and that a substantial number of cooperative associations or other organizations representing the producers of such commodity are in favor of the commencement by the board of operations in such commodity and/or its food products."

Mr. McLAUGHLIN of Nebraska. Mr. Chairman——

Mr. KINCHELOE. Will the gentleman yield before making his statement?

Mr. McLAUGHLIN of Nebraska. Yes; I yield.

Mr. KINCHELOE. I would like to ask the chairman, if the gentleman from Nebraska will permit, whether it is contemplated to have another round of general debate on this bill.

Mr. HAUGEN. We have about six or seven days of debate.

Mr. KINCHELOE. I understand that, but "Mary Haugen" has been dressed up in a new dress, and I thought it would probably be fair to the House to let us express our opinion about her in her new attire.

Mr. HAUGEN. I think the Members of the House should have an opportunity to discuss the various amendments proposed.

Mr. KINCHELOE. And the gentleman will be disposed to be liberal under the five-minute rule.

Mr. HAUGEN. Well, whatever may be necessary. I think we have been quite liberal.

Mr. KINCHELOE. Does not the gentleman think it is necessary, when you practically change the proposed bill entirely, to give the membership of the House the right to express their opinions upon it?

Mr. HAUGEN. If the gentleman desires to discuss this amendment, he has that right under the rules; and so far as the chairman is concerned, he will be very liberal with the gentleman.

Mr. KINCHELOE. I am not speaking for myself alone but on behalf of others, and I hope the gentleman will be liberal under the five-minute rule.

Mr. HAUGEN. The gentleman is a member of the committee and entitled to liberality.

Mr. HUDSPETH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Texas?

Mr. McLAUGHLIN of Nebraska. I will yield to the gentleman for a parliamentary inquiry.

Mr. HUDSPETH. Would an amendment at this time to strike out one commodity be a proper substitute for the amendment offered by the gentleman from Nebraska?

The CHAIRMAN. The Chair thinks that an amendment of that kind would not be germane to the amendment offered by the gentleman from Nebraska.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I believe it is only necessary to make a brief statement in explanation of this amendment. It provides that the board is not to begin an operating period in any of these basic commodities or their food products until a request has been made by the organizations and associations interested in that particular commodity. In other words, it leaves it optional with the producers whether they want the board to begin an operating period as to that commodity. It answers a great many objections that have been made by different Members of the House where they assume that the raisers of cattle or the raisers of other products might not want an operating period. So it leaves it with the farmers themselves, through their associations, to say when, if at any time, they want the board to declare an operating period. The amendment has the approval and hearty support of all gentlemen who testified before the committee who are supporting the Haugen bill.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. I will yield to the gentleman.

Mr. WILLIAMS of Illinois. I am in full sympathy with what is sought to be attained by this amendment. It is to remove the objection that the board would have the arbitrary power to declare an operating period. But the language is somewhat different from what I supposed it would be. It says a substantial number of cooperative associations. Now, what is meant by "a substantial number"? It seems to me that that is rather indefinite. Would the board have the discretionary power to say that 10 per cent or 25 per cent or 50 per cent of the producers of a certain commodity was a substantial number to make the request? If this language is what we want and will accomplish the purpose we have in mind, it is all right. But it occurs to me it is very indefinite and gives almost unlimited power to the board that might on the request of a very small percentage of the producers say that was a substantial number.

Mr. McLAUGHLIN of Nebraska. I will say to the gentleman that it would not be wise to provide an amendment in a measure of this kind saying that 30, 40, or 50 per cent or 25 per cent should be required to ask for an operating period. It is very evident that if the situation with reference to any product of this kind is in such condition that the cooperative and other organizations want to ask for an operating period "a substantial number" will cover it. We do not mean just a few, but a large enough number that their voice will be heard. Just as we have done in all basic laws, we purposely propose here to leave considerable leeway to the board. It seems to me we are not leaving too much leeway.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask that the gentleman have two minutes more.

Mr. BARKLEY. I ask that he have five minutes more. I want to ask him a question myself.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. I would like to ask the gentleman this question: Take wheat, for example; how much wheat of the country at the present time is raised by farmers who are members of cooperative associations or farm organizations? I ask that because in cotton, for example, only a small percentage is grown by members of farm organizations or cooperative associations. I wondered if the gentleman could give me some idea about wheat.

Mr. McLAUGHLIN of Nebraska. I do not have that information accurately.

Mr. HAUGEN. There are about 3,025 marketing agencies, and I think most of them are engaged in the grain business.

Mr. NEWTON of Minnesota. Does the gentleman know how much of the total product of wheat is represented by those who are members of organizations?

Mr. HAUGEN. I can not answer the question, but a considerable number.

Mr. NEWTON of Minnesota. I think the amendment is along the right line, but I was wondering how great a percentage of the producers of the wheat would be consulted by reason of this amendment.

Mr. McLAUGHLIN of Nebraska. My guess is from the record of the hearings we have had it would be somewhere about 30 per cent; but I would not state that accurately.

Mr. NEWTON of Minnesota. I did not know but that the gentleman might know. The principle of consulting the producers is right, but I question whether this would give a sufficient referendum of the producers throughout the country on wheat. The same thing would apply to corn.

Mr. CHINDBLOM. Has any statement been made as to what is meant by a substantial number?

Mr. McLAUGHLIN of Nebraska. I made a statement about that a little while ago.

Mr. BARKLEY. Mr. Chairman, I desire to ask a little further along that line. Take corn, for instance; what proportion of the growers of corn and what proportion of the production is represented now by the cooperatives?

Mr. HAUGEN. There are 3,225 marketing agencies and 2,197 dairy producers. There are 1,770 of the livestock, and, all told, about 12,000 organizations.

Mr. BARKLEY. What I am trying to get at is the proportion of the producers of corn who are represented in corn cooperatives.

Mr. HAUGEN. Oh, I think there is a very small percentage. As the gentleman knows, most of the corn is fed to the livestock, and the organizations are not so strong in the corn production as they are in the wheat and the dairy products.

Mr. BARKLEY. In order to have this amendment effective as to corn, it would be necessary for the corn growers to form cooperative marketing associations?

Mr. HAUGEN. Oh, no.

Mr. McLAUGHLIN of Nebraska. This amendment says cooperative associations or other organizations.

Mr. BARKLEY. What sort of other organizations?

Mr. McLAUGHLIN of Nebraska. The farm bureaus and various farm organizations.

Mr. BARKLEY. What proportion of corn growers are represented in all the organizations, if the gentleman knows?

Mr. McLAUGHLIN of Nebraska. I could not give it accurately, but I should say somewhere from 20 to 25 per cent.

Mr. SUMMERS of Washington. I would say 75 per cent in some organizations.

Mr. FUNK. Mr. Chairman, I think I can answer the question exactly. Speaking for Illinois, over half the corn growers belong to the farm bureaus.

Mr. BARKLEY. And assuming that there be 50 per cent of corn growers in some organizations referred to in this amendment, and that one-third of them would be designated by this board as a substantial number, that would be about one-sixth of the corn growers who would request the beginning of this operation period, and the other five-sixths would be subject to it, regardless of whether they wanted it or not?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman have five more minutes.

The CHAIRMAN. Is there objection?

Mr. RAGON. Mr. Chairman, there is a practice being pursued under the five-minute rule here where two gentlemen get up over on the other side and carry on a private conversation so that the rest of the House can not hear anything. Then some one on this side rises and asks the identical question. We have sat here for several days and have heard this matter debated. For the sake of expediting the passage of this bill I shall take it upon myself to make some objections to these extensions.

Mr. BARKLEY. I hope the gentleman is not going to object right now.

Mr. RAGON. Yes; I object right now.

The CHAIRMAN. The gentleman from Arkansas objects.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. BARKLEY. Mr. Chairman, I desire the gentleman from Nebraska to occupy these five minutes in giving the information about this wording. This is a new proposition that has been brought in, and it has not been debated. I am trying to find out what proportion of those who are actually engaged in the producing of these commodities would in all likelihood be looked upon as a substantial number by this board.

Mr. McLAUGHLIN of Nebraska. In the first place, it seems to me that the board, as I said before, should have some leeway and discretion in this matter. In deciding that point it certainly would agree or rule that a really substantial number of these various organizations should be consulted.

Mr. BARKLEY. If this amendment provided that a majority of these organizations should request anything of that kind, would that give the board sufficient leeway?

Mr. McLAUGHLIN of Nebraska. Oh, you could not do that. It must be clear to the gentleman that that would be impractical. For example, in corn or wheat, whatever might be agreed upon by the board as a substantial number, before they could request the operation period or suggest it, they would have to have calls coming up all along the line from the producers. That would be the practical working of this. No organization would attempt it of itself. There would be a general demand made by the public or by the producers of that particular commodity asking for an operation period.

Mr. FULMER. As a matter of fact, this amendment is just exactly like we have with reference to cotton. It speaks of other organizations of producers. As a matter of fact, any of the producers can organize into any kind of an association and be represented, not necessarily a cooperative association or a farm bureau, but any organization, so as to make up all the producers if they want to do it, can come in with a complaint or with a request.

Mr. SUMMERS of Washington. And in that way wield their influence for or against?

Mr. FULMER. Yes.

Mr. HARE. Just one question. Suppose in the cooperative cotton associations there should be 5 per cent of them asking for this operation period. There would then be 95 per cent of the farmers not in on that. Could that 95 per cent of farmers petition to the board that the operation period should not begin?

Mr. McLAUGHLIN of Nebraska. There is no doubt about that.

Mr. ADKINS. And in answer to the question of the gentleman from Kentucky, the best authority that I know of is Professor Coyle, professor of rural economics. In 1920 he wrote a book on the Chicago markets, which I have in my files, and in that book he states that 56 per cent of all of the grain arriving in Chicago originates at farmer-owned cooperative elevators. The cooperatives have grown since that time about 60 per cent at least, so that that amount of grain arriving at the Chicago market, the largest market in the world, comes from farmer-owned cooperative elevators.

Mr. BARKLEY. The gentleman is referring to wheat?

Mr. ADKINS. Yes; and includes other grains as well.

Mr. BARKLEY. The gentleman means corn, wheat, and so forth?

Mr. ADKINS. Yes. You take, for instance, the country elevators. They handle all kinds of grain, corn, wheat, but mostly wheat and corn, barley, oats, and so forth; 56 per cent in 1920, and has been gradually growing in number.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DICKINSON of Iowa. It is my viewpoint——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

Mr. DICKINSON of Iowa. Do not we get a vote on this other amendment?

The CHAIRMAN. The Chair understands the gentleman from Texas is offering an amendment in the nature of a substitute.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. If the substitute offered by the gentleman from Texas does not preclude the offering of an amendment to this amendment offered by the gentleman from Nebraska?

The CHAIRMAN. No; one amendment will be in order. The Clerk will report the amendment offered by the gentleman from Texas as a substitute.

The Clerk read as follows:

Amendment offered by the gentleman from Texas [Mr. JONES] as a substitute offered by the gentleman from Nebraska [Mr. MCLAUGHLIN]: Page 10, line 4, after the word "finds," strike out the remainder of the paragraph and insert in lieu thereof the following:

"That in the case of any or all of such basic agricultural commodities there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of such commodity or commodities, and that a substantial number of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations in such commodity or commodities, then the board shall declare its finding and commence operations in respect thereof. Such operations shall continue until terminated by the board."

The CHAIRMAN. The Chair does not think the amendment will be in order until the perfecting amendment is disposed of. The amendment of the gentleman from Texas strikes out——

Mr. JONES. It is a perfecting amendment. I am offering it as a substitute for the amendment offered by the gentleman from Nebraska. It strikes out a little more and it is worded very similar and is purely a substitute.

The CHAIRMAN. The Chair understands the gentleman offers a substitute, but in the judgment of the Chair the perfecting amendment should be voted upon first.

Mr. JONES. This is a perfecting amendment.

The CHAIRMAN. The amendment of the gentleman from Nebraska did not propose to strike out anything, but adds to the language in the bill, and is a perfecting amendment.

Mr. JONES. If the Chair please, mine is also a perfecting amendment covering the identical proposition, and if this amendment should be adopted mine could not be offered. Mine covers the same basis.

The CHAIRMAN. The gentleman can offer to strike out the paragraph and amend it by substituting what he has offered.

Mr. JONES. But can a motion be made or an amendment offered after the adoption of an amendment that would strike out that amendment and insert substantially the same thing along a different line?

The CHAIRMAN. If it includes other language the Chair thinks it can be done.

Mr. JONES. My amendment. I will say to the Chair, does not strike out anything like the whole paragraph, but simply to strike out some features I regard as surplus. I prefer to wait, however, if it is held——

The CHAIRMAN. The Chair thinks it is not in order now, and that the perfecting amendment should be disposed of.

Mr. KINCHELOE. Mr. Chairman, I want to offer an amendment to the amendment offered by the gentleman from Nebraska.

Mr. TINCHER. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Nebraska.

The CHAIRMAN. In opposition?

Mr. TINCHER. In opposition.

The CHAIRMAN. The gentleman from Kansas.

Mr. TINCHER. Mr. Chairman, I simply want to call the attention of the committee to what this amendment purports to do. Mr. JACOBSTEIN the other day, whom we all respect as an economist, called attention to the fact it was not right, not economical to give the board power to declare this surplus without the consent of the people who produced the commodity. Everyone knows that statement of the gentleman from New York was popular; everyone knows it would not be fair to the men raising a crop to have the board declare a surplus. Now, this amendment is evidently offered for the purpose of claiming that they are limiting the powers of the board in that respect. But they are not doing it. The amendment does not limit the powers of the board. It is not fair to the producers of this country, and they have a right to have a voice in whether a tax shall be levied upon the commodity, which we all concede to be true. There is not a man within the sound of my voice but who agreed with what the gentleman from New York said, that the producer should have a voice, and we have no right to offer this gesture in the way of a claim we are giving him a voice.

All I ask is for the members of the committee to be fair with themselves on this. The language is that a substantial number of cooperative associations or other organizations representing the producers of such commodity are in favor of having an emergency declared and operations begun. The board itself is the judge as to whether or not there is a substantial number. In the matter of corn, to which the gentleman from Kentucky [Mr. BARKLEY] referred, which he was asking about, they might say one was sufficient. There ought to be, in order to make this thing of any service at all, an amendment offered here in good faith to give the producer a right to ask for this statement.

Let us see what the result would be. Right now the price of corn is the world price plus the tariff and plus the carrying charges. Right now, to-day, as I stand here in this well, the price of corn is the world price plus the tariff and plus the carrying charge; and still this bill had its inception over the low price of corn. That caused this bill to be here.

I notice in this printed amendment we are going to take off all chance for an embargo. You let a board levy a tax on corn to-day because we have a surplus crop of corn, and corn to-day is worth the world price plus the tariff plus the carrying charges, and it is too cheap—and see what you are doing to the corn grower. I am just calling attention to it. I do not expect to support the bill. If we are going to say to the producer by the amendment, "We are giving you a voice," let us understand that we are not doing it in this amendment. The producer will have no voice. It is not even a good gesture to say to the board, "You shall do it when a substantial number of cooperatives ask you to do it." The cooperative organization itself ought not to be the one to tell. It takes no time for a board in Washington to find out when the cattle growers want to do anything. It takes no time for a board in Washington to find out when the corn farmers want to do anything. They do not have to go to any organization to find out. They will find out on the application of producers.

Mr. HAUGEN. Mr. Chairman, the gentleman from Kansas [Mr. TINCHER] has told us that the domestic price of corn is now in excess of the price in the foreign market plus the tariff. Let us see. I happen to have the quotations. For instance, for the current crop year, 1926, the Chicago price is 77 cents, the Argentine price is 75 cents, and the export tax is 1 cent, the tariff is 15 cents, and the freight is 11¼ cents. There you have it.

Mr. DICKINSON of Iowa. What is the total?

Mr. HAUGEN. One dollar two and a fourth cents, or 25¼ cents above the Chicago price. We have gentlemen here and outside this Hall who have been working night and day to cut out the corn proposition. Let me tell you what this bill would do. If this bill had been in operation in 1924, when the Chicago price was 97.2, the Argentine price 83, export tax 1, tariff 15, and freight 11¼ cents, total $1.10¼, the equalization fee would have been $3,001,500, and the net profit would have been $388,498,500. Total net profits for 1924–25–26 would exceed $1,600,000,000 for the three years. Yet we have corn men who tell us that the corn people should not have this benefit.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. HAUGEN. Let me go on and finish it. I will take the three years. For 1925 the Chicago price was $1.03⅝. The Argentine price was 94 cents, export 1 cent. The tariff was 15 cents, and your freight was 11¼ cents. The equalization fee would have been $872,500, and the profit $522,627,500.

Now, for the current year, if prices for the last three months remain the same: Chicago, 77; Argentina, 75; the equalization fee, $4,545,000; and the profit $752,955,000. Total for the three years, $1,664,081,000. The contention is that the Argentine price now is in excess of the domestic price. Why say to the farmers, "You go without this benefit"?

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield for a brief question?

Mr. HAUGEN. Yes.

Mr. BLACK of Texas. In Texas now our farmers are having to buy very large quantities of corn at $1.10. Now, I want to know how much more it will cost them under this plan of the Haugen bill?

Mr. HAUGEN. The Iowa farmers are now getting from 25 cents to 45 cents.

Now, I might just as well finish this thing up. I might as well get through with it.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. GARBER. The proposition of the gentleman from Kansas [Mr. TINCHER] is not a question of figures. It is a question of vesting with a majority of the producers of any basic crop the right to determine for themselves whether or not there shall be an operating period declared.

Mr. HAUGEN. Yes.

Mr. GARBER. And inasmuch as every producer of that basic commodity is called upon by this bill to contribute toward the proposition, why should he not be consulted? I want to say to the gentleman that he can do nothing more to this bill to strengthen it with the people and with the House than to vest this power right down in the cornfields and wheat fields of this country.

Mr. HAUGEN. The object of this bill, as I have stated several times before, is to make it 100 per cent a farmers' bill, a cooperative bill from start to finish, and it is proposed here to lay the responsibility upon the farmer.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. May I have another minute?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. ASWELL. Mr. Chairman, I ask that the gentleman's time may be extended five minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the time of the gentleman from Iowa be extended for five additional minutes. Is there objection?

Mr. RAGON. Mr. Chairman, reserving the right to object, I want to know whether the gentleman is going to discuss the amendment of the gentleman from Nebraska [Mr. MCLAUGHLIN], or whether he is going to discuss the portions of the bill that lie in front of us.

Mr. HAUGEN. The gentleman from Kansas raised this question, and I think I should have an opportunity to answer him

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized for five additional minutes.

Mr. ASWELL. Will the gentleman now yield?

Mr. HAUGEN. Yes.

Mr. ASWELL. What is the equalization fee to be on corn? How many cents a bushel?

Mr. HAUGEN. For 1925 it was three-thousandths of 1 per cent.

Mr. ASWELL. I mean in the bill.

Mr. HAUGEN. I have it right here.

Mr. ASWELL. I want to know what the equalization fee would be on corn in the bill.

Mr. HAUGEN. The equalization fee would be three-hundredths of 1 cent.

Mr. ASWELL. A bushel?

Mr. HAUGEN. Yes.

Mr. ASWELL. Is that in the bill?

Mr. HAUGEN. Well, that is in the bill if it had been enacted and in force.

Mr. ASWELL. Where is it in the bill?

Mr. HAUGEN. And for the current year it would have been fifteen-hundredths of a cent, and for the year before it would have been three-hundredths of 1 per cent.

Mr. ASWELL. Name any line in the bill where that is stated.

Mr. HAUGEN. The equalization fee is to pay the losses. The gentleman calls it a tax, but it is simply withheld to pay the expenses.

Mr. ASWELL. My question is——

Mr. HAUGEN. The gentleman has read the bill.

Mr. ASWELL. I have not read this new bill. I want to ask the gentleman a definite question.

Mr. HAUGEN. I wish you would.

Mr. ASWELL. In this new bill you have brought in you state that the equalization fee on cotton shall be not more than $2 a bale. Now, why is it you specify what the fee will be on cotton and leave it to the board on everything else? Is that to get votes for the Haugen bill?

Mr. HAUGEN. The gentleman knows why this bill is here and how it was brought here.

Mr. ASWELL. Yes; I do. I know it is a reflection on the chairman that he lets a lobby write it.

Mr. HAUGEN. What did the committee do? It directed the chairman to draft a bill making the committee print submitted by representatives of the farm organizations a basis for drafting a bill.

Mr. ASWELL. Who directed this last draft of the bill?

Mr. HAUGEN. Will the gentleman please be in order?

Mr. ASWELL. Yes; I will be in order.

Mr. HAUGEN. If the gentleman will, we will proceed. The committee directed the chairman to draft a bill and to make the draft submitted by the farmers the basis for consideration. The bill was drafted in conference with the farmers.

Mr. ASWELL. What farmers?

Mr. HAUGEN. Oh, the gentleman knows who they were; he has been here all the time and they have been before the committee. Now, the bill was drafted and it had the unanimous support of all the representatives of farm organizations. It is true they have changed their minds; that is true, and a number of changes have been made. Now, I will be fair about it. If I were to write this bill, I would write it differently from what it is, but the farmers had determined——

Mr. ASWELL. What farmers?

Mr. HAUGEN. Will the gentleman kindly be in order? If I have the floor, may I have the floor and have order?

Mr. ASWELL. I merely asked the gentleman a question.

Mr. HAUGEN. If you have the floor, very well; then I will yield the floor to you, but if I have the floor, I would like to go on.

Mr. ASWELL. I wish you would answer my question.

Mr. HAUGEN. What is your question?

Mr. ASWELL. My question is: Where is the equalization fee on corn stated in the bill?

Mr. HAUGEN. It is stated on corn exactly as it is on others.

Mr. ASWELL. Where? Point out the line.

Mr. HAUGEN. The gentleman has been here for five years.

Mr. ASWELL. I have been here 14 years.

Mr. HAUGEN. Well, the gentleman has been here for five years and given consideration to this bill. I take it he understands the object of the equalization fee and it is a simple proposition. It is simply to withhold a certain amount to pay expenses, the cost of merchandising the commodity. It would cost the farmers $4,545,000 to market the current crop of corn; its net profit over the current price and cost of marketing would be $752,955,000. Yet Members of the House say we have no right to tax the farmers so as to give them the benefit of the advance price, a net profit of $752,955,000 for this year. Have we the right to give them the full benefit of the laws upon our statute books? Have we the right to give them the full benefit of our tariff policy? That is all we are asking for. So far as the Corn and Wheat Belt are concerned, they are willing to pay the expenses, but the cotton people say that for the present they desire to operate along a different line. They say they will market their cotton without expense, and they do not believe they need this equalization fee for the first two years. Of course, they have to apply an equalization fee. It can not operate without it, whether you call it by one name or another.

Mr. BLACK of New York. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BLACK of New York. I heard with interest the gentleman's figures on the probable profits on corn under the operations of the equalization fee under the gentleman's bill, and I want to say to the gentleman that in my opinion with those profits and that small fee half of the country will starve to death before the Treasury gets back $10,000,000.

Mr. HAUGEN. Oh, the gentleman knows about the fluctuations in prices, and if I had the time I could read to the gentleman Secretary Jardine's statement wherein he explains what that does. As the gentleman knows, it was necessary for him to order an investigation of it.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. KINCHELOE. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Nebraska [Mr. MCLAUGHLIN].

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KINCHELOE to the amendment offered by the gentleman from Nebraska [Mr. MCLAUGHLIN]: In the amendment strike out the word "substantial" and insert the words "majority of the."

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, the chairman of the committee has stated the price of corn on the market at Chicago in comparison with the price of corn in the Argentine. If the gentleman's figures are correct, that goes to bear out the contention we made when the emergency tariff bill on farm commodities was passed, and

shows that the tariff is not of any account and did not help the corn farmer and does not help him now. Let us see what this does. The gentleman gave the figures as to how it was going to help corn with an equalization fee on it. Only 5 per cent of the corn raised in the United States ever leaves the farms or goes into interstate commerce at all. Ninety-five per cent of it is consumed on the farms, and on that which is consumed on the farm you can not levy an equalization fee. It does not go into trade and therefore no equalization can be levied. If there is a loss on that "great" exportable surplus of 5 per cent, how are you going to get any money in the way of an equalization fee out of which to make up the loss?

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. KINCHELOE. Just for a question.

Mr. McLAUGHLIN of Nebraska. Is the gentleman speaking for his amendment now?

Mr. KINCHELOE. I will get to that in a moment. No; I want to show the fallacy of an equalization fee on corn which you are trying to put on the corn growers of the country when you can not possibly levy it. There is not any way to get any money out of an equalization fee to take care of the 5 per cent of corn that leaves the farm and goes into the exportable surplus.

I am against the original amendment, but I have offered this amendment, and if you are going to adopt something of this sort, let us make it as good as we can. The amendment has the indefinite language, "that a substantial number of cooperative associations or other organizations" can say that they want an operation period and an equalization fee. What does that mean? It does not mean anything, because this board is going to be the interpreter of the word "substantial."

What about the situation with respect to cotton? Nobody is to be consulted in the levying of this equalization fee on the farmers except the cooperative organizations, and only 7 per cent of all the cotton raised in this country is in cooperatives, and they do not propose to even consult as much as 7 per cent of the cotton growers in order to declare this operation period and levy this equalization fee; but if they consulted all of them as to cotton, then you would have 7 per cent of your cotton growers saying to the other 93 per cent of your cotton growers, "Whether you like it or not, we are going to declare an operation period on cotton and we are going to levy an equalization fee on the other 93 per cent of the cotton farmers and they are going to pay it; and if they do not, we are going to drag them into the Federal court and fine them like the devil."

That is what this is going to do. It is a wonderful thing for the cotton growers, it is a wonderful thing for the corn growers, if this operation period is ever declared effective; but if you are going to adopt this amendment, in the name of the 93 per cent of cotton growers make this board declare that a majority of the cooperatives at least must consent to this operation period.

This only goes to show that whenever you analyze this bill in any of its phases and look at it with deliberation, you see that you can drive a four-horse wagon through it with respect to everything that it proposes to do for the farmer.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KINCHELOE. I yield to the gentleman.

Mr. SUMMERS of Washington. Does the gentleman believe that any board could ever be selected that would construe 7 per cent as meaning a substantial number of the cooperatives or other organizations?

Mr. KINCHELOE. How can they construe it in any other way on cotton when only 7 per cent of the cotton farmers of the whole Cotton Belt of the United States are in the cooperatives?

Mr. SUMMERS of Washington. But this does not say cooperatives alone; the language is, "cooperative associations or other organizations."

Mr. KINCHELOE. My contention is that if you consulted all the cooperatives of the cotton people, you are only going to consult 7 per cent, and therefore do not leave the indefinite word "substantial" in here. If you are going to adopt the amendment, adopt it with my amendment and at least get a majority of them.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. WILLIAMS of Illinois. I suggest to the gentleman from Kentucky that the language of the amendment of the gentleman from Nebraska is "substantial number of cooperative associations or other organizations representing the producers of such commodity," and that would take in any organization of producers whether they were cooperatives or not.

Mr. KINCHELOE. Oh, no; the word "or" is there. They are going to be required to have a substantial number of the cooperatives or a substantial number of the other organizations, and all of them in all of these associations only represent 7 per cent of the cotton growers.

Mr. DICKINSON of Iowa. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kentucky [Mr. KINCHELOE] to the amendment of the gentleman from Nebraska.

Mr. Chairman and gentlemen, this is no new phrase in legislation. If you adopt the amendment offered by the gentleman from Kentucky, you make it mandatory on the board to go out and take a questionnaire or election among the producers before they can declare an operating period, and the most of them will be broke before they can get the organization into effect.

Why should we have the consent of the producers in order to do this? Because the gentleman from Texas and others have said that we do not want to have the board come down to Texas and impose the machinery on the cattle raisers without they want it. If they want it, they can soon get enough of their group together to make an application, a substantial number of cattle producers who think they would be benefited by having the board come in and operate machinery in their behalf. If they do not do that, the cattlemen of Texas will not be disturbed by this machinery. That is the only purpose of this amendment.

But when you come in and say that the board can not properly interpret the words "substantial number" by rules and regulations of the board, I want to say that 90 per cent of our legislation can be criticized because it is too voluminous, and that 85 per cent of the tax bill is operated by rules and regulations not in the bill at all.

We want the board to have a little leeway, to have the right under the bill to make it effective, but we do not want them to have the right to impose it on the producers that do not want the machinery at all. I do not think the friends of this measure need to be scared by this opposition coming in here and making a scarecrow and camouflage resistance to an amendment of this kind when, as a matter of fact, by rules and regulations made by the board they can interpret what "a substantial number" means in the way that they will work out a plan whereby this legislation can be put into effect for the protection of the producer and when we do not want it the board will not impose it on him. Nothing can be fairer than that.

Mr. FORT. Will the gentleman yield?

Mr. DICKINSON of Iowa. No; I am not yielding. We do not want to write into the bill from now on all the little detail machinery asked for by the gentleman from Louisiana. He asked, Where is there an equalization fee levied on corn? That is entirely in the discretion of the board, and no one knows it better than the gentleman from Louisiana when he asked the question. He knows that you can not levy an equalization fee by statute. All we can do is to give the board authority to do it, and that equalization fee will be levied year after year and time after time, according to the condition of the crops and the marketing.

Mr. LAZARO. Will the gentleman yield?

Mr. DICKINSON of Iowa. For a short question.

Mr. LAZARO. The gentleman says there should be authority in the board to fix the next equalization fee on corn. Why does this bill contain a fee of $2 per bushel?

Mr. DICKINSON of Iowa. That is a maximum. You could say that you should not levy an equalization fee of over 50 cents a bushel on corn.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer a substitute for the Kincheloe amendment.

Mr. HAUGEN. I make the point of order that we have two substitutes now.

The CHAIRMAN. The amendment pending was offered by the gentleman from Nebraska, and an amendment to the amendment was offered by the gentleman from Kentucky [Mr. KINCHELOE]. Now the gentleman from Minnesota offers an amendment in the nature of a substitute to the amendment of the gentleman from Kentucky, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 10, line 23, after the word "product," insert a comma and the following: "and that a sufficient number of cooperative associations or other organizations to represent a majority of the producers of such commodity are in favor of the commencement by the board of operations in such commodity and/or its food products.

Mr. DAVIS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS. As the chairman has stated, there is already pending a perfecting amendment offered by the gentleman from Kentucky to the amendment proposed by the gentleman from Nebraska. The gentleman from Minnesota offers a substitute

for the entire amendment offered by the gentleman from Nebraska. The perfecting amendment should be voted on first, and after that is disposed of I desire to offer a perfecting amendment.

The CHAIRMAN. The gentleman from Tennessee states it correctly. The perfecting amendment should be voted on first, but in the meantime the gentleman from Minnesota can offer his substitute.

Mr. NEWTON of Minnesota. Mr. Chairman, we seem to be agreed in a general way that there ought to be some sort of safeguard around the right of the board to commence operations under this plan. The amendment submitted by the gentleman from Iowa [Mr. HAUGEN] is better than the provision in the bill, but it is too indefinite, and it would leave the entire question to a "substantial" number of organizations. As illustrated by the gentleman from Kentucky [Mr. KINCHELOE], in cotton that substantial number would be not more than 3½ per cent. The amendment that I have just offered places it within the discretion of the board to put the plan in operation when a sufficient number of cooperatives and farm organizations representing a majority of the producers of the commodity favor putting the plan into effect. That is really what we are all trying to do. It is to put the operation of this plan into effect when a majority of the producers of the commodity want to have it put into operation. It seems to me that this language meets the situation better than any other method that has yet been proposed.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. TINCHER. I do not want to be unfair in debate. I stated on the floor that the price of corn, and I think I used the word "to-day," was so-and-so. I am not familiar with the price of corn to-day, but I just want to read the information that I have:

> Of course, no large business can be successfully carried on without capital or credit. It eliminates the provision which provides for tariff adjustment. The current price of corn is up to the current price of corn in Argentina plus the 15 cents tariff. Wheat is, as before stated, 14 cents below Liverpool, since the present tariff on corn is effective, but not on wheat. Hence, if the bill is put in operation, the price of corn will stay where it is, which also is true of cattle and butter, and the price of wheat would advance 14 cents plus the 42 cents tariff.

Those are the words of GILBERT N. HAUGEN, and they were uttered on the 6th day of March, 1926, and are to be found in serial C, part 5, of the hearings before the Committee on Agriculture on agricultural relief.

Mr. HAUGEN. But the gentleman is aware that corn has gone down about 15 cents since then?

Mr. TINCHER. I do not know that.

Mr. NEWTON of Minnesota. Mr. Chairman, regardless of the dispute between the gentleman from Iowa and the gentleman from Kansas, that does not pertain to this particular situation. We ought to first consult and receive the approval of the growers themselves before putting the scheme in operation.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. CARTER of Oklahoma. I want to get some information from the gentleman about this amendment. As I heard it read, and I followed it as carefully as I could, the only difference is that he strikes out the word "substantial" in the amendment of the gentleman from Nebraska and offers in lieu thereof the word "sufficient"?

Mr. NEWTON of Minnesota. A sufficient number, so as to represent a majority of the producers of the commodity. That is the distinction. I am opposed to the general principle embodied in the Haugen bill, but if it is going to be enacted into law, I want it put into the best possible shape, and I am going to help the gentleman by proposing and supporting helpful perfecting amendments.

Mr. DICKINSON of Iowa. Let me ask the gentleman this: Do you want to impose upon this board the necessity of going out and taking a questionnaire among the producers of these commodities, which will permit the men to become bankrupt before they can get the machinery in operation?

Mr. NEWTON of Minnesota. I do not want to impose any duty on the board. The gentleman has imposed a duty on the board, but I do not want the board to have the power to act and put the plan in operation until they have had the approval not only of some of the organizations but such a substantial number as to, in effect, represent a majority of the producers of the commodity.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is, first, upon the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the substitute was rejected.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. DAVIS] desire to offer an amendment at this time?

Mr. DAVIS. Mr. Chairman, I have a perfecting amendment which I desire to offer to the McLaughlin amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. DAVIS: Page 1, line 4, of the amendment, after the word "commodity," insert the words "and a majority of the producers thereof."

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take the gentleman from Tennessee off his feet by a parliamentary inquiry. The gentleman from Tennessee has the floor.

Mr. McKEOWN. I make the point of order that he can not offer an amendment, after these two have been submitted, until we have voted on the original amendment.

Mr. CARTER of Oklahoma. I make the point of order that the amendment now proposed is substantially the same amendment that was just rejected by the House.

Mr. McLAUGHLIN of Nebraska. Certainly, if I understood the reading of the amendment, it is substantially the same amendment.

Mr. DAVIS. My amendment deals with the producer.

Mr. DOWELL. Is the gentleman's amendment an amendment to the amendment offered by the gentleman from Nebraska?

Mr. DAVIS. It is.

[Mr. DAVIS addressed the House. His remarks will be found in the RECORD of June 29.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS] to the amendment offered by the gentleman from Nebraska [Mr. McLAUGHLIN].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

Mr. FULMER and Mr. JONES rose.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. JONES: Page 10, line 4, after the word "finds," strike out the remainder of the paragraph and insert in lieu thereof the following: "That in the case of any or all of such basic agricultural commodities there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of such commodity or commodities and that a substantial number of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations in such commodity or commodities, then the board shall declare its finding and commence operations in respect thereof. Such operations shall continue until terminated by the board."

Mr. JONES. Mr. Chairman and gentlemen of the committee, I filed this amendment in the RECORD of last Monday. Its purpose was to make the action of the board voluntary instead of mandatory. Since the adoption of the amendment offered by the gentleman from Nebraska [Mr. McLAUGHLIN], which is practically in the same language, or near enough in the same language as to mean the same thing, so far as the insertion is concerned, that effect of my amendment has already been accomplished by the committee ratifying it in principle. Still, before the board begins operations, it must go out and take that yardstick and find out whether the price of the commodity is below the normal price, plus the tariff and plus the freight charges. In other words, my amendment would still eliminate the doing of a vain and useless thing, because the language as it is now worded would make the finding of that fact a matter of pure curiosity. Why should the board go out and investigate out of sheer curiosity? After they have ascertained that the price of the commodity is below the normal price plus the tariff and plus the freight charges, they must still have to consult the wishes of a substantial number of cooperatives; so that you will not change the meaning of the bill at all if you adopt this amendment except to avoid some useless words and a great deal of useless work. At the same time, why should the question of the tariff come into this?

Why should anyone want it in? That is not a measure of price in the bill now. That is a method of determining whether the board shall commence operations. That is not a measurement of price.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. BLACK of Texas. The gentleman says that is not a price-fixing yardstick, but on page 11 it says it is the duty of the board to so operate as to yield the maximum benefits of the tariff.

Mr. JONES. True; but if the gentleman will read that carefully he will find that is an entirely different thing. That is after the board begins operations. This paragraph relates to the time when the board will begin operations. You lay down three or four things that the board must do before it begins operations, and then you wind up with the main thing you want to do, and that is to have the finding of the fact that the farmer wants the operation. If the price is satisfactory the farmers will not want operations, and if the price is not satisfactory they will probably want operations. So why do you want them to do a lot of things that they will not need to do in determining whether to operate or not?

I want to say here that every amendment I have offered is an amendment which I had hoped would be a perfecting amendment and would aid in making the bill a more workable bill. I want to see some form of farm relief legislation enacted that will accomplish something worth while. I represent a great agricultural district. I want the benefits to be real and actual.

Mr. BLACK of Texas. If I understood the whole purpose of the bill as to beef and corn and swine and cattle and butter, it is to make effective the maximum rates of the tariff.

Mr. JONES. Not exactly. There is no place in the bill where that exact thing is said, though that may be its purpose. They begin operations when certain conditions come to pass, and then they do the best they can in handling the commodities so as to get the best price that the law of supply and demand and the conditions generally will bring about, and I suppose the board will endeavor to get a reasonable price. I think that purpose should be accomplished. The farmer has not had price equality. He should have it. I am going to support any just and effective legislation which will attain that end.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 34, noes 62.

So the amendment was rejected.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

Mr. FULMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 12, line 7, after the word "agreement," insert a semicolon and add the following: "and may make such regulations and take such action not in conflict with the provisions of this act as in the judgment of the board will encourage the development and increase the membership of cooperative associations."

Mr. FULMER. Mr. Chairman, I do not care to debate the amendment, because I do not think there will be any objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman. I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 9, line 25, strike out the word "cattle," and on page 10, line 11, strike out the word "cattle."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I asked the gentleman from New Jersey [Mr. FORT] when he was speaking upon this bill—and I take it he was a regular attendant upon the meetings of the committee—if anyone representing the cattle interests appeared before this committee and asked that cattle be included in the provisions of this bill, and he stated not a soul appeared and asked that cattle be included.

Mr. FORT. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. FORT. I said that some of those who appeared for other farm organizations claimed to represent cattlemen.

Mr. HUDSPETH. But I mean real representatives of the cattle producers and not gentlemen who come here representing other farm organizations and claim to represent the cattle producers. I mean those who are credited with authority to speak for the representatives of the cattle industry.

Now, gentlemen, you say cattlemen do not have to come in, but I do not want to lay a trap to catch cattlemen who do not belong to any cooperative organization. In Texas we have two major organizations—the Texas and Southwestern and the Panhandle. They do not represent probably more than 40 per cent of the cattle producers of Texas, and yet you want to bring them in under the provisions of this bill when they do not want to come in and when there is no need for their coming in under it.

The gentleman from Iowa [Mr. HAUGEN], the chairman of the committee, said they had lost $2.50 a head this year on cattle, if I caught his statement. Well, gentlemen, here is the report of the inspectors of the Texas and Southwestern Cattle Raisers' Association scattered over four or five States. I trust my friend from Oklahoma [Mr. CARTER] is here, because there are some prices on range sales in Oklahoma. We will see whether or not there is any necessity for cattle being placed under this bill. At Foraker, Okla., last month there were 1,000 Hereford yearling steers sold to R. L. Hall, of Pawhuska, at $40 a head. And they were not very much higher during the highest peak of the war period. Yet you want to put them under this bill. In the San Angelo country, 1,500 cows were sold last week at $55 a head.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. HUDSPETH. I have not the time to yield. If I can get more time I will be glad to yield.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman have five additional minutes.

Mr. HUDSPETH. Then I shall be glad to yield. These reports are scattered all over New Mexico. There is a young lady out there, Miss Lucy Cullen, of Lovington, who is ranching, and she sold 100 yearling heifers last week to Brumley & Terry, of Seminole, at $35 a head.

The cattlemen are getting back to where their feet are on safe ground and they do not want any organization that does not represent anything like a majority of them to bring them under this bill and put this equalization tax upon them.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. NEWTON of Minnesota. Do I understand, then, that no organization of cattlemen whatever has asked for legislation of this character?

Mr. HUDSPETH. None have applied to me, and the general attorney for the Texas and Southwestern, the largest livestock organization in the United States, is here, and his people have wired him to protest against cattle going under the provisions of this bill.

Mr. DICKINSON of Iowa. Will the gentleman now yield?

Mr. HUDSPETH. Yes.

Mr. DICKINSON of Iowa. There are a good many cattle organizations outside of the State of Texas, are there not?

Mr. HUDSPETH. The National Livestock Association is supposed to represent all the smaller ones, and there is not a telegram from a single officer of the National asking for the passage of this bill, or to put cattle under it.

Mr. DICKINSON of Iowa. I want to suggest that the other day the gentleman from New York [Mr. JACOBSTEIN] offered a cattle chart here which showed the relative price of cattle in comparison with other commodities.

Mr. HUDSPETH. But here are the facts, my friends.

Mr. DICKINSON of Iowa. Just a minute. Does the gentleman think he can pick out two or three isolated places and quote the top price on a few head of cattle?

Mr. HUDSPETH. Here is the market last week at Fort Worth and Kansas City: 1,000-pound grass-fed steers, $8; and 900-pound grass-fed steers, $7.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, have I used the five minutes given to me at the request of the gentleman from Iowa?

The CHAIRMAN. The gentleman got the consent of the chairman of the Committee on Agriculture to proceed for five additional minutes, but not the consent of the Committee of the Whole.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that the time of the gentleman from Texas be extended five additional minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Now, gentlemen, we exported in 1921 only 10,000,000 pounds of fresh beef. We do not export very much beef. In 1922 we exported 3,000,000 pounds; in 1924, 2,628,000 pounds; and in 1925, 3,358,000 pounds.

Mr. CARTER of Oklahoma. How many cattle?

Mr. HUDSPETH. I have not the live cattle. However, I will state to the gentleman that we do not export any live cattle.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. SUMMERS of Washington. The bill says cooperative associations or other organizations. I want to ask the gentleman two questions. I want to know why the gentleman limits his remarks only to the cooperatives and ignores the others; and the other question is: If the price of cattle were to be cut in two and bring it to where it was two or three years ago, might not the cattlemen then be glad if they were in the bill, so that they could come under the operations of the bill if they petitioned so to do?

Mr. HUDSPETH. My judgment is that there will never come a time on this earth when the cattlemen will be in favor of a subsidy for their private business or when they will want an equalization tax put on them to hamper them in the transaction of their business. I think that is the sentiment of the people I represent, and I want to say to the gentleman from Iowa that I think I know the sentiment of the people I represent, just as he thinks he knows the sentiment of his corn people. I do not think the cattlemen want to come under the provisions of this bill.

Mr. DICKINSON of Iowa. They certainly would never come under the provisions of it if that is their attitude.

Mr. HUDSPETH. My friend, any cooperative organization can bring them in, and that is what I do not want. I have in my mind a picture of some of my old cattlemen in the eastern part of my district; some of them are Germans; they raise cattle in the eastern part, and I have a picture in my mind of an old German cattleman when they brought him under the provisions of this bill, and when he attempted to sell a bunch of cattle to a buyer in San Antonio. There is an old German there named August Limburger, who raises a great many cattle. The buyer says, "August, I can only pay you $30 for these cattle." The old German says. "But the price is $35." He says, "But they have an equalization tax of $5 a head." The old German says, "What is the equalization tax and who puts that there?" The buyer says, "I do not know." But another German walks up and says, "I will tell you, August, who put it there; Claude Hunchback, the Congressman in this district; he put it there." [Laughter.] Then old August will say, "I have known that poy ever since he was a paby. I voted for him for justice of the peace, for district judge, for the legislature, for the State senate, and for Congress. He had a little sense in those days, but now the man is crazy. We will have to send another man up there. He is interfering with our business." [Laughter and applause.]

That is the way they will figure on these propositions, gentlemen, when any cooperative can bring them under the provisions of this bill.

Mr. RAINEY. Will the gentleman yield?

Mr. HUDSPETH. I yield.

Mr. RAINEY. These sales that the gentleman is quoting, are they of finished cattle or feeders?

Mr. HUDSPETH. The prices I quoted from this publication, the Cattleman, official publication of the cattle raisers, are for cattle sold on the range. This is the range price. The other price I gave is the price of finished cattle.

Mr. SUMMERS of Washington. The gentleman has not answered my first question.

Mr. HUDSPETH. What was the first question, Doctor?

Mr. SUMMERS of Washington. Why you consider the cooperatives and ignore other organizations?

Mr. HUDSPETH. As I have stated, we only have two organizations of the cattle industry in Texas, and they are the ones that would speak for this great body of cattlemen down there when they only represent about 40 per cent.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman may have three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOZIER. Will the gentleman yield?

Mr. HUDSPETH. I yield.

Mr. LOZIER. Has not the gentleman lost sight of the fundamental fact that the price of range cattle in his country is determined ultimately on conditions in the Corn Belt, and if the Corn Belt can not feed your range cattle and fatten them and make money, the market for range cattle will go to pieces?

Mr. HUDSPETH. The gentleman is just as far off in his deductions there as he is that this bill will relieve anybody on this earth as it was originally written. [Applause.] The gentleman is just that far off. The prices of these cattle down there, I will state to my friend, are governed by two things: First, that the loan companies who put thousands of cattle on the market and glutted the market have practically gotten through with their liquidation period; and, furthermore, we have the best range conditions throughout the Southwest we have ever had in 20 years, and we are not dependent on your Corn Belt people, and we are not going to let your Corn Belt people take the cattlemen's equalization fund and raise the price of corn in Iowa if we can help it. [Applause.] That is what you are proposing to do under this bill. As much as I would like to see you gentlemen have the price of your corn raised, I could not support that proposition. If you will join with us Texans and help to reduce the freight rates so that you can get your corn down into that country, where we can buy it at reasonable prices, you will get the price raised. That is the situation, gentlemen, and that is why I am asking you to exempt cattle from the provisions of this bill.

Mr. SUMMERS of Washington. How does the total number of range cattle compare with the total number in the country?

Mr. HUDSPETH. I have not that data, but it is far in excess, I take it, of fed cattle. You mean in comparison with the cattle on the farms?

Mr. SUMMERS of Washington. I mean the total number of cattle compared with the strictly range cattle which the gentleman speaks for.

Mr. HUDSPETH. I take it that the cattle fattened on the range would far surpass in number the cattle grown on the farms, because we have the greatest range country in the world.

Mr. SHALLENBERGER. If the gentleman will permit, I can answer that question. The State of Iowa is second to Texas in the total number of cattle in the United States, and the State of Nebraska, which I represent in part, is third, so the States of Nebraska and Iowa combined have far more cattle than the State of Texas.

Mr. HUDSPETH. But I will state that the States of Texas, Arizona, New Mexico, Wyoming, Montana, California, and all that great section of country to the northwest comprise the range country, and the question is how the cattle in that country compare with your Corn Belt cattle. Well, you would not have any Corn Belt cattle if it was not for our range cattle supplying you. Now, from the question Brother RAINEY, of Illinois, has asked me, I take it that he is now supporting this bill, and that the gentleman who has proclaimed so loudly against a tariff on the raw product is going to swallow the 100 per cent tariff in this bill without grease or wry face. I also take it that he indorses the lobbyists of the so-called "farm bureaus" and various farm organizations.

Now I am going to insert statements made by this distinguished low-tariff advocate on the Haugen bill of two years ago, and also a statement of what he thought then of a certain Mr. Peek, who, I understand, was here then and now before the Agricultural Committee and advocated this bill at this session. I do this in order to convey to you the impressions of Mr. RAINEY of the 1924 model as compared to the expressions of Mr. RAINEY of the 1926 model:

[Statement of Mr. RAINEY, CONGRESSIONAL RECORD, May 23, 1924]

(Page 9337)

THE GOVERNMENT IN BUSINESS

But I have not yet finished describing the objectionable things in this bill. The corporation is authorized to contract with processing agencies and with transportation facilities, and, failing to make suitable contracts, the corporation can resort to more strenuous methods and "acquire" agencies of this kind. In the bill now pending in the Senate the corporation can construct or build or purchase or "acquire" these various agencies. The House bill has now eliminated that, but the corporation can still "acquire" under the House bill and the House bill can still put the Government into business of all kinds, including the operation of textile mills, the operation of railroads and steamship lines. The only exception is that they can not operate transportation systems as a common carrier, and this is not much of an exception. Can you imagine any rights the Soviet Government obtained in Russia as the result of the revolution that Congress is not asked to confer in this bill?

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If you can make the farmers believe they are going to get a bigger price for these things, they are going to produce more. You have a check in this bill which is almost ridiculous in its terms. The check you propose for overproduction is that this corporation shall send out information to farmers telling them of the dangers of overproduction and of the increased amount of losses the corporation will sustain if

there is an overproduction to be charged back against them. What difference does that make to farmers? Advise them over the radio as much as you please, or by documents that you send out not to produce so much; if at the same time you advise them you are going to pay them more, of course, they will produce more.

Now, you are going to export a surplus. You are going to buy it in this country at the ratio price, and you are going to keep on exporting a surplus which during the period of five years will keep getting ever bigger and bigger, and you are going to sell it in the foreign market at the best price obtainable, and the best price obtainable means the cheapest price. You are going to dump it on the foreign markets and charge back to the farmers, through the equalization receipts you give them, the amount of the losses, and you must estimate what they will be.

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The connection of George N. Peek, however, with this bill is not quite so well known, and he has not been discussed as yet to any extent. George N. Peek was for a long time prominently connected with Deere & Co., manufacturers of farm implements. At the end of the war he accepted a very large salary tendered him by the Moline Plow Co., at a very large salary, indeed, which I have heard estimated all the way from $50,000 to $100,000 a year. He withdrew all his investments in the Deere Co. and invested with the Moline Plow Co. and assumed the management of the Moline Plow Co. If the bill we are considering and for which he is to such a large degree responsible does not work any better than the Moline Plow Co. has been operating under his management, it will be a tremendous failure. The Moline Plow Co. has failed under his management and is now in the hands of its creditors. His salary has been greatly reduced, and I have heard that he is now receiving the very moderate salary of $10,000 or $12,000 a year. His authority, however, has been greatly restricted by the creditors' committee, which now has charge of the Moline Plow Co. The investigation conducted by the Federal Trade Commission recently demonstrated conclusively a combination between all the manufacturers of farm implements to increase the price of those implements to farmers. From 1914 to 1918 the price of farm implements increased to 73 per cent. Among the men who have been actively engaged in farming the farmers, George N. Peek has always been most prominent. Both Mr. Peek and Mr. Brand are swivel-chair farmers, helping always to devise and develop the methods and practices which have contributed so much toward bringing about the conditions from which farmers suffer to-day. If they can succeed in putting over this bill, all that they have done heretofore in the direction of bringing about conditions so destructive to farmers will fade into insignificance when compared with the injury this bill will do.

Mr. HAUGEN. Mr. Chairman, the gentleman from Texas is opposed to imposing hardship on the cattle people. The gentleman is well aware of the fact that the price of cattle has dropped about $3 since Congress convened. The gentleman has referred to stockers and feeders that are produced in Texas. We are dealing now with the finished product.

As stated by the gentleman from Texas [Mr. HUDSPETH], we are not exporting live cattle. We are exporting the beef and the lard. The gentleman speaks about the excessive tax or the excessive equalization fee. Now, what would it amount to? The production of beef for 1924 was 7,065,000,000 pounds.

The exports for 1924 were 19,000,000 pounds. In 1925, production, 7,147,000,000; net exports, 22,000,000 pounds. The New York price was 18.4 cents and the London price 17.94 cents plus tariff, 3 cents, and transportation, 15 cents. The equalization fee would have been one-hundredth of 1 per cent. It would have amounted to $767,600 for 1924; net gain would have been $284,658,400. The net profit for the cattle raiser for two years would have been $616,736,800. The gentleman from Texas is not willing to help the cattle raisers. It is true the stockers and feeders are selling at a fair price, but we are dealing with the finished product. You take the meat that was exported, and if the equalization fee had been paid the profit would have been $616,736,800 for two years. The gentleman says that is imposing a hardship on the cattle people and that they are opposed to it. Are they opposed to taking $616,000,000 net gain under the operation of this act for two years?

Mr. HUDSPETH. They are opposed to it on paper. I want to ask the gentleman this question: Who is it here representing the cattle organization? I do not mean the cooperatives, but the cattle raisers—name them.

Mr. HAUGEN. It happens that a few cattle are produced outside of the State of Texas. Texas is not the only State in the Union. Over in Iowa they raise a few and they feed a few; in Minnesota and in the Dakotas, Illinois, and all through the grain belt. The representatives of cattle raisers have been here from the 1st of March. They have been here, laboring night and day, asking for this very thing.

Mr. HUDSPETH. Will the gentleman name some of those people?

Mr. HAUGEN. Well, there is Mr. Murphy.

Mr. HUDSPETH. He appears for all of them?

Mr. HAUGEN. Yes.

Mr. HUDSPETH. But Texas and California and Arizona, he does not represent them?

Mr. HAUGEN. Texas nor those other States do not produce fat cattle. You are producing stockers and feeders.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TINCHER. I ask unanimous consent that the chairman may proceed for two minutes more; I want to ask him a question.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Iowa have two minutes more. Is there objection?

There was no objection.

Mr. TINCHER. I want to ask the gentleman a question. Will he state where he got his figures about the equalization fees and the profits, and so forth?

Mr. HAUGEN. From the Department of Agriculture and the Department of Commerce, also from the representatives of various governments, and I have compared them. I take it that the gentleman has confidence in the figures of the Department of Agriculture and the Department of Commerce. Here are the figures: The New York price was 18.4 cents and the London price 17.4 cents.

Mr. HUDSPETH. What is that the price of?

Mr. HAUGEN. That is the price of beef. We are not exporting livestock.

Mr. WINGO. I think it would help the House if the gentleman would explain the formulas of the statistical data of the way he arrived at the equalization fee.

Mr. HAUGEN. Take the total production, and it is easy to ascertain what the equalization fee is.

Mr. WINGO. But what are the formulas?

Mr. HAUGEN. Spread the equalization fee over the whole production.

Mr. WINGO. I ask the gentleman to put in the RECORD the formulas by which he arrives at the equalization fee.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAINEY. Mr. Chairman, I rise in opposition to the amendment. The effect of the amendment offered by the gentleman from Texas [Mr. HUDSPETH] is to remove cattle from this bill, so that there will be no equalization fee on cattle and no opportunity to benefit the cattle feeders of the Corn Belt section of the United States.

Now, they can not finish cattle in Texas except by feeding them cowpeas or something of that kind, and then they come on the market a stringy, tough kind of an animal that when processed produces an inferior kind of beef. The heads of the American Farm Bureau Association and the Farm Board of Twenty-two, representing the farm-bureau members of the United States, represent the real cattlemen of the United States. We take the cattle raised in Texas as feeders and we feed them on our farms and make beef steers out of them. We get them ready for the market, so that human beings can eat them. They do not do that down there. [Laughter.]

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. You sell them to us as feeders, and you do not pay any equalization fee on your cattle, and this bill does not make you do it.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HUDSPETH. Here is a statement from John Clay of last week, where Mr. Sample, of Three Rivers, N. Mex., shipped 251 steers that weighed 1,085 pounds each. They were not fed on cowpeas, but they came off the grass. You can not make them weigh any more than that with your corn in Illinois. They were 3 years old.

Mr. RAINEY. Why, we make them weigh much more than that. God help the people who are compelled to eat those grass-fed steers unless they have good sharp teeth and strong jaws. The gentleman does not know anything about the business of feeding cattle.

Mr. HUDSPETH. Oh, yes; I have fed cattle.

Mr. RAINEY. I know what the gentleman's business is. The gentleman used to raise cattle—white-faced cattle, Herefords—and he sold them up there in Illinois to us. They came to my section of Illinois. They would not even weigh them for us. They would not tell us how much they weighed.

That is the kind of cattle we want, however, but I do not think the gentleman raises them any more.

Mr. HUDSPETH. Oh, yes; I have got them, and I am ready to sell them to my friend at these prices.

Mr. RAINEY. Oh, you can not sell me any more at those prices. They bring them to us and we feed them up. They will not even tell us what they weigh. Herefords are a kind that we want, because when we feed them corn they gain more rapidly than other kinds of cattle. When they come to us they are about as big as goats and we put flesh on them. They come up there by the thousands, and we hold little auctions around throughout the farming sections, and a farmer buys 30 or 35 of them and then commences to put value in them—something which they never had before and never could get in the State of Texas. When we get the value in them we sell them. Down there in Texas they have free trade in cattle across the Mexican border, and that is the only section of the United States where they have free trade. Here is what they can do in Texas, and nobody else can do it in any other section of the United States: They can permit their cattle to stray across the border—and they do stray across the border—or they can send them over there for the purpose of letting them graze on the rich grazing lands in northern Mexico, richer than anything they have in Texas, and then under the Fordney-McCumber Act they bring them back free without paying the $10 to $25 or $30 a head tariff there is on them, but they can add that tariff to their selling price, and then they send them on up to us and sell them to us at a price which includes the tariff they have never paid. We are not permitted to buy feeders raised in Mexico by Mexicans, but we can buy feeders raised in Mexico by the cattlemen of Texas.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Do I understand my friend from Illinois to make the statement—and he qualifies as an expert on cattle——

Mr. RAINEY. No; I do not.

Mr. HUDSPETH. That some cattleman came up and sold him something he thought were cattle and that turned out to be goats?

Mr. RAINEY. No; I did not say that.

Mr. HUDSPETH. They have some pretty slick fellows down there sometimes. However, they do not weigh goats.

Mr. RAINEY. I said they do send cattle up from your section that look like goats when they get up into the corn section of Illinois and Iowa. We make beef cattle out of them, and you do not have to pay any equalization fee when you charge us $35 a head for those little ghosts of cattle. We will have to pay the equalization fee when we give them a value as human food and sell them for slaughter.

Mr. DICKINSON of Iowa. As a matter of fact the equalization fee under this bill is charged at the processing point and not at the selling point, as illustrated by the gentleman with his friend the old German farmer.

Mr. RAINEY. Oh, yes; he will never have to pay any of it.

Mr. FORT. Is that statement true as the bill now reads? As it now reads the fee is assessed on the sale for slaughter or for market.

Mr. DICKINSON of Iowa. Oh, no.

Mr. RAINEY. They enjoy the opportunity in Texas of bringing cattle across the border from Mexico, and every December a bill comes up and it passes this House unanimously—and it will not pass unanimously again—to extend for another year the provision in the Fordney-McCumber Act which enables those cattle raisers in Texas to ship their cattle over into Mexico and graze them in Mexico—they really raise them in Mexico, they are bred in Mexico now—and bring them back across the boundary without paying the tariff of 1½ cents and 2 cents per pound, and then they add that tariff and we pay it not to the Government but to these cattlemen, and we frequently lose money on them.

So the gentleman is not affected by this fee at all. The imaginary conversation with his old German farmer can never occur if the old German farmer will read this bill and if he understands it. That German farmer will not have to pay this fee if he raises feeders.

Mr. HUDSPETH. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. HUDSPETH. The gentleman complained about the $10 tariff we have at the present time?

Mr. RAINEY. No; I do not——

Mr. HUDSPETH. The gentleman is going to vote for this bill?

Mr. RAINEY. Yes.

Mr. HUDSPETH. This levies a 100 per cent tariff. I understand the gentleman will vote for this bill which levies a 100 per cent tariff, and I voted for one of 10 per cent.

Mr. RAINEY. Yes; and the gentleman will not enjoy the free trade in cattle across the boundary from Mexico that he does now.

Mr. HUDSPETH. The gentleman comes here now and puts in a plea that he wants a tariff. I am glad to welcome the gentleman to our ranks. [Laughter.] I welcome my friend from Illinois.

Mr. RAINEY. I have seen the gentleman stand on the floor and speak for free trade in cattle crossing the Mexican boundary to Texas. We do not raise cattle in Iowa and Illinois in the Corn Belt section. We can not do it, because we do not have any cheap land. Our land is too valuable to raise cattle on. We have to buy cattle from Texas, where the land has not any particular value on the range and where the cattle go ahead and breed and increase in numbers just as the birds of the air do, and then they charge us $35 a head as soon as they get to be as big as a good-sized goat, and we are perfectly powerless in their hands. [Laughter.] They have the cattle organizations. Of course, there is where the cattle organizations are, down there for the purpose of holding up the Corn Belt farmer and interfering with his business of producing food for the market. That is where the cattle organizations are, and they are organized for that purpose. The cattle organizations in Iowa and Illinois are the farm-bureau organizations, where they have cattle on every farm. In the wintertime they take one or two carloads of the gentleman's cattle, if they can get them—they can not raise them themselves—and they bring them up there. These farm-bureau chiefs represent more cattle and more real cattle than there are in the State of Texas.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. NEWTON of Minnesota. How would it be to strike out the word "cattle" and insert the word "goats"? [Laughter.]

Mr. RAINEY. That would require the employment of too many experts to tell the difference between Texas feeders when they leave Texas and the goats they have there. [Laughter.]

It is true that some cattle from Texas reach the processing markets and are sold for slaughter, but they are the ranch-fed cattle finished off with cowpeas and alfalfa and do not command the price we get for the cattle we finish with corn in the Corn Belt. They usually command on the market for slaughter from $2 to $4 per 100 pounds less than the corn-fed cattle. They simply come up and compete with our corn-fed cattle and bring down the price of the cattle we finish on our farms. The meat is tough and stringy and does not compare with the meat obtained from corn-fed cattle. In Illinois, Missouri, and Iowa there were on farms of cattle other than dairy cattle on the 1st day of January, 1924, 7,078,000 cattle, while in all of Texas on that date there were only 5,597,000 head of cattle. I do not know of a single cattlemen's organization either in Illinois, Missouri, or Iowa. In these States the grain farmers are the cattlemen, and most of them in the wintertime feed from one to two carloads of cattle on their farms. A large portion of these cattle come from Texas and are sold to us for feeding purposes. Under this bill we would pay the equalization fee on all the cattle in these States when they go to processing markets. The cattlemen of Texas who sold them to us would not be to the slightest degree interested in the equalization fee. The chances are that in Corn Belt States on the 1st day of January of each year, we have more Texas cattle than they have in Texas, excluding small calves. The cattle organizations of the Southwest, it seems to me, exist for the purpose of combining and keeping up the price of the feeders we are compelled to buy and lessening the spread between the feeders they sell us and the same feeders when we sell them at the processing markets when we have finished them up and made food animals out of them. On the 1st day of January, 1924—I do not have the figures for a later date—cattle per head on the farms in Illinois, other than milk cows, were worth $34 per head. In Texas on the same day they were worth $18.60 per head. The real cattlemen, and by that I mean the men who take the cattle of Texas and make beef steers out of them, are the farm bureau members of Indiana, Illinois, Missouri, Iowa, and the other cattle-feeding States, and the farm bureaus are their organizations, and they speak here through their farm bureau organizations and through the farm board Committee of Twenty-two whom they have selected, and they are the men who ought to be recognized, and they are the men who will pay this equalization

fee which the cattlemen say they are against. We are at the mercy of the cattlemen and must pay their prices for feeders. We are asking now for this legislation in order that we may get a better price for the corn we feed to them in our Corn Belt States when we finish them for the market. I hope the amendment of the gentleman from Texas [Mr. HUDSPETH] will not be adopted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman desire to discuss this amendment?

Mr. JONES. Yes. I am in favor of the amendment. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. RAINEY] is a great statesman, and I always like to hear his statesmanlike utterances, but when he abandons the role of statesman and essays to do the antics of a humorist, I think he falls from his high estate. That is what I assume he was trying to be, a humorist, but if he was really serious I should hate to have him on the board to pass on the equalization fee on cattle, and I am sure my colleague would. My friends, I am very earnest in my desire to have the amendment of the gentleman from Texas adopted, and I will tell you why. In handling the other basic commodities like cotton and wheat they put them in warehouses or elevators, and they are handled by marketing organizations. Those organizations of cattlemen are not marketing organizations. Each individual owns and retains control of his own cattle. They are associations for mutual benefit in carrying out their purposes. It makes no difference where you place the equalization fee on cattle, the cattle owner is going to pay it. You can never escape that proposition while the board is authorized to make the slaughtering place the place for levying the fee, it is also authorized to make the first sale or other disposition in the United States of livestock destined to slaughter the point of paying the fee. According to the very terms of the bill the producer pays it. So that the illustration which my colleague gives applies with full force and the cattleman will pay the tax. You can make all the fun you want of Texas cattle.

Some of the prize winners at the stock fairs at Omaha and Kansas City and Chicago have been white-faced Herefords from the Panhandle and other parts of Texas. The largest individual cattle owner in the United States lives in my home town. He probably handles more cattle every year than the gentleman from Illinois ever saw in his whole life.

Mr. CONNALLY of Texas. Mr. Chairman, will my colleague yield?

Mr. JONES. Yes.

Mr. CONNALLY of Texas. Is it not a fact that these goats that they say come from Texas are the finest cattle that they have?

Mr. JONES. Yes; I believe the gentleman practically said that they grow their cattle from Texas goats. He evidently has never seen any of the thousands of fine Texas cattle that roam her matchless prairies.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. HUDSPETH. The reason why the gentleman from Illinois [Mr. RAINEY] has his mind on goats is that these high-tariff people on this side and on the other side have got his goat. [Laughter.]

Mr. JONES. That may be.

Now, gentlemen, if you create an equalization fee and create a fund, what are you going to do with that fund? Here is a man who has a thousand fat cattle in Texas, and he wants to sell them. There is no cooperative-marketing organization to handle those cattle. You can not buy those fat cattle. On the other hand, here is a man who has some cattle that are not ready for the market. They are not fat; they need pasture or feeding. You can not handle those cattle. What will you do with the money?

The only thing you can do is to go by the meat. You can not take the fat cattle and hire somebody to fatten them a little more and finish them and carry them to market. That will not do any good. What will you do with them? You must take the meat and hire somebody to process it, or you will have to deal with the packers. Since my boyhood days we have dealt with the packer on his own terms. He will charge for processing the meat such a price as will bring him out. If you hire him to process it and then handle it after processing, you have to sell it, either here or abroad. If you sell it abroad the packer, as you will find out, has the finest sales organization on earth, and you can not compete with him there. If you sell it here you meet the same fine selling agency. The simplest method will be to use it, which, it seems, would mean using it on the packer's terms.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. HUDSPETH. The ultimate destination of every animal, of all cattle that are sold, is the slaughterhouse; ultimately, is it not?

Mr. JONES. Certainly.

Mr. HUDSPETH. Is it not a fact, I will ask my friend—who knows the cattle business and represents the largest cattle district in Texas—is it not a fact that in every transaction the equalization fee will be figured in, and that will be taken off the purchase price?

Mr. JONES. Certainly. That will be handled just as any other commodity is handled. The man who buys that commodity buys it with the purpose of selling it; or if he raises it, he raises it with the idea in mind of ultimate sale. He figures when he goes to sell it what his expenses are going to be. The purchaser figures on the same basis; so that a man who is growing cattle for sale and is selling them, no matter to whom he is selling them, no matter where he is selling them, whether at the ultimate point of slaughter or for feeding, pasturing, or resale, he will pay this equalizaiton fee. It will be taken off at every point where the sale is made.

The point I am making is that the only way you will get anywhere is to hire a big packer or a small packer to handle the product. You can not build storehouses, you can not build cold-storage places, you can not build warehouses, unless you expend large sums of money. You must contract with those who have them, and you must contract with them on their terms. So where do you get? They have the machinery for handling it now. Will they not handle it then?

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. HARE. The gentleman speaks of the equalization fee at the slaughterhouse; in my country——

Mr. JONES. Please make it a question.

Mr. HARE. In my part of the country they raise cattle for sale. Here is a farmer who sells to a local butcher. Will the classification fee apply to that?

Mr. JONES. Yes. It will apply to any animal slaughtered for market.

Mr. HARE. And to swine?

Mr. JONES. Yes. It will apply to cattle and to swine.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. DICKINSON of Iowa. Suppose it should be shown that there was an agreement with the packers and that by paying that 10 cents equalization fee they could raise the price of your cattle a dollar a hundred. Do you think your people would object?

Mr. JONES. Oh, that is an assumption. I can not understand how your board is going to get a better contract out of the packer than the cattleman can get or the cattle organization can get. Some of the biggest organizations in the world are cattle organizations, and they employ some of the highest-paid men to handle their affairs. The board might be composed of men who, like the gentleman from Illinois [Mr. RAINEY], thinks a cow is a goat. I think a man who is raising cattle is in a better position to judge than the man who thinks cattle are goats.

Mr. FORT. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. FORT. Is it not a fact that we only export, as the chairman states, about 19,000,000 pounds of beef?

Mr. JONES. Yes; we import more of both cattle and beef than we export.

Mr. FORT. And therefore this section of the bill is not designed to protect the American market from the world market, is it?

Mr. JONES. No. It can not be. It is purely a matter of domestic market, for the present at least.

Mr. FORT. It is merely a matter of domestic price raising through the packer or under contract with the packer?

Mr. JONES. Yes; through the packer or under contract with the packer.

Now, I want to say in this connection that I am supporting this amendment in all good faith, and from no hostility to the bill. I do not think these cattle people want to be in the bill. I do not think the bill is workable with them. I think it is workable with some other commodities, and I should like to see the bill put in workable form.

As for Texas, she needs no defense at my hands. From the magic of her name to the magnitude of her production she is superlatively great. Annually she ships to the market tens of thousands of fat cattle. Annually she produces millions of bales of cotton and millions of bushels of wheat. She is the premier State in the American Union in the value of her agricultural products. Her development is in its infancy. The fertility of her soil could feed the Nation. Her climate, her people, her energy, and her future are unrivaled on the reeling earth. Come to Texas.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I had never known why we have to eat so much tough beef until I just heard the two gentlemen from Texas [Messrs. HUDSPETH and JONES] and the gentleman from Illinois [Mr. RAINEY] discuss the question of cattle, showing how in the form of goats the Texas cattle must be fattened in Illinois. I want to suggest to all who are interested in raising cattle that they ought to come out to the great Northwest, where we are raising cattle, and where we can raise them in such a way as to keep them sleek and fat from the very hour they are born until they are ready for the packing plant, and then you will get real nice juicy beef.

But what surprises me particularly in this discussion is how short the memory of some Members of Congress can be. One of the most effective talks made for the so-called McNary-Haugen bill two years ago was made by our good friend from Texas [Mr. HUDSPETH], and most of his talk concerned the poor price that was being paid for cattle and beef at that particular time. I am glad, I am tickled to death to hear the figures submitted by Mr. HUDSPETH in the debate here to-day, where he has shown that recently, apparently, the entire tariff upon cattle and beef has been operative and has been reflected in the price to the Texas producers. I hope that such is the case and that it will remain the case whether the Haugen bill is enacted or not.

But the gentleman entirely overlooks the fact that if it remains the case, then there is no necessity and absolutely no chance of putting an operative period upon beef whatsoever. In other words, you will continue to sell beef just as it is sold now, for an operating period can not be established by the board unless the price again goes down to a point below the world price plus the tariff. [Applause.]

When that time comes I want to say to you, Mr. HUDSPETH—and it may come a year from now or two years hence—this German cattleman you have been speaking about, if the operating period is on and he goes and sells his cattle, and if he can read the same as the cattlemen in the Northwest can read, then he will sell his beef and he will know that he has an extra $20 bill in his pocket for every 1,000-pound steer he has sold and he will go away tickled to death, and he will then say, "My Congressman, Mr. HUDSPETH, he fixed it so I could get $20 extra. He put on this equalization fee, of course, that takes away $2, shown by this certificate I have in my pocket and I may not get anything back on it, but anyway I am $18 to the good." [Applause.]

Ever since I commenced to read wild west stories as a kid I have had the greatest of admiration for the cattlemen of the West. I think they are just the type of men that Mr. HUDSPETH has depicted upon the floor from time to time, but never until the argument made by our genial friend from Texas to-day have I been forced to the conclusion that those men can not read or that they can not understand an ordinary business transaction. [Applause.] And that is what Mr. HUDSPETH's argument amounts to when he tries to prejudice Members representing cattle districts against this equalization fee on the theory that the cattlemen will not understand it. However, I think those men on the broad plains of Texas are as well able to understand this equalization fee as the people out in the great Northwest.

I also want to say this: It is just as unreasonable for people representing cattle districts to take the position to-day that this bill is not needed as it would be for us from the wheat sections of the country to say that just because we happen to-day to be getting a fairly good price for wheat that there is no need of having it for the future. Our wheat men see—and I believe in reality your cattlemen see—the danger in the future. Our wheat men see, as I suggested a day or two ago, that if we should this year have a large crop of wheat both in this country and abroad that there is an absolute necessity for this kind of legislation, and that may be exactly the same way your cattlemen are fixed. Their representatives were very busy here two years ago.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. LOZIER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. HUDSPETH]. This amendment proposes to take cattle and their products out of this bill. If this amendment is adopted, the cattle industry could not possibly obtain any benefits from this legislation. No one will deny that the cattle industry is in need of stabilization and that better prices are due those who raise cattle and those who fatten cattle for the market. At the present time beef is selling about $3 per hundred less than a year ago. The market is at all times unstable, and it frequently fluctuates so violently that enormous losses are sustained by those who feed and finish cattle for the market. This is one of the greatest branches of farm industry and there can be no worth-while prosperity among the farmers unless beef prices are stabilized and materially advanced.

I am a little surprised at the arguments made by the two distinguished Representatives from Texas [Mr. HUDSPETH and Mr. JONES]. It seems to me that they are fundamentally wrong in their attitude toward the pending bill. Moreover, they are taking themselves too seriously. They evidently think that practically all the cattle in the United States are located in Texas. So blind are these two gentlemen to the true basis and needs of the cattle industry that they have lost sight of the many millions of cattle in other portions of the United States, and especially in Missouri, eastern Kansas, eastern Nebraska, Iowa, Illinois, and other great corn-growing, cattle-feeding, and beef-producing States in the Middle West. The real beef that satisfies the hunger of the American people is not produced in Texas, except in a negligible degree. Nebraska, Kansas, Missouri, Iowa, and Illinois are all greater beef-producing States than Texas. It is true that Texas produces large quantities of stock cattle, but comparatively few cattle from the Texas ranges are shipped direct to the markets for slaughter. Ninety-five per cent, probably, of the cattle produced in Texas are sold as stock cattle and are shipped to these great Corn Belt States that I have mentioned to be fattened and finished for the market.

The truth of the business is that the prosperity of the men who raise cattle upon the Texas range and the prosperity of the Texas cattlemen as a class depends upon the prosperity of the farmers in the Corn Belt, as practically all the stock cattle produced in Texas are fattened and prepared for market in the Corn Belt States. Speaking from memory, I am sure that not more than 7 per cent of range cattle are slaughtered without first being fattened in the great Corn Belt States. Trainloads of these range cattle from Texas are brought into the States of Missouri, Kansas, Nebraska, Iowa, Illinois, and other Corn Belt States, and there they are fed for 2, 3, 4, 5, or 6 months; and after they are fattened and their flesh properly hardened and converted into real beef, they are placed upon the market and sold as corn-fed cattle. If it were not for this demand, four-fifths of the cattlemen on the Texas plains and other ranges would go bankrupt and be forced out of business before frost flies next autumn. The Texas cattlemen must stand or fall with the farmers, cattle growers, and cattle feeders of the Corn Belt States. The prosperity or depression of the cattle business in the Middle West is quickly reflected in the increase or decrease of prices for range cattle. Now, anyone at all familiar with the livestock business knows that a cow or steer fattened on the range is not ready for slaughter. The flesh of range-fattened cattle is soft and watery. First-class beef is not produced, as a rule, on the range. Good beef, the beef the American people want and are willing to buy and pay for, must be corn-fed beef. Not only the packers but the consumers know the difference between beef produced on the range and beef produced in the Missouri, Iowa, or Illinois feed lots. The feeding of corn is absolutely necessary to produce first-class beef.

Suppose you have a good season in Texas and you ship a carload of range cattle to the Kansas City, Chicago, or Omaha markets. These cattle may be fat, but the packers and buyers know that these grass-finished cattle will not make the most desirable beef. They will not slaughter as well as corn-fed cattle, and the packers and buyers know it. By looking at these cattle the packers and buyers can tell at a glance that they are grass-finished cattle; that their flesh is soft, flabby, and watery; that they will not butcher as well as corn-fed cattle; and they will make a difference of from $1 to $3 per hundred in the price between these grass-finished cattle and cattle fattened on corn in the Corn Belt States.

A buyer at the stockyards or packing houses will stick his fingers in the side of a steer and without asking you any

questions will quickly tell you whether your cattle came from the range or from a feed lot in some of the Corn Belt States. The prosperity of the Texas cattlemen depends primarily on the ability of the Corn Belt farmers to buy these Texas cattle and finish them for market at a profit. If the Missouri, Nebraska, Iowa, or Illinois farmers can not buy Texas stock cattle and fatten them at a profit, the principal and all-important outlet and market for Texas cattle will have been destroyed.

So I come back to my original proposition that there can be no prosperity for the cattlemen upon the Western ranges, unless the farmers of the Corn Belt States are prosperous, and they can not be prosperous unless they are able, when they market their fat cattle, to not only get back the cost of their feed but a reasonable profit in addition. The cattle raisers and the cattle feeders of the Corn Belt States are not enjoying even a fair degree of prosperity. On the contrary, hundreds of millions of dollars have been lost by the farmers in the Corn Belt States in buying Texas range cattle, feeding their corn crops to them, and then selling the fat cattle on the Omaha, Kansas City, or Chicago livestock market at prices that would not return to them the original cost of the cattle. Indeed, much of the impoverishment of the farmers in the Corn Belt has resulted from their inability to make a profit on the cattle which they bought on Texas plains and fattened on corn grown on the productive farms of the Middle West. One year with another, the income from feeding Missouri, Iowa, or Illinois corn to Texas cattle has not been sufficient to show a profit, but ordinarily heavy losses.

Cattle feeding in the Corn Belt has become an exceedingly hazardous occupation. It follows therefore that the cattlemen in Kansas and Texas and other plains regions are vitally interested in stabilizing the market price of corn-fed cattle, as well as range-finished cattle.

Inability of the Corn Belt farmers to make a profit feeding cattle will be very quickly reflected in reduced demands and reduced prices for stock cattle from the ranges, and with all due respect to my colleagues from Texas, I think it is very obvious that they are pursuing a shortsighted and mistaken policy in attempting to have cattle taken out of this bill and thereby denied the benefits that must inevitably accrue to all cattle growers and cattle feeders, both in the Corn Belt and on the far-flung plains of the Southwest. Moreover, there can be no stabilization or substantial advance in corn prices, if cattle be eliminated from this bill. Because, in order for the corn grower to enjoy more stable and higher prices for the corn he produces, beef prices must be stablized and higher. This bill will not bring to the corn farmer the desired relief, if the amendment offered by the gentleman from Texas [Mr. HUDSPETH] is adopted. By adopting his amendment you would emasculate the bill and withhold from the corn growers and the farmers who raise, handle, or fatten cattle practically all of the relief that his bill is intended to furnish them.

I therefore hope that the amendment offered by the gentleman from Texas [Mr. HUDSPETH] may be defeated, and I ask every friend of the Corn Belt farmers in this House to vote against the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were—ayes 32, noes 71.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11603, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Tennessee (at the request of Mr. MCREYNOLDS), until May 22, 1926, on account of important business.

ADDRESS BY ATTORNEY GENERAL OF UNITED STATES

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address recently delivered by the Attorney General of the United States.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, delivered by whom?

Mr. CRAMTON. By the Attorney General of the United States.

Mr. CONNALLY of Texas. On what subject?

Mr. CRAMTON. The Attorney General of the United States delivered an address before the recent Women's Law Enforcement Conference on observance and enforcement of law.

Mr. CONNALLY of Texas. Did the Attorney General come out in favor of enforcing the law?

Mr. CRAMTON. The Attorney General has made a very able address, one that I am sure every Member of the House will read with a great deal of interest, as well as many others.

Mr. CONNALLY of Texas. If he is in favor of the enforcement of the law, I have no objection.

Mr. CRAMTON. I hope the gentleman from Texas will read the address. I am sure he will benefit very greatly by doing so.

Mr. CONNALLY of Texas. I have already read it.

Mr. CRAMTON. If the gentleman has already read it, I am sure he will want it inserted in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, at the luncheon of the Women's National Committee or Law Enforcement, April 13, 1926, the Attorney General of the United States, Hon. John G. Sargent, head of the legal department, the law-enforcing branch of the United States Government, delivered a remarkably forceful and able address on law enforcement and law observance, with special reference to the eighteenth amendment. Under the leave given me, I insert that address, as follows:

Madame the President and members of the Women's Committee on Law Enforcement, in approaching the subject before you at this social gathering of the representatives of your great body I am somewhat at a loss how to begin.

To me the matter of having the law observed in a country under a Government like ours seems a very simple thing. All that is necessary is that each member of each family in each community in each State shall go about his and her business each day with the purpose in mind to obey the rules made by society for its own guidance. But it happens that there are here and there among us persons who do not have such purpose; persons who instead of trying to earn an honest living by honest toil undertake to get the means of living in what they think and hope will be an easier way.

We must remember that a living for all must be earned by all, and each member of society who does not by some useful action earn his keep increases the burden of the rest, who have to earn it for them.

With those who are a burden from being mere drones, shirks, we need not further concern ourselves here; with those who by active preying on their fellow members of the social body undertake to get a living, or more than a living—the means of luxury—we are here very much concerned.

With those who undertake to set aside the rules of life which we ourselves have made and satisfy their cravings of lust, of appetite, of revenge, of malice by reprisals on individuals, on the community, we are very much concerned.

We make law governing the relations of individuals to each other and their property, and we provide courts in which individuals may seek redress for violations of their legal rights by other individuals.

We make law governing the relations of individuals to the community, and provide by law penalties for infraction of such law. The community as a body can not well impose such penalties, and so we provide courts to pass on the question of whether there has been an infraction of the law, and provide representatives of the community to prevent in such courts charges against persons accused of infractions of the law—prosecuting officers.

What is the duty of such a representative of the community toward its laws?

It seems to me that a prosecuting officer, while and so long as he holds his place as the representative of the law, ought not to take the position that the law as it is ought not to be the law.

The law is the will of the body politic, and we are in our places by the will of the body politic, put there to execute that will; and if we go about declaring in speech and in print that the law ought to be changed, so that acts which are offenses against the law will not be offenses, we thereby weaken our causes in the minds of the tribunals before whom we must try them.

I notice on the letterheads of this committee that the purpose of the organizations it represents is to encourage the enforcement of all the law, with especial emphasis on the eighteenth amendment and the Volstead Act, and I have been informed by some of your officers that you are particularly anxious for an expression of my views on that subject.

Let me say that what my views are is not, as I see it, of much greater importance than what your views are. I can keep the machinery of prosecution of violators of the law in motion, but you can make the results of such work effective or to a considerable extent impair its effectiveness.

At the risk of being accused of having a single-track mind, I wish to repeat here, in substance, a few observations I have before publicly made on this subject.

In this country, under our system of government, the will of the people expressed by their vote becomes and is the rule of conduct which all citizens are bound to observe and which all citizens or aliens must be compelled to observe. That rule of conduct creates the duty of every inhabitant of the jurisdiction doing the voting.

The eighteenth amendment is the law of the land.

The Volstead Act is the law of the land.

Both by constitutional command of the whole people and by legislative enactment of their representatives in Congress, it has been decreed that traffic in intoxicating liquor shall cease.

There is no room for discussion as to what the voters of the country have said.

There is no half-way place in the command they have laid upon their servants chosen and appointed to administer the law.

But, notwithstanding that the law is as it is, nothwithstanding the will of the people is that this traffic—and, of course, the drinking of alcohol—shall cease, a considerable number of persons insist they will not obey the law and persist in the traffic to supply drink for themselves and others who are willing to reward them for the chances they take.

Those who engage in the business, those who furnish the business by buying its wares, and some who do not wish to either sell or buy liquor undertake to excuse the violators by saying over and over that this law is an infringement of personal liberty.

They declare that since the prohibition law went into effect it has never been practically in effect;

That it has been a disastrous, tragic failure;

That the Federal Government is powerless to enforce it; because, they say, "The instinct of personal liberty is very strong," "Man can not be made over by law," and "Thousands of the best citizens of the country have been brought into contact with the bootlegger and have no compunction whatever about violating the law."

Let us examine these propositions briefly.

Though some of those who make these claims and arguments may not, do not, have in mind a purpose to make the thing prohibited easier to procure and less dangerous to make and sell by those who would provide it, nevertheless such is the effect upon the execution of the law.

Personal liberty to do what? Anything except to facilitate the making, sale, and use of intoxicants? Why? Any reason except that the use of them may not be interfered with?

What other result can follow the constant declaration that the law is not binding on the consciences of those who do not favor its provisions because they say it interferes with personal liberty and the instinct of personal liberty is very strong? What other result can follow than that juries will hesitate to convict on charges of violation of the law?

What other result can follow than that those contemplating engaging in the traffic will be encouraged by the thought that probably, even if detected and arrested, conviction will not follow?

No compunction about violating the law? Violating it how? What for? Anything except to provide intoxicants for somebody to drink?

No.

Such contentions, when made by those who do not want liquor for themselves, who would not intentionally put obstacles in the way of enforcement of the law, must be made without realization of the effect of their position.

That effect can be and is only to weaken public sentiment in favor of any law enforcement and to encourage violation of all law.

It is only a step—and an easy one—for the man of loose moral fiber, who hears and reads that men of education, of standing and influence, aver and urge that he is not in conscience bound to give allegiance to one provision of the Constitution, is not in conscience bound to observe one statute because it interferes with his liberty to do as he pleases in that matter, to come to the conclusion that he is not in conscience bound to observe another law, and then another, which interferes with the liberty he would have to do some other act but for the law; and when he is told that many of the best citizens violate a part of the law without compunction, what conclusion can he reach but that he may violate any part of it without compunction?

The difference between civilization and barbarism is in the presence or absence of law.

The very idea of law in a community carries with it the surrender of individual freedom of action for the good of the whole body.

In a state of barbarism one may walk or drive where he please, unless the "personal liberty" of another stronger than he interferes.

In Washington one must drive on the right-hand side of the street. Why? Because the community has decided that the welfare of the whole, of which he is a part, demands that he be deprived of liberty to drive where he please and compelled to go on the right-hand side.

Does anyone contend that "man can not be made over by law" in this matter?

Does anyone contend that because "the instinct of personal liberty is very strong" he has a right to endanger the safety of every one in the street, including himself, by asserting his personal liberty and driving on the left-hand side?

What is the difference between insuring the safety of travel by depriving men of their personal liberty through compelling them to drive on the right side, and compelling them to be sober, when driving, through depriving them of the means of getting drunk?

The real source of the embarrassment to the enforcement of the law is not that the law interferes with personal liberty—any law which has any effect upon the conduct of the individuals composing society does that, must do that—but that so many well-intentioned persons thoughtlessly or following some process of unsound reasoning join hands with those who intentionally violate the law and give them aid and comfort in attempting to justify their unlawful conduct.

There is no right of personal liberty to perpetuate an institution which the law condemns.

In this country that the liquor traffic shall be exterminated is established by solemn resolution of the electorate.

That it ought not to exist is admitted by those making the arguments and claims I have been discussing when they say either by way of preface or conclusion to every discussion, "We do not desire to bring back intoxicating liquor; there is no intention ever to bring back the saloon." Those who say this honestly surely can not have thought out the result to which their arguments tend.

The rest "do protest too much."

Again, if it be true that "the prohibitory law has never been practically in effect," that "it has been a disastrous tragic failure," that "the Government is powerless to enforce it," in what way does it interfere with the personal liberty of those who would drink intoxicants?

The answer is, as everybody knows, that by reason of the existence of national prohibition, by reason of its practical effect, by reason of the exertion of the power of the Federal Government, the traffic in liquor is becoming day by day more and more difficult and dangerous to carry on.

As the application of the Federal power grows more strict, and the manufacture within the country and importation from without become more restricted, as the business becomes more difficult and dangerous, the price of the goods dealt in rises, and right there is where the shoe pinches; right there is the evidence which can not be controverted, that the Federal Government is not "powerless to enforce" the law.

I maintain that to show the law, any law, is violated is not to show that it is not being enforced or that it can not be enforced.

If that argument were sound, then because crimes of murder, rape, robbery, smuggling, stealing, and embezzlement continue to be committed we must say the penalties against them can not be imposed.

No one thinks that.

As the amount of liquor available for consumption decreases and the price of liquor rises, and the profit per quart or per gallon increases new and keener wits and ingenuity are attracted to the business, new and complicated and skillful schemes are devised for evading the law, and constantly increasing watchfulness, activity, and study required for their detection. Many of them go on for a time without detection. But ways of meeting and overcoming them are found, and can be found, for all of them.

Recently some one made an argument that the great increase of cases in court for violation of the prohibitory law is an indication that the law is not being, and can not be, enforced.

I submit that that increase in cases in court is an index of the activities which have resulted in whisky being unobtainable except at an expense many times as great as before those activities were exerted by the Federal Government.

And as the work of detection, seizure, and arrest resulting in such cases in court goes on, the extinction of the traffic draws so much nearer.

That this traffic may be declared an evil thing and may be abated under the provisions of the now existing law is firmly settled by judicial decision of the highest court.

What remains in the way of its complete abatement?

The temptation to make money in the traffic, created by those who either willfully or thoughtlessly disregard their highest obligations to their country and themselves and offer and pay for violation of the law a bribe large enough to offset the danger of prosecution, fine, and imprisonment.

To those "thousands of the best citizens of the country who have no compunctions whatever about violating the law" I address the question: Upon reflection, having called to your attention what your action really means and is in paying an outlaw for violating the law of your country in order to furnish you the means of gratifying your desire for drink, don't you think it better to refrain from such bribery in the future?

Don't you feel that, unless you so refrain, there may be some doubt about your being longer entitled to the designation "best citizens of the country"?

Can you afford to endanger your property, your safety, your lives, and the property, safety, and lives of your wives and children by teaching and practicing the doctrine of purchasing the commission of crime?

Laying aside for the moment any consideration of your duty as citizens, does not your interest lie the other way?

To those who, after considering the character and consequences of their acts, persist in promoting and fostering the violation of the law, I say that the hand of punishment shall fall as often and as heavily as those now charged with the duty of administering the law can cause it to fall.

To you, the women of this country, I say you can by your influence and your votes secure the election and appointment of honest, faithful administrative officers and the discharge and retirement of those who prove to be dishonest, unfaithful, inefficient.

More than this—

Remember that the business of making, transporting, and selling liquor is not entered upon from the motives which incite the commission of most other crimes—jealousy, revenge, sudden anger, ill will toward society generally—but only for profit.

The market for the goods is the whole foundation of the great cost in money, time, and effort of suppression of the traffic.

You can see to it that at no social event in your charge shall your tables be disgraced by the presence of unlawful liquor.

You can, if you will, make the serving of unlawful liquor at social functions of your acquaintances so unpopular that it will cease.

Will you do your part?

I notice further on your letterheads, "Allegiance to the Constitution," on the one side, "Observance of law" on the other side.

With two such supporters staying up its hands, enforcement of the law must win.

"Then came Amalek and fought with Israel in Rephidim.

"And Moses said unto Joshua, 'Choose us out men and go out and fight with Amalek; to-morrow I will stand on top of the hill.'

"So Joshua did as Moses had said to him, and fought with Amalek, and Moses, Aaron, and Hur went up to the top of the hill.

"And it came to pass, when Moses held up his hand that Israel prevailed, and when he let down his hand Amalek prevailed.

"But Moses's hands were heavy; and they took a stone and put it under him, and he sat thereon; and Aaron and Hur stayed up his hands, the one on the one side and the other on the other side, and his hands were steady until the going down of the sun.

"And Joshua discomfited Amalek and his people with the edge of the sword."

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Friday, May 14, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 14, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON LABOR

(10 a. m.)

To create in the Bureau of Labor Statistics of the Department of Labor a division of safety (H. R. 11886).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To provide for the deportation of certain aliens (H. R. 11489).

EXECUTIVE COMMUNICATIONS, ETC.

512. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting proposed legislation affecting an appropriation for the Department of Commerce for the fiscal year ending June 30, 1927 (H. Doc. No. 379), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. S. 1930. An act to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes; with amendment (Rept. No. 1183). Referred to the Committee of the Whole House on the state of the Union.

Mr. BULWINKLE: Committee on the Library. H. R. 5683. A bill authorizing the appropriation of $10,000 for the erection of a monument or other form of memorial at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; with amendment (Rept. No. 1184). Referred to the Committee of the Whole House on the state of the Union.

Mr. JEFFERS: Committee on World War Veterans' Legislation. H. R. 10361. A bill to authorize the Director of the United States Veterans' Bureau to grant an easement to the Tuskegee Railroad Co.; without amendment (Rept. No. 1185). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 265. A resolution providing for the consideration of H. R. 10821, a bill for the appointment of certain additional judges, and S. 2858, a bill to fix the salaries of certain judges of the United States; without amendment (Rept. No. 1186). Referred to the House Calendar.

Mr. CURRY: Committee on the Territories. H. R. 11803. A bill to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; with amendment (Rept. No. 1187). Referred to the House Calendar.

Mr. CURRY: Committee on the Territories. H. J. Res. 243. A joint resolution for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad; without amendment (Rept. No. 1188). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 92. A bill fixing postage rates on hotel room keys and tags; with amendment (Rept. No. 1189). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12063. A bill to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission; without amendment (Rept. No. 1190). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11662. A bill authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States; with amendment (Rept. No. 1192). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 3382. A bill to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes; without amendment (Rept. No. 1193). Referred to the Committee of the Whole House on the state of the Union.

Mr. MONTGOMERY: Committee on Indian Affairs. S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians; without amendment (Rept. No. 1194). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 5028. A bill for the promotion of certain officers of the United States Army now on the retired list; with amendment (Rept. No. 1196). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of New Jersey: Committee on the Post Office and Post Roads. H. R. 11841. A bill to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound; with amendment (Rept. 1197). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HASTINGS: Committee on Indian Affairs. S. 3259. An act authorizing the enrollment of Martha E. Brace as a Kiowa Indian, and directing the issuance of patents to her and

two others to certain lands of the Kiowa Indian Reservation, Okla.; without amendment (Rept. No. 1195). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 3665. A bill to correct the military record of Thomas Spurrier; with amendment (Rept. No. 1198). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on War Claims. H. R. 11259. A bill to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War; without amendment (Rept. No. 1199). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. S. 2128. An act for the relief of Samuel Spaulding; without amendment (Rept. No. 1200). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. S. 579. An act for the relief of the Georgia Cotton Co.; without amendment (Rept. No. 1201). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 7011. A bill for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner; with amendment (Rept. No. 1202). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 7715. A bill for the relief of Frank W. Tucker; without amendment (Rept. No. 1203). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 8932. A bill for the relief of William F. Redding; without amendment (Rept. No. 1204). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 10558. A bill for the relief of William Meyer; with amendment (Rept. No. 1205). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3330) for the relief of Thomas G. Peyton; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 7011) for the relief of the Houston (Tex.) Chamber of Commerce and the Hermann Hospital estate and Bertha E. Roy and Max A. Roy and J. M. Frost and J. J. Settegast and Emma Hellberg and Laura Lackner and F. W. Lackner; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 12144) to amend the Federal intermediate credit banks act of 1923; to the Committee on Banking and Currency.

By Mr. UPDIKE: A bill (H. R. 12145) authorizing an appropriation for construction and installation of permanent buildings, utilities, and appurtenances at Fort Benjamin Harrison, Ind.; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 12146) for the apportionment of Representatives in Congress among the several States under the Fourteenth Census; to the Committee on the Census.

By Mr. McLEOD: Joint resolution (H. J. Res. 253) to award recognition in the name of Congress to Lieut. Commander Richard E. Byrd and the members of his polar expedition; to the Committee on Naval Affairs.

By Mr. BRITTEN: Joint resolution (H. J. Res. 254) relating to the establishment of commodity quantity units for general use in merchandising after 1935; to the Committee on Coinage, Weights, and Measures.

By Mr. WINTER: Resolution (H. Res. 266) providing for the consideration of H. R. 10356, to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 12147) granting a pension to Arabella E. Skinner; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 12148) granting an increase of pension to Mary A. Sanders; to the Committee on Invalid Pensions.

By Mr. BLACK of New York (by request): A bill (H. R. 12149) for the relief of Edmond Weil, Isidore Weil, and Ferdinand Weil, copartners doing business under the firm name and style of Alphonse Weil and Brothers; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 12150) granting an increase of pension to Eliza Parke; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 12151) granting an increase of pension to Elizabeth McClarg; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 12152) for the relief of Dent, Allcroft & Co., A. J. Baker Co. (Inc.), Horwitz & Arbib (Inc.), and Richard Evans & Sons Co.; to the Committee on Claims.

By Mr. FROTHINGHAM: A bill (H. R. 12153) for the relief of Frances Macdonald; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 12154) granting an increase of pension to Nancy Beatty; to the Committee on Invalid Pensions.

By Mr. LARSEN: A bill (H. R. 12155) for the relief of Fred R. Crandall; to the Committee on Military Affairs.

By Mr. LINEBERGER: A bill (H. R. 12156) for the relief of Hugh S. Gibson; to the Committee on Appropriations.

By Mr. LINTHICUM: A bill (H. R. 12157) granting an increase of pension to Harriet A. Watson; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 12158) for the relief of Edward R. Daum; to the Committee on Naval Affairs.

By Mr. PARKER: A bill (H. R. 12159) granting an increase of pension to Lucinda Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12160) granting an increase of pension to Celestia Parrow; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 12161) to renew and extend certain letters patent to George Becker; to the Committee on Patents.

By Mrs. ROGERS: A bill (H. R. 12162) granting an increase of pension to Kate W. Sawyer; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12163) granting a pension to Esmerelda Vreeland; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 12164) granting a pension to Clara Mateer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12165) granting an increase of pension to Margaret J. Folsom; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 12166) for the relief of Joseph Franklin; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2174. By Mr. ARNOLD: Petition from citizens of Wabash County, Ill., urging the passage of the Haugen bill and protesting against the adoption of the Tincher bill; to the Committee on Agriculture.

2175. By Mr. CARTER of California: Petition of the Seventh Annual Convention, National League of Women Voters, urging law enforcement; to the Committee on the Judiciary.

2176. By Mr. DOUGLASS: Petition of the Intercolonial Club, of Boston, Mass., that Canadians now legally residing in the United States, who came to this country from Canada from 1908 to 1917, during which period our Immigration Bureau failed to make record of entries from Canada, be permitted to file first naturalization papers without leaving the country hereafter and reentering, with resulting excessive inconvenience and expense; to the Committee on Immigration and Naturalization.

2177. By Mr. FULLER: Petition of Mr. Peter Nelson, of Plano, Ill., and other individuals, urging support of the Haugen bill; to the Committee on Agriculture.

2178. By Mr. GALLIVAN: Petition of Tanners Shoe Manufacturing Co., 493 C Street, Boston, Mass., recommending early and favorable consideration of the McKellar bill (S. 3544), providing for a revision of postal rates; to the Committee on the Post Office and Post Roads.

2179. By Mr. HOOPER: Petition of J. K. Gilbert and 49 other residents of Calhoun County, Mich., protesting against the passage of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2180. By Mr. KUNZ: Resolution adopted by the directors of the Illinois Manufacturers' Association, favoring the enactment of Federal legislation needed to complete the Illinois waterway; to the Committee on Rivers and Harbors.

2181. By Mr. LINEBERGER: Petition of Mr. Ralph Stuckey, of Rosamond, Calif., and approximately 30 other citizens, protesting against passage of House bill 7179; to the Committee on the District of Columbia.

2182. By Mr. MAJOR: Petition of numerous citizens of Turners and Rogersville, Mo., protesting against the passage of House bills 7179 and 7822, compulsory Sunday observance bills; to the Committee on the District of Columbia.

2183. By Mr. MORROW: Petition of Hot Springs Game Protective Association, Hot Springs, N. Mex., G. W. Caldwell, president, indorsing Senate bill 2015, the establishment of fish hatchery in New Mexico; to the Committee on the Merchant Marine and Fisheries.

2184. By Mr. NEWTON of Minnesota: Resolution of the Minnesota Conference of the Evangelical Church, for enforcement of the provisions of the Volstead Act and opposing any modification; to the Committee on the Judiciary.

2185. By Mr. O'CONNELL of New York: Petition of Joseph Beal, of Albany, N. Y., favoring the passage of Senate bill 3343, to extend the time for the privilege to construct necessary canals and dams on United States Government land; to the Committee on Irrigation and Reclamation.

2186. Also, petition of Adolph Lofaro, of No. 9325 One hundred and forty-third Street, Jamaica, Long Island, favoring the passage of the Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

2187. By Mr. ZIHLMAN: Petition of Mrs. E. C. Green, Fred E. Goss, Leon Harslip, and others, protesting against the enactment of Sunday observance bills; to the Committee on the District of Columbia.

SENATE

FRIDAY, *May 14, 1926*

(Legislative day of Monday, May 10, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes; and

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8313. An act to allot lands to living children on the Crow Reservation, Mont.;

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes;

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924;

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920;

S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia*;

S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters;

S. 2058. An act for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve;

S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease;

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense; and

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lenroot	Sackett
Bayard	Fess	McKellar	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gerry	Mayfield	Simmons
Broussard	Gillett	Means	Smoot
Bruce	Goff	Metcalf	Stanfield
Butler	Gooding	Moses	Steck
Cameron	Greene	Neely	Stephens
Caraway	Hale	Norbeck	Trammell
Copeland	Harreld	Norris	Tyson
Couzens	Harris	Nye	Underwood
Cummins	Harrison	Oddie	Walsh
Curtis	Heflin	Overman	Warren
Dale	Johnson	Phipps	Watson
Deneen	Jones, N. Mex.	Pine	Weller
Dill	Jones, Wash.	Pittman	Wheeler
Edge	Kendrick	Ransdell	Williams
Edwards	Keyes	Reed, Mo.	Willis
Ernst	King	Robinson, Ark.	
Fernald	La Follette	Robinson, Ind.	

Mr. CURTIS. I desire to announce that my colleague [Mr. CAPPER] is absent on account of a death in his family. I will let this announcement stand for the day.

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is detained from the Senate because of a death in his family.

Mr. TRAMMELL. I wish to state that my colleague [Mr. FLETCHER] is necessarily absent owing to illness.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

MEMORIAL

Mr. ASHURST presented a memorial numerously signed by sundry citizens of Prescott, Ariz., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, or any other legislation of a religious character, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. JOHNSON, from the Committee on Immigration, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 3859) to validate certain declarations of intentions; and

A bill (H. R. 11204) exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, reported it with amendments and submitted a report (No. 830) thereon.

Mr. ERNST, from the Select Committee on Revision of the Laws, to which was referred the bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925, reported it without amendment and submitted a report (No. 832) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, and so forth, reported it without amendment and submitted a report (No. 833) thereon.

Mr. PITTMAN, from the Committee on Interstate Commerce, to which was referred the bill (S. 2059) to provide for regulating traffic in certain clinical thermometers, and for other purposes, reported it without amendment and submitted a report (No. 834) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920;

S. 96. An act to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia;*

S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin-American Republics in military and naval matters;

S. 2058. An act for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve;

S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease;

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska Military Cable and Telegraph System out of receipts of such system as an operating expense; and

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 4251) to amend and supplement the naturalization laws, and for other purposes; to the Committee on Immigration.

By Mr. McNARY:

A bill (S. 4252) setting aside certain land in Douglas County, Oreg., as a summer camp for Boy Scouts; to the Committee on Public Lands and Surveys.

A bill (S. 4253) for the determination and payment of certain claims against the Choctaw Indians enrolled as Mississippi Choctaws; to the Committee on Indian Affairs.

A bill (S. 4254) granting an increase of pension to Elizabeth A. Hayden; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 4255) granting an increase of pension to Elizabeth E. Willey (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4256) for the relief of George C. Hussey; to the Committee on Military Affairs.

A bill (S. 4257) granting an increase of pension to Sarah P. Tyrer (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4258) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park; to the Committee on Public Lands and Surveys.

By Mr. ERNST:

A bill (S. 4259) granting an increase of pension to Susan Burchett (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 4260) granting an increase of pension to Sallie Rice (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 4261) relating to patents issued pursuant to decrees of the Court of Private Land Claims; to the Committee on Public Lands and Surveys.

By Mr. STANFIELD:

A bill (S. 4262) to amend section 3466 of the Revised Statutes of the United States; to the Committee on the Judiciary.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was ordered to lie on the table and to be printed.

GRAIN FUTURE EXCHANGES

Mr. SHIPSTEAD submitted the following resolution (S. Res. 222), which was read:

Resolved, That the Secretary of Agriculture be directed to transmit to the Senate a full and complete transcript of the report or reports made to the Secretary of Agriculture by the Grain Futures Administration in response to the order issued to the Grain Futures Administration by the Secretary of Agriculture on or about the 18th day of March, 1925, which order directed the said Grain Futures Administration to make a full and immediate investigation and careful study of the situation which had existed on grain future exchanges during the first months of the year 1925 and to ascertain the cause of the wide fluctuations in the price of wheat during said months.

Mr. SHIPSTEAD. I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. I ask that the resolution may go over under the rule. I have not had a chance to look into it.

The VICE PRESIDENT. The resolution will go over under the rule.

PROPOSED REGISTRATION AND LICENSING OF VEGETABLE INDUSTRY

Mr. FERRIS submitted the following resolution (S. Res. 223), which was read:

Whereas allegations have been made that the Department of Agriculture is about to put into effect a plan of registration and license for the fruit and vegetable industry; and

Whereas it is alleged that said proposal is without lawful authority in that Congress has enacted no legislation authorizing or permitting such action by the Department of Agriculture; and

Whereas it is alleged that said proposal, if made effective, will constitute the Department of Agriculture a regulating and controlling agency of the Federal Government to control, regulate, and supervise the business operations of this private industry; and

Whereas it is alleged that a large number of those engaged in said industry, particularly growers and shippers of fruits and vegetables, and numerous growing and shipping organizations are opposed to said proposal of the Department of Agriculture; and

Whereas it is alleged that although those opposed to said proposal have filed protests with the Department of Agriculture directly, and through the Senators and Representatives of their respective States, requesting an opportunity to present their objections to the proposal and be heard thereon, the department has refused to give any heed to such protests, or to give those objecting and protesting an opportunity to be heard: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry of the Senate is hereby authorized and empowered to inquire into said plan and proposal of the Department of Agriculture and all the allegations referred to herein pertaining thereto; to require the department to furnish any and all information or data regarding said proposal, together with all steps taken in relation thereto, and to conduct hearings at which all interested parties may have full and equal opportunity to be heard; be it further

Resolved, That if this resolution be adopted, the Secretary of Agriculture is directed to hold in abeyance the said plan of the department proposing to effect the registration and licensing of the fruit and vegetable industry of the United States.

Mr. FERRIS. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

Mr. CURTIS. Mr. President, I ask that the resolution may go over under the rule.

The VICE PRESIDENT. It will go over under the rule.

Mr. FERRIS. I ask that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. If the Senator wants the resolution to go to the Committee on Agriculture and Forestry, I have no objection to that reference.

Mr. TRAMMELL. Mr. President, a parliamentary inquiry. Except for the request to refer the resolution, it would go over until the next day?

The VICE PRESIDENT. It would.

Mr. TRAMMELL. Would the Senator prefer to have it go to the committee instead of having it go over a day and be considered to-morrow?

Mr. FERRIS. The Senator from Kansas having suggested a reference to the committee, let it be referred.

The VICE PRESIDENT. The resolution will be referred to the Committee on Agriculture and Forestry.

ALBERT REID

Mr. SMOOT submitted the following resolution (S. Res. 224), which was referred to the Committee on Finance:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Albert Reid, the sum of $200 for expert services rendered by him to the Committee on Finance during the Sixty-ninth Congress, first session, in compiling, editing, and indexing hearings, reports, and bills relating to the revenue act of 1926.

PROGRESS OF POST-OFFICE DEVELOPMENT

Mr. COPELAND. Mr. President, I ask unanimous consent to have inserted in the RECORD a very interesting letter which I have received relating to the progress of the railroads and postal development of the country.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

UNITED STATES POST OFFICE,
DIVISION OF FINANCE, OFFICE OF ASSISTANT POSTMASTER,
Dallas, Tex.

Hon. ROYAL S. COPELAND,
315 Senate Office Building, Washington, D. C.

DEAR FRIEND: Three cheers for Uncle Sam and progress!

I am giving thanks to-day. This is not Thanksgiving Day, but it is an auspicious occasion. The virgin plane, *Miss Dallas*, takes flight with her first cargo of mail. The prayers of the city and Nation go with her. I am thankful for progress; not the least thing for which I am thankful is the fact that I was born in America. We are living in a wonderful age. People now gladly embrace the new ideas and inventions which make for progress and higher civilization. Authentic records give us the following information:

"In March, 1829, under President Jackson's administration, the Postmaster General was first made a member of the President's Cabinet. Mail was first carried by steam railroads in 1834. The period following 1863 was one of transition from stage coach to railroad transportation.

"Primitive and crude at first, a bid for railroad service stipulated that the department must reduce the required rate of speed to 11 miles an hour."

In this connection I submit the following interesting facts regarding mail service:

In 1828 the school board of Lancaster, Ohio, refused to permit the schoolhouse to be used for the discussion of whether or not railroads were practical. This decision has been brought to light by an old document, reading as follows:

"SATAN AND THE RAILROADS

"You are welcome to use the schoolhouse to debate all proper questions in, but such things as railroads and telegraphs are impossibilities and rank infidelity. There is nothing in the word of God about them. If God had designed that His intelligent creatures should travel at the frightful speed of 15 miles an hour, by steam, He would have clearly foretold it through His holy prophets. It is a device of Satan to lead immortal souls down to hell."

In 1832 there was a sort of railroad between Philadelphia and New York, on which the train usually got about as far as Trenton. Paralleling this railroad was a contract mail route on which the mail carrier had a contract with the Postmaster General to carry the mail on horseback at a certain sum per trip. The mail was carried in bags thrown across the horse's back. The mail carrier conceived the idea that it would be better to leave the horse at home and take the bags of mail on the train. This worked all right for a time, but one day the train broke down and some one reported him to the Postmaster General. He promptly received a letter from the Postmaster General (which letter is on record in the Post Office Department) stating it had come to the attention of the Post Office Department that he "had broken his contract by abandoning the horse and carrying the mail in a train"; that "nobody had little sense enough to think that trains would ever run regularly enough and fast enough to afford that kind of communication which the Post Office Department must have," and that if he did not want to lose his job he had better stay off the train and get back on his horse.

Hon. Sam Houston, first United States Senator from Texas, serving from 1845 until 1861, introduced the first resolution for an appropriation of funds and appointment of a committee to investigate the possibility of air mail service.

No doubt the coming generation will witness even greater progress than we have. Here's hoping you and yours may live to see and enjoy these coming wonders.

Sincerely yours,

W. B. LUNA.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 13, 1926, the President had approved and signed the following acts:

S. 2733. An act for the relief of the State of North Carolina; and

S. 3037. An act to provide retirement for the Nurse Corps of the Army and Navy.

MIGRATORY-BIRD REFUGES

The VICE PRESIDENT. The question is on the motion of the Senator from South Dakota [Mr. NORBECK] to proceed to the consideration of Senate bill 2607, entitled "A bill for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges," and so forth.

Mr. DILL. Mr. President, the effect of this bill is so far-reaching upon the sportsmen of this country that I think amendments are needed to it of such a nature that the bill should not be taken up for consideration at this time. I think the bill should be laid aside and some amendments to it considered and agreed upon before it is brought up in the Senate for discussion. I am particularly concerned about section 9 of the bill, because if the bill shall pass, as section 9 now stands, everybody who wants to do any hunting in the United States will have to take out a Federal license, unless he wants to hunt only on land which he owns or shall have leased. That means that as soon as any man in the country goes out to hunt and obtains a Federal license we must have Federal inspectors in those communities to see that he does not violate that license. Under this bill we are going to set up a system of game wardens all over the United States.

Mr. NORBECK. Mr. President, will the Senator from Washington yield for a question?

Mr. DILL. I yield.

Mr. NORBECK. Is not that exactly what we have under the present migratory bird treaty act?

Mr. DILL. We have no such law as the one now proposed.

Mr. NORBECK. Wherein is the difference?

Mr. DILL. The difference is that this bill provides that everybody who goes hunting must obtain a Federal license. If he shall get a Federal license, the money goes in the Treasury, and 40 per cent of it may be spent in the employment of Federal game wardens. The number of game wardens in this country would thereby be multiplied tremendously.

Mr. NORBECK. I want to say for the information of the Senator that, according to the best estimate I can make, the bill will possibly call for the appointment of one or two wardens for each State. My State, for instance, at the present time has 15 or 16 State wardens.

Mr. DILL. Why not limit in this bill the amount that may be expended for game wardens?

Mr. NORBECK. The opposition to this bill comes from two sources. Primarily this is a bill to establish bird refuges. The establishment of shooting grounds is one feature of the bill, but primarily it is to protect game from extinction. The opposition is from those who want no hunting whatever, on the one hand, and, on the other hand, it comes from those who want a free license to hunt and do not want any interference by the Federal Government.

Mr. DILL. The Senator can make that characterization of those of us who are opposed to this bill if he wants to.

Mr. NORBECK. The Senator on yesterday stated his opposition to the bill.

Mr. DILL. What I said was that I was opposed to creating bird sanctuaries and having a portion of them used as public shooting grounds, and this morning I am talking about the proposal to make every man in the United States who wants to go out and hunt, unless he hunts on his own ground, buy a Federal license, the proceeds of such licenses to the amount of 40 per cent to be used to pay game wardens who will be Federal appointees.

Mr. NORBECK. Let me correct the Senator's statement. Not every man who wants to hunt but every man who wants to hunt migratory birds must take out a Federal license to do so.

Mr. DILL. Oh, well, migratory birds.

Mr. NORBECK. It does not apply to any other game.

Mr. DILL. If he does not hunt anything but jack rabbits, it is all right; but a man who goes out hunting wants to be able to shoot whatever game is available to be shot at. I see no necessity, because we want to enact a law to establish sanctuaries for birds, to establish bird reserves, that we should enlarge the bill so as to provide a great Federal system of game wardens in this country. I think most of the States have bird reserves or sanctuaries for game; I approve of them most heartily; I think they are very desirable; but we do not allow anyone to hunt on them; at least that is not allowed in my State, and I do not think it is allowed in most States.

Mr. NORBECK. They will not be permitted to be hunted on under this bill.

Mr. DILL. This bill specifically provides for granting of licenses to hunt on certain lands to be purchased by the commission.

Mr. NORBECK. Yes; on certain parts of them; in other words, the proposed law does establish grounds on which there may be no hunting, whereas at the present time there are no such grounds. Therefore it is a conservation measure.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. DILL. I yield.

Mr. REED of Missouri. I want to inquire, since the jack rabbit has been spoken of in a disrespectful manner here this morning——

Mr. DILL. Not disrespectfully.

Mr. REED of Missouri. Why the jack rabbit's rights, privileges, and immunities should not be guarded and why his offspring should not be conserved quite as much as those of a jacksnipe? What is the difference in principle?

Mr. DILL. I simply stated in answer to the Senator from South Dakota that a man might be able to shoot a jack rabbit without a Federal license, but that was about the only game animal he might shoot.

Mr. REED of Missouri. What I want to know of the Senator from South Dakota is, if birds are to be protected why we should refuse to include jack rabbits? Why should we not look after the jack rabbit? He certainly is as innocent and inoffensive as is any of the birds. Why should we confine our affection and our protection to birds? There is not anything I know of that is more enthralling than to watch an able-bodied jack rabbit undertake to beat a greyhound across an 80-acre piece of ground. That is the most sportsmanlike element of the whole hunting business.

Mr. DILL. Of course, we do not have sanctuaries for jack rabbits.

Mr. REED of Missouri. Why not? Why can not these sanctuaries be made places of refuge for jack rabbits? Why should the jack rabbit be excluded?

Mr. DILL. I have no desire to discriminate against the jack rabbit, but this bill does not include jack rabbits.

Mr. REED of Missouri. I know the Senator has no such desire, but I think the Senator from South Dakota omits entirely from the realm of his affectionate regard this most innocent of all animals, the jack rabbit.

More than that, during the long hard winters that occur in the North when the farmers are oppressed by hard times the jack rabbit is of a great deal more account, so far as meat is concerned, than is the jacksnipe. I am just inquiring from the Senator from South Dakota why he has overlooked the jack rabbit?

Mr. NORBECK. Mr. President, if the Senator from Missouri desires to offer an amendment to include the jack rabbit, I am sure the Senate will be glad to consider it.

Mr. DILL. I think it would be about as reasonable to have a sanctuary for jack rabbits for a certain period of the year, and then cut off a certain area and say that a man can get a license and go in and shoot them on one side of the line thus established, as it is to have a bird sanctuary and to say, "On this side you can shoot birds and on the other side you can not."

The reason that I think this bill ought not to be considered in its present form, without being entirely changed, is that there has been a propaganda abroad in this country for migratory bird sanctuaries. We have all received letters and telegrams and have been called out and interviewed, and been asked in the name of the sportsmen of the country to help enact legislation that will give us bird sanctuaries. I do not know but what I myself have written letters—I think I have—saying I was not opposed to such legislation, but was in favor of it. However, when I come to look at this bill I find that instead of being a bird sanctuary bill merely it is a bill to set up a lot of game wardens in this country and make every man who wants to do any hunting obtain a Federal license, 40 per cent of the proceeds of such license to be used in the administration of the law.

Mr. NORBECK. Mr. President, I want again to correct the Senator. A very small part of the hunting of this country is for migratory birds. The bill does not include partridges or quail or prairie chickens or pheasants and other game of that nature which is covered by the State laws. Under this bill possibly one or two Federal wardens might be appointed in the States. I am sorry that it will not be possible to provide for more, so that the law may be adequately enforced.

Mr. DILL. I think the Senator would like to have all game regulated from Washington, D. C. The Senator said a while ago that those of us who are opposing this bill were in favor of free shooting without any restriction.

Mr. NORBECK. No; the Senator asserted that he wanted sanctuaries but objected to the shooting.

Mr. DILL. I said shooting in bird sanctuaries.

Mr. NORBECK. The bill does not provide for shooting in sanctuaries. I wish to correct the Senator in that respect. The shooting is to be on the shooting grounds.

Mr. DILL. Yes; the Government buys a certain area of ground, and it says that ground is a bird sanctuary, but a certain part of it is a shooting ground.

Mr. NORBECK. The Government might buy two areas of ground and have one used as a sanctuary and the other as a shooting ground.

Mr. DILL. Why buy the shooting ground?

Mr. NORBECK. Why not?

Mr. DILL. Why should the Government provide a Federal shooting ground for people who live in a particular community?

Mr. TYSON. Mr. President, I should like to ask the Senator why should the Government enact game laws at all? Why should it take any interest in game?

Mr. DILL. Because it is desired to preserve the game and make it possible to have shooting.

Mr. TYSON. Exactly; but is it desired that only men who have fortunes and can hire places may shoot, or is it desired that the general public may have the right to shoot?

Mr. DILL. Of course, if the Government is going into the business of supplying shooting grounds in every community that is one thing, but if it is to go into the business of supplying bird sanctuaries in certain sections of the country and then establishing shooting grounds alongside of them, which will only serve a few people who live there, it is quite a different thing.

The proposal to establish bird sanctuaries, the proposal to establish bird reserves in this country is not new. Practically every State has them; practically every State has places where game is protected. I know that in my State there is not an hour of the day or night in winter or summer when anybody can shoot game on those reserves. In case he does, he is prosecuted.

Mr. KENDRICK. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. KENDRICK. Even though State laws are sufficiently rigid, and even though they are fully enforced, does the Senator believe that the individual States would find it possible to protect migratory birds?

Mr. DILL. I think they protect them reasonably well. All of our States have game laws protecting migratory birds as well as other birds.

Mr. KENDRICK. Those laws merely protect them during the time they are within the borders of the State.

Mr. DILL. Yes.

Mr. KENDRICK. But what about the birds that cross all State lines?

Mr. DILL. The States do not provide any shooting grounds for the birds to alight in and be shot at by hunters who pay for licenses.

Mr. KENDRICK. But that is quite aside from the question.

Mr. DILL. That is a part of this bill.

Mr. KENDRICK. Many species of birds travel clear across the Nation, and even beyond. The Senator does not believe that kind of game can be protected by the enforcement of State laws, does he?

Mr. DILL. Well, I think each State has taken care of the game pretty well.

Mr. KENDRICK. In so far as they can protect it they have done so, but many birds travel across the country. They have their point of starting, we will say, across the border in Canada and finish their trip on the Gulf of Mexico, or even beyond.

Mr. DILL. Of course, as the Senator knows, they do not go in one straight flight; they stop in the marshes, pools, lakes, and rivers along the way.

Mr. KENDRICK. I ask the Senator if he does not believe that is one of the reasons why we should have bird sanctuaries?

Mr. DILL. I am not objecting to bird sanctuaries. What I am objecting to is creating a bird sanctuary and then establishing a public shooting ground alongside of it.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. LENROOT. In the Senator's State there are large public areas where hunters can shoot; but what has the Senator to say about the situation that exists in practically all the States east of the Rocky Mountains, where, especially with regard to ducks, which during their flights alight for feeding, the preserves in such localities are being bought up entirely by wealthy sportsmen, and the poor boy has no chance to shoot unless the public provides some means whereby he may do so?

Mr. DILL. I think that is a matter that ought to be handled by the States rather than by the Federal Government.

Mr. REED of Missouri. But, Mr. President, if the Senator will pardon me——

Mr. DILL. Yes.

Mr. REED of Missouri. The small boy who has no place to hunt is then expected to go 300 or 400 miles away from his home to one of these sanctuaries. That is the provision which is being made for him by this bill. Let us get the poor boy out of our heads. This is a bill that was prepared and has been financed by the manufacturers of shotguns, and I am going to prove it before the day is over.

Mr. DILL. Mr. President, the argument runs right back to the point I started with in this discussion, namely, that if this bill shall pass, we are going to have such a condition that every man who wants to go out and hunt game birds must first buy a Federal license, the money to be paid into the Treasury of the United States, or to the Postmaster General, I think it is—I am not certain about the details——

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. NORBECK. It is not correct to say that every man who wants to hunt must buy a Federal license.

Mr. DILL. If he wishes to hunt migratory game birds, it is.

Mr. NORBECK. In the first place, no license is required if a man hunts on his own land even if he hunts migratory birds; and, in the second place, there is no license required for boys under 16 years of age.

Mr. DILL. I am not talking about boys of 16 years or under. Let us talk about the man who owns a quarter of a section of land somewhere, and can not do any hunting beyond it without being arrested. What this bill ought to do is to provide for bird sanctuaries that are desired—I have no objection to that—and then provide that the birds in those sanctuaries shall be protected there. I have no objection to the appointment of Federal officials for that purpose. What I object to is providing an enormous Federal fund here and then providing that 40 per cent of it can be used in the administration of this law.

Mr. OVERMAN. Mr. President, the bill provides for an appropriation of $50,000 from the Treasury to establish a great bureau here.

Mr. DILL. To start with, yes; but they propose to maintain it by the funds that come in from these licenses. The Senator from South Dakota said a while ago that he did not expect to have more than two game wardens in a State. Then why does not the bill limit the amount that can be spent for game wardens? The Senator knows that they are talking about having from one to five million dollars a year come in to this fund.

Mr. NORBECK. Some people talk about one to five millions. Some people talk all kinds of figures. There is no roof on the imagination.

Mr. DILL. What does the Senator think the receipts will be?

Mr. NORBECK. From half a million dollars to a million.

Mr. DILL. Let us say from half a million dollars to a million, then. Forty per cent of half a million dollars is $200,000, and 40 per cent of a million dollars is $400,000.

Mr. NORBECK. All right. Divide that up between 48 States and the Territory of Alaska, and how many game wardens do you get in each place?

Mr. DILL. Of course, I am taking the Senator's limit of half a million to a million dollars, of which 40 per cent would be $200,000 or $400,000. The Senator, of course, assumes that there will not be over a million people in this country that will want to hunt these migratory birds. The Senator must know that there are two or three times that many people who hunt them, and nobody is going to be deterred by a $1 license. The license rate is fixed at $1 so that anybody will feel free to buy a license; but underneath is the proposition of setting up a lot of Federal game wardens all over the United States. If the Senator wants to limit them to one or two to a State, why does he not put such a limitation in the bill? Why does he not limit the amount of money that can be spent for this sort of business? Instead of that we have thrust before us here a bill with a possibility of spending a million or two million dollars for its administration.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. DILL. Yes; I yield.

Mr. TYSON. I wish to say that in reporting on this bill the Secretary of Agriculture specifically states that 40 per cent of the receipts will be necessary in order to enforce it properly.

Mr. DILL. How is he going to enforce it?

Mr. TYSON. He will enforce it in the usual way.

Mr. DILL. What is the usual way?

Mr. TYSON. That is to say, by having game wardens and other things. Game wardens are not the only things they are going to spend money for. Let me read what he says:

> The 60–40 per cent division of the funds is entirely satisfactory to the department, but a reduction below 40 per cent of the receipts would not provide sufficient funds for the proper enforcement and administration of the laws mentioned and would not meet with the approval of the department.

There are many other things that this money would be used for besides game wardens.

Mr. DILL. The Senator says "many other things." Let us have some of them.

Mr. TYSON. As a matter of fact, a great many things are done in order to protect game in the matter of their health, their dying out, and doing other things that have to be done by other departments.

Mr. DILL. Is this fund to be used for propagation?

Mr. TYSON. It is to be used for any purpose that is necessary to protect and defend and look after the game of the United States.

Mr. DILL. Is this a bill to propagate birds?

Mr. TYSON. Anything that is necessary to preserve the game of the United States.

Mr. DILL. The Senator knows and we all know that this money is to be used for the enforcement of the law in the ordinary way, and that is by game wardens. The Department of Agriculture approves using 40 per cent of it for that purpose. I am not surprised at that. I never knew a man who is given power to appoint men who did not want power to appoint all that the law would let him appoint; and of course these men would like to build up a system of Federal officials throughout this country to control the migratory birds and have them around everywhere watching everybody who has a license. If this is primarily a bird sanctuary bill, then I think it ought to be written from the standpoint of establishing a bird sanctuary, instead of being primarily a public shooting bill, for that is what it is.

Mr. KENDRICK. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. KENDRICK. I want to ask the Senator in all fairness if he would favor the establishment of bird sanctuaries without providing some means to protect the birds in the sanctuaries.

Mr. DILL. Oh, no. I said a moment ago that if we establish these bird sanctuaries I am in favor of having provision in the law for men to protect the birds in the sanctuaries, and I would not let any shooters go in and shoot there or in any public grounds alongside of them either.

Mr. KENDRICK. The Senator from South Dakota insists that no shooting is to be allowed within the sanctuary.

Mr. DILL. No; they call the part where they allow shooting a public shooting ground. They do not call that a sanctuary. That is the only difference.

Mr. KENDRICK. In the protection of the birds, would the Senator prefer a direct appropriation for that purpose or would he prefer the charging of fees for licenses for hunting?

Mr. DILL. I would prefer a direct appropriation to buy whatever bird sanctuaries are necessary. I am not in favor of a Federal license for the shooting of migratory birds.

Mr. KENDRICK. Do the laws of the Senator's State provide for licenses for hunting?

Mr. DILL. They do, to be paid to each county for a county license, or you may buy a State license.

Mr. KENDRICK. Does the Senator have any information that there is any surplus of game wardens under such provisions of law in his own State?

Mr. DILL. Well, we have enough game wardens, and I want to say that some of the most contemptible characters that I

know in the sporting world are some of these game wardens, who try to trap men into violations of the law.

Mr. KENDRICK. The Senator's experience along that line has been somewhat different from mine.

Mr. DILL. I have had some experience as a prosecuting attorney where I had to prosecute their cases, and I know something of their methods, and I do not approve of them. I want to say in fairness that the rank and file of them do a great service. The rank and file of them are fair. The rank and file of them are really trying to protect the game and are not trying to ensnare the hunters. I want to be fair in what I say in regard to them, but it is the exceptions that discredit the whole force.

Mr. KENDRICK. Exactly. Now, is it not true, and does not the Senator recognize the fact, that the present force is entirely inadequate to administer the law over such vast territory as we find in the West, even under favorable conditions?

Mr. DILL. I can not agree with the Senator that the present force is inadequate; but if it is inadequate, the matter ought to be taken care of by the State, and we ought not to set up a Federal game commission here in Washington, D. C., to extend out all over the United States. I am opposed to that.

Mr. TYSON. Mr. President, I should like to ask the Senator if he knows how many game wardens there are in the United States now?

Mr. DILL. No; I do not know how many there are in the United States.

Mr. TYSON. There are just 47, as I understand.

Mr. DILL. The Senator means Federal game wardens?

Mr. TYSON. Yes; Federal game wardens.

Mr. DILL. If the Senator from South Dakota will put in his bill a provision that there should be only one game warden in each State in addition to the present ones, and then limit this bill to a bird sanctuary bill, I should not object to it.

Mr. TYSON. I will ask the Senator if he thinks that one game warden in a great State will be able to enforce the game laws in any State of the Union, even in Rhode Island?

Mr. DILL. Oh, no; because the game laws are going to be enforced by the county game wardens and their deputies.

Mr. TYSON. Does the Senator think they are absolutely enforced now as they should be?

Mr. DILL. I think they do pretty well.

Mr. TYSON. Mr. President, answering the Senator's question a moment ago as to what the additional funds of 40 per cent were to be used for, I should like to read what the report says:

> For the enforcement and administration of this act, the migratory bird treaty act, and the Lacey Act; for investigating and preventing losses caused by alkali poisoning, oil pollution, and from other causes; and for the payment of all other expenses incident to this legislation, including those of the Post Office Department in connection with the issuance of licenses.

Mr. DILL. I do not see that the Senator mentions anything that can not be done by these game wardens in the open shooting season. It comes right back to the fact that the money is going to be used for game wardens.

Mr. BROUSSARD. Mr. President——

Mr. DILL. I yield to the Senator from Louisiana.

Mr. BROUSSARD. May I suggest to the Senator from Washington that the 47 men now employed by the Bureau of Biology are doing the very work to which the Senator from Tennessee refers?

Mr. DILL. I think so.

Mr. BROUSSARD. Last season I had occasion to call at the department, at the suggestion of friends interested in game in Louisiana and other places where oil was responsible for loss of life among game, and they sent men out there and have them now doing that work.

Mr. DILL. Of course, the Senator knows, and we all know that if this law goes into effect one of two things must happen. We must have enough Federal game wardens to go around and watch every part of the country, so far as the hunting of migratory birds is concerned, or we must have a few wardens who will go around and cooperate with the State and county wardens and let the States and counties really enforce it. The Senator remarks that that is what they are doing largely now. I think that is true, and I think they ought to continue to do that, and I do not believe that we ought to set up a commission of Federal game wardens here in Washington.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. SHIPSTEAD. If I understand the bill correctly, it gives the game-warden machinery of the State concurrent jurisdiction, provided the legislature of the State so provides.

Mr. DILL. Yes. That is true about prohibition now, is it not? We do not want the State to lie down on the enforcement of its game laws, as some of the States have lain down on the enforcement of the prohibition law. We have concurrent jurisdiction now on prohibition, and what is the result?

Mr. SHIPSTEAD. I simply call that to the Senator's attention to bring out the fact that where a State desires to enforce the law it is permitted under this bill to use its machinery for that purpose.

Mr. DILL. I understand, and I think that if the law would provide that the number of game wardens to be appointed should not exceed two to any State, that very system could be worked out; but, instead of that, it provides that they can spend 40 per cent of the receipts under this bill. That is what I am objecting to.

Mr. NORBECK. Mr. President, let me make a suggestion to the Senator. The question before the Senate is not the merits or demerits of this bill. The question before the Senate is whether the Senate shall take it up.

Mr. DILL. Yes; and I shall be glad to talk about that.

Mr. NORBECK. I was going to suggest to the Senator from Washington that if he is of the opinion that the Senate does not want this bill, the quickest way to dispose of it is to let this motion go to a vote as to whether or not we shall take it up.

Mr. DILL. Since the Senator raises the question whether we ought to take up this bill or some other bill, I want to talk about that a little bit. That is the question, the Senator says, that is before the Senate.

Mr. NORBECK. Replying to the other matter, the Senator will agree with me that there is a marked difference of necessity in different States. The State of New York and the State of Rhode Island would not require the same number of game wardens. Some States have more violations than other States, and therefore they require more wardens. Some States have more game than other States and therefore require more wardens.

Mr. DILL. But the Senator said a while ago that they would not have more than one or two to any one State. Now, why not limit it?

Mr. NORBECK. But these two can be moved from one State to another as they are needed; and I think Congress will provide for the necessary number of wardens to enforce the law, keeping in mind the fact that the 40 per cent is not fixed definitely by the bill. The bill simply provides that Congress shall appropriate not more than 40 per cent out of this fund for the purpose of law enforcement. The Congress itself immediately, if this bill becomes a law, may say that 20 per cent or 30 per cent is the right amount.

Mr. DILL. The Senator knows that as soon as this bill becomes a law and the fund begins to come in there are going to be a lot of reasons presented for appointing game wardens to spend that money. There is not any doubt about that.

The Senator says conditions in New York are different from the conditions in some other States. Undoubtedly so; and if there is any one reason above another why this great country has been able to exist so harmoniously in a governmental way as it has in all its development, it has been due to the fact that each State was supreme within its own borders on matters of local concern. I am objecting to the Federal Government interfering in a matter that is largely of local concern. The Senator says we already have Federal game wardens to look after the migratory bird law. Well, why add a lot more to them?

Under that system they are necessarily working with the local officials in the State where the game law is to be enforced.

As to the question before the Senate, which the Senator wants discussed, one of the reasons why I have been discussing this bill is because I think its present form is such that if we attempt to amend it on the floor there is going to be a great deal of time wasted that could be saved if the Senator would lay it aside and try to agree upon some amendments that would prevent a lot of time being consumed. I do not want this bill taken up now, because I know it is going to take a lot of time, and there is legislation that ought to be acted on promptly by the Senate and we can not get to that legislation as long as this bill shall be before the Senate once the Senate votes to take it up.

This legislation is not pressing. The House has not passed it. These birds have been flying back and forth across the continent for centuries, and a few more months will not hurt anything, when there is legislation that ought to be enacted in the very near future.

Mr. NORBECK. Mr. President, the House passed a similar bill at the last session of Congress, but we got caught in just such a jam as this, and therefore the House will have to pass it again. The House is naturally waiting to see what the

Senate will do. The Senate passed a similar bill three years ago. It is not a new matter. It has been before Congress and the country for four or five years. It has been before the committees, and amendments have been offered and suggested, and some features changed, but no material changes have been made.

Mr. DILL. It needs some important amendments.

Mr. NORBECK. That is a matter of opinion.

Mr. DILL. That is the very strong opinion I have about it. The fact remains that the House has not taken up this bill and has not passed it.

The other bills that are here for consideration are important to the whole country. There is nothing pressing about this bill, nothing pressing at all about it, and the Senator knows that. I do not know why it should have been put on the program ahead of legislation that is pressing.

The Senator from Oregon [Mr. STANFIELD] has ready for consideration the civil service retirement bill, in which hundreds and thousands of Government workers are interested. They have been demanding action, and I think the whole Congress are ready to pass legislation along that line. I understand an agreement has been reached on the matter, and I think that bill ought to be taken up and acted on.

As I said yesterday, the radio bill is here and is pressing. To-day, under the decision of a Chicago court, there is nothing to prevent anybody from using any wave he wants to and destroying all the efficiency and reliability of radio.

Mr. NORBECK. And we are wasting a lot of time talking.

Mr. DILL. We will waste a lot more if we take up this bill. It will not be wasted if we can kill this, because it will be a good service to the sportsmen and the game lovers of this country if we can keep the Federal Government from setting up machinery under which a lot of Federal appointees will go out as game wardens.

Mr. KENDRICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. DILL. I yield.

Mr. KENDRICK. Does the Senator believe it would be in the interest of economy to delay action on the bill?

Mr. DILL. I do not know just what might be included in that word "economy." Under this administration the word "economy" has taken on a meaning that I never knew it to have before. We save at the spigot and waste at the bunghole. I am more concerned about the interests of the people of this country, and the interests of the people who like to do hunting in this country, and the mere question of economy is a very small one compared with the other questions.

Mr. KENDRICK. Does not the Senator believe that to delay action for a sufficient length of time will be in the interest of economy, as there will then be no birds to protect?

Mr. DILL. That argument was made two or three years ago, but I notice that the birds are not being destroyed; I notice we have migratory birds and we have good hunting without this legislation.

Mr. KENDRICK. Does not the Senator know that for many years the birds were gradually being destroyed and eliminated? Even though a young man, the Senator must recall that period in which there was an annual marked decrease in the number of our migratory birds; and we have all noted the increased number of such birds as a result of the protection afforded by the migratory bird law.

Mr. DILL. I agree that the migratory bird law was a good thing, and I said at the beginning of this discussion that I have no objection to bird sanctuaries being established all over this country. I have constantly been in favor of the protection of birds and wild game, and I am now; but I am not in favor of setting up a supplementary system of enforcement in the form of a lot of game wardens coming out from the Federal Capital to enforce the law and to interfere with all the hunters who want to hunt.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. I understand the Senator admits there are some features of the bill which would probably meet with his approval. What is his objection to having it take the usual and orderly course and having it made the unfinished business——

Mr. ROBINSON of Arkansas. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order .

Mr. ROBINSON of Arkansas. The Senator from New Jersey is disturbing Senators in their conversations.

Mr. EDGE. The Senator from New Jersey will humbly apologize.

The PRESIDENT pro tempore. The point of order will be noted on the record, and the Senate will be in order.

Mr. EDGE. Why not consider this bill? It is an important bill, as I gather the Senator himself believes. Why not consider it in the usual way, as the unfinished business, so that amendments may be proposed and discussed and debated? As I understand it, this bill has been suggested by the party responsible for a legislative program to follow the legislation that was passed yesterday, the banking bill.

The majority party is responsible, and if we are making errors in suggesting this legislation rather than other legislation, that responsibility must be assumed by the majority party. Why, then, is it not proper to give the majority party that responsibility and let this bill become the unfinished business and debate it afterwards rather than before?

Mr. DILL. Mr. President, I want to say to the Senator that my reason for objecting to taking the bill up now is that I think that if the bill were not taken up now certain amendments could be agreed upon and we could eliminate very objectionable features from the bill and time could be saved on every hand. If we bring it on the floor and attempt to fight those questions out, it will take a great deal more time.

Mr. EDGE. I do not know my own position on some of the features of the bill, but are not those matters usually settled through debate, through argument on the floor? That is the usual, orderly way to consider any measure.

Mr. DILL. No; the Senator will agree that oftentimes much time is saved by not attempting to decide those questions on the floor, but time is saved by working out amendments before the measure is brought up.

Mr. EDGE. The bill is not now officially before the Senate.

Mr. DILL. That is why I do not want it to be brought officially before the Senate, because then those questions must be fought out here on the floor of the Senate.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. REED of Missouri. The Senator from New Jersey says that we ought to let this bill come up and let it pass because it is sponsored by the Republican Party.

Mr. EDGE. No; I did not say to let it pass. I said let it be considered in the usual way.

Mr. REED of Missouri. That the Republican Party is responsible.

Mr. EDGE. They are responsible for the program.

Mr. REED of Missouri. What good does it do an outraged people to tell them that the outrage was perpetrated by the Republican Party? That does not help the people any. They know that generally that is the proposition anyway.

Mr. EDGE. Whatever the result may be, the Republican Party must assume that responsibility, and the Republican Party, in my judgment, are entirely prepared and able to assume that responsibility.

Mr. REED of Missouri. Certainly; the Republican Party has shown by many of its acts in this session of Congress that it is prepared to assume any responsibility, no matter how great the infamy may be. But that does not help the people of the United States.

Mr. EDGE. It is wonderful how the people, when they get an opportunity, ratify the judgment of the Republican Party.

Mr. REED of Missouri. They have not ratified what you have done this session.

Mr. EDGE. They have not had a chance yet.

Mr. REED of Missouri. They have had one or two chances, and they have spoken very decisively. They are going to have some more chances.

Mr. EDGE. Mr. President, we have heard these prophecies many, many times.

Mr. REED of Missouri. They are being predicted very rapidly, and you are going to get another prediction in a few days when we hear from Pennsylvania.

Mr. EDGE. The Senator from Mississippi is not in the Chamber to-day, but we have many times heard his predictions. Then the people have voted, and we are still going on. Without prophesying at all, I am sure the Republican Party is ready and able to take whatever the verdict may be, and I think it will be friendly.

Mr. REED of Missouri. The Republican Party will have to take the verdict, whatever it is. But the Senator's argument, speaking of it seriously, amounts to this: "We, the great Republican Party, have assumed responsibility for bringing this bill forward, and as we have assumed that responsibility, everybody should let us have our own sweet way."

We decline to join in that kind of a program. The Democratic Party, and some of us who do not care much about any party, but have a little interest left in the country, propose to stand here and contest any bill that we think is wrong, no

matter whether it has the sanction and the sanctity of the Republican Party back of it or not.

Mr. EDGE. The Senator will admit that I have made no complaint of that policy, but I have suggested that it might be a little more orderly if the bill could be officially before the Senate, then, of course, the Senator would have the privilege of attacking the bill as long as he saw fit to.

Mr. REED of Missouri. If it were officially before the Senate, it would be just that one step nearer passing. Those of us who are opposed to this bill propose to exercise our parliamentary rights in regard to it.

Mr. DILL. Mr. President, I shall conclude in just a moment. I do not want to take further time, but I did want to register my opposition to permiting a bill to come up for consideration at this time which, in my judgment, will prove to be one of the most objectionable laws in operation if Congress shall pass it.

I want also to make clear that I am most heartily in favor of game protection. I am heartily in favor of bird reserves and bird sanctuaries for these migratory birds, and I do not intend that my opposition to the setting up of a system of Federal game wardens shall be translated into opposition to the preservation of game. But we all know that the preservation of game is to a large extent now, and should continue to be, a State matter. We all know that if this were a bill making provision for the appointment of an entire system of Federal game wardens separate and apart from this bird sanctuary proposition, you could not get enough votes here to even have it considered. But because it has tied into it the bird sanctuary provision, these other provisions are accepted as being a necessary part of it, and general language is included that will inevitably lead to the setting up of just such a system of Federal game wardens as we have of other kinds of inspectors going out from Washington.

Mr. BRUCE. Mr. President, I desire to say just a word or two in regard to this proposition. I hope sincerely that the pending bill will be taken up for consideration, and that it will be ultimately passed.

It so happens that throughout my entire life I have been interested in shooting. Indeed, I can truly say that it has been my chief outdoor pastime. The first book that ever appealed powerfully to my imagination was Audubon's Birds of America, and I am so fortunate as to be the possessor of a copy of that book to-day, and to be able to enjoy the pleasure of turning to its pages at times and refreshing the feelings that it awakened in me when I was but a boy.

If experience has demonstrated anything, it is that State authority is inadequate to the protection of migratory-bird life. Nor do I think that it can be successfully questioned that protection of migratory-bird life is not a matter of State concern merely, but of national concern as much as interstate commerce itself. What is less confined in its movements by State limits than a migratory bird which passes over vast spaces in a few hours?

Among the worst tragedies that have been brought to my observation during my existence is the all but complete destruction of forms of bird life with which I was familiar when I was a youth. We all know the history of the passenger pigeon. I am old enough to remember the time when it was one of the most abundant birds in the United States, and when one of the most common sights along woodland roads in southern Virginia was great flocks of those birds flying swiftly over the tops of the trees. The destruction of the wild pigeon is doubtless by no means entirely due to human agencies, but, be this as it may, there is apparently no such bird to be found anywhere in the whole world at this time. The wild pigeons which formerly darkened the very skies with their numbers and broke down the very branches of the trees in the forests with their weight are to-day as extinct as the great auk or the dodo. Every now and then we hear some rumor that a pair of them have been seen in some portion of the United States or somewhere in the recesses of the Canadian wilderness; but so far as I know for years there has not been one single, solitary, well-authenticated instance of this bird, which was not only a beautiful bird in point of plumage but a highly edible one, having been seen for years. That this fact is attributable at least partially to human destructiveness can not well be doubted.

In the same way, when I was a boy one of the most interesting and highly prized game birds was the upland or whistling plover, which was often seen in companionship with the killdeer, or the golden plover. It was a fine bird to shoot, a fine bird to eat, a fine bird to look at; but in the portions of the United States where, to my knowledge, it was once frequently seen it is no longer to be seen at all. It, too, seems to have gone absolutely out of existence, destroyed by indiscriminate human slaughter unrelieved by any real precautions for its preservation.

In my boyhood still another most interesting specimen of the feathered creation was the wood duck. All of you, I suppose, have seen it at some time or other; at any rate in the fragmentary form in which it is used in the fashioning of a lady's hat.

I know nothing more exquisite than the plumage of this duck. Unlike most species of wild duck, it nested, or to some extent nested, in this part of the world. In other words, it did not always leave its haunts here for the purpose of going off to Canada or some other remote region, but nested along our lagoons and our rivers. It was, as I said, a most beautiful, one of the most interesting and charming of all our birds, but how often do we see a wood duck to-day in Maryland or Virginia?

Mr. BROUSSARD. Mr. President——

Mr. BRUCE. I yield to the Senator from Louisiana.

Mr. BROUSSARD. We have a great many in Louisiana, and they migrate every winter.

Mr. BRUCE. Yes, I know; but they did not always migrate with us. We would see their nests often on the trees along our rivers and lagoons. It may be that they find the climate of Louisiana just a little too hot for them when the summer comes along and prefer a temperate, wholesome air like that of this region. But how rare is the wood duck in this region now? Apparently, it too is doomed to extinction.

When I was a young man 25 or 30 years of age one could not walk into a restaurant or social club of any standing in the city of Baltimore where he would not find grouse or pheasant on the menu. Need I say what the flesh of a grouse or a pheasant meant to anyone with a true sense of the pleasures of the table? I have not seen a grouse or pheasant on a menu in a hotel or social club in Baltimore for perhaps as much as 15 years. There was a time when it was said in Maryland—I know not how truthfully—that apprentices were fed by their masters on terrapin to such a surfeiting extent that they were disposed to complain of such harsh treatment. Even in my early manhood it was impossible to go into any hotel or wayside inn in the tidewater territory of Maryland without being able to obtain this most delicious of all food at a very, very reasonable price. Like a true Marylander, I am in the habit of saying that terrapin is the poetry of good eating and that all other forms of food are simply plain prose. But now terrapin in Maryland are so costly that none but the rich can afford to buy them. Of course, they do not belong to the family of birds, but the manner in which they are disappearing also helps to illustrate the objects of the pending bill.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. DILL. The Senator has given a very beautiful description of the wild life of some years ago in the way of birds. The Senator recognizes, of course, that not only the wild life of birds in this sphere of wild life but other kinds of wild life as well have disappeared throughout the country with the advance of civilization and roads of every kind.

Mr. BRUCE. They have; but there is no reason why they should disappear. In foreign countries where administrative regulations are enforced more effectively than is true with us game is, as I am informed, about as abundant as it ever was in the history of this country. England still has the pheasant and the grouse in abundance.

Mr. WALSH. Mr. President——

Mr. BRUCE. I yield to the Senator from Montana.

Mr. WALSH. They have private shooting grounds, too——

Mr. BRUCE. Yes; they have——

Mr. WALSH. Where very great areas were restored to the forest or where the original forest was preserved.

Mr. BRUCE. Yes; they have private preserves there.

Mr. WALSH. So the wild pigeon has disappeared because the forest has disappeared. The situation may be likened to the Great Plains of my State, which sustained thousands and tens of thousands of buffalo in herds. We could not possibly have any buffalo there now.

Mr. BRUCE. No; but the buffalo became extinct simply because man could not restrain his voracity; that is all. The Senator has aroused a train of ideas in my mind to which I would like to give expression. I will say to him that I do not think that the disafforestation of our country has really had anything to do with the disappearance of the wood pigeon, because for all practical purposes a large portion of the United States is just as densely wooded to-day as it ever was. Take, for instance, the region in southern Virginia, of which I have been speaking, where those flights of pigeons were so frequently

brought to my attention. That region is just about as abundantly afforested to-day as it ever was. The oak is just about as common a tree there as it ever was. The yield of acorns is just about as profuse there as it ever was, and yet the passenger pigeon is clean gone therefrom.

Of course, I am bound to admit that the wild pigeon must have succumbed not so much to human agencies of destruction as to some sort of epidemic disease. It does not seem to me that human influence alone could have worked its destruction so speedily. But I know that the Senator from Montana must have had called to his attention, too, in his boyhood the countless numbers of wild pigeons that then existed. Turning, for instance, to Audubon and his description of the wild pigeon and its habits, it will be found that not only did wild pigeons at times darken the very face of the sky with their hosts and break down the very branches of the forests with their weight but that in their wake followed great flocks of predatory birds and all sorts of wild carnivorous things of the woods.

As some Senators know, the Chesapeake Bay has always been one of the peculiar homes of aquatic birds in this country. Possibly in some of the western regions of the United States wild fowl may have been or may be more abundant than in its waters. But a few years ago it looked as if the wild fowl on the Chesapeake Bay would all soon perish. All along the reaches of that wonderful bay there were shooting lodges, or "shores," as they were called, and it was no uncommon thing for very large bags of geese and ducks of almost every species to be bagged at them in the course of a day. Then came the time when, as I have said, it looked as if the wild fowl of the Chesapeake Bay were about to be totally destroyed. Just think of what that would have meant not only to the manly spirit of the sportsman but to the luxurious side of the food supply of our great cities. But along came this migratory-bird treaty law, and, indeed, if some other Members of the Senate had had the same opportunity that I have had to know its effects they would simply be astonished at its stimulating and salutary results. Wild fowl have come back to our waters. During the last few years it may almost be said that ducks and geese and brant and swans have been almost as abundant on the waters of the Chesapeake Bay as they formerly were.

Mr. KENDRICK. Mr. President——

Mr. BRUCE. I gladly yield to the Senator from Wyoming.

Mr. KENDRICK. The Senator from Maryland spoke a little while ago of the better game protection in foreign countries. I call the Senator's attention to the fact that it is unnecessary to go so far from home to find really practical and effective examples of what may be done, through the laws of the State, in protecting such game as is not migratory. There is to-day published by the Game Commission of Pennsylvania a pamphlet showing what has been done in protecting the game of that State.

Mr. BRUCE. I should like to read it.

Mr. KENDRICK. It is one of the most interesting and most conclusive examples of the wisdom of protecting wild life that can be found in the language. Not only has it proved possible and practicable to protect the different species of game, but it has proved tremendously profitable from the standpoint of increasing the food supply. Under the present conditions in Pennsylvania almost anyone can secure at a nominal cost a license in season for hunting. What is more important, almost anyone can secure game after he has procured such a license.

I have not now in mind the figures showing the amount of game killed—of deer, wild turkey, bear, and all of the desirable forms of game—but I will say, as one living in a Western State where game is more or less abundant, it is one of the astonishing things to note what the State of Pennsylvania has accomplished in that direction within the last few years.

Mr. BRUCE. Mr. President, I find the statement of the Senator from Wyoming most interesting. I am not familiar with the methods resorted to by Pennsylvania for the protection of game, but I have some familiarity with the methods resorted to by other States of the Union for the same purpose.

Mr. KING. Mr. President, will the Senator from Maryland permit me to make an inquiry?

Mr. BRUCE. Certainly.

Mr. KING. The Senator has been eulogizing, as I understood—I have been out of the Chamber—the migratory treaty and the law enacted pursuant thereto. Does the Senator know that the bill which is now under discussion does not protect migratory birds? While it may contribute to the establishment of sanctuaries, it attaches to all of those sanctuaries provisions for shooting grounds.

Mr. BRUCE. I understand that.

Mr. KING. It does not protect, but seems to be rather a bill in the interest of shooters. I offered an amendment to strike out the word "shooting," so that the birds may be protected, that the sanctuaries should not be made available for the shooters. That has excited the most violent opposition from those who have been the proponents of the bill.

Mr. BRUCE. The object of the bill, as I understand it, is twofold: First, to establish bird sanctuaries—and of that feature I approve unconditionally. My attention was called, I think, some years ago to a wild-fowl sanctuary in England, and a more interesting spot I do not think that I have ever had brought within the range of my vision. There one saw many of those beautiful, graceful, swift-moving creatures circling about in the air or breasting the waters, and altogether presenting a scene of activity and animation such as might have delighted the soul of any man who is not wholly dead to the appeals of animated nature.

Mr. CARAWAY. Mr. President, may I interrupt the Senator from Maryland?

Mr. BRUCE. Certainly.

Mr. CARAWAY. I do not want the Senator quite to sanction the statement of the Senator from Utah [Mr. KING], because I do not think it is quite accurate. This bill does propose to protect migratory birds during the helpless period. The sanctuary law that we now have merely prevents the shooting of birds in certain places at certain times; but this bill goes further and proposes to acquire, either by purchase or by lease, places where the birds may propagate. It is a propagation measure, and not quite what the Senator from Utah indicated, merely a place for people to hunt. Its primary object is to furnish the birds sanctuaries where they may propagate and increase.

Mr. BRUCE. That is what I mean by saying that the object of this bill is twofold, and, first of all, to establish sanctuaries and propagation centers for bird life. That is the thought of the Senator from Arkansas, and I think that it is entirely sanctioned by the provisions of the bill. Then the bill proposes to establish shooting grounds where licensed members of the public may shoot, under proper regulations looking to the conservation of the game on them.

Mr. CARAWAY. Does not the Senator think that that is merely a secondary purpose and effect of the bill? The bill is not intended primarily to establish a place where one may hunt, but it is primarily to establish a place where wild life may propagate and then spread out all over the country.

Mr. BRUCE. I think so. In other words, to establish what might be called "bird seed plots."

Mr. CARAWAY. That is absolutely all it is. No one believes that the hunting grounds themselves will be of such area and be so numerous that they will furnish sportsmen a place in which to go to find birds and shoot. It merely intends to protect wild life and let it become more numerous, and then people may hunt it wherever they find it.

Mr. BRUCE. I suppose one object is to show that if shooting allowed over an area be properly regulated and safeguarded, it will not work any undue destruction of bird life.

Another illustration. Take the partridge or quail. It was an extremely abundant bird in southern Virginia and Maryland in my early life. I myself, though by no means a crack shot, have shot as many as 40 partridges on my father's plantation in southern Virginia in the course of a day.

I know it does not do for any man to speak too freely about his prowess as a hunter. I recall a story that is told of Lord Norbury, of Ireland; as I remember, some one once said to him, "I brought down 25 hares this morning," and received the reply: "Begad, sir, you must have fired at a wig." So, I am not going to wander off into a dangerous field; but not only have I myself when a youth bagged in southern Virginia in the course of the day as many as 40 partridges; but on one occasion my brother, on the same shooting grounds, bagged as many as 65; and yet to-day so diminished in numbers in this part of the country is the partridge that they are not allowed to be sold in the markets of Washington at all. Some years ago, as we all know, partridges were a very common article of food on the breakfast table, and my father used to laugh to scorn the old saying that it was impossible for any man to eat a partridge every day for a month without becoming nauseated, because for 25 or 30 years he had done that very thing during the partridge season. Now, however, if we want some partridges for a dinner party or merely for an ordinary domestic dinner, it is impossible to obtain them in Washington at all without violating the law.

I might go on in the same way to show the total extinction or the grave diminution in point of numbers of various other forms of bird life, but I shall cease. Is it not, however, a timely,

expedient, and in every respect a proper thing for the Federal Government to extend the ægis of its protection over migratory bird life in this country? One thing is certain, that the States as a whole have not made a successful experiment of bird conservation, and if the power of the Federal Government is not adequate to that object there is no other agency to take up the task.

In view of these considerations, which I have advanced in a more or less desultory way, it seems to me that the pending bill is one that should command the full, the unqualified, nay, the earnest and enthusiastic approval of every Member of this body.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota to proceed to the consideration of the bill.

Mr. SHIPSTEAD. Mr. President, I have read this bill carefully; and if there is anything objectionable in it, it must come in its administration. I believe that there is a grave misunderstanding of the bill as to what it seeks to accomplish.

I am not going to take up the time of the Senate to go into any rhapsody of the beauties of outdoor life in the United States. I think if I know anything about any subject at all, I know something about the wild life of America. Ever since I was a boy I have enjoyed it. I have seen it gradually diminish and disappear. When I think of what we used to do 25 or 30 years ago I am ashamed of all the game which I have killed; but in those days we did it because we did not know any better; we did it because we thought it was a mark of distinction to go out and kill a lot of birds in a day. When we become older, however, we acquire another point of view. I have come now to a period in life where I am perfectly satisfied to go out and get a couple of ducks in a day's time, or, if I do not get any at all, I can enjoy the outdoors. The joy of many days in the great outdoors is dulled by regretful memories of the many wild fowl I have killed. Many years ago I came to the conclusion that the joys of outdoor sports do not consist of killing. I doubt if a killer can enjoy the outdoors. If the wild life of America is going to be permitted to vanish entirely, a wonderful source of recreation which the people of America have for enjoying the outdoors will be lost to future generations.

I wish to call the attention of the Senate to a very few things that I think are misunderstood about this bill. I can not find in this bill that any shooting is going to be permitted in the sanctuaries or places of refuge. Refuges or sanctuaries and shooting grounds are entirely distinct.

Let me say a few words on the question of bird refuges or sanctuaries. The birds breed up in the Hudson Bay region, in northern Canada, and in northern United States. In the fall they start to migrate south. I have seen in the early morning flocks of 200 or 300 ducks come down from the north. They very likely have been on the wing all night; they are tired; they want to come down to rest and to feed, but there is no place for them to alight; there is no refuge for them.

I have seen them swing from a half or a mile in the air to go down to a lake, but there they found some hunters with a bunch of decoys, and they started shooting at them before they hit the water. The ducks would go up in the air again and fly to another lake, possibly a mile or a mile and a half distant, where they would come down, but hunters there would start shooting at them. So the flock of ducks would be kept flying from one lake to another, until finally they would fly high in the air again and seek some place a considerable distance farther on, where the chances are they would have the same experience. There is no place of rest, no place where they may feed, no place of refuge; there is no sanctuary for them. As a result the ducks keep on going if they are physically able to go, but the chances are that the next year there is no duck flight in that region, and the people of that part of the country lose the sport, the inspiration, the pleasure, and privilege of hunting ducks. So under this bill, along the avenues or trails of migration the Federal Government will have the right, after the permission of the State has been granted thereto, to purchase grounds to be used as refuges where no one can shoot.

It seems to me that is all that the bill provides for, so far as refuges are concerned, and also to protect the birds on their breeding grounds, to have certain areas where no shooting shall be done.

As to the other proposition, about public shooting grounds——

Mr. KING. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. KING. Will the Senator consent to an amendment or to a series of amendments directed toward the same end which relate to the question of shooting grounds? For instance, the title of the bill contains this language:

> To furnish * * * funds for establishing such areas and the * * * establishment of public shooting grounds.

Will the Senator agree to an amendment to strike out that part of the title providing for shooting grounds and that part of section 4, line 9, which contains the words "or public shooting grounds," so that section 4, with that amendment, would read:

> That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as migratory bird refuges, areas which he shall determine to be suitable for such purposes—

Limiting, of course, then, the purpose of the bill to the acquisition of lands to be held for refuges for migratory birds, and not to furnish shooting grounds for sportsmen and to furnish a market for the guns and shells and ammunition of du Pont and a lot of other rich manufacturers who have been spending many, many thousands of dollars to lobby for legislation of this character for the past 10 or 12 years. Also, in other sections of the bill, it would be necessary to strike out the words "shooting grounds," so as to make the bill what the Senator from Maryland [Mr. BRUCE] seems to regard it, as being a bill for the acquisition of lands to be held as refuges for migratory birds. In other words, is the Senator interested in the preservation of these migratory birds, or is he interested in furnishing shooting grounds for sportsmen?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield right there? The Senator's last statement, that the provisions of this bill relating to shooting grounds are for the benefit of rich sportsmen, is in my judgment entirely inaccurate. Quite the contrary is true. Under present conditions and circumstances that are well within the knowledge of all of us, nearly all of the shooting areas in the various States are passing into the ownership and possession of clubs that are controlled by men of at least sufficient wealth to acquire membership in those clubs. It is perfectly apparent that if the ordinary man who is not a club member, and not able to acquire the rights and privileges of the shooting clubs, is to enjoy any sport at all, it must be done through public shooting grounds.

There is a good deal that can be said in support of the proposal to limit Federal legislation to game refuges. On the other hand, the benefit of the legislation, the benefit of the conservation of game, would then accrue to the members of shooting clubs, to the deprivation of the ordinary citizens. So that when we analyze the bill as respects the provisions relating to game refuges and public shooting grounds, it appears that the subject has been given a good deal of consideration, and that the measure is not written from the standpoint of the rich sportsman, but rather from the standpoint of the average man who is not able to enjoy the privileges of clubs.

Mr. SHIPSTEAD. Mr. President, I think the Senator from Arkansas has stated that very well. I am in favor of establishing these shooting grounds. It possibly should be done by the States; but here is the situation so far as shooting ducks is concerned now:

It so happens that only at certain places on a lake is the shooting good, on what we call the duck passes. There are certain places where the ducks come into a lake or go out; and the practical situation is that almost all of those places are now owned by private parties who have enough money to buy them, and, owning these places, they have the right to keep everybody else away. As a result there are very few places now where the average man or boy can go and have any place to shoot at all. He is out of it.

I myself used to belong to four or five different shooting clubs, not because I had a great deal of money—because I did not—but it was a matter of convenience. We had a clubhouse, we had a place to sleep, we had a place to cook our dinner; but it became repugnant to me to stand there and enjoy the sport of shooting ducks and then have some boy or some other man come along and have some one in the crowd chase him off. It became so repugnant to me that I resigned from all of those clubs to which I used to belong. I think it is absolutely un-American in spirit that a few men, simply because they have the money to buy these shooting places, shall have the right to buy them and keep everybody else away. It is not sportsmanship. A good sportsman is a gentleman and not a hog. I have no sympathy with a game hog. A game hog is a man who wants to hog all the game. If he has money enough to buy the shooting grounds and hog the shooting to the exclusion of others, he is a game hog and not a sportsman. The game does not belong to him. As the law now stands he has the advan-

tage, because he can hog the shooting by buying the grounds where the birds can be hunted.

Mr. BLEASE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. SHIPSTEAD. I do.

Mr. BLEASE. Does not the Senator think that this bill and the present law are for that very purpose—to buy a few places for rich people to shoot and keep the poor devil from having any place at all?

Mr. SHIPSTEAD. It is not necessary to buy places for the rich people, because they have already bought the duck passes.

Mr. BLEASE. Down in my section of the country that is getting to be a very serious problem. Rich people are buying up these large tracts of land, and they are having these game preserves, as they call them——

Mr. SHIPSTEAD. I think it is a very un-American idea.

Mr. BLEASE. And it is getting so that the ordinary poor man has not any place to fish or hunt. I think this bill is simply for the purpose of strengthening that.

Mr. SHIPSTEAD. If I thought this bill was to accomplish that I should be very much opposed to it.

Mr. BLEASE. That is the reason why I asked the Senator the question, because that is exactly the result of the present law.

Mr. SHIPSTEAD. At the present time?

Mr. BLEASE. Yes.

Mr. SHIPSTEAD. Oh, yes; the present law gives a man the right to do that, and he can keep other people away from shooting. I say I think that is an un-American idea. I resigned from several clubs myself because that was the practice, and it was very repugnant to me. Under this bill, as I understand, if it is properly administered the Federal Government will buy certain places where the public can go and shoot under proper regulations, so as to give the ordinary man a chance to shoot. That is my understanding.

Mr. BLEASE. How would the Senator like to vote for a law to prohibit all shooting for five years?

Mr. SHIPSTEAD. Personally, I should be willing to quit shooting for five years. Personally, I should be willing to do away entirely with the shooting of migratory fowl for the next five years in the interest of conservation. Of course, a lot of people do not agree with me, and I do not think that the people of the United States would be in favor of that kind of a law now. So far as I am concerned, in order to save the wild life of America and to atone in part for what I have done in the past, I should be willing to prohibit shooting, and I myself would be willing, if it would help the preservation of the wild life, to quit shooting the rest of my life.

Mr. BLEASE. I do not think a man should go that far, Mr. President; but I do think we should have some law that would not only protect the birds and the game but would protect the poor man from the present impositions that are being put on him by rich people buying these large tracts of land.

Mr. SHIPSTEAD. As I understand this bill it would do that. It would provide some place where the average man can go, under proper regulations, and enjoy the sport of at least being outdoors with a gun, even if he does not get any game.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. LENROOT. I should like to ask the Senator a question. Is it not true that even if the strictures that have been made against the shotgun manufacturers be well founded as to their interest in this bill, the only way in which the bill could benefit them would be through the greater opportunity for people to hunt this game, and, therefore, there would be a greater demand for shotguns?

Mr. SHIPSTEAD. I think that is true.

Mr. LENROOT. It is a perfectly legitimate interest upon the part of the manufacturers.

Mr. SHIPSTEAD. I think so. I do not think that is a legitimate objection to the bill.

According to this bill, no ground can be purchased for a sanctuary or a shooting ground without first obtaining the permission of the State. The State has a right to say whether or not it will permit the Federal Government to come in and establish a refuge or a shooting ground. That seems to protect the right of the State. The fact that a license fee is collected may be objectionable. It is a fee of a dollar. It is collected only from men or women over 16 years of age. It permits the little boys to go out with their little shotguns and shoot all they please, and a man can hunt on his own land without having to pay a license fee. The proceeds of the fees are to be used to purchase these grounds for refuges and for shooting grounds and for the proper administration of the law. The money will be collected only from those who do the shooting, those who enjoy the life of hunting; and it seems to me that no one can complain about the fee of a dollar, provided this law will accomplish what I think it will accomplish and what its sponsors think it will accomplish. If it is improperly administered, Congress can at any time repeal the law.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SHIPSTEAD. Yes.

Mr. KING. Does this provision for licensing, which will bring every person who uses a gun within the penalties of Federal criminal law unless he has a Federal license for shooting even in the open season for game, and the provision giving the Biological Survey—because that is the organization which will administer the law—the authority to promulgate a thousand or ten thousand rules and regulations, according to their desire, and the violation of either would constitute a crime subject to indictment and trial in a Federal court, not the State court, comport with the Senator's idea of the right of every citizen to be tried by a jury of the vicinage of the alleged crime. Is not the Senator shocked and somewhat resentful at the thought that a boy who may want to shoot has to get a Federal license to shoot in a State, and if he violates some little rule or regulations, perhaps of which he has never heard, because it has been promulgated here in Washington—and thousands are promulgated here by these bureaucrats—he is indicted by a grand jury and is haled to the Federal court hundreds of miles away, and then tried by a jury of 12 men in a Federal court? Does the Senator quite relish the superimposition upon the individual citizen of a little more autocracy, and the subjection of the people to penal provisions which may number hundreds or thousands, for the violation of which they are to be dragged hundreds of miles away in many of the States to Federal Courts, indicated by Federal grand juries, and tried by Federal juries?

Mr. SHIPSTEAD. No; I would not relish that at all.

Mr. KING. That is the obnoxious thing to me in this bill. I despise bureaucracy. I hate this interference by petty Federal officials with the rights of individuals, and it is obnoxious to me to think of citizens being dragged hundreds of miles away from my home, to be indicted by a Federal grand jury and tried by a Federal jury, for the violation of some little, petty rule or regulation promulgated by some bureaucrat here in Washington. It is as repugnant to me as it was to Americans a hundred years and more ago to be dragged across the ocean to be tried by English juries, and against which odious practices protest was made in the Declaration of Independence.

Mr. NORBECK. Mr. President, we have had a great deal of experience under the present migratory bird law. When that was pending it was said that boys would be indicted by grand juries and hauled hundreds of miles away from home, and so forth, under that law. We have had many years of experience and the results are not what was predicted. The results were as much out of line with the prediction as they will be in this case.

Mr. KING. May I say to the Senator that if I am compelled to speak on this bill, I will call his attention, from the vast amount of data I have here, to the boasting of Federal officials as to the number of prosecutions. May I say that if this bill becomes a law there will be more rules and regulations and there will be more arrests and convictions, assuming that these new regulations will be violated. The provision for Federal licenses alone will bring several million citizens within the penal provisions of Federal law and make a potential criminal of every man who uses a gun without having taken out a Federal license.

Citizens may be forbidden to shoot migratory birds out of season without requiring them to take out a Federal shooter's license. If you take the licensing feature out of this bill, the sponsors of the measure will have no further interest in it. They will abandon the bill. They have no interest in the protection of game for the purpose of conservation.

Mr. NORBECK. Under one of the provisions of this bill additional authority would be conferred upon United States commissioners.

Mr. KING. I doubt the constitutionality——

Mr. NORBECK. Something was said on the floor yesterday against the constitutionality of the whole proceeding, but the Supreme Court of the United States has passed on that question.

Mr. KING. No; I beg the Senator's pardon. The Supreme Court of the United States never has held, and in my judgment will not hold—and I wish it might—that you may establish inferior courts, and I presume the attempt is made to make these commissioners inferior courts, for the purpose of trying cases for violation of Federal statutes or Federal regulations.

May I say to the Senator that I introduced a bill four years ago—I doubted its constitutionality, but I wanted the Judiciary Committee, of which I was a member, to consider it—for the purpose of relieving our Federal courts of these little police whisky cases. My bill provided that the commissioner should hear the pleas and try the cases. But the Judiciary Committee promptly said, "You can not do that. No one can be tried in the United States for a violation of a Federal law except by a jury of 12 men, after presentment by a grand jury."

So that we find now, much as we would like to have many of the petty police cases that are tried now in the Federal courts handled by magistrates and by commissioners, we can not do it.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, I will finish in about two mintues.

Mr. KING. I did not want to interrupt the Senator.

Mr. SHIPSTEAD. I am not in sympathy with the idea of making a police court out of a Federal district court. That idea is very repugnant to me.

Mr. KING. I knew it would be.

Mr. SHIPSTEAD. I do not like to see people dragged away several hundred miles from their homes for the purpose of trying them for a minor offense, and I would consider the shooting of a duck 15 minutes after the proper hour a minor offense. I think this law should be administered with a good deal of discretion.

Mr. KING. Bureaucrats exercise the discretion always against the individual and in favor of the Government.

Mr. SHIPSTEAD. When they do that I do not think they do anything for the Government. They hurt the Government every time they do that. They damage the Government and they cause people to lose respect for the Government when they do that, in my opinion.

I thought possibly that under this bill, with these commissioners, if a man were caught violating the law, he would know, as a rule, whether he were guilty or not guilty, and he could pay the fine. If that should be held to be unconstitutional, I would hesitate very much to vote for a bill under which anyone might be dragged several hundred miles into a Federal court to answer for an offense of such a minor character as a minor violation of a regulation under the administration of the game laws.

I am absolutely opposed to making a police court out of a Federal district court. I have no sympathy at all with the people who stay awake nights thinking up schemes to put somebody in jail. I am very much interested in the conservation of the wild life of America. I would like to see the boys and the girls of future generations have a chance to enjoy the wonderful thrills felt by people who learn how to enjoy the outdoors.

I can appreciate the objections that are offered to this bill. Of course, it is true that there is always something to be said on both sides of any question, and that always leads to a difference of opinion.

I thought this explanation was due the Senate. I felt that I would not be doing my duty if I did not say in a few words what I thought this bill would do. As I said in the beginning, a faulty administration, an unreasonable enforcement of its provisions and of the game laws, would wreck it by making it unpopular. I think it should be enforced with a great deal of discretion, and public sentiment will be built up in support of the enforcement of the Federal game laws. If we can do that, we will preserve the wild life of America. It will increase, and the generations to come after us will have the blessing of enjoying the outdoor life of America, as we have enjoyed it.

Mr. BLEASE. Mr. President, possibly I occupy a rather strange position. I have never been hunting in my life, and I have never been fishing in my life, but I have had some experience with Federal officers dipping into South Carolina affairs, and I am opposed to any bill, under any kind of title, that gives a Federal officer the right to go into my State and interfere with the privileges of my people; let the United States marshal and his deputies look after South Carolina.

We have some game laws in South Carolina, and about the only good I know of their having done is to keep a man who is not able to buy a tract of land from enjoying himself when he wants to go fishing or when he wants to go out and have a little sport hunting.

Certain people in the Northern States have gone into my State and bought large tracts of land. Some of them have put wire fences around them and have prohibited everybody from going on those lands. They come down to South Carolina at certain times. They do not kill the birds or other game because they wish to eat them. To that I would have no objection. But they go out there for slaughter. To give themselves a little sport they take a gun and kill hundreds of birds, for which they have no use, and they kill other game for which they have no use, simply to give themselves what they call a little fun. Stop that kind of slaughter and you will help save the game.

I consider within his rights any man who goes into a field and kills birds or any other wild game that he needs, and he should not be censured; but when a man deliberately traps game, when he goes into a stream and dynamites fish, or when he goes into a field and takes a gun and deprives any animal of its life merely for his pleasure, I think he is mightly poor, cheap sort of sport.

When we consider passing a bill which will provide that, because a little boy's daddy has no money, or because his daddy does not own a big tract of land, he has to run to somebody and pay a dollar for a license to shoot a woodpecker or a crow, the Government of the United States is getting pretty low down for something to legislate about. That is my opinion of this bill.

It is suggested that we are going to give a United States commissioner the right to try a man. Down in my section of the country the United States commissioner generally does just what the United States district attorney tells him to do. They will take a poor devil up for selling a drink or half a pint of liquor, and they will let the district attorney say whether he shall be sent to the district court for trial. It is contended that we are to let the United States commissioners try people. We might just as well convict the man before he gets into court. Then, where they are paid under the fee system so much for each case they send up to the upper court, there would be very few times when a fellow was not sent up. If we start paying them under a fee system, according to the amount of fines they collect or according to the number of people who are brought into their court and convicted, we will be establishing the worst judicial system that this country or any other country has ever been cursed with.

For another reason I am opposed to this bill. I am in favor of State rights, and I could not help being amused at my friend from Maryland [Mr. BRUCE], a gentleman for whom I have the very highest regard, standing here a while ago and talking about this bill in the matter of a few birds flying around, and always raising hallelujah because somebody is attempting to interfere with the Maryland liquor law. Which is the greatest curse to this country, the birds that fly over us or liquor? Yet, he made a great speech, a very fine speech, and I enjoyed very much his description of the various birds. But he objected very seriously to anybody going over and taking any part in the Maryland whisky business, but actually wants the Government to take charge of the birds, saying the difference is that the birds do not belong to anybody. Neither does the liquor. If it does belong to anybody, he is afraid to own it.

Mr. President, why should we keep on with this legislation? It does seem to me that the time has come when we should call a halt and not try to legislate everything under Federal control. The Government is taking charge of the water powers. They have taken charge of the railroads. They have taken charge of everything, almost, known to the world, and now they come here and say, "We want to take charge of the birds. We want to take charge of the game."

I agree thoroughly with the gentlemen who are opposing this bill. I think the time has come when we should take up matters of legislation, as the Senator from Washington has said, worth something to this country, like his radio bill, farm legislation, legislation on behalf of the ex-service men, as my friend from Utah, I think, suggested, and other matters equally important. The time we have left of this session we should devote to something that will give freedom and liberty and enjoyment to the people of this country, and not something that is aimed to abridge the rights of the people, to take from the individual the small liberty that he has left.

As I said in the beginning—and I do not want to be misunderstood—I have no objection to people hunting or fishing. That is their privilege. I have no objection to giving people the right to enjoy themselves in any way they please. I believe the greatest democracy on earth is to let every man do just exactly as he pleases so long as he does not trample upon the rights of his neighbor. If I had the writing of a platform I would get two honest men for candidates for the Presidency and Vice Presidency, and I would be willing to risk my chances on winning a victory for the party by having a platform to read as follows: "Stand by the Constitution of this country, give to the people the liberties guaranteed therein, and do not try to deprive them of all the privileges they have had in the past given to them by God and by their Government."

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from South Carolina yield to the Senator from Utah?

Mr. BLEASE. Certainly.

Mr. KING. A number of years ago the State of South Carolina—I am not referring now to any nullification ordinances—stood for local self-government. Some of the greatest statesmen our country ever produced came from the State of South Carolina. They contended for local self-government. The Senator has referred to the Democratic Party.

If the Democratic Party is fit to survive, it is only because it stands for individual rights and local self-government for their protection. I ask the Senator if in his experience here he has not reached the conclusion, and I regret to say that I have reached it, that many Democrats are just as indifferent to the rights of the States as are some reactionary Republicans, and are just as indifferent to individual liberty as some Socialists and Republicans, who stand for a great bureaucracy and a centralized authority.

Does the Senator think the time has come for a renaissance of democracy and for those who believe in local self-government and individual rights to purify the Democratic Party and draw to that party those who believe that the fires of democracy have not been quenched, and that local self-government and the spirit of liberty are still existent in the land?

Mr. BLEASE. Mr. President, I thank the Senator very much for his compliments to the statesmen from South Carolina. I am sorry he asked me the question, but since he has asked it I intend to answer it. I do not think there has been any Democratic Party since Mr. Woodrow Wilson was inaugurated President of the United States.

The PRESIDING OFFICER. The pending question is, Shall the Senate proceed to the consideration of Senate bill 2607?

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Sheppard
Bayard	Ferris	McMaster	Shipstead
Blease	Frazier	McNary	Shortridge
Borah	George	Mayfield	Simmons
Bratton	Gillett	Means	Smoot
Broussard	Goff	Metcalf	Stanfield
Bruce	Hale	Moses	Steck
Butler	Harreld	Neely	Stephens
Cameron	Harris	Norbeck	Trammell
Caraway	Harrison	Norris	Tyson
Copeland	Heflin	Nye	Underwood
Couzens	Johnson	Oddie	Walsh
Cummins	Jones, N. Mex.	Overman	Warren
Curtis	Jones, Wash.	Phipps	Watson
Dale	Kendrick	Pittman	Weller
Deneen	Keyes	Reed, Mo.	Wheeler
Dill	King	Robinson, Ark.	Williams
Edge	La Follette	Robinson, Ind.	Willis
Edwards	Lenroot	Sackett	

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. There is a quorum present.

Mr. CURTIS. Mr. President, I ask unanimous consent that Senate bill 2607, the so-called migratory bird bill, be set down for consideration as a special order for Tuesday next, May 18, at 2 o'clock p. m.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that Senate bill 2607 be set down as a special order for next Tuesday at 2 o'clock. Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, I understand that the arrangement proposed will subserve the convenience of some Senators who must be absent and wish to be present when the bill is further considered. Therefore I consent to the arrangement in so far as I have authority to do so.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kansas? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4073. An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes; and

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill of the House (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others; and

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande.

SEMICENTENNIAL OF BATTLE OF THE LITTLE BIG HORN

Mr. WALSH. Mr. President, on yesterday there came from the House Joint Resolution 226. It was referred to the Committee on Military Affairs. It is a matter of very great emergency. There is to be a celebration of the fiftieth anniversary of the Custer massacre at Billings, Mont., occurring next month. The joint resolution provides for a loan of cots and tents for the celebration. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the joint resolution, and I also ask unanimous consent for its immediate consideration.

Mr. CURTIS. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 226) authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926, and the Senate, as in Committee of the Whole, proceed to consider it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. President, the bill is practically the same as Senate bill 3011, which was passed at the last session by the Senate. It provides for a maximum pension of $1,200 a year. The contribution of the employee is increased from 2½ per cent, as under the present law, to 4 per cent. The bill passed at the last session of Congress provided for a contribution on the part of the employees of 3½ per cent. The bill now provides for the use of a divisor of 40; in other words, taking a salary of $1,600 as the basic salary and dividing it by 40 and multiplying the number of years of service gives the annuity.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of Senate bill 786, which is known as the civil service employees' retirement bill. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Civil Service with an amendment to strike out all after the enacting clause and to insert:

That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

ELIGIBILITY FOR VOLUNTARY RETIREMENT

SECTION 1. Beginning on the first day of the second month next following the passage of this act all employees in the civil service of the United States to whom this act applies who shall have attained or who shall thereafter attain the age of 65 years, or being employed as city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, mechanics, railway postal clerks, and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and

those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall have or shall thereafter attain the age of 62 years, and shall have rendered at least 30 years of service computed as prescribed in section 6 of this act, shall be eligible for retirement on an annuity as provided in section 5 hereof, and any employee having thus become eligible may be retired as of a date requested by such employee upon giving to the head of the department, branch, or independent office of the Government concerned at least 60 days' notice in writing of his desire so to retire: *Provided*, That retirement under this paragraph shall be at the option of the employee, and nothing hereinafter contained in this act providing for automatic retirement shall apply to the foregoing eligibles.

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 2. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 6 of this act shall be eligible for retirement on an annuity as provided in section 5 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That the term "mechanics" as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

AUTOMATIC SEPARATION

SEC. 3. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of sections 1 and 2 of this act shall be employed again in any position within the purview of this act, nor be appointed to another position in any branch of the Government service.

EMPLOYEES TO WHOM THE ACT SHALL APPLY

SEC. 4. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil-service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

METHOD OF COMPUTING ANNUITIES

SEC. 5. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 40. In no case, however, shall the annuity exceed $1,200 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 6 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay or salary, pay or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 6. Subject to the provisions of section 10 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under

the war-risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war-risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 7. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall, upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 5 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 2 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examinaton as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 13 hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this act, the amount so refunded shall be redeposited as provided in section 13 hereof.

No person shall be entitled to receive an annuity under the provisions of this act and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 8. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 or 2 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 11 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 13 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 5 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 5 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Any employee who has served for a period of not less than 15 years, and who is 45 years of age or over, and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund" such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 9. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 10. Beginning with the effective date of this act all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 4 per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

DEDUCTIONS AND DONATIONS

SEC. 11. Beginning on the first day of the second month next following the passage of this act there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 4 per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual

contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 12. The Secretary of the Treasury shall invest, from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 13 of this act.

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 13. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made, with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application to the General Accounting Office, be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 14. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of sections 1 and 2 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 7 and 8 hereof shall be subject to the limitations specified in said sections.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 15. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 16. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 17. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 18. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 19. This act shall become effective on the first day of the second month next following its passage, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date.

WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

Mr. PHIPPS. Mr. President, while the Senator from Oregon is getting his papers in order for the discussion of the pending bill I desire to ask if he will yield to me for the purpose of

submitting a report from the Committee on Irrigation and Reclamation?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. STANFIELD. I yield.

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I report back favorably with amendments the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes, and I submit a report (No. 831) thereon.

If the Senator from Oregon will yield to me further, I ask that the report of the committee on the bill may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Chief Clerk proceeded to read the report of the committee, and read as follows:

The Committee on Irrigation and Reclamation, to whom was referred the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes, having considered the same, report thereon with amendments and recommend that, as amended, the bill do pass.

The general purpose and effect of this bill are clearly set forth in the report of the House Committee on Irrigation and Reclamation, being Report No. 617, first session, Sixty-ninth Congress. Reference is also made, especially in connection with individual items of relief, to exhaustive hearings on the bills H. R. 9880 and H. R. 10429, which were conducted before that committee and printed for the information of Members of Congress.

The recommended adjustments of water-right charges are based, in almost every case, upon the report of the Board of Surveys and Adjustments authorized under the act of December 5, 1924, which report is contained in House Document 201, first session, Sixty-ninth Congress, and in the hearings already mentioned. This board was appointed by the Secretary of the Interior in order to carry out the provisions of said act. It conducted a thorough investigation on the ground, three members visiting each project, and the results of its survey undoubtedly represent an impartial judgment of conditions on the areas in question. Hearings were granted upon request, and in the great majority of cases were actually held. The board, therefore, took into account all known obstacles which have interfered with the success of home makers in these sections. Your committee believes that the recommendations of the board, which have been examined and checked over carefully by Members of the Senate and House, can be followed by Congress with the utmost confidence, and in this connection wishes to quote from the report of the House committee on this bill the following extract, which briefly sums up the situation:

"It is confidently believed that with the adjustments authorized herein the various projects will be put on a basis which will restore the morale and enthusiasm of the settlers and enable them to meet their payments promptly in the future. The settlers on these projects have endured great hardships and have struggled against the most adverse conditions in their effort to cooperate with the Government in reclaiming these desert wastes, and are entitled to the proposed relief which has been urged upon the committee by the Representatives from the arid-land States and the Secretary of the Interior for many years."

Mr. PHIPPS. Mr. President, before the amendments proposed to the bill shall be read, I wish to say that House bill 10429 is almost identical with a bill which has been before the Senate for some months, and which has received the consideration of the Committee on Irrigation and Reclamation. That committee of the Senate has spent considerable time going over the various propositions carefully and checking the recommendations of the Commission on Survey and Adjustment and the recommendations of the House which were incorporated in House bill 10429. The situation at the present time is such that the settlers on the various irrigation projects are absolutely in need of relief.

Mr. STANFIELD. Mr. President, I desire to inquire of the Senator if he desires to have this bill considered now?

Mr. PHIPPS. I was going to ask that that be done. I do not think the bill will lead to any serious discussion.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield to me, in order that I may make a statement?

Mr. STANFIELD. I yield.

Mr. ROBINSON of Arkansas. I do not think I have any objection whatever to the proposal of the Senator from Colorado [Mr. PHIPPS], if I understand what it is, but it is certainly the very worst practice in the world for the Senate to vote to take up a bill and, before a word of explanation shall have been made concerning the provisions of the bill which has been made the unfinished business, for a Senator to come in with a report from a committee that has not been printed, to make a brief statement about it, and for the Senate to proceed to act upon it without consideration. I do not think the Senator from Colorado ought to put Senators in the attitude of objecting to his request under such conditions. So I suggest to the Senator from Colorado that he ought not to make his request at this time.

Mr. PHIPPS. I appreciate the force of what the Senator from Arkansas says; but I desire to say that at the moment the chairman of the committee in charge of the bill which the Senate agreed to take up was trying to get his papers arranged, and in order to save time I made the request, as I wished to have the report before the Senate.

Mr. ROBINSON of Arkansas. I have no objection to the Senator from Colorado making the report, but the report ought to be printed, and the Senate ought to have an opportunity to become familiar with it.

Mr. NORRIS. Mr. President——

Mr. STANFIELD. Mr. President, I can not yield for further discussion.

The PRESIDING OFFICER. The Senator from Oregon declines to further yield. The Senator from Oregon has the floor.

Mr. NORRIS. Mr. President, the Senator from Oregon will not make anything by refusing to yield. I myself should like to make a brief statement relative to the bill for which the Senator from Colorado [Mr. PHIPPS] has asked consideration, and under the circumstances——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. STANFIELD. I yield.

Mr. NORRIS. I do not ask the Senator from Oregon to yield to me for the purpose of having the bill taken up at this moment, but I should like the Senate to understand the situation in reference to the bill.

Mr. STANFIELD. Mr. President, I can not yield for the purpose of considering any other measure while Senate bill 786 is now pending.

The PRESIDING OFFICER. The Senator from Oregon refuses to yield.

Mr. NORRIS. What I desire to say now I can not say if the Senator from Oregon has the floor. I did not know he had the floor; I thought the Senator from Colorado [Mr. PHIPPS] had the floor; but if the Senator from Oregon has the floor and will not yield, I will simply tell him that before he gets his bill through I shall secure the floor, for he can not retain it indefinitely, and I shall say what I desire to say in my own time, and I will say it before his bill shall pass.

Mr. STANFIELD. Very well.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts is amendment thereof.

Mr. STANFIELD. Mr. President, the cost of the pending bill to the Government, as estimated by the actuaries, will be $24,187,919. The total cost will be $54,129,615, of which $29,941,697 will be paid by the employees, their contribution being 4 per cent of the pay roll, while the percentage of the pay roll contributed by the Government is 3.23 per cent. The normal cost contributed by the Government is 1.6 per cent of the pay roll, and the deficiency cost is 1.63 per cent of the pay roll.

There has arisen opposition to the provisions of this bill on the ground that the cost is in excess of what some think the Government should bear at this time. With that in view, the President asked the Director of the Budget to prepare a recommendation. The Director of the Budget complied with that request and proposed that the pending legislation be amended so as to fix the maximum annuity at $1,000, that the contribution of the employees be fixed at 3½ per cent, and that the divisor 45 be used on an average salary of $1,600.

We have spoken of this amendment proposed to the existing law as a liberalization of retirement, all having in mind, I think, that the Government would contribute to that liberalization. Under the proposals made by the Director of the Budget to the President of the United States the bill does not work out as a liberalization of the present law excepting as the employees contribute to the fund to liberalize the law for the benefit of those employees who have been retired or who may hereafter retire. Those who retired under the act in 1920, and about that time, never contributed to the fund. Their annuity was entirely in the form of a pension paid by the Government. By adopting the provisions, if they shall be adopted, as proposed by the Director of the Budget, the cost to the Government would be lessened $29,300 a year; the increased annuity would be borne

by the contributions of the present and future employees, which would be increased from 2½ to 3½ per cent, or 40 per cent. The average increase of the annuity will be 39 per cent, and the employees' contribution will be increased 40 per cent, so they will receive the difference in the ratio of 39 to 40; that is, the employees will pay that much more, which, if the provisions proposed by the Director of the Budget shall be accepted, will lessen the total cost to the Government $29,300 annually.

I have no choice under the statement I have made to those who are opposed to this legislation than to propose at this time the substitution of the amendment to Senate bill 786, which has been printed and is lying on the table, which carries the provision suggested by the Director of the Budget. I want Senators to have clearly in mind that if we adopt the amendment which I am proposing as a substitute for the pending bill, we will not be liberalizing the retirement provisions of the law at the cost of the Government; we will simply be giving to the employees who are contributing to the fund an opportunity to lend aid to their predecessors, former employees of the Government now separated from the service, and those who may be separated in the near future.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from West Virginia?

Mr. STANFIELD. I yield to the Senator.

Mr. WILLIS. At some point in the discussion I should like to have the Senator from Oregon state—and it may be stated with some degree of accuracy at this time—what the annual burden will be so far as the Government is concerned. Has the Senator stated that?

Mr. STANFIELD. I stated that.

Mr. WILLIS. Unfortunately I was called from the Chamber for a short time.

Mr. STANFIELD. Under the pending bill——

Mr. WILLIS. I mean, under the amendment which the Senator proposes, and which undoubtedly will be adopted, what will be the annual expense to the Government?

Mr. STANFIELD. I am not ready to agree with the Senator that it will undoubtedly be adopted.

Mr. WILLIS. I assumed it would be, because the Senator is offering it.

Mr. STANFIELD. I am offering it to make good a promise that if this bill came up I would offer the substitute; and that I am now doing. I do not want to be misunderstood as recommending it; I will leave it to the Senate to decide for itself.

Mr. WILLIS. I think I understand the Senator.

Mr. STANFIELD. The cost under the proposed amendment would be $17,786,598.

Mr. COPELAND. How much, please?

Mr. STANFIELD. It would be $17,786,598. That is $29,332 less than the cost of the present law. In other words, we are going to lessen the Government's burden in paying annuities to the retired employees and place that extra burden on the present employees of the Government by increasing their contribution to the point where it will make, in favor of the Government, a difference of $29,332.

Mr. WILLIS. Then the annual expenditure by the Government under this amendment, as I understand the Senator, will be about $17,000,000?

Mr. STANFIELD. Yes; $17,786,598. That is the actuarial report on it.

Mr. WILLIS. What would it have been under the original provision?

Mr. STANFIELD. Under the original provision, the measure that is pending, the cost to the Government would be $24,187,919, or approximately $7,000,000 more than under the proposed amendment.

Mr. WILLIS. I am asking the Senator these questions, not because I am opposed to the Senator's bill, because I am not—I believe in its principle and shall support it—but I wanted to bring out these facts because before we adjourn there will be another bill pending relative to pensions for old soldiers that will carry some $12,000,000 or $14,000,000, and there will be Senators then who will object to that bill, carrying some twelve or fourteen million dollars; and I was anxious to see whether anybody would object to this. I am in favor of this bill.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. STANFIELD. I yield to the Senator.

Mr. KING. I should like to ask the Senator how much it will cost the Government per annum 25 to 50 years from now?

Mr. STANFIELD. It is not presumed that the present bill will cost any more 20 years or 25 years from now than it costs now. This actuarial estimate is made on a period of 30 years, and for a period of 30 years the average cost would be $17,786,598.

Mr. KING. Will not this bill cost the Government of the United States from $500,000,000 to $1,000,000,000 before 100 years have gone by?

Mr. STANFIELD. There is not any question about that, because over a period of 30 years it would cost 30 times $17,786,598.

Mr. KING. And in 50 years it will cost a billion dollars to the Government?

Mr. STANFIELD. In 50 years it would cost almost double; in 60 years it would cost exactly double.

Mr. KING. So that this bill is not what was represented by the able Senator from South Dakota, Mr. Sterling, when this retirement bill was first brought before us—a bill which would not cost the Government a penny, but the employees would make the contribution themselves, and with the accumulated interest it would meet all the charges?

Mr. STANFIELD. I think the Senator from Utah is laboring under a misconception of the statement made by the Senator from South Dakota at that time. I have read the debates and the hearings and the report on that bill at that time, and it sets forth very clearly the estimate of cost which was made, which corresponds closely to the figures of to-day, which are predicated upon six years of experience. What I think the Senator from Utah is doing is confusing the statement of the Senator from South Dakota that this would not be a burden on the Government for possibly 30 years, because it is estimated that for a period of 30 years the contributions of the employees would meet all of the assessments.

Mr. SMOOT. That is not so. The Government contributions will begin in about 12 years.

Mr. STANFIELD. There is a variance of opinion on that subject.

Mr. OVERMAN. Mr. President, how much will go into the Treasury from the contributions?

Mr. STANFIELD. There is now about $50,000,000 in the Treasury from the contributions.

Mr. OVERMAN. That is under the old bill?

Mr. STANFIELD. That is under the old bill.

Mr. OVERMAN. Has the Senator estimated how much the Treasury will get under this bill?

Mr. STANFIELD. Yes.

Mr. SMOOT. Thirty-two million five hundred and sixty-six thousand four hundred and sixteen dollars.

Mr. OVERMAN. A year?

Mr. SMOOT. A year.

Mr. STANFIELD. That is not under the pending bill. Under the pending bill it would be $29,941,967. That is the amount contributed by the employees.

Mr. OVERMAN. It would be that much more than the $17,000,000 that it would cost the Government?

Mr. STANFIELD. Under the bill that is pending the cost to the Government would be $24,000,000. The contributions by the employees would be about $5,500,000 annually in excess of what it costs the Government; but finally this will overlap.

Mr. OVERMAN. I understand that in 30 years it will overlap.

Mr. STANFIELD. In about 30 years.

Mr. SMOOT. Mr. President, the Senator must not get a misunderstanding. When the Senator says "the pending bill," he means the first substitute offered for the bill that was first introduced; but the Senator now intends to offer a substitute for that substitute.

Mr. STANFIELD. Until that time, though, this is the pending bill.

Mr. SMOOT. Yes; but I do not want the Senator to get a misunderstanding. In other words, the substitute bill as reported to the Senate right now would cost the Government $24,000,000 a year; but the substitute that the Senator intends to offer will cost seventeen million seven hundred and some odd thousand dollars.

Mr. STANFIELD. Or $29,000 a year less than the present law.

Mr. OVERMAN. How much will it cost the Government?

Mr. SMOOT. It will cost not only what the employees contribute but $17,000,000 besides.

Mr. OVERMAN. In addition to that?

Mr. SMOOT. Certainly.

Mr. STANFIELD. The employees' contribution will be sufficient to take care of all of the demands for probably 20 years. The Senator from Utah [Mr. SMOOT] says 12 years. There is a difference as to that. That is the opinion of the actuaries, and they do differ. Some say 12 years, some say 20 years, and some say 30 years.

Mr. SMOOT. Whether it is 12 years or whether it is 30 years, on the average of the 30 years it is going to cost the Government of the United States $17,800,000 per year.

Mr. OVERMAN. That is the average?

Mr. SMOOT. That is the average, no matter whether it is 12 years or 20 years.

Mr. STANFIELD. The Government will not have to pay all of that in 30 years, though.

Mr. OVERMAN. I understand.

Mr. STANFIELD. But in probably 20 years from now, or in 12 years, as the Senator from Utah says, whether it be 12 or 20, they will begin to draw on the Government to meet the deficiency, and that will go on on a rising scale.

Mr. OVERMAN. Can the Senator tell me how the deficiency arises, if the contribution is more than it costs the Government?

Mr. SMOOT. It is not.

Mr. STANFIELD. It is not more than it costs the Government, but it is more than is being withdrawn at the present time, because later on there will be a great many more employees retired than there are now.

Mr. OVERMAN. It all depends upon the number of men retired, because they are getting older and older all the time, and more are retiring?

Mr. STANFIELD. Yes; and the proportion of the retired group to those in service is constantly getting larger.

Mr. SMOOT. In other words, when the law first went into operation perhaps there were not over 200 or 300 employees that were retired, and yet every employee of the Government paid the amount; and the Government has to make the interest upon the full amount in order to bring about a loss of only $17,800,000 at the end. After 30 years from now the bill will be in operation completely, because all the employees that are now in the Government service will be retired by that time, and all the employees who were employed from the time of the passage of the first bill have had to pay 2½ per cent and under this bill they will have to pay 3½ per cent.

Mr. WILLIS. Mr. President, will not either the Senator from Utah or the Senator from Oregon put into the RECORD a definite statement so that the country may know what the estimates of the actuaries are for the different years ahead? I think the country is in general in favor of this bill, but it wants to know how much the burden is.

Mr. STANFIELD. I will say to the Senator from Ohio that I have at several different times put these estimates of cost in the RECORD, but that I will do so now again.

Mr. WILLIS. I thank the Senator.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. STANFIELD. I yield to the Senator from North Carolina.

Mr. SIMMONS. As I understand, the employees contribute a certain per cent and the Government contributes a certain per cent.

Mr. STANFIELD. That is correct.

Mr. SIMMONS. It operates very much like an insurance company. The Government does not have to pay out anything from the fund except as employees are retired. Under those circumstances, as I understand, the amount of money that the employees have to pay from month to month or from year to year will furnish all the funds that are necessary to meet these retirement costs for quite a number of years.

Mr. SMOOT. Twelve years.

Mr. SIMMONS. During that time the Government will not have to put its hand in the Treasury and take out any of its money at all. It will pay these amounts out of the contributions of the employees.

Mr. STANFIELD. That is right.

Mr. SIMMONS. And at the end of 12 years, the Senator says, or 20 years, the burden upon the Government will be very heavy?

Mr. SMOOT. Very heavy.

Mr. STANFIELD. It would increase. It would not immediately reach the $17,000,000, but it would start in at probably a million or two million dollars, and would gradually increase until over a period of 25 years the Government would be called upon to pay perhaps half a billion dollars.

Mr. SIMMONS. But the calculation is that the sum paid in by the employees will be sufficient to meet these payments for at least 12 years?

Mr. STANFIELD. For at least 12 years, and the actuaries say 20 years.

Mr. SIMMONS. Without any contributions by the Government?

Mr. SMOOT. I think the actuaries have not taken into consideration the increased number of Government employees, and I will say that that makes considerable difference.

Mr. JOHNSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from California?

Mr. STANFIELD. I do.

Mr. JOHNSON. I simply want to know what is going on. Is the Senate in session?

The PRESIDENT pro tempore. The Senator from Oregon has the floor.

Mr. STANFIELD. Mr. President, for the benefit of some of those who have been told that this retirement would not cost the Government anything, I want to call attention to the fact that the law provides that all money contributed by the employees shall draw 4 per cent interest, compounded annually, and that all that the employee has paid in in the form of contributions shall be returned to him in an annuity, or, if not in an annuity, if he dies it shall be returned to his heirs, or if he separates from the service before taking an annuity all of the money that he has paid in is paid back to him with 4 per cent interest, compounded annually. Therefore it must be obvious that the Government ultimately must meet its proportionate part of this cost, which under the pending bill would amount to 3.23 per cent of the pay roll. The employees' contribution is 4 per cent of the pay roll.

Mr. SIMMONS. Mr. President, when the Senator says that the employees get back what they pay, he does not mean literally that the employees get back only what they pay?

Mr. SMOOT. With interest at 4 per cent, compounded annually.

Mr. SIMMONS. But I understood that after the employee had served a certain length of time and was retired he was to receive a definite, fixed, certain sum of money.

Mr. STANFIELD. The Senator means at the age of retirement?

Mr. SIMMONS. Yes.

Mr. STANFIELD. He would receive an annuity then; but if he died before he had exhausted the annuity that his contribution would buy the remainder of his contribution would be turned over to his estate.

Mr. SIMMONS. Yes; I understand that.

Mr. STANFIELD. So the Government can receive no benefit ultimately from the contribution on the part of the employee.

Mr. SIMMONS. But if he arrives at the time for retirement, and is retired, he gets a definite sum of money; does he not?

Mr. STANFIELD. An annuity.

Mr. SIMMONS. Yes; a definite sum?

Mr. STANFIELD. The pending bill provides that that shall be a maximum of $1,200.

Mr. SIMMONS. Yes; and he gets an annuity out of that?

Mr. STANFIELD. Yes.

Mr. SIMMONS. That is the basis of the annuity?

Mr. STANFIELD. He receives that as long as he lives.

Mr. SIMMONS. That is the basis of his annuity?

Mr. STANFIELD. Yes.

Mr. SIMMONS. But if he dies before retirement, his estate gets back the money he paid in, with 4 per cent interest?

Mr. SMOOT. His estate gets every dollar of the money, with 4 per cent interest.

Mr. SIMMONS. But if he lives until the time of retirement he gets this fixed sum?

Mr. SMOOT. The employee can do this: Before his age limit is reached he can separate himself from the service and get whatever cash is due him at that time; and when I take the floor I desire to call attention to some discrepancies that are not rectified in this bill, and can not be rectified at this particular time, as the Senator knows.

Mr. SIMMONS. Suppose he is discharged; does he get back his money with interest?

Mr. SMOOT. Oh, yes; he gets back whatever he has paid in whenever he separates from the service, no matter for what reason, whether through discharge or otherwise; he gets the amount that he has paid in with 4 per cent interest, compounded annually.

Mr. COPELAND. What is the minimum service that can be rendered as to time and the minimum amount drawn as salary in order to get the maximum of $1,200?

Mr. STANFIELD. Thirty years of service, under the pending bill, and an average salary for the 10 years past of $1,500; $1,500 divided by 40, multiplied by the number of years of service, will give the annuity to which the annuitant is entitled.

Mr. COPELAND. When the Senator speaks of the "pending bill" what does he mean by that?

Mr. STANFIELD. The bill we are now considering, Senate bill 786, amended as reported by the committee. There is a substitute which I shall offer in a few moments for Senate

bill 786, as an amendment to it, which is the result of an understanding entered into with some of the elements in opposition to the bill which I really approve, Senate bill 786. I am attempting to differentiate between the substitute I intend to offer and the pending bill, which we are now discussing.

Mr. SMOOT. Mr. President, that applies to the amount of the annuity, the rate paid by the employee, and the basic pay. One thousand five hundred dollars is the basic pay, the maximum annuity is $1,000, and the contribution by the employee is 3½ per cent. Of course, there are some legislative matters involved in it, and I hope the Senate will agree to the amendment.

Mr. OVERMAN. That is the administration bill, is it not?

Mr. STANFIELD. That is the so-called administration bill. It is the recommendation of the Director of the Budget.

Mr. COPELAND. Which bill is it we are to pass to-day?

Mr. STANFIELD. It will be for the Senate to decide as to whether it will pass the pending measure or will accept the substitute.

Mr. COPELAND. Will it not save time if we discuss the bill which is to be passed?

Mr. STANFIELD. I would like to discuss the pending amendment for a few moments.

Mr. NORRIS. If either bill is to be passed anyway, why discuss it?

Mr. McKELLAR. Mr. President, the Senator means the bill that has been agreed upon is the one that provides for a maximum of $1,000?

Mr. STANFIELD. I do not know that it has been agreed upon. It is the one which I am going to offer as a substitute. I am going to propose it. As I understand, the President is desirous of a substitute being offered and adopted. In fact, the President asked the Director of the Budget to make recommendations of amendments. He made certain recommendations, one of which was to reduce the maximum annuity from $1,200 to $1,000 and reduce the contribution on the part of the employee, fixed under the pending bill at 4 per cent, to 3½ per cent. The pending bill provides for a contribution of 4 per cent.

Mr. SIMMONS. Has the Senate surrendered to the demands of the administration?

Mr. STANFIELD. No. I am trying to make it very plain that I shall propose this substitute and let the Senate decide what they will do about it.

Mr. McKELLAR. The committee has not made any change? The committee's recommendation is the pending bill, Senate bill 786?

Mr. STANFIELD. It is. The bill we are now discussing is the committee bill.

Mr. McKELLAR. Has the Senator been authorized to substitute——

Mr. STANFIELD. I am taking the full responsibility personally for the substitute I shall offer. I want it clearly understood that I am not offering it as a committee substitute.

Mr. McKELLAR. Does not the chairman of the committee feel that he ought to support the bill that has been reported out by the committee?

Mr. STANFIELD. The chairman of the committee intends so to do and is endeavoring to make it very clear that he is not going personally to support the substitute he will offer. I am not proposing so to do. It is as a matter of expediency that I am offering it.

Mr. COPELAND. Just when did the Senate surrender its legislative powers to the President?

Mr. STANFIELD. That is a question I can not answer. I do not think the Senator from New York was here when we provided for the Bureau of the Budget.

Mr. SMOOT. Mr. President, if the Senator has any hesitancy about offering this amendment, I will ask him to let me offer it. I will father the amendment.

Mr. STANFIELD. I will be very glad to have the Senator from Utah offer it.

Mr. SMOOT. I am perfectly willing to.

Mr. STANFIELD. Frankly, I am not offering it because I am zealous for it. I do not intend to vote for it.

Mr. OVERMAN. The Senator from Utah is in line with the administration.

Mr. SMOOT. I am in line with what I think is right, whether it is with the administration or is not.

Mr. COPELAND. I suppose we want a retirement benefit, not a death and burial benefit.

Mr. SMOOT. This is a retirement benefit.

Mr. COPELAND. I understand that the Senator from Utah is in favor of something that will help a man into the graveyard.

If we are going to be generous to the employees, we ought to be decent in framing a retirement bill.

Mr. STANFIELD. We would be less generous under the proposed amendment, my substitute amendment, than under the present law. It does give relief to these superannuated and disabled retired employees, but not at the cost of the Government. It is giving them relief at the cost of the continuing employees. They are becoming fearful that there will be no legislation, and they say, "Give us a means, a way, whereby we can contribute to the retired employees, our predecessors in office. They are suffering, and we do not want them to suffer. If the Government is so parsimonious that it does not mean to be liberal and take care of its superannuated employees, give us the opportunity to do it, and we will do it."

Mr. SIMMONS. Mr. President, I understand the administration is opposed to this $1,200 maximum because it fears a deficit. Am I right about that?

Mr. STANFIELD. There would be no drain on the Treasury, for most of the actuaries say the Government would not have to pay anything for 20 years, so if there is to be a deficit, it would be 20 years hence.

Mr. SIMMONS. That is the reason I asked the question a little while ago, and that is what I understood a little while ago the Senator from Utah to say that the Government would not be required to pay any part of this money for probably 12 years.

Mr. STANFIELD. At least 12; possibly 20.

Mr. SIMMONS. I was rather at a loss to understand how, under those conditions, the increase in this maximum could possibly involve a deficit.

Mr. SMOOT. This is how it is: Up to the end of the 12-year period there will be enough money taken in, but every dollar of increase must be met some time, and it will be met beginning with the seventeenth year on for the full term.

Mr. SIMMONS. Does the Senator think this administration is called upon to provide against a deficit that may take place 12 years from now?

Mr. SMOOT. I do, just the same as the manager of any institution would take care of any kind of a proposition that would involve a future payment.

Mr. SIMMONS. How can the administration, great as it is, as far-seeing as it is, look through the dim future for 12 years and determine the question of whether this maximum of $1,200, instead of $1,000, will probably produce a deficit?

Mr. SMOOT. The experiences of the past hundred years or more demonstrate that we can figure this down almost the same as we can on the interest on a thousand dollars for a hundred years at 4 per cent. We know just exactly what they will pay in. We know just the length of time the employees will work, and anybody can figure it out.

Mr. SIMMONS. The Senator is now talking about what the Government will probably have to pay, but that does not determine the question of whether or not there will be a deficit in the Treasury as the result of this legislation.

Mr. NORRIS. Mr. President, the Senator forgets that while this fund to which the Government will have to contribute will increase from year to year, get larger and larger in the aggregate with our business transactions, it will not amount to anything for the Government, because we have made settlements, for instance, with Italy, under which they are paying only a little to begin with, and their contribution increases from year to year, just as this other does. So one hand will wash the other. Does not the Senator see that?

Mr. SIMMONS. In order to determine whether this will result in a deficit in the Treasury 10 years or 12 years from now we would have to know what are going to be the expenditures of the Government in that time, and we would have to know what are going to be the receipts of the Government during that period.

Mr. SMOOT. We are not talking about receipts or expenditures. We are talking about this fund. There will be a deficit in this fund, and when the employee pays so many dollars into this fund it will more than pay for any annuity that the employees separating themselves from the Government for the next 12 years will get. But during that 12 years there is a liability for every dollar that it put into the Treasury. When that liability comes, of course, from year to year after the 12 years, the amount will be increased.

Mr. SIMMONS. If the maximum is $1,200 instead of $1,000, will not the employee pay the same proportionate part of the $1,200 that he would pay of the $1,000?

Mr. SMOOT. So does the Government pay its proportion.

Mr. SIMMONS. It does not seem to me the question raised as to a possible deficit is at all important.

Mr. SMOOT. If that were true, the amount could be made $2,000.

Mr. COPELAND. Mr. President, does not the Senator from North Carolina know that "deficit" is the administration's middle name? Has there been any kind of legislation proposed here in the last two or three years when we were not told there would be a big deficit?

Mr. SIMMONS. I thought "economy" was its middle name.

Mr. STANFIELD. The difference between the cost to the Government of what we may call the administration proposal, or the proposal made by the Director of the Budget, and the pending measure would amount, on an average, to an increase of $15 per annum to each governmental employee, or thereabouts. That is about the difference. We must decide whether we will accept and adopt the pending bill, or whether we will accept the administration bill. It makes a difference of $200 to the retired employee in the maximum he will receive.

I want to call attention to the retirement provisions of some of the foreign countries.

Mr. SIMMONS. If we make it $1,200, of course the Government will have to pay a little more?

Mr. STANFIELD. About $15 for each employee per annum. That is what it will amount to.

Mr. SIMMONS. The employees really stand for the $1,200 and the administration for $1,000?

Mr. STANFIELD. That is right. I am not one of those who view with any great alarm the difference it would make to this great Nation, to this great Government, whether they are compelled to pay $15 more per annum to each Government employee in order to provide an adequate pension for them to live on for the few years they may live after they have rendered a life of toil and service to the Government. I think we are going far afield in parsimony when we even stop to debate or decide as to the difference between a maximum annuity of $1,200 a year and $1,000 a year, when we keep in mind the fact that the employees themselves are paying from their salaries by far the greater portion of the annuities they receive.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. STANFIELD. I yield.

Mr. WARREN. I wanted to make an inquiry. I understood the Senator to say that an amendment has been prepared which is to be offered as a substitute. Am I right about that?

Mr. STANFIELD. The Senator is right.

Mr. WARREN. Was that unanimously agreed to by the committee?

Mr. STANFIELD. It has never been handled by the committee. The committee unanimously reported the pending bill.

Mr. WARREN. What has been done, then, so far as the substitute is concerned?

Mr. STANFIELD. That will be offered and debated before the Senate. They will do as in their wisdom they see fit to do. They may substitute for the committee bill the amendment carrying the provisions recommended by the Director of the Budget.

Mr. WARREN. I understand from the argument of the Senator that he proposes to introduce an amendment, but will undertake, by all the argument he can command against it, and in favor of the other bill, to have it disagreed to.

Mr. STANFIELD. I will say to the Senator from Wyoming that I am simply attempting to be fair and honest with the Senate. I do not want them to labor under the delusion that I am proposing or even recommending that amendment. I am proposing it in fairness, as a matter of expediency. There are those who think that it is expedient to adopt that amendment in order to secure legislation during this Congress. That may be true. I am willing to lay the facts before the Senate and let them decide.

Mr. WARREN. Which one does the Senator believe is most liable to be finally successful?

Mr. STANFIELD. I am hopeful that the pending bill will be ultimately successful. After the next Congress these people will be back here, and justly so, asking for further relief. Congress is not going to be relieved from passing a bill.

Mr. WARREN. The bill would, of course, affect the beneficiaries under our first law. We passed a law with a maximum of $720. At that time it was said there would never be any further legislation asked, but, of course, now it is apparent that we shall undoubtedly have some further legislation. It seems to me in these two matters which the Senator presents we are a great deal safer if we accept the lower figure and then raise it if we have to do so hereafter. So far as I am concerned personally I believe the amendment ought to be adopted if it brings forth, as it probably does, $1,000 as a maximum and 70 years as the maximum age to which a man can serve except by special grant.

Mr. STANFIELD. That is the present law.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. STANFIELD. I yield.

Mr. McKELLAR. I happen to be a member of the Civil Service Committee and have been for a number of years. We agreed upon the bill as reported out, which is substantially the same as the one reported out and passed by the Senate last year. After argument and after hearings that same bill was reported out this year. As I recall, it received the unanimous approval of the members of the committee.

It would seem to me to be a remarkable situation, after hearings have been held and after the committee has reached a unanimous conclusion and after the committee has made its report to the Senate and the bill has been pending here for quite a length of time, that on the day the bill is taken up for consideration by the Senate the chairman of the committee, who was authorized by the committee to report the bill, should offer a substitute which is wholly different from the bill reported by the unanimous approval of his committee. I think it is one of the most exceptional and remarkable situations I have ever seen. I repeat my observation that it is quite remarkable that the chairman should offer a substitute after having been instructed by his committee to report the bill.

Mr. SIMMONS. Mr. President, my understanding is that the chairman of the committee has reported the bill and that the other members of the committee are offering the substitute.

Mr. McKELLAR. Oh, no; it is quite the contrary.

Mr. SIMMONS. The committee has deserted the chairman and the chairman alone is standing for the original bill.

Mr. McKELLAR. No; it is just the other way. The committee is unanimously in favor of the bill reported to the Senate, and the chairman of the committee has stated here a moment ago that he is going to do this very remarkable thing, that he is going to offer as a substitute a bill that he himself is not in favor of. I do not see how he can reasonably expect any bill to be passed under those circumstances. I do not understand that situation. It is a most remarkable situation, it seems to me.

Mr. STANFIELD. I have attempted to make it plain.

Mr. McKELLAR. Why not leave to some one else who is really in favor of the substitute the opportunity to make such a proposal?

Mr. STANFIELD. For the relief of the Senator from Tennessee I will say that the Senator from Utah [Mr. SMOOT] will offer the substitute, which, of course, I am going to oppose.

Mr. McKELLAR. Is the Senator from Oregon going to vote for the substitute?

Mr. STANFIELD. No; I am not going to vote for it. I announced that fact in the beginning. I am not going to vote for it.

Mr. SIMMONS. Mr. President, I want to understand the situation. The committee unanimously reported out the bill with a maximum of $1,200.

Mr. STANFIELD. It did.

Mr. SIMMONS. Have the committee acted upon the new proposition?

Mr. STANFIELD. They have not.

Mr. SIMMONS. The chairman has taken the responsibility upon himself to offer it?

Mr. STANFIELD. In order to expedite the legislation I——

Mr. SIMMONS. Has not the Senator's committee, with the exception of the Senator himself, practically approved that $1,000 maximum?

Mr. STANFIELD. No; they have not to my knowledge. They have approved the pending bill, which is the one that carries $1,200 maximum annuity, and that is the only bill the committee has approved. That is the committee bill, and that is the bill which the chairman champions. But the chairman knew that an amendment was to be offered carrying the provisions and recommendations of the Director of the Budget, and in order to expedite the situation the chairman had those provisions incorporated in the bill and a print made, and that is to be offered as a substitute.

Mr. SIMMONS. Is not the chairman in doing that reflecting actually the surrender of his committee?

Mr. STANFIELD. No; I am not, and I do not propose to do that.

Mr. SIMMONS. Does the chairman understand the committee has changed its sentiment and now stands for the administration proposition?

Mr. STANFIELD. The chairman has not been so advised. Undoubtedly, when Senators vote they will express themselves as to whether they have changed, but they have not made a change in the committee.

Mr. BORAH. Mr. President——

Mr. STANFIELD. I yield to the Senator from Idaho.

Mr. BORAH. We are spending a good deal of time upon a question which the Senator from Oregon eliminated half an hour ago. The Senator from Oregon stated that he is in favor of the pending bill. He finally stated that the Senator from Utah [Mr. SMOOT] would offer the substitute, so we might proceed now to a discussion of the bill, it seems to me.

Mr. STANFIELD. I want to call the attention of the Senate to some of the provisions of the retirement laws of some of the foreign countries. In Great Britain the retirement law provides an annuity of one-eightieth of the annual salary, to which is added a lump sum equal to one-thirtieth of the annual salary for one year of service, limited to 1½ years' salary. The maximum annuity under the British law that a retired employee may receive is one and one-half times the average salary that he drew during his time of active service. Some may argue that Great Britain does not pay the salaries that we pay; but I want to say that Great Britain pays a salary that is comparable with her standard of living and cost of living, just as the salary we pay is comparable with the cost of American living and the American standard of living. Therefore we are on a parity when it comes to the pension we pay. The dollar that is paid by Great Britain means to her annuitants just what the dollar paid by the United States means to the American annuitants, based on the purchasing power of the dollar.

Great Britain provides that employees remaining in the service after 65 years of age forfeit one-twentieth of this lump sum for each year of such service. They place a penalty on their employees if they do not retire at the age of 65, whereas there are those who are objecting and who are opposed to preventing our employees from retiring before they are 70 years of age. The retirement age is voluntary under the British law at 60 years. It is compulsory at 65. They may be retained until 70, but in that case the employee receives a lesser annuity of one-twentieth of their salary each year they remain. The employees make no contribution. The British Government pays the entire cost of the retirement annuity.

Mr. COPELAND. Mr. President——

Mr. STANFIELD. I yield to the Senator from New York.

Mr. COPELAND. We could better follow the figures, I think, if the Senator would tell us what the retirement age here is under the various bills.

Mr. STANFIELD. The retirement age under the pending bill is optional at 62 and 65 after 30 years of service, and compulsory at 70 years of age.

Mr. COPELAND. And the administration bill provides what?

Mr. STANFIELD. The administration bill makes no change in the present law.

Mr. COPELAND. What does the present law provide?

Mr. STANFIELD. That provides 62 years for the railway mail clerks and 65 years for those who are in certain active and hazardous employment, manual labor, and 70 years for those in sedentary employment. The Director of the Budget recommends that those ages be retained and that no optional retirement be allowed.

Mr. SIMMONS. The Senator referred to the administration measure. Which one does he mean?

Mr. STANFIELD. I said the one proposed by the Director of the Budget. That is the one which the Senator from Utah [Mr. SMOOT] will, I understand, propose as a substitute.

Mr. COPELAND. Let us be clear now about the age in the pending bill. As I understand, it is 62, 65, and 70.

Mr. STANFIELD. No; in the pending bill it is optional at 62 and 65 and compulsory at 70. In other words, it gives an option of five years to those in sedentary employment and to the group in hazardous employment. They are brought into the group of railway mail clerks and may retire at 62, or they have a three-year option under the pending bill.

In Denmark, after 10 years of service, the annuity is one-half the average annual salary for the period. It increases the age conditional with the service until the end of the twenty-ninth year, when it is two-thirds the average annual salary for the last five years of service. Employees may be retired after 10 years of service. No contribution is made by the employees. The Government pays the entire cost of the annuity retirement, and their contributions are as ours would have been under the bill that we passed last year—Senate bill 3011—which provided a maximum of $1,200 a year on an average salary of $1,800, or two-thirds of the salary. Theirs is two-thirds of the salary, but in Denmark the Government pays all of the cost. The employee makes no contribution, whereas we are proposing under our present law and under the bill which was passed at the last session of the Congress that the greater portion of the cost shall be borne by the employees.

Mr. SIMMONS. How does the division we make—that is to say, the percentage paid by the Government and paid by the employee—compare with like legislation or divisions in European countries?

Mr. STANFIELD. In Great Britain and in Denmark the Government pays all the cost and the employees make no contribution.

Mr. SIMMONS. In Great Britain it is provided as it is here, but I am asking how the proportion or the division here compares with the proportion or division in Great Britain, France, Germany, or some of the leading countries of Europe.

Mr. STANFIELD. Of course, we would have to take into account the salaries paid in those countries.

Mr. SIMMONS. Not in giving the proportion. I was just asking the Senator for the relative proportion of amounts of contributions required by this Government from the employee and by the major countries of Europe from their employees.

Mr. STANFIELD. Perhaps I can explain that in this way: The total cost of the proposed bill would be 7.23 per cent of the pay roll. I believe the employees would pay 4 per cent and the Government would pay 3.23 per cent. In Great Britain the employees pay nothing. Therefore the proportion would be as 3.23 is to 4.

Mr. SIMMONS. The Government bears it all in Great Britain?

Mr. STANFIELD. Yes; and in Denmark. That is also true in Germany. Germany provides one-sixtieth of the annual salary for each year of service up to and including the thirtieth year. After 30 years of service they would receive an annuity of one-half of their regular salary, all of which the Government would pay, and in addition they receive one one-hundredth of the annual salary for each year thereafter, so the maximum annuity is 34 per cent of the annual salary. That would be a $1,200 annuity compared to a $1,600 salary. That is the German law. They provide for retirement at 65 years of age; the employees make no contribution toward their retirement annuity, but they make a contribution of 3 per cent, and that creates a fund to sustain the widows and orphans of the employees. That comes out of their salaries, but that is considered apart from the annuity which they receive.

In France the same system prevails, and also in the Netherlands and Portugal. I shall not read the specific provisions of their laws, but I am making this statement to impress upon the Senate how much more generous foreign countries are treating their employees, so far as the retirement annuity is concerned, than we propose to treat Government employees in this bill.

Mr. COPELAND. Mr. President, will the Senator from Oregon yield to me?

Mr. STANFIELD. Yes.

Mr. COPELAND. I think the Senator from Oregon has brought out a very important point, showing that the richest country in the world is so inconsiderate of its superannuated employees. If the Senator is correct in his statement that foreign countries require no contributions from their employees, and yet pay such annuities on retirement as he has indicated, the Senator has presented a matter which certainly will cause the Senate to pause and think.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. STANFIELD. I yield.

Mr. SIMMONS. Mr. President, may I say that I think it is specially significant in view of the fact that the administration is so niggardly about the maximum amount to be allowed?

Mr. SMOOT. Mr. President, there are, of course, two sides to this question. It is very well for Senators to get up here and make statements as to what England is doing without any explanation whatever, but later on in the consideration of this question I want to explain the relative retirement pay and to call the attention of the Senate to a comparison of the wages received and the result to the employees. I wish to say there is now no employee of the Government of the United States who would like to go on the same basis under the same retirement privileges as are afforded in any other country in all the world.

Mr. COPELAND. Mr. President, will the Senator from Oregon yield to me?

Mr. STANFIELD. Yes.

Mr. COPELAND. Mr. President, the living standard in England is utterly and entirely different from the living standard in the United States.

Mr. SMOOT. Yes; and I would not have it otherwise.

Mr. COPELAND. Nor would I have it otherwise, but I desire the employees of our Government who are retired to be retired on a fund sufficient for them to maintain the American standard.

Mr. DALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Vermont?

Mr. STANFIELD. I yield.

Mr. DALE. It impresses me that the Senators who are discussing this bill are entirely leaving out one element of it. They seem to be speaking of retirement of Government employees as a matter of generosity on the part of the Government toward the employees, comparing the governments one with another, and stating that certain governments are being more generous with their employees than are some other governments. This is not a matter of generosity at all. The basic principle of the whole thing is a purely economic principle. The United States Government to-day with its retirement law is not giving its employees anything, but it is making money on the system. It is not costing the Government to-day half as much to pay the retirement pay as it would to keep these old superannuated employees in the service at the rate of compensation they were receiving. It is purely an economic matter. Foreign governments feel that it is a matter of economics. They do not ask the employees to contribute anything.

Mr. SMOOT. Does the Senator from Vermont mean to say that a man who is 65 years old in the Government service does not render the services that he ought to rend ?

Mr. DALE. The Senator from Utah is now bringing up specific cases. I am speaking of the general principle of retirement legislation.

Mr. SMOOT. I am speaking of it in the identical way as is the Senator. If the Senator will make an investigation as to the various departments of our Government, he will ascertain who are the most efficient employees, outside of the typewriters and minor workers in the departments. I want to say to Senators that some of the most efficient employees in the Government have been between 65 and 70 years of age.

Mr. DALE. I do not doubt that at all.

Mr. SMOOT. I can point to them by the hundreds.

Mr. DALE. I do not doubt that statement at all, but I ask the Senator from Utah if he will take issue with me on the statement that the Government has been more efficiently administered since the retirement law than it was before the enactment of the retirement legislation?

Mr. SMOOT. I could not say, because I have not checked up closely on the matter.

Mr. DALE. No; the Senator will not take issue with me on that.

Mr. SMOOT. Comparatively few employees have been separated from the Government service, and some of them who have been separated from it have been a direct loss to the Government. Therefore, I can not say right offhand without some investigation as to what the final result may be. I know, of course, what the Senator has stated in many cases is true, but I also know that in many cases likewise it is not true. So to balance up the whole thing would require an investigation as to each one of the departments and a consideration of the services of the employees who have been retired.

Mr. DALE. But the Senator draws away from the main issue to particular cases. The issue that I am discussing is that retirement legislation is not a matter of generosity; it is not giving the employees something as a donation; but it is a purely economic principle, under which the Government is better off with retirement than it was without it.

Mr. SMOOT. Of course, I agree that, no matter whether he be a Government employee or not, every man who works, every head of a family, whether a man or woman, when they become providers or earners ought to set aside a certain amount of every month's income as a reserve for future contingencies. The Senator knows that, but the trouble is they will not do it.

Mr. STANFIELD. The Senator would not have them suffer because of their negligence in that respect, would he?

Mr. SMOOT. I am not seeking by the amendment which I propose to impose suffering on anybody.

Mr. DALE. Mr. President, I do not quite see the Senator's point. Of course, I realize that under the retirement law the employees are influenced to save and they do save, but not in a way that is detrimental to the Government.

Mr. SMOOT. I do not claim that it is detrimental, so far as that is concerned, but the amount that the Government will pay over and above what it costs the employees will be $17,800,000 under the proposed bill.

Mr. DALE. If that be so, it is not detrimental, because the Government even then is ahead.

Mr. SMOOT. That is a matter of judgment. It may be figured out.

Mr. DALE. No; the actuaries' report show it to be the fact. I have the figures here from the report of the Government actuaries.

Mr. SMOOT. The Senator probably is speaking of the matter from one viewpoint while I am speaking of it from another.

Mr. DALE. The same actuary who made the other report also made the one to which I refer.

Mr. SMOOT. That is, that it does not cost the Government anything?

Mr. DALE. It does not cost the Government half as much under retirement as it did before retirement. The advantage to the Government is doubled by retirement.

Mr. SMOOT. In the better work of the employees?

Mr. STANFIELD. It is due to the greater efficiency of the employees.

Mr. DALE. Certainly; it is due to greater efficiency because of having superannuated employees retired from the service.

Mr. SMOOT. I do not know of any department that has made a check in regard to that or that could prove such a statement to be true, I will say to the Senator.

Mr. DALE. The figures that I have are certainly just as reliable as the other figures. They are not within $30,000,000 of each other.

Mr. SMOOT. There are no figures that I have but what are within $30,000,000.

Mr. DALE. I mean the figures that one set of actuaries gave and those that another set of actuaries gave are $30,000,000 apart as they were presented to the committee.

Mr. SMOOT. In the figures that I have from two actuaries there is very little difference. I take it for granted, from what the chairman of the committee says, that he agrees that the proposed amendment—that is, the pending amendment before the Senate—will cost the Government of the United States an average over 30 years of $24,000,000 a year. The Senator does not deny that, does he?

Mr. DALE. Is the Senator referring to the bill which the committee reported?

Mr. SMOOT. Yes; to the bill as reported by the committee.

Mr. DALE. I do not deny that those are the actuary's figures.

Mr. SMOOT. I can not believe that the amount could be any less than that. Of course, I admit that it is impossible to be accurate within a million dollars or $2,000,000, perhaps; but if the Senator will take the age of the employees in the Government service, as reported to us a few years ago, and the number of employees of the Government and then take the averages according to the actuary's figures for the whole United States, he will find that the amount is even larger than reported here. But, as I have said, nobody can tell within a few million dollars even by taking the averages. Of course, the Senator knows that.

Mr. DALE. I realize that; but I still maintain that by all the actuary's reports and by every statement that has been presented to the Committee on Civil Service it is clear to the committee that the Government is operating under this retirement principle as an economic matter and that the Government is still ahead in actual dollars and cents.

Mr. SMOOT. I believe in retirement of Government employees; I think that there ought to be provision for such retirement, and I think, as to more than half the cases, the condition is exactly as the Senator has said, but it does not apply to all cases by any manner of means.

Mr. DALE. I know it does not apply to all.

Mr. SMOOT. I think it applies to about half the cases. If the Senator will go into the details—and I presume, of course, he has done so—and will study the question of the retirement of employees, considering the payments made here as compared with payments made by other countries, and will compare the conditions under which the employees of the United States work, their hours of labor, the time they give to the Government during the year, with similar conditions in foreign countries, he will find that the employees of the Government of the United States under the amendment will be taken care of as well as, if not better, than the employees of any other government in all the world.

Mr. STANFIELD. Mr. President, the Senator from Vermont is contending that the proposed liberalization by the pending bill as compared to the existing law would result in a saving to the Government, notwithstanding the fact that the

Government must make a greater contribution. The retirement of inefficient employees and the employment of efficient employees would result in a saving to the Government over and above the increased cost of retirement.

Mr. Joseph S. McCoy, one of the Government actuaries, of the Treasury Department, made a statement last year that the liberalization proposed by granting optional retirement under the provisions of Senate bill 3011, which, in regard to the ages of retirement, were the same as those of the pending bill, would save to the Government in excess of $7,000,000 a year through the increased efficiency of the personnel of the Government service.

Mr. DALE. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Oregon yield to the Senator from Vermont?

Mr. STANFIELD. I yield.

Mr. DALE. Did he not state in that connection that if they had to carry the superannuated employees on the pay roll, it would cost the Government $15,000,000?

Mr. STANFIELD. He did make that statement.

Mr. DALE. So, as I undertook to say a few moments ago, it costs exactly twice to carry them what it would cost to retire them.

Mr. SMOOT. It will cost under the bill $24,000,000.

Mr. DALE. That is under the proposed measure?

Mr. SMOOT. Yes; that is what the Senator was talking about.

Mr. DALE. One set of actuaries says it would cost twenty-odd million dollars, but the chairman of the committee himself knows that another set of actuaries said that it would not cost within $30,000,000 of that amount. That statement was made in the committee.

Mr. SMOOT. I do not know how $30,000,000 could be embraced in $24,000,000. It seems to me that is impossible.

Mr. DALE. If the amendment which will be proposed by the Senator from Utah shall be adopted it will actually save the Government money. The bill then will not cost as much as the law that is in operation now costs.

Mr. SMOOT. It will not cost as much by $29,000.

Mr. DALE. It will cost the Government $29,000 less than it costs the Government now.

Mr. SMOOT. Yes; that is what the chairman of the committee and I both stated. There is no dispute as to that.

Mr. STANFIELD. Under the proposed amendment there will be no liberalization of the present law.

Mr. SMOOT. There will be a liberalization in other ways, I will say to the Senator, along the line that the employees of the Government want, for instance, an annuity up to $1,000 instead of a $720 annuity.

Mr. STANFIELD. Oh, yes; we very magnanimously permit the employees to pay to their predecessors an additional annuity.

Mr. DALE. Why, certainly; they pay it all. They pay more than enough to make it all up.

The PRESIDING OFFICER. Senators will kindly address the Chair. It is impossible for the reporters to report the proceedings of the Senate when general conversation takes place instead of debate.

Mr. DALE and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon has the floor. To whom does he yield?

Mr. STANFIELD. I yield to the Senator from Vermont. I yield the floor.

Mr. DALE. I should like to ask the chairman of the committee if it is not a fact that under this proposed amendment the premiums of the employees will be increased enough so that they will more than make up for all the increase they are getting in their annuities and save the Government money?

Mr. STANFIELD. They will make up all the increased annuity and will save the Government $29,332 a year.

Mr. DALE. That is just what they will do. Talk about liberalization! The employees are being asked to donate twenty-odd thousand dollars a year to the Government. That is all it amounts to—simply a donation from the employees to the Government. They are the ones that are being generous, not the Government.

Mr. SMOOT and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon desire to yield the floor?

Mr. STANFIELD. I have yielded the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. SMOOT. Mr. President, I want to say to the Senator that the Government actuaries figure that the Government will be able to pay 4 per cent interest, compounded annually; and to arrive at the figures that have already been presented that is the basis that the actuaries figured upon. If the Government can not invest funds at that rate the Government loses the difference. No employee loses the difference; and the Senator knows that for 50 years from now the rate of interest will not yield to the Government of the United States 4 per cent, compounded annually.

Take Great Britain, for instance. The rate of interest on her obligations for the 50 years preceding the war amounted to only 2.85 per cent. During that whole period, upon all the bonds and all the obligations that she ever had out, that was the average rate of interest. Our average rate of interest will not be more than 3½ per cent during this whole period. It is more than that right now; but we have to make that 4 per cent interest, compounded annually, in order to secure the amounts that we have reported here, which alone means a loss to the Government of $17,800,000.

Mr. COPELAND and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. SMOOT. I yield to the Senator from New York.

Mr. COPELAND. The Senator from Utah is much disturbed about what will happen 50 years from now.

Mr. SMOOT. No more than I would be in any action affecting my own business.

Mr. COPELAND. I hope the Senator is not looking after his own business 50 years from now.

Mr. SMOOT. I may not be, but I may lay a foundation that somebody will be unable to meet 50 years from now, and I do not want to do that.

Mr. COPELAND. Let me prophesy to the Senator that 50 years from now, when he is still here, occupying the prominent place in the Senate which he deserves by reason of his useful service, we will undoubtedly have old-age pensions and unemployment pensions for everybody.

Mr. SMOOT. I should not wonder.

Mr. COPELAND. Let not the Senator worry about 50 years from now. Let us take care of these faithful servants of the Government who are giving their lives to the Government service. Let us do it now, and not worry about what is going to happen half a century hence.

Mr. SMOOT. I notice that everybody has to labor, and people give their lives wherever they work, just the same as the employees of the Government give their lives. We have to do it. Somehow or other we can not get away from it, and I do not think 50 years from now will find the conditions any better than to-day. There will be a struggle as long as man lives upon the earth. There is not any question about it. There is nothing on this earth, I care not what it is, but that has an enemy some way or other, whether it is animal life or the human family or vegetable life. There is always an enemy, and there will always be a fight and a struggle for life. It has been that way ever since the world was created, and it will be that way as long as there is a life on the earth.

Mr. COPELAND and Mr. WILLIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and, if so, to whom?

Mr. SMOOT. I yield to the Senator from New York.

Mr. COPELAND. Does not the Senator know that the worst enemy of the human family is unnecessary worry?

Mr. SMOOT. I have had a great deal of worry myself, and I recognize the fact that worry is perhaps the one thing that takes vitality out of man quicker than anything else.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. WILLIS. If the Senator from Utah and the Senator from New York have finished this biological dissertation, I desire to ask a question about this bill. I want to be sure that I did not misunderstand the colloquy between the Senator from Utah and the Senator from Vermont.

I understood the Senator from Vermont to say that this amendment, which, as I understand, the Senator from Utah has offered, which the Senator from Oregon had intended to offer; is that correct?

Mr. SMOOT. That is correct.

Mr. WILLIS. I understood the Senator from Vermont to say that this amendment was tantamount to a donation to the Government of $29,000 a year, and I understood the Senator from Utah to agree to that.

Mr. DALE. Over the present act.

Mr. SMOOT. Mr. President, $29,000 a year less than the present law.

Mr. WILLIS. I wanted to have that made plain. Of course, I understood it, but I did not want the RECORD to show that

Senators were saying that the employees of the Government were making a contribution to the Government of $29,000 a year.

Mr. SMOOT. In other words, instead of there being a loss to the Government each year of $17,867,000, there has been an estimated loss under existing law of $29,000 additional.

Mr. WILLIS. I understand.

Mr. SMOOT. Provided, mind you, that we can keep our investments drawing 4 per cent interest, compounded annually. In making investments hereafter of the money collected from the employees, this 3½ per cent, if we can keep that invested in securities drawing 4 per cent, with interest compounded annually, the Government will lose $17,800,000 a year; or, in other words, that is their proportion that is contributed toward the annuities that will be granted to the Government employees. I will say to the Senator that that is the picture.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly.

Mr. WILLIS. It has been my understanding—I have followed this only in the press—that the proposition that is embodied in the Senator's amendment is a proposition that has been agreed upon by the actuaries of the Government and the employees of the Government, and everybody interested. Is that correct?

Mr. SMOOT. I have not heard anyone say that the Government employees as a body have ever agreed to this amendment. I do not know whether they have or not.

Mr. STANFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Certainly.

Mr. STANFIELD. I have had no notice of the employees as an organization or in any way expressing themselves as agreeing to any amendment to the pending legislation. Quite to the contrary, a good many of the representatives of the employees have told me that they are very unhappy about it, but they say: "If we are compelled to take that, you had better accept it. We had better have that than nothing. If the Government will not take care of these suffering retired superannuated employees, give us a chance to take care of them. We want to take care of them if that is the only way out."

The employees, however, are not agreeable to the proposed amendment. So far as I know it is agreeable only to the Director of the Budget and a few of those who seem to be opposed to liberalization of civil-service pension retirement.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Yes; I yield.

Mr. WILLIS. All of us have read extensive articles in the columns of the press from time to time advising that this matter has been under discussion and that happily an agreement had finally been reached, and I am supposing that this is the agreement.

Mr. SMOOT. I have noticed in the papers the articles to which the Senator has referred. I have noticed the editorials in the papers, and so forth, approving of it, and I did notice, I think in one of the morning papers, a statement attributed to Mr. Luther Steward in which he says that if this is the best they can do, they, of course, will take it, but that they will begin the fight next year for an increase. I do not know whether Luther Steward made that statement or not. The statements made in the papers can not always be depended on.

Mr. COPELAND. The Senator means the statements made in Republican papers.

Mr. SMOOT. Oh, heavens! I dare not go into that question for fear of saying what I could say of the Democratic papers. It would lead to a discussion that would last the balance of the day.

In saying that, however, Mr. President, I do not say that the reporters did not report just exactly what was told them; but, unfortunately, the information, or so-called information, that is given to the reporters does not always happen to be true.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I do.

Mr. McKELLAR. Is not the fact of the case just this: The Senate passed this very bill last year, believing it was right. The committee has unanimously reported the bill again, thinking it was right. The President of the United States, however, has sent word down here that he does not like the bill, and he wants another bill; and it is now proposed to disregard the former action of the Senate, to disregard the unanimous action of the committee, and to substitute the President's will for the Senate's will.

That is the fact about it, as I see it, as it has been expressed here. I want to say that I have the profoundest respect for the President of the United States. He is a perfectly sincere man, and is doing his duty as he sees it; but it does seem to me that as a coordinate branch of the Government, upon which devolves first the duty of legislating, this body ought to come to its own conclusions, either follow or refuse to follow its own committee with regard to the matter, pass the bill, submit it to the President, and let him perform his constitutional duty with respect to it.

It does seem to me that all of this talk that we have had this afternoon about a substitute bill is entirely out of order, and it does seem to me that the Senate ought to be ashamed to undertake to legislate in any such manner. Here we have a unanimous report on a bill that was thought by the committee unanimously to be right, and even the chairman of the committee, upon getting word from the White House, is willing to substitute another bill for it.

Mr. STANFIELD. Oh, Mr. President, I hope the Senator will withdraw that remark, after all the statements the chairman has made.

Mr. McKELLAR. The Senator announced here that he was going to offer the substitute measure for the Coolidge measure.

Mr. STANFIELD. I think the Senator should qualify that remark according to the statement made by the chairman, which was that in order that the Senate might decide the question this amendment would be offered, and it will be offered.

Mr. McKELLAR. But the Senator was not authorized by the committee to submit a substitute. He was authorized and directed by the committee to report the bill with a certain amendment, and he ought not to have made this other suggestion.

Mr. STANFIELD. The chairman of the committee has never pretended that he was representing the committee in offering a substitute.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. I do not know whether or not there is any foundation for the statement the Senator from Tennessee makes; but, assuming that there is, and granting what he says, is it the Senator's position that he would rather have the Congress exercise its own independent judgment, and get no legislation and do nothing for the employees, in order that he might have the satisfaction of saying that the President vetoed a bill?

Mr. McKELLAR. Oh, no, Mr. President; not at all. I have no idea that the President is going to veto this bill. The House will pass its bill, or has passed its bill, and we will pass a bill. It will go to conference. If there are any differences, they ought to be ironed out there. There is ample opportunity to adjust matters in conference. Then, when the conferees have reported to each House, and the two Houses have agreed to the conference report, and the bill is sent to the President, I am quite confident, knowing the President as I do, that he will give full faith and credit to the action of the two Houses; and, in my judgment, he will sign whatever bill may be passed.

I do not want to put the President in an embarrassing position; but I have an abiding faith that if the Senate and the House came to the conclusion that this bill, which has been unanimously reported by the committee, and already once passed by the Senate, should be repassed, Calvin Coolidge would put his signature to it.

Mr. SMOOT. Mr. President, the President of the United States can take care of himself. He is no coward, and he is watching out for the Government of the United States. I think the American people approve of his course of economy. I have no doubt of that.

If I were President of the United States now, knowing the situation as I do, and seeing the amount involved in the bills pending before the House and the Senate awaiting action, I would be alarmed, I will say to the Senator, if this Congress should pass a small number of those bills.

As I said the other day, one evening recently I went through the bills pending here, Senators and Representatives demanding action upon them, and if those bills were passed, it would mean an expenditure of $360,000,000. I know the President of the United States will not approve of them. I know that if I were President of the United States I would veto them, because I know that the income under existing laws of the United States would not justify them.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. McKELLAR. As I recall, the Senator opposed the original retirement bill, which is now the law.

Mr. SMOOT. No; the Senator is mistaken. I opposed it as it was reported.

Mr. McKELLAR. The Senator fought that bill just as he is fighting this proposed amendment to the law, and I do not doubt that if he were President he would veto this measure. If he had been the President when that original measure came before him, I have no doubt that the Senator from Utah would have vetoed it. The Senator believes in that course, and I accord him the most perfect good faith in his actions when he opposes bills. But the majority of the Senate has determined otherwise, and I do not think the Senator's view that he would veto the bill ought to prevail in this body.

Mr. SMOOT. The Senator says I voted against the other bill. The Senator is mistaken. I suppose there is no representative of the Government employees who does not know that I favor retirement legislation. I am in favor of my substitute. I think that is as far as we can go now and be safe. I want it to pass. I want the President of the United States to sign it, and I have every reason to believe he will sign it if it is passed in this form. If all of my children were working in the Government service, and I did not have a dollar on earth other than what they were making in the Government service, I would say to every one of them, "Support this measure."

I am looking out for the interests of the employees, as well as the interests of the Government. Taking the whole situation as it is to-day, if I were a Government employee I would say, "By all means, pass this bill, because we want it."

If conditions do not change, if business continues as it is, and if our appropriations do not increase by leaps and bounds, and we hold them within reason, there is no question but that these annuities can be increased at some future time, and whenever that time comes, I say now to the Senate that I would be one who would support legislation looking to that end.

There are some provisions in the bill reported by the committee which I believe every Senator will admit to be unwise, when I call them to the attention of the Senate, whether every member of the committee joined in reporting them to the Senate or not. They are unwise. I think the Senate will approve of some of my proposed amendments. It is not because I do not want legislation, but because I do want legislation at this session of Congress, that I am going to offer this substitute, and I think, taking into consideration those who want the annuities to the Government employees to be increased and the basic pay increased, the substitutes should be supported.

Is this bill fair?

Mr. SIMMONS. Mr. President, the Senator says that he thinks we ought to vote for this because it is the best opportunity to get legislation at this session. Does the Senator say that because of the attitude of Congress, as he understands it, or because of the attitude of the President?

Mr. SMOOT. I say it because of what I have heard Congressmen themselves say. That is why I say it.

Mr. SIMMONS. Does the Senator believe it would be more difficult to pass the bill as it came from the committee than it would be to pass the so-called administration bill, if the President had not interfered?

Mr. SMOOT. I am not saying anything about "ifs." I am saying that in my opinion it would be harder.

Mr. SIMMONS. Then I am asking the Senator if his attitude and his opinion in this respect are not based upon the attitude of the President, rather than the attitude of Congress, with respect to this matter.

Mr. SMOOT. I have taken into consideration the attitude of the President, and I always shall. As to whether I shall follow it, that entirely rests with me, and with nobody else. I have stated my judgment in this case, and I am willing to have the Senate judge me on that statement.

Do Senators think this is a just measure?

Mr. COPELAND. No!

Mr. SMOOT. No! Nor is it a just measure as reported by the committee. We have not the time to go over the matter. But let me tell the Senate that some time or other discrepancies in the present law and in the pending bill will be corrected.

Do Senators know what is going to happen with nearly two-thirds of all the employees of this Government? Let me call attention to it, because I would like to have the figures in the RECORD. I have a table here comparing contributions based on various salary rates, and the values of annuities at the retirement age of 70 under H. R. 7 as amended May 6, 1926. This is under the contribution of 3½ per cent, the divisor 45, the maximum annuity $1,000, and the salary basis $1,500. Let us see what happens.

Start with a salary of $960. Years to serve before retiring, 50. Age at entrance, 20, which would make the employee 70 years old. During the full period he pays $5,130. The annuity he gets under this bill is on the basis of $4,605, and he pays $535 more than the price at which he could buy an annuity on the outside.

What is that man going to do when he reaches the age of 69 years, with one year more to serve, or one month before his 70 years are up? He is going to resign from the service, and take that money, $5,130, with which he can buy an annuity. He would get from the Government $4,605, and he makes $525 in cash. That is, a $960 a year man. Take a $3,000 man.

Mr. DILL. Mr. President, has the Senator the number of employees at $960 a year before him?

Mr. SMOOT. No; I have not that list here. But there is one-third of the whole employees——

Mr. DILL. A third of the employees receive salaries of $960 a year?

Mr. SMOOT. No; I mean in the same situation with those I have referred to, but at different rates of pay.

Mr. COPELAND. Mr. President, when the Senator gets those figures I hope he will find out how many of them live to be 70 years of age.

Mr. SMOOT. Many of them live to be 70. Let us take the employee who enters at the age of 20 and who stays 50 years. In that case he pays $4,067. His annuity is on the basis of $4,605. He has not paid for his annuity by $538. The man who served the 50 years paid not only his annuity but his loss as well. Let us go down the list. We will take the $2,400 man who enters the service at 25 and serves 45 years. He loses $2,927. Is he going to wait until he is 70 years old? Certainly he is not. A month before he arrives at the age of 70, or even a year before, he will separate himself from the Government service, and he will take the cash he has paid in, $10,167, and the Government under this bill would pay him an annuity on the basis of only $7,240, and the man loses $2,927 if he does not separate himself from the Government service.

I could go clear through the list, from the man drawing $960 up to the man who draws $7,500. But the Government pays the annuity of the employee who enters the service at the age of 25 and serves for 25 years, or at 30 and serves 40, or at 35 and serves 35, or at 40 and serves 30, or at 45 and serves 25, under the bill.

Take a man who enters at the age of 35 and serves 35 years and whose salary is $1,200 a year. He pays in $3,093 during that term, but he could draw out $5,821. He is minus $1,830. Who paid it? There are two-thirds of the employees of the Government in this condition.

I am not prepared to offer an amendment to cure that. I can not do it. It will require time to work it out. But it can be worked out, and some day or other it will be worked out, so that every employee, no matter whether he gets $960 per annum or gets $7,500 per annum, will all be on the same basis as to the annuity; and why should that not be?

Mr. SIMMONS. I desire to ask the Senator whether he is talking about both the administration bill, or amendment, and the pending bill?

Mr. SMOOT. I am referring to the proposed measure, with a basic salary of $1,500, the maximum annuity $1,000, the divisor 45, and the contributions 3½. That is my amendment.

Mr. SIMMONS. I do not see the objective of the Senator's criticism. Is he criticizing all of the legislation?

Mr. SMOOT. All of the past legislation and the legislation that is pending.

Mr. SIMMONS. And everything that is proposed now?

Mr. SMOOT. Absolutely. I was quoting from the amendment which was offered, but the condition is such that I say frankly to the Senate that if I were asked right now to offer an amendment to correct it, I could not do it until it is properly worked out.

Mr. SIMMONS. Does the Senator oppose all of this legislation?

Mr. SMOOT. No. The Senator was not here or else he would never have asked me that question.

Mr. SIMMONS. I have not been in the Chamber all of the time, but I was puzzled to know, as the Senator spoke, whether he was attacking the committee bill or attacking the general proposition involved in all of this legislation.

Mr. SMOOT. The same criticism applies to all the bills, the one that is pending as reported by the committee and the one that is offered in the nature of a substitute, only in a little less degree as to the former. The principle is there, as the Senator from Oregon will certainly admit.

Mr. STANFIELD. I agree with the Senator from Utah that that is a condition which exists in all proposals thus far

made. It is in the existing law and the proposals that are made for civil-service retirement, but it is a little more flagrant in the substitute which he is about to propose than it is in the pending bill.

Mr. SIMMONS. That is the feature in which I was interested.

Mr. SMOOT. Mr. President, I did not anticipate being called upon to offer a substitute. I thought the program was that the Senator from Oregon [Mr. STANFIELD] would offer it. I would like now to ask unanimous consent to temporarily lay aside the bill, and I will be prepared when we meet again to offer a substitute.

Mr. BRUCE. Mr. President, will the Senator withhold his request just a moment to enable me to offer an amendment to the amendment of the committee? I may not be here on Monday and I would like to offer an amendment and have it read.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment to the amendment of the committee, which will be read.

The Chief Clerk read as follows:

On page 24, line 18, insert the following after the word "hereof": "or any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic."

The PRESIDENT pro tempore. The amendment will be pending. The Senator from Utah asks unanimous consent to lay aside temporarily the pending measure. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT TO MONDAY

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request. I ask unanimous consent that when the Senate concludes its business to-day it adjourn to meet on Monday next at 12 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CHESTER A. ROTHWELL—VETO MESSAGE (S. DOC. NO. 111)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

Herewith I return without my approval S. 2338, an act entitled "An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army." This officer in the regular course of dealing with the personnel of the Army was discharged by reason of being placed in class B, which meant that his work was below average, by a provisional finding made by a board consisting of Major Generals Bullard, Shanks, Bundy, Ely, W. R. Smith, and Brigadier General Graves. His record shows that he was reported absent without leave from November 27 to December 1, 1919. He was relieved from duty at the University of Tennessee at the request of the commanding general of the Southeastern Department because of a letter, dated April 6, 1920, in which it was stated, "He does not give the professor of military science and tactics loyal support." Major Anderson, of the Corps of Engineers, made an efficiency report covering the period, May 3 to July 30, 1920, in which he states, "Tends to reach decisions before fully informing himself." The efficiency report of Major Sullivan, covering the period July 1, 1922, to May 12, 1923, gives his general estimate as "A below average officer." The efficiency report of Major Sturdevant, Corps of Engineers, covering July 1 to October 1, 1923, states, "He requires supervision in administrative details involving paper work or compliance with written instructions." The report of Major Schley, Corps of Engineers, covering October 1, 1923, to March 20, 1924, contains adverse comment on the personal action of the officer, stating that at one time he was reprimanded orally by the commandant. The War Department states that "There is correspondence on file in subject's record which shows that he has not always given careful attention to prompt payment" of legal obligations. An abbreviated efficiency report by Colonel Fischer, Coast Artillery Corps, covering period August 28 to October 20, 1924, the War Department states, contains "an inclosure with this report showing that subject was reprimanded and confined to his post for absence without authority from 7 p. m., October 7, to 3 p. m., October 8, 1924."

This officer apparently served acceptably in France and was recommended for a decoration, which, however, was not given. A final classification board consisting of Major Generals Summerall and Sturgis and Brigadier Generals Bowley, Callan, Upton, and Collins on April 10, 1925, finally classified this officer in class B by unanimous action, the basis of this action by the board being "Lacking in attention to duty, initiative in administration, and executive ability. Careless. Indifferent. Fails to take advantage of his opportunities for improvement." On May 26, 1925, The Adjutant General found that the placing of Captain Rothwell finally in class B was justified by the entire record and recommended that the findings of the classification board be approved. This was done by the War Department, and the officer was honorably discharged with one year's pay June 23, 1925.

Only one case has occurred in which an officer has been restored to the Army after having been discharged through class B proceedings, and that was because it was discovered that he should have been retired for physical disability incident to the service. This was done with the approval of the War Department, and that officer was appointed and placed on the retired list. It is not necessary to set out in further detail the record of this officer.

It must also be borne in mind that should he be reinstated he would deprive some first lieutenant on the active list of the Regular Army of a chance for promotion to the grade of captain, to which he is justly entitled.

I deem it necessary for the discipline of our military forces that the judgment of the efficiency board should be accepted by the President and the Congress as final unless some information develops which was not known at the time of their action and which otherwise would probably have caused them to reach a different conclusion. Nothing in this record indicates that such is the case in relation to Captain Rothwell, and I have therefore reluctantly come to the conclusion that I must return this act without my approval.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 14, 1926.*

[S. 2338. Sixty-ninth Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the 7th day of December, 1925]

An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, in the grade, and in the position on the promotion list, provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided,* That said Chester A. Rothwell shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further,* That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.
CHARLES G. DAWES,
Vice President of the United States and President of the Senate.

I certify that this act originated in the Senate.

EDWIN P. THAYER,
Secretary.

The PRESIDENT pro tempore. In order to comply with the constitutional provision that the objections of the President must be entered at large upon the Journal, the message will lie on the table and be printed.

NATIONAL BANK BRANCHES

Mr. JONES of Washington. Mr. President, I desire to enter a motion to reconsider the vote by which the banking bill (H. R. 2) was passed. As I understand it, the bill has gone to the House, so I move that the House be requested to return the papers to the Senate.

Mr. McKELLAR. Mr. President, will the Senator state his purpose?

Mr. JONES of Washington. There was a provision with reference to branch banks in the bill as reported by the committee which I supposed had been adopted, from information that I had, but I find that it was eliminated from the bill.

Mr. DILL. There was something substituted.

Mr. JONES of Washington. But it does not meet the situation.

Mr. DILL. It prevents branch banks in our State, which the other provision permitted.

The PRESIDENT pro tempore. The Senator from Washington moves that the House of Representatives be requested to return the bill and accompanying papers to the Senate.

Mr. CURTIS. Mr. President, I understand the Senator does not care to have his motion acted on at this time?

The PRESIDENT pro tempore. The Chair will state that no action can be taken until the bill comes back to the Senate, anyway.

Mr. JONES of Washington. That is what I understood.

The PRESIDENT pro tempore. The Chair understands that the Senator from Washington merely wishes to enter the motion, or does he want it submitted to the Senate at this time for its approval?

Mr. JONES of Washington. Perhaps I should ask for action on the request to return the bill.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion for reconsideration should be entered and, following that, the House be asked to return the bill.

Mr. JONES of Washington. That is what I desire.

The PRESIDENT pro tempore. That notation will be made on the record.

Mr. JONES of Washington. I ask that the motion to request the House to return the bill to the Senate be passed on at this time.

Mr. McKELLAR. Mr. President, I do not think that ought to be done in the absence of the chairman of the Committee on Banking and Currency and other members of the committee.

The PRESIDENT pro tempore. The Senator from Washington will have to make his motion now to request the House to return the bill and then enter his motion to reconsider the vote by which it was passed. Therefore the question is on agreeing to the motion of the Senator from Washington that the House of Representatives be requested to return House bill No. 2 to the Senate.

Mr. McKELLAR. Can not both motions go over until Monday?

Mr. JONES of Washington. I have no objection.

Mr. McKELLAR. I do not think either one of them ought to be voted on to-night.

The PRESIDENT pro tempore. The Chair will suggest that the Senator from Washington enter his motion for a reconsideration.

Mr. JONES of Washington. We could not act on that motion until the bill comes back from the House, but I think that action could be taken to request the House to return the bill, and then we will have the matter before the Senate.

Mr. LENROOT. Mr. President, I call the attention of the Chair to Rule XIII. A motion to reconsider under the rule is first made, and the rule then provides that when the papers have left the Senate a motion shall accompany the motion to reconsider for a return. I will read the rule:

> When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

The PRESIDENT pro tempore. That is what the Chair was undertaking to state.

Mr. LENROOT. As I understood the Chair, he held that the motion to reconsider was not in order until the motion for the return of the papers was acted upon.

The PRESIDENT pro tempore. They have to come simultaneously, but a motion to return must be submitted, because no action can be had on the motion for a reconsideration until the papers are before the Senate. The question is on the motion of the Senator from Washington, and this must be taken without debate.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum. We must have a quorum if we are going to have action on an important matter like this.

The PRESIDENT pro tempore. The Senator from Tennessee suggests the absence of a quorum.

Mr. McKELLAR. I do not think we ought to act on an important matter like this without a quorum present.

Mr. HEFLIN. Mr. President, I hope the Senator from Tennessee will withhold his motion. I suggest that, by unanimous consent, we let both motions be pending.

Mr. McKELLAR. I am perfectly willing to have that course adopted.

Mr. JONES of Washington. That will be agreeable to me.

Mr. McKELLAR. With that understanding, I withdraw the point of no quorum.

The PRESIDENT pro tempore. By unanimous consent, the motions entered by the Senator from Washington will go over until Monday.

FRANKLIN GUM

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 2312) for the relief of Franklin Gum.

Mr. SMOOT. What is the purpose of the bill?

Mr. LA FOLLETTE. The Senator from Utah has asked for an explanation of the bill, which I can give in a very few words. First of all, let me say that a similar measure passed the Senate at the last session without a dissenting vote. It has been unanimously reported from the Committee on Military Affairs. It is for the purpose of correcting the military record of one Franklin Gum, who enlisted during the Civil War, following an enlistment in the Navy, which he served, and from which he received an honorable discharge. Gum entered the service in February, 1865. His regiment was mustered out in April, 1865. During that period Gum was taken ill and was given a furlough. During the period of his furlough the war was terminated, and he did not return to his regiment.

The facts are that affidavits coming from reputable citizens in the community who knew Gum during this entire period support the contention that he was at all times a subnormal mentality, although a law-abiding citizen and one who apparently was able to serve in the military forces of the country. What actually happened was that while at home sick on his furlough the war was terminated, and Gum did not return to be mustered out with his company.

Mr. LENROOT. Mr. President, will my colleague yield?

Mr. LA FOLLETTE. Certainly.

Mr. LENROOT. May I suggest, too, that the reports show that the illness from which he suffered was actually contracted while he was serving in the Navy?

Mr. LA FOLLETTE. Yes; that is the fact.

Mr. SMOOT. I have no objection to the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in line 5, after the name "Franklin," to strike out the name "Gun" and to insert "Gum," so as to make the bill read:

> *Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EX OFFICIO COMMISSIONERS FOR ALASKA

Mr. WILLIS. I ask unanimous consent for the present consideration of the bill (S. 3928) authorizing the designation of an ex officio Commissioner for Alaska for each of the executive departments of the United States, and for other purposes.

Mr. CURTIS. Let the bill be read.

Mr. WILLIS. Mr. President, if I may do so, I think I can save a little bit of time by stating the object of the bill. This is a bill which is desired by three departments—the Department of Agriculture, the Department of Commerce, and the Department of the Interior. The purpose of the bill is the simplification of the administration of the laws in Alaska. The present difficulty is that the several departments are without correlation or coordination. The Secretaries of the three departments recommend the passage of the bill, which will provide, if it shall become a law, that the head of each of the three departments shall have the right to designate some officer in Alaska to represent his department so that the governmental activities may be coordinated. The committee considered the bill very carefully, and, as I have said, three departments are anxious to have it enacted into law. I call it up now because I fear that unless we shall pass it at this time, as we are approaching the end of the session, we may not be able to have it become a law at this session. I do not know of the slightest objection to the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

> *Be it enacted, etc.*, That the Secretaries of the Departments of the Interior, Agriculture, and Commerce be, and they are hereby, authorized

and empowered, each for his own department, to designate an employee thereof, who shall be styled ex officio Commissioner for Alaska for the department from which he is selected and who, from the date of his designation, shall reside and maintain an office in the capital of Alaska.

SEC. 2. That each of said Secretaries shall delegate and assign to the commissioner representing his department general charge of any or all matters in Alaska under the jurisdiction of such department, or of any bureau or agency thereof, to the extent, in the manner, and subject to such supervision and control as the Secretary may deem proper and expedient.

SEC. 3. That, to the extent the respective Secretaries may determine, employees of the departments affected by this act who are stationed in Alaska shall be placed under the direct supervision and control of the ex officio commissioner for his department, herein provided for, together with any additional force which may be detailed by the Secretary of the Interior, Agriculture, or Commerce, from the personnel of his department, should necessity therefor arise; but nothing herein contained shall be construed to authorize the employment of any additional personnel or to warrant the transfer of any clerk or other employee from one department to another, except in the manner provided by law.

SEC. 4. That the Secretaries named in section 1 hereof may transfer to the officer designated hereunder as his representative the records or transcripts of records, property (including office and field equipment), and unexpended balances of appropriations which they may deem necessary or proper to transfer to Alaska in order to carry into effect the provisions of this act.

SEC. 5. That the President of the United States may, by order in writing, should he deem it conducive to economical and effective administration, and with the concurrence of the Secretaries of the respective departments involved, place under the supervision and direction of one of the three ex officio commissioners provided for in section 1 hereof, and subject to the provisions of section 2 of this act, any governmental activity relating to Alaska provided for by law, and to transfer to the officer so selected, the necessary personnel, records, or transcripts of records, property (including office and field equipment), and unexpended balances of appropriations.

SEC. 6. That the Secretary of the Interior be, and he is hereby, directed to make an examination as to the feasibility and propriety of consolidating into a single force the police and law enforcement agencies of the Federal Government in Alaska, and to report to the next session of the Congress his conclusions with reference thereto and the facts upon which they are based, together with a statement of the cost of such consolidation as compared with present expenditures for law enforcement in that Territory.

Mr. WARREN. Mr. President, may I ask the Senator from Ohio does the bill provide that the officer designated shall be a bonded officer?

Mr. WILLIS. I will say to the Senator from Wyoming that I do not recall any provision about such officer being bonded.

Mr. WARREN. There may be instances where he would have to perform a quartermaster's duties.

Mr. WILLIS. The bill merely authorizes the Secretary of the Interior, for example, to designate an officer who is now in Alaska to represent particularly the Secretary of the Interior, and all of the various functions of the Interior Department shall be carried on under him; likewise as to the Agricultural Department, and likewise as to the Department of Commerce.

Mr. WARREN. I assume that these officers will be under bond?

Mr. WILLIS. Undoubtedly so. I repeat, I do not know of the slightest objection to the bill from any quarter.

Mr. KING. I should like to ask the Senator from Ohio whether the commissioners created by the bill are to be maintained in Alaska; and if so, whether that will involve additional expense?

Mr. WILLIS. There is to be no additional expense, the idea being that some officer now in Alaska and already being paid shall be designated for this purpose. That is the sole object of the bill.

Mr. KING. Would it not be a good idea—I have just this moment seen the bill—on page 1, line 6, after the words "to designate an employee thereof," to add "employed in and residing in Alaska"?

Mr. WILLIS. I should be glad to accept such an amendment.

Mr. KING. That will insure that no additional employees shall be created.

Mr. WILLIS. That is the purpose of the bill. I am glad to accept the amendment suggested by the Senator from Utah.

Mr. KING. I move that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. I ask that the report accompanying the bill may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. WILLIS on April 29 (calendar day, May 1), 1926, is as follows:

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following report (to accompany S. 3928):

The Committee on Territories and Insular Possessions, to whom was referred the bill S. 3928, having considered the same, report it back without amendment and recommend its passage.

The purpose of this legislation is simplification and coordination of effort in the Alaskan government. As new problems have arisen in Alaska from time to time, Congress and the executive departments have endeavored to solve these problems by legislative or administrative action.

Alaska is comparatively remote from the seat of the Federal Government, and Alaskan conditions have not been fully understood. As a result there has inevitably grown up in the Alaskan government much of duplication of effort and overlapping of functions. There is too much lost motion in the Federal governmental departments so far as Alaska is concerned. Each department exercising authority in Alaska has striven to solve its own problems, and that too often without reference to the problems, personnel, and authority of other departments. Too large a percentage of the population of Alaska consists of Federal employees.

It is believed that the enactment of this legislation will lead to greater simplicity and economy in the government of Alaska, and will produce greater efficiency through proper coordination of effort on the part of the various executive departments now exercising authority in the Territory.

The Secretaries of the Interior, Agriculture, and Commerce cordially approve the bill, as is indicated in their letter herewith attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR SENATOR WILLIS: It is realized by those interested in the development of Alaska that the natural resources are controlled by the Departments of the Interior, Commerce, and Agriculture, and it is principally in them that duplication and overlapping of functions occur. A comprehensive conception of the various Federal activities in Alaska may be gained from the organization chart which is inclosed.

As a result of a conference we have drafted the inclosed bill, which is aimed to enable the respective Secretaries to coordinate and consolidate the work of their departments in Alaska and is a constructive step toward eliminating duplication and unnecessary expense. The principle of administration recommended is for each of the departments mentioned to have a single administrative head in Alaska for all its activities. The present administrative head of the principal activity of the department now in Alaska might conveniently be selected for this purpose. By this method cooperation between departments would be promoted and authority would be centralized without interfering with the present decentralized responsibility. The department representatives would form an advisory board for Federal administration of the Territory, and to them may be delegated authority which now requires reference to Washington. The plan has the merit of initiating an effective reorganization of Alaska without increasing the personnel or expense of administration.

The first objective to be accomplished is to simplify intradepartmental administration. If it is found, after the several departments have coordinated the work among their respective bureaus in Alaska, that it is advisable to transfer the activities of some of the bureaus from one department to another, and the plan is concurred in by the respective Secretaries, the President is authorized to do this by Executive order.

Very respectfully,

HUBERT WORK,
Secretary of the Interior.
W. M. JARDINE,
Secretary of Agriculture.
HERBERT HOOVER,
Secretary of Commerce.

UNITED STATES SENATE,
Washington, April 27, 1926.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR: I thank you for your letter of the 22d inclosing S. 3928, together with joint letter from the Secretaries of the Interior, Agriculture, and Commerce favoring the bill.

It appears to me to be a step in the right direction. It tends to localize government administration in Alaska, which is very advantageous for that distant country. If this bill is passed, I have no doubt that these assistant commissioners will be able to recommend to their superiors some practical legislation which we may take up at the next session of Congress. I have a number of suggestions to make, but I realize that none of them would be accepted by the House without the approval of the three departments.

Very truly yours,

KEY PITTMAN.

UNITED STATES SENATE,
Washington, D. C., April 26, 1926.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR: In reply to your letter of April 22, I have looked over your bill, S. 3928, and approve it. Anything that will simplify the administration of Alaska will meet with my approval.

Sincerely yours,

HIRAM BINGHAM.

ABSAROKA AND GALLATIN FORESTS AND YELLOWSTONE PARK

Mr. WHEELER. I ask unanimous consent that the Senate proceed to the consideration of House bill 10733. I will say to the Senate that this is a bill which is desired by the Park Service. It is to provide for additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park. It is not proposed to take any land away from the Yellowstone Park. The bill does not carry any appropriation. There are some individuals who are interested in our national parks and in the protection of elk in the parks who have subscribed a sum of money to buy some ranches near the park and to donate them to the United States Government.

Mr. CURTIS. There is to be no charge on the Government?

Mr. WHEELER. There is to be no charge on the Government of any kind whatsoever.

Mr. McKELLAR. Does the bill contemplate a charge on the Government in the future?

Mr. WHEELER. It does not contemplate any charge in the future of any kind.

Mr. WARREN. I will ask the Senator from Montana what is the number of the bill.

Mr. WHEELER. It is Order of Business 804, being House bill 10733. The bill has passed the other House.

Mr. WARREN. Is it the bill about which we had some conversation?

Mr. WHEELER. It is the bill about which the Senator from Wyoming spoke to me. I introduced a similar bill in the Senate, but that bill carried an appropriation of $150,000, which was objected to by the department. The appropriation is eliminated from this bill, and as the bill stands to-day it is approved by the department.

Mr. WARREN. Are the lands covered by the bill outside the Yellowstone Park on the north?

Mr. WHEELER. They are on the north side of Yellowstone Park in Montana.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10733) to make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes, which was read, as follows:

Be it enacted, etc., That as a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is hereby, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of this act.

SEC. 2. That the Secretary of the Interior be, and is hereby, authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships herein above described, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of the Interior and the Secretary of Agriculture jointly: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 3. That reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of this act. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in this act: *Provided*, That all property rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

SEC. 4. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated east of the Yellowstone River in townships 8 and 9 south, ranges 7, 8, and 9 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this act, are hereby added to and made parts of the Absaroka National Forest, subject to all laws and regulations relating to the national forests; and the east bank of the Yellowstone River is hereby established as the western boundary of said Absaroka National Forest in the townships above described.

SEC. 5. That, subject to all valid existing claims and entries under the land laws of the United States, all unreserved and unappropriated public lands of the United States situated west of the Yellowstone River, in townships 8 and 9 south, ranges 7 and 8 east, Montana principal meridian, State of Montana, and any lands acquired under the provisions of this act, are hereby added to and made parts of the Gallatin National Forest, subject to all laws and regulations relating to the national forests; and the east bank of the Yellowstone River is hereby established as the eastern boundary of said Gallatin National Forest in the townships above described.

SEC. 6. That the President of the United States is hereby authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Mont.; thence south on said town-limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of this act, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 3 of this act; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior, for such lands as are added to Yellowstone National Park, may provide by rules and regulations for the management and use of the added lands as may, in his discretion, be necessary to accomplish the purposes of this act: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 1 of this act shall not be subject to location and entry under the mining laws of the United States nor the act of June 11, 1906, authorizing homestead entries in national forests.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ITALIAN DEBT SETTLEMENT

Mr. HEFLIN. I ask unanimous consent to have printed in the RECORD a brief editorial from the Chattanooga News, which is entitled "McKellar versus Mussolini."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Chattanooga News, May 12, 1926]

M'KELLAR VERSUS MUSSOLINI

American citizens, long accustomed to the usages of free people, have come to expect in metropolitan editorial comment upon matters of vital public interest an enlightened and intelligent discussion of pertinent facts. They demand honesty.

In what measure is this expectation reasonable?

Senator MCKELLAR'S unfortunately unsuccessful attempt to block in the Senate the Italian debt funding bill suggests the query.

On April 13 Senator MCKELLAR addressed the Senate at length in opposition to the administration's debt-funding measure. With a fusillade of facts, he reared an unanswerable case against the plan for both its economic and political implications.

On the following day the Baltimore Evening Sun commented upon the speech, a comment we reprint in another column of this page.

Under the caption, "100 per cent," it was asserted that Senator MCKELLAR'S opposition grew out of narrow prejudices against the Italian people, against their religion, and against their views on evolution.

Thus to dispose of a public issue centered upon one of the most vexatious economic problems in world history is utterly unworthy of American journalism. To descend to personalities and violent passions and prejudices in the discussion of a problem of such magnitude is to forsake the ennobling traditions of an honorable profession. Public intelligence is the lifeblood of democracy. To abandon the enterprise of enlightened leadership is to desert the cause of liberty.

The News does not fly to the defense of Senator MCKELLAR. His position is adequately defended when it is honestly stated. We feel only that devotion to American political ideals and institutions demands an unvenomed presentation of facts.

The settlement plan was not opposed because, as was suggested by the Evening Sun, Italy is non-Nordic. Neither was it opposed because Senator MCKELLAR divined an international conspiracy to "put a Wop in the White House."

It was opposed, first, because it was a bad bargain for the United States; second, because the plan subsidized tyranny with the tribute of a free people.

Here are Senator MCKELLAR'S words on the first point:

"While America is paying 4½ per cent, Italy, by the payment of 1.8 per cent interest, will have acquitted herself of the entire debt; but America will still owe the entire principal. In other words, Italy, under the proposed settlement, does not pay a dollar of the principal and only pays 1.8 per cent interest on the principal sum during the 62 years."

Senator MCKELLAR then submitted a table showing that during the 62-year period of repayment the United States Government would pay out of the Treasury, for interest on money borrowed to loan to Italy, the sum of $5,380,670,000. Against this figure Italy will pay to the United States in the same period $2,407,677,500. The difference between these figures, $2,972,992,500, Senator MCKELLAR defined as a bounty to tyranny, an American tribute to the despotism of Benito Mussolini.

Elaborating, then, upon the latter point, Senator MCKELLAR listed the following accomplishments of Mussolini in the government of Italy during the last seven years:

"He has overturned and destroyed the constitutional government of the Italian people.

"He has abolished free speech in Italy.

"He has in substance and in fact abolished both houses of parliament.

"He has abolished local self-government.

"He has abolished trade unions and cooperative societies.

"He has increased the army, navy, and air service of Italy.

"The secret police, by his direction, have murdered or made away with or exiled all who have gotten in his way."

A serious indictment to stand against the twentieth century government, is it not?

But Senator MCKELLAR went further. He dug into the speeches and writings of Mussolini and read to the Senate the dictator's views on some of the subjects closest to the hearts of free men. Here is one quotation from a speech by Mussolini in 1923:

"They speak of liberty, but what is liberty? Does liberty exist? After all, it represents a philosophic and moral concept. There are various manifestations of liberty. Liberty never existed."

And this, from the same speech, on the function of the state:

"How can you check discontent? By force! What is the state? It is the police!"

Modern history furnishes no parallel for the expressions. What they mean to the world is suggested by Senator MCKELLAR'S survey of the Mussolini military establishment.

"The despot of Italy—he calls himself that—is anxious to make war. He is building up his army and his navy and his air service for that purpose. America has an Army of about 125,000 men. Italy has an active standing army of 221,000 men. She has organized reserves of 948,000, and unorganized reserves of 1,500,000. She has 18,000 military officers and she has a police force—the Italian cheka—of 290,000. Her police force is more than twice as big as our Army.

"And yet, Mr. President, we are furnishing the sinews of war for Mussolini to maintain this great standing army, which is a constant menace to the peace of Europe. We are helping him do it."

We have now the full picture of a despot in power, with force to back his philosophy of tyranny. All that is needed to make a Cæsar, a Napoleon, or a Kaiser Wilhelm II is the glow of personal ambition in the breast of Benito. Is Mussolini ambitious? Has he dreams of empire and world domination? Cæsar was ambitious. He left a bleeding world in his train. Napoleon was ambitious. He reduced Europe to a battle field from the Baltic to the Black Sea. Wilhelm of Hohenzollern was ambitious. The work of defeating his ambitions left Europe and Asia prostrate and bleeding in wreckage and ruin.

Hear, then, from Senator MCKELLAR on the ambition of Mussolini:

"Almost daily we see evidences of Mussolini's ambitions. From his published statements, it is perfectly apparent that he feels himself another Cæsar or another Napoleon. He has visions of empire. He imagines himself as being a man on horseback.

"He is holding out to the Italian people in his speeches visions of the revivified glory of Rome. He tells them he is going to build them a new Rome greater than the old Rome, a new empire greater than the old empire. He is undertaking to dazzle their imaginations and awaken their ambitions, all for his own selfish ends. And we are told by our debt-funding commission that we must help him.

"Mr. President, why should free America undertake to aid this bandit of the Italian people? We all know that Mussolini has flouted his treaties, made solemnly with other nations. He has invaded territory of others in violations of those treaties. He has flouted the League of Nations, of which his government is a member. He has tried to bring war with Germany. He has disregarded, not only the rights of individuals in his own country, but he has disregarded the rights of every free nation in the world. Of course, Mr. President, under these circumstances, we have a right—nay it is our greatest duty—to look into the nature of this government to which we are offering the enormous prize of more than a billion and a half dollars."

Senator MCKELLAR was seconded in his speech by Senator THOMAS J. WALSH, of Montana. Even the supercilious Evening Sun could not attribute to Senator WALSH the motives it credited to Senator MCKELLAR. And thus comes the unfortunate truth which must disturb every friend of democracy. It is the simple fact that Senator MCKELLAR could not get his findings before the American people, at least in Baltimore. Prejudice in the so-called "Free State" crucified the facts because they were assembled by a gentleman from Tennessee.

Important in this connection is the further consideration that the government of Mussolini has since admitted that Senator MCKELLAR was right. After the Italian settlement had been ratified by the Senate, Deno Grandi, the Italian Undersecretary for Foreign Affairs, issued in Rome a statement characterizing the acceptance as a triumph for the Fascisti. These were his words:

"It became a struggle between fascism and antifascism—between the so-called democracy and dictatorship. * * * I am unable to refrain from drawing the obvious conclusion that the Senate's action now means more than ratification of a financial arrangement; that it also represents a moral victory for fascism and a political victory for the present-day Italy in the eyes of America and the world."

PORTER BROS. & BIFFLE AND OTHERS

Mr. HARRELD. I ask unanimous consent for the present consideration of Order of Business 699, being Senate bill No. 4030.

Mr. CURTIS. Let the bill be read by title.

The VICE PRESIDENT. The clerk will read the title of the bill.

The CHIEF CLERK. A bill (S. 4030) authorizing Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royal Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith to bring suit against the United States of America in the United States District Court for the Eastern District of Oklahoma, giving said United States District Court for the Eastern District of Oklahoma jurisdiction of said suit for loss and damage sustained by them through the negligent dipping and erroneous certification of tick-infested cattle in the State of Texas by the Bureau of Animal Industry, Department of Agriculture, for loss and damage sustained by them through such negligent dipping and erroneous certification of said cattle by said Bureau of Animal Industry.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

Mr. KING. Mr. President, does the bill come within the general provision under which the State pays a portion of the loss in such cases?

Mr. HARRELD. No. The loss in this case resulted from the Federal agent dipping some cattle in such a way that it did not have the proper effect; and the cattle were destroyed. The bill merely provides that the owners of the cattle shall be allowed to bring suit against the Government in order to recover damages amounting to something like $15,000.

Mr. KING. If the Senator will accept an amendment to the bill providing that in the suit which may be brought the negligent and inefficient and incompetent officers of the Government—and there are too many of them—shall be joined as defendants, I shall not object. Let us sue a few of the Government officers who, as the Senator knows——

Mr. HARRELD. Is it not the business of the Government to sue its own officers? The Government is responsible for its agents, and citizens ought not to be obliged to have to sue them.

Mr. KING. They committed a tort against the Senator's constituents, if they are in his State; and I think it would be a good example to sue some of these negligent, inefficient officials of the Government who commit wrongs and trespasses against property of other people.

Mr. HARRELD. Mr. President, I hope the Senator will not make that objection.

Mr. KING. Let the bill go over until Monday.

Mr. HARRELD. The people who own these cattle were required to dip them; the agents of the Government took them out of their possession and dipped them in such a way that some of them died and others had to be killed.

Mr. KING. Let me say to the Senator that we have had a number of similar instances. The Senator from Virginia [Mr. GLASS] the other day called attention to the fact that there were numerous cases of incompetency, inefficiency, and negligence on the part of agents of the Bureau of Animal Industry in the Agricultural Department, as the result of which people have lost their property. I think there ought to be a stop put to the Agricultural Department permitting incompetent, inefficient persons going out and preying upon people, and I think we ought to provide that they may be sued.

Mr. HARRELD. I will be glad to accept the amendment.

Mr. WARREN. Mr. President, let me suggest to the Senator that such an amendment would not affect the Agricultural Department particularly, but would affect those who lost their stock because the wrong materials were used.

Mr. KING. I am willing, in view of the fact that we have established the precedent that an individual may sue the Government, to join incompetent and negligent officials with the Government in the suit.

Mr. HARRELD. I am perfectly willing to accept that amendment, if the Senator will draw it in that form, but I do not want to delay the Senate.

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The first amendment was, in section 1, page 1, line 13, after the words "by reason of the," to insert the word "alleged," so as to make the section read:

That Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royal Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Eastern District of Oklahoma for the amount due or claimed to be due to said claimants from the United States by reason of the alleged neglect of the Government officials in the dipping of tick-infested cattle dipped in Texas under the direction of and by the inspectors of the United States Bureau of Animal Industry, Department of Agriculture, and erroneously certified by the inspectors of said bureau as being clean of Texas fever ticks and shipped to Oklahoma in the year 1919.

The amendment was agreed to.

The next amendment was, in section 2, page 3, after line 12, to strike out the period and the words "Any judgment or judgments rendered shall not exceed the following amounts and shall not include interest for any period before or after the rendition, as follows: Porter Bros. & Biffle, $60,377; Spradling & Porter Bros., $20,779; Henry Price, $16,390; Royal Spradling, $16,912; J. L. Keith, $7,480; W. T. Brummett, $10,428; Price & Florence, claim No. 1, $12,900; Price & Florence, claim No. 2, $3,500; G. J. Keith, claim No. 1, $4,970; G. J. Keith, claim No. 2, $11,790," and insert: ", and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations," so as to make the section read:

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Eastern District of Oklahoma to hear and determine all such claims. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts upon which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants. Official letters, reports, and public records, or certified copies thereof, may be used as evidence. Nothing contained in this or the preceding paragraph shall be construed as waiving any defense against such demands, or any of them, existing prior to the approval of this act, except that the Government of the United States hereby waives its immunity from suit thereon, and the statute of limitations, if applicable to said demands or claims, are hereby waived; but every other legal or equitable defense against such demands, or any of them, shall be available to the United States and shall be considered by the court; and the United States of America shall have all rights of review by appeal or writ of error or other remedy as in similar cases between private persons or corporations.

The amendment was agreed to.

Mr. KING. I now offer the amendment to which I have referred and ask that it may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 1, on page 2, line 24, after the word "United States," it is proposed to insert "and all of said Government officials whose alleged negligence resulted in the loss of said animals," so as to read:

The action in said court may be presented by a single petition making the United States and all of said Government officials whose alleged negligence resulted in the loss of said animals party defendant.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Porter Bros. & Biffle, and certain other citizens."

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. NEELY. Mr. President, I present an amendment to the retirement bill and ask unanimous consent that it may be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The CHIEF CLERK. At the end of section 3, page 8, it is proposed to insert the following:

Provided, That the provisions of this act shall apply to anyone who entered the United States Mail Service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

Mr. NEELY. Mr. President, the object of that amendment is to bring Harry C. Gibson, the first rural carrier in the United States, within the purview of the retirement bill. I ask unanimous consent to have printed in the RECORD a short affidavit setting forth the facts with regard to the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The affidavit is as follows:

STATE OF WEST VIRGINIA,
County of Jefferson, ss:

Having reference to Senate bill 786, under oath, I, Harry C. Gibson, make the following statement:

"I was the first rural-mail carrier appointed by the Government of the United States. I was selected for that service by the then postmaster at Charles Town, W. Va., George H. Flagg, and by the then Postmaster General, William L. Wilson, whose home was in Charles Town, W. Va.

"The service was put upon trial by the selection of a convenient route for me to serve, and the names of the people living upon the route who received their mail through the Charles Town office were scheduled. The mail to be delivered was placed in containers, saddlebags, and mail satchels, so arranged as to be conveniently reached by me in order as I arrived at the homes of the persons to whom it was addressed.

"For the first six or seven years I traveled on horseback. When I began this work it was a question whether the service was feasible, and whether it was of sufficient merit to warrant the expense of carrying it out, but in a short time it was found to be perfectly practicable,

and more than justified the expense. My duties were performed with such strict attention to detail that there was no confusion in the delivery of the mail, and on account of the promptness with which the mail reached its destination the demand for the service rapidly grew until it now covers practically the entire rural United States.

"After proving the value of the work, my services were availed of by the department in training carriers afterward appointed, and in organizing new routes.

"In the beginning my compensation was very small, at the rate of less than $200 a year, and after its convenience and value were established I received at the rate of $200 per year with small periodical increases. In order to carry the mail as it was thought to be necessary, so as to establish its value to the public, I had to use two horses, one not being able continuously, day after day, to go over the whole route, which was from 27 to 30 miles a day. In order to serve the people along the route selected, it was necessary for me to open from 47 to 84 farm gates daily. At that time there were no mail boxes along the road, and it was necessary for me to ride up to the doors of the houses where I had mail to be delivered.

"HARRY C. GIBSON."

Taken, sworn to, and subscribed before me, a notary public, this — day of April, 1926.

ANNA LLOYD BAILOR, *Notary Public.*

Mr. NEELY. I ask that the proposed amendment may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

PREFERENCE RIGHTS TO LAND IN OKLAHOMA

Mr. STANFIELD. Mr. President, out of order, from the Committee on Public Lands and Surveys, I report back favorably without amendment the joint resolution (S. J. Res. 96) extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma, and I submit a report (No. 835) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. CURTIS. I ask that the joint resolution may be read.

The VICE PRESIDENT. The joint resolution will be read.

The legislative clerk read the joint resolution, as follows:

Resolved, etc., That whenever the Secretary of the Interior shall carry out the provisions of section 5 of the Red River relief act (Public Law No. 500, 67th Cong.) the preference right to take or lease not exceeding 320 acres of land therein described shall be extended for 90 days to any individual citizen of the United States who was a locator or was a member or manager of an association that made a placer-mining location or that attempted to locate or develop a placer-mining claim thereon, and who believed in good faith that such land was subject to the mining laws of the United States, and who, on account of his efforts to develop the same was enjoined, fined, and committed by a State court having no jurisdiction over said property of the United States, it being situated within the boundary and jurisdiction of another State, as the same shall be ascertained and determined by the Secretary of the Interior upon the evidence and the records which have been submitted in pursuance of the rules and regulations prescribed by him: *Provided,* That the Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions hereof.

Mr. STANFIELD. Mr. President, this is a special relief measure for the benefit of settlers and claimants in the Red River oil district. We passed a similar measure as an amendment to another bill, but it was objected to by the department in that form. To meet the objections of the department, I have introduced this joint resolution, which has the approval of the Department of the Interior.

Mr. CURTIS. I have no objection to the consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Mr. President, I should like to ask a question with regard to the joint resolution. This measure gives a preference right to a locator under the law that we passed with reference to the Red River, does it not?

Mr. STANFIELD. It does. It gives 90 days preferential rights to some of those claimants when leases are sold to the highest bidder to buy in those areas objected to by the Interior Department.

Mr. LENROOT. They are to be disposed of to the highest bidder?

Mr. STANFIELD. Only to the highest bidder.

Mr. LENROOT. How many of these remain to be sold?

Mr. STANFIELD. There are only a few cases, I think, three or four in all; but the Interior Department seemingly has departed from the intent of the law, and this is a measure partially to remedy the situation.

Mr. LENROOT. I think I had rather read the measure before it is passed.

Mr. CURTIS. I was going to suggest that the joint resolution go over until Monday.

Mr. STANFIELD. Very well.

The VICE PRESIDENT. The joint resolution will go over under objection.

KATHERINE RORISON

Mr. JONES of Washington. Mr. President, there is a bill on the calendar, being Order of Business No. 827, House bill 2333, for the relief of Katherine Rorison. This woman's husband was requested by some revenue officers to go with them to arrest a bootlegging distiller. When they approached the distillery the man opened fire and Mr. Rorison was shot, but before he died he shot the distiller. Other members of the party were wounded. This bill is for the relief of this woman, who is in very destitute circumstances. I ask unanimous consent for the present consideration of the bill.

Mr. KING. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Rorison, the sum of $5,000 in full settlement of all claims against the Government on account of the death, on August 7, 1922, of William E. Rorison while assisting a Federal prohibition agent in attempting arrest of a violator of the Federal prohibition enforcement act.

Mr. BRUCE. Mr. President, what is that?

Mr. JONES of Washington. Mr. President, this is a bill for the relief of the widow of a man who was asked by the revenue officers to assist them in arresting a bootlegging distiller. When the parties approached he opened fire and shot this man. Before the man died he shot the distiller, and I think one or two other persons were injured. The woman is in very destitute circumstances. Her husband was killed. He died on the ground there.

Mr. BRUCE. Assisting the officers?

Mr. JONES of Washington. Assisting the officers.

Mr. BRUCE. Usually some innocent person, who has not even that excuse, is shot.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LABOR AND THE LAW

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Donald Richberg on "Labor and the law." It is an article delivered before the Bar Association of the City of Cleveland last December. It is a history of labor legislation in the English-speaking countries of the world, and I think it contains very valuable information.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

[From the Brotherhood of Locomotive Firemen and Enginemen's Magazine]

LABOR AND THE LAW

By Donald Richberg

[EDITOR'S NOTE: How legal customs and laws hang over from a previous age to hamper and oppress the worker to-day, when conditions are entirely different, was described by Donald Richberg, attorney for the 16 railroad labor organizations, in an address delivered in Cleveland on December 1 before the Cleveland Bar Association. The exceedingly interesting material which he presented in his agreeable style should be of great value to our members, for it not only exposes some of the old legal abuses but also throws light on ways and means of improving conditions. We are therefore pleased to publish the first installment of the address this month.]

The search for the origins of labor law might begin with the strike of brickmakers in Egypt in 1490 B. C. But even at this remote date we should find already well established the folkways and mores out of which law develops. We may as well agree with Professor Sumner that "all origins are lost in mystery" and begin our study about 27 centuries later. There are two reasons for starting this discussion with medieval England. First, we will find groups of partially free hired workers emerging from eras of slavery and serfdom, thus presenting problems of employer, employee, and government which bear some resemblance to those of the present day. Second, it is well for a lawyer to paint a dusty, conservative background before venturing to splash his canvas with the vivid reds and yellows of the industrial struggle of our times. If you are assured that he is well grounded in

ancient precedents, you may feel that his interpretation of the present scene is worth some consideration, even though it lacks that class-conscious coloring which would recommend it to the masters of legal art.

For these reasons I shall begin to smudge in the background of my picture with fingers begrimed from the pages of the yearbooks and the statutes of Edward III. The first dark splotches will represent the black plague, which had wiped out so many of the common people that the survivors were demanding what their employers called "excessive wages." Rendered unreasonable by disaster, they questioned whether they were living in the best possible of worlds under the best possible government and being offered the best possible wages by the best possible employers. They would not accept the perennial opinion of the ruling class that whatever is is right; and hence a law was passed to enforce this opinion. Here is revealed one of the great sources of labor law, which gives this early statute some importance.

KING TRIED TO FIX WAGES

Thus it came about that in 1349 Edward III, King of England, commanded "by the grace of God" that all laborers should render service at customary wages; and that if they left service or asked greater wages they should be put in jail; and if they collected any excessive wages these should be recaptured and paid over to the King. The King addressed his command to his chancellor, through whom he expected it to be enforced. Even in 1349 the chancellor found it impossible to enforce such a law; and the means of enforcement have not yet been discovered. But so great is the power of precedent that we find as late as 1919 a kingly chancellor in Indiana commanding men to dig coal at customary wages and not to leave the service of their employers under penalty of his high displeasure.

When the King's ordinance of 1349 failed of its purpose the King promulgated another statute of laborers in which he fixed maximum wages and prohibited workers from migrating. It is interesting to note that master carpenters were allowed 3 pence per day and master masons 4 pence. From the singling out of these artisans it appears that workers in the building trades were offensively active in seeking what were called "excessive wages," nearly six centuries ago. Therefore, as lawyers respectful of precedents, we can appreciate the well-grounded nature of the claims of their industrial descendants in our own time.

WHEN A BAD LAW FAILS, PASS A WORSE ONE

Wage fixing was not a success in the fourteenth century; but there are many who believe that such a policy would be more successful in a modern republic than it was in a medieval monarchy. Probably the idea is that in the time of Edward III men had so little liberty that they were likely to resent new tyrannies, while now we have so much liberty that we rather welcome new restraints. At any rate, King Edward found it necessary in 1360 to fix higher wages than in 1351, complaining incidentally that his previous law had not been respected. Therefore, he prohibited organizations of masons and carpenters. Here appears another source of much labor law: When workers organize and thus provide a means for others to ascertain mass needs and to deal efficiently with an organization instead of inefficiently with a mob, the governing group is usually inspired to pass a law prohibiting organizations or preventing them from functioning freely. Thus more human power is generated, just as there is more steam power produced in a boiler if you tie down the safety valve. When a governing group is about ready to disappear it will usually be found sitting on a safety valve.

It seems that following harsher laws, conditions grew worse. Therefore in 1363 King Edward announced another statute. This precedent also still holds good. If a repressive law doesn't work, pass a more repressive one. When a bad law fails, pass a worse one.

ATTEMPTS TO LIMIT WORKER'S FOOD AND CLOTHING

The King now commanded that all artificers should be limited to one craft—so they could not slip around and evade control; and then he regulated their food and clothing in minute details, so that laborers, in the quaint language of the law, should "come to eat and drink in the manner as pertaineth to them and not excessively." This valuable precedent was utilized as recently as 1922 when the Railroad Labor Board fixed the wages of thousands of railroad workers at an average of $15 a week; on which income, it must be conceded, a single man could not "eat and drink excessively"—and a married man could hardly eat and drink enough to keep on working. But the Labor Board of 1922, taking a leaf out of the book of Edward III, wrote this profound explanation of its action: "One of the principal troubles with the people of this country to-day is the abandonment of old-fashioned ideas of thrift and economy and the indulgence in wastefulness and extravagance." That was just the way the people in the fourteenth century troubled their King. Labor organizations have always fought old-fashioned ideas of thrift and economy and old-fashioned rulers have passed new labor laws to protect the good old-fashioned ways.

King Richard II found the labor problem unsolved even by the strong laws of Edward III. So he made a law in 1388 prohibiting the migration of workers and limiting wages, in order to stop demands for "outrageous and excessive hire." He prohibited any agricultural worker over 12 years of age from becoming a craft worker. Here is a precedent worthy of use in the "back to the farm" movement of to-day. King Richard also prohibited laborers from wearing weapons or playing such "importune games" as tennis, football, quoits, and dice.

A LAW IN THE INTEREST OF LABOR

Hurrying along a few decades let us pause a moment at the acts of Edward VI passed in 1548. Despite the robust laws which his predecessors had enacted to keep workers in their place, various forms of self-protective organizations had sprung up. So the King prohibited all combinations of workers to fix conditions of work or prices for labor and products on penalty of fine, imprisonment, pillorying, loss of an ear, and dissolution of the organizations. This drastic legislation was strangely ineffective and in 1562 was passed the famous act of Elizabeth, which codified and revised the prior laws, because it was officially stated that on account of the increased cost of living "said laws can not conveniently, without the great grief and burden of the poor laborer and hired man, be put in good and due execution."

This humane expression of interest in the workers is not incidental but highly significant, because here for the first time we find a labor law partially in the interest of the worker, the beginning of labor law in the modern sense—that is, law based on alleged consideration of the interests of employees as well as of employers. This act of Elizabeth remained theoretically in force for over two centuries. Bit by bit it was superseded by other laws or disregarded as obsolete. Finally it was wiped off the books in 1814, having long been, to quote Lord Mansfield, "against the natural rights and contrary to the common law rights of the land."

PROVISIONS OF THE "ACT OF ELIZABETH"

Some of its provisions were:

a. Workers must serve but must be hired for a minimum of a year.

b. Servants must remain and be retained to the end of their terms.

c. Certain persons must work at agriculture.

d. Laborers must work from March to September from 5 a. m. till after 7 p. m., with not more than 2½ hours off for eating, drinking, and sleeping, and from September to March must work from sunrise to sunset.

(This is an early example of a daylight saving law. None was to be wasted.)

e. Wages were to be fixed by justices of peace, sheriffs, and mayors.

f. Unmarried women from 12 to 40 were required to work. (Agitation for minimum wage laws probably dates from this act.)

It is now appropriate to follow our *Mayflower* ancestors to America and to record that the court of assistants of Massachusetts Bay Colony at its first meeting in August, 1630, fixed the wages of artisans such as carpenters, masons, and sawyers. After various wage fixing laws had been tried and failed the general court passed a law in 1634 establishing a board of three to fix wages when a dispute arose. The number of ineffectual attempts to fix wages by law, which were tried and failed in England and America prior to the American Revolution, might be expected to deter those who generations later are seeking to drive us back to the mistakes of our ancestors. Unfortunately, lawyers are inclined to regard all precedents as green lights unless they are labeled "red."

MEDIEVAL LABOR LAWS INEFFECTIVE

Having now arrived at the beginnings of modern labor legislation, we might pause to review a few significant characteristics of medieval labor law. First, this labor law was enacted to repress the upward strivings of the wage earners by limiting their earnings, by breaking up their organizations, and by penalizing those rebellious individuals who tried to get more than the customary quantity of crumbs from the tables of their social superiors. Second, all these laws were ineffective against the pressure of economic conditions. Political power undoubtedly warped economic conditions and negatived economic power to a limited extent for a limited time, but in the long swing flats yielded to facts. Economic power became political power.

With the industrial revolution of the nineteenth century two new classes growing in economic power began a contest for political power—industrial operators and industrial workers. New social, economic, and political issues arose too rapidly for the development of the folkways, customs, and laws that would provide for their orderly disposition. A new game was being played. The rules of the old game did not apply, and every player wanted new rules made that would help his side. The cleavage between employer and employee became more distinct. Class consciousness grew. Labor unions and employers' associations gathered the opposing forces for combat on economic and political battle fields.

ENGLISH LABOR ENTERS POLITICS

In England the political battle ground was Parliament. Labor combinations were prohibited in 1799. In 1824–25 these laws were repealed and combinations were permitted, but for only limited objectives. In 1859 there was another liberalization, and finally in the Parliament of 1871–1876 the normal activities of trade-unions were definitely legalized. For some 30 years this legal status persisted until in 1901

came the stunning decision in the Taff-Vale case, wherein the House of Lords held that trade-unions could be sued for damages and restrained by injunction from what the judges might hold to be unlawful, even though not criminal, acts. This judgment had far-reaching results. The membership of the unions was trebled. The newly formed Labor Party developed rapidly into a great political force. The judge-made law was repealed by the trade disputes act of 1906.

Undeterred by these consequences the opponents of trade-unionism launched their next attack in the same field wherein they had won a Pyrrhic victory in 1901. In December, 1909, the House of Lords handed down the Osborne judgment making unlawful all trade-union activities except those regulating industrial relations and by definition excluding the unions from political and educational endeavors. This choice product of judicial wisdom excluded labor organizations from any means of promoting the welfare of their members except those "conspiracies in restraint of trade" that would have held unlawful except for the act of 1871. I quote the trenchant comments of the Webbs in their History of Trade Unionism:

"So topsy-turvy a view of trade-unionism * * * seems to have arisen from the judges' ignorance of two centuries of history. * * *"

"Not political action alone, not municipal action alone, but any work of general education of their members or others * * * were all henceforth to be ultra vires (outside the province of the organizations) and illegal. * * *

"What lay behind the Osborne judgment was a determination to exclude the influence of the workmen's combinations from the political field."

PARLIAMENT REPEALS JUDGE-MADE LAW

Again it was necessary to obtain an act of Parliament to repeal a judge-made law, and this was accomplished by the trades disputes act of 1913.

In concluding this hasty review of recent English labor law it is well to mention that the temporary crippling of the labor movement from 1901 to 1913 resulted in very large immediate gains to investors—a profit of about $300,000,000 has been estimated by conservative authority. Another and more permanent result was to reestablish in law the anomalous status of labor organizations with the right to strike, to picket, to persuade others even into breaches of contract, and the grant of a special immunity to trade-unions from suit or liability for damages.

A result of even greater consequence was the undoubted impetus which this use of political power against labor gave to the efforts of those urging that labor must use political power against its opponents. A further consequence, emphasized since the World War, has been the segregation of organized labor as a separate element of society. To those in America who sympathize with English efforts to disintegrate the political and economic power of labor by labor law there is a warning in the results accomplished that may not increase their satisfaction with the contemporaneous development of labor law in America to which we will now turn.

UNITED STATES LABOR LAW MADE IN COURTS

The law of labor disputes in the United States will be found in the opinions of our courts rather than in the acts of our legislatures. A large number of statutes provide protection for individual workers. These concern such subjects as factory inspection, safety appliances, employer's liability, hours of labor, child labor, and form of wage payments. Such laws, although perhaps enacted largely in response to the pressure of labor organizations, do not govern group activities. In contrast to these constructive laws it is noteworthy that a law of labor disputes, almost wholly destructive in character, has been written in the equity courts in the form of limitations upon the collective action of wage earners. Even lawyers may not realize that practically all this judge-made law has been written at the request of and in the interest of one party to a great social conflict. Examine the packed volumes of labor cases and you will find that the employer is consistently the plaintiff, and that the legal doctrines which have emerged uniformly assist the economic power of the employer and impair the economic power of the employee. These decisions do not restate old law except ostensibly. In fact, a new law of industrial competition has been written by our chancellors in the last 50 years. Pomeroy states the scope of this law quite compactly in his Equity Jurisprudence:

"The courts have thus been required to face such questions as the nature and extent of the capitalist's rights in the management of his business and of the workingman's property in his labor; to decide how far the employer shall be protected in his right to have labor and custom flow to him free from the interference of third parties and how far the laborer shall be protected from similar interference in his contract of employment or his right to secure employment; to determine what limits shall be placed upon individuals and combinations of individuals in seeking their economic advancement at the expense of their fellows. All these and other problems have come before the courts in rapid succession."

JUDGES PRESENTED WITH NEW COMPLEX PROBLEMS

There can be little question of the need for some new law. The personal relationship of master and servant had disappeared. The owners and users of tools had lost direct contact. A new and intricate machinery of stock holding, management, and wage earning had brought about new human relationships in industry, raising new problems of adjustment for which the ancient folkways and customs offered no solution.

These new problems were submitted to the courts—to judges obligated to enforce established customs, to apply old rules—men poorly equipped with either training or authority to act as social engineers to construct highways over untracked mountains to an unpromised land. It is not surprising that they have often defined freedom in terms of slavery and sanctioned wrongs in the name of rights. The benevolent rulers of every age have committed similar follies with equal assurance of wisdom and righteousness.

MEDIEVAL PRECEDENTS SHOULD NOT HOLD NOW

There are at least two factors that should qualify the use of precedents to guide the regulation of human conduct, but which receive inadequate consideration in the courts—first, change in the physical conditions, and, second, change in the mental condition that gave rise to, and may have justified, the rules of conduct once enforced. Every sound rule of law is tailored to economic, social, and political conditions, and a new garment must be cut and fitted when these conditions change.

The law of "master and servant" does not fit the relations of "employer and employee." Yet every lawyer knows what a task it has been to get rid of the obsolete precedents in the "fellow-servant" and "assumed-risk" doctrines.

The ancient laws of domestic relations are grotesquely inapplicable to modern actual domestic relations * * * as every married man knows.

The laws of "sovereign and subject" have little place in judicial decisions regarding the rights of a citizen in a republic. Yet within recent years Mr. Justice Harlan was compelled to dissent vigorously from a decision of the Supreme Court based on precedents from an epoch when, as he pointed out, "no account was taken of a man as a man, when human life and human liberty were regarded as of little value, and when the powers of government were employed to gratify the ambition and pleasure of despotic rulers, rather than to promote the welfare of the people, and when laborers had no rights their employers or the courts were bound to respect."

A changed mental condition is even more commonly ignored in judicial reasoning. Yet a just and enforceable rule of law must be fitted to the philosophy of the people upon whom it is imposed. For example, in a time when, in the language of Mr. Justice Harlan, "laborers had no rights their employers or the courts were bound to respect," it was natural for the courts to develop the law that any combination of workers to advance their interests was a criminal conspiracy. Out of these precedents has developed a major part of our present judge-made law regarding industrial disputes. The foundations of that doctrine, as applicable to labor combinations, have been repudiated in the language of the highest courts of this country. Thus the opinion of the Supreme Court in the Tri-City Council case in 1922 reads: "The right to combine for such a lawful purpose has in many years not been denied by any court * * *. To render this combination at all effective, employees must make their combination extend beyond one shop * * *. Therefore, they may use all lawful propaganda to enlarge their membership, especially among those whose labor at lower wages will injure their whole guild."

Despite such verbal repudiations of the bases for restraining labor organizations as criminal conspiracies, the courts generally, including the Supreme Court, have in fact consistently invoked the conspiracy precedents to justify injunctions against trade-unions. Acts admitted to be lawful are enjoined as lawful means to accomplish an unlawful end, although the objects of labor unions are theoretically lawful. Lawful individual acts are proscribed as unlawful when done in combination. Merely acting in combination may be held to create an unlawful conspiracy without the proof of a single unlawful act as the product of the combination. These doctrines are all founded on the practical assumption that labor organizations are criminal conspiracies, although that assumption is officially repudiated.

It is apparent that public opinion to-day will not support a law which candidly defines a labor union as a conspiracy. Therefore the courts are not justified in using conspiracy precedents, grounded in a discarded social attitude toward labor, as the basis for writing modern labor law. It may be added that as long as this judicial error persists the courts will continue to write mischievous and unenforceable labor law. They will continue to promote social discord, to increase class consciousness, and to intensify class antagonisms by unwise uses of political power. They will fail to perform in our competitive society their appropriate functions of maintaining fairness and freedom of competition, while holding the scales of justice equally balanced between the competitors.

WHO WRITES THE LAW?

To those who may object to my assumptions that the courts not only write the law but also write that law largely at the behest of the dominant political power, I commend the words of the late Prof. John Chipman Gray, of Harvard, one of the wisest legal scholars who ever lived, conservative but thoroughly scientific in thought and expression:

"The true view, as I submit, is that the law is what the judges declare; that statutes, precedents, the opinions of learned experts, customs, and morality are the sources of the law; that back of everything lie the opinions of the ruling spirits of the community who have the power to close any of these sources, but that, so long as they do not interfere, the judges, in establishing law, have recourse to these sources." (Nature and Sources of Law, sec. 602.)

This quotation from Gray may be supplemented by one from Austin, whose authority is even more widely accepted and who ridiculed "the childish fiction employed by our judges that judiciary or common law is not made by them, but is a miraculous something made by nobody, existing, I suppose, from eternity and merely declared from time to time by the judges." (2 Jur. (4th ed.) 655.)

It is a waste of time to criticize judges who chatter about equality of right and liberty of contract between a billion-dollar corporation and a man looking for a job. When judges solemnly announce that society is more interested in preserving the freedom of one man to injure himself and his coworkers than in preserving the freedom of a hundred thousand men to promote their common interests, it is unnecessary to argue that the lawmakers do not know what they are talking about. That fact is obvious. It is, however, worth while to point out the misdirection of persistent efforts to combat natural laws of human conduct with artificial laws.

HE WHO RULES MUST SERVE

We have been writing quite vigorously for several decades artificial laws against concentrations of capital power, and meanwhile natural laws have brought about greater concentrations of capital power than the world has ever known. It was not the appropriate use of political power to attempt to destroy this economic power. Political power should have been used merely as the means to enforce a social law that power and obligations shall increase in equal proportions; that he who rules must serve; that wealth and power are protected by the community in order that they may be used for the common welfare. The precedents for such law precede the common law of England by many centuries. An ancient lawgiver of greater authority than Coke or Blackstone phrased the rule in these words: "Whosoever will be chief among you, let him be your servant." Unhappily this rule is seldom quoted or followed in judicial opinions.

The inevitable extensions and concentrations of capital power during the industrial revolution brought with them extensions and concentrations of labor power. It was not the appropriate use of political power to attempt to destroy this economic power. Political power should have been used merely to enforce against labor power as against capital power the well-grounded law of social relations—that increase of power carries with it increase of obligation.

MEDIEVAL LAW NOT SUITED TO MACHINE AGE

The responsibility for the misdirected efforts of the courts in developing a law of labor disputes rests primarily upon the lawyers who have sought through medieval precedents to sustain medieval powers in the control of modern industry. They have succeeded to such an extent that, as Professor Carlton writes: "The industrial world is the last stronghold of the despotic principle." Yet in preserving legal sanctions for industrial autocracy in a political democracy, lawyers have been forced to rely considerably upon the ignorance of the judges and of themselves regarding economic history.

It was my purpose in reviewing the early English statutes and their more recent counterparts to point out that the principal programs now being advocated by employer groups to bring law and order into industrial warfare were tried and found wanting centuries ago. Wages were fixed by law. Combinations of workers were forbidden. Political force in every possible form was used to compel men to work under terms and conditions satisfactory to those who owned property and controlled the police power. Those who believe themselves possessed of superior brains, uniting with those possessed of inherited power, have always sought and sought in vain to find some political formula for solving the labor problem profitably.

Warriors, churchmen, kings, and hereditary nobles had their day and lost their power as the masses struggled upward. As the average level of well-being rose higher, there was a constant broadening of the base of social control. In the nineteenth century democracies of small property owners rose and flourished. For a time it seemed as though mankind had found the solution of the world-old problem of preserving individual freedom and promoting social cooperation. Our forefathers sought to establish a government that would protect the life, liberty, and property of each citizen, and it was clearly their opinion that the protection of property rights was not the least important of its functions.

PROPERTY OWNERSHIP NOT ROAD TO FREEDOM

"Private property" was envisioned as the institution through which, with safety and freedom of action, men might pursue and attain happiness according to their natural capacities. It would be well for those who now seek to increase, and for those who now seek to diminish, property power to realize that laws of property have been developed largely in the promotion of human freedom in times when the way to freedom lay through the ownership of property. The thought that a man might own a little spot of earth and live and work upon it free from external coercion and yet in association with his fellow men seemed once the ideal of human freedom. It is to many the ideal to-day. But to many millions this is no longer a realizable ideal. In fact, property ownership is no longer an assurance of freedom to anyone.

Everyone who lives in America to-day is dependent for his daily happiness not merely upon the protection of his own property rights but also upon some limitation upon the property rights of others. We live and work in buildings owned by others. Almost everything utilized in our daily life comes to us through the hands of many others. We work with a tiny part of a vast machinery of production and distribution which must keep operating for the good of all. Property rights are of enormous importance in preserving the orderly operations of this machinery under present conditions, but limitations upon property rights have become as important as the rights themselves. Those primarily interested in property ownership and control, thinking primarily as profit makers and sellers, seek to extend too far the economic and political power of property ownership. They overemphasize the social value of property rights. Those primarily interested in the uses of property, thinking primarily as wage earners and buyers, seek to restrain, even to destroy, the economic and political power of property ownership. They underemphasize the social value of property rights.

THE OBLIGATIONS OF POWER

There seems to be emerging from generations of trial and error, from hard work and hard thinking, a principle to which I have referred which can be soundly used in the writing of law, the principle that every right carries with it a corresponding obligation; that every freedom carries with it a corresponding servitude. The right to own a cobbler's tools and the freedom to make shoes, as and when and where one wished, carried with it little social obligation and imposed little servitude. The right to own the factories sufficient and necessary to produce the shoes of a nation and the freedom to direct the operations of that factory carries with it an obligation and a servitude to the nation. This must be so. No community will sustain by law the right of any man or group of men to determine whether the community shall be well clad, well fed, and well housed or shall starve and shiver in hovels. Those who seek power must accept obligation.

So long as the opportunity to acquire property was open to practically every citizen according to his ability, and so long as increased property ownership carried with it increased freedom, there was no real labor problem in the United States. The ambitious worker, dissatisfied with his employment, could go West and grow up with the country or he could stay East and compete in industrial operations where there was real competition. But free land is no longer open to our millions of industrial workers. Nor do the conditions under which they grow to manhood train them in self-sufficiency. Millions of men are born and raised in a social stratum from which emergence is actually impossible for all but the few exceptionally able or lucky.

NECESSITY FOR LABOR ORGANIZATIONS

Thus we find huge labor organizations growing out of the conviction expressed by John Mitchell: "The average wage earner has made up his mind that he must remain a wage earner. He has given up hope of a kingdom to come where he himself will be a capitalist, and he asks that the reward for his work be given to him as a workingman." Through these labor organizations men are seeking to establish certain rights which they find essential to individual freedom. In feudal England a property right in land was practically essential to individual freedom. The struggle for freedom was a struggle to free the man from serving the land. When he owned the land instead of being owned by the land he became a freeman in fact. The recent revolution in Russia succeeded because the peasants were given dominion over the land. The United States of America became the great Nation that it is because it was developed by men who were free in fact—because land was free. They had dominion over property. They were not ruled by other men through property.

The labor movement to-day is a continuance of the age-old struggle of men for freedom. But instead of seeking freedom through obtaining property power organized labor is seeking to restrain that property power which, fortified by political power and unrestrained by any other economic power, will inevitably destroy the freedom of the worker. And if all the industries of the country were directed by benevolent-minded and efficient owners, men who love liberty would still pray that labor would continue to organize, even though benevolence might thereby be thwarted and efficiency impaired, so long as it

organizes to retain for American citizenship the dignity of free, self-respecting manhood.

Let me again quote from Professor Carlton: "The work of labor organizations to improve the economic status of their members aids in conserving and in spreading the fundamental ideals of equality and of general participation in government. * * * Organized labor may be considered to be an important conservator of modern democracy."

It should be well understood by anyone as well educated as a lawyer is supposed to be that the struggle of the masses upward will not be halted by laws protecting the members of a governing class in their powers without requiring them to fulfill their corresponding obligations. Industrial power is now so great that the protection of private property rights in large enterprises must involve the corresponding enforcement of public obligations—not merely obligations to consumers who depend upon them for necessities but also obligations to workers who depend upon them for their livelihood.

We have long ago written into law the obligations imposed upon men and properties devoted to public-utility service. Such obligations have been tentatively extended to various industries "affected with the public interest." What great industry to-day is not affected with the public interest? The obligations to consumers that go hand in hand with property rights are fairly well understood, even though very poorly enforced. All must be served alike without discrimination for just and reasonable charges. The obligations of property owners to workers, to those who must use these properties, who are dependent for their livelihood upon the opportunity to use these properties, are not so well understood. As we grow in this understanding just labor law will grow.

Men trained to a specialized task in modern industry become more and more dependent upon the opportunity of employment in order to earn a living, to support themselves and their families, to live as what we are pleased to call "good citizens." If the employing power may be arbitrarily used, such men are dependent upon the favor of others.

THE "RIGHT TO WORK"

The employer may grant or deny at his will, according to his immediate interest, the necessities of life to employees. When you read that 5,000 men are laid off, do you realize the tragedy that has darkened 5,000 homes? When you read that 5,000 men have gone on strike, do you realize the pressure of necessity, the sense of desperation that must nerve men to such a sacrifice?

All parties speak eloquently of the "right to work." But the right to work becomes a mockery when it is only a right to ask for a job and to take what compensation the job giver is willing to offer under the working conditions which the job giver is willing to establish. The right to work as a substantial right open to any man who is able and willing to render useful service must be established as the foundation of just industrial relations. So far as the enforcement of that right imposes obligations upon property ownership, those obligations must be accepted and fulfilled as compensation to the community for the property rights which the community upholds.

ORGANIZED LABOR AS ESSENTIAL AS ORGANIZED MONEY

The organization and collective action of those who have labor to invest is essential to preserve the freedom of labor and the right to work, just as the organization and collective action of those who have money to invest is necessary to preserve their property rights.

With what scorn would money investors greet the proposition that stockholders and bondholders should not be permitted to organize to influence the decisions of management and to protect their contributions in an industrial enterprise. Imagine the ridiculous spectacle of the manager of a business in need of outside capital announcing that he believed in the "open shop" for stockholders, that he was opposed to all bankers who sought to organize and to control the placing of money contributions and to dictate the terms upon which money might be hired and employed!

Imagine such a manager advertising in the newspapers for $10,000,000 of "free capital," announcing that he would not employ any organized capital and that he would run his business free from outside dictation and would discharge any money investor who conspired with any other money investor to protect and promote their common interests. Imagine such a manager seeking to have laws passed to prevent organized money from striking.

Of course, the analogy is not quite fair. It is not complete. Few analogies are. But it is sufficiently accurate to reinforce my contention that fair industrial relations must permit employers and employees to exercise their actual economic power in competition free from restraints from political power, except where obligations are imposed by law to correspond with power protected by law. So long as men have competitive interests and their right to pursue them is sustained by law, just laws must grant equal freedom and equal restraint. Unless you are prepared to advocate price fixing by law, do not advocate wage fixing by law. Until you are prepared to have your own income fixed by law do not try to have the other fellow's income fixed by law. Unless you are prepared to curtail the right to discharge, do not try to curtail the right to strike. It may be that in the development of individual man and of social institutions the time will come when the competitive instinct will be transformed into a cooperative purpose, when the primitive desire to take for oneself will be transformed into a desire to give to others. "The mind is in the making" and no one can prophesy what the product shall be. The conditions of life are changing rapidly and no one can prophesy what the effects may be upon the ideas of men. But to-day we live in a competitive world. We are visibly struggling to make it a world of peaceful competition, to eliminate violence between nations and between men. Judging by the World War and recent crime statistics, we have not been highly successful in our efforts, but it is to our credit that millions of men and women are really striving for peace.

RIGHT INDUSTRIAL LAWS WILL PROMOTE PEACE

If we would have peace and yet competition, we must develop and write and enforce fair rules of competition. When we write an unfair rule of competition by law we use political power; that is, we use force against our competitor. Force begets force; and "he that taketh to the sword" should not be surprised if his opponent uses a meat ax.

The law of industrial relations should be written in contract and not in tort. It can not be written in contract unless there are contracting parties. One unit of labor can not protect itself by contract any more than one unit of capital. The organization of labor units and of capital units makes possible contractual relations between masses of capital and of labor; and contracts make possible a law of industrial relations that will promote peace.

PATH TO INDUSTRIAL JUSTICE

The Government which seeks industrial peace and justice will aid the organization of labor as effectively as the organization of capital has been aided. It will not hamper the growth and concentration of labor power or capital power that proceeds without violence or dishonesty. It will deal sternly with force and fraud, recognizing that it is just as wrong to bludgeon a man with hunger as with a club and that a labor contract induced by fraud and coersion should be no more enforceable than any other contract so procured; but that a labor contract freely and honestly made should be just as enforceable as any other contract.

Such a Government we might have soon if the lawyers of the Nation would unitedly strive to develop our laws in harmony with the spirit of our institutions; if they would resist temptations to use short cuts to success * * * to use quick destructive forces instead of slow constructive persuasion; to use the criminal law to enforce civil obligations; to appeal to the prejudice of a judge in order to avoid the prejudice of a jury; to have laws written privately in the courts instead of publicly in the legislatures; to have laws that have been written annulled by judicial or executive interpretation. These temptations are constantly put before a lawyer, particularly if he is engaged in the tense conflicts between economic interests. But in all these short cuts there will be found somewhere an abuse of governmental power and he who procures or encourages abuses of governmental power is engaged in undermining the foundations of his Government.

Men of vigorous minds and bodies are always impatient of the restraint necessary to keep pace with the slowly moving masses of humanity. But this old world has experimented for centuries with government by a few, and after many shipwrecks is now trying government by the many. Fisher Ames said that monarchy is a ship that sails well, but may strike a rock and go to the bottom; that a republic is a raft which will never sink, but where your feet are always in the water.

THE TREND OF THE TIMES

The same metaphor may be applied to industrial control. Perhaps the industrial ships will not sail so well when their captains have less authority than the power of life or death and when the sailors have a voice in determining the cargo to be carried, the speed of the voyage, and the port of destination. But Americans are reared in the traditions that life, liberty, and the pursuit of happiness are inalienable rights and that governments derive their just powers from the consent of the governed. It is unreasonable to expect that men and women of such spiritual inheritance will permit their lives, liberties, and happiness to be determined by industrial rulers unless their powers are derived from the consent of those they govern. Whether we like it or not, by our experiment in political democracy, accompanied by the development of what are in effect national industries, we are being carried irresistibly into a further experiment in industrial democracy. The sooner this trend of the times is recognized, instead of being ignored or combated in the courts, the sooner will the solution of grave industrial disputes be found in a civil lawsuit instead of in a civil war.

When the law becomes adequate and impartial in substance and administration we may expect the end of these civil wars where rival gunmen battle in the streets, where police and soldiery march in and out to maintain such law and disorder as may aid private interests, where gangs of red-eyed citizens are inspired alternately to lynch

strikers and to tar and feather strikebreakers, while all the time the courts thunder diligently from mist-hidden heights whence the plains of conflict are scarcely visible.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate, under the order previously made, adjourned until Monday, May 17, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 14 (legislative day of May 10), 1926

UNITED STATES ATTORNEYS

J. D. Ernest Meyer, of South Carolina, to be United States attorney, eastern district of South Carolina. A reappointment, his term expiring May 16, 1926.

A. V. McLane, of Tennessee, to be United States attorney, middle district of Tennessee. A reappointment, his term expiring May 24, 1926.

UNITED STATES MARSHAL

Samuel J. Leaphart, of South Carolina, to be United States marshal, eastern district of South Carolina. A reappointment, his term expiring May 16, 1926.

PROMOTION IN THE REGULAR ARMY

TO BE MAJOR

Capt. Orva Earl Beezley, Field Artillery, from May 6, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14 (legislative day of May 10), 1926

PROMOTIONS IN THE NAVY

TO BE ENSIGNS

Mannert L. Abele.
Charles Adair.
Malcolm S. Adams.
Dwight M. Agnew.
Lloyd J. S. Aitkens.
Donald G. Albertson.
Donald W. Alexander.
William G. Allen.
William L. Anderson.
William W. Anderson, jr.
Erasmus W. Armentrout, jr.
Justus M. B. R. Armstrong.
Robert G. Armstrong.
William C. Asserson, jr.
Theodore C. Aylward, jr.
Gerald D. Baker.
Robert de C. Baker.
Howard E. Ballman.
Neill K. Banks.
Nathaniel C. Barker.
Albert Benjamin.
Haze J. Bergeron.
Albert E. Bernet, jr.
Henry E. Bernstein.
Karl J. Biederman.
Joseph L. Bird.
Daniel T. Birtwell, jr.
Francis L. Black.
Hugh D. Black.
Welford C. Blinn.
Richard M. Boaz.
Almerian R. Bolleau.
Henry A. Boorse.
Edward J. Boughton, 3d.
Charles L. Boyle.
Upton S. Brady, jr.
Leonard Branneman.
James T. Brewer.
Charles E. Briner.
Clarence Broussard.
Bert F. Brown.
Donald C. Brown.
James R. Browne.
John H. Brownfield.
Henry C. Bruton.
Charles A. Buchanan.
Vincent B. Burchett.
John L. Burnside, jr.
Vilhelm K. Busck.
Francis L. Busey.
Wilfred Bushnell.
Frank T. Butler.
James F. Byrne.
Earl S. Caldwell.
Joseph W. Callahan.
Donald G. Campbell.
George W. Campbell.
Gordon Campbell.
Neil R. Campbell.
Spencer A. Carlson.
Francis X. Carmody, jr.
Charles L. Carpenter.
William H. Carpenter.
Charles R. Carroll.
Robert W. Cavenagh.
Alexander B. Cecil.
Henri de B. Claiborne.
Murray W. Clark.
Ralph S. Clarke.
Chester L. Clement.
Joe B. Cochran.
Thomas F. Conley, jr.
Jacob E. Cooper.
William G. Cooper.
Clifford T. Corbin.
Gideon A. Cox.
Kenneth Craig.
Donald A. Crandell.
John J. Crane.
George G. Crissman.
Charles E. Crombe, jr.
Benjamin R. Crosser.
Ambrose F. Crowley.
Paul M. Curran.
Benjamin S. Custer.
Frederick A. Davisson.
Charles N. Day.
Robert R. DeWolfe.
Henry T. Dietrich.
Edward N. Dodson, jr.
William A. Dolan, jr.
Francis J. Donahue.
Leonard J. Dow.
Paul L. Dudley.
Clifford H. Duerfeldt.
John M. Duke.
Stanton B. Dunlap.
Charles C. Dunn.
Ritchey L. Durham.
Walter L. Dyer.
William L. Dyer.
John C. Eakens.
Hilan Ebert.
William C. Eddy.
Heywood L. Edwards.
Eddy W. Elliott.
Thompson P. Elliott.
Robert B. Ellis.
John H. Ellison.
Ramond C. Ericson.
George M. Estep.
Marvin P. Evenson.
Henry Farrow.
Edgar D. Fisher.
John P. Fitzsimmons.
Royce N. Flippin.
William O. Floyd.
George W. Foltz.
Armwell L. Fooks.
Francis X. Forest.
Carl J. Forsberg.
John G. Foster, jr.
Douglas H. Fox.
James B. Fox.
John E. Fradd.
Walter E. Fratzke.
Harold A. Fravel.
Theodore R. Frederick.
Louis E. French.
Laurence H. Frost.
Wallace W. Fuller.
Ranson Fullinwider.
John F. Gallaher.
Roy A. Gano.
William A. Gerth.
Howard W. Gilmore.
Douglas V. Gladding.
Warren E. Gladding.
John A. Glick.
Robert B. Goldman.
John H. Gotjen, jr.
Frederic A. Graf.
John S. Graff.
Etheridge Grant.
Alvord J. Greenacre.
Harry W. Greene.
John F. Greenslade.
James A. Greenwald, jr.
Elton W. Grenfell.
John J. Greytak.
Gale E. Griggs.
Rowland H. Groff.
Henry H. Gsell.
Louis E. Gunther.
Marshall B. Gurney.
Norman J. Habel.
Hamilton Hains.
Thomas F. Halloran.
DeWitt C. E. Hamberger.
Roy N. Hamrick.
Charles B. Hart.
Joseph R. Haskin, jr.
Valery Havard, jr.
Norman A. Helfrich.
Guy B. Helmick.
Owen H. Hill.
Henry T. Hodgskin.
Robert H. Hollenbeck.
William R. Hollingsworth.
Norman L. Holt.
Charles F. Horne, jr.
Hamilton W. Howe.
Irving H. Howell.
Jesse L. Hull.
Carlton B. Hutchins.
Charles Jackson.
Doir C. Johnson.
Robert R. Johnson.
Harry D. Johnston.
Carroll B. Jones.
Fielder A. Jones.
William T. Jones.
Allen R. Joyce.
Algernon S. Joyner, jr.
Eugene S. Karpe.
Benjamin Katz.
Louis E. Keady.
Allen M. Kemper.
William T. Kenny.
Lyman M. King, jr.
Bernard E. Klimas.
Wendell F. Kline.
Theodore H. Kobey.
Chester A. Kunz.
Andrew H. LaForce.
Jackson A. Lahn.
Raymond S. Lamb.
James M. Lane.
Thomas R. Langley.
Charles O. Larson.
Fitzhugh Lee, 2d.
James E. Leeper.
Louis M. LeHardy.
Thomas K. Leigh.
August W. Lentz.
Edward Leonard.
Maxwell F. Leslie.
Walter E. Linaweaver.
James R. Linsley, jr.
Ralph H. Linsley.
John S. Littig.
Orlin L. Livdahl.
Norman Loader.
Diggs Logan.
Augustus C. Long.
Carleton G. Long.
Royal Lovell.
Benjamin B. C. Lovett.
Barron G. Lowrey.
Charles H. Lyman, 3d.
Louis C. Mabley.
Frederick Mackle, jr.
Duncan C. MacMillan.
Clifton B. Maddox.
Joseph F. Mallach.
Lawrence H. Martin.
Jared A. Mason.
Leonidas M. Matthews.
Eugene F. May.
Burnham C. McCaffree.
John J. McClelland.
Jesse S. McClure.
Clarence W. McClusky, jr.
Francis D. McCorkle.
Alexander S. McDill.
Donald McGregor.
Samuel J. McKee.
John C. S. McKillip.
Gordon A. McLean.
John B. McLean.
Douthey G. McMillan.
Robert H. Meade.
Carl P. Metzler.
Daniel B. Miller.
Lawrence O. Miller.
Lewis R. Miller.
Wallace J. Miller.
Wayne H. Miller.
William Miller, jr.
Donald L. Mills.
Ernst P. Mills.
Homer V. Milton.
Bertram P. Montagriff.
Robert R. Moore.
Philip S. Morgan, jr.
John J. Morony.
James A. Morrison.
Charles W. Moses.
James A. Moss.
Ralph H. Moureau.

Albert G. Mumma.
George T. Mundorff.
William G. Myers.
John F. Newman, jr.
Stanley G. Nichols.
Philip Nickum, jr.
Albert S. Oakholt.
Frank O'Beirne.
William E. Oberholtzer, jr.
Orville K. O'Daniel.
Anderson Offutt.
Daniel M. Ogden.
Earl K. Olsen.
John O'Shea, jr.
Morris E. Paradise.
Herman O. Parish.
Marvin C. Parr.
Nelson M. Parry.
Joe B. Paschal.
Ralph E. Patterson.
Oscar Pederson.
Harlan K. Perrill.
Ernest R. Perry.
Jesse L. Phares.
Robert B. Pirie.
Karl F. Pochlmann.
Harold J. Pohl.
Harry H. Pottle, jr.
Cleveland F. Pratt, jr.
George Prifold, jr.
Nathaniel S. Prime.
Winston C. E. Prins.
William L. Pryor, jr.
Robert S. Purvis, jr.
Charles H. Quinn.
Edmund M. Ragsdale.
Carl W. Ramsey.
James W. Ransom.
James P. Raugh.
Morgan Redfield.
Herman Reich.
John K. Reybold.
Luther K. Reynolds.
John L. Rhodes, jr.
Stephen E. Rice, 3d.
Theodore W. Rimer.
Henry F. Ripley.
Edward C. Ritchie.
Edward L. D. Roach, 2d.
Walter F. Rodee.
James H. Rodgers.
Charles R. Rohweder.
William K. Romoser.
Henry D. Rozendal.
Arthur R. Rule, jr.
Benjamin Van M. Russell.
James S. Russell.
Ernst A. Ruth, jr.
William W. Rutledge.
Tracy B. Sands.
Eugene S. Sarsfield.
George E. Schade.
Frank B. Schaede.
Edwin S. Schanze.
Harper D. Scrymgeour.
Abbott M. Sellers.
Harold M. Shanahan.
George L. Shane.
Louis Shane, jr.
Israel D. Shapiro.
William R. Shaw.
Seth A. Shepard.
John Shoemaker.
James N. Shofner.
Charles E. Signer.
John H. Simpson.
Charles T. Singleton, jr.
William R. Smedberg, 3d.
Ralph D. Smith.
Sidney L. Smith.
Otho P. Smoot, jr.
Charles D. Spencer.
William C. Sprenger.
Walter C. Stahl.
Arthur G. Stanford.
Joseph B. Stefanac.
Frederick C. Stelter, jr.
Oscar Stiegler.
Everett H. Still.
Yates Stirling, 3d.
Herald F. Stout.
Charles L. Strain.
Hubert E. Strange.
Paul D. Stroop.
John A. Strother.
Joseph M. Stuart.
Lennox H. Stuart.
Dennis J. Sullivan.
Daniel J. Sweeney.
John D. Sweeney.
Willard M. Sweetser.
John Sylvester.
Carroll H. Taecker.
Clarence O. Taff.
Ford N. Taylor, jr.
John B. Taylor.
John M. Taylor.
William C. Taylor.
Fondville L. Tedder.
John B. Thomas.
Olin P. Thomas, jr.
Paul H. Tobelman.
Benjamin F. Tompkins.
Samuel M. Tucker.
William Turek.
Mario G. Vangeli.
Louis L. Vodila.
Edwin F. Voit.
Jay H. Vreeland.
Eugene M. Waldron.
John F. Walsh.
James H. Ward.
Samuel C. Ward.
Doyle C. Warren.
Paul W. Watson.
William A. Watson.
George C. Weaver.
Hugh P. Webster.
Edward L. B. Weimer.
George H. Weis.
John K. Wells.
Ralph E. Westbrook.
Thomas M. Whelan.
Walter J. Whipple, 2d.
William White.
William J. Whiteside.
William S. Whiteside.
Charles J. Whiting.
George M. Whitson, jr.
John L. Wilfong.
Joseph H. Willingham, jr.
Solomon D. Willingham.
Beverly E. Wilson.
John A. Winfrey.
Thomas M. Wolverton.
John L. Woodbury.
Wesley A. Wright.
Peter A. Wyckoff.
Ray Zemlicka.
Earl B. Zirkle.
Gerald D. Zurmuehlen.

TO BE ASSISTANT PAYMASTER

Bion B. Bierer, jr.
Lysle W. Cease.
Mark W. Clay.
Eskil T. Eskilson.
Fred L. Haerlin, jr.
Walter W. Honaker.
Owen T. Rippey.

POSTMASTERS

ALASKA

Josephine C. Spickett, Juneau.

ILLINOIS

George E. Stauffer, jr., Baylis.
Lillie M. Diver, Dallas City.
Arthur L. Patterson, Grayville.
Lawrence F. Hake, Hoyleton.
George A. Field, Mackinaw.
Nellie Mitchel, Mansfield.
James M. Carey, Maywood.
Harold H. Hitzeman, Palatine.
John L. Thomas, Pleasant Hill.
William A. Kelly, West Frankfort.

MAINE

George O. Carr, Norridgewock.

MICHIGAN

Martin S. Markham, Alanson.
Glen A. Petrie, Clawson.
Ruth F. Hastings, Engadine.
Eldon E. Baker, Flint.
Florence C. Curtis, Whittemore.

MISSOURI

David D. Scroggs, Appleton City.
Alfred L. Jenkins, Chula.
Walter S. Johnston, Crocker.
Hattie Biggs, Nellyville.

NEW YORK

Jul Johnson, Kinderhook.
Eugene H. Ireland, Palatine Bridge.
Albert D. Ritchie, Saratoga Springs.
Harry C. McNamara, Valatie.

OHIO

Hilton C. Hart, New Waterford.
Jesse A. Keller, Pleasantville.

PENNSYLVANIA

Bertha G. Thomas, Port Kennedy.
George W. Brelsford, South Langhorne.

TENNESSEE

Woodford C. Monroe, Celina.
William R. Robinson, Charlotte.
Hugh B. Nunn, Ripley.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 14, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art supremely holy, wise, and eternal, make us susceptible to Thy presence. We make humble recognition of Thee, who art above all and over all. Upon these Representatives of our Republic we pray for Thy blessings of wisdom that their decisions may bring to our fair land increasing prosperity and contentment. May this National Assembly ever be the exponent of that which is just and good. In all questions do Thou lead the way that shall reflect credit on every Member and lift our country to a higher plane of national life. With brave and manly hearts may we move forward to meet all issues that may await us. Shield and protect all our loved ones, and unto us all be Thou the bread, the water, and the light of life. Amen.

The Journal of the proceedings of yesterday was read and approved.

REMARKS OF PRESIDENT COOLIDGE IN REPLY TO THE ADDRESS OF BISHOP JOSEPH F. BERRY

Mr. BACON. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address by the board of bishops of the Methodist Episcopal Church to the President of the United States and his reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, in accordance with the above permission I insert herewith in the RECORD the inspiring messages exchanged between President Coolidge and Bishop Berry on the occasion of the call of the board of bishops of the Methodist Episcopal Church on May 6, 1926, at 12.30 p. m. The basic truths contained in these messages should be carried into every home in America:

ADDRESS OF SENIOR BISHOP JOSEPH F. BERRY

Mr. PRESIDENT: I use no merely formal words when I say that your gracious invitation to the bishops of the Methodist Episcopal Church to this happy interview was accepted with genuine pleasure. The present meeting is really a sequel to several other historic gatherings of a somewhat similar character.

It was in 1789 that the Methodist conference assembled at New York sent to General Washington, the newly inaugurated President, the formal greetings of American Methodism. Bishop Francis Asbury, whom you have eulogized in accurate and appreciative phrase, presented the address. According to the record he read it "with self-possession and in an impressive manner," and the President "replied with fluency and animation." This was the first formal greeting to the first President of the United States by any Christian church. "I must assure you," said President Washington in his reply, "that I take in the kindest part the promise you make in presenting your prayers at the throne of grace for me, and I likewise implore the Divine benediction on yourselves and your religious community."

Scarcely less interesting was another gathering in 1864, during the strenuous days of the Civil War. The general conference, assembled at Philadelphia, sent a group of its distinguished members to Washington to present its greetings to Mr. Lincoln. To that address the President wrote a formal reply, embodying sentiments which deeply gratified the whole Methodist communion, and which are widely quoted even until this day. At the earnest solicitation of Mr. Lincoln, that peerless preacher of his day, Bishop Matthew Simpson, often came to the White House during those anxious days. He was received as a personal adviser of the highest value, and a source of comfort and strength to the burdened President.

In the spirit which animated the representatives of our church on these and other occasions, we come to you to-day. In the name of nearly 20,000,000 of members and adherents we express our admiration for your consistent devotion to the duties of your great office, and congratulate you heartily upon the success of your administration. For your determined efforts to secure economy in administrative expenditures, and thus lighten the burdens of taxation, we must express our appreciation. Your steadfast stand in behalf of world peace, and your influential advocacy of a Permanent Court of International Justice have had our cordial approval. Your rigid insistance upon the enforcement of law, especially that amendment to the Federal Constitution which is intended to destroy forever the diabolism which inheres in the liquor traffic, you have earned the gratitude of every patriotic American. And the Christian idealism upon which you have put your stamp of approval, have placed not only the Methodist Church, but all the churches, under a debt which we can never fully pay.

We agree with you, Mr. President, that the United States of America must continue to maintain an attitude of definite helpfulness toward all the world. Our people have a passion for the dominance of democracy. Our sympathies for the oppressed are written in history. Carefully avoiding entangling alliances of a political and military character, and declining to assume foreign obligations out of harmony with the best ideals of the fathers of the Republic, we should, nevertheless, give that inspirational leadership which is so essential to the social and spiritual regeneration of the world in a day like this. You were exactly right when in a public address delivered some months ago you declared that "America can not maintain itself in a healthy economic and moral condition by turning all its thoughts upon itself, by making its material prosperity its supreme choice," that "selfishness is only another name for suicide," and that "a nation that is morally dead will soon be financially dead."

Remembering always that "righteousness exalteth a nation" and that "sin is a reproach to any people," we pledge ourselves to promote with increasing devotion the spirit of true patriotism among the people who are influenced by our leadership—a patriotism which finds its best expression in love of country, love of humanity, love of righteousness, and love of God.

In our public congregations and private devotions we shall continue to pray that God may have you in His keeping, that you may have the wisdom which cometh from above, and that in carrying the heavy responsibilities which must necessarily come to you, you may realize more and more His very presence and the undergirding of His strength.

REMARKS OF PRESIDENT COOLIDGE

It is a pleasure to receive the bishops of the Methodist Episcopal Church. For the kind words of a personal nature which Bishop Berry has spoken on behalf of your great and influential organization I am thankful.

With the keenest gratification I have listened to the renewal of your pledge "to promote with increasing devotion the spirit of true patriotism." I am not unmindful of that historical occasion in May, 1789, when Bishop Coke and Bishop Asbury, on behalf of the first Christian church to formally greet the President of our new Republic, called on George Washington and besought for him that divine guidance and support without which the efforts of the founders of the Republic would have been in vain.

I am told it has been a custom for your board of bishops, whenever they have been in Washington, to call upon the Chief Executive of the United States and to declare to him their faith in that Power which guides our destinies, and to assure the President of their unswerving allegiance.

From the days of Asbury, whose services in carrying the Word through the length and breadth of our infant Nation are commemorated in a statue in this city, your bishops have been consecrated, upstanding men, fighting for the cause of righteousness, justice, and humanity.

Other denominations and sects have developed courageous, patriotic leaders whose striking services to humanity and country shall not be forgotten. We have been particularly blessed in that our Government always has been able to count on the earnest and active support of the governing bodies as well as all the members of the various faiths enjoying the benefits of the religious freedom guaranteed to them by our Constitution.

It was in accord with basic truths of the universe that the signers of the Declaration of Independence declared their reliance upon the protection of a Divine Providence. Founded upon religion, our Government has derived strength and stability from the religious nature of its people. If we are to maintain our national existence, we must continue to cherish and foster this spirit which underlies and pervades all enduring achievement. So long as we adhere to the eternal verities of religion we shall not fail to keep that inspiration which has carried us through nearly 150 years.

May I extend to you and to that vast body of communicants and adherents represented by you my profound appreciation of their good wishes and of their support of our Government and its Chief Executive? May we all be endowed with the spirit of our Creator and with His wisdom to meet the duties which He has set for us to perform.

CELEBRATION AT WILLIAMSBURG, VA.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker and gentlemen, on behalf of the president of the William and Mary College, I desire to extend an invitation to the Congress to attend the exercises at Williamsburg, Va., to-morrow in commemoration of the direction of its delegation in Congress to introduce a resolution that these colonists were and of right ought to be free and independent. The President of the United States will make an address, and the president of the College of William and Mary and the president as well as the committee of the General Assembly of Virginia will be delighted to have all Members of Congress present.

I am asked to explain how Members may get there. Parties can go over the Norfolk & Washington boat, get off at Old Point Comfort, and take the Chesapeake & Ohio Railroad to Williamsburg, arriving at 10 a. m. Or they can take the train this afternoon to Richmond, spending the night in Richmond, then taking the train to-morrow morning, leaving Richmond at 9 o'clock. Or this afternoon they can motor to Richmond, spend the night at Richmond, and then go over a very good road, a hard-surface road with the exception of 11 miles, and make the trip in an hour or an hour and a half from Richmond.

Mr. BEGG. How far is it from here to Richmond by motor?

Mr. BLAND. One hundred and twenty-five miles—about a five-hour run. Or you can take a sleeper on a train leaving at 3.15 and then get a train out of Richmond.

Mr. KNUTSON. What time does the train reach Richmond?

Mr. BLAND. About 7 o'clock, and leaves Richmond about 9 o'clock in the morning.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5627. An act for the relief of George Turner;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black; and

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton,

Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 41) entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes."

The message also announced that the Senate had passed with amendments the bill of the following title, had insisted on its said amendments, requested a conference with the House thereon, and had ordered that Mr. McLEAN, Mr. EDGE, and Mr. GLASS be conferees on the part of the Senate:

H. R. 2. An act to amend an act entitled "An act to provide for the consolidation of national-banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House No. 27 to the bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;*

S. 4052. An act authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits;

S. 4073. An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes; and

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others;

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 5242. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes;

H. R. 5627. An act for the relief of George Turner;

H. R. 7482. An act to provide for conveyance of certain lands in the State of Michigan for State park purposes;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa.;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black;

H. R. 10860. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes;

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees;

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 10896. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia;

S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents;

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes;

S. 4070. An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.;

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the Borough of Dorranceton, Pa.; and

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 134. House joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect.

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAIN NATIONAL PARK

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands, I call up the bill (S. 4073) to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes, a similar House bill having been previously reported from that committee and now on the calendar.

The SPEAKER. The gentleman from Oregon calls up the bill S. 4073, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That when title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there shall be, and are hereby, established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately 521,000 acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately 704,000 acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in the previous section hereof and to be purchased with the $1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the $1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Inc.) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area.

SEC. 3. That the administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided,* That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to these parks: *And provided further,* That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area 250,000 acres and for the Great Smoky Mountains National Park area 300,000 acres: *Provided further,* That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may, for the purpose of carrying out the provisions of this act, employ the commission authorized by the act approved February 21, 1925.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. As I understand it, this bill is on the House Calendar?

The SPEAKER. It is.

Mr. SNELL. Does not this provide an authorization for an appropriation to be made later? It provides for the administration, protection, and development of the park, and under that authorization the appropriation committee certainly could make appropriations for taking care of the park. If that is so, it certainly is a charge upon the Treasury.

Mr. SINNOTT. Mr. Speaker, that matter has been specifically decided in a similar case by Mr. Speaker GILLETT with reference to lands in Arkansas, and this bill does not make or require an appropriation. That, I understand, is the touchstone under the rule.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. SNELL. The gentleman does not maintain that under the authorization here the Committee on Appropriations could not make an appropriation for the protection and care of this park?

Mr. SINNOTT. Under a law providing for a criminal code, the Committee on Appropriations could make an appropriation to enforce that criminal code, and yet you would not say that a law providing for a criminal code must necessarily go on the Union Calendar. Under the rule, Mr. Speaker, the bill must show upon its face that it makes an appropriation.

Mr. CRAMTON. The bill on its face not only authorizes appropriations hereafter to be made but requires the expenditure of funds for the administration of this park, only contingent upon the presentation of the lands to the Government. As soon as the lands are presented to the Government, a new national park is created, and section 3 provides that immediately thereupon, as soon as the park is created, it has to be administered under the national park act.

Mr. SNELL. And they must spend money to do it.

Mr. CRAMTON. And they will immediately be compelled to utilize the funds of the National Park Service for that purpose.

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to a point of order.

Mr. SINNOTT. Mr. Speaker, the gentleman's position is that it might involve an expenditure. Furthermore, Mr. Speaker, I understand that no point of order has been made.

The SPEAKER. The gentleman from Tennessee just rises to a point of order.

Mr. SINNOTT. Mr. Speaker, I make the point of order that it is too late to make the point of order against calling up this bill.

Mr. GARRETT of Tennessee. That was the point of order I intended to make. If the bill was improperly referred, the point of order should have been made when it was reported by the committee.

Mr. SNELL. But this is the first opportunity there has been to know about it.

Mr. GARRETT of Tennessee. Not if the gentleman had read the calendar.

Mr. SNELL. The copy of the bill that I have here says that it is on the Union Calendar.

Mr. TEMPLE. Mr. Speaker, it seems to me that the bill can not be said, in any sense, to authorize a change in the law which authorizes appropriations. The law authorizing appropriations for the national parks is already on the statute books, and this does not propose to change that law at all. It merely will add new territory to the territory administered by the National Park Service, but does not change the law authorizing appropriations for that purpose.

Mr. CRAMTON. Mr. Speaker, if the Speaker should hold that it is too late to make the point of order as to this bill, then I hope the Speaker will not commit himself as to the other questions involved. If the Speaker holds it is not too late to have the point of order made, I suggest, in connection with what the gentleman from Pennsylvania said, that there is an appropriation already made for the National Park Service for all its obligations. If this bill becomes a law and the gentleman's expectations are fulfilled and the Shenandoah National Park is created, then immediately upon its creation the National Park Service must commence to use money from the Treasury for the administration of that park under the national park act referred to in section 3. It not only authorizes, but it requires the use of money from the Treasury for the administration of the park.

Mr. TEMPLE. I think that point has already been ruled on, though not to-day.

Mr. SNELL. They certainly could not spend money on this piece of land without this particular measure, could they?

Mr. TEMPLE. They could spend money without an appropriation, but the appropriation is made regularly every year, and this will require no new authority for appropriations.

Mr. SNELL. But it will require additional appropriations for this park.

Mr. TEMPLE. So would an amendment increasing the appropriation, if offered when the appropriation bill was pending.

Mr. CRAMTON. Supplementing the suggestion of the gentleman from Tennessee, I call the attention of the Chair to the fact that the bill I have in my hand says that it is on the Union Calendar.

The SPEAKER. The Chair will state to the gentleman that that transfer was ordered to be made to the House Calendar, but it has not yet been printed. In the judgment of the Chair it is too late to make the point of order now against this bill. The question is on the third reading of the bill.

Mr. CRAMTON. Mr. Speaker, if the gentleman from Oregon will yield, I would like to ask the gentleman from Pennsylvania a question.

Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania.

Mr. TEMPLE. Mr. Speaker, I have no desire to consume time on this bill, but the gentleman from Michigan [Mr. CRAMTON] has a question or two that he wishes to ask.

Mr. CRAMTON. Mr. Speaker, the gentleman from Pennsylvania knows that I am heartily in accord with his desire as to these two parks, but I want some definite assurance as to just what we are getting. As I understand the situation, the commission of which the gentleman from Pennsylvania was the head recommended a certain area should constitute a new national park as soon as that area should be transferred to the Government without cost.

Mr. TEMPLE. Yes; on condition that it should be transferred in fee simple without any expenditure of money on the part of the Government of the United States.

Mr. CRAMTON. I have not studied carefully the bill which is before us. Under that bill is it certain that no such national park will be created until that land is transferred to the Government, or can the land be transferred, a small fraction of it, and then must there be an announcement of the creation of a new national park?

Mr. TEMPLE. The bill provides for the Smoky Mountain area with 150,000 acres, constituting about 225 or 230 square miles, which has been transferred in fee simple. That area may be taken to-day for protection—that is, put in fire trails, to keep out fires, and so forth—but there shall be no general development of roads and camp sites for the reception of the public until the major portion of the remainder has been transferred. That would make, when the original 150,000 acres and a majority portion of the remainder has been transferred, a park of about 660 square miles, which would be equal in rank to the first half dozen of the parks of the West.

Mr. CRAMTON. Then it is to be announced as a national park when they get the 150,000 acres?

Mr. TEMPLE. For administration.

Mr. CRAMTON. The very great danger the gentleman presents, and it is identical with the very serious situation we have now in at least two of our national parks, is because we have made the mistake of creating the parks with a great deal of private land either in them or necessary to their proper administration. As soon as you create a national park and advertise it accordingly the value of the other lands goes up, so that you will have a great deal of difficulty in acquiring them, and their presence mixed in with other land constitutes a very serious administrative problem, and I had understood that these two parks were not to be created as national parks until the title in fee simple to the land involved was turned over to the Government, and it was a surprise to me now to find it possible that with only a small portion of the land turned over, we are to have a new national park with all the difficulty surrounding private land that we already have in connection with the Rocky Mountain National Park and Glacier Park.

Mr. TEMPLE. Two hundred and fifty-five square miles can hardly be called a small area in the southern Appalachian.

Mr. CRAMTON. I mean as compared to the whole area proposed for the creation of the park.

Mr. TEMPLE. Let me make a general statement. The State of Tennessee has already made an appropriation of about $300,000. They take over an option on 115 square miles of ground belonging to the Little River Lumber Co. On the other side the Democratic State convention in North Carolina has indorsed the project and has practically pledged the State of North Carolina—the Democratic Party being in control of the State—to an appropriation which Senator Squires stated before the Public Lands Committee the other day runs be-

tween a million and a half to two million dollars. They have pledged in the State of Virginia——

The SPEAKER. The time of the gentleman has expired.

Mr. SINNOTT. I yield the gentleman five additional minutes.

Mr. TEMPLE. The State of Virginia has appropriated $200,000, and $1,200,000 has been raised——

Mr. CRAMTON. What is the gentleman's expectation as to the proportion of land that will be actually turned over before it is created as a park?

Mr. TEMPLE. One hundred and fifty thousand acres for administration purposes in the Smoky Mountains, and 250,000 acres——

Mr. CRAMTON. That is the minimum the law states, but I know the gentleman's familiarity with the situation, and I desire to ask him what amount of land does he expect will actually be turned over?

Mr. TEMPLE. I think we will have 600 to 650 square miles down in the Smoky Mountains and about 500 square miles in the Shenandoah.

Mr. CRAMTON. The gentleman expects that that will actually be turned over before it is announced?

Mr. TEMPLE. I do; and as a ground for that expectation, in addition to the appropriations already made, one member of our commission, Major Welch, assured the Committee on the Public Lands a few days ago that he had received voluntary proffers of contributions that would equal the total amount necessary for both parks. That puts something like $5,000,000 in sight. We have done a good deal of work on this thing in the last two years, and I think the Government should be very glad to get these parks on the terms on which it is getting them. [Applause.]

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill will be laid on the table.

There was no objection.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

MAMMOTH CAVE NATIONAL PARK

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill S. 4209, a similar House bill having been reported by the committee and placed on the House Calendar.

The SPEAKER. The gentleman calls up the bill S. 4209, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4209) to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes

Be it enacted, etc., That when title to lands within the area hereinafter referred to shall have been vested in the United States in fee simple, there shall be, and there is hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately 70,618 acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the act of February 21, 1925; which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in the previous section hereof, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, 20,000 acres, including all of the caves: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

SEC. 4. The Secretary of the Interior may, for the purpose of carrying out the provisions of this act, employ the commission authorized by the act approved February 21, 1925.

Mr. SINNOTT. Mr. Speaker, this bill covers the well-known Mammoth Cave area in Kentucky. The House bill was introduced by the gentleman from Kentucky [Mr. THATCHER], and therefore I yield to him 10 minutes.

The SPEAKER. The gentleman from Kentucky is recognized for 10 minutes.

Mr. THATCHER. I may not need 10 minutes in which to present this matter.

This bill is drawn in strict accordance with the recommendation made by the Southern Appalachian National Park Commission appointed under act of Congress of last February, which commission is headed by our colleague, Doctor TEMPLE. This commission, as directed by that act, made a survey not only of the Shenandoah area in Virginia, but also of the Great Smoky Mountains area in North Carolina and Tennessee, and the Mammoth Cave area in Kentucky; and as the result of its survey the commission recommended all three projects; that is to say, the commission recommended that these three areas be converted into national parks.

This bill which is now before you for consideration is the identical bill which passed the Senate yesterday by a unanimous vote and comes over here for our consideration. It is identical with H. R. 12020, introduced by me in the House and which has heretofore been favorably reported by the House Committee on the Public Lands.

The bill provides, in brief, that whenever a minimum of 20,000 acres involving all of the great caves there—one of which is known the world over as the Mammoth Cave and is also known as one of the seven wonders of the world, shall be conveyed to the United States without cost, the Secretary of the Interior, within his discretion, may accept these lands for national-park purposes. For purposes of protection and administration he may accept a minimum of 20,000 acres when same may be deeded to the United States for national-park purposes. There shall not be undertaken any general development of this area as a national park until a major portion of the remainder in the required area shall be similarly conveyed. The total area for the proposed Mammoth Cave National Park, as recommended by the Commission, is 70,618 acres.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. THATCHER. Yes.

Mr. CRAMTON. The gentleman knows that no Member of the House is more enthusiastic over park projects than I am. I am so enthusiastic that I do not like to see the name "national park" lessened in importance by the creation of minor projects. For that reason the great question in my mind is whether the Mammoth Cave area is of a character entitling it to be placed alongside the Yellowstone, the Yosemite, and the Grand Canyon, and the Shenandoah, or the Great Smoky areas. The bill provides for 70,618 acres as the area recommended by the commission. That would include the cave area and some additional areas that I am told have importance, more or less, as a recreational center, and because of its proximity to centers of population they have more importance than usual.

When you get into the bill itself that 70,000-acre proposition is pretty much done away with. The Secretary of the Interior is authorized to accept any acreage from 40 acres up. Finally, it is provided that the minimum area to be administered and protected by the National Park Service shall be 20,000 acres——

Mr. THATCHER. Including all the caves.

Mr. CRAMTON. Yes; including all the caves; when 20,000 acres, including all the caves, have been turned over to the Secretary of the Interior, he announces that this is the Mammoth Cave National Park.

Mr. THATCHER. He takes it over for administration and protection.

Mr. CRAMTON. It is not really a national park in any sense. I do not think we ought to create a national park there simply with an area of 20,000 acres. We have been led to think there will be 70,618 acres. As soon as 20,000 acres are announced as a national park the owners of adjacent private property put up their price on their land and cover their land with refreshment stands and other enterprises for money making in this adjacent area, interfering with administration. Thus raise the price of land so that it can not be reasonably secured. Therefore I think it is important that the plain purpose of the bill should be carried out, and that this should not

be announced as a national park until the 70,618 acres is turned over to the department.

I understand it is the attitude of the gentleman, and it is his opinion that, under the provisions of the bill, the Secretary of the Interior has the matter entirely in his discretion as to the acceptance of land, but when he accepts 20,000 acres he has to call it a park.

Mr. THATCHER. But he does not have to accept any. He is authorized to accept land in his discretion.

Mr. CRAMTON. But he has discretion to accept land.

Mr. THATCHER. Yes; any of it, under the bill.

Mr. CRAMTON. I have had some conferences with the gentleman and he has sought to overcome my objections to the bill. I have refrained from making a point of order by reason of the gentleman's requests and his suggestions. As I understand the gentleman is willing to assure the House that if this bill passes it is not the expectation, it is not the intention, and it will not be the event that a new national park would be announced until approximately 70,000 acres shall have been secured, or, at least, 60,000 acres, before the Secretary would be called on to announce the creation of a park.

Mr. THATCHER. I am willing to make that assurance as far as I am concerned, and I think that is the view of the other supporters of the bill; although, under the terms of the bill, we contend that the phrase "in his discretion" will cover that. However, we are willing to state that for the gentleman's benefit.

Mr. CRAMTON. The gentleman gives that assurance, that the park shall not be created until approximately 70,000 acres are acquired.

Mr. THATCHER. The gentleman said 60,000 acres, and I am perfectly willing to give that assurance, so far as I am concerned. We desire to have an adequate area.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. THATCHER. Yes.

Mr. LAGUARDIA. The main attraction, of course, is the cave itself, the same as at Adelsberg, Austria, and Capri, on the island of Capri; and once the Government is assured of access to this cave and sufficient surrounding territory, the idea is to preserve this cave as a national park?

Mr. THATCHER. Yes. There are 15 or 20 of those caves. The old Mammoth Cave is a single cave, or cave system, but in the last 15 years a number of additional caves, or cave systems, the equal of the old Mammoth Cave, have been discovered; and it would be, I think, a crime to permit the opportunity to go by unheeded of having these lands conveyed to the Federal Government for national-park purpose. Then, my colleagues, there is another consideration which is a very important one. The old Mammoth Cave is owned—at least the life estate is owned—by an old lady who is more than 90 years of age. Under a will which was written and probated 75 years ago she is the last survivor of several legatees, and this particular property must be sold at public auction when she dies. So it is of the utmost importance that this measure shall become a law at the earliest possible moment so that the friends of this project may at once begin an intensive campaign for money with which to buy the old Mammoth Cave property upon the event of her death, which may take place at any time on account of her age, and thus prevent this property from passing into the hands of speculators. Also, we must make such campaign and secure the necessary funds with which to purchase all of the other lands, including the various cave units necessary for this park. I therefore appeal to you to-day to stand with me and with the other friends of these three great projects in creating a system of national parks east of the Mississippi River in the midst of the most populous section of America. [Applause.]

Mr. Speaker and Members, it may be said that a city is largely measured by its system of parks. The same is true of the State and of the Nation. In the United States and its possessions there has been created a great system of national parks, 19 in number. With a single exception—that of Lafayette National Park, a small park lying on the coast of Maine—all of our national parks lie west of the Mississippi River; and practically all of them west of the eastern rim of the Rockies. Two of them are situated in distant territorial possessions of the United States—Mount McKinley National Park in the frigid regions of Alaska, and the Hawaii National Park in the tropic isles of Hawaii.

Permit me to indicate the areas of some of our national parks. Our smallest national parks are, Sully's Hill, in North Dakota, with an area of 774 acres; Platt, in Oklahoma, with an area of 851 acres; and Hot Springs, in Arkansas, with an area of a little more than 900 acres. Our largest national parks are: Yellowstone, in Montana, Idaho, and Wyoming, with the stupendous area of 3,348 square miles, or 2,142,720 acres; Glacier, in Montana, with an area of 1,534 square miles, or 981,760 acres; Yosemite, in California, with an area of 1,512 square miles, or 967,980 acres; and Grand Canyon, in Arizona, with an area of 958 square miles, or 609,120 acres. Also, with the exception of Lafayette National Park, the lands of which were donated to the United States Government for national-park purposes, all of the national parks have been carved out of the national domain. However, the public lands thus converted into national parks were assets of the Federal Government just the same as are funds in the United States Treasury.

Our oldest national park is that located at Hot Springs, Arkansas, which was established in 1832. The next oldest, and the largest of them all, is Yellowstone National Park, established in 1872. Three were established as late as 1919—Grand Canyon and Lafayette National Parks, already mentioned, and Zion National Park, in Utah.

While it is true that all of our national-park areas—with the exception of the donated lands of the Lafayette National Park—were public lands of the United States, it is also true that the Federal Government has expended, in the improvement and maintenance of our national parks, a very large total of public funds. In fact, up to and including the 30th day of June, 1925, the total expended by the National Government for their improvement and maintenance was about $13,400,000; while the total of revenues derived from their operation was about $4,514,000. In other words, we have expended on our national parks, from their establishment up to June 30, 1925, about $8,886,000 more than the total receipts derived through their operation. Yet, because of the great value of national parks to our people, we have believed such expenditures to be of the wisest character.

The great national parks of the Rocky Mountain and Western regions, and those in Alaska and Hawaii are very wonderful. They contain a marvelous variety of mountain, valley, canyon, and forest scenery. Each, in a particular way, stand first in its class among the world's scenic wonders. In the Grand Canyon National Park is to be seen the most stupendous, the most colorful, the most awe-inspiring system of canyons and gorges in all the world; Yosemite stands unrivaled in its sentinel peaks, waterfalls, and blooming valleys; Mount Rainier with its great height, its tremendous glaciers and flower-carpeted slopes, constitutes an unanswered challenge of mountain dignity and beauty; Sequoia with its groves of the oldest and most majestic forest growths to be found anywhere on the earth's surface has no peer in its class; Glacier, Rocky Mountain, and Mount McKinley National Parks, through all-compelling grandeur, make their everlasting appeal; the Mesa Verde National Park, with its evidences of a prehistoric people, has the power to transport us into the far-distant regions of a mystical past; the Hawaii National Park, containing as it does, the earth's greatest extinct crater, and the largest active volcano, and set, as it is, in the loveliest imaginable frame of tropical verdure and rainbow seas, has no rival of its kind anywhere; and the Great Yellowstone National Park, with its great geyser systems, with its mammoth hot springs and terraces, with its high peaks, its wide forests, its jeweled canyons, its noble lakes, and its vast area stands forth as a park unit of the first magnitude, and in many ways is unapproached. Then there are the other and smaller national parks, with their distinctive features of commanding interest.

In this connection I will say to my distinguished colleague from Michigan [Mr. CRAMTON], and to all others, that this marvelous underground world in Kentucky is, in every way, as wonderful and awe-inspiring, as unique and distinctive, as is the Yellowstone region, the Yosemite region, or the region of the Grand Canyon, or any other area within our entire national park system. In fact, the one thing needful to complete the infinite variety of our national parks is the inclusion of a great system of caves and caverns, such as is to be found in the incomparable Mammoth Cave region of Kentucky.

Our national parks are of such diverse character that they can hardly be considered as rivals. Like the stars of the heavens it may be said of them that they only differ from each other in glory. Roadways and trails have been constructed within them, hotels and camps have been erected and are maintained within their bounds, and they constitute great recreational grounds of the Nation. Yet, because practically all of them lie so far away in the West, or so far off in our territorial possessions, compared with our Nation's total population, only a small percentage of our people ever visit them, and only a relatively small number of our population ever see a national park throughout the course of their lives. In the year 1924, the total number of visitors to all of our national parks was about 1,422,000. Only 62 visitors went to Mount McKinley National Park in Alaska in that year, though the Federal Government has already expended more than $35,000 in its improvement and maintenance.

The great bulk of our American population is to be found east of the Mississippi, the great preponderance of our Federal taxes is paid by those living east of the Mississippi River, but to the greater number of these the national parks of the country are, for all practical purposes, altogether inaccessible. The need for great recreational grounds between the Mississippi and the Atlantic seaboard is manifest and paramount. If national parks in the West are worth while, they will certainly prove to be worth while in the East. This great need has been finally recognized by the legislative and executive branches of our Federal Government. Three great national park projects have thus been brought before the Congress for consideration. One is the Shenandoah project, covering, in its ultimate area 521,000 acres, and lying in the Blue Ridge-Shenandoah section of Virginia, almost within sight of the Nation's Capital. The second is the Great Smoky Mountains project, covering about 704,000 acres, in the rugged mountains of that name, lying in North Carolina and Tennessee. You have just accepted the Senate bill providing for their creation.

The third is the Mammoth Cave project, covering about 71,000 acres, situated in Kentucky, and containing Mammoth Cave and all of the other cave systems of that unrivaled underground world. The bill providing for the creation of this park you are now considering.

These three projects are eminently eligible for national parkhood. They measure up to the high standard of excellence prescribed by former Secretary of the Interior Franklin K. Lane, who declared that in the establishment of national parks the effort should be made to find—

scenery of supreme and distinctive quality, or some natural feature so extraordinary or unique as to be of national interest and importance—

And to seek—

distinguished examples of typical forms of world architecture, such, for instance, as the Grand Canyon, as exemplifying the highest accomplishment of stream erosion.

In the proposed Shenandoah National Park area there rise in softest beauty the Blue Ridge Mountains, supporting a wonderful variety of forest growth and plant life, flanked by lovely valleys, and situated in a section of our country nobly rich in historic interest. This park would especially serve the people of the North and Middle Atlantic and Appalachian States.

In the proposed Great Smoky Mountains National Park area are to be found the great mountains for which this range is noted, the loftiest and most rugged of all within the limits of continental United States, except those west of the Mississippi. The location would especially serve the people of the Middle and South Atlantic and Southeastern States.

In the proposed Mammoth Cave National Park are to be found the greatest cave systems of the entire earth, one of which, Mammoth Cave, with its unrivaled heights, depths, and ramifications, is known to every intelligent school child around the globe, and for more than a century has been called one of the seven wonders of the world. Yet, this much-famed cave is but one of many great caverns in this immediate section; and it is now proposed to include all of them in the proposed national park, together with contiguous areas containing great hills and rugged scenery, and some of the finest virgin forests in America.

In addition, this park will have flowing through it for miles, Green River, a very deep and lovely stream, navigable for steamboats throughout the year. This region is accessible every day of the year by river, by rail, and by roadway; and its underground realm may be visited every hour of every day of the 12 months. This park will be near the center of our American population, and would especially serve those living in the Southern and Mid-Central sections of our country. Its attractions are already "sold" nationally and internationally, and with its great accessibility, and its all-year appeal, it would in all probability prove to be the most frequented and popular of all our national parks, and the one which would probably yield, through the usual rents, fees, and concessions the greatest income of any of our national parks. In addition, these three parks would be visited by people from every section of our country, and by hosts from foreign lands.

Under the act of Congress approved at the last session, to which I have already referred, and in accordance with its direction, these three regions were visited and carefully studied during the past year by the Southern Appalachian National Park Commission touching their worth as national-park projects; and recently all three of them received the unequivocal approval of this commission, which is composed of the following members: Hon. H. W. TEMPLE, Member of Congress from Pennsylvania, chairman; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club, of Boston, and well-known landscape architect; Mr. William C. Gregg, of the National Arts Club of New York, and a student of recreational agencies; and Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey, and representative of the Interior Department on the commission.

The commission on the 8th of April, 1926, made its unanimous report to the Secretary of the Interior, declaring all three projects eminently worthy of inclusion in our national-park system, and recommending that such inclusion be made upon the condition that the necessary lands be conveyed to the United States free of cost. The commission also, in its report, set forth the boundaries and areas which should be so acquired for national-park purposes as to the three projects. This report was transmitted to the Congress by the Secretary of the Interior on April 14, 1926. These commissioners served without charge, and have rendered a splendid and unselfish service.

From the report of this commission it appears that through State and private enterprise there has been subscribed and appropriated a total of $1,200,000 for the purchase of the required lands for the proposed Shenandoah National Park; that there has been similarly subscribed and pledged something more than $1,000,000 for the purchase of needed lands for the proposed Great Smoky Mountains National Park; and that there have been tendered 3,629.13 acres of cave and surface lands in the Mammoth Cave region, including Colossal Cavern, for the purposes of the proposed Mammoth Cave National Park. The estimated value of the cave lands thus far offered is $500,000. In Virginia, Tennessee, North Carolina, and Kentucky there have been created corporate bodies which have in charge the matter of raising funds and the securing of lands for these park projects, that in Kentucky being known as the Mammoth Cave National Park Association; and it is proposed by the friends of the three projects that all the needed lands, as set forth in the report of the commission referred to, shall be secured and conveyed to the United States Government free of cost, for the purpose of creating these parks. This work must continue until all the needed funds and lands are secured. The total estimated cost of the three projects is about $8,000,000; and the estimated cost of the required area for the proposed Mammoth Cave National Park, is something like $2,000,000. The bill you have just approved, and the bill you are now considering, are based on this report and provide for the establishment of these parks when the needed areas are thus donated for such purposes. Under the terms of these bills the Federal Government will, therefore, be subjected to no outlay unless, or until, the required areas are conveyed to it free of cost for national-park purposes.

Thereupon Federal funds will be used in the building of roads and in the improvement of these parks, although the improvement cost in the Mammoth Cave National Park will be quite small as compared with the cost of improvements in the other two projects. Too much praise can not be given to those who have undertaken the great task of raising these funds and securing donations of needed lands.

In 1924 those constituting the membership of the Southern Appalachian National Park Commission, then serving under informal appointment made by the Secretary of the Interior as members of the Southern Appalachian National Park Committee, made a study of the Shenandoah and Great Smoky Mountains National Park projects and reported favorably thereon. Their recent report, made agreeably to the act of Congress, was confirmatory of the previous report made by such committee. The Mammoth Cave National Park project also has had the amplest official approval. In addition to that just given it by the commission referred to, Mr. Stephen T. Mather, then, as now, Director of the National Park Service, in his annual reports of 1918, 1919, and 1920, gave his approval thereto, and went so far as to suggest the appropriation of public funds for the purpose of buying the needed lands therefor. Also, in June, 1924, the present Secretary of the Interior, Hon. Hubert Work, in an official statement declared that "the Mammoth Cave is one of the most widely known natural features of America," and that "unquestionably, it is worthy of national-park status."

The time is therefore ripe for the creation of an adequate system of national parks east of the Mississippi River, and in these three projects this great necessity will be met. By their creation the present and all future generations will be blessed. In Nature's touch there is everlasting healing, and in the mad rush of our American life there is the ever-present need for turning away from the seething thoroughfares into the great quiet spaces where solitude and the unsullied beauty of mountain, valley, and forest may steal away the cares that ever beset us.

If these proposed national parks are established, then in the Blue Ridge fastnesses of Shenandoah, in the rugged altitudes of the Great Smokies, and in the awe-inspiring depths and reaches of the Mammoth Cave region of Kentucky, and in the sylvan loveliness of that region unnamed millions of our people, now, and in the days to follow, may come to know in fuller, richer measure the lessons of truth, and beauty, and restfulness which nature in her best and most interesting moods may teach us.

The bill we are now considering (S. 4029) is the duplicate or companion bill of that introduced by me in the House (H. R. 12020), which has heretofore been considered and favorably reported by the House Committee on Public Lands. Because of the fact that S. 4029 has already passed the Senate, and because the House bill has been favorably reported and is on the House Calendar, it is possible under parliamentary procedure to take up immediately, as we are now doing, the last-named bill and finally act upon it.

In enacting these measures providing for the creation of these three great national parks east of the "Father of Waters" we shall be performing for America, and for the world at large, a rare and splendid service. We are to-day dealing with the great subject of conservation, as well as with that of recreation. The addition of these three units to our national-park system will greatly increase the value of the whole; and I respectfully submit that the Mammoth Cave National Park, with its unrivaled undersurface world, with its lovely navigable streams, with its great virgin forests, with its picturesque and rugged hills, with its all-year accessibility, with its nearness to our center of population, and with its great fame at home and abroad, may prove to be the capstone and crown of the entire system.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

Mr. BARKLEY. Mr. Speaker, in view of the fact that the gentleman in charge of the bill had promised me some time in behalf of it and in view of the fact that I thought it wiser not to speak, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BARKLEY. Mr. Speaker and gentlemen of the House, I arise for the purpose of giving my unqualified support in behalf of making the Mammoth Cave region of Kentucky into a national park. I am glad of the opportunity to assist in the passage of this measure. For many years I have believed that this great natural wonder in the Blue Grass State should be given suitable recognition; that nation-wide attention ought to be given to the wonders and beauties of Mammoth Cave, and the numerous other caves of that region of the State, for no such natural phenomenon exists in any other part of the world.

The Mammoth Cave is the most widely known and the largest of an unusual group of limestone caverns which have been opened up by exploration over a period of many years. Included in these caverns are Dixon Cave, Mammoth Onyx Cave, Diamond Cave, the Cave of the Hundred Tombs, the Great Crystal Cave, Long Avenue Cave, Proctor Cave, Salts Cave, Colossal Cavern, and the Great Onyx Cave, and many others which I need not mention. Attention was called to this cave region of Kentucky in 1925, in connection with the tragic circumstances leading to the death of Floyd Collins. These caves, in addition to their own intrinsic beauty, are situated in territory admirably adapted to national-park purposes. The surrounding territory is one of great natural beauty. Hundreds of thousands of people have come from all parts of the world to visit the great Mammoth Cave, one of the seven wonders of the world. Unless this property shall be obtained by the Government within the near future it may fall into the hands of speculators because of a will made more than 75 years ago providing that the property shall be sold at public auction after the death of the last surviving heir who is now more than 90 years of age.

It was my pleasure and privilege to accompany the members of the Mammoth Cave National Park Association to see the President of the United States in behalf of this proposed national park, and also urge, with them, the approval of the Secretary of the Interior and the commission appointed to consider the matter.

There is no great national park at present east of the Mississippi River, and the people of that section of our country ought to have the privilege of enjoying its natural wonders; and it affords me peculiar pleasure to give my enthusiastic support to this proposal on the floor of this House, and in as much as it will soon go to the President for his consideration, I trust he will accord it his prompt approval.

THE GREAT SMOKY MOUNTAIN NATIONAL PARK

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to extend my remarks on one of the national park bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WEAVER. Mr. Speaker, for many years the subject of the creation of one or more national parks in eastern America has been more or less discussed. It remained, however, for the present Secretary of the Interior, Hon. Hubert Work, actively to project the present effort looking to the consummation of this purpose. This bill, H. R. 11287, introduced by Representative HENRY W. TEMPLE, of Pennsylvania, provides for the establishment of two great parks in the eastern Appalachian Mountains, one in the State of Virginia, known as the Shenandoah National Park, and the other in the mountains of North Carolina and Tennessee, to be known as the Great Smoky Mountain National Park. Another bill introduced by Congressman THATCHER, of Kentucky, seeks to convert that great natural phenomenon, the Mammoth Cave of Kentucky, together with numerous other caverns of wondrous beauty and interest, into a third national park.

I am more familiar with the area sought to be included in the Great Smoky Mountains National Park than with either of the others. I have no doubt that the Shenandoah Valley Park is of superb and commanding beauty. I know that the natural wonders of the great caverns of Kentucky are most worthy of preservation by the National Government. But it is my purpose to call the attention of my colleagues particularly to the Great Smoky Mountains area.

Some two years ago Secretary Work created an unofficial commission to consider the feasibility of creating two or more national parks in eastern America. This commission was composed of Congressman H. W. TEMPLE, of Pennsylvania; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club of Boston and a well-known landscape architect; Mr. William C. Gregg, a prime mover of the National Arts Club of New York and a student of recreational development through parks, and Col. Glenn S. Smith, acting chief topographic engineer of the Geological Survey, the representative of the Interior Department on the commission. These gentlemen at their own cost and expense spent a large part of the summer of 1924 in visiting all areas that might be properly considered in this project. This commission is composed of experts, men who are acquainted with all of our great national parks; men who understand the standards requisite for a great national park, and everybody has confidence in their judgment.

They reported to the Secretary that in their opinion the Shenandoah Valley area and the Great Smoky Mountains embraced areas worthy of being received into our national-park system. In referring to the Smoky Mountains this report stated that in point of massive grandeur it was unsurpassed by any mountain area east of the Mississippi River and in fact that it compared most favorably in all respects with the great parks now established in the Rocky Mountains and elsewhere in the West.

This report was followed by legislation enacted by the Congress in 1925 directly authorizing the Secretary of the Interior, through the commission to be appointed by him, to get all the facts and data necessary to be considered in creating one or more national parks. Again, a thorough survey of the country was made by these experts, and on April 8, 1926, they reported to the Secretary of the Interior advising that it was feasible to establish national parks in the Shenandoah Valley area and the Smoky Mountain area and to include the territory contiguous to the Mammoth Cave. Secretary Work, as directed in this legislation, made his report to Congress on April 14, 1926, in which he made the definite recommendation that these parks shall be established and included, by definite descriptions, the areas within which they should be located. This bill, therefore, which seeks to create these national parks has had very full consideration for more than two years by the Secretary of the Interior and by this expert commission and comes to the Congress with their full, complete, and enthusiastic recommendation. I sincerely trust that this legislation may be passed at this session.

The bill does not provide that these lands shall be purchased from money appropriated from the Treasury but that the Federal Government shall accept the respective areas as national parks when title is acquired and the lands are turned over to the Government. The State of Virginia, through its citizens and through an incorporation created for that purpose, has taken subscriptions amounting now to more than $1,200,000 for the purpose of purchasing the land in the Shenandoah Valley area to be donated to the Federal Government and to be received by the Federal Government when as much as 250,000 acres shall be acquired. Similarly the citizens of North Carolina and Tennessee organized their respective incorporations, known as the Great Smoky Mountains Conservation Association for the State of Tennessee and the Great Smoky Mountains (Inc.) for the State of North Carolina.

Together these two organizations have received subscriptions and donations for the purpose of acquiring titles to the necessary lands embraced in the Smoky Mountains, amounting at this time to about $1,130,000. This money has been largely raised through local campaigns. It is proposed to increase the amounts necessary for both of these great projects by a nation-wide campaign, and already it is assured that large sums will be contributed by wealthy and interested men and women of the United States to carry forward this project. The enactment of this bill will contribute immensely to the consummation of the great purpose of acquiring for the growing populations of the East these great outdoor areas for the health, recreation, and happiness of all the people of the Nation.

I would like to impress upon this House the earnestness with which the people of Virginia, North Carolina, and Tennessee have worked and striven in order to raise this money for this purpose. It has amounted almost to a crusade; they have been so eager in North Carolina and Tennessee to acquire these primeval forests in the Great Smoky Mountains and preserve them under the control of the National Government as a great park. Organizations of men and women have been formed in every community to forward this project. Certain quotas were allotted to certain counties, cities, and towns in order to raise the money required. Some of this money has been contributed by school children and all of it by individuals and civic and municipal organizations. The State of North Carolina proposes at its next session of the legislature to provide an appropriation for further help in this matter. I merely point to this situation to show the willingness of our people to help themselves, and I trust that this spirit so exhibited by them may be met by a spirit of cooperation by the Congress which must now act on this matter.

As to the Smoky Mountain area the report of the Secretary of the Interior in the bill contemplates a park to be included within the limits of a definite boundary that totals 704,000 acres. It is not the purpose to acquire all of the 704,000 acres, but merely that the park shall be included within that area. When as much as 150,000 acres have been acquired and donated to the Federal Government it shall take charge of the area for the purpose of protection and administration, and when the major portion of 704,000 acres has been acquired it shall pass to the Federal Government to be developed and administered under our national park laws. One purpose of including in the boundary a larger portion than will be taken over is that the creation of the park will not be restricted to an exact and definite area, so that there may be more freedom and opportunity to acquire these lands without conflict with private ownership as to prices. Probably an area of ground 400,000 acres in the Great Smoky Mountain area will be ample for the purposes of this park. This would be about one-half of the area outlined in the report of the Secretary of the Interior. It should embrace and would embrace the massive divide and outflung ridges of the Smokies, including mountains like Mount LeConte, Mount Guyot, Clingman's Dome, Gregory Bald, Thunderhead, Siler's Bald, and other peaks that tower more than 6,700 feet in height. There are in fact in this vast range peaks that are yet unnamed that are higher than Mount Washington. Altogether there are more than 800 square miles of this wonderful area and its surroundings, flanked by still other vast and continuing ranges. A reasonable amount of this should be acquired for the purpose of a national park, and, in my opinion, the remaining portion should be purchased by the United States Government, adjoining and surrounding it under the Weeks Act for the purpose of forest administration, where scientific forestry may be practiced. All of it would constitute a vast conservation area that would be unequaled upon the American continent.

All of the great parks of the United States are situated west of the Mississippi. There are some 18 of them altogether. The most important of our national parks are the Yellowstone, in Montana, Idaho, and Wyoming, with the stupendous area of 3,348 square miles, or 2,142,720 acres; Glacier, in Montana, with an area of 1,534 square miles, or 981,760 acres; Yosemite, in California, with an area of 1,512 square miles, or 967,980 acres; and Grand Canyon, in Arizona, with an area of 958 square miles, or 609,120 acres.

We have spent altogether up to this time about $13,400,000 for the improvement and maintenance of these parks. The total revenue derived therefrom has been $4,514,000. But these parks are of priceless value, and the expenses in connection with them is freely and gladly borne by the people of the United States. In undertaking the creation of the Shenandoah and Great Smoky Mountain National Parks, Secretary Work stipulated that the money should be raised by other sources than from the Federal Treasury, for the reason that there was no precedent for the purchase of national parks by the Government. And yet all of the great national parks of the West have been created from the public domain. While there has been no direct contribution from the Treasury by way of money appropriations, we have appropriated property most valuable and which would undoubtedly have been sold for millions of dollars. In this case, however, we are undertaking to raise all of the necessary money from State and private subscription, and yet I can well conceive that it would be an investment of enormous value even if it was necessary to appropriate ten or fifteen million dollars from the National Treasury in order to acquire these great park areas. We know that our brethren of the West will join with us in this great enterprise, and we feel that we will have not only their support but their enthusiastic support of this legislation.

The 18 national parks are situated west of the Mississippi, where there is only about 25 per cent of the population of the United States. It is now desired to establish these three areas in the eastern United States, within easy reach of its vast and growing populations, where more than 80 per cent of the people reside. The Great Smoky Mountain area, the greatest mountain wilderness east of the Mississippi, massive in its proportions, and covered with primeval forest, instead of being in some remote part of the Nation, is, in fact, very near to the center of population of the United States. The center of the population of the United States is in Bloomington, Ind., a comparatively short distance from the Great Smoky Mountains of North Carolina and Tennessee. This area can be reached by rail and automobile from every Eastern State, from every Southern State, and from every State east of the Mississippi without any long and enduring journey. To visit the great national parks of the West now requires days and weeks of travel, and while their beauties and grandeur are superb there are comparatively few people of the United States who can undertake this journey, from lack of time or want of means. With these great parks established in the East they would be open to her teeming population. It would be the Mecca for her millions of people in quest of health and pleasure and recreation.

But how few there are who know or have the slightest conception of the area that is embraced in the territory to be acquired in the Smoky Mountain area. Its very remoteness and lack of roads has preserved it in its primitive grandeur, but now with the coming of roads and means of transportation, unless steps shall be taken to keep it as God gave it to us, its glory, its wonders, and its attractive beauties, its primeval forests and wonderland of flower and shrub and tree will not survive the attack and the inroads which will be made upon them.

Concretely it is proposed to set aside in the Great Smoky Mountains of North Carolina and Tennessee some 400,000 acres so as to preserve for posterity a typical and primitive area of the great Appalachian chain. The Appalachian range of mountains extends roughly from the Canadian border to Alabama. In length it is about 1,500 miles and in width from 1 to 300 miles. From the standpoint of geologic history this is the oldest land on the American continent. Compared with the Great Smoky Mountains in point of age the Rocky Mountains are in their swaddling clothes. The Smokies were old when the great forces of nature pushed upward the gigantic ridges and towering cones of the Rockies. Through countless geologic ages the great Architect of the Universe carved and molded and chiseled the great canyons and domes and peaks of the Smokies and molded them as we find them to-day. Through other countless ages the same great Architect has woven and fashioned for them a magnificent garment of verdure—an illimitable forest of spruce and hemlock, poplar and chestnut, beech and maple, with every species of shrub and plant and flower. In fact, this is the last of the great primeval forests of the eastern Appalachians. Only its remoteness has preserved it. The summits of these mountains are clothed with Canadian fir or bal-

sam that there are not found again in the wide stretch to the forests of Canada, for it loves a cold and bracing climate. The mountain sides are heavily clothed with chestnut and great tulip or poplar trees and hickory and every variety of maple and birch. Some of these great tulip trees are 8 and 10 feet in diameter. In the vast coves along the numberless streams you will find great forests of hemlocks. Some of these great masters of the forests were there when Columbus with his ships of discovery first touched American shores. Some of them look like prehistoric monsters covered with age-old moss.

This is the forest primeval. The murmuring pines and the hemlocks,
Clad in their garments of green, indistinct in the twilight,
Stand like Druids of Eld, with beards that rest on their bosoms.

We would like to preserve for posterity some of this great forest. And then it is the natural home of the rhododendren and the laurel and a hundred other plants and flowering trees. And you may see hundreds of acres of rhododendrons, springing among the rocks and bowlders of the mountain sides, and at this season of the year covered with countless myriads of purple blossoms, like a veritable garden of the gods.

And from all these mountain sides there continually pour forth innumerable waters from a million springs that gather themselves together and form the streams that water the valleys below.

This area is the very culmination of the great Appalachian Range. It is the roof of eastern America. It is here this range reaches its most majestic proportions and flings itself in the widest area of untamed and primeval grandeur. There are more than a dozen peaks in the proposed area higher than Mount Washington. Mount Guyot, LeConte, Clingman's Dome, Gregory's Bald, Thunderhead—what a mighty galaxy of mountain gods—and other great summits rise more than 6,700 feet into the upper air. As Governor Taylor, of Tennessee, once said, they are so high you can stand upon their summits and tickle the feet of the angels. In point of sheer relief they compare most favorably with the Rockies themselves. Pike's Peak rises some thirteen or fourteen thousand feet above sea level, but it rises from a plane of more than 7,000 feet. Clingman's Dome and LeConte and many peaks of the Smokies rise nearly 7,000 feet from a general plane of 1,000 or 1,500 feet, so that in sheer altitude, they compare most favorably with the great peaks of the Rockies.

And there is something vague and indefinite and awe inspiring about these great hills. I doubt even if the most adventurous mountaineer, though acquainted with them, has ever penetrated to their innermost recesses. As pointed out by Mr. Horace Kephart, even these sturdy mountaineers look upon them with a sense of awe and veneration. In his vernacular they are always just "the Smokies." This term, to the men whose lives have been lived in or near them, carries with it a sense of remoteness, of wildness, and, above all, an inspiration born from their massive and superb grandeur and their great canyons which the foot of man has not yet touched. This great divide, in an unbroken stretch, carries itself more than a mile in sheer altitude, and upon each side are flung vast and illimitable ridges and escarpments that challenge the admiration of every visitor and draw him back with irresistible force. As you gaze upon this mighty conglomeration of uplifted hills, one bows himself in reverence before the Omnipotent Power that was capable of so vast a demonstration of creative strength. To preserve these great mountains with their primeval woods and convert a reasonable amount of this area into a national park, from the standpoint of conservation, would be of immeasurable value.

Conservation of national resources is national economy, just as conservation of private resources is personal economy.

We are to-day trying to solve the question of Muscle Shoals, which is admitted to be one of the greatest water-power developments of the world. The creation of this national park would tend directly to maintain the flow of waters at Muscle Shoals, for in this area countless streams are born that contribute to the Tennessee. It is here that they spring from thousands of coves and mountain sides and dash down in their tumultous youth to form the rivers below. It is here that their youth is continually renewed by the snows of winter and rains of summer. These streams are clear and sparkling and beautiful.

They are the natural home of the mountain trout, and if conserved would yield immense pleasure to the people of eastern America. This whole area is a mighty sponge adapted by nature to receive and to hold the rains and snows, and instead of dashing them down in tumultous floods to feed them gently and continually into the streams below. While furnishing pleasure and health and recreation, the conservation of this great area by the establishment of a national park would contribute directly to industry, and the water so preserved would help to generate electric power for the people and drive countless wheels of industry.

There may be some who may say that it is not important for the National Government to create national parks, but we are turning more and more to the out of doors. Populations are beginning to crowd. We have had, it is true, great stretches of wilderness in riotous abundance, but now they are disappearing. It is not only important but it is necessary to look to the future.

Hon. James Bryce, ambassador to the United States, in a speech delivered in 1912, said:

There is one thing better even than the city beautiful, and that is the country beautiful. I have had a great deal of experience in England in dealing with these questions; for some years I was chairman, and afterwards a member, of a society for preserving commons and open spaces and public rights of way, and member of another society for securing to the public places of national and historical interest, and in the course of such membership I have been led often to think of what is our duty to the future, and of the benefits which the preservation of places of natural beauty may confer on the community. That is a problem which presents itself not only in Great Britain but all over Europe, and what Europe is that toward which you in America are tending. Europe is a populous, overcrowded continent; you will some day be a populous and ultimately perhaps even a crowded continent, and it is well to take thought at once, before the overcrowding comes on, as to how you will deal with the difficulties which we have had to deal with in Europe, so that you may learn as much as possible from our experience, and not find too late that the beauty and solitude of nature have been snatched from you by private individuals.

And in this same address it is a curious coincidence that Mr. Bryce referred to this very Smoky Mountain area as a desirable addition to our national parks. He said:

Now, a word about additional parks. Although you have done splendidly in creating these I have mentioned and some others, there are still other places where national parks are wanted. There is a splendid region in the Alleghenies, a region of beautiful forests where the tulip trees grow to 150, 200 feet, or more, a mountain land on the borders of North Carolina and east Tennessee, where there are romantic river valleys and hills clothed with luxuriant woods, primitive forests standing as they stood before the white man drove the Indians away, filled with flowers and traversed by sparkling streams, containing everything to delight the heart of the lover of nature. It would be a fine thing to have a tract of three or four hundred thousand acres set apart here for the pleasure of the people of the South and Middle Atlantic States, for whom it is a far cry to the Rockies.

The setting aside of this area is necessary because of the vast increase of population. People are beginning to crowd upon themselves. More and more they are turning to the outdoors for health and recreation and life itself, for nature is the mother of us all, and contact with nature and the out of doors is still the sovereign remedy for the ills of man, both physical and mental. For this purpose there is no place in eastern America that surpasses the Great Smokies. It is within easy reach of more than 60,000,000 of our people. It should be taken over as a common property for them and as an area in which every man, rich and poor, through ownership of his Government, may feel that he owns a potential interest in this great area, upon which he may gaze with a sense of proprietorship.

It will be valuable as a great outdoor museum. One purpose of this project is to set aside a typical area of the great Appalachian Range and to preserve it and keep it undisturbed just as God gave it, so that the scientist through coming generations can visit this great laboratory of God and read here a line and there a line—such as he may be able to grasp—of the laws of nature embodied in the mysterious statutes of God.

Here the botanist can indeed luxuriate, for there is no similar area upon the continent that has as many different species of vegetation. Here botanists have found 136 species of trees and 174 species of shrubs and plants. Passing from the valleys below to the summits of these mountains, you encounter climatic conditions ranging from a low temperature to a subarctic, with all the varying forms and species of vegetation and plants that will be found in such a range. Upon the summits of these mountains you find the flora and fauna of the Hudson Bay, and birds are found nesting there which are not found again until you reach the deep forests of Canada. The summits are clothed with Canadian spruce or fir. This dark and somber forest is impressive beyond words, and its solitudes inspire an awe and admiration that can not be described. It is for the purpose of preserving, if we can, for those who shall succeed us, this typical area that this park is sought to be established.

Again, it would be such a game refuge that it would have no counterpart in the United States. Most of the wild animal life of the great Appalachian Range of mountains has disappeared or is fast disappearing. Only the smaller species of game is left. There is scarcely a deer still surviving, even in these great depths. Now and then there may be seen a lone and silent antlered monarch seeking in vain for his companions. It is true that the black bear has maintained himself because of the rugged and impenetrable depths of these mountains. But he, too, is in diminishing numbers, for the Anglo-Saxon will undergo any hardship and endurance in the pursuit of game. The wild turkey is almost extinct. It is the finest game bird of our forests. If this were established into a national park it would be a game refuge and insure forever that every species of native game would survive. Within this area it would multiply beyond measure, it would overflow the boundary, it would furnish contiguous areas with game and contribute to the general happiness and profit of the people.

Surely there should be one or more places in this long stretch of Appalachian hills where the native wild game with which God peopled them can be preserved. If this should be made into a national park, here the pheasant could lead forth her fluffy brood in safety, the wild turkey could recruit his fast-thinning ranks, the doe could leave her fawn in its bed of ferns, while she sought her food, without the nagging fear in her heart of the bay of the pursuing hounds. Even the black bear, awkward and ungainly in appearance, could go forth with her playful cubs and clamber among the rocks and logs of these great hills without fear of the crack of the hunter's rifle. It is the home of the raven, the wildest and most untamable of the denizens of the air. Here among the rocky cliffs and vast silences of these ranges he builds his nest and rears his somber brood. Here, too, we find the golden eagle, as he watches from some impending cliff for his prey or hangs in awful flight above the silent forest and deep and perilous canyons. For here—

> He clasps the crag with hooked hands,
> Close to the sun in lonely lands,
> Ringed with the azure world he stands.
>
> The wrinkled sea beneath him crawls;
> Down dropping from his mountain walls,
> Like a thunderbolt he falls.

Tennyson thus describes the eagle of his own sea-girt island. And while there may be no sea in this wild area of the Smokies upon which this restless child of the air may gaze, yet I have seen them, on rare occasions when, looking from some rocky summit in the early morning, they have borne every appearance of an unruffled sea. Often the vapors that rise from the valleys and streams and forests in the stillness and silence of the night gather and spread themselves, covering the ridges and canyons with an unbroken stretch, indeed like a vast sea, with here and there only the higher peaks rising above them like lonely and rocky islands.

I have seen the sun rise in all his glorious beauty and throw his light downward upon this mass of clouds and vapor, touching them into the beauty of burnished silver. I have seen again, as the great "day king" rose higher toward the zenith, these vapors, stirred by his heat into motion, begin to rise and roll like the restless surf upon a great ocean beach. I have seen them still further moved by the increasing heat until in wild confusion they began to "flow down like a mad witch's hair" as they were caught by the winds and swung upward in tumultous fury. For this is the very home of the storm king, and here he gathers his forces of rolling clouds and unloosens the wild artillery of the skies. Standing upon one of these summits I have seen far below me the lightnings leap with impetuous fury. I have seen the summits of Clingman's Dome and Gregory Bald and Thunderhead lifting themselves above the swirling storm, as if contemptuous of its wrath, still bathed in the sunlight, while the roaring thunders crashed about their sides below, as if holding converse with the genii of the storms. I have seen this mighty tumult of cloud and vapor condense itself around these lonely summits and begin its march across valley and ridge and canyon, carrying the refreshment of the rain, like a great watering pot of God, to the fields and pastures of the children of men.

Surely we have some interest in preserving this great heritage which comes to us from the "Giver of all good and perfect gifts."

In this area every form of wild life would minister to the great call of the out of doors, that is more and more pressing upon our people, and its ethical and moral value can not be computed. Populations must have an outlet. I have seen it stated that in the great cities juvenile crime was found to be much less in areas near established parks than in the more congested sections, where no outdoor life was at hand. This great park proposed to be established would prove of inestimable moral and ethical value in the years to come.

Millions of people are now visiting our present great national parks. Last year nearly 1,400,000 tourists visited the national parks of the West. As above stated, these parks are remote from the great centers of population of the United States and require long and expensive journeys. The Smoky Mountain National Park is in almost the center of 80,000,000 of people and offers an objective to every tourist and when developed with proper roads and trails would be sought by untold millions as the years go on. It would yield an annual harvest not only of profit but of health and recreation and moral values. Unlike the cutting of the timber from a forest, which when cut is gone, a great national park will yield an annual crop that will continue with the generations. People would come to this great park in the spring when nature begins to touch into life the countless trees and shrubs and flowers here spread in vast profusion; they would come in the summer to escape the heat of lower altitudes and to rest under the cathedral arches of its great trees and refresh themselves by its sparkling streams; they would come in the fall when the finger of the frost king has touched these massive mountain sides, clad in their matchless forests, into an indescribable picture of gold and silver and vermilion.

And all this can be accomplished to the immeasurable benefit of the future, without undue interference with the lumbermen or those who draw their raw product from the forest. This bill is in no sense an attack upon their interests. The Great Appalachian Range of mountains has yielded its crop of centuries-old trees to the lumbermen. No one complains of this. The National Government itself has acquired as national forests nearly 3,000,000 acres in eastern America. This will be administered in scientific forestry. The only desire and purpose is to set aside a comparatively small area of this vast forest domain embraced in the great stretch of the Appalachian Range and preserve it as a typical area for posterity. Undoubtedly this particular park can be so established and created from territory that will accomplish at once this great purpose and at the same time bring no hardship or loss to any interest that may be concerned.

The country surrounding this great park is most interesting and beautiful. The district which I represent includes a large part of this great scenic territory. In fact, all of western North Carolina is a land of superb beauty and attraction. It is a land of mountains and streams and valleys. It is rich in soil and possesses a climate that has no equal upon the American continent. Here we have not only the Great Smoky Range of mountains, proposed to be included in this great park, but there are numerous other mountain ranges. The Smokies constitute the great northwestern rampart of the Appalachian Range. To the southwest we have the Blue Ridge, which from Pennsylvania to Alabama is a perfect watershed. In fact, I have seen a spring of water rising so near the summit of the Blue Ridge divide that part of the waters from the same spring would flow into the Atlantic, while another part would flow into the Gulf of Mexico. Between the Blue Ridge and the Great Unaka Range are many cross ranges creating innumerable valleys and coves and fertile meadow lands, some of these ranges containing peaks almost equalling those of the Smokies.

It is a land of plenty, a land of sunshine, a land of glorious possibilities. North Carolina, as a whole, is a wonderful State embracing every climate from the Canadian, at the extreme summit of her great mountains, to the subtropical, where her eastern shores are washed by the waters of the blue Atlantic. Western North Carolina is destined to be the great playground of America. In winter the climate is not too severe, and in summer it offers refreshment and health to those who live in warmer latitudes. Here they are crowding by the thousands from every part of the Union. Her magnificent highways are attractive to the tourist. Her succession of mountains and valleys with their beautiful cities and towns and hamlets are a constant surprise to those who have not been familiar with her attractions.

From Marion and Rutherfordton and Tryon, ideally seated on the eastern slopes of the Blue Ridge, the county seats of McDowell, Rutherford, and Polk, to Murphy upon the beautiful Hiwassee River, in the extreme western part of the State, has come a vast wave of progress and development. Asheville, the metropolis of this western country, has for many years attracted the tourist. Hendersonville, bustling and busy near the summit of the Blue Ridge itself, can not be surpassed. Brevard, nestling in the upper valley of the French Broad, is a beautiful picture as she sits in her fertile valley, walled around with beautiful mountains. Waynesville, in the splendid county of Haywood, sits like a princess upon her hills. Canton is thriving

and throbbing with industry. Sylva, "an apple of gold in a picture of silver," as her name implies, is situated among the magnificent woods and streams of Jackson County. Bryson City, which would be the nearest town to the Great Smoky Mountain National Park, is wonderfully situated upon the banks of the Tuckasegee, one of the most splendid of our mountain streams. The background of this splendid little mountain town is the great and silent wilderness of the Smokies themselves. It offers rest and health and recreation to the visitor, and from its busy streets he can quickly and easily pass into the vast solitudes of the beckoning forest. Andrews, on Valley River, in point of sheer beauty can not be surpassed by any town in the United States. It is located near the old site of the council town of the Cherokee Indians. Roosevelt in his great book, The Winning of the West, refers to this spot and to the ancient gatherings of this tribe. Murphy, at the confluence of the Hiwassee and Valley Rivers, looks out upon a stretch of mountains and valleys that is most entrancing. Clay County, a very gem of the mountains, contains the beautiful little town of Hayesville that is just being touched by the influx of travel. Graham, another gem of these mountains, lies upon the southeastern slopes of the Smokies themselves.

Here the beautiful Cheoah takes its rise and cuts like a saber through the mountain walls of the great Unaka Range. While Franklin, in Macon County, sits within a rampart of mountains with the "Standing Indian," the highest of the peaks of the Nantahalas, piercing the hazy distance. In this county are found more different varieties of gems and minerals than in any other county of the United States. Its valleys are fertile and prosperous.

I would invite you, my colleagues, to this wonderland of which I am extremely proud. Peopled by a stock that is yet pure Anglo-Saxon, they are the descendants of the Scotch and Irish and English, who laid the foundations of this Republic, and who are zealous of the preservation of the institutions which their fathers founded. It was from among these people came the men who fought at Kings Mountain and dealt the fatal blow to English tyranny. It was from among these people came the patriots, who, on May 20, 1775, more than a year before the Declaration of Independence at Philadelphia, met and declared at Mecklenburg that these colonies "were, and of a right ought to be free and independent States." And here, within this area proposed to be established into a great national park, is also the last remnant of the Cherokee Nation east of the Mississippi. Within this area the eastern band of Cherokee Indians still retain their tribal relations. The descendants of Junaluska, who fought with General Jackson in the Battle of the Big Bend. Junaluska himself sleeps beneath the monument erected by the State of North Carolina near the town of Robbinsville in Graham County. Once they were the proud masters of all this domain. Their fathers named its mountains and gave the nomenclature to its streams. As this area contains almost the last of our primeval forests, so it contains the lingering remnant of that great nation of Indians which once peopled its forests and valleys.

For this is the land of beautiful rivers and streams. Henry Van Dyke said that he loved the little rivers; that the big rivers were sullen and hostile and seemed ready to sweep you beneath their floods; but that the little rivers chafed against their banks and, racing over their rocky beds, sang and chattered with melodious enchantment. And most of these streams in my district yet bear the mellow names of the Cherokee Tribe. From the Catawba, the Swannanoa, and the Takeeostee on the east, passing westward, you cross the Tuckasegee, the Tennessee, the Cullasagee, and the Nantahala. The latter rises under the sides of the "Standing Indian" and is a very queen of our mountain streams. You finally reach the Hiwassee and the Tusquitee, in Clay and Cherokee Counties, and the Cartoogechay. The Oconalufty gathers itself from the springs of the Smokies, and on its banks still live the purebred Cherokee Indian. There are others too numerous to mention at this time. I include with them the Cataloochee, that wild and restless child of the mountains that takes its rise under Mount Guyot and flows through unbroken forests for many miles until it finally becomes a part of the waters of the great Tennessee itself. These names carry us back to the days before the white man found this wonderful region and when the smoke of the wigwam of the Cherokee arose from these mountain sides and valleys.

And overlooking this vast stretch of mountain and field and forest, now peopled by beautiful cities and towns and hamlets, with plenty upon every side, stand like lonely sentinels the giant peaks and ridges of the Great Smokies, guarding its supernal beauty.

HENRY W. LONGFELLOW

Mr. VESTAL. Mr. Speaker, I call up Senate bill 4018, to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the poet Henry W. Longfellow, a similar House bill having been reported to the House and being on the House Calendar.

The SPEAKER. The gentleman from Indiana calls up Senate bill 4018, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That a medal with appropriate devices, emblems, and inscriptions, commemorative of the poet Henry W. Longfellow, shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia. The medal herein authorized shall be manufactured subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the International Longfellow Society, and the medal so prepared shall be delivered at the Philadelphia Mint to a designated agent of said the International Longfellow Society in such numbers as they may require, not to exceed 500,000, upon payment of the total cost thereof.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. LAGUARDIA. I have been objecting to this bill on the Consent Calendar, and my reasons were that I do not believe this Longfellow Society is either a historical society or a literary society of national standing. Now, if this bill passes and we authorize the coining of these medals, will the society be required to state how many they want and pay the total cost to the Government, so that the transaction will end there and then?

Mr. VESTAL. That is correct, and that has been provided in the Senate bill.

Mr. LAGUARDIA. And there is no mistake about that?

Mr. VESTAL. No.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VESTAL. Yes.

Mr. CHINDBLOM. That would be so under the terms of this bill, would it not?

Mr. VESTAL. Yes.

Mr. CHINDBLOM. There is an old organic act under which medals may be coined by the mint where Congress authorizes it, and it is subject to the old organic act.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. I want to ask whether the stage has gone by where an objection would lie against the present consideration of this bill?

The SPEAKER. No objection would lie against it. The gentleman calls it up as a matter of right.

Mr. UNDERHILL. If the gentleman from Indiana will yield to me, I would like to say something with reference to the bill.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman from Indiana yield to the gentleman from Texas to make a parliamentary inquiry?

Mr. VESTAL. Yes.

Mr. CONNALLY of Texas. This is a Senate bill, is it?

Mr. VESTAL. Yes.

Mr. CONNALLY of Texas. Has the House Committee reported a similar bill?

Mr. VESTAL. Yes; it has reported a similar bill favorably.

Mr. CONNALLY of Texas. Has the committee directed that this Senate bill be called up?

Mr. VESTAL. No.

Mr. CONNALLY of Texas. Then, Mr. Speaker, I make the point of order that the bill can not be considered.

Mr. VESTAL. I will state that I called up the bill because the chairman of the committee was not present.

The SPEAKER. The Chair had assumed that the gentleman had authorization from the committee to call up the bill.

Mr. VESTAL. The chairman of the committee [Mr. PERKINS] is not present, and being the ranking member on the committee I took the liberty of calling it up.

Mr. CONNALLY of Texas. I shall not insist on the point of order.

Mr. VESTAL. Of course, if I had understood there was any objection to the proposition, I would not have called it up at all.

Mr. CONNALLY of Texas. I shall not insist on the point of order.

Mr. UNDERHILL. Mr. Speaker, I shall insist on the point of order, then, unless I have plenty of time to oppose the proposition and tell the House what I know about it.

Mr. VESTAL. How much time does the gentleman want?

Mr. UNDERHILL. Five or 10 minutes.

Mr. VESTAL. I am perfectly willing to yield the gentleman 5 or 10 minutes.

Mr. UNDERHILL. Mr. Speaker, this apparently is a very small matter, but there is more back of it than the Members of the House are aware. In the city of Portland, Me., to-day there is the home of Longfellow, which is taken care of by a society there and which is open to the public at any and all times. Not far from this home of Longfellow, which is a shrine for those who love that great poet, there is a home which is alleged to have been his birthplace.

For a number of years a certain individual in the city of Portland has been making a good living out of this proposition, which he has apparently sold under misrepresentation to the various governors and men of prominence throughout the Nation and to those who love Longfellow and his poems. I want to say emphatically, although this probably never came out before the committee, this is nothing more or less than a graft proposition for one individual in the city of Portland to make a nice, easy living for the rest of his life or as long as the provisions of the bill now contemplated shall run.

Mr. BYRNS. Just what is involved in the bill?

Mr. UNDERHILL. The bill provides for the coinage of several thousand or several hundred thousand coins; I believe there is no limitation as to the number.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. In reply to the inquiry of the gentleman from Tennessee, there is in Portland now the home of Longfellow, maintained by the Maine Historical Society.

Mr. UNDERHILL. Yes; I stated that.

Mr. LAGUARDIA. Mr. Longfellow was born and his mother lived in this other house a short time, and this society mentioned in the bill, as the gentleman has said, is a one-man proposition.

Mr. UNDERHILL. Absolutely.

Mr. LAGUARDIA. And this gentleman first wanted the Government to coin pennies, and then it was changed to medals which this gentleman is to sell as they come along.

Mr. UNDERHILL. Yes; he sells these medals and imposes upon the general public. There is not a child or a child grown to manhood but what loves that great poet, Henry Wadsworth Longfellow. [Applause.]

My whole life was influenced by that man, for when I was a boy of 12 years of age, employed as a printer's devil in the city of Cambridge, that man came into the printing office and showed a little interest in me. He said a kindly word to me. A few weeks later Longfellow died. I was anxious to know more about this great man and started to read his works, and from that small beginning practically all the education I have had in the world has come as a result of the kindly action of Henry Wadsworth Longfellow in paying some attention to me, a little office boy in a print shop in Cambridge.

I would do anything in this world to make the memory of Longfellow sacred and dear to everybody, but this is an imposition. This man is taking advantage of the love which the people of this Nation have for that great poet and is grafting and making an easy living out of the credulity of the people.

If Congress wants to lend itself to such a proposition as this, after I have explained the situation honestly and fairly, then my duty has been performed.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. UNDERHILL. Certainly.

Mr. MOORE of Virginia. Did not Longfellow spend most of the important part of his life in Cambridge?

Mr. UNDERHILL. Oh, a great deal of his life was spent in Cambridge and the school children of the United States have preserved for all time his home in Cambridge, and a local society in Portland, Me., has preserved his home there. This is a little place where he only lived for a short time and has absolutely nothing to do with his career, his life-time work, or anything of that sort.

Mr. LOZIER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LOZIER. Is it not the fact that Longfellow's home, in his later years, had previously been the headquarters of General Washington during Revolutionary times?

Mr. UNDERHILL. Oh, yes.

Mr. HUDDLESTON. Will the gentleman explain more fully how this would be for the benefit of this one individual? That is the point the gentleman has not made clear.

Mr. UNDERHILL. We strike off so many medals at the expense of the United States—500,000—and turn them over to this man. He sells them for anything he thinks he can get for them—for 1 cent or 5 cents or $1 apiece—and puts the money in his pocket.

Mr. CARSS. Do we furnish these medals to him without cost?

Mr. LAGUARDIA. It is also proper to state about this one-man association that, while he acquired the birthplace of Longfellow by paying the mortgage, there has never been any accounting whatever, and this is not a historical or literary society of any standing.

Mr. KVALE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. KVALE. The gentleman said this was at the expense of the United States. There is to be no expense incurred by the Government whatever.

Mr. UNDERHILL. Oh, that is true; but it has the indorsement of the United States, and he can carry on this thing indefinitely. Suppose the gentleman was sitting in his library, and he received in to-morrow morning's mail a letter from this man stating that the birthplace of Longfellow in Portland, Me., is neglected, and that he is disinterestedly trying to preserve this birthplace for future generations.

Undoubtedly the gentleman would become interested in it without investigation and might send him a check.

Mr. KVALE. I simply wanted to correct the impression that there was anything coming out of the Treasury.

Mr. UNDERHILL. I do not believe that he should have the indorsement of the Government.

Mr. BLANTON. There is an overhead for the use of the plant that the Government never gets back. If the gentleman from Massachusetts is so wisely against the bill, why did he not raise the question of consideration and stop it?

Mr. UNDERHILL. I believe that these matters should be argued out on their merits rather than to take advantage of technicalities.

Mr. CONNALLY of Texas. Could not the party have these medals struck off at some private plant?

Mr. UNDERHILL. Yes; but he would not get the indorsement of the Government and thus get the graft based on the love and affection of the people of the United States for the memory of Longfellow.

Mr. BLACK of New York. What does the Treasury say about it?

Mr. UNDERHILL. I do not know.

Mr. LINTHICUM. I understand that this home is well taken care of.

Mr. UNDERHILL. The Longfellow home is taken care of by the Maine Historical Society, and they do not ask for any contribution. I am perfectly willing if the House understands the situation—that it is not the home of Longfellow, for that home has been preserved and does not ask for any contribution. If the Congress of the United States wants to lend its aid and indorsement for graft, all right, go ahead.

Mr. STEPHENS. I understand the gentleman thinks we should vote against this bill.

Mr. UNDERHILL. Absolutely.

Mr. VAILE. Is this place the birthplace of Longfellow?

Mr. UNDERHILL. It is supposed to be.

Mr. LAGUARDIA. By accident.

Mr. McMILLAN. Is there any other association indorsing this plan?

Mr. UNDERHILL. The Historical Society of Maine has again and again brought this man to the attention of the public and he gets no support in Maine for it or in Massachusetts, but he comes down here thinking he can fool you.

Mr. WAINWRIGHT. What is the International Longfellow Society?

Mr. UNDERHILL. It is this one man.

Mr. WAINWRIGHT. Does the gentleman mean that the whole society is composed of one man?

Mr. LAGUARDIA. It is a paper organization.

Mr. VESTAL. Mr. Speaker and gentlemen, I have listened with a great deal of interest to the gentleman from Massachusetts against the passage of this measure. Formerly I was chairman of the Committee on Coinage, Weights, and Measures, and a number of these bills providing for the minting of coins were introduced, and near the close of the last session of Congress the committee decided that they would not report any more bills for memorial coins. A gentleman by the name of Jackson appeared before the committee, and a bill was introduced for a coin for this society. This was changed to a medal and is in the form of the bill now before you. He represented himself to be a member of this society, known as the International Longfellow Society. I find that the President of the United States is an honorary member of the society. William Howard Taft is a member of this society, and some of the great men of the country are members of this international society.

Mr. UNDERHILL. Yes; and if the gentleman would send a check for $1 to this man, he would become an honorary member of the society. [Laughter.]

Mr. VESTAL. I know nothing about that, but I do know that it is an accepted fact—and no one has disputed it—that Longfellow was born at this particular place which is to be commemorated by this medal, although he spent most of his life in Cambridge, Mass. It seems as though some of the Members from Massachusetts do not want this bill passed to honor the birthplace, in Maine, of Longfellow, although he was born in Maine but spent the most of his life in Massachusetts.

Mr. UNDERHILL. If the gentleman will yield, and if it will not embarrass the gentleman from Maine, I will ask him if any statement I have made is untrue.

Mr. BEEDY. The statement of the gentleman from Massachusetts is absolutely true. I would like to ask the gentleman from Indiana when Mr. Jackson appeared before his committee if he was fair enough with the committee to say that he had come to me as a Representative of the first district of Maine, in which this home and birthplace are located, and asked me to sponsor such legislation and that I had refused to and told him that the Government would not lend itself to the minting of a coin for such a purpose, and that he told me he would show me how to get it? [Laughter.]

Mr. VESTAL. No; the gentleman did not say any such thing as that, and I am going to be frank with the membership of the House.

I have said to Mr. Jackson a number of times, "Why do not you have the Members from the State of Maine get behind this bill? They ought to be behind this bill if it is in commemoration of the birthplace of Longfellow," and he has always said to me, "I do not know why they are not interested in it." Finally the bill was passed in the Senate. That is the reason I brought it to the attention of the House. It was passed unanimously in the Senate and brought over here, and something ought to be done with the bill. It has been up here before the House. I said to Mr. Jackson this morning that I would call the bill up and the House could do what it pleased with the bill.

Mr. SMITH. Is there any expense to the Government involved?

Mr. VESTAL. No expense whatever involved.

Mr. SNELL. Who is sponsor for the bill in the House and in the Senate?

Mr. VESTAL. Mr. Thayer introduced the bill in the House.

Mr. SNELL. Who in the Senate?

Mr. STEVENS. Senator FRAZIER.

Mr. SNELL. They went a long way from home.

Mr. VESTAL. I thought it was Senator NORBECK.

Mr. SNELL. Would not either one of the Maine Senators introduce the bill?

Mr. VESTAL. I think not, but I know nothing about that. I think Members will understand that I am absolutely fair with the House.

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. LOWREY. Mr. Speaker, may I have the attention of gentlemen for a moment? I happen to be the ranking minority member of the committee. I think it is fair that this should be said to the committee. We have had several bills of this kind, and, as I remember, they have never been sponsored by the Congressman from the particular district. That did not occur to me in any way. The man certainly did bring a number of strong names and strong letters before the committee. I think if gentlemen will take the hearings they will find that the mint or the Treasury Department had a man before the committee who stated that they objected to any more coins, but that they would be glad to make this as a medal. We certainly inferred from his testimony that it would be made without any cost to the Government, and that the Government was very glad to do that kind of work. I inferred that it would possibly pay the Government a little from the way he spoke.

Mr. SNELL. Does the gentleman not think it rather peculiar that in a matter pertaining to Maine they would have to go clear to North Dakota to get a Senator to introduce the bill?

Mr. LOWREY. The gentleman does not embarrass me with that question at all. With the information before us I would not vote for the bill. I am speaking now in behalf of the committee, since there is a tinge of criticism of the committee. I think the gentlemen from Maine ought to have enlightened us without our sending for them, if these are the facts.

Mr. UNDERHILL. If I had known that this was before the committee, I certainly would have appeared and have given the facts.

Mr. VESTAL. I want to say further that I do not think any Member of the House is going to criticize the committee for reporting out a bill for this medal, where there was no cost to the Government at all and under the representations made by the gentleman who appeared before the committee. I think any set of men or any committee would probably have done the same thing. We had the President's name and we had Mr. Taft's name and the names of a number of important people who were supposed to be members of this international association, whatever it may be, and I want to take just a little time now to read from this statement in the RECORD:

> Many of the most distinguished men and women of the Nation have been and are now associated with the organization.

I can not quite understand why the men whose names I am now going to mention could be associated with an organization that is made up of only one man.

Mr. STEPHENS. From whose statement is the gentleman about to read?

Mr. VESTAL. This is a statement made by Senator NORBECK. I have seen some of the stationery and the literature of the association, and I know it is true that these names are the names of people who are supposed to be members of the association. I read the letter that the President wrote, or that Mr. Slemp, his secretary, wrote, when he became an honorary member of the association. There are the names of Theodore Roosevelt, Woodrow Wilson, General Miles, Admiral Dewey, William Dean Howells, Edna Dean Proctor, Bishop Fallows, President Coolidge, Chief Justice Taft, Cardinal O'Connell, Cardinal Dougherty, Mr. Philip North Moore, Edward Markham, and so forth. Then there are here two or three of the letters, one by Mr. Taft and one by Cardinal O'Connell.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. CONNALLY of Texas. I notice that the gentleman read the name of the President. Is this an administration bill?

Mr. VESTAL. No; I think not. He is an honorary member of the association.

Mr. CONNALLY of Texas. Could not this concern have these medals struck off by a private plant?

Mr. VESTAL. There is no question about that. The reason they want the medals coined by the Government is because it gives a sort of prestige to them, and they are supposed to be sold and the money used for the upkeep of this house. That is the purpose of it.

Mr. LAGUARDIA. Inasmuch as the gentleman has mentioned these distinguished citizens, I think it only fair to say that these letters are in response to a letter sent out by Mr. Jackson asking for an expression of opinion as to their admiration for Longfellow the poet, and generally to perpetuate his memory. I saw a carbon copy of Mr. Jackson's letter.

Mr. TILLMAN. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. TILLMAN. Speaking about distinguished citizens, the State of Maine has a number of distinguished citizens here in the House and in the Senate. The gentleman was not quite clear in his statement about the Maine delegation. The gentleman said they were not behind the bill. As a matter of fact, are they not against it?

Mr. VESTAL. I have had conversation with the gentleman from Maine [Mr. BEEDY], in which he told me that he would not object to the bill when it came up on the Unanimous Consent Calendar, and he gave me his reasons why.

Mr. BEEDY. Mr. Speaker, I think I ought to be frank with the House. The gentleman who originally came to me, Mr. Jackson, is a gentleman well known in my city. He is a man advanced in years and has no means of getting a living. He lives in the birthplace of Longfellow and, so far as I know, that is his only home.

I could not find it in my heart to say I would fight this bill, and I had promised I would not do so, and I have tried to keep my promise simply out of human sympathy for the man himself. [Cries of "Vote!"]

Mr. VESTAL. Now, gentlemen of the House, I have made a statement which I think is fair relative to this bill, and it is up to the House to do what it desires.

The SPEAKER. The question is on the third reading of the bill.

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. VESTAL. I do not think I will make a point of no quorum, but I will ask for a division.

Mr. BLANTON. It is on the third reading.

The SPEAKER. The gentleman from Indiana demands a division. The question is on the third reading of the bill.

The House again divided; and there were—ayes 59, noes 7.

So the bill was ordered to be read the third time; was read the third time.

The SPEAKER. The question is, Shall the bill pass?

On a division (demanded by Mr. VESTAL) there were—ayes 27, noes 60.

So the bill was rejected.

Mr. BLANTON. Mr. Speaker, I move to reconsider the vote by which the bill was rejected and to lay that motion on the table.

The motion was agreed to.

CONFERENCE REPORT—BRIDGE BILL

Mr. DENISON. Mr. Speaker, I call up the conference report on the bill H. R. 7093.

The SPEAKER. The gentleman from Illinois calls up a conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

The conference report was read.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

Strike out all of section 1 after the word "act," in line 1, page 2, as follows:

"The construction of such bridge shall not be commenced, nor shall any alterations of such bridge be made, either before or after its completion, until the plans and specifications for such construction or alterations have been first submitted to and approved by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, acting jointly, and they, acting jointly, shall determine whether the location selected is feasible for the erection of such bridge without obstructions in navigation and without being detrimental to the development of interstate and foreign, as well as domestic, commerce moving to and from the particular location on the southern branch of the Elizabeth River to the inland waters of the State concerned, and whether public convenience will be served by such bridge as a connecting link between the Federal-aid highway systems of the State of Virginia. The said Secretaries, acting jointly, are empowered, and, if requested to do so, are directed to hold public hearings for the full and complete determination of said precedent requirements."

And the Senate agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

WESLEY L. JONES,
HIRAM BINGHAM,
JAMES COUZENS,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7093) submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate amended the House bill by striking out all after the enacting clause and inserting a new bill in lieu thereof. The provisions of the Senate amendment were in harmony with the agreement reached by the committees of the House and Senate with reference to such bridges as the one provided for in this bill, which agreement was reached after the House bill had passed the House, except that the Senate bill included in the first section thereof a special provision that before the bridge could be commenced or constructed the plans and specifications should first be submitted to and be approved by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, acting jointly, and further provided that those three secretaries should, acting jointly, have a hearing, if requested to do so. The existing bridge law, the act of March 23, 1906, provides that before any bridge can be commenced the plans and specifications shall first be approved by the Secretary of War and the Chief of Engineers, and it was shown in the hearings that there is cooperation between the Chief of Engineers and the Navy Department, so that the Chief of Engineers and the Secretary of War will not approve the plans for any bridge that will interfere with or obstruct the operations of the Navy. It was believed that this provision of the law would fully protect the interests of navigation and of the Navy, and therefore the House agreed to the Senate amendment with an amendment striking out the above special provision about joint hearings and joint approval of the bridge by the three Secretaries; and the Senate agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. DENISON. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10090 and agree to the Senate amendment.

The SPEAKER. The gentleman from Illinois moves to take from the Speaker's table the bill H. R. 10090, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10090) granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi and at or near Bellefontaine on the Missouri River.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Speaker, I ask that Senate bill No. 3103 be indefinitely postponed from further consideration, a similar House bill having passed the House and Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADDRESS BY THE HON. ELIHU ROOT BEFORE THE DEPARTMENT OF POLITICAL EDUCATION OF THE NATIONAL CIVIC FEDERATION

Mr. BACON. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address by the Hon. Elihu Root delivered before the National Civic Federation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a speech delivered before the Civic Federation by Hon. Elihu Root. Is there objection? [After a pause.] The Chair hears none.

Mr. BACON. Mr. Speaker, in accordance with the above leave to extend my remarks I gladly insert herewith the address of that great American and great statesman, the Hon. Elihu Root, before the department of political education of the National Civic Federation, at New York City, April 20, 1926:

ADDRESS BY THE HON. ELIHU ROOT, HONORARY CHAIRMAN, AT LAWYERS CLUB, NEW YORK CITY

It is very interesting, very cheerful, very hopeful to find such a practical recognition of good will toward something which, it seems to me is becoming every year more manifestly important for our country and our people. The experiment of a republican government—the methods for securing the formation of public opinion and the expressing of it and the machinery to give it effect in government have not kept pace with the increasing complication of life within our lifetime.

All over the civilized western world, populations are increasing, wealth is increasing, people are living more and more in great cities, the governments are being forced to do more and more things for the preservation of the social order and to keep that from all going to pieces. The kind of government, which did very well a hundred years ago, in our simple communities, is overburdened by a thousand things that never were required then and are required now. Our lives, our liberty, our prosperity, are all dependent every day upon something which we can not do ourselves. Government has to do it.

All that complication makes it difficult to understand what government and government officers are doing, their modes of procedure and the machinery for the formation, the expression and the effectuation of the public will, the necessary foundation of popular government are inadequate. They have not developed pari passu with the increasing complication of life. Over in Italy, they became so inadequate that the Italian parliament was made up of a lot of intriguing, wire-pulling, subtle, adroit people combining and recombining each one for his own advantage and aggrandizement; and they became so bad that popular government, as it operated in Italy, came to an end. Italy welcomed Mussolini—and there is an end to popular government, for the time being at all events, in Italy.

Very much the same sort of thing happened in Spain, where Primo de Rivera became the dictator, so that the constitutional monarchy of Spain has given place to the operation of a dictatorship. With respect to France, it is not necessary to say any more than that the extreme difficulty with which the successive French Governments have been endeavoring to get the Chamber of Deputies in Paris to agree in any kind of taxation which would save France from bankruptcy indicates that things are not working right there. The Government of France has been moving, one man being up one day and the next down, and another man being up one day and the next day down. No French statesman has been able to get up and make a speech for the last six years in the certainty that his chair would not be pulled out from under him when he sat down. The will, the impulse, the excitement, the combination of special personal group interests at the moment would overturn the Government, and any continuous, settled, effective policy has been almost impossible.

Now, here in this country we have not got so bad as that, but there are many indications that something is going wrong in our machinery. The abstention from voting about which Mr. Easley has been telling us so actively and so efficiently is not quite right, is it? Is it right that only approximately half or less than half of the people of the United States should care enough about their Government, should care enough about expressing their opinion and wills, to go to the polls and cast the ballot? There is something wrong about it. It is the same sort of thing that we have seen in Congress, the twisting and turning of groups have begun, although I think the tendency has been considerably checked there, but a couple of years ago we began to find ourselves under a government of groups, which were one way to-day and another to-morrow, each one being formed for some specific purpose.

Of course, all that does not show that popular government is a false theory. All governments that deal with great masses of people have to be carried on by processes of trial and remedy and experimentation; and it is perfectly clear, I think, that we have come to the point where we should consider what it is that is wrong about the mode in which the popular will of the American people gets itself into law. It does not take much study to perceive that the popular will does not get itself effectuated in law or administration; that it is not perpetuated well and efficiently because it does not begin early enough in exhibiting its interest. Things are largely settled before half the people interested in them wake up and understand that there is something to be studied.

Now, there has been only one way ever discovered under popular government of securing successful administration and that has been by the voluntary association of people who agree upon great major policies for the purpose of enforcing those policies and selecting officers of government who represent those policies. There never has been any other way found. England tried the experiment of government by groups, and she had the most ineffective and disgraceful period of her history under a government by groups. These voluntary associations we call parties, political parties, and the essence of a political party is that it is a voluntary organization of people who agree upon something of importance and are willing to subordinate their small differences and personal predilections in order to make effective agreement upon the major and important subjects.

That is the only way you can prevent a legislative assembly from being like a game of jackstraws, every man going his own way. We must rely upon the fact that members of the legislative assembly are also members of great political parties who have brought their wishes and their wills into lines, parallel or converging lines, for the purpose of effectuating great policies. That ranges the members of a legislative body into such relation to one another that it is possible to have effective parliamentary government.

We have a Declaration of Independence, the value of which we can not overestimate because it throws down the gauntlet to the world in a declaration of the nature of government, the nature and function of government; but all the Fourth of July orators who have ever spoken could not make the Declaration of Independence accomplish anything but for the Constitution, which establishes certain specific rules for giving effect to the great principles of the Declaration. It is of no use to cry "Liberty" when no one does anything to secure liberty. It is the writ of habeas corpus which entitles a man to force the person who restrains him to give an accounting of his reasons for so doing. It is no use to speak of the sanctity of private property and stop there. When your property is taken away without due process of law it is the court which can be invoked and which can make the offender liable to damages for his infringement upon your rights.

We have got to have things brought down to the practical, concrete point of effectiveness, and general sentiment is worse than useless without that. Here are a great lot of people with a mild approval of free government, but who never think of doing anything about it until after something has happened, and then they criticize the Government and say they don't agree with it. There is an essential difference between the critic and the doer of things, an essential difference in their attitude. Catch a critic, however brilliant he may be, however enthusiastic he may be about the theories along the lines of what he criticizes, and put the responsibility upon him to make government work; then you have an entirely different man. The important thing is to turn this half of the people who do not vote from critics with the critical attitude which is against government—turn them into doers, show them how they can bear the responsibility, perform the duty of taking a part in the Government of their country.

The question is how to reach them. The practical way is to turn them into the organized parties. If we did not have any parties, we would have to make them. We might escape some prejudice by giving names to the parties which would not be understood by certain people. Those in the party organizations begin pretty nearly at the beginning. They begin at the point where theory joins to action, and everyone you can get in there will become a practical governor of this free country. It is perfectly simple, perfectly easy. All you have got to do is to wake people up, have some one take the head of the crowd and march them in. Tell them where to go, whether Democrats or Republicans, I do not care. Tell them where to go, and the organizers, the head officers of the party organizations in all the political units, State, city, county, borough, town, and village will welcome them and set them to work. In what we are talking about doing now we are like the man who wrote that he had a good job and had nothing to do.

When asked what he was doing, he said, "I am a hodcarrier. I carry the hod up and the man at the top does all the work." All we have to do is to carry up the hod and the party officials will do all the work. A little organization is necessary. It is delightful to have the soldiers of the American Legion, to have the men who care for their country because they were willing to risk their lives for it—to have them ready to use their organization for this intensely practical effort. It is also delightful to have the teachers of the children beginning with them in this true education. It is a great thing for the children to learn the difference between the kind of sentiment which expires in the air and leaves everybody flabbier and the kind of sentiment which becomes transformed into feeling and action.

Now, I hope this movement will go on, for it is the one thing in the United States most important for the perpetuity of our free institutions, our liberty and order—that the people of the United States shall get back the kind of relation to the practical operations of government which they used to have in the old New England town meetings 300 years ago. This is not anything new. It is a renaissance of practical participation in government.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, the farm relief bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I only take the floor this morning for the purpose of keeping the record straight. I am going to take part in the debate in the perfecting of the farm relief legislation because I have spent eight weeks, day and night, becoming familiar with the facts with which we are dealing, and I serve notice here and now I welcome correction of any statement of fact that I make, because no good purpose can be served by a man who has been afforded the opportunity of getting this information by misstating the facts. I stated here yesterday from this place that the enactment of this law at this time could not help the price of corn. I thought my information was entirely reliable because it was the chairman of the great Committee on Agriculture who had stated that in the hearing. The chairman

subsequently disputed that statement, and when I called his attention to the fact it was his own statement I was relying upon he said the difference in the date had changed the price of corn in the United States 15 cents a bushel, which would, of course, have changed the situation between the 6th of March and yesterday. I accepted that statement, only stating to the chairman I did not know that to be the fact at that time. I have since ascertained that there is no difference in the price of corn except 1 cent a bushel between the 6th day of March and yesterday.

I make that statement without any intention of reflecting on the gentleman from Iowa. I know the chairman did not intentionally misstate it, but the accuracy of that little fact makes quite a difference as to whether this bill, if passed, would make a difference in the price of corn.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINCHELOE. Are not the gentleman from Kansas and the chairman of the Committee on Agriculture getting their information from the same place as to the price of corn?

Mr. TINCHER. Well, I get my information from the Department of Agriculture. I do not reflect on the chairman. But his statement puts me in the position of attempting to make a misstatement. No good purpose could be subserved by anybody trying to mislead this House in the course of debate.

Mr. KINCHELOE. It is such a great difference that I am interested in knowing which is correct.

Mr. TINCHER. I took the trouble to verify the figures. There is just 1 cent difference. This commotion comes out of corn. We are asked to pass a bill that would not help the farmer a penny if strictly enforced.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ASWELL. Does the gentleman recall that all the statements by every leader from the Corn Belt positively declared that the Haugen bill could not help corn? That is in the RECORD.

Mr. TINCHER. Of course the boys from the Corn Belt are entitled to know whether or not that is a fact. It took us eight weeks to get the information. I do not want to give anybody anything but the accurate facts. The gentleman from Iowa said the price of corn in Iowa is from 25 cents to 45 cents a bushel. The price of corn yesterday was 70 cents a bushel.

Mr. CARTER of Oklahoma. Whereabouts?

Mr. TINCHER. In Chicago.

Now, if corn was selling for 25 cents yesterday, what was wrong? Some of the corn in Iowa and Illinois last year did not ripen, but it was not an act of Congress that caused that. That is not a condition that Congress can cure. No. 2 corn was worth 72 cents yesterday on the market, and if anybody is buying it they are paying that, plus the freight. If someone has spoiled corn and can get only 25 cents a bushel for it, and is led to entertain the hope that this bill will help him in that condition, is it any wonder that we are getting telegrams here asking us to support that thing?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 10, line 3, after the period, strike out the balance of the line and the balance of the page, and in lieu of the matter stricken out insert the following language: "Whenever the board finds that in case of any of the basic agricultural products named in this act there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of same, and that a substantial number of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations of any such basic commodity, then the board shall declare its findings and commence operations in respect thereof. Such operations shall continue until terminated by the board." And on page 11 strike out down to and including line 13, and in lieu of the matter stricken out insert: "(d) During such operations the board shall assist in removing or withholding the surplus of such basic agricultural commodity and/or its food products, and shall assist producers of such basic agricultural products in controlling the quantity in excess of the requirements for orderly marketing, by entering into agreements with cooperative associations engaged in handling such basic agricultural commodity or its food products or with a corporation or association created by one or more of such cooperative associations or with persons engaged in processing such basic agricultural commodity or its food products."

Mr. PURNELL. Mr. Chairman, I want to reserve a point of order on the amendment.

Mr. BLACK of Texas. If the gentleman cares to make the point of order, let him make it now.

Mr. PURNELL. I can not carry its provisions in my mind.

Mr. RAMSEYER. Is not that amendment similar to the one offered by the gentleman's colleague [Mr. JONES]?

Mr. BLACK of Texas. No. The purpose of my amendment would be to eliminate from the bill all reference to the tariff and its tariff price-fixing plans. And if the gentleman will read the language of my amendment, he will find that the language, after eliminating the tariff provisions, is the same as that contained in the bill. The only reason why I wrote the amendment in the form of restating the language was to make it intelligible to the House. But the effect of the amendment would be to entirely eliminate from the bill the artificial tariff method of price-fixing which it undertakes to set in motion as to wheat, corn, swine, cattle, and butter.

Now, as I stated in the remarks that I made in the House on last Saturday, the bill as now written contains two separate and distinct plans of marketing. One of them applies to cotton and contemplates the orderly marketing of cotton by withholding a certain amount of it as surplus from the market. As to the other basic commodities provided for in the bill, it says that the board shall conduct its operations so as to insure to the producers of those products a domestic price which will equal the foreign price, plus transportation, plus the tariff.

Now, if gentlemen will just give attention, I will read some of the provisions of the bill, so as to emphasize to you the separate and distinct methods which it sets in motion as to cotton and those it seeks to set in motion as to other products. Now, I read on page 10, beginning on line 4:

Whenever the board finds (1) that, in the case of cotton, there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of cotton, and that a substantial number of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations in cotton.

The language which I have just read describes the conditions under which the board is to begin its operations in cotton.

Now, if you will turn over to page 11 you will find what it proposes to do for cotton when the operations begin. Beginning with line 1, the bill reads:

During such operations the board shall assist in removing or withholding the surplus of such basic agricultural commodity and/or its food products and shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing.

That is what you say as to cotton, and I am trying to say by my amendment that the bill shall do the same for the other products; to-wit, withhold the surplus from the market, so as to promote orderly marketing. But, let us see what you do for the other products, on page 10, beginning at the word "that" in line 9, paragraph 2:

That, in the case of wheat, corn, butter, cattle, or swine, and/or any food product of wheat, corn, cattle, or swine, there is or may be during the ensuing year a surplus above domestic requirements, and that the price of any such commodity or food product in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board) plus the amount of tariff duty thereon and plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States, and that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity or food product.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. BLACK of Texas. Then, when the board finds that the domestic price of any of these other products is lower than the foreign price plus transportation plus the tariff, it sets in motion an operating period as to these other products, and let us see what it is to do for these other products. In addition to what it is to do for cotton, to wit, in assisting in holding off a surplus so as to promote orderly marketing, the board is charged with the additional duty as to these other products, of making effective, the maximum rates of the tariff. Let us again turn to page 11. Here it reads:

Shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing and producers of other basic agricultural commodities in maintaining domestic prices which yield the maximum benefits of the tariff.

Let me emphasize those words, "maximum rates of the tariff."

Now there you are, and the bill defines what the maximum benefits of the tariff are on page 10, as I have already shown you. Yesterday, when the gentleman from Iowa [Mr. HAUGEN] was answering the statement that the gentleman from Kansas [Mr. TINCHER] had made that the present price of corn in the United States was already equal to the foreign price, plus the tariff and plus transportation, and was denying the correctness of such statement, and while he was on the floor, I asked him if he would yield to me to make a short statement and ask him a short question. He said he would and he very kindly yielded. I stated to him that at the present time the farmers of the entire State of Texas were buying hundreds of carloads of corn from the corn-growing States and were paying $1.05 a bushel f. o. b. Texas common point territory, and I asked him how much more it would be expected that our farmers would have to pay for corn if this Haugen bill went into effect and set in motion a domestic price which is to be equal to the foreign price, plus the tariff and plus transportation. Well, the gentleman from Iowa gave me no definite answer, but some gentlemen on the floor from corn-growing States seemed to think that I must be mistaken about my figures as to the price of corn in Texas and they seemed to express doubt about it, not, I am sure, that they would doubt my word but they thought I was in error. In order to know whether my recollection was correct, because I never want to make any wrong statement of the facts, I telegraphed to my brother at Clarksville, Tex., yesterday afternoon to wire me at once what the price of corn is in carload lots f. o. b. Texas common points, and he wired me last night:

Carload prices on corn 98 cents to $1.07 a bushel f. o. b. Texas common points.

Now, the 98-cent corn is, of course, probably No. 3 corn and the $1.07 corn is No. 1 corn.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. JOHNSON of Texas. What price did the Iowa farmers get for that corn?

Mr. BLACK of Texas. Well, that I do not know. The corn to our territory probably comes from Oklahoma, Kansas, and Missouri, and not from Iowa. The point I want to make is that our farmers, who are the largest consumers in Texas of corn, meat, and lard, are paying at the present time about all they feel they can afford to pay for these products. The average farmer does not buy this corn in carload lots; he can not do that; he buys it from his retail merchant or through his cooperative association, and, of course, where he buys it from the retail merchant the merchant has to charge about 10 cents a bushel for handling, which makes $1.15 a bushel that the farmer has to pay. In order to verify what I say I took a clipping from one of my Hopkins County papers last night and I want to read it to you. Hopkins County is one of the banner counties in my district, and the article which I will read was clipped from a recent issue of the Hopkins County Echo, published at Sulphur Springs, Tex.

The article reads:

Wednesday morning at 10 o'clock on the public square of Sulphur Springs there were many loads of home-grown hay, home-grown Dooly yams, home-grown oats, home-grown ribbon-cane sirup, fine poultry, pigs, etc., and also two big loads of home-grown Hopkins County corn, for sale. D. W. Henderson, successful farmer of the Oakland community, had a two-horse load of fine corn that brought him $1.15 per bushel. He has already sold several loads and will continue to sell corn as the season passes, provided the weather man is good and another corn crop shows up. If the weather man fails to bring rains needed at the right time, he will save part of the corn on hand for use next year. "I never buy corn," said Mr. Henderson, who also always raises his own meat for home uses. R. A. Pearce had a big truck loaded to its capacity with fine corn from his farm down at Shaggy, which he also sold for $1.15 per bushel. He has about 150 more bushels of corn for sale and expects to plant sufficient to sell corn next year, as is his custom.

The article winds up:

Neither of these men had any business with the banks to-day except to deposit a little money before going home, as they grow all the feed and food needed.

Mr. ASWELL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. ASWELL. It is estimated that there are 4,000,000 bales of cotton surplus. Now, how much money will be necessary to take that 4,000,000 bales of surplus off the market?

Mr. BLACK of Texas. Well, at the present time it would be from $75 to $90 a bale, depending upon the kind of cotton, and you would simply need to multiply that by 4,000,000 bales. But if the gentleman will pardon me, I want to pursue the matter which I was discussing.

Mr. FULMER. Will the gentleman yield right at that point?

Br. BLACK of Texas. Yes.

Mr. FULMER. The gentleman is complaining about the higher prices he would have to pay if this higher price were put on. As a matter of fact, would it not help your people if you had to pay, say, $5 a bushel in order to force your people and my people to do just what the gentlemen you have spoken of are doing?

Mr. BLACK of Texas. I will be glad to reply to the statement of my friend from South Carolina. I think that our cotton farmers would be much better off if they would diversify their crops and raise more of the corn and other food products they consume instead of buying so much of it from the corn-growing States, and thereby having to pay out so much for freights. Such diversification would also work an automatic reduction in the cotton acreage.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. GARBER. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GARBER. I infer that the purpose of the gentleman is to strengthen the bill?

Mr. BLACK of Texas. Certainly.

Mr. GARBER. By removing the price-fixing provision in regard to the tariff?

Mr. BLACK of Texas. Absolutely. And let me say this to the gentleman, since he raises that point: I do not expect during this debate to undertake to offer any amendment which down deep in my heart I do not believe will improve the bill, and I do not expect to vote for any amendment to it which will not help make it a better bill. [Applause.] I have no desire to obstruct the passage of the bill or to load it down with worthless amendments. It contains some provisions to which I am fundamentally opposed, but these issues I have tried to meet fairly and squarely and without any sort of evasion.

I want now to continue my reply to the question of the gentleman from South Carolina [Mr. FULMER].

Mr. CANNON. Will the gentleman yield for a question?

Mr. BLACK of Texas. Yes; certainly.

Mr. CANNON. Is the gentleman's amendment approved by the farm organizations who are asking for this legislation?

Mr. BLACK of Texas. I have not asked any of them about it. I hope they do approve it.

Mr. CANNON. The gentleman has not consulted the farm organizations on this?

Mr. BLACK of Texas. Not at all, for this reason: I feel I am sent here as a Representative of the people of my district, and while I have the greatest respect for these farm organizations, I feel I ought to exercise my conscientious judgment on these bills, and that is what I am trying to do. Their advice and counsel will always be welcome on any subject.

Let me continue my reply to the gentleman from South Carolina. The gentleman says we ought to force our farmers to raise corn by charging them $5 a bushel for it. I do not believe in that doctrine. I want to let the farmers manage their own business. I believe they are competent to do it without any advice from me, but under a bill of this kind——

Mr. FULMER. But the gentleman agrees with me it would be better if the farmers did that?

Mr. BLACK of Texas. Yes; and I have told my farmers that many times. I have strongly urged diversified farming instead of a one-crop plan. I do not want, however, to try to compel them to do it. Let them do it according to their own voluntary judgment.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. BLACK of Texas. In just a moment I will be glad to yield. The advocates of this bill call it a bill to "equalize prices." What I want to know is how am I going to lighten the burdens of Texas cotton farmers who have got to buy hundreds of carloads of corn from Oklahoma, Kansas, and Missouri, as well as meat and flour and lard—how am I going to lighten their burdens by voting for a bill that says in its

very language it shall be the duty of the farm board to exercise all of its powers to see that the producers of wheat, corn, swine, cattle, and butter get the foreign price plus the transportation, plus all of the tariff. In other words, to insure by Government insurance the maximum rates of the tariff.

Do not let any of the western farmers think I have in my heart a bit of prejudice in the world against the grower of wheat or the grower of corn or the grower of swine or cattle or the producer of butter. I want to see them get every dollar they possibly can for their products under orderly marketing, but when it comes to asking me to vote for a bill that will put the Government of the United States, with all of its powers, behind the Fordney-McCumber tariff law, put the Government with all its powers into the business of raising these prices up and up and up, until they are maintained at all times, according to the bill, so as to insure the maximum rates of the tariff on wheat, corn, swine, cattle, and butter, then I can not vote for it, gentlemen, and I have offered my amendment to eliminate all reference to the tariff. I hope a majority of the Members will vote for it, and if it is adopted, you will have a much better bill, I think.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CANNON. Mr. Chairman, I desire to present a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. The gentleman has had an opportunity to present his amendment and has presented it in a very interesting way, as he always does; but in order to save the time of the committee, I make the point of order that the amendment is not in order because it is not germane.

The CHAIRMAN. The Chair will be glad to hear just what is the gentleman's point of order.

Mr. CANNON. On page 11, in section (d), as I recall it, the text deals with price maintenance, and the gentleman's amendment proposes to change it by dealing with surplus control.

Mr. BLACK of Texas. Mr. Chairman, if the Chair will examine my amendment, he will find it does not add any new language to the bill. It simply strikes out all of that part of the bill that refers to the tariff, and takes the other language in the bill and makes it apply to all of the products in exactly the same way. If that is not germane, I would not know how to draw a germane amendment.

Mr. CANNON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CANNON. The text says "in maintaining domestic prices which yield the maximum benefits of the tariff thereon." That is the text which the gentleman is seeking to amend.

Mr. BLACK of Texas. That is the text, as a good Democrat, I am trying to strike out.

Mr. CANNON. I agree with the gentleman in that position, but we are talking now about the parliamentary situation. The gentleman's amendment, in the place of that language, seeks to put in this language:

> Withholding the surplus of such basic agricultural commodity and/or its food products, and shall assist producers of such basic agricultural products in controlling the quantity in excess of the requirements for orderly marketing.

In other words, to a text dealing with price maintenance the gentleman seeks to bring in an amendment dealing with surplus control.

The CHAIRMAN. The language the gentleman from Missouri quotes is taken from the bill. The Chair is ready to rule.

The Chair thinks the gentleman from Texas has stated the purport of his amendment correctly. It only attempts to put cotton along with other basic agricultural commodities and treat that commodity the same as the other basic agricultural commodities are treated, and to strike out of the bill the language which refers to the tariff. The Chair overrules the point of order.

Mr. CANNON. The Chairman is correct. I had overlooked that provision.

Mr. ROMJUE. Mr. Chairman and gentleman of the committee, we are proceeding with a view to obtain as much light as we can. I am sure we all heard a few moments ago the discussion by the gentleman from Kansas when he quoted the difference of 1 cent a bushel between the price of corn on the 6th of March and the present, and I think the gentleman was as nearly correct in that as it is possible for him to get in our method of considering markets. But if I understood the gentleman's argument correctly I understood him to say this, that if this bill was enacted into law it would not affect corn. If I understood him correctly he took the position that if the Haugen bill was enacted into law it would not affect the price of corn. If I understood him correctly and if that is the contention that he makes with this committee, then I must submit that he and his working teammate, the gentleman from New Jersey [Mr. FORT] are entirely in discord and disagreement on this vital question.

I read from the RECORD of May 4 a statement by the gentleman from New Jersey [Mr. FORT], who is working side by side with the gentleman from Kansas in opposition to this legislation. On page 8713 the gentleman from New Jersey [Mr. FORT] makes this statement:

> The bill is going to raise the price of corn. That is one of its chief purposes. It is going to raise that price up to the world price. The competing market on corn, by the way, is Buenos Aires, and you have to find out what corn costs in Buenos Aires and add the freight from there to Baltimore and then the tariff of 15 cents to find out what the price of corn is going to be in the United States; but there is 20 cents of freight and 15 cents of tariff, so that you have a 35-cent raise in your corn price over Buenos Aires. Your cattle feeder who is now feeding corn will have to pay more for his corn, but your cattle feeder who has his cattle on the range is not going to pay a cent more to produce them. Then they bring them to slaughter and each of them is going to get a higher price by virtue of the equalization fee, but the man who has fed his cattle corn has an increased cost on his corn to use up the increased profits, and what is going to happen? People are going out of the business of feeding corn to cattle, and they will put them on the range and leave them there as long as they can.

I rose to call the attention of the committee to the disagreement between the gentleman from Kansas and the gentleman from New Jersey as it affects the price of corn.

Mr. FORT. Will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. FORT. I listened to the reading of my language, and I say it is the purpose to raise the price of corn, is not that it?

Mr. ROMJUE. The gentleman says it will raise the price of corn.

Mr. FORT. The word "going" is used in its colloquial sense—that is the purpose of the bill.

Mr. ROMJUE. The gentleman says it is going to raise the price of corn.

Mr. FORT. Is not that the purpose of the bill?

Mr. ROMJUE. Yes; but I am calling the attention of the committee to the absolute disagreement between himself and the gentleman from Kansas, the two most active men in opposition to this legislation; one states that it will not raise the price of corn and the other states that it will, and the gentleman from New Jersey said that it would drive the corn-feeding beef producer out of business. I can not go into that fully for want of time, but I do not think it is true. Anyone who knows the cattle-feeding business knows that the cattle from the range are shipped into the Corn Belt, where they are fed for the market, and that a very small percentage of the beef in the United States is produced from grass.

If the Haugen bill will increase the price of corn, and I think it will, it will also increase the price of cattle and beef, because the bill applies to cattle as well as corn, and that is what the farmer needs, a higher price for his products.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAUGEN. Mr. Chairman and gentlemen, there can be no question as to the price of corn, the gentleman from Kansas has stated the price correctly. The price of corn I quoted yesterday in Chicago was 77 cents. The price in Argentina is 75 cents and the export tax 1 cent. The tariff is 15 cents and the transportation 11¼ cents making 25¼ cents above the Chicago price of corn. As I stated yesterday, the price varied 15 cents from the time Congress convened to this time. I understand that the reporter took it down from the 4th of March to this time, which is not the fact. The price was 15 cents from the time Congress convened until a few days ago.

While the convention was being held at Des Moines corn advanced 4 cents, and I believe about 4 cents the day after. It is down now to about 74 cents. Here is the report from the Department of Labor, and the average market price in March, 1926, was 74.1 cents, which is 22.2 cents below the ratio price for March. There can be no question about the price, and if the gentleman doubts the statements I have made he can refer to the Argentine Embassy and ascertain.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. HUDSPETH. I understand that the gentleman says that the price of corn in Buenos Aires is lower than it is here.

Mr. HAUGEN. Seventy-five cents there and 77 at Chicago.

Mr. HUDSPETH. We raise a surplus of corn in this country, do we not?

Mr. HAUGEN. Yes.

Mr. HUDSPETH. If they were all patriotic citizens in this country like the gentleman from Iowa and would buy their steers in Canada and their corn in Argentine, it would not raise the price of corn here, would it? [Laughter.]

Mr. HAUGEN. If you would do what?

Mr. HUDSPETH. If everybody went to Argentina and bought corn, as the chairman of this committee does with steers in Canada, it would not raise the price of corn in this country.

Mr. HAUGEN. The gentleman from Iowa bought feeders and feeds his own corn. The purpose of this bill——

Mr. HUDSPETH. Oh, I know the purpose of the bill, but what is the purpose of the gentleman from Iowa?

Mr. HAUGEN. I will tell the gentleman what the purpose of the bill is.

Mr. HUDSPETH. But I know what the purpose of the bill is.

Mr. HAUGEN. Will the gentleman please give me time to answer him?

Mr. HUDSPETH. Yes. I yield to the gentleman.

Mr. HAUGEN. The purpose of this bill is to give the farmer the benefit of the protective tariff, and the gentleman is opposed to it. As I pointed out to him yesterday, it would help the cattle raisers by several millions of dollars. There is the difference of opinion. The gentleman is not in favor of giving the farmers the benefit of the protective tariff now upon our statute books.

Mr. HUDSPETH. I voted for the tariff that we have already given them.

Mr. HAUGEN. The gentleman will kindly make his speech in his own time. I believe the farmer is entitled to the benefit of the laws upon our statute books. What is the trouble? The six and a half million farmers scattered all over this broad land are unable to organize to pool their whole production, and as a result we are trying now to make it possible for them to pool the whole production and to sell it—to sell for domestic consumption at the American price level, and to sell part abroad at the world price level, and at the end average up the price and thus materially advance the price of the whole production. [Applause.]

In that way we will benefit the corn growers by $752,955,000 for this year, and for last year we would have given them $522,627,500 and for the year before $388,498,500, but the gentleman says not. That is the only difference between us.

Mr. HUDSPETH. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. I am going to quote to the gentleman from some one whom I believe he will accept as fair authority—the gentleman who had the honor and the distinction of writing the Democratic platform, of the State of Missouri, a very excellent gentleman, Mr. Hirth.

Mr. HUDSPETH. I know him.

Mr. HAUGEN. Let me tell the gentleman what he says in response to a question by me about the tariff, printed on pages 174 and 175 of part 5, serial C, of the hearings:

> Mr. HIRTH. Mr. Chairman, you certainly know that it is not our intention to leave the tariff out * * * it was not intended in that way.

What next?

> Mr. HIRTH. Unquestionably we can not protect a domestic market against a world market that is below our cost of production without a tariff.

And again:

> Mr. HIRTH. Surely, Mr. Chairman, you can not be asking that question of me seriously * * *.

And again:

> Mr. HIRTH. Of course it is absurd to discuss it.

And here we have our Democratic friends saying, "No; down with the tariff; by no means shall the farmer have the benefit of the tariff while we have it on our statute books." If you are not going to give them the benefit of the tariff, the next question may be to repeal our tariff laws, to throw the gates wide open to foreign production. [Applause on the Democratic side.] To throw them wide open to foreign production and labor, and the prices can be leveled in that way.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. No. I regret I have not the time. No one has suggested that. The farmers have not come here and asked to reduce the standard of living. They are as proud of your success as anyone, and yet you gentlemen are opposed to giving them one cent, or a fraction of a cent, on a loaf of bread. We have closed the gates, and by the latest available report of the Bureau of Labor Statistics the index union scale of wages has gone up to about 255 for May, 1925, as compared to the index number of all commodities 160, for March, 1926, and yet you say no; that the farmer shall be made to suffer as he has in the past. During the war they planted and they sacrificed. They were told, "Sell your wheat for $2 a bushel." Italy guaranteed $4.44 for the 1919 crop; France, $3.84; Holland, $3.30; Switzerland, $3.18; and Norway, $4.09; and $70,000,000 was taken and put into the Treasury, and it is there, and all that is asked is to give the producer an opportunity to take the benefit of our tariff laws as promised them in our party platforms.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. I think this ought to do for a while.

Mr. HUDSPETH. Let us have a little more. The gentleman stated yesterday that under this bill there was put into the pockets of the cattlemen $760,000,000. That is a considerable sum.

Mr. HAUGEN. I will give the gentleman the exact figures.

Mr. HUDSPETH. The gentleman did not give me an explanation of why yesterday.

Mr. HAUGEN. I will give the gentleman the exact figures. What year does the gentleman ask for?

Mr. HUDSPETH. The gentleman said it would put each year into the pockets of the cattlemen $760,000,000.

Mr. HAUGEN. For the year 1924, $284,658,400; for 1925, $332,078,400; a total for the two years of $616,736,800 net after paying the equalization fee.

Mr. HUDSPETH. Does the gentleman base that on the rise in price under this bill over the present price of cattle?

Mr. HAUGEN. That is taking the benefit of the tariff if the bill had been in operation. That is what they will get next year if the gentleman will join with us.

Mr. HUDSPETH. The gentleman is referring now to the tariff that the gentleman from Illinois [Mr. RAINEY] is going to put on?

Mr. HAUGEN. I am referring to the tariff on the statute books—3 cents a pound for beef and 1 cent a pound for lard.

Mr. HUDSPETH. That is the present tariff.

Mr. HAUGEN. We are not raising the tariff. I take it the gentleman has reference to an embargo.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. BARKLEY. Mr. Chairman, I offer a substitute to the amendment offered by the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

> On page 10, lines 13 to 23, after the word "requirements," strike out all down to and including the word "product" in line 23; and on page 11, lines 7 and 8, strike out the following words: "which yield the maximum benefit of the tariff thereon."

Mr. BLACK of Texas. Mr. Chairman, I make the point of order that the amendment is not a substitute to my amendment. My amendment, if the Chair will recall, begins on page 10, line 3, after the period, and strikes out all the balance of the line and the balance of the page, whereas the gentleman's amendment only begins in line 13, I believe. I make the point of order it is not a substitute.

Mr. BARKLEY. Mr. Chairman, the difference between this amendment is, the gentleman from Texas strikes out the entire page and rewrites it practically he says. As the bill now stands with the language I strike out I want to strike out the objectionable language and leave the bill as it is.

Mr. BLACK of Texas. The trouble about the gentleman's language is, if he strikes out it would not make my provision applicable to wheat, corn, swine, cattle, and butter.

The CHAIRMAN. The Chair is inclined to think that the amendment of the gentleman from Texas is more in the nature of a perfecting amendment, and the gentleman's proposed amendment ought to come later after the amendment of the gentleman from Texas has been disposed of. The rule does not provide for offering a substitute to the original amendment. The rule provides for the offering of an amendment to the amendment and then an amendment in the nature of a substitute. The Chair will sustain the point of order.

Mr. BARKLEY. I offer my amendment as a perfecting amendment to that of the gentleman from Texas.

Mr. BLACK of Texas. I make the point of order that it could not be offered until the amendment now pending is disposed of.

The CHAIRMAN. The vote will come upon the amendment offered by the gentleman from Texas.

Mr. BARKLEY. The gentleman from Texas offered to strike out a whole page. Is it not in order to perfect that page before his amendment applies?

The CHAIRMAN. If the gentleman has a perfecting amendment to make preceding the motion of the gentleman from Texas——

Mr. BARKLEY. But the amendment which I have offered is designed to perfect the language as it is written.

The CHAIRMAN. It seems to the Chair that that argument might be directed against the motion of the gentleman from Texas, and if the committee agrees with the gentleman from Kentucky and votes down the motion of the gentleman from Texas, then the motion of the gentleman will be in order.

Mr. DAVIS. May we have the Black amendment reported?

Mr. WHITTINGTON. Mr. Chairman——

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Texas [Mr. BLACK].

Mr. JONES. I understand the gentleman has withdrawn that request.

The CHAIRMAN. The Chair understands the request to have the amendment reported again has been withdrawn.

Mr. WHITTINGTON. Mr. Chairman, I desire to say just a word on the amendment offered by the gentleman from Texas. The argument for orderly marketing and for stabilizing the price of cotton is just as applicable to wheat and corn as it is to cotton. One of the purposes of the Haugen bill is to make effective the tariff on agricultural products. There is no tariff on cotton. Manifestly, it is impossible to make a tariff effective on cotton. Mr. Chairman, I want to submit this observation: From 55 to 65 per cent of cotton is exported, and an argument for a tariff on cotton generally is not the same as an argument for a tariff on wheat. But if I can get the attention of the committee for just a moment, I want to remind you also that all cotton is not of the same staple, and I want to say this, that there are certain staples of cotton produced in the United States on which the tariff could be made just as effective as it is on wheat or as it is on corn, and in support of that statement I remind the committee that there is produced in the United States annually an average of about 800,000 bales of long-staple cotton. That production is confined to the Mississippi Delta, parts of Arkansas, and parts of Louisiana, Arizona, and California. I remind you also that about 75 per cent of the production of long-staple cotton is consumed in the United States and that only about 25 per cent is exported. Therefore we have this situation: In the case of wheat about 20 to 25 per cent is exported. There is a tariff on wheat, and the president of the largest staple cotton cooperative association in the United States, which is located in my district, has advised me that unless there is a tariff of at least 10 cents a pound on staple cotton no benefit can accrue to staple cotton under the pending bill. If it were not subject to a point of order, Mr. Chairman, in order that the Haugen bill might be made as effective on staple cotton as on wheat, an amendment should be adopted as follows:

There is hereby levied a duty or tariff of 10 cents per pound on all cotton having a staple of 1 1/8 inches or more in length imported into the United States.

Since it is under the rules impossible to so amend the bill as to provide for a tariff on long-staple cotton, and inasmuch as it is intended to give agricultural products a square deal in the proposed legislation, I respectfully submit, Mr. Chairman and members of the committee, that in fairness to all production of cotton, wheat, and corn, the question of the tariff ought to be eliminated, and no statesman or economist can successfully deny the proposition that the matter of stabilizing the market on cotton and of orderly marketing as applied to cotton can not with equal force be applied to wheat and corn.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. NEWTON of Minnesota. Of course, there are different qualities of wheat, and very little of the high quality of wheat is exported. I do not know as to the export of the high quality of wheat.

Mr. WHITTINGTON. I said that if we accept as sound the proposition that a tariff on a product like wheat, of which we export 25 per cent, is sound, then I respectfully submit that with equal force the argument ought to apply to long-staple cotton, about 25 per cent of which is exported and goes into the markets of the world in competition with the staple cotton of Peru and Egypt. [Applause and cries of "Vote"!]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BLACK of Texas. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 65.

So the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer the amendment which the Clerk has at the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 10, line 13, after the word "requirements," strike out all down to and including the word "product" in line 23; and on page 11, lines 7 and 8, strike out the following words: "which yield the maximum benefits of the tariff thereon."

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman from Iowa reserve the point of order or make it?

Mr. HAUGEN. I make it. The amendment, as I understand it, Mr. Chairman, has been voted on three times.

The CHAIRMAN. If the gentleman from Iowa makes the point of order, the Chair would be glad to hear it.

Mr. HAUGEN. The same amendment practically has been voted on twice.

Mr. BARKLEY. The gentleman from Iowa makes the point of order that the amendment has been voted on twice. But this amendment has not been offered before, and has not been voted on at all. It has not been offered by anybody before. It simply strikes out certain language without inserting anything. It has not been voted on before.

Mr. RAMSEYER. Reserving a point of order, Mr. Chairman, the only difference between the gentleman's amendment and that of the gentleman from Texas [Mr. BLACK] is this: The amendment offered by the gentleman from Texas struck out everything beginning with line 3 down to the next page on line 13, I think, and then he reoffered it, eliminating just exactly what the gentleman from Kentucky now seeks to strike out separately. I think that for all intents and purposes the Barkley amendment is identical with the Black amendment.

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from Texas [Mr. BLACK] includes other material provisions, among them a provision making no distinction between cotton and other basic agricultural commodities. The amendment which the gentleman from Kentucky [Mr. BARKLEY] has offered simply provides for striking out the tariff as affecting the product. The Chair overrules the point of order.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I desire to say simply that I have offered this amendment, not for the purpose of precipitating a debate on the merits of the tariff, because, regardless of our position on that economic tax question, I am cooperating with the real friends of agriculture here and the farmers who desire to see beneficial legislation enacted; but I have offered the amendment after consulting the friends of this bill on both sides of the House, including some members of the Committee on Agriculture. I trust that the amendment can be accepted by the committee, and if not accepted in whole by the committee it may be supported by members of the committee who are friendly to this legislation. I have been assured by gentlemen on both sides of the House who want real legislation for the benefit of agriculture that the inclusion of this language in the bill confers no benefit whatever upon those designed to be benefited by the legislation and that its elimination will not in any way hurt those who are involved in the legislation which we are seeking to pass in their behalf.

Now, if that be true, that the inclusion of this language is of no real benefit and that its elimination does no harm to the bill and the friends of the bill and those intended to be benefited, I see no reason why it ought to remain in the bill.

Mr. GARBER. Mr. Chairman, will the gentleman yield there?

Mr. BARKLEY. Yes.

Mr. GARBER. The amendment of the gentleman in no way restricts the discretionary power of the board, does it?

Mr. BARKLEY. It does not.

Mr. GARBER. And it would remove the objections that are being made to it and which are liable to cause its veto by the President if it should reach the President?

Mr. BARKLEY. There have been four objections urged against this bill. They have been urged by some in good faith,

by many Members. They may have been used by some who are opposed to the legislation as an excuse for their opposition to the legislation. In many cases these objections have been urged in good faith. One has been the compulsory equalization fee, which has been to some extent corrected by the amendment offered by the gentleman from Iowa [Mr. HAUGEN]. Another has been an embargo, which is to be eliminated by an amendment which is to be offered by the gentleman from Iowa [Mr. HAUGEN]. Another objection, and a legitimate objection, has been the artificial and arbitrary yardstick which this bill includes and which its friends, both in and out of the House, say will not help the farmer and, therefore, ought not to have been in it from the beginning. If these are stumbling blocks in the way of the real friends of agricultural relief and if its inclusion benefits nobody, I ask why it is continued to be used as a stumbling block to those who desire to help pass real legislation in behalf of the farmers?

Mr. WILLIAMSON. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WILLIAMSON. As I understand, the gentleman's amendment strikes out the language on page 10, from lines 13 to 23, after the word "requirements."

Mr. BARKLEY. Yes.

Mr. WILLIAMSON. That certainly would make it necessary to rewrite a good portion of the bill immediately prior to that. There is one thing sure, that the provision which the gentleman seeks to strike out in no way can injure the cotton people, and this board, which will have charge of these operations, will only have such powers as are expressly given to the board by this law. Now, then, if you remove this provision this board will be without any authority at all to fix the amount of the equalization fee, because there will be no authority left in the bill to do it.

Mr. BARKLEY. There is nothing in this amendment that takes away from the board any authority it possesses. It simply provides that as a guidepost this artificial tariff which is provided in the bill shall not be used as a yardstick for the fixing of prices of agricultural commodities.

Mr. BURTNESS. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BURTNESS. Does the gentleman know of any individual Member of the House who will vote for this bill if your amendment is adopted and who will vote against it without the adoption of your amendment?

Mr. BARKLEY. I do not care to name the Members of the House.

Mr. BURTNESS. I do not ask the gentleman to do that.

Mr. BARKLEY. I do; yes.

Mr. BURTNESS. I might say that I know of a number whose attitude would be just the opposite.

Mr. BARKLEY. Of course, the gentleman will have to be governed by his own conscience in that regard. But I do know that the adoption of this amendment would enable a number of gentlemen, who can not vote for the bill if this is left in, to support the bill.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. NEWTON of Minnesota. If this yardstick is taken out then what sort of a yardstick will there be left in order to guide and control the board in putting into effect these various propositions?

Mr. BARKLEY. Well, the yardstick would be, of course, subject to the discretion of the board in determining world conditions and the amount of the surplus of a given product on hand. That is the yardstick provided in the matter of cotton.

Mr. NEWTON of Minnesota. But does not the gentleman think there should be some sort of a yardstick laid down by Congress to control and to guide the board in its deliberation?

Mr. BARKLEY. I do not think that this sort of a yardstick ought to be laid down when it is purely artificial. You might as well say you could put in any figure. It is arbitrary and artificial, and Congress might with equal justice adopt any other yardstick which would be arbitrary and artificial. I think the board ought to be left with discretion as to its own yardstick and such as it might see fit to adopt.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I rise in opposition to the amendment.

We have come to an important place in the discussion of this bill, and I do want to try to do away with a little bit of misunderstanding which I believe exists with reference to what the provisions that are sought to be stricken out really do. I regret to be informed that there seem to be a few—but I think a very few—men who have been supporting the principles of the Haugen bill who are disposed to follow what they may think is somewhat of an expedient move in striking out this language. By doing that, as has been so plainly pointed out by the gentleman from South Dakota in his question to the gentleman from Kentucky, the author of the amendment, you eliminate the principal yardstick which is set out as an instruction to the board; you eliminate the instruction which is given to the board that amounts to anything, and I think I can show you later that the adoption of the amendment as proposed by the gentleman from Kentucky would do the very opposite thing from what this bill is intended to do.

Under the terms of the bill as drawn what must be found before this board shall establish an operating period? They must find, first, that there is a surplus above domestic requirements. They must find, next, under the bill as drawn—and this is an important part of it—that the price in the principal market of the United States is materially lower than the price in the principal export markets of the principal competing country, plus the tariff and plus the cost of transportation. That is the second thing they must find. Then, under the amendment we adopted a couple of days ago they must find that a substantial number of cooperatives in a certain commodity are in favor of establishing an operating period upon such commodity.

Those are the only things that must be found before they establish an operating period, but each of them is a necessary prerequisite.

The error has been made by a great many who have taken the floor, including the gentleman from New Jersey [Mr. FORT] and the gentleman from Texas [Mr. BLACK], that this board is given instructions to maintain a domestic price equal to the world price plus the tariff and plus the cost of transportation. That provision is not in the bill at all.

Mr. McSWAIN. Will the gentleman yield?

Mr. BURTNESS. I will be glad to yield a little later, but I want to debate this in a connected way.

That feature is not in this bill at all. It is true that when the finding is made that the price is not the world price, plus the tariff, plus the cost of transportation, and when these other things are found by the board, then they are to commence an operating period; but there is not one single word of instruction in the bill to the board to the effect that they shall maintain or attempt to maintain a domestic price, plus the tariff, plus the cost of transportation. The only place where there is any instruction as to the price it is to try to maintain is in the words which the gentleman from Kentucky [Mr. BARKLEY] is seeking to strike out of this bill, the words in lines 7 and 8 on page 11; that is, domestic prices "which yield the maximum benefits of the tariff thereon."

The legislative guide, therefore, after an operating period has been declared, is a mandate to the board to so conduct business that it will provide for the domestic producers of these crops or products the world price plus the tariff, if it is possible to do so. Transportation costs are not included.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. BURTNESS. Yes; I will yield now.

Mr. McSWAIN. Does the gentleman in his study of this matter believe that this bill will help the cotton farmer also?

Mr. BURTNESS. So the cotton people tell me, and I take their word for that.

Mr. McSWAIN. The gentleman has studied this question very broadly——

Mr. BURTNESS. I am not now discussing the merits in so far as they affect the cotton people. I think operation under the bill will tend to stabilize the price of cotton, but, of course, the bill recognizes that a different guide, a different yardstick, and a different purpose must be used and maintained in connection with cotton than that which is used and maintained with reference to crops or products on which we have a tariff.

Mr. McSWAIN. I would like to ask the gentleman this question: What is the yardstick that this bill lays down to guide the board in determining a reasonable and proper and fair price of cotton?

Mr. BURTNESS. There is no definite one, and the gentleman from Kentucky [Mr. BARKLEY] tries by his amendment to make the bill with reference to every other product and crop subject to the same situation. He refuses to recognize the difference between them, due to the existence of a tariff on all but cotton.

To you on the Democratic side let me emphasize that the words eliminated by the proposed amendment do not say "which yield the benefits of a protective tariff"; nothing of

that kind. Where is my genial friend from Texas [Mr. HUDSPETH], who was here a few moments ago, or any of the rest of you who have voted at times in the past to impose tariff duties on farm products? Here is Mr. BLANTON. Why has he voted to put a tariff on farm products? Why, it was for the sole purpose of reflecting the amount of that tariff into the price that is received by the producers of his district and the producers of that product throughout the country, is not that right?

Mr. BLANTON. Will the gentleman yield?

Mr. BURTNESS. Certainly.

Mr. BLANTON. It was to give the farmers a fair share of the $500,000,000 we collect through the customhouses and not give it all to New England.

Mr. BURTNESS. And the only way you could give it to them at that time, as you deemed it advisable, was to give them a tariff, because that tariff would in your opinion be reflected into the price of the product to the producer, is not that correct?

Mr. BLANTON. Why, certainly.

Mr. BURTNESS. Of course. There is no other reason. So all this bill does is to make that the ideal for the board, so as to make it possible for the farmer to get such a price, whether the tariff so reflected be a high protective tariff, a low protective tariff, or some other kind of tariff, and surely that is fair. Free trade or protection is therefore not involved. We simply take the tariff as it is at any given time.

If you eliminate that provision, how can the producers of this country, when they want an operating period established, go to the board and ask them to do something? What would be their argument? The situation in the bill would be this: If the board is established and if the wheat farmer or the hog producer or anybody else, when he examines the markets throughout the country and throughout the world, finds that the markets here are such that he is not getting the benefit of the protective tariff or the tariff for revenue only or whatever other tariff may be on the statute books, he then has an argument, and he goes to the members of the board and says, "Here, Mr. Board Member, this is our situation. The world price is so-and-so. Congress has declared by statute that the producers of this particular product are entitled to the tariff of so much. We are not getting any of the benefit of that tariff in our domestic price at the present time. The product is controlled entirely by the world market, and, therefore, it is necessary, and it is your duty under the law, if we desire it, to start in on an operating period."

Why else is it very important to put in this provision? It is necessary for them to know what they are to attempt to do when they fix, as they must fix at the beginning of the operating period, the equalization fee which they are to charge.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BURTNESS. I have hardly the time now, but I will yield later, if I can get more time.

In the case of wheat, for instance, and I am using this simply by way of illustration, in round figures the tariff is 40 cents. One-fourth of the wheat will have to go into the export trade. If the guide is to bring the price of wheat up 40 cents, they will know that the equalization fee will need to be about one-fourth of the total amount, or 10 cents. If you have not given them any other guide, if you turn them loose and say nothing in the law, they will not know whether they are supposed to raise the price 2 cents or 20 cents or $1 or by any other figure. Let us be specific in this bill. Let us tell them what we want them to try to do.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

Mr. RAGON. Mr. Chairman, reserving the right to object, I hate to object to this request, but it seems to me if we could avoid a lot of these meaningless questions propounded here we could get along on a whole lot less time. I am not going to object this time, but I am going to serve notice now that hereafter I shall object to some of these requests.

Mr. GREEN of Iowa. Mr. Chairman, reserving the right to object, I wonder if there will be any time granted to anybody else to speak on this bill. I have not said anything with respect to the bill and I would like to have some time.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. OLIVER of Alabama. Will the gentleman yield for a question?

Mr. BURTNESS. Yes.

Mr. OLIVER of Alabama. I wish to say that I think the amendment of the gentleman from Kentucky is offered for the purpose of trying to make friends for this bill.

Mr. BURTNESS. I do not dispute that, though I may not agree as to probable results.

Mr. OLIVER of Alabama. Then let me ask the gentleman this question: This bill provides a method for selecting the personnel of the board, which gives every reasonable assurance that the board so selected will be composed of friends of the farmer?

Mr. BURTNESS. That is the purpose of its provisions.

Mr. OLIVER of Alabama. And, after all, it is the personnel of the board who will determine whether this act, if passed, will be effective. Now, the gentleman read from page 10 of the bill these words:

> And that the price of any such commodity of food product in any principal market of the United States is materially lower than the price thereof in the principal export market—

And so forth. In other words, before the board can make this bill effective it must find that the price abroad is materially less than here; and in thus using the word "materially" you thereby clothe the board with a broad discretionary power in the stabilization of prices on such products.

Mr. BURTNESS. Of course, it must have some discretion.

Mr. OLIVER of Alabama. In other words, if the price was only moderately less the board is not given the power to put in motion certain provisions of the bill. So in using the word "materially" you thereby clothe the board with discretion. If the board, composed of friends selected from a small list submitted by farmers, is clothed with a broad discretion in the matter of establishing a fair and remunerative price, why should you be uneasy as to what they will do? Why not trust them to do what is fair in the matter of maintaining proper and just prices on the farm products which this bill seeks to protect?

Mr. BURTNESS. We do not know who will be on the board, and the board is entitled to know what is in the mind of Congress. We should not leave the board in the dark. We are the Representatives of the people of the country, and for their protection and the protection of everyone we ought to give some sort of a mandate to the board as to what we expect it to accomplish and as to when we feel it would be justified to operate on any crop.

Now, what is in our minds as to what price the farmer is to get? Do not forget that the farmers realize that every additional bushel of wheat or of corn or additional meat products may directly affect the world market, whether we have this bill or do not have it. This country has never provided a tariff on farm products that is any higher than the difference between the cost of production in this country and abroad. Now, then, is it unfair in trying to set up this machinery to say that the tariff rate is the additional amount we want reflected to the farmers in this country above the world price when the board establishes an operating period?

Another important matter: Even if the gentleman's amendment is adopted in principle, he does not mean to say that he wants to leave the language on page 11 as he does leave it. The language as he leaves it if you eliminate the words is an instruction to do what? To maintain "domestic prices." Why, good Lord, the very purpose of the bill is to make it possible to have a higher price, so far as the domestic consumption is concerned, in export surplus crops—that is, a different price from what we talk about usually as the "domestic price." Generally speaking, as to some of the crops the domestic price is the world price less the cost of transportation. I submit to all of you that before you vote for the amendment of the gentleman from Kentucky you examine very carefully the language found in lines 6 and 7. During such operations the board shall assist in doing what? "In maintaining domestic prices." Do you want to maintain 50-cent corn in Iowa by legislation? I think not. Let us vote down the amendment and tell the board to try to maintain prices at the world price plus the tariff. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were 55 ayes and 73 noes.

So the amendment was rejected.

Mr. FORT. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

> Page 13, line 4, strike out subparagraph (g) and insert in lieu thereof the following:
>
> "(g) In entering into such agreements the board shall not discriminate between any persons engaged in handling, buying, selling, storing, or processing any such basic agricultural commodity or any food product thereof, but shall offer to enter into such agreements on equal or equivalent terms with any and/or all such persons so engaged."

Mr. FORT. Mr. Chairman, the bill as introduced and before the House contemplates the possibility of the board entering into contracts to carry out its provisions through three different classes of organizations. The first of these classes is cooperative associations engaged in the handling of commodities. The second of these classes is corporations or associations created by two or more of such cooperatives, and the third is persons engaged in processing the commodity. By the bill, in the clauses relating to definitions, the term "person" means "individual, partnership, corporation, or association."

In subparagraph (g) as presented to the House the board is limited to this extent:

(g) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreements, the board, in entering into such agreements, shall not discriminate unreasonably against any such association and in favor of any other such association.

The amendment which I have introduced provides that the board may not discriminate between any persons—which under the language of the bill includes cooperative associations, individuals, or corporations—may not discriminate between any persons whatever in the making of these contracts, but that it must recognize and must enter into these contracts with anybody in the food business who is willing to make a contract upon equal or equivalent terms.

As I have already explained to the House, this bill as it is now drawn proposes to enable this board to create an absolute monopoly of the food business and of the cotton business of America if it so chooses. As the bill is now drawn it will permit this board, if it so desires, to select Washburn-Crosby and refuse to recognize Pillsbury, to select Armour and refuse to recognize Swift, to select one farmer's elevator in a town and refuse to recognize another. It proposes in its present state to put out of business every independent handler of food in America to whom it does not give a contract. The amendment that I am offering here to-day is for the purpose of preventing any discrimination, of insuring to the men who now are engaged in the various food trades the preservation of their business against attack by the Government.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. NEWTON of Minnesota. And the way the bill is now drawn it would permit them to place the whole export trade in a given commodity in the hands of one corporation or of one individual.

Mr. FORT. Or of one cooperative. In the shape the bill is now this board may, if it chooses, give over the entire food business or the entire cotton business of America to a single organization.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CANNON. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CANNON. The text provides that the board shall not discriminate between associations. The amendment which the gentleman proposes provides that the board shall not discriminate between persons. I think it will be conceded that it is not germane.

Mr. NEWTON of Minnesota. As I understood the amendment of the gentleman from New Jersey, he uses the words "associations, cooperatives," and adds to them the word "persons."

Mr. FORT. No; that is not correct. I used the word "persons," which is subsequently defined in the bill itself as including persons, individuals, corporations, or cooperative associations.

Mr. CANNON. Which makes it a general term, and it is a well-established rule that you can not amend a specific provision with a general provision.

Mr. NEWTON of Minnesota. Does the gentleman mean to say that a paragraph in a bill which is drawn specifically can not be amended by the Committee of the Whole by making it general and extending its provisions?

Mr. CANNON. You can offer any amendment if it is germane.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. DICKINSON of Iowa. This provision is put in here for the purpose of giving the board the choice between two cooperative associations or of producers.

Mr. CANNON. Exactly.

Mr. DICKINSON of Iowa. The gentleman from New Jersey seeks to amend it so as to broaden it and compel the board to make a choice between persons, corporations, and associations, and in that way extends and broadens the bill to where it brings within the provisions of the section a class not intended by the section at all.

Mr. CANNON. Yes; and is certainly not germane.

Mr. DICKINSON of Iowa. And is not germane.

Mr. FORT. Mr. Chairman, on page 11 this same section, in subparagraph (d) uses the word "persons" as those with whom these contracts may be made. This is a subparagraph in the same section which I seek to amend.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FORT. Yes.

Mr. COOPER of Wisconsin. I understood the gentleman to say that he used the word "person" and then that it was defined in the language of the bill itself.

Mr. FORT. Yes.

Mr. COOPER of Wisconsin. And the gentleman said it included cooperatives. I think the gentleman is mistaken. If he will turn to page 22 he will see that the word "person" is defined to include an "individual, partnership, corporation, or association," and in a paragraph of the bill just once removed from that there is the specific definition of cooperative associations, so that by a fair construction of the bill it does not come under the word "person."

Mr. FORT. Would not "all associations" include cooperative associations?

Mr. COOPER of Wisconsin. Not where there is an express definition of cooperatives. There is a definition in the bill on page 32, paragraph (h) of the term "cooperative association."

Mr. FORT. I appreciate that.

Mr. COOPER of Wisconsin. And above that there is the definition of the word "person." Therefore a cooperative association, having a separate definition, would not come under the construction of the word "person."

The CHAIRMAN. The Chair is ready to rule. This entire section is a limitation upon the board. Subsection (e) provides for the making of these agreements with others than cooperative associations. The amendment which the gentleman from New Jersey has submitted is a limitation upon the board's action, perhaps somewhat broader than that in paragraph (g) as it now stands, but it seems to the Chair that he would not be warranted in ruling the amendment out of order upon the ground that it is not germane. That would be a very narrow construction of the rule. The Chair therefore overrules the point of order.

Mr. NEWTON of Minnesota. Mr. Chairman, if this bill is going into effect and all of these great commodities are placed in the control of the board and the expenses of the board are to be paid out of the Public Treasury—the bill now provides that—it seems to me that under these circumstances the board should be prevented from operating so as to discriminate against any particular individual, cooperative organization, or corporation. There has been built up in this country in the past 50 years a great marketing system. It makes possible the movement of these commodities following the harvesting of the crop. The movement of the crop on these commodities involves an outlay of hundreds of millions of dollars annually. One of our tasks is to improve our marketing system so as to more orderly market these commodities. Now, then, that being the problem the board in attempting to solve that problem ought not to have the power to wreck each and every piece of existing machinery by discriminating against the existing individuals and corporations now engaged in the marketing of these commodities. The ultimate effect of this discrimination would be to force them out of business. Such a course would not afford any relief to the farmers. It would have the opposite effect. It seems to me that the amendment offered by the gentleman from New Jersey is sound. Not only is it sound, but fair. There should not be power in the Government to discriminate among taxpayers.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. DICKINSON of Iowa. The purpose of this bill is to encourage cooperative producers' associations in marketing their products to the best advantage.

Mr. NEWTON of Minnesota. Yes.

Mr. DICKINSON of Iowa. In order to do that you have to carry the machinery clear through. Now, the gentleman wants to do the same thing by this amendment that is now being done. That is this: He wants to say to these associations, "Here is this machinery. When you want to export or handle this in a way for the protection of the producer you have got

to come in and protect the fellow who is not protecting the farmer now." That is what we do not want to do in the bill.

Mr. NEWTON of Minnesota. I am not so concerned in protecting the interests of the man who claims to be in the business of looking after the farmer. I want to see the actual producer or grower himself protected.

Mr. DICKINSON of Iowa. That is what we are doing here.

Mr. NEWTON of Minnesota. That may be or may not be the case. I want the man in charge of the selling——

Mr. DICKINSON of Iowa. The gentleman wants the export corporation which has been skinning the farmers for years to be given a life lease under this bill.

Mr. NEWTON of Minnesota. No.

Mr. MORGAN. Is it not a fact that if there are two institutions in a locality where there is a surplus of products and the cooperatives heretofore have handled 50 per cent of that surplus and the independent operator 50 per cent that this bill automatically puts the independent out of business every year?

Mr. NEWTON of Minnesota. Yes; and gives the cooperative a monopoly of the business in that locality.

Mr. MORGAN. Is not this the fact, that the remedies that they are endeavoring to bring about is for the farmer to get the foreign price plus the tariff? And is it not a fact that if the local operator will purchase 50 per cent of the product of a community plus the tariff he gets the benefit of the operation under the bill, without any discrimination under its operation?

Mr. NEWTON of Minnesota. Exactly.

Cooperative marketing has worked fairly well as to some commodities. It should be encouraged. There is grave doubt as to how it will work out on wheat and other world-wide staples. The North Dakota wheat pool, for example, in 1924, I believe, had an expense of around 12 or 13 cents per bushel. This was about double the charge to the farmer by the independent companies. A southwest pool of Oklahoma for 1924–25 handled over 8,000,000 bushels. Their expense was about 13 cents per bushel for marketing. In Minnesota we had a potato pool or cooperative last year. The price of potatoes was high last year. Everything was favorable to the success of the effort. But the farmers placing their potatoes with the cooperative or pool received net about 18 cents per hundred pounds, while those outside of the pool who marketed through independent agencies received a net price per hundred far in excess of that. If the cooperative or pool is efficiently run it requires no discrimination to succeed. If it is not, it does not deserve to succeed. Competition will maintain efficiency in the marketing agencies.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 11, line 5, after the word "marketing," insert the following: "And in maintaining domestic prices for cotton at levels which shall bear the same ratio of increase in price as in the case of the average of increase in price of other basic commodities under this act.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee. This bill under subdivision (d), to which my amendment is offered, sets up two standards of handling agricultural products. One of those standards applies to cotton, and the other standard applies to corn, wheat, swine, cattle, and some other agricultural commodities. If Congress is to deal with the great subject of agriculture it ought to deal with it in a broad, sympathetic manner, and not discriminate as between products of the farm. This bill is brought before the House and gentlemen who are supporting it say it is not a sectional bill, that it is a national bill. And they offer it because they say that agriculture is a basic industry, absolutely essential to the welfare of the whole Nation, and therefore legislation in behalf of agriculture is justified because it is a national problem. But when it comes, my friends, to setting up the manner of treatment as to basic agricultural commodities, what does the bill do? The one great money crop, the cotton crop, the crop that is greater than all the others from the standpoint of exportable surplus, when it comes to cotton the committee says, "The board shall assist in orderly marketing."

In the case of cotton all that the bill proposes to do is to "assist in orderly marketing," but in the case of corn and wheat it proposes to artificially raise the price of both and pay for the increase out of the Treasury and the equalization fund on those products. What justification is there for any different treatment as between cotton and corn? Here is one row of cotton in a field, and on the other side of the fence, on the other side of the road, is a row of corn. By what standard of measurement is it just and fair to say, "We will treat cotton on one side of the road by one standard of measurement and we will treat corn from the district of the gentleman from Illinois [Mr. WILLIAMS], who is on the committee, from another standpoint and by another standard of measurement," which will hoist it up in price, while cotton is to be left to the tender mercies of "orderly marketing"?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. May I have 10 minutes more?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. I will yield to the gentleman from South Dakota.

Mr. WILLIAMSON. The reason for the difference in the handling of cotton and of corn is because on cotton there is no tariff and on corn there is a tariff of 15 cents a bushel.

Mr. BLACK of Texas. Also, under the flexible provisions of the tariff law the President could increase the tariff on corn 7½ cents more, making it 22½ cents.

Mr. CONNALLY of Texas. There is also a tariff of 42 cents a bushel on wheat. I am glad the gentleman from South Dakota asked me that question. I have had him in mind for some time, because last week, when he spoke on this bill—and his speech is in the RECORD—he said, "I do not expect this board to do much with cotton," or words to that effect. What the gentleman proposes is to do something for wheat in South Dakota. He is not interested in cotton.

Mr. WILLIAMSON. What I said was that no part of the money intended for the equalization fee is going to be used for cotton. It is for loan purposes.

Mr. CONNALLY of Texas. If the gentleman from South Dakota will keep on talking, we shall get the truth on this question. It will creep out. If you are not going to help the farmers who produce cotton, what are you going to do? You are going to have an equalization fee on cotton, a Federal tax on every bale to go into the equalization fund. Are you going to raise the price of cotton? No. Are you going to raise the price of corn? Yes. Are you going to raise the price of wheat? Yes. How? By taking the price of wheat and corn in the United States, and if that domestic price is lower than the foreign or export price plus the tariff of 42 cents a bushel on wheat and 15 cents a bushel on corn, and transportation, then this board will begin artificially to increase the price of wheat and corn by purchases until the price is raised in the case of wheat 42 cents a bushel and corn 15 cents a bushel plus freight above the export price.

Now, what will my amendment do? It provides that not only shall the board aid in the orderly marketing of cotton but it shall endeavor to do the same thing with reference to cotton in seeking to maintain the domestic price as it does with reference to wheat and corn. And I want somebody to tell me one reason why corn and wheat should be artificially boosted in price by a subsidy from the Treasury, and when it comes to cotton all you promise to do is to treat it politely and say, "We want you to market it in an orderly manner."

My friends, if we should produce 16,000,000 bales of cotton this Federal board would have the power to determine what "orderly marketing" means, because there is no definition in this bill of what "orderly marketing" is. The Federal board might say that "orderly marketing" is to go ahead and feed it into the market at once.

Mr. GARRETT of Texas. Mr. Chairman, will my colleague yield?

Mr. CONNALLY of Texas. Certainly.

Mr. GARRETT of Texas. You are not only going to boost the price of wheat by the amount of the tariff plus the transportation, but they would buy up all that commodity, and there would be nobody to compete with as regards that commodity.

Mr. CONNALLY of Texas. Yes. I thank the gentleman for that suggestion. My amendment seeks to set up for the cotton farmer who is to pay the equalization fee that is to be fixed and levied by the Federal board on every bale of cotton after two years, for the cotton farmer who to-day is in distress, for the cotton farmer who has suffered all the misfortunes and calamities that the wheat farmer and the corn farmer have been suffering for the past few years, what the bill proposes to set up for the corn and wheat producer. To those of us who come from the cotton States this story of the hardships of the

western wheat and corn farmers is no new story. The admission of the gentleman from Iowa [Mr. HAUGEN] in his report on this bill that the tariff is responsible for the farmers' condition in the West and that the tariff on agricultural products does not help the farmer is the story of what the high Republican tariff has been doing to the cotton farmer for many years. The gentleman from Iowa [Mr. HAUGEN] and the western and northwestern Republican Members have been voting all the years to put those tariff burdens on the cotton farmers and on themselves and their farmers.

They now ask us to increase the burdens of the cotton farmers, to give something to them. Since the days of the War between the States, when you imposed upon us the burdens of the protective tariff, the story of cotton has been a story of hardship and of struggle and of privation and of want, because we have been carrying upon our backs this load that the tariff imposes, and we have been forced to sell our products not in a protected market but in the free markets of the world. [Applause.]

My friends, if you are going to give relief, if you are going to open up the doors of the Treasury to the wheat farmers and the corn farmers, by what logic shall you close its doors to the cotton farmers? Why should you say to them that all we shall do in your case is to aid in orderly marketing, whereas in the case of corn and of wheat we will open up the Treasury doors to the gentleman from South Dakota [Mr. WILLIAMSON] and his wheat farmers and let the people from the cotton States stand out and receive some beautiful lectures on orderly marketing. [Applause.]

Mr. BURTNESS. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield to the gentleman from North Dakota.

Mr. BURTNESS. Of course, the gentleman understands the theory now is that the State of North Dakota and the Northern States will get none of the money out of the Treasury, but that it will be the cotton people who may possibly get $75,000,000 out of the Treasury, if the proposed amendment is adopted?

Mr. CONNALLY of Texas. I am talking about the bill as it stands; I am talking about what is in the bill; I am not talking about what the gentleman and his conferees have agreed on somewhere behind closed doors during the night and propose to offer as a bid for votes from the South. I am talking about what is written in this bill as it was reported and as it now stands before the House.

Mr. BURTNESS. Of course, the gentleman knows that these amendments have been printed and have been available to the membership of the House for several days and I know the industrious gentleman from Texas has read the amendments.

Mr. CONNALLY of Texas. Certainly I have read them, but I did not form them; I was not in the confidence of the gentleman from North Dakota and the gentleman from Iowa.

I want to refer now to what the gentleman from South Dakota [Mr. WILLIAMSON] said the other day, as found on page 8860 of the RECORD, in regard to the use of the equalization fund:

> I do not believe the board is going to use any part of it on corn, and they will use no part of it on cotton, and I doubt that much will be used upon livestock and swine.

In other words, the gentleman from South Dakota expects the board to use the funds to raise the price of wheat in South Dakota. He does not expect the funds to be used for cotton or cattle or corn. The gentleman from Iowa [Mr. HAUGEN] expects it to be used to raise the price of Iowa corn. Neither expects it to raise the price of cotton. On page 11 of Mr. HAUGEN's bill it is provided the board shall in the case of cotton assist in orderly marketing but in other basic commodities "in maintaining domestic prices which yield the maximum benefits of the tariff thereon."

Mr. Chairman, the western and northwestern corn and wheat sections drafted the Haugen bill. They admit that the distress of the farmer is caused by the protective tariff on manufactured articles which the farmer must buy. They admit that the protective tariff on agricultural products is ineffective. There is no tariff on cotton and if there were it would be of no avail, since we export 60 per cent of all cotton produced in the United States. While admitting that the tariff has brought distress to all the farmers these gentlemen propose to artificially raise the price of their wheat and corn out of the Treasury and put the cotton farmer in a worse condition than before.

EQUALIZATION FEE OR FEDERAL TAX ON COTTON

The Haugen bill provides that after two years a so-called equalization fee, which is in fact a Federal tax, shall during an operative period be levied upon every bale of cotton when sold or ginned. The fee is to go into an equalization fund with which the Federal board may make agreements with cooperative associations with relation to the orderly marketing of cotton. This equalization fee or tax is to be paid by every cotton farmer, whether he belongs to a cooperative association or not. It is a compulsory tax on every bale of cotton ginned or sold. The bill as it now stands empowers the Federal farm board to fix the equalization fee or tax at any amount it may desire. Estimates of the fee on cotton varies from $5 to $15 per bale, but there is no limit to the power of the board. In the hope of securing votes from the cotton States an amendment will later be offered limiting the fee to $2 per bale. But if the bill becomes a law Congress can at any time in the future remove that limitation and give the board unlimited power to fix it or Congress can itself increase the fee. It has been charged that Members from the West in an endeavor to get votes had expressed a willingness at the next session of Congress in December to put an equalization fee of $15 on every bale of cotton.

FEDERAL FARM BOARD

The Haugen bill establishes a Federal farm board of 12 members, only 3 of whom can be appointed from cotton States. This board will have control of administering the law. One clause of the bill provides:

> Advances made by the board shall be payable on demand, whenever and to such extent as the board deems advisable, if the board finds that the market price in the principal markets of the United States for the basic agricultural commodity, or its food products, in respect of which the advance was made, is in excess of a fair and reasonable price.

Under that clause whenever the Federal board of 12 members, 9 of whom are from cotton-consuming sections, and only 3 are from cotton States, should think the price of cotton too high, loans could instantly be called and the price of cotton reduced.

The mere announcement that the board thought cotton too high would break the market. New England and the North are interested in getting cotton at a cheap price. I remember that during the war and shortly thereafter, when cotton was selling at 35 to 40 cents a pound, efforts were made in Congress and out of Congress to put cotton under Government control and to fix its price at 15 cents to 20 cents per pound. It was through the watchfulness of southern Members that it was prevented. The power to arbitrarily call cotton loans should not be placed in a Federal board that would be dominated by interests hostile to cotton. I do not believe that the cotton farmers who remember the disaster to cotton prices through called loans want to put their cotton at the mercy of such a Federal board.

CATTLE

Cattle were placed in the Haugen bill over the protest of Texas cattlemen. During an "operative period" every cow or steer sold to a local butcher for slaughter would be required to pay a Federal tax, called an equalization fee. Cattle sold to the packers would pay an equalization fee or tax, which the board can fix without limit. I do not believe the people of my State want the Government to tax every cow sold for slaughter upon the plea of doing something for agriculture.

COTTON FARMERS BUY FLOUR AND CORN

The cotton farmers of the South consume more wheat and corn than they produce. Texas consumes more wheat and corn than it produces. If the price of wheat is artificially increased 42 cents a bushel and corn 15 cents a bushel, plus freight, the cotton farmer will have to pay that much more for the corn and flour that he buys, while he will get no corresponding raise in the price of his cotton. The surplus wheat and corn purchased under the direction of the Federal board would be sold abroad at a cheaper price and the loss paid out of the Treasury and the equalization fund. Under the Haugen bill the cotton farmers would pay higher prices for corn and wheat, while wheat and corn would be exported and sold at cheaper prices. That would be fine for the northwestern wheat farmer and the Iowa corn farmer but a little hard on the cotton farmer.

PERPETUATE TARIFF BURDENS

The Haugen bill is not designed to equalize the cotton farmer with the industries of the East, but to fasten upon him forever that inequality by tying up the farmers of the West and Middle West to the protective tariff and making them interested in maintaining forever the protective tariff that robs agriculture for the benefit of specially protected industries. While they admit that the tariff is responsible for the condition of the wheat, corn, and cotton farmers alike, if they can artificially raise the price of wheat and corn they will want to perpetuate that policy though the cotton farmer would continue to be oppressed by the tariff without any relief by this bill. In addition to the discrimination under which he is now suffering the southern farmer would have an added burden by reason

of the terms of the Haugen bill. This bill was originally drawn by the Corn Belt. It is a corn and wheat bill. Only 5 per cent of all the corn produced in the United States would pay an equalization fee under the bill, whereas every bale of cotton that is sold would pay such a fee during an operative period.

Mr. Chairman, I represent an agricultural district. I am directly and financially interested in farming. I own a cotton farm myself. Every proper inducement and motive prompts me to favor any sound and helpful measure in behalf of agriculture. But, Mr. Chairman, I do not believe the Haugen bill is such a measure. I do not believe the cotton farmers want their cotton even indirectly controlled by a Federal board sitting in Washington and dominated by nine members from other sections of the United States. I do not believe the cotton farmers want to empower a Federal board to fix and levy a direct Federal tax on every bale of cotton at the gin, though it may be called an equalization fee. I do not believe the cotton farmers want to pay more for the corn and flour which they buy, while getting no increase in the price of their cotton.

I do not believe they want to approve the robbery of the Fordney-McCumber Tariff Act that has brought them distress and misery and make it to the interest of corn and wheat farmers to perpetuate that oppressive and outrageous measure. I do not believe a Treasury subsidy for wheat and corn is a sound solution of the farm problem. Mr. Chairman, the Haugen bill is unsound, unfair, and discriminates against the farmers whom I represent. It is undemocratic and violates Democratic principles. If Republican Members who represent wheat and corn will join with the Democrats, we can repeal the Fordney-McCumber Tariff Act and help every farmer in America. I voted and spoke against that bill and begged western Members to oppose it. If they will join with us, we can reduce the extortionate freight rates of the Esch-Cummins railroad bill and help every farmer in America. I voted and spoke against that bill and urged you not to pass it. These bills are the cause of your distress, but you will not repeal them.

Now, in conclusion, gentlemen, what do you do? You promise in this section to which my amendment is offered that the board shall maintain prices so as to give the maximum benefits of the tariff to agricultural products except cotton. That is an admission that the tariff on agricultural products does not benefit the farmer. But when you passed the high tariff bill you told the farmer that he was going to get some benefit out of it. You told him that so that he would be willing for you to put a high tariff on manufactured goods. And now when the western and northwestern farmers have found out that it could not give them any protection you come in with another artificial jack and try to hoist up the other side of the economic machine so as to make the wheat and corn farmer think he is getting something out of the tariff. The gentleman from Iowa [Mr. HAUGEN] comes in here and says, "Oh, gentlemen, unless we pass this bill to give the farmers the benefit of the tariff, let us tear the tariff down."

Mr. HAUGEN. No.

Mr. CONNALLY of Texas. I notice that the gentleman from Iowa shakes his head, but he said something like that.

Mr. HAUGEN. No; I did not say that.

Mr. CONNALLY of Texas. What did the gentleman say?

Mr. HAUGEN. I said that would probably be the next move. [Laughter and applause.]

Mr. CONNALLY of Texas. All right; that is better.

Mr. HAUGEN. But not on my part; not at all. However, we shall have to face the music in some way.

Mr. CONNALLY of Texas. The gentleman from Iowa [Mr. HAUGEN], the author of the Haugen bill, says that unless we pass this bill to give the farmers the benefit of the tariff that probably the next move will be to tear down the tariff. And then he hastens to add that he will never vote to do that. In other words, if the farmers out in Iowa wake up and find out that the gentleman from Iowa has been fooling them all the time and he fails now to give them anything out of the tariff the next move of those farmers may be to move the gentleman from Iowa out of his seat and tear down the tariff that is robbing them and for which the gentleman has been voting. But the gentleman from Iowa says he will never do it. No; he will never do it; he will never vote to take the tariff off the backs of the farmers, but he wants to vote for a bill which will put an additional burden on somebody else in order to make the farmer believe that he is getting a benefit out of the tariff. He is more concerned in keeping the tariff on the farmers than he is in the farmer.

The gentleman from Iowa and others of his kind remind me of the poor drug addict. You know, they have been eating this tariff doctrine which has been handed out to them by the manufacturers so long that they have become habituated to its toxic effect, they become slaves to the mischievous mastery of the drug. They admit that the drug is destroying soul and body, but refuse to give it up. They admit that the tariff is ruining the farmers but they have been voting for it so long and have been fooling their people so long that, though, like the drug addict, they would love to break away from its influence, and they struggle with it, when they see a little bit of it in sight they can not resist it and they succumb to its baleful and destructive embrace. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Why, gentlemen, you have seen one of those old fellows in the olden days when there were open saloons who loved liquor not wisely but too well. His family would say to him, "Oh, father, you are ruining us." His wife would say to him, "Oh, dear husband, you are bringing your children and your family down not only to poverty but to shame," and he would promise faithfully, as he started down town in the morning, "Oh, yes, dear wife; I will never touch another drop." Then he would walk down the street with a firm step, but as he neared the place where liquor was sold his knees would begin to get weak and then to get wobbly, his good intentions and promises would begin to fade, and just about the time he reached the door he would begin to cough with a cold that he had caught on the way down town, and it was necessary to go in and do something for his cold. [Laughter.]

The gentleman from Iowa [Mr. HAUGEN] and these other tariff addicts, are confessing to the farmers out in Iowa, they are confessing to the farmers out in Idaho, and they are confessing to the farmers in the rest of the West, that "We have been fooling you. We have been fooling you, but we are going to fool you again, now, by artificially jacking up your prices and making you think that we told you the truth originally." Instead of courageously striking down the author of their ruin, the high tariff, they insist on taking another dose of the drug.

Mr. HAUGEN. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. HAUGEN. I will tell the gentleman to what extent the Republican tariff has fooled the farmers. It gives them to-day——

Mr. CONNALLY of Texas. I can not yield to the gentleman for a speech.

Mr. HAUGEN. It gives them 17 cents a bushel on wheat right now.

Mr. CONNALLY of Texas. The gentleman claims that wheat, because of the tariff, has an advantage of 17 cents a bushel, while cotton must be sold in foreign markets at foreign prices.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. I am surprised at the gentleman from Iowa. He says the farmer is now receiving 17 cents a bushel—while in his report he says the "tariff, to a very large extent, is inoperative."

Mr. HAUGEN. And we propose to give him 43 cents.

Mr. CONNALLY of Texas. And he is receiving now 17 cents.

Mr. HAUGEN. Yes; and we propose to give him 43 cents.

Mr. CONNALLY of Texas. At present hard wheat alone gets any benefit from the tariff, because we consume more hard wheat than we produce. The ordinary soft wheat, of which we produce a surplus above consumption, gets no benefit from the tariff. However, the statement of the gentleman from Iowa [Mr. HAUGEN] is clear as to what he is trying to do by this bill, and that is to raise the price of wheat 43 cents a bushel and corn 15 cents a bushel, while no raise is given to cotton. He wants men from cotton States to help him do that. He is willing to do that by going into the Treasury and by increasing the burdens of other farmers.

Gentlemen, my amendment provides that the same measure of treatment shall be accorded to cotton that this bill accords to wheat and corn. Where is the man who says that is not fair? The amendment provides that the board shall undertake to assist producers in maintaining the domestic price of cotton at a price level which shall bear the same ratio of in-

crease in price as the average increase in price of other basic agricultural products under this bill. Where is the man who will say that is not fair or that is not right? If you defeat my amendment you will show the real purpose of this bill. If you are going to artificially raise the price of wheat and corn, why not artificially raise the price of cotton? Why say, "We will buy corn and we will buy wheat and we will furnish the money to do it out of the Treasury, but when it comes to cotton, we will merely take off our hats and say, 'Good morning, Mr. King Cotton, we wish you well and hope you may succeed.'"

Now, that is all there is to it, and I submit my amendment for the consideration of the committee. [Applause.]

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, we have just listened to a very eloquent and entertaining address by the gentleman from Texas [Mr. CONNALLY] upon the way he believes this bill will operate, and I thought possibly the members of the committee would enjoy having a presentation of how at least one feature of it will work under the amendment that is proposed in the latest revision of the bill that we have.

If you will follow me, I will endeavor to make this chart plain, because I think it illustrates better than any words I could use the point I have in my mind. The suggestion for this little piece of work came from the remarks made by the distinguished gentleman from Mississippi [Mr. QUIN] the other day. In the course of that very eloquent address he said:

> This bill is going to do good, and I know it. You can not fool me on what will help the farmer. I can smell it just as a good coon dog can smell a coon.

[Laughter.]

I thought possibly the members of the committee would appreciate just exactly how acute the sense of smell of the gentleman from Mississippi is when it comes to anything that will be of advantage to the particular section of the country from which he comes, and with that idea in mind I want to direct your attention to the figures in the table which follows:

	1925 cotton crop in bales	Per cent	Division of subsidy	Fee, $2 per bale
Alabama	1,335,000	0.0855	$6,412,500	$2,670,000
Arizona	94,000	.0060	450,000	188,000
Arkansas	1,530,000	.0980	7,350,000	3,060,000
California	126,000	.0080	600,000	252,000
Florida	40,000	.0025	187,500	80,000
Georgia	1,150,000	.0737	5,527,500	2,300,000
Louisiana	900,000	.0576	4,320,000	1,800,000
Mississippi	1,930,000	.1236	9,270,000	3,860,000
Missouri	260,000	.0166	1,215,000	520,000
New Mexico	61,000	.0040	300,000	122,000
North Carolina	1,090,000	.0699	5,242,500	2,180,000
Oklahoma	1,550,000	.0993	7,447,500	3,100,000
South Carolina	875,000	.0560	4,200,000	1,750,000
Tennessee	490,000	.0314	2,355,000	980,000
Texas	4,100,000	.2620	13,650,000	8,100,000
Virginia	50,000	.0032	240,000	100,000
All others	22,000	.0014	105,000	44,000
Total	15,553,000	.9967	74,902,500	31,106,000

In the left-hand column I have the cotton production for the year 1925. In the second column I have that production expressed in terms of percentage of each of the States. In the third column I have the thing in which I know my distinguished friend from Mississippi was very vitally interested, namely, the portion of the subsidy that his particular State was to receive. The distinguished gentleman from Texas [Mr. CONNALLY] has just told us there is considerable question as to whether it will come or not, but if it does come, I want to show you in what form it will come, and if it does not come, I want to show you what a fond hope you have cherished for a little time. Here are the various States, and I call your attention to the division of the subsidy. For instance, the State of Mississippi, from which our distinguished friend comes, shares the very neat little sum of $9,270,000, and so on through the list. The first State in the Union in cotton production, the State of Texas, receives $13,650,000, and Oklahoma, the third State in production, $7,747,500, a total sum of approximately $75,000,000.

Mr. PURNELL. Will the gentleman yield?

Mr. KETCHAM. I am sorry I have not sufficient time to yield.

Mr. PURNELL. I will ask unanimous consent that the gentleman may have five minutes more.

Mr. KETCHAM. All right; at this particular point?

Mr. PURNELL. At any point.

Mr. KETCHAM. Does the gentleman want to ask a question on this particular point?

Mr. PURNELL. Yes. As a matter of information, I want to find out how the gentleman arrived at his conclusion that Mississippi or any State will be given a specific sum of money?

Mr. KETCHAM. It is upon the basis of their cotton production and assumes that the $75,000,000 will all be divided.

Mr. DICKINSON of Iowa. And all lost?

Mr. KETCHAM. Not that it will all be lost, but that it will be divided.

Mr. PURNELL. Is it the gentleman's understanding that the $75,000,000 will be divided among the cotton States?

Mr. KETCHAM. At least $75,000,000. That is the basis upon which the table is prepared, and if the gentleman does not think the whole $75,000,000 will be divided he can make his own assumption. Whatever he thinks will be divided will be upon the basis of the comparative yield, as I have indicated.

Mr. PURNELL. I think the gentleman ought to state where in the bill there is any such provision. This is a serious accusation—seventy-five millions to be apportioned among the cotton States. The gentleman knows that the $75,000,000 is only to cover such losses as may occur, if any. [Applause.]

Mr. KETCHAM. I am assuming that the losses will be $75,000,000, because I believe with a board that is favorably inclined they would be able to figure out that amount. It would be a mighty poor board if it did not do it.

Mr. HAUGEN. Will the gentleman yield?

Mr. KETCHAM. I am sorry, I can not yield now. If I have any time after I present this matter, I will be glad to yield to the gentleman. I do not state for a certainty whether $75,000,000 will be divided under the terms of this bill, but if it is divided this, of course, will be the basis.

It may be that there is some difference of opinion as to the amount, but now I come to something that there is no speculation about because it is written in the language of the bill.

The cotton crop of Mississippi was 1,930,000 bales in 1925, or 12.36 per cent of the total United States cotton crop. Mississippi, therefore, on this basis would receive $9,270,000 of the total of $75,000,000.

Mr. QUIN's district would receive 7.1 per cent of $9,270,000, or $658,170, but in two years after the equalization fee is established instead of receiving this splendid sum Mr. QUIN, cotton farmer, would pay $2 a bale on 136,542 bales, or $273,084.

For two years Mr. QUIN's coon dog comparison would be fine, but when his farmers would be called upon to pay $273,084 I imagine that the gentleman from Mississippi would go up and down his district singing Champ Clark's plaintive lay, "You got to quit kicking my dog around."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PURNELL. Will the gentleman yield for a question?

Mr. KETCHAM. I will be glad to.

Mr. PURNELL. If my statement is correct, that the $75,000,000 to which the gentleman has referred is only to stand for such losses as may occur, that it is not to be divided among the several States in proportion to the crop raised, then the argument that he has made fails. Is not that so?

Mr. KETCHAM. I would say not; if the gentleman reaches that sort of conclusion he is in a very comfortable state of mind.

Now, I want to talk to this side of the aisle one minute. I call attention to the fact that in this bill there is an estimate of $75,000,000. Where does the money come from? From the United States Treasury. What per cent of that is paid by the States that will be the principal beneficiaries of it? Less than 5 per cent. Ninety-five per cent of it, according to the figures of the internal revenue department will be paid by those who are not beneficiaries. All we have got to do is to dig down into our pockets and furnish the $75,000,000 in order to keep up the high price of cotton and in order to boost the price of cotton and then pay a higher price for our cotton goods. We get it going and coming back, we get a double-barreled shot. Here are the figures:

Parts of the $75,000,000 paid by six leading cotton States

Alabama	$352,500
Arkansas	202,500
Georgia	540,000
Mississippi	225,000
North Carolina	422,000
Texas	1,230,000
Total	2,972,000

Parts of $75,000,000 paid by six leading taxpaying States

New York	$21,150,000
Pennsylvania	8,055,000
Illinois	6,780,000
Michigan	4,305,000
Massachusetts	4,237,500
Ohio	4,065,000
Total	48,592,500

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. If the gentleman will be seated a moment, let me reply first to one gentleman at a time. Will the gentleman from Indiana do me the courtesy of listening?

Mr. PURNELL. Yes. Of course, the gentleman understands that the $75,000,000 is to cover a period of two years.

Mr. KETCHAM. Whatever the period is, and whatever may be the proportion that my friend from Indiana thinks will come out of this particular fund, let him take it and assess it over those States in this proportion, and let him modify his figures as he will, but my own judgment is that there will not be very much left of the $75,000,000. I yield now to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman spoke of $75,000,000. Of course, the purpose of giving that to the cotton growers is because the cotton farmer is so ignorant that he is not educated up to the equalization fee, and they are going to give it to him in homeopathic doses at first, at the rate of about $2 a bale, but when the 9 members out of 12 of this board come back and ask Congress to raise that to $15 a bale, does not the gentleman think the cotton growers by that time will be quite educated up to the equalization fee?

Mr. KETCHAM. Oh, I think they will be educated in that very quickly.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Just a moment, if you please. I want gentlemen on this side of the aisle to listen for a moment more. I have picked out from the report of the Internal Revenue Commissioner the proportion in which the $75,000,000 in direct subsidy, or whatever your conscience will allow you to call it, will be paid. This is the way the figures will run. New York will pay $21,150,000; Pennsylvania, $8,035,000; Illinois, $6,780,000; Michigan, $4,305,000; Massachusetts, $4,237,500; and Ohio, $4,065,000. Now, let us take the six greatest cotton-producing States, and this is the contribution that they will make: Alabama, $352,000; Arkansas, $202,000; Georgia, $540,000; Mississippi, $225,000; Oklahoma, $402,000; Texas, $1,230,000, or a total of $2,972,000, or a trifle over half of what Ohio, the lowest State in the other list, will pay of itself. I do not wish to create any sectionalism in this argument. [Cries of "Oh, no!" "Oh, no!"] Just a moment, please.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Just one moment. Will the gentlemen be seated, please? I would be very glad to take corn; I would be very glad to take any other crop, if the figures were in the bill, to demonstrate exactly what would happen.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. The equalization fee does not appear in the bill in connection with any other crop, and should it appear I think a demonstration could be made that would stir other sections up considerably as to the operations of this bill, and I submit I would be very glad to do it if the figures were available. That is the reason why I make the statement that there is no intention to be sectional in the matter.

Here is the situation in a nutshell. To-day, under the terms of this bill, there may be some uncertainty as to how the equalization fee is to work, but the subsidy feature of this bill is absolutely certain and indefensible in my opinion and must come out of the bill. If the equalization fee is a valid principle on which to ground this legislation, let us write it into the bill on all products from the start and not delude ourselves with the notion that these splendid farmers of the South are a poor and ignorant lot and need two years of education. They know now—and all too well, in my opinion.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

Mr. HASTINGS. Mr. Chairman, I object.

Mr. DICKINSON of Iowa. Mr. Chairman, I move to strike out the last word. I say that no more unfair statement has been made on the floor of this House than that which has just been concluded by the gentleman from Michigan [Mr. KETCHAM]. [Applause.] In the first place, in three references he said that if this board did not squander $75,000,000 it was not a very good board, and this board is nominated by the council selected by the farm organizations of this country who have nominated the members of the board who are selected by the President. I say to the gentleman from Michigan that among those farm organizations that will select that council some of them may be members of the grange; and although the grange has been a meal ticket for the gentleman from Michigan for so many years, yet he comes in here and indicts them and says they are not honest. [Applause.]

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. I do not yield. The gentleman has made his indictment here of this whole plan, and now I want to make a defense of it.

Mr. KETCHAM. Will the gentleman say what the position of the grange is in respect to this bill?

Mr. DICKINSON of Iowa. The grange of the gentleman's State is for it; and I put a statement in this morning's RECORD from your organization, and it says that they are in favor of the Haugen bill.

Mr. KETCHAM. The master of the State grange—the very high-grade gentleman, a very able man——

Mr. DICKINSON of Iowa. And yet the gentleman is here indicting him and saying that his organization in Michigan is not honest enough to help select some members of this council that can come in here and select an honest board that will carry out the provisions of this bill. Second, what is the proposition here?

Secretary Jardine, before the Committee on Agriculture, on page 20 in the original document, made this statement:

> They have also to take care of any losses they might sustain; but there is no reason why there should be any losses in cotton.

No reason why there should be any loss in cotton! I can quote Secretary Jardine in several places, wherein he says that if this board handles the business of these organizations properly there will be absolutely no losses in their operation.

Mr. ASWELL. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. ASWELL. At that time Secretary Jardine was speaking for the Tincher bill, not for this one.

I asked the Secretary the direct question, "Mr. Secretary, do you believe we would have to buy from about a quarter of a million bales of cotton and put it away," and he said that he agreed absolutely.

Mr. KINCHELOE. He was talking about the Tincher bill.

Mr. DICKINSON of Iowa. Secretary Jardine made this statement:

> Mr. ASWELL. How will this help cotton?
>
> Secretary JARDINE. The same way. These cotton boys all came down and told me it would work fine for cotton.

Now you have an example of this indorsement of Secretary Jardine, and yet the gentleman from Michigan comes in and says we had just as well charge off $75,000,000 for the first year's operation, and he comes in here and is unfair enough to say that the operation of this board will mean a total loss of $75,000,000 the first year.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DICKINSON of Iowa. I will.

Mr. KINCHELOE. The gentleman wants to be fair. I was present and heard the Secretary make the statement, and he was applying that to the loan provided for in the Tincher bill and unequivocally against the gentleman's bill and the Haugen bill.

Mr. DICKINSON of Iowa. There was absolutely no reason why the board under this bill should not be just as cautious in making advancement for cotton as in loans under the provisions of the Tincher bill. You can not make the discrimination and get away with it for there is every reason to believe that this board will be just as conscientious in their work as Congressmen drawing a salary for services.

Mr. KINCHELOE. Does the gentleman undertake to put Secretary Jardine in the attitude of favoring the equalization fee?

Mr. DICKINSON of Iowa. I have not been talking about the equalization fee, and the gentleman knows it.

Mr. KINCHELOE. Secretary Jardine is against it——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TINCHER. Now, Mr. Chairman and gentlemen of the committee, let us see if we can be fair. I do not care how

much Mr. KETCHAM works for the grange. I do not care what you do or what you say, while I am here I will be fair, and if your try to jeer because you do not agree with Mr. KETCHAM, or me, or anyone else you are not fair, and that is all. The gentleman from Michigan [Mr. KETCHAM] has been a member of the grange, he says, and worked for the grange. He still supports the principles of the grange, and that is that they are constitutionally and fundamentally opposed to asking for subsidies out of the Federal Treasury. [Applause.] Let me say to some of the new members of the grange who have joined, some for political reasons because you came to Washington, if you are supporting a subsidy out of the Federal Treasury for agriculture, then your duty as men is to go to the grange and tender your resignation. When you support a subsidy then you should not try to belong to the grange.

Mr. SUMMERS of Washington rose.

Mr. TINCHER. No; I do not yield. I decline to yield. Now, in reference to what Secretary Jardine said. I tried to get along with my friend DICKINSON. Secretary Jardine testified in favor of the bill proposing to loan money to cooperatives so that they could make more advances. He frankly stated in testifying that he was in favor of making very liberal loans to them, but probably there would be losses on wheat, but he thought the losses would not be severe when made on cotton. That is true, and when you try to twist that testimony into indorsement of a bill that does not say a word about a loan——

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TINCHER. No; not now. When you do that, I claim you are not treating the Secretary right. I refer it to any member of the committee that heard his testimony, because in that same testimony that the gentleman is quoting here he said he considered the tax—the equalization tax—the most indefensible, unsound, and unfortunate thing that could ever happen to agriculture; and if you are quoting from the hearings that Secretary Jardine tells us that none of the $75,000,000 will be lost you are doing him an injustice, whether intentional or otherwise, because he does think it will be lost; and I will tell you why.

Your bill now provides, with the new amendment in, that if there is any of it left it does not go back to the Treasury. It goes into a fund to be kept; and when you hold out to the membership of this House, if the amendment is printed correctly, that anyone intends for one penny of it to go back to the Treasury it is a false and unfair representation to make to the House.

I say, let us deal in facts; and we can get along without any jeering by Members of Congress who want to talk. Some of us can get along just as well if they do not get excited and get up here and yell when they talk.

Secretary Jardine never contemplated a bill to take money out of the Treasury in lieu of this so-called equalization fee. In fact, gentlemen, we ought to recess for two months before we finish the consideration of this bill, because men are losing their morale in the consideration of this bill. You would not believe it if I gave you the man's name; but let me tell you Democrats what happened. They tried to take the tariff out this morning in a little fight here. If you took the tariff out, there was nothing left. A fellow made to me a proposition to-day. He said: "If you will help to pass the bill by laying off in your fight now, we will vote to repeal it next year and put a tax on cotton." [Applause.] If that man denies it, I will give his name on the floor. [Applause.]

Mr. McKEOWN. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] has been fully answered, so I will take no time to answer him. The gentleman from Iowa [Mr. DICKINSON] has done the job well. [Applause.]

I want to talk to you men who, like myself, are deeply interested in the cotton industry, anxious to help the part of the country that produces cotton. I want to talk to you from a practical standpoint. My mother, unfortunately, on account of her condition after the Civil War, had to carry me out to the cotton field and set me on a little pallet while she helped gather cotton. The people in this world who get the least out of cotton are the people who pick it with their fingers or spin it in the mills. Everybody else that touches cotton gets some money out of it but the man who produces it or picks it or spins it in the mill. He is the man who gets the least out of it.

Men come here and talk to you about a subsidy. Why, gentlemen, there are on the statute books to-day statutes authorizing a subsidy to particular industries, and yet you hear nothing about those subsidies. What are you going to do to-day on this question of relief offered here for the benefit of the Southern cotton farmer? In all candor and fairness, what bill have you introduced or championed? The man who stands out foremost among the Southern Representatives who has offered a remedy is the distinguished gentleman from Louisiana [Mr. ASWELL]. But, gentlemen, we come here with a bill offering you relief now; not to-morrow, not next year, but to-day. The catastrophes that have overtaken the farmers of this country have reduced them to a situation where they can not exercise the judgment that you exercise here.

Men tell me here, "We are interested in the farmers who do not belong to any associations. We wonder how they are going to be taken care of." Let me tell you something, my friends. The farmer that is not organized and not in any association may not do much for you in the election. He may stay at home and not vote; but I will tell you what he will do. He will do "a plenty" to you if he becomes aroused because you do not do something for him. He is going to follow these organization men. What right have you, in all candor, to use your private judgment against the judgment of men who have been following the cotton business for 50 years? What proposition has ever been offered to the South in the last 50 years to have its chief product cared for?

You say you are afraid to do something for fear it will affect the price adversely. Is it a sacred article that can protect itself? Look at the unpainted houses in your country, and look at the desolated farms, and tell me if cotton is a product that can take care of itself. In all candor and in all good humor, no matter how heated this debate may become, there are no personalities in it, and it does not change my admiration for any man who differs with me; but I want to ask you this question: What are you going to do when this first opportunity is offered to you?

A combination of circumstances has arisen here which offers you an opportunity to help your people. Why do you falter? Do you think those who oppose any farm relief legislation will sometime help your people?

Where were they in 1914? Do you think the gamblers and speculators in cotton will temper the winds to your cotton farmers? There are many generous advocates representing interests who are like Bill Nye's generous man, who divided his apple and kept his half and ate the other. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. WINGO and Mr. SUMMERS of Washington rose.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] is recognized.

Mr. WINGO. Mr. Chairman, I want to get back to the pending amendment offered by the gentleman from Texas. I do not care to make any argument. I want to try to see what the facts are.

Now the amendment of the gentleman from Texas proposes that in fixing a fair and reasonable price on cotton you shall bring about this result; in other words, that you shall fix it on this basis, that you will give it the same increase in proportion that you give to these other commodities where you have the tariff and transportation charges added on. Of course, you can not do that—we are all agreed about it—on cotton, because there is no tariff.

Now, what is the necessity for this amendment? And I beg members of the committee on both sides of the aisle who are supporting the Haugen bill to listen to the facts to which I am going to direct your attention, and I think if you will recognize the facts you yourselves will agree that the amendment now pending is nothing but fair and is in keeping with the spirit of your bill.

I think we all appreciated the other day the speech made by the gentleman from New York [Mr. JACOBSTEIN] when he showed you his charts. I am very familiar with those charts because we use them very frequently before the Committee on Banking and Currency. What did those charts show? One of them showed a line which represented the price level of nonagricultural commodities for the last five or six years; then below that was another line that represented the average price of agricultural commodities for the same period of time.

Now, he told you the amounts that different crops, such as corn and wheat, have lost during that period of time by reason of the fact that they were depressed, that they were depressed below the level of nonagricultural commodities. You will remember he told you about the amount lost on wheat, corn, hogs, and other things totaling, I believe, something like $13,000,000,000. Some one asked him about cotton, and his reply is found on page 8854 of the RECORD:

From 1919 to the middle of 1925, according to the figures, the cotton producers appear to have gained $380,000,000.

The RECORD shows laughter. I am not complaining because some gentlemen may have seen the humorous side, but to the cotton growers it is a tragedy. I wish to direct your attention to facts from which, I am sure, you will recognize how that chart was gotten up. I know what the basis was, because I have cross-examined a half dozen experts, including Federal reserve officials, about it. What do they do on cotton? They take the basic price. What is the basic price? The price on middling cotton, the ideal grade. Well, gentlemen, here is the fact, and if there is any man on this floor who dares challenge me on it I will produce you the figures. Of the 16,000,000 bales of cotton produced this last crop year, 65 per cent of it was below the basic grade. Now, gentlemen, during these last five or six years the line measuring the price of cotton was measured by the ideal price, and the ideal price on that ideal grade of cotton over that period of time was, on the average, 19 cents plus, but the cotton farmer did not get the 19 cents plus. On the great bulk of that crop he got, on the average, about 16.3 cents per pound. But whenever your commission comes to fixing what is a reasonable and fair price they are charged with a duty under this bill. Turn to page 12:

No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

Now, gentlemen, I assume that your board, as business men trying to be fair and reasonable and honestly discharging their duties, will say, "Here is what we have got to equalize." They will take this basic price that has run during this period through these different commodities. You have a fixed preferential that you are going to add on to wheat. It is the tariff, and you know what the tariff is, because it is in the statutes; then plus the transportation, and you know what the transportation amounts to by referring to the rate books. Then they will take the average as shown by the chart and the average will show that the cotton grower got $385,000,000 more than he was entitled to under your plan. That will be the conclusion reached by this board, when, as a matter of fact, he got less. But instead of fixing the fair and reasonable price on cotton at what it was on the average during these five or six years they will say, "We will bring it down so as to take off the $385,000,000 and make it an average." Would not that be what they would do? Then what would happen? You would have in your bill that this board, when they came to fix the price—and they do fix the price when they make these contracts—will say to their agents, "You buy at not exceeding a certain price." Then what would you have? You would have a fixed provision in the bill which would prevent the growers of cotton from receiving under these contracts more than the average price.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. WINGO. That, on the average, would mean that the great majority of that crop would be sold on a basis of not exceeding 16.3 cents per pound. Why, gentlemen, have you thought of what you are doing to the cotton farmer by that? Do you suppose that those of us who know something about finance, those of us who know something about statistics, those of us who know something about the grade and price of cotton and their value—do you think we are so blind as not to see that without the amendment of the gentleman from Texas the guaranty to the cotton farmer under this bill would be that he could never get as much as that which he is now getting, and which in 90 per cent of the cases is actually below the cost of production.

I beg of you to accept the amendment of the gentleman from Texas. It is nothing but fair. It provides that you shall give to the cotton farmer, if your bill is going to work, the increase over the price level that you are seeking to give to wheat, corn, and hogs. Is not that fair? If you want to be fair to cotton, you can not object to that.

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am mighty sorry to see gentlemen on both sides of the aisle carrying on in a frivolous manner. I am not surprised when I see the enemy on the other side, who represent the administration, doing this or anything else which would kill the bill under consideration.

Mr. WINGO. Mr. Chairman, I rise to a point of order. The gentleman certainly is not accusing me of acting in a frivolous manner?

Mr. FULMER. Mr. Chairman, I do not yield to the gentleman.

Mr. WINGO. I say you do not accuse me of carrying on in a frivolous manner?

Mr. FULMER. I am not speaking about the gentleman. I am speaking of the general procedure here this afternoon.

Mr. WINGO. The gentleman had better not make that charge against me.

Mr. FULMER. I want to remind you, gentlemen, that this is a serious proposition. I want to say to you to-day that there are millions of people in the cotton fields of the South laboring from early morning until late at night, and they have not any idea in the world what they can expect to produce, neither do they know what they are going to receive next fall in the way of prices.

I want to say furthermore, gentlemen, while we are here carrying on in a manner that seems to me like killing time instead of trying to do something to relieve agriculture and help our people in the South, my friends, you have something offered to you now that you have not had in the last 50 years. I want to say that on top of all this, while you are acting in this way, the price of cotton is gradually going down. In the last few days the price has decreased one-half a cent more, and why? Because producers are unorganized and unable to take care of the surplus, which we could do under the bill. When the Department of Agriculture reported in the fall of 1925 a cotton crop of 14,000,000 bales, cotton was selling at 24 cents. As soon as the report came out 16,000,000 bales, it began to go down and has been gradually doing so ever since. What are you going to say when you go back home if you kill this bill and cotton continues to go down?

I am surprised at the amendments some gentlemen have offered here this afternoon. How do you propose to put up the price of cotton? Why, any man knowing anything about cotton would know that if we had not made over 14,000,000 bales of cotton in 1925 the price of cotton no doubt would have gone to 30 cents a pound, and we have men right here within the sound of my voice who, because of that report, held their cotton expecting 30 cents, and yet you quibble and kill time and doubtless will try to kill the bill.

In this 16,000,000 bales of cotton, my friends, we have about 2,000,000 bales of untenderable cotton, what we call dogtails and bollies, which can not be tendered on contracts and is not spinnable, and yet the speculator to-day can take that 2,000,000 bales of cotton and depress the price just as if it were really middling cotton.

Now, what do we now propose to do under the Haugen bill? After the machinery has been organized we go into the market with $75,000,000, and if the price is too low we gradually go to buying the cotton. The Secretary of Agriculture says in his statement he did not believe we would have to buy over 250,000 bales of cotton to put up the price at least 2 cents a pound. We could buy cotton continually until the price was at the right figures and then if it should advance to a price so as to tend to retard consumption we could feed the cotton into the market as required.

My friends, a great deal has been said here about the equalization fee. Gentlemen have stood upon the floor of this House and in their speeches have said it would be $10 and $20 and $40 when, as a matter of fact, we propose that the maximum is to be $2; and if you understood the situation as well as I do, you would have an entirely different idea about this fee.

With $75,000,000 I do not know when we will be called upon for an equalization fee. If in the next five years we have the situation that we have had in the past five years, perhaps we would not have to call for a fee. With a short crop, a normal demand, and with the price all right, we would not have to operate, and therefore the board could not put on even the $2 until the producers and the cooperative associations came in and called for the establishment of an operative period.

Mr. CRISP. Will my friend yield?

Mr. FULMER. Yes.

Mr. CRISP. In this debate it has been mentioned several times that the purchase of 250,000 bales of cotton would raise the price 2 cents. Will the gentleman advise the House how many bales to-day are not on the market but in the hands of the cooperatives?

Mr. FULMER. I do not know. They have handled about 2,000,000. They have been selling—have had to—and if prices go much lower the balance will be forced on the market.

Mr. CRISP. And that 2,000,000 bales withdrawn from the market in the hands of the cooperatives are in the same hands as if 250,000 bales were bought under the provisions of this bill, and yet that amount of 2,000,000 bales in the hands of

the cooperatives has not run cotton up 2 cents. If that amount of 2,000,000 bales in the hands of the cooperatives has not run cotton up 2 cents, how will the withdrawing from the market of 250,000 bales do it?

Mr. FULMER. I will say to the gentleman from Georgia that if we did not have in the hands of the cooperative associations to-day that amount of cotton we would not be getting over 14 cents a pound for middling cotton, and the fellow on the outside has been getting the benefit of these. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FULMER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULMER. Now, what happened just a few days ago? The exchange in New York only sold 30,000 bales of cotton and put the price down one-half cent. They can go on the market the next day and buy 50,000 bales and put it up a cent a pound. If we had cotton in the control of the producers just as every other industry has control of its products, we could market it in an orderly manner and could feed the market in a fair way and control the price so as to receive cost of production and a reasonable profit.

The mills are interested in this because they are being closed down on account of the unstabilized situation with respect to cotton prices. Mr. Montgomery, of Spartanburg, S. C., made this statement the other day:

> We do not care what the price of cotton is; let it be 10 cents or 40 cents. What we want to know is that when we pay 25 cents for cotton that the speculators can not come in within 30 days and put the price down 3 cents and put my neighbor and competitor in possession of cheaper cotton and put us out of commission when we try to sell our high-priced goods.

I had another millman tell me that if we could pass legislation of this kind which would stabilize prices and maintain prices that would mean reasonable cost of production and a fair profit it would do more to stabilize the cotton manufacturing industry than any other one thing that ever happened. They could run continually where they are now closing down. It would increase consumption and bring about better prices.

My friends, under the gentleman's amendment it would be impossible to attempt to carry out what he has in mind. We do not expect to get 30 cents a pound for a 16,000,000-bale crop of cotton, but if we had made twelve or fourteen million bales in 1925 we would have received 30 cents a pound. The price would be based on the number of bales of cotton produced during the year, so as to be able to feed the cotton into the market in an orderly manner. [Applause.]

Mr. ASWELL. Mr. Chairman and gentlemen, the gentleman from South Carolina says this is the first time the South has ever had this sort of a proposition made to it, and I agree with him. One of the enthusiastic Haugen bill supporters said to me less than an hour ago that the first proposition was to give a so-called subsidy to cotton of $100,000,000 because they thought at that time they would get 100 votes from the South, but on further investigation, after the Haugen bill had failed to stand up under debate, they found that they could not get over 75 votes, and so they decided at a secret night conference to cut it down to $75,000,000. [Laughter.] That is the first proposition of that kind that has been made to the men of character from the South.

Another enthusiastic, honest man and supporter of the Haugen bill said to me: "In these amendments we will put up something you can not and will not dare to turn down." I said, "Why did you fix the equalization fee at $2?" And he said that if it was more he was afraid it would scare us off.

Now, gentlemen, this is the most brazen and absurd proposition made to intelligent and patriotic men of the South in my whole observation. Two dollars a bale would not take enough cotton off the market to increase the price a penny. Two dollars a bale collected on every single bale grown in the United States would be $32,000,000, less the cost of operation and losses of a Federal political board, and it would not be enough to affect the market on cotton in the slightest degree. It would take $400,000,000 to handle the 4,000,000 bales which is now the surplus. Every cotton man knows that fact.

I want to give you the history of this insincere measure. When the bill was brought to the committee about eight weeks ago by the noisy Corn Belt lobby, it was proposed to leave corn off and give corn $100,000,000 subsidy. Then, having found that was such an absurd proposition as written by the corn men alone, they proposed to leave cotton off for three years and put corn in. I made the statement to the chief lobbyist, Murphy, that that was done to buy the cotton men and he did not deny it.

The proposition first was to put the equalization fee or Federal tax on cotton at the gin. It was discussed that it would be about 3 cents a pound. Then they, the salaried lobby, lost their nerve and made it apply, in the second draft of the bill, to the processing of cotton other than at the gin. When we pointed out that 65 per cent of the cotton produced in America is exported and the equalization fee would apply to only 35 per cent, they brought in the last draft to make it apply at the gin on every bale produced.

In debate that scheme could not stand up and they saw that it could not stand an intelligent test. They slipped out by night under the chief manager in charge, Mr. Murphy, the professional lobbyist, a group of a few men—they did not bring it into the committee at all—agreed to reduce the amount of the fee to $2 in order to bid for the cotton men and then they proposed to put it in the amendment again not to be assessed at the gin. Do you need further proof of the insincerity and crookedness of the Haugen scheme to have southern men place their neck in the halter of the lobby?

Gentlemen, I wonder what sort of intellect some men in full control of the Haugen bill believe is found in the South. It is an absurd proposition to undertake openly and brazenly to bid money for the direct votes of southern Members so much per vote. It is very unfortunate that the gentleman from Iowa [Mr. DICKINSON] undertook to show that this $75,000,000 would come back to the Treasury. If it is coming back to the Treasury the Haugen crowd are deceiving us, for we expect to keep it. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ASWELL. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ASWELL. I would like to have the gentlemen look at the bill. On page 16 it says:

> (b) The board, in order promptly to make the advances agreed to be made and to provide for the prompt payment of the losses agreed to be paid and the salaries and expenses of experts, may advance to the equalization fund for any basic agricultural commodity, out of the revolving fund hereinafter established.

They have cut it down to $75,000,000. I said to my friend: "You had better cut it down to $25,000,000, for that is about the number of votes you will get on my side." [Laughter.] The bill states on page 16 that the equalization fee after two years shall not be available for the repayment of any advances to the equalization fee fund made prior to the expiration of two years. It provides specifically that two years later the equalization fee shall not go back into the Treasury.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KETCHAM. Will the gentleman tell me whether, in his judgment, being an expert cotton man, the statement I made with reference to the use of the $75,000,000 was extravagant?

Mr. ASWELL. It is accurate and it is conservative.

Mr. BRAND of Ohio. Mr. Chairman and members of the committee, I would not rise if I did not think I might say something that may be of benefit to some, especially on the question of cotton. I admit that there is a difference between the handling of northern products and the handling of cotton. We propose in the North to raise the price of our products above the world price to the amount of the tariff, and probably to take the surplus and sell it abroad at the world price. That is what we have in mind. We expect to sustain a loss on the surplus, for which we levy an equalization fee in the bill as it will be amended. In cotton it is proposed to raise the price or to hold the price, how much? If you have good sense you will hold it to the cost of the production plus a reasonable profit, and no more.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Ohio. I would rather not.

Can you do that? Can the Government raise or lower a price? Has the Government power through an organization to do that? This is no new question to the Government of the United States. The Government has already done it, and I happened to be a part of the organization that accomplished that purpose. That is the reason for my rising. In 1920 you will remember that your Democratic administration decided that the cost of living was too high, and it decided to drop it. The administration used the Federal Reserve Board. The Federal Reserve Board sent notices out to the various banks—and I am a director of a bank and I know that we received a notice—to call in loans and make people pay up—

let them sell their stuff so that the price would be reduced. That came from up on high in this Government. Your price on cotton at that time was 34 cents a pound.

This word went out, that credits were to be reduced and drawn in, and the buyers of cotton all over the world learned about it. They said, "See here, the cotton grower will have no place to sell his cotton, and we better stop buying, and they did stop buying and used up what they had and bought from hand to mouth, and cotton went down from 34 cents in less than a year to 9 cents a pound. Ruin followed. Banks and individuals failed. The Congress was in session, and it decided the Government would boost that price. The Congress gave the War Finance Corporation $300,000,000 with which to do that. To-day is not the first time that we have considered raising prices. That fund was for the purpose of raising the price of all commodities in agriculture all over the United States. President Harding looked out over the United States and picked out about a dozen men to come down to Washington who knew local conditions and advise with the War Finance Corporation. I happened to be chosen from Ohio. We looked over the South and saw your situation, and we sent men down to the cooperatives. Why? Because we thought we were going to raise the price of cotton, and we did not want the speculators to get the advance; we wanted the growers to get it. We said this to the cooperatives: "Have the growers bring in their cotton and put it in a warehouse; get a warehouse receipt and here is your money for the value of that cotton." That got into the newspapers, and it went out over the world. Then the cotton miller said to himself, "Uncle Sam is back of this thing; he is taking a hand; he is saying that he will not permit the cotton grower in the South to clothe the world at a loss."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BRAND of Ohio. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRAND of Ohio. The cotton millers over the world began to say that cotton was going up and that they had better buy. What happened was that the millers over the world and Uncle Sam were both buying cotton, and in three months' time cotton went up 100 per cent. [Applause.]

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Ohio. Yes.

Mr. FULMER. How many bales of cotton did you have to buy to put that proposition through?

Mr. BRAND of Ohio. It surprised us how little.

Mr. GARRETT of Texas. In August of 1921 the price started to rise, but there were only 8,000,000 bales made in the United States that year.

Mr. FULMER. But in the meantime, because the exportation of cotton had been cut off, we had a surplus of over 9,000,000 bales at that time to carry.

Mr. BRAND of Ohio. When we got through we found that we had put up $41,000,000 of the fund that Congress gave us, and then there is this other fact. I went down and looked at the books of the War Finance Corporation the other day and I asked, "How much do the cotton people owe you?" They said, "Oh, that was all cleaned up that year, every cent of it; the Government did not lose a dollar." [Applause.] Let me answer about the crop condition. Let us go down to Brazil. When I was a boy I used to sell Arbuckle's coffee, and Lion coffee, in packages. It retailed at 10 cents a pound, you may remember. The retailer paid 8 cents a pound for this package coffee, the Arbuckle Co. in New York must have paid 4 or 5 cents a pound. Down in Brazil they got probably 3 or 3½ cents a pound for that coffee green.

Mr. SHALLENBERGER. The gentleman has not yet told us how many bales of cotton he thinks were handled in that year.

Mr. BRAND of Ohio. I said $41,000,000 worth. You cotton men are good figurers.

Mr. FULMER. About 500,000 to 750,000 bales.

Mr. BRAND of Ohio. And I want to say before I forget it that we raised the price of cotton to everybody. The price was raised 9 cents a pound on 10,000,000 bales, and what did that amount to in dollars? It was done because the Government risked $41,000,000 on a loan.

Mr. CRISP. But does not my friend agree that the reason the price was raised that year was because only 8,000,000 bales of cotton were made, 6,000,000 bales less from the world's yearly consumption?

Mr. FULMER. But I will say I understand we had over 9,000,000 bales carried over that year, and 5,000,000 bales the next year and three and a half the next——

Mr. CRISP. And the carried-over surplus was consumed?

Mr. BRAND of Ohio. Yes; and at a fair price. I am going to answer that with coffee. That will not hurt any of us. Retailers were selling coffee at 10 cents a pound, and the retailer paid 8 cents, and the Brazilians were getting about 3½ cents a pound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. I ask unanimous consent that the gentleman may have 10 additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Ohio be extended for 10 additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRAND of Ohio. Mr. Chairman, the Brazilians were getting about 3½ cents for coffee, and the Brazilian Government recognizing the people were raising coffee at a price which was pauperizing their people and making them a burden upon their Government instead of being a strength to their Government, so the Brazilian Government said, "Bring in your coffee! Put it in the warehouse. We will pay you for it"; and it said to the world, "You can not have our coffee for less than it costs us to produce it."

Mr. FULMER. I want to say in connection with that proposition the United States furnished $10,000,000 to take it off the market.

Mr. ASWELL. Does the gentleman recommend that the United States Government say to all agricultural producers of America, "Bring it in and store it, and we will pay for it"?

Mr. BRAND of Ohio. Control the surplus, and we will pay any loss ourselves. We of the North are not going to ask the Government for anything. [Applause.]

Mr. ASWELL. But the gentleman has not answered my question.

Mr. BRAND of Ohio. I do not yield further. But the Brazilian Government bought coffee. Since that time—and that has been a number of years—the Brazilian Government has been able to maintain the price of coffee around 17 cents a pound. I just called up the Brazilian Embassy, and I asked them over there if the Brazilian Government had ever lost any money on the deal, and I was told by the embassy not one cent. [Applause.]

Mr. FORT. Will the gentleman yield?

Mr. BRAND of Ohio. I will.

Mr. FORT. Is it not true in that same period there has been no increase in the production of coffee in Brazil?

Mr. BRAND of Ohio. Thereby the gentleman refutes all he has ever said on this floor. [Applause.] Try again.

Mr. FORT. Is it not true—perhaps I should have worded my question differently—that the handling of the stabilization program in Brazil involved that there shall be no increase in production, and there has been none?

Mr. BRAND of Ohio. To be candid, I do not know of any increased production of coffee.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BRAND of Ohio. I will.

Mr. BLACK of New York. Of course, the Brazilians are getting money out of foreigners, but by this bill it is proposed to gouge the Americans by selling to foreigners more cheaply.

Mr. BRAND of Ohio. Not more cheaply on any article. We can make the whole world pay a fair price for cotton.

Mr. FULMER. I will say the Brazilian people have increased the consumption of coffee in the last 10 years 50 per cent.

Mr. BRAND of Ohio. Now, Brazil is getting a fair price for her coffee. Now let us go over to Greece, take another little trip. I have been in the currant business all my life. When I was a boy we used to ship currants over here by cargo at about 2 cents a pound for dried currants. That only netted the producers over in Greece about a cent a pound. Now, the Greeks are smart business men, and they came to the conclusion it was not good sense for Greeks to be impoverished by selling currants at such a price, and they got up a Haugen bill almost an exact duplicate of this one, and they had an equalization fee. This changed every year. They took the surplus off the market, and ever since that time the average price of currants instead of being 2 cents a pound has been 9 cents a pound. And that is 25 years ago, and America is just learning, and you cotton people, some of you have not the gumption to see it, and you can get a decent price for cotton all the time. The Greeks get 9 cents a pound for currants, and I went over to Greece last year and I saw these Greeks who used to be an impoverished people.

Now, the best-to-do people in Greece are those growers of currants. [Applause.] Those politicians over there levied an

equalization fee on their producers. Did it ruin them, the politicians? Where is Mr. HUDSPETH?

Mr. DICKINSON of Iowa. Right behind you. [Laughter.]

Mr. BRAND of Ohio. He thinks he will lose his job here if we put an equalization fee on.

How about those Greek politicians? The man who was responsible for this whole scheme in Greece is a man by the name of Michaelopulous, as near as I can pronounce it, a fine-looking man, over 6 feet tall, with black hair and black eyes, a regular Adonis, looking like TOM CONNALLY. [Laughter.] He is the man who was more responsible for it than anyone else, and he made the producers pay that tax, if you want to call it a tax.

What was the result? When I was there he was Premier of Greece. You can see what Mr. HAUGEN and Mr. DICKINSON are coming to. [Laughter.]

Gentlemen, this is not a new thing at all that we are talking about. The world has been talking about it and doing it. By it Brazil has helped her people, and Greece has helped her people. We are a financial giant. You know I can take all the surplus products of agriculture in America and take the money out of the banks in Cleveland and pay for every pound of them. Do you think with that kind of a condition we can not do anything for agriculture?

And now I want to say to the consumer Congressmen I know you are scared stiff by this bill and are afraid to vote for it because you are afraid the consumers at home will go back on you. I want to say to you that those consumers at home are loyal American citizens and they know that agriculture must not languish, and I know also that the probabilities are that if we pass this bill and it works effectively it will not cost anything to the consumer. I am satisfied of that.

I believe the increase in the prices received by the farmer for his products will be taken up by the middlemen. Why? Because I believe the retail price now is all that the traffic will bear. [Applause.] I do not believe that it has anything to do with the price paid to the farmer. I will give you some illustrations, if you want to listen. I have been studying the question of bread for years in this country and abroad. In Ohio, for the last five years, bread has been on an even basis of 8 cents a pound, full weight, because the law requires it. The price of wheat during those five years has been as low as 85 cents a bushel, and it has been up this year to $1.83, and no change has occurred in the price of bread. I have asked some of the bakers—and they are friends of mine—"Why no change in the price of bread?" "Well," they say, "we find that when we get over 8 cents the women begin to bake bread, and that reduces our business, and so we avoid that contingency."

Now this year the price has been high on wheat. Did the bakers make any money? I happen to know of one concern that made 48 per cent this year under present conditions.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COLE. How much did they make when the price of wheat was low?

Mr. BRAND of Ohio. The baker sayeth not.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, Mr. Chairman, I have two amendments that are germane to the section which I would like to discuss.

Mr. BLACK of New York. Reserving the right to object, Mr. Chairman, I have a couple of amendments I want to offer to this section. I will say to the gentleman that they have nothing to do with prohibition at all.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, I want a vote on my amendment and then they can discuss other amendments.

The CHAIRMAN. Does the gentleman from Texas object?

Mr. CONNALLY of Texas. I object.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the question is on the amendment of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY of Texas) there were—ayes 41, noes 94.

Mr. CONNALLY of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. HAUGEN and Mr. CONNALLY of Texas.

The committee divided, and the tellers reported that there were—ayes 41, noes 94.

So the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: On page 9, line 24, after the word "wheat" insert "oats and rye."

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Before speaking to the amendment let me comment briefly on coffee and its control by Brazil, which the gentleman from Ohio [Mr. BRAND] referred to a moment ago. The situation in Brazil as to coffee and in our country on cotton are vastly different. Brazil has a practical monopoly on the production of coffee, for that country produces 65 per cent of the world's production. Its consumption is nil—about 5 per cent. We consume 35 to 40 per cent of the cotton we produce. We have a substantial domestic market for cotton. She has none for coffee. We buy 55 per cent of Brazil's coffee. She charges the excess or advanced price to the foreign consumer, who feels he must have her monopolized governmental controlled product. While this scheme proposes to charge this to the domestic user and sell at the reduced world price to the foreign consumer, the two cases are hardly analogous. In this connection I submit for the RECORD in connection with my remarks a portion of a report I submitted from the Committee on Interstate and Foreign Commerce on the Brazilian coffee control, as follows:

COFFEE

Governmental control had its genesis in the valorization scheme pertaining to coffee. Again we find large percentage (65 per cent) of world's production in Brazil, the country of control. It consumes about 5 per cent of what the world produces, while the United States consumes about 50 per cent. During the last three years we imported an average of 10,200,000 bags of coffee (132 pounds to the bag), valued at about $20,000,000. Of this, Brazil furnished 6,700,000 bags, valued at $124,000,000. It amounts to 55 per cent of the total coffee that Brazil exports.

The valorization in Brazil began with the passage of the act of 1906. Under this act, the State of Sao Paulo, backed by the Federal Government, bought from 8,000,000 to 10,000,000 bags of coffee during the next three years at a very low price. This coffee was disposed of largely during 1911–1913 when smaller crops and the stock shortage, brought about by the Government withholding its supply, had caused a considerable rise in price. This enterprise was made possible through a loan of 3,000,000 pounds sterling guaranteed by a surtax of 5 francs per sack. An arrangement then was made with foreign merchants to store the coffee and advance 80 per cent of the price while the State would advance 20 per cent.

The second large purchase was made during 1918, when prices were very low, due largely to the war, which had interfered with exports to Europe. This was disposed of in 1919 at a very good price and large profit to the Government. This was financed through an issue of paper money by the Federal Government, amounting to about $75,000,000 and an additional loan from the Federal Government to Sao Paulo of $27,000,000.

The third major coffee purchase was in 1921, when about 4,500,000 bags were purchased. The financing of this operation was conducted through the Banca de Brazil on short-term notes, which were refunded through a British-American loan of 9,000,000 pounds sterling floated in May, 1922.

Since 1921, however, the policy has gradually changed from one of purchasing coffee to one of limiting the movement of coffee to the ports. The coffee is thus held in the interior and the burden of carrying the surplus falls back upon the producers. To aid in this the Government has built large interior warehouses.

A loan of 5,000,000 pounds sterling, with prospects of an additional like amount, was recently negotiated in Europe, and this has strengthened the position of the Coffee Defense Institute, the semiofficial body responsible for the valorization operations.

During these years Brazil has kept her production close to an average of 12,000,000 bags. In the meanwhile other coffee-producing countries have generally increased production by nearly 50 per cent. This governmental control over coffee has resulted in substantial price advances to consumers. Although it is impossible to state exactly what has been the increased cost to the American public, it can be pointed out that the difference between the average import values

of coffee in the United States in 1922 and 1925 was about 10 cents per pound, which amounts to about $135,000,000 on the annual coffee purchases of the United States. A substantial part of this advance is due to the operation of the Brazilian valorization scheme, since production costs have only slightly advanced in that time.

The amendment I have offered adds oats and rye to the basic commodities. If corn is to remain in the bill, oats should go in because of its close relationship as feed to corn. Nineteen per cent of corn goes out of the county in which it is produced, while 26 per cent of the oats go out. There is a large surplus of oats to-day; there will be a carry over and the price is far below what it should be. Therefore, if corn goes in, oats should follow. There is a close relationship between wheat and rye. When wheat goes to a certain figure, then the price of rye is bound to respond, because there is a less demand for wheat and an increased demand for rye.

If the domestic or foreign demand for wheat is decreased, then you thereby increase your surplus of wheat and still further depress the world price and what the surplus will sell for per bushel. If this bill is to be a scientific bill drawn along sensible lines, rye should certainly be included with wheat as one of the commodities.

I am going to offer another amendment and I want now to call attention to it. On page 12, subdivision 2, you have a provision that ought not to remain in the bill:

No sale or contract of sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

This refers to sales or contracts for sale made by those cooperatives or other agents of the board who have an agreement with the board wherein they are to buy, store, and sell or process the commodity and thereby assist in maintaining a domestic price equal to the world price plus tariff and freight. It is up to them to dispose of the surplus. It is a staple world commodity which they must dispose of in the world market, which is generally a buyer's market. For example, here is a concern, cooperative or otherwise. It has bought 50,000,000 bushels of wheat in the domestic market for which it paid the world price plus tariff and freight. This concern must dispose of this as it can from time to time to best advantage. Sales of wheat are made through quick offer and immediate acceptance. Under this paragraph this agent would first have to submit the offer to the board if any loss was to be sustained. Generally speaking, there would be a loss. That is expected. Nevertheless, the board would have to meet and authorize the sale. The plan is impractical. It will not work and the provision should go out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer another amendment, which is the second amendment to which I called attention, and I do not care to discuss it further.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: On page 12, line 18, strike out the subdivision (2).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota, Mr. NEWTON.

The amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: On page 12, line 22, after the comma, strike out the balance of subparagraph (3) and insert in lieu thereof the following: "As soon as and to such extent as the board may find such action necessary to prevent an enhancement of the market price in the principal markets of the United States for any such basic agricultural commodity or its food products above a fair and reasonable price."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, when I struck subdivision (3) of paragraph (f) of the bill I saw something that looked respectable, and so respectable in the middle of these other provisions that I became suspicious of it and decided to do what I could to make it actually respectable.

The subdivision I seek to amend provides that the board can make these loans, demand loans, as soon as the market, in the opinion of the board, gets too high. Now, what is the use of waiting until then? If the board can ascertain beforehand that the market price is liable to be too high, let the board by making these loans demand loans keep the public from being gouged by something that the board itself may realize will be too high.

I think the committee ought to accept this amendment. This particular subdivision is the one brake on this bill, a bill which, in my opinion, if it ever becomes a law, is going to bring more scandal in this country than anything we now have on the statute books. Here is a bill that provides for a Federal farm board that shall be the creature of a Federal farm council, the members of which are not public officials; a bill that provides that Federal moneys may be lent to cooperative associations and farm organizations, all of whose members may have a say in the creation of the Federal farm council. In other words, the parties who are to get the money, the parties who are to get the benefit of this bill are going to run your Federal farm board. They not only create your Federal farm board, but they direct your Federal farm board; and if they can not get enough in that way, under the section dealing with cooperation with executive departments, they can force the Tariff Commission to raise the tariff when they think it ought to be raised. The whole thing from beginning to end, except this particular provision, is rotten and reeks with possibilities of scandal.

Lately, in New York, we had the Federal district attorney for the southern district of New York put out of business the Ward Bread Trust. The Ward Bread Trust is nothing but what will be created by the provisions of this bill, except that the Ward Bread Trust was subject to the jurisdiction of the Federal Trade Commission, the grand jury, and the United States attorney; but under this bill the Wards overnight could become a cooperative and begin to run your Federal farm board by getting control of your Federal farm council and your Tariff Commission.

I am a little sorry my friend CONNALLY has found out that the cornfield canaries are becoming tariff snowbirds, but that is truly the fact, and not satisfied with what they are getting now they want to control every branch of government to gouge the consumer and particularly my New York consumers.

First of all, they are going to grab $100,000,000 out of New York so that they can buy up the surplus, and what are they going to do with it? Are they going to give the benefit of it to the laboring man in this country? Are they going to give these products to anybody in this country at a cheaper price? Not on your life. They are going to send them over to the European workingman and give him a little food more cheaply after they grab off $100,000,000 from the people of New York to do it with.

I think this bill is going to pass. [Applause.] I have not any doubt in the world about it, and the reason I say that——

Mr. DOWELL. Will the gentleman yield?

Mr. BLACK of New York. I will yield; yes.

Mr. DOWELL. The $100,000,000 the gentleman says is going to be grabbed off of New York, most of that money, before it is taken from New York, is grabbed from the other parts of the United States by some of the gentleman's constituents in New York. [Applause.]

Mr. BLACK of New York. Wait a minute about that. If there is any $100,000,000 around loose out in Iowa, Montana, or Idaho, what are you yelling about, and what do you want this bill for?

Mr. LOZIER. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. LOZIER. Seriously, is it not true that while New York pays such a large proportion of the income taxes and other taxes to the Government, that New York is primarily the clearing house through which the money made by the great corporations all over the United States is accounted for; is not that true?

Mr. BLACK of New York. Yes; and I will tell the gentleman another thing. If this bill passes, there are enough smart men down on Wall Street to join these cooperatives and become farmers overnight to steal it from you. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I have another amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 13, end of line 8, insert:

"(h) Such agreements may provide for the gift or sale of any commodity or its products at a price lower than that fixed by the board

for the general merchandising of such commodity or product to charitable institutions for the maintenance of their inmates."

[Cries of "Vote!" "Vote!"]

Mr. BLACK of New York. Mr. Chairman and gentlemen, I want to say to gentlemen who are trying to cry me down that I have been talking under elevators in New York to real radicals, and I will not be stopped by political socialists here who are just after votes. I want to find out how many big broad-minded men from the open spaces are going to rob the lame, the crippled, the blind, and others found in the city and State institutions. Are you going to allow this bill to go so far while you are taking the public money as to rob the crippled? If you do not adopt this amendment, that is what you are going to do. I throw this in your teeth. Go to your people and say that you voted it down; that you are against the unfortunate in institutions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLACK of New York) there were 14 ayes and 55 noes.

So the amendment was rejected.

The Clerk read as follows:

PURPOSES OF EQUALIZATION FEE

SEC. 9. In order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equalization fund hereinafter established for such commodity; in order to prevent any unjust discrimination against, any direct burden or undue restraint upon, and any suppression of commerce in basic agricultural commodities and their food products with foreign nations in favor of interstate or intrastate commerce; and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in basic agricultural commodities—there shall be apportioned and paid as a regulation of such commerce an equalization fee as hereinafter provided.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the section.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11603 and had come to no resolution thereon.

MAMMOTH CAVE NATIONAL PARK

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Mammoth Cave National Park bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker and Members of the House, Mammoth Cave, the greatest cavern known to man throughout the entire world, was discovered by John Hutchins in 1809. Hutchins, a famous hunter of his day, had wounded an enormous bear, and while in pursuit of his wounded game was led by the retreating animal to the mouth of the cave, which the bear entered, and which Hutchins explored for only a short distance, yet far enough to realize something of its immense size. He reported his discovery of the cave, but no definite explorations were made for two or three years, and then only for a distance of a few miles from the entrance.

Mammoth Cave, situated in Edmonson County, Ky., was purchased in 1811 by a Mr. McLean, who bought the cave and 200 acres of land about its mouth for the sum of $40. It was wanted by McLean because it was rich in nitreous earth, from which saltpeter is made. During the War of 1812, the cave property having been acquired by Mr. Gatewood and then sold to Messrs. Gratz and Wilkins, a fortune was made for the owners by the manufacture of saltpeter, for during this war the Americans were sorely in need of gunpowder, and as saltpeter is one of its principal ingredients, there was a great demand by the Government for all the saltpeter Mammoth Cave could produce. It is claimed by historians that the cause of the Americans would have failed in the conflict had it not been for the home manufacture of saltpeter in the Mammoth Cave during the war, as all foreign supply had been cut off by a strict and general embargo. Powder manufactured from the material taken from Mammoth Cave had just been furnished to Captain Bainbridge, of the "Old Ironsides," when—

Her thunders shook the mighty deep—

in that brilliant victory over the British fleet off the coast of Brazil. Commodore Perry's fleet of nine vessels had been supplied with powder from the same source just before he met the hostile fleet near the west end of Lake Erie in September, 1813. I need not recount the result of that desperate encounter. Perry was enabled to send his historic dispatch—

We have met the enemy and they are ours.

The same powder was used by General Jackson's famous Kentucky and Tennessee riflemen when in the Battle of New Orleans they won undying fame for their marksmanship and courage. The remains of these old saltpeter works are still to be seen within the cave.

The daughter of Mr. Gratz, one of the owners of the cave, was a beautiful Jewess and a friend of Washington Irving, who related the story of her romance to Sir Walter Scott in 1817. Shortly thereafter, Ivanhoe appeared, in 1819. Scott sent one of the first copies to Irving, asking, "How do you like your Rebecca?"

The firm of Gratz & Wilkins disposed of the cave in 1816, together with approximately sixteen hundred acres of land, to Mr. James Moore, a Philadelphia merchant, who was ruined, it is related, by his complications with Burr and Blennerhassett. The property then passed once more into the hands of Mr. Gatewood, who made it a place of exhibition to the public.

In the year 1837, the estate was acquired by Mr. Frank Gorin, who employed Moore & Miller as his agents, and Stephen Bishop and Matt Bransford as guides. Then began the era of the discoveries of the wonderful caverns which constitute Mammoth Cave. But it took a near-tragedy to bring about active exploration on an extensive scale. This occurred when Mr. C. F. Harvey, Mr. Gorin's nephew, was lost in the cave for a period of 39 hours. Another contributing cause for more extensive exploration of the cave was the fact that Dr. John Croghan, a young physician of Louisville, while on a tour abroad, was repeatedly asked about the marvels of Mammoth Cave which, even then, had percolated to the capitals of Europe. The mortification he experienced at not being able to give them the information concerning the cave which they sought determined him to visit it upon his return, which he did. So charmed was he with the scenic wonders found there that he purchased it from Mr. Gorin, on October 8, 1839, for $10,000, and expended large sums of money in its development. At his death, which occurred in 1845, the estate descended to his eleven nephews and nieces, the sons and daughters of Col. George Croghan, Mr. William Croghan, and Gen. T. S. Jessup. So much for the early history of Mammoth Cave.

Mammoth Cave, accounted one of the seven wonders of the world, is justly famous. There are caves in all parts of the universe, but none upon the face of the globe to compare with Mammoth Cave, the pride of our beloved Kentucky. Futile it would indeed be to make an effort to do it full justice with the pen of man. Its wondrous caverns were fashioned by nature through the erosion of the ages which carved out mighty vaults, domes, and chambers; the drip, drip of water through long periods of time built up the stalagmites and carried down the stalactites, decorating the interior of the vast underground area ways in phantomlike splendor and beauty.

The cave is admirably located for easy accessibility, being located near the center of population of the United States. It is readily reached by roadways, railroads, and an all-year navigable stream (Green River), one of the most beautiful waterways in this country. The cave is surrounded by forest growths, which clothe picturesque and lofty hills—an ideal camping and recreational retreat. Above ground, one may camp and fish and enjoy the luxurious life of the outdoors-man to his heart's content, while beneath his very feet lie the labyrinth of cavernous passages whose beauty and grandeur beguile alike the scientist and the layman. It is most fitting that such glorious and gorgeous handiwork of God should be forever kept sacred to posterity by enshrinement in our national-park system.

At the last session of Congress, I was a member of the Committee on Public Lands, and when the bill for the survey of Shenandoah in Virginia and the Big Smoky project in North Carolina and Tennessee was being considered by the committee I introduced the amendment, which was adopted, to include Mammoth Cave in the bill for survey along with these other two national park projects.

The committee was holding its last meeting prior to reporting out the park survey bill, and on this same day the Kentucky delegation had secured an engagement with the President, at 11 o'clock, to discuss with him the feasibility of the Mammoth Cave National Park proposition. This was deemed inexpedient since the bill pending for the national park in the Shenandoah and the Big Smoky Mountains of North Carolina and Tennessee referred particularly to these projects and no other.

I suggested to the Kentucky delegation that I had better remain for the committee meeting instead of accompanying them to the White House, and they readily concurred that this was the proper course to pursue. There was not a word said about the inclusion of Mammoth Cave for survey until after the committee went into executive session and I then proposed the amendment. There was considerable opposition to the amendment on the ground that I had nothing in writing to show it had ever been considered; had no reports, and so forth, but there had been a great deal of correspondence about Mammoth Cave and, of course, it has a national reputation.

A member from Arkansas, Judge DRIVER, had been there and he extolled its wonders most generously and, with the statement that the Kentucky delegation had called upon the President and that it met with his approval, the committee included the amendment for the survey of the Mammoth Cave territory. If this had not been done at that moment the bill would have been reported out without such an amendment. The bill was reported to the House on January 29, 1925, designated as H. R. 1320. On February 16, 1925, S. 4109 was substituted and passed by the House and Senate, becoming a law with the President's signature on February 21, 1925, and designated as Public Law No. 437. This bill merely authorized the survey of the Shenandoah, Big Smoky, and Mammoth Cave park sites.

Having been honored with membership on the Military Affairs Committee in the Sixty ninth Congress, I necessarily relinquished membership on the Committee on Public Lands. However, when H. R. 12020, a bill to provide for the establishment of the Mammoth Cave National Park, was under consideration by the Public Lands Committee, I appeared before that committee and exerted my every effort to get their favorable action upon this measure, realizing its importance to my State and Nation. The result was that it was reported favorably to the House on June 12, 1926. Subsequently, the House bill was laid on the table and Senate bill 4209 was passed in lieu thereof. This bill became the law of the land with the President's signature affixed thereto on June 25, 1926, and was designated as Public Law 283. By the provisions of this act, when a minimum of 20,000 acres of land are given the Government, the region legally may be designated for national-park purposes. This legislation approves the project and it is now up to Kentucky and her splendid citizenry to meet the situation in order that the Government may take over this region for the actual establishment of the national park. Kentuckians have not been found wanting in the past and Kentuckians will not be found wanting now. They will be swift to realize the momentous opportunity which this bill makes possible, to the end that Mammoth Cave shall not only be the pride of Kentucky, but that it shall be the pride of all America, administered by the National Government. Thus, and only thus, can this heritage of the countless ages necessary for its creation by erosion be handed down to posterity undespoiled by private enterprise.

FARM RELIEF

Mr. CANNON. Mr. Speaker, I ask unanimous consent to speak for one minute.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, the Missouri delegation is in receipt of a telegram from the Missouri Farmers' Association, one of the largest farm organizations of the Middle West, urging that the Members of the delegation not only support the Haugen bill, but oppose both the Tincher bill and the Aswell bill. The association goes on record in this telegram as asking for the Haugen bill or nothing, and as opposing any "milk-and-water substitute which would permit opponents of the Haugen bill to avoid the real issue."

Mr. NEWTON of Minnesota. Is this the Haugen bill as it was or as it will be?

Mr. CANNON. As modified by the amendments offered by the gentleman from Iowa.

SOME FACTS RELATING TO INDIAN LEGISLATION

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Indian matters.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. WILLIAMSON. Mr. Speaker, as far back as I can remember there have been periodic attacks made upon the Bureau of Indian Affairs. No commissioner of the bureau has ever escaped. These assaults have come from men in and out of Congress. Some of the attacks have been prompted by good motives and have come from people genuinely interested in the Indians; others have come from men who have been notorious in exploiting the red man, and still others have come from professional lobbyists who have scattered to the four winds misleading and false propaganda in order that they might induce kind-hearted people to send them money for the ostensible purpose of fighting the Indians' battles.

I have in my files a number of letters directed to Indian constituents of mine and signed by Gertrude Bonnin, of Washington, D. C., who poses as president of the "National Council of American Indians." It has been reported to me by one who was there that this "council" was organized at the instance of the Bonnins last winter by getting together a number of Indians who happened to be in the city at the time in connection with various matters in which their respective tribes were interested. A delegation of the Sioux from South Dakota was here at the time, and they were invited to join the organization, but respectfully declined the doubtful honor.

ALARMING CHARGES

Armed with this high-sounding title, the writer proceeds to make charges against the Indian Bureau and Members of Congress, which, if true, would indicate that great wrongs were about to be committed against the Indians of the country. As some of the Indians in my district have become alarmed over what it is claimed Congress is trying to do to them, and particularly over some of the charges made in the Bonnin letters, a plain statement of the facts seems to be called for.

COURT OF INDIAN OFFENSES BILL

In one of these letters, directed to Joseph R. Kettle, a member of the Rosebud Sioux Tribe in my district, she states:

I am writing you to-day on a matter of great importance, especially to our Sioux Indians and to all Indians generally.

A little further on she proceeds:

I want to emphasize the necessity of defeating bill H. R. 7826 because it is a vicious bill designed to give the Indian Bureau added power over all Indians to the extent that Indians may be put in jail for six months at hard labor and a fine of $100 every time he does anything to break any rule or regulation promulgated by the Indian agents. This bill was introduced at the request of Commissioner Burke and is strongly supported by Congressman WILLIAM WILLIAMSON, of South Dakota. WILLIAMSON said that he lived with the Indians many years and knew all about them; and that the Sioux Indians wanted such a law passed. He had a delegation appear from Rosebud at the House committee hearing on this bill, and they were told to stand up, they were introduced and then their attorney, Ralph Case, told the committee that all the Sioux liked this bill and wanted it passed.

Disregarding her inaccurate statement as to the effect of the bill, I want to call your attention to the statement from the excerpt just quoted that—

This bill was introduced at the request of Commissioner Burke and is strongly supported by Congressman WILLIAM WILLIAMSON, of South Dakota.

Note this; I am reading from the letter—

WILLIAMSON said that he lived with the Indians many years and knew all about them; and that the Sioux Indians wanted such a law passed.

In the first place, I have not at any time or place expressed myself in favor of this bill. During a cross-table discussion of the native Indian courts by members of the Indian Affairs Committee of the House, I explained very briefly the character of those existing on the various Indian reservations in my district and stated that I had never heard the Indians complain about the manner in which they were conducted nor register objections to the sentences imposed by the native Indian judges. I made no reference whatever as to whether I or the Sioux favored the bill or not. At that time I knew nothing about their attitude toward the bill. The day prior to the discussion referred to, I had handed a copy of the bill to the Rosebud Sioux delegation who were in the city and asked them to study it and let the committee know what they thought of it.

At the next meeting of the committee they appeared and announced that they were present with their attorney, Ralph H. Case, who would present their views. Mr. Case then arose and stated to the committee:

In the meantime they have taken up a study of the bill (H. R. 7826) introduced by you, Mr. Chairman, and they desire to be recorded as being strongly in favor of the continuance of the Indian court. They have talked this bill over with me and have instructed me to say to you that they regard the court conducted by Indians for Indians as one of the strongest safeguards of their liberty, and that it is an educational factor in the development of Indian citizenship that is second to no other factor in the reservation country. There is, however, an amendment or two the delegation would like to propose.

Since the above discussion took place the Case amendments and some others have been tentatively incorporated in the bill. Perhaps the most important change is the following proviso:

Provided further, That reservation courts of Indian offenses shall be selected by the restricted Indians of the reservations over which the judges shall preside, and only restricted Indians shall be eligible for election to said courts.

In other words, the bill as now drawn gives the Indians the right to exercise home rule and select their own judges and in this form it has been approved by most of the Indian witnesses appearing before the committee.

EXECUTIVE ORDER RESERVATIONS BILL

The Bonnin letter is too long for insertion in the RECORD, but I call your attention to this statement:

WILLIAMSON is no friend to any Indians * * * WILLIAMSON is supporting another bill of Mr. Burke's (reference being made to H. R. 9133) which, if passed, will deny the Indians any title to Executive-order reservations; or any other kind of reservations. They want to take all the land away from the Indians.

It is difficult to understand how any informed person could have made such a statement. It does not come within rifle shot of the facts. In the first place, the bill above referred to does not seek to take title or other rights from the Indians interested. On the contrary, it seeks to protect their rights. My whole effort in connection with this bill has been to secure such amendments as will fully protect the Indians upon Executive-order Indian reservations, and as amended and reported I think there is no question but what it does this. I am opposed to the last proviso of the House bill, seeking to authorize the reinstatement of certain oil filings, and so publicly announced to the committee. This proviso will undoubtedly be stricken out before the bill becomes law. The United States district court, district of Utah, has held that title to lands upon Executive-order Indian reservations is in the United States, and that the Indians have no title thereto, legal or equitable. The bill has for its express purpose the protection of the Indians in the oil royalties upon Executive-order Indian reservations, which, under the decision referred to, would be lost to them. No bill has been introduced nor advocated by anybody seeking to deprive Indians of their title to any kind of reservation.

THE CONGRESSIONAL "GANG"

The letter then proceeds:

They have a gang formed in Congress to do these things, and these two men—

Referring to Congressman WILLIAMSON and Commissioner Burke, of the Indian Bureau—

are the worst ones and should be put out. I must tell you they recently caused $100,000 to be taken from the Navajo funds to build a bridge for white people. Everybody in Congress said it was a big steal; but they did it, anyway.

Does any well-informed person believe there is such a "gang" in Congress? Certainly not! There is no such "gang."

With reference to the statement that $100,000 has recently been taken from the Navajo funds to build a bridge for the white people, I may state that the Sixty-eighth Congress did provide for the construction of a bridge between the Navajo Indian Reservation and that part of Arizona lying across the river. One half of the construction cost of the bridge is to be taken from the Federal Treasury; the other half is to be paid by Arizona. The part to be taken from the Federal Treasury was made reimbursable in the event that the Navajos should ever have sufficient funds to warrant paying their part of the cost. I was not a member of the Indian Affairs Committee at the time this bill was reported out, and did not vote for it in the House.

Oil has been discovered upon the Navajo Indian Reservation. It is believed that there are very rich oil fields that are yet untapped, and Congress made the Navajo's share reimbursable on the theory that, if oil should be struck in large quantities, it would be only just that the Indians should pay for their portion of the bridge. Congress will certainly never permit—at any rate not with my consent—any part of the construction charge to be taken from the Navajo funds unless large producing wells should be developed upon their lands.

JURISDICTIONAL BILLS

Then there is this choice bit of "information":

Commissioner Burke always brags about how he never allowed any jurisdictional bills to pass when he was in Congress. He is following that up as Commissioner of Indian Affairs by making unfavorable reports against any such bills presented now by other Indians. He got President Coolidge to veto several Indian jurisdictional bills last year after they had passed both Houses of Congress. He is trying hard again this year to prevent the passage of several such bills, while at the same time he is pushing bills that he has introduced which will take away property and freedom from the Indians.

Through WILLIAMSON and others he is able to have his own way in Congress.

The last sentence clearly implies that I have collaborated with Commissioner Burke to defeat jurisdictional bills. This charge is made despite the well-known fact that I have supported all of the jurisdictional bills. As chairman of subcommittees I have reported out the Chippewa Indian jurisdictional bill, the Assiniboin jurisdictional bill, and the Crow Tribe jurisdictional bill. The recently submitted Winnebago jurisdictional bill will be reported out in time to be considered at the next regular meeting of the Indian Affairs Committee. One of these jurisdictional bills has passed both the House and the Senate and has been signed by the President; two others have passed one body; and it is expected that the last will soon be placed on the House Calendar. In addition to that, I have introduced a general jurisdictional bill which will take care of all the tribes throughout the United States.

In fairness to Mr. Burke it should be said that in his testimony before the committee he has shown no disposition to block the passage of jurisdictional bills, nor is he pushing bills "which will take away property and freedom from the Indians."

APPEALS FOR SUPPORT AND FUNDS

Having set forth at length what she would have the Indians believe to be great wrongs about to be committed against them, the writer of the letter urges that—

In order that this organization may more effectively succeed, it is highly important that all Indians get behind it and support it to the limit. * * * The National Council of American Indians has its headquarters here, where Congress and the Indian Bureau are handling Indian money and lands. * * * Don't allow any Indian to be on the outside of this organization unless he is an enemy to the Indian's best interest, for if he has no money, he need not pay anything; but on the other hand, if he can afford it, he should give freely.

Should "give freely" to whom and for what purpose? Aside from the questionable legal right to circulate through the mails the kind of propaganda contained in the letter from which I have quoted in an effort to secure contributions, it may well be asked whether anyone guilty of using it is worthy of being intrusted with the affairs of the Indians at Washington or elsewhere.

That wrongs will creep into the Indian Service, no matter how faithful, capable, and honest the commissioner may be, is inevitable. That such wrongs should be righted goes without saying. That an effort will be made to right them when called to the commissioner's attention is certain.

Most of the "policies" of the bureau are of statutory origin. The Indian problem is a difficult one and all good citizens should bend their efforts toward working out a solution in which the best interests of the Indians should be the primary consideration. The Indians have already been fully emancipated politically. There should be full emancipation from wardship, including the release of property to individual Indians, just as soon as this can be done with due regard to their highest interest. They should at all times be fully consulted about legislation affecting them and their wishes considered and respected. Every bill that affects the Indians in my district is sent out by me to the various tribes and reports asked for. I have found the suggestions made by the Indians with reference to such proposed legislation sensible and helpful. All the Indian bills I have personally introduced and secured the passage of have first been indorsed by the Indians in my State that were affected by the legislation.

In my judgment, however, a good deal of injury has been done to the Indian Service and to the Indians themselves by exaggerated and false statements as to alleged wrongs suffered by them. Criticism should be constructive and helpful. It ought to be entirely honest and unselfish.

Persons who send out misleading, exaggerated, and downright false statements and use them as a basis for exciting the public or the Indians for the purpose of getting funds—especially from the Indians, most of whom are poor—not only do a great injustice to the Indians but put themselves in a position where they have little influence either with the Indian Bureau or with Congress. These self-styled friends of the Indians do them a great wrong when, by false or misleading statements, they induce them to part with the little substance that often stands between them and want.

There are organizations and individuals that have done great and notable service for the Indians. Their efforts are to be commended. They are listened to by the Indian Bureau, are respected by Congress, and have won the lasting gratitude of the Indians. They are unselfish and honest and have as their chief purpose and aim the development and advancement of the Indians and the protection of their property rights, and are entitled to the support and encouragement of all good men and women. The Committee on Indian Affairs and Congress welcome all constructive suggestions and criticisms. The Indians who have appeared before our committee have been intelligent and have been of material aid in framing proper legislation.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8313. An act to allot lands to living children on the Crow Reservation, Mont.;

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes;

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925; and

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4052. An act authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; to the Committee on Claims.

S. 2273. An act conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;* to the Committee on the Judiciary.

LEAVE OF ABSENCE

Mr. IRWIN, by unanimous consent, was given leave of absence indefinitely on account of illness in his family.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House, under its previous order, adjourned until Monday, May 17, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 15, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

Scheduled for May 17, 1926

SPECIAL JOINT COMMITTEE

(10.30, room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

EXECUTIVE COMMUNICATIONS, ETC.

513. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, amounting to $20,000 (H. Doc. No. 380), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 95. A bill to provide for the care of certain insane citizens of the Territory of Alaska; without amendment (Rept. No. 1206). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 8835. A bill to amend section 1112 of the Code of Law for the District of Columbia; without amendment (Rept. No. 1207). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11946. A bill to increase the clothing and cash gratuity furnished to persons discharged from prisons; without amendment (Rept. No. 1208). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 565. An act limiting the creation or extension of forest reserves in New Mexico and Arizona; without amendment (Rept. No. 1212). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; without amendment (Rept. No. 1213). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12065. A bill to amend the interstate commerce act and the transportation act, 1920, and for other purposes; without amendment (Rept. No. 1214). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 12175. A bill to amend the World War veterans' act, 1924; without amendment (Rept. No. 1217). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WAINWRIGHT: Committee on Military Affairs. S. 3330. An act for the relief of Thomas G. Peyton; without amendment (Rept. No. 1209). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 1252. A bill for the relief of John Regan; with amendment (Rept. No. 1210). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. R. 7711. A bill to correct the military record of William W. Woodruff; with amendment (Rept. No. 1211). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 9780. A bill to correct the military record of George A. Winslow; with amendment (Rept. No. 1215). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on the Public Lands. H. R. 11716. A bill granting to Northern Paper Mills certain islands in the Menomonee River; with amendment (Rept. No. 1216). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10419) granting an increase of pension to Jennie E. Kennedy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 12167) to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing Washington and Idaho; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: A bill (H. R. 12168) granting the consent of Congress to the Pittsburgh, Fort Wayne & Chicago Railway

Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Grand Calumet River; to the Committee on Interstate and Foreign Commerce.

By Mr. KURTZ: A bill (H. R. 12169) to authorize and empower the Secretary of the Treasury to convey certain property to the city of Altoona, Pa., for street purposes, and to acquire certain property by purchase or condemnation in said city of Altoona, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BLOOM: A bill (H. R. 12170) to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. McSWAIN: A bill (H. R. 12171) to regulate interstate commerce by requiring manufacturers engaged in interstate and foreign commerce to give written notice to the Federal Trade Commission of the closing of their plant; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 12172) permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 12173) relating to the commitment of insane persons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEWTON of Missouri: A bill (H. R. 12174) to provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12175) to amend the World War veterans act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. BULWINKLE: A bill (H. R. 12176) enabling postal employees who are ex-service men to utilize leaves of absence in order to attend the annual convention of the American Legion to be held in Paris, France, 1927; to the Committee on the Post Office and Post Roads.

By Mr. BLOOM: Joint resolution (H. J. Res. 255) authorizing the Postmaster General to make a just and equitable compensation for the past use in the Postal Service of a certain invention and device for the postmarking of mail packages, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Joint resolution (H. J. Res. 256) relieving posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines from liability on account of loss or destruction of obsolete rifles loaned by the War Department; to the Committee on Military Affairs.

By Mr. BLANTON: Concurrent resolution (H. Con. Res. 26) directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM: Resolution (H. Res. 267) for the immediate consideration of H. R. 12063; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 12177) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 12178) granting an increase of pension to Delana A. Lynch; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 12179) for the relief of Thomas F. Sutton; to the Committee on Military Affairs.

By Mr. ESTERLY: A bill (H. R. 12180) granting an increase of pension to Amanda Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) granting an increase of pension to Susan A. Yeager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12182) granting an increase of pension to Kate Winter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12183) granting an increase of pension to Catharine Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12184) granting an increase of pension to Anna M. Swavely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12185) granting an increase of pension to Margaret M. Power; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12186) granting an increase of pension to Catharine A. Sellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12187) granting an increase of pension to Sarah Rauch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12188) granting an increase of pension to Rebecca B. Quinter; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 12189) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Charles Eckland; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12190) granting a pension to Thomas Hanna; to the Committee on Pensions.

By Mr. FORT: A bill (H. R. 12191) to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties; to the Committee on Naval Affairs.

By Mr. FREDERICKS: A bill (H. R. 12192) for the relief of Charles J. Murphy; to the Committee on the Public Lands.

By Mr. HOOPER: A bill (H. R. 12193) granting an increase of pension to Rosa DeGraff; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 12194) granting an increase of pension to Mary E. Malseed; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 12195) granting an increase of pension to Elijah McWhorter; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 12196) granting an increase of pension to Sally Redhead; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 12197) granting an increase of pension to Jane Mullen; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 12198) for relief of persons who furnished labor, material, or money for the construction of the Barling bomber; to the Committee on Claims.

By Mr. SOSNOWSKI: A bill (H. R. 12199) granting an increase of pension to Ellen R. Lockwood; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12200) granting an increase of pension to Permelia J. Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12201) granting an increase of pension to Carrie P. Prentice; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 12202) granting a pension to Alexander Rivers, alias Alexander Miller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2188. By Mr. GALLIVAN: Petition of Ralph Hornblower, 60 Congress Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

2189. By Mr. LEAVITT: Petition of residents of Whitefish and Kalispell, Mont., favoring passage of Senate bill 2957, a bill to prohibit experiments upon living dogs in the District of Columbia or in any of the territorial or insular possessions of the United States, and providing a penalty for violation thereof; to the Committee on the District of Columbia.

2190. By Mr. McREYNOLDS: Petition protesting against Sunday observance bills (H. R. 7179, 7822, 10123, and 10311); to the Committee on the District of Columbia.

2191. By Mr. MOONEY: Petition of Equality League of Cleveland, protesting House bill 11489, the alien deportation bill; to the Committee on Immigration and Naturalization.

2192. By Mr. MORROW: Petition of Parent-Teachers Association, Chamberino, N. Mex., indorsing strict prohibition enforcement; to the Committee on the Judiciary.

2193. By Mr. O'CONNELL of New York: Petition of the North American Export Grain Association of New York, opposing the passage of the Haugen bill (H. R. 11603); to the Committee on Agriculture.

2194. Also, petition of James M. Motley, of New York City, favoring the passage of House bill 7479, game refuge bill; to the Committee on Agriculture.

2195. By Mr. WATSON: Resolutions passed at a citizenship mass meeting held at East Greenville, Pa., under auspices of Montgomery County Christian Endeavor Union, State of Pennsylvania, favoring campaign for the enforcement of national prohibition; to the Committee on the Judiciary.

2196. By Mr. YATES: Petition of the Rochelle Chamber of Commerce, Rochelle, Ill.; Gibson City State Bank, Gibson City, Ill.; Adams County Farm Bureau, Quincy, Ill.; Christian

County Farm Bureau, Taylorville, Ill.; Vermilion County Farm Bureau, Danville, Ill.; C. W. Brown, secretary, Logan County Corn Club, Lincoln, Ill.; Milan Men's Association, De Kalb County, Ill.; Saline County Farm Bureau, Harrisburg, Ill.; the Randolph County Farm Bureau, Sparta, Ill.; E. C. Coulter, president Sangamon County Farm Bureau, New Berlin, Ill.; Madison County Farm Bureau, Edwardsville, Ill.; Moultrie County Bankers' Federation, Sullivan, Ill., urging support of the Haugen agricultural bill (H. R. 11603); to the Committee on Agriculture.

SENATE

MONDAY, *May 17, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Lord, our God, though Thou dost find that the heaven of heavens can not contain Thee, yet Thou art condescending to dwell in the humble and contrite heart. We humbly beseech Thee at this time that each heart may be occupied by Thy presence, and thus as we begin the duties of the week it may be with the consciousness and the guidance of Thy wisdom. Hear and help. For Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, May 10, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924;

S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents;

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes;

S. 4070. An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.;

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the Borough of Dorranceton, Pa.;

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 5242. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes;

H. R. 5627. An act for the relief of George Turner;

H. R. 7482. An act to provide for conveyance of certain lands in the State of Michigan for State park purposes;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa.;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black;

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees;

H. R. 10860. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes; and

H. R. 10896. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Curtis	Fernald
Bayard	Butler	Dale	Ferris
Bingham	Cameron	Deneen	Fess
Blease	Caraway	Dill	Frazier
Borah	Copeland	Edge	Gerry
Bratton	Couzens	Edwards	Gillett
Broussard	Cummins	Ernst	Glass
Goff	La Follette	Pine	Stephens
Gooding	Lenroot	Pittman	Swanson
Greene	McKellar	Ransdell	Trammell
Hale	McMaster	Reed, Mo.	Tyson
Harreld	McNary	Robinson, Ark.	Underwood
Harris	Mayfield	Robinson, Ind.	Walsh
Harrison	Means	Sackett	Warren
Heflin	Metcalf	Schall	Watson
Howell	Neely	Sheppard	Weller
Johnson	Norbeck	Shipstead	Wheeler
Jones, N. Mex.	Norris	Shortridge	Williams
Jones, Wash.	Nye	Simmons	Willis
Kendrick	Oddie	Smoot	
Keyes	Overman	Stanfield	
King	Phipps	Steck	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of a death in his family. I will let this announcement stand for the day.

Mr. BLEASE. The senior Senator from South Carolina [Mr. SMITH] is still confined to the hospital by illness. I ask that this announcement may stand for the day.

Mr. TRAMMELL. I wish to announce that my colleague, the senior Senator from Florida [Mr. FLETCHER], is detained from the Senate to-day by illness.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

PRESIDENT'S ADDRESS AT WILLIAMSBURG, VA.

Mr. GLASS. Mr. President, on Saturday the President of the United States delivered quite a notable address at Williamsburg, Va., in which he approved in an exceedingly striking way a doctrine that needs to be brought to the attention of the country. I ask unanimous consent that the address may be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The President's address is as follows:

ADDRESS OF PRESIDENT COOLIDGE AT THE COLLEGE OF WILLIAM AND MARY, WILLIAMSBURG, VA., MAY 15, 1926

Fellow Americans: No one who is interested in the early beginnings of America, or who is moved by love of our country, could come into these historic and hallowed surroundings without being conscious of a deep sense of reverence. In a land which is rich in the interesting records of the past, that portion of Virginia lying between Washington and Norfolk stands out unrivaled in important events and great names. Colonial importance, Revolutionary fame, the statesmanship of the early Republic, the great struggle for the supremacy of the Union—these epoch-making stories can not be told without relating the history of this locality and recounting the eminence of its illustrious sons. Very much of this narrative centers around the venerable town of Williamsburg and the old college of William and Mary.

Within this locality are Jamestown, where the English settlements began, and Yorktown, where English dominion ended. From Petersburg to Arlington stretches a land marked by many battle fields where the shedding of fraternal blood rededicated the Constitution. Here began the first preparation within our country for the establishment of a college. But the unfortunate interruption of hostile natives deferred the completion of the project, so that this institution ranks second in age with all our other universities. Here are the three capitals of this sovereign Commonwealth. If the work which is represented by the great names which have been associated with the growth and strength of this region were struck from the annals of our country, the richest heritage of progress and fame that ever glorified the actions of a people would sink to comparative poverty. What a wealth of distinguished figures from the time of John Smith down to the present day! I can not relate them all, these statesmen and soldiers, these founders and benefactors, who here lived and wrought with so much of enduring glory. They are represented by such stalwart characters as Patrick Henry, George Mason, Richard Henry Lee, Thomas Jefferson, and George Washington. Later came Monroe, Marshall, Madison, Randolph, and Harrison, with a long list of associates almost equally eminent in the history of our country. All Americans! It was into this region that Abraham Lincoln made his last journey from Washington.

This richest of all our historical settings made so great an appeal to me when I was approached by your two distinguished Senators, Mr. SWANSON and Mr. GLASS and your scholarly Governor MONTAGUE, whom I cherish as friends, honor for their devotion to their country, and esteem for the support they have often given when we have been mutually striving for sound government, bearing the invitation of your general assembly to participate in the observance of this day, which was supported by Col. Henry W. Anderson, a lawyer who has contributed so much of his great learning and talents to the service of his country, and emphasized by my former Secretary, Mr. Slemp, for many years a prominent leader in Congress, a man whose loyalty and devotion has imposed upon me so much obligation, that it seemed almost a patriotic duty to respond.

It is difficult to determine where or when the great movements in human progress had their original inception. Our life is complex and interwoven with thousands of varying motives and cross currents. One act leads to another. Yet certain actions stand out with so much

prominence against the background of the past that we are justified in saying of them that at least there is an event which is one of the beginnings of a new epoch. In accordance with this standard, we are altogether warranted in asserting that 150 years ago, on the 15th of May, 1776, formal action was taken in this city by a patriotic band of loyal Virginians, in their public capacity as servants of the common cause of the American Colonies, which had a most direct influence in leading to the Declaration of Independence.

It is not necessary at this time to relate again the various events that preceded and caused the American Revolution. The people of this Commonwealth had been constantly alert in the assertion and maintenance of their constitutional rights against British encroachment. Under the lead of Samuel Adams, the Boston town meeting in May, 1764, adopted resolutions against the proposed stamp tax, but the first formal defiance of that act after its passage came from Virginia, when in May, 1765, Patrick Henry introduced a series of resolutions in the assembly declaring that the only power of taxation lay in the people themselves or in their chosen representatives.

Again, in May, 1769, the House of Burgesses, numbering among its membership Washington, Henry, and Jefferson, condemned the laws of Parliament taxing the Colonies and requested other Colonies to join them in this protest. When the governor took the disciplinary measure of adjourning them, they met at the Raleigh Tavern, where Washington prepared a resolution pledging themselves to continue the policy of nonimportation, which was adopted. Also in March, 1773, the Virginia Assembly unanimously voted to establish a system of intercolonial committees of correspondence. As great an authority as John Fiske calls this "the most decided step toward revolution that had yet been taken by the Americans." This original suggestion appears to have come from the eminent divine, Jonathan Mayhew, who suggested to James Otis that the communion of churches furnished an excellent example for a communion of colonies. Again, late in 1772, a Boston town meeting had taken the lead in adopting a committee for correspondence for the Colony of Massachusetts, and Samuel Adams wrote to Richard Henry Lee, who had already expressed the same idea, urging a like action for Virginia. But in March, 1773, this Colony had already anticipated that course and enlarged upon it by making it an intercolonial committee. The convocation of such a body would result in the setting up of a Congress which would represent the united authority of the Colonies. Events moved rapidly, and in the closing days of 1775, incensed by his tyranny, a body of patriots, including John Marshall, drove Lord Dunmore, the governor, out of Norfolk, a place of 9,000 inhabitants, and took possession. In retaliation the governor set fire to the town by shells from the harbor on New Year's Day, and it was consumed.

Confirming my statement that it is difficult to date and locate the exact beginning of any event, we find that on the 22d of April the people of Cumberland County adopted a resolution prepared by Carter Henry Harrison instructing their delegates to the Virginia Convention, which was to meet in this town in May, "positively to declare for an independency" and to "promote in our convention an instruction to our delegates now sitting in Continental Congress to do the same." A like sentiment was being unofficially, though publicly, expressed in other counties. On the 20th of April Lee wrote from the Congress in Philadelphia to Henry to propose in the coming convention a separation of the Colonies from Great Britain.

It was on the 6th of May, 1776, that there assembled at Williamsburg a convention which was to become historic. It was presided over by Edmund Pendleton, who had opposed the stamp act resolution of Patrick Henry, but 11 years and the wanton cruelty of the royal governor had made a great change in the public opinion of the Colony and he had become a loyal supporter of independence. He now joined with Patrick Henry and Meriwether Smith in drafting resolutions to be proposed by Thomas Nelson, which refer to our country as "America," and after setting out the grievances that it had endured and "appealing to the Searcher of Hearts for the sincerity of former declarations" and a discussion in which Mason and Madison, to be known to future fame, took part, on the 15th of May, 1776, it was

"*Resolved unanimously*, That the delegates appointed to represent this Colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the Crown or Parliament of Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the Colonies, at such time, and in the manner, as to them shall seem best: *Provided*, That the power of forming government for, and the regulation of the internal concerns of each Colony, be left to respective colonial legislatures.

"*Resolved unanimously*, That a committee be appointed to prepare a declaration of rights, and such a plan of government as will be most likely to maintain peace and order in this Colony and secure substantial and equal liberty to the people."

The import of these resolutions was well understood in this locality. The event was marked that evening by a celebration, the ringing of bells, and the firing of guns. The British flag went down at the statehouse never to rise again, and in its place was flown the crosses and stripes, the temporary emblem of a new government.

These resolutions coming by the action of the duly constituted representatives of the largest of the Colonies were of an importance that can not be described as anything less than decisive in the movement for independence. Other localities held the same opinions, but this action of the Old Dominion was needed to make such opinions effective. Richard Henry Lee now had the assurance of the support of his constituents. On the 7th of June he moved the Congress—

"That these United States are and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown and that all political connection between them and the state of Great Britain is and ought to be totally dissolved; that it is expedient forthwith to take the most effectual measures for forming foreign alliances; that a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation."

This motion was at once seconded by John Adams, of Massachusetts. In this great crisis the Pilgrim and the Cavalier stood side by side united in the common cause of human liberty under constitutional law.

The excellence of the official documents of the Revolutionary period has often been remarked. It was such as to draw praise from the foremost British statesmen. In that respect the Virginia resolution of May 15 left little to be desired. They are characterized by a most admirable restraint, clear and logical in their presentation of facts, and clothed in appropriate language. They have a dignity and strength that are compelling and a courage and reserve that are convincing. They were composed by no ordinary men. Such a document could only be produced by character and culture. The influences which had flowed from the eighty-odd years of existence of William and Mary College can not be separated from the form and substance of these resolutions. Into their making went all that was best of some of her most distinguished sons.

What purpose had planted these institutions of learning in the American wilderness? What raised up Harvard that it might become the teacher of Otis and Hancock and the Adamses? What nourished William and Mary that it might furnish inspiration to Bland, to Wythe, to Nelson, and to Jefferson? These two seminaries had a common benefactor in the famous Robert Boyle. And when the wanton ravages of war reduced this once flourishing institution that had spoken so boldly in the cause of liberty to a state that left little but the vibrant tones of the college bell and the fervent prayers of a devout president, it was a distinguished son of Harvard, Senator Hoar, who pleaded her just cause with such eloquence in the Halls of Congress that a dilatory Government at last made restitution for a part of the damage done that this seat of learning might be restored to take its active place again as a citadel of truth and liberty and righteousness. No one can contemplate these events without a deep realization that those who participated in them were guided by an inspired vision.

It has not been the experience of history that political ideals spring into full development all at once. They are the process of the discipline of a long and severe training and constant and continued study. The Virginia resolutions in the fewest possible words map out a course of action and lay down the fundamental principles by which America has since sought to guide and direct its political life. The members of the convention, however, would not have argued that they were embarking upon a new theory of political relationship with so much assurance as they would have contended that they were adapting well-established theories of constitutional law to their own condition.

They declared for complete independence. They abjured both the Crown and the Parliament of Great Britain. Much emphasis has been placed on our political independence. It has become one of our most fundamental traditions of government, and rightly so. In our domestic affairs our sovereignty rises to its most complete state. We tolerate no outside interference. But as the devout Mayhew had seen the communion of colonies in the communion of churches, so these resolutions, even though unconsciously, recognized a communion of nations when they authorized the forming of foreign alliances. They could not escape the conclusion that as the individual derives his liberty from an observance of the law, so nations derive their independence and perpetuate their sovereignty from an observance of that comity by which they are all bound. As modern developments have brought the nations closer and closer together, this conclusion has become more and more unavoidable. While the rights of the citizen have been in no wise diminished, the rights of humanity have been very greatly increased. Our country holds to political and economic independence, but it holds to cooperation and combination in the administration of justice.

The resolutions did not fail to recognize the principle of nationality. It was the "United Colonies" that they proposed should be declared independent, and it distinctly authorized "a Confederation of the Colonies." This was an early and authoritative statement of the theory that this is all one country bound up in a common interest, destined to the

experience of a common fortune. It was the expression of a desire for a yet unformulated plan for a Federal Government. How great a part Virginia was to play in the final adoption of such a Government was by this action already indicated. When that great test came some years later it was the known wish of the great Washington, aided by the superb reasoning powers of Marshall, notwithstanding the direct opposition of Henry, that caused Virginia to ratify the Federal Constitution at a time which was again decisive in the formation of the Union. For a second time the action of this great Commonwealth was the determining factor in the destiny of America.

It is impossible to lay too much emphasis upon the necessity of making all our political action of the Federal Government harmonize with the principle of national unity. For many years now this course has been greatly impeded from the fact that those who substantially think alike have so oftentimes been unable to act alike. Our country ought to be done with all sectional divisions and all actions based upon geographical lines. Washington warned us against that danger in his Farewell Address. Experience has time and again demonstrated the soundness of his advice and the breadth of his wisdom. It would be difficult to suggest anything more likely to enhance the progress of our country than united political action in all parts of the Nation in accord with the advice of Washington for the support and maintenance of those principles of sound economics and stable constitutional government in which they so substantially agree. All sections have the same community of interests, both in theory and in fact, and they ought to have a community in political action. We can not deny that we are all Americans. To attempt to proceed upon any other theory can only end in disaster. No policy can ever be a success which does not contemplate this as one country.

The principle that those who think alike ought to be able to act alike wherever they happen to live should be supplemented by another rule for the continuation of the contentment and tranquillity of our Republic. The general acceptance of our institutions proceeds on the theory that they have been adopted by the action of a majority. It is obvious that if those who hold to the same ideals of government fail to agree the chances very strongly favor a rule by a minority. But there is another element of recent development. Direct primaries and direct elections bring to bear upon the political fortunes of public officials the greatly disproportionate influence of organized minorities. Artificial propaganda, paid agitators, selfish interests, all impinge upon members of legislative bodies to force them to represent special elements rather than the great body of their constituency. When they are successful minority rule is established, and the result is an extravagance on the part of the Government which is ruinous to the people and a multiplicity of regulations and restrictions for the conduct of all kinds of necessary business, which becomes little less than oppressive. Not only is this one country, but we must keep all its different parts in harmony by refusing to adopt legislation which is not for the general welfare.

The resolutions did not stop here. Had they done so, they would have been very far from comprehending and expressing the necessities of the American people. They went on to provide that "the regulation of the internal concerns of each colony be left to respective colonial legislatures." This was a plain declaration of the unassailable fact that the States are the sheet anchors of our institutions. If the Federal Government should go out of existence, the common run of people would not detect the difference in the affairs of their daily life for a considerable length of time. But if the authority of the States were struck down disorder approaching chaos would be upon us within 24 hours. No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people. Being irresponsible they become autocratic, and being autocratic they resist all development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody.

While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away to be informed of local needs, too inaccessible to be responsive to local conditions. The States should not be induced by coercion or by favor to surrender the management of their own affairs. The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it. But, on the other hand, when the great body of public opinion of the Nation requires action the States ought to understand that unless they are responsive to such sentiment the national authority will be compelled to intervene. The doctrine of State rights is not a privilege to continue in wrongdoing but a privilege to be free from interference in well-doing. This Nation is bent on progress. It has determined on the policy of meting out justice between man and man. It has decided to extend the blessings of an enlightened humanity. Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense. I want to see the policy adopted by the States of discharging their public functions so faithfully that instead of an extension on the part of the Federal Government there can be a contraction.

These principles of independence, of the integrity of the Union, and of local self-government have not diminished in their importance since they were so clearly recognized and faithfully declared in the Virginia convention of 150 years ago. We may wonder at their need of constant restatement, reiteration, and defense. But the fact is that the principles of government have the same need to be fortified, reinforced, and supported that characterize the principles of religion. After enumerating many of the spiritual ideals, the Scriptures enjoin us to "think on these things." If we are to maintain the ideals of government, it is likewise necessary that we "think on these things." It is for this purpose that educational institutions exist and important anniversaries are observed.

Each generation has its problems. The days of the Revolution had theirs and we have ours. They were making an advance in the art of government which, while it has been broadened in its application, has not changed and does not seem likely to change from the fundamental principles which they established. We are making our advance and our contribution to the betterment of the economic condition and the broader realization of the humanities in the life of the world. They were mostly bent on seeing what they could put into the Government; we are mostly bent on seeing what we can get out of it. They broke the power of Parliament because its actions did not represent, were not benefiting the American public. They established institutions guaranteed under a reign of law where liberty and justice and the public welfare would be supreme. Amid all the contentions of the present day nothing is more important to secure the continuation of what they wrought than a constant and vigilant resistance to the domination of selfish and private interests in the affairs of government in order that liberty and justice may still be secure and the public welfare may still be supreme.

PETITIONS AND MEMORIALS

Mr. WHEELER presented the memorial of Caville Dupuis, president Indian Protective Association of Montana and president Flathead Tribal Council, and Robert J. Hamilton, vice president Indian Protective Association of Montana and president Blackfeet Tribal Council, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

THE INDIAN PROTECTIVE ASSOCIATION OF MONTANA,
Helena, Mont., March 15, 1926.

To the Congress of the United States now assembled.

GENTLEMEN: We respectfully call your attention to a statement of C. H. Burke, Commissioner of Indian Affairs, set forth commencing at the bottom of page 93 and ending on page 94 of the hearing before the subcommittee of House Committee on Appropriations, Interior Department appropriation bill, 1927, Sixty-ninth Congress, first session, which is as follows:

"Mr. BURKE. There was a bringing together of the white and the Indian races in a way that is going to create a very much better feeling. The States are going to have a greater appreciation of their responsibility. All of these questions, of course, were discussed. One of the things that is charged in these Montana resolutions is that we are taking Indians and exhibiting them at Government expense, having reference to that congress at Spokane and the Fort Union function which we attended, you will remember. I want to say for the benefit of the committee that the expense incident to that affair and the congress at Spokane was borne not by the Government, and even the expenses of the superintendents were paid by the committee in Spokane that had charge of the affair. No money of the Government was expended, yet that was one of the things that was charged in these Montana resolutions.

"Mr. CRAMTON. The Fort Union matter was not originated by the Government in any way?

"Mr. BURKE. Not at all.

"Mr. CRAMTON. That was purely a private undertaking.

"Mr. FRENCH. Right in that connection, are some groups of cities or communities using the Indians in a way that undermines the work of education and industry that you are trying to impress upon them? I mean through rodeos, giving them free entertainment, and taking them away three or four months at a time, etc.?

"Mr. BURKE. That is one of the worst things we have in connection with the solution of the problem. Many of this type of Indian that was at Helena have indulged in that very thing. These people have got the Indians to go off to rodeos, for instance, from the Blackfeet into Canada. At the present time there is an agitator from New Mexico who has got a group of Pueblo Indians in California. They are being made much of and funds are being solicited, ostensibly to pay counsel in connection with the work of Pueblo lands board, which was created, as you know, with counsel provided by the Government. But there is

this group dancing and singing and attending all kinds of shows and passing the hat around in order to get money.

"Those things should be discouraged. We have tried to discourage it in every way we could. For instance, take the Santa Fe leading newspaper. They came out and denounced this movement that I have just referred to. We gave out a news release. It went to the press of the country, and yet they are continuing. I do not know how much money they are getting, and nobody will ever know."

Mr. Burke, among other things states that "many of this type of Indian that was at Helena have indulged in that very thing." This statement is made deliberately by Mr. Burke for the purpose of propaganda and for the purpose of deceiving Congress. When Mr. Burke made this statement he knew it to be false and untrue, and in regard to the powwow held at Spokane and at Fort Union we would like to have the privilege of submitting facts surrounding these two celebrations, in regard to the activities of the various superintendents, and the source from which the money came to pay these show Indians to attend such celebrations. We know that Superintendent Campbell, of the Blackfeet Reservation, was very active in his solicitations and in inducing the Indians to attend both these powwows. Likewise, Superintendent Coe and his subordinates and adherents on the Flathead Reservation were very active in their solicitations in getting Indians to attend, especially the Spokane powwow, and, further, in regard to the charges which the Indians who assembled in Helena in November, 1925, we urgently request that we be permitted to present these charges in a manner which any other citizen is permitted to present such charges, and that the same be held before an unbiased board or tribunal, and that the facts not be permitted to be submitted by some investigator or tool of the Indian Bureau.

If Mr. Burke is free from all these charges, and if he is a sincere and honest man, he should welcome such an investigation in order that his record may be purged.

Mr. Burke has cast reflection upon the personnel of the delegates who assembled in Helena. We respectfully request at this time that Mr. Burke's statement be investigated and the personnel be compared with any other Indians or any other citizens.

The commissioner and assistant commissioner's statements through out the said hearing are generally untrue, incorrect, and false. We think it is time for an investigation to be made as to whether or not the commissioner and his assistant are telling the truth or if we are. If we be permitted to appear before an unbiased committee of your honorable body, we are quite sure that we can give you information which will have a wholesome effect upon the whole situation.

Every year we have been reading the "justifications" set forth by the commissioner and his assistant supporting the various appropriations asked of Congress for their various activities. These officers know when making these statements that they are wholly or partially untrue and false, and anyone familiar with the situation will know that such statements can be made for no other purpose than to deceive Congress and to perpetuate the Indian Bureau and its nefarious system.

Referring again to the Helena meeting, we desire to state that the Helena meeting was a strictly business meeting. There was no dancing, no rodeos, no dressing up of Indians in their costumes for exhibition, but the business was conducted in a white man's way in every respect.

We realize it is an easy matter for Mr. Burke to make one-sided statements, thinking that there would be no opportunity on our side to be heard. We deem this a very cowardly act. We feel sure that some good men in your honorable body at least will see our side of the matter, and sincerely trust that you will give us an opportunity to be heard.

Again, Mr. Burke lays some stress on the fact that a certain mixed blood of the Blackfeet Reservation dragged four or five tribesmen to Helena at this particular meeting. The facts are that all of these men were members and are members of the business council of the Blackfeet tribal council and were selected by the general council of the Blackfeet, and their expenses were defrayed by subscription by the general council of the Blackfeet Tribe. The action of the council who met here in Helena was approved by the general council of every tribe represented at Helena, and, in our opinion, it matters not whether these tribal councils were represented by 14 delegates or otherwise.

Further regarding the Blackfeet delegation, the fact is that on November 26, 1925, the general council of the Blackfeet Tribe met and indorsed the proceedings of the Helena meeting, and again on February 25, 1926, at a duly called meeting by the superintendent of the Blackfeet Reservation, the said council again indorsed the proceedings of the Helena meeting, and particularly requested the removal of Supt. F. C. Campbell and a field matron by the name of Ada Moore. Mr. Campbell is the superintendent who has put forth so much false propaganda in regard to the five-year program.

Respectfully yours,

CAVILLE DUPUIS,
President Indian Protective Association of Montana, and President Flathead Tribal Council.

ROBERT. J. HAMILTON,
Vice President Indian Protective Association of Montana, and President Blackfeet Tribal Council.

Mr. CAMERON. I present resolutions adopted by the Buckeye Valley, Ariz., Sunday schools in convention assembled, relative to prohibition, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

The following resolutions were adopted by the Buckeye Valley Sunday school convention at Buckeye, Ariz., May 2, 1926:

"Whereas it has come to our attention through the public press that the forces for evil throughout this Nation of ours are trying to modify and later repeal the eighteenth amendment to the United States Constitution; and

"Whereas the eighteenth amendment of that Constitution says, in part, 'The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited'; and

"Whereas in Article XXIII, section 1, of the State constitution of Arizona it says in part: 'Ardent spirits, ales, beer, wine, or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona under any pretense': Therefore be it

"Resolved by the Buckeye Valley Sunday schools in convention assembled this 2d day of May, A. D. 1926, That we, as Christian people, are in favor of prohibition as set forth in the eighteenth amendment without any modifications, and we stand for the rigid enforcement of the same, and that we consider it our Christian duty to cooperate with, and give our hearty support to, the officials of our county, State, and Nation who are trying to enforce prohibition throughout our land: Therefore be it further

"Resolved, That a copy of these resolutions be sent to our United States Senators CAMERON and ASHURST and to our United States Representative, the Hon. CARL HAYDEN.

"Whereas our next general election for county and State officials will be held November 2, 1926: Be it

"Resolved, That the officers of each Sunday school here in convention assembled shall learn concerning the moral and Christian standing of the candidates for the said coming election, and shall so inform the members of their Sunday schools in order that the candidates who stand for truth and righteousness may be elected and thus make our State a power for right in this Nation.

"Whereas the future success of our Sunday school convention, and the Christian work in this valley, must rest on a spirit of unity among its colaborers: Therefore be it

"Resolved, That each member of this convention go to his home and take hold of his Sunday school work anew, and thus add new life to the great power for good which this organization is and may continue to be toward turning this valley to God; be it further

"Resolved, That the thanks of this convention be tendered to the citizens of this community for their hearty welcome and generous hospitality."

Mrs. J. W. PADGETT, *Chairman.*
Mrs. M. W. PACE,
J. A. HILL,
RALPH GREENWALD,
H. F. COUCH,
P. H. BENSON,
Committee on Resolutions.

Mr. EDWARDS presented the following telegram in the nature of a memorial, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD:

JERSEY CITY, N. J., *May 16, 1926.*

Hon. EDWARD I. EDWARDS,
United States Senator from New Jersey, Washington, D. C.:

From newspaper accounts we learn of the Federal authorities in activity in reference to conditions now existing in Mexico. We hereby voice vigorous protest of 55,000 members of the Hudson County Holy Name Federation and through you request that the proper Federal officials take immediate action to stop the atrocities now being committed in that country and further request that you, our New Jersey Representative, lead the way.

AUGUSTINE J. KELLEY,
Secretary.
WILLIAM J. WOOD,
President.
Rev. M. P. CORCORAN,
Diocesan Spiritual Director.

MELVIN L. BOWMAN

Mr. ROBINSON of Arkansas presented a paper to accompany the bill (S. 4225) for the relief of Melvin L. Bowman, heretofore introduced by him, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 6226) for the relief of Edward N. Moore, reported it without amendment and submitted a report (No. 836) thereon.

He also, from the same committee, to which was referred the bill (S. 3483) to correct the military record of Bert H. Libbey, reported adversely thereon.

Mr. JOHNSON, from the Committee on Immigration, to which was referred the bill (S. 4251) to amend and supplement the naturalization laws, and for other purposes, reported it without amendment and submitted a report (No. 837) thereon.

Mr. MEANS, from the Committee on the Judiciary, to which was referred the bill (S. 4101) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, as amended by the act of May 31, 1924, reported it without amendment and submitted a report (No. 838) thereon.

He also, from the same committee, to which was referred the bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes, reported it with amendments and submitted a report (No. 839) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 11927) to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co., reported it without amendment and submitted a report (No. 840) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (H. R. 8657) to amend sections 226 and 228 of the Judicial Code, and for other purposes, reported it without amendment and submitted a report (No. 841) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3655) to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved July 9, 1916, reported it without amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4263) granting a pension to Anna Shifflet (with accompanying papers); and

A bill (S. 4264) granting a pension to Bridget Braunreiter (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON (for Mr. MCKINLEY):

A bill (S. 4265) granting a pension to Charles Diesron (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4266) granting a pension to Josephine G. Meyers; to the Committee on Pensions.

By Mr. GOODING:

A bill (S. 4267) to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing, Washington and Idaho; to the Committee on Commerce.

By Mr. LA FOLLETTE:

A bill (S. 4268) for the relief of H. W. Krueger and H. J. Selmer, bondsmen for the Green Bay Dry Dock Co., in their contract for the construction of certain steel barges and a dredge for the Government of the United States; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4269) for the relief of the Alaska Products Co.; to the Committee on Claims.

By Mr. CAMERON:

A bill (S. 4270) for the relief of the estate of Dr. R. A. Wilbur, deceased; to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 4271) granting an increase of pension to Annie Hammer; to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 4272) for the relief of Sella Houghton (with accompanying papers); to the Committee on Claims.

THE COPELAND COAL BILL

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting article which appeared in the Evening World of New York last Saturday in favor of the Copeland coal bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Evening World, Saturday, May 15, 1926]

THE COPELAND COAL BILL

By persistently hammering away on the necessity for action on the recommendations of the Coal Commission, Senator COPELAND has rendered a fine public service. In the closing weeks of the present session of Congress he has secured a favorable report from the Senate committee on his bill in which he has incorporated many of the recommendations of the commission. Many will regret the absence of the provision, in case of emergency, for the taking over of the mines for operation during the period of the crisis. This was recommended by the commission, but the fact that this does not meet with the President's approval has impelled the author of the measure to consent to its omission. Instead, provision is made for the appointment of a Federal fuel administrator, in a crisis, with various powers.

More important than anything else, perhaps, is the inclusion in the bill of the provision for the creation of a fact-finding body, under the jurisdiction of the Bureau of Mines. This body, composed of men of the right caliber, can go far toward the creation of a sound public opinion against which neither operators nor miners will care to go. The public has been gouged and outraged consistently and persistently and deceived somewhere as to the responsibility for poor service and high prices. Strikes have come and gone, taking their toll, with the public in a hopeless state of confusion as to the responsibility. With the facts as to wages, profits, cost of production, and working conditions on hand, it will be possible to reach an intelligent opinion of the merits of these controversies.

It is unfortunate that the measure reaches the Senate with a committee recommendation so late in the session. With the elimination of the provision for the seizure of the mines in an emergency, the feature which threatened the most determined opposition is removed. With the other provisions, the public is certainly in accord. If Congress wishes to meet the expectations of the people it has time for action, for there are indications that the session will drag on into late June. The public has waited long enough for action on the Coal Commission's recommendations. Since they were made the country has passed through a destructive shutdown of the hard-coal industry.

Congress should take time to act.

STORAGE OF WATERS OF THE PECOS RIVER

On motion of Mr. JONES of New Mexico, an amendment heretofore submitted by him intended to be proposed to the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River, was taken from the table and referred to the Committee on Irrigation and Reclamation.

Mr. JONES of New Mexico submitted an additional amendment intended to be proposed by him to the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

INTERNATIONAL RELATIONS

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Herbert Pell, jr., formerly a Member of Congress, on the subject "Tariffs, not armaments, are the cause of war."

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY HERBERT PELL, JR., AT A MEETING OF THE NATIONAL CONFERENCE ON INTERNATIONAL RELATIONS, UNDER THE AUSPICES OF THE CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE AND OF THE ACADEMY OF POLITICAL SCIENCE, BRIARCLIFF, N. Y., MAY 13, 1926

Mr. Pell spoke as follows:

"Wars among nations are not isolated phenomena; they are not fortuitous events; they do not come like meteors unheralded from another sphere. They are the consequences of the conditions which precede them, and those of us who wish to do anything to insure the continuance of a normal condition of peace must first study the circumstances which make wars possible and investigate the roots of the hostility which at last makes them inevitable. Like other menaces to the health, happiness, and contentment of humanity they can be permanently abolished only by the suppression of their causes, and it is well for us seriously to consider what these causes may be—to follow the same course that would be taken by a group of physicians anxious to prevent the outbreak of an epidemic or of underwriters attempting to lessen the danger from fire or from explosion. The doctors would not confine themselves to the generous distribution of medicines, but would consider the drainage and water-supply system of the community and the carrying possibility of the illness which they were investigating. The underwriters would not limit themselves to an effort to prevent the occurrence of sparks, but would try to prohibit the accumulation of vast stores of explosives in places where sparks might occur. In international relations sparks can not be prevented, but a great deal can be done to prevent the accumulation of static hatred ready to explode at the first excuse.

"There is in every part of the world a certain dislike of foreigners or of outsiders and of their customs. There is throughout this country a feeling of dislike for the city of New York. In the South you will find that little good will be said of the Yankees. New England despises the rest of the Nation. The average countryman does not care for his urban fellow citizens. This distaste seems innate, but unless it is artificially strengthened it will act more as a stimulant than as a menace to peace and prosperity.

"Naturally no one will arouse hatred merely out of deviltry, and certainly no expensive propaganda of hate, malice, and suspicion will be organized simply to vent spleen. No one will, just to satisfy spite, organize an anti-New York movement in the South or an antiwestern movement in New England.

"The dislike of foreign peoples is, however, fostered in this and in other countries by a very expensive organized propaganda supported by individuals who expect to get a profit from some special privilege granted by their government, usually in return for political contributions, but ostensibly to protect the people from some foreign bogey set up by the propagandist. It is perfectly obvious that no politician would dare to go to any community and seriously suggest the advisability of adding an extra 25 cents to the cost of every cotton undershirt worn throughout the United States in order to provide the mill owner with a handsome villa or because he prefers a Rolls-Royce to a Ford. Such talk will not go down, so we find every manufacturing district harried continually by cunning orators—the servants of the interests which hope to profit by hate—who are ready at all times to ply their venomous trade. A meeting at Lowell, Mass., will be told that the British, and especially the people of Yorkshire, are devils spending their lives in the effort to bring about the ruin of the fair city of Lowell. At the same time in England cotton barons, as desirous as our fellow countrymen of unconscionable profits, are employing men to stir up hatred against the contriving and extortionate Yankee.

"In a political speech delivered in London I heard the American steel manufacturers held up for public hatred as (at home) an eleemosynary group who, rather than have their men idle and see hardship among their employees, will continue to manufacture at a great loss to themselves. The English audience, however, was told that the charity of these philanthropists was strictly for home consumption and that once they looked across the border they took off their halos and put on horns and tails.

"In their black councils there was plotted the ruin of the city of Sheffield, the destruction of all the English iron industry, and the audience was seriously told that back of this nefarious scheme was the whole body of the American people. In fact, these English electors, without much knowledge of foreign affairs or of conditions in other countries, were told about the United States exactly what the people of the United States are being told about the people of England—what we hear about the city of Lyon if we go to a political meeting in Paterson, N. J., and what we would hear of Paterson if we went to a meeting at Lyon. It is quite true that none of these politicians and certainly none of those who employ them are consciously desirous of war, but each one feels that his own game can be improved a great deal at an apparently small public cost. They believe that a little local suspicion and dislike of foreigners is unlikely to have much effect one way or another on great international questions and it may be of real use in justifying their legislative servants in voting them special favors. Each one is doing his bit to add to that explosive mass of hatred, which, if it be great enough, may at the coming of a spark result in a tremendous catastrophe.

"In 1914, at Sarajevo, Franz Ferdinand was shot. Here was a little enough spark, but the explosives piled up by generations were so powerful that their detonation cracked civilization to the bottom. Only last year an American consul was killed in Persia by a mob. The Persian Government might have done much more than it did to protect our representative, but we did not see this country traversed by rioters ready to tear the flag from Persian consulates or to lynch itinerant carpet venders. As an excuse for war this was far more valid than was the murder of the archduke. The spark was bigger, but there was no explosive lying around. The American manufacturers of fur coats had not aroused the country to the iniquities of the unborn pauper lambs of Persia. Our people looked down on the Persians in much the same way that the Persians probably looked down on us, but this feeling had not been artificially stimulated by American manufacturers, and the incident passed off in peace.

"One of the most important lessons of the war which has hardly been considered by the public is that drawn from the unity of Germany and of Italy. Less than 50 years before 1914 Prussia and Bavaria were at war. The King of Bavaria in 1914 carried a Prussian bullet in his body. He came of a people and of a family which had been great in the councils of Europe at a time when the Hohenzollerns were nothing but petty robber barons and before Prussia existed, and yet after the most stunning defeat experienced by any great nation in recent years, with the shattering of all the governments of Germany, there has been no serious move to revive the independence of Bavaria, which had given queens to France at a time when the steward of the French King would have disdained a Hohenzollern bride and Emperors to the holy Roman Empire, when part of the imperial duty was to extend civilization into that territory that is now Prussia. Saxony had a proud history. The independence and courage of the Hanse towns illuminates the Middle Ages, and yet the new German nation survived its first government.

"Italy, too, remained one nation, and yet from the thirteenth century till the year 1860 in no Italian book will you find any reference to the Kingdom of Naples, or to the Kingdom of the Two Sicilies. It is always just 'The Kingdom'—'il regno.' The rulers of this kingdom had been emperors of the west when the counts of Savoy were petty French noblemen. The Republic of Venice was a great power in the world when Savoy was a den of thieves. The ancestors of the present King of Italy were no more than freebooters during that epoch which made Florence the financial center of Europe for centuries and the artistic inspiration of the world for all time; and yet, in all the stress of the present day do we find these small nations of Italy looking back to their separate glory? We find the same feeling of unity here that we find in Germany; and why? For more than half a century there has been no private profit to be gotten in Berlin out of popular hatred of Bavaria or of Hamburg. The manufacturer in Milan would gain nothing by hiring politicians to vilify Naples. The hatred which for centuries had made Germany and Italy little more than cockpits is dead.

"A Berlin brewer can not ask for protection against the pauper hops of the wicked Wittelsbach, so he either makes his beer cheap or good or goes out of business. The Chianti district can not rush to Florence and ask for protection against Asti. The result is that both in Germany and in Italy very real and independent nations have been actually fused together.

"On the other hand let us consider the case of Savoy and Nice. At the same time that Naples, which was one of the oldest countries in Europe, was added to the possessions of the House of Savoy, Savoy itself, whence sprang the race of the present Kings of Italy, and Nice, their first seaport, were ceded to France. To-day Savoy is as French as Touraine. Nice is as French as Marseille. The manufacturer of perfume at Cimies, who 75 years ago would go to Turin and try to arouse hatred against the manufacturer who operated 20 miles west of his plant at Grasse, is to-day, in partnership with the man from Grasse, sending a representative to Paris to ask for some restriction on the trade of his erstwhile fellow-countryman from San Remo.

"It is worth remembering that what happened in the nineteenth century to Italy and to Germany is only what happened to every other nation in Europe at some earlier time. What is now France was once several independent states. Provence, Dauphine, Brittany, Burgundy, Aquitaine, Normandy, and Anjou were absolutely independent from France and from each other. Spain was divided into many little free peoples. These great states actually coalesced, and it is worth remembering that the nations of Europe become solidified within themselves only as they did away with internal economic barriers. So far as I know there are only two cases in which separate nations have been united and these economic barriers done away with that the union has not been permanent.

"I refer to Norway and Sweden, which remained together almost 100 years, and to Belgium and Holland, which separated after 15 years. Except for these cases no independent governments have ever coalesced and destroyed the tariff wall between them and ever afterwards willingly separated. On the other hand, no alliance in which the economic barriers between the contracting nations were maintained has ever outlasted the crisis which brought it into existence.

"We are forced to the conclusion that the greatest cause of war is the propaganda of hate engineered by manufacturers anxious for immediate private profit, gotten at they care not what ultimate cost. This private privilege to plunder they get from politicians not too proud to peddle percentages to contributors, and who hide their sordid traffic back of a smoke screen of hate raised for the purpose. Tariffs, not armaments, are the cause of war.

"We can study this question in the United States itself. This country to-day is the biggest free-trade area in the world. It is the largest and most divergent economic unit. We can afford much local self-government, because we know that our fundamental unity is not being attacked by subsidized propaganda. There is, of course, a natural and healthy regional rivalry. There are local prejudices which, within bounds, do more good than harm, but there would not be sufficient profit in arousing sectional hate to make it worth while for any business man to pay the expenses of such a campaign of propaganda. The man who runs a greenhouse in New York State can not go to Albany screaming for protection against the pauper sunlight of Florida. He will make no profit out of vilifying California. He must either run his business efficiently or get out. He can not arouse public hatred to cover his incompetence. That is the reason we do not have the press disseminating internal hate. It is the reason the subsidized politicians at every State capital are not occupied in abusing their

fellow countrymen, and the fact that suspicion of other nations can be made the source of private profit is the only reason why there is a regular organized propaganda of hatred and distrust here and in every country of the world."

LIMITATION OF DEBATE ON APPROPRIATION AND REVENUE BILLS

Mr. UNDERWOOD. Mr. President, I submit a resolution relating to a change in the rules and ask that it may be printed and lie on the table.

The resolution (S. Res. 225) was ordered to lie on the table, as follows:

Resolved, That the rules of the Senate be amended by adding thereto the following:

"Whenever a bill raising revenue or a general appropriation bill has been under consideration by the Senate for more than one calendar day, as relating to such bills, there shall be a motion for the previous question, which, being ordered by a majority of Senators voting, if a quorum is present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

"2. All such motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers, if demanded.

"3. When a motion for the previous question has been seconded, it shall be in order, before final vote is taken thereon, for each Senator to debate the propositions to be voted upon for one hour."

GRAIN-FUTURES EXCHANGES

Mr. SHIPSTEAD. I ask unanimous consent that Senate Resolution 222, relative to grain-futures exchanges, coming over under the rule from a preceding day may go over without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

PUBLIC BUILDINGS

Mr. FERNALD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, and 13, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 2 of the House bill, line 21, after "conveyance," insert ": *Provided, however*, That the Secretary of the Treasury is also authorized to acquire a site for a building for the Supreme Court of the United States"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert ": *Provided further*, That aside from land that may be acquired for a site for a building for the Supreme Court of the United States, and for enlarging the site of the Government Printing Office, or erecting a storage warehouse or warehouses, the sum of $50,000,000, hereinafter authorized for projects in the District of Columbia, shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles l'Enfant as may be practicable. Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert ": *Provided further*, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the heads of the executive departments which are to be located in such building"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "when deemed by him advantageous the Secretary of the Treasury is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: On page 3 of the Senate engrossed amendments, line 20, strike out "directed" and insert "authorized"; and on page 4 of the Senate engrossed amendments, line 7, strike out "Maiden" and insert "Malden"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a comma and the following: "which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically provided for in the act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury hereinafter provided for: *Provided further*, That the Secretary of the Treasury shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this act together with a limit of cost for the same: *Provided further*, That the foregoing provisos shall not apply to buildings or their modification heretofore provided for by act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert: : "*Provided*, That at least one-third of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least one-third of the expenditures for the fiscal year 1928, and at least one-third of the expenditures for the fiscal year 1929, shall be for a like purpose unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $5,000,000 annually in any one of the States, Territories, or possessions of the United States"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 8. That in the event local interests in the city of New Orleans, La., shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Secretary of the Treasury is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amount so advanced or expended" and a period.

And the Senate agree to the same.

BERT M. FERNALD,
I. L. LENROOT,
F. E. WARREN,
CLAUDE A. SWANSON,
JAS. A. REED.
Managers on the part of the Senate.

RICHARD N. ELLIOTT,
W. F. KOPP,
FRITZ G. LANHAM,
Managers on the part of the House.

Mr. FERNALD. Mr. President, I ask unanimous consent for the immediate consideration of the report.

The VICE PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on House bill 6559, for which the Senator from Maine asks immediate consideration.

Mr. ROBINSON of Arkansas. Mr. President, I do not desire to object to the present consideration of the report, but I think the Senator in charge of it should explain the effect of the report, as it relates to the various amendments incorporated by the Senate.

Mr. FERNALD. Mr. President, I am very glad to explain the differences which have been modified and ironed out by the conference committee. I am pleased to say that most of the amendments which were offered and accepted in the Senate have also been accepted by the House. I will go through the different amendments, there being some 14 in number, and very briefly state the differences.

The first amendment is, on page 1, line 5, to strike out the words "the Supreme Court of the United States," which was agreed to.

The second amendment is, on page 2, line 8, after the word "purposes," to insert the words "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired." That amendment was accepted in full.

At the bottom of page 2, line 25, after the word "conveyance," we added the following proviso:

Provided, however, That the Secretary of the Treasury is also authorized to acquire a site for a building for the Supreme Court of the United States.

Then, in the same line, following the word "*Provided,*" we struck out the word "*further*"; and on page 3, in line 1, after the word "acquired," we inserted the words "for a site for a building for the Supreme Court of the United States and," so that it reads now as follows:

Provided, however, That the Secretary of the Treasury is also authorized to acquire a site for a building for the Supreme Court of the United States: *Provided further,* That aside from land that may be acquired for a site for a building for the Supreme Court of the United States and for enlarging the site of the Government Printing Office—

And so forth.

Mr. SMOOT. Mr. President, I have not a copy of the bill before me. I wish the Senator when he makes an explanation of any changes would simply state how the bill would read with the changes made.

Mr. FERNALD. I have it here.

Mr. SMOOT. I wish the Senator would read it so we can know exactly what the changes are and what effect they have.

Mr. FERNALD. Does the Senator want me to read the entire bill as it has been agreed to by the conferees?

Mr. SMOOT. No; just the amendments as changed and as finally agreed to, so we may know how the bill stands as changed.

Mr. FERNALD. On page 1, in line 5, we have stricken out the words "the Supreme Court of the United States," as we make provision for them at the bottom of page 2, where there is the following proviso:

Provided, however, That the Secretary of the Treasury is also authorized to acquire a site for a building for the Supreme Court of the United States.

That is a part of the provision of amendment 4. It is an integral part of the provision for accommodations for the Supreme Court. Then at the top of page 3, after the word "acquired," we have inserted the words "for a site for a building for the Supreme Court of the United States and," which are a part of the same amendment.

Then at the end of line 3, page 3, after the word "hereinafter," we have stricken out the words "made available" and inserted the word "authorized," so that it reads "hereinafter authorized for projects in the District of Columbia."

In line 7, page 3, there was a typographical error. To correct that we have stricken out the word "protracted" and inserted in lieu thereof the word "projected."

Mr. BRUCE. Mr. President, I ask the Senator to read just a little more of the context showing the last change.

Mr. FERNALD. It refers to the language "south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line," and so forth.

After the word "surroundings," in line 17, page 3, we struck out the following words:

It being the sense of the Congress that the haphazard practice heretofore pursued by the Government of erecting or purchasing buildings for such office accommodations north of Pennsylvania Avenue should come wholly to an end, and that suitable provision for such office accommodations in the future should,

That leaves it reading as follows:

Providing suitable approaches to said buildings and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles l'Enfant as may be practicable.

Then in line 24, page 3, we have stricken out the words "be made in the territory south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and in such manner as to gratify the highest," and inserted words so as to make it read:

Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility.

Amendment No. 5: We have stricken out the words "head of each" and the words "departments which are to be" and inserted in lieu of the first "heads of the" and in lieu of the second "departments which are to be," so the sentence will read:

Provided, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the heads of the executive departments which are to be located in such building.

Mr. SMOOT. Mr. President, I do not want to object to any amendment that has been made; but if that provision is carried out, I doubt whether we will ever reach an agreement as to what kind of a building we shall have. If the commission has got to agree first, and then secure the approval of the Secretary of the Treasury, and then secure the approval of the heads of the departments which are to be located in such buildings, I am fearful that an agreement will never be reached upon a plan to be carried out in any reasonable time.

Mr. FESS. Mr. President, will the Senator from Maine yield to me?

Mr. FERNALD. I yield.

Mr. FESS. Does not that apply to buildings outside the District of Columbia? We intended that this provision should apply to buildings outside of the District of Columbia.

Mr. FERNALD. The amendment adopted by the Senate is in practically the same form.

Mr. LENROOT. It is the same as the Senate amendment?

Mr. FERNALD. It is the same as the Senate amendment, there being only a slight change of the language.

Mr. SMOOT. I do not want to interfere with the passage of the bill, but I really think that the provision gives a power to the heads of the departments that it is going to be hard to reconcile and get these buildings erected.

Mr. FERNALD. We felt that it was a reasonable thing to do. The provision simply changes the language, but not the meaning of the amendment as accepted by the Senate. Amendment No. 6, striking out certain language, was adopted by the conferees.

Mr. OVERMAN. What is amendment 6?

Mr. FERNALD. It is a Senate amendment striking out the following language in the bill as it came from the House:

and in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

That is taken up later and included in another amendment that was suggested.

Mr. McKELLAR. I understand the Senator from Maine to say that that amendment has been agreed to in conference and that the language has been restored later in the bill.

Mr. FERNALD. It is taken care of later by another provision, which I shall soon come to in my statement in reference to the action of the conferees.

Mr. McKELLAR. Is that language restored?

Mr. FERNALD. It is provided for later, though, perhaps, not in the same language.

Mr. LENROOT. It is stricken out here and taken care of later by a provision that such authorization may be made in an act making appropriations in particular cases.

Mr. FERNALD. On page 5 Senate amendment 7 reads:

Under the direction of the Secretary of the Treasury.

That amendment was accepted by the House.

Senate amendment No. 8 is as follows:

(8) but in designing and constructing buildings under the provisions of this act preference shall be given, so far as practicable, to standardized types, and in other cases where possible and appropriate to commercial types modified to meet governmental requirements rather than to buildings of monumental character.

That amendment was adopted by the conferees.

Mr. McKELLAR. Do I understand the Senator from Maine to mean to say that that language was retained in the bill?

Mr. FERNALD. No; that goes out.

Mr. SMOOT. The House recedes from its disagreement to the Senate amendment.

Mr. FERNALD. The House agrees to that amendment.

The conferees have agreed to the Senate amendment No. 9, striking out the words:

The Secretary of the Treasury is authorized in his discretion (1) to procure advisory assistance when deemed advantageous in special cases involving design or engineering features.

The amendment the Senate inserted in lieu of those words was modified by the conferees, so as to read:

When deemed by him advantageous the Secretary of the Treasury is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications or to employ advisory assistance involving design or engineering features.

Section 3 of the original House bill is stricken out entirely. This is the so-called Jones amendment, the provision inserted by the Senate being retained.

Mr. ASHURST. From what page of the bill is the Senator reading?

Mr. FERNALD. I am reading from page 8. In section 3, line 12, the language is changed to read: "The Secretary of the Treasury is hereby authorized." The word "directed" was printed instead of "authorized," being a typographical error.

On page 8, line 22, the word "Maiden" was changed to "Malden," which was another typographical error. Otherwise the provision remains as adopted by the Senate.

Mr. OVERMAN. I understand the Senator to state that the Jones amendment was changed. What was the change?

Mr. FERNALD. I have just stated the two changes, which were in the nature of typographical corrections. I will read the entire amendment as it now stands—

SEC. 3. The Secretary of the Treasury is hereby authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: Juneau, Alaska; Globe, Ariz.; Prescott, Ark.; Red Bluff and San Pedro, Calif.—

I do not think it is necessary to read the names of the cities, as they are the same as are found in Document 28, which is precisely the Jones amendment.

On page 10, all of amendment No. 11 was stricken out and a new provision inserted, which reads:

which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically provided for in the act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act mking appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury hereinafter provided for: *Provided further*, That the Secretary of the Treasury shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this act, together with a limit of cost for the same: *Provided further*, That the foregoing provisos shall not apply to buildings or their modification heretofore provided for by act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year for which post offices no public buildings have been provided.

About the only change in that——

Mr. WILLIS. Mr. President——

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator will recall that when the bill was before the Senate, in response to an inquiry by myself, he made a certain statement as to how the $15,000,000 appropriation and the $150,000,000 appropriation were to be expended. It is not necessary now to repeat that statement. I will merely ask the Senator whether the conferees have made any changes that would in any respect interfere with the statement he made at that time?

Mr. FERNALD. Not to interfere with the statement; but I will show in discussing the next amendment just how the money is to be distributed and expended. That will give the information.

Mr. WILLIS. I am very much interested in that feature of the bill.

Mr. FERNALD. The provision under the conference report is about the same as that which was accepted by us all; but, instead of making an estimate annually, which could not be done under the bill, because the money would not be available for expenditure annually, the bill now provides during the life of the authorization for at least two public buildings for every State in cities where the postal receipts are $12,000 or more.

The next amendment, I think, answers the question of the Senator from Ohio. I will begin back a little and read that section:

For the purpose of carrying out the provisions of this act the sum of $150,000,000, in addition to the amount authorized in section 3 hereof is hereby authorized——

Mr. ASHURST. Mr. President, will the Senator read the proviso before that on page 11?

Mr. FERNALD. That has been stricken out. The Senate receded from amendment numbered 11, and what I read a few moments ago was inserted in its place.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Arizona will yield to me for a moment, the print that he and I have been looking at and with which other Senators have been attempting to follow the reading is not in conformity to that which the Senator from Maine is using and which represents the conference agreement. There is, as I understand, no print of the conference agreement or of the bill as agreed to in conference.

Mr. FERNALD. No.

Mr. ASHURST. Mr. President, then I ask, did the conferees retain the provision requiring the Secretary of the Treasury to estimate for at least one building in each State each year until each State has had two buildings?

Mr. FERNALD. No. I will explain that to the Senator. Instead of estimating for one building annually, which could not be done with the appropriations available, we changed that so as to provide for two buildings during the term of the act. We found that one building could not be erected in each State each year.

Mr. ASHURST. Then the bill now provides for two buildings in each State during the life of the proposed act, which two buildings must be constructed in cities or towns not now having Federal buildings?

Mr. FERNALD. Exactly.

Mr. LENROOT. In cities having post-office receipts of more than $10,000.

Mr. ASHURST. In cities or towns having postal receipts of $10,000 or more annually.

Mr. SMOOT. Yes; postal receipts aggregating $10,000 or more.

Mr. ASHURST. That ought to be satisfactory.

Mr. SMOOT. Mr. President, I will say to the Senator from Arizona that there are small cities in the Western States which do not have postal receipts of $10,000 a year which ought to have post-office buildings, and this will cut every one of them out.

Mr. ASHURST. Possibly I should better make this frank statement: Under this bill the city of Globe, Ariz., will, in express terms, be provided with a Federal building. Many years ago the city of Prescott, Ariz., and the city of Tucson, Ariz., needed and, indeed, still need buildings; Congress provided for the acquisition of sites in those two cities; the sites were acquired and now belong to the Federal Government. It is my understanding that under the conference agreement the Secretary of the Treasury will, in due season, construct buildings in both Prescott and Tucson, because the sites have been procured there and neither city has a Federal building. The Secretary of the Treasury would not have the authority to reject Prescott and Tucson and construct a building where a site had not been procured.

Mr. FERNALD. Yes; the Secretary may select some other city if there is an emergency existing. It is not necessary that a site shall have been procured in order that an expenditure may be made under the $150,000,000 appropriation.

Mr. ASHURST. But in all probability he would so build in a city where no site had been procured when the cities in which sites had been procured required buildings owing to an emergency.

Mr. FERNALD. I think it is very likely that he would if an emergency existed there. This provision merely gives a preference.

Mr. ASHURST. When I give my approval to this bill I want it distinctly understood that under its operations there will be constructed a building at Globe, one at Prescott, and one at Tucson. I want it distinctly understood that the Congress, and the Senate especially, believe and agree that such shall be done.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. Mr. President, I do not want to obligate myself to see that the arrangement suggested by the Senator from Arizona shall be carried out.

Mr. ASHURST. I intend to try to bind the Senate, so far as I may, to three propositions, to wit, that there shall be a building erected at Globe, and at Prescott and Tucson.

Mr. LENROOT. Mr. President, will the Senator from Maine yield to me for a moment?

Mr. FERNALD. Yes.

Mr. LENROOT. I wish to say to the Senator from Arizona that as one member of the Committee on Public Buildings and Grounds I could not remain silent under that kind of a proposition. If this bill shall pass, the Senator, of course, will have to take his chances along with every other Senator in getting buildings under the terms of the bill. Under the terms of the bill as agreed upon, the Secretary of the Treasury, during the life of this authorization, will be required to estimate for at least two buildings in the State of Arizona, provided there are two cities in that State having postal receipts of $10,000 or more that do not now have public buildings.

Mr. ASHURST. The last clause of the Senator's statement is very important—"that do not now have public buildings." With that I should be content, and will say the conferees have done excellent work.

Mr. REED of Missouri. Mr. President, I think it would be wise now for the Senator from Arizona not to press this matter further.

Mr. ASHURST. I must press the matter this far, to wit: I want buildings constructed, and since I entered the Senate I have tried to have buildings constructed at Globe, Tucson, and Prescott.

Mr. FERNALD. I think I understand the Senator very well.

Mr. ASHURST. I will say that the pressure on me for buildings at these places has been constant owing to the need of buildings.

Mr. ROBINSON of Arkansas. Mr. President, the question is, Does the Senator from Arizona understand the Senator from Maine? That is the vital question.

Mr. ASHURST. I think I do.

Mr. FERNALD. I think he does very well.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. FERNALD. Yes; I yield.

Mr. NEELY. I too have been subjected to pressure such as that of which the Senator from Arizona has spoken. And if the Senate guarantees that buildings will be constructed under the provisions of this bill in Arizona, I shall demand some guaranty that certain public buildings will be constructed in West Virginia. If they are to be guaranteed in one State, they ought to be guaranteed in all the other States.

Mr. FERNALD. Oh, if that were to be done it would be done in all of the States, or at least very many of them.

Mr. NEELY. The personal guaranty of the Senator from Maine will be sufficient, so far as I am concerned.

Mr. FERNALD. I understood very well what the Senator desired. I have not guaranteed anything.

Mr. ROBINSON of Arkansas. Mr. President, evidently the Senator from Arizona did not understand the Senator from Maine.

Mr. ASHURST. Mr. President, I understand that this conference report means—and I wish to be corrected if I am under a misapprehension—that the building at Globe, Ariz., will be completed.

Mr. FERNALD. Yes, sir.

Mr. ASHURST. That is set out in the bill.

Mr. FERNALD. That is set out and named in the bill.

Mr. ASHURST. Secondly, that during the life of this bill there will be constructed in each State at least two buildings at places that do not now have Federal buildings, and which have postal receipts annually of $10,000 or more.

Mr. SWANSON. Mr. President, the Senator is mistaken to this extent: The Senate amendment simply provides that estimates shall be made by the Secretary of the Treasury. The Secretary of the Treasury is compelled, in submitting these estimates each year to the Budget before this bill is completed, to submit estimates for at least two buildings in each State. Then it is left to Congress to determine what appropriations shall be made.

Mr. ASHURST. I understand.

Mr. FERNALD. The Senator has been one of the most valuable members of my committee, and I think he understands the situation very well.

Mr. NEELY. Mr. President, will the Senator yield for one more question?

Mr. FERNALD. Yes.

Mr. NEELY. Is the understanding stated by the Senator from Arizona accurate? Are two buildings to be erected in each State where there are no Federal buildings at the present time? And if that be true, I ask the Senator to inform us in what two cities in West Virginia buildings will be erected, because I am interested in that matter.

Mr. FERNALD. I have not any authority to determine where buildings will be erected. The Senator understands very well that I have no authority to do that.

Mr. LENROOT. Mr. President, I do not think there should be any misunderstanding about the matter. There is no guaranty of any kind that buildings will be erected anywhere, except those hereinbefore authorized; but the Secretary will be required to make estimates for two buildings in each State, and then it will remain with Congress to determine whether or not they shall be erected.

Mr. SWANSON. Mr. President, to make it clear, I will read the provision. This is the Senate amendment with only a few slight changes:

> *Provided further*, That at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided.

Mr. MAYFIELD. Mr. President, will the Senator yield for just a moment?

Mr. FERNALD. Yes; I yield.

Mr. MAYFIELD. Permit me to say to the distinguished Senator from Arizona and the very able Senator from West Virginia, who are expecting to have post-office buildings constructed in their States in the near future under this measure, that they are doomed to disappointment. This measure will be vetoed by President Coolidge, and I will tell the Senate why.

I hold in my hand the wonderful speech of our President, delivered at Williamsburg, Va., on Saturday. In speaking against the centralization of power and in favor of State rights the President said:

> No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. MAYFIELD. In just a moment.

> Being irresponsible they become autocratic; and being autocratic they resist all development. Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy.

It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody.

Surely the President, after committing himself to these great principles, must necessarily veto this measure when it reaches him.

Mr. CARAWAY. Mr. President, I thought maybe the President had in view his experience with the Tariff Commission and the Federal Trade Commission.

Mr. MAYFIELD. No; I think he had the Elliott post office measure in mind when he said bureaucracy must constantly be resisted, because it breaks down representative government and overwhelms democracy, because the Elliott post office measure is the very personification of bureaucracy. I trust these distinguished Senators will not be disappointed when the President vetoes the post office bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. FERNALD. Yes.

Mr. KING. Does not the Senator from Texas heartily approve of those words of President Coolidge about the evils and tyranny and oppression of bureaucracy?

Mr. MAYFIELD. I certainly do. He is to be congratulated upon having so accurately stated the imperishable principles of the Democratic Party.

Mr. KING. I think they are to be commended, and I commend the President for uttering that fine Democratic doctrine; and if he will execute the views which he has expressed, and the Democrats here and in the other honorable body of the legislative branch of the Government will adhere to those views, we will have a better Government than we now have; we will separate thousands of men from the public service; we will abolish more than 40 governmental bureaus and organizations; and we will have a little more of local self-government, so essential for liberty.

Mr. REED of Missouri. Mr. President——

Mr. FERNALD. I yield to the Senator from Missouri.

Mr. REED of Missouri. Since we have wandered a little afield from the conference report, I should like to say that I have been quite thrilled myself by this expression of the President, and by the unanimity and applause with which it is received; but I am wondering whether we may not be disappointed as I was disappointed on Saturday afternoon when the ceremonies which took place in front of the Capitol, to the delight of so many people, were performed; and I want to utter a protest, and, as usual, make a complaint.

Mr. President, the ceremonies would have been delightful had they been reserved for an appropriate time. This session of Congress has engaged in everything except a snake dance, and the climax ought to have been reserved for a final chapter.

Induced by false representations made to the Senate and repeated on the floor of the Senate, we started the United States on a journey into the World Court and the infamies, wars, and embroilments of Europe, only to be notified later that the Council of the League of Nations must first pass upon our qualifications for membership. We reduced taxation for the benefit of the ultrarich. We turned back to great estates millions of dollars justly due the Government. At the demand of international bankers we donated billions of dollars to European countries and have obtained in return only their contumely, hatred, and scorn. We have increased the army of Federal spies, sneaks, and snoopers, and turned them loose on the American people. We denounce bureaucracy in Virginia and help establish and enthrone it in the city of Washington.

The snake dance, Mr. President, ought to have been reserved as a grand finale of the legislative atrocity known as the Sixty-ninth Congress. Pulling it off at this time indicates an utter lack of appreciation of the dramatic and is an exhibition of abominable taste. Nothing could be more dismal than a contemplation of the anticlimax of windy eulogies of the Coolidge administration, which we are yet doomed to hear.

Mr. FERNALD. Mr. President, the next amendment, on page 12, amendment No. 12, caused us, perhaps, as much anxiety in the conference as anything. In trying to make a fair distribution of the $15,000,000 for projects already authorized, some of us felt that it ought to cover a period of five years, some two years. We finally modified it and agreed to make it three years, so that instead of the amendment that was accepted in the Senate—

Provided, That at least 50 per cent of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least 50 per cent of the expenditures for the fiscal year 1928 shall be for a like purpose—

The House receded, and we inserted the following:

Provided, That at least one-third of the expenditures—

And so forth. Again, at line 6:

One-third of the expenditures for the fiscal year 1928 and at least one-third of the expenditures for the fiscal year 1929—

So that we will be three years in completing those projects, instead of two.

The last amendment is of local interest only.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FERNALD. I yield.

Mr. LENROOT I do not think the Senator is quite accurate. We may be more than three years in completing those projects, but at least one-third of the expenditures each year must be used for that purpose; but the total expenditures for three years outside of the District of Columbia might not aggregate the full amount of $15,000,000, plus the appropriations heretofore made.

Mr. FERNALD. I thank the Senator. That is correct.

On page 15 there is an amendment of local interest only to the State of Louisiana. Section 8, amendment 14, is stricken out and the following inserted:

SEC. 8. That in the event local interests in the city of New Orleans, La., shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Secretary of the Treasury is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amount so advanced or expended.

In the city of New Orleans public-spirited citizens have agreed to make this purchase and to be reimbursed by the Government without interest.

Mr. OVERMAN. Is that the last amendment?

Mr. FERNALD. That is the last amendment.

Mr. OVERMAN. What became of the amendment which provided for the situation mentioned by the Senator from Ohio [Mr. FESS] and myself, where a building erected by the Government is situated in the heart of a city, and would on sale bring as much money, probably, or more, than it would cost to get another site and put up a building?

Mr. FERNALD. That is in the bill. There is no change in that.

Mr. EDGE. Mr. President, without going into detail, I want to see if I am correct in my understanding of the bill reported by the conferees. The committee have brought forward, as it were, all acts previously passed providing for public buildings, and included in this general act the same authority that appeared in past acts.

Mr. FERNALD. That is absolutely correct. I move that the report be agreed to.

Mr. HARRISON. Mr. President, politics makes strange bedfellows. There is little wonder that there is "fear and trembling" upon the part of some of my colleagues on the other side of the aisle at this particular time. Some primaries have passed and others are approaching.

We were led to believe some weeks ago by the spokesman of the White House, known otherwise as President Calvin Coolidge, that he did not intend to take any part in the Republican primaries; that he intended to hold himself aloof from that practice; that the will of the voter, untrammeled, should prevail. Out in Illinois they had quite a primary contest recently. It was sharply drawn. Much interest was manifested. Many speakers from the outside went in and poured forth their volleys of oratory. But the President looked on from afar. He remained, it is said, cool, calm, and unmoved. He refused to be brought into the contest, notwithstanding one of the candidates seeking renomination had been true and faithful to the President's many policies. He had stood by the President in and out of season. He had been one of the pillars upon which the President had relied. A man of charming address, and a most able Senator. But the President saw him go down to defeat championing and defending Coolidge policies.

Then the primaries came on in Indiana, the home of my distinguished friend, the senior Senator, JIM WATSON. The papers carried notices from Indianapolis and other parts of the State that the administration was lined up against JIM; that this strong friend of the administration, Albert Beveridge, and that strong friend of the administration, Will Hays, and this and that fellow, leaders of the Republicans in the State, from the Postmaster General down, were opposed to the renomination of the senior Senator from Indiana. No doubt appeals were made to the White House to call these gentlemen off and render some assistance to Senator WATSON in his fight for renomination, but those appeals were ignored.

Still reports came from the White House spokesman that he was going to take no part in Republican primary fights. The

returns were counted, and it was found that Senator WATSON had been renominated by a magnificent majority. As to whether it was because of his high popularity with the Republican voters of Indiana, or because of the disfavor in which the Coolidge administration was held by the Republicans of Indiana, we are left to surmise, but, anyway, the President still clung to the policy of refusing to take part in a Republican primary fight.

Here is our friend from Oregon, Mr. STANFIELD, who comes up for renomination some time this week, having the fight of his life, four or five fellows after his place, and no doubt appeals have gone to the White House. But still the White House spokesman stands aloof and refuses to give a letter of indorsement to the junior Senator from Oregon.

Here is our charming and Chesterfieldian friend from California, SAM SHORTRIDGE, coming up for renomination with a hard fight on his hands. None has been more faithful to the administration than SHORTRIDGE. No doubt appeals have been made to the White House to give him a letter of indorsement, but none has come.

There is my charming and smiling friend, the junior Senator from Nevada [Mr. ODDIE]. He is up against a stiff fight for renomination. An ex-Congressman, one who was popular when he was in the House, is seeking his toga. There has been no Senator more loyal to the administration than the junior Senator from Nevada, but I doubt whether he has received a letter of indorsement or a word of encouragement from the administration in his primary fight.

Mr. SHORTRIDGE entered the Chamber.

Mr. HARRISON. My friend the junior Senator from California has just entered the Chamber. I am fearful that I might misstate the facts. I was just telling the Senate that the Senator has a stiff fight in California. He will not admit that. I withdraw that. He has *a fight* in California for renomination.

Mr. KING. A skirmish.

Mr. HARRISON. Yes; a skirmish. He has been steadfast in his devotion to the administration. He will not deny that. He admits that by the bowing of his head. No letter of indorsement from the White House has come telling the people of California that he has been faithful to the G. O. P. and that he should be returned. I say that that is a little act of ingratitude, and I am wondering how my friend from California, my friend from Nevada, my friend from Oregon, my friend from Indiana, and my friend from Illinois who went down to defeat feel when they read in the Post of Saturday morning what I am about to read to the Senate.

It is suggested to me that I should mention my friend from Ohio [Mr. WILLIS]. The President did dabble in that Ohio situation just a little bit, because he did deport Carmi Thompson as far as he could get him away from the senatorial fight in Ohio [laughter]; but outside of that he has not taken any part in it.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. NEELY. May I inquire if the Senator has any information as to whether the President has become active in the primary fight in New Hampshire?

Mr. HARRISON. I shall get to that in a moment.

Mr. NEELY. From which State the distinguished President pro tempore of the Senate comes.

Mr. HARRISON. I do not think the President has taken any part up in New Hampshire against the distinguished Senator from New Hampshire [Mr. MOSES]. Neither do I think any letter of indorsement has been forthcoming. That Senator—able, glib of tongue, smart that he is—has been true to his Republican trust and loyal to the administration.

There is a fight in Pennsylvania. That is a real contest between three real Republicans, men who are sent throughout the country in every election campaign to make campaign speeches; gentlemen who have gone into "their jeans" regularly and contributed generously to the Republican Party, one of whom, at least, has kept the fires burning and formed an organization in Philadelphia second to none in the whole United States, and when the call comes he always delivers by his usual 150,000 to 200,000 majority. I refer to Mr. WILLIAM VARE. As a Member of Congress from Pennsylvania Mr. VARE, without exception, has been true to this administration. He has praised Calvin Coolidge and his policies on the floor of the House and on the hustings.

Governor Pinchot was the man who was sought out by President Coolidge to go and settle the great coal strike, thereby giving his indorsement to Pinchot for the favors he extended.

Here is Andrew Mellon. If there are two spokesmen of the White House, Mellon is the other spokesman. Never before in his life had he made a political speech, he said.

Mr. CARAWAY. He could say that again. [Laughter.]

Mr. HARRISON. Yes; he could say that again. But he wrote his speech, or somebody wrote it for him. It is not stated whether he memorized it or not, but he journeyed forth to Pittsburgh and made a speech, representing the administration. This is what the Washington Post says about it:

PITTSBURGH, PA., May 14.—Renomination and reelection of Senator PEPPER, of Pennsylvania, was made a matter of the indorsement of the Coolidge administration in an address by Secretary of the Treasury Mellon before a mass meeting here to-night.

Praising the achievements of President Coolidge, Secretary Mellon declared there still are "many perplexing problems" to be solved, and "we, in this Republican stronghold of Pennsylvania, can do no less than give to President Coolidge our indorsement and backing in his efforts to complete the work which he has begun."

Secretary Mellon praised Senator PEPPER as a "staunch supporter of the administration, enjoying the confidence and esteem of the President and party leaders in Washington, which he had won by his ability."

Further, he said:

In Senator PEPPER the State has a representative who has staunchly supported the policies of the Republican administration at Washington. During his four years of service in the Senate he has been consistent in his support of the principles proclaimed in our party's platforms of 1920 and 1924. He has stood loyally by the administration in its efforts to carry out the pledges of the party, and he enjoys the confidence and esteem of President Coolidge and the party leaders at Washington.

No utterance of anyone could carry greater weight or more fittingly express the views of President Coolidge than Mellon did in that speech. So at last he has done for PEPPER what he refused to do for my friend from Indiana [Mr. WATSON], my friend from Nevada [Mr. ODDIE], my friend from California [Mr. SHORTRIDGE], my friend from Illinois [Mr. MCKINLEY], and the Senators from other States coming up for renomination.

Mr. CARAWAY. Did I understand the Senator to say he had "done for" PEPPER? [Laughter.]

Mr. HARRISON. Yes; PEPPER is "done for."

So, Mr. President, in Pennsylvania, in sending Mellon and Secretary Davis and Mr. Mellon's mentor, the junior Senator from Pennsylvania [Mr. REED], he has thrown every weight of his influence in behalf of PEPPER into the campaign. Of course, it remains to-morrow to see whether or not the Republican voters of Pennsylvania will permit the dictation of the White House to carry, and whether or not this act of ingratitude upon the part of the administration toward Pinchot and VARE will be indorsed by them.

Then we read in this morning's paper another incident. President Coolidge goes to New England and plays a part there. New England is close to the President. Here is my friend from Iowa [Mr. CUMMINS], who has made a great Senator here, able, as everybody knows, reflecting great credit upon the State of Iowa. He has a fight on in his State. Has any letter of indorsement come to him from the White House? No. I suppose he has made no appeal. He is ready to stand upon his record.

Then here is my friend, the senior Senator from Massachusetts [Mr. BUTLER]. He has a fight coming on. There is no contest in his primaries, because the Republicans up there know how to keep down contests in the primaries, but he has a real fight coming in the election. The papers say that the President will take part in the Massachusetts campaign. They began that some time ago. They have started that already. They started it when the White House, at the suggestion of the senior Senator from Massachusetts, turned down the recommendation of the Department of Justice to appoint a judge on the District of Columbia Municipal Court and named one of the Senator's designations. So they have begun to carry on already.

But in the morning paper is the most startling news that we have had. No wonder Senators on the other side of the aisle are trembling, those who have no opposition, who perhaps once or twice have voted against the administration on some measure. There is the distinguished Senator from Vermont [Mr. DALE], able and courageous. He had independence enough and sufficient self-respect and courage to stand up against the President and vote to give a bonus to the soldier boys when they needed it. He turned down every kind of appeal that was made to him to shift his position and to betray his promise to those boys. Again, when he rose up and voted against the President and to override his veto in the matter of increasing the salaries of the postal employees he perhaps made the President a little angry. He was sliding along with no opposition,

but they got it out on him, and now he is to have, as the papers say, a fight. He is to be punished in Vermont if the President can have his way. The morning paper said:

Stickney enters race against Senator DALE. Making fight for Coolidge policies, says former Vermont governor.

And yet with those two exceptions no Republican in this body has been more loyal to the administration than has the distinguished junior Senator from Vermont.

Ludlow, Vt.

Charming name, "Ludlow."

Former Gov. William W. Stickney, of Ludlow, partner of Attorney General John G. Sargent and intimate friend of President Coolidge and his late father, to-night announced his candidacy for the Republican nomination for United States Senator from Vermont at the September primaries.

"Considerations which would appeal to any loyal Vermonter" led him to change his mind after repeated refusals to become a candidate, the former governor said.

It does not say to whom he refused, but constant appeals to him to go in the race are made, and he finally bows and gets in.

Mr. CARAWAY. Incidentally, he does not say who appealed to him, either.

Mr. HARRISON. The article continues:

"I am in sympathy with the wise statesmanship of President Coolidge and the sane policies for which he stands. Because I believe in Calvin Coolidge and in the greatness of the work which he is doing for good government and world construction, I am willing to make this fight."

Mr. Stickney is said to share with Attorney General Sargent the President's implicit confidence. It was he whom President Coolidge chose to settle his father's estate as administrator and it was on his staff that John C. Coolidge received the honorary appointment of colonel. His entry in the Vermont senatorial campaign is taken as an indication of an impending fight to oust Senator PORTER H. DALE, whose vote for the soldiers' bonus against the administration veto two years ago and resultant independent attitude toward the administration—

And so forth.

Mr. President, if Calvin Coolidge adheres to his usual policy of inconsistency, he will sign the pending nefarious, bureaucratic melon-patch public building bill, notwithstanding his wise words spoken at Williamsburg last Saturday for State rights and against bureaucracy in government.

Mr. McKELLAR. Mr. President, I do not know whether we are going to have a roll call on agreeing to the conference report or not, and therefore, before it is voted on, I want my views as to the matter to be made a part of the RECORD.

I shall not vote for the conference report, but shall vote against it. I want to say in all frankness that I think the bill has been greatly improved by the Senate amendments, but it still gives a tremendous power to the Secretary of the Treasury—too much power—and for that reason I shall vote against it. It creates another great bureau within the Treasury Department, one of its most important bureaus. If the policy shall be continued in the future, this bureau will spend millions and millions of dollars of the people's money, which only the Congress ought to control. For these reasons I am opposed to the conference report and, when it comes to a vote, shall vote against its approval.

Mr. JONES of New Mexico. Mr. President, I wish to say just a few words regarding the conference report. As I said on the floor of the Senate some days ago, I think the bill will be a great disappointment to the country. It contemplates the expenditure of about $175,000,000. The rate of expenditure controlling appropriations heretofore made by Congress for the construction of certain buildings is fixed in the bill. We will not be able to expend over $25,000,000 a year and consequently it will be seven years or, as the architect of the Treasury Department stated the other day as his estimate, it will be about seven and one-half years before the $175,000,000 will be expended. I do not think that is doing enough to satisfy the country in the matter of public buildings. Practically nothing has been done since 1913 looking toward any new buildings. The vast array of buildings named in the bill have been awaiting construction since that time, 13 years ago. Now the country has advanced, its demands have increased, and I am sure that there will be great disappointment throughout the country.

However, I am going to vote for the conference report. It is a start. I do it with the hope that at the next Congress the amount of the annual expenditures for this purpose may be increased until the whole $175,000,000 shall have been expended. I am hoping that may be done, because I believe we will realize that the limitation which has been put upon the Congress is decidedly too low. I understand that the limitation of $25,000,000 annually was fixed at the suggestion of the President. We have been led to believe that that was the maximum amount which he would permit or indorse, and in order to meet the Executive views Congress submitted to this limitation of $25,000,000 annually. I regret very much that it can not be more than that, but the country does need the work to begin and go on, and therefore I am going to vote for the conference report.

Mr. DILL. Mr. President, I rise for the purpose of protesting against what is becoming a custom here in regard to conference reports affecting measures involving as much money as does the measure now before us. The conference report was filed this morning. No Senator has had any chance to read it. It is taken up here by unanimous consent. All we know is contained in the statements that are made by the Senator from Maine [Mr. FERNALD]. I am not complaining about his statements. I think he has made them as clear as he can, but I do not know any reason why a bill involving as much as this one does should be called up for action without it being printed in RECORD in order that all might read it.

I am going to vote for the conference report because I think it ought to be approved, but I think the conference report on a measure that involves as much as this one does should have been printed in the RECORD. For my part I do not like to be in the position of objecting to conference reports coming up by unanimous consent, but I do think they ought to be printed in the RECORD in order that Senators might read them and know their full import.

Mr. KING. Mr. President, as I understand it, the report has not been printed in the RECORD, but has been submitted this morning for the first time. May I inquire of the Senator from Maine if it is imperative that it should be adopted to-day?

Mr. FERNALD. The bill has been before Congress for nearly four months. Off and on for three weeks it was discussed in the Senate. Then the committee met with those who were opposed to the bill and conferred with them. We agreed upon certain amendments that we believed ought to be accepted. Then the conference committee, consisting in part of five Members of the Senate, was appointed. We discussed the matter with a similar number of Members from the House. We discussed it for a week and came to an agreement with the House, and it seems to me that it ought not to be deferred longer.

Mr. LENROOT. Mr. President, I will say there is a very strong reason why the conference report should be acted upon immediately. It is because it is expected that the appropriations will be made in the deficiency appropriation bill which is now in course of preparation, and that can not be done until this bill has passed both Houses and has been signed by the President.

Mr. KING. May I ask the Senator from Wisconsin when he expects the deficiency appropriation bill to which he has referred will be ready for consideration?

Mr. LENROOT. It is in course of preparation in the House now.

Mr. KING. But it will not reach the Senate for some time, probably 10 days.

Mr. LENROOT. I can not say as to that.

Mr. FERNALD. Estimates must be made, submitted to the Budget, and then to the Appropriations Committee.

Mr. KING. Yes; I understand the mechanism of the matter.

Mr. DILL. The very statement made by the Senator from Maine about the discussion that has been had on the bill and the matter of the differences of opinion on it makes it all the more imperative that the Senate ought to be permitted to read the conference report before we are called upon to vote on it.

Mr. KING. I think the suggestion of the Senator from Washington is a good one, and if I had the power I should object to the consideration of the conference report now and let it lay over until to-morrow, so we might have a chance to read it. I particularly favor that course for the reason that the discussion here this morning indicates that there have been—I shall not say "trades," but there have been negotiations between various persons and groups in order to satisfy conflicting minds. I do not think that is a wise way to legislate. I would like to see what the report contains. If it is a product of any sort of bargaining, we ought to look into it. As a matter of fact, there is too much logrolling in legislation, in river and harbor bills and public buildings bills, until they have been properly denominated pork barrel bills. I shall not discuss it. If I have the right under the rule to ask that the report go over until to-morrow, I shall avail myself of that parliamentary privilege and ask that the report go over until to-morrow.

Mr. LENROOT. Mr. President, before the Senator makes his request, will he yield to me?

Mr. KING. Certainly.

Mr. LENROOT. The Senator intimated there might have been trading and logrolling.

Mr. KING. I said from the discussion here this morning it seemed so.

Mr. LENROOT. Mr. President, I wish to say to the Senator that the only question which was considered in the conference was the question of giving to the Congress itself a larger measure of control of the expenditure of the money. The bill accomplishes that object, and that was really the only matter in issue.

Mr. KING. I ask that the conference report may go over until to-morrow.

The VICE PRESIDENT. It can not go over under the rule.

Mr. FERNALD. Unanimous consent was given for its consideration.

Mr. KING. I did not know that.

Mr. SIMMONS. Mr. President, I do not imagine that there was very much "logrolling" in this controversy. The term "logrolling" is somewhat offensive; and while it might apply to legislation while pending before the two Houses, I do not think it may properly be used in reference to conference reports. Anyone who has served upon conference committees must realize that there is absolutely no way of bringing the minds of the two Houses together in many instances except by mutual compromise, and, as a rule, compromises are not the result of "logrolling" in conference committees.

Mr. FESS. Mr. President, will the Senator yield for a moment?

Mr. SIMMONS. I will.

Mr. FESS. In this particular case there were 12 amendments made to the bill by the Senate, and the House virtually withdrew its opposition to all of them, with one or two exceptions, where there were some modifications of the amendment; in other words, what the Senate provided is almost in toto what is embodied in the conference report. The House Members felt embarrassed in that no concessions were made by the Senate conferees, but that all the concessions were made by them to the Senate conferees. So there was certainly no "logrolling" as between the conferees.

Mr. SIMMONS. From what I had heard about the result of the conference before the statement made by the chairman of the committee and after his statement as to the changes made by the conferees in the bill as passed by the Senate, I think the Senate conferees came out of the conference in a way that ought to be reasonably satisfactory to the Senate.

I think the Senator from Wisconsin [Mr. LENROOT] accurately states the fact when he says that the agreement with reference to the limitation of the powers of the Secretary of the Treasury and increasing the powers and control of Congress is in itself a very valuable thing which the conferees on the part of the Senate accomplished. The agreement in that respect strengthens the control of Congress as to the location of the public buildings to be erected, and, to my mind, more than offsets all of the concessions made by the Senate conferees.

Mr. President, I did not rise so much for the purpose of discussing the conference report as I did to refer to my attitude toward this measure as outlined in the attack which I made upon the bill as it came from the Senate committee, my attitude toward the bill after the Senate had amended it, and my attitude toward it now since it has been further amended by the conference committee.

I could not have voted for the bill as it came to the Senate from the committee. I thought it violated certain fundamental principles of our representative system of government, and I opposed it with all my energy and vigor. The things of which I complained in the remarks which I submitted to the Senate in opposition to the bill were very largely, though not altogether, removed by the amendments made by the Senate, and especially was that true with reference to one of the fundamental objections I made to the bill, namely, the fact that it conferred upon the Secretary of the Treasury broad legislative powers which by right and under the Constitution are lodged in the Senate itself. That objection has been removed, not altogether but chiefly and in a way that is reasonably satisfactory to me. Certain other objections which I then made to the bill were removed by the Senate amendments. While there have been some changes in conference with respect to those amendments, none of the changes are of such consequence and so objectionable that I can not give my assent to the conference report, as I did to the bill after the Senate had finished amending it.

There is one objection, however, that I then urged and which to my mind is of much importance, which has not been removed and could not well be removed either by the Senate or by the conference committee, and that is the utter inadequacy of this bill to supply the business requirements of the Government.

We have authorized no expenditures for the construction of public buildings in this country for 13 years. Those were the 13 most active years in all our history. They were the years in which the United States witnessed a phenomenal and exceptional growth, expansion, and development in every line of its activity. Individual investment realized the necessity of building to meet this expansion, and, as a result, within the past eight years since the close of the war there has been undertaken on the part of private capital a building program that has had no parallel in our history. Billions piled upon billions have been expended by private capital to keep up with the expanding requirements of business, while the Federal Government, whose needs have been just as great as those of private business, whose business has expanded as their business has expanded, whose housing requirements have been increased as their housing requirements have increased, has done nothing to supply this demand. On the contrary, it has been contenting itself with leasing additional housing space for the transaction of its business. While I have not made a calculation or had any calculation made, I am satisfied that the Government during the period to which I refer has been paying in rentals for the buildings and the space which were absolutely necessary to conduct its business at a rate of interest in excess of 12 per cent. The Government can borrow money in the open market for probably 3¼ or 3½ per cent. In my speech I urged that as a matter of business, as a matter of public economy, the Government of the United States ought to follow in the footsteps of private business and ought at once to begin on a broad scale the work of constructing ample accommodations for the facilitation and expedition of its business.

It is true that the Treasury is not in a condition just at this time to meet the vast expenditures which would be necessary to carry out such a program; but, Mr. President, the United States, like private capital, can use its credit. Private capital has provided the necessary housing for the expansion of its business not by using current funds for that purpose, but has accomplished it through the use of credit. The Federal Government can do and should do the same thing. Money expended in the erection of public buildings is not a current expenditure to be charged to expense; it is an investment expenditure.

If it is wise and proper economy on the part of private capital to use its credit in this way, it is more so with reference to the Federal Government. We are issuing bonds for various purposes. Can there be any reason in the world why the Federal Government should not meet the situation that confronts it, a situation that is requiring it to conduct its business in rented buildings at an interest averaging probably over 12 per cent, by erecting its own buildings? Can not the Government meet this situation like private capital has met it and finish the work in a reasonable time? Would not that be wise public policy? If we shall not do that, if each year we shall make only such appropriations as the current revenues of the Treasury will permit, to be paid in cash as the buildings may be erected out of funds in the Treasury raised for current expenses; if we shall persist in this policy of making permanent improvements, improvements in the way of investments, it will be probably, Mr. President, 25 or 30 years before the Government will have anything like the amount of building space which is required to accommodate its business.

Why should we pursue this policy, therefore? I doubt very much—and I think very likely the chairman of the committee will confirm me in that statement—whether the expenditures authorized in this bill will much more than keep up with the annual expansion of the Government's business from now on, leaving the great deficiency that has grown during the 13 years in which we were constructing no buildings at all unprovided for, to be taken care of in the future with appropriations out of money received for current expenses.

That is not the way in which we have met other like business situations. When we decided that we would construct the Panama Canal—up to that time probably the most ambitious project of construction that had been undertaken in the world—when it was said that this country was the only country that was strong enough financially to finance that great project, we recognized that it was a governmental investment; we recognized that it was a business proposition; that to that extent the Government had put itself in business; and instead of undertaking to pay the expenses of that project by annual appropriations we issued bonds for that purpose. Why not meet this situation in the same way, Mr. President? Why not estimate how much money will be required to construct within a year or two all the buildings that are necessary to accommodate the Government's present business and its growth in business

and issue bonds for that purpose? It would not be putting this burden upon future generations any more than this scheme does. Under this scheme it is admitted that probably it will be 20 years from now before we will have finished this work—20 years before we will have sufficient accommodations for our business—and that when the provisions of this bill have expired, when this building program has been completed, if we are to meet the deficiency in construction created by our neglect to build for 13 years, the next appropriation will have to be several times larger than this.

Mr. President, that was one of my fundamental objections to this method of dealing with this problem. I think it is an uneconomical method. I think it is a petty way of dealing with a big business proposition by this Government. But, Mr. President, I realize that it is useless to hope for anything at this session of Congress except this measure, and therefore it resolves itself into the question of whether we will take this or nothing. I should have said nothing for this bill if certain fundamental defects in the scheme, little as it is and insignificant and trifling as it is, had not been remedied; but with those defects largely removed, there being nothing better in sight, I have made up my mind rather reluctantly, and after much hesitation and consideration, to support the measure.

Mr. SWANSON. Mr. President, I agree with the criticism of this bill that the amount appropriated is not sufficient; but the Senators who have indulged in this criticism have overlooked one fact in connection with the agreement that has been reached in the conference report. We require the Secretary of the Treasury and the Postmaster General to send to Congress an estimate and a report as to the places where buildings are needed all over the United States. Where there is a congestion of business, where they think buildings are needed, they present the necessity to Congress, which has not been done heretofore, and then it is left to Congress to determine whether or not they want to have additional appropriations and larger appropriations next year. Consequently, this is a step to get rid of the congested condition which everybody admits exists in the United States in connection with public buildings. That phase of the matter gives it an advantage not now possessed; and when Congress meets in December it will have the information as to where there is congestion and where there is need. Then Congress will be justified in making its appropriations and making a larger schedule for the construction of public buildings.

Mr. McNARY. Mr. President, as I recall, when this bill was before the Senate the amount of money which was to be expended in the various States was based upon three factors—the area, the population, and the postal receipts. I have not, of course, had an opportunity to read the conference report.

Mr. SWANSON. No, Mr. President; if the Senator will permit me, this bill proceeds on this plan: First, the necessity for a building must be ascertained. A conviction must exist in the mind of the Secretary of the Treasury before he sends up the estimates. After he has done that, in making his estimates among the States and submitting them to Congress, he must consider those three facts.

Mr. McNARY. I am only curious to know if the conferees made any change in that plan.

Mr. FERNALD. They made no change in that plan.

Mr. SWANSON. None.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on agreeing to the conference report.

The report was agreed to.

AGRICULTURAL NEW YORK

Mr. COPELAND. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the New York Times of Sunday, May 16, 1926, on "Agricultural New York."

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection? The Chair hears none, and the editorial will be printed in the RECORD.

The matter referred to is here printed, as follows:

Enthusiasts for the open spaces where men are men—and, furthermore, crops are crops—may be surprised to learn that in agriculture New York, reputedly effete, rivals the States of the Corn Belt, and in some respects surpasses them. They should be grieved to learn that, though tilling the soil in close proximity to Wall Street, the farmers of this State excel especially in economic sobriety and integrity. The facts are presented by the American Agriculturist and give evidence of nice discrimination. Figures for income "represent cash received." Thus hay consumed in the barn does not appear as income except as derived from milk and butter. "In the Middle West, where corn is the major crop, it is usually entered twice—once as corn and again as livestock." So says the Brookville Economic Service, which dug out and vouches for the statistics.

In the value of its hay crop, $21,000,000, New York leads all other States, California being distinctly second. In dairy products it is a close second to Wisconsin and well ahead of Illinois. In fruits and vegetables combined it is a rather bad second to California, but ahead of Florida. In the apple crop it is second to Washington, but well ahead of California. The value of its dairy products is $178,000,000 and of its combined fruits and vegetables $88,000,000—these being its leading crops. In potatoes ($22,000,000) it is second to Maine. In cattle for slaughter it ranks behind nine States of the Corn Belt, but even so it is ahead of Wisconsin, its rival in dairy products. All this gains significance from the fact that in number of farms New York ranks fourth. The farm acreage does not appear, but is relatively low. In farm population it ranks ninth. Yet in "total available farm cash income" New York ranks sixth, preceding the great Corn Belt States of Nebraska, Missouri, Wisconsin, and Indiana.

Far handsomer than being is doing. New York's tenant farmers are relatively few, the number of owner-operated farms being distinctly greater only in Ohio and Missouri and, by an eyelash, in Wisconsin. While its farm taxes and interest payments have doubled since 1909, those in the Corn Belt (interest being largely on mortgages) have trebled. Wall Street itself has little or nothing on the speculations that Corn Belt farmers permitted themselves during the land boom of 1918 and 1919. In "income and purchasing power" the "average New York farmer" has never lost the whole of what he gained during the war; and in 1923 and 1925 he actually topped the peak of 1918, being now some 35 per cent above his pre-war mean. The five central Corn Belt States, financial wild cats of the open spaces, found themselves in 1921 with only 65 per cent of their pre-war income and purchasing power and did not struggle up to that par until 1924 and 1925. True, there are reasons for all this which are not personal to our farmers. The dairy industry, which is the backbone of our agriculture, is rendered stable by the proximity of great cities with their persistent need of being fed. The nation-wide increase in freight rates has borne more heavily upon western farmers. A New York orchardist can ship a hundred pounds of fruit to the metropolis for an average of 25.7 cents, as against $1.50 from the orchards of the Pacific coast.

Yet the fact remains that New York stands in the very front rank in the value of its agricultural produce, is gaining notably on the Middle West in "total available farm cash income," and leads the Nation in its stability and its "purchasing power per farm."

NATIONAL-BANK BRANCHES

Mr. JONES of Washington. Mr. President, on Friday I entered a motion to reconsider the votes by which the banking bill (H. R. 2) was passed. I have talked to several members of the committee, and I am inclined to think that the matter I have in mind can be taken care of in conference, so I withdraw my motion to reconsider the votes by which that bill was passed.

CLAIMS ARISING FROM SINKING OF THE "NORMAN"—FORTER BROS. & BIFFLE AND OTHERS

Mr. KING. Mr. President, Senate bill 2273 and Senate bill 4030 were passed a few days ago. The time for moving to reconsider has not expired, and I enter a motion to reconsider the votes by which each of those bills was passed, and that the House be requested to return them, if they have been transmitted to the House.

Mr. WILLIS. What are the bills? We were unable to hear the Senator.

Mr. KING. The bills are bills which send to the district court actions for tort against the United States. We are considering that question in a subcommittee, and we have been holding them up all this session. They were passed a few days ago.

Mr. WILLIS. What is the request of the Senator?

Mr. KING. I am just moving to reconsider the votes whereby the bills were passed.

Mr. WILLIS. Does the Senator desire to transmit to the House a message requesting the return of the bills?

Mr. KING. Oh, to be sure.

Mr. MAYFIELD. Mr. President, I should like to ask the Senator to explain his motion fully.

Mr. KING. My motion is to reconsider the votes by which the tick bill which was reported by the Senator from Oklahoma [Mr. HARRELD] was passed, and the bill of the Senator from Tennessee [Mr. MCKELLAR] providing that actions for injuries to certain persons should be tried before the district court. I have heretofore objected to those bills because the whole matter was before a subcommittee which was seeking to work out a plan to deal with the subject, and these bills were a departure from the plan which heretofore has been followed by the Government. I am just moving to reconsider; that is all.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah, which the Chair understands to be

that the House be requested to return to the Senate Senate bill 2273 and Senate bill 4030; and the Senator hereby gives notice of a motion to reconsider, to be made after the bills have been returned to the Senate.

Mr. KING. I enter the motion in each case.

Mr. MAYFIELD. When will the motion be voted on?

Mr. KING. The motion to request the House to return the bills can be voted on at the present time.

Mr. MAYFIELD. I should like the Senator to state when he expects to have the motion to reconsider voted on.

Mr. KING. At any time when we take up the calendar—tomorrow or next day.

Mr. EDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey will state his parliamentary inquiry.

Mr. EDGE. The request is that the Secretary state the title of each bill.

Mr. KING. One bill was introduced by the Senator from Oklahoma [Mr. HARRELD] in regard to bringing a suit for the destruction of cattle, and the other was to authorize actions for tort to be brought in the district court.

Mr. MAYFIELD. Mr. President, I think the Senator will appreciate this suggestion: I do not think we ought to have a vote on this question in the absence of the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Oklahoma [Mr. HARRELD].

Mr. KING. I have entered the motion. We are not going to decide the matter now.

The PRESIDING OFFICER. Does the Senator object to the consideration of the motion at this time?

Mr. CURTIS. Mr. President, what is the question?

The PRESIDING OFFICER. The Senator from Utah has asked unanimous consent that the House be requested to return to the Senate Senate bills 2273 and 4030, and has given notice of his intention to make a motion to reconsider the votes whereby the bills were passed.

Mr. CURTIS. Has the routine morning business been concluded yet?

The PRESIDING OFFICER. It has not.

Mr. CURTIS. I ask that the routine morning business be concluded first.

Mr. KING. I have entered the motion anyway.

The PRESIDING OFFICER. Are there further concurrent or other resolutions?

Mr. KING. Mr. President, I simply enter a motion to reconsider in each of those cases. I can do that.

The PRESIDING OFFICER. The motion will be entered.

Mr. LENROOT. Mr. President, if the motion is entered, the rule requires that there be an immediate vote on the question of returning the bills.

Mr. ASHURST. That is right.

The PRESIDING OFFICER. The point of order is well taken.

Mr. BRATTON. Mr. President, is the motion of the Senator from Utah pending now?

Mr. KING. I have just entered the motion.

The PRESIDING OFFICER. The Senator from Utah having given notice of a motion to reconsider the votes whereby these bills were passed, under the rule a motion to request the House to return the bills is in order and is not debatable.

Mr. MCKELLAR. Mr. President, may I ask what the status of the matter is?

Mr. KING. I am moving to reconsider the votes on the bill which the Senator put through the other night during my absence, and to which I objected.

Mr. MCKELLAR. And which I notified the Senator I would put through, if I could, at any time that I could.

Mr. KING. I understand. I have no objection.

Mr. MCKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Heflin	Neely
Bayard	Edge	Howell	Norbeck
Bingham	Edwards	Johnson	Norris
Blease	Ernst	Jones, N. Mex.	Nye
Borah	Fernald	Jones, Wash.	Oddie
Bratton	Ferris	Kendrick	Overman
Broussard	Fess	Keyes	Phipps
Bruce	Frazier	King	Pine
Butler	Gillett	La Follette	Pittman
Cameron	Glass	Lenroot	Ransdell
Caraway	Goff	McKellar	Robinson, Ark.
Copeland	Gooding	McMaster	Robinson, Ind.
Couzens	Hale	McNary	Sackett
Curtis	Harreld	Mayfield	Sheppard
Dale	Harris	Means	Shipstead
Deneen	Harrison	Metcalf	Shortridge
Simmons	Stephens	Underwood	Weller
Smoot	Swanson	Walsh	Wheeler
Stanfield	Trammell	Warren	Williams
Steck	Tyson	Watson	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. KING. Mr. President, I withdraw my motion for the present, but I give notice that later during the day—and I want to say this to the Senator from Oklahoma [Mr. HARRELD] and the Senator from Tennessee [Mr. MCKELLAR]—I shall enter a motion and ask for a reconsideration of the votes. I withdraw the motion for the present.

Mr. MCKELLAR. Will the Senator ask for a vote this afternoon?

Mr. KING. Whatever the parliamentary rule provides.

Mr. HARRELD. Did I understand the Senator to say that he withdraws the motion for a reconsideration of the vote by which the bill was passed?

Mr. KING. For the present. I give notice that I shall press the matter later on in the afternoon.

ADJUSTMENT OF WATER RIGHTS

Mr. PHIPPS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 10429, the reclamation adjustment bill. The report on this bill has been read, and I do not think the consideration of the measure will lead to any debate.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill. I think there should be an explanation of its provisions, however.

Mr. PHIPPS. The report and the bill in its amended form are both printed.

The PRESIDING OFFICER. Does the Senator from Arkansas object to the immediate consideration of the bill?

Mr. ROBINSON of Arkansas. No; I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10429) to adjust water right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with amendments.

Mr. PHIPPS. May I ask the Senator from Arkansas if he desires to have the report read again?

Mr. ROBINSON of Arkansas. No; I do not.

Mr. PHIPPS. The amendments that have been made by the Senate committee do not change the real purpose and intent of the bill as it passed the House. Clerical corrections were necessary in the figures, as mistakes had been made in the tabulations. Aside from that, there are three or four minor corrections, and two amendments have been submitted that have the effect of taking care of special cases where the problems on two reclamation projects have not yet been developed to the point where the most efficient and the best method to handle them can be determined.

The bill in its main purpose, of course, as the Senate well understands, is to clear up the situation on several reclamation projects where money was unwisely expended in developments that have proven failures, where the money came from the reclamation fund. This bill does not take any money out of the United States Treasury, but it gives a credit, so that the amounts which have been expended unwisely will not continue to be charged against the settlers on the projects.

A clean-up is made so that the Government may be assured that the projects from this time on will go forward and make good. The people on the land can and will meet and pay the construction charges, together with the operation and maintenance charges.

I suggest that the clerk report the amendments.

Mr. TRAMMELL. Mr. President, may I ask the Senator whether the amount of the deductions provided for in the bill is a charge off?

Mr. PHIPPS. It is a charge off.

Mr. TRAMMELL. On the different projects represented?

Mr. PHIPPS. That is correct.

Mr. TRAMMELL. Has that money already been expended?

Mr. PHIPPS. That money has been expended.

Mr. TRAMMELL. It has been expended by the Federal Government?

Mr. PHIPPS. By the Federal Government, out of the reclamation fund, and in seeking to recover from the settlers it was found that expenditures were made unwisely, largely through faulty administration, and that it is not possible to make the land repay these amounts.

Mr. TRAMMELL. It represents a loss to the Federal Government and a contribution to the reclamation projects involved, does it not?

Mr. PHIPPS. It represents losses that must be cared for out of the reclamation fund. That reclamation fund, as the Senator knows, is made up of receipts from royalties in the development and production of oil, the mining of coal, and other things in the public-land States.

Mr. TRAMMELL. But these Federal funds belonged to the United States Government.

Mr. PHIPPS. The money never went into the Treasury of the United States.

Mr. TRAMMELL. But it belonged to the United States Government?

Mr. PHIPPS. Yes; it may be looked upon as Federal money in a sense.

Mr. TRAMMELL. What is the total amount of the charge off?

Mr. PHIPPS. Just a little over $14,000,000.

Mr. TRAMMELL. That has been contributed to these arid-land reclamation projects, and is now considered a loss to the Government?

Mr. PHIPPS. That is correct.

Mr. TRAMMELL. I think, as far as making the adjustment with the property owners is concerned, they should not carry the loss; but I wanted to ascertain how much the Government had lost on those projects.

Mr. PHIPPS. That is correct.

Mr. PITTMAN. Mr. President, I want to concur in the statement of the Senator from Colorado. There was a fact-finding commission appointed by the Department of the Interior, consisting of seven men, I think, representing different occupations—engineers, geologists, soil experts, reclamationists—who went to all these reclamation projects for the purpose of examining into the condition of the projects, to ascertain whether or not the settlers on the projects were being justly treated by the Federal Government. They found that they had not been justly treated. They found that through errors of the Government these extra charges had been made. Therefore they recommended that the charges go off. That is the way it stands at the present time.

Mr. TRAMMELL. Mr. President, I am not complaining of the charge off of any legitimate allowances that should not properly be assessed against the property owners. I did not mean to indicate that by my interrogatory. I think, of course, it is very proper that they should not have to carry the burden of some mistakes made in the operation of these undertakings.

The PRESIDING OFFICER. The Clerk will state the amendments.

The CHIEF CLERK. On page 14, line 14, strike out "$4,396,709" and insert "$3,315,136"; on page 15, line 4, strike out "$196,575" and insert "$155,465"; on page 20, after line 26, insert "(Garland Division)"; on page 27, line 6, strike out the word "permanently" and insert the word "temporarily"; on page 33, line 10, strike out the period and insert a colon and the words "*Provided further*, That in the execution of any contract provided for in the last proviso the Secretary of the Interior shall have authority to arrange for payment of construction charges by any project or division for the calendar years 1926, 1927, and 1928 in proportion to the state of development of the project in those years: *Provided further*, That the Secretary of the Interior is authorized to complete and execute the supplemental contract now being negotiated, and which has been approved as to form by the Secretary, between the United States and the Belle Fourche irrigation district and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said district in accordance with the terms of said supplemental contract."; on page 33 strike out, in lines 24 and 25, and line 1 on page 34, the words "No part of any sum hereafter appropriated for any new project or new division of a project shall be expended for construction purposes," and insert the words "No water shall be delivered upon the completion of any new project or new division of a project," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered and directed to make, under subsection K, section 4, act of December 5, 1924 (43 Stat. L. p. 701), in connection with the irrigation projects hereinafter named, adjustment of water-right charges standing upon the records of said projects as of June 30, 1925, as follows:

BELLE FOURCHE PROJECT, SOUTH DAKOTA

SEC. 2. There shall be deducted from the total cost of said project the following sums:

(1) Three hundred and fifty-five thousand eight hundred and nine dollars or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One thousand two hundred and eight acres permanently unproductive because of topography steep and rough heretofore eliminated;

(b) Six thousand eight hundred and ninety-seven acres permanently unproductive because of topography steep and rough; based on present land classification.

(2) One hundred and nineteen thousand six hundred and six dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

(3) Twelve thousand and thirty-six dollars on account of error or mistake representing Johnson Creek lateral storage investigations and Nine Mile location surveys as shown on page 14 of House Document No. 201, Sixty-ninth Congress, first session.

SEC. 3. All payments upon construction charges shall be suspended against the following lands:

(a) Ten thousand five hundred acres temporarily unproductive for lack of fertility in the soil, seepage, and excessive alkali salts;

(b) Six thousand eight hundred and ninety-five acres, Willow Creek lands awaiting further developments, temporarily unproductive;

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 14 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

BOISE PROJECT, IDAHO

SEC. 4. All payments upon construction charges shall be suspended against the following lands:

(a) Two thousand nine hundred and ninety acres, Arrowrock division, temporarily unproductive for lack of fertility in the soil and being water-logged;

(b) Four hundred and eight acres, Arrowrock division, Nampa and Meridian district, temporarily unproductive for lack of fertility in the soil, being water-logged;

(c) Two thousand six hundred and fifty acres, Arrowrock division, temporarily unproductive because of light, sandy soil that blows easily;

(d) Three hundred and eighty-eight acres, Arrowrock division, temporarily unproductive because of porous soil difficult to irrigate.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 15 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

CARLSBAD PROJECT, NEW MEXICO

SEC. 5. There shall be deducted from the total cost of the said project the sum of $374,885.69 on account of error and mistake in providing for additional storage in Lake McMillan reservoir as follows:

(1) Acquisition of flowage rights required for additional storage, rights of way, and expenses incidental thereto, $164,383.62.

(2) For additional and incidental construction required for said additional storage, $210,502.07 as follows:

(a) Preliminary surveys, etc., $6,718.62.

(b) Extra dam construction, $89,153.13.

(c) Holes in reservoir bottom, $2,379.52.

(d) Spillway No. 1, $49,549.80.

(e) Spillway No. 2, $62,701.

SEC. 6. All payments upon construction charges shall be suspended against the following lands: One thousand and five acres temporarily unproductive for lack of fertility in the soil because of seepage and alkalinity; all as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 17 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

GRAND VALLEY PROJECT, COLORADO

SEC. 7. There shall be deducted from the total cost of said project the following sums:

Seven hundred and sixty thousand six hundred and twenty-eight dollars, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) Nine thousand one hundred and seven acres permanently unproductive for lack of fertility in the soil, shallow soil, alkalinity, and unfavorable topography;

(b) One thousand six hundred and fifty acres, west end extension, permanently unproductive because of unfavorable topography, shallow soil, and alkalinity.

SEC. 8. When construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Seven thousand one hundred and fifty acres temporarily unproductive for lack of fertility in the soil, seepage, and alkalinity;

(b) Eleven thousand eight hundred and sixty-three acres of productive lands temporarily unproductive because no construction thus far of the Garfield pumping division, or of the Loma siphon land extension, or any other means of reclaiming the same, and there being no present demand for these unirrigated lands.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 19 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, said document.

HUNTLEY PROJECT, MONTANA

SEC. 9. There shall be deducted from the total cost of said project the following sums:

(1) Forty-six thousand nine hundred and eighty-seven dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres, Pryor division, permanently unproductive because eroded and marginal to the river;

(b) Four hundred and twenty-seven acres, Eastern and Fly Creek divisions, permanently unproductive for lack of fertility in the soil.

(2) Eighty-one thousand three hundred and fifty-four dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

The Secretary is further directed to assume as a definite loss such sums as in his judgment may be just and proper in connection with moneys expended for experiments with reclamation on alkali lands, and costs in excess of contracted returns, such total not to exceed $41,000.

SEC. 10. All payments upon construction charges shall be suspended against the following lands:

(a) Eleven thousand one hundred and seventy acres, Pryor division, temporarily unproductive, being gumbo and alkali soil;

(b) One thousand three hundred and thirty-six acres, Pryor division, temporarily unproductive, being private lands, unpledged;

(c) Nine hundred and seventy acres, Eastern and Fly Creek divisions, temporarily unproductive, seeped.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the table on page 21 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

KING HILL PROJECT, IDAHO

SEC. 11. There shall be deducted from the total cost of said project the following sum:

(1) Five hundred and thirty-one thousand nine hundred and fifty-eight dollars, or such amounts as represent actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Seven hundred and ten acres, permanently unproductive, being not susceptible of improvement because of lack of fertility in the soil;

(b) Three thousand seven hundred and sixty-four acres on account of inadequate water supply, porous soil, and gravelly subsoil.

SEC. 12. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand eight hundred and ninety-eight acres, on account of probably insufficient water supply, porous soil, and sandy and porous subsoil;

(b) Five hundred and sixteen acres included in town sites and suspended areas.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the table on page 23 of said Document 201, checked and modified as outlined in "General recommendations" numbered 2 and 4, page 60 of said document.

KLAMATH PROJECT, OREGON

SEC. 13. There shall be deducted from the total cost of said project the following sum:

(1) One thousand five hundred and eighty-seven dollars, or such amounts as may be actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Thirty-eight acres main divisions, Klamath irrigation district, permanently unproductive for lack of fertility in the soil.

SEC. 14. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred and seventeen acres, main division, Klamath irrigation district, temporarily unproductive for lack of fertility in the soil;

(b) One hundred and twenty-nine acres, Horsefly irrigation district, temporarily unproductive for lack of fertility in the soil;

(c) Eighty-three acres, Langell Valley irrigation district, temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments, as shown in the table on page 27 of said Document 201, as checked and modified as recommended in "General recommendations" numbered 2 and 4, page 60 of said Document 201.

SEC. 15. The Secretary is further authorized and directed, when announcement is made of the construction charges for the Tule Lake division of this project, to take into consideration the recommendation of the board on page 26 of said Document 201 that a loss to the reclamation fund will ultimately ensue on this division, and also a probable loss of $34,000 from lands of the Horsefly irrigation district by reason of the construction of the Gerber Reservoir, and he is further authorized and directed to deduct from the cost of said division the sum of $234,407, as recommended by the board of survey and adjustments on page 26 of said document, and to fix and allocate the construction cost per acre in accordance with the findings and recommendations of the said board on page 26 of said document. The construction charge against the area in this division now under contract shall also be adjusted accordingly: *Provided*, That the construction charges shall in no event exceed a just and equitable charge against the Tule Lake division based on the value of water for irrigation under the economic conditions prevailing, notwithstanding such charges may not return the full cost of construction.

SEC. 16. Nothing in this act shall be held to affect or prejudice the claims of the Klamath irrigation district or the State of Oregon in any suit or action now or hereafter instituted to set aside that certain contract between the United States and the California-Oregon Power Co. dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States of the so-called Ankeny and Keno Canals and the lands embraced in the rights of way thereof in the year 1923 to the said California-Oregon Power Co.

LOWER YELLOWSTONE PROJECT, MONTANA-NORTH DAKOTA

SEC. 17. There shall be deducted from the total cost of said project the following sum:

(1) Three hundred and eighty-two thousand two hundred and fifty-four dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and seventy-four acres permanently unproductive on account of right of way of the Great Northern Railway.

(b) Seven hundred and eighty-eight acres permanently unproductive, embracing town site.

(c) Six thousand and seventy-seven acres on account of error in original estimate of irrigable area.

SEC. 18. All payments upon construction charges shall be suspended against the following lands:

(a) Five hundred acres temporarily unproductive because of damage by erosion.

(b) Two thousand eight hundred acres temporarily unproductive because water-logged.

(c) Seven thousand one hundred and eighty-eight acres temporarily unproductive because of forest covering and rough topography.

(d) Three hundred and thirteen acres temporarily unproductive because located in United States reserves.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the table on page 28 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

MILK RIVER PROJECT, MONTANA

SEC. 19. There shall be deducted from the total cost of said project the following sums:

(1) One hundred thousand nine hundred and seventy-eight dollars, or such an amount as represents the construction costs as found by the Secretary of the Interior against the following lands:

(a) One thousand seven hundred and seventy acres permanently unproductive for lack of fertility in the soil.

(2) One hundred and forty-five thousand and fifty-four dollars on account of error or mistake, representing unused St. Mary East Canal and measuring St. Mary waters as shown on page 31 of said Document 201.

(3) Nine hundred and twenty-nine thousand two hundred and twelve dollars, major work unused as shown on page 31 of said Document No. 201.

(4) Seven hundred and thirty-five thousand nine hundred and forty-five dollars, major and minor works unused as shown on page 31 of said Document No. 201.

SEC. 20. When the construction charges are announced for the productive lands of the project all payments of construction charges shall be suspended against the following lands:

(a) Twenty-three thousand five hundred acres temporarily unproductive for lack of fertility in the soil.

(b) Nine thousand four hundred and thirty acres temporarily unproductive because of inadequate storage and refractory soils.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and shown in the table on page 31 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

MINIDOKA PROJECT, IDAHO

SEC. 21. There shall be deducted from the total cost of said project the following sum:

(1) Nine thousand one hundred and seventy two dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) One hundred and seventy-eight acres, Gravity division, permanently unproductive for lack of fertility in the soil.

(b) Thirty-eight acres, South Side pumping division, permanently unproductive for lack of fertility in the soil and impregnated with alkali.

SEC. 22. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand six hundred and thirty-four acres, Gravity division, temporarily unproductive because water-logged and for lack of fertility in the soil.

(b) Nine hundred and twenty acres, Gravity division, temporarily unproductive because of inadequate water supply and of porous soil.

(c) Five hundred and twenty-five acres, Gravity division, temporarily unproductive because of "blow soil."

(d) One hundred and ninety-seven acres, South Side pumping division, temporarily unproductive for lack of fertility in the soil and because water-logged.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the table on page 33 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

NEWLANDS PROJECT, NEVADA

SEC. 23. There shall be deducted from the total cost of said project the following sums:

(1) Three million three hundred and fifteen thousand one hundred and thirty-six dollars, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and four acres permanently unproductive for lack of fertility in the soil.

(b) Fifty thousand acres on account of inadequate water supply; major works unused.

(c) Thirty-two thousand five hundred and eighty-two acres on account of inadequate water supply; major and minor works unused.

(2) One hundred and thirty-nine thousand six hundred and eighty-seven dollars for operation and maintenance deficit prior to reclamation extension act of 1914:

(3) Eighty-two thousand two hundred and twenty-one dollars, Truckee River water-right adjudication;

(4) Seventy-one thousand six hundred and five dollars expense pumping at Lake Tahoe and Truckee Canals, less amount recovered from sale of power;

(5) One hundred and fifty-five thousand four hundred and sixty-five dollars on account of error or mistake covering various items due chiefly to lesser irrigable area than contemplated;

(6) Eight hundred and eighty-four thousand nine hundred and ninety-eight dollars on account of error or mistake, being aggregate shortage of returns because of low acre charges in the early contracts, allowing also for surcharge on 934 acres of land.

SEC. 24. All payments upon construction charges shall be suspended against the following lands:

(a) Four thousand four hundred and fourteen acres temporarily unproductive for lack of fertility in the soil;

(b) Ten thousand six hundred and ninety-four acres public and private lands uncontracted at present.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the table on page 37 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

NORTH PLATTE PROJECT, NEBRASKA-WYOMING

SEC. 25. There shall be deducted from the total cost of said project the following sums:

INTERSTATE DIVISION

(1) Thirty-six thousand two hundred and fifty dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Five hundred and thirty-two acres permanently unproductive for lack of fertility in the soil.

(2) Twenty-three thousand seven hundred and fifty-one dollars and fifty-nine cents on account of error or mistake in charging the cost of secondary investigations to this division.

FORT LARAMIE DIVISION

(1) Twenty-two thousand six hundred and eighty dollars on account of error or mistake in charging the cost of secondary investigations to this division.

NORTHPORT DIVISION

(1) Three thousand four hundred and twenty-five dollars on account of error or mistake in charging the cost of secondary investigations to this division.

SEC. 26. All payments upon construction charges shall be suspended against the following lands:

INTERSTATE DIVISION

(a) Twenty-five thousand three hundred and ninety-nine acres temporarily unproductive for lack of fertility in the soil, being partly seeped and partly blow sand;

(b) Five hundred and fifteen acres temporarily unproductive, being unclassified land.

FORT LARAMIE DIVISION

(a) Seven thousand six hundred and sixty-five acres temporarily unproductive for lack of fertility in the soil.

NORTHPORT DIVISION

(a) Two thousand five hundred and fifty-five acres temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and as shown in the tables on pages 39 and 40 of said Document 201, as revised and as checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

OKANOGAN PROJECT, WASHINGTON

SEC. 27. There shall be deducted from the total cost of said project the following sums:

(1) Two hundred and twenty-seven thousand seven hundred and eighty-three dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand three hundred and fifty-four acres permanently unproductive on account of sandy soil;

(b) Six acres, Duck Lake feeder canal right of way, permanently unproductive on account of other physical causes.

(2) Four hundred and ninety-two thousand nine hundred and seventeen dollars on account of error or mistake in charging the cost of examination, surveys, construction, and purchase in connection with the following items: Colville extension, power plants Nos. 1 and 2, Salmon Lake Reservoir, power plant No. 3, transmission line, pumping plant at Riverside, and sandy land water rights.

SEC. 28. All payments upon construction charges shall be suspended against the following lands:

(a) Fifty-seven acres temporarily unproductive because of sandy soil;

(b) Twenty-nine acres temporarily unproductive because of seepage.

SEC. 29. The sum of $89,708.22, representing the total cost of works described below, shall be suspended and treated as a probable loss until the question of a permanent project water supply is settled, and if such works are then abandoned the Secretary of the Interior is authorized to deduct the sum named from the total cost of the project. The works are (1) Robinson Flat pumping plant, (2) Duck Lake pumping plant, (3) Salmon Lake pumping plant, (4) Government wells Nos. 1 and 2, and (5) private wells and pumping plant.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments, as shown in the tables on page 42 of said Document 201, subject to checking and modification as recommended in "General recommendations" Nos. 2 and 4, on page 60 of said document.

RIO GRANDE PROJECT, NEW MEXICO-TEXAS

SEC. 30. There shall be deducted from the total cost of said project the following sum:

(a) Thirty-one thousand six hundred and sixty-one dollars and thirty-five cents on account of error or mistake in charging the costs of the following items against said project: Operation and maintenance deficit (El Paso County water improvement district No. 1); Farm unit survey, Leasburg division (Elephant Butte irrigation district), 50 per cent of $14,530; Palomas Valley, farm unit survey; Palomas Valley, canal survey; Palomas Valley, flood protection and drainage; Palomas Valley, percentage cost of general investigations charged; San Luis Valley, drainage investigations.

All as shown in the table on page 45 of said Document 201 as revised and subject to checking and modification as recommended in "General recommendations" on pages 60 and 61 of said document.

(b) The Secretary of the Interior is hereby authorized to credit on the contract dated January 17, 1920, as supplemented by contract of October 12, 1922, between the United States and the El Paso County water improvement district No. 1, the sum of $350,000, or such portion thereof as in the opinion of the Secretary of the Interior may be necessary and is actually expended in the investigation and construction of necessary works to be built at the expense of said district as a part of the Rio Grande project for the protection of its water supply encroached upon by diversions made from the Rio Grande for use in Mexico. The amounts expended by said district shall be credited upon the said contracts of January 17, 1920, and October 12, 1922, between the United States and the district to the extent of construction charges payable annually by the district to the United States under the contracts mentioned, the first credit to be applied the year in which the funds, or a portion thereof, within above limitation, are expended. Thereafter such credits shall continue until all cost so incurred by the district shall have been absorbed. During the years credits are so

applied no payments shall be required on the part of said district under its contracts mentioned. The total indebtedness under said contracts shall be reduced to the extent of expenditures made hereunder.

SHOSHONE PROJECT, WYOMING-MONTANA

SEC. 31. There shall be deducted from the total cost of said project the following sums:

(1) One million six hundred seventy-seven thousand six hundred and thirty dollars, or such amount as represents actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four thousand and eleven acres, Garland division, permanently unproductive for lack of fertility in the soil;

(b) Eighteen thousand three hundred and twenty-four acres, Frannie division, permanently unproductive for lack of fertility in the soil.

(2) (a) Twenty-one thousand three hundred and seventy-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914 (Garland division).

(b) Sixteen thousand six hundred and sixty-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914 (Frannie division).

SEC. 32. All payments upon construction charges shall be suspended against the following lands:

(a) Three thousand seven hundred and nine acres, Garland division, temporarily unproductive for lack of fertility in the soil;

(b) Three thousand three hundred and fifty-three acres, Frannie division, temporarily unproductive for lack of fertility in the soil.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 47 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

(c) Five hundred and twenty-four acres on account of having been abandoned.

SUN RIVER PROJECT, MONTANA

SEC. 33. There shall be deducted from the total cost of said project the following sums:

(1) Seventy-nine thousand six hundred and forty-nine dollars, or such amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Nine hundred and sixty-two acres, Fort Shaw division, permanently unproductive for lack of fertility in the soil, nonirrigable and nonarable;

(b) One hundred and five acres, Fort Shaw division, permanently unproductive because inaccessible by erosion and floods;

(c) One thousand two hundred and thirty-three acres, Fort Shaw division, permanently unproductive because flooded and eroded.

(2) Eleven thousand seven hundred and thirty-four dollars because of error or mistake on account of adjustment losses.

(3) Thirty-four thousand one hundred and forty-eight dollars, operation and maintenance deficit prior to the reclamation extension act of 1914.

SEC. 34. All payments upon construction charges shall be suspended against the following lands:

(a) Two thousand five hundred and eighteen acres, Fort Shaw division, temporarily unproductive, subscribed; water-logged;

(b) One thousand two hundred and ninety-two acres, Fort Shaw division, temporarily unproductive, unentered, and unsubscribed.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and as shown in the table on page 49 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60, of said document.

UMATILLA PROJECT, OREGON

SEC. 35. There shall be deducted from the total cost of said project the following sums:

EAST DIVISION

(1) Four hundred and ninety thousand three hundred and ninety dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Two thousand five hundred and seventy five acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement;

(b) Two thousand two hundred and fifty-five acres permanently unproductive because of porous soil, gravelly subsoil.

(2) Three hundred and eighty-eight thousand four hundred and forty-eight dollars on account of error or mistake—excluded from district repayments on account of faulty construction.

(3) Sixteen thousand seven hundred and eleven dollars on account of error or mistake; loss on Hermiston district lands.

(4) Ninety-one thousand and eighty-three dollars on account of operation and maintenance deficit prior to reclamation extension act of 1914.

WEST DIVISION

(1) Five thousand seven hundred and three dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Fifty-nine acres permanently unproductive for lack of fertility in the soil, not susceptible of improvement.

(2) Two hundred and fifty-two dollars on account of error or mistake representing shortage of contracted return from 54 acres under water-right applications.

(3) The water rights formerly appurtenant to all permanently unproductive lands on the Umatilla project shall be available to the remaining lands without added cost to the water users.

SEC. 36. All payments upon construction charges shall be suspended against the following lands:

EAST DIVISION

(a) Six hundred and ten acres temporarily unproductive for lack of fertility in the soil because of water-logging;

(b) Five hundred and thirty acres representing in amount $37,100 and described as probable loss on Hermiston district lands.

WEST DIVISION

(a) Three thousand four hundred and twenty-two acres temporarily unproductive because of inadequate water supply;

(b) Five hundred and ninety-five acres temporarily unproductive because of water-logging.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments, as shown in the tables on page 52 of said Document 201, as revised and as checked and modified as recommended in "General recommendations" Nos. 2 and 4, on page 60 of said document.

UNCOMPAHGRE PROJECT, COLORADO

SEC. 37. There shall be deducted from the total cost of the said project the following sums:

(1) One million three hundred and eighteen thousand and fifty-six dollars, or such as amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

(a) Four hundred and thirty-nine acres permanently unproductive for lack of fertility in the soil;

(b) Twenty-four thousand nine hundred and eighteen acres permanently unproductive because of an inadequate water supply.

(2) Forty-seven thousand three hundred and seventy-one dollars on account of error or mistake representing deductions recommended and covered in contract of May 7, 1918, between the United States and the Uncompahgre Valley Water Users' Association. The total thus to be deducted from the project cost shall be charged off as a permanent loss to the reclamation fund.

SEC. 38. All payments upon construction charges shall be suspended against the following lands:

(a) Seventeen thousand acres temporarily unproductive because water-logged;

(b) Five thousand six hundred and twenty-nine acres temporarily unproductive because of rolling and uneven topography;

(c) Five thousand acres temporarily unproductive because of alkalinity;

(d) The water rights formerly appurtenant to the permanently unproductive lands shall be available to the remaining land on said project without added cost to the water users, because of the Gunnison Tunnel not yet being completed and there being an inadequate water supply.

All as shown by classification heretofore made under the supervision of the Board of Survey and Adjustments and shown in the table on page 55 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

YAKIMA PROJECT, WASHINGTON

SEC. 39. There shall be deducted from the total cost of said project the following sum:

Three thousand and sixty-eight dollars, or such an amount as represents the actual construction charges as found by the Secretary of the Interior against the following lands:

Fifty-nine acres, Sunnyside division, permanently unproductive because of shallow soil overlying rock.

SEC. 40. All payments upon construction charges shall be suspended against the following lands:

(a) One thousand eight hundred and forty-nine acres, Sunnyside division, temporarily unproductive, being either water-logged, alkalied, rough, steep, shallow soil overlying hardpan, or difficult to subdue.

(b) Three thousand and thirty-two acres, Tieton division, temporarily unproductive because of shallow, poor soil with rough topography.

All as shown by classification heretofore made under the supervision of the board of survey and adjustments and shown on page 57 of said Document 201, checked and modified as outlined in "General recommendations" Nos. 2 and 4, page 60 of said document.

ADMINISTRATIVE PROVISIONS

SEC. 41. All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided,

the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

SEC. 42. The construction charges heretofore paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 44 of this act. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in section 44 hereof, the total construction charges heretofore paid, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

SEC. 43. The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin, as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this act.

SEC. 44. Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence, improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided*, That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of 160 acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is hereby authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided further*, That the rights extended under this section shall not be assignable: *And provided further*, That in administering the provisions of this section and section 42, the Secretary of the Interior shall take into consideration the rights and interests of lien holders, as to him may seem just and equitable: *Provided further*, That where two entrymen apply for the same farm unit under the exchange provisions of this section, only one of whom is an ex-service man, as defined by the joint resolution of January 21, 1922 (42 Stat. p. 358), the ex-service man shall have a preference in making such exchange.

SEC. 45. The Secretary of the Interior is hereby authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of this act, upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by this act.

The Secretary is authorized, in his discretion, upon request of individual water users or districts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not then accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than 40 years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance or water rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid.

The Secretary is further authorized, in his discretion, to grant the relief provided for in section 4, act of December 5, 1924 (43 Stat. L. p. 701), to any of the projects mentioned in this act, without requiring such project to take over the care, operation, and maintenance of the project works.

The decision of the Secretary as to the necessity for amending any such contract shall be conclusive: *Provided*, That nothing in this act shall prevent the execution of any contract heretofore negotiated or in connection with which negotiations have been heretofore opened in good faith, or which may be hereafter opened in good faith under the act approved December 5, 1924 (43 Stat. L. p. 701), and which shall be executed on or before January 1, 1927, unless the water users affected elect to have the contract governed by this section: *Provided further*, That in the execution of any contract provided for in the last proviso, the Secretary of the Interior shall have authority to arrange for payment of construction charges by any project or division for the calendar years 1926, 1927, and 1928 in proportion to the state of development of the project in those years: *Provided further*, That the Secretary of the Interior is authorized to complete and execute the supplemental contract, now being negotiated and which has been approved as to form by the Secretary, between the United States and the Belle Fourche irrigation district, and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said district in accordance with the terms of said supplemental contract.

SEC. 46. No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges

on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

SEC. 47. Subsections E, F, and L of section 4, act approved December 5, 1924 (43 Stat. L. p. 701), are hereby repealed, except as herein otherwise provided.

SEC. 48. The purpose of this act is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer this act to those ends.

SEC. 49. Pending the execution of any contract under this act, or the Interior Department appropriation act for the fiscal year 1927, or the said act of December 5, 1924, the Secretary is authorized, in his discretion and when convinced that action looking to execution of contract is being expedited in good faith, to deliver water during the irrigation season of 1926 to the irrigation district, water users' association, or water-right applicant affected, notwithstanding delinquency in the payment of water-right charges which under the law applicable would render such irrigation district, water users' association, or water-right applicant ineligible to receive water.

SEC. 50. The adjustments under sections 1 to 40, inclusive, of this act are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in subsection K, section 4, of the act approved December 5, 1924 (43 Stat. L. p. 701), and shall not hereafter be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not now required by law to be credited to such "reclamation fund."

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes."

Mr. HARRISON. Mr. President, I ask unanimous consent that the vote by which Senate bill 3926 passed the Senate be reconsidered. I will follow it by a motion that the papers be returned from the House.

Mr. NORRIS. I wish to make a remark about the bill just passed.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. NORRIS. The bill we have just passed, I think, is a very meritorious measure, and because of the danger of the delay that would occur I did not propose an amendment which I had suggested to the committee. I only want to call attention to it now so that it may be a matter of record, in case in the future it should ever become necessary to ask for a change. There are a great many farms in the West now waiting for the passage of the bill in order to——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 786, relative to the retirement of classified civil-service employees.

Mr. NORRIS. There are a great many farms in the West waiting now for the passage of the bill in order to enable them to use the water that is absolutely necessary for the production of a crop. On account of those adjustments which the commission made and which are embodied in and approved by the bill, it will be necessary that the bill become a law before some of the settlers, quite a number of them, will be able to use water. They have not been able, on account of excess payments under the law and because of the general agricultural depression, to pay the assessments made in the past. This agreement spreads the payment over a series of years so it is not so heavy.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. ROBINSON of Arkansas. How were the amounts ascertained which are to be deducted in connection with the respective projects?

Mr. NORRIS. I am not speaking of any deductions. I am speaking of spreading over a number of years the payments that were due. They have not been able to pay them because they have not had crops sufficient to do it. The only way they ever will be able to do it is by raising a crop. These men have beets planted, with water in the ditches just above their land, but they are unable to get the water for their crops that are now on the land. It is very imperative that expedition be had.

There is one settlement made in reference to a part of one project out there where nobody knows now just what the conditions are going to be in a few years, and it is included in this bill. It is in the last section of the bill where the declaration is made that this is a "final adjudication."

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I yield.

Mr. McNARY. There has been a little confusion in the Chamber and I am not sure I heard the Senator correctly. I am curious to know if the Senator is referring to the words "final adjudication."

Mr. NORRIS. Yes.

Mr. McNARY. I can explain that to the Senator in just a moment.

Mr. NORRIS. I am not complaining. I did not want to interrupt the passage of the bill on account of its very great urgency. Even to the extent of suggesting the amendment, I did not want to delay its passage. I simply wanted the CONGRESSIONAL RECORD to show that at the time the bill was passed this particular thing was called to the attention of the Senate, as I called it to the attention of the committee, so that if in the future there should be an adjustment of this particular place there will be a record to show that attention was called to it now. That is all I wanted to do.

Mr. McNARY. The committee considered the particular instance to which the Senator refers, but they thought by excluding the word "final" it might hold out hope to those people that in the future they might come back to Congress and ask for a further deduction. Knowing full well, however, that Congress at any time can amend the act and consider other adjudications which may be deemed wise with respect to the matter mentioned by the Senator from Nebraska, I have no doubt that Congress in its sympathy and tenderness will meet that situation.

Mr. NORRIS. I think so. I only wanted to have the RECORD show that I called attention to it to-day. I hope it may never arise.

Mr. KING. Mr. President, the bill reported by the Senator from Colorado [Mr. PHIPPS] and which has just passed is an important one. I regard it as a just and necessary measure. It would not have been necessary, except for the incompetency and gross inefficiency of bureaucracy. This measure is the product of the maladministration and the incompetency of Federal administration. Beneficent enterprises are often brought to the brink of destruction by the mistakes which are inexcusable and the ignorance and incompetency of Federal bureaus and their personnel.

The Reclamation Service was organized for the purpose of administering the provisions of the reclamation act. The provisions of the act are simple, and its execution did not call for results difficult of attainment. There were millions of acres in the public-land States susceptible of reclamation. The soil of these lands was rich, and with the application of water to the same valuable agricultural crops would be produced. Irrigation in the public-land States was not an experiment when the Newlands bill became a law. The pioneers of Utah in 1847 had demonstrated that the lands in the mountain States and in the intermountain region contained those constituents essential for the growing of various kinds of agricultural products. They took, by canals and dams, waters from the mountain streams, and conducted the same upon the dry and parched lands of the valleys and produced fruits, cereals, vegetables, and nearly all kinds of agricultural crops.

The West developed through and by means of irrigation. The foundations of the Western States are laid in agriculture. It is true mining became and is an important industry, and from the hills and mountains hundreds of millions of dollars of gold, silver, lead, zinc, copper, iron, coal, and other minerals have been taken. Many of the western streams were interstate. Most of them, by reason of the heavy deposits of snow, yielded in the early spring enormous volumes of water which could not be used, but which, if conserved, would irrigate millions of acres of land during the irrigation season.

Large dams were constructed by the people and by private capital, and millions of cubic feet were impounded in these reservoirs and drawn off during the summer months for the maturing of agricultural crops. It was discovered that the Government owned large areas of lands within the States referred to which were practically valueless without irrigation,

and that if the Government desired to dispose of such lands it was necessary that some plan be adopted to secure their irrigation.

The Newlands bill had a double object—first, to make the lands of the Government of value so that purchasers might be found; and second, to carry out the spirit of the homestead act and make available for settlement millions of acres of the public domain. That the Newlands Act has been of incalculable benefit, not only to the West but to the entire country, is admitted by all who are familiar with its operations. That it was wise and beneficial legislation is conceded. Unfortunately in the execution of the act serious mistakes have been made, and the Reclamation Service has in many instances exhibited a high degree of stupidity and gross incompetency. Engineers have been employed who were not competent; projects were adopted calling for large appropriations from the reclamation fund which were foredoomed to failure; and in the administrative branch of the service there has been laxity, inefficiency, and the inevitable inertia which attends bureaucracy.

The estimates of cost in many instances have been not only erroneous but worthless, and thousands of settlers, relying upon such estimates, have been compelled to pay more for water for the irrigation of the lands which they acquired from the Government than their contracts called for. In some of the projects lands were included which were impregnated with alkali or so infertile as to be insusceptible of cultivation and reclamation.

There have been many hardships suffered by settlers upon a majority of the irrigation projects. Thousands of settlers have been unable to meet the vicissitudes and hazards and privations encountered, and were compelled to abandon the lands which they had contracted to purchase.

The reports submitted by former officials of the Reclamation Service have not always been accurate, and too often they have painted pictures without showing the shadows, and this has resulted in persons who were not equipped physically or otherwise to reclaim the raw lands upon which they entered and to meet the hardships which followed. There was not enough common sense exercised by some of the personnel engaged in the Reclamation Service. At times there were entirely too many employees, and there was too much overhead expense, and no inconsiderable amount of waste and extravagance.

The present Secretary of the Interior acted wisely when he made some important changes at the beginning of his administration. He acted wisely in appointing a fact-finding commission to investigate the work of the Reclamation Service, the various projects, and the scope and general activities of the entire scheme. I am not sure that he has been as fortunate in some of the selections for responsible positions in the administrative work of the Reclamation Service. He was most fortunate in the choice of the fact-finding commission, and the exhaustive report which they submitted demonstrates the wisdom of their selection.

This report, as I understand, is the basis, or at least is the justification, for the measure which we have just considered. It reveals that there have been losses and that it becomes necessary to charge off $14,000,000. From many reports which had come to me I had thought that a larger amount would have to be charged to profit and loss.

Mr. SMOOT. Mr. President, will my colleague yield to me?

Mr. KING. Certainly.

Mr. SMOOT. The Senator does not doubt for a moment that there will be more in the future, does he?

Mr. KING. I hope there will be no more. Hope, though, is not always founded on reason, and often suffers great disappointments. If the Reclamation Service fund is to lose an additional sum, we should be apprised of that fact now. I am afraid that the present dose of medicine which we are compelled to take will not be the last one, and I am afraid that if there is another one it will be more bitter than this.

However, we are entitled to expect that the mistakes made by the Reclamation Service in the past may be avoided in the future. If they are repeated, and if others are made which will involve serious losses to the fund, then some drastic course should be taken and some punitive measures adopted. There is no reason why there should be a repetition of the blunders made in the past by the Reclamation Service. I admit that the Federal Government does not and, perhaps, can not accomplish undertakings of this character with the same success as that which attends the efforts of private persons. Executive agencies and bureaus are notoriously inefficient. Congress is called upon many times during each session to pay for the blunders and mistakes and incompetency of Federal employees engaged in the various executive agencies and departments. We will hope, however, that these tragic mistakes committed by the Reclamation Service will be avoided in the future.

I believe that western Senators and Representatives should examine with the utmost care every new project submitted, and refuse to give their support to any plan, measure, or project which does not promise with certainty a successful consummation. The West is on trial in its reclamation activities. The rest of the United States has been fair and generous in its attitude toward this great policy. But if blunders and mistakes shall be a constant attendant upon the work of the Reclamation Service, and the administration of the Newlands law, then this generous attitude may not continue and a critical disposition upon the part of Senators and Representatives from other parts of the United States may be developed.

Mr. President, I hope the Secretary of the Interior will keep a firm grasp upon the machine which directs the reclamation work; and that the reclamation fund may be so employed as to bring the greatest good and results not only beneficial to the West but to every part of our country.

Mr. ASHURST. Mr. President, will the Senator yield to me just at that point?

Mr. KING. Yes.

Mr. ASHURST. About the 24th of April last the Senate Committee on Irrigation and Reclamation reported favorably by a vote of 12 to 3 a bill providing for the issuance and sale of bonds for $125,000,000 to build a dam at Boulder Canyon in the Colorado River. The Senate had previously authorized its Committee on Irrigation and Reclamation to investigate the lower basin of the Colorado River. The committee went to Boulder Canyon, but only one member of that committee other than myself went to the other site.

Mr. KING. Mr. President, there yet remain hundreds of thousands, indeed millions, of acres of public domain which, if irrigated, will furnish homes for thousands of families. The West has not attained its full stature. It has a bright future before it. With improved methods of irrigation, with the conservation of the rivers and the mountain streams and the proper application of the same, the lands which are now arid and unfruitful will become productive and valuable and furnish homes for tens of thousands of American citizens.

I am deeply interested in the development of the West and am concerned in the preservation of the reclamation fund and desirous that it shall be used only for worthy and meritorious projects. I sincerely hope that there will be no more experiments and unwise and improper investments on the part of the Reclamation Service, but that the funds of which it is the trustee shall be sacredly held and so employed as to bring the highest results and insure the development of the West and so promote the interests of all the people of the United States.

Mr. ASHURST. Mr. President, will the Senator yield to me again at that point?

Mr. KING. I yield.

Mr. ASHURST. As an example of the recklessness of the Boulder Canyon Dam bill, the hydroelectric power proposed to be generated at Boulder Dam is 600,000 horsepower, but in order to furnish the city of Los Angeles with potable—that is, domestic—water, ultimately about 600,000,000 gallons daily, it would require one-third of this hydroelectric power, or 200,000 horsepower, to lift this water to a height of about 1,700 feet, whereas if the diversion dam were placed at Bridge Canyon, this water could be sent to Los Angeles by gravity. The Secretary of the Interior and those acting under him have declared that this dam should be placed at Boulder Canyon.

The Hearst papers and many bureaus of the Government are daily bombarding the country with propaganda favorable to the construction of the Boulder Dam, although they know little about Boulder Canyon Dam. Under the Boulder Canyon bill, it is proposed to irrigate about 200,000 acres of Arizona land, whereas if the storage dam were at Glen Canyon and the diversion dam at Bridge Canyon about 3,000,000 acres could be irrigated in Arizona; thus, by placing the dam too far downstream, 3,000,000 acres in Arizona are condemned perpetually to desert. The able Senator from Utah [Mr. KING] in drawing these strictures has not gone beyond the realm of truth.

I ask at this juncture to include in the CONGRESSIONAL RECORD a copy of my individual views upon the Boulder Canyon Dam bill, which bill was reported favorably by the Committee on Irrigation and Reclamation by a vote of 12 to 3, and unless the Senate is going blindly into this matter, it should direct this committee to visit the Glen Canyon Dam site.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Mr. JOHNSON. I object; but I object solely because the report has once been printed in the CONGRESSIONAL RECORD. Why print it again?

The PRESIDING OFFICER. Objection is made.

Mr. JOHNSON. That is the sole reason why I make the objection. The minority report, with the individual views of the distinguished Senator from Arizona, has been printed in the RECORD in full.

Mr. ASHURST. Quite true.

Mr. JOHNSON. Is not that the fact?

Mr. ASHURST. That is the fact. In all the years I have known the Senator, he has always stated facts——

Mr. JOHNSON. I did not intend at this time——

Mr. ASHURST. Just a moment; I have not finished. He always states facts except when writing a report on Boulder Canyon Dam.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. KING. I yielded to the Senator from Arizona.

Mr. ASHURST. Mr. President, Arizona is being unjustly treated in this matter. The State of California so ably represented by the Senators from California contributes not a drop of water to the Colorado River, yet California is demanding 37 per cent of the water of that river. Ninety-seven per cent of the area of Arizona is within and constitutes 43 per cent of the Colorado River Basin, yet it is declared that Arizona shall have practically no water under this Boulder Dam bill. Arizona has 4,000,000 horsepower of hydroelectric energy on the Colorado River in Arizona and yet Arizona will get but a small fraction thereof under this bill.

Mr. KING. Mr. President, I surrender the floor.

Mr. ASHURST. I am not surprised that the Senator does not want my report printed too many times in the CONGRESSIONAL RECORD.

Mr. KING. I am very happy to yield to the Senator from Arizona.

Mr. ASHURST. I have been sitting here some months inwardly agitated although as outwardly calm as a man could possibly be when such an injustice is proposed.

The Colorado River is the most remarkable and dramatic river in the western world, considering its value for irrigation and hydroelectric energy. Other rivers may be used and will be used for irrigation and for hydroelectric power, but for a combination of those two potentialities no other river in America is so pregnant with possibilities. It is proposed that the Federal Government shall issue bonds to the extent of $125,000,000 to construct the Boulder Dam advocated by the Senators from California, although neither of them visited the Glen Canyon site.

Arizona contributes about 28 per cent of the waters of the Colorado River. Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin, seven-eighths thereof is in Arizona, but under the Boulder Canyon plan of development Arizona would not be alloted more than an insignificant fraction of this hydroelectric power. Of the lands in Arizona susceptible of irrigation all thereof must be irrigated by waters from the Colorado River or its tributaries.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I yield.

Mr. SHORTRIDGE. In the statement which the Senator has just made, does he not forget the Gila River?

Mr. ASHURST. I speak of the Colorado River and its tributaries.

California has several million acres of land irrigable by waters other than the waters of the Colorado River.

The Senator from Utah [Mr. KING] spoke of mistakes, and I am pointing out to Senators how a tragic mistake may be avoided if they will build the storage dam at Glen instead of Boulder. I think it would have been but proper and just for Senators charged with the duty of investigating this matter to have gone to the Glen Canyon Dam site also.

Mr. Hoover, the Secretary of Commerce, before the Committee on Irrigation and Reclamation, practically admitted that he knew but little of the Boulder Dam site. We had been told that he knew all about it, but cross-examination disclosed that personally he knew but little of it.

The Secretary of the Interior and the Secretary of Commerce have supplied materials for articles urging the Boulder Dam, but let me tell Senators that one administration attempted to coerce Arizona into joint statehood with New Mexico, and that administration failed; another administration attempted to coerce Arizona upon a matter of her constitution, and that administration failed; and this administration in attempting to coerce Arizona into submitting to the Boulder Canyon Dam project will find after many years of struggle that it has simply been wasting its time; that it has been standing on a sidetrack, like a huge locomotive without driving rods, wasting steam in futile sibilation.

The logical, practical way to develop a river is to begin at the source and work toward the mouth. The Boulder Canyon Dam advocates propose to begin at the mouth.

Mr. JOHNSON. Mr. President, perhaps it is an inappropriate time to respond at all to what has been said by the Senator from Arizona, and certainly it is not the best time at which to descant upon the proposed plan of the dam at Boulder Canyon. I congratulate the Senator from Arizona upon his valiant defense of his State; I congratulate him, too, upon his loyalty to the constituents whom he represents. I recognize it is unfortunate that the administration in the State of Arizona has taken the position it has against this great project, and I recognize, too, that it would be more than unfortunate if anybody upon this floor sought to coerce either the State of Arizona or any other Commonwealth of this land. The Senator from Arizona will bear me out when I say that never at any time during the long discussions of this bill, never at any time while the committee has been passing upon the claims of various localities have I permitted for an instant a suggestion of the coercion of Arizona or of any other State, so far as this measure is concerned or so far as personally I was concerned.

Mr. ASHURST. Mr. President, I take pleasure in saying that in this reckless, relentless disregard of the rights of Arizona the Senator from California has always been courteous. When it was expressly proposed in so many words that hereafter Arizona should never have any water from the Colorado River or any hydroelectric power therefrom unless and until she entered into a certain compact, it was the Senator from California who said, "That is too strong; I can not stand for that."

Mr. JOHNSON. No, Mr. President; the Senator is in error as to that.

Mr. ASHURST. On the face of the Boulder Canyon Dam bill there is a flaming scar of shame in its attempts to coerce Arizona, but the Senator from California, I freely admit, has been courteous and personally considerate.

Mr. JOHNSON. Mr. President, there is no purpose by this bill to do Arizona any injustice; there is no design by any provision of it to affect any particular people to their detriment. It is a tremendous project, sir, with only one design in view, and that is beneficent in its measure and benevolent in its purpose. This project, sir, is not of the nature that has been characterized by the distinguished Senator from Arizona. He says it will cost the United States Government $125,000,000, an enormous expenditure of money, of the people's revenue, and this he denounces. Not at all, sir. This bill will not cost the people or the United States Government a single penny. Before a stroke of work can be done, before any construction can be undertaken, this bill provides that the Secretary of the Interior shall have entered into contracts with those who desire the power and those who wish the water of the Colorado River, which shall adequately finance every dollar that it is proposed to expend in behalf of that project.

This is a condition precedent, sir, to the project itself, and it can not, therefore, be said, in the language of any Senator here, that there is a wanton or extravagant use of the money of the people of this land; for nothing is to be done, no expenditure undertaken—and I can not repeat it often enough—until contracts shall have been entered into by the administration of the Government of the United States financing the entire cost of the whole project. So I do not care to hear further and I do not care to speak further about the question of expense to the Government.

It had been my purpose, sir, in the near future to take up this measure and discuss it before this body. I shall do so in detail. I speak now only of one or two features concerning it because of the eloquent fashion in which the Senator from Arizona has denounced the measure. He speaks in bitter terms of the Committee on Irrigation and Reclamation and says that it forsook its province and did not perform its duty when it did not go to certain locations where he desired it to go. The committee went to the place that the engineers of the United States Government had said was the appropriate location for a dam in the Colorado River. The committee went to the place that every responsible official of the United States Government, from President Roosevelt down, has indicated was the place where the works contemplated by this bill finally should be erected. This project is no will-o'-the-wisp. This is no scheme that developed overnight in the brain of a single individual. This, sir, is a project for the benefit of the people of the United States and the great southwestern part of our territory, which had its inception first in the wise vision of

Theodore Roosevelt in 1907, which from that time on has been investigated by various departments of the Government and different boards of engineers until finally the engineering and the scientific and the technical view crystallized in the selection of Boulder or Black Canyon upon the Colorado River; and no man who has visited that locality could question for an instant the appropriateness of that selection.

Nature there has provided the walls for a dam. There the Colorado River, through the processes of centuries, has bored its course. There rise precipitous cliffs, sir, 1,500 feet in height in some instances. There a dam can be built across by the construction work of engineers economically and scientifically; and there is no location naturally placed in all this land more advantageous or equal to that which is placed at Boulder and at Black Canyons.

Engineering board after engineering board have made their selections. Engineers whose ability and whose integrity and whose knowledge never can be questioned and never can be gainsaid, indeed, have again and again fixed upon this particular place as the place where the dam should be built. The dam is built there because it is the appropriate and the best site even for a unified development of the Colorado River that might hereafter be carried on. It is the appropriate and the best place to begin that development, and Nature herself has made the selection.

The benefits to be derived from this particular locality and from this construction are so manifest and so manifold that none familiar with the project will dare question them. The heat of the Senator from Arizona I pardon, of course. His State has taken a position—I do not care in detail now to discuss it—at variance with the position taken by the responsible officials of the United States Government and at variance with the position taken by every other State that borders upon the Colorado River. I do not deny his right to take that position. I do deny his right to question the attitude taken by every other State that borders upon the Colorado River, and I do deny his right to question the good faith of the individuals who, after years of investigation and toil and scientific work, have located the place for the proposed development as described in this measure.

Hereafter, sir, I shall discuss this measure at length. If it were possible in the limited time that remains of this session, I should move to take up the bill upon the floor here. I am by no means certain that that can be done; but if the session shall lengthen unduly, and if we shall remain here as some individuals believe we shall remain, then the endeavor will be made, sir, to bring this measure up on the floor, to have full, fair, and proper discussion of every part of it, and then pass it and ultimately enter upon this great project.

Is there not anything appealing in the project that rescues 60,000 Americans who are in daily peril from floods of the Colorado River? Is there not anything persuasive in permitting those cities that have grown with a rapidity far beyond the ken of man and the growth of municipalities in the past to go to the Colorado River for the source of their domestic water supply? Is there not anything in the vision of hundreds of thousands of acres reclaimed, not only in one State but in Arizona as well, by the works that are contemplated by this bill? Is there not anything, sir, that appeals to the imagination and fires it in constructing under engineers of recognized ability the highest dam in all this world, and in generating from the water that shall be stored there an electrical current greater than is generated in any place on God's footstool to-day?

We have argued and argued and argued here about Muscle Shoals. Muscle Shoals is greatly inferior in the generation of power compared with what will be developed under the Boulder Dam project. Under the Boulder Dam project sufficient power will be generated to satisfy every community contiguous to the Colorado River, and to satisfy as well every charge that may be made for the construction of that dam.

Mr. ASHURST. Mr. President——

Mr. JOHNSON. I yield.

Mr. ASHURST. The Senator was asking, in his usual eloquent and forceful way, was there nothing in this bill that fired my imagination when I contemplated sixty or seventy thousand people in peril? He obviously referred to the Imperial Valley, did he not?

Mr. JOHNSON. Why, surely.

Mr. ASHURST. Yes, Mr. President; the rescue of the Imperial Valley from its position of peril does fire my imagination; and I think the Senator will do me the justice to say that I have always favored the all-American canal, and favored rescue of the Imperial Valley and the Yuma Valley in my own State.

Mr. JOHNSON. Yes.

Mr. ASHURST. If the Senator will pardon a further statement, my imagination is fired to a greater flare when I reflect that by building the dam at Glen instead of at Boulder, we will rescue those people and their farms three years sooner, because the dam can be built three years sooner at Glen.

Mr. JOHNSON. Mr. President, in that regard let me say that while, of course, the Senator from Arizona firmly and thoroughly believes in that, he has little comfort from engineers of repute, and no comfort from those, save possibly one, who have been going over this project and have been devoting themselves to it for the last few years. Of course, he may have his location in mind at a different point from the Boulder Canyon. I do not question his right or his belief to having any location that may be at a different place; but, sir, the responsible officials of the United States Government to-day—the Secretary of Commerce, the Secretary of the Interior, the President himself, the engineers of the Reclamation Service, who in the past have done their duty and done it fully and done it well—substantially all unite in agreeing to-day that the appropriate place for this particular dam is at Boulder Canyon or at Black Canyon on the Colorado River.

Mr. ASHURST. Mr. President, will the Senator submit to a further interruption?

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Arizona?

Mr. JOHNSON. I yield. I listened with great interest to the Senator, and I yield to him again.

Mr. ASHURST. If I am doing anything improper, I will desist.

Mr. JOHNSON. No; not at all. Go on.

Mr. ASHURST. I hope the Senator will not feel irritated at anything I say.

Mr. JOHNSON. Not a bit.

Mr. ASHURST. I am sure that if his State were being treated as my State is being treated——

Mr. JOHNSON. The Senator and I, sir, have been dealing with a delicate situation now for many, many months.

Mr. ASHURST. Years.

Mr. JOHNSON. And I do not think that during all that period there has been a single instant when there has been a matter of personal irritation between him and myself in regard to this project.

Mr. ASHURST. I assure the Senator that there never will be, so far as I am concerned. I hope that is true as to his situation.

Mr. JOHNSON. Quite so, sir.

Mr. ASHURST. Now let me call the attention of the Senator from California to this circumstance:

I am willing to trust the President. Let us ascertain if the Republican members of the committee were willing to do so. I proposed an amendment that the dam should be located by a board of seven engineers chosen by Calvin Coolidge. The committee would not trust the President to appoint seven engineers to locate the dam, and that suggestion received no consideration. It seems to me that I am in a better position to say that I have shown loyalty to the President rather than the Republican committee, because I was willing that the site should be chosen by seven engineers appointed by the President.

Mr. JOHNSON. Mr. President, the question is not one of loyalty to any individual or to any official. I owe loyalty, sir, to but one man on the face of the earth, whose self-respect, sir, I must have until the end of my days. That is the individual whose respect I most covet and whose respect at all events I will have. It is true that the Senator from Arizona has asked for a commission that might subsequently fix a location and agree upon one; but, sir, that means in an emergency measure mere delay; and inasmuch as commission after commission have made the selection, to adopt the suggestion of the Senator from Arizona would mean simply that we never would have a bill and we never would reach a termination of negotiations.

Mr. ASHURST. Mr. President, will the Senator permit a further interruption?

Mr. JOHNSON. Yes.

Mr. ASHURST. Then I assume that the Senator will not give me any support in any amendment I may propose that engineers appointed by the President shall select a site?

Mr. JOHNSON. Certainly I will give no support to any such amendment, because engineers selected by the United States Government have fixed the particular site, and it would be simply a matter of delay to appoint another engineering board.

Mr. ASHURST. I ask the Senator as to whether I can depend upon his support to have the committee go to these other sites, Glen, for instance, since he does not see fit to support a decision of the question by a board of engineers appointed by the President?

Mr. JOHNSON. That question would have to be asked of the chairman of the committee. I certainly would not undertake the journey that was undertaken by my distinguished friend and the Senator from Washington to some particular site he desired. So that he would not have my support personally in that regard.

The chairman of the committee, however, accommodating and urbane as he is, might desire to go to Glen Canyon upon snowshoes, or in some fashion by flying machine reach some other inaccessible locality, if it were desired.

Let me repeat, that on February 16, 1918, there was a contract between the Secretary of the Interior and the Imperial irrigation district, and various engineers were selected. The board reported in 1919. Extensive hearings were had. Congress passed the Kinkaid Act directing investigation of the problems of the Colorado. A preliminary report was ultimately completed in the latter part of 1921. In 1922 the Secretary of the Interior formally recommended substantially this project. Public hearings have been heard upon this measure, or upon kindred measures, for five years in the past. The first time in the history of this legislation that legislatively we have progressed at all is in this session, when the Committee on Irrigation and Reclamation, by a vote of 12 to 3, favorably reported this bill.

Notwithstanding the fact that engineers year after year and year after year were testifying in favor of this locality; notwithstanding the fact that men versed in the localities, and understanding all the intricacies relating to the particular project and the various sites, year after year and year after year were testifying before committees in favor of the choice of Boulder or Black Canyon, the hearings were continued and continued and continued, until last year the Committee on Irrigation and Reclamation of the United States Senate went to the very locality itself, so that it might, with a visual inspection at least, form some conclusion of the site that had been suggested.

Finally this bill comes upon the floor of the Senate, to be blocked in the other House in a fashion that I will not at this moment discuss, but to be blocked by the methods with which we have become familiar in days gone by in dealing with projects of this kind.

Sir, no project has been presented in our generation which in any fashion touches, for its beneficent purposes, or for the ultimate wealth it will bring to this land, the project embraced in the Boulder Canyon bill. In all that time there has been presented to the people of the United States or the Congress no scheme, no plan, no constructive work, that could equal even in small degree what this plan means, and what ultimately it will accomplish, for our people.

I close, sir, as I commenced, by iterating and reiterating that, after all, this plan, fraught with such possibilities, rescuing a great pioneering people who have made the desert blossom like the rose; this plan, which will generate more power than any other project in the United States or the world; this plan, sir, which in its engineering possibilities no other scheme on earth equals; this plan, sir, will cost the people of the United States and the United States Government not a single dollar, for every dollar expended is to be guaranteed under written contracts taken by the United States Government before a shovel full of earth shall be turned or before a single bit of work shall be done.

ORDER OF BUSINESS

The PRESIDING OFFICER. Senate bill 786, the civil service retirement bill, is before the Senate as in Committee of the Whole.

Mr. BORAH obtained the floor.

Mr. McNARY. Mr. President, will the Senator from Idaho yield for a parliamentary inquiry?

Mr. BORAH. I yield.

Mr. McNARY. The Senator from Mississippi [Mr. HARRISON] either moved or asked unanimous consent for a reconsideration of the vote by which the bill known as the "hamper" bill was passed. I do not know what action was taken, if any, on the matter, and I would like to know.

The PRESIDING OFFICER. The Senator from Mississippi yielded to the Senator from Nebraska [Mr. NORRIS] when the hour of 2 o'clock arrived, and the Chair laid before the Senate the unfinished business. The motion of the Senator from Mississippi therefore was not acted upon.

Mr. McNARY. Did the Senator make a motion or did he ask unanimous consent?

The PRESIDING OFFICER. Unanimous consent was requested.

Mr. McNARY. The request was not put?

The PRESIDING OFFICER. The request was not put.

Mr. McNARY. I thank the Presiding Officer.

THURSDAY EVENING SESSION—THE CALENDAR

Mr. CURTIS. Mr. President, will the Senator from Idaho yield to me to submit a unanimous-consent request?

Mr. BORAH. I yield for that purpose.

Mr. CURTIS. On Friday, when I asked that the order be canceled setting aside Friday evening by unanimous consent for the consideration of the calendar, I promised a number of Senators that I would ask for a night meeting early this week, and I submit the following unanimous-consent request.

The PRESIDING OFFICER. The clerk will read the unanimous-consent request submitted by the Senator from Kansas.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on Wednesday, May 19, at not later than 5.30 o'clock p. m., the Senate take a recess until 8 p. m., and that at the evening session the calendar be taken up for the consideration of unobjected bills on said calendar, beginning at Order No. 728, and that when the calendar is concluded for unobjected bills the calendar be called for the consideration of bills under Rule VIII; that the evening session shall continue until not later than 11 p. m.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Some Senators can not be present Wednesday night.

Mr. CURTIS. I will agree to Thursday.

Mr. ROBINSON of Arkansas. Thursday night will be all right. Any night would suit me personally.

Mr. CURTIS. I ask that the order be made for Thursday evening.

Mr. McNARY. Eleven o'clock is rather a late hour. I suggest that we sit from 8 to 10, or from 7.30 to 10.30.

Mr. CURTIS. Let us go on until 11 o'clock.

Mr. KING. I suggest a compromise on 10.30.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Oregon that the order proposed gives the Senate liberty to adjourn at any time it shall desire to do so. It merely restricts the session to a time not later than 11 o'clock p. m.

The PRESIDING OFFICER. Is there objection to the proposed order fixing Thursday evening for the calendar? The Chair hears none, and, without objection, the unanimous-consent request as modified is agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and concurrent resolutions of the Senate:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia;*

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the United States ship *Siboney* and the United States Army tug *No. 21* at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3500. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.;

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians;

S. Con. Res. 12. Concurrent resolution to provide for the printing of the Constitution of the United States, as amended, to April 15, 1926, together with the Declaration of Independence, as a Senate document; and

S. Con. Res. 17. Concurrent resolution to print 10,000 additional copies of the hearings held before the Committee on the Judiciary of the Senate on the modification of the national prohibition law.

ALIEN PROPERTY ADMINISTRATION

Mr. BORAH. Mr. President, I want to call attention, as briefly as I may, to the facts relative to our alien property administration, and as to the duty which it seems to me confronts Congress at this time in reference to that matter.

It is not my purpose to discuss the matter at length, but rather to confine myself to a discussion of what may be accomplished at this session in the way of disposing of this problem. A more detailed discussion may be left to the time when the bill is before us for consideration.

During the war we seized a large amount of property belonging to aliens, and that property to a very large extent is still in our possession. At the time of the seizure of the property it was clearly made known both by the executive department and by the Congress that the purpose was to hold the property until the close of the war and then to return it. I shall not delay the Senate by reading from the CONGRESSIONAL RECORD or from public statements, which I might do, to show unmistakably the intent of the Government at the time of the seizing of the property.

Congress is now confronted with the task of returning this property or of adjusting the problem in some way. After eight years of discussion it is still apparently as far from determination as it was immediately after the close of the war. We can not in justice to all concerned or in harmony with our plain duty delay this adjustment longer.

There are only three courses, it seems to me, Congress may pursue. In the first place, we may return this property, as it was the evident intention of the Government at the time of the seizure to do, and as would be in accord with the established policy of this Government from the beginning of the Government.

For more than 150 years we have been foremost among the nations in advancing the enlightened and humane policy of exempting from the devastating course of war the property of aliens. The origin of the policy is associated with the name of the great patriot and humanitarian, Benjamin Franklin. We have written it in our treaties and in our conventions, and have urged that policy at different times when we have met with other nations with a view of ameliorating the harsh code of war. It has had the commendation and approval of the leaders of our national life from the beginning of the Government until now. I do not believe that the men now in charge of public affairs will want to challenge that record, or go back to the days of barbarism, when nations not only confiscated property but enslaved men and women, as a precedent or justification for their action.

Confiscation of alien property has never had a permanent place in our national creed, and I do not believe that we should insert it now. Our tradition, our fine example, and our leadership in this matter, are worth more to us than this property, to say nothing of the sheer material advantage which the maintenance of our policy, heretofore sustained, will be to us in the future.

Secondly, we may confiscate this property and use it for the purpose of paying the American claimants. I say that we may confiscate it. I do not myself think we could do so constitutionally. I have no doubt about that. Assuming, however, that we would have the constitutional power to confiscate the property, that is the second course which we might pursue.

Third, we might permit it to remain where it is until, through extravagance and waste and corruption, it should have been dissipated. It is against that proposition that I particularly desire to protest at this time. If our national policy is to be abandoned, it should be done openly and decisively and with as much decency as possible.

Whether we shall return the property, as I believe we should, in accordance with our traditions and our policy heretofore, or whether we should utilize it in paying American claimants, are matters about which we might indulge just debate. But I am unable to see upon what possible ground we can longer decline to act in regard to the matter. Eight years have passed; the American claimants now have their claims adjudicated; the facts and figures and circumstances are before us, ready to be passed upon by the Congress, and to delay it is to work confiscation through a method which none of us would wish to approve. Delay is reprehensible from every viewpoint. It is a manifest and flagrant disregard of duty.

There has already occurred much concerning the administration of the property which ought to incite us to speedy action. There can be no possible doubt that millions and millions of dollars of the property have been wasted, dissipated in different ways. It now appears that some of it has been embezzled and stolen—how much we do not know. My own opinion is, from what I have been able to gather, that we have only scratched the surface with reference to exposing the intolerable methods of the administration of the property. For instance, in the matter of attorney fees alone I mention one of the ways which I presume would be successfully defended under the law, and yet one has only to glance at the report to conclude that even in this respect the course of the administration has been—I was about to say unmoral, but certainly it has been extravagant and wasteful.

I have before me the report of the Alien Property Custodian and I have, beginning on page 485, a list of the attorneys who have been employed from time to time in the administration of the property. I find that list, in fine print, covers 33½ pages. It is perfectly shameless, and the sorry part of it is that apparently the great profession has had a keen scent for this rendezvous of exploitation. I have looked into this matter and this expense item is discreditable. I mention this as one of the items of waste and extravagance and unjustifiable expense, but do not to-day go into a discussion of that form of dissipation, which can not be justified upon any ground, moral or legal.

It is the duty of Congress, it seems to me, as we now have the facts and figures, to dispose of the question, to return the property or to take it over and, if we may under the Constitution, apply it to the payment of American claims, and then if there be any left to return it, whatever it may be.

I do not think the latter course could be justified. At the same time I realize there are those who believe or at least contend that that ought to be done. But I say to those and to all concerned that this particular question should be disposed of at this particular Congress. Whatever Congress concludes, let us conclude now. If we are going to take this property and turn it over to American claimants and put the balance in our Treasury, let us do it and do it now. Let us not shirk our job, unpleasant as it may be.

Now we come to the question of American claimants. That proposition has been associated with the question of return of the alien property. From my viewpoint it never should have been associated with it, but it has been associated with it, and I am perfectly willing to discuss and dispose of the question in the light of the fact that it is now associated with the question of the property in the possession of the Alien Property Custodian.

I understand the commission which was to pass upon the claims of American claimants estimate now that those claims will amount to between $180,000,000 and $190,000,000.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BORAH. Certainly.

Mr. SWANSON. That excludes between $70,000,000 and $80,000,000 expected to be found for the United States. I think it is about $180,000,000 for the individual claimants and between $70,000,000 and $80,000,000 in favor of the United States. Is not that true?

Mr. BORAH. No; I do not so understand it.

Mr. SWANSON. That is my understanding.

Mr. BORAH. The Senator may be correct. I will not controvert it until I look further, but the figures I have did not give me that impression. But let us assume that I am now confining my remarks entirely to claimants aside from the United States. The figures given us in regard to those claims are about $180,000,000 to $190,000,000. We have in the alien property fund what is called an interest fund of about $30,000,000. This is a fund which was the result of interest accumulated. About $26,000,000 of that may be properly said to belong to German claimants and the balance to Austrian and Hungarian claimants. So we may say we have about $26,000,000 of this fund which should belong to the German claimants.

The fund arises, according to my understanding, in this way, or is accumulated in this way: It is interest which has been realized upon investments of the property, but which, by reason of the method of the keeping of accounts, they are unable at this time to associate with any particular claimant; that is, they are unable to allocate the interest to any particular individual or as having been earned by any particular individual's property. It leaves a fund accumulated which

can not be assigned apparently and which for that reason it has been thought justifiable to be regarded as a fund out of which to pay American claimants. I presume that if they can not be allocated or can not be associated with a particular claimant, possibly it must inevitably go to the United States or else be used in that way. We have at the same time about $8,000,000 which we have accumulated from German reparations claims, making about $34,000,000 altogether.

My understanding is that the individual claimants having death and injury claims have been assessed a sum equal to about $4,250,000, including about 425 claims. We could, therefore, very well, if we desire, pay all death claims or injury claims out of the $34,000,000 which we have by reason of the interest fund and by reason of the reparations fund. We could, if we desired, also pay the claims which are under the sum of $25,000, which amount to about 2,275 in number. If we should pay all death and injury claims and all claims under the sum of $25,000, we would have appropriated or used of this fund something like $13,100,000. This would leave about 540 claims altogether unpaid. If we should see our way clear, we could pay $25,000 upon each of those claims, which would use about $13,500,000. We would still have some $8,000,000 of this interest fund and reparations fund unused, notwithstanding we had paid all death claims and injury claims and all claims under $25,000, and $25,000 upon each of the other claims.

That proposition has been made in a bill by Mr. NEWTON, which is now pending in the House. It seems to me that is a basis at least for a working proposition or settlement. The proposition is further made that after paying these different sums which I have indicated there shall be issued what are called participant certificates to those people who would have something coming to them yet on the 540 unsettled claims. It has been estimated that the reparations fund would settle all these claims in 8 years, and that the Government of the United States would be made whole in 15 years.

I call attention to this not as necessarily advocating the specific method of settlement at this time, although I think it well worthy of our consideration, but to reveal the fact that we may take the fund which is now conceded upon all hands apparently to be usable for the purpose of settling these claims, and so adjust them and so settle them as not to impose upon the Treasury of the United States any permanent expense at all, or not to incur the necessity of paying out of the Treasury anything in the way of permanent payments in the adjustment of the claims.

I do not think, therefore, that we can justify delay in the settlement of the problem until the next Congress. If we do delay, there will be some $10,000,000 of interest annually accumulating upon the American claimants' claims. The next session in all probability will give us very little time to dispose of the matter, because it will be a short session. If we should be unable to take care of it at that session we would be faced with the proposition of postponing the settlement of the problem for some two years. That would be manifestly unjust to the alien property claimants and manifestly unjust to the American claimants. What reason could be assigned for the delay it would be difficult, it seems to me, to suggest.

I know that there is a hesitancy in certain quarters about disposing of the matter. I am of the opinion that that hesitancy arises very largely out of the fact that when we come to make a settlement we must also have an accounting. I am of the opinion that that accounting is greatly feared; that when we come to account for this property, the manner and method of its administration, and the manner in which a large portion of it has been disposed of, and to make a full and final report upon the subject, it is feared that the facts which have already been revealed are but a circumstance compared to those which may be revealed. But, Mr. President, the problem is here. We must at some time meet it. If we judge the future by the past, the longer it is delayed the worse will be the day of accounting when we come to make it.

The matter is now pending in the other House; I do not know what action will be had there, but I should like to say to those who are in charge of the program of this body that I sincerely hope a place will be given to this measure so that it may be disposed of before this session of Congress shall adjourn.

Mr. WILLIAMS and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and, if so, to whom?

Mr. BORAH. I yield first to the Senator from Missouri.

Mr. WILLIAMS. Mr. President, I desire to understand the attitude of the Senator from Idaho. I understand that his position is that the property now in the possession of the Alien Property Custodian was not confiscated in time of war?

Mr. BORAH. My idea is, if we were going to discuss that question, that as we did not confiscate the property in time of war, that in time of peace we can not confiscate it. If we were going to confiscate it, we had to do so during the war.

Mr. WILLIAMS. And inasmuch as it is held by a trustee under a common law trust, it must be returned to those to whom it belongs?

Mr. BORAH. That is my idea of it as a legal proposition.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. CURTIS. I simply desire to ascertain whether a bill on this subject has been introduced in the Senate and referred to the Senator's committee?

Mr. BORAH. During the last session of Congress I introduced a measure providing for the return of the alien property. I introduced that measure with some changes in it at the beginning of the present session. I think the Senator from Utah [Mr. KING] also reintroduced his bill relative to the same matter. Those measures went to the Committee on the Judiciary. Shortly after they were introduced the Treasury Department announced to the public that it was working out a measure which would dispose of alien property and at the same time settle the American claims. That caused delay in the consideration of those particular measures. Afterwards the administration caused to be introduced into the House of Representatives a bill undertaking to dispose of both those questions. My opinion is that that particular measure has no longer any considerable support in the Congress. Since that time another measure has been introduced by Mr. NEWTON of Missouri which is largely in accordance with the facts which I have given this afternoon with reference to a settlement.

Mr. CURTIS. Mr. President, will the Senator from Idaho yield at that point?

Mr. BORAH. I yield.

Mr. CURTIS. I wonder if the Senator from Idaho or the Senator from Utah, who have introduced these measures, could not hasten action by securing committee action on the bills which they have introduced. The steering committee of the Senate can not very well set aside time for the consideration of a measure until it shall have been reported and placed upon the calendar.

Mr. BORAH. Mr. President, I will say very frankly to the Senator from Kansas that I have about given up hope of getting a measure considered here through the ordinary channels, and I have prepared an amendment comprising the terms of the Newton bill, which amendment I intend to offer and expect to offer upon a certain measure which will be coming along very shortly.

Mr. LENROOT. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. LENROOT. Can the Senator from Idaho give the Senate any information as to what Germany has done with the property of American nationals which was taken by her during the World War?

Mr. BORAH. My understanding is—of course I have not such official information that I would be able to state that I am correct—that Germany has settled the American claims.

Mr. LENROOT. My understanding is that she has returned all property, but I did not know whether or not she had settled all claims.

Mr. KING and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Utah.

Mr. KING. There were many million dollars deposited by Americans in German banks at the outbreak of the World War. Germany has not adequately settled for those claims; she has settled upon the basis of the mark at 3, 4, or 5 cents.

Mr. LENROOT. But she has returned all physical property taken.

Mr. KING. I think she has returned most of the physical property taken.

Mr. SMOOT. As I understand, all that she has returned has been the physical property taken.

Mr. KING. She has returned the physical property, but she has not liquidated what might be called choses in action or claims founded upon cash deposits in German banks.

Mr. BORAH. We are proposing to settle here a large number of claims of that nature, but, Mr. President, I will ask to insert in the RECORD what has been given me as a report from the German alien property custodian concerning the treatment of American property in Germany.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho to insert certain matter in the RECORD?

Mr. SMOOT. Mr. President, I should like to have the Senator have it read in connection with this discussion, in order that we may understand just what the situation is.

Mr. KING. It is very long.

Mr. BORAH. It is a very long report. However, let me read some excerpts from the authorities upon which I have been relying for the statement which I made:

[From American Journal of International Law, October, 1918, p. 759]

In the beginning Germany took no action whatever against enemy property or business undertakings, and even after it was known in Germany that the French courts were proceeding to sequestrate German property and houses of trade, the Germans went no further than to place French undertakings under supervision. Unlike the French measures, it was said, this policy of surveillance did not generally prohibit the carrying on by their owners or agents of French business enterprises in German territory. The official supervisors under whose oversight these enterprises were placed were limited mainly to seeing that the business was not operated to the detriment of the national interests. There was no seizure of enemy goods and no serious interference with the management of enemy houses of trade or business undertakings. It was only after the French policy of wholesale sequestration had been adopted and put into effect that Germany felt obliged as a measure of reprisal to resort to a similar policy, as she did by the decree of November 26, 1914.

I read also:

[From Journal of the Society of Comparative Legislation, January, 1915, p. 54]

Suffice it to say that the emergency provisions taken as a whole are creditable to Germany and its jurisprudence. They exhibit no spirit of vindictiveness.

Also:

[From North American Review, article by Joseph Conrad Fehr]

In all fairness to Germany it should be stated here that the German alien property custodian has done everything within his power to return American and other allied property seized by him during the war. The report of the German alien property custodian concerning the treatment of American property in Germany under his administration, published for the year 1921 (Reimar Hobbing, publisher, Berlin), gives an elaborate account and detailed list of the properties taken under the custodian's jurisdiction.

And that report, Mr. President, comprising some four or five pages, I ask to have inserted in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

From report of the German alien property custodian concerning the treatment of American property in Germany, February 21, 1921:

"The German alien property custodian was first called into being on the basis of a decree of April 19, 1917. (Imperial Law, p. 363.)

"The custodian began his activities on May 1, 1917.

"The general requirement that all American property in Germany be reported to the custodian was not made, as has been said, until the issuance of the decrees of January 24 and 30, 1918.

"The privilege of canceling contracts with the citizens of other enemy states was not extended to apply to the United States of America until the decree of December 31, 1917. (Imperial Laws, 1918, p. 5.)

"Securities, jewelry, and office furnishings were left where they were when the war with America came.

"In order to interfere as little as possible in the relations between the German banks and their foreign clients an agreement was reached with the banks under which they were left in possession of all enemy properties—credits, deposits, and other things of value.

"It will be seen from the foregoing that the effects and other credits left with the German banks by the custodian but taken under his administration were not sold. Nor did any sale of obligations, stocks, or other securities belonging to foreigners take place by orders of the custodian, except where the bank in individual cases asked permission to sell as a result of directions from the foreigner in question or from his authorized representatives, or for the protection of his interests.

"Safe-deposit boxes rented by enemy aliens in German banks were neither opened by the custodian, although he had a right to do so, nor were their contents confiscated, as was frequently done in enemy countries with the safes of German citizens. This, of course, does not render it impossible that in individual cases, by order, for instance, of the military authorities, safes of foreign renters were forcibly opened. But the custodian knows of no case in which safe-deposit boxes rented from the German banks by American citizens were subjected to such measures.

"As to American property there was an official supervision and a compulsory administration, but not a single case of liquidation, despite the fact that this was possible under the law.

"Nevertheless, the compulsory administrators were and are the representatives and caretakers of foreign property and as such obligated to protect the interests of the owners in the most conscientious manner.

"Reference may be made here, for instance, to the compulsory administration of the International Harvester Co., which was conducted by the legal administrator in such an excellent manner in the interest of the Americans that the vice president of the American company during a visit in Germany expressed to the administrator his special gratitude.

"The outright sale of undertakings to newly organized companies took place in only a few cases, and then only when such measures were necessary for the protection of American property interests.

"Although Germany, after the conclusion of the armistice, but before the conclusion of peace, would have been justified in continuing her measures against enemy property, and the alien property custodian in particular could have continued to exercise his authority in such cases—that is to say, by bringing under his administration property which he had not theretofore touched—nothing of the kind was done.

"It is repeated here that the German alien property custodian has as his principle only the duty of administering enemy property—that is, of preserving it for the owners—but not of selling or otherwise liquidating it.

"The coming into effect of the peace treaty on January 10, 1920, imposed upon the alien property custodian the important task of making his accounting and winding up his affairs.

"Germany, in the decree of January 11, 1920 (Reichs laws, p. 32), regarding the cancellation of all ordinances of legal effect serving the purposes of economic warfare, also canceled all these laws as against the United States of America. Hence any economic reprisal or war measures against America, especially so far as the custodian is concerned, are out of the question.

"Moreover, the custodian, in accordance with article 3, section 2, and article 6 of the decree of January 11, 1920, has simply the duty of caring for the properties in his charge in the interests of the owners until such time as they shall be returned and of protecting the owners' interest.

"In the case of citizens of the formerly hostile countries the course of affairs in respect of the custodian has been such that in cases in which property of enemy aliens living in Germany had been taken under the custodian's administration, it was released immediately upon request.

"In similar manner deposits and securities of enemy aliens in German banks and subject to the administration of the custodian are released upon motion.

"Interest due on capital since January 10, 1920, and also the proceeds of coupons and dividends are no longer delivered over to the custodian and are not even subject to his disposition.

"The cash deposits of formerly enemy aliens in German banks are released at once by the custodian upon motion, provided the clearing system is not to be applied; but under article 296 of the peace treaty the owners who are citizens of one of the states that have chosen the clearing system and who live in such state have no right to dispose over their deposits. The demands of citizens of those states that have as yet not ratified the peace treaty can not be adjusted until such time as the minister of reconstruction, under the act for the execution of the peace treaty of August 31, 1919, shall have given official notification that the state in question has decided not to accept the clearing system.

"The total value of property reported to the custodian as belonging to citizens of the United States in Germany amounted, apart from the compulsory administration, to about 206,152,000 marks, to which are to be added deposits of securities reported by the banks, with a nominal value of about 126,000,000 marks.

"About 200,000,000 marks, in addition to the deposits of securities, was simply taken under administration nominally by being booked—that is, left in charge of the debtors.

"From compulsorily administered or supervised undertakings in Germany belonging to Americans or from American interests in German undertakings there was transferred to the custodian about 67,000,000 marks, to which must be added about 27,000,000 marks in securities. There was paid out by the custodian to enemy owners about 68,000,000 marks from the proceeds of compulsory administrations and supervisions, including stocks.

"All together the custodian has thus far (February 21, 1921) released or delivered to American citizens, including these securities owned by Americans, property having a total value of at least 145,000,000 marks.

"The figures given above do not include the releases of property which was not reported to the custodian at all and whose existence did not come to his knowledge until later. Thus, for example, before January 10, 1920, he permitted the delivery to an American banking firm of German war loans of a nominal value of 16,000,000 marks which had been in the keeping of a large bank here.

"In respect of securities held by German banks for their American owners, they could and can be given free at any time by the custodian

upon motion of the owner, which can best be made through the agency of the bank in question.

"American security accounts with German banks have already been released by the custodian and have undoubtedly for the most part been handed over already by the banks to the American owners."

Mr. SWANSON. Mr. President, I am not going to discuss very elaborately this matter until a specific bill shall have been brought before the Senate providing for the disposition of this property; but I do not wish the impression to prevail, without expressing my dissent, that there would be any confiscation on the part of the United States if it should apply this property to the debts which Germany owes the United States and also owes citizens of the United States.

I wish, in a general way, to state the situation. There are about $250,000,000 in the hands of our Alien Property Custodian, the residuum left after making certain payments under present statutes. As I understand, including between $70,000,000 and $80,000,000, which the Mixed Claims Commission will find in favor of the United States Government and the claims of the American Nation against the German Government will be about $250,000,000, this will be the ultimate amount found to be due to the United States and its citizens from Germany.

Mr. BORAH. Mr. President, may I ask the Senator, does he take the position that constitutionally we can now confiscate the property now in the control of the Alien Property Custodian?

Mr. SWANSON. I will reach that later. As I have said, about $250,000,000 are due American citizens of the United States Government. In addition, under the provisions of the Dawes reparation agreement or settlement, about $500,000,000 is actually due the United States on account of its army of occupation. We reduced that amount about half under the Wadsworth agreement by disallowing all interest. It was said to be impossible for the Dawes report to be made operative unless the United States would agree to waive its priority under the Wadsworth agreement for what was due on account of the army of occupation. We entered into an agreement by which we did that; and, after allowance for certain claims which were indispensable in order to make operative the Dawes plan of settlement, we obtained, or are entitled to, about $250,000,000, or in the neighborhood of one-half of what was due us on account of the army of occupation. It is payable in 20 annual payments, I think, and it is provided that when the $250,000,000 shall be paid, the provision under this clause of the Reparation Commission shall cease.

Mr. KING. Mr. President, if the Senator will yield, it ought to be stated that when we settled for the army of occupation we relinquished more than $100,000,000 in interest which was due from Germany.

Mr. SWANSON. If we were to allow the interest to accrue at the rate of 5 per cent, the basis on which other nations settled, up to the time of payment more than $500,000,000 would be due us. That is what we would be entitled to under the Versailles treaty on account of the cost of the army of occupation which was to be a first lien on everything. France, Belgium, and Great Britain have obtained the full amount due to them on account of their armies of occupation.

Mr. BORAH. Mr. President, Germany has paid that bill once.

Mr. SWANSON. Never to us.

Mr. BORAH. Yes; she paid it to us, but did not leave it in safe hands, and when we arrived the till was empty.

Mr. SWANSON. Germany paid certain money to the Reparation Commission to be distributed for all of her obligations; but it did not amount to 50 cents on the dollar of what she agreed to pay under the Versailles treaty. The Senator can not argue that the American claim was paid.

Mr. BORAH. No; but I say that Germany herself paid that amount, and it was understood that it should go to us. We have no quarrel with Germany, because she paid it.

Mr. SWANSON. We have never obtained it.

Mr. BORAH. No; but it was not the fault of Germany.

Mr. SWANSON. We have never obtained any of the money that is due us on that account, which was only half of what we ought to get. We waived that for another priority.

Under clause 2 of the Dawes agreement we get 2¼ per cent of German reparation payments, but the payment to us under this claim can never exceed $11,000,000 a year on account of deductions of various items which are given priority. I am apprehensive the amount paid will be far less than $11,000,000. That is all we will ever get on payments made by Germany for reparations under the Reparation Commission. Conservative people estimate that the sum to be received by us will not amount to more than seven or eight million dollars a year, and the payments can never exceed, as I have said, $11,000,000.

On account of Germany's submarine warfare, on account of the sinking of the *Lusitania*, on account of the killing of 306 American citizens, on account of the sinking of between three and four thousand tons of shipping ruthlessly and illegally, on account of the seizure of our property in Germany by the German Government, the Mixed Claims Commission found about $250,000,000 to be due us, with interest at the rate of 5 per cent, except where otherwise specified by the German Government. The interest on the $250,000,000 found to be due will amount to more than all the reparations each year that we will receive outside the amount paid to us for the army of occupation.

Mr. BORAH. Do I understand, then, the Senator is in favor of confiscating this property?

Mr. SWANSON. I will come to that later. Now, let us see what the situation is.

Mr. BORAH. If the Senator is in favor of confiscating the property——

Mr. SWANSON. I am not in favor of confiscating it.

Mr. BORAH. Very well.

Mr. SWANSON. But I differ from the Senator in respect to it. I am in favor of making Germany fulfill the promise that she made to America that this property could be taken to pay her obligations.

Mr. BORAH. Mr. President, Germany has complied with the only request that the United States made in the way of paying reparations for damages. If anyone was at fault, it was those who represented the United States in not asking for more than 2¼ per cent.

Mr. SWANSON. The Senator is mistaken as to that.

Mr. BORAH. No; I am not mistaken.

Mr. SWANSON. I refer to the original promise. She subsequently made an agreement under the Dawes plan——

Mr. BORAH. I understand that.

Mr. SWANSON. By which she was to dedicate $250,000,000 to pay the cost of the army of occupation, not to pay the damages that her citizens or her Government did to Americans.

Mr. BORAH. All I am asking is that the American claims shall not be postponed until that payment takes place.

Mr. SWANSON. The agreement that the Senator supports here will amount to this: Germany has agreed that $250,000,000 shall go to pay the costs of our army of occupation under the Dawes agreement, prior to everything else except some few things that we consented should be put ahead of it. That is an agreement that Germany has made. That is an agreement that she has entered into, and it has not yet been fulfilled.

Mr. BORAH. Is the Senator in favor of taking the property which her citizens invested here and using it for the purpose of paying that claim?

Mr. SWANSON. I will get to that.

Mr. BORAH. That is the question which I should like to have answered. You may call it by another name, but it is confiscation.

Mr. SWANSON. The Senator will hear my answer if he will just keep his seat a few minutes. He will hear me fully on it.

Now let us see what the situation is. Here is $250,000,000 that Germany's own commission and her own citizens and representatives on that commission concede is due from Germany for the wrongs she did to the United States Government and to American citizens. Germany has agreed to pay $250,000,000 for the cost of our army of occupation; and 2¼ per cent yearly of the reparation payments, which can never exceed $11,000,000, and which I do not think will amount to more than seven or eight million dollars, and which some people do not think will amount to anything, will not pay the interest on the $250,000,000 found against her.

What is the proposition now? We might just as well be frank about it. It is to take the $250,000,000 that Germany has agreed to pay for the cost of the army of occupation and apply it to the claims that Germany owes American citizens and return this property to German claimants of the property. That is the proposition stripped of all the subterfuge that envelops it. In other words, to do what? The Senator has given a little different version of it in regard to the matter of interest. The shadow follows the substance not more than interest follows the principal, and you can have all the argument you please; the fact remains that if the Germans are entitled to this property they are entitled to the accrued interest as much as they are entitled to the property itself.

Mr. BORAH. I perfectly agree with the Senator as to that, if we can find the man to pay it to.

Mr. SWANSON. All right; you can find him. You can distribute it among all of them. That is simply an effort to do what? The entire proposition not only amounts to that;

it lets the United States waive the $70,000,000 due it for killing 306 of our citizens, due us for sinking our ships, due us for ruthless submarine warfare that compelled us to spend billions of dollars to vindicate our rights. We are to surrender all we get for these damages and wrongs; and then we are to waive the costs of this army of occupation which went there at the request of the Allies and which Germany was reluctant to have leave, which went there as much to give protection to Germany as it did to preserve any rights we had.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. SWANSON. I yield.

Mr. BORAH. As I understand the Senator, he is in favor of confiscating this property and paying these debts.

Mr. SWANSON. I will get to whether it is confiscation or not.

Mr. BORAH. I am perfectly willing to meet that issue here. What I am saying to the Senator is, if it is to be confiscated, let us confiscate it at this session and not wait for it to be dissipated and stolen and corrupted away, so that it will be confiscated in another method.

Mr. SWANSON. The Senator calls it confiscation. Now let us see what the situation is under international law.

The scheme that is being advocated—not by the Senator; I have not heard him take that position, but by this administration and by the various bills that have been introduced—would amount to what? That American taxpayers should pay for sinking the *Lusitania;* that American taxpayers should pay for the 306 American soldiers, sailors, and citizens destroyed by Germany in ruthless submarine warfare; that American taxpayers should pay for the 300,000 to 400,000 tons of American ships sunk by German submarines; that American taxpayers should pay for property seized in Germany and for which she has failed to pay. I am unwilling to be a party to any scheme that will put further burdens on the taxpayers of America for the very outrages that forced us into the war.

Mr. BORAH. Mr. President, I am perfectly willing to join the Senator upon that proposition; but the taxpayer will have to pay it all if the confiscation continues as it is now going on and as it has been going on for the last eight years.

Mr. SWANSON. As to the confiscation, I am willing to have that investigated; I am willing to have that properly provided for; but I am not willing, under a claim that this property is being destroyed, that it shall be used in such a way as to make the taxpayers of America pay for the very outrages perpetrated by Germany upon this Government and her citizens. It is not right. There is no international law that can make it right. There is no elementary principle of justice that can make it right; and you can not throw the cloak of any international law around you and make it just and right and proper that America and her taxpayers should pay for the wrongs perpetrated by Germany on our Government and our citizens. Let us see whether it is right and whether it is confiscation or not.

When the Knox resolution of peace with Germany was passed, it was provided in that resolution, which Germany afterwards acquiesced in, that this property should be used to pay——

Mr. BORAH. No, no.

Mr. SWANSON. It reserved the right——

Mr. BORAH. It was to be retained until Germany made arrangements for the settlement of these claims.

Mr. SWANSON. No; it went further than that. That is what the language said, but it reserved all the rights under the Versailles treaty, naming them section by section; and then when we entered into the treaty of Berlin, 18 months after the armistice, we reserved for the United States exactly the same rights that Great Britain had, that France had, that Italy had, that Belgium had, under the Versailles treaty, by sections; and if the Senator from Idaho will read the proclamation of President Harding showing what was contained in the Versailles treaty that was reiterated and included in the Berlin treaty, he will find two sections. One section provided that we had a right to use this property, such as England has exercised, France has exercised, Italy has exercised, and Belgium has exercised, to pay the claims due American citizens and the American Government by Germany.

Mr. BORAH. No, Mr. President; there is no such language in any of the treaties. It was to be retained.

Mr. SWANSON. I will read that to the Senator in just a minute if he will wait.

Mr. BORAH. The effect of the Versailles treaty and the effect of the treaty of the United States with Germany was to indorse whatever these Governments did in the way of disposing of this property.

Mr. SWANSON. The Senator is mistaken. The treaty went further, and Germany agreed that if we did use it for that purpose Germany herself would pay her nationals.

Mr. BORAH. Let me read it to the Senator:

As between the allied and associated powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the annex hereto, shall be considered as final and binding upon all persons except as regards the reservations laid down in the present treaty.

And paragraphs 1 and 3 of the annex, referred to in the foregoing article, read as follows. They are pretty long. I do not care to read them, but I will ask to have them inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ANNEX

1

In accordance with the provisions of article 297, paragraph (*d*), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights, or interests dealt with in pursuance of any such order, direction, decision, or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights, or interests, the collection or discharge of debts, the payment of costs, charges, or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the high contracting parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the allied and associated powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

* * * * * * *

3

In article 297 and this annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial, or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with, enemy assets, for whatsoever motive, under whatsoever form, or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders, or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges, or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the canceling of titles or securities.

Mr. SWANSON. I ask to have inserted in my remarks the parts of the treaty to which I refer, one saying, substantially, that this property can be used for this purpose and the other saying that if it is used for that purpose Germany agrees to pay her nationals.

SECTION IV.—PROPERTY, RIGHTS, AND INTERESTS

ARTICLE 297

The question of private property, rights, and interests in an enemy country shall be settled according to the principles laid down in this section and to the provisions of the annex hereto.

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the annex hereto) taken by Germany with respect to the property, rights, and interests of nationals of allied or associated powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of article 298.

(b) Subject to any contrary stipulations which may be provided for in the present treaty, the allied and associated powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present treaty.

The liquidation shall be carried out in accordance with the laws of the allied or associated state concerned, and the German owner shall not be able to dispose of such property, rights, or interests nor to subject them to any charge without the consent of that state.

German nationals who acquire ipso facto the nationality of an allied or associated power in accordance with the provisions of the present treaty will not be considered as German nationals within the meaning of this paragraph.

(c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the allied and associated powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the annex hereto shall be considered as final and binding upon all persons, except as regards the reservations laid down in the present treaty.

(e) The nationals of allied and associated powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested, in German territory as it existed on August 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the mixed arbitral tribunal provided for in section 6 or by an arbitrator appointed by that tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's state. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the annex hereto. The payment of this compensation may be made by the allied or associated state, and the amount will be debited to Germany.

(f) Whenever a national of an allied or associated power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (e) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph can not be effected, private agreements arranged by the intermediation of the powers concerned or the clearing offices provided for in the annex to section 3 may be made, in order to secure that the national of the allied or associated power may secure compensation for the injury referred to in paragraph (e) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights, or interests of which he was deprived.

Through restitution in accordance with this article, the price or the amount of compensation fixed by the application of paragraph (e) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(g) The rights conferred by paragraph (f) are reserved to owners who are nationals of allied or associated powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the armistice.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights, or interests wherever situated carried out either by virtue of war legislation, or by application of this article, and in general all cash assets of enemies, shall be dealt with as follows:

(1) As regards powers adopting section 3 and the annex thereto, the said proceeds and cash assets shall be credited to the power of which the owner is a national, through the clearing office established thereunder; any credit balance in favor of Germany resulting therefrom shall be dealt with as provided in article 243.

(2) As regards powers not adopting section 3 and the annex thereto, the proceeds of the property, rights, and interests, and the cash assets, of the nationals of allied or associated powers held by Germany shall be paid immediately to the person entitled thereto or to his government; the proceeds of the property, rights, and interests, and the cash assets, of German nationals received by an allied or associated power shall be subject to disposal by such power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this article or paragraph 4 of the annex hereto. Any property, rights, and interests, or proceeds thereof or cash assets not used as above provided may be retained by the said allied or associated power and if retained the cash value thereof shall be dealt with as provided in article 243.

In the case of liquidations effected in new states, which are signatories of the present treaty as allied and associated powers, or in states which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such states shall, subject to the rights of the reparation commission under the present treaty, particularly under articles 235 and 260, be paid direct to the owner. If on the application of that owner, the mixed arbitral tribunal, provided for by section 6 of this part, or an arbitrator appointed by that tribunal, is satisfied that the conditions of the sale or measures taken by the government of the state in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that state.

(i) Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests in allied or associated states.

(j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights, and interests of the nationals of the allied or associated powers from November 11, 1918, until three months from the coming into force of the present treaty, or, in the case of property, rights, or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present treaty, shall be restored to the owners.

ARTICLE 298

Germany undertakes, with regard to the property, rights, and interests, including companies and associations in which they were interested, restored to nationals of allied and associated powers in accordance with the provisions of article 297, paragraph (a) or (f):

(a) To restore and maintain, except as expressly provided in the present treaty, the property, rights, and interests of the nationals of allied or associated powers in the legal position obtaining in respect of the property, rights, and interests of German nationals under the laws in force before the war;

(b) Not to subject the property, rights, or interests of the nationals of the allied or associated powers to any measures in derogation of property rights which are not applied equally to the property, rights, and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

1

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights, or interests dealt with in pursuance of any such order, direction, decision, or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights, or interests, the collection or discharge of debts, the payment of costs, charges, or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the high contracting

parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed: *Provided*, That the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the allied and associated powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void."

2

No claim or action shall be made or brought against any allied or associated power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war. Similarly, no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any allied or associated power.

3

In article 297 and this annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial, or others that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form, or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders, or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges, or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the canceling of titles or securities.

4

All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the mixed arbitral tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such allied or associated power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied.

Mr. SWANSON. The position I take is that Germany agreed that this property could be used for this purpose; that Germany then agreed in the Versailles treaty that she would pay her nationals if it was so used; and if the Senator will read it he will find it clear and explicit and without question. I take the ground that in making treaties of peace it is always within the power and authority of a government to speak for its nationals. If that were not so, peace never could be made. It has always been considered the right of sovereignty of a state, in settling a war and making peace, to speak for its nationals as to the debts and differences between the States which are parties to the treaty, and that when it speaks for them and agrees for them it is not confiscation.

Mr. WILLIAMS. Mr. President——

Mr. SWANSON. It never has been held to be confiscation; and Germany further agreed, if this were done, that she would pay her nationals.

Mr. BORAH. Very well, Mr. President. I am not to-day desirous of discussing with the Senator those details; but will not he agree with me that whether we confiscate this property or use it in the manner he speaks of——

Mr. SWANSON. It is not confiscated. Put it in apt language—whether we carry out the treaty of Berlin or not.

Mr. BORAH. Will not the Senator agree with me that whether we use this property under the treaty of Berlin to pay the American claimants or not, we ought to dispose of it at this session?

Mr. SWANSON. I have no objection to its being disposed of at this session, except this: There might be some of these American claimants that we do not wish to settle with at this time, as these claims are found against Germany and not the United States; and if the United States should take this property that Germany has agreed should be used to pay these debts and use it for other purposes, then there would be an obligation on this Government to pay all the claims found by the Mixed Claims Commission.

Mr. BORAH. Exactly; but the Senator would be in favor, would he not, of using whatever German property is in the hands of the Alien Property Custodian to pay whatever claims are at this time adjudicated?

Mr. SWANSON. No; I would not say whatever claims are at this time adjudicated. I do not know whether I would consent that some of these claims that the Mixed Claims Commission has found against Germany should be preferred to the claims of other claimants that have higher merit so far as the United States Government is concerned.

Mr. BORAH. We could control that in the payment.

Mr. SWANSON. Take the claim that the Senator has alluded to about the German marks. Germany seized all the German marks due American banks in Germany at that time, held them during the war, and did not surrender them until the marks were worth nothing. This commission has found against Germany at 17½ cents a mark. Germany ought to be made to pay that. Anything less than that is not a return of property as she ought to have returned it under the agreement.

Mr. BORAH. Does not the Senator think that this alien property administration ought to be closed up and put out of business?

Mr. SWANSON. I am perfectly willing for it to be closed up and put out of business. Such money as it has ought to be deposited in the Treasury or some other place of deposit subject to the future disposition of Congress. Before I vote to dispose of this money I should like to know better what we will get under the 2¼ per cent provision of the Dawes plan. If the United States Government is made absolutely safe, and the taxpayers of America are not compelled to pay for these outrages, I am perfectly willing for the United States Government to be delayed a reasonable time to settle its claims; but I have seen no scheme that has been presented to Congress, the ultimate effect of which was not to make the American taxpayer pay for the outrages that were the occasion for our entering the war.

Mr. BORAH. The scheme which I have been suggesting does not ultimately impose one dollar of burden upon the American taxpayer.

Mr. SWANSON. If the Senator will permit me, we are asked to pay certain claims and then release this property to the German claimants. If we release to the German claimants the property which under the Berlin treaty Germany has agreed could be dedicated to pay American claimants, we would be derelict if we permitted this; we would at once establish an obligation on the part of the Government of the United States to pay these claims.

Mr. BORAH. Mr. President, the American claimants, as I am informed, are willing to take the participating certificates, and there has been provided in the bill itself an absolute release of the United States from any obligation whatever to them.

Mr. SWANSON. If the Senator will permit me, let him get the claimants to consent to this, and I will consent to it so far as I am concerned. Let the $250,000,000 due for the army of occupation be paid into the Treasury; then let these claimants and the German claimants arrange to pay the United States the $70,000,000 due and found, and these parties can take all the residue under the Dawes reparations plan and have all the certificates based on this. All I ask is that we shall get the cost of our army of occupation, the $70,000,000 due to the Treasury as found by the Mixed Claims Commission, and the German claimants and American claimants can dispose of the rest of it as they see proper, which they ought to do under the treaty.

Mr. BORAH. In order that I may get the Senator's position, because I am going to propose a measure here, do I understand that the Senator is advocating the proposition of using

the property of which the Alien Property Custodian now has possession in the settlement of the claims of the American claimants and the claim of the American Government itself?

Mr. SWANSON. I will tell the Senator what I am in favor of.

Mr. BORAH. Is the Senator in favor of using this property to settle any of these claims?

Mr. SWANSON. I am in favor of using it unless the German reparations will be sufficient to pay the claims, because the treaty of Versailles itself, in the very article the Senator read, provided that unless Germany made ample provision to pay them, it could be used. I am willing to take our chances under the Dawes plan, to which we agreed, to recover the cost of our army of occupation. I am willing then to agree to the distribution of the 2¼ per cent of the reparations, to be applied to the American claims against Germany. If the American claimants and the German claimants will reach an agreement in regard to that 2¼ per cent, I shall have no objection. What I protest against is the attempt to take the $250,000,000 due for the army of occupation and use it to pay the claims against Germany.

Mr. BORAH. I am eliminating that from my consideration. The main question is, What are we going to do with this property which we have? The Senator does not want it confiscated, but he says we have a right to take it under the Berlin treaty and use it for the purpose of paying. Is that his position?

Mr. SWANSON. My position is that in the Berlin treaty we agreed that this money should be used for this purpose; and we went further, we made Germany agree that if we did use it for this purpose, she herself would pay her nationals. Great Britain used similar means for a similar purpose, and France did the same, and they have paid their nationals.

Mr. HARRELD. Mr. President, I would like to ask the Senator from Idaho a question.

Mr. SWANSON. I yield.

Mr. HARRELD. The German Mixed Claims Commission has allowed a claim of the Texas Oil Co. for oil and material confiscated during the war, amounting to $750,000. They claim that under the Dawes plan the payments they would get over a period of 25 years would amount to just a little more than the interest on their claim. I would like to ask how the Senator's plan would affect a claim of that sort.

Mr. BORAH. I do not know anything about the particular claim to which the Senator has reference. Of course, if my figures are correct the parties are very much in error as to when they would be paid and the amount they would be paid. I can not take up each claim and in detail discuss it, because I am not familiar with the claims, and I do not desire to become familiar with them. What I am saying is that if we are going to use this property for the purpose of paying these debts, whether to pay them only in part, or wholly, whatever we do, we ought to do it this session. Millions and millions of dollars of this property have been wasted which might have been here if it had been properly administered, to pay these claims, if we are going to use it for that purpose. When we get to a consideration of the details of these matters we will have to work them out, of course, in the measure before us, but we certainly should not longer delay using this property, if we are going finally to use it.

Mr. HARRELD. I understood the Senator had a definite plan.

Mr. SWANSON. Mr. President, I will say, in answer to the Senator from Oklahoma, as I understand, in round numbers, the claims against Germany will amount to $250,000,000, including what is due the United States Government. At 5 per cent, the interest will be $12,500,000 annually. The full amount we can receive under the Dawes plan—2¼ per cent of the reparations—can not, under its terms, exceed $11,000,000. Thus what can be dedicated to pay the claims found due by the Mixed Claims Commission can not pay the interest allowed.

Mr. BORAH. Outside of the Government's claim, which I do not discuss this afternoon because I may be in error as to that, the commission reports that the claims will not exceed $190,000,000.

Mr. SWANSON. I saw people connected with the commission about four or five months ago, and they told me that, including the Government's claim and others, they thought it would amount to about $250,000,000. They might have examined other claims, and that figure might not be accurate. But about $70,000,000 is due the Government.

Mr. BORAH. The last report I had was received the latter part of last week, and they estimated the claim would amount to about $190,000,000. I do not know that they included anything in that except the individual claims. Perhaps they did not include the Government's claim.

Mr. SWANSON. It might include it.

Mr. BORAH. As I said a while ago, we have $34,000,000, which takes care of all claims except those claims about which there has been a good deal of discussion, and if the commission had not passed upon them I would not be much in favor of some of them. But it takes care of death and individual injury claims. It takes care of claims under $25,000, it pays $25,000 upon all other claims, and there are $8,000,000 left. That leaves nothing unsettled except these insurance claims, and such claims as that, of people who are willing, I am informed, to accept participating certificates and take their chances. If that is true, why should not these American claimants have their money now?

Mr. SWANSON. Mr. President, if the Senator will permit me, they are willing to accept participating certificates provided we include the $250,000,000 for the cost of the army of occupation. If they are willing to take participating certificates in the 2¼ per cent of the reparations dedicated to pay these claims, I would cheerfully give them to these claimants. I am not willing to give participating certificates on the $250,000,000 which is to be paid us for the army of occupation, about one-half what was due, which would really mean that we would never get anything for it. If these claimants against Germany will agree to take the 2¼ per cent of the reparations and settle all their claims and reach an agreement to take certificates of participation, I will be very glad to settle it that way.

Mr. BORAH. I do not believe that this Congress or any other Congress will ever confiscate this property, and I am perfectly sure that the Berlin treaty does not authorize us to take the property.

At some time we will return this property. I do not believe that Congress would confiscate it, and, secondly, I do not believe Congress has any power to confiscate it. I am perfectly satisfied that, having failed to confiscate it during the war, while we might possibly have justified such action under the war power, now, in time of peace, we can not confiscate it. So, at some time we will in all probability return it. What I am urging is that we do at this session of Congress what we are going to do, not only in justice to the alien property claimants, but in justice to the claims of American claimants also.

Mr. SWANSON. Mr. President, confiscation by a government is the taking by the government for its own use of the property of the private citizen, without compensation. The Government of the United States contemplates no confiscation. It has arranged with Germany to pay $250,000,000 for the cost of the army of occupation. All that is proposed in this case is to carry out an agreement made by Germany as one of the terms of peace. Germany, in order to make peace, in order to benefit her citizens by not longer delaying peace, which might be delayed six months or a year, agreed with her nationals in Germany that this money, if desired by the United States, could be used to pay the claims of American nationals for outrages perpetrated by the German Government, and it further agreed that if that were done, Germany herself would pay her own nationals. If that is confiscation of private property, it is due to the failure of Germany to carry out her promise.

Mr. BORAH. But the property is in this country.

Mr. SWANSON. I will tell the Senator further that that has long been a method by which peace has been made. When we made peace with Spain it was mutually agreed that we would settle the claims of our nationals against Spain, and Spain would settle the claims of her nationals against us, and it has always been considered an exercise of sovereign power, not confiscation, for a government to agree for its nationals, as this agreement has been made by Germany for its nationals in this case. In the Boxer trouble we did the same thing. It would be nearly impossible to make terms of peace, or peace would be long delayed, if a government could not speak for its own nationals in respect of claims against the respective governments.

Mr. KING. Mr. President, let me suggest to the Senator, and to Senators generally, that under the constitution of Germany before the war there was a provision by which the German Government had the right to take the property of its nationals for public purposes. When the new Republic was formed, the Ebert republican government, a very strong provision was inserted in their new constitution under which the new German Republic had the right to take property of its own nationals for public purposes.

Germany, asserting her sovereign power under the new constitution, took the corpus and the use of the property of her nationals which was located in the United States and said:

We will exercise the right of eminent domain and take the property of our nationals situated in the United States, and will transfer the rights which we have to the United States, and the United States can hold that property until we make satisfactory arrangements for the indemnification of American nationals.

So there is no confiscation at all. If there is any confiscation, Germany herself has confiscated the property of her own nationals.

Mr. SWANSON. Mr. President, the time to have fought this matter, the time to have stood up and protested against it, was when the Berlin treaty was before us, and when the Berlin treaty made provision for settling the claims of this Government and our nationals against Germany. That was the time, because if that treaty had not been ratified, other provisions might have been made.

Mr. BORAH. Mr. President, if the Senator had joined me, it would not have been ratified.

Mr. SWANSON. I was against it, and voted against it, but it was ratified. I voted against it, and the Senator from Idaho voted against it. That was the time to have objected, however. What right have we to come now and challenge an agreement made 18 months after the armistice, making certain provisions for the payment of American claims for outrages to Americans and the American Government. What right have we to change it now and unload the burden on the American taxpayers?

Mr. BORAH. I want to read from this treaty between Germany and the United States:

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government.

Mr. President, there is no grant here; there is no disposition of property; there is no ceding of property. Indeed, the language is the very reverse of that. What they say is that it shall be retained until the German Government shall have made suitable arrangements for the settlement of these claims. The German Government has made only the arrangement which we have asked her to make.

Mr. SWANSON. That is in addition to the special provisions in the Berlin treaty saying that we should have the same rights that were given the Allies in the Versailles treaty. I will show the Senator the exact sections. One section says it shall be used for the payment of this debt, and the second section following the first one says that if we do use it Germany will settle with her nationals.

Mr. BORAH. Will the Senator read it?

Mr. SWANSON. I will read it to the Senator if he will give me time.

Mr. LENROOT. I have it here. It is not mandatory. It reads:

Subject to any contrary stipulations which may be provided for in the present treaty——

Mr. SWANSON. From what is the Senator reading?

Mr. LENROOT. Article 297, section 4, part 9, of the treaty of peace with Germany.

Mr. McKELLAR. Mr. President, does the Senator from Idaho consider that Germany has lived up to her obligations under the treaty when the amount of the claims shall be ascertained? Does that constitute the "suitable provisions" that the Senator thinks the Government of Germany agreed to make?

Mr. BORAH. Germany agreed to pay the army occupation expenses, which she paid. When we came to the Dawes plan she agreed to pay 2¼ per cent in the way of reparations to settle those claims. That she has arranged for.

Mr. McKELLAR. Does the Senator think that is suitable provision for those claims, or is it entirely inadequate to pay them?

Mr. BORAH. If it is inadequate, it is inadequate for the reason that the American representatives did not claim more.

Mr. SMOOT. Or could not get more.

Mr. BORAH. I understand they did not claim any more. Germany has made the arrangements which we submitted to her.

But we come back to the proposition. Understand me, I am perfectly willing to debate the question of whether we should confiscate or not; but I say that to delay it beyond this session is a dereliction of duty upon the part of the Congress, of not only what we owe to the alien property holders but what we also owe to the American claimants. Here is $34,000,000 in cash lying in the Treasury of the United States which may be utilized to pay American claimants, and it will pay every death claim and every personal injury claim and every claim under $25,000, and $25,000 on all other claims. Why should we delay it?

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. BORAH. I yield.

Mr. KING. If it would be confiscation to take any part of the principal of the fund in the hands of the Alien Property Custodian, it would seem to me by any process of reasoning that the accumulated interest would be subject to the same rule.

Mr. BORAH. I have said that so far as I am individually concerned, if the interest can be allocated or assigned to the particular property which earned it, undoubtedly we should not confiscate it. What I am saying is that I am informed that this $30,000,000 of interest has been accumulated under such condition that it is impossible to assign it to the particular owner. If that is true, one of two things will happen; either we may use it to pay American claimants, or it will go into the American Treasury. I do not want to be misunderstood. I am opposed to confiscation in whole or in part. I have spoken as I have about this interest fund because I have understood there is no way to find out to whom it belongs.

Mr. KING. I would like to suggest to the Senator from Idaho that a bill was recently before a subcommittee composed of the Senator from Illinois [Mr. DEENEN], the Senator from Massachusetts [Mr. GILLETT], and myself, which contemplated the return to a number of American women, who had married Germans, of their property which had been sequestrated. When we passed the Cable bill they were restored to citizenship, and they applied to get the interest which was in this thirty-odd millions dollars. They had received the property and the testimony before our subcommittee revealed that we could segregate and determine the amount of interest to be allocated to the property, and so we have reported or will report the bill giving to those women the interest upon the principal.

Mr. BORAH. My understanding is, however, that the interest of which I am speaking does not cover the interest on this particular property. Undoubtedly there is some of the interest which they have allocated to the proper holders, but my understanding is, and I am only stating it is my understanding, that this amount of $30,000,000 is an amount accumulated as interest, and they do not know to whom it belongs or to whom they should give it.

Mr. KING. I think the Senator is in error, if I may be pardoned the suggestion.

Mr. BORAH. I know I am not in error in making the statement; that is, the party who stated it to me may be in error, but I am not in error in repeating the statement.

I have only advocated the use of the $30,000,000 upon the theory and upon the facts that have been given to me. I do not want to be understood as advocating confiscation of any part of the fund. I think for us to start in upon a program of confiscation at a time when we have $9,000,000,000 invested in foreign countries and at a time when we are proposing to invest millions and millions and billions in the future would be a suicidal policy. It would be perfectly foolish upon our part, to say nothing of its breach with all the past policies and traditions of our Government. I think it unwise from the standpoint of material interest and unmoral from the standpoint of national honor.

Mr. SWANSON. Now, if the Senator will permit me to revert to the question as to whether it is confiscation, I will say that a government in the exercise of its sovereign power has the right to make an agreement in a treaty of peace by which property possessed by its nationals can be used to liquidate claims of a government against that government and the nationals of a government against that government.

Mr. BORAH. Of course it does go back to that.

Mr. SWANSON. It goes back to that question. That is not confiscation. The United States Government has its claims settled under the Dawes plan. The only question is whether Germany, in settling her claims against our citizens, can con-

sent that property belonging to her citizens can be so applied under the treaty of peace. If the Senator will look at page 134 of the treaty, he will find the exact language there. He will find there that Germany undertakes to compensate the nationals of the United States for the sale or the retention of their property, rights, and interests. What goes before is clear.

Mr. BORAH. Will the Senator read what goes before?

Mr. SWANSON. I will ask the clerk to read the whole of section 4.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

SECTION IV.—PROPERTY RIGHTS AND INTERESTS

ARTICLE 297

The question of private property, rights, and interests in an enemy country shall be settled according to the principles laid down in this section and to the provisions of the annex hereto.

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the annex hereto) taken by Germany with respect to the property, rights, and interests of nationals of allied or associated powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights, and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of article 298.

(b) Subject to any contrary stipulations which may be provided for in the present treaty, the allied and associated powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present treaty.

The liquidation shall be carried out in accordance with the laws of the allied or associated state concerned, and the German owner shall not be able to dispose of such property, rights, or interests, nor to subject them to any charge without the consent of that state.

Mr. BORAH. Just a moment! Will the Senator observe there that the liquidation shall be carried out in accordance with the laws of the allied or associated powers or states concerned? In other words, we have to come back here to the United States and find the legal authority, the constitutional authority, to confiscate this property.

Mr. SWANSON. It is not confiscation. The Government gets nothing out of it. It is not taking private property for public use.

Mr. BORAH. It is confiscation if the Government takes the property of A and turns it over to B.

Mr. SWANSON. When nations are engaged in a settlement of the terms of peace, they simply agree among themselves that the property can be used for this purpose. They reserve the right to use it for that purpose under the terms of the treaty of peace. If we can do it, it is a question for the courts to determine. The matter will be delayed until the courts can decide it, until the legal contention is determined.

Mr. BORAH. The liquidation shall be carried out in accordance with the terms of the allied or associated state concerned—in accordance with the Constitution of the United States.

Mr. SWANSON. If it is contrary to the Constitution, all we have to do is to go into court and let the court decide that Germany can not agree that we shall have the right to apply this property in the way she agreed it should be applied.

Mr. LENROOT. Is not the effect of this provision that if the laws of the government concerned permit the taking of private property in this way, then under the treaty it would be no violation of the treaty between ourselves and Germany if we did it?

Mr. BORAH. That is the effect.

Mr. SWANSON. If that is wise, why not wait until the constitutional question is settled?

Mr. BORAH. How can we settle it?

Mr. SWANSON. German claimants can come here and bring a suit to recover the property.

Mr. President, I feel this way about it. I have no unkindly feeling toward Germany. I have no unkindly feeling toward any nation that was embroiled in this war. But I feel that that was a condition put in when the treaty of peace was made. Under that condition, if Germany did not make ample provisions to settle our claims, we reserved the right to use this property and to settle their claims and not to put the burden on our taxpayers. The only question is whether that is right. The 2¼ per cent provision in the Dawes plan will not pay the interest on the claims. The question is simply whether the American taxpayer shall pay it or whether the German nationals shall pay it and Germany carry out her agreement to settle with her own nationals for the property used. That is the issue.

The Senator said when we do that we really take private property for public use, which is confiscation. We are not taking it for public use. We get our $250,000,000 for army of occupation under the Dawes plan. All we do is to enforce a right that Germany conceded to us, a right that we reserved in the treaty of peace, that Germany would consent that this property of her nationals should be used to pay debts to our citizens, and if she did do it, she herself would settle with her own nationals.

Mr. LENROOT. That is not the part. The treaty provides that if we do that they shall have credit upon the amount of reparations owing to us.

Mr. SWANSON. That is true. If this fund is used for that purpose, she gets credit. She pays no more of the 2¼ per cent. If this is dedicated for that purpose, the credit goes on the 2¼ per cent, and the correspondence at the time of the agreement upon the Dawes plan shows it.

Mr. LENROOT. In that case it would be taken for a public purpose.

Mr. SWANSON. No; because that is due a private citizen.

Mr. LENROOT. Suppose there were no private claims at all under the treaty, we would have the right, according to the Senator's contention, to take the private property for the purpose of paying what the Government of Germany owed the Government of the United States.

Mr. SWANSON. We would. We have never provided in the Dawes reparation plan to pay what is due us in this way. It is simply using property of German nationals to pay American nationals, which Germany said should be done, and the question is whether we shall tax our own people to pay it now. That is the issue.

Mr. BORAH. The issue with me, Mr. President, is whether we shall take this property either by confiscation or under the Berlin treaty or the Versailles treaty. It is all in violation of the policy of this Government from its beginning.

Mr. SWANSON. I object to the Senator using the word "confiscation." The question is whether we shall exercise our right under the Berlin treaty.

Mr. BORAH. I say it is confiscation; but whether it be confiscation or simply taking the property under the terms of the treaty, which the Senator from Virginia says is not confiscation, ultimately the Senator will agree with me that now is "the accepted time" to take it before somebody else gets it, as they have already got millions of it illegally and unjustly. If we want to protect the American taxpayer, we can not protect him by utilizing this money by millions and millions to pay attorneys' fees, to say nothing of the millions which, it seems, have been embezzled and stolen.

Mr. McKELLAR. Does the Senator believe that if the money be retained here it is going to be dissipated?

Mr. BORAH. Judging the future by the past, I would say yes.

Mr. SWANSON. Most of the attorneys' fees to which the Senator refers were paid when the property was being liquidated and sold. I do not know whether there are any attorneys' fees in connection with it now. The Senator from Idaho can probably speak with more authority on that question than I can, because the property is in control of the present administration.

Mr. BORAH. I can say this much, that I do not think there is anything in the history of the United States that is so utterly shameless, so utterly unconscionable, as the administration of alien property in the United States. It has been a prolonged exploitation.

Mr. SWANSON. I do not know to what extent it has been misappropriated; I have never investigated that question. All I know is that we seized about $565,000,000 worth of property; we have returned or will return under statutes recently passed all of it except $250,000,000, which was reserved to carry out the agreement which Germany made, under which we could exercise our right to employ that amount to pay our nationals for damages due by the German Government on account of outrages perpetrated during the war.

There is no obligation on our Government to pay these German claims unless the Government has been derelict. The only obligation of a government to pay its own citizens for international debts, debts against other governments, is where it is derelict or when the government itself derives a benefit.

It is doubtful whether the Government can be held responsible for dereliction, but when the Government derives a benefit then it is under obligation to pay, as in the case of the French spoliation claims. In that case each Government agreed to settle the claims of its respective nationals. So, also,

in the case of claims growing out of the Spanish-American War and out of the Boxer troubles. Every other nation has exercised this right under the treaty of Versailles, and the United States can so apply this property; and it has never been held confiscation where the other government itself agreed that that might be done. If we have no authority to do it under our Constitution, then it is a constitutional and legal question to be settled; but we certainly have the right to do it under the treaty of peace.

It seems to me should we return this property now held in the hands of the Alien Property Custodian to the German owners, when the treaty of Berlin dedicated it to the payment of American claims, an obligation would arise on the Government of the United States to settle these claims if it should allow that course to be pursued.

Mr. BORAH. I understand the Senator is opposed to taking the property now?

Mr. SWANSON. I want to wait and see what we obtain under the Dawes Commission plan, involving the payment of 2¼ per cent of reparations paid by Germany.

Mr. BORAH. That will take 42 years.

Mr. SWANSON. The Mixed Commission has not finished filing its judgments. If the Senator is speaking authoratively for the American claimants and the German claimants and they are willing to let the United States have the $250,000,000 due on account of the army of occupation, I am perfectly willing to vote for a settlement, giving certificates for that property and the 2¼ per cent to the claimants.

Mr. KING. But not for the United States to guarantee them.

Mr. SWANSON. Not for the United States to guarantee them; let them take it under proper provision made; but not that the United States shall guarantee the certificates, and not that the United States shall waive the payment of the $250,000,000 for the cost of the army of occupation. If they are willing to accept such a settlement as indicated by the Senator from Idaho, I would be glad to accept it and vote for it.

Mr. BORAH. The Senator from Idaho has made no such statement as the Senator from Virginia suggests.

Mr. SWANSON. I understood the Senator to state that they would take certificates.

Mr. BORAH. They would take certificates on the basis which I outlined, but not on the basis which the Senator has outlined.

Mr. SWANSON. The Senator would have them take certificates on the basis of allowing those certificates to be covered by the amounts to be paid on account of the army of occupation?

Mr. BORAH. Yes.

Mr. SWANSON. Then what the Senator would want would be the United States Government to surrender entirely the amounts due on account of the cost of its army of occupation and dedicate the money due on that account to this purpose?

Mr. BORAH. No; the United States Government would ultimately get it.

Mr. SWANSON. But, if the Senator will remember, the cost of the army of occupation is to be paid in 20 years; the payments of eleven and a half million dollars cease at the end of 20 years, and only the 2¼ per cent payments continue. That is the bone of contention between me and other gentlemen. I say that the cost of the army of occupation ought not to be applied to the settlement of these claims. If the German claimants and the American claimants will take the 2¼ per cent and an issue of certificates, then they can have absolute control of it, so far as I am concerned.

Mr. BORAH. The Senator must be in favor of one or two propositions: He must either be in favor of taking this property and paying the American claimants, or he must be in favor of making the American claimants wait until Germany has again paid our bill for the army of occupation.

Mr. KING. Or make Germany pay.

Mr. SWANSON. Or make Germany pay.

Mr. BORAH. How are we going to make Germany pay except under the Dawes plan? She can not pay anything outside of the Dawes plan.

Mr. SWANSON. I do not know whether she can or not.

Mr. BORAH. The Dawes plan does not permit her to do so.

Mr. SWANSON. She is simply required to pay $325,000,000 outside of what she gets from her railroads and from other sources. The burden upon Germany has been greatly exaggerated. Germany will pay $625,000,000 under the agreement which was negotiated by Vice President Dawes when the plan shall become operative, and, as I understand, about $325,000,000 is all that is not covered by her railroads, industrial bonds, and otherwise.

Mr. KING. Mr. President, I was just about to observe—and I shall not detain the Senate for more than a moment or so—that Germany, in addition to meeting her Dawes reparation payments, has levied taxes, the aggregate of which is approximately $70,000,000, which she has paid to her own nationals in part compensation for the taking over of property by France and Belgium and other countries belonging to her nationals. She agreed that the property which her nationals had in France and Germany and Italy might be held or taken over by those respective countries and applied in liquidation of the claims of their nationals against Germany. So they took the property over. Great Britain took it over, adjudicated its value, and liquidated it to her nationals who had claims against Germany. France did the same, and Germany has been taxing her own people and has paid back to her nationals substantially $70,000,000 toward the payment of the value of the property which had been taken by those other countries.

Mr. BORAH. Mr. President, just a word in conclusion. I did not intend this afternoon to discuss all the details and ramifications of this proposition. I only wanted to urge that for every reason which should appeal to our sense of duty we ought to dispose of the question at this session. That seems to me to be unanswerable. If we are going to confiscate this property or if we have the power to take it under the Berlin treaty there is no reason for delaying our action; on the other hand, if we must return it, there is no justification for delaying the return. There is no one to be benefited by a delay of this matter over another session or two sessions, and, on the other hand, the claimants will suffer great wrong and injury by reason of the delay. So in some way we should dispose of the question.

Mr. SWANSON. Mr. President, the delay has been occasioned by a bill introduced on behalf of the administration, under which the German claimants and the American claimants entered into an agreement by which they would take the $250,000,000 due on account of the army of occupation to pay for the American claims against Germany and then distribute the money. That would all come out of the taxpayer. If the Senator wants to end this matter, it seems to me he ought to introduce a bill carrying out his idea of what should be done. Of course, I know the Senator introduced a bill to return this property, but that bill simply precipitated an issue as to whether the American taxpayer should pay the American claims against Germany or whether they should be paid by Germany. It would occasion delay.

So far as I am concerned—and I can not speak for anybody else—if the claimants do not take the $250,000,000 due on account of the army of occupation, which is one-half of the full amount, I am willing for the American claimants to take the 2¼ per cent reparations payments, and to come to an agreement with the German claimants in any way that will not make the United States and its taxpayers responsible for the outrages committed by Germany. I will consent to such an arrangement as that, and I think every other Senator will. I should like to see those interested agree in that way; but, in view of the agreement with Germany and the Berlin treaty, I do not think I would be justified as an American Senator to vote that the American taxpayer should pay for all these wrongs and all these outrages and to settle these claims that the Mixed Commission shall find due against the German Government.

If the Senator can find any way that will prevent the American taxpayer from being taxed to pay for the sinking of the *Lusitania* and for the various other wrongs perpetrated on America and her nationals, I will vote for it; but I am not willing to let the American taxpayer pay for those wrongs.

Mr. BORAH. Mr. President, I have about as tender a regard, I imagine, for the American taxpayer as has the ordinary Senator; but I do not hesitate for a moment to say that the bills which I have introduced represent my views of the matter. I think we are in honor bound by tradition, by treaty, by pledge, to return this property.

Mr. SWANSON. By what treaty?

Mr. BORAH. If I had had my way about it, Mr. President, I would have returned every dollar of this property that I could account for, and if the interest could be accounted for I would return it. It would be the best investment the United States could possibly make.

Mr. SWANSON. By what treaty does the Senator say we are obligated to return it? The only treaty of which I know is the one that gives us the right to use the property. I should like to know to what treaty the Senator refers.

Mr. BORAH. Well, we began our dealings with Germany with a treaty which provided that the property of aliens in the respective countries should be protected in case of war, and

the treaty expressly provided that war should not nullify that particular provision of the treaty.

Mr. SWANSON. If the Senator will permit me, that question has been decided by the courts. They held it was limited entirely to the German nationals living in America and having property here. The issue was raised during the war. All of the property now in question in the hands of the Alien Property Custodian is the property of Germans living in Germany who were in the war against us, using all their resources and efforts to defeat us. If there is a cent of this property that comes under the treaty of 1789 and the treaty of 1828, I think it ought to be returned, although Germany violated a similar treaty with us at that time which stipulated that she would not engage in submarine warfare against us and she did so.

Mr. BORAH. I do not care anything about what treaties Germany has violated; I am anxious that we shall not violate any treaty on our part.

Mr. SWANSON. Germany violated her treaty, but if the Senator can find any property of any individuals covered by the treaty to which he alludes, I am willing to vote to return it.

Mr. BORAH. I think every particle of this property comes under that treaty or the principle which we announced under that treaty, and we are just as much bound by the policy which we announced as we are by the treaty itself.

Mr. SWANSON. No; at that time international law permitted the seizure of property; but the treaty provided an exception. It was specific as to the property. The courts have held under that treaty that we could not seize the property of German nationals residing in the United States. If, however, there is $1 of this property that comes under that treaty, I think it ought to be returned, and I will vote for its return. All of the other property, however, in the hands of the Alien Property Custodian is the property of Germans living in Germany, Germans who fought in the German Army, and used all their resources and money to wage warfare against us.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter from the Civil Service Commission of this date in reference to an amendment that is intended to be proposed to the pending bill by the senior Senator from Utah [Mr. SMOOT].

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 17, 1926.

Hon. KENNETH MCKELLAR,
United States Senate.

MY DEAR SENATOR MCKELLAR: It has been proposed to amend the retirement act to eliminate the Civil Service Commission from participating in the administration of that act. In the interest of economy and good administration it is so evident that the commission should not be eliminated that we submit the following for your consideration:

1. Report for the records of the Civil Service Commission is essential for the verification of the statements of each applicant and of his department regarding length of service, salary, and status as subject or not subject to the provisions of the retirement act.

2. These records extend from the passage of the civil service act of January 16, 1883, to the present time. They were built up in connection with the administration of the civil service act and must be continued as long as it devolves upon the Civil Service Commission to administer the civil service act, whether the commission is to continue its present duties under the retirement act or not. These records are built up item by item in the case of each employee, each change having been reported by the department at the time it was made, as required. These records have not and can not be duplicated, from the very nature of their origin and growth. They serve as a check on the statements of the department and of the applicant at the time he applies for annuity and are a means of verification which seems indispensable to the administration of the retirement act. The numerous changes in salary, designation, and status, as reported to the Commissioner of Pensions in the employee's application for annuity, are checked and compared item by item in the Pension Office with the commission's service record.

3. Either the commission must continue to furnish a detailed service record of each employee to the Commissioner of Pensions, or the case must be adjudicated without the correction of these numerous errors. There can be no substitute built up in place of the commission's records for comparative purposes, because a record newly established at the present time would contain all the errors now found in the departments' reports to the Commissioner of Pensions in individual cases.

4. The retirement act is limited, with certain comparatively unimportant exceptions, to employees in the classified civil service of the United States, and the Civil Service Commission is the only competent authority to decide who is subject properly to the retirement act because of his being in the classified civil service of the United States. The act of March 27, 1922, provides that in the administration of the civil service retirement act the expression "all employees in the classified civil service of the United States" shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service with or without competitive examination, by legislative enactment, or under the civil-service rules promulgated by the President or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointments of individuals to positions within such service. No establishment other than the commission is in possession of the facts and the records to determine who is and who is not an employee in the classified civil service of the United States as above defined.

5. The President, by Executive order of June 7, 1922, extended the provisions of the retirement act to unclassified laborers in cities and in establishments or offices in which appointments are made under labor regulations approved by the President and administered by the commission. No establishment other than the commission is in a position to report which laborers are subject to the retirement act because subject to the labor regulations and which are not.

6. The Attorney General, in opinions of June 3 and December 22, 1924, decided that classified employees in positions subject to the retirement act who entered nonclassified positions without break in the continuity of their service remain subject to the provisions of the retirement act notwithstanding the fact that persons entering such nonclassified positions by original appointment without previous service as classified employees are not subject to the retirement act. No Government establishment other than the Civil Service Commission is in position to determine which of the occupants of such nonclassified positions are subject to the retirement act and which are not.

7. In view of the ages of retirement fixed by law, the date of birth of each applicant for annuity is a matter of importance. The date of birth has been stated exactly, under oath, by each classified employee in his application for examination taken from 15 to 30 or more years ago. This is the basic data of each employee as to age, and any discrepant statements subsequently made by him to his department must be reconciled with his original statement in the records of the commission by documentary or other evidence furnished by him. No other establishment has this original statement or is prepared to make this comparison.

8. The personnel records maintained by the commission must be continued to administer the civil service act. They can continue to be utilized in the correct administration of the retirement act.

9. The continuation of the present system will be in the interest of economy by avoiding the duplication and additional cost incident to setting up and maintaining new records in some other office, which records could not possibly take the place of the original records of the commission for the reasons stated. The service records of the commission have been maintained from the passage of the civil service act in 1883 and must continue to be maintained by the commission for the performance of its duties regardless of the retirement act.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

Mr. CURTIS. Mr. President, the Senator from Utah [Mr. SMOOT] is not ready to go on with his amendment, and I ask that the bill be temporarily laid aside with a view of having the Senator from Iowa [Mr. CUMMINS] present a conference report. Then I shall ask for an executive session.

Mr. CUMMINS. The matter I have to present, I think, will take but a moment.

Mr. CURTIS. I ask, then, with the consent of the Senator from Oregon [Mr. STANFIELD], that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MIDDLE DISTRICT IN THE STATE OF GEORGIA

Mr. CUMMINS. Mr. President, I submit a conference report. It is a unanimous report of the conferees, and in it the House recedes from the amendment which it attached to the action of the Senate. I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the report was read and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and concur therein.

ALBERT B. CUMMINS,
WM. E. BORAH,
LEE S. OVERMAN,
Managers on the part of the Senate.

GEORGE S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 18, 1926, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 17, 1926

UNITED STATES MARSHAL

Asa W. Butler, of Missouri, to be United States marshal, western district of Missouri, vice I. K. Parshall, whose term has expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1926

UNITED STATES MARSHAL

Asa W. Butler to be United States marshal, western district of Missouri.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Frank Dexter Applin to be major, Signal Corps.
Harry Emerson Storms to be first lieutenant, Signal Corps.
Raymond Miller Barton to be second lieutenant, Cavalry.

PROMOTIONS IN THE ARMY

Donald Davie Hay to be lieutenant colonel, Infantry.
Alfred James Maxwell to be major, Finance Department.
James Miles Webb to be chaplain with rank of major.

REAPPOINTMENT IN THE ARMY

Samuel Herbert Wolfe to be brigadier general, reserve.

POSTMASTERS

ALABAMA

John T. Williams, Evergreen.
William C. Starke, Troy.

CALIFORNIA

Harry A. Bradford, Hayward.
Charles G. Heiser, Jackson.
Percy H. Nordstrom, Kingsburg.
John W. Mullen, Mendocino.

COLORADO

Edgar B. Wicks, Pueblo.
William W. Hofer, Simla.

FLORIDA

Inez Morrison, Barberville.
Clayton P. Bishop, Eustis.
Thomas S. McNicol, Hollywood.
William W. Zipperer, Jennings.
Charles S. Williams, Key West.
Rhea W. Pherigo, Kissimmee.
Warren G. Ross, Leesburg.
Maggie M. Folsom, Port Tampa City.
John L. Wall, Summerfield.

GEORGIA

Edwin K. Large, Atlanta.
Walter R. Cannon, Clayton.
George W. Jordan, Whigham.
George R. Burton, White Plains.
John W. Westbrook, Winder.

INDIANA

Ernest W. Showalter, Brookville.
Charles F. Porter, Hagerstown.
Henry Suhre, Oldenburg.
Jesse M. Johnson, Shirley.

LOUISIANA

Maggie E. Jones, Ringgold.
Paul T. Thibodaux, Donaldsonville.
Lewis A. Wood, Ponchatoula.

NEVADA

Emanuel Bollschweiler, Wells.

NEW JERSEY

Melvin H. Roberson, Annandale.
William Jeffers, Hackensack.

OKLAHOMA

Maud L. Vaughan, Supply.

SOUTH CAROLINA

Morgan Zimmerman, Duncan.

TEXAS

Sidney B. Smith, Gorman.
George P. Harden, Groom.

HOUSE OF REPRESENTATIVES

MONDAY, *May 17, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be mercifully and graciously near us this day, O Lord. Draw us into a higher realm of action and thought, that we may worthily reflect the precepts of the Master Teacher. As we are the children of Thy bounty, let the divine within us dominate the human and bring us closer to the Father's heart and thought. Encourage and guide us in our endeavors to attain that which is well pleasing in Thy sight. May we most effectively contribute to the public weal and to the happiness and success of humanity. Down in the deep recesses of our beings, where we dwell alone with ourselves, may we be persuaded "that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Amen.

The Journal of the proceedings of Friday, May 14, 1926, was read and approved.

QUESTION OF PRIVILEGE—THE RECORD

Mr. ASWELL. Mr. Speaker, I rise to a question of privilege, to correct the RECORD.

The SPEAKER. The gentleman from Louisiana rises to a question of privilege with reference to a correction of the RECORD. The gentleman will state it.

Mr. ASWELL. Mr. Speaker, on Friday last, May 14, 1926, in a colloquy between the gentleman from Ohio [Mr. BRAND] and myself I present herewith a copy of the Reporter's notes of what occurred, as distinguished from what is printed in the RECORD. I had Mr. BRAND'S office telephoned a moment ago to invite him to be present, but I do not see him here. I hope he will be in before I get through. I had been discussing the question of the $75,000,000 offer in the Haugen bill as a bribe to the southern Members, and during Mr. BRAND'S address I asked him to yield. He yielded. I then asked him a question and he replied without answering the question. Then I said this:

But the gentleman has not answered my question.

This is what Mr. BRAND said, according to the Reporter's notes, and according to dozens of Members that I met immediately thereafter—in fact, wherever I went some one mentioned it to me. It threw a little panic into some gentlemen on the Republican side of the Chamber, because the gentleman from Ohio unwittingly and unintentionally told the truth of the Haugen plan. This is what he said:

And we would not have given you this in the South if we could get all the Republicans to work with us in the North. [Loud applause.] I do not yield further.

In the RECORD this is what is printed on page 9480. He permitted my question to remain to his credit:

But the gentleman has not answered my question.

He put that in the RECORD and then the words:

I do not yield further.

In other words, without any authority, without any request to revise and extend his remarks, he cut from the colloquy between two Members the thing that he did not want the country to know, and the thing that must have frightened him. This is what he cut from the RECORD:

And we would not have given you this in the South if we could get all the Republicans to work with us in the North.

That is, he tells us from the South: "We would not give you a dollar if the Haugen forces had votes enough," and intimates, besides that, what would be done with us in the next Congress when they will not need our votes. In other words, it is a clear proposition unintentionally expressed that if this Haugen bill can be enacted into law and the men of the South place their necks in a halter, then they will come back and say:

And we would not have given you this in the South if we could get all the Republicans to work with us in the North.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KINCHELOE. I see the gentleman from Ohio [Mr. BRAND] is now present. Probably he can tell us at whose instance he cut out that part of his address.

Mr. ASWELL. Mr. Speaker, I should like to know by what authority the gentleman did this. I shall make a motion to insert the language in the permanent RECORD exactly as given by the Reporter, and the language I wish inserted in the permanent RECORD is Mr. BRAND'S language, as follows:

And we would not have given you this in the South if we could get all the Republicans to work with us in the North.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. TINCHER. I asked the gentleman to yield for the purpose of propounding a parliamentary inquiry. If a Member is speaking on the floor, yields for an interruption, and then answers the question propounded to him, as a matter of parliamentary law has the speaking Member any right to cut out his answer or cut out the question from the RECORD? Would it require a motion that the RECORD be corrected?

The SPEAKER. These questions are all just a little difficult to answer categorically. Generally speaking, the Chair understands the rule to be that a Member in the course of debate may not alter any language that he used which affects the context or affects the remarks of the gentleman who interrupted him. The Chair is in some doubt in that particular case. Of course, the mere leaving out of a sentence in a speech is not improper. Members frequently leave out a speech in its entirety.

Mr. ASWELL. But is it not true that the part that he struck from the RECORD changed the whole context of his remarks?

The SPEAKER. But did it affect the gentleman's remarks?

Mr. ASWELL. Very materially. That is what I wanted him to say, for the Haugen crowd, and I want that in the RECORD if he thought so.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. CHINDBLOM. Without any reference to the merits of the question, the gentleman, as I understand it, asked the gentleman from Ohio [Mr. BRAND] to yield. Then the gentleman from Ohio made a response which the gentleman from Louisiana did not think answered his question.

Then the gentleman from Louisiana propounded another inquiry. Did the gentleman from Louisiana ask the gentleman from Ohio whether he would yield for that second inquiry?

Mr. ASWELL. I was still on the floor.

Mr. CHINDBLOM. Of course, yielding for an inquiry relative only to one inquiry does not mean a continued debate.

Mr. ASWELL. I can answer the question. The gentleman from Ohio replied to me before he said he would not yield further in the language I have just read.

Mr. BLANTON. Will the gentleman yield?

Mr. KINCHELOE. Will the gentleman yield for a further parliamentary inquiry?

The SPEAKER. Does the gentleman from Louisiana yield?

Mr. ASWELL. I do.

Mr. KINCHELOE. The gentleman says he does. Has any Member when he puts a speech in the RECORD the right to cut out his answer to a question to which he yielded, when he does not in addition to that get the right to revise and extend his remarks, as I understand the gentleman from Ohio did not?

Mr. CARTER of Oklahoma. Will the gentleman yield for another parliamentary inquiry.

The SPEAKER. There is no question if the cutting out by the gentleman from Ohio of his answer to the question affected the remarks of the gentleman from Louisiana, but the Chair is unable to see in this particular case how it affects the remarks of the gentleman from Louisiana. It is merely leaving out a supplemental——

Mr. CARTER of Oklahoma. Mr. Speaker, a parliamentary inquiry. Mr. Speaker, as I understand it, it is not necessary for a Member to get permission to revise. It is only necessary to get permission to extend. That being the case, would not a revision of his remarks cover this proposition, the cutting out of anything he did not want in his address?

The SPEAKER. The trouble in this particular case is the Chair is unable to see how the remarks of the gentleman from Louisiana were affected by the cutting out of that sentence. There is no question, generally speaking, under permission to revise, a Member might cut out a sentence or two; in fact a man might cut out his whole speech from the RECORD.

Mr. BLANTON. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. BLANTON. Where a Member asks the speaker to yield, and the one having the floor does yield, it is considered that the colloquy is in accordance with the yielding until the Member having the floor says he refuses to yield further.

Mr. ASWELL. The gentleman did not do that until after he made that statement.

Mr. BLANTON. If the one who has the floor does not want to yield for an answer he states so; he must say, I do not yield for a question. That has been the practice.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that the RECORD be corrected in accordance with the official stenographer's report.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the RECORD be corrected in accordance with the official report by the stenographer. Is there objection?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, I have the right to object. I want to make a statement.

Mr. BRAND of Ohio. Reserving the right to object, will the gentleman from Louisiana point out the place he desires to cut out?

Mr. McKEOWN. Mr. Speaker, the matter was up in the Senate the other day as to a man putting in a speech different from the notes, and, as I understand it, it was not necessary to comply with the notes.

The SPEAKER. Is there objection?

SEVERAL MEMBERS. Regular order!

Mr. BRAND of Ohio. Mr. Speaker, I wanted just to make this statement.

Mr. ASWELL. I have the floor.

Mr. BRAND of Ohio. Will the gentleman yield to me?

Mr. ASWELL. Yes; to make a statement.

Mr. BRAND of Ohio. I just want to say that when I made that statement, "and we would not have given you this in the South if we could get all the Republicans to work with us in the North," I had in mind saying that to Republicans. I did not have it in mind that it was shooting both ways, and it is not in my heart to say it as it appears. On account of my feeling toward the South I did not want to put it in. [Applause.]

Mr. ASWELL. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the RECORD be corrected in accordance with the report of the Official Reporter. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, it should be in accordance with the suggestion of the gentleman from Louisiana. It is at his request.

The SPEAKER. He asked unanimous consent. Is there objection?

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Under the reservation of the right to object, the gentleman can make an inquiry.

Mr. LOWREY. Reserving the right to object, I want to say, Mr. Speaker, that I feel that the gentleman from Ohio [Mr. BRAND] certainly made a statement that might be considered objectionable; and if he does not want to put it in the RECORD, he should be allowed to cut it out. I wish we might cut out everything from the RECORD that affects us. I would have to vote against the proposition.

Mr. ASWELL. There is no vote. It has already been granted.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, in view of the statement of the gentleman from Ohio, I shall object.

Mr. CARTER of Oklahoma. I hope the gentleman will not do that. Reserving the right to object, I think the gentleman from Ohio from his standpoint made a very able argument, one of the ablest that has been made in the House.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. Did not the Speaker declare that the unanimous-consent request had been granted?

The SPEAKER. The gentleman from Georgia [Mr. Cox] objected.

Mr. ASWELL. Did he not object after the Speaker had declared the result?

The SPEAKER. No; before.

Mr. CARTER of Oklahoma. Everybody revises their remarks. The gentleman from Louisiana does, and I do it. We go to our offices late in the afternoon anxious to finish up our work and revise the RECORD, and sometimes we recognize things in the RECORD next day that we wish we had not said. Sometimes I find in the RECORD things that I would like to have cut out. I have no doubt the gentleman from Louisiana [Mr. ASWELL] has had that experience.

The gentleman from Ohio [Mr. BRAND] has made a very manly statement this morning. I do not see how a man could make a fairer request than he has made. I hope my friend will not object to the necessary change being made in the RECORD. The gentleman from Ohio has made a full explanation.

Mr. COX. I can not see that. I can not see that any Member from the South should be disregardful of the statement of the gentleman from Ohio and should insist upon this RECORD being amended as suggested by the gentleman from Louisiana [Mr. ASWELL].

The SPEAKER. The Chair understands the gentleman withdraws his objection?

Mr. COX. No. In view of the statement that the gentleman makes, I do object.

Mr. BRAND of Ohio. I have had that speech printed and ready to send out. It has not that phrase in it. Will I be able to change the RECORD?

Mr. COX. May I ask the gentleman from Ohio if he objects to the RECORD being amended or corrected as suggested?

Mr. BRAND of Ohio. Personally I do not care. I have had these speeches printed, and maybe they would be wrong.

Mr. ASWELL. This request is to correct the permanent RECORD, not the one the gentleman is ready to send out.

Mr. COX. If it is desired, I will withdraw my objection.

Mr. WINGO. Since the gentleman from Ohio has made a frank statement and his speech is ready to go out, I do not think we should question it further.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, my objection stands.

The SPEAKER. The gentleman from Georgia objects.

ADDRESS OF PRESIDENT COOLIDGE AT WILLIAMSBURG, VA.

Mr. TILSON. Mr. Speaker, at Williamsburg the President of the United States on Saturday made a very admirable address, one which I think should properly be inserted in the RECORD. I ask unanimous consent that that address be printed in the RECORD.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by inserting the address made by President Coolidge at Williamsburg on Saturday, May 15, 1926. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, what speech is that?

The SPEAKER. The President's speech delivered at Williamsburg.

Mr. GARRETT of Tennessee. I understand it has already been ordered printed in the Senate.

Mr. TILSON. I can assure the gentleman it will be printed only once.

The SPEAKER. Is there objection?

There was no objection.

(See Senate proceedings of to-day for the President's address, at page 9488.)

AMENDMENT OF SECTION 563 OF THE TARIFF ACT OF 1922

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report from the Committee on Ways and Means on the bill (H. R. 10933) to amend section 563 of the tariff act of 1922.

The SPEAKER. Referred to the Union Calendar and ordered printed.

PUBLIC BUILDINGS BILL

Mr. ELLIOTT. Mr. Speaker, I submit a conference report, for printing under the rule, on the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

The SPEAKER. Ordered printed.

NATIONAL PARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subject of parks.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, the passage a few days ago of S. 4073, a bill to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, again calls attention to the interest our Government has in continuing and increasing the availability of large tracts of land for national parks as provided for in the act of August 25, 1916, entitled "An act to establish a national park service, and for other purposes." While not a believer in centralization of undue authority in boards or commissions in Washington, I am a strong advocate of the Federal parks system. An experience in visiting seven parks convinced me that the system under which the natural beauties of the country are cared for by the National Park Service Commission is so nearly perfect that the same instrumentality should be expanded in the retention and preservation of the natural scenic beauties of our country.

In this way these sections will be preserved for the benefit of future generations in order that they may enjoy, as we have done, the health-giving and vacational pleasure of these beautiful areas. I heartily indorse the effort now being made to include in the list of national parks the Shenandoah Valley and the Blue Ridge Mountains. A short time ago, it was my privilege to drive through a portion of this very beautiful and historic section. No one from Massachusetts would be inclined to admit that there could be anything quite as splendid as the opening life of spring in our hill sections, but I confess that the region to which I refer will run a close second, particularly when the apple trees, dogwood, and judas trees are in bloom. The creation of these two parks will give people residing in States east of the Mississippi River a much more convenient opportunity to enjoy a national park than is now possible. Furthermore, these parks will add about 1,100 square miles to the national park system, all of which will be situated in the East. There is but one national park to-day in any of the Eastern States, namely, the Lafayette National Park in Maine. The other 18 are all in the West. I look to see these beautiful sections, which we hope will soon be under Government charge, become very popular with our vacation seekers. The experience of the increased patronage of the larger parks of the West would indicate this result. A great factor in these additional parks is the preservation of the natural scenery. A very large contributing element in the preservation of scenery is the prevention of unnecessary and disfiguring advertisements. It is a relief in riding through the Yosemite and the Yellowstone National Parks not to be informed every few miles of the kind of tires you should buy, even though this is under the cloak of historical references, or the kind of gasoline that is stated to have the best qualifications for use, or the kind of oil you are advised to buy at the next town. In addition, we avoid advice as to makes of clothing or articles of personal adornment, kinds of food, and other items we do not need to know about, numerous beyond mention.

This kind of advertising invariably seeks the spots most likely to conceal or injure a beautiful view. Disfigurement of nature has grown even more rapidly than the use of automobiles themselves. Great corporations have been formed for the purpose of soliciting these various kinds of advertising and securing the choice locations of hillside and mountain. We do not believe in putting the Government into business. On the other hand, I for one believe in causing the Government indirectly to aid as far as it can, through control of scenic attractions of the country, the destruction of this type of business. Advertising has its place and its very great use. I thoroughly believe in it. I also believe in the retention of natural beauties of our landscape, which can not be effectively carried out if the class of advertising to which I refer is to continue to have the exercise of unlim-

lted freedom. This is not a controlling reason for additions to our national parks system, but is a contributing factor. I am for national parks and against country billboard advertisements.

The organic act establishing the National Park Service defined the functions of the Park Service, among other things—

to conserve the scenery and the natural and historic objects and the wild life therein and provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Public opinion has strongly supported the effective carrying out of this provision, and the experience of 10 years has continually increased public approval. It follows as a sequence that preservation of natural attractions includes prohibition of erection of advertising signs. Like many other public questions, education enters largely into the equation. It is gratifying to find that the towns and cities at the entrances of the Yellowstone National Park are showing a spirit of cooperation with the park authorities.

According to Superintendent Albright, the town of Cody has passed resolutions prohibiting signs between Cody and the Yellowstone Park. Livingston, Mont., is also showing its interest. In October, 1925, at a meeting of the national park superintendents, resolutions were unanimously adopted condemning unsightly sign boards along public highways, and commending certain large business enterprises that have shown a disposition to cooperate with city and town ordinances. An interesting case is now pending in the State of Massachusetts, where the legislature of 1924 placed additional powers in the hands of the Massachusetts Department of Public Works. The billposting companies have combined to fight the law and have applied to the supreme court of the State for an injunction against the enforcement of the so-called billboard act. Those interested in the preservation of the natural beauties of Massachusetts are a unit in hoping that either the present law or a similar one will be found effective in accomplishing their purposes. If legislative action is declared unconstitutional, it may be that many of the people in several of our States will in self-protection endeavor to have their scenic attractions and public highways near them brought under the national park system. It needs no extensive argument to convince Congress that an extension of the national park system to include the Shenandoah Valley and other scenic sections is wise from the standpoint of protection for future generations, the enjoyment as vacation spots for thousands of people of moderate means, and for the preservation of the natural attractions from the encroachment of undesirable advertisement.

THE CONSENT CALENDAR

The SPEAKER. To-day is consent day. The Clerk will report the first bill on the Consent Calendar.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill and Senate bill 3553, an identical bill, be passed over without prejudice and retain their places on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

The next business on the Consent Calendar was the bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, a similar bill was defeated on Friday, so I object.

BATTLE FIELD OF STONES RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I would like to get some information from the proponents of this bill.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this bill be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

NATIONAL MILITARY PARK AT AND NEAR FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Courthouse, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I would like to ask the proponents of this measure why there is no report from the Secretary of War concerning this matter, as the Secretary of War will have the duty upon him of maintaining this park when it is established.

Mr. BLAND. I will say, in answer to the gentleman, that the report submitted is the report of the commission which was appointed under an act of Congress, and therefore I do not see any particular reason why there should be any report from the Secretary of War. Further than that, I think the Secretary of War transmitted to the Military Affairs Committee the report of the commission.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLAND. Yes.

Mr. LAGUARDIA. It is my understanding that the Committee on Military Affairs has established the policy that all of these park bills shall be submitted for a survey. Does the gentleman's bill provide for a survey or for the taking over of this park?

Mr. BLAND. There was no specific survey.

Mr. LAGUARDIA. It was my understanding, after discussing this matter with the acting chairman of the Committee on Military Affairs, that all of these park bills would be submitted to the War Department and $3,000 authorized for the purpose of making a survey, and that when such a survey had been made, then the committee would take up the matter.

Mr. BLAND. There was a bill passed appointing a commission to determine the feasibility and practicability of establishing a park and making a report, but it is not my understanding that in any similar cases or in this case they went to the extent of making an actual survey, because that would have involved more than the $3,000 appropriated.

Mr. MONTGOMERY. Will the gentleman consent to having this bill passed over without prejudice until we can investigate that feature?

Mr. BLAND. Of course, if the gentleman insists upon that, it is all right; but I want to call his attention to the fact that attached to the hearings will be found in full the report of the commission, with a plat of the plan recommended by them also attached. The only things omitted are certain other plats as to different plans that they considered. This bill is drawn in line with the plan that was recommended by the commission, and the gentleman will find that report in the hearings, together with the plat.

Mr. MONTGOMERY. Will the gentleman consent to passing this over without prejudice until we can get further information?

Mr. BLAND. Yes. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CLAIMS OF INDIAN TRIBES

The next business on the Consent Calendar was the bill (H. R. 9270) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I want to say for the information of the House that there is an adverse report filed by the Secretary of the Interior with this bill, in which he states that 50 per cent of this amount has already been paid in gratuities, and that this would necessitate a search of his files and probably a great deal of work, together with an extra appropriation if the bill should become a law. Therefore I shall object.

OIL AND GAS MINING LEASES WITHIN EXECUTIVE-ORDER INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 9133) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object——

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, retaining its place on the calendar.

Mr. LAGUARDIA. Does the gentleman expect to have his amendment ready by the next time the calendar is called?

Mr. HAYDEN. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ALLOTMENT OF UNITED STATES SUPREME COURT REPORTS TO WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 10701) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is the bill giving certain copies of the reports to the Army?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. The gentleman will recall we had this matter up once before and the Army is now getting about 31 copies of the Supreme Court Reports.

Mr. GRAHAM. There is none available for the courts-martial.

Mr. LAGUARDIA. We are trying to make soldiers out of these officers and not lawyers.

Mr. GRAHAM. I understand that, of course. That is not a very difficult task; but this bill was introduced and is here because of a request from the Secretary of War asking for this legislation. The chairman of the Committee on Appropriations objected but withdrew his objection later, and I had the bill passed over the first time it was reached. Then, after explaining the matter to him, he withdrew his objection and said he consented to the bill being considered by the House. Since then a similar bill has been passed by the Senate embodying the same matters, with two additional items, and I propose if the House considers the bill to ask that that bill be substituted for this one. The whole matter involves probably 25 or 30 copies of the Supreme Court Reports being distributed where they are needed, and this is not retroactive.

Mr. LAGUARDIA. The gentleman knows there would not be one court-martial in 100,000 where it would be necessary to consult the Supreme Court Reports. The distinguished chairman of the Committee on Appropriations was here when the bill came up on one of these calendar calls and objected to it.

Mr. GRAHAM. I have told you he has withdrawn all objection and has approved the bill.

Mr. LAGUARDIA. I shall object.

The SPEAKER. This bill requires three objections.

Mr. LAGUARDIA, Mr. FREAR, and Mr. HUDDLESTON objected.

Mr. GRAHAM. Mr. Speaker, this is a matter that is really necessary for the department that is asking it, and I hope the gentlemen will not persist in their objections. If so, I would ask that the bill be passed over without prejudice, and I would be glad to explain to the objectors exactly the purport and effect of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be passed over without prejudice, retaining its place on the calendar. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to proceed out of order for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. Mr. Speaker, all the Members of Congress are interested in the entertainment furnished to enlisted men on the ships of the Navy. The subcommittee of the Committee on Appropriations having charge of the appropriations for the Navy Department has arranged for the department to put in the House caucus room on Wednesday evening the moving-picture play, "The Midshipman," at 8 o'clock. We invite the Members of the House and their families to see the play. The Navy Band, under the leadership of Leader Bender, will furnish the music for the occasion.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn June 24, 25, and 26, 1926.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3928. An act authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes;

S. 4030. An act for the relief of Porter Bros. & Biffle and certain other citizens; and

S. 2312. An act for the relief of Franklin Gum.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others; and

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande.

COMMISSIONER OF RECLAMATION

The next business on the Consent Calendar was the bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, shall be administered by a commissioner of reclamation, who shall be equipped for the duties of said office by practical experience in irrigation of arid lands and the agricultural development and utilization thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the first commissioner appointed under the provisions of this act shall receive a salary of $10,000 per annum.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "reclamation," line 7, page 1, and insert the following: "who shall receive a salary of $10,000 per annum, and who shall be appointed by the President."

Mr. CRAMTON. Mr. Speaker, the only effect my amendment has is to strike out the numerous qualifications required. The qualifications are so widespread and important that I think the decision should be left to the President, who makes the appoint-

ment, without being handicapped with a list of qualifications that he might not be able to get in one individual. It also strikes out the words "with the advice and consent of the Senate." We want that official as independent as he can be in the administration of his office.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING ACT FOR COMPENSATION OF EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this bill seeks to amend the employees' compensation act. It involves important provisions, and the act would require an additional expenditure of nearly $700,000 annually. For that reason I think it ought not to be considered on unanimous-consent day, and I object.

CITIZEN BAND OF POTTAWATOMIE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

Mr. HASTINGS. Will the gentleman reserve his objection?

Mr. CRAMTON. If the gentleman desires, I will reserve the objection.

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, this is a Senate bill to authorize the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims. It is a bill that has passed the Senate. It was referred to the Department of the Interior and has the favorable recommendation of that department. The House Committee on Indian Affairs has agreed upon certain general features that must go into all of these jurisdictional bills, and this bill complies with those requirements. In other words, the claim sued upon must be based on the violation of some particular act, and a particular act upon which the claim is based is referred to in the jurisdictional section of this bill. The committee also adopted a rule with reference to attorneys' fees. That has been complied with in section 4 of this bill. It leaves the determination of the attorneys' fee to the Court of Claims. The amount of the contract must not be in excess of 10 per cent, must be approved by the Court of Claims, and in no event shall it exceed $25,000.

I sincerely trust that the gentleman from Michigan will not object to these Indians who think they have a good cause of action to submit their claims to our own courts when the bill has been submitted to the Interior Department and has a favorable report from that department. This bill would submit this claim to the Court of Claims, with the right of appeal to the Supreme Court. Certainly, this Government should not object to these Indians having their day in court. We ought not to object to allowing the Court of Claims to pass on the merits of these claims, with the right of appeal to the Supreme Court of the United States. Of course, the Attorney General of the United States, the law officer of the Government, will appear and defend the rights of the Government. The Interior Department suggested in its report certain amendments to the Senate bill, and, as I understand, all these amendments were accepted by the Senate committee, and every amendment suggested by the Interior Department was adopted. Two weeks ago the gentleman from Michigan preferred similar objections to other jurisdictional bills.

He stated at that time that we had passed a number of jurisdictional bills. These bills are entirely separate. In 1924 we passed separate jurisdictional bills for each of the Five Civilized Tribes in Oklahoma and a number of other tribes throughout the country, but that does not affect this band of Indians at all, and to say that you have done justice and permitted one tribe of Indians to go into court and have its claims adjudicated should not appeal to us as a reason why another tribe, separate and distinct, should not have similar legislation enacted for it.

Mr. HUDSON. Is it not becoming evident that the only way to settle our claims is to go before the courts? Is it not better that they go before the Court of Claims and have settlement rather than to a committee?

Mr. HASTINGS. I think it is a much better way to settle the claims. Then, of course, the tribe would be satisfied and the Government, represented by the Attorney General, would be protected. Then the controversy will be ended, and we will never end any controversy over one of these claims until some similar jurisdictional bill is passed which will give the Indians their day in court.

Mr. HUDSON. Do I understand that the Senate bill sets up the particular treaty or the law upon which these claims are based?

Mr. HASTINGS. It does.

Mr. HUDSON. So that they can not go hunting in a haystack for something.

Mr. HASTINGS. It sets up the particular law, and every amendment suggested by the Interior Department is incorporated; in other words, it adopts all of the amendments of the Interior Department, so that there can not be any objection as to the form. Where the Indians think they have a just claim against the Government I think they should have the right to have it adjudicated.

Mr. CRAMTON. Mr. Speaker, the gentleman has not quite understood my suggestion made the other day. Of course, I would not take the position that because we have rendered justice to certain tribes we should not render justice to others. In the last Congress there passed the Senate and this House such a large number of jurisdictional bills for Indians that the total amount of money claimed in those bills and suits that will be filed by reason of them will run above a billion dollars, not including the $750,000,000 of interest that the Sioux Tribe of Indians will claim. I insist that we were not doing justice to those Indians when we passed those bills. We were putting this Government to an absurd amount of expense for the sake of a lot of claim attorneys, in large degree, who are going to be permitted to take up transactions 75 years old; not suits upon definite claims, but fishing expeditions. The result of passing those bills does affect the gentleman's friends in this way. Grant, for a minute, that the claim might be substantiated, you have clogged the machinery. There are so many of these jurisdictional bills now in law, in process of adjudication, that testimony before the Committee on Appropriations the other day showed that only so many can use the books of the Government at any one time, and the Comptroller General is organizing as large a force as can do that, and that force which is the limit of size that can use those books at one time will have to work for five years to cover the cases now before them. The machinery now being pretty well clogged up, I thought not that we should not pass any more bills, but that we should not pass a bill except under the clearest showing of justification. The gentleman from Oklahoma [Mr. HASTINGS] and, I think, my colleague from Michigan [Mr. HUDSON] think these Indians ought to have their day in court.

If that is all the gentleman from Oklahoma wants, I am quite willing; but that is not all he wants. If the gentleman were willing to amend this bill so that the statute of limitations shall not apply and that they may have permission to sue the Government, I shall not object to it. That is all a white man asks—to go into the Court of Claims—the right to sue the Government, and then he might ask that the statute of limitations be set aside. I am willing to go that far, but that will not satisfy the gentleman from Oklahoma.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HASTINGS. I think the gentleman from Michigan and other Members of the House should be the last ones to talk about the claims being old. Why have they not been adjudicated before? For the very good reason that they can not sue the Government of the United States without the consent of Congress, and this Indian tribe and other Indian tribes have been knocking at the doors of Congress, some of them, for 75 years.

Mr. CRAMTON. Will the gentleman be willing to amend his bill to give these Indians the right to sue the Government and to set aside the statute of limitations?

Mr. HASTINGS. Certainly not; for the very reason that the gentleman—and I do not refer to him particularly now—and others have prevented the Indians from bringing their suits until the statute has run. This suit is based upon the act of 1867, and they have now been 59 years knocking at the doors of Congress trying to enter our own courts. Members of Congress stand upon the floor of this House and say that the Indians, who are the wards of this Nation, shall not try their claims in our own courts. They seem afraid that our courts will do justice to the Indians; and now, after you have prevented them from bringing suit for 59 years, you want to invoke the statute of limitations, when it has been our own fault.

Mr. CRAMTON. I say to set aside the statute of limitations and give you the right to sue, but not give you the right to inquire into the adequacy of the consideration in every treaty that has ever been made with the Indians—not to involve all these accounts for a hundred years back. If the gentleman is willing to have what any white man asks from Congress, namely, a right to sue the Government and have the statute of limitations set aside, I have no objection.

Mr. HASTINGS. The form of this bill has been carefully considered by the Secretary of the Interior, and their form of bill has been accepted. It was considered by the Committee on Indian Affairs, and it has been passed by the Senate in this form. It has been carefully considered by the Committee on Indian Affairs and is like other jurisdictional bills in every respect. There is no difference in substance.

It simply allows this band of Indians to go into our own court, the Court of Claims, with the right of appeal to the Supreme Court. I wanted to impress this upon the attention of the House. It has been our fault that the claim has been delayed for 59 years, and I hope that my friend from Michigan will not say by his objection that the court shall not be open to the wards of this Nation.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. CARTER of Oklahoma. I would like to ask the gentleman what is the state of these Indians' affairs. Are they being brought to a final determination?

Mr. HASTINGS. That is our policy, to bring all Indian matters to a conclusion as rapidly as possible. You can not do that until you give them the right finally to go into court and close up their affairs. It may be compared with a minor coming of age. The Government has had supervision of their affairs always, has allotted their lands, has paid out their money, has had supervision over their affairs, and now they are about to lose their tribal existence; all are made citizens of the United States. Many of these tribes are going entirely out of existence, and they want the right to come into court and to challenge any expenditures that have ever been made by the Government of the United States which they think is not correct.

Mr. CARTER of Oklahoma. If the gentleman will yield for a moment. I think the proper position for our Government to take is that any Indian tribe ought to be permitted, when it has a just claim, to go before the court for adjudication; that is, to the Court of Claims. There may be some dispute as to the time when the tribe ought to have the right to go into court. The Government is acting in the capacity of a guardian, but the Indians, when the time comes for final disposition of the affairs of the tribe, when the time comes when the guardian is just about to be discharged, then certainly the tribe is entitled to a final accounting by the guardian. If that is the case with reference to this tribe of Indians, this bill ought to pass.

Mr. HASTINGS. Yes. This is a tribe of Indians in Oklahoma that have been political orphans and have had no representatives prior to statehood. Since Oklahoma became a State they have been knocking at the door of Congress trying to enter our own courts.

The SPEAKER. Does the gentleman from Michigan object?

Mr. CRAMTON. Mr. Speaker, I want to say this. I am trying to make a study of these bills so where there is an actual authentic claim there might be a chance to try it, but with these all-embracing generalities that have gone through in the guise of claims, I shall, for the present, be obliged to object.

The SPEAKER. Objection is heard.

CLAIMS OF THE ASSINIBOIN INDIANS AGAINST THE UNITED STATES

The next business on the Consent Calendar was the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboin Indians may have against the United States and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object——

Mr. LEAVITT. Mr. Speaker, the arguments just made by the gentleman from Oklahoma apply exactly to this bill and that following. The Assiniboin and the Crow Tribes of Indians do not request to go into the Court of Claims on anything general or indefinite. I will agree that certain bills were passed in other Congresses throwing the door wide open, and they resulted in congestion in the General Accounting Office. Because of that I hope the gentleman from Michigan and the Congress will give the Committee on Indian Affairs credit for having taken this feature of the matter into consideration and for having held these bills down to specific treaties and specific acts of Congress. Now, the situation is this: On all of these reservations, and this applies to the case that has been presented so ably by the gentleman from Oklahoma as well as to the Crows and Assiniboins, there are old Indians who took part in the negotiations leading up to these treaties. The very fact the particular treaties mentioned in these bills are dated in 1851 proves that the end of life has come to practically all those Indians who know of personal knowledge what these treaties were understood to mean to the Government and to the Indian tribes. When we prevent these claims going into the courts of the country—and these Indians who have been the wards of our Government must depend for justice on the courts of the United States—when we prevent them from presenting their claims for a still additional period of years, we are removing their opportunity to present their claims with the testimony that is necessary.

I think myself that a shotgun policy of refusing to allow these different tribes of Indians to go into the Court of Claims at this time is entirely improper and ill-founded, and not based on a proper understanding of the situation so far as the Indians are concerned. I will agree that the General Accounting Office is congested and there is some congestion in the Department of Justice, but we ought to consider what is just and right to the Indians as well as what is convenient for the Accounting Office here in the city of Washington. I hope that this Congress will understand that our committee is not bringing in ill-considered claims, but that every one of these have been tied down and nailed to specific treaties and acts of Congress, and that we must allow these Indians to come into court while those who know the facts are still alive.

We all know what the effect is upon any mind or any race of people of the feeling that they have an indefinite claim for money coming to them at some time. Until they can know what to expect there is naturally a holding back of their development in every way, a retarding of the training that is necessary to make them self-supporting and self-respecting. This Government of the United States had better sin on the side of being over-liberal to the Indians than to think it must refrain from allowing the Indians to present their claims.

Now, Members of the Congress, I realize that under the Consent Calendar the Committee on Indians Affairs may not get these bills through. Now it is coming near the end of the session. I hope these objections will not be made. But I want to say this, that when the Committee on Indian Affairs has a Calendar Wednesday, which will happen in due time at the beginning of the coming session, we are going to come in with these Indian bills, and we want to know where the objections come from, whether from individual Members or from the bureau and the department, because we want you to think first of the Indians, and if there is a question of doubt, we want you to resolve it in favor of the Indian, and not in favor of some clerk down in the Office of Accounts who may feel that he is going to be overworked by our trying to hurry these matters up before the Indians die and pass beyond the possibility of presenting their claims. [Applause.]

Mr. CRAMTON. Reserving the right to object, for about half a minute, Mr. Speaker, let me state this: The gentleman from Montana [Mr. LEAVITT] will not have to wait until next winter and will not have to make any extensive investigation in order to know who is going to object to-day. I am going to make an objection, and I speak for no one but myself, and any time the gentleman from Montana can satisfy me as to the propriety of a bill that will silence my objection. No one else is responsible for my acts, but I think the Committee on Indian Affairs can render a great service not only to the House but to the Indians if the committee will reverse itself from the policy it followed in the last Congress, when, under the former régime, not under the present chairman, they clogged the machinery with five years' work on the accounts in such bills. If the committee will sit on the lid and single out only those that are clear-cut cases, it will be well, but on this calendar there is a bill sent out again from the gentleman's committee that was passed by the last Congress without much attention being paid to it, and which was vetoed by the President and is now disapproved by the Bureau of the Budget. The committee has sent it out again in this Congress. Those things force some of us who have contact with these questions to make a study of all these bills. As to the Assiniboin case, the gentleman from Montana knows that I have been making some study of that, but as yet I can not withdraw the objection heretofore made.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. LEAVITT. I want to make this statement in regard to the policy of the committee. It must take the evidence brought before the committee and decide upon its own conscience and judgment regardless of what the Bureau of the Budget says.

Mr. CRAMTON. The gentlemen on the Committee on Indian Affairs must grant that same right to the other Members of the House. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

SPEECHES DELIVERED AT WILLIAMSBURG, VA.

Mr. DEAL. Mr. Speaker, this morning the floor leader on the Republican side [Mr. TILSON] asked and obtained unanimous consent that the address which the President made at Williamsburg on Saturday, the 15th, be published in the RECORD. I now ask unanimous consent that the speech delivered by the Hon. OGDEN L. MILLS, of New York, on the same occasion be published also in the RECORD.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by inserting the address made on Saturday by the gentleman from New York [Mr. MILLS] at Williamsburg. Is there objection?

There was no objection.

Mr. DREWRY. Mr. Speaker, I would like to add to that request that the speech made by the gentleman from Pennsylvania [Mr. TEMPLE] and that made by the gentleman from Massachusetts [Mr. STOBBS] be also printed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to add the speeches delivered by the gentleman from Pennsylvania [Mr. TEMPLE] and the gentleman from Massachusetts [Mr. STOBBS]. Is there objection?

There was no objection.

Mr. DEAL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech, delivered at Williamsburg, Va., on May 15, 1926, by Hon. OGDEN L. MILLS, to commemorate the one hundred and fiftieth anniversary of the adoption of the Virginia Resolution of Independence:

SPEECH OF HON. OGDEN L. MILLS

On May 6, 1776, there convened in Williamsburg the convention whose action, ratified by a century and a half of free government, of prosperity, progress, and happiness, we commemorate to-day. It was not the first of the revolutionary conventions of Virginia, for as early as August 1, 1774, a convention of delegates from the colony met and appointed deputies to attend the General Congress in Philadelphia in September; but even before it met it was generally recognized that history would be made at Williamsburg, as the candidates had been required to pledge themselves in advance for independence. The County of Cumberland, for instance, instructed its delegates in the following quaint language:

"We therefore, your constituents, instruct you to declare for an independency; that you solemnly abjure any allegiance to his Britannick Majesty and bid him 'good night' forever."

Accordingly, on May 15, the convention resolved unanimously "that the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to or dependence upon the Crown or Parliament of Great Britain, and that they give the assent of this Colony to such declaration and to whatever measures may be thought proper and necessary by the Congress for forming alliances and a confederation of the Colonies at such time and in the manner as to them shall seem best: *Provided*, That the power of forming government for and the regulation of the internal concerns of each colony be left to the respective colonial legislatures."

But the convention did not stop there. Wise and proper as the patriots of Virginia deemed it to take the initiative in urging their fellow colonists to declare their independence, they did not propose to await the moral and material strength to be derived from common action. For them the hour of independence had rung. Whether others followed or not, they were prepared to achieve freedom or to perish in the attempt. Acting in accordance with the proviso of the resolution, reserving to each colony the power of forming a government, the convention proceeded to frame and establish a constitution for the government of the Commonwealth, based upon those principles of liberty of which the famous Bill of Rights was the written embodiment; and by June 29, five days before the national Declaration of Independence, the Commonwealth of Virginia was a free and independent State.

Great historic events these. We see the stream from this Virginia spring flow onward and grow into a mighty river that transforms the world itself. But history as a mere record of events is barren, unless we draw from its pages the light wherewith to clarify the problems of to-day and illumine the path of to-morrow.

What is the true significance of the proceedings of the Williamsburg convention? For me there are two great outstanding facts: First, these men had the supreme courage and self-reliance to act alone. For all they knew, it might fall to their lot to face unsupported the full power of England; and that the fear of other Colonies might not join them in this final step was not idle, is clear enough from both previous and subsequent events. Thus, when in 1772 Massachusetts appealed to all colonial legislative bodies to aid in repelling attack on their charter rights, the Assembly of Virginia, of all the colonial legislatures, was the only one to take prompt and vigorous action; and when, on the 7th of June, Richard Henry Lee submitted to Congress his famous resolution, it was resisted by some of the delegates, and the question was postponed for three weeks to invite the judgment of those Colonies which had not yet declared themselves. These Virginians, then, to secure independence, were willing to risk their all, relying on their own courage and resources.

It is hardly to be wondered that such men had no doubts as to their capacity to fashion a government suitable to their needs and to administer it in accordance with their conception of their rights, or that they should jealously refuse to delegate any authority in this respect to the National Congress, as they took care to specify in that so significant proviso forming part of the historic resolution that "the power of forming government for each colony be left to the respective colonial legislatures."

These qualities and characteristics were not peculiar to Virginia. They were true of the inhabitants of all of the Colonies. Courage, self-reliance, and the capacity to solve their own problems were the qualities that won us our independence, just as they are the qualities upon which our whole system of government rests and without which it can not endure. The Revolutionary War was won not by a nation but by a confederation of States, which subsequently became a Nation, which even in the act of becoming one had the wisdom to recognize that free government means self-government, and that self-government can not long exist if the agencies of government are so distant as to be deprived of the immediate supervision and responsibility of the people themselves. Some may think that the principles of home rule, of State rights, indeed, of our whole Federal structure, were born of the rivalries and jealousies of colonial days. I prefer to believe that they are the fruits of the wisdom of men who knew human nature quite as well as they understood government, who were uncompromising thinkers, who saw their problems in the clear, hard light of the dawn, and solved them by erecting a structure upon principles which they knew to be fundamental and enduring.

There is a real need in the country to-day to refamiliarize ourselves with those principles. There is a real need of revitalizing the individual and local sense of responsibility and self-reliance. There is a real need for the people once more to grasp the fundamental fact that under our system of government they are expected to solve many problems themselves through their municipal and State governments and to combat the tendency that is all too common to-day to turn to the Federal Government as the easiest and least burdensome method of lightening their own responsibilities. The Virginia convention did not look to Philadelphia for guidance. They assumed the leadership. The Virginia convention did not await the assistance of others. They struck off their own shackles. And may I interject here that when Commander Byrd, a few days ago, flung our flag to the winds that sweep the top of the world he showed that when it comes to enterprise, endurance, and valor the Virginian of to-day lives up to the glorious tradition of his ancestors.

As I read our history, the safety and strength of our institutions is due not so much to the powers granted to the Federal Government as to those reserved to the States, the very principle upon which the Virginia convention was so insistent; to the jealousy with which the home-rule principle was safeguarded; to the regard held by the founders for the truths that the closer the government is to the people the better the government, and that the best way to strengthen and foster self-government is to build up self-reliance and independence in the individual citizen by placing on him direct and intimate responsibility. If this was true when there were but 13 States, when our inhabitants numbered only some 3,000,000, when our population was homogeneous and had, generally speaking, an economic solidarity and that common view which can only be found in a population almost wholly addicted to agricultural pursuits, how much more necessary is it to-day, when our country has expanded to its present colossal proportions, when its population is made up of races drawn from all parts of the world, with totally dissimilar ancestry, tradition, and viewpoint, when within our borders may be found every form of economic activity from the simple agricultural community to the largest of commercial and industrial units, and when a variety of climates necessarily produce different habits, customs, and mode of living?

That a nation so composed and situated can develop a single and ardent national spirit, a common purpose and ideal, and can embody a great national soul and conscience has been amply demonstrated by our history. But that this Nation, with such a tradition as we have noted, with its characteristics of initiative and love of freedom, true not only of the individual citizens but of our individual communities, can ever be made uniform by law and governed from a single distant center is something to me inconceivable. And Washington is far off, in spite of railroads, airplanes, and long-distance telephones, far off in the sense that it is well-nigh impossible for the individual to scrutinize and understand from day to day and from month to month the complexities of its already huge government.

The American principles of ordered freedom, individual rights, and responsible government are eternally secure in the safekeeping of 48

sovereign governments directly responsive to the rule and supervision of their citizens. To intrust them to one central authority is to hazard their very existence, for deprived of that sense of personal responsibility in the individual from which they draw their vigor and removed from that jealous vigilance which should constantly attend them they will gradually lose their strength and grow pale, until the shadow, rather than the substance, remaining, they may be blown away by the first tempest.

It is well to commemorate the great events of our history. It is inspiring to honor the patriots of those heroic days, but the imposing ceremonies, the eloquent words, the great gathering of people will be without true meaning or purpose and forgotten to-morrow unless they are the outward expression of our inward resolve to understand the significance of the events we commemorate, to cherish the principles which the men we honor laid out for our guidance, and glorified by their example and as befits the citizens of a free country to recognize and accept the responsibility which is ours.

ADDRESS OF HON. GEORGE R. STOBBS, OF MASSACHUSETTS

Mr. STOBBS. Mr. Speaker, under leave granted to extend my remarks, I insert the following speech, which I delivered at the Williamsburg Sesquicentennial, May 15, 1926:

Mr. President, his excellency, the governor, ladies and gentlemen, I deeply appreciate the honor of being present on this memorable occasion and the privilege accorded me as one of the Representatives in Congress from Massachusetts to extend to you all the greetings and good wishes of the Commonwealth of Massachusetts.

Everyone familiar with our early colonial and Revolutionary history knows the close bond which existed between these two States, Virginia and Massachusetts, and the leading part they took, acting together in promotion of the cause of justice and liberty.

It is a great pleasure to be here to-day in another capacity—as the representative, unofficially, of Harvard University, that great institution of learning which, although its birth preceded that of your own college by a comparatively short time, shares with the College of William and Mary the honor and great distinction of being one of the two oldest colleges in the United States.

It is an especial pleasure to me personally to be here to-day, coming as I do from the city of Worcester, Mass.—the "Heart of the Commonwealth"—which was the home of Senator HOAR, to whose efforts in Congress was due the passage of the resolution and appropriation of funds which made possible the restoration of the buildings of your college which were destroyed during the Civil War.

With the splendid traditions of your past history to serve as your inspiration, I wish you all prosperity and Godspeed for the future.

Mr. DREWRY. Mr. Speaker, under leave extended to me I insert herewith the following address delivered by Hon. H. W. TEMPLE, of Pennsylvania, at Williamsburg, Va., May 15, 1926, at the celebration of the sesquicentennial anniversary of the passage by the Virginia Convention of 1776 of a resolution instructing its delegation in Congress to declare the United Colonies free and independent of Great Britain.

ADDRESS OF HON. H. W. TEMPLE, OF PENNSYLVANIA

Mr. President, your excellency the governor, ladies, and gentlemen, it is an honor which I appreciate highly to be one of the men delegated by the National House of Representatives to bring to the governor and the people of Virginia a message of good will and congratulation on this occasion.

Next July, in the city of Philadelphia, we are to celebrate the one hundred and fiftieth anniversary of the declaration by the 13 Colonies that they were free and independent States; to-day we commemorate the adoption by the Virginia House of Burgesses of the resolution instructing the Virginia delegates to the Continental Congress to present and support such a declaration.

In one after another of the thirteen Colonies great events so crowded the calendar in 1775 and 1776 and the dozen years that followed that if we should undertake to celebrate them all our holidays would almost outnumber our working days. Great men were doing great things, and we still profit by their labors.

We speak of the conflict of those days as the War of the Revolution, but it is only in a limited sense that the things accomplished then can be called a revolution. There was no unnatural break with the past. The most thoughtful men of the times asserted that they were demanding nothing more than their constitutional rights, guaranteed by the ancient charters to which Englishmen in the mother country and the colonists in America alike traced their liberties.

A considerable number of the statesmen of England knew then and earnestly asserted in the House of Commons that their rights as well as those of the colonists had been encroached upon by the Crown. The liberties of two nations were at stake, and our war of independence did much to limit the power of the Crown and establish the rights of the people in England as well as to found a new nation in America.

English constitutional history is American constitutional history. Our institutions, our laws, have their roots deep in the past. From Magna Charta to the days of George III liberty had been developing. To Jamestown and to Plymouth Rock came Englishmen bringing with them the ideas of government as they knew it in their former homes. They could do nothing else. No other type of government could find expression in their political habits. You and I to-day, if we should go into some uninhabited part of the earth separated from the jurisdiction of any established government, would find it necessary to govern ourselves, and, of course, we should establish the type of government that we are familiar with. We would transplant the institutions under which we had grown up. So did the founders of town government in New England and county government in Virginia. They brought their institutions with them. It is now more than 300 years since the first English-speaking colonies were planted at Jamestown and Plymouth Rock, and for more than half of the time that has intervened since governmental institutions were established in these places they were under the authority of the mother country. Virginia and Massachusetts have not yet been States in the American Union as long as they had been British Colonies when they became independent. There was as much time under the old colonial system for the local systems of self-government to develop and to be modified under the influence of new surroundings as there has been since the Declaration of Independence for the American Nation to grow and modify its institutions.

When we look backward through long stretches of time, earlier periods of equal length seem shortened in the distance and it seems almost necessary for us to remind ourselves that the 150 years of colonial existence was just as long as the 150 years of independent national life. Local American institutions, though they did grow from the old British root, had taken on new shape. A somewhat different conception of representative government had grown up in America and the two conceptions clashed. The movement for independence, therefore, was no strange, unheard-of, unnatural event. Independence in 1776 was as natural as the birth of a child when its time has fully come.

When the new Government was to be set up new institutions were not invented. Old and proved ones were maintained. I know of only one among all the institutions established by the Constitution of the United States that was not a growth within the experience of the race to which those men belonged who are called the fathers of the Constitution; and that one does not work as it was intended. Everything else had been developed in the mother country or in the Colonies themselves, but for the choice of a Chief Magistrate the founders of this country did not intend to adopt the principle of hereditary descent. It seemed necessary, therefore, to invent a way to choose a Chief Magistrate, and the Electoral College was the result.

What was the Electoral College? How was it intended to work? Each State was to choose from among its own citizens trusted men of large experience and wide acquaintance with men in public life. These electoral colleges, one in each State, were to meet and the members, each of them in the exercise of his own judgment, were to counsel together and decide for whom the electoral vote of their State should be cast. Not only was the hereditary principle to be ignored, but the choice was not to be left to the great mass of the voters. It was supposed that better results could be had if the question were left to these men of long experience and wide acquaintance.

This institution, the Electoral College, had no roots in the past; at least none within the experience of the British or the American people. There may be in it some reminiscence of the college of electors that chose the Emperor of what was called the Holy Roman Empire, or some suggestion from the college of cardinals which elects a Pope; but whatever may have been the source of the suggestion, the institution was foreign to the political genius of the American people, and it works in a way very different from that which was intended. The people found a way to bring it into harmony with their political genius. We have now national conventions, delegates to which are elected by the people. The national convention nominates a candidate, and the members of the Electoral College are chosen because they are pledged to the nominee of their party. The pledge is wholly a matter of custom, of understanding, not of law, and the members of the Electoral College frequently are chosen not from among the men of large experience and wide acquaintance but for other reasons. We are in the habit of saying that we voted for this man or that man for President. Technically we did not. We voted for men whose names we do not now remember, or perhaps did not know at the time. We voted for them because they were pledged to the candidate of our party chosen at a national convention. But if any member of the Electoral College chose to ignore the nominee of his party and to vote for some other man obscure and not thought of, though we might object, the vote would have to be counted for that man, and the member of the Electoral College would be subject to no penalty whatever for ignoring the choice of his party—no penalty, except that he would not dare go back home. The unwritten law which is in harmony with the political genius of the people is more authoritative than the written law which attempts to establish an invented institution with no roots in the past.

In the future, changes in our institutions may come; they will come if our life as a nation is to remain strong and vigorous; but we should make sure that they come by development, not by revolution, just as

the changes came in the period that we call the Revolutionary War. We can not break entirely with the past. We can not free ourselves from the influence of our own history. We can not make progress by destroying the old and inventing and adopting the untried. Let us make sure that whatever new growth comes it will be from the old root and so will our progress be safe and our national life retain its old-time vigor.

PRINTING HEARINGS ON MODIFICATION OF THE PROHIBITION LAW

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 17

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to procure the printing of 10,000 additional copies of the hearings held before its subcommittee during the Sixty-ninth Congress, first session, on bills and resolutions relating to a modification of the national prohibition law, and of this number the committee shall cause to be delivered to the folding rooms of Congress 9,175 copies, of which 2,500 copies shall be for the use of the Senate and 6,675 copies shall be for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CONSTITUTION OF THE UNITED STATES

Mr. KIESS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a resolution, which the Clerk will report.

The Clerk read as follows:

Concurrent Resolution 12

Resolved by the Senate (the House of Representatives concurring), That the Constitution of the United States as amended up to April 15, 1926, together with the Declaration of Independence, be printed as a Senate document, with an index, in such form as may be directed by the Joint Committee on Printing, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROCEEDINGS OF THE TWENTY-SEVENTH NATIONAL ENCAMPMENT OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES FOR 1926

Mr. KIESS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 233

Resolved, That there shall be printed as a House document the proceedings of the twenty-seventh national encampment of the Veterans of Foreign Wars of the United States for the year 1926, with accompanying illustrations.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CONSENT CALENDAR—COURT OF CLAIMS

The next business on the Consent Calendar was the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

MAKAH INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 11248) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands in Washington be, and they are hereby, withdrawn from entry, sale, or other disposition, and set aside for the Makah and Quileute Indians:

Lots 3 and 4 of section 3; lots 6, 7, 8, 12, 13, 14, 15, and northwest quarter of southeast quarter and southeast quarter of southeast quarter of section 4; lots 1 and 4 of section 9; lots 6, 7, 9, and southwest quarter of northwest quarter of section 10; lots 9 and 10 of section 11; lot 5 of section 12; lot 6 of section 12 except 0.694 acre reserved for lighthouse purposes; lot 7 of section 12 except strip 250 feet in width reserved for Coast Guard purposes; lots 8, 10, 11, and southwest quarter of southeast quarter section 12; lots 2 and 6 of section 13; lot 1 of section 14; all in township 33 north, range 15 west of Willamette meridian in Washington, containing 865.28 acres.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that an identical Senate bill (S. 3958) may be considered in lieu of the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that a similar Senate bill (S. 3958) be considered in lieu of the House bill. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Without objection, H. R. 11248 will be laid on the table.

There was no objection.

THE CLASSIFICATION ACT OF 1923

The next business on the Consent Calendar was the bill (H. R. 359) to amend an act entitled "The classification act of 1923," approved March 4, 1923.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

ACT TO PROVIDE FOR THE CLASSIFICATION OF CIVILIAN POSITIONS WITHIN THE DISTRICT OF COLUMBIA AND IN THE FIELD SERVICES

The next business on the Consent Calendar was the bill (H. R. 84) to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may we have an explanation of this bill?

Mr. BLANTON. Mr. Speaker, did the gentleman from New York object? If not, I reserve the right to object.

Mr. LEHLBACH. Mr. Speaker, this bill was introduced in the last Congress by the chairman of the Committee on Appropriations [Mr. MADDEN]. It was passed by the House, I believe by unanimous consent, but too late to receive action in the Senate. It was reintroduced in the House by the gentleman from Illinois, reported favorably by the Committee on the Civil Service, and is again on the Consent Calendar. It provides that where, in conformity with the classification act of 1923, increases in salary or promotions are made that such increases or promotions be reported to Congress and the reasons therefor, so that the Congress, and more particularly the Committee on Appropriations, may check up as to the number of promotions in the various departments or appropriation units and the reasons therefor, in order to keep a check on the administration of salary matters in the respective departments and independent establishments.

Mr. BLANTON. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. BLANTON. You have, for instance, down here in the office of the collector of taxes, in the District Building, a man who handles $25,000,000 every year and who is getting a salary of $1,440. This bill does not grant him any relief at all, but still permits that condition to prevail.

Mr. LEHLBACH. This bill does not prohibit the increase of any salary or provide for the increase of any salary.

Mr. BLANTON. But it does not direct anything.

Mr. LEHLBACH. It is not for that purpose. This bill is merely for the purpose of supplying Congress with certain information.

Mr. BLANTON. I know, but before we begin work on this proposition we ought to go into it more fully than this little bill authorizes, as it is a big proposition, and, therefore, I object.

ANNUAL CONVENTION OF THE AMERICAN LEGION IN PARIS

The next business on the Consent Calendar was the bill (H. R. 10057) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion in Paris, France: *Provided, however*, That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, limiting the annual leave which may be granted with pay to 30 days in any one year except that any portion of the 30 days' leave not granted or used during the year 1926 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 30 days' leave with pay in 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CRIMINAL CODE OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 9568) amending section 220, Criminal Code of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman tell us why there is no provision in this bill to provide for reciprocal arrangements, so that if our money or our documents are counterfeited in foreign countries we may request them to proceed? I have in mind passports, revenue stamps, and the counterfeiting of any United States documents.

Mr. CHRISTOPHERSON. I do not think any such provision would have any place in this bill. It seems to me that would better come from our State Department.

Mr. LAGUARDIA. There could be a provision that this should apply to any nation that accorded similar protection to the counterfeiting of United States money or documents.

Mr. CHRISTOPHERSON. Should we tolerate the counterfeiting of revenue stamps in this country or in other countries, whether they prohibit it or not?

Mr. LAGUARDIA. I think this is a very good opportunity to bring pressure to get the protection we need in other countries.

Mr. CHRISTOPHERSON. We have already provided against the counterfeiting of postage stamps. This merely includes revenue stamps, and as I say, I do not believe such a provision would be advisable in a criminal statute. We had better take that matter up through the State Department, because that is a matter of reciprocity.

Mr. LAGUARDIA. Does this come as a request from the Department of Justice?

Mr. CHRISTOPHERSON. Yes; and the Treasury Department also.

Mr. LAGUARDIA. I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 220 of the Criminal Code of the United States be amended to read as follows:

"Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage or revenue stamp of any foreign government, shall be fined not more than $500 or imprisoned not more than five years, or both."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONVENTION OF AMERICAN LEGION IN PARIS, FRANCE

Mr. LEHLBACH. Mr. Speaker, in view of the fact that there is on the Union Calendar the bill S. 3560, which is an identical bill with the bill H. R. 10057, which has just passed the House, I ask unanimous consent that the bill S. 3560 may be deemed to have passed the House and that the bill H. R. 10057 lie on the table.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the bill S. 3560 shall be considered as having been read the third time and passed and that the bill H. R. 10057 lie on the table. Is there objection?

There was no objection.

S. 2141 AND S. 2868

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bills S. 2141 and S. 2868, to which objection was made, may retain their place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

ESTABLISHMENT OF NATIONAL MILITARY PARK AT PETERSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 7817) to establish a national military park at the battle fields of the siege of Petersburg, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, reserving the right to objection, and I shall object——

Mr. RANKIN. Mr. Speaker, I demand the regular order. The gentleman says he is going to object.

Mr. MONTGOMERY. I object.

Mr. DREWRY. Mr. Speaker, I hope the gentleman will withhold his objection for a few moments.

Mr. RANKIN. If the gentleman is going to object, I do not care to have him get up and make a speech telling why he is going to object. We need the time of the House for something else.

Mr. MONTGOMERY. I would like to withhold my objection, but I can not under the demand for the regular order.

Mr. RANKIN. I will withhold my demand for the regular order.

Mr. MONTGOMERY. I merely wanted to say there are some four or five similar bills on this calendar, and I am informed there are 29 before the Committee on Military Affairs. I object to the consideration of the bill at this time, because I think we should have a comprehensive report from the Committee on Military Affairs. I understand this land is to be donated to the Government, and for that reason I further dislike to object, but I think they should take up these matters comprehensively and study them all and then select the ones they really prefer to establish as military parks and not take them up piecemeal.

Mr. DREWRY. Will the gentleman permit an interruption at this time?

Mr. MONTGOMERY. Yes.

Mr. DREWRY. The objection of the gentleman because of the situation with respect to other bills is not well taken, because this bill does not require any purchase of land in order to be put into a military park. It is to be given by the people of Petersburg to the United States Government and will not cost the Government one cent until after it is donated to them, and then, of course, the Government will have to keep it up.

Mr. MONTGOMERY. It will cost something to keep it up.

Mr. DREWRY. Yes; of course.

Mr. MONTGOMERY. And the bill provides for an appropriation?

Mr. DREWRY. The appropriation was to be $100,000, and in agreement with the gentleman from Ohio [Mr. BEGG] it was reduced to $15,000, which will be sufficient to provide for a commission to go there and designate within what lines the battle fields shall be included. There is a difference between this bill and the others. The others provide for a larger sum of money for one thing; secondly, they provide for the purchase of the land, and so forth. This bill does neither.

Mr. MONTGOMERY. Can the gentleman give us any information about what it will cost to maintain this park after it is established?

Mr. DREWRY. I should think it would hardly cost anything. They would have to put up, perhaps, a keeper's cottage there to look after the park, although, of course, they would not have to do that unless the Government wanted to do it.

Mr. MONTGOMERY. Has any estimate ever been made by the Secretary of War or by anybody else of what it will cost to maintain the park? Is there any report here from the Secretary of War?

Mr. DREWRY. It is in a similar position to Gettysburg. Nobody has ever made an estimate of what it will cost to maintain the park at Gettysburg. The appropriation is made at the time the money is needed, and nobody knows what it will cost in the future. There is no reason why it should cost anything.

Mr. MONTGOMERY. Mr. Speaker, I think that information is very material, so therefore I shall object.

Mr. DREWRY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TOURING CAMP, POTOMAC PARK

The next business on the Consent Calendar was joint resolution (H. J. Res. 174), providing that no permanent building should be erected in East Potomac Park solely for tourist camp purposes pending the selection of a more suitable site.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. KETCHAM, Mr. LEHLBACH, and Mr. BLANTON objected.

COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM

The next business on the Consent Calendar was the bill (H. R. 9450) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object——

Mr. BLANTON. I object.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by putting in here at this point the data as to what the Government has contributed for this institution in addition to appropriations for per capita maintenance.

Mr. BLANTON. Is the gentleman against this bill?

Mr. CRAMTON. I am opposed to it. This institution derives from the District its pay per capita for maintaining District patients therein. In addition there has been made to it gratuity appropriations of several hundred thousand dollars. I think they are asking for $300,000 more for a certain building. I ask unanimous consent to extend my remarks in the RECORD by putting in that data.

This bill proposes that the Commissioners of the District of Columbia "refund to the Columbia Hospital for Women and Lying-In Asylum the sum of $25,000 required to be paid into the Treasury of the United States from the surplus revenues of said hospital under the provisions of the District of Columbia appropriation act approved June 29, 1922, which said amount was so covered into the Treasury of the United States, 60 per cent to the credit of the District of Columbia and 40 per cent to the credit of the United States."

This $25,000 so "refunded" to the hospital is to be paid 40 per cent from Federal revenues and 60 per cent from District revenues.

The bill proposes a gift of $25,000 for this institution. We have made gifts to the institution and we undoubtedly will again, but we do not need to talk about "refunding," and when such a gift is made to a purely District institution it should be paid as other District expenses are paid.

Beginning with the year 1917, gifts amounting to $183,044 have been made to this institution by the Government, District and Federal. During the same time all the charity patients sent there by the District authorities have been paid for on a per capita basis in accordance with contract. The statement, as furnished by the District auditor, is as follows:

Expenditures out of appropriations for Columbia Hospital for Women for certain years and under the two heads "General repairs" and "Medical charities"

Year	General repairs	Medical charities	
		Rate	Amount
1917	$20,344	Adults...$1.20 Children. .40	$19,588.40
1918	15,100	Adults... 1.50 Children. .40	17,336.20
1919	20,100	Adults... 1.50 Children. .40	12,950.30
1920	23,000	Adults... 1.75 Children. .50	16,553.13
1921	20,000	Adults... 2.00 Children. .50	18,218.63
1922	20,000	Adults... 2.00 Children. .50	17,000.00
1923	20,000	Adults... 2.00 Children. .50	17,000.00
1924	15,000	Adults... 2.00 Children. .50	15,975.50
1925	15,000	Adults... 2.00 Children. .50	16,317.50
1926	14,500	Adults... 2.00 Children. .50	11,158.50
Total	183,044		162,107.16

It is my recollection that several hundred thousand dollars for construction was given just before 1917, and over $300,000 is now asked in another bill.

The surplus referred to was piled up because of the gratuity appropriations. Neither the District nor the Federal Government owes this institution. The balance is largely the other way.

We may vote gratuities to this District institution in the future, payable as are other District expenses, but we do not need to "refund" something we do not owe, nor add to Federal burdens for this District institution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for three minutes. Is there objection?

Mr. LEHLBACH. I object.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for one minute. Is there objection?

Mr. LEHLBACH. I object.

Mr. BLANTON. Mr. Speaker, if I can not be heard for a minute on a very important bill, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I ask a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Aldrich	Doyle	Kerr	Sears, Fla.
Anthony	Eaton	Kurtz	Shreve
Bacon	Ellis	Kvale	Sproul, Ill.
Bankhead	Esterly	Lampert	Strong, Pa.
Beers	Fairchild	Lee, Ga.	Strother
Bixler	Fish	Lineberger	Sullivan
Boies	Flaherty	McLeod	Swoope
Brigham	Fredericks	McSwain	Taylor, Colo.
Britten	Freeman	Magrady	Taylor, Tenn.
Brumm	Funk	Menges	Taylor, W. Va.
Burtness	Gallivan	Michaelson	Vare
Butler	Garner, Tex.	Mills	Walters
Campbell	Glynn	Morin	Watres
Carpenter	Golder	Nelson, Wis.	Watson
Cleary	Goldsborough	Parks	Wefald
Connery	Hall, N. Dak.	Peavey	Weller
Connolly, Pa.	Hill, Ala.	Phillips	Welsh
Cooper, Ohio	Houston	Porter	White, Kans.
Corning	Irwin	Pratt	Wolverton
Coyle	Johnson, Ky.	Rainey	Wood
Darrow	Kemp	Ransley	Wyant
Davenport	Kendall	Reed, N. Y.	

The SPEAKER. Three hundred and forty Members have answered to their names. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

AMENDING CODE OF LAW FOR THE DISTRICT OF COLUMBIA IN RELATION TO DESCENT AND DISTRIBUTION

The next business on the Consent Calendar was the bill (H. R. 7975) to amend the code of law for the District of Columbia in relation to descent and distribution.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. GILBERT. Reserving the right to object, this is neither the time nor the place to amend the laws in relation to descent and distribution, and I object.

BRIDGE ACROSS THE WABASH RIVER, MOUNT CARMEL, ILL.

The next business on the Consent Calendar was the bill (H. R. 10605) to extend the times for commencing and completing the construction of the bridge across the Wabash River in the city of Mount Carmel, Ill.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. DENISON. Mr. Speaker, I ask unanimous consent to dispose of several bridge bills at the same time.

Mr. SINNOTT. Mr. Speaker, reserving the right to object, what bills does the gentleman's request embrace?

Mr. DENISON. My request does not include any to which there is to be an objection. It does not include the one the gentleman from Oregon has in mind. It was not my intention to call up any bridge bills that I know there is objection to.

Mr. SCHAFER. Mr. Speaker, will the request of the gentleman include House bill 10895, which is to permit the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in the city of Minneapolis?

Mr. DENISON. Yes; it was my purpose to include that.

Mr. SCHAFER. Then I shall object to the gentleman's request.

Mr. DENISON. Then I shall leave that out.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. CRUMPACKER. Mr. Speaker, reserving the right to object, is the bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., to be included?

Mr. DENISON. I state to the gentleman as I did to the gentleman from Oregon [Mr. SINNOTT] that I am not calling up bills to which I know there is objection. That bill will not be included. I am asking only for the consideration of those bills which are unobjected to.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, at the request of Mr. DENISON, the following bills were severally reported, the amendments to the bills severally agreed to, and the bills as amended ordered to be engrossed, read the third time, and passed; and a motion to reconsider the votes by which the bills were severally passed was laid on the table:

H. R. 10605. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10975. A bill granting the consent of Congress to the Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11082. A bill granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

H. R. 11175. A bill granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11357. A bill extending the time for the completion of the bridge across the Mississippi River, county of Hennepin, Minn., by the city of Minneapolis;

H. R. 11385. A bill granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.; and

H. R. 11607. A bill granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana.

By unanimous consent, the following bills were severally reported and severally ordered to be engrossed and read a third time, read the third time, and passed; and a motion to reconsider the votes by which the bills were passed was laid on the table:

H. R. 10771. A bill granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10929. A bill granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.;

H. R. 10942. A bill to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark.; and

H. R. 11718. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River.

Mr. NEWTON of Minnesota. Mr. Speaker, I notice the gentleman does not call up the bill (H. R. 10895, Calendar No. 421) granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in the city of Minneapolis.

Mr. DENISON. Mr. Speaker, the reason I did not call that bill up is because the gentleman from Wisconsin [Mr. SCHAFER] said that he would object to it, and it is not my intention, as I have said before, to call up any bills to which I know that there will be objection.

Mr. CRUMPACKER. And it is my understanding that the bill H. R. 11608 is not included.

Mr. DENISON. No.

The SPEAKER. Has the gentleman any more bills to call up?

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2312. An act for the relief of Franklin Gum; to the Committee on Military Affairs.

S. 3928. An act authorizing the designation of an ex-officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes; to the Committee on the Territories.

S. 4030. An act for the relief of Porter Bros. & Biffle and certain other citizens; to the Committee on Claims.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN THE STATES OF NEBRASKA AND SOUTH DAKOTA

Mr. DENISON. Mr. Speaker, I call up the bill H. R. 11719.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11719) to authorize the city of Niobrara, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and South Dakota.

The Clerk read the amendment in lieu of the bill, as follows:

That the consent of Congress is hereby granted to the Kansas-Nebraska-Dakota Highway Association, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between a point at or near Niobrara, Knox County, Nebr., and a point opposite in the State of South Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said city of Niobrara, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real etate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is located, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I offer a committee amendment on behalf of the committee. There are some mistakes which I wish to correct. On page 2, line 18 strike out the words "City of Niobrara" and insert in lieu thereof "Kansas-Nebraska-Dakota Highway Association."

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 7, after the word "city" strike out "City of Niobrara," and insert in lieu thereof "Kansas-Nebraska-Dakota Highway Association."

The committee amendment was agreed to.

The amendment to the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE COLUMBIA RIVER

Mr. DENISON. Mr. Speaker, I call up the bill H. R. 10089.

The SPEAKER. The gentleman from Illinois calls up a bill which the Clerk will report.

The Clerk read the committee amendment in lieu of the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Fred H. Furey, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto, and place and maintain thereon a flume or pipe in which to carry water for domestic and irrigation purposes across the Columbia River, at a point suitable to the interests of navigation, within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Washington under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Fred H. Furey, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said Fred H. Furey, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Fred H. Furey, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such right, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage, foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I desire to offer a committee amendment to make a correction. Page 2, line 17, I move to strike out the figures "13" and insert "23," and on page 3, line 13, strike out the words "and promotion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, strike out the figures "1913" and insert in lieu thereof the figures "1923," and on page 3, line 13, strike out the words "and promotion."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DAMS IN NECHES RIVER, TEX.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 10931) and ask unanimous consent to substitute an identical Senate bill in place thereof.

The SPEAKER. The gentleman from Illinois asks unanimous consent to substitute Senate bill (S. 3768) for the House bill. Is there objection?

Mr. SCHAFER. Reserving the right to object——

The SPEAKER. The Clerk will report the bill.

The Clerk read, as follows:

An act (S. 3768) granting the consent of Congress for the construction of dam or dams in Neches River, Tex.

Be it enacted, etc., That the consent of Congress is hereby granted to the Neches Canal Co., Beaumont Irrigating Co., the city of Beaumont, Tex., and the city of Port Arthur, Tex., or any two or more of them jointly, to construct a dam or dams across the Neches River at points suitable to the interests of navigation above the city of Beaumont, Tex.: *Provided*, That the work on such dams shall not be commenced until the plans therefor have been filed with and approved by the Secretary of War and the Chief of Engineers of the United States Army.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object to the substitution, I desire to ask, is this so-called dam bill a dam to be constructed by a municipality or by some corporation?

Mr. DENISON. If the gentleman is willing, I will let the gentleman from Texas [Mr. Box] explain that as he is interested in it.

Mr. BOX. The purpose of the dam is to protect the rice farmers from the backing up of salt water.

Mr. SCHAFER. There is nothing in the bill to allow this dam to be constructed for the purpose of having some private individual or corporation use the water for private purposes?

Mr. BOX. That is not the purpose and it is not capable of being used in that manner.

Mr. LAGUARDIA. Will this interfere with navigation?

Mr. BOX. The stream is called navigable but, in fact, is not navigable.

Mr. CRAMTON. I recall the report of this committee states it is not a matter covered by Federal consent, but is entirely in the hands of the State.

I find that the report of the War Department under date of April 13, 1896, states:

The Neches River is, however, wholly in the State of Texas, and the dam can be authorized by State law and duly constructed, provided the plans are submitted to and approved by the Chief of Engineers—

And so forth. The enactment of this measure, it appears, is therefore unnecessary.

Mr. DENISON. By the act of Congress of 1899 we provided that where the navigable portion of a river lies wholly within the State the bridge could be built with the authority of the State legislature, and it would not be necessary to come to Congress. But Members are frequently asked to get the consent of Congress to build these bridges because it can be done in that way more quickly than by going to the State legislature and getting an act of the legislature passed.

Mr. CRAMTON. This would obviate action by the State?

Mr. DENISON. Yes.

Mr. CRAMTON. Does the gentleman think that where we have granted jurisdiction by act of Congress to the State we should, from time to time, break over and grant consent here?

Mr. DENISON. It depends largely on when the State legislature meets. In some States the legislature will not meet for a year.

Mr. BOX. In this case the legislature will not meet for another year.

Mr. DENISON. I ask unanimous consent, Mr. Speaker, that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

Mr. DENISON. Mr. Speaker, I understand the gentleman from Wisconsin [Mr. SCHAFER] has withdrawn his objection to the consideration of the bill H. R. 10895, Calendar No. 421. I ask unanimous consent that that bill may be considered as having been engrossed and read a third time and passed.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 10895) granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota

Be it enacted, etc., That the consent of Congress is hereby granted to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northeast quarter of section 15, township 29 north, range 24 west of the fourth principal meridian, at Minneapolis, in the county of Hennepin, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, is this strictly a railroad bridge? Is there any possibility of the railroad building a double bridge, where they will charge toll for automobiles or foot traffic?

Mr. NEWTON of Minnesota. There is no probability of that. There is an old bridge there that ought to be replaced. It is strictly a railroad bridge, and nothing else. That is not the purpose.

Mr. SCHAFER. I shall not object, then.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

CLAIMS OF CERTAIN INDIAN TRIBES AND BANDS

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that the bill H. R. 9270, Calendar No. 381, may retain its place on the calendar.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill H. R. 9270 may retain its place on the calendar. Is there objection?

There was no objection.

CITIZEN BAND OF POTTAWATOMIE INDIANS IN OKLAHOMA

Mr. HASTINGS. Mr. Speaker, I make the same request with respect to the bill S. 1963, No. 401 on the calendar. And in that connection I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. Suppose this bill were objected to and went off the calendar. Now, that it is replaced by unanimous consent, will it not require three objections to remove it?

The SPEAKER. Yes.

Mr. HASTINGS. I ask unanimous consent that the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims may retain its place on the calendar without prejudice.

Mr. CRAMTON. Mr. Speaker, if the gentleman asks that it be passed over without prejudice I shall not object.

Mr. HASTINGS. I will ask unanimous consent. The gentleman may object next time.

The SPEAKER. The bill is objected to the second time.

Mr. HASTINGS. I have already refiled it. It will not make any difference.

The SPEAKER. The Clerk will report the next bill.

ACCEPTANCE OF CORRECTIVE DEED IN NEW YORK CITY

The next business on the Consent Calendar was the bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask that the bill be reported.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to get some information as to what changes are to be made in this deed?

Mr. ELLIOTT. There will be no changes made in the title. All these changes will be made in regard to the subsurface rights, where the post office joins in with the subterraneous tunnel that goes with the railroad, and they will be made in regard to letting in light and air.

Mr. SCHAFER. Is this correction going to be made to give relief to the Government or to the railroad?

Mr. LAGUARDIA. I took the matter up with the authorities of the city of New York, and I find that it does not intrench on the rights of the city.

Mr. SCHAFER. This is a revalidating and legalizing act?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Will it give the railroad corporation some additional benefit which it would not have if this act was not passed?

Mr. O'CONNOR of New York. The gentleman should not worry about that anyway, because New York owns the subway.

Mr. ELLIOTT. As I understand it, this merely gives them light and air for the benefit of everybody concerned with the business there.

Mr. SCHAFER. Has the gentleman from New York gone into this matter?

Mr. LAGUARDIA. I took it up with the corporation counsel.

Mr. SCHAFER. And the gentleman thinks the bill is all right?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. I shall not object, then.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of facilitating the use of the new post-office building in the city of New York, which has been constructed upon land respecting which the Pennsylvania, New York & Long Island Railroad Co. reserved the use of the subsurface for its station and railway purposes, etc., as expressly authorized by the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1905, and for other purposes," approved April 28, 1904 (33 Stat. L. p. 434), the Secretary of the Treasurer be, and he is hereby, authorized and empowered to accept a corrective deed from the Pennsylvania, Tunnel & Terminal Railroad Co., successor in interest of said Pennsylvania, New York & Long Island Railroad Co., satisfactory to the Secretary of the Treasury, the Postmaster General, and the Attorney General, to define and adjust more specifically conditions respecting the use of the subsurface of said site by the Pennsylvania, Tunnel & Terminal Railroad Co., for its station and railroad purposes, the reservations to be made for light and air, and the details concerning the construction work on the post-office building which may affect the enjoyment of the use of the property by the United States and the said Pennsylvania, Tunnel & Terminal Railroad Co., for their respective purposes: *Provided, however*, That said corrective deed shall not in any way affect the area of the site heretofore conveyed, and shall be without additional cost to the United States.

With the following committee amendment:

On page 2, line 3, strike out the word "Treasurer" and insert "Treasury."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CONVEYANCE OF GOVERNMENT PROPERTY TO THE CITY OF OSHKOSH, WIS.

The next business on the Consent Calendar was the bill (H. R. 11353) to convey to the city of Oshkosh, Wis., certain Government property.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to convey, by usual quitclaim deed, to the city of Oshkosh, Wis., for street purposes and no other, that portion of the present post-office site in said city, 18 feet in width, and which extends along the north side of Washington Boulevard 94 feet west from the corner of Jefferson Avenue, said 18-foot strip being the

same portion of said site now desired by the city of Oshkosh for street purposes.

With the following committee amendments:

Page 1, line 8, strike out the words "ninety-four," and insert the words "ninety-five."

In line 11, after the word "purposes" insert a colon and the following proviso: "*Provided*, That the city of Oshkosh, Wis., shall grant an easement, or perpetual right, to allow the steps to the Federal building in said city to remain in their present position and be not interfered with."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CONSTRUCTION OF VESSELS FOR THE COAST GUARD

The next business on the Consent Calendar was the bill (H. R. 5026) to provide for the construction of 10 vessels for the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. HOCH. Will the gentleman reserve his objection?

Mr. SCHAFER. I will.

Mr. HOCH. If the gentleman is determined to object, I do not want to take any time but I am quite sure if the gentleman understood the facts he would not object.

Mr. SCHAFER. This bill provides for an expenditure out of the Federal Treasury of approximately $9,000,000 for additional ships for the Coast Guard.

Mr. HOCH. This is an authorization, and I will say to the gentleman that it has been urgently needed for a number of years. The gentleman is familiar with the work of the Coast Guard, I am sure, and for five or six years every Secretary of the Treasury has pleaded for these boats. I will say to the gentleman from Wisconsin that this is not a rum-smuggling proposition. The President of the United States in his Budget message specially recommended that this proposition be carefully considered, and I am sure if the gentleman from Wisconsin knew all the facts he would agree that there is need for this construction.

Mr. SCHAFER. When was this recommended in the Budget message of the President?

Mr. HOCH. This, as I say, has been recommended by every Secretary of the Treasury since 1920; and if the gentleman will look at the Budget message of this year, he will find that the President devotes a paragraph to this measure and recommends it as being an urgent matter.

Mr. SCHAFER. Since 1920 these ships have been urged for the Coast Guard, and I should think the President of the United States would have thought they were just as urgent as the rum-smuggling boats which were built within the last few years at a cost of millions of dollars.

Mr. HOCH. Every Secretary of the Treasury—the Secretary of the Treasury having supervision of the Coast Guard—has urgently recommended this since 1920.

Mr. SCHAFER. I do not think that a bill authorizing an appropriation of $9,000,000 out of the Treasury should be considered on the Unanimous Consent Calendar. I think it should be given some consideration in view of the economy policy of the present administration, and I shall object.

COMMISSIONED PERSONNEL OF THE COAST GUARD

The next business on the Consent Calendar was the bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object, Mr. Speaker.

INTERNATIONAL SANITARY CONFERENCE

The next business on the Consent Calendar was joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLACK of Texas. Mr. Speaker, the gentleman from Pennsylvania [Mr. PORTER], who had charge of the report on this resolution, is not present, so I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

INDEMNITY TO THE GOVERNMENT OF NORWAY

The next business on the Consent Calendar was the bill (S. 1729) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for losses sustained by the owners of the Norwegian bark *Janna*, or any other parties pecuniarily interested, as a result of a collision between it and the U. S. S. *Westwood* on October 31, 1918, the sum of $45,978.36, as recommended by the President in his message of May 31, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEMNITY TO THE GOVERNMENT OF SWEDEN

The next business on the Consent Calendar was the bill (S. 1731) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Sweden, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Swedish steamship *Olivia*, or any other parties pecuniarily interested, as a result of a collision between it and the U. S. S. *Lake St. Clair* on September 8, 1918, an amount equivalent to £7,672.2 on the date of the approval of this act, as recommended by the President in his message of May 31, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEMNITY TO THE GOVERNMENT OF NORWAY

The next business on the Consent Calendar was the bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Norwegian steamship *John Blumer*, or any other parties pecuniarily interested, as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia* on January 9, 1921, the sum of $4,040.39, as recommended by the President in his message of May 31, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PAYMENT TO THE GOVERNMENT OF DENMARK

The next business on the Consent Calendar was the bill (S. 1733) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the own-

ers of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21*, at St. Nazaire, France.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Denmark, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Danish steamship *Masnedsund*, or any other parties pecuniarily interested, as a result of collisions between it and the U. S. S. *Siboney* on November 12, 1918, and the U. S. Army tug *No. 21* on November 15, 1918, at St. Nazaire, France, the sum of $4,772.97, as recommended by the President in his message of May 31, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

ACCEPTANCE OF A SILVER SERVICE BY REAR ADMIRAL EDWIN A. ANDERSON

The next business on the Consent Calendar was the bill (S. 2822) authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Rear Admiral Edwin A. Anderson, United States Navy, retired, is authorized to accept the silver service tendered to him by the Government of Panama, and the Department of State is authorized to deliver such silver service to the said Rear Admiral Edwin A. Anderson.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STEAMSHIP "MADELEINE"

The next business on the Consent Calendar was the bill (H. R. 11516) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object in order to ask a question. Has any member of the committee information as to whether or not the committee investigated to ascertain whether this ship was insured with an insurance company and whether or not an adjustment has been made if the ship is so insured?

Mr. LAGUARDIA. I am not on the committee, and I can only state, as a matter of law, that when damages are proved, it must be shown that there was actual damage. I am now talking about the law in an admiralty case. Just what the committee did, of course, I can not inform the gentleman.

Mr. SCHAFER. I want to find out if this ship was insured with a private insurance company and whether the owners have submitted their claim for damages to such insurance company, and whether the claim has been allowed and paid. I want to be sure, in other words, they are not going to obtain double payment of damages.

Mr. LAGUARDIA. I can not inform the gentleman about that, because I am not on the committee.

Mr. SCHAFER. Mr. Speaker, I object.

UNITED STATES ATTORNEY, INDIANAPOLIS, IND.

The SPEAKER. The Chair is in receipt of a letter from Albert Ward, United States attorney, at Indianapolis, with reference to the matter of the subpœna recently issued to the gentleman from New York [Mr. LAGUARDIA]. The Chair will refer the communication to the Committee on the Judiciary.

PAY OF SURGEONS OF THE ALASKA RAILROAD

The next business on the Consent Calendar was the resolution (H. J. Res. 96) to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this resolution involves a state of facts that is not clear. The correspondence I have had with the Comptroller General does not give me the same understanding of the facts that the report of the committee and the report from the Interior Department in the committee report give me. It is a matter of a good deal of importance and I ask unanimous consent to revise and extend my remarks in the RECORD with reference to this bill by inserting the correspondence with the Comptroller General.

The SPEAKER. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. This bill proposes:

That the President is hereby authorized to cause to be paid from hospital receipts or other funds of the Alaska Railroad the amounts heretofore or hereafter accruing to surgeons of the railroad under any agreements relating to fees collected in cases not entitled to free treatment under the hospital regulations of the railroad.

In connection with the Alaska Railroad there is operated a hospital in which it is desirable that private cases be received. There was a contract with Doctor Beeson, in charge of the hospital, by which, in addition to his salary, he was permitted to retain three fourths of the fees for operations performed in the hospital in outside cases. When this came to the attention of the Comptroller General he permitted settlement on that basis up to the time the question was raised, amounting to $21,553.38, but did not approve for payment such fees after the time the question was raised, amounting to $12,331.21, during the period from June, 1922, to March, 1923.

Under the bill before us payment of all amounts due anyone heretofore under those circumstances is authorized, and the way is opened for any agreements to be made hereafter by which the surgeon in charge, without regulation of the size of his fees, may retain 75 per cent of the fees for operations in private cases in a public institution.

The report of the committee and the department report therein do not agree with my understanding of the facts. In the letter of January 7, 1926, from the Secretary of the Interior, set forth in the committee report, it is stated:

The necessity for the proposed legislation arises through the difficulty of making a satisfactory arrangement for the employment of competent surgeons for the hospitals of the railroad in Alaska, except under some plan by which the surgeons will share in the professional fees earned by them in pay cases; in fact, it has been necessary to allow the surgeons to retain the entire amount of the fees in certain classes of cases, for the reason that the rulings of the comptroller * * *.

Again, it is stated in the committee report:

The amount of money involved, payment of which would be validated by the enactment of this joint resolution, is $2,734.89.

These statements I called to the attention of the Comptroller General in the following letter:

MAY 3, 1926.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C.

MY DEAR SIR: With reference to H. J. Res. 96, concerning payment of fees to surgeons on the Alaska Railroad:

Inclosed please find copy of this resolution and report thereon. Also please see your letter of January 13, 1925, A-2899, and my letter of January 6, 1925, on this same subject. From the correspondence referred to it appears that the amount in difference is $12,333.21 for fees covering the months of June, 1922, to March, 1923, inclusive. The report, however, page 6, states that the amount of money involved, the payment of which would be invalidated by the enactment of this resolution, is $2,734.89.

I will be very glad to be advised as to what the facts are as to this. Also please advise whether it is lawful for the department to permit a surgeon to make use of Government institutions and retain all of the fees, as the department states is now being done on the Alaska Railroad. Also please advise what the practice is of the Government as to such institutions in other outlying portions of our country or possessions as to the division of fees or use of Government hospitals by the general public.

Thanking you for any information on this as early as may be convenient, I am

Yours sincerely, LOUIS C. CRAMTON.

(Inclosures.)

In response I have the following statement from the Comptroller General:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 17, 1926.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: In compliance with request contained in your letter of May 3, 1926, relative to H. J. Res. 96, concerning payment of fees to surgeons of the Alaska Railroad, I now have to advise you as follows:

Relative to the sum of $2,734.89, which the committee report states would be validated by the joint resolution, this office has been unable to ascertain from its records what this sum covers. The amount of what the Secretary of the Interior designates as "amounts earned, which were unpaid at the time of an appeal, to" this office is, as you correctly state, $12,333.21. Inquiry of the Washington office of the Alaska Railroad obtains only the information that the sum of $2,734.89 was probably furnished by the Alaska office. It would appear from what the past accounts disclose that the proposed act must necessarily validate a very much larger sum.

Regarding your other questions: First, as to whether it is lawful for the department to permit a surgeon to make use of Government institutions and retain all the fees, as the department states is now being done by the Alaska Railroad, it is assumed that this question is premised upon existing laws, and upon that assumption is is answered as follows:

In the case of the surgeons of the Alaska Railroad, they are medical officers of the United States, regularly receiving their compensation as such, and attached to Government hospitals, where from the professional and supposedly supervisory nature of the position, they are continuously in a status of a public employee. In accordance with the terms of such an engagement there appears to be required the duties usually pertaining to such an office, which duties as in part defined by the regulations of that service prescribed by Executive orders, clearly comprise as well the rendering of surgical or medical aid or treatment to private cases. It is thus evident that all such professional service is rendered by reason of the official position, and all fees received in consequence are the result of the utilization of official position, time, and public property. It is not understood therefore how the receipts so obtained can be other than public funds. Such being the undeniable fact it would seem mere sophistry to argue, as it has been in support of the Alaska case, that a private status attaches to such fees, so that all or any part may be collected and retained by such public officials for their personal use. Any public funds so obtained and retained must clearly constitute a form of compensation received by such officials, and the increase so received is subject to all the laws governing public funds or official compensation. Thus, section 3617, Revised Statutes, provides that:

"SEC. 3617. The gross amount of all moneys received from whatever source for the use of the United States, * * * shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. * * *"

The act of June 20, 1874, 18 Stat. 109, stipulates relative to additional compensation—

"SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law:" * * *.

Section 1765, Revised Statutes, further provides:

"SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

The act of March 12, 1914, 38 Stat. 305, required the fixing of compensation of employees of the Alaska Railroad establishment by the President, and the compensations of the surgeons were fixed accordingly. This act further limits the amount of salary of any employee to $10,000. The compensation of all employees of the Government generally are likewise so fixed, and the word "fixed" meaning a determined, definite sum, the requirements are violated by the allowance of an indefinite unlimited sum. Therefore it may be said that in the absence of specific legislation operating as an exception to the existing laws, the allowance to any public officer or employee of additional compensation or perquisites under the same or similar conditions pertaining to the surgeons of the Alaska Railroad is viewed as being unlawful, and it would be necessary to so rule upon any sums so obtained as might appear in the accounts rendered this office.

There is for consideration also in this connection the provision in the act of March 3, 1917, 39 Stat. 1106, which reads:

"* * * That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; and no person, association, or corporation shall make any contribution to or in any way supplement the salary of any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine."

It is of course a matter for the judgment of the Congress whether to substitute for a fixed, determinate compensation an unlimited allowance of fees in addition to the regular compensation.

Answering your last question as to (a) what the practice is of the Government at such institutions in other outlying portions of our country or possessions as to the division of fees, or (b) use of Government hospitals by the general public, you are informed as to (a) that there is nothing appearing in the accounts submitted to this office to indicate that any such practice is in operation at other public hospitals as is said to now exist at the Alaska hospitals. It may be said, however, that such absence of evidence does not signify that some such practice may not exist, because through absence of an accounting in any manner for such receipts the accounts would not, as in the case of the Alaska accounts, so reflect the fact as to put this office on notice of the existence of a practice which had been ruled to be unlawful. It is evident that the action of a department in flagrantly so disregarding the rulings of this office nullifies its exercise of the powers conferred by the act of July 31, 1894, as amended by the act of June 10, 1921, 42 Stat. 24, in an endeavor to safeguard the public funds by an authoritative determination of their lawful use under the existing statutes.

As to question (b), supra, in the limited time it is only possible to make some informal inquiry as to the use of Government hospitals by the general public, and so far as can be learned there is no regular service rendered the public other than casual service of a special or emergency nature, except at the hospital of the Panama Canal. At this latter place all fees for such service appear to be accounted for as public funds.

Sincerely yours,

(Signed) J. R. MCCARL,
Comptroller General of the United States.

If the bill before us is to pass at all, it should be amended so as to put this situation on a proper basis for the future.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice to-day, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SOUTH JERSEY EXPOSITION, CAMDEN, N. J.

The next business on the Consent Calendar was the resolution (H. J. Res. 230) authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J., in June, 1926.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury be authorized to furnish an exhibit to the South Jersey Exposition at Camden, N. J., in June, 1926, consisting of a stamping press from the United States mint at Philadelphia, Pa., to demonstrate the process of turning out coins: *Provided*, That the loan of such exhibit shall be without expense to the United States.

With the following committee amendments:

Page 1, line 5, strike out the word "June" and insert "during the duration of the exposition in July, August, and September."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

The title was amended to read: "Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J."

AMENDMENT OF WAR VETERANS' ACT, 1924

The next business on the Consent Calendar was the bill (H. R. 10772) to amend the World War veterans' act, 1924.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. The gentlewoman from Massachusetts asks unanimous consent that this bill be passed over without prejudice, retaining its place on the calendar. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I listened with a great deal of interest to my colleague's statement on the floor of the House in behalf of this bill when it was up on the last Consent Calendar day, and I was somewhat amazed near the closing of that session to hear her give a defense of our colleague, the gentleman from Ohio [Mr. BEGG] for objecting to this bill. This is a good and a just bill, in which the disabled veterans are vitally interested, and I shall have to object to having it passed over. I think we should consider this legislation here right now and not pass the buck any more, and I will therefore object to having the bill passed over.

Mr. CRAMTON. Will the gentleman withhold his objection?

Mr. SCHAFER. I will.

Mrs. ROGERS. I wish the gentleman would withhold his objection; I think we can pass it on the next consent day. I am not satisfied with the figures from the Veterans' Bureau.

Mr. SCHAFER. The figures ought not to enter into the consideration of this legislation as the lady's speech indicated when she spoke for her bill and the gentleman from Ohio [Mr. BEGG] objected. I think this administration has been figuring the cost of veteran legislation too much. The administration always considers the drain on the Treasury when legislation comes before the House to take care of the disabled veterans who have borne the brunt of the war.

Mr. LAGUARDIA. I am in sympathy with the gentleman's desire, but we have disposed of many bills to-day, and if this bill retains its place on the calendar it will be up in a place where we can reach it early and force the hand of anyone, but if the gentleman objects it will go to the foot of the calendar again.

Mr. SCHAFER. I will say to the gentleman from New York that I do not think we will have any better opportunity to pass it on next consent day than we have now, but in view of the gentleman's statement I will withdraw my objection, sincerely hoping that those in control of the administration will curtail their drastic economy program when it comes to granting increased benefits to disabled veterans. They could very well save money if they would stop subsidizing the foreign governments to the tune of billions of dollars in making the debt settlements.

If the condition of the Treasury was considered when passing the foreign debt settlements and passing the tax reduction bill which reduced the income taxes in the high brackets and inheritance taxes to an extraordinary degree, we would not now be confronted with the drain on the Treasury argument when considering legislation granting increased benefits to the disabled veterans.

The SPEAKER. Is there objection to the request of the lady from Massachusetts?

There was no objection.

SEQUOIA NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was the joint resolution (H. J. Res. 73) authorizing the improvement of the system of overland communication on the Seward Peninsula, Alaska.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

Mr. BLACK of Texas. Reserving the right to object, I understood this bill was to be passed without prejudice. I think that was the understanding with the gentleman from Alaska [Mr. SUTHERLAND].

Mr. CRAMTON. I had an understanding with him as to the other bill, but not as to this.

Mr. BLACK of Texas. I think that was the understanding, and I ask that it be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 292. To authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 5242. To repeal the act approved January 27, 1922, providing for change of entry, and for other purposes;

H. R. 5627. For the relief of George Turner;

H. R. 7482. To provide for conveyance of certain lands in the State of Michigan for State park purposes;

H. R. 8513. To extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 8937. Permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black.

H. R. 9037. Validating certain applications for and entries of public lands, and for other purposes;

H. R. 9371. For the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees;

H. R. 10860. To authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes; and

H. R. 10896. To provide for transfer of jurisdiction over the Conduit Road in the District of Columbia.

AMENDING THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 5365) to amend the Judicial Code by adding a new section to be numbered 274D.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. MONTGOMERY. Reserving the right to object, this bill seeks to extend judicial power for the rendition of what is known as declaratory judgments. It extends the jurisdiction of an already overcrowded court, and I object to the consideration of the bill at this time.

AGRICULTURAL CREDITS ACT OF 1923

The next business on the Consent Calendar was the bill (H. R. 9268) to amend the agricultural credits act of 1923.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 9268) to amend the agricultural credits act of 1923

Be it enacted, etc., That the agricultural credits act of 1923 be, and the same is hereby, amended on page 10, in section 203 (a), at the end of paragraph (C) in subdivision (1) by adding the words "or on agricultural crops being grown for market," so that said paragraph (C) will read as follows: (C) Are secured at the time of discount, purchase, or acceptance by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, or by chattel mortgages, or other like instruments conferring a first and paramount lien upon livestock which is being fattened for market, or on agricultural crops being grown for market.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDMENT TO THE FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 2 of section 7 of the Federal farm loan act be amended to read as follows:

"Every national farm-loan association shall elect, in the manner prescribed for the election of directors of national-banking associations, a board of not less than five directors, who shall hold office for the same period as directors of national-banking associations. It shall be the duty of said board of directors to choose, in such manner as they may prefer, a secretary and treasurer whose election

shall be approved by the board of directors of the Federal land bank of his district before he shall enter upon his duties, and who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three members."

With the following committee amendments:

Page 2, line 1, after the word "by," strike out the words "the board of directors of," and in line 4, after the word "determine," insert the words "subject to the approval of the Federal land bank of the district."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RIVER AND HARBOR IMPROVEMENT

Mr. SNELL, from the Committee on Rules, submitted a report for the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REGULATING SALE OF FEDERAL FARM-LOAN BONDS

The next business on the Consent Calendar was the bill (S. 2666) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That no bank, banking association, trust company, corporation, association, firm, partnership, or person not organized under the provisions of the act of July 17, 1916, known as the Federal farm loan act, as amended, shall advertise or represent that it makes Federal farm loans or advertise or offer for sale as Federal farm-loan bonds any bond not issued under the provisions of the Federal farm loan act, or make use of the word "Federal" or the words "United States" or any other word or words implying Government ownership, obligation, or supervision in advertising or offering for sale any bond, note, mortgage, or other security not issued by the Government of the United States or under the provisions of the said Federal farm loan act or some other act of Congress.

SEC. 2. That no bank, banking association, trust company, corporation, association, firm, partnership, or person engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, or trust business shall use the word "Federal," the words "United States," or the word "reserve," or any combination of such words, as a portion of its corporate, firm, or trade name or title or of the name under which it does business: *Provided, however*, That the provisions of this section shall not apply to the Federal Reserve Board, the Federal Farm Loan Board, the Federal Trade Commission, or any other department, bureau, or independent establishment of the Government of the United States, nor to any Federal reserve bank, Federal land bank, or Federal reserve agent, nor to the Federal Advisory Council, nor to any corporation organized under the laws of the United States, nor to any bank, banking association, trust company, corporation, association, firm, partnership, or person actually engaged in business under such name or title prior to the passage of this act.

SEC. 3. That no bank, banking association, or trust company which is not a member of the Federal reserve system shall advertise or represent in any way that it is a member of such system or publish or display any sign, symbol, or advertisement reasonably calculated to convey the impression that it is a member of such system.

SEC. 4. That any bank, banking association, trust company, corporation, association, firm, or partnership violating any of the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding $1,000. Any person violating any of the provisions of this act, or any officer of any bank, banking association, trust company, corporation, or association, or member of any firm or partnership violating any of the provisions of this act who participates in, or knowingly acquiesces in, such violations shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding $1,000 or imprisonment not exceeding one year, or both. Any such illegal use of such word or words, or any combination of such words, or any other violation of any of the provisions of this act, may be enjoined by the United States district court having jurisdiction, at the instance of any United States district attorney, any Federal land bank, joint-stock land bank, Federal reserve bank, or the Federal Farm Loan Board or the Federal Reserve Board.

SEC. 5. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

IMPROPER PRACTICE BEFORE UNITED STATES PATENT OFFICE

The next business on the Consent Calendar was the bill (H. R. 10735) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. SCHAFER. I think it would only take up unnecessary time. A bill of this character should not be considered on the Unanimous-Consent Calendar.

Mr. CRAMTON. Mr. Speaker, my purpose is not to argue the merits of the bill.

Mr. SCHAFER. Very well; Mr. Speaker, I reserve my objection.

Mr. CRAMTON. Mr. Speaker, I do not desire to argue the merits of the bill, but I think that I should make something of a statement with reference to it, because certain statements have been sent broadcast to Members of the House which would appear to question my integrity in connection with the bill. I think perhaps I would be entitled to recognition on a question of personal privilege. All Members except myself have received these statements from time to time. They have not been sent to me, but have been given to me through the courtesy of my colleagues. They come from a man named Rice. I do not desire to discuss him or express any opinion concerning him or his judgment or motives. In one of the circulars there is the statement to which I shall pay attention, and it is the only one to which I shall pay attention. That statement says:

MR. CRAMTON'S H. R. 10735 is designed to make Rice a felon for telling the truth.

The effect of that statement is that I have introduced a bill for the purpose of punishing Mr. Rice; and not only that, but for the purpose of punishing because he tells the truth, something that ought to be praised in any event. The bill in question was introduced by me when I had never heard of Mr. Rice. I think I can say this, that Mr. Rice entirely overestimates his importance in the general scheme of things. The bill arose through this situation: A poor man in my district, who made his living by peddling patent medicines and soaps among the farmers, thought he had a patentable idea, as a great many people have heretofore thought. His idea was to patent a silo filler. He was led on by an ambition to perfect and get a patent and sell it for enough to send his daughter to college, all of which is very laudable. When you go to hire a patent lawyer the average individual throughout the country does not have the personal contact with him that he does when he is hiring a lawyer to represent him in a civil law suit, and therefore many people rely on firms they never see and are led to do business with them through advertisements. This man saw an advertisement in a newspaper of an institution which, I think, is called the National Institute of Inventors, which claimed to be a kind of philanthropic organization that wanted to help inventors. He intrusted his business to them, and before they got through with him this poor man, who was seeking to send his daughter to college, turned over to them $1,500 and did not even have a patent.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield for a short question?

Mr. CRAMTON. Yes.

Mr. SCHAFER. Are there not thousands of people who try to get a patent and spend money and who do not get patents?

Mr. CRAMTON. I do not want to make an argumentative statement. I am telling the history of this bill, which Mr. Rice says I introduced to punish him. This man paid $1,500 into this institution, which would have pretty nearly put his daughter through college. They got him to file applications for patents in countries that never heard of a silo and to pay several hundred dollars for building an alleged model. They even got him to subscribe $10 for a monument for the head of the grafting organization into whose clutches he fell. When I got hold of the thing I found the mess that he was in and,

further, that he was doing business with an organization over which the Bureau of Patents had no control. This institution could not practice before the bureau. There was no law really to reach them or to punish them. They turned the actual handling of the case over to a lawyer, and when you spoke to him he insisted that he had not received all of this money, that he only received a proper amount and had done his business properly.

So it came about that I asked the Commissioner of Patents about it to see if there was not some way to protect the poor people of this country from such gouging as that. They said that they had their troubles of that kind, and hence they thought there ought to be legislation. They complied with my request that they draft the bill for me. The bill was drafted and I introduced it. Then when it came for a hearing before the committee there sprang up these gentlemen who have been pinched in their relations with the Patent Office and insisted I was hitting at them. The prime purpose of this bill—and in the last Congress and in this it has been favorably reported by the Committee on Patents—the purpose of the bill is to provide that nobody can solicit business before the Patent Office who has not the authority to handle the business themselves before the Patent Office.

Mr. SCHAFER. Will the gentleman yield? Simply to clear up a statement.

Mr. CRAMTON. I do not think the gentleman can clear up my statement, if the gentleman will permit me to say. The purpose of the bill is to provide that they can not solicit business unless they can handle it themselves, and the Commissioner of Patents already has authority to discipline those who act in a fraudulent way before his office. I am not asking this bill be considered now. But I do protest against some man who, of at least questionable judgment—I will not go further—is spreading through the membership of this House unfounded charges about the motives that inspire a bill that is being considered by this House. The bill aims to protect your constituents and my constituents from unprincipaled gouging by crooks, shrouding themselves about with the cloak of philanthrophy and then preying upon people who never have seen them and can not see them. I hope the bill will have an opportunity to come before this House in a way that it can receive full consideration and the approval of the House.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to speak out of order for one minute on the subject which my colleague from Michigan [Mr. CRAMTON] has just been discussing.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. SCHAFER. Mr. Speaker, the gentleman has stated that this bill has for its purpose the protection of people from these fraudulent advertisers, that it is necessary to pass this bill in order to give this protection. I respectfully differ with the gentleman and say that it is not necessary to pass this legislation to protect people from being exploited by fraudulent advertisers. I think the gentleman will agree with me that there is sufficient law on the statute books now in reference to use of the mails to defraud which would cover this case. If the man whom the gentleman stated has lost $1,500 has been exploited, I would suggest if that gentleman was exploited he could have proceeded to the proper law enforcement authorities and had action brought against this organization which exploited him, as we are told, in violation of the postal laws and regulations.

Mr. VESTAL. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. VESTAL. Will the gentleman yield to me a moment?

Mr. SCHAFER. I have not any more time.

Mr. STEVENSON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. SCHAFER. I object.

The SPEAKER. It requires three objections. Is there objection to the request?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. LANKFORD. Mr. Speaker, I object.

Mr. BLOOM. Mr. Speaker, I object.

AMENDING THE JUDICIAL CODE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 457 (H. R. 5365). At the time the bill was before the House I objected, thinking it might increase the congestion of our overcrowded docket. I understand that the purpose of the bill is just the reverse, and I ask unanimous consent to withdraw my objection.

The SPEAKER. The gentleman asks unanimous consent to go back to Calendar No. 457. Is there objection? [After a pause.] The Chair hears none. The bill has been reported.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MEMORIAL TO VIRGINIA DARE

Mr. LUCE rose.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. LUCE. Mr. Speaker, because of its emergency nature, which was explained to the Chair by my colleague from the Committee on the Library who has charge of the bill, I ask unanimous consent to take up out of order the bill H. R. 5683, No. 529 on the Consent Calendar.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider House bill 5683. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5683) authorizing the appropriation of $10,000 for the erection of a monument or other form of memorial at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated to be expended, under the direction of the Secretary of War, in the erection of a monument or other form of memorial at Sir Walter Raleigh Fort on Roanoke Island, N. C., in memory of Virginia Dare, who was born there on August 18, 1587, and who was the first child of English parentage to be born in America.

With committee amendments, as follows:

Page 1, line 3, strike out "$10,000" and insert "$2,500." In line 6, strike out "monument or other form of memorial" and insert in lieu thereof "tablet or marker."

Amend the title.

Mr. LUCE. Mr. Speaker, by a typographical error the amendment to the title does not read "$2,500," as it should. I ask unanimous consent that the title should be amended to read "$2,500."

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to amend the title as indicated. Is there objection?

There was no objection.

The SPEAKER. The Chair will state that it is not the general practice of the Chair to recognize gentlemen to call up bills out of the regular order unless the Chair is convinced that it is a question of time and urgency. In this case the Chair is convinced of that, and on that ground the gentleman justified his request. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LANSING, IOWA

The SPEAKER. The Clerk will report the next bill.

The next business on the Consent Calendar was the bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between a point at or near Lansing, Allamakee County, Iowa, and a point opposite in the State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1926.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Iowa, the State of Wisconsin, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prespective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Interstate Bridge Co., its successors and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

CONSTRUCTION OF VESSELS FOR THE COAST GUARD

Mr. SCHAFER. Mr. Speaker, in regard to the bill H. R. 5026, to which I objected, I have investigated the matter and I have received further information, and I do not desire to object to the consideration of the bill at this time.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to return to Calendar No. 429, H. R. 5026, to provide for the construction of 10 vessels for the Coast Guard. Is there objection?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, I would like to have some one in charge of this bill make an explanation of the contemplated cost.

Mr. SCHAFER. I understand that approximately——

Mr. SUTHERLAND. I will say to the gentleman that that type of cutters costs approximately $900,000. These vessels are not required for the enforcement of prohibition. They are vessels that were planned some years ago to be used in the regular cutter service. My interest in the matter lies in the fact that I hope one of these boats will be placed in Alaskan waters, where we have an exposed coast and where frequent shipwrecks occur.

Mr. McCLINTIC. We have several hundred destroyers that are tied up in the Navy and not used.

Mr. SUTHERLAND. Those are not adapted to this kind of work. These must be equipped for heavy storms such as prevail on those coasts of the Pacific.

Mr. McCLINTIC. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5026) to provide for the construction of 10 vessels for the Coast Guard

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $9,000,000, to be expended by the Secretary of the Treasury, for the construction and equipment of 10 Coast Guard cutters, to be designed and equipped for Coast Guard duties.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LANSING, IOWA

The SPEAKER. Without objection, the bridge bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, just a few minutes ago reported by the Clerk, will be considered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COMMISSIONED PERSONNEL OF THE COAST GUARD

Mr. PARKER. Mr. Speaker, I wish to call up the bill H. R. 10973, No. 430 on the Consent Calendar. The objection to it has been withdrawn.

The SPEAKER. The gentleman from New York asks unanimous consent to return to House bill 10973, to readjust the commissioned personnel of the Coast Guard, and for other purposes. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1926, the number of regular commissioned officers, other than chief warrant officers, authorized in the Coast Guard shall be 340, distributed in grades as follows: One commandant, 15 captains, 35 commanders, 71 lieutenant commanders, 66 lieutenants, and 85 lieutenants (junior grade) and ensigns, 1 engineer in chief, 8 captains (engineering), 11 commanders (engineering), and 28 lieutenant commanders (engineering), 5 constructors, and 14 district commanders.

SEC. 2. That on and after July 1, 1926, the number of temporary commissioned officers authorized in the Coast Guard shall be 115, distributed in grades as follows: Fifty lieutenants and 65 lieutenants (junior grade) and ensigns of the line, and after that date no more temporary officers shall be appointed in the grade of lieutenant commander or above.

SEC. 3. That all lieutenants (engineering) not holding temporary appointments as lieutenant commanders (engineering), all lieutenants (junior grade) (engineering) and all ensigns (engineering), both regular and temporary, who are in the Coast Guard on July 1, 1926, shall be transferred to the line of the Coast Guard and shall be commissioned

accordingly, the regular engineer officers to become regular line officers and temporary engineer officers to become temporary line officers, respectively. Engineer officers thus transferred shall take precedence with line officers in the grades to which transferred in accordance with total length of continuous commissioned service in the Coast Guard. All cadet engineers who are in the service on July 1, 1926, shall be appointed cadets of the line as of that date, and service as cadet engineer shall be counted as cadet service.

SEC. 4. That a vacancy occurring at the bottom of the list of commissioned engineer officers after July 1, 1926, may or may not be filled, in the discretion of the President, in accordance with the existing needs of the service for engineer officers. If such a vacancy is filled, it shall be filled by promotion of the senior regular officer of the next lower grade of the line who applies for such promotion and who demonstrates his entire fitness therefor in the manner provided in section 3 of the act approved January 12, 1923. If such a vacancy is not filled within a period of six months after its occurrence, it shall accrue to the corresponding grade of the line and shall increase the number of officers of such corresponding grade of the line as authorized in section 1 of this act accordingly, but shall not increase the total number of commissioned line and engineer officers combined as authorized by this act.

SEC. 5. That the President is authorized to appoint, by and with the advice and consent of the Senate, temporary commissioned officers to be commissioned officers in the regular Coast Guard in grades not above lieutenant: *Provided*, That no temporary officer shall be appointed a regular commissioned officer until his entire fitness for such appointment has been established to the satisfaction of a board of commissioned officers of the Coast Guard appointed by the President, and until he has been pronounced physically qualified by a board of medical officers: *Provided further*, That temporary officers who may be thus commissioned in the regular Coast Guard shall take rank in the grades in which they are appointed in accordance with the dates of their commissions as regular officers.

SEC. 6. That on and after the date of the passage of this act the number of cadets in the Coast Guard shall be such as the Secretary of the Treasury may from time to time determine as necessary for the needs of the service. Appointments to cadetships shall be made under regulations prescribed by the Secretary of the Treasury, who shall determine age limits, methods of selection of applicants, and all other matters affecting such appointments. Cadets shall serve two years, three years, or four years, as the Secretary of the Treasury may determine from time to time in accordance with the needs of the service, before being eligible to be commissioned as ensigns.

SEC. 7. That hereafter no officer shall be promoted to lieutenant commander or to lieutenant commander (engineering) who has had less than eight years' commissioned service, regular or temporary, in the Coast Guard. On and after September 1, 1926, no officer shall be promoted in the regular Coast Guard from lieutenant (junior grade) to lieutenant until he shall have served at least two years as a lieutenant (junior grade) in the regular service. Subsequent to the passage of this act and continuing until June 30, 1931, an ensign may be promoted to lieutenant (junior grade) after two years' service as an ensign; on and after July 1, 1931, an ensign shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade, without regard to the number already in that higher grade.

SEC. 8. That a constructor, upon original appointment as such, shall have the rank, pay, and allowances of a lieutenant. An original appointment as constructor shall be made under regulations prescribed by the President from the list of commissioned officers of the Coast Guard or from civil life and shall be for a probationary period of two years, and prior to the expiration of such probationary period of service the fitness of the officer who has thus served shall be passed upon by a board of commissioned officers of the Coast Guard appointed by the President. If the board finds that the officer is in all respects fitted to be a constructor in the Coast Guard, he may be regularly appointed a constructor to rank from the date of his original probationary appointment: *Provided*, That no person shall receive an original probationary appointment as constructor who is more than 30 years of age.

SEC. 9. That the title "district superintendent" is hereby changed to "district commander," and all laws applicable to district superintendents shall apply to district commanders except as modified by the provisions of this section. A district commander of less than 10 years' commissioned service shall have the rank, pay, and allowances of a lieutenant, and after 10 years' commissioned service shall have the rank, pay, and allowances of a lieutenant commander. An original appointment as district commander shall be made under regulations prescribed by the President from the warrant or chief petty officers of the Coast Guard: *Provided*, That the proviso "That the district superintendents shall be chief officers and first in authority in their respective districts, subject to the authority of the captain commandant," contained in section 4 of the act approved January 28, 1915, is hereby repealed.

SEC. 10. That all temporary chief warrant officers who are in the Coast Guard on July 1, 1926, shall be transferred to the regular Coast Guard as chief warrant officers as of that date and shall be commissioned accordingly. Under such regulations as he may prescribe the President is authorized to appoint, by and with the advice and consent of the Senate, chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard as the needs of the service may require, and such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy of like length of service: *Provided*, That no warrant officer shall suffer a reduction in pay or allowances on account of his appointment as a chief warrant officer under the provisions of this section.

SEC. 11. That Coast Guard personnel may be trained at naval training stations and instructed at schools maintained by the Navy, and the pro rata cost of such training or instruction may be borne by Coast Guard appropriations, and the proper Navy appropriations may be credited accordingly.

SEC. 12. That the provision contained in the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908 (35 Stat. L. p. 321), which reads: "Hereafter the pay of surfmen in the Life Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section 6 of the act of June 30, 1906, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907," be, and the same is hereby, repealed.

SEC. 13. That nothing contained in this act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law.

SEC. 14. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

THE MEMORIAL TO VIRGINIA DARE

Mr. WARREN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 5683, just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. WARREN. Mr. Speaker, I deeply appreciate the courtesy you have shown me by permitting this bill to be called up out of order. It seeks to commemorate an important event in the history of the Nation. It was the first attempt of the English to colonize a new empire; and though they failed temporarily, they laid the foundation for a permanent settlement at Jamestown 23 years later and insured English dominion in America. The history of the first attempt made by Englishmen to settle this country, the birth of the first child of English parentage on this soil, and the unsolved fate of the men and women who crossed uncharted seas and attempted to establish a new civilization is therefore the beginning of American history. While the Spaniards many years before had explored Florida, and while there had been a French settlement in South Carolina in 1564 which had been put to the sword, all of the expanse between Canada and Florida was an unbroken wilderness. When the flag of England was raised for the first time on Roanoke Island, N. C., it was the first step in a series of events of the utmost consequence to mankind. Fortunate indeed was it for America and for humanity that this first lodgment on our stormy coast was by a race ardently attached to freedom and personal liberty and trained to the usages and customs of the realm of England.

RALEIGH'S FIRST EXPEDITION

On Lady Day, March 25, 1584, Queen Elizabeth granted letters patent to her favorite courtier, Sir Walter Raleigh—

for the discovering and plating of new lands and countries, to continue the space of six years and no more.

These letters patent conferred upon him—

all prerogatives, commodities, jurisdictions, royalties, privileges, franchises, and preeminences thereto or thereabouts, both by sea and land, whatsoever we by our letters patent may grant, and as we or any of our noble progenitors have heretofore granted to any person or persons, bodies politique or corporate.

Two vessels were equipped and sent out under command of those great explorers, M. Philip Amadas and M. Arthur Barlowe, the latter of whom wrote an account of the expedition for—

Sir Walter Raleigh, knight, at whose charge and direction the said voyage was set forth.

The 27th day of April, in the year of our redemption 1584—

Barlowe relates—

we departed the west of England with two barks well furnished with men and victuals. * * * The tenth of May we arrived at the Canaries, and the tenth of June in this present yeere we were fallen with the Islands of the West Indies, keeping a more southeasterly course than was needful, because we doubted that the current of the Bay of Mexico, disbogging betweene the Cape of Florida and Havana, had been of greater force than afterwards we found it to be * * *.

The second of July, we found shole water, wher we smelt so sweet, and so strong a smel, as if we had bene in the midst of some delicate garden abounding with all kinds of odoriferous flowers, by which we were assured that the land could not be farre distant; and keeping good watch, and bearing but slack saile, the fourth of the same moneth we arrived upon the coast, which we supposed to be a continent and firme lande, and we sayled along the same a hundred and twentie English miles before we could finde any entrance or river issuing into the sea. The first that appeared unto we, we entred * * * and cast anker about three harquebuz-shot within the haven's mouth on the left hand of the same; and after thankes given to God for our safe arrivall thither, we manned our boats, and went to view the land next adjoining, and to take possession of the same, in the right of the Qucene's most excellent Majestie.

Entering at New Inlet or Trinity Harbor, they anchored not far from Roanoke Island.

* * * Wee came to an island which they call Raonoak, distant from the harbour by which we entered seven leagues; and at the north end thereof was a village of nine houses, built of cedar, and fortified round about with sharpe trees, to keep out their enemies, and the entrance into it made like a turne pike very artificially; when we came towardes it, standing neere unto the water's side, the wife of Granganimo, the King's brother, came running out to meete us very cheerfully and friendly * * *; some of her people she commanded to drawe our boate on shore * * *; others she appointed to carry us on their backs to the dry ground, and others to bring our oares into the house for fear of stealing. * * *

These first explorers remained only two months on Roanoke Island and reached England again "about the middest of September," taking with them two of the native Indians, Wanchese and Manteo.

RALEIGH'S SECOND EXPEDITION

On April 9, 1585, Raleigh's second expedition set sail from Plymouth under command of Sir Richard Grenville. On June the 23d they came near shipwreck "on a beach called the Cape of Feare." On the 26th they came to anchor at Wocokon (Ocracoke), and on July 3 they announced their arrival to Wingina (Indian Chief) at Roanoak. On the 27th the ships anchored at Hatorask and there rested. On August 25 Sir Richard sailed for England, leaving the colony under the government of Ralph Lane—by whom an account of the expedition was written and sent to Sir Walter Raleigh.

On September 3, 1585, Governor Lane wrote to Richard Hakluyt from the "New Fort in Virginia," which he had erected on the site of the fortified Indian village found there by Amadas and Barlowe. In those early days this settlement was called Manteo, but was later known as Fort Raleigh. He had planned to change the site of the colony to a better location, but the hostility of the Indians rendered all efforts to that end futile. Their situation became finally so precarious that the colonists departed in the following year for England with Sir Francis Drake, when the latter, on—

his prosperous returne from the sacking of Sant Domingo, Cartagena, and Saint Augustine, determined in his way homeward to visit his countrymen, the English colony then remaining in Virginia.

About 14 days after their departure Sir Richard Grenville, general of Virginia, arrived at Hatorask; hearing no news of the colony and finding the places which they inhabited desolate—yet unwilling to lose possession of the country—he landed 15 men on "the Isle of Roanoak" and furnished them "plentifully with all manner of provisions for two yeeres."

RALEIGH'S THIRD EXPEDITION

In the year 1587, Sir Walter Raleigh—

intending to persevere in the planting of his countrey of Virginia, prepared a new colony of one hundred and fiftie men to be sent thither, under charge of John White, whom he appointed governor, and also appointed unto him twelve assistants, unto whom he gave a charter, and incorporated them by the name of governour and assistants of the citie of Ralegh in Virginia.

It is well, Mr. Speaker, to call the names in this House of these men and women of a sturdy race, who blazed the wilderness, and who endured hardships and privations to build a civilization. The names of all the men, women, and children who safely arrived on Roanoke Island and remained there in 1587 to inhabit it are—

John White, Roger Bailey, Ananias Dare, Chrystopher Cooper, Thomas Stevens, John Sampson, Clement Taylor, William Sole, John Cotsmur, Humphrey Newton, Thomas Colman, Thomas Gramme, Thomas Butler, Edward Powell, John Burdon, James Hinde, John Bright, William Dutton, Maurice Allen, William Waters, Richard Arthur, John Chapman, William Clement, Robert Little, Hugh Tayler, Hugh Wildye, Lewis Wotton, Michael Bishop, Henry Rufoote, Henry Dorrell, Henry Mylton, Thomas Harris, Hugh Pattenson, Martin Sutton, John Farre, John Bridger, Griffin Jones, Richard Shabedge, James Lasie, John Cheven, Thomas Hewet, William Berde, Henry Brown, Richard Tompkins, Charles Florrie, Henry Payne, William Nichols, John Borden, Thomas Ellis, William Browne, Dionys. Harvie, Roger Pratt, George Howe, Simon Fernando, Nicholas Johnson, Thomas Warner, Anthony Cage, John Jones, William Wiles, John Brooke, Cuthbert White, John Wyles, Bryan Wyles, Thomas Phevens, Mark Bennett, John Gibbes, John Stillman, Robert Wilkinson, John Tydway, Ambrose Viccars, Edmund English, Thomas Topan, Henry Berry, Richard Berry, John Spendlove, John Hemington, George Martyn, Michael Myllet, Thomas Smith, Richard Kemme, Thomas Harris, Richard Taverner, John Earnest, Henry Johnson, John Starte, Richard Darige, William Lucas, Arnold Archand, John Wright, Thomas Scott, and Peter Little.

WOMEN

Eleanor Dare, Winifred Powell, Elizabeth Glane, Alice Chapman, Margaret Lawrence, Rose Payne, Margery Harvie, Joyce Archard, Jane Pierce, Emma Merimoth, Joan Warren, Elizabeth Viccars, Agnes Wood, Jane Jones, Audry Tappan, ——— Colman, and Jane Mannering.

BOYS AND CHILDREN

John Sampson, Robert Archard, George Howe, Robert Ellis, Thomas Humphrey, John Pratt, Ambrose Viccars, Thomas Smart, and William Wythers.

CHILDREN BORN IN VIRGINIA

Virginia Dare and ——— Harvie.

(John White and Simon Fernando returned to England and George Howe was murdered.)

On July 22 these colonists arrived at Hatorask; the governor, with 40 of his best men, went aboard his pinnace, intending to pass up to Roanoak forthwith and seek those 15 men whom Sir Richard had left there the year before. At sunset the same day they went ashore, and the next day they walked to the north end of the island, where Lane had built his fort, but found no signs of the 15 men. The fort was razed, but all of the houses were standing unhurt—

saving that the neather roomes of them and also of the forte were overgrown with melons, and deere within them were feeding. * * * The same day order was given for the repayring of those houses, and * * * to make other new cottages.

Thus the colonists set to work to rebuild the fort and make for themselves an English home.

On the 13th of August, 1587, the Indian Manteo, who had returned with the expedition from his visit to England, was christened in Roanoak and called lord thereof and of Dasamonguepeuk in reward of his faithful service. This constitutes the first known record of Christian baptism on the American Continent.

VIRGINIA DARE

On the 18th of August, 1587, Eleanor, daughter of Governor White, and wife to Ananias Dare, gave birth to a daughter in Roanoak. The baby—

was christened the Sunday following, and because this child was the first Christian borne in Virginia, shee was named Virginia.

This is the record of Virginia Dare's birth. All historians mention her as the first child born in this country of English parents. The baptism of Manteo and of the first Anglo-American child are the beginnings of the life of the English church in the New World.

(1) The Second Colonie, Hakluyt's Early Voyages, Travels, and Discoveries of the English Nation (V. III, p. 345).

(2) Daves, Edward Graham, Raleigh's New Fort in Virginia, 1586 (pp. 457-468).

(3) Eggleston, Edward, Household History of the United States (pp. 18-19).

(4) Ashe's History of North Carolina (V. I).

THE LOST COLONY

On account of the pressing need for other supplies it was decided that Governor White should return with the fleet, so he embarked for England on August 27. It was agreed that if during his absence the colony was forced to move, that the place of their destination should be carved on a tree near the

fort, and should they be in distress a small cross would be carved over that word. When the colonists receded from White's view as he left the shores of Roanoke Island they passed from the domain of history, and all we know is that misfortune and distress overtook them and that they miserably perished, their sad fate being one of those deplorable sacrifices that have always attended the accomplishment of great human purposes.

Governor White, delayed by the Spanish wars, did not return to Roanoke Island until 1591, and, writing to Richard Hakluyt, he gives the following account of his return:

Our boats and all things fitted * * * we put off for Hatorask, being the number of 19 persons in both boats, but before we could get to the place where our planters were left it was so exceedingly darke that we overshot the place a quarter of a mile. There we espied toward the north end of the island the light of a great fire thorow the woods. Right over against it we let fall our grapnel neere the shore and sounded with a trumpet a call and afterwardes many familiar English tunes of songs and called to them friendly, but we had no answers * * * From hence we went thorow the woods to that part of the island directly over against Dasamongwepeuk, and from thence we returned by the water side round about the north point of the island until we came to the place where I left our colony in the yeere 1586. In all this way we saw in the sand the print of the Salvages feet * * * and as we entered up the sandy banks upon a tree, in the very brow thereof, were curiously carved these faire Romane letters C R O, which letters presently we knew to signifie the place where I should find the planters seated, according to a secret token agreed upon betweene them and me at my last departure fro them, which was that in any wayes they should not faile to write or carve on the trees or posts of the dores the name of the place where they should be seated, for at my coming away they were prepared to remove from Roanoak 50 miles into the maine. Therefore at my departure from them in An. 1587 I willed them that if they should happen to be distressed in any of those places that then they should carve over the letters or name a crosse + in this form, but we found no such signe of distresse. And having well considered of this, we passed toward the place where they were left in sundry houses, but we found the houses taken downe and the place very strongly enclosed with a high palisado of great trees * * * very fortlike, and one of the chiefe trees or postes at the right side of the entrance had the barke taken off and 5 foote from the ground in fayre capitall letters were graven C R O A T A N without any cross or sign of distresse.

Governor White did not succeed in finding any trace at all of the colony he had left on Roanoke Island in 1587. The fate of Virginia has remained a matter of conjecture. Some historians incline to the belief that the English settlers became amalgamated with the Croatan or Hatteras Indians; others that they were probably massacred. Maj. Graham Daves cites in this connection the following statement found in the first volume of William Strachey's The History of Travaile, with reference to events in the Jamestown Colony, 1608–1610:

At Peccarecommek and Ochanahoen, by the relation of Machamps, the people have howses built with stone walles, and one story above another, so taught them by those English who escaped the slaughter at Roanoke, at what tyme this our Colony under the conduct of Captain Newport landed within the Chesapeake Bay, where the people breed up tame turkies about their howses and take apes in the mountains, and where, at Ritanoe, the Weroance Eyanoco preserved seven of the English alive, fower men, two boys, and one young mayde, who escaped the massacre and fled up the river Chanoke (Chowan).

This "young mayde" may have been Virginia Dare, who at that time would have been about 22 years of age.

North Carolina, Mr. Speaker, has not been unmindful of this great event that first took place on her soil. For many years the Roanoke Colony Memorial Association, of which Bishop Joseph Blount Cheshire is president, has annually observed this epoch in history. The 16 acres comprising Fort Raleigh is owned and preserved by this association, and on the 18th of August in each year distinguished men and women gather there and pay their homage. The occasion this year will be especially significant, as the ambassador from the Court of St. James, Sir Esme Howard, will be the speaker.

The capital of North Carolina bears the name of that gallant knight, Sir Walter Raleigh. The county in which Roanoke Island is situated is called Dare. The two principal villages on Roanoke Island are named after the two friendly Indians, Manteo and Wanchese.

It is appropriate that we give this occurrence Federal recognition and that we perpetuate as a shrine in American history the first attempt at colonization by the English-speaking race on this continent and the birth of the first child of English parentage.

AMENDMENT OF WORLD WAR VETERANS ACT, 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 12175.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass House bill 12175. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, may I interrupt the reading of the bill for a moment? Ordinarily I certainly do not regard it as good practice to proceed to the consideration of a bill under suspension without having it read, yet I do not know that any good purpose would be effected by the reading of it, and I was wondering whether an arrangement could be made whereby there might be an addition to the time for debate and let unanimous consent be given to print the bill in the RECORD without reading it? I think that might, perhaps, be a desirable thing. I want to say, Mr. Speaker, that as a general practice I do not like that, and although I am making the request I would not want it to be regarded as a precedent. Yet this is a long bill; it will require considerable time for its reading, and if we could have some additional time for debate I think probably it would be more profitable than the reading of the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, reserving the right to object—and I shall not object—this bill has been before the Committee on Veterans' Legislation for hearings for two months, and it has been considered and reconsidered until I think the membership of this body is well acquainted with its provisions, and I would prefer to make an agreement such as that suggested by the gentleman from Tennessee, that each side have 15 minutes more than the 20 minutes which would be allotted under the rules of the House.

Mr. HAYDEN. I would suggest that the time be 20 minutes, because I have demands for 40 minutes of time on this side.

Mr. TILSON. Mr. Speaker, reserving the right to object, there is at least another suspension after this.

The SPEAKER. Two more.

Mr. TILSON. Two more, I am advised by the Chair. I understand that there is no substantial opposition to the final passage of this bill. Would not the gentlemen be satisfied with less time than they ask for? The gentlemen can look at the clock and see what it means if we proceed to take an hour or even 40 minutes extra on this bill.

Mr. RANKIN. I will say to the gentleman that there is very substantial opposition to certain provisions of the bill.

Mr. TILSON. But under suspension the gentleman knows that he must take the bill or leave it.

Mr. RANKIN. I understand that, but those of us who are interested in this proposition ought to have an opportunity to present our views to the House in order that the House may understand our position with reference to our opposition to the phases of the bill we oppose.

Mr. TILSON. As I have stated, there is at least one more bill to come up under suspension of the rules, probably two, as indicated by the Chair, which will take some time, and it is going to run the House rather late into the evening if we have even an hour's debate on this bill.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. GARRETT of Tennessee. I want to suggest to the gentleman from Connecticut that this bill ought not to come up in this way this afternoon or at any other time. This bill should have come up at a time when it would be open to amendment, but it is here, and I am just trying to help out the best I can about having a fair discussion of it.

Mr. TILSON. The gentleman realizes that the House is now very deeply engaged in another matter that can not be suspended except on Calendar Wednesdays and suspension days. I understand that there is considerable pressure for the passage of the bill just called up, and in order to get the bill passed as soon as possible we are giving it an opportunity to come up to-day.

Mr. RANKIN. Can not these other bills be taken up under suspension on any day the Speaker will recognize the chairmen of the committees having them in charge to move to suspend the rules and pass them?

Mr. TILSON. Yes; but the Speaker can not recognize anybody to move suspension of the rules until two weeks from to-day. Will not the gentleman be satisfied with not to exceed 20 additional minutes, 10 additional minutes on a side? This would make one hour.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the time for debate upon his motion be extended 20 minutes, 10 minutes on a side. Is there objection?

There was no objection.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that under those conditions the further reading of the bill be dispensed with and that it be printed in the RECORD. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That section 10 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 10. The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care necessary and reasonable aftercare, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this act, and for that purpose is hereby authorized, at the direction of the President or with the approval of the head of the department concerned, to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this act; and such governmental agencies are hereby authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this act, in addition to such governmental facilities as are hereby made available.

"When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means: *Provided*, That the director is hereby authorized to hospitalize women veterans entitled to hospitalization under the provisions of this act and amendments thereto, in other than Government hospitals.

"In the event that there are not sufficient and satisfactory Government hospital and out-patient dispensary facilities for the proper medical care and treatment of beneficiaries under this act, and the director deems it necessary and advisable to improve existing facilities or to secure additional Government facilities, he may, within the limits of appropriations made for carrying out the provisions of this paragraph, alter, improve, or extend existing governmental facilities, or acquire additional facilities by purchase or otherwise: *Provided, however*, That no alteration, improvement, or extension which will materially increase the bed capacity for patients of any hospital or institution shall be made, nor shall any new facilities be acquired without the approval of the President. Such new property and structures as may be improved, extended, or acquired shall become part of the permanent equipment of the United States Veterans' Bureau or of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Home for Disabled Volunteer Soldiers, in such way as will best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this act.

"In the event Government hospital facilities are insufficient or inadequate the director may contract with State, municipal, or, in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this act.

"There are hereby permanently transferred to the Veterans' Bureau all hospitals now or formerly under the jurisdiction of the Public Health Service or of the Treasury Department, the operation, management, or control of which have heretofore been transferred by the President to said bureau pursuant to the authority contained in section 9 of the act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and further to amend and modify the war risk insurance act," approved August 9, 1921.

"The President is hereby authorized, in his discretion, to transfer to the jurisdiction of the United States Veterans' Bureau the tuberculosis hospital facilities of the Battle Mountain Sanitarium and the northwestern branch of the National Home for Disabled Volunteer Soldiers, and to transfer to the National Home for Disabled Volunteer Soldiers any facilities of the United States Veterans' Bureau not needed for hospital purposes but which are suitable for domiciliary purposes."

SEC. 2. That section 21 of the World War veterans' act, as amended, is hereby amended to read as follows:

"SEC. 21. (1) That where any payment under this act is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant, or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where in the opinion of the director any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the director is hereby authorized to refuse to make future payments in such number of cases as he may deem proper: *Provided further*, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under Title II hereof, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the director shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

"(2) Whenever it appears that any guardian, curator, conservator, or other person is not in the opinion of the director properly executing the duties of his trust or has collected or is attempting to collect fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then and in that event the director is hereby empowered by his duly authorized attorney to appear in the court which has appointed such fiduciary and make proper presentation of such matters to the court: *Provided*, That the director in his discretion may suspend payments to any such guardian, curator, conservator, or other person who, in the opinion of the director, is not properly executing the duties of his trust or who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary.

"Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment or removal of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate, or in connection with the administration of such estates by such fiduciaries, when such payment is authorized by the director.

"(3) All or any part of the compensation or insurance, the payment of which is suspended under section 21 of this act as amended, may, in the discretion of the director, be paid temporarily to the person having custody and control of the incompetent, and all or any part of the compensation of any mentally incompetent inmate of an institution may, in the discretion of the director, be paid to the chief officer of said institution, to be properly accounted for and to be used for the benefit of such incompetent or inmate, or may, in the discretion of the director, be apportioned to wife, child or children, or dependent parents in accordance with regulations: *Provided*, That any part of such compensation or insurance which has not been apportioned may upon order of the director be held in a special account in the Treasury of the United States to the credit of such person, to bear interest at the rate of 4½ per cent compounded annually; such interest to be paid from the appropriation for military and naval compensation."

SEC. 3. That section 26 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 26. That the amount of the monthly installments of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Titles II, III, or IV hereof, but which has not been paid prior to the death of the person entitled to receive the same, may be payable to the personal representatives of such person, or in the absence of a duly appointed legal representative where the combined amounts payable are $1,000 or less, the director shall allow and pay such sum to such person or persons as would under the laws of the State of residence of the decedent be entitled to his personal property in case of intestacy: *Provided*, That in cases where the estate of the decedent would escheat under the laws of the place of his residence such installments shall not be paid to the estate of the decedent but shall escheat to the United States and shall be credited to the appropriation from which the original award was made."

SEC. 4. That section 28 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 28. There shall be no recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

"When under the provisions of this section the recovery of a payment made from the United States Government life-insurance fund is waived, the United States Government life-insurance fund shall be reimbursed for the amount involved from the current appropriation for military and naval insurance."

SEC. 5. That a new section be added to Title I of the World War veterans' act, 1924, approved June 7, 1924, to be known as section 31, to read as follows:

"SEC. 31. The Veterans' Bureau shall, under regulations to be prescribed by the director, reimburse beneficiaries hospitalized or who have been hospitalized in Veterans' Bureau hospitals for any loss of

personal effects heretofore or hereafter sustained by fire while such effects are or were stored in designated locations in Veterans' Bureau hospitals."

SEC. 6. That a new section be added to Title I of the World War veterans' act, 1924, as amended, to be known as section 33, and to read as follows:

"SEC. 33. The director, in his discretion, may provide courses of instruction for the professional personnel of the bureau and may detail employees to attend the same, or to attend professional courses conducted by other than bureau agencies, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation: *Provided, however,* That travel or instruction outside the continental limits of the United States shall not be authorized under this section."

SEC. 7. That section 200 of the World War veterans' act, 1924, approved June 7, 1924, as amended, is hereby amended to read as follows:

"SEC. 200. For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in or such recurrence was caused by the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female), when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or women assigned to the medical department of the United States Army who served in base hospitals overseas, or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided,* That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct. That for the purposes of this act every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of or prior to inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided,* That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per cent degree (in accordance with the provisions of subdivision (4) of section 202 of this act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim."

SEC. 8. That paragraph (1) of section 201 of the World War veterans' act, 1924, approved June 7, 1924, be amended to read as follows:

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, who was not dishonorably discharged, dies after discharge or resignation from the service and does not leave assets which, in the judgment of the director, should be applied to meet the expenses of burial and funeral and the transportation of the body (the decision of the director to be binding on the General Accounting Office), the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations: *Provided,* That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases: *Provided further,* That where such person, while receiving from the bureau medical, surgical, or hospital treatment, or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories, or possessions, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: *And provided further,* That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed."

SEC. 9. Paragraphs 3, 7, and 10 of section 202 are hereby amended to read as follows:

"SEC. 202. (3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: *Provided, however,* That the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: *Provided further,* That the compensation for the loss of the use of both eyes, or the organic loss of speech, shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: *Provided further,* That for double total, permanent disability the rate of compensation shall be $200 per month.

"That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who, in the judgment of the director, will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as not less than temporarily totally disabled, said rating to continue for the period of three years: *Provided, however,* That nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled.

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $30 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: *Provided, however,* That if such person shall recover his reason and shall be discharged from such institution as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the provisions of this subdivision.

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in an institution of any description, and who are without wife, child, or dependent parents, shall not exceed $40.

"(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases, paralysis agitans, encephalitis lethargica, or amœbic dysentary, or the loss of sight of both eyes, regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish out-patient treatment and hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, contract surgeons, and contract dentists, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided,* That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses: *Provided further,* That where a veteran hospitalized under the authority of this subdivision is financially unable to supply himself with clothing, he shall also be furnished with such clothing as the director may deem necessary: *Provided further,* That where a veteran

entitled to hospitalization under this subdivision is suffering with a disease or injury necessitating the wearing of a prosthetic appliance and is financially unable to supply himself with same, upon an affidavit to that effect the director is hereby authorized to furnish such appliance and to effect necessary repairs to the same without cost to the veteran: *And provided further,* That the pension of a veteran entitled to hospitalization under this subdivision shall not be subject to deduction, while such veteran is hospitalized in any Government hospital, for board, maintenance, or any other purpose incident to hospitalization: *Provided,* That where any such deductions have heretofore been made, the director of the United States Veterans' Bureau is hereby authorized and directed, out of any current administrative appropriations, to reimburse such veterans in an amount equal to such deductions: *Provided further,* That the act of May 4, 1898, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes,' or any other act, in so far as they are inconsistent with the provisions of this section be, and they are hereby, modified accordingly."

"In the insular possessions or Territories of the United States the director is further authorized to furnish hospitalization in other than Government hospitals."

SEC. 10. That section 203 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 203. That every person applying for or in receipt of compensation for disability under the provisions of this title and every person applying for treatment under the provisions of subdivisions (9) or (10) of section 202 hereof, shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also a per diem allowance of $2.65 per day for the period of travel and observation. If he shall neglect or refuse to submit to such examination, or shall in any way obstruct the same, his right to claim compensation under this title shall be suspended until such neglect, refusal, or obstruction ceases. No compensation shall be payable while such neglect, refusal, or obstruction continues, and no compensation shall be payable for the intervening period."

SEC. 11. That section 206 of the World War veterans' act, 1924, approved June 7, 1924, is hereby repealed.

SEC. 12. That section 209 of the World War veterans' act, 1924, approved June 7, 1924, is hereby repealed.

SEC. 13. That section 212 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 212. This act is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921. For such disabilities and deaths no other pension laws or laws providing for gratuities or payments shall be applicable: *Provided, however,* That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: *And provided further,* That compensation under this title shall not be paid while the person is in receipt of active service or retirement pay, this proviso to be effective as of April 6, 1917. Titles II and IV of this act shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921: *Provided, however,* That the schedule of ratings provided by section 202 (4) of this statute shall be applicable to disabilities occurring as a result of service prior to April 6, 1917, or after July 2, 1921, wherever a person has an accrued right to compensation under section 602 of the World War veterans' act, 1924."

SEC. 14. That section 300 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 300. In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one year after enlistment or after entrance into or employment in the active service and before discharge or resignation: *Provided,* That any member of the reserve forces whose application was accepted at a time when he was in attendance at a military or naval training camp or station, and from whom premiums were collected, and who becomes or has become totally or permanently disabled, or dies or has died, shall be deemed to have made valid application therefor. This proviso shall not authorize the granting of more than $10,000 insurance to any one person: *Provided further,* That each officer and enlisted man of the Coast Guard who is serving on active duty at the time of the passage of this amendatory act, or who subsequent thereto enters the Coast Guard service, shall be granted insurance in accordance with the terms of this section upon application within one year of the passage of this amendatory act, or date of enlistment or entry into the Coast Guard, whichever is the later date, and before retirement, discharge, or resignation.

"The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

"Where a beneficiary at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

"The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American experience table of mortality and interest at 3½ per cent per annum. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 15. That section 301 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than July 2, 1927, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted without medical examination into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher or lower premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"All term insurance shall cease on July 2, 1927, except when death or total permanent disability shall have occurred before July 2, 1927: *Provided, however,* That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1927, conversion of such yearly renewable term insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided,* That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided,* That when the amount of an individual monthly payment is less than $5, such amount may, in the discretion of the director, be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament,

or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government Life Insurance Fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

SEC. 16. That section 303 of the World War veterans' act, 1924, approved June 7, 1924, and amended March 4, 1925, is hereby amended to read as follows:

"SEC. 303. If no person within the permitted class be designated as beneficiary for yearly renewable term insurance by the insured either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured or survives the insured and dies prior to receiving all of the 240 installments, or all such as are payable and applicable, there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable, said value to be computed as of date of last payment made under any existing award: *Provided*, That all awards of yearly renewable term insurance which are in course of payment on the date of the approval of this act shall continue until the death of the person receiving such payments or until he forfeits same under the provisions of this act. When any person to whom such insurance is now awarded dies or forfeits his rights to such insurance, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments of the insurance so awarded to such person. For the purpose of this proviso an award shall be deemed to be in the course of payment from the date the right to payment accrued: *Provided further*, That no award of yearly renewable term insurance which has been made to the estate of a last surviving beneficiary shall be affected by this amendment: *Provided further*, That in cases when the estate of an insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate, but shall escheat to the United States and be credited to the military and naval insurance appropriation. This section shall be deemed to be in effect as of October 6, 1917."

SEC. 17. That section 304 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 304. In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this amendatory act or within two years after the date of lapse or cancellation: *Provided*, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: *Provided further*, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled. As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of the United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per cent per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy: *Provided further*, That where within one year of this amendatory act all of the requirements for reinstatement of yearly renewable term insurance under this section are complied with, except the payment of unpaid premiums with interest, and proof satisfactory to the director is furnished showing the applicant is unable to pay such premiums with interest or some part thereof, the application may be approved, and the amount of unpaid premiums with interest as provided in this section shall be placed as an interest-bearing indebtedness against the insurance, such indebtedness to bear interest at the rate of 5 per cent per annum, compounded annually, to be deducted in any settlement thereunder: *And provided further*, That no term insurance shall be reinstated after July 2, 1927."

SEC. 18. That section 305 of the World War veterans' act, 1924, approved June 7, 1924, is hereby amended to read as follows:

"SEC. 305. Where any person has heretofore allowed his insurance to lapse or canceled or reduced all or any part of such insurance while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the war risk insurance act as amended December 24, 1919, would purchase if applied as premiums when due shall not be considered as lapsed, canceled, or reduced; and the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier, or his beneficiaries, as the case may be, the amount of said insurance less the unpaid premiums and interest thereon at 5 per cent per annum compounded annually in installments as provided by law: *Provided*, That insurance revivable under this section by reason of permanent and total disability or by death of the insured shall be paid only to the insured, his widow, child or children, dependent mother or father, and in the order named unless otherwise designated by the insured during his lifetime or by last will and testament."

SEC. 19. That a new section be added to the World War veterans' act, 1924, approved June 7, 1924, to be known as section 308, to read as follows:

"SEC. 308. Wherever yearly renewable term insurance or United States Government life (converted) insurance lapses or has lapsed for the nonpayment of premiums, and the insured forwards or has forwarded to the United States Veterans' Bureau, not later than the last day of the month following the month for which the unpaid premium is or was due, an amount sufficient to reinstate the insurance under bureau regulations heretofore or hereafter issued, the director of the bureau is hereby authorized and directed to reinstate such insurance whenever it is shown to his satisfaction that the insured was at the time of the making of the remittance in the state of health required by bureau regulations."

SEC. 20. That a new section be added to the World War veterans' act, 1924, approved June 7, 1924, to be known as section 309 and to read as follows:

"SEC. 309. Where any person allowed his insurance to lapse and died prior to collecting the $60 bonus provided by the act of February 24, 1919 (40 Stat. L. p. 1151), then and in that event his insurance shall not be considered as lapsed during such period, as said uncollected bonus would, if applied to the payment of premiums when due, equal or exceed the same, and the United States Veterans' Bureau is hereby authorized and directed to pay to his beneficiaries under said policy the amount of said insurance, less the premiums and interest thereon at 5 per cent per annum, compounded annually, in installments, as provided by law."

SEC. 21. That section 406 of the World War veterans' act, 1924, as amended, be further amended to read as follows:

"SEC. 406. That no vocational training shall be granted after June 30, 1926, and no training allowance shall thereafter be paid to any person: *Provided*, That any person who is receiving placement training on June 30, 1926, may be continued in such training to January 1, 1927, and any person receiving educational training in schools or institutions on June 30, 1926, may be continued in training for not more than two years after the passage of this amendatory act. For the purposes of this section the unexpended balance of the appropriation for vocational rehabilitation for the fiscal year 1926 shall be available."

SEC. 22. That a new section be added to Title V of the World War veterans' act, 1924, approved June 7, 1924, to be known as section 506 and to read as follows:

"SEC. 506. The provisions of this title shall be applicable to the administration of this act in the Philippine Islands."

The SPEAKER. Is a second demanded?

Mr. HAYDEN. Mr. Speaker, I demand a second.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. By unanimous consent, the gentleman from South Dakota is recognized for 30 minutes and the gentleman from Arizona [Mr. HAYDEN] will be recognized for 30 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks in the RECORD on this bill.

Mr. RANKIN. Mr. Speaker, since we have been denied the right to amend this bill, I must object to that request.

Mr. JOHNSON of South Dakota. Mr. Speaker, on the floor of this House at the passage of the World War veterans' act and the 1925 amendment thereof I stated it would not be the intention of the chairman of the Committee on World War Veterans' Legislation to present another one of these bills under suspension of the rules. I felt then and still feel that the House must eventually meet the question of this legislation and that a bill must be brought before the House, subject to amendment, under the general rules of the House. This was done in the Sixty-sixth and Sixty-seventh Congresses, and in my opinion must be done again.

I am not taking this procedure because it is the desire of the chairman of the committee, but because I am anxious to pass the meritorious measure that is before us. It does not contain everything that in my opinion it should contain, but it does do a great deal of good to approximately 27,000 disabled men.

I desire to call the attention of the House to the report, No. 1217, on page 10, where there are some errors in figures. By a mistake the figures at the bottom of that page, approximately $21,000,000 the first year, $26,000,000 the second year, and $29,000,000 the third year, are wrong, and in place of those figures there should be the following: For the first year, $9,297,295; for the second year, $9,799,700; and for the third year, $11,115,410.

The increase in these three years comes because of certain extensions of insurance. At the best these figures must be estimates because no one can tell the exact number of men who will be eligible to secure this extended insurance, and no one can tell exactly the amounts that ought to be inserted. These are the estimates of the Veterans' Bureau and necessarily are maximum estimates.

I wish I could discuss the bill in detail, but I can not in 5 or 10 minutes, and no one could discuss it in detail in one hour. I shall continue the discussion under the privilege given me to extend my remarks, and simply say now that this measure as it stands to-day will extend vocational training to those now taking training and will be of wonderful assistance to them. It will extend the time for taking term insurance one year and give the director an opportunity to put into effect the provisions of another policy that will extend help to these men carrying insurance for five years. It will remove the limitation for the filing of claims by the disabled, and to my mind that is the greatest provision of the bill, because all over the United States are men who even to-day do not realize what the Government is doing for the disabled, and the time for the filing of their legitimate claims has expired. This bill, if enacted into law, will open the door for all time for those claims.

There are many other matters I shall not discuss at this time, except to say I know this will do a substantial measure of justice to the disabled, and is the sort of measure that no Member of Congress need ever apologize for if he casts a vote for it.

I reserve the balance of my time, Mr. Speaker.

Mr. CRISP. Will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. Yes.

Mr. CRISP. What is the estimated additional cost this bill will entail upon the Government?

Mr. JOHNSON of South Dakota. All the matters in this bill are extra additional cost, but there are some reductions in vocational training which, of course, should be considered in that same connection. These are all added costs, however.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. JOHNSON of South Dakota. Yes.

Mr. HUDSPETH. Is there any change in this bill from the present law relative to the veteran tracing his injury to service origin?

Mr. JOHNSON of South Dakota. There is nothing of that sort in the bill. He must trace it to service origin.

Mr. HUDSPETH. Does this bill amend the present law and make that provision a little more liberal?

Mr. JOHNSON of South Dakota. I do not know of any provision in the bill which would change the rule as to the necessity of showing service origin.

Mr. COOPER of Wisconsin and Mr. BARKLEY rose.

Mr. JOHNSON of South Dakota. I yield first to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The gentleman said the bill extends the time for the presentation of claims. Just what is that restriction?

Mr. JOHNSON of South Dakota. There was a time limitation of five years extended to seven years, and that time has expired in many cases.

Mr. COOPER of Wisconsin. That is the information I wanted in the RECORD.

Mr. BARKLEY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BARKLEY. What is the difference between the estimated cost of this bill as it is now presented and the estimated cost of the original bill introduced by the gentleman who now has the floor, which, I understand, he has scaled down in order to meet the demands of the administration?

Mr. JOHNSON of South Dakota. The original bill which was brought before the committee for action was a combined bill, composed of the measures advocated by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, some provisions of the Veterans' Bureau, and some of the personal ideas of the chairman of the committee, and the original estimate was approximately $40,000,000 annually.

Mr. BULWINKLE. But, if the gentleman will yield, that was not the estimate under H. R. 10240.

Mr. JOHNSON of South Dakota. No; that was twenty-odd million dollars.

Mr. BULWINKLE. That was about $29,000,000.

Mr. BARKLEY. What is the estimate with respect to this bill?

Mr. JOHNSON of South Dakota. Approximately $10,000,000 a year for each year.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Maryland.

Mr. HILL of Maryland. How much does this extend the present term insurance in existence?

Mr. JOHNSON of South Dakota. One year.

Mr. HILL of Maryland. From the 1st of July?

Mr. JOHNSON of South Dakota. Yes; but there will be another flat level rate policy at a slightly increased premium cost which will allow five additional years to convert.

Mr. HILL of Maryland. Does this extend the present term of the policy?

Mr. JOHNSON of South Dakota. One year.

Mr. TREADWAY. Does this cover any item included in other bills that have been reported and on the calendar touching veteran legislation?

Mr. JOHNSON of South Dakota. Not on the calendar; no.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. O'CONNELL of Rhode Island. Does this affect the case where a service man has already filed his application for adjusted compensation before his death, and where it has been acted upon by the Veterans' Bureau and the Comptroller General has turned it down on the ground that the application on file in the lifetime of the deceased was not received at the bureau?

Mr. JOHNSON of South Dakota. Yes; it will cover that.

Mr. BROWNING. No; this is adjusted compensation.

Mr. JOHNSON of South Dakota. Oh, the gentleman referred to adjusted compensation? No, it would not.

Mr. KINDRED. In the gentleman's judgment does this cover the abuse by guardians?

Mr. JOHNSON of South Dakota. In my opinion it will absolutely cover that.

Mr. KINCHELOE. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. KINCHELOE. Under this bill does the Veterans' Bureau take exclusive control of guardianship of demented soldiers?

Mr. JOHNSON of South Dakota. No; that is left to the court.

Mr. KINCHELOE. As it is now.

Mr. JOHNSON of South Dakota. Approximately as it is now.

Mr. HAYDEN. Mr. Speaker, it is with sincere regret on the part of many Members of the House that we are compelled to consider this bill at this late date and in this unsatisfactory manner. There was a direct and solemn promise made to the House at the last session of Congress that the legislation to further amend the World War veterans' act would be promptly considered under the general rules of the House; but we are forced to-day, for reasons set out in the minority report, to take up this much mutilated bill under suspension of the rules. I ask unanimous consent to include as a part of my remarks the views of the minority members of the Committee on World War Veterans' Legislation on this bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The views of the minority are as follows:

VIEWS OF THE MINORITY

The undersigned minority members of the Committee on World War Veterans' Legislation hereby present their additional and supplemental views to the report which accompanies the bill.

The minority members are opposed to the consideration of this bill under suspension of the rules. Under this procedure no amendments can be offered and only 20 minutes' debate on a side is provided for. We think that this procedure is unfair to both the ex-service man and to the Members of the House. The records show that since the Republican Party came into power after the World War all legislation affecting ex-service men has been brought before the House in this manner. Last year the chairman of the committee, on the floor of the House, in the presence of the membership of the House and of members of the Republican steering committee, promised that the next bill would not be brought up for consideration in this manner. No criticism in this respect is leveled at the chairman, for the understanding of the minority members is that he repeatedly called his promise to the attention of the Republicans responsible for legislation on his side of the House.

The bill as is now presented to the House for consideration amends the existing law in a number of particulars. The minority members heartily approve all of the changes with the exception of section 3, which authorizes the President of the United States in his discretion to transfer to the jurisdiction of the United States Veterans' Bureau the tuberculosis hospital facilities of the Battle Mountain Sanitarium of the Northwestern Branch of the National Home for Disabled Volunteer Soldiers.

All other sections of the bill the minority members are in favor of and will support, and these supplemental views are submitted in order that the membership of the House may be informed of the circumstances under which so many benefits to the disabled men were removed from this bill as compared with H. R. 10240.

The original bill, known as H. R. 10240, was reported to the House on March 11, 1926. For over two months hearings on it had been held. This bill, as originally reported to the House, contained many meritorious amendments to the present law. After several weeks had elapsed the chairman notified the committee that he had been informed by the Republican leaders of the House that the bill in that form would not be considered by the House, as it conflicted with the President's so-called economy program.

The bill was then reconsidered by the committee and certain important provisions were removed. It was again reported to the House. Later, the chairman called the committee and informed them that the bill did not yet comply with the wishes of the administration. Certain other provisions were then stricken from the bill, and it was ordered to be reported to the House. Later the committee was again informed by the chairman that no legislation in behalf of the disabled ex-service men would be enacted in this Congress unless certain other provisions of the bill were stricken out.

The majority of the members of the committee conformed to the desires of the administration, and the bill under consideration now complies with its wishes, after having had two major and two minor operations. In fact, the administration informs the House of Representatives that it must accept this bill without amendment and practically no debate or that no legislation will be passed by this Congress which will bring aid and health to the thousands of men disabled in the World War.

The attention of the House is called to the fact that the appropriations for the Veterans' Bureau for the fiscal year commencing July 1, 1927, is $38,000,000 less than the preceding year.

The following provisions were stricken out of the original bill in the manner indicated above:

Section 7, which amends section 200, which provides for the misconduct cases. Difficulty has arisen in connection with the adjudication of these claims because of the nature of the diseases. The presumption of misconduct has been raised by the very existence of these diseases, notwithstanding the fact that in many instances they were innocently acquired as far as the claimant himself is concerned. It is necessary under the existing law for the claimant to prove innocent origin. This, of course, is an impossibility. It is our opinion that these men should not be penalized for their inability to secure definite proof of the absence of misconduct on their part. The cause of this provision would not have exceeded $2,600,000.

Section 9 of the original bill amended section 202 of the present law by providing that in arrested cases of tuberculosis a minimum rate of compensation of $35 per month should be paid for a period of five years. The medical testimony before the committee was to the effect that a man with an arrested case of tuberculosis was under a handicap of from 33 to 50 per cent; that where all compensation was cut off in the arrested cases the disabled man was forced to immediately go to work and under strain and stress in a great many cases the disease would become reactive. The original amendment would allow these men a sufficient amount to permit them to gradually resume their occupation without too great a strain, and in the end the enactment of this legislation would actually result in a saving to the Government, though the apparent cost of this provision is estimated at about $7,000,000.

In addition to these two sections, a number of other sections were eliminated which vitally affected the compensation, hospitalization, and insurance of thousands of disabled men.

Several new sections have been added to the bill as now reported, among them being the amendments to section 21 of the existing law, regarding the mentally incompetent and minors who are beneficiaries of the Veterans' Bureau. These amendments were made necessary on account of the abuses and the wholesale guardianships in the District of Columbia. It was brought to the attention of the committee that in the District of Columbia one Frederick A. Fenning was guardian for ninety and some odd mentally incompetent ex-service men; that he is commercializing the mental incompetency of these men; that the fees and commissions charged for his services as "committee" of such wards were inequitable and excessive in all cases, and in many cases illegal.

The minority members feel that they should mention to the House the inconsistency of this administration by quoting the following from the message of President Coolidge on May 15, 1924, vetoing the bonus bill:

"Solicitude for the disabled veterans and the dependents of those who lost their lives is the Nation's solicitude. To minister to their every need is a sacred obligation, which will be generously and gratefully met. The Nation stands ready to expend any amount needed for their proper care.

We respectfully request the House to consider this statement in connection with the present attitude of this the same administration.

CARL HAYDEN,
A. L. BULWINKLE,
LAMAR JEFFERS,
J. L. MILLIGAN,
W. P. CONNER,
MARY T. NORTON.

Mr. HAYDEN. Under the general permission granted to Members of the House, I desire to further extend my remarks by printing in the RECORD the following analysis of the bill which was prepared to-day by the legislative representatives of the American Legion:

H. R. 12175

H. R. 12175 constitutes the third omnibus committee bill agreed upon at this session of Congress by the House Committee on World War Veterans' Legislation to provide necessary amendments to the World War veterans' act, 1924. The revised measure contains 22 sections amending 34 of the provisions of that act.

SECTION 1

Amends section 10 of the law and authorizes the director to hospitalize women veterans entitled to hospitalization under the act in hospitals other than Government hospitals, so that these women veterans may be hospitalized adjacent to their homes when they are in need of treatment of this character. There are not many women veterans requiring hospitalization and it is more economical to provide this means of caring for them than to build special hospitals or wards for these afflicted women.

Authorizes the director, without the approval of the President, to make alterations, improvements, or extensions, which will not materially increase the bed capacity for patients, of the hospital facilities now owned or operated by the bureau. This authorization will greatly simplify the present procedure required before necessary alterations to hospitals may be authorized, and we believe this amendment to be in the interest of efficient operation of the bureau.

The next amendment authorizes the President to transfer to the jurisdiction of the Veterans' Bureau the tuberculosis hospital facilities of the Battle Mountain Sanitarium, Hot Springs, S. Dak., and the northwestern branch of the National Home for Disabled Volunteer Soldiers at Milwaukee, Wis. It likewise provides for the transfer to the National Home for Disabled Volunteer Soldiers any of the Veterans' Bureau facilities not needed for hospital purposes and which are suitable for domiciliary purposes.

SECTION 2

Amends section 21 of the present law and authorizes the director to refuse payment to a guardian who has such a large number of insane wards that the director thinks it impractical for the guardian to properly conserve the estates or supervise the persons of the wards.

This amendment also empowers the director by his duly authorized attorney to appear in court in opposition to payments of fees or commissions to the guardians which he deems excessive, or in any other matter pertaining to the ward, and to suspend payments to any guardian whom he believes is not properly executing the duties of his trust or who neglects or refuses to render an account to the director from time to time showing the application of payments for the benefits of the wards.

It further permits the director to order all moneys of the ward be placed to the credit of the ward in the Treasury at 4½ per cent interest and to disburse such moneys for the benefit of the ward or his dependents.

SECTION 3

Amends section 26 of the law allowing the director to make accrued payments under $1,000 due an estate of a beneficiary without the necessity for administration.

These payments to go to the persons entitled to the beneficiary's personal property in case of intestacy as required by the laws of the State of residence of the decedent.

SECTION 4

Amends section 28 of the law by providing that where recovery of payments made from the United States Government Life Insurance Fund is waived, the fund shall be reimbursed to the extent of the recovery. This is to protect the United States Government Life Insurance Fund, the reserve of which belongs to the policyholders and not to the Government.

SECTION 5

Amends section 31 of the law to provide reimbursement to hospitalized veterans for the loss or destruction of their personal effects which have been or may be destroyed by fire, where they are stored or have been stored in designated locations in Veterans' Bureau hospitals. To date there has only been one fire, where any substantial amount of veterans' effects have been lost. This was at Gulfport, Miss., where the loss to veterans approximated $7,000.

SECTION 6

Adds a new section of the law to be known as section 33 and provides for instruction of the professional personnel of the bureau. This amendment is made necessary by the elimination of the provisions for a permanent medical service in the bureau and should increase the efficiency of the professional personnel through their attendance in courses in Government or other schools.

SECTION 7

Amends section 200 of the law to allow compensation for service disability for women assigned to the Medical Department of the Army who served in base hospitals overseas. There are a limited number of women who served with these base hospitals and performed virtually the same service as enlisted men, and we believe that those who became disabled while performing this service should be entitled to the same benefits as the men with whom they served.

SECTION 8

Amends section 201 of the law and allows the director discretion as to payment and makes his decision final on the question of the payment of burial and funeral expenses. This amendment will relieve the estates of veterans where they amount to only a few dollars from the necessity of using that money to bury them, and overcomes the decision of the Comptroller General, who has ruled that if a man leaves any assets the amount of these assets must be deducted from the $100 allowance and only the difference be paid by the Government.

SECTION 9

Amends section 202, subdivision 3, of the law to provide that the organic loss of speech shall be rated as total permanent disability, that payments of $150 per month placing the disability on a par with the loss of the sight of both eyes. It covers only those cases where due to physical loss of the vocal chords or other organs there is an inability to speak.

This section also amends subdivision 7 of section 202 of the act, to provide that the present institutional award of $20 a month for insane beneficiaries without dependents be increased to $30 a month. The $20 rate which has been provided these men has been found insufficient for their current needs in many instances, and we therefore recommend that this be increased to $30 a month. It also provides that where such a person recovers his reason and is discharged as competent, such additional sum shall be paid him as would equal the total sum by which his compensation has been reduced through the operation of this section.

Section 9 of the bill also amends subdivision 10 of section 202 of the law. This is the general hospitalization section of the law which provides hospitalization for disabilities without reference to service connection. This amendment allows out-patient treatment in addition to hospitalization for the veterans of any war. The restrictions of the word "war" since 1897 is stricken from the bill, and there are included in the benefits of general hospitalization nurses who served between 1898 and 1901, contract surgeons, and contract dentists. This amendment, therefore, provides hospitalization and out-patient treatment for veterans of all wars. Also it relieves veterans hospitalized under this section from having their pensions deducted for such hospitalization.

This amendment also provides clothing and prosthetic appliances for hospitalized veterans financially unable to supply these themselves, and allows such hospitalization in other than Government hospitals in the Territories of the United States. This latter amendment is due to the fact that the bureau has no hospital facilities and the Government only limited hospital facilities in insular possessions.

SECTION 10

Amends section 203 of the law to provide $2.65 per day allowance in lieu of wages to claimants during the period of travel or observation. The present law authorizes reimbursement for loss of wages in these cases, but in many instances, such as farmers who are working for themselves, no loss of wages can be shown, and the Comptroller General has ruled that such persons could not be allowed reimbursement while being examined.

SECTION 11

Repeals section 206 of the act which limited to the date of June 7, 1925, the time for filing proof of service origin of disabilities incurred in the service.

SECTION 12

Repeals section 209 of the law which provides that a disability claim must be filed within five years after discharge or resignation from the service if the disability was incurred in the service, or in the case of death during the service, within five years after such death is recorded, if death or disability arose after discharge within five years of the time when such disability arose or such death occurred. By repealing this section, it will be possible for a veteran to file claim at any time for disability or have his dependents, in the event of his death, to file claim at any time on account of his death.

SECTION 13

Amends section 212 of the law to make a former amendment affecting the receipt of active service or retirement pay retroactive to April 6, 1917. This is for the purpose of overcoming a decision by the Comptroller General relating to the word "active," which held that members of the reserve forces of the Navy were in receipt of service pay and consequently were not entitled to compensation when they received the same, although this pay amounted to only approximately $1 a month.

Section 13 also provides that the rating schedule shall be applicable to disabilities occurring as a result of service prior to April 6 or after July 2, 1921, wherein a person has an accrued right to compensation under section 602 of the act. This amendment is for the purpose of relieving the bureau from using two different rating schedules; that is, the schedule provided under the war risk insurance act, and the schedule provided by the World War veterans act.

SECTION 14

Amends section 300 of the act and extends from 120 days to one year the time after entry into the service in which application for insurance may be made. As the insurance now granted is converted insurance, which is self-sustaining, no additional cost will be incurred by the Government as a result of this extension.

This section also provides validation for applications for insurance of members of the reserve forces accepted while in attendance at a military or naval training camp or station. The bureau has assumed that such applications were legal but the Comptroller General ruled that these camps and stations were in reality training stations, and that no active duty status existed, and that therefore such applications for insurance were invalid. As a number of men have paid premiums on such insurance, we believe that these payments should be validated, and the persons affected allowed to retain their insurance.

This section is further amended to provide for applications for insurance by members of the Coast Guard under the same conditions as men entering the military or naval service.

SECTION 15

Amends section 301 of the law and extends for one year from July 2, 1926, the date when all term insurance must cease, and also extends for one year the last day for the conversion of term insurance. It also authorizes a five-year level premium term convertible policy. We believe that many men carrying their war-time insurance have not sufficiently adjusted themselves to post-war conditions in order to meet the higher premium rate charged for the present forms of converted insurance, so believe that this amendment is necessary for their relief.

This section is further amended to provide that where the monthly payments under an insurance policy are less than $5, they may be allowed to accumulate and be disbursed annually. This amendment is in the interest of administrative economy.

SECTION 16

Amends section 303 of the law to provide that an award of insurance shall be deemed to be in the course of payment from the date the right to payment accrued. The purpose of this amendment is to protect the benefits to which minors or incompetents were entitled under the war risk insurance act, but from which they were deprived under section 303 of the World War veterans' act.

SECTION 17

Amends section 304 of the act to provide for the reinstatement of insurance for one year from the date of the passage of this amend-

ment, thus extending the reinstatement privilege to persons suffering from disease or injury incurred or aggravated in the service.

This section also provides that a person suffering from service-connected disability who is not permanently and totally disabled may reinstate his insurance for one year after the approval of this amendment by having the amount of the unpaid back premiums charged as an interest-bearing indebtedness against the face value of the policy, where proof satisfactory to the director is furnished showing that the applicant is unable to pay the back premiums.

The third amendment to this section extends the time limit for reinstatement of insurance from July 2, 1926, to July 2, 1927.

SECTION 18

Amends section 305 of the law to provide that where insurance has been revived through accrued compensation these payments shall be limited to the insured, his widow, child or children, dependent mother or father in the order named, unless otherwise designated by the insured during his lifetime or by his last will and testament.

SECTION 19

Adds a new section to be known as section 308, and provides that insurance shall not lapse where the insured forwards to the bureau not later than the last day of the month, following the month for which the unpaid premium was due, an amount sufficient to reinstate the insurance where it is shown that at that time the insured was in the same state of health as required by bureau regulations.

SECTION 20

Adds a new section to be known as section 309, and provides that where a person allowed his insurance to lapse and died prior to collecting his $60 discharge bonus, this sum shall be allowed to revive insurance where if applied to the payment of premiums when due it would equal or exceed the same.

SECTION 21

Amends section 406 of the law to provide that persons receiving placement training on June 30, 1926, may be continued in such training to January 1, 1927. Placement training, as used in this section, is that training wherein an individual is placed in a commercial concern for the purpose of acquiring practical business knowledge of the trade or profession for which he is being trained.

This amendment also provides an extension of two years following the approval of this amendment for persons receiving educational training in schools or institutions on the date of June 30, 1926. Educational training is that training received in schools, such as professional courses, and is designed to allow persons now taking such training to complete their courses of instruction.

SECTION 22

Adds a new section to the act to be known as section 506. This is to extend the penalties provided under the act to the administration of the law in the Philippine Islands.

Mr. HAYDEN. Mr. Speaker, I reserve the balance of my time, and yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker and gentlemen of the House, at the beginning of Congress early in December hearings were begun before our Veterans' Committee on H. R. 10240, commonly known as the Johnson bill, named after the distinguished chairman of the committee, the Hon. ROYAL JOHNSON of South Dakota. At these hearings the legislative representatives of the American Legion, Veterans of Foreign Wars, the Disabled American Veterans, and Gen. Frank T. Hines, Director of the Veterans' Bureau, all appeared and gave the committee the full benefit of what they considered would be the best legislation for the benefit of the disabled service men of the United States.

The hearings lasted approximately 10 weeks, and the net result of these deliberations was that the Johnson bill was reported out of committee on March 11. The bill as reported called for an expenditure of about $39,000,000. This $39,000,000 represented in the minds of all real friends of the veterans, both in the House of Representatives and in service organizations, the very lowest estimate which would properly take care of the present pressing needs of the disabled men.

After being reported out of committee the bill went on the House Calendar, where it remained peacefully sleeping for six weeks despite the fact that Members of the House, members of the committee, and service men throughout the country were clamoring for the relief which its passage would bring.

With a Republican administration in power, it seems to me that the responsibility for this inaction and inertia toward veteran legislation should be placed where it properly belongs. The disabled service men and their families, as well as the entire American people, should understand fully that the reason that this bill has not come before the House of Representatives is due to the fact that the Committee on Rules, which is controlled by a Republican majority, has refused repeatedly to grant a rule whereby this bill might be taken up by the House for consideration. The responsibility for the nonpassage of the bill thus far therefore rests entirely with the Republican steering committee, which dictates the policy to be followed by the House of Representatives as to what legislation shall have preference, and the Republican-controlled Rules Committee, which refused to grant the necessary rule.

But the disabled men of the country should not be entirely disheartened. To-day this half-hearted relief measure will undoubtedly be passed. To my mind this will not be done through sympathy of the Republican administration for the disabled men, but merely because the fall congressional elections are approaching and the powers that be feel that some sop should be thrown to the veteran in order to temporarily pacify him until election day is over. This attitude of the Republicans seems hardly consistent with the views so often expressed by them during the discussion of the adjusted compensation bill two years ago, when they, as opponents of the so-called, or as the service men call it the "phantom bonus," repeatedly declare that they were not in favor of adjusting the compensation of the able-bodied men who served on the battle fields of France, but constantly reiterated how much they would do to care for the wounded, gassed and insane. Incidentally their fatherly, solicitous care for the helpless insane veteran and his estate is now being uncovered in the present Fenning investigation.

To return to the discussion of the Johnson bill. I have already stated that the bill in its original form called for an appropriation of $39,000,000. After six weeks fruitless effort to get the bill before the House, the committee was warned that unless $30,000,000 were cut from the bill it would not even be given consideration. So the legislative loaf, which was to mean so much for the sustenance of the disabled, was cut to pieces and a few of its fragments and crumbs will be thrown to them to-day in the form of this amended bill.

This mangling of the loaf was done to appease the administration's craving for mythical economy. This same economy has a curious trend. It seems somehow to have a peculiar tendency to militate in favor of the rich, for while on the one hand we are asked to cut to the bone appropriations for the benefit of the helpless and the masses of the people, on the other hand, in the name of this same economy, we are beseeched to hasten to the relief of the multimillionaires and by reducing their surtaxes thus render a great service to the privileged few who need no such service.

No one is any more in favor of real economy, sensible economy, than I am. But I am absolutely sure that the great American people do not want the men in the hospitals who are lying gassed, wounded, and insane as a result of their experiences in the war to be exploited under the pretense of economy. Every fair-minded American knows that that is false economy.

In the original Johnson bill were included many provisions which we considered indispensable for the proper care of the men. Most of these provisions have been removed in the emasculation of the bill. However, there are a few features remaining which will do much to ameliorate the suffering which exists. For this reason it is my belief that the Democratic membership of the House will support the new bill and vote for its passage. Another point here: The Democrats have constantly striven in the House to have service men's legislation brought out under a rule where it can be thoroughly discussed under general debate and where amendments may be offered at the proper time. Since I have been in Congress the Republicans have controlled the House, and during the past four years whenever veterans' legislation has come before the House it has always been brought up under suspension of the rules.

The adjusted compensation bill, two years ago, was brought in under suspension, as were also the last two disabled veterans' legislation bills. This procedure is absolutely detrimental to the best interests of the service men, because, in other words, the legislation is cut and dried before it even reaches the floor of the House and the House must take it or leave it. Many Members of the House who are friendly to the disabled service men and would like the opportunity of offering an amendment to better the condition of these men are restrained under the rules from doing so. Not only that, but they are put in the unenviable position of either voting for a bill which they consider not at all adequate for the needs of the men or of voting against the bill and thus defeating any aid at all being given to the veteran. The gag rule is in force on this bill to-day, and the veteran will be expected to give three cheers and a hurrah for the kindness of the Republican administration. [Applause on the Democratic side.]

There are a few good provisions still left in the bill. The time for the conversion of insurance has been extended for one year, thus allowing all persons holding term insurance to convert such insurance without medical examination into such

form or forms of insurance desired under the regulations before July 2, 1927. Formerly all term insurance was to have automatically ceased on July 2, 1926.

Vocational training also has been extended, so that any person who is receiving placement training on June 30, 1926, may be continued in such training until January 1, 1927, and any person receiving educational training in schools or in institutions on June 30, 1926, may be continued in training for not more than two years after the passage of the bill. This will take care of what would have developed into a very bad situation, as it will prevent service men being cut off in the midst of their training.

There is also a provision which will allow the reinstatement of insurance after lapse because of unpaid premiums when it can be shown that the insured was unable to pay such premiums. Under this provision the application of the man may be approved for reinstatement and the amount of unpaid premiums, with interest, will be placed as an interest-bearing indebtedness against the insurance. This indebtedness will bear interest at the rate of 5 per cent per annum, compounded annually to be deducted in any settlement on the insurance. As can be seen this will allow a veteran without funds to reinstate and carry his insurance without loss to the Government and at the same time protecting the man and his dependents.

Another very good and important feature of the bill is the indefinite extension of the time for filing claims for compensation. This will permit veterans who were not cognizant of provisions of previous laws and who were therefore estopped from filing claims, to make application for compensation at any time.

Also, the Director of the Veterans' Bureau, under the new bill, will be allowed to furnish clothing to men in the hospitals who are financially unable to supply themselves; also men in the hospitals who are suffering with a disease or injury necessitating the wearing of a prosthetic appliance and are without funds to supply themselves with such appliances will be able to secure them without cost, as well as have them repaired without cost. This must be done upon the patient's affidavit to the Director of the Bureau.

In conclusion, lest anyone should accuse me of being too partisan in my attitude on service men's legislation, I wish to state that it was my privilege, first as a private and afterwards as a regimental color sergeant, to serve in the One hundred and first Infantry of the Twenty-sixth Division for 19 months in France. I know at first hand what my buddies went through, and while I am a Member of Congress I will not only continue to fight for their rights, but when I think that they are being unjustly treated I will tell it in plain, unmistakable language not only to Congress but to the people of the country.

Mr. GARRETT of Tennessee. Mr. Speaker, I simply desire to add my word of protest to those that have been already uttered against the procedure under which this bill is being considered in the House. I call attention to the fact that not since this Veterans Committee was created has the Republican Party permitted a bill from it to be considered for amendment on the floor of the House. Whenever that committee has reported bills that are unsatisfactory to the powers that be in the Republican organization, they have compelled that committee to withdraw the bill and return it to the committee, and instead of bringing it before this House for amendment they have said to them, "You write this in, you take this out, and then we will try and put the revised bill through under suspension of the rules." This is a bill in which 4,000,000 or more people are interested, men who defended their country, and you can spare them only a paltry 40 minutes or an hour and not give to the House of Representatives of the United States a single opportunity in which to offer an amendment for their benefit. That has been your procedure upon almost all veteran's legislation since the time you have been in power. You passed the adjusted compensation or bonus bill under suspension of the rules, and you have passed substantially all the legislation affecting the service men under suspension of the rules, with never an opportunity to amend, to take out a thing that was wrong, or to put in a thing that was right which was not already in. There have been put into this bill objectionable provisions touching guardianships and soldiers' homes. There has been withheld from it wise legislation relative to arrested tuberculosis cases. I charge this has been done at the instance and upon the command of the Republican organization of the House; and under the suspension procedure we are helpless to amend. I believe the time will come when the service men of this country and their friends will realize the condition to which you are driving the soldiers in the matter of legislation, and that there will be an uprising, a revolution, that some time will give the House an opportunity to express itself fully upon legislation affecting them. [Applause on Democratic side.]

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, it is unfortunate that partisan politics should be dragged into the consideration of a bill to amend and liberalize the provisions of existing law for the care and compensation of World War veterans and their dependents. This some gentlemen have done. In looking over the minority report on this bill, which has been specifically commented and enlarged upon this afternoon, I was astounded to read the following:

> The records show that since the Republican Party came into power after the World War all legislation affecting ex-service men has been brought before the House in this manner.

Mr. Speaker, the reference is to a consideration of this bill under a suspension of the regular rules of the House. It is a mistake for gentlemen of the minority to drag partisanship into this discussion, but it is even a greater mistake to do so by a misstatement of the facts. The statement which I have read and which will appear in connection with the remarks of the gentleman from Arizona [Mr. HAYDEN] is not true. In refutation of that statement I submit the several volumes of the CONGRESSIONAL RECORD for the Sixty-sixth and Sixty-seventh Congresses.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. I will ask the gentleman to await the completion of my statement. I am a member of the Committee on Interstate and Foreign Commerce. That committee had jurisdiction of this legislation from its inception in the Sixty-fifth Congress until the beginning of the Sixty-eighth Congress, when the World War Veterans' Committee was formed. You Democrats were in control in the Sixty-fifth Congress, while we Republicans have been in control of legislation since then. So far as I can recall, this the first time that partisanship has entered into our deliberations on this question.

Now, what are the facts. We Republicans came into power in the spring of 1919. We felt that the then provisions of the war risk insurance act were inadequate. The maximum sum allowed for total disability was $30 per month. Other benefits were equally inadequate. We were responsible for legislation and brought in H. R. 8778, the first Sweet bill, and passed it in the House in September of 1919.

It became a law in December of that year. Total disability compensation was changed from $30 to $80 per month. Similar liberalizing provisions were made as to partial disability, and so forth. The most extensive changes were made. Partisanship did not enter into the consideration of that measure. We were in power. The bill was considered for three full days under the ordinary rules of the House from September 9, 1919, until September 12, 1919, inclusive. The debate covers 250 pages of the RECORD, from pages 5080 to 5332. This shows the most liberal debate, of course.

The Sixty-seventh Congress was called in extra session in the spring of 1921. The second Sweet bill, H. R. 6611, was introduced, referred to our committee, and reported out early in the session. The House considered it in the ordinary way from June 2, 1921, until June 11, 1921. There was the most liberal debate, covering pages 2036 to 2427 of the CONGRESSIONAL RECORD. Again the RECORD itself bears testimony of the gross partisan misstatement in the minority report. It became a law in August, 1921.

The short session of the Sixty-seventh Congress convened in December, 1922. The committee immediately proceeded to consider amendments. It reported out the third Sweet bill. It was considered by the House on March 2, 1923, under suspension of the rules, because it was late in the session. The Congress adjourned by operation of law at noon, March 4. It became a law on March 4, 1923. During these four years, therefore, we Republicans were in power and considered three major bills for the disabled World War veteran. But one of these three was considered under suspension. The other two were very generally discussed under the ordinary rules of the House. Therefore, I reiterate the statement I have quoted from the minority report is not in accord with the facts. It was put in there for a purely partisan purpose and should carry with it its own rebuke. [Applause on the Republican side.]

The legislation referred to and the World War veterans' act of 1924 and 1925 have met with almost the universal approval of the service men and of the public generally. They are by far the most liberal provisions—and rightly so—that any coun-

try has ever made. Under their provisions about $3,000,000,000 have been expended "to care for him who has borne the battle and for his widow and orphan." It is legislation which we are justly proud of enacting. Yet, as the majority, we have been willing to share the credit of its enactment with the minority. In considering and passing, whether under one method or another, we have tried to avoid partisanship and be guided solely by what were the best interests of the country and the veteran who became disabled in its service.

Mr. HAYDEN. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. Speaker and gentlemen of the House, I have only a minute to call your attention to a very important matter. The present bill on page 39, section 406, provides that placement training shall cease on January 1, 1927. You gentlemen know that there are many men in the hospitals who have been there a number of years. I have one from my district who is now at Walter Reed and has been on his back in bed for 18 months. That man may get well, and although he was one of the worst casualties of the war, when he recovers he will have no chance to rehabilitate himself. It seems to me there should be a provision in this bill that men who are wounded and seriously disabled, who have been confined to their beds for one or two years, in the event they do recover finally, should have a chance to get the placement training which those who were less wounded have already gotten. The present bill makes no provision for these fellows at all and does to those who are the worst casualties of the war a great injustice. It does not afford them, the badly disabled, the same treatment already given to the slightly disabled. [Applause.]

Mr. HAYDEN. Mr. Speaker, I yield 12 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I desire to say in the beginning that I do not regard this as a political bill. My attitude on this measure is not based upon political convictions, but upon my views of what is best for the service men.

The gentleman from Minnesota [Mr. NEWTON] attempted to correct the gentleman from Tennessee [Mr. GARRETT] for saying that all of these bills since the creation of the Veterans' Committee have been brought in under suspension of the rules. I submit that the gentleman from Tennessee states the facts. There has not been a single bill of this character brought in since that committee was organized that has not been brought in and passed under suspension of the rules.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I am sorry I can not yield, as I have only 12 minutes. In that connection permit me to say that there is at least one man on the Republican side of the aisle who has stood out in the fight through which we have gone for the last three weeks on behalf of the disabled insane veterans of America, to whom, although he is a staunch Republican, I am ready to take off my hat. He deserves the gratitude of every ex-service man in America. I refer to Colonel GIBSON, of Vermont. [Applause.]

This bill has in it two cheers for the ex-service men. We had three cheers in it at first, but somehow or other there was a demand from the "higher ups" that we take one of those cheers out and pass it on to the Veterans Bureau, in the hope that some time, somehow, an echo of that cheer would reach those boys who are suffering from tuberculosis throughout the country. I am not opposing that part of the bill that offers any relief to those men. In fact, I would strengthen it; I would increase those facilities to rehabilitate the men who are suffering to-day as a result of their military service during the war.

The gentleman from Massachusetts [Mr. LUCE] the other day took all the time here that was allotted in favor of a measure to impeach a man charged with most serious offenses and put in all of that time defending him. He took occasion to say that these poor disabled, helpless, insane veterans of the World War incarcerated in St. Elizabeths Hospital had not lost a single dollar as the result of this man's misconduct. I deny that statement. Why, even since that statement was made the auditor of the Supreme Court of the District of Columbia has gone further than we could go over the protests of the gentleman from South Dakota [Mr. JOHNSON], the chairman of the committee, and the gentleman from Massachusetts [Mr. LUCE], and other men, and has found that many thousands of dollars have been taken from these poor insane veterans of the World War by this man Fenning and appropriated to his own use. Not only that, but not a single one of those cases has been thoroughly investigated. I would like for the gentleman from Massachusetts to tell me how he can tell whether or not a single one of these boys' estates is intact.

We have been denied the opportunity through the power of this Congress here to go into these cases to see if these boys have been treated as human beings. I want to tell you now if you whitewash and smooth over this situation you will write one of the most disgraceful chapters in the history of the American Congress. [Applause.]

Listen, let me show you the situation. This man Fenning has had himself appointed guardian for hundreds of disabled insane persons. We have 59 petitions of men for whom he was appointed guardian, insane disabled World War veterans.

Every one of those petitions were signed by Dr. William A. White, superintendent of that institution. Oh, you say, that was an accident—which happened fifty-nine times! We have shown that Mr. Fenning had access to the books of that institution, and he was the only outsider who was permitted to go there and go through them. We have shown that Mr. Fenning prepared every one of those petitions himself and sent them to Doctor White to sign. We have shown he then prepared the order and carried it to the court and asked that he be appointed guardian. We have shown that he and Doctor White have been in the real estate business together and have to-day a joint bank account. We have shown that 20 years ago when Doctor White was under investigation Mr. Fenning came to his rescue as a witness. Now, under those conditions, which from a circumstantial standpoint show the combination between those men, I want to ask you in the name of all the Gods at once what chance a poor insane World War veteran has to get out of St. Elizabeths Hospital so long as he has money with which to keep up his guardianship if Fenning is his guardian? My honest opinion is that if this bill is passed in its present form, and the Veterans' Bureau manifests no more activity than they are to-day, some of these men will die with Fenning as their guardian and be buried by Fenning's undertaker.

But they say, "We give discretion to the Veterans' Bureau." Why this man Arnold, who is the guardianship officer of the Veterans' Bureau, admitted, and we proved by the record of the grand jury in these matters, that they brought this condition before the Veterans' Bureau in a case a year or two ago for them to investigate, and not a single thing has been done about it.

I am in favor of most drastic legislation, so far as the District of Columbia is concerned, in order that we may say to these men who are insane, who are more helpless than children, that we are not going to permit their estates to be exploited nor permit them to be imprisoned after they have gained their sanity and are able to take care of their own affairs.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I can not. I am sorry.

In order to try to allay the criticism they have attempted to attack the State courts, and they bring in a bill that does what? It puts every State court in the same situation as the District of Columbia—absolutely two different propositions. In the District of Columbia we have all legislative power. We have all the power that any State has reserved to itself and all the power which a State has granted to the Federal Government. We can pass any law that is not prohibited by the Bill of Rights, which is included in the first 10 amendments to the Constitution. But in the States they have the State courts and State judges and all the State and county officials to look after these men, and yet they come with this bill and want you to go out and extend this bureaucracy into every State and every State court, and eventually appoint the Veterans' Bureau as the guardian for every child of a World War veteran in the United States.

What does it mean? It simply means an extension of bureaucracy throughout the country. That is unwarranted and unnecessary, and I do not believe even the most ardent advocates of centralized government would support it if they thoroughly understood it.

Oh, they say, "This applies only to World War veterans." It applies, gentlemen, to your children. Suppose a man happens to have insurance in the Veterans' Bureau. If he should die and his wife should be appointed guardian for his children this Veterans' Bureau could reach out and say to her, "You are not properly taking care of those children." They could relieve her of her guardianship of her own child, and they could do that with respect to the child of every other deceased ex-service man receiving insurance or compensation. I believe the State courts throughout the United States are doing their duty toward protecting the estates of these boys whenever these matters are called to their attention, and whenever it is shown that you have virtually put them in the hands of this bureaucracy you are going to hear an outcry from every nook and corner of the country.

Another thing, Mr. Speaker. In this bill you do something that you gentlemen on the other side of the aisle are going to hear from. You propose to take over certain portions of the

old soldiers' homes. We southern men do not want to do that. Those men were in the Federal Army. They are getting old. They are childish. I do not want them to feel that I am doing them an injustice. But you are going to receive the criticism from every camp and every post of the Grand Army of the Republic after the passage of this bill. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HAYDEN. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. KINDRED].

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes.

Mr. KINDRED. Mr. Speaker, these amendments are by no means all that many of us hoped for who called attention during March last on the floor of this House to the many abuses by the guardians of insane and incompetent veterans. But to the extent to which these pending amendments eliminate those abuses of guardians of incompetent and insane veterans, to that extent I most heartily support the pending amendments.

The SPEAKER pro tempore (Mr. SNELL). The time of the gentleman from New York has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, how is the time now?

The SPEAKER pro tempore. The gentleman from South Dakota has 18 minutes remaining. The gentleman from Arizona [Mr. HAYDEN] has nine minutes.

Mr. JOHNSON of South Dakota. I yield to the gentleman from Arizona five minutes.

Mr. HAYDEN. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. BARKLEY].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for two minutes.

Mr. BARKLEY. Mr. Speaker, I intend to vote for this measure, but I can not refrain from expressing my feeling of disappointment that it is brought up under circumstances which prevent Members from improving it in behalf of the veterans, or even giving the bill as written intelligent consideration.

This bill does not begin to meet the needs for veteran legislation, and does nothing more than make a feeble beginning toward carrying out the program which we had a right to expect would be submitted to us for consideration. This whole procedure has the earmarks of proof that those in charge of legislation in this House are not in sympathy with real veterans legislation, and are permitting this measure to come up now only because of some political exigency. I suppose if Congress had adjourned on the day when the leaders of the majority side earlier in the winter predicted we would adjourn, we would have had no opportunity whatever to consider this legislation at all, but in view of the fact that we are to be in session a little longer, I presume it, perhaps, was thought to be a matter of political expediency to make it appear that they are solicitous of the welfare of the disabled veterans of this Nation inasmuch as another congressional election is approaching. I understand that word has been passed down from the executive branch of the Government that nothing substantial may be expected to relieve the miserable situation existing among thousands of veterans who are disabled. A few weeks ago we passed, without a dissenting vote in this House, and without a dissenting vote in the Senate, a bill increasing the pensions of Spanish-American War veterans and their widows. The President had vetoed a bill of that character on a former occasion. He kept this bill for 10 days and until the time had almost expired, trying to make up his mind whether he would approve it or veto it again. At last, almost at the last moment, he approved the measure and then gave out a statement apologizing for having done so, and serving notice on all of us that no further relief legislation for the benefit of the country's defenders need be sent over to him.

This bill as now presented is not the bill originally introduced by the gentleman from South Dakota and reported twice by his committee. I do not know whether the President will approve this bill or not. Word has been sent out from the other end of the Avenue that this legislation must be denatured, diluted, and deleted until it is hardly recognizable, and after this series of major operations have been performed on it, we are asked to consider it under rules that prevent us from putting back into it the provisions which it ought to contain, some of which were eliminated at the behest of this Republican administration. The amount of benefit carried in the original bill has been more than cut in half at the suggestion of the Budget officers. I wish some of those in charge of the Veterans' Bureau and the Budget could get a look at the budget of some of these poor disabled soldiers who are being neglected and ignored, many of whom have had their compensation discontinued without even the courtesy of a letter giving the reason for the discontinuance.

I think ample opportunity ought to be given for the consideration of bills of this kind. The gentleman from Minnesota [Mr. NEWTON] has referred to the so-called Sweet bills which were enacted into law several years ago. Those bills came from the Committee on Interstate and Foreign Commerce, of which he and I are members, before the creation of the new Veterans' Committee of this House. Ample time and opportunity were given for debate and amendment of those measures. I do not complain of the Veterans' Committee now. I do not believe it was their wish that we should be denied the chance to improve this bill by granting greater relief to the disabled veterans, but I do complain of the leadership of this House, which has held this legislation back, as if it were trivial, until everybody is talking about adjourning, and then only allow us to consider it with a one-hour stop watch held at our heads. I shall vote for the bill because it is the only thing we will be permitted to vote on in behalf of the disabled veterans during this session; and I trust when it reaches the Senate everything that should have been included here will be included in it there. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. HAYDEN. Mr. Speaker, I yield one minute to the lady from New Jersey [Mrs. NORTON]. [Applause.]

Mrs. NORTON. Mr. Speaker, with some reluctance I will vote for the passage of the bill to amend the World War veterans' act of 1924. The amendments are so few and far between, however, that I felt compelled in justice to the ex-service men and women to subscribe my name to the minority report.

I will vote for the bill merely on the presumption that "a little is better than none." The attitude of certain members of the Veterans' Committee throughout the entire discussion of this bill has been to give the veterans something to keep them quiet, but do not give them much. They gave their all, and as a result came back mental and physical wrecks, and we now hand them a few crumbs of comfort.

Nothing has been done for the boys who have been lying ill and disabled in the hospitals for years, and now recovering, would like to enter training to fit them for their new rôle in life. The training has been continued only for those who are at present in training. Why discriminate?

This bill comes before the House with the so-called "gag rule" tagged on to it. No amendments; hardly any discussion. It would seem as if the boys in the front-line trenches had been forgotten. These wounded heroes can never be compensated, but it is our solemn duty to lighten their burden, ease their pain, and give them every opportunity to recover their health and usefulness. [Applause.]

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I renew my request and ask unanimous consent that all Members of the House be given five legislative days in which to extend their own remarks on this bill.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that all Members of the House be allowed five legislative days in which to extend their own remarks on this bill. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. The most lamentable effect of the scandal with which the atmosphere of this city has been tainted for the last few weeks has been the introduction of partisanship into the affairs of the Committee on World War Veterans' Legislation, and its further introduction on the floor of this House. Up to the time that the temptation to seek partisan gain became irresistible in some quarters, the members of the committee had worked in perfect harmony and, in my judgment, with admirable results. After the excitements of the moment have been forgotten I am confident that my associates on that committee will all regret that for the moment party questions have been introduced into the consideration of this solemn subject, and against the time when these gentlemen on my right return to their senses I desire to put upon the record my appreciation of the loyal work they have done for the veteran. I desire to have them tell their constituents that a Republican Member on the floor of this House recognized their performance of duty.

Unfortunately there has been again brought on the floor in this discussion the matter of the scandal now raging in this city. I have neither the time nor the desire to take up the charges. They are to be considered by the proper committee. But I may point out that the gentleman foremost in pressing

those charges has supported all of this long bill, barring, I think, but two of its features. Another gentleman who does not join in the minority views bases his opposition, I understand, on the absence of one section. In almost all essential details, then, this committee, composed of members of both parties, is unanimous.

There are things in this bill to which I would have demurred. There was one provision eliminated from the bill that seems to me of more importance than anything left in it. But legislation must be compromised, it must be the fruit of concession, and it must take into account the circumstances of the Nation. All of the considerations must be brought to bear to harmonize views and get the best thing possible. Under the circumstances the bill we lay before you was the best thing possible.

Of course, when partisanship enters we invite all manner of wild and ridiculous statements. Some Members would tell the country that the Congress of the United States has not done justice to the veterans. Great heavens! what could we have reasonably done more than we have done in these years since the war? The service men know to whom they are grateful for that. I do not ask all the credit for my own party, but I deny that the other party should have credit now for its criticism of postponements. I ask justice for the patriotic Members of the House of Representatives who in unison hitherto have worked for the benefit and for the welfare of the men who made the sacrifice of service in the World War. [Applause.]

It is, of course, unfortunate that a measure of this sort may not receive long consideration and the opportunity for amendment which has been so strongly urged. But there is another body in this Congress where there is no check on discussion; and I am confident that there, if not here, there will be the fullest opportunity to consider all of the details. The conditions in the House compel resort to procedure of this sort at a time of the session like this. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. HAYDEN. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE]. [Applause.]

Mr. BULWINKLE. Mr. Speaker, H. R. 12175, the bill which is under consideration, is not all that could be desired. But the amendments to the existing law provided in the bill will extend great benefits to the veterans of the late war. I, with other Democrats on the committee, do not like the procedure under which this bill is brought up in the House, and before I discuss the provisions of the bill which is now before the House for consideration I shall devote a few minutes of the short time that I have to express my disapproval of this procedure. And I also shall give a brief history of this and the other bills of like character that have been reported from the Veterans' Committee this year.

Since the creation of the House Committee on World War Veterans' Legislation the Republican steering committee has required that legislation reported by the committee be considered only under suspension of the rules. As every Member knows, this procedure allows only 40 minutes' debate, 20 minutes to each side, and does not permit of amendments. Why the majority party in the House require this to be done I can not understand. Surely a few hours devoted to a discussion of the needs of the disabled veterans of the World War and of the amendments to the law that are proposed for their benefit should be given the membership of the House. It seems to me also that the right to amend the bill under consideration should not be denied the House, for I firmly believe that the Members could and would do that which is just, reasonable, and fair, taking into consideration the needs of the disabled as well as the financial interest of the Government. The Democratic members of the Committee on World War Veterans' Legislation are unequivocally opposed to this procedure, and shall at all times protest the consideration of measures reported from their committee in this manner.

The suspension of the rules is not the only criticism of the majority party that we are making to-day. The gentleman from Massachusetts spoke of what the other body of this Congress would do, and he must realize that the history of the bills in the past in that other body will be the future of this bill which is now being considered. A short history of the course of bills reported from the Veterans' Committee in the past has always been like the following: The bill was reported from the Veterans' Committee; quite some time elapsed before it was considered by the House; it then went to the Senate and was emasculated; always at the end of a session it was referred to the conferees and returned to the House either on the day of adjournment or the day before. The original bill for the relief of the disabled World War veterans this year was reported from the committee on March 11. We are considering it now, nearly 10 weeks later. Adjournment is only a few weeks away, and we will find that this bill, which has been emasculated two or three times by the steering committee, will go to the Senate, where further changes will be made and other provisions stricken out. When it is returned the time will be too short for the House to do more than pass it. I challenge anyone on the Republican side to deny the prophecy that I have made for this bill. [Applause.]

In addition to what I have said I do not like the conduct of the steering committee of the Republican Party in the House. I do not like the dictation or orders which they give to the committee, for under these orders the committee has considered this bill four times in all. The original Johnson bill—H. R. 10240—was reported by the committee on March 11, 1926. Several weeks later the committee was called together by its chairman and informed that if any legislation was to be passed at this session the appropriations called for in the bill would have to be reduced. The estimated cost of the new provisions totaled approximately $33,000,000. The committee, acting in good faith, removed several provisions of the bill and reduced the total by some $14,000,000. The bill was ordered to be reported, and I think it was reported to the House, but the committee was again called together and told that still further reductions must be made. These orders, I understand, came from the steering committee of the majority party in the House. This time $9,000,000 more were cut off and the bill was ordered to be reported. When I next heard of the bill it was back in the committee for changes in the amendments affecting insurance. Then, again, the committee met to consider amendments to the existing law governing the guardianship of mental incompetents. The bill as now reported to the House is supposed to carry additional appropriations of approximately $10,000,000, but it does not, and according to the information that I have received the appropriations for the Veterans' Bureau for the next fiscal year total $38,000,000 less than last year.

There were several provisions in the original bill to which I intended offering amendments on the floor. One was the medical corps section, to which I intended to offer an amendment striking it from the bill. There were several other provisions in the bill that I intended to oppose on the floor of the House. They were administrative only. The two amendments that were stricken from the bill the first two times it was returned to the committee were the amendments affecting misconduct cases and arrested tuberculosis cases.

MISCONDUCT CASES

Especially do I desire to call to the attention of the House the law governing the so-called misconduct cases and why it should be amended. Section 200 of the existing law provides—

> That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct.

The Comptroller General's decisions of September 29, 1923, April 3, 1925, and July 24, 1925, have only added uncertainty in construing the intention of Congress when it passed the law. In 1924 we gave compensation to a veteran who had paralysis, paresis, or blindness, and we also gave compensation to a veteran who was helpless or bedridden, irrespective of willful misconduct. Upon one class of men we have removed the imputation of willful misconduct and on the other we have allowed the imputation to remain.

In the adjudication of claims presumptions of misconduct have been raised by the very existence of these diseases, notwithstanding the fact that in numerous cases they were innocently acquired. Several years ago Doctor Lorenz, one of the greatest mental experts in the country, was before the committee and testified that these diseases might be transmitted by heredity or by direct infection in early life. He stated that such infection might and usually did lie dormant, and that it usually flamed up as a result of the extraordinary rigors of military service. Under the existing law, as it has been interpreted by the bureau and the Comptroller General, it is necessary for the claimant to prove innocent origin of the disease unless they are suffering from paralysis, paresis, or blindness, or are helpless or bedridden. The impossibility of obtaining this proof is apparent, and in my opinion—and I think the majority of the Members concur—over 5,000 men are being penalized when they should not be. House bill 10240 carried an amendment which would have remedied this unjust discrimination, but it was stricken out under orders from the steering committee. The estimated cost of the amendment stricken out was approximately $2,600,000 per year.

I would like for every Member of this House to read the hearings on this bill before the House Committee on World War Veterans' Legislation. The time is not far distant when

Congress will enact legislation which will benefit these men and relieve their local communities from the burden of caring for them.

ARRESTED TUBERCULOSIS CASES

Under the amendment proposed in H. R. 10240 many men who were judged by the medical authorities of the bureau to have arrested tuberculosis would have been provided for. Arrested tuberculosis means only that the disease is quiescent or inactive. The man who has had tuberculosis does not have the strength that he had before contracting the disease. His efficiency is greatly impaired and he can not carry on as he did before. The expert medical testimony which was given to the committee by authorities such as Dr. William Dunn, of Asheville, N. C., and Dr. Kannon Dunham, of Cincinnati, Ohio, clearly shows that the man who has had tuberculosis is handicapped. The evidence before the committee, submitted by the Veterans' Bureau, was that approximately 19 per cent of the arrested cases must return to the hospital for further treatment, and in some instances from 35 to 40 per cent returned with greatly aggravated cases. The amendment proposed by the committee provided that these cases be rated by the Veterans' Bureau and allowed compensation ranging from $35 to $100 per month, according to their rating, for a period of five years. It is easily seen that this would have relieved these men of a great deal of worry and suffering. It is admitted that it is an experiment, but leading experts agree that it should be tried and we believe that it will eventually save the Government money. I can not understand why the steering committee ordered this section removed. Evidently they saw only the estimated cost, which was approximately six and one-half million dollars a year. Sooner or later this provision will be enacted into law. It is only right and just to the disabled veterans, and we serve notice now that we are going to continue the fight for this amendment in all succeeding Congresses. In this connection allow me to call to your attention the words of the President when he stated, in substance, "everything for the disabled veterans."

The amendments to the existing law which were proposed by the original Johnson bill (H. R. 10240) and removed by order of the steering committee were:

SECTION 1

An amendment excepting the medical service of the Veterans' Bureau from the civil service law.

SECTION 2

An amendment to section 10 creating a medical corps. The estimated cost for the first year to be something over $400,000. This amendment is the one that I would have fought on the floor.

SECTION 7

This section amended section 200 of the existing law, the misconduct section, and would have benefited 5,100 men, at an estimated cost of $2,600,000. The amendment to section 202, the tubercular section, would have benefited between seventeen or eighteen thousand veterans, at an estimated cost of $7,000,000 a year.

SECTION 9

This was another amendment to section 202 and provided a total disability rating for tubercular cases after a period of 12 consecutive months. The amendment affected approximately 1,600 cases, at an estimated cost of $1,800,000.

SECTION 15

This section amended section 301 of the veterans' act by extending the time for conversion of term insurance from July 2, 1926, until July 2, 1929. The director of the bureau estimated the cost of this amendment to be from $2,800,000 the first year to $8,000,000 the third year.

For the benefit of the members on the minority side who may gain the impression from my remarks that there is no relief for the veterans in the present bill, I wish to say that many of the sections that have been allowed to remain in the bill will be of great benefit to the disabled veterans. Even though the two sections affecting the misconduct and tubercular cases have been removed, many beneficial provisions are retained.

Mr. BROWNING. Will the gentleman yield for a question?

Mr. BULWINKLE. Yes.

Mr. BROWNING. Does the gentleman from North Carolina approve of the taking over of these old soldiers' homes?

Mr. BULWINKLE. No; and I am glad that the gentleman from Tennessee has called that to my attention. All of the minority members of the committee, with one exception, have opposed this provision which authorizes the director to take over existing hospital facilities of the two old soldiers' homes. Since I have been in Congress I have consistently opposed the appropriation of money by Congress to increase the facilities for the care of Veterans' Bureau patients at these homes. I know that this will not be favored by the Grand Army of the Republic; it is a matter of sentiment with them, and, as a southern man, I would never take one thing that they want from them [applause]; neither would I ever let anybody take one thing away from the old Confederate veterans of the South [applause].

SECTION 21

This section governs the guardianship of minors or mentally incompetent veterans. The amendments were adopted in the committee last week, and were necessary because of conditions which have existed in the District of Columbia for some time. They may be classified as, first, relating to the person of the ward; second, relating to the property of the ward; and, third, relating to the property of the beneficiary when there is no guardian.

The first amendment provides that the director may, in his discretion, suspend payment when it appears to him that a guardian of either minors or mental incompetents has too many wards. This amendment is the result of an investigation by the committee, in which it was discovered that Frederick A. Fenning, a lawyer in the District of Columbia, had at one time 96 mentally incompetent patients at St. Elizabeths Hospital as his wards. Notwithstanding the fact the majority had estates ranging from $6,000 to $12,000 and knowing that St. Elizabeths was overcrowded, having 1,000 too many patients, he made no attempt to better their condition and did nothing for them except furnish them with small amounts annually for clothing and spending money. In each case the amount spent on the ward was less than his commission. In September, 1925, a full report condemning and scoring the condition at St. Elizabeths was made, but no attempt was made to improve the surroundings of the wards, even though their estates were enough to warrant their removal to private sanatoriums.

The second amendment empowers the director to appear in any court by his authorized attorney to protect the property of the ward. This section was also drawn to remedy existing evils in the District of Columbia and throughout the United States.

The third amendment provides that where there is no guardian the director may return the excess moneys due the minor or mental incompetent to the Treasury of the United States and shall bear interest at 4½ per cent per annum compounded annually.

There is nothing new or startling in these provisions. Under the existing law if the guardian fails to file his account, or if his account fails to show that the expenditures were for the benefit of the ward, the director can suspend payment. The object of this provision is to give him authority to go into court and present the facts.

Under these provisions we have given protection to the mentally incompetent and minor beneficiaries of the bureau.

Mr. BROWNING. Will the gentleman yield for a question there?

Mr. BULWINKLE. Yes.

Mr. BROWNING. Does the gentleman think we were justified in forcing on the Director of the Veterans' Bureau the guardianship or the responsibility of these cases throughout the Nation when he did not want it and said he could not handle it?

Mr. BULWINKLE. The director said the amendments which are in the bill were entirely satisfactory to him.

Mr. BROWNING. The director said he could not handle the work.

Mr. BULWINKLE. The gentleman was not present.

Mr. BROWNING. I was present at the committee meeting.

Mr. BULWINKLE. Not at the last meeting, which was held Saturday.

Mr. BROWNING. I was present when the director said he could not handle the work, except in the District of Columbia.

Mr. BULWINKLE. He said he was opposed to the two bills which disregarded all guardians.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. MONTGOMERY. Is it not a fact that this particular provision now embodied in this proposed law is acceptable in every detail to the Veterans' Bureau, so far as guardianships are concerned?

Mr. BULWINKLE. Yes.

Mr. MONTGOMERY. And it was the unanimous judgment of the subcommittee?

Mr. BULWINKLE. Yes; and there is no question but that it is all right. Had this provision been in effect, we could have held accountable the Director of the Veterans' Bureau and his

guardianship officer for what has happened in the District of Columbia and elsewhere.

Mr. RANKIN. Will the gentleman yield?

Mr. BULWINKLE. No, sir; I have not the time.

Mr. RANKIN. Does not the gentleman think they are responsible anyway?

Mr. BULWINKLE. Just a minute. At St. Elizabeths were 100 or more wards who were veterans of the last war; and notwithstanding the fact that a grand jury in the District of Columbia reported that the hospital had 1,000 patients more than it could accommodate, nothing was done. The responsibility should rest upon the Veterans' Bureau. The Government of the United States is paying them for this purpose, and it is the intention of Congress, I take it, to see that they look after these men.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. BULWINKLE. Yes.

Mr. COOPER of Wisconsin. When was it the grand jury reported there were 1,000 more patients there than they could accommodate?

Mr. BULWINKLE. Last September.

Mr. COOPER of Wisconsin. And nothing has been done by any department of the Government respecting that situation?

Mr. BULWINKLE. Not until recently. Shortly thereafter letters were transmitted from the Director of the Budget to the Director of the Veterans' Bureau asking for the removal from St. Elizabeths of some of the patients.

Mr. COOPER of Wisconsin. How long ago was that?

Mr. BULWINKLE. Probably in October, but not until lately were any of the patients removed.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. BULWINKLE. Yes.

Mr. SCHAFER. This bill does not break up this Fenning guardianship monopoly in so far as the funds he now has in his custody are concerned, does it?

Mr. BULWINKLE. Yes; it does. The Director of the Veterans' Bureau appeared before the committee and testified that no one man should have over five wards.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield the gentleman additional time.

Mr. BULWINKLE. But if you should undertake to draw up an amendment limiting the number of wards per guardian to five, what are you going to do in a case where there are six or seven minor children in the family? It must be left to the discretion of the director. The director has stated, and stated publicly, that, in his opinion, five is the proper number. Therefore I take it that the director, whom no man questions, and who, in my opinion, is one of the best Government officials in the service, will do his duty by these mentally incompetent veterans and minor children.

Mr. LAGUARDIA. Why was there not a limit written in the bill?

Mr. BULWINKLE. Because when you undertake that you encounter numerous obstacles. I tried it and finally submitted this amendment.

Mr. CONNERY. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CONNERY. Will the gentleman explain to my distinguished colleague from Massachusetts that we veterans who have been talking on this bill do not criticize the Congress of the United States, but that we criticize the steering committee and the Rules Committee for refusing to bring this bill out before the Congress of the United States.

Mr. BULWINKLE. I think by this time it is understood that we are criticizing the Republican steering committee in the House of Representatives. [Applause.]

Having spoken about the amendments of section 21, I wish to briefly call to the attention of the House the other amendments proposed.

SECTION 1

Section 1 amends section 10 of the existing law by authorizing the director to hospitalize women veterans in hospitals other than Government hospitals.

A further amendment to this section is the provision authorizing the director to alter, improve, or extend the bed capacity of any of the hospitals under his direction. This will enable him to make such necessary changes as will be beneficial to the men in the hospital.

The third amendment to section 10 is the provision in regard to taking over the facilities of certain national homes, about which I have already spoken.

SECTION 2

Section 2 is amended in the three particulars which I have mentioned before and relates to guardians, their wards, and property of the mental incompetents and minors.

SECTION 3

Section 3, which amends section 26 of the law, allows the payment of any accrued compensation of insurance due the veteran but unpaid at the time of his death, to be made to the person or persons who are entitled to the personal property of the deceased. This saves the cost of administration in numbers of cases.

SECTION 4

Section 4 amends section 28 of the existing law, which relates to the recovery of payments erroneously made.

SECTION 5

Section 5 adds a new section to the World War veterans act to be known as section 31, and authorizes reimbursement to those veterans in Government hospitals who have their clothing or personal effects destroyed by fire. It is estimated that the cost of this will amount to about $7,000.

SECTION 6

Section 6 amends section 33 by providing courses of instruction for the professional personnel of the bureau. This amendment will cost approximately $20,000.

SECTION 7

Section 7 amends section 200 and provides that women assigned to the medical department of the United States Army, who served in base hospitals overseas, shall be entitled to compensation, hospitalization, and medical treatment from the Veterans' Bureau, thus placing them on an equal footing with the officers and enlisted men of the Army and Navy and of the Army Nurse Corps. All benefits of the act will be extended to this class of beneficiaries. It is estimated that this will cost the Veterans' Bureau $11,300 a year.

SECTION 8

Section 8 amends section 201, subdivision 1, by providing that the director of the bureau may allow funeral expenses in cases where the veteran leaves no assets which, in his judgment, should be applied to funeral expenses. According to a table of estimates submitted by the bureau, this provision will entail no additional cost.

SECTION 9

Section 9 amends section 202 by providing that organic loss of speech shall be held to be permanent and total disability. There are several cases where the soldier was wounded in action by fragment of a shell or grenade striking him in the jaw or mouth. This section is intended to grant relief to veterans injured in this manner.

This section was further amended by stating positively that where a tubercular patient has been hospitalized for a year or more, and who will not reach a condition of arrest by further hospitalization, he shall be rated not less than temporarily totally disabled.

Subsection 7 of section 202 is amended by increasing compensation paid to $30 instead of $20 per month for a mental incompetent patient in a hospital. The section is further amended by providing that if the patient recovers his reason such additional sum shall be paid him as would equal the total sum by which his compensation had been reduced.

Subsection 10 of section 202 is amended to give hospitalization to the Spanish-American War nurses, contract surgeons, and contract dentists. And the last amendment to section 202 provides for such clothing and prosthetic appliances as the director may deem necessary for veterans who are financially unable to supply themselves with the same at the time of their discharge from the hospital. If this amendment becomes law, no more veterans will be discharged from Veterans' Bureau hospitals in midwinter without proper clothing.

SECTION 10

Section 10 amends section 203 of the law by providing a per diem allowance of $2.65 per day to men undergoing observation or examination by the bureau.

SECTIONS 11 AND 12

Sections 11 and 12 repeal sections 206 and 209 of the World War veterans' act. These sections related to the time limit for filing claims and furnishing proof of service-connected disability. The cost of these provisions will be approximately $700,000.

SECTION 13

Section 13 amends section 212 by making the provisions of this section retroactive to April 6, 1917, and by further providing that the scale of disability ratings should be applied to those persons whose disabilities occurred as a result of service prior to April 6, 1917, or subsequent to July 2, 1921.

SECTION 14

Section 14 amends section 300 of the World War risk insurance act by granting a period of one year for men entering the service in which to apply for insurance; provides for validating applications made by members of the reserve forces while in attendance in military or naval training camps; and further provides the same rights with reference to Government insurance to members of the Coast Guard as are now extended to the Army and Navy.

The remaining sections in the bill apply to insurance and vocational training. Term insurance will be extended for one year from July 2, and a five-year term is provided for which should give each World War veteran ample time to take out at least $1,000 in insurance. Placement training will be continued until January 1, 1927. Institutional training will continue for two years in order that all of those now in institutions may be able to finish their courses.

The bureau estimates that the provisions of this bill will cost approximately $9,000,000 the first year, $10,000,000 the second year, and $11,000,000 the third year. In my opinion these estimates are too high. This is the fourth time, as I have stated before, that the appropriations of the bill have been reduced. The bill as originally drawn would have carried approximately $29,000,000 for the first year.

Again I call the attention of the House to the fact that the appropriations for the Veterans' Bureau for the next fiscal year will be close to $40,000,000 less than they were this year.

The chief benefits that the veterans will derive will be, I think, in the removal of the time limit for filing claims, the continuance of term insurance for another year, and the extension of the training period.

Mr. HAYDEN. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. This amendatory legislation to provide for the care of the disabled American veterans of the World War is before us to-day under suspension of the rules, with only an hour for debate and no opportunity for amendment or debate under the five-minute rule. The bill in its present form gives only meager additional benefits to the disabled. As originally reported out by unanimous vote of the World War Veterans' Committee, certain necessary and material additional benefits were conferred. The present bill has been so deleted in the name of economy that many worthy claimants will be precluded from benefits so richly deserved. The leaders of the Republican Party, who are responsible for the present form of the bill and for precluding the membership of the House from having an opportunity for full and free debate and amendment on the floor, have sacrificed the interests of the disabled veterans in the name of economy and retrenchment of Government expenditures. Amendatory legislation for the disabled World War veterans was brought up in the closing days of both sessions of the Sixty-eighth Congress in the same manner as this legislation is brought before us to-day. The present leaders of the Republican Party always seem to find time for discussion and amendment of legislation in which monopolies or great aggregations of wealth are keenly interested.

The day must come when legislation providing for the care of the Nation's disabled veterans shall have proper consideration on the floor of this House, and from the facts which confront us the veterans must understand that the present policy of the Republican Party and its leaders is not to give such legislation that opportunity. The millions of veterans of the Nation's wars and those interested in their welfare and in adequate Federal appropriation for their care must face the facts frankly and intelligently when exercising their right of suffrage.

I submit for the consideration of my Republican colleagues the utterances of that great Republican, Abraham Lincoln, who in his second inaugural address stated:

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan; to do all which achieves and cherishes a just and lasting peace among ourselves and with all nations.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

All time has expired. The question is on the motion of the gentleman from South Dakota to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair the vote is unanimous.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—WORLD WAR VETERANS' LEGISLATION

Mr. HASTINGS. Mr. Speaker, I have always given sympathetic consideration to legislation affecting the ex-service men of the country. They deserve the gratitude of the Nation. They turned the tide at a critical time in the World War and brought victory to the flag and saved the civilization of mankind. A grateful Republic should always give earnest consideration to the suggestions recommended in their behalf.

The ex-service men of the country should be familiarized with the situation in Congress. For the past four years we have been seeking an opportunity to thoroughly consider legislation coming from the Committee on World War Veterans' Legislation in a detailed way, so that amendments may be offered to correct all abuses to the ex-service men. The House leader would not permit consideration of legislation in this way. I am sure many ex-service men do not understand the rules of the House.

Bills may be considered for weeks by a committee, as in this case, and be favorably reported to the House; yet there is no way to force consideration of the bills in the House after they are placed on the calendar, except by unanimous consent or by a special rule.

This bill was placed on the Consent Calendar, and was objected to by the majority leader. Application was made to the Committee on Rules for a special rule for the consideration of the legislation, but this was not given. The ex-service men ask why? This is the reason: If this legislation had come up in the House under the general rules of the House, it would have been read, section by section, thoroughly discussed, and open for amendment. In this way every defect in legislation with reference to ex-service men could be corrected. The leaders of the House, including the steering committee, would not permit this. They were afraid Members of the House would be too liberal toward the ex-service men. Now, that is the real truth of the matter.

When legislation in the interest of the ex-service men was considered two years ago, the present chairman of the committee [Mr. JOHNSON] was then severely criticized for bringing up this legislation under suspension of the rules. He apologized to the House and promised not to do so in the future. However, the same thing happens during the present session. Report upon the legislation is withheld until late in the session, and then when a report is made by the committee a rule for its consideration is refused, and the only way to bring it up is under a suspension of the rules.

Now, ex-service men, what does this mean? It means that the chairman of the committee rises from his seat on the floor of the House and addresses the Speaker and moves to suspend the rules and pass the bill. Twenty minutes on each side are permitted for debate under this procedure. No amendments are in order. None can be offered. You can not dot an "i" or cross a "t." There is but one vote, and that is whether the rules will be suspended and the bill pass. You must vote it up or vote it down. This is not in the interest of time. We have adjourned over many Saturdays. We have had night sessions for the consideration of other matters. We have lost much time on unimportant bills. The ex-service men are entitled to more serious consideration.

I supported measures for them during the frightful days of the World War. We legislated in terms of billions. Upon the call to the colors nearly 5,000,000 splendid, patriotic men answered their country's call and joined the Army, Navy, and Marine Corps. About half of them, after being quickly drilled, were thrown across the sea and returned with a triumphant victory.

I voted to care for their dependents. I supported all appropriations for additional hospitalization. I have supported all measures for vocational training. I voted for the adjusted compensation bill, which I thought gave a measure of fairness at least to the ex-service men.

Their needs should have a comprehensive and detailed study by the House when amendments to bills could be offered and discussed, and all legislation for their needs and protection could be carefully considered.

This bill gives a little measure of relief in that it makes additional provision for hospitalization and liberalizes the law in this respect. It extends the time for conversion of insurance for one year, permitting those holding insurance policies to convert them without medical examination before July 2, 1927. The bill also extends vocational training until July 1, 1927, and those receiving additional training in schools, at the close of the present fiscal year, may continue in training for two years after the passage of the bill. There is a provision for the reinstatement of insurance where it is shown that the insured was unable to pay the premiums. Extension is provided

in the filing of claims for compensation which will enable those not familiar with the law to make application for compensation at any time.

Because of these and other provisions in the bill in the interest of the ex-service men I am glad to give it my support.

Let me express the hope that during the next session of Congress the committee in charge of this legislation will have an opportunity to review the entire subject and bring in a bill which will cure all defects in the present law and do full measure of justice to the ex-service men of the country.

Mr. IRWIN. Mr. Speaker, drafting a bill to carry out the obligations of our Government to the World War veterans is a matter of serious consideration. In a form of government such as the United States there is first of all an obligation on the part of every citizen to his Government, that of defending his country against a common enemy, even though he sacrifices his life in so doing. That is the duty of the citizen. In return, what is the obligation of the Government to the citizen? To guarantee to him, as the Constitution sets forth, life, liberty, and the pursuit of happiness. Now, let us pause for a moment and apply the provisions of this mutual contract to the veterans of the World War.

When the World War was declared all citizens between certain ages were called into the military service of the United States either by voluntary enlistment or by the selective-draft method, and you will all agree with me that the matter of raising an army of 4,000,000 men in a very short period of time was an achievement beyond the expectations of the most sanguine; and where did this great army of men come from? They came from the fields, the factories, the mines, and the offices—from every walk in life, rich and poor, high and low, white and black, all came willingly to be mustered into the military service of the United States. You can all recall those days of 1917 and 1918—the days of excitement and the days of sorrow, how we marched down to the railroad stations to see our boys sent away, with the bands playing and Old Glory proudly waving in the air; the sad partings, mothers, wives, and sisters with arms around their loved ones, bidding them a fond farewell, some of them never to see their loved ones again—these men to be sent hundreds of miles over the ocean to foreign lands, exposed to the dangers of the submarine below and the airships above, striking terror into the hearts of the loved ones left behind. But our boys went over, braved the dangers of the seas, and gallantly conducted themselves in the front ranks without faltering, and you know the result. One hundred and eighty-eight thousand gave up their lives for their country, many of them now sleeping in their last resting place in France.

Now, let us see how well our World War veterans discharged their obligations to their country and performed their part of the contract, and when they were discharged from the military service and given a certificate of honor or an honorable discharge, or when laid to rest in their graves with a military funeral, the Government admitted that they had fulfilled their part of the contract and gave them a receipt in full. Now, let us turn to the duty of the Government toward the soldier. The first steps that were taken after the induction of the soldier into the service was to provide him with what is known as war-risk insurance at a moderate rate so as to provide for the soldier in case of disability or to provide for his dependents in case of his death. Many of the soldiers took advantage of this protective measure, but unfortunately many of them permitted their premiums to lapse, thereby forfeiting their insurance. After the war was over and conditions became more normal this war-risk insurance was converted into other forms of insurance, and hospitals were provided all over the United States for the sick and wounded soldiers. In 1921 the Congress of the United States established a World War Veterans' Bureau for the relief of the sick and wounded soldiers. This bill provided for hospitalization; it provided for rehabilitation by giving the soldiers vocational training, so as to equip them with a trade or profession in order that they could make themselves self-supporting. This branch of relief, though difficult in its administration, was especially praiseworthy.

The relief measures went further by providing for compensation for the soldiers, sick or wounded to a 10 per cent degree of disability, service connected. It also provided for dependent wives, children, mothers, and fathers in case of death when due to service, and Congress has from time to time liberalized the World War veterans' act as actual experience has taught was necessary for the welfare of the soldiers to restore them to health and to remove from them as far as possible the handicaps incident to service. Then to sum up, we had, first, the insurance feature; second, hospitalization; third, by rehabilitation through vocational training; fourth, compensation for sick and injured; and, fifth, provision by compensation for dependents. And further, in the last Congress a bill was passed known as the adjusted compensation act, to afford the soldiers greater relief. Now, our Government has done all this and is making an honest effort to live up to its part of the contract. Now, after all that has been done for the welfare of our soldiers, there still remains an obligation that has not been fully discharged, namely, the proper treatment of many soldiers suffering with certain forms of chronic and incurable diseases, and especially the soldiers suffering from tuberculosis.

Under the existing laws a soldier suffering from tuberculosis is given hospitalization and compensation while in the hospital, and when he arrives at the stage of arrest he is discharged from the hospital and if the medical board determines that he has less than 10 per cent disability after a period of six months from that time his compensation ceases. Now, I want to say right here that that provision of the law is unjust and does not give the soldier a square deal, and I think I can convince any fair-minded man that I am correct in that statement. Now, when a young soldier is sick and applies for an examination by a competent medical board and after a thorough physical examination with all the modern methods of diagnosis in connection with a complete clinical history of his illness he is told by this medical board that he has tuberculosis—now, my friends, right then and there this soldier has a handicap placed upon him. He is told that he has consumption. And once a consumptive, always a consumptive. We hear a great deal nowadays about "arrested" tuberculosis and medical science recognizes such a condition. But I can recall that only a few days ago during the hearings before the World War Veterans' Legislation Committee we had some of the best medical experts in the country before us, and they testified that there was no such thing as a cure for tuberculosis, and that there were from 75 to 80 per cent relapses from the so-called "arrested" cases; and that is why I say—once consumptive, always consumptive.

Now, let us go further. When the soldier is told his tuberculosis is "arrested" after six months or a year of hospitalization and is permitted to leave the hospital he is cautioned that he must take very good care of himself; he must avoid drafts; must not get wet feet; must eat the most nourishing foods; must avoid fatigue; must get plenty of rest and live in pleasant surroundings. Now, I want to say in the name of all that is just and right, how is he going to do all this? For you gentlemen well know that a great majority of our soldiers belong to the working classes, who must go out into the world and earn a living for themselves and their families; those boys are not rich; they must go back to the farms, the mines, and the factories, or work at common labor. How on earth are they going to take the proper care of themselves? It is all absurd. And further, they have besides the physical handicap, also a mental handicap—always conscious of the fact that they are tubercular and at any time that condition may relapse. And further, let a young soldier with arrested tuberculosis go out and look for a position or employment. He has a very difficult time to find such position, and why? It is a well-established fact that if he gives a history of consumption no one wants to employ him owing to the disease—arrested, if you please. He is shunned because the people have heard and know that consumption is an infectious and communicable disease—dangerous to the ones working around him. And to-day, owing to the industrial liability laws of the various States in the Union, a physical examination is required, and if he has any history of tuberculosis his services are not wanted. They will not employ him under any circumstances.

Let an arrested tubercular soldier apply for life insurance; will he receive a policy? No; he is not a good risk. Why? Because he may relapse at any time. Therefore I say he is permanently handicapped. Oh, yes; they say to you that the X ray shows the disease in the lungs is arrested, that the cavities are walled off with fibrous tissue, and scars are to be seen as evidence of arrested tuberculosis. But, my friends, I want to say to you I do not care what the X ray shows; it is not the amount of lung destruction that determines the disability as shown by the X ray. Many a man may have half a lung gone and get along pretty well in life; others may have only a small cavity in the lung and still be very sick.

It is not the amount of lung involvement that determines the degree of disability, but it is the handicap, both physical and mental, that this soldier is suffering from. It is this handicap that prevents him from going out into the world to try to earn a living; that is the disability. Under the old pension law the rating was made on a disability that would hinder a soldier from earning a living by manual labor. In those tubercular cases it is a compensation that is virtually a pension. Now, I have tried to show you why I am in favor of the $50 a month compensation for arrested tuberculosis, and I think you will agree with me when I say it will be a saving

for the Government to pay this $50 a month compensation, because even with this small amount it will help the soldier to take care of himself a little better, it will help him to secure nourishing food, and he will not so likely relapse into active tuberculosis, and will not be so apt to reapply for hospitalization.

History teaches us that 75 to 80 per cent of the tubercular cases do relapse, and while he is drawing a compensation of $50 a month it is less expense to the Government than if he must return to the hospital, where he will be paid a total temporary compensation, in addition to the cost of hospitalization, and compensation for his dependents besides. Now, my friends, when the Government treats the tubercular arrested patients in a humane manner and pays them a just compensation it is discharging its part of the contract, and looking at it from a humanitarian standpoint by giving those men an opportunity to be home with their families they will be more happy and contented, as I can recall a statement made by a gentleman on the floor of this House a few days ago in discussing the mothers' pension bill for the District of Columbia. His statement was "that a patient in a poor and humble home with his family is far more happy than in the best-regulated public institution on earth." And when we speak of the Government, who is the Government? It is the people, and, gentlemen, we in this House are the representatives of the people, and it is our duty to see that the Government discharges its full duty to this particular class of unfortunate soldiers, and by giving those soldiers a just compensation you are not only discharging your duty to the soldier but you are discharging your duty to your Government as well.

I am not so much concerned about the young, strong, and healthy soldier; he is able to take care of himself, but the soldier of the Civil War whose average age is over 85 years, aged and infirm, only a few years to live; the Spanish War veteran who willingly volunteered to serve his country 28 years ago, and last but not least the sick and disabled World War soldier, a vicitim of tuberculosis or of any other chronic or incurable disease, those are the men we owe much, and I say that this Government, the greatest and grandest in the world, will not discharge its full duty to the soldiers until it gives them a humane consideration for the services they so willingly performed. They are not asking for mercy nor pity. They are only asking for what is honestly due them. Now, in conclusion, I want to say, while mindful of the fact as the guardians of the Public Treasury, we should economize and save the people's money and not waste a penny, yet do not go so far in this respect as to deny the sick and disabled soldier a just compensation that would enable him to be partially restored to his health or at least give him some comforts and not treat him as a state charge and an object of charity.

And further, I wish to say, the greatest asset of any nation is the loyalty of its citizens. It is loyalty that makes a nation strong and powerful. It has been the loyalty of our citizens that has made us the greatest Nation on earth. We do not have to fear the enemy on the outside just so long as we can hold the loyalty of our own citizens. The danger is not from without, and just so long as our citizens, especially our disabled soldiers, are treated in a humane, conscientious manner our citizens will remain loyal and we have nothing to fear, and our Nation will remain as it is to-day, the greatest Nation on the face of the earth.

Mr. CELLER. Mr. Speaker and gentlemen, it seems to me that this Congress has been derelict in its duty to our wounded soldiers. It is nine years since we entered the great conflict, and yet we see, on our streets and in many a home, men who have not yet been able to recapture the health and normal outlook on life that was theirs before America called them to battle.

I believe the fault lies with the Republican leaders who, in their anxiety to keep down expenses and arrive at an early adjournment, have rushed this legislation through in a haphazard and unfinished state. Various sections vitally important to the disabled veteran, particularly that providing increased compensation for tubercular patients, have been eliminated from the measure. This alone is sufficient to damn the bill, in my mind, and in that of those who feel our ex-soldiers deserve as much consideration and attention as they received when they stood between civilization and its assailants.

Forty minutes were allowed for discussion of this bill. It is a mockery on legislation. Our boys who stormed machine-gun trenches and emplacements did not fight under any time allowance; they gave and gave and gave, regardless of the number of days they might have to spend in the trenches or under furious artillery fire. Yet our Republican leaders here consider 40 minutes sufficient in which to enact measures designed to make life worth living for the boys of 1917–1918.

Continual cries that this legislation must not be permitted to interfere with the administration's economy program were heard within these walls during its consideration. What a spectacle! Here is the wealthiest Nation in the world spending $50,000,000 a year to enforce one single odious law—I do not need to name it—yet it adopts a cheese-paring policy when it comes to caring for its defenders. It is a sad scale of values established by this administration—millions for rum agents and rum ships but a paltry sum for the boys, now men, who went overseas under America's flag in the dark days of 1917. I am convinced that eventually the American people will sense the artificiality and hypocrisy of such a standard.

It is unnecessary to examine or analyze the bill's defects in detail. But there is one section which has been eliminated, and without its inclusion the measure means cold comfort for sick and helpless soldiers. I refer to the original provision to increase the compensation for tubercular patients, so that the Government allowance would make up the difference between their present earnings and what they were able to earn before the war crippled and handicapped them.

None are more in need of help than these arrested tuberculosis cases. Medical men will tell you—in fact, they have told your committee—that the arrest of a case merely means it is inactive or quiescent. There is no assurance of cure. The black germ is there, struggling to break forth and restrained only by the eternal watchfulness of the patient and his physician. Sunlight, air, rest, good food, and hope—these are the only medicines which will bring arrested cases to a fairly normal state. But it is obvious that men who can not work will not have the funds necessary for proper treatment. Even sunlight and air cost money these days. This bill, as originally drawn, would have given these men financial aid that would have permitted them to continue the fight; only God knows what recourse they will have now.

One of the most tragic sides of modern American life is the lack of attention or consideration accorded the veterans of the World War. Only a few short years ago they were the heroes of the Nation; they were fêted and dined and honored from coast to coast, in cabin and White House. Presidents and Cabinet officers and military commanders were stumbling over each other to do them honor. It is disheartening to one with a sense of justice to note the change that has come over us with the coming of the so-called prosperity we bask in now.

I hope that some of my colleagues will spend a Sunday afternoon in the near future at Walter Reed or some other Government hospital or asylum. There he will see the wreckage the war has cast upon the shores of posterity—blind, maimed, and broken figures sitting listlessly throughout the grounds, with nothing to look forward to, nothing to hope for, nothing to struggle for. The world passes by them in its fine automobiles and thinks of naught but tax reduction, economy, and how to evade the prohibition law. Another sunrise or sunset brings no joy or hope to the sick and wounded, however; they are, it seems, condemned to a life of emptiness and regret. Is this the state of mind you men want to create among those who made such sacrifices for our country only nine years ago? If it is, God help America.

This bill is another insult to those who went overseas, fought the good fight, suffered, and returned. I often feel that those who did not return, who lie sleeping in Flanders Fields or rest under the constant care of the ocean's waves, are to be envied above those who came back to be cast adrift or forgotten by their Nation. I realize we have done much for our wounded, but that is not to our credit; it is to our discredit that we have not done more.

As a severely practical problem, it seems to me this Congress, this administration, should have gone much further in this bill. Neglect of our ex-soldiers will engender a state of mind among our 4,000,000 ex-soldiers that will not be good for the Nation. God grant we may never be faced with another war and that, as we were told, the last war was fought to end war; God grant that 4,000,000 healthy, happy boys will never again have to be called to the colors, torn from their home moorings, and hurled into the maelstrom of an international conflict.

That is almost too much to hope, however. The time will come again when America will call, and I warn you gentlemen that any neglect toward those who answered once before and poured out their blood on a hundred foreign battle fields will rise up to plague us. But it is not to your self-interest and selfishness that I make appeal; rather do I speak to your generosity, your sense of gratitude and fairness. Do unto the men who wore the khaki as they did for us.

TRAVELING ALLOWANCE FOR UNITED STATES EMPLOYEES

Mr. SMITH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7889) to prescribe a uniform allowance to

officers and employees in all services of the United States while traveling and on temporary duty on official business, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

A bill to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business

Be it enacted, etc., That this act may be cited as the "Subsistence expense act of 1926."

SEC. 2. When used in this act—

The term "departments and establishments" means any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

The term "actual expenses" means the actual amounts necessarily expended by the traveler for subsistence and itemized in accounts for reimbursement.

The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses.

SEC. 3. Civilian officers and employees of the departments and establishments while traveling on official business and away from their designated posts of duty shall be allowed their actual necessary expenses in an amount not to exceed $7 each for any one calendar day.

SEC. 4. The heads of departments and establishments, in lieu of the actual expenses authorized by section 3, may prescribe a per diem allowance not to exceed $6 for any one calendar day or portions thereof for absences of less than 24 hours.

SEC. 5. Civilian officers and employees of the departments and establishments while traveling on official business beyond the limits of the continental United States shall be allowed their actual expenses in an amount to be prescribed by the heads of departments and establishments not to exceed an average of $8 per day during the travel, exclusive of absence on leave.

Actual expenses and per diem allowance under this section for any travel performed within the limits of continental United States shall be in accordance with the rates prescribed in sections 3 and 4 of this act.

SEC. 6. The heads of departments and establishments may prescribe a per diem allowance of not to exceed $7, in lieu of the actual expenses authorized by section 5.

SEC. 7. The allowance and payment of actual expenses and the fixing and payment of per diem allowance, or portions thereof, shall be in accordance with regulations which shall be promulgated by the heads of departments and establishments and which shall be standardized as far as practicable and shall not be effective until approved by the President of the United States.

SEC. 8. The heads of departments and establishments, under regulations which shall be prescribed by the Secretary of the Treasury for the protection of the United States, may advance through the proper disbursing officers from applicable appropriations to any person entitled to actual expenses or per diem allowance under this act such sums as may be deemed advisable considering the character and probable duration of the travel to be performed. Any sums so advanced shall be recovered from the person to whom advanced, or his estate, by deduction from any amount due from the United States or by such other legal method of recovery as may be necessary.

SEC. 9. All laws or parts of laws which are inconsistent with or in conflict with the provisions of this act except such laws or parts of law as specifically fix rates higher than the maximum rates established in this act are hereby repealed or modified only to the extent of such inconsistency or conflict.

SEC. 10. This act shall not be construed to modify or repeal the act providing for the traveling expenses of the President of the United States or any acts (including appropriations for the fiscal year 1927) specifically fixing or permitting mileage rates for travel and/or subsistence expenses.

SEC. 11. This act shall not be construed to modify or repeal the per diem travel allowances granted railway postal clerks, acting railway postal clerks, and substitute railway postal clerks in section 7, Title I, of the act approved February 28, 1925 (43 Stat. p. 1062).

SEC. 12. Appropriations for the fiscal year 1927 which contain specific rates of actual expenses or per diem allowance inconsistent with the rates permitted by this act are hereby modified to the extent required to permit the application of the provisions of this act to such appropriations.

SEC. 13. This act shall take effect on July 1, 1926, but any increases deemed necessary to be made in the rates of actual expenses or per diem allowance under the authority of this act shall not be authorized by heads of departments and establishments to the extent of incurring a deficiency in appropriations available for the payment thereof during the fiscal year 1927.

SEC. 14. Civilian officers and employees of the several executive departments and independent establishments of the Government, including their field services, under such regulations as may be prescribed by the heads of such departments or establishments, may use their own vehicles for transportation when performing necessary official travel on duty away from their official stations. When such vehicles are used for such purposes the person so using his own vehicle may be allowed and paid not to exceed 7 cents per mile for distance actually and necessarily traveled on official business in such vehicle, for vehicles other than motor cycles, and for motor cycles 3 cents per mile, and necessary tolls, ferriage, and storage charges, such allowance to be in lieu of any and all other allowances for transportation. Such allowances, however, in any case of travel when absent from official station between points where transportation by the most economical usually traveled route may be had by common carrier, shall not exceed the amount of the cheapest first-class fare by such common carrier: *Provided*, That the time consumed in travel between such points in excess of the time required for such travel by common carrier shall be charged to the traveler: *And provided further*, That when loss would ensue to the Government by awaiting transportation by common carrier, allowance may be made in full for the actual distance traveled and for the time necessarily consumed.

The SPEAKER. Is a second demanded?

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. SMITH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Idaho is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. SMITH. Mr. Speaker and Members of the House, this is a bill to make uniform subsistence allowances for Government employees who are on travel duty. The present law is found in the appropriation bills scattered through the statutes for probably 25 years, and this measure repeals the various laws and consolidates the legislation into one bill. The per diem rate is increased from $4 to $6 per day, and when the expenses are itemized from $5 to $7 per day. The bill was prepared with great care and given extended consideration by the committee. We had before the committee the representatives of the various executive departments, and we have letters from most of the Cabinet officers approving the bill and expressing the hope that it may be enacted during the present session of Congress.

Mr. BYRNS. How much has it been estimated this will cost the Treasury of the United States?

Mr. LEHLBACH. Mr. Speaker, if the gentleman will permit, the estimate of the Budget Bureau, which does not oppose the bill, is $1,700,000.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. LAGUARDIA. Will this put all the employees of the various departments on an equal basis?

Mr. SMITH. No; it does not do that. It gives the head of the departments the authority to classify the employees and fix the rates according to the character of their work and also according to the section in which they are traveling. In other words, if these employees or officers are sent to a large city, they will be allowed a larger per diem than if sent to a rural section or engaged in service away from cities or towns, as in the case of employees of the Geological Survey.

Mr. LAGUARDIA. The trouble now is that two employees of the Government doing similar work in different departments get different allowances. Will this be equalized now?

Mr. SMITH. Yes; it will be equalized under regulations which must be approved by the President of the United States.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. HUDSPETH. This bill does not apply to officers of the Government, such as United States marshals, does it?

Mr. SMITH. Oh, yes; it covers all civilian officers. It does not apply to the Army and the Navy, but to all civilian officers alone.

Mr. HUDSPETH. I am very glad to hear the gentleman say that, because the United States marshals receive now only $4, and that is not adequate.

Mr. SMITH. That is true. It was disclosed in the hearings that many of these Government employees are unable to make these trips without great expense to themselves. In some instances they can not get a hotel room for the per diem allowance, leaving nothing for meals.

Mr. BLANTON. Mr. Speaker, I am sure the gentleman wants to be perfectly frank and fair, and he did not intend to mislead my colleague from Texas [Mr. HUDSPETH], but United States marshals do not come under this bill. They come under the judicial bill, which passed some time ago. They are not

the department travelers that come within the provisions of this bill.

Mr. SMITH. If the gentleman will take the trouble to read the bill, he will discover that this applies to all civilian employees, including United States marshals.

Mr. BLANTON. Will the gentleman show me the provision that makes United States marshals and deputy United States marshals come under this bill?

Mr. SMITH. They are civilian employees and are included in this bill, as are all other civilian employees who are required to travel on official business.

Mr. MADDEN. This bill, if it becomes a law, will supersede all other allowances. It takes in every one except the Army, the Navy, the Marine Corps, and the Post Office railway mail clerks.

Mr. SMITH. Except the members of the Supreme Court, the members of the Board of Appraisers, and the members of the Board of Tax Appeals, who are excepted because there is special legislation giving them a higher rate than is provided in this bill.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. BLACK of Texas. My recollection is that the railway postal clerks now receive an allowance of $3 a day for this purpose.

Mr. SMITH. Yes.

Mr. BLACK of Texas. I am at a loss to understand why we should increase the allowance of other civilian employees from $4 to $6. It seems to me it would have gone far enough if it had made a $5 allowance.

Mr. MADDEN. The answer is the railway mail clerks only got 60 cents a day a few years ago, and it is only for the purpose of giving their meals and lodging in places prescribed for them, and in these other places there is promiscuous travel at very much greater expense.

Mr. SMITH. Mr. Speaker, I reserve the remainder of my time and yield five minutes to the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, who helped us in the preparation of this legislation.

Mr. MADDEN. Mr. Speaker, I would like to have the attention of the House for just two or three minutes and would like to have gentlemen listen. Mr. Speaker, it is a very important bill, and I think the gentleman from Oklahoma and these others ought to let us tell the story. Section 3 of this bill, Mr. Speaker, provides that $6 a day may be allowed to civilian employees of the Government who are sent out on official business.

Mr. BLANTON. Seven dollars is the amendment.

Mr. MADDEN. Well, it is $6, $7, and $8.

Mr. BLANTON. But there is an amended section 3.

Mr. MADDEN. I know, but that is not to exceed; $6 a day may be allowed in lieu of a detailed itemized expense statement. Not to exceed $7 a day if they make a detailed expense statement, but not to exceed $6 if they do not want to make a detailed expense statement.

Mr. McKEOWN. Will the gentleman yield?

Mr. MADDEN. Let me make the statement, and I think the gentleman will get more in that way.

Mr. McKEOWN. I desire to ask a question right there.

Mr. MADDEN. Then for foreign travel it is not to exceed $8 per day, and this law, if enacted, will supersede all laws for travel expense allowance except the law that relates to railway mail clerks, who are allowed $3 per day when they are away from their official domicile, and the Army and the Navy and the Marine Corps members, who are allowed their per diem allowance under the military laws. There are to-day a great variety of per diem allowances. Some get as low as $4 per day, some get as high as $10 per day on foreign travel. The injustice which the variation in the amount allowed indicates must be apparent to everyone. Four dollars a day was much too low. Five dollars was too low. No one representing the Government could travel and find a place to live commensurate with the importance of the duties on which he was sent out for the amount allowed. Nearly every man who works for the Government and was called upon to travel and to find housing and food found himself out of pocket when he was sent away on official business. This bill is intended to equalize that injustice to a limited extent. The departments still believe that the figures set out in this bill are not adequate, but it was believed by myself and others, who wanted to do justice to those who are charged with the responsibility of going out and doing the business of the Government, that these figures would reasonably meet the justice of the case.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH. I yield five additional minutes to the gentleman from Illinois.

Mr. MADDEN. Mr. Speaker, I do not think there is anything more to be said about it except the cost of this will be $1,900,000 as near as I can figure it, but it will be $1,900,000 well expended, because it is fair to say that the work that ought to be done as a result of the travel under existing circumstances is not done and the Government suffers.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. HILL of Maryland. Under this bill all amounts of allowances are equalized?

Mr. MADDEN. This places everybody on an equal footing, and as near as we can figure out it has the cooperation of all the departments of the Government which are affected by the legislation although perhaps not as enthusiastic an acquiescence in it as we would like them to have.

Mr. HILL of Maryland. It cuts down certain allowances already made in other legislation?

Mr. MADDEN. It cuts down certain allowances but places all expenditure for like work on a like basis which was never done before.

Mr. DYER. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. DYER. This increases the per diem for our foreign trade representatives from $4 to what?

Mr. MADDEN. They get about $10, many of those cases now, and it is put to $8.

Mr. DYER. Putting all on an equal basis?

Mr. MADDEN. On an equal basis.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. MOORE of Virginia. I have always thought uniformity in this matter is very desirable and ought to be brought about. But I would like the gentleman to look at section 10 and explain the meaning of that independent of what is said about the President. It provides that—

> This act shall not be construed to modify or repeal the act providing for the traveling expenses of the President of the United States * * * nor any acts specifically fixing or permitting mileage rates for travel and/or subsistence expenses.

Mr. MADDEN. That is for the President of the United States.

Mr. MOORE of Virginia. No; it goes further. It not only includes the President but goes much further.

Mr. MADDEN. Yes; the language may not be quite——

Mr. MOORE of Virginia. The language is very broad, as the gentleman will see. The language is inconsistent with the general plan that my friend has been presenting to the House. I have the bill here.

Mr. MADDEN. I have the bill, too. It says:

> This act shall not be construed to modify or repeal the act providing for the traveling expenses of the President of the United States or any acts (including appropriations for the fiscal year 1927) specifically fixing or permitting mileage rates for travel and/or subsistence expenses.

That means appropriations already made for 1927.

Mr. MOORE of Virginia. I fear that the gentleman, with a little analysis, will find that——

Mr. MADDEN. That is what we mean.

Mr. MOORE of Virginia. Apparently the last two lines of that section are inconsistent with the general purpose of the bill.

Mr. MADDEN. If we have made a mistake, it can be remedied.

Mr. DYER. This bill will not go into effect until the next fiscal year?

Mr. MADDEN. Yes; and appropriations have been made for the next fiscal year, but this will not interfere with those appropriations.

Mr. HASTINGS. It will be effective a year from now?

Mr. MADDEN. All appropriations have not yet been made for certain travel allowances.

Mr. HARDY. This refers to mileage rates?

Mr. MADDEN. Yes. This refers to mileage rates. This is travel allowance.

I think I have said all that ought to be said about it, except this, that I verily believe that there has been no legislation that has been submitted to the House any more important than this in a small way. It for the first time places all expenses of this character on a basis of equality, and certainly there can be no complaint about a thing that will do that, because, as the existing law provides, many injustices are done to very worthy people who can ill afford to pay out of their own pockets the expense of maintenance in connection with work they are called upon to do for the Government. They ought not to be asked to pay such an expense out of their own pockets. This will prevent that.

Mr. BLANTON. Mr. Speaker, I yield myself five minutes.

Mr. Speaker, this bill is an innovation from the economy program of which we have lately read and heard so much.

I can remember when the per diem allowance was $3. Then we increased it to $4 after quite a long fight on the floor. I can remember that then our distinguished friend from Illinois [Mr. MADDEN] was with us leading the fight against the increase. But he has hobnobbed with those department heads so long——

Mr. MADDEN. The gentleman ought not to say that, because this legislation is not the result of any conferences with the heads of the departments. We forced the departments to take this. We did not ask them.

Mr. BLANTON. I will say this: That these department heads have hobnobbed with the gentleman so long that they have brought him over to their way of thinking. [Laughter.]

Here is what this bill does, in a nutshell. It provides that the civilian employees of this Government, instead of getting $4 a day, shall get $7 a day actual expenses; and if the department chief wants to give them a flat per diem expense account without their rendering an account to the Government, the department chief can give them $6 per day and for every part of a day that they are traveling.

Mr. SMITH. The gentleman is mistaken, because the regulations provide for parts of days.

Mr. BLANTON. I have read this bill as carefully as the gentleman has. Let us see about it. On page 6 the bill prescribes a per diem allowance of $6 for "any calendar day and portions of such day for absences of less than 24 hours." I know what I am talking about. I always read these bills carefully. The gentleman from Idaho has not read his bill as carefully as I have. If he had he would know what is in it. What else does it do?

The bill provides that employees when traveling abroad shall be allowed an expense account of not more than an average of $8 a day. In other words, if they find a country where $3 of American money will buy $12 worth of entertainment and the entertainment is sufficient for them, they can live on that $3 a day, and then they can get an average of $8 a day for every single day they travel abroad.

Now, in lots of countries—and you know what I am saying to you is true—in lots of countries $8 of good American money to-day is worth $16 or $20 of the current exchange money of that country. The gentleman from Idaho will not deny that.

Mr. SMITH. What does the gentleman know about hotel rates abroad? We had a representative of the State Department before us, and he told us the rates allowed are not nearly large enough for travel abroad.

Mr. BLANTON. Will the gentleman deny that?

Mr. SMITH. In some instances that will not be true.

Mr. BLANTON. The gentleman has taken up my time without denying it. I said that in some countries to-day $8 of good American money in the current exchange of that country is worth $16 and $20, and even $40 in some of them, as the gentleman from Nebraska [Mr. HOWARD] says. I did not want to go too high, myself.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. I will take two minutes more, Mr. Speaker.

Will you establish this policy of extravagance in the Government? We will have to go back to our constituents in a few weeks. We will have to answer them for what we do here. We will have to answer their questions, and we will have to look them in the face, and you will not be able to give them evasive answers to their questions.

We are going to have to render an account of our stewardship to them when they ask us questions about what we have been doing with their tax money. What are you going to say to your constituents about this $8 per day expense account for this army of fellows who are continually traveling all over Europe? If you will check it up you will find that about three-fourths of them ought not to be over in Europe at all, but they ought to be back here in this country doing some honest work of real value.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. HUDSPETH. I understood from the gentleman from Illinois [Mr. MADDEN], I will say to my colleague, that to-day they are allowing them $10 a day. If that is true, they are cutting them down.

Mr. BLANTON. They are not allowing that by law, for there is no such law; but if you pass this bill, you are fixing a law here for all time to come.

Mr. HUDSPETH. But the gentleman said they were allowing it.

Mr. BLANTON. But they are doing it without any authority of law whatever, and he is coming in here now and asking us to put our John Hancocks to a law that will authorize it, and I am one who is not going to do it. I am going to vote against this bill, if I am the only one here who does vote against it. It is a bady policy of government.

Mr. HARDY. This confines it to actual expenses.

Mr. BLANTON. Yes; at $8 per day traveling abroad.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN]. [Applause.]

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, this is legislation that is badly needed and for which I have been contending, but the thing that is wrong with this bill is the allowance of $6 per day. You ought to pay the actual traveling expenses, and you ought not to give a man more money than his actual traveling expenses. You ought to pay him his flat expenses and make him itemize them; he ought to get receipts for them, just like they do in the States.

Mr. MADDEN. We are offering him $7 if he will itemize them.

Mr. McKEOWN. But this law would give him a chance to get $6 when he spends but $2, so that he makes $4 off of the Government.

Mr. SMITH. What we are undertaking to accomplish through this bill is to avoid the expense of having so many accounting officers in the Comptroller General's office.

Mr. McKEOWN. It would not take so many, and you would get a line on the expenses of these men, and this would sometimes be a guide to judge of their loyalty to their work. That part of the bill is wrong and it is vicious. You permit men to go out and speculate on the United State Government through their expense accounts. You ought to give them their expenses. If it costs them $10 a day for actual expenses they ought to be paid $10 a day, but if it costs but 50 cents, then a man has no right to draw $6 from the United States Government.

Mr. SMITH. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SMITH. I wish to advise the gentleman that the head of the department regulates the per diem allowance according to location and character of work, which in some instances is as low as 80 cents a day.

Mr. McKEOWN. I know how these heads of departments regulate it; they regulate it to get all the money that we will stand for. That is my experience with the heads of departments.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CARTER of Oklahoma. I remember that one time we had a proposition here to pay Congressmen their actual traveling expenses to and from home, and a very distinguished Congressman, who is now dead, said that if they allowed him his actual traveling expenses, he would come to Washington and go back home on a yacht.

Mr. McKEOWN. Here is another proposition. The gentlemen talk about this allowance in foreign countries. I talked to a gentleman no longer than a few days ago, who told me that he could get a better meal in Paris, France, for 90 cents, than you could get at the Willard Hotel for $3.50, with a bottle of wine thrown in.

Mr. MADDEN. It is too far to go.

Mr. McKEOWN. So that shows you there is no necessity for increasing these amounts for these gentlemen who travel outside of continental United States.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. JOHNSON of Washington. Let me say to the gentleman that 35 years ago I traveled in the gentleman's State, not then Oklahoma, when they were opening it; I was sent by a newspaper, and that far back they allowed me $6 a day for traveling expenses in Oklahoma, which was then nothing much, but how far could you get in Oklahoma to-day on $6?

Mr. McKEOWN. Well, the gentleman got value received if he had gotten $50 to go to that country then, and I know the gentleman would not take $1,000 for his experience down in Oklahoma.

Mr. JOHNSON of Washington. The gentleman knows you could not travel very far on $6 a day in Oklahoma now.

Mr. McKEOWN. Oh, yes.

Mr. JOHNSON of Washington. You can not stop at any good hotel for that.

Mr. McKEOWN. Yes; you can.

Mr. JOHNSON of Washington. Not much of a hotel.

Mr. SMITH. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SMITH. Let me say to the gentleman that the rates in this bill are lower than the rates allowed by the large commercial houses of the country who send out their traveling men. They allow them $8, $10, and $12 a day.

Mr. McKEOWN. But the gentleman knows they submit their expense accounts.

Mr. SMITH. No; that is a per diem allowance. I have a list of them here.

Mr. McKEOWN. Why do you not just pay the actual expenses? Why should the Government pay anybody more than their actual expenses? Why not give them their actual expenses and not provide for this $6 a day?

Mr. SMITH. Because of the necessity of employing hundreds and hundreds of accountants in the Comptroller General's office to audit the expense accounts?

Mr. McKEOWN. Well, I say let some of them who are there now do some work.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. McKEOWN. There is another thing I want to call your attention to. You do not put all of them in this bill, but you make some exceptions; you are still making exceptions. I am in favor of the policy of making it uniform. The gentleman from Illinois [Mr. MADDEN] will bear me out that time after time when they have had these bills up I have called their attention to the discrepancy in the various bills as to traveling expenses, and I have advocated that they all be put on the same basis. Let us be fair; let us be like American citizens, and give them all the same benefits, and put them all on the same basis. Why make an exception of certain departments down here and not include them all?

Mr. MADDEN. The gentleman refers to the Army and the Navy?

Mr. McKEOWN. No; I mean the judges down here in the tax appeals court. They are not on the same plane.

Mr. MADDEN. That is under a special law.

Mr. SMITH. There is an exception of the members of the Supreme Court and of circuit judges.

Mr. McKEOWN. Why?

Mr. SMITH. And also members of the Board of Appraisers in New York and members of the Board of Tax Appeals, because they are required to go to the larger cities and, naturally, stop at the higher-priced hotels.

Mr. McKEOWN. The gentleman is simply making a favored class out of a few instead of undertaking to provide uniform legislation. Why not pay them just like everybody else? They are on the pay roll and they are our employees.

Mr. SMITH. Then why not pay everybody the same salary?

Mr. McKEOWN. That is what we pay them a big salary for—so they can pay more of their expenses. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Speaker, I yield six minutes, the balance of my time, to my colleague from Texas [Mr. BLACK]. [Applause.]

Mr. BLACK of Texas. Mr. Speaker, if I wanted to fatten my batting average on my votes in this House I know how to do it, and that is to always vote for a bill that increases an appropriation, because such bills rarely ever fail to pass. On a good many of these bills I have a rather lean batting average, because I have been trying to help the President in his economy program. If it was not for the Democrats helping out in his economy program it would be in a sad state of affairs by now.

Mr. HOWARD. Will the gentleman yield?

Mr. BLACK of Texas. I gladly yield to the gentleman from Nebraska.

Mr. HOWARD. All winter long I have observed that the gentleman from Texas has been making a magnificent effort to support the President's economy program. I know the gentleman is a student of legislation. I know he has studied this bill. I would like to have him tell me, and perhaps some others who may be as uninformed as I am, whether or not this bill is in harmony with the President's policy of economy.

Mr. BLACK of Texas. I will state to the gentleman that if taking about $2,000,000 out of the Treasury, where the President has already stated there will be a deficit of $18,000,000 or $20,000,000, is economy, then I should answer the gentleman in the affirmative; but, as a matter of fact, this is just one more bill to take about $2,000,000 out of the Treasury on the plea it is to equalize the pay of somebody. A few more such victories as this one will likely be, and the President's economy program will be undone. It is getting high time the President should be getting some assistance from the Republican side of the House.

Our good friend, the gentleman from Illinois [Mr. MADDEN], who usually is one of the economy leaders of the House, states that the bill is going to equalize the travel and per diem allowance by reducing some gentlemen who are now getting $10 a day to $8 a day; but the best evidence that nobody much is reduced is the fact that the net result of the bill, according to his own admission, will be an increase of $1,900,000 in public expenditures.

Mr. MADDEN. If the gentleman will permit, this is simply giving back to the men out of whose pockets we take that money from their own private incomes money which they ought not to be called upon to pay.

Mr. BLACK of Texas. I am not so credulous as the gentleman from Illinois in believing that these gentlemen are losing such large sums as they claim.

I submit if the law is to be amended at all it ought not to provide for more than $6 a day for actual expenses or a per diem of $5. I submit it is the duty of a public servant in this democratic Government of ours to set an example of simplicity. Some one has said "simplicity is the crowning excellence of art." I say: "Simplicity in a democratic government is the crowning excellence of economy." I maintain that the ordinary Government employee will have no difficulty in going to any American city and living comfortably on an allowance of $6 for actual expenses, or if he chooses a per diem allowance, an allowance of $5 a day. I say they can do it. I say that the Congress ought not to let down the bars and increase the public expenditures at this time about $2,000,000. We could save at least one-half of that amount without doing anyone an injustice. Why should we pass this so-called equalization bill? The very argument which has been used in its behalf is negatived by the fact that the railway postal clerks are only allowed a per diem allowance of $3 a day——

Mr. MADDEN. The gentleman understands about that?

Mr. BLACK of Texas. Yes; I understand it. I understand they are satisfied with it and are not seeking any additional per diem allowance.

Mr. MADDEN. And they are getting a good deal more when they get that allowance than any of these men will get under the provisions of this bill.

Mr. BLACK of Texas. I do not see how the gentleman figures that.

Mr. MADDEN. Because they have not the same conditions under which to undergo these expenses.

Mr. BLACK of Texas. Out of that $3, I will submit to the gentleman from Illinois, these railway mail clerks pay their actual expenses while away from home, and I submit if they do it these other Government employees should be able to get along without the increases provided in this bill.

The SPEAKER. The time of the gentleman from Texas has expired.

The SPEAKER. The question is on the motion of the gentleman from Idaho [Mr. SMITH] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 140, noes 32.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote and make the point of order there is not a quorum present.

The SPEAKER. Two hundred and twenty-three Members are present—a quorum.

Mr. BLACK of Texas. Mr. Speaker. I ask for tellers.

The SPEAKER. The gentleman from Texas demands tellers. All those in favor of ordering tellers will rise. [After counting.] Twenty-six Members have arisen, not a sufficient numbers, and tellers are refused. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

CIVIL SERVICE RETIREMENT ACT

Mr. LEHLBACH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, as amended by the committee.

The Clerk began the reading of the bill.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD in its entirety.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea-post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age, and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age. The classification of employees for the purpose of assignment to the various age groups shall be determined by the Civil Service Commission after consultation with the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That the term "mechanics" as used in this Act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to secure from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act, nor be appointed to another position in any branch of the Government service.

EMPLOYEES TO WHOM THE ACT SHALL APPLY

SEC. 3. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil-service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations, and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

METHOD OF COMPUTING ANNUITIES

SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term, "basic salary, pay, or compensation," wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall

be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employee would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund," such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effecive date.

CREDIT FOR PAST SERVICE

SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 3½ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved, but failure to make such deposit shall deprive the employee of all benefits under this act except as provided in section 12 hereof.

DEDUCTIONS AND DONATIONS

SEC. 10. Beginning on the first day of the second month next following the passage of this act there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, invest, and disburse for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

Each department, branch, and independent office of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within such fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 14. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 15. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 16. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the Board of Actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the civil-service retirement and disability fund and continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 17. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 18. This act shall become effective on the first day of the second month next following its passage, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date.

The SPEAKER. Is a second demanded?

Mr. JEFFERS. I demand a second.

Mr. BLACK of Texas. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair will count. One hundred and ninety-five Members present; not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

Accordingly the doors were closed, the Sergeant at Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 91]

Aldrich	Esterly	Lampert	Sears of Fla.
Anthony	Evans	Lee of Ga.	Shreve
Bankhead	Fairchild	Lineberger	Smithwick
Beck	Fish	McClintic	Steagall
Beers	Flaherty	McFadden	Stephens
Begg	Fredericks	McLeod	Strong of Pa.
Bixler	Freeman	McSwain	Sullivan
Britten	Fuller	Magee of Pa.	Swartz
Browne	Gallivan	Magee of N. Y.	Sweet
Brumm	Garner of Tex.	Magrady	Swoope
Buchanan	Gasque	Menges	Taylor of Colo.
Butler	Glynn	Michaelson	Taylor of Tenn.
Byrns	Golder	Morgan	Taylor of W. Va.
Campbell	Goldsborough	Morin	Valle
Carpenter	Gorman	Morrow	Vare
Cleary	Graham	Nelson of Wis.	Vinson of Ga.
Collins	Hare	Parks	Voigt
Connery	Hayden	Patterson	Walters
Connolly of Pa.	Hill of Ala.	Peavey	Watres
Cooper of Ohio	Holaday	Perlman	Watson
Corning	Johnson of Ky.	Phillips	Wefald
Coyle	Jones	Porter	Weller
Cramton	Keller	Pou	Welsh
Darrow	Kelly	Pratt	Wilson of Miss.
Davenport	Kendall	Purnell	Wingo
Dickstein	Kerr	Ransley	Wolverton
Dominick	Kincheloe	Rayburn	Wood
Doyle	Kunz	Reed of N. Y.	Woodrum
Eaton	Kurtz	Sabath	Wyant
Ellis	Kvale	Schneider	Zihlman

The SPEAKER. Three hundred and eleven Members have answered to their names, a quorum.

Mr. CHINDBLOM. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that two typographical errors in the bill may be corrected. On page 33, line 11, the word "defined" is improperly spelled, and on page 41, line 12, the word "such" should be "each."

The SPEAKER. Without objection the errors will be corrected.

There was no objection.

Mr. LEHLBACH. Mr. Speaker, this bill amends the existing retirement system in the following particulars: It increases the maximum annuities payable to retired employees coming within the provisions of the act from $720 to $1,000. It changes the method of computing the annuities so that increase in proportion to the increase of the maximum obtains with respect to the annuities less than the maximum.

It somewhat regroups the employees in different age retirement groups, including service postmasters; that is, postmasters who have been promoted from the civil service ranks and who have spent their time in the civil service in the Postal Service. It increases the deductions from salary which employees contribute toward the annuities which they enjoy from 2½ to 3½ per cent of the salary. The increase in annuities amounts to something a little less than $7,500,000.

Mr. KINDRED. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. KINDRED. Does it include the class of workers in the shipyards, the boilermakers, and mechanics generally?

Mr. LEHLBACH. It does unless the particular employees in these places fall within the classification of extra hazardous, which come within the same age class for retirement as the railway postal clerks.

Mr. KINDRED. And those who work in the Tropics?

Mr. LEHLBACH. They also come within the railway postal clerks classification.

Mr. KINDRED. Those who work in the Tropics?

Mr. LEHLBACH. Yes; that is, as to any major portion of their term of service in the Tropics. It does not include those who have been there only a few years.

Mr. HUDSPETH. Does it extend the benefit of this act to those who retired under the previous act; that is, make it retroactive?

Mr. LEHLBACH. It allows their annuities to be computed in the same manner as the annuities of those who will retire in the future are computed, but it is not retroactive in the sense that it makes up any difference for annuities paid in the past. As I was saying, the contribution by the employees will be a little in excess of the increased benefits under the bill.

In other words, the increased annuities will not cost the Treasury over and above the existing system a cent, but as a matter of fact the increased contributions by the employees will exceed the increased benefits of the act by $29,332.

I reserve the remainder of my time.

Mr. JEFFERS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. TREADWAY). Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker and gentlemen of the House, it is rather unfortunate that this bill should be taken up at this hour of the day, when, by virtue of the fatigue of most of the Members of the House, adequate attention will not be given to it. It is also almost sad when we take into consideration that this important bill must be considered by the House under suspension of the rules. How anyone can try to explain anything with reference to the bill in five minutes is beyond me or anyone else. The bill as now drafted, after all kinds of pot shots have been taken at it by everybody, from the President down, pleases no one. It pleases neither the opponents of the bill nor the proponents of the bill. I was told that half a loaf is better than no loaf at all, but I say that this bill is only a few crumbs, it is not even a half loaf, and no real justice whatsoever is being done to over 388,000 civil-service employees of the Government. You might call it satisfactory, but calling it such does not make it satisfactory. Lincoln once said, "Suppose you call the lamb's tail a leg. How many legs would the lamb then have?" The answer was, "Five." Lincoln replied, "No; calling the tail a leg does not make it so." We should not pass this bill on a mere say so.

We should at least give proper consideration and mature deliberation to a bill of this character, and that we can not do under suspension of the rules. We are told that the annuities are raised in the maximum from $720 a year to $1,000 a year. That may sound a great deal to you gentlemen, but it means little to the rank and file of the employees in the civil service, because in 1925, for example, the average annuity paid was $544. Can you expect a man to go out after serving his country for years when he reaches the retirement age on a pittance as small as that? No; they would rather remain in the service, and, strange to relate, we find that at the end of the last fiscal year there were applications in number of 9,267 for continuance in service. In other words, a man who reaches the age of retirement does not want to retire. The wretched pension he receives is insufficient to keep body and soul together. He works and works with one foot in the grave—until grim death gives him peace. For that reason we keep in the service a vast number of superannuated employees, and the whole process, the whole policy, embodied in the bill is penny-wise and pound-foolish. Because we get no kind of efficient service from the superannuated. They are beyond that time of life when they can render adequate service. They hang on, and I do not blame them, for what can they do with an average annuity of $544 a year. So that we do not give the employees anything of any consequence here at all, and yet we filch from them—no; I will not use that strong word—we take from them 1 per cent more of their salary under this bill than under the present system. We increase the employee's contribution to the pension fund from 2½ per cent to 3½ per cent.

Under this bill they will pay 3½ per cent of their salary instead of 2½ per cent. Strange, too, we do not even ask their consent. On the contrary, we rush the bill through without even hearing those who represent the employees' wishes in the House. We ought to give them at least some say in the matter. In any event we ought, in good conscience, to give them something more in return than the mere $1,000 maximum annuity. At least we should change the age of retirement. Reduce it, make the bill more liberal, give them something worth while. We do not do that at all in this bill. [Applause.]

We leave the ages of retirement untouched. What a cold-blooded proposition! The general age of retirement remains at 70 years, provided 15 years of service have been rendered, and to get full credit a man must have worked for 30 years. Letter carriers, post-office clerks, laborers, and mechanics are eligible for retirement at 65 years, while railway postal clerks and those engaged in occupations that are hazardous are eligible at 62 years of age. In every bill recommended by the Committee on Civil Service, with the exception of this bill, the members thereof unanimously voted to reduce these ages. This bill is the result of orders from headquarters. The lord high executioner, Director of the Budget Lord, made the recommendation which the President committed into an order that the ages were not to be reduced and that the annuity was not to be above $1,000 maximum. If that is representative Government, Congress had better shut up shop.

The increase in annuity from $720 to $1,000 is a mere sop—a bone to a hungry dog. Orders from headquarters forced consideration of this bill under suspension of rules. No amendment to the bill is permitted. Considering the temper of the House, and the honest desire of the Members to do justice to civil-service employees, I venture to state that any liberal amendment, were amendment possible, would pass with a handsome majority. Surely the House would accept reduction of age limits by at least five years. Annuities could be increased to $1,200, but that is impossible. Our hands are tied. We must take it or leave it in toto.

The par value of the securities which go to make up the present pension fund are at the present time $54,215,200. The value of the fund on July 1 last was $44,665,000. There is, therefore, an increase since July 1 last of $9,550,200. The pension fund, therefore, is in a very healthy condition, and this despite the fact that the Government has not, as yet, contributed one penny toward the fund. Roughly, the total cost of the pension system is about 6 per cent of the yearly total salary of all the employees. The employees to date have contributed 2½ per cent, and after the passage of this bill will contribute 3½ per cent. As time goes on and more and more employees are retired, the greater inroads will be made on the pension fund.

If the Government made no contribution, in a comparatively few years the present pension fund, resulting exclusively from employees contribution, would be entirely frittered away. The Government should, therefore, forthwith make suitable appropriations to this fund, which shall include the yearly annual contribution that should have been made since the present retirement system was started in 1920. I herewith submit some figures showing retention beyond retirement age—the best kind of argument for a more liberal retirement bill:

Statistics pertaining to retirements and refunds of deductions will be found in reports of the Commissioner of Pensions, but those relative to continuances are entirely within the province of the Civil Service Commission.

Continuances in service beyond retirement age under the act of May 22, 1920, by fiscal years

	1921	1922	1923	1924	1925	Total
First continuances approved	2,965	862	905	805	1,055	6,682
Second continuances approved		118	901	553	581	2,153
Third continuances approved					432	432
Total number approved	2,965	980	1,806	1,448	2,068	9,267
Requests disapproved	14	8	3	3	1	29
Terminations by death of those continued	74	70	63	52	44	303
Terminations otherwise of those continued	376	622	1,059	446	454	2,957
Total terminations	450	692	1,122	498	498	3,260
Per cent terminated of those continued	15.18	70.61	62.13	34.39	24.08	35.18
Total employees retired for age plus employees continued	9,148	2,145	3,681	2,977	4,131	22,082
Per cent continued of those of or beyond retirement age	32.41	45.69	49.06	48.64	50.06	41.97
Number serving beyond retirement age	2,515	2,685	2,468	2,865	3,422	

Continuances beyond retirement age are authorized in two-year periods. At the end of the two-year period an employee must be again continued or dropped. The second and third continuances swell the figures in the table for 1923 and 1925. The services of 303, or 4.5 per cent of the 6,682 who are continued, terminated by death. The services of 2,958, or 44.25 per cent, terminated otherwise, leaving 3,422, or 51.21 per cent, still in the service.

That employees of retiring age do not want to retire is shown by the number of continuances granted. There has been a total of 9,267 continuances granted to employees beyond the retiring age since the retirement law became effective.

On June 30, 1925, there was continued in active service 50.06 per cent of those of or beyond retirement age. That more than one-half of the employees eligible for retirement have been continued in the service shows more conclusively than any argument can that employees will not retire under present conditions unless forced to do so, and as a consequence the Government carries on its pay roll feeble and old and inefficient employees. It were merciful to retain them, merciless to retire them.

I herewith also submit data as to the average annuity paid, proof positive that the present $720 maximum is miserably low:

For the fiscal year:	
1921	$568.44
1922, $564.48, decrease	3.96
1923, $551.64, decrease	12.84
1924, $546.30, decrease	5.34
1925, $544.64, decrease	1.66
Total decrease in the average annuity	23.80

Contrary to all expectations, the average annual annuity paid has steadily decreased every year. While the decrease has been small, it has been constant. In no year since the law has been in operation has the annuity paid been as great as it was in the preceding year.

I herewith show, by fiscal years, the number retired during the year, the number dying during the year, and the number remaining on the roll at the end of the year:

Year	Number retired	Number died	Number on roll
1921	6,745	274	6,471
1922	1,719	614	7,576
1923	2,526	768	9,334
1924	2,096	882	10,548
1925	2,084	943	11,689
Total	15,170	3,481	

The number retired has decreased in each fiscal year since 1923, while the number who died during each fiscal year has steadily increased from 274 in 1921, to 943 in 1925.

Here is a statement showing the number of annuitants on the roll at the end of each fiscal year, the numerical increase, and the percentage of increase:

Fiscal year	Number on the roll	Increase	Percentage of increase
1921	6,471		
1922	7,576	1,105	17.1
1923	9,334	1,758	23.2
1924	10,548	1,214	13.0
1925	11,689	1,141	10.8

In June, 1922, the scope of the law was increased by the inclusion of certain unclassified laborers and other employees theretofore excluded. This resulted in a considerable increase of the number of retirements during the fiscal year 1923. Since 1923 the percentage of increase has steadily declined from 23.2 per cent in that year to 13 per cent in 1924 and 10.8 per cent in 1925.

Of course, the present annuitants would be embraced in the present bill and the increases provided therein would also descend upon them.

Under the provisions of the present retirement law the annuity is based on the average salary for the last 10 years of allowable service. The same basis is continued in the bill under discussion. This period, 10 years, is too long, and in view of the great reduction in purchasing power of the dollar since 1913, the salary basis should not cover more than five years of service, and might with justice even be less than five years.

Other retirement systems, as a rule, use a much shorter service term. Germany, Norway, Portugal, the Netherlands, Massachusetts, and Chicago use the salary paid at time of retirement; Great Britain, the average salary for the last three years of service; Belgium, Denmark, Argentina, Connecticut, Maine, New Jersey, New York, Pennsylvania, Boston, and Philadelphia, the average salary for the last five years of service; France, the average salary for the last six years of service. In fact, only three systems appear to use the 10-year period—Canada, the city of New York, and the United States. To summarize, out of the 21 systems examined the salary of the service periods used is as follows:

At time of retirement	6
Last 3 years of service	1
Last 5 years of service	10
Last 6 years of service	1
Last 10 years of service	3

It is thus apparent that 17 out of the 21 retirement systems examined, all available, use a service period of five years or less.

Yet we are not even given an opportunity to offer any amendment to cure this injustice and defect in the present bill.

The bill contains a new provision providing for voluntary retirement at the option of the employee after at least 30 years of service. The group that is automatically retired at 70 years may exercise this option at or after attaining the age of 65

years, the group automatically retired at 65 years may exercise the option at or after the age of 62 years, and the group automatically retired at 62 years may exercise the option at or after 60 years.

The retirement systems of the various countries, States, and cities fix the optional age for retirement as follows:

At 55 years of age: Chicago and France for the "active branch" of the service.

At 60 years of age: Great Britain, Portugal, Italy, New York, New Jersey, Pennsylvania, Massachusetts, New York City, Philadelphia city and county, Boston and Suffolk County, and France for the "sedentary branch" of the service.

At 65 years of age: Canada, Belgium, the Netherlands, and Connecticut.

No age limit set: Massachusetts grants voluntary retirement after 65 years of service, regardless of age; and Maine retirement after 25 years of srevice, without age restrictions.

This comparison will show how far we are behind in the way of liberal optional retirement.

I shall, of course, vote for the bill. There is no choice.

[Cries of "Vote!"]

Mr. JEFFERS. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Speaker and gentlemen of the House, as a member of the Civil Service Committee, which reported this bill to the House, I would like to express briefly my views concerning it.

This bill does not reflect the views of the committee upon the proposed legislation. The committee, after exhaustive hearings, first reported H. R. 7, known as the Lehlbach bill, to the House on April 5, 1926. Later, through pressure from the administration, the bill as originally reported was recalled by the committee and in lieu thereof the bill in its present form was reported to the House. In my judgment, the measure first reported was far more equitable and just than the one we are now called to vote upon.

I do not like to see the Congress yield to Executive pressure, but the edict has gone forth that if any legislation of this character is passed at this session it must be in its present form. A Republican majority of nearly 60 makes its will supreme.

The administration leaders in the House, fearing that this bill might be amended if opportunity was afforded, presented it for consideration under suspension of the rules, which means that it can not be amended or changed in any particular and that the entire debate on it shall not exceed 40 minutes.

This bill is known as the "Lord bill" because it was drafted in the Bureau of the Budget, and hence so called in honor of General Lord, the Director of the Bureau of the Budget.

Mr. HUDSPETH. Will the gentleman yield?

Mr. JOHNSON of Texas. I gladly yield to my colleague.

Mr. HUDSPETH. When this bill is passed the old people who retire under it will not think the "Lord" has been very generous to them.

Mr. JOHNSON of Texas. The only consolation they can get out of it is that "The Lord loveth whom he chasteneth."

For the additional benefits conferred by the bill the employees are required to pay more than they receive. Under its terms the Government employees are forced to contribute by having deducted from their salaries 3½ per cent, which is placed in the retirement fund, instead of 2½ per cent under the existing law, and about the only added benefit which they will receive will be an increase of the maximum annuity from $720 to $1,000. This does not mean that all retired employees will receive the maximum, for under the present law the maximum is $720, whereas the average annuity received is $550. The increased contribution required of the employees will exceed the increased benefits $29,332 annually, according to the Government actuaries.

Mr. CELLER. Is it not true that while the retirement age remains the same the employees pay more?

Mr. JOHNSON of Texas. Yes; the ages for retirement remain identically the same as under the existing law, but as I have just stated, the employees will be forced to have deducted from their salaries 3½ per cent thereof instead of 2½ per cent.

The only reason that can prompt anyone to support this bill is the fact that many of those Government employees who have reached the age of retirement, and on account of the law and old age have retired and are no longer able to earn a livelihood, are receiving as annuities under existing law such mere pittances that they are unable to live thereon.

The President opposed the bill as originally reported by the committee, which fixed the maximum annuity at $1,200 and slightly lowered the ages for retirement, basing his opposition on the ground that the estimated cost to the Government would be excessively high. I seriously doubt whether the increased cost to the Government would have been anything like the amount estimated by the Government actuaries. When the present retirement law was passed, in 1920, which this bill seeks to amend, the Government actuaries made an estimate as to the probable cost thereof to the Government, and the six-years existence of the law has demonstrated that their estimates of the cost to the Government were grossly excessive.

Through the courtesy of Mr. Robert H. Alcorn, chairman of the joint conference on retirement, I have been furnished with the committee report accompanying the Senate bill of the present law, prior to its enactment in 1920. Contained therein was an estimate and forecast of the cost to the Government. It was estimated that the contribution of 2½ per cent by the employees from their salaries would create a fund which would, for a number of years, be sufficient to pay the annuities of the retired employees. That statement undertook to estimate what balance would be left in this fund so contributed by the employees at the end of each year, covering a period of 10 years subsequent to the enactment of the law of 1920. At the end of the six-year period it was therein estimated that after paying all annuities from the fund so contributed by the employees that there would be a surplus in said fund of $12,757,500. The present law has been in force approximately six years, and instead of $12,757,500 being the surplus now contained in this fund, as was predicted by the Government experts, the surplus in that fund at this time amounts to more than $50,000,000. In other words, the surplus left in the fund at the end of six years is more than four times greater than the Government experts estimated would be the surplus at this time.

I shall not undertake to discuss the various features of the bill, but have made this statement merely to explain my attitude as a member of the committee.

Since this bill can not be amended, and its defeat, we are told, will mean that there will be no other opportunity for the House to vote upon this question, I shall therefore vote for the bill, but trust that growing out of the passage thereof the conferees of the Senate and House will agree upon a measure which will do more substantial justice than is accomplished by the terms of this bill.

This legislation is the most flagrant example of executive domination over the legislative branch of the Government. The Constitution contemplated that Congress would exercise its own will in making laws, and the President's prerogative should be limited to the veto power, but in these latter days the President presumes in advance to inform the Congress the legislation it shall pass, and, with the aid of the Republican steering committee of the House, his orders are obeyed.

Mr. LEHLBACH. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker, I realize the House wants to adjourn, and I want to adjourn with you, and I do not want to take up any time except to call the attention of the House to just one thing. While this bill is a great improvement over the present retirement law and will relieve in a measure the acute need of the present annuitants, it is not what it ought to be, and such as a Government like ours should provide. It defeats the very purpose of retirement. The annuity provided still compels the aged employees of the Government to seek still further extensions of employment beyond their competent days. But this is what I have taken the time for to call to the attention of this House, and that is the fact that there ought to be set up a commission that would give adequate study to the question of the Government's liability and recommend a policy whereby the Government should adequately meet the necessities of the case, which we can not do with this kind of legislation. There was a deficiency that had to be met by the Government when the retirement legislation was first enacted. The Government has made no provision whatever for meeting that deficit. It should be met, and it will save itself unnecessary expenditure for compound interest. This bill provides for a half-million Federal employees. It provides a greater measure of justice than any previous legislation, it is true, but it is not adequate to solve the problem we are trying to solve. I am confident that the Government employee wants to do his or her full share in making adequate provision. Let us meet our just share, thus producing content and efficiency. [Applause.]

Mr. JEFFERS. Mr. Speaker, we have only eight minutes more to yield and we have requests for that time, and I bespeak for these gentlemen the attention of the House. I yield one minute to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Speaker and ladies and gentlemen of the House, while this bill is not desirable in many respects to its friends, and is faulty particularly because it fails to

provide for several hundred thousand Government employees who are worthy, yet because it provides at least a half loaf, I congratulate the committee and I felicitate the Members of the House of Representatives [applause] and the great army of civil-service employees who will at least receive a great measure of relief through its enactment, that we are to pass the measure this afternoon. [Applause.] It also places our great Government in the position of being an honorable and a generous employer, willing to provide at least a financial pittance to retired employees in their declining years. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. MANLOVE].

The SPEAKER pro tempore. The gentleman from Missouri is recognized for two minutes.

Mr. MANLOVE. Mr. Speaker and gentlemen of the House, as a member of the Civil Service Committee of the House, which reported this bill to this body, I desire to make a few comments which I think are pertinent to the subject of retirement.

This bill is not the original recommendation of the House committee. After exhaustive hearings the committee, on April 5, 1926, favorably reported House bill 7, known as the Lehlbach bill, to the House.

Later on we were told that this bill, favorably reported on April 5, could not be enacted into law; therefore this bill now before us was reported by the committee, and it is my understanding that the action so taken meets with the approval of the legislative agents of the Government employees.

The provisions of this measure have been ably presented and discussed. I shall not again cover that ground at this time. What I do desire to do just now is to present a phase of the retirement subject which has been little discussed and in which little interest has been taken.

No comprehensive study of retirement pensions can be had without first considering the underlying principles. First of these, is the solicitude of the Government for the welfare of those who have grown old and superannuated or crippled in the service. [Applause.] Does the present law or the proposed law adequately meet those requirements? Not fully.

There is a small army of people who have served this Government in the classified and kindred services more than the required length of time and who, by reason of old age or injuries, have been separated from the service through no fault of their own, who do not receive 1 cent of retirement pension or pay. Let us investigate the situation.

When the present law became operative, over 6,000 employees who had never contributed 1 cent toward retirement pay immediately became annuitants, were disconnected from the service, and are enjoying the benefits of retirement pay. Well and good; but how about those who had served their Government equally long and faithfully who had been previously disconnected from the service? They get nothing, although the services are equally meritorious.

I am one man who believes that the framers of our Constitution believed in a square and impartial deal for every man and woman who pays allegiance to our flag. [Applause.]

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MANLOVE. I gladly yield to the gentleman from Texas.

Mr. JOHNSON of Texas. Let me say to the House that the gentleman from Missouri, now addressing the House, has repeatedly pressed this amendment with the committee, and that I am in hearty accord with his fight for an equal advantage to all.

Mr. MANLOVE. I thank the gentleman. Let us follow this retirement law a little further. All of those injured in the Government service prior to the passage of the present retirement and compensation laws get nothing under the provisions thereof. I have in my district, at Aurora, Mo., a constituent who was injured, through no fault of his own, while in the Government service. He has been a helpless cripple for 15 years. Let me ask you, my colleagues, if it is not in the heart of every one of you to help that man and all former Government employees likewise unfortunately situated? [Applause.]

Let us believe that this is a Government of equality and impartiality to all; not only expressed in patriotic speech but in the written letter of our law. [Applause.] I shall renew my fight until the ends of justice are met. [Applause.]

Mr. JEFFERS. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. OLIVER].

The SPEAKER pro tempore. The gentleman from New York is recognized for two minutes.

Mr. OLIVER of New York. Mr. Speaker, this bill is not even going to provide flowers for the graves of Government employees. [Applause.] I hope they will tell the women voters of the country that a lot of women have got to work until they are 70 years of age before they can get a button out of this bill. [Applause.]

Some of them are grandmothers and are broke in the attempt to support their grandchildren. When they are 70 they will not have many years to spend, nor does the bill give them much money to spend. This bill was written by somebody who took a blood temperature of zero. I do not believe that Commander Byrd has found anybody near the North Pole as cold-hearted as the man who really dictated the terms of this bill. [Applause.]

Think of it! Seventy years of age. There will not be 10 per cent of the Government employees who will reach that age. They will retire only after they are dead. In truth, this is a magnificent bill. An insurance company that wrote policies like this would be indicted for fraud. It is a tribute to the Republican Party. [Applause and cries of "Vote!"]

You gentlemen want to vote, but you do not know what the bill is about. [Laughter and applause.] It is the kind of bill you will vote for more easily if you do not know what is in it. [Cries of "Vote!"] Yes; hurry up and vote. Vote fast for it; for if you hesitate you will vote against it. [Cries of "Vote!"]

The SPEAKER. The time of the gentleman has expired.

Mr. JEFFERS. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER pro tempore. The gentleman from New York is recognized for three minutes.

Mr. LAGUARDIA. Mr. Speaker and gentlemen of the House, I do not approve of this method of legislating. [Applause and cries of "Vote!"]

Gentlemen, as I understand it, you are acting in this way because you are all hungry for your dinner. But do not forget that some of these superannuated employees will soon be hungry also, but they will have no dinner to go to. [Applause.] This is no bill to treat lightly. This is just a part of your false, paper economy. It is not economy when you keep a large number of superannuated employees in the service of the Government instead of retiring them on a decent allowance. These old employees to-day are compelled to remain in the service simply because they have nothing to live on. A man 70 years of age who has a wife to support can not live on $2.33 a day.

Take the case of an Army officer who may have been graduated from the Military Academy or may have been commissioned when he was 20 years of age; he retires from active service in 30 years on two-thirds pay and allowance. You take an employee in the civil service whose highest salary perhaps may have been $1,800, or it may be $2,000, and you want him to work until he is 70 years of age and take 3½ per cent of his salary from him and retire him on a mere pittance of $1,000 a year.

A MEMBER. He does not belong to the Army and Navy Club.

Mr. LAGUARDIA. Certainly. Every Member who spoke to-day on this bill and those who spoke on the previous bill has gotten up and said, "This is not the bill we wanted but we are going to take it."

We might as well turn over our certificates of election and leave a rubber stamp with the administration and go home to our districts. [Laughter and applause.] Yes; that may sound funny, but it is true, nevertheless.

It is unscientific to separate the cost of civil-service retirement and to figure on its annual cost. Retirement is just a part of the necessary cost of government. In this enlightened day the care of the aged and the right of the aged to live is part of the function of government. Some gentlemen may not agree with me on that. Yet I ask these gentlemen who are against civil-service retirement what is to be done with a superannuated Government employee? If he has worked his whole lifetime at a salary of $1,200 up to $1,800, or even $2,000, and has endeavored to raise a family and give the children an education, what can this old man and his poor old wife do when they become old? Do you want them to go to the poorhouse? Yet there seems to be no alternative. No one to-day finds fault with the retirement of Army officers and naval officers. You have grown accustomed to that. I will state frankly that I am not only in favor of proper retirement with a decent allowance for Government employees but I am in favor of an insurance fund, a compulsory fund for all employers to provide for superannuated employees. Oh, yes; that may sound radical. It was not many years ago that the suggestion of employers' liability laws and compulsory funds to pay employees who are

injured in the course of their employment was considered radical. It was not many years ago that some of the very gentlemen on the floor of this House to-day ridiculed and opposed in their States the enactment of employers' liability laws. But it is the law to-day in almost every State of the Union, and it is here to stay. And old-age pension is coming, and coming sooner than some of my conservative friends in the House anticipate.

Why, gentlemen, how can we stand up here and deprive or cut down the maximum allowance contained in the original bill of $1,200 down to $1,000 after having reduced the taxes of individuals hundreds of thousands of dollars each? How can we boast of our prosperity and our national wealth and permit loyal employees of the Government who have given their lifetime to the service of the Government to pass the remainder of their days in want? I submit that on the very figures of the Government on the cost of living a 70-year-old retired employee can not live on a thousand dollars a year. Besides, these employees are paying 3½ per cent of their salary to this fund, and the Government has not yet contributed its share to this fund, and it is wrong to cut down the allowance and increase the age and jam the bill through in this fashion.

I introduced during my first time in this House in the Sixty-fifth Congress a straight 30-year retirement bill. I believed then and I believe now that the same retirement rule applicable to the Army and Navy should apply to the civil-service employees of the Government. The cost should be charged each year in the appropriations of the departments as a part of the cost of government. The gentlemen may take this matter lightly to-day, but this problem will come back. It is not settled. It will not only come back for adjustment, but it is coming back as a matter of policy on the proper care of superannuated employees and citizens who have reached the age when they are no longer able to care for themselves. The day of the poorhouse, almshouses, and private charity is coming to an end. I may be a little ahead of the time, but not very long.

The day is also coming gentlemen when we will return to our representative form of government. And not very long from now the Members of the House will do the legislating and refuse to have any other branch of the Government do it for them. Two important bills, I say important because they effect human beings, because they mean the very life of thousands and thousands of human beings, were rewritten by the administration after they had been introduced in this House and reported favorably by legislative committees. And yet when we protest it is sought to belittle our protest. A change is coming and coming I hope real soon when the American people will insist that their Representatives do the legislating and that representative government shall be restored.

The SPEAKER. The time of the gentleman has expired.

Mr. JEFFERS. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The SPEAKER. The gentleman from Wisconsin is recognized for two minutes.

Mr. SCHAFER. Mr. Speaker, and gentlemen of the House, this is another bill which is no credit to the Republican Party. [Applause.]

Your committee report indicates that the increase in retirement benefits to the employees will be $7,456,092 annually and that the cost to the Government will be reduced $29,332 annually. By enacting the bill in its present form you are giving some employees benefit at the expense of others.

The original bill granting real financial benefit was reported out from the Civil Service Committee by a unanimous vote, and notwithstanding that fact we have before us to-day a deleted bill, which the committee itself admits will cost the Government less than under the present law. This is following the so-called economy program of the administration with a vengeance. The least Congress should do for these faithful Government employees is to enact the original bill.

This bill is now before us under suspension of the rules, with only 20 minutes debate on the side, with no opportunity to debate or amend under the five-minute rule. In my judgment, this is a gross betrayal of the rights of the multitude of Federal employees.

I feel confident that the Senate will pass the original bill and the House will then have an opportunity to vote for it, following a conference of the Senate and the House on the disagreeing votes. Therefore I shall vote for the bill in its present form, as a vote against it at this stage would preclude the passage of retirement legislation at this session. [Applause and cries of "Vote!"]

Mr. LEHLBACH. Mr. Speaker, just a moment in reply to what the gentleman from Wisconsin [Mr. SCHAFER] has said. I think the membership of this House knows that for several Congresses it has been my duty to pilot retirement legislation on its tortuous way here. I think I will be given credit for sincerity in my endeavor to secure adequate retirement legislation. [Applause.] I have agreed to pass the bill that is now before you because—knowing the situation in all of its ramifications—I tell you frankly it is this or nothing, and if anybody wants to fool himself with the idea that he can vote for this bill under suspension of the rules and then is going to get some other bill out of conference he might as well here and now disabuse his mind. As far as I am concerned—and I am doing this for the best interests of those who seek to profit under the retirement system—it is this or nothing. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New Jersey to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted:

To Mr. PARKS, for to-day, on account of sickness in family.

To Mr. SMITHWICK, for two weeks, on account of important business.

To Mr. WEFALD (at the request of Mr. CARSS), for two days, on account of important business.

SPEECH OF HON. ROBERT L. DOUGHTON, OF NORTH CAROLINA

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered by my colleague, R. L. DOUGHTON, over the radio on Saturday last.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks by printing in the RECORD the speech delivered by his colleague [Mr. DOUGHTON] over the radio last Saturday. Is there objection?

There was no objection.

Mr. WEAVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by my colleague, the gentleman from North Carolina [Mr. DOUGHTON]:

Mr. DOUGHTON. Ladies and gentlemen of the radio audience, this being my first effort in the way of a public address over the radio, I will first send greetings to the people of my district and the State of North Carolina and express to you my gratitude and appreciation of your oft-expressed and long-continued loyalty and confidence.

The first session of the Sixty-ninth Congress is nearing a close and the record will soon be submitted to the electorate of the Nation for its approval or rejection.

It is well known to you all that the Republican Party is in control of each branch of the National Government; therefore party responsibility rests upon the Republican Party, while on the Democratic Party there is only that responsibility which always goes with the minority; also with each individual Representative there is a personal responsibility that must be accounted for.

During my 15 years as a Representative in the Congress I have never known party lines so indistinct and the absence of party strife so manifest.

The Democratic Party, being always patriotic and preferring the country's welfare above party welfare, has in no manner attempted to play politics or seek partisan advantage, but has cooperated in an earnest and faithful endeavor to enact wise, wholesome, and salutory legislation, and to assist by every honorable means in reducing taxes and bringing them to the lowest level consistent with efficient governmental service.

Under the Constitution of the United States all measures for the raising of revenue and all appropriation bills must originate in the House of Representatives.

The Committee on Ways and Means, of which I have the honor to be a member, presented on the opening day of this Congress, in an unanimous report, a bill for the reduction of Federal taxes. The bill speedily became a law and gave substantial relief, either directly or indirectly, to all the people.

The amount of reduction contained in this bill was about $387,000,000. This was something new in legislation, as never before in peace time was a tax bill considered, prepared, and reported free from partisanship. This, in my judgment, records a distinct step forward in legislative procedure and, if continued, will work to the great advantage of the American people.

The record of the Democratic Party in this Congress will justify the statement that we have left no honorable means unemployed, first, to reduce Federal taxes to the lowest possible level consistent with progressive and efficient government and, second, to prevent all extravagant appropriations.

Wisdom suggests that in all the affairs of life things should be considered in the order of their importance. The most important matter now before the Congress is that of enacting some legislation for the relief and benefit of agriculture.

For more than five years the Republican Party has been in full control of every branch of our Government, and its policies touching every industry of the Nation have been written into law.

However, agriculture, which is conceded by everyone to be the most fundamental, basic, and necessary industry, has never been so thoroughly demoralized and so completely paralyzed. The protective tariff laws now on the statute books, placed there by the Republican Party and guaranteed to produce agricultural prosperity, have signally and completely failed.

In the last five years the farms of America have declined in value at least $30,000,000,000. The indebtedness of the farmer to-day is more than $12,000,000,000, an increase of about eight billions in the last five years, making the farmers of America at least $38,000,000,000 poorer than they were on the 4th of March, 1921, when Mr. Harding was inaugurated President.

Farm failures during the last five years have increased 1,000 per cent in contrast with commercial failures. The direct losses on the crops produced have been many billions more. A larger number of American farms and homes are under mortgage to-day than ever before in the history of the country. More bank failures have occurred in agricultural sections of the country in the last five years than had occurred in 25 years preceding that date.

From 1916 to 1920, inclusive, under a Democratic administration, the number of State-bank failures was 117 and the number of national-bank failures for the same period was 28; total for the five-year period, 145. While for the last five years, 1921 to 1925, inclusive, the number of State-bank failures was about 1,800 and the national-bank failures for the same period 338, making a total of 2,138 under a Republican administration for five years against 157 under Democratic administration for the same length of time. These figures do not include the failures of private banks, but they show about the same ratio. It is also a significant fact that most of these failures were in the agricultural sections of the West and the South.

During the last five years the number of farmers that have lost their homes and been driven to the towns and cities to seek other employment is appalling.

In 1921 more than 15,000 farmers went into bankruptcy; in 1922, 22,500; in 1923, 34,000; in 1924, 41,500; and in 1925 it is said that about 750,000 moved away and left the farm.

Deeds and not words, performances and not promises, are the acid tests by which a party's friendship and service to the farmer must be determined. By their fruits they are known.

Contrast is the fairest means known by which to determine relative values; therefore I shall now proceed to mention some of the substantial legislative achievements of the Democratic Party in behalf of the farmer.

It was under the administration of Grover Cleveland that the Department of Agriculture was ordained and created, and the first Secretary of Agriculture was Norman J. Coleman, who served until the beginning of the Harrison administration, March 4, 1889. The benefits that have come to agriculture through this great department are too numerous to mention in a brief address.

The Rural Delivery Service is another one of the achievements of the Democratic Party, under the Cleveland administration, in behalf of the farmer, and has proven a powerful adjunct or agency in the spreading of knowledge and providing facilities for rural benefit and rural uplift.

Senator Watson, a Democrat, of Georgia, was the author of this legislation. The first rural routes were put in operation in Halltown, Uvilla, and Charles Town, W. Va., on October 1, 1896.

The parcel post law, which has emancipated the farmer from the extortionate charges of the express companies, is another Democratic performance inaugurated under the administration of President Wilson. It was the Democratic Party that first extended a helping hand to the farmer in the rural sections of the country by placing on the statute books the first law ever written to aid in the construction of a system of national highways. Since the enactment of the good roads law in 1916 more than $600,000,000 have been spent by the Federal Government in the building of a nation-wide system of good roads. This movement has been a great incentive and stimulus in encouraging the people of the various States to help themselves, and as a result we have a splendid system of national highways. This has perhaps been the greatest single blessing to the entire country of any legislation enacted within a generation.

Nor, my friends, is this all. It was through the wisdom of the Democratic Party and its interest in the farmer that the Federal farm loan law was enacted, giving credit facilities to agriculture never previously enjoyed.

Under these wise and helpful statutes enacted by the Democratic Party in behalf of agriculture the farmer was prosperous, contented, and happy, until the advent of the Republican administration, since which time he has been on the downward grade at a rapid rate.

I am unable to think of anything done by the Republican Party in behalf of the farmer worthy to be contrasted or compared with the things I have mentioned.

The farmer could and would have carried his own load without grumbling or complaint if he had not been forced to carry the load of others, but having been made the object of discrimination and injustice by the favoritism shown other industries and the burdensome laws placed upon the statute books by the party now in power, he finds himself at the door of Congress begging and imploring that some substantial relief be extended to him and that he be placed upon a parity with labor and industry, giving him the same showing in the race of life with other callings.

The fact is, the farmer has been gored almost to death by the cruel and avaricious horns of special privilege, and left mangled and bleeding in his own field, while producing the staff of life for the Nation. What he needs is, that the millstone of discrimination be removed from about his neck, and if this were done he would arise from the slough of despond and the dead sea of despair and proceed on his way to the goal of contentment, prosperity, and happiness.

The farm has ever been recognized as the main source of our national wealth as well as the foundation of civilized society. The family on the farm, contented and happy, is the Nation's most valuable asset. "From this source we get the political oxygen necessary to purify our blood, strengthen our courage, and maintain our national independence."

In the late World War every nation engaged in the mighty conflict recognized the importance of an adequate food supply. This was what caused the Germans to engage in a submarine war, and that was what drew us into the conflict. Germany was making a desperte struggle to starve England and France; and had we not gotten into the fight and enlarged our transportation facilities whereby we could supply England and France as well as our own Armies with food, Germany would doubtless have won the war. Notwithstanding the great valor and intrepid courage of our soldiers, in the last analysis they could not have succeeded in crushing the iron heel of German despotism had they not been backed up and supported by the American farmer.

If it were in my power I would convince everyone of what I conceive to be a solemn fact, and that is that the future destiny, success, or failure of our Nation is inseparably interwoven with the success or failure of agriculture.

Now, in discussing and accentuating the importance of agriculture in our national life do not understand me to disparage or underestimate the importance of other employments. I would give to each its proper place in our social, industrial, and economic system.

Without manufacturing, mining, commerce, and the other necessary industries, farming would be a dull and unprofitable employment; but what I mean to impress, if I can, and what I would write indelibly in your minds is the serious, solemn fact that as agriculture grows and prospers our Nation will grow and prosper; but if agriculture languishes and dies, then the fall of our Republic is inevitable. He who has failed to learn this important fact has either not studied the history of the past or has overlooked its most important lesson.

There is nothing so vital to the Nation's existence as the production of a sufficient and adequate food supply; therefore, the future perpetuity of our Nation is largely in the hands of the American farmer.

The history of the Roman Republic teaches us many important things. It was the greatest republic, save our own, of which history gives any account. Art, literature, science, philosophy, in fact, all learning arose to heights prior to that time unknown to the history of the world, and civilization achieved its most important victory.

In the early days of the Roman Empire the most honorable employment and the one recognized above all others was that of farming. Rome grew rich, mighty, and powerful, and while agriculture retained its proper place in the economic structure of that mighty empire, the Roman armies were invincible and the subdued nations of the world poured their revenues in to the Roman treasury. When the farms began to be deserted and were depleted of their virile and intellectual population and agriculture was left in the hands of the least intellectual and least enterprising the moral fiber of the empire began to weaken. In every city there was entertainment provided for the people at public expense, farms were deserted, and the sources of moral renovation were poisoned. The land was monopolized by the few, and when the day of trial came it was found that Rome was built upon a foundation of sand and her strength and power of resistance were gone, and she became an easy prey, due to her own weakness, pride, and sensuality, to the attacks of the northern hords, which swept down upon her, and great was her fall.

My friends, is the history of the past to teach us nothing? If we are to avoid a national calamity we must direct our ship of state clear of the rocks and shoals that have wrecked the mariners of the past. The most transcending question, in my judgment, now before America is the finding of a solution of our agricultural problems. It is to be hoped, however, the present Congress, before it adjourns, will enact some legislation putting the farmer on an equality with industry and labor, that he may continue to serve and save the Nation. He asks nothing more and should receive nothing less.

EMPTY FAILURE OF "WETS" IN SENATE HEARINGS

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, printed last week in the Chicago News, concerning the recent prohibition hearings before the Senate committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his own remarks, printed last week in the Chicago News, concerning the recent prohibition hearings before the Senate committee. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker, under leave granted me by the House to extend my remarks, I present herewith in the RECORD my comment on the "wet" side of the recent prohibition hearings before the Senate committee, written at the request of the Chicago Daily News.

But as a sort of introduction I first give my answer to a press correspondent who asked my prophecy as to the outcome when these hearings were first announced—a prophecy which I am more than content to stand as history since those hectic hearings are over.

I said then that the unreliable, get-nowhere straw ballots and the pitiful performances of the "wets" during the hearings which they demanded made me think of the comment of the old Indian chief on a long and pointless speech:

"Heap much wind—big dust—no rain!"

The following article, with that paper's own headlines, appeared in the Chicago News of Wednesday, May 12, 1926:

PRESENT RUMBLING DEATH THROE OF LIQUOR FORCES, SAYS UPSHAW—GEORGIA CONGRESSMAN ASSERTS DRYS ARE "GETTING MAD" AND SOON WILL BE OUT AFTER SCALPS OF WET CONGRESSMEN—DECLARES EXTRAVAGANCES OF TESTIMONY BEFORE COMMITTEE WILL STIR PUBLIC AGAINST EVEN THE MODERATE LIQUOR MEN

By WILLIAM D. UPSHAW, Representative in Congress, Democrat, fifth district, Georgia

Liquor dies hard. The contortions of its death agony make the gruesome compendium of a comedy in politics and a tragedy in patriotism.

The Senate hearings on certain beer bills in particular and prohibition in general came as a mandate from the leftover liquor appetite on practical politics and a strained concept of that intangible something—that indefinite piece of parliamentary elasticity known as "senatorial courtesy."

Three United States Senators, duly certified as Members of the highest lawmaking body in the world, had come forth with clashing programs as to procedure but with the one palpable objective as to New Jersey and Maryland wetness for the political consideration of "home consumption."

Everybody knew this—the Senate, itself overwhelmingly dry, knew this even better than the public. But the wet proponents were Senators—hence the hearings.

And what of the net result of the three weeks of clash and clatter—of crowded, feverish committee rooms, of affirmations and rejoinders, of retort and repartee, of oodles of spicy copy for resourceful press correspondents, of flaming headlines on the front pages of every daily newspaper in America—what permanent asset for the wets who brought it on?

In the answer of the pestered "pa" whose gay daughter at the seashore had wired him for more money, "There ain't any." No bills in this Congress and less prospect in the next. That is the wet hope—the deepening wet despair. For the net result to the drys in the bleachers and out in the grandstand is the nation-wide awakening from complacent security into the flaming enthusiasm of militant citizenship.

DRYS ARE "GOOD AND MAD"

When the drys sleep their snores are sonorous, while sirens sing and dance and wink at their amiable docility, but when they do wake up and get "good and mad" they won't elect any man who has the smell of liquor on his personal or political garments. And now they are "good and mad."

The wanton wets have done it, and it will not be long until these same wets will wish they hadn't.

EDGE and his elusive escapades, EDWARDS and his ephemeral emptiness, BRUCE and his bungling bravado, and REED with his rasping rantankerousness—oh, my countrymen—it was too much for the sheltered seclusion, the balm and calm of "Old Man Peepul."

His sword is unsheathed, smoke is in his nostrils and fire is in his eye as he rushes forth to battle. Before all this wet noise of indeterminate straw ballots and the wild extravagance of certain blundering, brutal wet testimony a good many "good fellows" who have been moderately dry or "decently wet" might have been allowed to get by next time purely on personal grounds.

But now no more forever!

PEOPLE ARE AROUSED

"Old Man Peepul" is so aroused by the unpatriotic defiance of the wets and by their spineless proposal for an abject surrender to the demands of liquor drinkers and bootleggers that he feels very much like the old Confederate officer down at Mobile when he said to the brilliant and fearless man who made the closing argument for the drys: "Wayne Wheeler," he said, "they tell me that a lot of them fellers up around New York, Chicago, and Boston are trying to secede from the constitutional union so they can get all the liquor they want. By gum, we settled that thing more'n 50 years ago, and if they fool with me I am gonna call out my old company and go up there and whip the devil out of 'em again!"

FATAL MISTAKE OF WETS

The fatal mistake that the thirsty wets are making is to imagine, because of the countless columns of space accorded their side in the straw votes and the Senate hearings, and also from the ultra "damp" atmosphere that they daily breathe, that they are making serious inroads upon the great sober masses of America.

They are like the man surrounded by ice in the arctic regions who imagines the earth is frozen from pole to pole.

They think that wet New York, wet Boston, wet Baltimore, and wet Chicago are mighty big and powerful, but they forget that dry America is infinitely bigger, and every time the people—the millions of sober militant Americans—get the idea that these big wet centers, largely dominated by foreignized and un-American sentiment, are trying to trample the Constitution and defy the flag these sober masses close ranks, move in and capture a few more wet outposts and send a few more dry men to Congress.

Thus the wet hope dims and their fatal suppositions vanish into thin air. For, be it remembered, that straw ballots (when few people vote except protesting and repeating wets) and wet beer bills before an increasingly dry Congress, stage nothing more nor less than political impotence and moral tragedy before the impregnable majesty of constitutional law.

WETS ARE FORCING UPROAR

Gen. George Brennan told one commendable truth when he recently declared that the wet and dry issue will not down, and that it must be reckoned with in the next national campaign.

Sure. But the wicked wets who have refused to give the prohibition law a square deal will make it so; and while their blind folly may, perhaps, succeed in wrecking the Democratic party for the third time (God forbid) they will find that the overwhelming majority of the aroused, militant sober masses of America will smash every jug and break every bottle in their foolish and futile program.

For the comfort of a few nervous drys who may be disturbed by straw votes and wet hearings, I remind them of the ringing words of Congressman SINNOTT to an anxious constituent:

"The waves that have been beating on Gibraltar for ages are 'wet'—but the rock still stands."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 7554. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes;

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at the Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926;

S. 41. An act to encourage and regulate the use of aircraft in commerce, and for other purposes;

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park, in the State of Kentucky, and for other purposes; and

S. 4073. An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes.

CONFERENCE REPORT—AMENDMENT OF THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I present a conference report on H. R. 10055 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

The SPEAKER. Ordered printed.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 18, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 18, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON DISTRICT OF COLUMBIA

(10.30 a. m.)

Amending subchapter 5 of the Code of Law of the District of Columbia as amended to June 7, 1924, relating to offenses against public policy (H. R. 8989).

To regulate the manufacture, renovation, and sale of mattresses in the District of Columbia (H. R. 9462 and S. 3148).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To relieve postmasters and postal employees from liability for losses of customs funds in certain cases (H. R. 3841).

To authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks (H. R. 10132).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md. (H. R. 11078).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

EXECUTIVE COMMUNICATIONS, ETC.

514. Under clause 2 of Rule XXIV, a letter from the United States district attorney, Indianapolis, Ind., transmitting request for the appearance of Hon. Fiorello H. LaGuardia, a Representative in Congress from the State of New York, before the Federal grand jury at Indianapolis, Ind., to give evidence concerning 350 cases of intoxicating liquor removed from the Federal building at Indianapolis, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10933. A bill to amend section 563 of the tariff act of 1922, without amendment (Rept. No. 1222). Referred to the Committee of the Whole House on the state of the Union.

Mr. DRIVER: Committee on the Public Lands. S. J. Res. 46. A joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; without amendment (Rept. No. 1232). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. S. Con. Res. 17. A concurrent resolution to print 10,000 additional copies of the hearings held before the Committee on the Judiciary of the Senate on the modification of the national prohibition law (Rept. No. 1224). Ordered to be printed.

Mr. KIESS: Committee on Printing. S. Con. Res. 12. A concurrent resolution to provide for the printing of the Constitution of the United States, as amended, to April 15, 1926, together with the Declaration of Independence, as a Senate document (Rept. No. 1225). Ordered to be printed.

Mr. SNELL: Committee on Rules. H. Res. 268. A resolution providing for consideration of H. R. 11616, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 1226). Referred to the House Calendar.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 6572. A bill to modify and amend the mining laws in their application to the Territory of Alaska; without amendment (Rept. No. 1233). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHEELER: Committee on Military Affairs. H. R. 820. A bill for the relief of James K. P. Welch; with amendment (Rept. No. 1218). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5593. A bill for the relief of William H. Dotson; without amendment (Rept. No. 1219). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on the Public Lands. H. R. 10369. A bill authorizing the sale of lot 2, in square 1113, in the District of Columbia, and the deposit of the net proceeds in the Treasury; without amendment (Rept. No. 1220). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on the Public Lands. H. R. 10980. A bill to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo.; with amendment (Rept. No. 1221). Referred to the Committee of the Whole House.

Mr. DRIVER: Committee on the Public Lands. S. 3571. An act for the relief of Ada Brown-Hopkins; without amendment (Rept. No. 1227). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4361. A bill for the relief of the McHan Undertaking Co.; without amendment (Rept. No. 1228). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 7540. A bill for the relief of Edward F. Welskopf; without amendment (Rept. No. 1229). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10035. A bill for the relief of Albert H. Hosley; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 10728. A bill authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R.; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (S. 3464) authorizing certain officers of the United States Navy to accept from the Republic of Chile the order of Al Mérito, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 12203) granting the consent of Congress for the construction of a bridge across that part of the Mississippi River known as Devils Chute, between Picayune Island and Devils Island, Alexander County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND of Georgia: A bill (H. R. 12204) to amend section 5236 of the Revised Statutes of the United States giving preference in the payment of dividends collected from the shareholders, subject only to any claims the United States may have on account of any deficiency in redeeming the notes of such association, to depositors of insolvent national banks and of branches of national banks, and to depositors of insolvent State banks now members or which may hereafter become members of the Federal reserve system; to the Committee on Banking and Currency.

By Mr. MORROW: A bill (H. R. 12205) relating to patents issued pursuant to decree of the court of private land claims; to the Committee on the Public Lands.

By Mr. NEWTON of Missouri: A bill (H. R. 12206) to amend section 4 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," entitled "The food and drugs act of June 30, 1906"; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 12207) authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island; to the Committee on the Library.

By Mr. REID of Illinois: A bill (H. R. 12208) granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across the Fox River in Dundee Township, Kane County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 12209) to protect the Government and the public from shortages of coal; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A bill (H. R. 12210) providing penalty for escaping prisoners; to the Committee on the District of Columbia.

By Mr. HOGG: A bill (H. R. 12211) to amend section 4069 of the Revised Statutes; to the Committee on the Post Office and Post Roads.

By Mr. KELLY: A bill (H. R. 12212) authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities; to the Committee on Naval Affairs.

By Mr. WOODRUFF: A bill (H. R. 12213) authorizing the Secretary of the Interior to accept on behalf of the United States title to certain lands adjoining the Michigan National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. SCOTT: A bill (H. R. 12214) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: A bill (H. R. 12215) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 12216) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, as amended by the act of May 31, 1924; to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 12217) relating to appointment of trustees and committees; to the Committee on the District of Columbia.

Also, a bill (H. R. 12218) to amend sections 1125 and 1127, chapter 31, of District of Columbia Code; to the Committee on the District of Columbia.

By Mr. McSWAIN: A bill (H. R. 12219) to regulate the manner of purchasing aircraft, aircraft parts, and aircraft accessories by the War Department, and to encourage the aircraft industry; to the Committee on Military Affairs.

By Mr. SNELL: Resolution (H. Res. 268) providing for the consideration of H. R. 11616, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rules.

By Mr. BOYLAN: Resolution (H. Res. 269) authorizing the Secretary of State to furnish the House of Representatives information regarding the expulsion of a citizen of the United States; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the municipal government of Cagayan Province of Misamis, Philippine Islands, favoring the passage of the bill introduced by Senator KING giving freedom to the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 12220) granting an increase of pension to Phebe V. Allcot; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12221) granting a pension to Harry E. Black; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12222) granting a pension to Emma L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12223) granting an increase of pension to Mary E. Beckley; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 12224) granting an increase of pension to Sarah A. Brown; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 12225) granting an increase of pension to Olive Christy; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 12226) granting a pension to Addie Stephenson; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12227) granting an increase of pension to Emma E. Trexler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12228) granting an increase of pension to Rebecca E. Stamm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12229) granting an increase of pension to Ellen Yeager; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 12230) for the relief of J. A. Lemire; to the Committee on Claims.

By Mr. FORT: A bill (H. R. 12231) granting a pension to Mary Shapiro; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 12232) granting an increase of pension to Anna M. Goodrick; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 12233) granting an increase of pension to Fannie L. Powers; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 12234) granting an increase of pension to Lucretia Knoblock; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12235) granting an increase of pension to Electa Bancroft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12236) granting an increase of pension to Oliver H. P. Beagle; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 12237) granting a pension to Rachel J. Crawford; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 12238) granting an increase of pension to Margaret E. Parker; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12239) granting a pension to Catherine Herdner; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 12240) granting an increase of pension to Aliabeda B. Kirkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12241) granting an increase of pension to Beulah Elizabeth Pennell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12242) granting an increase of pension to Sarah Sinley; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 12243) granting an increase of pension to Susan White; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 12244) granting a pension to Martha Peve; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 12245) granting an increase of pension to Eliza E. McNeill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12246) granting an increase of pension to Alicia Ralston; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12247) granting an increase of pension to Nannie McClellan Chase; to the Committee on Pensions.

By Mr. LINEBERGER: A bill (H. R. 12248) granting an increase of pension to Ida Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12249) granting an increase of pension to Asenath W. Wood; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12250) granting an increase of pension to Eliza J. Strausbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12251) granting an increase of pension to Frances Elizabeth Myers; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 12252) granting an increase of pension to Sarah C. Price; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12253) granting an increase of pension to Jennie Barker; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 12254) for the relief of Harry E. Stevens; to the Committee on Military Affairs.

By Mr. REID of Illinois: A bill (H. R. 12255) granting a pension to Margaret Springsteen; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 12256) granting an increase of pension to Margaret E. Shoemaker; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 12257) granting an increase of pension to Anna F. Baugh; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 12258) granting an increase of pension to Mary Baker; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 12259) granting an increase of pension to Florence F. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12260) granting a pension to James Shaw; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2197. Petition of sundry citizens of the State of Massachusetts, opposing the passage of all legislation requiring the registration, etc., of aliens; to the Committee on the Judiciary.

2198. By Mr. BOYLAN: Resolutions adopted by Ascension Branch, Holy Name Society, of the Archdiocese of New York, on Mexican situation; to the Committee on Foreign Affairs.

2199. By Mr. COOPER of Wisconsin: Memorial of Assembly No. 113, R. a GR. K. T. S. J. Sokol, Kenosha, Wis., protesting against the enactment into law of certain bills pending before the House Committee on Immigration and Naturalization, which petitioners declare would work a hardship upon certain alien immigrants now in this country; to the Committee on Immigration and Naturalization.

2200. By Mr. W. T. FITZGERALD: Petition of National League of Women Voters, protesting against modification of the eighteenth amendment, demanding more stringent enforcement of the law, and recommending that officers in the Prohibition Unit be placed on civil service; to the Committee on Alcoholic Liquor Traffic.

2201. Also, petition of Calvin E. McKinley and sundry others, Medical Corps, requesting enactment of the Johnson bill for World War veterans' relief, and for enactment of provisions looking toward betterment of service in the Medical and Dental Corps; to the Committee on World War Veterans' Legislation.

2202. By Mr. GALLIVAN: Petition of West Disinfecting Co., 145 Washington Street north, Boston, Mass., protesting against the Griest bill, H. R. 10823; to the Committee on Interstate and Foreign Commerce.

2203. By Mr. GIBSON: Petition of sundry citizens of Vermont, protesting pending legislation providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2204. By Mr. KINDRED: Petition of 1,400 delegates to the third national convention of Izaak Walton League, opposing $1 Federal tax for hunters, favoring State control of fish and game, and objecting to Federal game wardens controlling sports in 3,000 counties of our 48 States; to the Committee on Agriculture.

2205. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring the passage of S. 66, but recommending that the bill be amended to provide that the authority given in the bill to the Secretary of Commerce be vested in a committee in place of a single official, and that foreign-trade zones be established, operated, and maintained by the Federal Government and not by public corporations; to the Committee on Interstate and Foreign Commerce.

2206. Also, petition of Harper Bros., of New York City, favoring the McKellar bill for reduction of second-class rates to the 1920 basis; to the Committee on the Post Office and Post Roads.

2207. Also, petition of Col. E. A. Simmons, of New York City, favoring the passage of the McKellar bill for the reduction of second-class postage to 1920 rates; to the Committee on the Post Office and Post Roads.

2208. Also, petition of Will H. Dilg, founder Izaak Walton League, opposing the $1 Federal tax for hunters, favoring State control of fish and game, and objecting to Federal game wardens controlling sports in 3,000 counties of the 48 States; to the Committee on Agriculture.

2209. By Mr. WILLIAMSON: Petition of Mrs. W. D. Camery and 99 other citizens of New Underwood, S. Dak., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

2210. By Mr. YATES: Petitions of Mason County Bankers' Association, Havana, Ill.; the Delavan County Community Club, Delavan, Ill.; Emden Commercial Club, Emden, Ill.; Whiteside County Farm Bureau, Morrison, Ill.; the Piatt County Farm Bureau, Monticello, Ill.; Emil Sandel, secretary Logan County Farm Bureau, Lincoln, Ill.; Charles P. Powers, Springfield, Ill.; Brown County Farm Bureau, Mount Sterling, Ill.; Iroquois County Farm Bureau, Watseka, Ill.; Galesburg Chamber of Commerce, Galesburg, Ill.; Adams County Farm Bureau, by its secretary, Fred Simon, Liberty, Ill.; Farmers' Cooperative Terminal Association, St. Paul, Minn., urging support of the Haugen agricultural bill, H. R. 11606; to the Committee on Agriculture.

2211. Also, petitions of Ford County Farm Bureau, Gibson City, Ill.; Grundy County Bankers' Association, Morris, Ill.; Whiteside County Farm Bureau, Morrison, Ill.; Christian County Farm Bureau, Taylorville, Ill.; A. N. Hall, route 4, Jacksonville, Ill., member of Morgan County Farm Bureau; Brown County Farm Bureau, Mount Sterling, Ill.; H. C. Voris, editor of the Republican, and 22 citizens of Monroe County, Waterloo, Ill.; also Charles V. Dalkert, editor of Waterloo Times, Waterloo, Ill., urging support of the Haugen bill, H. R. 11606; to the Committee on Agriculture.

SENATE

TUESDAY, *May 18, 1926*

(Legislative day of Monday, May 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Robinson, Ind.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	Lenroot	Schall
Borah	Frazier	McKellar	Sheppard
Bratton	Gerry	McMaster	Shipstead
Broussard	Gillett	McNary	Shortridge
Bruce	Glass	Mayfield	Simmons
Butler	Goff	Means	Smoot
Cameron	Gooding	Metcalf	Stanfield
Capper	Greene	Moses	Steck
Caraway	Hale	Neely	Stephens
Copeland	Harreld	Norbeck	Swanson
Couzens	Harris	Norris	Trammell
Cummins	Harrison	Nye	Tyson
Curtis	Heflin	Oddie	Walsh
Dale	Howell	Overman	Warren
Deneen	Johnson	Pine	Watson
Dill	Jones, N. Mex.	Pittman	Weller
Edge	Jones, Wash.	Ransdell	Wheeler
Edwards	Kendrick	Reed, Mo.	Williams
Ernst	Keyes	Robinson, Ark.	Willis

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

STANDARDS FOR HAMPERS, ETC.

Mr. HARRISON. Mr. President, I ask unanimous consent to enter a motion to reconsider the vote by which the bill (S. 3926) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was passed. It is a bill that was passed a week ago Monday night, when we took up the calendar.

Mr. LENROOT. Mr. President, I did not hear the request of the Senator from Mississippi. What is the bill to which he refers?

Mr. HARRISON. It is a bill which was reported out of the Committee on Coinage, Weights, and Measures, which seeks to fix standards for hampers, round-stave baskets, and so forth. There has been a good deal of controversy about this piece of legislation. I have no desire to delay unnecessarily the legislation, but I did want to look into it before it was finally passed.

Mr. McNARY. Mr. President, the Senator spoke about a certain committee. The bill was reported out of the Committee on Manufactures of the Senate.

Mr. HARRISON. Yes; but it was reported in the House from the Committee on Coinage, Weights, and Measures.

Mr. McNARY. Is the Senator asking unanimous consent for a reconsideration of the vote by which the bill was passed?

Mr. HARRISON. I have asked that my motion for a reconsideration shall be entered. Then I shall follow that with a request for a return of the papers from the House.

Mr. McNARY. I do not think the motion will lie. It comes too late.

The VICE PRESIDENT. The Senator from Mississippi has asked unanimous consent.

Mr. McNARY. He said he was filing the motion, I understood.

Mr. HARRISON. I asked unanimous consent that I might be permitted to enter my motion to reconsider the vote by which the bill was passed.

Mr. McNARY. I shall not object. I think it very fair that the Senator may have an opportunity to look into it, provided, however, that the Senator will agree to take up the matter during the present session of Congress.

Mr. HARRISON. I shall have no objection to taking it up during this session of Congress.

Mr. McNARY. At a reasonable time when the calendar is called?

Mr. HARRISON. Yes; I want to look into it.

Mr. McNARY. Very well.

Mr. HARRISON. As a matter of fact, I did not know that the bill had been reported by the committee.

The VICE PRESIDENT. Without objection, the motion to reconsider the vote by which the bill was passed will be entered.

Mr. HARRISON. I now move that the House be requested to return the bill to the Senate.

The motion was agreed to.

ADDRESS BY SENATOR PITTMAN ON "THE UNITED STATES AND RUSSIA"

Mr. SWANSON. Mr. President, on May 15, 1926, at Philadelphia the senior Senator from Nevada [Mr. PITTMAN], a member of the Foreign Relations Committee, delivered a very interesting, forceful, and able address before the American Academy of Political and Social Science regarding the relations which the United States should have with Russia. I ask unanimous consent that that address be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

Governor Ritchie, members of the American Academy of Political and Social Science, and distinguished guests, through your courtesy, I have been allotted 15 minutes of your valuable time to discuss the question, Shall the United States extend diplomatic recognition to the Soviet Government of Russia?

Why should we refuse to recognize her? Our relations with Russia are friendly. We are imbued with the highest admiration for the mental and physical virility of her people. Our sympathies are deeply touched by the fortitude and patience with which they meet suffering and death attending their governmental evolution. We believe that they will work out their destiny through those means and instrumentalities that are adapted to the peculiar characteristics of the race. That they will become a powerful factor in the world we have no doubt.

The resources of Russia are vast and enticing. Russia even now is carrying on a larger trade with America than with any other country, and that trade may be increased if we extend diplomatic recognition to the Soviet Government. It is even suggested that a threat against peace hangs over our heads unless we extend such recognition.

All of these things may be true, but they do not, in my mind, constitute the determining factors. The great question involved is one not of expediency but of principle. What is the attitude and conduct of the Soviet Government toward our people and our Government? That is the decisive question. So that my views on this subject may be better understood let me give my idea of the form of government in Russia.

The real Government of Russia is the Communist Party. There is no other voting party. Out of the 180,000,000 of Russian people the Communist Party consists of only a few hundred thousand of selected supporters of the rulers. Some of the principles of the Communist Party are well known. They denounce every form of existing government save their own as a capitalistic government and as unworthy to exist. They unhesitatingly proclaim that through the Third International and other agents they seek to destroy all other forms of government and substitute in their stead their own system. A few rulers dominate the Communist Party. These rulers organized and dominate the Soviet Government. These rulers organized and dominate the so-called Third International, which is the instrument of the Communist Party, to spread propaganda throughout the world. The Soviet Government supports the Third International. The present Soviet Government is the antithesis of our Government. They believe in control by minorities. We believe in control by majorities. They believe in control through force of arms. We believe in government through respect for law. We hold to the doctrine that it were better that many who are guilty should escape than that one innocent person should suffer punishment.

The Soviet Government has destroyed thousands of innocent persons in their determination that not one that they deemed guilty might escape. The Communist Party, in its fanaticism, has made slaves of its people, brought on famine, deluged their great country with atheism, blood, and death that the millions of people of Russia and the hundreds of millions throughout the world might be made to bow to their will.

And yet I must confess that, as much as I abhor such a government, my firm belief in the wisdom of recognizing de facto governments would impel me to advocate the recognition of the Soviet Government were it not for the conduct of such government toward our Government and our people.

I have outlined my understanding of the Communist system of government in Russia and the character of rulers that dominate that government. Now, let use see what has been their conduct toward our people and our Government, and toward all of the people of the world and of all the other governments deemed worthy of attack.

The Soviet Government has confiscated the property of our citizens without compensation, and at a time when we were at peace with the Russian Government. They have ridiculed the moral principle of international law, upon which the just claims of our citizens are based. They have attempted to organize violent revolutions in our country to the end that our Government might be destroyed and in its place substituted their abhorrent communistic system. They infiltrated through Italy during the war. Even then they started their propaganda. In the throes of reconstruction after the war they aroused Italy to an anarchistic state. They were about to succeed. But one thing prevented the establishment of the power of the Communist Party in Italy, and that was the counter revolution started by Mussolini, and which ended in another but different kind of dictatorship. France, Germany, and England have been fighting constantly the propaganda and machinations of the Communist Party of Russia.

But we do not have to go back even so far for a view of their actions. All of us have been watching with deep concern the momentous struggle still going on in England. So far it has been a peaceful, economic revolution. However, it seemed to have no other end than a governmental revolution. Is there any doubt that the Communist Party of Russia has already attempted to turn that peaceful economic revolution into a violent political revolution? Is there any doubt that the leaders of labor unions in England have been fighting to maintain control of their followers as against leaders of the Communist Party? Is there any doubt that the Communist Party would already have accomplished such purpose had it not been for the homogeneity of the English people, the sturdy, stubborn character of their manhood, and the love of old England, its traditions and institutions by the humblest subject equal to that of the highest? Is there not a lingering fear that if the great contest, attended with poverty, starvation, and suffering, continues that this persistent force may yet undermine the strength and manhood of England?

We have no fear of communistic propaganda in this country, although we resent it. We are satisfied that our Government is built upon a foundation that can not be shaken by the destructive and fallacious principles of communism. We have an abiding confidence in the intelligence, the independence, the manhood, and the patriotism of our people, and when those qualities exist in a condition of prosperity we need have no fear of destructive forces.

But it is not a question of fear; it is a question of principle. Shall we hold out the hand of fellowship and invite into our house the man that we know has the intention of entering there for the purpose of destroying our home? I would not extend the hand of fellowship to such a man, nor would I invite him into my home as a trusted friend, and I will not do those things as a representative of my Government that I would not do in my own personal affairs.

On the other hand, I would not join with those who might seek to interfere with or destroy the Soviet Government. In fact, I will be one of the first to advocate the recognition of the Soviet Government when it shall accord honorable treatment to our citizens, cease to interfere with other peoples and other governments, and in good faith destroy the Third International.

PETITION

Mr. HOWELL presented a petition of sundry citizens of Kearney County, Nebr., praying for the passage of legislation placing postmasters under the classified civil service, which was referred to the Committee on Civil Service.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 455) to amend the practice and procedure in Federal courts, and for other purposes, reported it with an amendment and submitted a report (No. 842) thereon.

Mr. WALSH, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3770) establishing additional land offices in the State of Montana, reported it with amendments and submitted a report (No. 843) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 6535) to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian Homes Commission act, approved July 9, 1921, reported it with an amendment and submitted a report (No. 844) thereon.

Mr. SCHALL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10539) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota*, reported it without amendment and submitted a report (No. 845) thereon.

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the bill (H. R. 11202) to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter, reported it without amendment and submitted a report (No. 846) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10503) to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes, reported it without amendment and submitted a report (No. 847) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith (Rept. No. 848);

A bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes (Rept. No. 849); and

A bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy (Rept. No. 850).

Mr. CUMMINS. I report back favorably from the Committee on the Judiciary without amendment the bill (S. 477) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, with the recommendation that the bill do pass. In this connection I ask 10 days to enable me to prepare a detailed report for the committee, and I ask, on behalf of the Senator from Montana [Mr. WALSH], a similar time to file minority views.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection? The Chair hears none, and leave is granted.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 41. An act to encourage and regulate the use of aircraft in commerce, and for other purposes;

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924;

S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents;

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes;

S. 4070. An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.;

S. 4073. An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes;

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; and

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. NORRIS. I introduce a bill and desire to say that it was prepared by the Department of Agriculture, and I am introducing it at their request.

By Mr. NORRIS:

A bill (S. 4273) to amend the packers and stockyards act, 1921; to the Committee on Agriculture and Forestry.

By Mr. McMASTER:

A bill (S. 4274) for the relief of Henry Grebe; to the Committee on Military Affairs.

By Mr. MEANS:

A bill (S. 4275) for the relief of Juan Anorbe;

A bill (S. 4276) for the relief of Charles C. J. Wirz;

A bill (S. 4277) for the relief of Rudolph Ponevacs; and

A bill (S. 4278) for the relief of Frank Guelfi; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 4279) granting a pension to Charity Kimple (with accompanying papers);

A bill (S. 4280) granting a pension to Mabel Packard (with accompanying papers);

A bill (S. 4281) granting a pension to Edith Packard (with accompanying papers);

A bill (S. 4282) granting a pension to Nannie E. Duval (with accompanying papers);

A bill (S. 4283) granting a pension to John Young (with accompanying papers);

A bill (S. 4284) granting an increase of pension to Ada J. Bevell (with accompanying papers); and

A bill (S. 4285) granting an increase of pension to Clara J. Elliott (with accompanying papers); to the Committee on Pensions.

A bill (S. 4286) to amend the packers and stockyards act, 1921; to the Committee on Agriculture and Forestry.

By Mr. JONES of Washington:

A bill (S. 4287) amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes"; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 4288) granting a pension to Isaac I. Deems; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4289) to provide for the payment of the amounts awarded to American nationals by the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian; to the Committee on Foreign Relations.

By Mr. HEFLIN:

A bill (S. 4290) to provide for the interstate dissemination of information concerning the purchase and sale of cotton for future delivery; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 4291) for the relief of Paul Scarborough; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 4292) granting the consent of Congress to the Kansas, Nebraska, and Dakota Highway Association to construct, maintain, and operate a free highway bridge across the Missouri River; and

A bill (S. 4293) granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River; to the Committee on Commerce.

By Mr. CAPPER:

A joint resolution (S. J. Res. 108) providing that no permanent building shall be erected in East Potomac Park solely for tourist-camp purposes pending the selection of a more suitable site; to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1170) to provide for the appointment of a Commissioner of Reclamation, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 5026. An act to provide for the construction of 10 vessels for the Coast Guard;

H. R. 5365. An act to amend the Judicial Code by adding a new section to be numbered 274D;

H. R. 7889. An act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business;

H. R. 9268. An act to amend the agricultural credits act of 1923;

H. R. 9269. An act to amend paragraph 2 of section 7 of the farm loan act;

H. R. 9568. An act amending section 220, Criminal Code of the United States;

H. R. 9869. An act to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building;

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10857. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota;

H. R. 10929. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.;

H. R. 10942. An act to extend the time for the commencing and completing the construction of a bridge across the White River near Augusta, Ark.;

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11082. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

H. R. 11175. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11353. An act to convey to the city of Oshkosh, Wis., certain Government property;

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis;

H. R. 11385. An act granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.;

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana;

H. R. 11718. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River;

H. R. 11719. An act granting the consent of Congress to authorize the city of Niobrara, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and South Dakota; and

H. R. 12175. An act to amend the World War veterans' act, 1924.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 41. An act to encourage and regulate the use of aircraft in commerce, and for other purposes;

S. 4073. An act to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes;

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes;

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 7554. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; and

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at the Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926.

BOULDER DAM PROJECT (S. DOC. NO. 113)

Mr. CAMERON. Mr. President, I ask unanimous consent to have printed as a Senate document, with illustrations, a discussion of Senate bill 3414, which I introduced, by request, as a substitute for the so-called Swing-Johnson bill, having to do with the development of the Colorado River. In view of the importance of this great development and the continued interest of the President, the Congress, and the States involved in trying to solve it, and the known fight that is impending upon this measure, I believe it timely to have the arguments of Hon. Fred T. Colter before us, inasmuch as he is one of the outstanding citizens of my State, representing a great number of worthy citizens who feel on this subject most keenly, and whose views must be respected and given consideration because of his sincerity and knowledge of the subject.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 17, 1926, the President approved and signed the following acts:

S. 37. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 952. An act authorizing the Secretary of the Navy to deliver to the State of Georgia the silver service presented to the United States for the battleship *Georgia*;

S. 1482. An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control;

S. 2818. An act for the relief of Ivy L. Merrill; and

S. 2828. An act to provide for forfeiture of pay of persons in the military and naval services of the United States who are absent from duty on account of the direct effects of the intemperate use of alcoholic liquor or habit-forming drugs or because of venereal disease.

THE CALENDAR

Mr. CURTIS. Mr. President, as the unfinished business is not to be taken up until to-morrow and as the special order for to-day is not to come up until 2 o'clock I ask unanimous consent that we proceed with unobjected bills on the calendar until 2 o'clock, beginning where we left off on the last call.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. It is understood that that does not interfere with the special order or the unfinished business?

Mr. CURTIS. I said until 2 o'clock.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The clerk will state the first bill on the calendar, beginning where the call was ended the last time.

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was announced as first in order.

RIO GRANDE RIVER BRIDGE

Mr. BINGHAM. I report back favorably with amendments from the Committee on Commerce the bill (H. R. 9461) to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico.

Mr. SHEPPARD. I ask for the immediate consideration of the bill. It is the ordinary bridge measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, on page 1, line 9, after the word "hereof," to strike out the proviso in the following words: "*Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it," and to insert:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the approval of the proper authorities in Mexico.

The amendment was agreed to.

The next amendment was to strike out section 2 in the following words:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And to insert:

SEC. 2. There is hereby conferred upon the said Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

The amendment was agreed to.

The next amendment was to add an additional section, as follows:

SEC. 3. The said Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge and in accordance with any laws of Texas applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Eagle Pass & Piedras Negras Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage, foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RETIREMENT OF CERTAIN ARMY OFFICERS

Mr. TYSON. Mr. President, I ask unanimous consent to fix a time for the consideration of the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War. I ask that this bill may be taken up immediately after the Senate disposes of the so-called migratory bird refuges bill.

Mr. CURTIS. Mr. President, I hope the Senator will not press the request at this time. We want to have another meeting of the steering committee the last of the week and we are going to try to arrange for all such measures. We have an arrangement for a call of the calendar Thursday night under Rule VIII after unobjected bills on the calendar are considered. I hope the Senator will not insist on his request at this time. I do not want to object, but I might have to do so.

Mr. TYSON. I will say to the Senator that I have been trying for a long time to get the bill up. It has been objected to every time it has been reached on the calendar.

Mr. CURTIS. Thursday night we will reach the calendar under Rule VIII, no doubt, and I think the Senator will then have a chance to bring his bill up for consideration.

Mr. TYSON. The question is whether or not the bill can be considered within the time that will then be at our disposal.

Mr. CURTIS. If it can not be done, I will ask the steering committee to consider it the next time we meet, which I hope will be the latter part of this week.

Mr. TYSON. Will the Senator agree to ask the steering committee to put it on the program?

Mr. CURTIS. I will ask them to do it for the Senator. I do not know whether they will agree to do it.

Mr. ROBINSON of Arkansas. What is the calendar number of the bill to which the Senator from Tennessee refers?

Mr. TYSON. It is Order of Business No. 486. The bill has been on the calendar for over a month and a half. It is one of the most important bills, as I see it, that has come before the Senate.

Mr. ROBINSON of Arkansas. I suggest that the Senator submit his request for unanimous consent to make the bill a special order.

Mr. TYSON. I have done so, Mr. President.

Mr. ROBINSON of Arkansas. For what time has the Senator from Tennessee asked that the bill be made a special order?

Mr. TYSON. I have asked that it be made a special order immediately after the conclusion of the consideration of the migratory bird refuges bill, which is now before the Senate and which, I understand, is set for special consideration at 2 o'clock to-day. I ask unanimous consent that Senate bill 3027 may then be taken up.

Mr. DILL. The consideration of the migratory bird refuges bill will probably consume some time.

Mr. TYSON. I ask that the bill to which I refer may be taken up immediately after that bill shall have been disposed of.

Mr. DILL. I think there are other bills on the program for consideration.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. TYSON. I yield.

Mr. WILLIS. I shall ask the Senator from Tennessee to defer his request because of what I am about to state. Personally I am in favor of the Senator's bill, but the Senator from Pennsylvania [Mr. REED], who is compelled to be absent, requested me particularly, if this matter came up, to ask that it go over until he shall return. I think, under the circumstances, the Senator from Tennessee ought not to request the fixing of a time for the consideration of the bill until the Senator from Pennsylvania is here. The Senator from Pennsylvania is deeply interested in this matter, and I therefore trust the Senator from Tennessee will not press his request.

Mr. TYSON. Mr. President, I appreciate what the Senator from Ohio has stated, and I do not want to have the bill considered at any time when the senior Senator from New York [Mr. WADSWORTH] and the junior Senator from Pennsylvania [Mr. REED] are not present. I have been trying, however, now for a month to get a time fixed when those Senators might be present for the consideration of the bill; I wish, of course, to be absolutely courteous to them; but I believe they will both be here by Thursday, and I should like to see if I can not get unanimous consent to fix a time when the bill to which I refer may be considered.

Mr. McNARY. Mr. President, yesterday in the executive session I gave notice that following the conclusion of the consideration of the migratory bird refuges bill I would ask that the Senate take up the farm relief bill, perhaps to-morrow; surely by Thursday. I do not know how long it will take to consider the bill in which the Senator from Tennessee is interested, but I do not want to agree to the consideration of any measure which might lead to a displacement or postponement of the farm relief bill, which might occur if the bill should lead to any considerable debate.

Mr. TYSON. I do not know how much debate is going to be had upon the bill; of course, no man can ever tell to what extent a bill may be debated. Perhaps it will not take a very long time to consider the bill.

Mr. McNARY. In view of the action of the Senate steering committee, and the accepted program of the Members of the Senate, I think I shall have to object to the fixing of a time to take up the bill of the Senator from Tennessee, though I regret exceedingly to do so.

Mr. TYSON. Mr. President, notwithstanding the objection made by the Senator from Oregon I move——

Mr. SMOOT. Mr. President, unanimous consent has already been given to take up the calendar until 2 o'clock, and I think the motion of the Senator from Tennessee would be out of order at this time.

Mr. TYSON. I do not understand that a motion of this kind is now out of order.

Mr. SMOOT. I will allow the Chair to rule upon the matter.

The VICE PRESIDENT. The Chair holds that the motion of the Senator from Tennessee is out of order until after 2 o'clock.

Mr. COPELAND. Mr. President, I want to call attention——

Mr. TYSON. Mr. President, I think I still have the floor. I wish to give notice now that at the very first opportunity I shall move that the bill which I have named may be made a special order, that a time may be fixed when the bill may be definitely considered. I have given way here now for over a month and a half; I have never objected to any other Senator's bill going ahead; but hereafter I shall exercise my right to make objection if other Senators are going to object to the consideration of the bill.

BUSINESS OF THE SESSION

Mr. COPELAND. Mr. President, I am sure the Senator from Tennessee [Mr. TYSON] realizes that not alone the bill to which he refers is important, and with others I am for it. But I want to call attention to the fact that we have a coal bill now on the calendar, and I want to see early consideration given to that subject. Extensive hearings on the bill have been held by the committee of the House of Representatives; those hearings have been concluded and a bill in many respects similar to the one on the Senate Calendar has been reported in that body. I hope the Senator from Kansas [Mr. CURTIS], when he is giving favorable consideration to taking up the bill of the Senator from Tennessee [Mr. TYSON], will not forget that we have a coal bill on our calendar, and that we expect the steering committee of the Senate to give consideration to that. Nothing can be more important, I am sure, Mr. President, than to give early consideration to this particular measure, which is of interest to every citizen of the United States.

Mr. BINGHAM. Mr. President, the steering committee of the Senate a long time ago gave a position of preference to the bill to provide for the Army Air Service under a new form, and I should like to state to those Senators who are now giving notice that they will ask for the consideration of certain bills that this bill would have been presented last week had it not been for the fact that the House of Representatives passed a similar bill which was considered by our committee and which was reported last Friday. This measure ought to receive consideration in the very near future, and it is my understanding that in the program of the steering committee it has been given a preferential position for such consideration.

Mr. ROBINSON of Arkansas. Mr. President, the steering committee on behalf of the majority issued a circular letter under date of April 30, 1926, in which it placed the bill which the Senator has mentioned, namely, Senate bill 3321, to increase the efficiency of the Air Service of the United States Army, immediately following the banking bill, which has already been disposed of, and in advance of the bill to which the Senator from Oregon [Mr. MCNARY] has referred. It would be illuminating to the Senate to be advised whether the steering committee has changed its program or whether there is a conflict as to the precedence to be given the various measures receiving favor from the steering committee.

Mr. CURTIS. Mr. President, the chairman of the steering committee is not present, but I wish to state that the program as it had been outlined would have been carried out in order, so far as possible, if the measures had been ready so that when one bill was disposed of the next in order could have been taken up for consideration. I do not think that there will be any contest between the Senator from Oregon and the Senator from Connecticut when an opportunity shall be given to consider the bills to which they have referred.

Mr. ROBINSON of Arkansas. Which bill does the Senator from Kansas propose to consider first?

Mr. CURTIS. I think the Air Service bill ought to be taken up next after we dispose of the bird refuge bill. It will not, I understand, take very long to consider it, and I think we can reach an agreement as to it.

Mr. ROBINSON of Arkansas. Has the body at the other end of the Capitol disposed of the several farm relief bills which have been presented and agitated there for some days?

Mr. CURTIS. I understand not, but it is likely they will vote on a farm relief measure within a few days.

Mr. ROBINSON of Arkansas. Is it intended by the steering committee that the Senate shall proceed to the consideration of the so-called farm relief legislation before the House acts on the matter?

Mr. CURTIS. The steering committee put farm relief legislation down for consideration before the House had determined to take up the subject. I have not had time to talk with the Senator from Oregon [Mr. MCNARY], but I understood that there would be no effort upon the part of the Committee on Agriculture of the Senate to proceed with the consideration of farm relief bills until the House had acted upon such legislation.

Mr. MCNARY. Mr. President, that understanding could not have been had from any conversation with the Senator from Oregon. The steering committee formulated a program some three or four weeks ago and gave agricultural legislation a prominent position. I thought for quite a while it would be, perhaps, in the interest of sanity and a better understanding of the farm relief measures if the House were given an opportunity to act before taking up the subject in the Senate. I have waited upon the House for two weeks, and I can not see that the House is any nearer a solution that it was two weeks ago. The session is drawing to a close. I anticipate rather a lengthy debate and consideration of the bill on the floor of the Senate. It occurs to me that we have reached a point in the program of the Senate and the work of the present session when some action should be taken looking toward the consideration, and the immediate consideration, of farm relief legislation. Consequently, I conceive it to be my duty, after the disposal of the retirement bill, which is the unfinished business, and the migratory bird bill, to ask that the Senate plunge into the consideration of agricultural relief legislation. I am not here insisting that that measure shall displace other measures that have priority on the program. I only want it understood that we must have some consideration of that important legislation during this session of Congress.

Mr. ROBINSON of Arkansas. Mr. President, I will inquire if it is the purpose of the steering committee, and of those who take unto themselves the responsibility for directing the program of the Senate during the remaining days of the session, to consider measures in the order of their importance, or is the influence of the sponsors of the various measures brought forward to be the determining factor? Upon what theory is the migratory bird bill given precedence, for instance, over farm legislation or over the Air Service bill, or over other important measures both on the alleged program and not on the alleged program?

Mr. CURTIS. Mr. President, as I said a moment ago, I am not a member of the steering committee, although I did attend the last meeting of the committee. The steering committee desires, as I understand, to give preference to bills according to their importance, but at the last meeting of the committee there were several measures which were not ready to be taken up, and it was felt that we could dispose of the Air Service bill in a very short time. Then it was suggested that the migratory bird bill should be taken up, and that it would probably take not more than a half an hour or an hour. However, it has been here two or three days already.

Mr. ROBINSON of Arkansas. And the indications are that the migratory bird bill will be here for several days longer. Perhaps the spokesman for the steering committee, or if he can not answer, the "spokesman for the White House," or the spokesman for some one else, can tell the Senate whether the migratory bird bill is to be kept before the Senate to the exclusion of more important measures or whether it was advanced to its position because of its relative importance.

Mr. CURTIS. I think I can state, without referring the question to the steering committee, that the migratory bird bill will be kept before the Senate if there is any hope of passing it; but if it can not be passed within a reasonable time, no doubt an effort will be made to displace it with some other measure.

Mr. ROBINSON of Arkansas. And the same order will be taken with various other measures on the program, and if serious opposition develops to them they will be displaced?

Mr. CURTIS. Not merely "serious opposition," but such opposition as the Senate will recognize that might prevent the adjournment of Congress.

Mr. ROBINSON of Arkansas. That is an interesting statement. When does the Senator expect Congress to adjourn?

Mr. CURTIS. That depends.

Mr. ROBINSON of Arkansas. Will the Senator be good enough to inform us upon what it depends?

Mr. CURTIS. Not at this time.

Mr. ROBINSON of Arkansas. The Senator declines to express any opinion as to when an adjournment sine die of the present session of Congress may be expected?

Mr. CURTIS. At this time I prefer not to do so.

Mr. KING. Mr. President, if the able minority leader will permit me to answer one question which he propounded, I shall attempt to do so. His question was, Why has the migratory bird bill been given precedence over agricultural and other important legislation? If I may be so bold, I am inclined to think I can answer it by saying, first, there is a powerful lobby in behalf of it; and, secondly, that it augments the power of another Federal bureau. It will raise from $500,000 to $1,500,000 to provide fat jobs, juicy jobs, for an additional number of Federal employees, and consequently it is very important that we should speedily consider and speedily pass it.

May I say, Mr. President, that I have been interested in the colloquy as to the legislation on the program. I have wondered if some legislation could not be considered to safeguard the Treasury of the United States. All of our legislation seems to be directed toward creating more bureaus and increasing the salaries and compensation of employees, increasing pensions, and taking more money out of the Treasury of the United States. I wish there were some bill here to protect the people. I wish there were some bill here that would compel us to adjourn just as soon as the appropriation bills are passed. If we will do that we will be rendering good service to our country and will, I am sure, pursue a course that will meet the approval of the mass of the people.

Mr. McKELLAR. Mr. President, I should like to say to the Senator from Oregon that I was very happy to hear him say that he expected to get the farm-relief measure before the Senate at an early time, regardless of the action taken by the House. I think that is a very proper thing, and I hope he will bring his bill to the attention of the Senate at the earliest possible moment. To my mind, the farm relief bill is the most important bill now before Congress; and it ought to be brought to the attention of the Senate at the earliest possible moment, so that we can get action at this session of Congress.

Mr. CURTIS. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

MUSCLE SHOALS

The bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, was announced as first in order.

Mr. CURTIS. I understand that that measure can not be disposed of before 2 o'clock.

SEVERAL SENATORS. Let the bill go over.

Mr. DENEEN. That will be agreeable, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

SCHOOL FOR PIUTE INDIAN CHILDREN, BURNS, OREG.

The bill (S. 3749) to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 2, after the enacting clause, to strike out: "That the Secretary of the Interior is authorized and directed to contract for the erection and completion, in or near Burns, Oreg., of a suitable building at a cost not to exceed $25,000, to be used as a school for the Piute Indian children," and to insert: "That the Secretary of the Interior is authorized to construct and equip a suitable building, in or near Burns, Oreg., at a cost not to exceed $8,000, said building to be erected on land provided or owned by the town or school district, on condition that the public-school authorities shall conduct and maintain a school therein, in which Indian children shall be admitted on the same terms and conditions as are white children to the State public schools"; and, on page 2, line 6, after the words "sum of," to strike out "$25,000" and insert "$8,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized to construct and equip a suitable building, in or near Burns, Oreg., at a cost not to exceed $8,000, said building to be erected on land provided or owned by the town or school district, on condition that the public-school authorities shall conduct and maintain a school therein, in which Indian children shall be admitted on the same terms and conditions as are white children to the State public schools.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $8,000, or so much thereof as may be necessary to carry out the provisions of this act.

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator from Oregon [Mr. McNARY], who is the author of this bill and who reported it, why this fund is payable from the Treasury rather than from the Indian fund. Is there a fund available out of which the building could be constructed?

Mr. McNARY. Mr. President, for this reason: This tribe has no tribal fund. It is a vagrant, wandering tribe of Indians, without a reservation, without tribal funds, and the Indians are wards of the Government. Indeed, they have been supported and partially educated by the charity of the people who live in the same community with the Indians.

Mr. ROBINSON of Arkansas. If they are a wandering tribe, and have no fixed residence, how is it proposed to establish a school for them?

Mr. McNARY. They are wandering in the sense that they wander over a large portion of eastern Oregon, but they have a fixed domicile. They live at Burns, Oreg., or near there. I repeat that they have no reservation; there are no funds belonging to this tribe; and it is only by the charity of the people living in the vicinity of this little town that these Indians have raiment, shelter, food, and slight education. I am simply asking for a small donation out of the Treasury of the United States—$8,000, cut down from $25,000—for the purpose of building a school in the vicinity of the little huts in which they live.

Mr. ROBINSON of Arkansas. They have a fixed residence, then?

Mr. McNARY. They have a fixed residence.

Mr. ROBINSON of Arkansas. I misunderstood the Senator in the beginning of his statement.

Mr. McNARY. I meant to say that they go over into different parts of eastern Oregon to do seasonal harvesting; but they have a fixed domicile.

Mr. ROBINSON of Arkansas. Will they avail themselves of the facility if it is provided? Is there any evidence to show whether the Indian pupils will attend the school?

Mr. McNARY. Oh, there was every evidence before the committee. The Department of the Interior approved the bill. I personally have been there, if that is of any value to the Senator. I have seen this tribe. I know their deplorable condition and their desire for education; and that which has been given to them has been through the charity and hospitality of the people living in this small community.

Mr. ROBINSON of Arkansas. I have no objection to a gratuity from the Federal Treasury for the purpose of educating Indians; but I do think it proper that Congress, in expending funds generally, should know that the funds will be properly applied—that is, that the Indians desire and will avail themselves of the facility.

Mr. McNARY. I can personally assure the distinguished Senator from Arkansas that it is a good investment, and the right course, and in the interest of the welfare of these Indians.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 949) for the relief of John H. Cowley was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 534) to remove the charge of desertion from the record of Benjamin S. McHenry was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2081) placing certain noncommissioned officers in the first grade was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN R. ANDERSON

The bill (H. R. 7036) for the relief of John R. Anderson was announced as next in order.

Mr. KING. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection to that bill for a moment, while I explain it?

Mr. KING. I withhold the objection.

Mr. BINGHAM. This is a very unusual bill. This soldier enlisted in the Regular Army in the latter part of 1897. In April, 1898, just at the beginning of the Spanish-American War, he was found on examination by the physicians to have some disability, and was honorably discharged from the Army in view of this disability. He was anxious to serve his coun-

try, and so, in the middle of the Spanish-American War, he reenlisted, but concealed the fact that he had once before enlisted and had been discharged for physical disability. He got by the doctor that time, and served for some time, when it was discovered that he had previously enlisted and been discharged for disability; in other words, that it was technically a fraudulent enlistment. He was then tried and dishonorably discharged from the Army.

Two years later the War Department took under consideration all the circumstances in the case, and permitted him to reenlist. Thereafter, from 1900 until 1921, he reenlisted at the end of every period of enlistment, served honorably throughout the World War, and has a splendid record as a soldier. He now asks merely that the original dishonorable discharge be effaced from the record. There is no objection on the part of the War Department, and I trust the Senator will withdraw his objection.

Mr. KING. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, order to a third reading, read the third time, and passed.

ELECTRIC CURRENT IN HANA, HAWAII

The bill (H. R. 4799) to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii," was announced as next in order.

Mr. KING. I should like an explanation of that bill, Mr. President.

Mr. WILLIS. Mr. President, it is necessary to have this bill passed only because Congress failed previously to pass upon the act that had been passed by the Legislature of Hawaii. It was provided in that act that Congress must approve the franchise within two years, and Congress failed to act upon it. This is really the act of the Legislature of Hawaii. It is a House bill. I, as chairman of the committee, referred it to the department, and it has the approval of everybody. I will ask to have the report printed in the RECORD.

Mr. KING. It does not call for a Federal appropriation?

Mr. WILLIS. Oh, not at all.

I ask that the report be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report (No. 735) submitted by Mr. WILLIS on the calendar day of May 1, 1926, is as follows:

[Senate Report No. 735, Sixty-ninth Congress, first session]

Report to accompany H. R. 4799

The Committee on Territories and Insular Possessions, to whom was referred the bill (H. R. 4799) to approve Act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii," report the same back without amendment and recommend its passage.

The effect of this measure, if finally enacted into law, is to approve an act of the Legislature of the Territory of Hawaii providing extension of time for certain franchises within that Territory.

The act was originally passed in 1923, but proper approval by Congress was not secured within the time stated in the act. It therefore becomes necessary for Congress to act upon the new legislation passed by the Territory of Hawaii in 1925.

Your committee has carefully considered the matter; has communicated with the Interior Department and with the Delegate from Hawaii. It is believed that the enactment of the legislation will be of benefit to the people of the Territory of Hawaii and that every public interest is properly guarded.

It is to be noted that authority for altering, amending, or repealing of the act is retained by the Legislature of Hawaii, but that such alteration, amendment, or repeal shall not take effect, except upon approval by Congress in accordance with the organic act.

The House Committee on Territories carefully considered the subject and makes the following comment with reference to the bill:

"This is a bill to authorize A. F. Tavares, his associates, successors, and assigns, or such corporations as he may or they shall cause to be incorporated, to supply and distribute electric light, current, and power in the district of Hana, island and county of Maui, Territory of Hawaii.

"The bill reported herewith embodies verbatim the franchise bill passed by the Legislature of the Territory of Hawaii.

"The rates to be charged are regulated by the Public Utilities Commission of Hawaii, and the franchise is not exclusive.

"As an electric-light service would be a desirable and proper convenience for this community, your committee recommends that the bill do pass."

The letter from the Acting Secretary of the Interior, and likewise the letter from Hon. W. P. JARRETT, Delegate from Hawaii, are hereby embodied as a part of this report.

APRIL 29, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR SENATOR WILLIS: I am in receipt by reference from the Bureau of Insular Affairs of your letter of April 23, 1926, inclosing a copy of H. R. 4799, entitled "An act to approve Act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii.'"

In response thereto, I have to state that a somewhat similar bill, S. 2065, together with other bills relating to the Territory of Hawaii, was favorably considered by the department under date of June 29, 1921, a copy of such letter being herewith transmitted.

The bill appears to be in the interest of better administration of the affairs of the Territory and no reason why it should not be favorably considered by your committee.

Very truly yours,

E. B. KINNEY, *Acting Secretary.*

APRIL 23, 1926.

Senator WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR MR. SENATOR: I wish to present for your consideration H. R. 4799, an act to approve Act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii."

Section 18 of the act as passed by the Legislature of the Territory of Hawaii in 1923 states that "this act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within two years from the date of such approval by the governor.". This act was approved by Gov. W. R. Farrington on the 2d day of May, 1923.

The Legislature of the Territory of Hawaii in the session of 1925 passed an act to extend the time within which the approval of the Congress of the United States must be secured to Act 235 of the Session Laws of 1923, by amending section 18 of the act. Section 18 reads as follows:

"This act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress, to be secured within four years from the date of such approval by the governor." This act was approved and signed by Gov. W. R. Farrington on the 30th day of March, 1925.

This is a bill to authorize A. J. Tavares, his associates, successors, assigns, or such corporations as he may or they shall cause to be incorporated, to supply and distribute electric light, current, and power in the district of Hana, island and county of Maui, Territory of Hawaii.

The rates to be charged are regulated by the Public Utilities Commission of Hawaii, and the franchise is not exclusive.

I trust that your committee will act favorably on this bill.

Respectfully yours,

W. P. JARRETT,
Delegate in Congress from Hawaii.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was announced as next in order.

Mr. KING. Let that go over.

Mr. NORBECK. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Let me say to the Senator that I want to look at that large list of persons. Some of them, I am advised, under any aspect ought not to have pensions. I shall not object to the consideration of the bill at a later date.

Mr. NORBECK. The Senator will recall that I told him the other day that this bill had been before the Senate for a full two years. If the Senator can not become familiar with a bill in two years, there is not much use in delaying it one day.

Mr. KING. I will say to the Senator that many of these pension bills are not meritorious.

Mr. NORBECK. I want to say to the Senator from Utah that I might agree with him on that; but the Senator from Utah has not been a member of the Pensions Committee for several years, and I want to assure him that the present Pensions Committee is much more conservative than the one of which he was a member. If he will consider the number of House bills that have been struck out here he will see that there has been a real change in the policy of the Pensions Committee.

Mr. President, there are 935 people affected by this bill, all old, broken-down soldiers and their widows; and I move that the Senate now proceed to the consideration of this bill.

Mr. FERNALD. Mr. President, I hope this motion will be agreed to. As a member of the committee, I wish to say that we have been over this list very carefully.

The VICE PRESIDENT. The motion is out of order. Objection having been made, the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PAN PACIFIC CONFERENCE ON EDUCATION, REHABILITATION, ETC.

The joint resolution (S. J. Res. 104) authorizing the Secretary of the Interior to call a pan-Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to call a pan-Pacific conference on education, rehabilitation, reclamation, and recreation, to be held at Honolulu, Hawaii, in April or May of 1927; and he is also hereby authorized, through proper official channels, to extend invitations to such countries as in his judgment it is appropriate to have represented at such conference by delegates thereto.

For the inauguration and maintenance of such conference, the preparation of and sending necessary exhibits thereto, purchase of necessary supplies and equipment, for telephone, telegraph, or cable service, freight and express charges, for travel and subsistence of employees of the Interior Department or representatives thereof, and for every other expense incident to and necessary in the judgment of the Secretary of the Interior to the effectuation of this project, including the employment of assistants in or outside of the District of Columbia, the sum of $20,000 is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated, to be immediately available, and to continue available until December 31, 1927.

Mr. JONES of Washington. Mr. President, I think the words in line 12, page 2, "to be immediately available, and to continue available until December 31, 1927," should be stricken out. Provision will be made whenever the appropriation is made as to whether or not it shall be immediately available. It would not be available unless the appropriation was actually made.

I move, after the word "appropriated," on line 12, page 2, to strike out the remainder of the bill.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, lines 12 and 13, it is proposed to strike out the comma after the word "appropriated" and the words "to be immediately available, and to continue available until December 31, 1927."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGEMENT AND RELOCATION OF BOTANIC GARDEN

The bill (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

Mr. FESS. Mr. President, will the Senator withhold his objection for just a moment?

Mr. ROBINSON of Arkansas. No; I do not think it necessary to do so at this time. I am not willing that the bill should be disposed of to-day.

The VICE PRESIDENT. The bill will be passed over.

Mr. BRUCE. Mr. President——

Mr. FESS. This is a matter of urgency, and I should like to have consideration of it as soon as we can get it.

Mr. BRUCE. Mr. President, the bill relating to the Botanic Garden has not been taken up, has it?

The VICE PRESIDENT. No.

Mr. BRUCE. I should like to say just a word in regard to the bill to the Senator from Ohio. I know that he is just as much interested as I am in the development of Washington in harmony with every proper consideration of beauty as well as utility; and when the amendment that I offered a few days ago to the public buildings bill was considered by the Senate, there was no Member of the Senate more interested in it than the Senator from Ohio, which was a source of great gratification and pleasure to me. I want to ask the Senator whether he does not think that this plan for the extension of the Botanic Garden may interfere with the proposition to spend the sum of $50,000,000 under the public buildings bill in the area south of Pennsylvania Avenue? I am just a little afraid that it might.

Mr. LENROOT. Mr. President, was not objection made to the consideration of this bill?

The VICE PRESIDENT. Objection was made, and the bill has been passed over.

Mr. LENROOT. Can we not have the regular order? The bill is not up.

Mr. BRUCE. I know that. The Senator knows that he has sometimes spoken out of season, as well as the Senator from Maryland.

Mr. LENROOT. Oh, I know; but we have only a short time for the consideration of these bills on the calendar.

Mr. BRUCE. I simply was asking a question of the Senator from Ohio.

Mr. ROBINSON of Arkansas. I want to investigate that subject myself.

Mr. FESS. Mr. President, I should be very glad to answer the Senator's question, but the regular order has been called for.

Mr. BRUCE. The Senator from Wisconsin has that technical right. I am glad to hear the Senator from Ohio say that he would like to answer my question.

BUFORD-TRENTON AND WILLISTON IRRIGATION PROJECTS, NORTH DAKOTA

The bill (H. R. 7819) to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes, was announced as next in order.

Mr. SMOOT. There is no report on the bill.

Mr. JONES of Washington. May I ask the Senator from Oregon [Mr. MCNARY] if this was not taken care of in the general reclamation act?

Mr. FRAZIER. No; it was not.

Mr. MCNARY. It was not. It is a special case. I yield to the Senator from North Dakota.

Mr. FRAZIER. Mr. President, if the Senator will withhold his objection, I will state that the House committee made a report on the bill. There is a letter from the Secretary of the Interior stating that he wishes the bill to be passed in order that these records may be straightened up. One of these projects has been abandoned and the other sold. The object is to enable people who own the land there to have these liens taken off so that they may be able to sell or make loans, or anything of that kind. It is simply to straighten the record.

Mr. WILLIAMS. Mr. President, I would like to ask a question of the Senator from North Dakota. Will not the Senator from North Dakota file House Report No. 452 with the Senate bill, so that the Senate may have the advantage of that report?

Mr. FRAZIER. I will be glad to do that.

Mr. SMOOT. I would like to have that report filed now.

Mr. KING. I ask the Senator having the bill in charge what the loss to the Government has been or will be upon these two projects which he says have been abandoned?

Mr. FRAZIER. I do not know what the loss will be.

Mr. KING. Are they a complete loss?

Mr. FRAZIER. One of them has been abandoned and the other sold by authority of the department here, so that there is nothing more to be done about it. There can not be anything collected on them.

Mr. KING. Then those two reclamation projects were failures. Is that the case?

Mr. FRAZIER. Yes; they were failures.

Mr. SMOOT. Was there not an appropriation for the Williston project made this year?

Mr. FRAZIER. No, Senator.

Mr. SMOOT. Was it last year we made the appropriation for it?

Mr. FRAZIER. Yes; to carry it up to December 31 of last year. It was sold last winter.

Mr. SMOOT. I remember that last year there was an appropriation, but I thought we also made an appropriation this year for Williston.

Mr. FRAZIER. No. It was sold during the winter.

Mr. SMOOT. Very well.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRAZIER. I ask unanimous consent that the House committee report be printed in the RECORD in connection with the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TO CANCEL WATER-RIGHT CHARGES AND RELEASE LIENS ON THE BUFORD-TRENTON AND WILLISTON IRRIGATION PROJECTS, NORTH DAKOTA

Mr. LEAVITT, from the Committee on Irrigation and Reclamation, submitted the following report to accompany H. R. 7819:

The Committee on Irrigation and Reclamation, to whom was referred the bill (H. R. 7819) to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes, having considered same, report favorably thereon with the recommendation that the bill do pass.

Your committee has given this bill careful consideration, and in view of the fact that the Buford-Trenton project has been abandoned by the Bureau of Reclamation under the provisions of the Interior appropriation act for the fiscal year 1926, approved March 3, 1925 (43 Stat. 1165), it is now recommended that the water-right charges of any and every kind in connection with these projects be canceled.

That part of the law disposing of the Williston project and the reports of the Secretary of the Interior on this bill setting forth in detail his recommendation of this bill are attached hereto and made a part of this report.

(43 Stat. 1165)

Williston project (formerly North Dakota pumping project), North Dakota: For operation, maintenance, and incidental operations, $25,000, to remain available until December 31, 1925. The Director of Reclamation is authorized, during the fiscal year 1925, or thereafter, to appraise the buildings, machinery, equipment, and all other property of whatever nature or kind appertaining to this project and to lease or to sell the same at public or private sale, on such terms and in such manner as he may deem for the best interests of the Government, reserving the right to reject any and all bids. The proceeds from such lease or sale shall be paid into the reclamation fund.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1926.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have your letter of January 29, transmitting, with request for report, copy of H. R. 7819, entitled "A bill to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes."

The Buford-Trenton project has been abandoned by the Bureau of Reclamation, and the Williston project has been sold under the provisions of the act of March 3, 1925 (43 Stat. 1165). It appears inequitable for the United States to attempt the collection of any water-right charges now due and unpaid in connection with either of these projects. This was manifestly the purpose of Congress when the action above noted was authorized.

In order that the liens on account of water-right charges against the lands affected may be removed and to eliminate any doubt of the Secretary's authority to consent to the cancellation of such liens, I recommend the favorable consideration of H. R. 7819.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
Washington, March 1, 1926.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have your letter of February 17 in regard to H. R. 7819, providing for the release of liens and cancellation of water-right charges in connection with the Williston and Buford-Trenton irrigation projects.

At one time the plants designated in the bill as the Williston and Buford-Trenton irrigation projects were designated the Williston and Buford-Trenton divisions, respectively, of the North Dakota pumping project. The general irrigation plan provided for a central steam-turbine power plant located near Williston, operating pumps and generating electricity for the operation of other pumps on the Buford-Trenton and Williston divisions.

On the Buford-Trenton division water was pumped from the Missouri River with a 30-foot lift into a settling basin by a pumping plant installed on a barge moored in the river. From this settling basin a gravity canal supplied water for the irrigation of lowlands along the river between Buford and Trenton, and a pumping station raised water 50 feet into a high-line canal for the irrigation of bench lands near the same towns. Both pumping plants were operated by electric power generated at the main power station in the Williston division and delivered over a transmission line 28.3 miles long.

The average annual rainfall on the project is in the neighborhood of 15 inches, a part of which falls in the growing season. In dry years the farmers on the project felt the need of irrigation water, but in wet seasons they desired to dispense with the cost of obtaining an artificial supply of water.

The Buford-Trenton division was formally opened in 1908, but the year was one of preparation for irrigation by the farmers and the bureau, and little irrigation water was used. In 1909 enough rain fell to raise a crop without much help from irrigation; 1910 was a dry year and water was delivered in that year on the Buford-Trenton division. In 1911, the last year in which the Buford-Trenton division was operated, water was delivered to 18 farms on the division, water-right applications having been received for the delivery of water to 1,240 acres.

The Buford-Trenton Water Users' Association, which executed contract with the United States May 23, 1906, to reimburse the Government expenditures in connection with the Buford-Trenton division, soon became involved in financial difficulties, and the department, on May 28, 1908, forwarded the association a draft of by-laws, which, if adopted, would have permitted the levying and collecting of assessments by the association. The association voted July 3, 1908 (1,014 to 6,523), against the adoption of these by-laws. By 1911 it became evident that the water users on the Buford-Trenton division were unwilling to meet the cost of irrigation, and the operation of the division was then abandoned.

The construction cost of the Buford-Trenton division is stated in the Tenth Annual Report of the Reclamation Service (1910–11) as being $259,322.98.

The Williston division, after the discontinuance of the operation and maintenance of the Buford-Trenton division, comprised the entire project and was thereafter generally referred to as the Williston project and will be so referred to hereinafter.

The history of the Williston project followed somewhat the same general lines as that of the Buford-Trenton division. The Williston project farmers were desirous of a water supply in dry years, but were reluctant or unable to pay the cost of same. A central steam power plant was located near Williston, adjoining Government-owned coal lands, where electrical energy was generated for the operation of the pumping stations. The project plan provided for a series of motor-driven centrifugal pumps at an intake station on the Missouri River, a settling basin receiving the water from the intake station, and a main canal of 90 second-feet capacity extending along Little Muddy Creek to the power plant. About 1,200 acres were being irrigated under the project in 1924, the last year of water delivery.

The project was opened by public notice in 1908, and water-right applications were made covering about 5,750 acres. The project was operated from 1908 to 1914, both years inclusive, under public notices and water-right applications. The charges not being paid, the operation of the project was suspended from 1915 to 1918, both years inclusive. From 1919 to 1924, both years inclusive, it was operated under contract with the Williston irrigation district, dated April 3, 1919. Charges not being paid under the district contract, the project was not operated during the season of 1925, and the project was disposed of under the act of March 3, 1925 (43 Stat. 1165). The project plan was sold to W. S. Davidson, of Williston, N. Dak., for $50,000, and the headquarters building at Williston was sold to C. F. Russell for $4,500. On June 30, 1925, the net investment of the United States in the Williston project, including the Buford-Trenton division, was $876,467.29.

The department desires to have H. R. 7819 enacted into law so that there might be no doubt of the legal authority of the Secretary to cancel water-right charges and to release or to consent to the release of liens held by or for the benefit of the Government. While legal authority might exist at the present time for the department to cancel these charges and release or consent to the release of these liens, it is considered preferable to secure express statutory authority for the action contemplated.

On the Buford-Trenton division the individual water-right applications constitute liens upon the lands covered thereby, and while the

applications might be canceled under the authority given in the reclamation law or reserved in the applications, the applicants not having paid the charges due, it is preferred when the wholesale cancellation of water-right applications would mean the final abandonment of an entire division of a project, to secure congressional authority for the cancellation.

In the case of the Williston project, the department, since Congress authorized the sale of the project property, has canceled the individual water-right applications, but the Williston irrigation district levied assessments upon the lands of water users in the district to meet the charges due the United States, and these assessments generally have not been paid. So far at least as they involve the operation and maintenance charges incurred by the United States, the benefits of which were received by the water users, it would probably be desirable for Congress to give express authority for the consent by the United States to the release by the district of such liens. The proposed bill if enacted into law would authorize the consent to the release of all such irrigation district liens, whether arising on account of operation and maintenance charges or construction charges. If the department should give the express consent to the release of these liens, without securing express authority of Congress therefor, the objection might be raised that the department was making a gift of Government property, which could not be done without the sanction of Congress.

Very truly yours,

HUBERT WORK.

DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 16, 1926.

Hon. J. H. SINCLAIR,
House of Representatives.

MY DEAR MR. SINCLAIR: In accordance with the promise made by Mr. Dent in conversation with you yesterday, I furnish the following information concerning conditions surrounding proposed release of liens against lands on the Williston project:

This project was formerly known as the North Dakota project, embracing the Buford-Trenton and the Williston units. The project has been at times also referred to as the Missouri River project.

Several years ago the operation of the Buford-Trenton unit was abandoned and all outstanding water-right applications were canceled because of the nonpayment of charges due. Such cancellation was made under authority contained in section 5 of the reclamation act of June 17, 1902 (32 Stat. 388), and sections 3 and 6 of the reclamation extension act of August 13, 1914 (38 Stat. 686). There was no contract with an irrigation district affecting the lands of this unit.

In the Williston unit water-right applications were filed and approved with some 100 or more water-right applicants. Later the Williston irrigation district was formed and a contract was executed with that district for the repayment of project investments. Before the project was advertised for sale under the recent act of Congress all outstanding water-right contracts were canceled, which was authorized because of nonpayment of charges. There was one case in which all accrued charges had been paid, and in this particular case it was necessary to execute a special contract canceling the obligations under the water-right contract. There was also executed a contract with the Williston irrigation district providing for the cancellation of all obligations under its contract with the United States.

There are accordingly no outstanding contracts under the Buford-Trenton or Williston units. However, on the Williston unit certain taxes have been levied and assessed for the payment of charges due to the United States. It is for the release of these liens that the special act of Congress seems necessary. The release of these liens is desired in order that the cloud upon title to the lands may be removed.

Very truly yours,

ELWOOD MEAD, *Commissioner.*

GOVERNMENT DOCK AT JUNEAU, ALASKA

The joint resolution (H. J. Res. 139) authorizing the construction of a Government dock or wharf at Juneau, Alaska, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. I suggest that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DOCK OT WHARF AT JUNEAU, ALASKA

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following report to accompany H. J. Res. 139:

The Committee on Territories and Insular Possessions, to whom was referred House Joint Resolution 139, report the same back without amendment and recommend its passage. The reasons for this legislation are clearly set forth in the following statement from the report made in the House of Representatives:

"This resolution proposes the authorization of the construction of a dock or wharf at Juneau, Alaska, by the Board of Road Commissioners for Alaska. The wharf is for the joint use of all Government services operating vessels in Alaskan waters. At the present time these Government craft, of which there are a great and increasing number, and comprising craft ranging from motor boats to ocean-going steamers, utilize commercial wharves. The docking facilities of the harbor are taxed to the utmost, and Government craft must move when space is required by commercial boats. The condition sometimes endangers vessels and furnishes little or no facilities for fueling or loading.

"The city of Juneau, the capital of the Territory of Alaska, has agreed to contribute to the project necessary easements covering approach, to put the approach in good condition, and to deed the same to the Government.

"The cost of an alternative approach would be greater than the total cost to the Government of the proposed wharf.

"The wharf is to have a 400-foot face and a width of 40 feet, with face in 25-foot depth of water. The limit of cost to the Federal Government is fixed at $22,500."

The letter from the Secretary of the Treasury, likewise the letter from the Secretary of War, and the report by the Chief of Engineers are hereby embodied as a part of this report.

TREASURY DEPARTMENT,
Washington, April 28, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: I am in receipt of your letter of April 23, 1926, inclosing a copy of House Joint Resolution 139, authorizing the construction of a Government dock or wharf at Juneau, Alaska, with a copy of the report thereon of the Committee on the Territories of the House of Representatives. You state that you desire the opinion of this department as to the advisability of the proposed legislation.

I have to state, in reply, that so far as the interests of this department are concerned the enactment of the proposed legislation into law will be of advantage to the Coast Guard.

Yours very truly,

A. W. MELLON,
Secretary of the Treasury.

WAR DEPARTMENT,
Washington, January 20, 1925.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: I am transmitting herewith a letter of the Chief of Engineers, dated January 7, 1925, inclosing a report by the Board of Road Commissioners for Alaska on a survey, including plans and estimates of cost, for the construction of a Government dock or wharf at Juneau, Alaska, for the joint use of the various Government services operating vessels in Alaskan waters.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 7, 1925.

Subject: Report on survey and estimates for a Government dock at Juneau, Alaska.

To: The Secretary of War.

1. There is submitted herewith for transmission to Congress, as authorized by the War Department appropriation act approved March 2, 1923, a report by the Board of Road Commissioners for Alaska on a survey, including plans and estimates of cost, for the construction of a Government dock at Juneau, Alaska, for the joint use of the various Government services operating vessels in Alaskan waters.

2. The plan proposed will apparently provide sufficient wharf space for all immediate and reasonably prospective needs of the Government in this harbor. While the use by the Government of a portion of an existing private wharf, jointly with the owner thereof, as an approach to the proposed Government wharf is not an ideal arrangement, it has been explained by the board that to construct a separate approach will more than double the cost of the wharf, and that the use of the private wharf by its owner will not be so extensive as to embarrass the United States for many years, if ever. A plan showing within green lines the portion of the private wharf which is to be deeded to the Government has been added to the report.

3. The project outlined in the accompanying report will, it is believed, provide the necessary wharfing space for Government vessels with the minimum expenditure of Federal funds, and I accordingly recommend the adoption of the project as recommended by the presi-

dent of the Alaska Road Commission. It is recommended that the name "wharf" be used for the structure instead of "dock," as being more in conformity with the usual nomenclature.

H. TAYLOR,
Major General, Chief of Engineers.

REPORT ON SURVEY AND ESTIMATES FOR A GOVERNMENT DOCK AT JUNEAU, ALASKA

SYLLABUS

The Board of Road Commissioners for Alaska submits plans and estimates for the construction of a Government dock at Juneau, Alaska, for the joint use of the various Government services operating vessels in Alaskan waters, at a total cost to the United States of $22,500 for construction.

"WAR DEPARTMENT,
"BOARD OF ROAD COMMISSIONERS FOR ALASKA,
"*Juneau, Alaska, July 10, 1924.*

"Subject: Survey, plans, and estimates for a Government dock at Juneau, Alaska.

"To: The Secretary of War (through the chief of Engineers, United State Army, Washington, D. C.).

"1. The appropriation act for the support of the War Department for the fiscal year 1924, approved March 2, 1923, contains the following language following the item for the support of the activities of the Board of Road Commissioners for Alaska:

"'For cost of survey and preparation of plans and estimates for a Government dock at Juneau, Alaska, $600.'

"The Board of Road Commissioners for Alaska was accordingly charged with the duty of preparing this report, by first indorsement, office of the Chief of Engineers, dated March 17, 1923.

"2. No work of improvement has been done by the United States at Juneau Harbor, Alaska, nor are there any landing facilities owned by the United States. Juneau, being the capital of the Territory of Alaska, is the headquarters for the territorial activities of a great many Federal bureaus, a number of which operate floating craft in Alaskan waters. These craft generally utilize commercial wharves, in some cases without charge and in others by payment of rental. In any case, the Government craft must move when space is required by commercial boats. Juneau commerce is growing, which will make it increasingly difficult for Government boats to find suitable space at commercial wharves.

"3. Juneau Harbor is located at the northern end of Gastineau Channel. The harbor is landlocked and, under nearly all conditions of weather, provides safe docking for vessels. The docks in the locality are all timber-pile structures, treated Douglas-fir piles being used on account of the Teredo prevalent in these waters, and very little damage is suffered by such types of construction from prevailing natural conditions. The harbor is open the year round; practically no ice forms in the harbor. The range of tide is 18 feet.

"4. A questionnaire was sent to all Federal bureaus or services operating floating craft in Alaskan waters, or that might make use of docking facilities at Juneau, to determine the extent of such operations, the cost thereof, and the saving, if any, should a Government dock be provided."

It is believed that the legislation recommended will be beneficial to the public service, and in the long run in the interest of sound economy.

FEDERAL RESERVE PENSION FUND

The bill (S. 3657) to incorporate the Federal reserve pension fund, to define its functions, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

C. T. KITCHEN

The bill (H. R. 2209) for the relief of C. T. Kitchen was announced as next in order.

Mr. KING. I would like to ask the Senator from Texas if this was a private airplane, or operated privately. What obligation is there on the Government to pay for the injury?

Mr. MAYFIELD. This was a Government-operated plane. There were two of those cases, and in this one the party was held to be in the place where he was entitled by law to be, and the Government operator was negligent. The injury was caused exclusively by the negligence of the Federal employee.

Mr. KING. I have not had time to look at the report.

Mr. SMOOT. This is what the Secretary of War says in relation to the matter:

In accordance with the established practice of the department, I withhold any recommendation as to the action to be taken by Congress on the proposed bill. However, if Congress in its wisdom decides to take favorable action upon this bill, consideration should be given to the fact that the proposed appropriation of $5,000 to Mr. Kitchen is, in my opinion, rather excessive in view of the statement of his physician, included in the board proceedings, which shows that the injuries sustained were more or less superficial and that he was in the hospital less than a month. It is thought that a fair and just recompensation would be the amount of Mr. Kitchen's hospital and medical bills plus a sum equal to his salary during the time he was incapacitated.

Mr. MAYFIELD. That was done and the amount was reduced to $1,500.

Mr. SMOOT. His medical attention for one month cost $1,500?

Mr. MAYFIELD. No; not the medical attention alone, but that together with compensation for the loss of time and his injuries.

Mr. SMOOT. The loss of time was for one month and his medical attention was for that period. I am only reading what the Secretary of War says in relation to the matter.

Mr. HEFLIN. How serious was his injury?

Mr. SMOOT. He was not injured seriously at all. He was in the hospital about a month and then went back to work.

Mr. ROBINSON of Arkansas. Why was he in the hospital for a month if he was not injured?

Mr. SMOOT. He was injured, but not seriously.

Mr. MAYFIELD. The House committee and the Senate committee both investigated this matter, and I read briefly from the report of the Senate committee:

Claimant is a man 42 years of age, with a wife and nine children, the youngest being only a little more than 6 months old. He has no trade or profession and is compelled to rely upon day labor for a livelihood. Prior to the time he was injured, Mr. Kitchen had been accustomed to earn from $25 to $30 a week, and in some instances more. Since his injury his earning capacity has been much impaired, and he has been able to earn very little and has been unable to get employment very often at any light work which he might be able to perform.

Mr. SMOOT. Then $1,500 is not enough.

Mr. HEFLIN. I would like to ask the Senator from Texas if this $1,500 settles the whole claim with the man?

Mr. MAYFIELD. It does.

Mr. ROBINSON of Arkansas. I notice also a statement as of date October 19, 1925, as follows:

The patient naturally has suffered a great deal of pain and loss of blood and was naturally unable to work for a long period of time. I do not think that his earning capacity has been reduced by reason of this injury.

I would not think that an allowance of $1,500, under those circumstances, was excessive.

Mr. SMOOT. No; if that report be true, it is not enough.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. E. NEUMANN

The bill (H. R. 2210) for the relief of R. E. Neumann and wife was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES PILES

The bill (S. 3816) for the relief of James Piles was announced as next in order.

The VICE PRESIDENT. That bill was reported adversely.

Mr. KING. I move that the bill be indefinitely postponed.

The motion was agreed to.

ERNEST F. CHURCH

The bill (H. R. 616) for the relief of Ernest F. Church was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. B. ELLIOTT

The bill (H. R. 7027) for the relief of J. B. Elliott was announced as next in order.

Mr. SMOOT. I want to see what the report says about the bill; $470.61 seems to be quite a price for opening the door of a safe.

Mr. KING. The Government has to pay it. It is not much.

Mr. SMOOT. Let it go over, until I can look it up.

The VICE PRESIDENT. The bill will be passed over.

CLAIMS OF FLATHEAD INDIANS

The bill (S. 3107) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other

purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Flathead Tribe or Nation of Indians of Montana may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants, and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States; it being the intent of this act to allow the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined and to render judgment thereon accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Flathead Tribe or Nation of Indians of Montana party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Flathead Tribe or Nation of Indians of Montana, approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian tribes or nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said tribe or nation.

SEC. 3. That if any claim or claims be submitted to said court, it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Flathead Tribe or Nation of Indians in and to such money or other property.

SEC. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Flathead Tribe or Nation of Indians for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such cost shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States.

SEC. 9. That any and all provisions of an act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington, approved March 13, 1924 (43 Stat. L. p. 2), in so far only as such provisions are applicable to the Flathead Nation or Tribe of Indians, be, and they hereby are, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF FLORENCE MARTIN, DECEASED

The bill (S. 3879) for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "appropriated," to insert the words "in full settlement against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to W. T. Murray, administrator of the estate of Florence Martin, the sum of $5,000 as compensation for the death of said Florence Martin, caused by the reckless, careless, and unlawful operation of an automobile truck of the United States Army, driven by Corp. Rudolph Brooks, on the 8th day of October, 1920.

The amendment was agreed to.

Mr. KING. Mr. President, I notice that in a former report the amount was stated at $2,500.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. TYSON. That is a mistake. This claim and the one next on the calendar are very much the same, and there was a mix-up in the printing of the report. The Senator from Mississippi made the report in this case, in which the amount was stated as $2,500, but there was a mistake in the printing of the report. The Senator from Mississippi is here, and if the Senator from Utah desires a further explanation, I will ask the Senator from Mississippi to make the explanation.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF MYRTLE VAN HOOSER, DECEASED

The bill (S. 3880) for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "appropriated," to insert the words "In full settlement against the Government," and on line 7 to strike out "$5.000" and to insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, the sum of $2,500 as compensation for the death of said Myrtle Van Hooser, caused by the reckless, careless, and unlawful operation of an automobile truck of the United States Army, driven by Corpl. Rudolph Brooks on the 8th day of October, 1920.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING. Mr. President, I would like to ask some member of the Military Affairs Committee, in view of the large number of cases that are coming before the Claims Committee and before Congress to pay for damages caused by injuries to or the killing of individuals by those driving Army trucks and operating Army airplanes, whether the War Department is adopting any means or has adopted any means to avoid such accidents, and to punish the individuals who cause the accidents and the deaths of individuals. I remember at the last session of Congress and the session before a multitude of cases in which we were called upon to pay large sums because of the negligence, in some instances the alleged criminal and willful negligence, of employees of the Government. There

ought to be some steps taken by the War Department and the Post Office Department, it seems to me, to discipline those men and to compel them to respond in damages.

I think that where appropriation is made the Government ought to bring suit against those persons to recover that which the Government has been compelled to pay.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Utah whether he knows why it is that the War Department expresses no opinion with respect to claims like this one, whereas the Navy Department and the Post Office Department do. Does the Senator know any reason for that?

Mr. KING. I am unable to answer the question of the Senator.

Mr. WILLIAMS. Is it a time-honored policy of the War Department to express no opinion with respect to any of these claims?

Mr. KING. I do not understand why they do not. It would seem to me that those who make the investigation ought to make a full report, and ought to express an opinion one way or the other. If they think the claim is unjust, they ought to so state.

Mr. WARREN. Mr. President, I merely wish to say that, so far as my experience enables me to judge, a report is made sooner or later on every bill sent to the War Department by a committee with a request for information.

Mr. KING. But there is no recommendation. That is what the Senator from Missouri is complaining about.

Mr. WILLIAMS. May I say to the Senator from Wyoming that in this particular instance, Order of Business 754, the War Department does not make a recommendation, and the same applies to a number of bills.

Mr. WARREN. But they have not filed a report stating what they would do. There may be bills sent there that belong to other departments.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield?

Mr. WILLIAMS. Certainly.

Mr. ROBINSON of Arkansas. I have observed that if it is not the uniform custom, it is the frequent practice of the Secretary of War in the reporting of such bills to refrain from expressing an opinion. He sometimes states "I have no objection to the legislation," and at other times he makes use of the expression contained in this report. It is quite common, if not the uniform practice.

Mr. WILLIAMS. This morning we had Order of Business 747, wherein the War Department said "in accordance with its custom" it made no recommendation.

Mr. ROBINSON of Arkansas. I think it is the custom not to make recommendations in such cases.

Mr. WILLIAMS. Whereas the Navy Department does make recommendations.

Mr. ROBINSON of Arkansas. The War Department states the facts and leaves the committee to determine their effect.

Mr. JONES of New Mexico. Mr. President, I just want to say a word in regard to the reckless driving of official cars. I doubt if there is anyone within the sound of my voice who has not frequently observed the recklessness with which official cars are driven. It seems that the drivers of these cars have no regard whatever for traffic rules in the city of Washington or outside of it. I believe that the War Department ought to take special cognizance of what is going on and of what is known to every one of us who travel upon the streets or roads of the country.

At the same time I wish to call attention to the fact that Members of Congress themselves are not careful regarding the traffic rules. They should pay greater attention to the traffic rules and regulations and be more considerate of the rights of others. The same remark might well be applied to the drivers of diplomatic cars in the city and in the vicinity of the city.

It seems to me that we who are attempting to make laws for the Government of the country ought to feel ourselves called upon at least to obey those laws, and when we establish a tribunal to fix traffic regulations we should be just as insistent upon observing them ourselves as that others shall observe them. I certainly hope that this may be borne in mind by Members of Congress, by the representatives of the Diplomatic Service, and that the War and Post Office Departments may see to it that their vehicles are driven in obedience to the laws and regulations governing traffic. There is no reason in the world, it seems to me, why bills should be constantly coming here for the payment of damages which can only be justified upon the theory that there was reckless driving.

Mr. COPELAND. Mr. President, what the Senator from New Mexico has said is very significant. It is a startling fact that last year in the United States 25,000 persons were killed by automobiles and 700,000 known accidents occurred where persons were injured. It is true that the Post Office Department trucks and other official trucks in our cities are juggernauts; they are destroying people. I think attention should be called and the widest possible publicity given to the importance of the remarks made by the Senator from New Mexico. So far as the pending bill is concerned, I hope it may pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3342) to remove the clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. ODDIE. Mr. President, this bill is of great importance and should be passed. However, I am endeavoring to collect some important data that will not be available for several days, and I therefore ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

TH. MICHAELSEN

The bill (S. 970) for the relief of Th. Michaelsen was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Th. Michaelsen, of Mard, near Arendal, Norway, the sum of $5,000, out of any money in the Treasury not otherwise appropriated, as compensation for the loss of the use of his right leg, sustained while rendering assistance as a member of the crew of the Norwegian steamship *Lillemor* in saving 43 out of a crew of 52 on the American steamship *Lewis Luckenbach*, torpedoed off the north coast of France on the night of October 11, 1917.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETURN OF CATTLE DUTY FREE

The joint resolution (H. J. Res. 148) extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free was considered as in Committee of the Whole.

Mr. McNARY. Mr. President, I would like to have an explanation of the bill.

Mr. SMOOT. I can state to the Senator the purpose of the bill in a very few words. During the drought in New Mexico the cattle were starving to death. Included in that number were a great number of cattle belonging to private individuals. Those cattle had to be taken into Mexico in order to be kept alive, in order that they might be fed there during the drought. The joint resolution merely authorizes their return from Mexico to the United States without the payment of duty.

Mr. McNARY. Does the Government pay the cost of transportation?

Mr. SMOOT. It does not cost the Government a cent. The owners of the cattle bring them over from Mexico into the United States to graze them in the United States since the emergency has passed.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLATHEAD TRIBE OF INDIANS, MONTANA

Mr. WILLIAMS. Mr. President, I move a reconsideration of the vote by which the Senate just passed the bill (S. 3107) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or nation of Indians of Montana may have against the United States, and for other purposes.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Senator from Missouri moves a reconsideration of the vote by which Senate bill 3107 was passed.

Mr. WILLIAMS. I did not know at the time the bill passed that the Secretary of the Interior had opposed the bill, and while I have no objection to it I think we should have an explanation from the Senator from Montana [Mr. WHEELER] when he is here. I have no doubt he could explain it if given an opportunity to do so.

Mr. LA FOLLETTE. Mr. President, may I say just a few words to the Senator before action is taken? A number of these jurisdictional bills coming before the Committee on Indian Affairs have a report from the Secretary of the Interior which states that the bill is not recommended because it is not in conformity with the financial program of the President. It has been the policy of the Committee on Indian Affairs thus far to report these jurisdictional bills notwithstanding an adverse recommendation based upon that ground. There is no question raised, as the Senator will discover if he reads the report of the department, with regard to the merits of the claim. Many other jurisdictional bills of a similar character have been passed.

Mr. WILLIAMS. I know they have, and I asked the Senator from Utah [Mr. KING] whether the jurisdictional bills generally that were under consideration by his committee included a jurisdictional bill like this and he advised me that they did not. Therefore I assumed that this jurisdiction bill was different from the other jurisdictional bills we have been passing.

Mr. WALSH. Mr. President, may I say that if that is the case I am not aware of it. I am particularly interested in knowing how this bill differs from the ordinary jurisdictional bills we have been passing. While I am speaking of this matter I want to advert to the objection urged to the bill, namely, that it does not comport with the financial policy of the President.

Mr. WILLIAMS. I have no objection to the bill on that score.

Mr. WALSH. I desire to say a word on the point that the bill does not comport with the financial policy of the President. It will be seen that the bill merely authorizes the Flathead Tribe of Indians to sue the United States in the Court of Claims upon certain claims which they assert against the Government of the United States. They say—whether true or not is entirely unimportant for the present case—that certain treaties entered into between the United States and the Flathead Tribe of Indians have been disregarded by the Government of the United States and that they have been damaged thereby. For years they have been making this contention. They say they have been mistreated by the Government of the United States, that their solemn contracts and treaties have been violated by the Government of the United States. Naturally this breeds a feeling of hostility and of disfavor toward the Government of the United States. We say to them by this bill, "Well, if you claim so, we will give you an opportunity to go into court and have the court decide the question."

Either they are right about the matter or they are wrong about the matter. If they are wrong about the matter, and the court so adjudicates, of course the United States will owe them nothing, and the financial policy of the President of the United States can not be interfered with. But suppose they are right about the matter and the court adjudicates that their contention is correct, and that the Government of the United States has violated its treaty with them, and that the Government of the United States owes them some money. For Heaven's sake, why should the financial policy of the President stand in the way of the Government paying its honest debts? I might say that it is against my financial policy for me to pay my debts, but that would not be a very good reason why a court should not be established in which anyone who claims that I owe him should have opportunity to establish his claim and enforce it against me if he can.

Mr. JONES of Washington. Mr. President, will the Senator yield?

Mr. WALSH. Certainly.

Mr. JONES of Washington. Apparently the Secretary does not base his opposition to the bill on that ground in this case. He concludes his report as follows:

> The Flathead Indians entered into a contract with an attorney to represent them and file a petition, which contract was approved by the Commissioner of Indian Affairs and the Secretary of the Interior on June 6, 1924. Neither the Indians nor their attorneys have submitted any evidence or made any showing as to the necessity for a separate jurisdictional act. Therefore it is believed that the bill should not be favorably considered.
>
> The Director of the Bureau of the Budget has advised that this report is not in conflict with the financial program of the President.

He bases his opposition apparently upon other grounds.

Mr. WALSH. The agreement has been entered into and the attorneys employed to prosecute the suits whenever this bill is passed. We are now seeking to pass the bill so they may proceed.

Mr. JONES of Washington. Apparently they have not submitted any facts showing the necessity for a separate jurisdictional act. The Secretary states that other acts which we have passed apparently covered these Indians, but they did not appear under those acts. I have not had time to read all the letter from the Secretary.

The PRESIDING OFFICER. The Chair understands that, the motion to reconsider being objected to, it is not in order at this time. The Senator from Missouri may enter notice of his intention to make the motion.

Mr. KING. Mr. President, may I explain one matter alluded to by the Senator from Missouri [Mr. WILLIAMS] and by the Senator from Montana [Mr. WALSH]? The Senator from Missouri asked me a few moments ago whether this bill was within the category of those measures now being considered by the committee. I told him it was not. I referred to the committee appointed by the Judiciary Committee and the Committee on Claims to consider whether or not we should permit the Government to be sued for tort. I had that in mind and it was that committee to which I referred.

JOHN H. RHINELANDER

The bill (S. 2524) for the relief of John H. Rhinelander was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LESLIE WARNICK BRENNAN

The bill (H. R. 2237) for the relief of Leslie Warnick Brennan was announced as next in order.

Mr. KING. Mr. President, I ask an explanation of the bill.

Mr. BRUCE. Mr. President, I would like to make an explanation of the bill, which I can do in a moment. A similar bill was thoroughly considered by the Committee on Claims during the last session. I happened to be a member of the committee and reported it favorably, and it was passed by the Senate. Now the bill has come over from the House. It has been passed by the House and is before the Senate for passage.

I ask attention to the report, which recommends it for passage by the Senate. The facts will be found on page 3 of the report very pertinently stated by myself. The bill originally appropriated the sum of $16,419.97, which has been cut down to $11,000 by the House. The report says:

> This bill appropriates the sum of $16,419.97 for the reimbursement of Leslie W. Brennan, of Utica, N. Y., for that amount expended by him in taking and distributing motion pictures used by the War Department in instructing troops during the World War. It is admitted by Brennan that the United States Government never entered into any positive contract with him to use his motion pictures and to pay him therefor, but the circumstances were such as to make him believe that he is equitably entitled to have the expenses incurred by him in taking and distributing the pictures made good to him.
>
> The papers in the case show that Major General Bell and General Kennon actually used the pictures, and in an official report, made at the request of the War College to The Adjutant General of the United States, reported that they were a great help to him; that Assistant Secretary F. P. Keppel, who is familiar with Brennan's work, wrote the Judge Advocate General that in his opinion a quasi-contract relationship existed between Brennan and the United States Government, and that the Government would properly repay Brennan for his work; that after examining the documents, etc., in 1920, Assistant Secretary Crowell wrote to Senator JAMES W. WADSWORTH, of New York, a letter in which he recognizes that the Army had received a benefit from the pictures; and after the acknowledgment of the results accomplished by the pictures, and after the examination of the documents, etc., the acting adjutant general of New York State wrote to Senator JAMES WADSWORTH on November 1, 1923, that his department had put the stamp of approval on Brennan's work and expressed an earnest desire that the matter receive the consideration of the Senator.
>
> It would also appear that Brennan was the originator of the system of training troops by the use of motion pictures, and that after incurring the expense of producing the films and reels of the pictures, Brennan, at the suggestion of one of the officials of the War Department, attempted to recoup the expense by selling the pictures to military schools, academies, and colleges, but found that the pictures taken by the War Department were being supplied to them without cost, which, of course, made it impossible for him to get back what he had expended in that way.
>
> Attention is especially called to a letter among the papers in the case from O. Ellis, of the office of the Chief of Staff of the War Department, dated December 15, 1917, to Brennan, in which the writer says: "I want to assure you that I appreciate the pioneer work you did, and only hope that it may be my pleasure to some day be instrumental in helping you recover the money you put into it."
>
> Your committee is of the opinion that it would be an unconscionable thing for the Government to be the beneficiary, to the extent that it has been, of Brennan's ideas and exertions and not to repay him the

expenses actually incurred by him in the successful demonstration of their value to the War Department. We recommend, therefore, that the bill do pass without amendment.

Mr. KING. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. KING. When I asked for an explanation of the bill my eye rested upon this statement made by Brigadier General Saltzman, of the Signal Corps——

Mr. BRUCE. Yes; but General Saltzman——

Mr. KING. Let me call attention to the statement, if I may.

Mr. BRUCE. Certainly.

Mr. KING. If the Senator does not want me to do so——

Mr. BRUCE. Indeed, I do.

Mr. KING. I will wait until he gets through and take my own time. General Saltzman states:

3. From a patriotic standpoint Mr. Brennan's efforts were most valuable and deserving; from a commercial standpoint he took a business chance of marketing what he believed to be a new and unique system of training soldiers. He probably did not know that this idea had already been used in the Army, nor that the War Department had its own machinery for making pictures. Had he known these two facts he might not have had the films made. Many similar cases have occurred where business men have built airplanes and other military apparatus for demonstration and test and for which no compensation was paid them.

Mr. BRUCE. Is the Senator from Utah through?

Mr. KING. I merely wanted to call the Senator's attention to that statement.

Mr. BRUCE. I am very much indebted to the Senator for calling that statement to my attention. By turning to page 2 of the report the Senator will find that General Saltzman has changed his position about that matter, and the Secretary of War, in a letter dated February 4, 1926, writes to the Committee on Claims as follows:

The recommendation of my predecessor, Mr. Weeks, conveyed to Hon. ARTHUR CAPPER, chairman Committee on Claims, United States Senate, dated March 15, 1924, was based upon a report submitted to the Third Assistant Secretary of War, dated February 25, 1919, by Brigadier General Saltzman, of the Signal Corps. At that time General Saltzman did not believe Mr. Brennan was entitled to compensation. General Saltzman now believes that Mr. Brennan has a moral right to reimbursement for the actual expenses incurred by him.

I hope that will induce the Senator from Utah to withdraw his objection.

Mr. KING. I think I will object, Mr. President. I should like to look into the matter further.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF DETERIORATED AND UNSERVICEABLE AMMUNITION

The bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was announced as next in order.

Mr. SMOOT. There is no report on this bill, Mr. President.

Mr. CAMERON. I desire to say that a Senate bill having the same object in view was passed by this body several days ago. I hope that the House bill may be considered, and I desire to move to amend the House bill so as to make it conform to the Senate bill. I desire to strike out all after the enacting clause in the House bill and insert the Senate bill.

Mr. SMOOT. To what bill is the Senator from Arizona referring?

Mr. CAMERON. I am referring to Order of Business 761, being House bill 9218, the title of which has just been announced from the desk.

Mr. WILLIAMS. The House bill has never been referred to the Committee on Military Affairs.

The PRESIDING OFFICER. The Chair is informed that a similar bill passed the Senate on May 5, and the Senator from Arizona [Mr. CAMERON] now moves that the bill as it passed the Senate on May 5 be substituted for the House bill.

Mr. CURTIS. Are the bills similar in every respect?

Mr. CAMERON. The changes are not material. The bill passed by the Senate was drawn by the War Department. The Senate bill has gone over to the House of Representatives. In the meantime the House passed a separate bill, and it is now desired to amend according to the terms of the Senate bill.

Mr. CURTIS. In what way does this bill differ from the bill as passed by the Senate?

Mr. CAMERON. There is a difference only as to two or three words; there is no substantial difference. The difference of language does not amount to anything. I desire that the House bill shall be amended by the Senate and then passed.

Mr. SMOOT. The bill will have to be amended before it shall be passed.

Mr. CAMERON. That is what I am asking to have done.

The PRESIDING OFFICER. The Senator from Arizona has moved to substitute the language of the Senate bill which was formerly passed for the House bill.

Mr. SMOOT. There is no report on the House bill now on the calendar.

Mr. WILLIAMS. The House bill has never been referred to the committee.

Mr. CAMERON. The chairman of the Committee on Military Affairs [Mr. WADSWORTH] asked that the House bill go to the calendar the other day when it came over, as a similar Senate bill had just been passed. The Senator from New York also asked me if I would not look after the bill to-day.

The two bills are similar, only the wording of the Senate bill is slightly different. I desire that the House bill shall be amended so as to conform to the Senate bill.

The PRESIDING OFFICER. The Chair is informed that the House and Senate have both passed similar bills on the same subject.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

THE COAL INDUSTRY

The bill (S. 4177) to regulate interstate and foreign commerce in coal and to promote the general welfare dependent on the use of coal, and for other purposes, was announced as next in order.

Mr. WILLIS. Mr. President, that is one of the bills in which the Senator from Pennsylvania is very greatly interested, and he has made a request that it be not considered in his absence.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I hope the Senator from Ohio [Mr. WILLIS] will withhold his objection for a moment or two; then I shall be satisfied to have him renew it.

I am hoping very soon that we shall have this bill before the Senate with time enough to give it the consideration it deserves. I want to call attention to the fact that this bill has been thoroughly considered, first, by the subcommittee, and then by the Committee on Education and Labor. It is a bill which meets the desires of the President as expressed in his messages of 1923 and 1925. It is a bill which meets the recommendations of the Coal Commission, which, after long hearings, reached certain conclusions regarding the measures which should be enacted in order to afford proper control of the coal industry.

The House has had before it various coal bills and has held hearings which have been terminated. As a result of their hearings a bill has been reported by the chairman of the Interstate and Foreign Commerce Committee of the House. While somewhat different in form, it is identical in spirit, or practically so, with the bill now pending before the Senate.

Last Friday the Secretary of Commerce and the Director of the Geological Survey appeared before the House committee and testified at some length regarding the provisions which are included in the pending bill.

Mr. President, in order that this matter may be placed before the Senate in a way which will be instructive, helpful, and illuminating, I ask permission to have inserted in the body of the RECORD at this point a report from the United States Daily of May 15. This is substantially a verbatim report of what the Secretary of Commerce said before the Committee on Interstate and Foreign Commerce of the House on May 15. I ask that it may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. I have no objection to the insertion of the matter in the RECORD, but I object to the bill for the reasons stated.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Objection has been made to the consideration of the bill.

Mr. COPELAND. I do not understand that the Senator from Ohio objects to the insertion in the RECORD of the material to which I have referred.

Mr. WILLIS. I do not.

Mr. COPELAND. In conclusion, Mr. President, I am hoping that within a few days time may be found when this bill may be considered at length by the Senate, in order that the people of this country may be given the relief to which they are entitled. It is not right that there should be any starvation or any freezing or suffering by reason of a shortage of coal, and we believe that the passage of this measure will

provide legislation to prevent the embarrassment and suffering which the country was forced to endure during the past winter.

The PRESIDING OFFICER. The Chair understands that the request for unanimous consent proffered by the Senator from New York is that the rule of the Joint Committee on Printing requiring extraneous matter to be printed in the Appendix shall not apply in this instance and that the matter offered may be printed in the body of the RECORD.

Mr. COPELAND. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From United States Daily of May 15, 1926]

COAL MEN MUST WIN OWN PEACE, OFFICIALS CLAIM—SECRETARY HOOVER TELLS HOUSE COMMITTEE REGULATORY LEGISLATION ON INDUSTRY IS USELESS—PENDING BILLS PRAISED, BUT NEW STEPS URGED—GEORGE OTIS SMITH DECLARES PUBLIC OPINION WILL BE FINAL CONTROLLING FACTOR IN ALL DISPUTES

COAL INDUSTRY—RAILROADS—MINING—LABOR—ECONOMISTS

Herbert Hoover, Secretary of Commerce, and George Otis Smith, Director of the Geological Survey and a member of the recent United States Coal Commission, appeared before the House Interstate and Foreign Commerce Committee on May 14 to indorse the principles of the pending measures designed to promote peace in the coal industry and prevent stoppage of production with resultant losses to operators, miners, and consumers alike.

Secretary Hoover said three steps may be taken by the Congress—creation of an emergency mediation board, vesting of authority in the Interstate Commerce Commission to control coal distribution in emergencies, and continuous collection of detailed data on all phases of the industry.

INCLUDED IN COPELAND BILL

Such steps are contemplated in the Copeland bill favorably reported to the Senate a few days ago by the Committee on Education and Labor. They also are to be embodied in the bill which is in course of preparation by Representative Parker, New York (Rep.), chairman of the House Interstate and Foreign Commerce Committee, according to Mr. Parker.

"I believe it will be agreed," Secretary Hoover said, "that the major legislative interest in the coal industry centers around the problem of labor relations. There are deeper problems of a healthy industry and a contented body of workers, but the point I wish to make at this moment is that the principal cause of public anxiety and trouble in this industry is the periodic suspension of production with attendant unemployment, famine in coal, and consequent profiteering in prices.

SAYS PRICE DEPENDS ON PEACE

"The price and ample supplies of coal depend mainly upon peace in the industry and full transportation. If there are no strikes and no lockouts and car shortages there will be no famines and no exorbitant prices, because the bituminous industry is highly competitive.

"Taking the past three years as a whole, the great majority of bituminous mine operators have sold their coal at less than cost. Some of them made an extra margin during the anthracite strike, but they lost heavily both before and since. In the long run, the anthracite industry must compete with bituminous coal, and substitutes such as coke, gas, and oil. In my view this competition with the anthracite field will be even more sharp and effective in the future than in the past.

SEES PROTECTION FOR PUBLIC

"My own belief is that, given continuous production, the public is amply protected by competitive processes. The settlement in the industry of such relations between employers and employees from which continuous production would be reasonably assured would at least solve the immediate public interest.

"There are certain differences between the anthracite and bituminous industries in labor relationships," continued Mr. Hoover, pointing out that the former is more stable in its production and employment—outside of suspensions—than the latter; that it is located in one State, Pennsylvania, and that even during a stoppage, while the inconvenience was great, there was little or no jeopardy to life or essential service.

PREDICTS EXTENDED PEACE

As a result of agreements ending the recent anthracite strike, which he declared "a longer step toward substantial peace in the industry than has been taken in many years," Secretary Hoover asserted that the probability of similar emergencies in the anthracite field for many years is slight.

"Our major interest must be the bituminous industry," he asserted. "If the unionized section of that industry could set up its own mediation board in the same terms as the anthracite industry, I believe Congress would be well justified in suspending any legislative action.

"If, however, we are to have periodic strikes or lockouts with their accompanying coal famines and profiteerings, the public does need protection on these occasions. I do not believe that anything in the nature of compulsory arbitration is a remedy for failure of industrial relations; no one can compel either employee or employer.

CALLS OUTSIDE AGENCIES BEST

"The only thing that we have discovered that helps in such situations is mediation by some outside agency, and most coal suspensions have been brought to an end sooner or later by such mediation.

"Every bituminous dispute of importance in recent years has ultimately been thrust up to the President for some action. It is impossible for the President himself to carry on such negotiations successfully. He must delegate action to somebody. The National Coal Commission has recommended, and the President has asked that he should be given authority to appoint, a mediation board in such emergencies as are likely to bring about nation-wide suffering.

"I believe it desirable that such a mediation board should not be permanent, but of emergency order, as it is best to bring new minds and new men on the scene in such emergencies.

FULL DATA REQUIRED

"In order that it may function promptly and efficiently, it must be armed with the basic economic facts as to the industry. They can not be collected in an emergency—there should, therefore, be continuous collection and publication of fundamental statistics upon production, distribution, stocks, consumption, wages, and average prices. If the industry could furnish those facts regularly and reliably, of its own volition, it would be better that it do so than to put the Government to the expense.

"If the mediation board fails to secure solution, and the suspension is widespread enough, then the emergency of famine inevitably follows. In most of our great bituminous suspensions, hitherto, supplies have degenerated to the point where public utilities and other essential services have become endangered.

REFERS TO NONUNION MINING

"There has always been a considerable portion of nonunion production of bituminous coal. Out of this production the public services of the country can be protected by a careful distribution of the supplies available. Therefore it seems to me that it is desirable to arm the Government, through the Interstate Commerce Commission, with power to control distribution during the emergencies."

Such legislation, with provision for the collection of fundamental statistics of the industry, would not be regulatory, according to Mr. Hoover, and would come into action only in failure to maintain production. Such measures also, he continued, could not be expected to operate as cures for the fundamental ills of the bituminous industry, which he summarized as follows:

SEES OVEREXPANSION

1. There are about 9,000 different mines in about 90 different districts, probably about 5,000 operators having a total production capacity of 900,000,000 annual tons against a maximum requirement of a rate of 600,000,000 tons annually. There are about 620,000,000 men employed in the industry or about 200,000 more than would be necessary if the required portion of the mines were employed to their utmost capacity.

War stimulation, economies in the use of coal, increasing capacity of nonunion fields, greater profits during coal shortages following strikes, lockouts, the effect of the antitrust laws and the periodical car shortages have all contributed their share of the overexpansion, he asserted.

2. The industry is, to some degree, seasonal in demand and, therefore, in production.

PART TIME DECLARED RESULT

"The net result of all this is that we have part-time operation of too many mines," said Mr. Hoover, "and the final consequence that most workers, especially in the commercial mines, are only employed part time and while the daily wage is usually high, it does not for some fraction of their number, constitute even a decent annual living.

"The bituminous industry is, in long view, a losing business in the periods between famines; and no unprofitable industry can give satisfaction either to consumer, worker, or operator. From all these causes arise most of our labor friction."

Increased efficiency in methods, absence of car shortages, and the increasing use of coal for conversion into electricity and other by-products, consolidation of some of the mines, and closing of high cost mines are working to remedy the fundamental ills. Mr. Hoover asserted:

SEES GREATER STABILITY

"The various forces in motion are making for greater stability in the industry," concluded Mr. Hoover. "There is no parallel in a competitive industry such as this with the railways or public utilities, which occupy a semimonopoly of some area of market.

"Regulation of prices, profits, the right to produce, or wages would not secure cheaper coal nor would it solve the major questions of labor relations; it would result in a score of worse ills.

"I regard as wise, indeed, the public service corporation which trys to win by its policies the approval of public opinion. And foolish, indeed, are the corporations which flout the rights of public opinion.

CALLS OPINION ALL POWERFUL

"I might suggest that public opinion has more power than Congress, or that the constitutional powers of Congress are strongest when backed by public opinion.

"Well-informed public opinion must be looked to to keep the peace in the coal industry. Public opinion has backed the mine workers' organizations in their long fight for better working and living conditions, but public opinion does not support the union in the threat of using economic force to win its ends.

"Economic pressure is a polite phrase for an ugly thing. The mine workers' method of giving a trouncing to the operators is too often giving a clubbing to the public. And by any name you call it the process does violence to the principles of popular government. We have just seen economic force in Great Britain carried to the verge of civil war. That long-distance view ought to be enough.

"I am 100 per cent opposed to any form of Government ownership or operation of the coal industry, but I am also no less wholeheartedly opposed to the idea that the operation of coal mines is a private business over which the public authorities have no jurisdiction. My conviction is that neither unregulated private operation nor inefficient Government operation can be regarded as safe and economic.

"Two parties have claimed most of the time and raised the loudest voices in this committee's hearings. The public interest in the mining and marketing of coal deserves first consideration.

"Why not regard the mining and distribution of coal energy in solid form as much a public utility as the making and distribution of electricity—energy in its most fluid form?

"I dismiss Government ownership and operation as a calamity to workers, consumers, and Government. What we must hope for is a greater vision of leadership in the industry to the correction of its own difficulties."

MR. SMITH DISCUSSES PROBLEM

Mr. Smith addressed himself particularly to the fact-finding provisions of the proposed legislation. He sketched for the committee the research undertaken by the coal commission during its 11 months of life, which resulted, he said, in a "fairly accurate and absolutely impartial picture."

Mr. Smith's testimony was as follows:

"Fact finding must be continuous, not sporadic. When the facts of the coal industry are most needed, that is the poorest time to collect them.

"Misunderstanding and injustice based on misunderstanding are promoted by too little—not too much—light.

Mr. NEELY. Mr. President, I ask unanimous consent to read into the RECORD two newspaper articles relative to the objects of the bill which has just gone over upon the objection of the Senator from Ohio.

The PRESIDING OFFICER. Objection has been made to the present consideration of the bill.

Mr. NEELY. Mr. President, I am aware of that fact, but certain matter has been ordered to be printed in the RECORD at the request of the able Senator from New York [Mr. COPELAND]. The data which he has submitted ought to be illuminated by the editorial commentaries which I have offered.

The PRESIDING OFFICER. Is there objection? Without objection, the articles offered by the Senator from West Virginia will be printed in the RECORD following the article presented by the Senator from New York.

Mr. NEELY subsequently said: Mr. President, I arise to consume five minutes, as I have the right to do under the rule, in reading to the Senate the newspaper articles which I have just obtained permission to have printed in the RECORD. The first of these was written by Mr. Clarence E. Smith, the editor of the Fairmont Times. It appeared in the "Good morning" column of that paper on the 16th of May, 1926, and is in the following language:

GOOD MORNING!

We have been talking a good deal in this column about keeping the Government out of the coal industry. We do not know very much about the coal industry; in fact about the only thing we know about it is that it should work out its own salvation.

The English strike came along and furnished a fine example of what governmental interference means. It was a well-intended movement, that royal commission business, but it didn't work.

Cushing's Survey for last week quotes the following about the industry in this country in which a striking comparison is made. Here it is:

THIS IS COAL

"1. A coal industry that in spite of natural difficulties is less overdeveloped than many other basic industries;

"2. Whose percentage of coal cut by machine is three times that of England;

"3. That produces three to four times as many tons per annum per person it employs as do the coal industries of England, France, Germany, or Belgium;

"4. That is constantly visited by distinguished engineering and operating foreigners to study its methods and efficiency;

"5. That is equipped with the most modern and heavy electrical, cutting, loading, conveying, hauling, hoisting, pumping, and ventilating devices;

"6. That is constantly inventing new machines for economical production and for safety, as well as cooperating in improvements in combustion;

"7. That owns, develops, equips, and timbers mines, hauls miles underground, hoists, cleans, sizes, loads, and supervises a ton of material for a dollar or two a ton, including power, supplies, and taxes;

"8. A coal industry that supplies fuel to generate the cheapest power resulting in the highest wages on earth and that has consistently given this Nation the lowest cost supply of coal in the world;

"Such an industry is efficient in its service on either an absolute or a comparative basis and will remain so if let alone to continue and improve its excellent self-government.

"Relatively—and it is agreed that all is relative—there is no coal problem.

"If we have Government interference, the sequence will be regulation and strangulation. With royal commissions, government wage negotiations, subsidies, and the like, the British nation has put its good right hand into a private machine which it can not operate, and that hand is being mangled. We want no such disaster in our country."

The second article, which was written by ex-Senator William E. Chilton, of West Virginia, recently appeared in the Charleston Gazette. It is as follows:

GOVERNMENT CONTROL OF COAL

We wonder what some Congressmen read, to whom they talk, where have they been, and what have they been doing that after impressing themselves upon a State or a congressional district sufficiently to be elected they let themselves get onto a path of thought that leads them to the belief that Government ownership of coal mines might in any conditions be helpful. Speaking of single-track minds, that is an instance of a narrow-gauge one beginning at a way station and running up a nonnavigable creek.

No use to read statistics or history to these birds. To them Bunyan's Pilgrim's Progress is history, not allegory. They would "cuss" a dictionary because it did not tell what kind of shoe laces Napoleon wore or how many sardines there are in a box. They would not know the difference between a coal mine and a railroad tunnel, and they think that the coal grows back in the ground after it is mined out. The fact that we already have 1 officer to every 11 persons makes no lasting impression on these Cyrus-minded oligarchs. That there are as many different kinds of coal as there are different faces in Congress never jars a Government-ownership Congressman. He would try anything once. It never occurs to him that yearly contracts are made for coal and that one experiment at Government control would make more law cases than the Volstead Act. You can't gimlet into his head the fact that every coal mine is a problem to itself, that brains and management on the ground must solve as each day brings its varying conditions. He can not see that Government control for a month would disorganize the industry and entail losses that could not be made good.

No use to point to the Constitution that fails to give the Government power to make pies, run a sawmill, or mine coal. Needless to urge that private property can not be taken for public use without just compensation. He will never die happy till he sees generals, colonels, captains, and sergeants of a coal mine with privates, cooks, doctors, and nurses on parade.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New York?

Mr. NEELY. I do.

Mr. COPELAND. Who is the author of this?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NEELY. Mr. President, I ask unanimous consent to continue for one minute.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to continue for one minute. Is there objection? The Chair hears none.

Mr. NEELY. Mr. President, I shall state for the information of the Senator from New York, that the author of the

article I have just read is the Hon. William E. Chilton, of West Virginia, one of the ablest and best men ever elected to membership in this body.

Mr. COPELAND. He is a most estimable gentleman, but was he not defeated for the Senate in West Virginia in 1924?

Mr. NEELY. Unfortunately he was, sir; but he ran 11,000 votes ahead of his ticket, notwithstanding the fact that he was running against my distinguished colleague Senator GOFF, who was then and still is the ablest Republican statesman in West Virginia. But the truth of the matter is that Senator Chilton and an innumerable throng of other Democrats who were defeated in 1924 would have been elected if our party had not held its national convention and nominated its candidate for President in the Senator's home city, New York. Every thoughtful person should have known in advance that nothing but immortality itself could survive such a debacle as that known as the New York convention.

Mr. COPELAND. If you had nominated the Governor of the State of New York he would have been elected.

Mr. NEELY. He would have been defeated by at least 15,000,000 votes instead of 7,000,000. If his excessively zealous friends should confuse another Democratic National Convention with his candidacy or blight Democratic prospects by injecting into the next campaign the irrelevant and fatal issues spawned in New York two years ago, it would become extremely difficult for us to defeat Mr. Coolidge for a third term.

Mr. WILLIS. Mr. President, I think we ought to yield another minute to the Senator. [Laughter.]

Mr. NEELY. Mr. President, if I am to say all that I feel like saying about New York City for what it did to Democracy and Democracy's prospects for victory in 1924, and if I am to assign the reasons why I do not think that the distinguished governor to whom the Senator from New York has referred should be nominated for President, I shall be obliged to ask that my time be extended more than a minute and also more than an hour.

Mr. COPELAND. Mr. President, has the Senator finished?

Mr. NEELY. I have one more paragraph to read.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NEELY. Mr. President, I ask unanimous consent to conclude the reading of the article. It contains only one more paragraph.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. NEELY. The Charleston Gazette's editorial concludes as follows:

> Then, before they get out a ton of coal at less than $5 a ton at the mine, he will want Government ownership of railroads, steel, automobiles, wheat, corn, wool, and cotton. As much argument for one as the other. As well freeze as starve. But who ever froze? We have just gone through a long, hard winter with strikes and shutdowns, and there was plenty of coal. These government-ownership fellows have a new way of helping bolshevism.

Mr. President, let me add that if there be any serious intention to pass this bill or any other bill providing for interference with the coal business by the Federal Government, or proposing to vest some one like Mr. Hoover with Federal authority to supervise the coal industry, which is already on the verge of bankruptcy—if such be the intention of anyone in authority, Senators should abandon all hope for an adjournment of Congress before the 15th day of November, when, under an order previously adopted, we shall take up the impeachment case of Judge English. Many of us shall debate at length the question of Mr. Hoover's controlling either the coal of the Nation or the air of the universe.

Mr. CARAWAY. Mr. President, does not the Senator know that the Secretary of Commerce can not be kept out of the air?

Mr. NEELY. Mr. President, I know that the Secretary of Commerce can not be kept out of the air. But we can prevent his taking charge of our coal. When the Federal Government goes into the coal business, "the camel's nose will enter the tent." The next logical step will be to take over all the manufacturing establishments in the State of the distinguished Senator from New York, the cotton mills of the South, the wheat fields of the North, the cornfields of the West, the silver mines in Colorado, and the copper mines in Montana. If this coal bill passes we shall be one step nearer to a chaotic, communistic state than we have ever been before.

Mr. BRATTON. I call for the regular order.

Mr. COPELAND. Mr. President, the Senator from West Virginia has made a splendid speech, but, of course, it does not relate to the bill that is before the Senate. Apparently the Senator has not read the bill, and it is very evident that the gentleman from West Virginia who wrote the article he has read has never read it, because the bill does not contemplate taking over the mines for ownership or operation; and the only thing in the world that the Secretary of Commerce is to do is to get some facts relating to coal mining. All the rest of the measure involves matters entirely aside from the Department of Commerce.

Reference is made to the British strike. If the British Government had adopted some prophylactic treatment, and had made provision against such a situation instead of by the payment of an outrageous subsidy to prevent strikes in the last few months, if they had enacted constructive legislation, they would not have had the trouble they have now. It is to escape that sort of thing that the President of the United States and others who have given some real study to the bill which is contemplated feel that this is wise legislation.

EXCHANGE OF DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. SMOOT. Mr. President, I ask to return to Order of Business No. 761, being House bill 9218. The Senator from Arizona asked that the Senate bill on the same subject which has heretofore been passed be substituted for the House bill. I withdraw my objection to the consideration of the bill, with the amendment which is to be proposed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CAMERON. I move to strike out all after the enacting clause of the House bill and to insert in lieu thereof Senate bill 3163, which has heretofore been passed by the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

> That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use.
>
> SEC. 2. The Secretary of War is further authorized, by contract or otherwise, to reclaim, by reworking, reconditioning, or otherwise converting into usable form, either in complete rounds or in serviceable components, such deteriorated and unserviceable ammunition and components thereof as it may not be advisable to have so exchanged, and to pay either the whole or part of the cost thereof through the exchange of deteriorated and unserviceable components not desired to retain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. KING. What bill is that?

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] asks unanimous consent to return to Order of Business No. 761, to which previously he has made objection. He withdraws his objection and asks that the bill may be passed with an amendment to make it conform to a similar Senate bill which has already been passed by the Senate.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 8592) to further amend section 125 of the national defense act of June 3, 1916, as amended, was announced as next in order.

Mr. WILLIS. Mr. President, I note that there is no report on either this bill, Order of Business 764, or the next bill, Order of Business 765. Unless somebody is prepared to explain those bills I think they ought to go over.

The PRESIDING OFFICER. The Chair is informed that the bills by unanimous consent were sent to the calendar and not referred to committees, because they were identical with Senate bills.

Mr. WILLIS. With what Senate bills? Will some one explain that? I want some information from some quarter before we act on these bills.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES of Washington. Mr. President, I desire to ask how these bills came to be on the calendar unless there is a Senate bill of the same nature which has been favorably reported.

The PRESIDING OFFICER. The Chair is informed that when the bills came over from the House the Senator from New York [Mr. WADSWORTH] asked that the bills be sent directly to the calendar instead of to his committee, in view of the fact that they were identical with Senate bills.

Mr. JONES of Washington. Senate bills that had been reported?

The PRESIDING OFFICER. That had been passed by the Senate.

Mr. JONES of Washington. Oh, that had been passed. Very well.

Mr. MAYFIELD. Mr. President, that explanation is correct. I was going to make it myself.

The bill (H. R. 5223) to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RECORDS OF INDIAN AGENCY AT MUSKOGEE, OKLA.

The bill (S. 3692) authorizing an appropriation for recopying, rebinding, and otherwise preserving valuable old records of office of Indian agency at Muskogee, Okla., was announced as next in order.

Mr. KING. Mr. President, this bill asks that the Government shall pay for the recopying of the records of these five tribes.

Mr. ASHURST. Mr. President, will the Senator yield? I think I can make an explanation of the bill.

Mr. KING. The thought I had in mind was that these tribes have large funds; they are very wealthy tribes, and the records evidently are needed to protect their titles. It would seem to me that if the records ought to be preserved the tribal funds ought to be used for that purpose.

Mr. ASHURST. That apparently is true. I happen to be about the only member of the Indian Affairs Committee present now who was present when the bill was considered.

When the allotment took place, hundreds, yes, even thousands of titles were deraigned from certain muniments. These enrollment records are becoming frayed, lost, and misplaced. The title to possibly 150,000 or 200,000 different tracts of land depends upon these particular muniments. It does seem to me that the Government ought to preserve those original muniments and copy them so that they will not be lost, frayed, or misplaced.

Mr. SMOOT. Mr. President, why is not the cost of doing that taken out of the Indian funds? Appropriations of this character are generally payable from the Indian funds.

Mr. ASHURST. Of course, it is the duty of the Government to see that the title is deraigned from the Government. It is not the business of the taxpayer to supply records in the county recorder's office, where the records are becoming lost, misplaced, or worn out. It is the business of the county, not the taxpayer, to replace the records, it seems to me. I have no interest in it. I happened to be present when the bill came up in the Indian Affairs Committee.

Mr. SMOOT. The information must be located somewhere.

Mr. ASHURST. Let it go over until the chairman of the committee comes back. I have no interest in it.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 4132) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONS TO ABSAROKEE AND GALLATIN NATIONAL FORESTS AND YELLOWSTONE NATIONAL PARK

The bill (S. 3791) to make additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes, was announced as next in order.

Mr. WALSH. Mr. President, I am advised by my colleague that that bill was passed a few days ago by unanimous consent.

Mr. SMOOT. It was the House bill that was passed.

The PRESIDING OFFICER. The Chair is informed that the bill passed a few days ago was the House bill.

Mr. WALSH. Then I ask that this bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the indefinite postponement of Senate bill 3791.

The motion to postpone indefinitely was agreed to.

BILLS PASSED OVER

The bill (H. R. 8714) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty survey in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida, was announced as next in order.

Mr. KING. Mr. President, I was wondering whether the Senators from Florida were interested in or desired the passage of that bill.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations, and for other purposes, was announced as next in order.

Mr. BRATTON. Mr. President, I am not opposed to this measure, but it can not be discussed under the present order of procedure. In order that we may have more time in which to discuss it, I shall object to the bill.

The PRESIDING OFFICER. The bill will be passed over.

RIVERSIDE CONTRACTING CO.

The bill (S. 2474) for the relief of the Riverside Contracting Co. was announced as next in order.

Mr. KING. Let some explanation be made of that bill, Mr. President.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BRUCE. Mr. President, I will ask what bill that is. I was called from the Chamber for a moment.

The PRESIDING OFFICER. The bill is Senate bill 2474, for the relief of the Riverside Contracting Co.

Mr. BRUCE. All right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to adjust and settle the claim of the Riverside Contracting Co. in the amount of $15,052 for damages sustained by said company as a result of a collision on March 9, 1919, of the steamship *Munalbro* with a pier being constructed by the said company for the city of New York, and to certify the same to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINTA GOIKE

The bill (S. 2390) for the relief of Minta Goike was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Minta Goike, from any funds not otherwise appropriated, the sum of $100, expenses incurred by her in going from Memphis, Tenn., to Jefferson Barracks, St. Louis, Mo., and returning, for the purpose of having her son, Sergt. Bruce L. Crossley, properly buried.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AVIATION FIELD NEAR YUMA, ARIZ.

The bill (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz., was announced as next in order.

Mr. CAMERON. Mr. President, I should like to have that bill go over temporarily. I have sent out for another bill. A similar bill passed the Senate, and I have sent for it.

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily, without prejudice.

BILLS PASSED OVER

The bill (H. R. 9971) for the regulation of radio communications, and for other purposes, was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4252) for the relief of Thomas H. Burgess was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

POST-OFFICE BUILDING AT BRISTOL, R. I.

The bill (S. 183) to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and to authorize certain improvements and repairs to said post-office building, the cost of

said land, driveway, and improvements and repairs not to exceed the sum of $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2337) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, is that the aviation bill that the distinguished occupant of the chair animadverted upon this morning?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). This is not the aviation bill.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

BOARD OF GENERAL APPRAISERS

The bill (H. R. 7966) to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known was considered as in Committee of the Whole.

Mr. KING. I want to ask the chairman of the Committee on Finance, of which I am a member, whether the members of this board have privileges in the matter of retirement above those of judges of the district courts.

Mr. SMOOT. Under the existing law they have a retirement privilege, and this does not change the existing law affecting the retirement of judges.

Mr. KING. I voted for the bill in the committee, but I have been advised since that the members of the board get full pay, whereas other judges do not.

Mr. SMOOT. I had my doubts, if the Senator will remember, when we reported the bill out. Immediately after reporting the bill I asked the department as to just what are the present conditions, and they reported to me that this would not change the law with respect to other judges.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF EDUCATION

The bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF VETERANS OF THE SPANISH-AMERICAN WAR

The bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 6, after the word "April," to strike out the number "11" and insert "21"; on page 1, line 7, strike out "July 4, 1902," and insert "August 12, 1898," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and August 12, 1898, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON & CALIFORNIA RAILROAD CO. GRANT LANDS

The bill (S. 3255) for the relief of certain counties in the States of Oregon and Washington within those boundaries the revested Oregon & California Railroad Co. grant lands are located was announced as next in order.

Mr. KING. Mr. President, will the Senator from Oregon kindly explain the purpose and the important provisions of this bill?

Mr. STANFIELD. Mr. President, this is a bill to give relief to the 18 counties in Oregon that have suffered a loss of revenue by reason of the revestment of title to what was known as the Oregon & California Railroad Co. grant lands. This bill proposes that there shall be advanced to them a sum equal to the amount that would have been paid in taxes, to be reimbursed to the United States Government through the sale of the land and of the timber.

Mr. SMOOT. That means $5,000,000.

Mr. KING. I think it had better go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

SURVEY OF INDIAN LANDS IN ALASKA

The bill (H. R. 9508) to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages, was announced as next in order.

Mr. WILLIS. I would like to have some one who has examined this bill explain it. It relates to Alaska, and it has not been before the Committee on the Territories. I do not complain about that, but I would like to know what it is.

Mr. STANFIELD. The purpose of the bill is to give title to certain Alaskan citizens who are full-blood Indians, or of mixed blood, who have settled in cities or villages on land to which they have no title, and there is no provision whereby the Interior Department can give them title to the lands which they now occupy. This bill seeks to cure that defect and empower the Secretary of the Treasury to give them title to the lands they occupy. It has the approval of the Interior Department.

Mr. WILLIS. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AVIATION FIELD NEAR YUMA, ARIZ.

Mr. CAMERON. Mr. President, I would like to recur to Order of Business 773.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

Mr. CAMERON. House bill 7911, amended as it came from the Committee on Public Lands, is the same as Senate bill 2307, passed by the Senate several days ago.

Mr. JONES of Washington. If I understand the Senator, this is a House bill, and a similar bill passed the Senate a few days ago.

Mr. CAMERON. Yes; and the committee has reported a House bill on the same subject with an amendment.

Mr. JONES of Washington. Let me see if I understand. I understand that this is a House bill.

Mr. CAMERON. The House bill is now before the Senate.

Mr. JONES of Washington. And a similar bill passed the Senate a few days ago?

Mr. CAMERON. The Senate bill passed the Senate several days ago and is in the House now.

Mr. JONES of Washington. The Senator desires to amend the House bill?

Mr. CAMERON. That is recommended by the committee.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 8, after the words "section 9," to strike out the words "of equal area."

The amendment was agreed to.

Mr. KING. I would like to ask the Senator if this is for the purpose of acquiring and establishing a new aviation field. If so, I want to know something as to the cost.

Mr. CAMERON. The cost is to be borne by the city of Yuma. It will not cost the Government a cent. The city of Yuma will buy it and turn it over to the Government.

Mr. KING. Is there any obligation on the part of the Government to maintain a field there indefinitely?

Mr. CAMERON. No; there is not. They can turn it back whenever they want to.

Mr. KING. Does the War Department approve it?

Mr. CAMERON. Yes; it has been approved all the way through.

Mr. KING. I have no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATIONAL GAME PRESERVE, SAN BERNARDINO NATIONAL FOREST, CALIF.

The bill (H. R. 8120) to create within the San Bernardino National Forest in Riverside County, Calif., a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve, was considered as in Committee of the Whole.

Mr. KING. Mr. President, will the Senator from Oregon explain just what the objects of this bill are? We are to consider at 2 o'clock a game refuge bill, and this seems to contemplate the establishment of a game refuge.

Mr. STANFIELD. That is exactly what it will do. It is to establish a game refuge in California. The Interior Department does not object.

Mr. SMOOT. I notice in the report of the Secretary of the Interior it is stated:

> Moreover, the exchange of lands within the proposed game preserve and the selection of public lands in lieu thereof is, in effect, a revival, in principle, of the forest-lieu selection acts of 1897 and 1900, which were repealed by Congress, for good and sufficient reasons, in the act of March 3, 1905 (33 Stat. 1264).

Mr. WILLIS. Read right on.

Mr. SMOOT. He continues:

> I therefore recommend that the bill be not enacted unless it be so amended as to restrict selection in exchanges authorized to national forest land or timber in the manner prescribed by the said act of March 20, 1922.

Mr. STANFIELD. It has been so amended, to conform with the suggestion of the Secretary of the Interior.

Mr. WILLIS. The report says that the recommendation is that the bill pass without amendment. Has the amendment been made as recommended by the Secretary? The report indicates that there is no amendment at all.

Mr. SMOOT. This is a House report, and of course we have not the original bill. I take it for granted, from what the Senator says, that the bill as it was introduced in the House was amended as the Secretary recommended.

Mr. WALSH. Mr. President, the bill before us does conform to the recommendation of the Secretary of the Interior, as will be perceived by a reading of section 5. Nevertheless I look with considerable misgiving upon any of these bills providing for an exchange of lands held in private ownership for public lands.

Mr. SMOOT. Lieu selections of any kind.

Mr. WALSH. There is on the calendar a bill to extend the bounds of the Mount Rainier National Park. As I may not be here when that is reached, I should like to address a question to the Senator from Washington with respect to it.

The original Mount Rainier act contained, as the Senator will remember, a lieu provision that was peculiarly objectionable. I had occasion to study it with some considerable care. That gave to the Northern Pacific Railroad Co. the right to surrender any lands it had within the Mount Rainier National Park, created by the act of 1889, and go anywhere within any of the States traversed by the Northern Pacific and select an equal area of lands in lieu of those surrendered.

I do not speak in detail about the operation of that act, but it was little less than a scandal. If we extend the bounds of the Mount Rainier National Park, as is contemplated in this bill, will that lieu provision of the original act become applicable to the extended lands? If so, I suggest to the Senator from Washington that he should have an amendment to the bill substantially as follows:

> Nothing herein shall be construed to authorize the conveyance by the United States of any lands within the extended area of the said park or to avoid the right to select lands in lieu of any lands in private ownership now held within such area.

Mr. SMOOT. I think the provision in section 5 covers just the point when it refers to the act of March 20, 1922.

Mr. WALSH. That contemplated extensions to the national forest or to an exchange of lands so as to solidify the holdings within the national forest.

Mr. SMOOT. That may be correct.

Mr. WALSH. It provided for an exchange within certain limitations. Nevertheless I think we had better pass this over so that an inquiry can be made concerning the provisions of this act of 1922.

Mr. JONES of Washington. This is to go over, but I want to suggest to the Senator on page 2, line 6, that the word "with" should be "within." It reads, "*Provided*, That all of the land with the exterior boundaries," and so forth. I think that should be "within the exterior boundaries." I suggest that that amendment be made, and then that the bill may be passed over.

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. On page 2, line 6, to strike out the word "with" and insert in lieu thereof the word "within."

The amendment was agreed to.

Mr. JONES of Washington. I understand the bill goes over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. STANFIELD. Who objected?

Mr. JONES of Washington. The Senator from Montana objected.

Mr. WALSH. I asked that it go over until we could inquire further into the provisions of the act of 1922.

The PRESIDING OFFICER. The bill will be passed over.

INTERIOR DEPARTMENT FIELD OFFICERS

The bill (H. R. 9038) authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments was announced as next in order.

Mr. JONES of Washington. I would like to know what that means.

Mr. SMOOT. The report quotes the Secretary as saying:

> I urgently request that this matter be given attention, and pursuant to that purpose it is suggested that appropriate relief would be accorded by a measure of the following purport, to wit:
>
> "The Secretary of the Interior may by appropriate regulations delegate to supervisory officers the power vested in him under section 169, Revised Statutes, to make temporary or emergency appointments of persons for duty in the field, subject, however, to later confirmation thereof by the Secretary of the Interior."

Evidently it is a department bill, recommended by the Secretary of the Interior.

Mr. STANFIELD. It is a department bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF PUBLIC LANDS TO KERN COUNTY, CALIF.

The bill (H. R. 8916) granting public lands to the county of Kern, Calif., for public-park purposes was announced as next in order.

Mr. TRAMMELL. Mr. President, I desire to know how much land is to be granted for park purposes under this bill.

Mr. STANFIELD. As I recall, it is about 2,000 acres.

Mr. TRAMMELL. I shall object to this, Mr. President, but I will withhold my objection for a moment in order to state the ground of my objection. In my State in a number of instances we have sought during this session of Congress——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, under the special order of the Senate the Chair lays before the Senate the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges, and so forth.

Mr. TRAMMELL. At this session of Congress members of the Florida congressional delegation, including myself, have sought to have some very modest contributions made by the Federal Government in the way of park sites. I will illustrate that by saying that near the town of Jupiter, Fla., there is a tract of 80 acres of land that formerly was used as a lighthouse reservation. The Congressman from that district introduced a bill and I also introduced a bill providing that this tract of land should be donated to and used for park purposes by the town of Jupiter, Fla. Then the matter was taken up for consideration and in conformity with the practice the committee submitted the bill to the Department of the Interior. The Department of the Interior most emphatically protested against a donation of the land to the town of Jupiter for park purposes, and came back with a counter proposition suggesting that the land should be surveyed into town lots and sold off as town lots, and that out of the entire 80 acres of land only 5 acres of it should be contributed to the town of Jupiter for park purposes.

I have no objection to California or any other State being dealt with liberally by the Federal Government, but I propose to protest and object to bills being passed here repeatedly making donations to other States for park purposes and making other public contributions when in every instance where we ask for a contribution from the Federal Government to the State of Florida, or any of the respective subdivisions thereof, we meet with opposition on the part of the Interior Depart-

ment. Of course, the committee is largely governed by the opposition of the Interior Department. The question of making contributions for park purposes is nothing new in the history of Congress. Congress has been giving sites for park purposes in different States of the Union for the last 25 to 50 years, and thousands upon thousands of acres have been contributed in other States; but for some reason at the present time the disposition of the department and of the Congress seems to be to go into the speculative field, and every little plot of land in the State of Florida is to be sold by the Government. They ought to give us treatment similar to that which they extend to the other States.

Mr. STANFIELD. Mr. President, will the Senator yield?

Mr. TRAMMELL. Certainly.

Mr. STANFIELD. I think perhaps the Senator has failed to note that this is not a donation of land to the town, but is a sale of land.

Mr. TRAMMELL. At $125 an acre. We would be glad to buy this Florida land at $125 an acre.

Mr. STANFIELD. It may be worth that. Perhaps it is a good price for this land. It could only be used for park purposes and for no other purpose.

Mr. TRAMMELL. I think, generally speaking, the Senator from Oregon is very fair. I am not questioning his fairness or his disposition to treat all States and all municipalities alike.

Mr. STANFIELD. I am sure that is the attitude of the committee.

Mr. TRAMMELL. But there is a policy of discrimination prevailing, and I am going to protest, and protest most vigorously, against it. As an illustration, I introduced a bill providing for a survey of the national oyster beds in Florida waters. That bill went to the proper committee and was referred to the Department of Commerce some year and a half or two years ago and was favorably reported upon by the Department of Commerce. I reintroduced the bill at this session of Congress. Again it was favorably reported upon and recommended by the department to Congress; but when the matter came before the Director of the Budget he said that it was not within the presidential financial policy. Yet day after day this body and the other House of Congress are passing bills appropriating not only the small pittance of $25,000 for some enterprise of far less merit, but they are making appropriations indorsed by the Director of the Budget of sums running into millions and millions of dollars for projects that are no more deserving. I plead for justice and right and a discontinuance of this discrimination. I am glad for California to get a contribution or donation, but I want to protest against the discrimination that is taking place on the part of the Department of the Interior and on the part of Congress.

Mr. STANFIELD. I hope the Senator is not trying to have the Senate understand that he expects to make reprisals against other States because he thinks that they are faring better than Florida. In that connection I call the Senator's attention to the fact that other public-land States have perhaps not fared so well as Florida. Florida has fared better than any other public-land State in the United States. I call the Senator's attention to the fact that over 19,000,000 acres of public lands in the State of Florida have been ceded back to the State of Florida under the swamp act. I do not think the Senator from Florida surely would stand in the way of other public-land States receiving a benefit just because the department, as he thinks, has dealt unfairly with Florida. I am sure there is no disposition on the part of the Public Lands Committee of the Senate to deal unfairly with Florida.

Mr. TRAMMELL. During my service here I have been trying to deal fairly and squarely and generously with all States. That is the policy which I prefer to pursue; but if in order to get justice for my State, in order to have my State dealt with without discrimination, if reprisals become necessary, I will insist upon reprisals. That is all there is to the question of reprisals—if it becomes necessary. I do not want to do it. I have none of the spirit of wanting to discriminate against other States and other communities.

On the question of public lands the Senator is in error. We have this vast domain of swamp and overflowed lands in my State. Away back in 1855 Congress passed a certain enabling act providing that the State of Arkansas and other Southern States—and Florida happened to be among the number—where it was established that the lands were swamp and overflowed lands according to proof required by the Land Department, should receive those lands. The State of Florida did receive, of course, under that act, the same as did the States of Arkansas, Louisiana, Mississippi, and other States that came within its provisions, its proportionate share, but when it came to the question of dealing with donations by the Federal Government to the public-school funds of the various States, Congress appropriated only each section numbered 16 to the public-school fund of the State of Florida. The statutes will show that in the very large majority of the other States Congress appropriated sections numbered 16 and 32 to the school fund of those States, and in addition to that made large contributions in acreage over and above sections numbered 16 and 32.

The question of arid-land development may come up. I have been very much delighted to see the progress and development made in the improvement and the reclamation of that vast territory of the West in what we refer to as the arid-land section of the country in the West. I have no objection to it in the light of the progress and development that has been made, but for a number of years—at least since I have been in the Senate—we have tried to interest Congress and the Department of the Interior in the question of the reclamation or some assistance in the reclamation of the swamp and overflowed lands of the State of Florida. Of course we have some in our State as well as in other States of the South. We have never been able to get any consideration at all in that direction. Now and then we get some rather empty promise. I remember on one occasion when I adopted rather a drastic policy that I did not like to adopt and which was contrary to my nature and disposition, of objecting to some other reclamation project because they would not give any recognition to the drainage projects of the South, that the olive branch was extended and that some claim or contention was made that the projects of the South would be included at a later date, but we have not been able to get them included yet.

In that part of the country we have the greatest individual drainage project of the whole world, what is known as the Everglades drainage district, a district comprising something like 4,000,000 acres of land, land that is as rich and productive as the lands of the Nile. The crops growing there to-day upon lands that have been reclaimed demonstrate the fact that there is no richer or more productive land in the world than the lands of the Everglades of Florida. This project has been carried on under the supervision of the State at large expense. At times at least it has been very difficult to finance it. We have not been able to get much encouragement along the line of Federal legislation that would hold out any assistance whatever to a project of this character. Congress after Congress has appropriated millions and millions of dollars for the arid-land projects, against which I am not protesting, as I would have it understood. But I am protesting against the policy of discrimination.

Only yesterday we charged off $14,000,000 on account of losses on an arid-land project of the West. Considering the situation I thought it was a meritorious proposition. I did not think the owners of the land within that territory should be required to pay taxes and tolls upon the basis of a cost which should not properly be assessed against their property. I am not criticizing the measure in its provisions or in its purposes. I am merely illustrating how quickly the purse strings are opened when it comes to a contribution toward the reclamation of the arid lands of the West, and yet when we talk about any kind of financial assistance in the nature of underwriting or anything of that kind for a drainage district of the South, we are absolutely talking to a closed purse and to deaf ears up to the present time at least. The so-called swamp and overflowed lands of the South can be reclaimed, and are being reclaimed, at a cost of $15, $20, or $25 per acre. That cost would be considered a very excessive cost for the reclamation of land in my State. After we once get the lands reclaimed we have not the expense of irrigation. The natural rainfall is about 56 inches per annum, though some years, of course, it runs up to 60 inches per annum in my State. That furnishes ample moisture for the crops. On the other hand, in the arid-land projects of the West the cost proximates a minimum of $50 to $75 or $80 an acre for reclaiming, as compared with $15 or $20 or $25 for the swamp lands of the South. After the arid lands of the West are reclaimed, then there is the continued expense in the way of irrigation. So there is really no comparison in the matter of cost.

What I have advocated for the South has been a policy something like that adopted for the arid-land projects of the West, that we may provide a bond issue for districts under the supervision of the Interior Department, having the Interior Department underwrite the bonds after an investigation of the entire project of the proposed plan for drainage reclamation, and so forth, and in that way at least contribute toward financing those projects. Of course, so far as the arid-land projects of the West are concerned, the Government in the main does not contribute that minor assistance, but it contributes primary assistance in the way of directly financing the projects.

Mr. President, I do not wish it understood that I want the States that are being made the beneficiaries under this policy to be deprived of the liberal hand of the Federal Government in assisting them in the way of park contributions, in the way of financial assistance for the irrigation of arid land, or any like generous treatment on the part of the Government, but what I am pleading for and asking for is that we may be done justice and may be treated upon an equal footing in my State and in the South generally.

I, of course, have no personal objection to the bill providing for this contribution to the State of California, but I do want to appeal to Senators, and especially to the chairman of the committee, to deal a little more generously when it comes to tracts of land down in Florida. We are proud of the fact that lands have enhanced very much in value in that State. Before the Committee on Naval Affairs this morning there came up the question of disposing of surplus property belonging to the Government under the supervision of the Navy Department, and the record disclosed that the department had bought a piece of property in one of our Florida cities for $6,800 and had been offered $193,000 for it. The fact, however, that Florida has developed rapidly and that there is prosperity in that State is no reason why the Government should not treat the State and the different municipalities of the State just as it treats other States and other localities. That is the object I have in mind in bringing up this subject and temporarily objecting to the bill which came up for consideration.

AMENDMENT OF BANKRUPTCY ACT

Mr. WALSH. Mr. President, I submit a conference report on Senate bill 1039, which is generally known as the bankruptcy bill, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Unanimous consent is requested for the immediate consideration of the conference report. Is there objection? The Chair hears none. The clerk will read the report.

The legislative clerk proceeded to read the report.

Mr. WALSH. I ask unanimous consent that the further reading of the conference report may be dispensed with.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1039) entitled "To amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 (a), subdivisions 6, 8, and 24 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto, be, and the same hereby are, amended as follows:

"'(6) "Corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint stock companies, unincorporated companies and associations, and any business conducted by a trustee, or trustees, wherein beneficial interest or ownership is evidenced by certificate or other written instrument.

"'(8) "Courts of bankruptcy" shall include the district courts of the United States and of the Territories and possessions to which this act is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska.

"'(24) States shall include the Territories and possessions to which this act is, or may hereafter be, applicable, Alaska, and the District of Columbia.'

"SEC. 2. That the introductory provision preceding subdivision 1 of section 2 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'That the courts of bankruptcy as hereinbefore defined, namely, the district courts of the United States in the several States, the Supreme Court of the District of Columbia, the district courts of the several Territories and possessions to which this act is, or may hereafter be, applicable, and the United States Court in the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held.'

"SEC. 3. That section 3 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or other disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered, or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within 30 days from the date such levy, attachment, judgment, or other lien was obtained; or (5) made a general assignment for the benefit of his creditors; or, while insolvent, a receiver or a trustee has been appointed, or put in charge of his property; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.'

"SEC. 4. That section 7 (a), subdivision (8) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(8) Prepare, make oath to, and file in court within 10 days after adjudication, if an involuntary bankrupt, and within 10 days after the filing of a petition, if a voluntary bankrupt (unless in either case further time is granted), a schedule of his property showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors showing their residence, if known; if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions, as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee.'

"SEC. 5. The section 12 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) A bankrupt may offer, either before or after adjudication, terms of composition to his creditors, after, but not before, he has been examined in open court, or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of the estate, at which meeting the judge or referee shall preside; but action upon the petition for adjudication shall not be delayed, except that the court, for good cause shown, may in his discretion delay such action upon such terms and conditions for the protection of and indemnity against loss by the bankrupt estate as may be proper.'

"SEC. 6. That section 14 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) Any person may, after the expiration of 1 month and within 12 months, subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending, if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

"'(b) The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard; and investigate the merits of the application and discharge the applicant, unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) destroyed, mutilated, falsified, concealed, or failed to keep books of account, or records, from which his financial condition and business transactions might be ascertained; unless the court deem such failure or acts to have been justified, under all the circumstances of the case;

or (3) obtained money or property on credit, or obtained an extension or renewal of credit, by making or publishing, or causing to be made or published, in any manner whatsoever, a materially false statement in writing respecting his financial condition; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition, transferred, removed, destroyed, or concealed or permitted to be removed, destroyed, or concealed any of his property, with intent to hinder, delay, or defraud his creditors; or (5) has been granted a discharge in bankruptcy within six years; or (6) in the course of proceedings in bankruptcy, refused to obey any lawful order of or to answer any material question approved by the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities: *Provided*, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this paragraph (b), would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt: *And provided further*, That the trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do by the creditors at a meeting of creditors called for that purpose on the application of any creditor.'

"SEC. 7. That section 21 of said act, as so amended, be, and the same hereby is, amended by adding after paragraph (g) thereof a new paragraph (h), to read as follows:

"'(h) A communication by a creditor, receiver, or trustee of one, by, or against whom a bankruptcy petition is filed, or who has been adjudicated a bankrupt, to another creditor, uttered in good faith and with reasonable grounds for belief in its truth, concerning the conduct, acts, or property of such bankrupt, shall be privileged, and the creditor, receiver, or trustee so uttering the same shall not be held liable therefor.'

"SEC. 8. That section 23 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) The United States district courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

"'(b) Suits by the trustee shall be brought or prosecuted only in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; and section 70, subdivision e.'

"SEC. 9. That section 24 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows, and by adding at the end thereof, a new subdivision (c), to read as follows:

"'(a) The Supreme Court of the United States, the circuit courts of appeal of the United States, the Court of Appeals of the District of Columbia, and the supreme courts of the Territories, in vacation, in chambers and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases.

"'(b) The several circuit courts of appeal and the Court of Appeals of the District of Columbia shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law (and in matter of law and fact the matters specified in section 25) the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised by appeal and in the form and manner of an appeal, except in the cases mentioned in said section 25 to be allowed in the discretion of the appellate court.

"'(c) All appeals under this section shall be taken within 30 days after the judgment, or order, or other matter complained of, has been rendered or entered.'

"SEC. 10. That section 25 (a) of said act, as so amended, be, and the same is, amended to read as follows:

"'(a) That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of $500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.'

"SEC. 11. That section 29 (a), (b), and (d) of said act, as so amended, be, and the same hereby is, amended to read as follows, and that section 29 be further amended by adding after paragraph (d) thereof a new paragraph (e) to read as follows:

"'(a) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"'(b) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently (1) concealed from the receiver, trustee, United States marshal, or other officer of the court charged with the control or custody of property, or from creditors in composition cases, any property belonging to the estate of a bankrupt; or (2) made a false oath or account in or in relation to any proceeding in bankruptcy; or (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition, personally, or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this act; or (5) received or attempted to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof from any person, for acting or forbearing to act in bankruptcy proceedings; or (6) having been an officer or agent of any person or corporation, and in contemplation of the bankruptcy of such person or corporation, or with intent to defeat the operation of this act, concealed or transferred any of the property of the debtor; or (7) after the filing of the petition, or, in contemplation of bankruptcy, concealed, destroyed, mutilated, or falsified any book, document, or record affecting or relating to the property or affairs of a bankrupt; or (8) after the filing of the petition, withheld from the receiver or trustee any book, document, or paper affecting or relating to the property or affairs of a bankrupt, to the possession of which he is entitled.

"'(d) A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within three years after the commission of the offense.

"'(e) (1) Whenever any referee, receiver, or trustee shall have grounds for believing that any offense under this act has been committed, or from facts or circumstances brought out in the course of administration or otherwise brought to his attention, that there is reasonable ground to believe that such an offense has been committed, or for special reason, an investigation should be had in connection therewith, it shall be the duty of such referee, receiver, or trustee to report such matter to the United States attorney for the district in which it is believed such an offense has been committed, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and a statement as to the offense or offenses believed to have been committed.

"'(2) It shall be the duty of every United States attorney immediately to inquire into the fact so reported to him by any referee, receiver, or trustee, and the law applicable thereto, and if it appears probable that any offense under this act has been committed, in a proper case and without delay, to present the matter to the grand jury, unless upon inquiry and examination such district attorney decides that the ends of public justice do not require that the alleged offense should be investigated or prosecuted, in which case he shall report the facts to the Attorney General for his direction in the premises.'

"SEC. 12. That section 38 (a), subdivision 5, of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(5) During the examination of the bankrupt or other proceedings authorize the employment of stenographers for reporting and transcribing the proceedings at such reasonable expense to the estate as the court may fix.'

"SEC. 13. That section 57 (n) of said act as so amended be, and the same hereby is, amended to read as follows:

"'(n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication, or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such

time then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.'

"SEC. 14. That section 60 (a) of said act as so amended be, and the same hereby is, amended to read as follows:

"'(a) A person shall be deemed to have given a preference if being insolvent he has within four months before the filing of the petition or after the filing of the petition and before the adjudication procured or suffered a judgment to be entered against himself in favor of any person or made a transfer to any of his property and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer such period of four months shall not expire until four months after the date of recording or registering of the transfer if by law such recording or registering is required or permitted.'

"SEC. 15. That section 64, subdivisions (a) and (b), of said act, as so amended, be, and the same hereby are, amended to read as follows:

"'(a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, in the order of priority as set forth in paragraph (b) hereof: *Provided*, That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court. Upon filing the receipts of the proper public officers for such payments the trustee shall be credited with the amounts thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

"'(b) The debts to have priority, in advance of the payment of dividends to creditors, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expense of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary and involuntary cases, as the court may allow; (4) where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of the court, the reasonable expenses of such creditors in opposing such composition; (5) wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of the commencement of the proceeding, not to exceed $600 to each claimant; (6) taxes payable under paragraph (a) hereof; and (7) debts owing to any person who by the laws of the States or the United States is entitled to priority: *Provided*, That the term "person" as used in this section shall include corporations, the United States, and the several States and Territories of the United States.'

"SEC. 16. That section 70, subdivision (a) 2, of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(2) Interests in patents, patent rights, copyrights, and trade-marks, and in applications for patents, copyrights, and trade-marks: *Provided*, That in case the trustee, within 30 days after appointment, does not notify the applicant for a patent, copyright, or trade-mark of his election to prosecute the application to allowance or rejection, the bankrupt may apply to the court for an order revesting him with the title thereto, which petition shall be granted, unless, for cause shown by the trustee, the court grants further time to the trustee for making such election; and such applicant may, in any event, at any time petition the court to be revested with such title in case the trustee shall fail to prosecute such application with reasonable diligence; and the court, upon revesting the bankrupt with such title, shall direct the trustee to execute proper instruments of transfer to make the same effective in law and upon the records.'

"SEC. 17. Nothing herein contained shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

"SEC. 18. The provisions of this amendatory act shall govern proceedings, so far as practicable and applicable, in bankruptcy cases pending when it takes effect; but as to proceedings in cases pending when this act takes effect, to which the provisions of this amendatory act are not applicable, such proceedings shall be disposed of conformably to the provisions of said act approved July 1, 1898, and the acts amendatory thereof and supplementary thereto.

"SEC. 19. All acts or parts of acts inconsistent with any provisions of this act are hereby repealed.

"SEC. 20. This act shall take effect and be in force on and after three months from the date of its approval."

T. J. WALSH,
CHARLES S. DENEEN,
GUY D. GOFF,
Managers on the part of the Senate.

C. A. CHRISTOPHERSON,
EARL C. MICHENER,
A. J. MONTAGUE,
Managers on the part of the House.

The managers on the part of the Senate submit the following statement touching the agreement between the conferees:

When S. 1039 reached the House there had been reported from the House Committee on the Judiciary a bill dealing with the same subject, H. R. 8119, the two bills differing in detail only. That body struck out all after the enacting clause in the Senate bill and substituted in lieu thereof the House bill as it was reported by its Judiciary Committee. The result of the work of the conference committee is as indicated in the statement made by the House managers, as follows:

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1039, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The differences between the Senate bill and the House bill, which was substituted in the House, consisted in that, first, the House bill amended some sections of the bankruptcy law not touched upon by the Senate bill; and, secondly, there were some technical differences in phraseology, but in the main both bills sought to accomplish the same purpose.

Sections 1 and 2 of the House amendment were not contained in the Senate bill. The Senate recedes from its disagreement to these amendments and agrees to the same.

In section 3 of the House amendment the only difference from the Senate bill is in subdivision (5), which difference consists merely in phraseology. The Senate recedes from its disagreement to this amendment and agrees to the same.

Sections 4 and 5 of the House amendment are not contained in the Senate bill, and the Senate recedes from its disagreement to these amendments and agrees to the same.

As to section 6 of the House amendment, the Senate recedes from its disagreement to the amendment and agrees to the same with the following amendment: After the word "petition," in division (4) of subdivision (b), strike out the words "shall have."

Sections 7, 8, and 9 of the House amendment are not contained in the Senate bill. The Senate recedes from its disagreement to these amendments and agrees to the same with the following amendments:

In the first line of subdivision (b), section 8, strike out the word "only," and in the second line of the same subdivision, after the word "prosecuted," insert the word "only."

In the last line of subdivision (b), section (9), after the word "appeal," strike out the period, insert a comma and the following: "except in the cases mentioned in said section 25 to be allowed in the discretion of the appellate court."

The Senate recedes from its disagreement to the amendments contained in sections 10 and 11 of the House amendment and agrees to the same with the following amendment:

After the word "bankrupt," in the last line of subdivision (b), section 11, strike out the period, insert a comma and the following: "to the possession of which he is entitled."

Section 12 of the House amendment was not contained in the Senate bill. The Senate recedes from its disagreement thereto and agrees to the same.

Section 57 (n) and section 60 (a) of the Senate bill are not contained in the House amendment. The House recedes from its disagreement thereto and agrees to the same. These amendments are sections 13 and 14 of the conference report.

As to section 13 of the House amendment, being section 15 of the conference report, the Senate receded from its disagreement and agrees to the same with the following amendments:

After the word "municipality," in the third line of subdivision (a), strike out the words "except franchise or license fees or taxes of a corporation owing to States in which such corporation is not doing business."

At the end of division (7) of subdivision (b), section 13, after the words "United States," strike out the colon, insert a period, and strike out the following words: "*Provided, however,* That priorities granted by any State law to its residents and to domestic corporations over nonresidents and foreign corporations shall not be recognized or allowed.

As to section 14 of the House amendment, being section 16 of the conference report, the Senate recedes from its disagreement and agrees to the same with the following amendment: Strike out all of subdivision (b).

The Senate recedes from its disagreement to sections 15, 16, 17, and 18 of the House amendment, being sections 17, 18, 19, and 20 of the conference report, and agrees to the same.

Mr. WALSH. Mr. President, I will state in this connection that the Senate passed a bankruptcy bill which was identical with the one passed at the last session. The House passed a bill, in substance, like the one passed by the Senate but differing in some particulars, the difference arising in this way: The bill was prepared by what is known as the National Credit Men's Association in collaboration with the American Bar Association. The bill was introduced in the Senate in exactly the form in which it passed the Senate at the last session. After that those interested in the legislation got together, made some additions to the bill, and eliminated some features. In that form the bill passed the House of Representatives. When the Senate bill went to the House all after the enacting clause was stricken out and the House bill substituted. It then went to conference, and the conference report is the result of the action of the conferees in both Houses on the differences between the two bills.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 12175. An act to amend the World War veterans' act, 1924; to the Committee on Finance.

H. R. 7889. An act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business; to the Committee on Appropriations.

H. R. 9268. An act to amend the agricultural credits act of 1923; and

H. R. 9269. An act to amend paragraph 2 of section 7 of the farm loan act; to the Committee on Banking and Currency.

H. R. 5365. An act to amend the Judicial Code by adding a new section to be numbered 274D; and

H. R. 9568. An act amending section 220, Criminal Code of the United States; to the Committee on the Judiciary.

H. R. 9869. An act to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building; and

H. R. 11353. An act to convey to the city of Oshkosh, Wis., certain Government property; to the Committee on Public Buildings and Grounds.

H. R. 5026. An act to provide for the construction of 10 vessels for the Coast Guard;

H. R. 10089. An act to authorize the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington;

H. R. 10605. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.;

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10857. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis in the State of Minnesota;

H. R. 10929. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River in Thornton Township, Cook County, Ill.;

H. R. 10942. An act to extend the time for the commencing and completing the construction of a bridge across the White River near Augusta, Ark.;

H. R. 10973. An act to readjust the commissioned personnel of the Coast Guard, and for other purposes;

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11082. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

H. R. 11175. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the County of Hennepin, Minn., by the city of Minneapolis;

H. R. 11385. An act granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.;

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River, at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana;

H. R. 11718. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River; and

H. R. 11719. An act to authorize the city of Niobrara, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and South Dakota; to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill of the House (H. R. 10204) providing an additional wing to the District Jail.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 3807. An act granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia; and

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes.

COMMISSIONER OF RECLAMATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes, which was, on page 1, to strike out all after "Reclamation," in line 7, down to and including "annum," in line 13, and insert "who shall receive a salary of $10,000 per annum, and who shall be appointed by the President."

Mr. WARREN. I move that the amendment of the House be concurred in.

Mr. JONES of Washington. What is the amendment?

Mr. WARREN. It provides for the salary of the commissioner and his appointment by the President, cutting out confirmation by the Senate.

The amendment was concurred in.

MIGRATORY-BIRD REFUGES

Mr. NORBECK obtained the floor.

Mr. COUZENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sheppard
Bingham	Frazier	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Broussard	Glass	Means	Smoot
Bruce	Goff	Metcalf	Stanfield
Butler	Gooding	Moses	Steck
Cameron	Hale	Neely	Stephens
Capper	Harreld	Norbeck	Swanson
Caraway	Harris	Norris	Trammell
Copeland	Harrison	Nye	Tyson
Couzens	Heflin	Oddie	Walsh
Cummins	Howell	Overman	Warren
Curtis	Johnson	Pine	Watson
Dale	Jones, N. Mex.	Pittman	Weller
Deneen	Jones, Wash.	Ransdell	Wheeler
Dill	Kendrick	Reed, Mo.	Williams
Edwards	Keyes	Robinson, Ark.	Willis
Ernst	King	Robinson, Ind.	
Fernald	La Follette	Sackett	
Ferris	Lenroot	Schall	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

The PRESIDING OFFICER laid before the Senate the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was read twice by its title.

Mr. STANFIELD. Mr. President, I ask that the bill may be printed and go to the calendar.

The PRESIDING OFFICER. The bill will be printed and placed on the calendar.

Mr. KING. The Senator does not ask, as I understand, for the reference of the bill to the committee?

Mr. STANFIELD. I do not ask for its reference to the committee, but that it go direct to the calendar.

Mr. NORBECK. Mr. President——

Mr. STANFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order being called for, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. STANFIELD. Mr. President, I ask unanimous consent that Senate bill 786, the unfinished business, be laid aside temporarily. The reason for the request is that the House yesterday passed House bill No. 7, which has just come over to the Senate, that being the civil service retirement bill of the House. In order that it may be printed and be before the Senate and on the calendar when we give further consideration to Senate bill 786, I make the request for unanimous consent that the unfinished business may be temporarily laid aside.

Mr. SMOOT. Mr. President, I suggest to the Senator that he ask unanimous consent that the House bill be substituted on the calendar for the Senate bill, which is now the unfinished business, so that to-morrow when we take up the unfinished business the House bill will be before the Senate. I do not think there will be any objection to that.

Mr. ROBINSON of Arkansas. Has the House bill been considered by a committee of the Senate?

Mr. STANFIELD. No; it has not been.

Mr. ROBINSON of Arkansas. Then I object.

The PRESIDING OFFICER. Objection is made.

Mr. STANFIELD. I renew my request.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri object to the request of the Senator from Oregon for unanimous consent?

Mr. REED of Missouri. I desire to make an inquiry first. Does not the special order which comes now displace automatically the retirement bill?

The PRESIDING OFFICER. The Chair understands that the unfinished business displaces the special order at any time that it may be called up.

Mr. REED of Missouri. I did not understand the Chair.

The PRESIDING OFFICER. The Chair understands that the unfinished business ranks ahead of the special order, in accordance with Senate precedents.

Mr. DILL. How long will the special order continue?

The PRESIDING OFFICER. The special order is now before the Senate. The Senator from Oregon has asked unanimous consent that the unfinished business be temporarily laid aside.

Mr. REED of Missouri. Very well. If I have to object to get a hearing, I am going to object; but I do not want to object unless I find that it is necessary. My understanding was that by unanimous consent we made the bird bill the special order for 2 o'clock. If the Chair rules that some other bill is before the Senate at this time, what becomes of the bird bill?

Mr. ROBINSON of Arkansas. The special order is displaced.

Mr. NORBECK. For how long?

Mr. CURTIS. Mr. President, an hour or more ago the unfinished business was temporarily laid aside, with the understanding that the House bill was coming over and that to-morrow morning the House bill would be taken up as a substitute for the Senate bill; so the unfinished business has heretofore been temporarily laid aside and this bill now is properly before the Senate.

Mr. REED of Missouri. That being the case, it is not necessary to lay aside the unfinished business temporarily.

Mr. SMOOT. That is what I was just telling the Senator.

Mr. DILL. Mr. President, how long does this special order continue to be before the Senate if the other bill is the unfinished business?

Mr. ROBINSON of Arkansas. Until there is an adjournment, or until it is displaced by bringing the unfinished business or some other business before the Senate.

Mr. DILL. Then the bird bill is the unfinished business at this time?

Mr. SMOOT. No; it is a special order.

Mr. DILL. How long does this special order continue?

Mr. ROBINSON of Arkansas. Until the unfinished business is brought before the Senate or the special order is displaced by other business.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. PITTMAN. I call the attention of Senators to Rule X on special orders. If they will read that rule they will ascertain the fact that the unfinished business of course displaces the special order, but the special order comes up at the same hour every day until it is not displaced by unfinished business. That is all there is to Rule X.

Mr. STANFIELD. Mr. President, I now ask unanimous consent that H. R. 7, which was to go directly to the calendar, be referred to the Committee on Civil Service.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Oregon that H. R. 7, heretofore referred to the calendar, be referred to the Committee on Civil Service?

Mr. ROBINSON of Arkansas. That is the House bill dealing with the same subject that the bill which the Senator from Oregon has brought before the Senate relates to?

Mr. STANFIELD. Yes.

Mr. ROBINSON of Arkansas. I have no objection to that.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Civil Service.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota. The Chair will ask the Senator to suspend for a moment. The Chair understands that there is no objection to the unanimous-consent agreement asked by the Senator from Oregon that the unfinished business be temporarily laid aside.

Mr. ROBINSON of Arkansas. Yes; there was objection.

Mr. NORBECK. Yes; I objected.

Mr. ROBINSON of Arkansas. I objected myself. The request of the Senator from Oregon, which was agreed to, was that the House bill relating to the same subject that the bill he has had before the Senate relates to be referred to the appropriate committee. There was no objection to that, but there was an objection to laying aside temporarily the retirement bill.

Mr. SMOOT. That has already been done.

Mr. ROBINSON of Arkansas. The Chair has submitted the request for unanimous consent, and I objected to it.

Mr. SMOOT. That was on the House bill. Now the House bill has been referred to the committee, and that is out of the way.

Mr. ROBINSON of Arkansas. The Chair stated that he understood there was no objection to laying aside the unfinished business, and I did object to laying aside the unfinished business.

Mr. SMOOT. That was done at 2 o'clock.

Mr. ROBINSON of Arkansas. I do not know what happened yesterday or day before yesterday; but I know that the Chair submitted a request for unanimous consent, and I objected.

Mr. SMOOT. The Senator from Oregon asked first that the House retirement bill be placed upon the calendar. After it went to the calendar he asked unanimous consent that it be substituted for the Senate bill, and then he further asked unanimous consent that the unfinished business be temporarily laid aside.

Mr. ROBINSON of Arkansas. The Chair submitted a request for unanimous consent, and I made an objection because I think there ought not to be two or three or four orders of business at the same time. I think the Senate ought to go forward with the bill that is the unfinished business and dispose of it.

The PRESIDING OFFICER. The Chair will state for the information of the Senate that when the hour of 2 o'clock arrived, in accordance with the special order, the Chair laid before the Senate the migratory bird bill. A little later the Senator from Oregon called for the regular order, which was the unfinished business, and the Chair laid before the Senate the unfinished business. Whereupon the Senator from Oregon asked unanimous consent that the unfinished business be temporarily laid aside in order that the migratory bird bill might be proceeded with; and the Chair understood that there was objection to the unfinished business being temporarily laid aside.

Mr. ROBINSON of Arkansas. That keeps it before the Senate.

The PRESIDING OFFICER. Is the Chair's understanding correct?

Mr. ROBINSON of Arkansas. That is my understanding.

Mr. SMOOT. Mr. President, if I am not mistaken, the Senator from Oregon asked first that the House bill go to the calendar; and then, after that, he asked that it be substituted for the Senate bill known as the retirement bill, and that it be made the unfinished business, and that was agreed to. Then he further asked that the unfinished business, being the House bill, be temporarily laid aside.

Mr. ROBINSON of Arkansas. No, Mr. President; no such transaction occurred within my knowledge. I heard the Senator from Oregon ask that the House bill be substituted for the Senate bill and be made the unfinished business and be temporarily laid aside. I objected to that, because I do not know what is in the House bill; and the Senate having made the bill of the Senator from Oregon the unfinished business, I think we should proceed with that, and should be apprised of what the provisions of the House bill are before we substitute that bill for the Senate bill.

Mr. STANFIELD. That was the purpose in making the request that the bill be temporarily laid aside.

Mr. ROBINSON of Arkansas. The House bill was referred to the committee upon request of the Senator from Oregon [Mr. STANFIELD].

Mr. SMOOT. Certainly; after the objection was made.

Mr. ROBINSON of Arkansas. Very well. Then the House bill can not be the unfinished business. The unfinished business is the bill of the Senator from Oregon [Mr. STANFIELD].

Mr. SMOOT. There is no question about that.

Mr. ROBINSON of Arkansas. Very well. That is the ruling of the Chair.

Mr. SMOOT. The only point is that the Senate bill was the unfinished business, and the request of the Senator from Oregon was, after the House bill had been substituted for the Senate bill, that——

Mr. ROBINSON of Arkansas. No; the Senator from Utah is wrong about that. The House bill was not substituted for the Senate bill.

Mr. SMOOT. The Senator from Oregon requested it, anyhow.

Mr. ROBINSON of Arkansas. If that were the case, the Senate would be in the attitude of having substituted the House bill for the Senate bill and then having committed the substituted bill to the committee, which we have not done. The bill before the Senate is the bill of the Senator from Oregon.

Mr. PITTMAN. To settle that question, I call for the regular order, which again brings it before the Senate.

The PRESIDING OFFICER. The regular order being called for, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. STANFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the unfinished business being temporarily laid aside? The Chair hears none, and it will be temporarily laid aside.

MIGRATORY-BIRD REFUGES

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. NORBECK. I have been trying for four or five days to get half an hour to explain the pending bill.

The PRESIDING OFFICER. Does the Senator desire to have something before the Senate? There is nothing before the Senate at the present time.

Mr. NORBECK. Yes. I will start in by making a motion that the migratory bird bill be taken up.

The PRESIDING OFFICER. Does the Senator ask unanimous consent for the immediate consideration of the migratory bird bill?

Mr. DILL. Mr. President, I understood the Senator to say that he made a motion to have it laid before the Senate.

Mr. CURTIS. Mr. President, a point of order. In view of the fact that a special order was made to take up the bird bill, is there any necessity of asking unanimous consent or making a motion?

The PRESIDING OFFICER. The regular order having been demanded, the Chair is of the opinion that the bill would naturally come up at 2 o'clock on the succeeding day unless unanimous consent was asked for its immediate consideration.

Mr. CURTIS. Has the Senator from Nevada the rule there? I think he read it a moment ago. My understanding is—I have not read the rule for some time—that when the unfinished business is disposed of the special order comes up automatically—

> unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. NORBECK. Mr. President, I desire to speak in behalf of the pending measure, popularly known as the migratory game refuge and marshland conservation bill. I want to emphasize the fact that notwithstanding misrepresentations through propaganda and by remarks on this floor, it is nevertheless first and last a conservation measure to prevent extinction of our migratory birds—a problem which the States have found themselves unable to solve, because migratory birds are unconscious of State lines or even international boundaries. The problem can not be solved by State laws or State regulations: it is the problem of this Government and that of adjoining governments.

We have already entered into a treaty with Canada. Another treaty is contemplated with the Republic to the south of us. Migratory birds may travel thousands of miles between their summer nesting grounds and their winter feeding grounds. One State may protect but another one destroy its good efforts. Lincoln said—

> The States should do that which they can do best and the Federal Government should do that which it can do best.

No Senator has yet contended that this problem can be handled by the States, although many object to it being handled at all. Opposition has developed from two sources:

First. Those who would have no restriction by the Federal Government on the killing of migratory birds. That means nothing should be done to save the birds.

Second. Opposition also comes from those who object to the killing of game. Some of these believe in hard and fast rules; others believe there should be no hunting whatever. Some go far enough to say we have no right to destroy life of any kind. Extremes of each case are those who believe in the migration of the soul. There are people in this land who do not believe in the slaughter of birds, of cattle, or of hogs. They do not believe that animal life exists for the benefit of man.

Every Senator on this floor can remember the time when we had large stretches of unsettled portions of public domain, both forest and prairies, when ducks and geese were practically undisturbed in their summer nesting places or their winter

habitat. Marshes were undrained. Thousands of miles of shore line and river fronts were practically undisturbed by man. The waters of our streams and our harbors were not polluted by oil or poisonous substances that destroy our birds. In those days there was little thought of conservation of forests, of minerals, of big game, or little game. There was no thought of conservation of any of the natural resources. We permitted people to come and take what they wanted. It was the day of abundance, and we did not realize there would be a day of reckoning.

With the great increase in population, the settling of the public domain, the draining of our marshes, the pollution of our streams, the destruction of the feeding grounds of birds in various ways brought a near disaster. The only serious effort by Congress to check this destruction was the migratory bird act in support of our treaty with Canada, prohibiting hunting of migratory birds in certain seasons of the year. It was a step in the right direction, but only a step. With less than one game warden for each State it has been impossible to enforce the law as it should be. But experience has shown that limited shooting does not preserve the bird. The birds must have a home where they may hatch their eggs and raise their young. A duck can not do this in the cornfields or orchards; it must be in marshes or along the banks of the rivers and lakes. These places are getting more scarce all the time.

Not only must they have a rearing ground, but they must have feeding grounds. These are disappearing at an alarming rate in our desperate attempt to increase our crop areas. Hundreds of thousands of marshes that have been drained would have been more valuable for the rearing of bird life than they are for the production of crops. But the birds belong to the general public, and the public interest was given no consideration when the land might be used by the owner for other purposes. He had no more interest in the game than did his neighbor, but he could often make a profit by draining the land. I do not admit that all drainage has been profitable. Far from it. The speculation has often caused the promoters heavy losses. I have in mind especially now the Horicon marshes and the Trempealeau bottom lands of Wisconsin. Everyone in that country, including the drainage promoters, now admit that they should have been preserved as permanent bird refuges, but it is too late. If the land is put to practical uses, the birds are driven to a few open places where they congregate in an excessive number. The feed is inadequate, and the commercial hunter destroys them, because he can shoot hundreds of ducks in an hour while a game warden is in another section of the State.

This bill, or rather one almost the same, and sponsored by Senator Harry New, passed this Senate over three years ago. It failed to pass the House during the Sixty-seventh Congress. The House took up the measure during the Sixty-eighth Congress and passed it, but on account of the pressure of other matters the Senate adjourned without taking action; therefore the bill had to be introduced anew.

There are Senators in this body, whose judgment I highly respect, who object to the bill because they feel it should be financed by the Federal Treasury and not by the sale of hunting licenses. Certainly I would have no objection to financing it from the Federal Treasury, but every Senator here knows it is impossible to get sufficient funds for such a purpose. In fact, it has been impossible to secure the necessary appropriation to properly enforce the migratory bird act of 1913 to fulfill our treaty obligations.

This matter has been given long and serious study by those individuals and organizations who are sincerely devoted to solving the cause of preserving our bird life. None have been more successful than has the Audubon Society, which has given its unqualified indorsement to this measure. Among other supporters of this measure, we have the American Association for Advancement of Science; the American Bison Society, that through its efforts saved the bison from extinction; the American Game Protective Association; the American Ornithologists' Union; the Boone and Crockett Club; the Boy Scouts of America; Brotherhood of Railroad Trainmen; the International Association of Game, Fish, and Conservation Commissioners; the General Federation of Women's Clubs; our National Association on Outdoor Recreation; the National Geographic Society; the National Grange; the Izaak Walton League of America, and others too numerous to mention at this time.

Mr. DILL. Mr. President, will the Senator yield?

Mr. NORBECK. I will for a question or two.

Mr. DILL. I want to ask a question. The Senator has read a list of organizations which have indorsed this bill. I wonder whether they really indorse the terms of the bill, or simply the principle of bird refuges?

Mr. NORBECK. I want to say that in most cases the bill has been before them in every case.

Mr. DILL. The Senator is familiar with the telegram which practically all Senators have received from the Izaak Walton League, in which they say they are opposed to certain provisions of this bill.

Mr. NORBECK. I challenge that statement. No Senator on this floor has received a telegram from the Izaak Walton League to that effect.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Arkansas?

Mr. NORBECK. I yield for a question.

Mr. ROBINSON of Arkansas. I would like to make a brief statement prefacing my question. I shall not take much time.

Mr. NORBECK. I yield.

Mr. ROBINSON of Arkansas. I had understood that the Izaak Walton League favored the bill. I have, however, received to-day some telegrams which I will ask to have inserted in the RECORD at the end of the remarks of the Senator from South Dakota from the president of the Izaak Walton League for the State of Arkansas, the secretary of the Izaak Walton League for the State of Arkansas, and the president of the local chapter of the organization of the Izaak Walton League at Mena, and others, opposing the game refuge bill. I have wired to those parties asking them to state the provisions of the bill to which they object and the grounds of their objection, but have not yet had time to receive their answers.

I ask leave to insert in the RECORD the telegrams to which I have referred.

The PRESIDING OFFICER. Is there objection?

Mr. NORBECK. I have no objection, except to call attention to the fact that this is the State organization of the Izaak Walton League and not the national organization.

The PRESIDING OFFICER. If there is no objection, the telegrams referred to will be inserted in the RECORD at the end of the remarks of the Senator from South Dakota.

Mr. DILL. Mr. President, the Senator from South Dakota says that the Izaak Walton League has not objected to this bill. I have a telegram here which I want to read in answer to the statement of the Senator, and I think the same telegram——

Mr. NORBECK. I am very familiar with the telegram, and if the Senator will excuse me, I will get to that in just a moment, the point being that Mr. Dilg claims to have something to do with the Izaak Walton League, and at the present time has no more to do with it than you or I if we pay our dollar for membership. He refers to a meeting of the national association some time back that did protest against this bill, but refrains from saying anything about the last meeting of that association.

Mr. DILL. He says they are opposed to Federal licenses for hunters——

Mr. NORBECK. And Mr. Dilg is not an official of the Izaak Walton League at all. I have a telegram here from the president of the Izaak Walton League and other officials which will answer that. Mr. Dilg is just pretending to speak for some one whom he does not represent.

Mr. DILL. He says that 1,400 delegates voted unanimously against it.

Mr. NORBECK. Some time ago; and he refrained from giving the date.

Mr. DILL. At the third national meeting.

Mr. NORBECK. What did he say about the fourth national meeting?

Mr. DILL. He did not say anything about it.

Mr. ROBINSON of Arkansas. May I interrupt the Senator a moment, to try to clear up this matter?

Mr. NORBECK. I yield.

Mr. ROBINSON of Arkansas. Has the Izaak Walton League, at a convention or meeting subsequent to the one referred to by the Senator from Washington—I mean the national organization—expressly indorsed this bill?

Mr. NORBECK. No; but they expressly gave their opinion of Mr. Dilg by "canning" him and his policies, and putting another element in charge of the league entirely.

Mr. ROBINSON of Arkansas. That might have had relation to some other subject matter. I do not know how material it is to determine the exact attitude of the Izaak Walton League, but evidently there is confusion regarding the subject, and I am trying to find out whether the Senator has definite information as to the expression of that organization on the subject.

Mr. NORBECK. I will read into the RECORD a little later a very definite expression from the president and one from the chairman of the executive committee, who have gone over the

situation very carefully, and are authorized to speak for the whole group.

Mr. ROBINSON of Arkansas. I have some information, although not directly communicated to me from representatives of the Izaak Walton League, that their objection to the bill is to the provision imposing a Federal license.

Mr. DILL. That is exactly what this telegram says.

Mr. NORBECK. A motion was carried at one of their national association meetings a year ago to that effect, but that is not the attitude of anyone who speaks for the national organization to-day. They have come to recognize that it is necessary.

Mr. DILL. May I ask the Senator this question: Has any meeting of the Izaak Walton League since the third convention repudiated the action of the 1,400 delegates who unanimously voted against the bill?

Mr. NORBECK. I have just explained what the officers of the league said, and I want to remind the Senator that I have been trying for five days to explain this bill, and I have not been accorded that courtesy. I yield for a question, and get dragged into this kind of a controversy.

Mr. DILL. I think I yielded to the Senator quite liberally the other day when I was discussing the measure. I hope I am not offending the Senator.

Mr. NORBECK. Not at all, but I hope the Senator realizes that it is necessary for me to go through the explanation of this bill. These questions will be answered, if Senators will just be patient until I get through.

Mr. DILL. I hope the Senator will not be offended because we try to clear up certain general statements of the Senator.

Mr. NORBECK. Not at all.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. NORBECK. I yield.

Mr. GLASS. The difficulty about that theory is that it does not work out in practice, because Senators do not stay here to hear the Senator explain the bill. I am one of the offenders in that respect, and therefore I want to ask the Senator upon what theory this bill provides a Federal license to shoot birds in various States? What is the basis for that provision? I am asking for information.

Mr. NORBECK. It is recognized that migratory birds can not be protected by the States. One State may protect and another one may permit destruction. For instance, a little investigation has been made, and it has been found that birds that congregate on a certain marsh in one State, which were captured and banded to the number of several hundred, were afterwards shot in 11 different States. One State may have refuges, proper seasons, and proper enforcement, but the birds are shot in other States.

That has led to the necessity for the Federal Government taking action, and also to international agreements. A new problem is this: The birds are not disappearing altogether from too much shooting. They are disappearing because their nesting grounds, their feeding grounds, their resting grounds have been turned to other uses. The marshes have been drained, and they have to get out, and they congregate in a few smaller places where there is an insufficient quantity of food. The main purpose of this bill is to raise money by the sale of Federal licenses so as to buy up the remaining marshes, which are for sale at reasonable prices, and to keep them forever as bird refuges. There are also other provisions in the bill.

Mr. GLASS. Under what sanction of the Constitution would the Federal Government take jurisdiction?

Mr. NORBECK. The Supreme Court of the United States has spoken quite definitely on that matter in its decision on the migratory bird legislation; but I will get to that after a little. I will read that opinion into the RECORD.

Mr. REED of Missouri. Mr. President, before the Senator proceeds will he give me one bit of information?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. NORBECK. I yield for a question.

Mr. REED of Missouri. Has the Izaak Walton League had a general convention since April, 1925?

Mr. NORBECK. It has.

Mr. REED of Missouri. Did it at that convention take any action touching this bill?

Mr. NORBECK. It did not take any direct action, as far as I know. It did take direct action on the man who voices his opposition to this bill all the time. They took care of him.

Mr. REED of Missouri. The Senator means that they did not reelect Mr. Dilg?

Mr. NORBECK. No; he is not an official of the Izaak Walton League in any shape or form, any more than you or I.

Mr. REED of Missouri. Certainly; but that does not settle the action of the league on this bill.

Mr. ROBINSON of Arkansas. That "Dilg" is not to be confused with the Senator from Washington [Mr. DILL].

Mr. NORBECK. No.

Mr. REED of Missouri. He is all right.

Mr. NORBECK. Mr. President, I repeat, the primary purpose of the migratory bird refuge and marsh land conservation bill is adequate permanent breeding, resting, and feeding sanctuary for waterfowl, without which the supply of these birds will progressively decrease, notwithstanding all other protection that can be given them. It provides:

1. Hunters of migratory aquatic game birds to purchase a Federal hunting license at a dollar a year; this to be issued by postmasters. Farmer owners or lessees of property and members of their immediate families to require no license for hunting on their own lands.

2. Not less than 60 per cent of this income to be used for acquiring land or water as game refuges and public shooting grounds by purchase or lease, and for maintenance and improvement of such grounds.

3. Not over 40 per cent to be used for administration, including employment of wardens to guard the refuges, and to enforce this and other Federal laws concerning migratory birds, for conducting surveys of proposed reservation sites, for investigating duck sickness, and for other essential requirements.

4. A commission consisting of three members of the Cabinet, two United States Senators, and two Members of the House of Representatives to pass on all land purchases or rentals provided for under this act and as recommended by the Secretary of Agriculture.

The ranking officer of the State game commission to be an ex-officio member of this Federal commission when investigations are being made in the State in which he officiates.

5. The Biological Survey of the United States Department of Agriculture to administer the law.

6. Provision to be made for concurrent administration of refuges and public shooting grounds by the several States whenever so authorized by the State legislature. No land or water can be acquired in a given State without the consent of its legislature.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORBECK. Certainly.

Mr. FESS. Has the Senator any estimate as to the amount of money that will come in during any one year under the license provision?

Mr. NORBECK. The estimates of some of the men who have studied it very carefully vary from $500,000 to $800,000 during the first year, with an increase from year to year.

Mr. FESS. So that would leave a very respectable sum to purchase the necessary grounds?

Mr. NORBECK. Yes; and it should be kept in mind that the bill does not provide that only 60 per cent shall be used for the purchase of lands. It says not less than 60 per cent, and when Congress comes to appropriate the necessary money it may decide whether it shall be 60 per cent or 90 per cent that shall be used for that particular purpose. Experience will show how much will be needed for this purpose and how much will be needed for law enforcement, for study, investigations, and so forth.

Mr. FESS. Then really the bill is not only to secure these reservations, but it is to be a self-supporting proposition.

Mr. NORBECK. Without the cost of one dollar to the Treasury or to any man except those who voluntarily buy licenses. It does provide that an initial appropriation shall be made from the Treasury to be paid back out of the fund.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORBECK. I yield to the Senator from Utah.

Mr. KING. I merely want to suggest to the Senator that in Michigan alone there are 400,000 licenses issued. Those issued in the United States to-day run into millions. I have heard many state that in their opinion there would be from 1,000,000 to 5,000,000 Federal licenses. The Senator would know better than I. I am merely telling him the statement made to me by men who are shooting and hunting. They say there would be from 1,000,000 to 5,000,000.

Mr. FESS. In that case the assurance of the success of the proposal is doubly assured, is it not?

Mr. KING. There is no doubt that there will be jobs for a large number of people and they will have substantially from $500,000 to $1,000,000 for the job hunters.

Mr. NORBECK. I do not think it is any worse for a man to have a job outside of this Chamber than inside.

Mr. KING. I think they may discharge their duties better than some of us.

Mr. DILL. Except that the one is appointed and the other is elected.

Mr. ROBINSON of Arkansas. Mr. President, I suggest that the Senator discuss the bill. [Laughter.]

Mr. NORBECK. The remark is appropriate. To clear a point mentioned by the distinguished Senator from Ohio I will say there is much misunderstanding and confusion about the bill. I challenge not the remark that there are 400,000 licenses in Michigan, but for what? For migratory birds? No; for all hunting. It might be that a large number of them are to shoot deer up in the northern woods. Judging by my own limited experience I would say that not one-tenth of those who take out licenses in my State would shoot migratory birds at all. Therefore we must eliminate approximately 90 per cent of those who obtain licenses from the provisions of the bill, because they will not come under it.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I yield.

Mr. DILL. Does the Senator think a man going out to hunt, knowing that for $1 he is free to shoot ducks if he sees them, is going to avoid taking out a Federal license?

Mr. NORBECK. The Senator has hunted and he has no doubt done more of it than I have. In my State there are very few places where there is water, and therefore we do not find many ducks there.

Mr. DILL. I know very few men who go out to hunt who do not want to shoot ducks if they see them.

Mr. NORBECK. They may do it if they take out a license for the purpose of hunting.

Mr. DILL. No; they are going out to hunt other birds, and they want to be free to shoot ducks if they see them.

Mr. FESS. Mr. President, it seems to me that the legislation which gives us an innovation, where the project is self-sustaining rather than calling upon the Government and is supported by those who enjoy the provisions of the law, is a most creditable plan. If that is the purpose of the bill, it seems to me it ought to be a very strong argument for it.

Mr. DILL. I do not want to attempt an argument with the Senator from Ohio in the time of the Senator from South Dakota, but I disagree with him wholly.

Mr. NORBECK. Objections have been raised to the fact that prosecutions for a violation of the law will come to the Federal court and we have been told how the Federal officers will drag poor boys hundreds of miles away from their homes and all such things. There are two answers to that proposition. The first one is that violations of the present migratory-bird treaty are handled by the Federal court. No one even charges any such abuses as they predict now. Imagination is one of the things that has free play.

But there is another answer. I call attention to the provisions of section 17 of the bill, which provides for penalties. It says that any person desiring to relieve himself of such prosecution may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and the Secretary is authorized to mitigate or remit the liability. In other words, the United States commissioners are empowered to accept pleas of guilty and impose fines. In the case of a plea of not guilty, of course they are bonded and tried in the regular way. There is also a further provision that the Secretary of Agriculture may let them off with a civil damage, arranged through the United States commissioner, and there will be no prosecution at all. If they are caught violating the law, they will be haled before a commissioner and he will say, "If you will pay $10 damages, I will let you go home." These commissioners are to be found in every community.

As I have said, the possible income from the sale of licenses is estimated by the national committee sponsoring this bill at from $500,000 to $800,000 the first year, with an increasing amount afterwards. The members of this committee are Hon. T. Gilbert Pearson, president National Association of Audubon Societies; John Burnham, of the American Game Protective Association; William C. Adams, speaking for the International Association of Game, Fish, and Conservation Commissioners; David H. Madsen, who represents the Western Association of State Game Commissioners.

I read from the report of above-named committee, already referred to, as follows:

> Because organized sportsmen, volunteering the funds to carry out this emergency legislation in wild-life conservation, naturally have become the promoters of the bill, it must not be supposed for a moment that in any way it unduly serves their interest. On the contrary, it ranks in conservational importance with the act of 20 years ago authorizing national forests and with the famous migratory bird legislation of 1913. Essentially it is a continuation of the migratory bird treaty legislation to meet economic conditions which have arisen since.
>
> Behind its passage stand practically all the conservation organizations of the country, including the National Conference on Outdoor Recreation.
>
> All the lands and waters available for purchase are now and always have been open to shooting in season. The turning of a portion of such areas into permanent sanctuaries will, in a sense, restrict some of these opportunities to hunt, but there will be more than a compensating factor in the increased supply on the remaining open country. It is idle to talk of increasing this wild-life supply if we stand by and permit the producing plants to be systematically dismantled and destroyed. Likewise, it is useless to maintain the producing plants unless we can have storage facilities in the South to care for the product during the winter months.
>
> On the other hand, not only the several bird species which may be shot in season anywhere, but hundreds of others which can never be hunted will be saved from serious depletion by protecting, and in many cases restoring, their breeding places. The proposed legislation not only will hold and stabilize bird life but certainly will become the means of its gradual, steady increase during future years.
>
> So important is this bill, in fact, that it must not be left to the promotion of organizations only, but should receive the active support of hundreds of thousands of individuals. In every State many thousands of public-spirited citizens should appeal to their Senators and Representatives to help pass it by a majority worthy of the universal American sentiment for bird preservation.

There is hardly a State in the Union but what still has possibilities that can be developed at reasonable cost to provide breeding and feeding grounds for wild fowl. We must keep in mind that the number of migratory birds is primarily dependent upon breeding, feeding, and resting grounds. We must not become confused over this talk about reducing the game limit. The game limit bill does not provide any feed for birds.

Among other possible areas that can be used for such a purpose is one 12 or 15 miles long, adjacent to the mouth of the Bear River in Utah, which with comparatively little expense could be made an ideal bird refuge. The Biological Survey did some experimenting at this place a few years ago. They caused 900 ducks to be captured and banded. They now have proof of the fact that these ducks were shot in 11 different States. Tens, if not hundreds, of thousands of additional ducks and geese could be produced on this ground if the water level was slightly raised. Eight thousand acres could be so prepared.

The most distinguished Senator from Missouri, who all agree is one of the greatest debaters not only in the United States Senate but in the Nation itself, is opposed to this proposed bill for the same reasons that he opposed the migratory-bird treaty and other legislation of this nature. I listened to his speech with a great deal of interest, and especially his statement that he felt that a measure of this kind was unconstitutional. Evidently, that was the opinion of other citizens of Missouri, but we are past that point. I quote from a decision of the United States Supreme Court:

> In Missouri *v.* Holland (252 U. S. 416) the Supreme Court sustained the validity of the migratory-bird treaty and the constitutionality of the enabling act. "The whole foundation of the State's rights is the presence within their jurisdiction of birds that yesterday had not arrived, to-morrow may be in another State, and in a week a thousand miles away. * * * Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. The subject matter is only transitorily within the State and has no permanent habitat therein. But for the treaty and the statute there soon might be no birds for any powers to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States." * * *

My distinguished friend, the Senator from Missouri, has a courage that is all his own. He does not only fight the prohibition law, the bird law, the maternity act, the World Court, or the Republican Party, but he did actually have the courage to differ with a Democratic President and the whole Democratic Party. We admire his courage and his resourcefulness. The Senator lets nothing stand in the way of winning his point—if it can be won. The Senators who heard his speech attacking this bill will recall the wonderful argument that he made in support of his assertion that he had discovered something unusual in this bill, something unheard of, something revolutionary, something to be highly condemned, and he condemned it vigorously. He called our attention to the fact that not only would it be a crime to hunt or take wild ducks,

geese, brant, swans, and other migratory birds, but he pointed out the "nigger in the woodpile" by calling our attention to the fact that section 18 of this bill provides that the word "take" shall be construed to mean an "attempt" to pursue, hunt, shoot, capture, or kill migratory birds. He wanted to impress us with the fact that it was not only a crime to kill game but also to attempt to kill game. Would he have us believe that unless the game warden succeeded in finding the birds that had been killed that no charge should be made?

Mr. President, the different States in the Union have had much experience in the enforcement of game laws. They have found it necessary to enact State laws that were enforceable. I read from section 6538, fish and game laws of Missouri, 1923–24, page 52, "Liabilities for attempt—accessories liable":

> Any attempt to violate any provisions of this article shall be punished to the same extent as an actual violation thereof. Any such attempt, or any violation by an agent, clerk, officer, or employee while acting for any other person, shall render such party liable also, and an accessory may in all cases be prosecuted and punished as a principal.

That is the statute of Missouri. That is where the revolution started evidently, if this bird bill is revolutionary.

Similar provisions are found in the laws of Alabama, Arizona, Arkansas, Montana, Minnesota, Illinois, Indiana, and North Dakota—in fact, they seem to be a uniform provision of all the State game laws. In many States it is even unlawful to let a bird dog run at large, or to carry a gun during the closed season. Instead of being revolutionary, as the Senator from Missouri would make us believe, this bill follows the universal experience of the States of this Union.

The Senator has also assured us that he will prove that manufacturers of firearms are interested in the passage of this bill. I would save him the trouble of proving it; I would admit it. We realize that agriculture is dependent upon bird life, but certainly we can admit that the manufacturers of firearms would suffer from the extinction of our game birds. Mr. President, I would not condemn the law because someone whom we dislike might be benefited from the law. I have heard tell about the great meat packers being interested in the extermination of anthrax and blackleg. I would not favor anthrax or blackleg just because the packers were against it. I would not favor the extermination of birds just because the firearms manufacturers are on the other side of the question. The large milling interests have contributed to the control of wheat rust. They have done it for a selfish purpose; they wanted more good wheat to grind. But, Congress has also appropriated large sums to save the wheat farmers from destruction, fully realizing that great milling interests would be benefited by a good yield of high-grade wheat.

There has been a great deal said and written about the interest of the manufacturers of firearms in game protection; there has been a great deal of criticism of the American game protective association because of its activities. I want to offer for the RECORD, and ask unanimous consent to have printed therein, a letter written by Theodore Roosevelt in 1911 to Mr. Burnham.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRUCE. I suggest to the Senator, if he will permit me to do so, that I think it would be very interesting and very timely to have that letter from Mr. Roosevelt read.

Mr. NORBECK. The letter is one congratulating Mr. Burnham and others on their activities in trying to organize the American Game Protective and Propogation Association, in order to save the game, and suggests that the manufacturers of firearms ought to contribute to that purpose. That is really the substance of the letter.

Mr. BRUCE. Mr. Roosevelt has written with his vivid enthusiasm and vivacity. I think the Senator from South Dakota would score a distinct point by having the letter read.

Mr. KING. Evidently the Senator from Maryland has had a copy of the letter sent to him.

Mr. BRUCE. Indeed, I have, a[illegible]; I was about to offer it for the RECORD.

Mr. KING. It is fine propaganda.

Mr. NORBECK. I ask that the clerk may read the letter.

The PRESIDING OFFICER. Without objection, the clerk will read the letter.

The Chief Clerk read as follows:

THE OUTLOOK,
287 Fourth Avenue, New York, September 19, 1911.

MY DEAR MR. BURNHAM: I have read the constitution and by-laws of the American Game Protective and Propagation Association. I need hardly say that I unqualifiedly believe in the purpose of this association, and it should have the backing of all good citizens. In particular, I wish to express my real pleasure at the farsightedness which has induced the arms and ammunition men of the country to take the lead in organizing such an association as this. All lovers of nature should believe in the work of the association. All sportsmen of even a moderate capacity for forethought should back up such a movement. But unfortunately our experience in the past has shown us that too often both sportsmen and manufacturers of guns and ammunition, not to speak of dealers in game, have shown a shortsightedness as to their own interests well-nigh inexplicable. The market gunners, for instance, have often been foremost in opposing the laws which alone could render their profession permanent. If the market gunners of Long Island had possessed the same intelligent forethought and intelligent care for their own interests that the hunters and dwellers in and on the borders of the wilderness of Maine have shown, there would now be an abundance of wild fowl and shore birds on Long Island, and there would have been no need whatever for the drastic legislation for the protection of game which it has been necessary to pass in this State of New York. The extermination of the wild pigeon has not only been a blot upon American civilization, has not only robbed us of a most typical and interesting American bird, whose presence was a real asset to the country, but has been a severe misfortune to the very people whose reckless greed did most in causing the extermination. The experience of Maine has shown that even beasts like moose and deer can be protected with entire success and that to the inhabitants of the neighborhood a live moose or deer in the woods is in mere money return worth many hundred times the value of the dead carcass. Not only from altruistic motives, from motives of real patriotism, but from motives of self-interest, our people ought at once to put a stop to the destruction of wild life and especially to the process of exterminating game birds and beasts in our country. The arms and ammunition men are bound to see their manufactures diminish if there are no game birds and animals to attract the sportsmen afield; and their interests and his are identical. The supply must be conserved. The manufacturers are showing sound public spirit, as well as farsighted recognition of their own interests, in starting this movement. They should be backed up by every sportsman worthy of the name, and by every lover of nature, and every good citizen. The purpose of the association is to focus popular attention on the immediate need of conserving the remnant of American wild game. It is imperatively necessary to create a popular sentiment favorable to the increase of game by propagation and with this purpose not only to work for better game laws, but for the better enforcement of the game laws. The bag that can be taken in a day by any sportsman should be limited by law, and there should be national legislation to protect migratory game birds. Probably every man fit to pass judgment on the subject at all already believes in these purposes, but in order to secure their being put into practical operation it is necessary to have cooperative effort. Your association provides the necessary working organization. I bespeak for it the hearty support of all good citizens.

Sincerely yours,

THEODORE ROOSEVELT.

MR. JOHN B. BURNHAM,
Conservation Commission,
Albany, N. Y.

Mr. NORBECK. Mr. President, I have here an article published in the Outlook written by John R. Burnham, president of the American Game Protective Association, entitled "Shall the blind lead the blind?" I ask unanimous consent that it may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

SHALL THE BLIND LEAD THE BLIND?

By John B. Burnham, president of the American Game Protective Association

"How many ducks will you let me kill in one day?" When Mr. Gregg asked that question, he started a controversy. In this case the controversialists disagree only as to methods. They are both united in wishing to preserve America's wild life.

William C. Gregg in the Outlook questions "the right of hunters to control or influence the game-preservation policy of the United States on the reasonable ground that an interested party makes a poor judge." The quotation is taken from the editorial introduction to Mr. Gregg's article, "How many ducks will you let me kill in one day?"

I should say that this quotation very fairly epitomizes Mr. Gregg's argument. I do not think it is true.

The idea is an old one, broached long ago by Doctor Hornaday when in one of his circulars he threatened that if the "5 per cent" who hunt did not accept his dictum for bag limits and closed seasons he would defeat them with the "95 per cent" of the people who do not hunt.

The question involved is a basic one of tremendous importance. On its outcome depends the whole future of our game supply. As I see it the issue involved is whether we shall permit the blind to lead the blind and adopt a doctrine of despair, which through constant reduction in shooting privileges can mean nothing in the end but the cessation of sport so far as the general public is concerned, or whether we shall permit those most conversant with the situation to go ahead with their well-developed plan for preserving and increasing the wild life of the country through modern methods of game administration. The modern spirit is to make each talent produce more, not to wrap the talent in a napkin and bury it in the ground.

I am writing in the friendliest kind of a way, for, despite what Mr. Gregg says, I have never yet succeeded in getting "mad" at Doctor Hornaday in a personal way. I realize the value of criticism, even brutal criticism. It was I who journeyed to Washington to ask that Hornaday be added to the Federal board charged with the migratory bird regulations, and at that time I used as an argument for his appointment the fact that Lincoln kept Chase and Stanton in his Cabinet largely because they were men of hostile viewpoint, and therefore valuable as a check on possible mistakes.

But to return to the question, is it fair in this instance to say that an interested party makes a poor judge? The generalization is not true even as a generalization, for it presupposes something which must be proved—to wit, that a disingenuous interest governs the decision; otherwise it is merely another of the fallacies which are too easily accepted by those more readily influenced by words than by common sense.

There is no such thing as a disinterested judge. The term is merely relative. In law we try to get the most disinterested opinion possible, and therefore, so far as permitted, bring our cases before the judge we think will give the fairest decision, or, in other words, the judge whose mental processes are most like our own. We choose our physicians, our lawyers, and our servants on the same principle. We realize the fact that all these people upon whom our welfare depends, no matter how honest they may be, have their individual mental slants, and therefore are not disinterested. We select the judges, lawyers, and doctors in whom we have confidence, but all the time we know perfectly well their judgments are not infallible.

If this much is granted, and I think it will be granted, I should like to carry on the same illustration and ask what is the next characteristic after disinterestedness we demand in those upon whose judgment we must depend. Is it not the knowledge they possess in their special vocations. A lawyer must know law, a physician medicine, hygiene, sanitation, etc. Before a man can practice a profession, however, he must add to his knowledge acquired by study the experience which comes from practice. We do not intrust important litigations to law students. Judgment is also required to give practical application to knowledge and experience, and character to stand by the decisions made. We can find men with such qualifications, but never, in the strict sense of the term, disinterested judges.

It is admitted that the men at the helm to-day in directing the destinies of the game in this country are the "hunters," using the term in the sense which I think Mr. Gregg had in mind. I believe that what they have already accomplished shows them to be the best type of men humanly available to "draw up these laws, lobby for them in National and State Capitols, and act as the chief advisers of the enforcing officials." But first I must remove the implication that as far as I am personally concerned, in addition to wanting to save game for sport, I am also influenced by an ulterior motive. Mr. Gregg, while granting me intelligence and conscientiousness, gives space to Doctor Hornaday's charge that because the American Game Protective Association derives a part of its income from the manufacturers of arms and ammunition, I am therefore prejudiced in favor of unreasonably large game-bag limits. To make the case plausible it is assumed that the manufacturers want the game destroyed. If the bag limits are too large there can be no other result.

Doctor Hornaday has done fine work in awakening the public conscience to the cause of conservation, but through his recent obsession for a panacea which he found in an arbitrary system of closed seasons and reduced bag limits he has got completely out of touch with the constructive spirit of the day. He does not realize that prohibitions are destructive and not constructive. He does not take into account the fact that in a large part of the country where there is good game administration bag limits have been scientifically adjusted through census studies and game is increasing and that in other places limits are useless without efficient game-law enforcement. He ignores the refuges where an inviolate stock is preserved and all the other methods which have been practically worked out and proved.

Is it reasonable to believe that the arms and ammunition manufacturers would want to sacrifice their future for an immediate profit? Is it not more reasonable to assume (as is the fact) that with their large capital investment they are vitally interested in the increase of game, so that their business will continue in after years? In all my contact with the manufacturers I have found them to be ultra-conservative conservationists, who regard the money given to saving wild life as a form of insurance on a par with fire insurance. They are also without exception patriotic men who believe in the value of outdoor sport.

When these men in 1911 offered the necessary support to start a national game protective association and asked me to take charge, I took several months to consider the question. I knew perfectly well that their motives might be questioned, even though I myself might be satisfied as to their honor. Two factors finally influenced me to take up another piece of hard work at a time when I was tempted by personal desire to retire from the front lines and live a little less strenuously. The first of these was that Mr. H. S. Leonard, vice president of the Winchester Repeating Arms Co., appealed to me on the ground that the country desperately needed a Federal migratory bird law, that all other immediate avenues for securing it had been closed, and that if I refused to take up the work the money would be lost to conservation. Secondly, Theodore Roosevelt and other leading conservationists advised me to go ahead with the job. After a talk at Oyster Bay and a subsequent letter, I notified Mr. Leonard I would organize the new association.

After the American Game Protective Association was incorporated and Theodore Roosevelt, John Burroughs, George Bird Grinnell, and men of their type had accepted places in its management, I asked Doctor Hornaday to serve as a director. The same motives applied here as in the case of the advisory board on the migratory bird treaty act. Doctor Hornaday, however, alone of those I asked, refused to serve.

The original directors were the arms and ammunition men. At the first meeting of the association each of these men gave me his written resignation, to take effect at my pleasure. The lesser part of our income is still derived from the manufacturers, and they still have representation on our directorate. I believe it is one of the greatest achievements of the association that their interest in conservation has been maintained. If they have any ulterior object it has not yet been disclosed.

The American Game Protective Association has been in existence 14 years. Its history is written in the record of conservation, and I have yet to hear unfavorable criticism from any conservationist of the results it has accomplished. From the start it has been a leader in forward game administration, and it has obtained notable results in many directions, including the protection of song and insectivorous birds, the creation of at least one new national park, and in aiding to preserve the inviolability from despoilation of national parks, and in many other worth-while movements. It had much to do, for example, in securing the creation of the force of State constabulary in New York. It directed the entire campaign which resulted in our present system of Federal migratory bird protection. I assume that the reason Secretary Houston appointed me chairman of the original migratory bird advisory committee and that other Secretaries have continued the appointment is due to the fact of my intimacy with the subject.

There remains the question as to whether the hunters or the non-hunters are the best men to handle the game situation. If by the term hunter Mr. Gregg means "game hog," then I am with him in his contention that the hunters are not the proper persons to direct the game destinies; but as neither Doctor Pearson, Doctor Nelson, nor myself, the men named in his article, despite other bouquets thrown at them, have been so classed, I am inclined to think that when he says hunter he means sportsman in the good sense of the term. If this is so, I do not agree with Mr. Gregg. I think the facts are all on my side. History judges men more by their works than by their words. For every great advance in game conservation in this country I can name some sportsman or group of sportsmen as a factor or factors which brought about the result. It would take a longer article than this, however, to give the detail. Men, through shooting, not only learn intimately ways and means of game conservation, but through their love for the wild creatures certain of them become imbued with the desire to work for their welfare. The real beginning of the present-day wild-life conservation movement in America can be directly traced to a little group of New York sportsmen who more than half a century ago formed the New York Association for the Protection of Game, with its noble motto, "Non nobis solum" (Not for ourselves alone).

If such men are "interested parties" are they any more so than the lawyer who desires to win his client's case or the doctor who wants to save a patient's life? The sportsman would not hunt if he did not love his sport. He does not want his sport to cease, and, naturally, if intelligent, he desires the continuance and increase of the game supply. Without his work there would be no deer in the Adirondacks, nor grouse in Pennsylvania, and mighty few ducks in the Bear River marshes. In all these places and many others also there is more game to-day than there was 20 years ago. In the section near New York where Frank Forrester hunted three-quarters of a century ago there is more game than in his day. I will grant Mr. Gregg that there is very little game in a large part of the southern Appalachians, but this is due to the fact that the sportsmen's conservation movement has not yet appreciably influenced that section. Other classes of citizens are not sufficiently interested to get out and work for well-recognized measures that would bring the game back to that lovely region. You simply can

not rely on the other classes; if the sportsmen neglect the job, it remains undone.

The attitude that any body of men intelligently interested and informed on a subject should by reason of this fact be debarred from taking action in the matter is something beyond my comprehension. If I had my way, I would make knowledge a prerequisite and permit no man to judge who lacked this knowledge.

Not long ago Frank M. Newbert, chairman of the California Game Commission, asked Doctor Hornaday by what authority he had made the widely circulated statement that the deer of California were virtually exterminated. Doctor Hornaday answered that for several years past he had been trying to secure a set of antlers from the State, and because he had difficulty in getting them he assumed the deer must be gone. Newbert told him that the United States Forest Service in their latest census credited California with 185,000 deer in Federal forests alone, not to mention other thousands in other forests, and that as California has something over 150,000 square miles of territory, much of which is unsuitable for deer, the figures would indicate a very comfortable abundance per square mile in deer forests.

Newbert then asked Hornaday on what grounds he had similarly stated that bob-white quail had been exterminated by shooting in California. "Did you not know that there never were any such quail in California?" questioned Newbert.

A moment later Doctor Hornaday was asked if he did not consider it necessary to study the game conditions in a State before making recommendations for cutting bag limits, and he gave this remarkable reply, which is quoted verbatim:

"In a campaign covering 48 States it is impossible to study local conditions in any of them!"

The men in the sportsman conservation movement in this country have been, with few exceptions, lifelong students of wild-life and of game-law legislation and game-law enforcement. They are selfish only in wanting to see the wild life preserved—non nobis solum.

Mr. NORBECK. Mr. President, some Senators have voiced opposition to this bill because, in addition to the bird sanctuaries, it also provides that shooting grounds may be purchased for the benefit of the public, in which every person will have equal rights. I am not an expert on shooting; it is a pastime that has been denied to me; but I do know how others enjoy it. We must keep in mind that favorite shooting places, such as duck passes, are not necessarily nesting grounds, feeding grounds, or resting grounds. I am unable to say why thousands of ducks will pass a given point midway between two hills, but they do it. I can no more explain it than I can explain why the wind blows stronger in certain places than others. We do know that the wealthy class have been purchasing and leasing such hunting spots for personal use. They are fast passing into the hands of the millionaire hunting clubs. They are becoming private hunting grounds instead of public. I would save as many of these as I could before it is too late. But this alone does not lead to the increase of birds; we must provide homes where they may nest and raise their broods. We must first of all provide for an adequate supply; second comes the hunting privilege.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield there?

Mr. NORBECK. Certainly.

Mr. ROBINSON of Arkansas. It is undoubtedly true that hunting clubs are acquiring the ownership, and therefore the exclusive privileges of shooting, on most of the places where migratory birds are to be found; and it follows that if the general public is to have any opportunity for shooting, it must be through some such arrangement as this.

Mr. NORBECK. The Senator is undoubtedly correct as to that.

Objection is raised to the fact that large sums of money will be expended. The answer is that not a dollar will be spent except by voluntary contributions—contributions on the part of those who want to hunt migratory birds. These hunters realize that the birds must first be raised before they can be hunted—they are willing to contribute their dollar. Their benefits will be twofold. First, there will be a general increase of game birds everywhere in proportion as protected areas are established. Second, the Government will acquire as many of the duck passes and other favorite hunting spots as possible and throw them open to the general public, instead of letting them be a monopoly for a few silk-stocking sons of rich parents. In other words, the bill makes possible not only an increase in the number of game birds but it actually provides a poor man's hunting club. The membership costs them only one dollar—the dollar he pays for the license.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I yield.

Mr. DILL. How many years does the Senator think it is going to take under this bill to provide numerous hunting grounds which will serve the public generally?

Mr. NORBECK. We have had no experience along that line, and it is very difficult to make an estimate as to how long it will take to buy up these marshes that can now be bought at a reasonable price and save them for breeding grounds.

Mr. DILL. The Senator knows that if we are going to provide public hunting grounds for the people, we must have them every 40 or 50 miles, or else we are going to serve only those who have money to go long distances in order to hunt on these grounds.

Mr. NORBECK. I am sorry the Senator was not listening when I said that the benefits of the bill were twofold.

Mr. DILL. I was listening.

Mr. NORBECK. First, there will be a general increase in the number of game birds, and they may come right to a man's farm, where he can shoot without paying a dollar; and second, he will have the right to go to the shooting grounds and duck passes purchased by the Government and exercise that privilege by paying for the license.

Mr. DILL. The Senator knows there are not very many birds that come to a man's farm.

Mr. NORBECK. There will be a whole lot less unless this bill shall be passed.

Mr. DILL. The Senator has been talking about the advantages of public hunting grounds. I want to call attention to the fact that the proposed public hunting grounds will either have to be very limited in number or we will have to make a tremendous investment and establish them in every section of the country. The whole scheme is impracticable.

Mr. NORBECK. The Senator fears that we may get a large fund, but also fears we may not get much at all.

Mr. DILL. I am not in favor of the scheme. I am trying to point out that it is unworkable.

Mr. NORBECK. The Senator is opposed to it, first, because it will not do it, and, second, because it will do too much of it?

Mr. DILL. First, because it will not do it, and, second, because, assuming it to be practicable, all it will do will be to help just a few people in certain communities.

Mr. NORBECK. Many Senators have received telegrams of protest from a man who calls himself Will Dilg, and claims to be the founder of that splendid organization of nature lovers, the Izaak Walton League. He calls attention to the fact that the third national convention of said league protested against this measure. He attempts to mislead by indirection and by telling half truths, and he refrains from telling that the fourth convention of the league, which was recently held, repudiated him and his policy, and that he, the said Dilg, has no more connection with the Izaak Walton League at this time than the Members in this Chamber who have paid their dollar for membership.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. NORBECK. I do.

Mr. REED of Missouri. The Senator has already told us that Mr. Dilg was not reelected, but his statement now is that the league repudiated Dilg and his policies. I call on the Senator to produce the resolution repudiating Dilg's policies.

Mr. NORBECK. That might be as difficult as to find the repudiation of a leading Democrat by the Democratic Party. There might be no resolutions, but the actions speak for themselves.

Mr. REED of Missouri. It is the assumption, then, that because this man was not reelected——

Mr. NORBECK. It is common knowledge by members of the league that Dilg represented a faction that was very much a minority faction, and they lost out. That is common knowledge.

Mr. REED of Missouri. He might have represented a minority faction on one thing or on a dozen different things.

Mr. NORBECK. And there was a general resentment in the membership because of his opposition to this conservation measure.

Mr. REED of Missouri. The Senator says there was a general sentiment. I am asking, of course, if there was any official action? There seems to have been none. That seems to be admitted. As to the general sentiment, my information is directly to the converse of that which the Senator has. My information is that the membership of that league stands almost as a unit against certain of the provisions of this bill.

Mr. LENROOT. Mr. President, will the Senator yield at that point? I should like to say that I have had many tele-

grams from different chapters of the league in my State, every one of them in favor of the bill and not one of them in opposition to it.

Mr. NORBECK. Yes; and I want to repeat that that was the main reason why Mr. Dilg lost out. He had followed a policy of opposing this conservation measure and could not carry his organization with him, and they left him and followed another man, and they elected Charles W. Folds as the president of the Izaak Walton League. I have here a telegram from Mr. Folds that I should like to have the clerk read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Chief Clerk read as follows:

CHICAGO, ILL., *May 17, 1926.*

Senator PETER NORBECK,
United States Senate, Washington, D. C.:

The executive committee of the Izaak Walton League of America, at a meeting held here May 10, this year, unanimously adopted resolution approving of report made by George H. Selover, as member of national campaign committee for migratory refuge and conservation bill, and his action in connection with said committee unanimously approved. Am sending this at request of Mr. Selover, to be used as you may deem advisable.

CHARLES W. FOLDS,
President Izaak Walton League of America.

Mr. NORBECK. Let there be no misunderstanding as to the attitude of the Izaak Walton League toward the pending migratory game refuge bill. I have two telegrams from George H. Selover, chairman of the executive committee, which I should like to have the clerk read.

The PRESIDING OFFICER. Without objection, the telegrams will be read.

The Chief Clerk read as follows:

MINNEAPOLIS, MINN., *May 17, 1926.*

Hon. PETER NORBECK,
United States Senate, Washington, D. C.:

Understand W. H. Dilg telegraphing Senators regarding migratory game refuge bill. Dilg and league on record in favor of bill and $1 Federal tax all through Sixty-seventh and Sixty-eighth Congresses. Delegates third convention last year did not vote against $1 tax. Dilg has always been for Federal control, and insisted on the Madsen plan to use arms and ammunition tax. Presume you understand that fourth national convention in April turned him down hard that he has resigned even as a director and has no connection with the league. The executive committee last week unanimously approved the position I have taken on this bill as a member of the committee of five, which drew it and presented it.

GEORGE H. SELOVER,
Chairman Board of Directors and
Executive Committee Izaak Walton League of America.

MINNEAPOLIS, MINN., *May 17, 1926.*

Hon. PETER NORBECK,
United States Senate, Washington, D. C.:

Supplementing wire re Dilg. When April convention opened Dilg was candidate for reelection for president and had about one-third of the delegates with him. His own speeches and actions in the chair and on the floor alienated practically all of his friends, so that they never offered his name for renomination; he received no vote either in nominating committee or on floor for any office. Nevertheless, on the convention's recommendation the executive committee has offered him $500 a month indefinitely for his expenses, and he has contemptuously refused it. The offer is still open.

GEORGE H. SELOVER,
Chairman Executive Committee
Izaak Walton League of America.

Mr. NORBECK. As explanatory of that, I might state that Mr. Dilg is in very poor health and, in fact, suffers from a very dangerous illness.

Many Senators have also had protests from one of our great conservationists, Dr. W. T. Hornaday, superintendent of the New York Bronx Zoo. I call your attention, however, to the fact that he differs radically with the Senator from Missouri. Mr. Hornaday belongs to that group of men who are desperately anxious to preserve all wild life. He would be delighted if half the area of the United States were made bird refuges and game reserves, and no hunting whatever were permitted. He might want to enlarge that area from time to time. Naturally he is opposed to that feature of the bill which provides for buying duck passes and other places for shooting grounds. It is a fact that all close friends of Mr. Hornaday do not share his views. I call attention to the indorsement of this bill by the president of the New York Zoological Society, Madison Grant. I offer for the RECORD a letter addressed to me on April 20, bearing the signatures of Mr. Grant, George D. Pratt, president American Forestry Association, and others. I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

The matter referred to is as follows:

NEW YORK, N. Y., *April 20, 1926.*

Hon. PETER NORBECK,
United States Senate, Washington, D. C.

DEAR SIR: The migratory wild fowl of the United States are one of its important assets. They are now threatened with danger. Increased population and the readiness with which people can get about leave less and less room for the wild things. The area they can occupy is steadily contracting.

The Agricultural Department bird regulations which stopped spring shooting and the sale of game have caused a great increase of wild fowl. On the other hand, a craze exists for the draining of lakes and swamps, and lakes and swamps, when drained, no longer furnish resting and feeding places for wild fowl, which thus do not visit them.

The increased number of birds needing food and the reduced area in which they can feed tend to make life harder for them. There is an overcrowding of ducks and a threatened lack of food, which may result in starvation or in undernourishment.

The passage of the game refuge and marshland bills (S. 2607 and H. R. 7479) will tend to remove this danger and to increase the food supply for wild fowl. Full support of the fine administrative work of the Bureau of Biological Survey will also be helpful.

I respectfully urge your consideration of these facts.

Yours very truly,

GEO. BIRD GRINNELL.

We do not wish to burden you with individual letters, but express our concurrence with the statements expressed above.

MADISON GRANT,
President New York Zoological Society.
T. GILBERT PEARSON,
President National Association of Audubon Societies.
GEO. D. PRATT,
President American Forestry Association.
LEWIS R. MORRIS,
New York Botanical Society.

Mr. NORBECK. There has been an attempt made to create the impression that the nature lovers and true conservationists were not generally supporting this measure. As refutation of this assertion I call attention to a list of about 50 large national associations that are squarely on record in support of this bill. I know the question will be raised that it was not exactly this bill; but a bill almost identical with this has been pending before the country for more than five years. The differences between these bills that have been indorsed from time to time are so slight that it is difficult for anyone to point them out, except that the later bill gives more rights to the States and less to the Federal Government. Among others not already mentioned are the American Civic Association; the American Institute of Park Executives; the American Legion; American Nature Study Association; the Council on National Parks, Forests, and Wild Life; the Playground and Recreation Association of America; the Society of American Foresters, and many others. I ask that this list, including the short resolution by the National Conference on Outdoor Recreation, be published in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The following resolution was passed unanimously at the second annual meeting of the National Conference on Outdoor Recreation, held January 20 and 21, 1926, in Washington, D. C.:

"The conference reaffirms its former indorsement of the proposed measure known as the migratory bird refuge and marshland conservation act now pending in Congress."

The following organizations were among those represented: Amateur Athletic Union; American Association for Advancement of Science; American Association of Museums; American Bison Society; American Civic Association; American Federation of Labor; American Fisheries Society; American Forestry Association; American Game Protective Association; American Institute of Park Executives; American Legion; American Nature Association; American Nature-Study Association; American Ornithologists' Union; Appalachian Mountain Club; Appalachian Trail Association; Associated Mountaineering Clubs of North America; Boone and Crockett Club; Boy Scouts of America; Brotherhood of Railroad Trainmen; Camp Directors Association of America; Camp Fire Club of America; Camp Fire Girls; Catholic Boys Brigade of the United States; Council on National Parks, Forests, and Wild Life; Federated Societies on Planning and Parks; General Federation of Women's Clubs; Girl Pioneers; Girl Scouts; International Association

of Game, Fish, and Conservation Commissioners; Izaak Walton League of America; Knights of Columbus; National Academy of Sciences; National Amateur Athletic Federation; National Association of Audubon Societies; National Association of the Fur Industry; National Collegiate Athletic Association; National Conference on State Parks; National Geographic Society; National Grange; National Highways Association; National League of Wildlife Photographers; National Lumber Manufacturers' Association; National Parks Association; National Recreation Club; Playground and Recreation Association of America; Roosevelt Wild Life Forest Experiment Station; Society of American Foresters; United States Fisheries Association.

Mr. NORBECK. To those who feel that 40 per cent is too large a sum for administration I will state that this bill does not provide 40 per cent for administration; it provides that the amount shall be fixed by the appropriations made by Congress from the game fund created under this bill, and that such appropriations may be in any sum that Congress sees fit, not exceeding 40 per cent. Some feel that there will be an insufficient number of game wardens under this bill; others, that there will be too many. A middle ground will be found, but we must not for a minute think that the 40 per cent will be used exclusively for game wardens. A large sum of it will be necessary for research work, for a careful study of the habits of the migratory bird. We need a great deal more information on this question before we can act intelligently. The limited money already spent has shown that the birds from the marches from Utah are shot in 11 different States. It has shown that waterfowl from the Pacific coast do not come east of the Cascade Mountains, but that there is a separate bird world, so to speak, on the Pacific coast.

While some work has been done in half a dozen States, it certainly must be carried into 40 more States in order that our expenditures and our efforts may be the most effective.

Something has been said to the effect that President Coolidge, in his recent address, had expressed himself as deploring the tendency to centralize unnecessarily the power of the Federal Government. I share his views fully. His views are shared by the advocates of this bill. This bill leaves everything with the States that the States can handle. It provides coordinate jurisdiction with the State. It provides that not an acre of land or water can be leased in any State without the permission of said State.

During this generation we have seen the extinction of many varieties of birds—the passing of the passenger pigeon is an outstanding warning—not to mention the near extinction of the buffalo and antelope. While our commercial progress has been phenomenal, it has also been destructive of the beauties of nature, especially bird life. Individuals can not prevent the disaster; the States are helpless; it is a national problem. It is an all-important question, and I hope for favorable consideration of this legislation at this session.

Mr. ROBINSON of Arkansas. Mr. President, I send to the desk the telegrams to which I referred earlier in the day, when I got permission to have them inserted in the RECORD. I ask that they be inserted at this point.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MENA, ARK., *May 17, 1926.*

Senator JOE T. ROBINSON,
Senate Office Building, Washington, D. C.:

Izaak Walton League, members Mena Chapter, No. 2, protest the passage of game refuge bill. Urge your vote and influence against this measure.

E. H. BLACK, *President.*

MENA, ARK., *May 18, 1926.*

Senator JOE T. ROBINSON,
Senate Office Building, Washington, D. C.:

Izaak Walton League, members Mena Chapter, No. 2, protest the passage of game refuge bill. Urge your vote and influence against this measure.

E. H. BLACK.

TEXARKANA, ARK., *May 17, 1926.*

Senator ROBINSON,
Washington, D. C.:

Eighty-five chapters Izaak Walton League and several thousand members in Arkansas against game refuge bill. Please do not support this bill for Arkansas sportsmen, as we are against it. This bill won't help Arkansas or any sportsman in the United States. We want to kill it.

HORACE F. ENDSLEY,
State President Arkansas Division, Izaak Walton League of America.

MENA, ARK., *May 18, 1926.*

Senator JOE T. ROBINSON,
Senate Office Building, Washington, D. C.:

Eighty-five chapters Izaak Walton League in this State against game refuge bill passage. Please work against this bill.

A. C. WILLIAMS,
State Secretary Arkansas Division.

Mr. DILL obtained the floor.

Mr. WILLIS. Mr. President——

Mr. DILL. I yield to the Senator from Ohio.

Mr. WILLIS. I desire to submit an inquiry to the Senator from South Dakota before he leaves the floor, so that I may be advised. I wish to know whether he can tell the Senate as to what the attitude of the Izaak Walton League is with reference to this bill.

Mr. NORBECK. I have placed in the RECORD telegrams showing that the Izaak Walton League, the national organization, is strongly in favor of it—not only the present president but the executive committee.

Mr. WILLIS. Then I should like to have the Senator tell me about it; and I am asking this question in perfect good faith. I want information. This telegram has just been brought to me——

Mr. NORBECK. Signed by whom?

Mr. WILLIS. Will H. Dilg.

Mr. NORBECK. Dilg was a former head of the organization. He is no longer connected with it in any official capacity. He is outside of it, except that he is a member paying his dollar a year. The action of the national association which he speaks about happened some time in the past. He says nothing about the last national convention, in which he was repudiated, and a different group was placed in charge of the organization.

Mr. WILLIS. So the organization as such, the Senator understands, is now in favor of his bill?

Mr. NORBECK. Yes.

Mr. WILLIS. Since I have referred to the telegram, I ask that it be placed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 16, 1926.*

Senator FRANK B. WILLIS,
Washington, D. C.:

Fourteen hundred delegates Third National Convention of Izaak Walton League voted unanimously against $1 Federal tax for hunters. We stand for State control of fish and game and object to Federal game wardens controlling sports in 3,000 counties of our 48 States.

WILL H. DILG, *Founder.*

Mr. DILL. Mr. President, I am glad that the Senator from Ohio [Mr. WILLIS] put the telegram into the RECORD, in view of the fact that all of us received it. The Senator from South Dakota disputes the position of the league, but he does not dispute the statement of this telegram, namely, that 1,400 delegates in the third national convention did vote unanimously against a Federal license. He takes the position that the league has entirely repudiated that because Mr. Dilg is no longer president, and because the executive committee has made a certain declaration; but he does not contend, because I think it is not the fact, that the league as a body ever did indorse the Federal license system provided for in this bill.

Mr. President, I rose for the purpose of calling attention to certain facts regarding game refuges in this country. I should judge, from listening to the proponents of this bill, that these migratory birds have nowhere they can stop, all the way from Canada to Mexico, or from Mexico to Canada. The impression would be gained from the discussion here that this country is almost bereft of bird refuges. I discover, however, instead of that, according to the report of the Biological Survey, that we have 376,000 acres set aside separately for migratory birds.

Mr. NORBECK. How much of that area has water on it?

Mr. DILL. I do not know; but I am going to put into the RECORD a full statement in regard to the matter from the Biological Survey.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bingham	Cameron	Cummins	Edwards
Bratton	Capper	Dale	Ferris
Broussard	Caraway	Deneen	Fess
Bruce	Copeland	Dill	Frazier

Gerry	King	Nye	Smoot
Gillett	La Follette	Oddie	Stanfield
Goff	Lenroot	Overman	Steck
Hale	McKellar	Pine	Swanson
Harreld	McMaster	Pittman	Trammell
Harris	McNary	Ransdell	Tyson
Heflin	Mayfield	Reed, Mo.	Walsh
Howell	Means	Robinson, Ark.	Warren
Johnson	Metcalf	Robinson, Ind.	Watson
Jones, N. Mex.	Moses	Sackett	Williams
Jones, Wash.	Neely	Sheppard	Willis
Kendrick	Norbeck	Shipstead	
Keyes	Norris	Simmons	

Mr. EDWARDS. I wish to announce that the senior Senator from New Jersey [Mr. EDGE] is absent on account of illness.

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, as I was saying when the call for a quorum was made, judging from the discussion of this bill by the Senator from South Dakota and others in favor of it, one would think that there were no bird refuges maintained by the Federal Government in this country. I find from the Biological Survey that there are not only bird refuges but there are tremendous areas set aside as bird refuges. They amount in all to something like 75,000 square miles. I shall not take the time to read in detail a list of the places where these reservations are, but I have here a list compiled by the Biological Survey by States, first of the Federal bird refuges and then of the State bird refuges, and I ask that this list may be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVATIONS

UNDER BIOLOGICAL SURVEY

Migratory birds: Three hundred and seventy-six thousand six hundred acres.

Migratory and nonmigratory birds and game animals combined: Three thousand four hundred and sixty acres.

Mammals only: ———.

List of Federal game and bird refuges, January 1, 1922

[Great care has been used in compiling this list and it is the desire of the bureau to have it correct. If errors or omissions are noticed it will be greatly appreciated if they are called to our attention so that corrections may be made in later editions.]

DEPARTMENT OF AGRICULTURE

Designation	Created	Acres	Game and birds on refuge	Remarks
BUREAU OF BIOLOGICAL SURVEY				
Alabama:				
Petit Bois Island	1913 E. O.	635	Sea birds	"E. O.", in second column, signifies Executive order in all cases.
Alaska:				
Aleutian Islands	do		do	
Bering Sea	1909 E. O.		do	
Bogoslof	do		do	
Chamisso Island	1912 E. O.		do	
Forrester Island	do		do	Eliminated Feb. 27, 1922.
Hazy Islands	do		do	
St. Lazaria	1909 E. O.		do	
Tuxedni	do		do	
Yukon Delta	do		do	
Arizona: Salt River	do	21,120	White pelicans, cormorants, waterfowl, waders.	On Reclamation Service project.
Arkansas:				
Big Lake	1915 E. O.	7,774	Waterfowl	
Walker Lake	1913 E. O.	15	Waders	
California:				
Clear Lake	1911 E. O.	33,840	Waterfowl, waders, cormorants	Do.
Farallon	1909 E. O.		Sea birds	
Florida:				
Caloosahatchee	1920 E. O.		Waders	
Indian Key	1906 E. O.	90	Sea birds, waders	
Island Bay	1908 E. O.		Waders	
Key West	do		Sea birds	
Matlacha Pass	do		Waders	
Mosquito Inlet	do		Waders, pelicans, ducks	
Palma Sola	do		Waders	
Passage Key	1905 E. O.	37	Sea birds, waders	
Pelican Island	1903 E. O.	6	Brown pelicans, shore birds	
Pine Island	1908 E. O.		Shore birds, waders	
Tortugas Keys	do	141	Sea birds	Tortugas Keys Reservation includes Garden Key, 34 acres; East Key, 18 acres; Middle Key, 5 acres; Sand Key, 4 acres; Long Key, 3 acres; Bush Key, 20 acres; Bird Key, 7 acres; Loggerhead Key, 60 acres; all of which are also within the Dry Tortugas naval reservation.
Hawaii: Hawaiian Islands	1909 E. O.		do	
Idaho:				
Deer Flat	do	12,360	Waterfowl, waders	On Reclamation Service project.
Minidoka	do	13,240	Waterfowl, waders, shore birds	Do.
Louisiana:				
Breton Island	1904 E. O.		Sea birds	
East Timbalier	1907 E. O.	63	do	
Shell Keys	do		do	
Tern Islands	do		do	
Michigan:				
Huron Islands	1905 E. O.	83	do	
Siskiwit Islands	1908 E. O.	9	do	
Minnesota: Mille Lacs	1915 E. O.	7	do	
Montana:				
Montana National Bison Range	1908 act	18,522	Buffalo, 390; elk, 275; antelope, 57; deer, 69; grouse, ring-necked pheasants, ducks.	
Nine Pipe	1921 E. O.		Waterfowl	Do.
Pablo	do		do	Do.
Pishkun	1912 E. O.	3,160	do	Do.
Willow Creek	1909 E. O.	3,200	do	Do.
Nebraska:				
Niobrara	1912 act	16,125	Buffalo, 37; elk, 50; deer, 1; pinnated and sharp-tailed grouse.	
North Platte	1916 E. O.	5,107	Waterfowl, waders	Do.
Nevada: Anaho Island	1913 E. O.	248	White pelicans, cormorants, gulls	
New Mexico:				
Carlsbad	1909 E. O.	13,680	Waterfowl, waders	Do.
Rio Grande	do	55,680	do	Do.
North Dakota:				
Chase Lake	1908 E. O.	2,839	Waterfowl, white pelicans, gulls, terns, waders, shore birds.	
Stump Lake	1905 E. O.	28	Same as on Chase Lake	
Sullys Hill National Game Preserve	1914 act	700	Buffalo, 10; elk, 44; deer, 3; sharp-tailed and pinnated grouse; ring-necked pheasants.	

List of Federal game and bird refuges, January 1, 1922—Continued

DEPARTMENT OF AGRICULTURE—continued

Designation	Created	Acres	Game and birds on refuge	Remarks
BUREAU OF BIOLOGICAL SURVEY—con.				
Oregon:				
Cold Springs	1909 E. O.	2,520	Waterfowl	On Reclamation Service project.
Klamath Lake	1908 E. O.	81,619	Waterfowl, pelicans, gulls, waders, shorebirds.	Do.
Lake Malheur	do	88,960	Same as Klamath Lake	
Three Arch Rocks	1907 E. O.		Sea birds	
Porto Rico:				
Culebra	1909 E. O.		Sea birds, nongame birds	
Desecheo Island	1912 E. O.		do	
South Dakota:				
Belle Fourche	1909 E. O.	13,680	Waterfowl, waders	Do.
Wind Cave National Game Preserve	1912 act	4,160	Buffalo, 72; elk, 150; deer, 2; antelope, 24; grouse.	
Utah: Strawberry Valley	1909 E. O.	8,560	Waterfowl	Do.
Washington:				
Conconully	do	1,120	do	Do.
Copalis Rock	1907 E. O.	5	Sea birds	Do.
Dungeness Spit	1915 E. O.	227	Sea birds, waterfowl	Includes lighthouse reservation.
Ediz Hook	do	84	Waterfowl	Do.
Flattery Rocks	1907 E. O.	68	Sea birds	Do.
Smith Island	1914 E. O.		Waterfowl	
Quillayute Needles	1907 E. O.	117	Sea birds	
Wisconsin:				
Gravel Island (Lake Michigan)	1913 E. O.		Gulls	
Green Bay	1912 E. O.		do	
Wyoming:				
Elk Refuge	1912, 1913 act, 1915, 1916 E. O.	2,760	Elk (in winter), ducks, sage grouse	Thousands of elk have hay fed to them in winter on this reservation
Pathfinder	1909 E. O.	35,120	Waterfowl	(Eliminated, Aug. 18, 1922).
Shoshone	do	10,040	do	Do.
Flat Creek	1922 E. O.	40	do	
FOREST SERVICE				
Arizona: Grand Canyon Game Preserve	1906 act	613,120	Deer, mountain sheep, grouse	
North Carolina: Pisgah Game Preserve	1916 act	77,045	Buffalo, elk, deer, turkeys, quail	250 acres fenced, inclosing buffalo, elk, and deer.
Oklahoma: Wichita National Game Preserve.	1906 act	57,120	Buffalo, elk, deer, antelope, turkeys, quail.	8,000 acres fenced, inclosing game animals.
South Dakota: Custer State Park Game Sanctuary.	1920 act	26,640	Deer, blue and ruffed grouse	Land set aside by Congress for use of State as game sanctuary, under protection of both Federal Government and State (part of Custer State Park).
Washington: Mount Olympus National Monument.	1909 act	299,370	Olympic elk, deer, bear, grouse	Includes summer range of elk, but not technically a game preserve.
DEPARTMENT OF COMMERCE				
BUREAU OF FISHERIES				
Alaska:				
Afognak Forest and Fish Cultural Reserve.	1892 act	512,000	Sea otters	Within the Chugach National Forest.
Pribilof Islands Reservation	1909 E. O.	49,000	Fur seals, sea lions, sea birds	
BUREAU OF LIGHTHOUSES				
California:				
Ano Nuevo Island lighthouse reservation.	1872 E. O.			
South Farallon Island lighthouse reservation.	1859 E. O. 1881 E. O.	120	Auklets, guillemots, cormorants, petrels, gulls, puffins.	Joint control of lighthouses (120 acres) and Navy (10 acres).
Louisiana: Chandeleur lighthouse reservation.	1857 E. O.	5,000	Gulls, terns, skimmers, pelicans, willet.	
Washington:				
New Dungeness lighthouse reservation.	1851 E. O. 1858 E. O.	100	Sea birds	Included within the Dungeness Spit (bird) Reservation under Department of Agriculture.
Smith Island lighthouse reservation	1854 E. O.	5,600	Sea birds, geese, brant	Included within Smith Island (bird) Reservation under Department of Agriculture.
DEPARTMENT OF THE INTERIOR				
NATIONAL PARK SERVICE				
Alaska:				
Katmai National Monument	1918 act	1,080,000	Brown bears, foxes, waterfowl	
Mount McKinley National Park	1917 act	1,498,000	Sheep 800, caribou numerous, moose very numerous, bears, grouse.	
Arizona:				
Grand Canyon National Park	1919 act	613,120	Sheep, deer, beavers, grouse	Formerly Grand Canyon National Monument, created 1908.
Papago Saguaro National Monument	1914 act	2,050	Nongame birds	
Petrified Forest National Monument	1906 act	25,625	do	
California:				
General Grant National Park	1890 act	2,536	Deer, bears, grouse, quail	
Lassen Volcanic National Park	1916 act	79,562	do	
Muir Woods National Monument	1908 act	424	Nongame birds	
Sequoia National Park	1890 act	161,597	Elk, bears, deer, grouse, quail	
Yosemite National Park	do	719,622	Deer, bears, grouse, quail	
Colorado:				
Colorado National Monument	1911 act	13,883	Deer	
Mesa Verde National Park	1906 act	46,937	Elk, deer	
Rocky Mountain National Park	1915 act	254,327	Elk, sheep, deer, bears (grizzly, brown, and black), grouse.	
Hawaiian Islands: Hawaii National Park	1916 act	75,295	Hawaiian geese, nongame birds	
Idaho: Yellowstone National Park (see Montana and Wyoming).	1872 act	23,040	(See Wyoming)	
Maine: Lafayette National Park	1916 act	5,000	Deer, moose, beavers, grouse, ducks, geese.	Formerly Sieur de Monts National Monument; donated by an association of citizens.
Montana:				
Glacier National Park	1910 act	981,681	Deer, elk, moose, sheep, goats, bear, grouse, ptarmigan, waterfowl, nongame birds.	
Yellowstone National Park (see Idaho and Wyoming).	1872 act	120,720	(See Wyoming)	

List of Federal game and bird refuges, January 1, 1922—Continued

DEPARTMENT OF THE INTERIOR—continued

Designation	Created	Acres	Game and birds on refuge	Remarks
NATIONAL PARK SERVICE—continued				
North Dakota: Sullys Hill National Park	1904 act	780	Buffalo, elk, white-tailed deer, ring-necked pheasants, sharp-tailed and pinnated grouse.	Administered by the Biological Survey as Sullys Hill National Game Preserve; stocked with buffalo, elk, white-tailed deer, ring-necked pheasants.
Oklahoma: Platt National Park	1902 act	849	Buffalo, 2; elk, 1; deer, in exhibition inclosure.	
Oregon: Crater Lake National Park	do	159,359	Black bears, deer, grouse	
South Dakota: Wind Cave National Park	1903 act	10,900	Grouse	4,160 acres within this park are administered by the Biological Survey as the Wind Cave game preserve.
Utah: Zion National Park	1909 act	76,800	Deer, grouse	
Washington: Mount Rainier National Park	1899 act	207,360	Black bears, deer, goats, grouse	
Wyoming: Yellowstone National Park (see Idaho and Montana).	1872 act	1,992,960	Buffalo, tame, 506; wild, over 100; mountain sheep, 250; antelope, no estimate, 150 kids in 1921; moose, 800; elk; white-tailed deer, 100; mule deer, 1,200; grizzly bears, 40; black bears, 120.	Idaho, 36 square miles; Montana, 198 square miles; Wyoming, 3,114 square miles.

There are many national monuments under the National Park Service on which wild animals and birds are protected, in addition to those listed, which are not especially adapted for game refuges, as follows: Sitka, Montezuma, Tumacacori, Casa Grande, Navajo, Lewis and Clark, Scotts Bluff, El Morro, Chaco Canyon, Gran Quivera, Capulin Mountain, Verendrye, Natural Bridge, Rainbow, Dinosaur, Devils Tower.

DEPARTMENT OF THE NAVY

California: South Farallon Islands (see Department of Commerce Bureau of Lighthouses).	1859 E. O., 1881 E. O.	10	Cormorants and sea birds	Joint control of lighthouses and Navy—Navy, 10 acres; lighthouses, 120.
Hawaii: Midway Islands	1903 E. O.		Sea birds	Birds protected by order of Navy Department.
Virginia:				
Naval operation base, Hampton Roads	1918, by general order of the Navy.	945	Nongame birds	621 acres dry land, 124 acres under water.
Navy mine depot, Yorktown	1921, by order of the Navy.	12,467	Turkeys, quail, rabbits	A large portion of this area is fenced and patrolled.

Naval ammunition depot, St. Juliens Creek, 221.6 acres; navy yard, Norfolk, 361.6 acres; both largely covered by buildings and plants; birds protected by order of commandant, fifth naval district.

DEPARTMENT OF WAR

Georgia: Chickamauga and Chattanooga National Military Park (see Tennessee).	1890 act	6,543		Game protected by act of 1897 (29 Stat. 621).
Mississippi: Vicksburg National Military Park.	1899 act	1,323		Do.
Tennessee:				
Chickamauga and Chattanooga National Military Park (see Georgia).	1890 act	6,543		Do.
Shiloh National Military Park	1894 act	3,846		Do.

There are four other national military parks which afford protection to birds, but are not strictly game refuges. These are Antietam battle field, Guilford Courthouse, Gettysburg, and Lincoln's birthplace.

List of State game and bird refuges

[Compiled in the Division of Game and Bird Reservations, Bureau of Biological Survey, January 1, 1924]

(Great care has been used in compiling this list and it is the desire of the bureau to have it correct. If errors or omissions are noticed it will be appreciated if they are called to attention so that corrections may be made in later editions.)

Designation	Created	Acres	Game and birds on refuge	Remarks
Alabama: All State lands	1919 act			Set aside by act as forest reserves and game refuges. Includes every sixteenth (school) section—mineral lands, "lieu lands," "State tax lands," and embraces wild, cultivated, swamp, and overflowed lands totaling hundreds of thousands of acres in every county. These are posted.
Arizona:				
Blue Range, Apache National Forest, Greenlee County.	1817 act	622,080	Elk, deer, turkeys, Gambel quail, and other birds.	
Catalina Mountains, Coronado National Forest, Santa Cruz County.	1919 act	195,840	Deer, sheep, peccary, turkeys, Gambel quail, and other birds.	
Coconino-Yavapai, Coconino County.	1923 act	138,240	Elk, deer, antelope, bear, turkeys, quail, and other birds.	
Huachuca, Cochise, and Santa Cruz Counties.	1917 act	285,970	Deer, sheep, peccary, antelope, turkeys, Gambel quail, and other birds.	
Mount Graham, Crook National Forest, Graham County.	do	204,160	Elk, deer, sheep, turkeys, Gambel quail, and other birds.	
Pinal, Crook National Forest, Gila County.	do	100,000	Elk, deer, peccary, turkeys, Gambel quail, and other birds.	
Arkansas				Refuges not provided for by law.
California:				
1J, Amador County	1917 act	58,320	Black-tailed deer, upland game, bear	
2F, Contra Costa County	1921 act	10,240	Black-tailed deer, quail	
1I, El Dorado, Calaveras County	1917 act	67,840	Black-tailed deer, upland game, bear	
1K, Fresno County	do	84,240	do	
1M, Kern County	1919 act	81,920	do	
Lake Merritt, Alameda (Oakland)	1869 act		Waterfowl	
1F, Lassen County	1917 act	46,720	Mule deer, antelope, sage hens	
4A, Los Angeles County	1915 act	293,120	General game	
4B, Los Angeles County	do	325,120	do	
4F, Los Angeles and Kern Counties	1919 act	46,080	Antelope	
2A, Mendocino, Lake, and Glenn Counties.	1917 act	35,200	Black-tailed deer, upland game	
1B, Modoc County	do	83,000	Mule deer	
1C, Modoc County	1915 act	21,760	do	
Mount Tamalpais, Marin County	1917 act	28,000	Land birds	
4C, Orange County	1913 act	99,840	Southern mule deer, quail	
1H, Plumas County	1917 act	37,760	Black-tailed deer, upland game, bear	
4D, Riverside County	do	69,120	Sheep	
3C, Santa Barbara County	do	41,600	Southern mule deer, quail	

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
California—Continued				
3B, San Benito and Monterey Counties.	1909 act	14,080	Black-tailed deer, quail	Pinnacles included in State game refuge 3B.
3E, Santa Clara County	do	3,600	do	
3A, Santa Cruz County	1915 act	4,480	do	
4E, San Diego County	1917 act	51,840	Southern mule deer, quail	
1E, Shasta County	do	37,760	Black-tailed deer, upland game	
1A, Siskiyou County	do	22,540	Black-tailed deer, bear, upland birds	
1G, Tehama County	do	33,920	do	
1D, Trinity County	1915 act	82,560	Black-tailed deer, bear, upland game	
1L, Tulare and Kern Counties	1917 act	35,520	Black-tailed deer, upland game	
3D, Ventura County	do	125,760	Southern mule deer, quail	
Colorado:				
Cochetopa, Saguache County	1923 act	294,000	Elk, deer, mountain sheep, sage chickens, ptarmigan, ducks.	
Colorado antelope refuge, Larimer and Weld Counties.	1921 act	65,280	Antelope, pheasants, and migratory birds.	
Colorado State game refuge, Larimer and Boulder Counties.	1919 act	719,560	Elk, deer, mountain sheep, bear, native and migratory birds.	
Denver Mountain parks, Park, Summit, and Douglas Counties.	1921 act	475,000	Elk, deer, mountain sheep, bear, native, and migratory birds.	
Gunnison, Gunnison County	1923 act	289,000	Elk, deer, mountain sheep, antelope, grouse, sage chicken, ptarmigan, ducks.	
North Park, Jackson County	do	18,800	do	
Ouray, San Miguel, and San Juan Counties.	do	50,000	do	
Pikes Peak, El Paso, and Teller Counties.	1921 act	128,000	Elk, deer, mountain sheep, native, and migratory birds.	
Poncha Pass, Chaffee, and Saguache Counties.	1923 act	54,000	Elk, deer, mountain sheep, antelope, grouse, ptarmigan, ducks.	
Royal Gorge, Fremont County	do	65,000	do	
Spanish Peaks, Las Animas County.	1821 act	78,000	Elk, deer, bear, mountain sheep, and migratory birds.	
Snowmass, Pitkin and Gunnison Counties.	1923 act	100,000	Elk, deer, mountain sheep, antelope, grouse, ptarmigan, ducks.	
Williams Fork, Grand County	do	78,000	do	
Connecticut:				
Refuges on private lands	1901 act	12,082		26 parcels reported under lease for various periods, February, 1923.
Delaware:				
All State lands and State, county, and municipal parks made game refuges.				Hunting prohibited; act, 1921.
Florida:				
Royal Palm State Park, Dade County.	1915 act and gift	1,920	Quail, wild turkey, all native birds common to this region.	960 acres, 1915 act; 960 acres, gift of Mrs. Henry M. Flagler; enlarged 1921 act, 2,080 acres.
Do	1921 act	2,080	do	
Sanabel Island, Lee County	1913 act	10,800		Special act, 1913.
Georgia				Refuges not provided for by law.
Idaho:				
Big Creek, Lemhi County	1917 act	142,000		All Idaho preserves are located on national forest lands and include some unforested lands, lakes, and marshes.
Big Lost River, Custer and Blaine Counties.	do	445,000		
Black Lake, Adams County	1915 act	217,000		
Lewiston Orchards, Nez Perce County.	do	13,560		
Payette, Boise County	1909 act	230,000		
Pocatello, Bannock, and Power Counties.	1919 act	31,360		
Salmon River, Idaho County	1923 act	195,000		
Selway, Idaho County	1917 act	514,000		
St. Maries, Benewah County	1923 act	18,500		
Illinois:				
Fox Lake and its shores, Lake County.	1920 order	13,440		
Refuges on private lands	1919 act			26 parcels were leased for periods of 5 years from 1919.
Indiana:				
Clark County State Forest, 1 mile north of Henryville, Clark County.	1903–1921 purchase	3,411	Quail, pheasants, ducks, squirrels, rabbits.	
Clifty Falls State Park, Jefferson County.	1921 gift	485	do	
Indiana-Dunes Park, Porter County.	1923	2,000		
Kankakee Lands, Laporte and Starke Counties.	1923	6,000		
McCormick Creek Canyon State Park, Owen County.	1916 gift and purchase	350		
Turkey Run State Park, Parke County.	1916–1921	480		
Vinegar Mills (Muscatatuck State Park), Jennings County.	1921 gift	100		
Iowa:				
Anamosa State Park, Jones County	1921 gift	168	Pheasant, quail	
Backbone Park, Delaware County	1918 act	1,300	do	
Dolliver Memorial, Webster County	1920 act	457		
Eldorado Steamboat Rock, Hardin County.	1920 act and gift	200		
Farmington State Park, Van Buren County.	1919 gift	100		
Fort Atkinson, Winneshiek County.	Act and gift	5		
Gitchie Manito, Lyon County	Act	40		
Lacey-Keosauqua, Van Buren County.	1919 act and gift	1,200	Pheasant, quail	
Ledges, Boone County	1920 act	600		
Lepley Park, Hardin County	Gift	9		
Oakland Mills, Henry County	1919 act	77		
Morehead Caves, Jackson County	do	15		
Palisades, Linn County	1922 act	140		
Pilot Knob, Hancock County	1921 act	235		
Theodore F. Clark, Tama County	Gift	24		
Wild Cat Den, Muscatine County	do	360		

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Kansas:				
Antelope refuge, Finney County	1917 act	3,200	Quail, prairie chickens, rabbits	
Kentucky:				
Game preserve, Trigg and Lyon Counties.	1913 gift	55,000	Deer, turkeys, pheasants, quail, squirrels.	
Louisiana:				
Hardtner forest and game preserve, La Salle County.	1913	25,000		
Marsh Island, off Vermilion Bay	1911 gift	79,300	Fur-bearing animals, geese, ducks, shore birds, rails, coots, gallinules, and numerous nongame water birds.	Gift of Mrs. Russell Sage estate; accepted by the State, act 1920.
Pass a Loutre public shooting ground, Palquemine Parish.	1921 act	60,000	Deer, fur-bearing animals, geese, ducks, shore birds, trails, coots, gallinules, and numerous nongame water birds.	Reserved primarily as nonleasable public hunting grounds. Act 52, 1921.
Queen Bess Island, Jefferson Parish.	1912 lease	50	Rails	
Rockefeller tract, Vermilion and Cameron Parishes.	1914 gift	85,000	Fur animals, geese, ducks, shore birds, rails, coots, gallinules, and numerous nongame birds.	Gift of Rockefeller Foundation; accepted by State. Act 71, 1920.
State Wild Life Refuge, Vermilion Parish.	1911 gift	13,000	Fur animals, geese, ducks, shore birds, rails, coots, and numerous nongame birds.	
Ward-McIlhenny tract, Vermilion Parish.	1911	60,000	do	Under State with rights reserved by owners.
Maine:				
Augusta game preserve, Kennebec County.	1921 act	600	Deer, rabbits, moose, ruffed grouse, pheasants.	
Back Bay, Cumberland County	1915 act	640	Ducks	An arm of Casco Bay
Bartlett Island, Hancock County	1917 act	1,000	Foxes, birds	
Cape Elizabeth, Cumberland County.	do	1,600	Rabbits, skunks, foxes, and migratory birds.	
Cross Island, Washington County	1909 act	1,344	Deer	
Deer Isle, Hancock County	1915 act	14,700	do	
Ganeston Park game sanctuary, cities of Augusta and Hallowell, Kennebec County.	1923 act	475		
Game sanctuary, city of Bangor, Penobscot County.	do	2,500		
Good Will farm game preserve and adjacent lands, Somerset County.	1921	1,500	Squirrels, rabbits, porcupines, raccoons, deer (few), ruffed grouse (abundant).	
Island of Mount Desert, Hancock County.	1915 act	1,500	Ducks, ruffed grouse, woodcock, deer, foxes, and smaller fur animals.	Consisting of the towns of Mount Desert, Tremont, Southwest Harbor and Bar Harbor.
Isle au Haut, Knox County	1907 act		Deer	Consisting of several islands.
Katahdin Park Game Preserve, Piscataquis County.	1921 act	90,000	Moose, deer, and all kinds of small game.	Enlarged by commissioner upon petition of citizens.
Kineo Point, Piscataquis County	1909 act	1,150		
Knox County	1915 act		Deer	Surrounding Lake Megunticook.
Lincoln County Game Preserve—Jefferson and Whitefield.	1923 act	1,000	do	
Prouts Neck, Cumberland County	1917 act	112	Black ducks, rabbits	
Richmond Island, Cumberland County.	do	200		
Scotch Island, Washington County	1909 act	6	Deer	
Stonington (Island), Hancock County.	1915 act		do	Formerly part of Deer Isle.
Swan Island, Sagadahoc	do	200		Formerly town of Perkins.
Town of York, York County	1921 act		Deer	
Maryland:				
Loch Raven, Baltimore County	1921 lease	4,000	Ring-necked pheasants, quail, rabbits, squirrels.	
Meadow Mountain, Garrett County	do	5,000	Deer, turkeys, ruffed grouse, ring-necked pheasants, quail, rabbits.	
Tract on Town Hill Mountain, Alleghany County.	1923 lease	660	Turkeys, grouse, and deer	Purchased; paid for from hunting license fees.
Tract near Flintstone, Alleghany County.	1922 lease	2,300	Deer, turkeys, and pheasants	
University of Maryland campus and adjacent property, Prince Georges County.	1923	1,200	250 species of birds, resident and migratory, also foreign birds of game variety.	Established by order of the university.
Massachusetts:				
Hingham Reservation, Plymouth County.	1911 act	5,000	Quail, pheasants, ducks, squirrels, rabbits.	Temporary control to Apr. 25, 1926.
Lynnfield Reservation, Essex County.	do	750	Ducks, quail, pheasants	Same to Mar. 22, 1925.
Mansfield-Foxborough, Bristol County.	do	1,800	Deer, rabbits, ruffed grouse, pheasants.	Same to Oct. 18, 1927.
Marthas Vineyard, Dukes County	1917 act	1,601	Heath hens	601 acres owned; 1,000 acres leased.
Millis Reservation, Norfolk County	1902 act	2,500	Quail, pheasants, black ducks	Temporary control to Oct. 29, 1925.
Moosehill bird sanctuary, Suffolk County.	do	800	Grouse, pheasants, ducks, deer, rabbits	Joint control Audubon Society and the game division.
Randolph Reservation, Norfolk County.	1919 act	650	Grouse, rabbits	Temporary control to June 21, 1924.
Sconticut Neck Reservation, Bristol County.	do	1,000	Ducks, quail, rabbits, squirrels	Same to Nov. 6, 1923.
Tyngsborough Reservation, Middlesex County.	do	495	Pheasants, grouse	Same to Oct. 20, 1925.
Beartown State Forest, Berkshire County.	1921	5,224	Ruffed grouse, gray squirrels, rabbits.	State lands, parks, and reservations, except certain forestry lands, made game refuges. Hunting prohibited by act of 1909.
Colrain State Forest, Franklin County.	1920	796		
Conway State Forest, Franklin County.	1920	666		
Erving State Forest, Franklin County.	1920	2,279		
Harold Parker State Forest, Middlesex and Essex Counties.	1915, 1916, 1917	1,222		
Mohawk Trail State Forest, Berkshire County.	1921	4,970		
Mount Grace State Forest, Franklin County.	1921	1,080		
Myles Standish State Forest, Plymouth County.	1902	7,757		
October Mountain State Forest, Berkshire County.	1922	11,500		
Otter River State Forest, Worcester County.	1915, 1916, 1917	1,760		
Savoy Mountain State Forest, Berkshire County.	1915, 1916, 1917, purchase	5,457		

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Massachusetts—Continued.				
Swan State Forest, Berkshire County.	1918, gift	986		
Shawme State Forest, Barnstable County.	1921	1,216		
Tolland-Granville State Forest, Hampden County.	1921	3,156		
Wendell State Forest, Franklin County.	1921	2,955		
Michigan:				
Black Lake, in Grant Township, Cheboygan County, and Bearinger Township, Presque Isle County.	1922	4,970		Refuges established through dedication of State land and by purchase of privately owned land selected for the purpose.
Cheboygan, Waverly Township, Cheboygan County, bordering on Black Lake.	1922	3,457		
Emmett, in extreme north end of Bliss Township, Emmett County.	1920	3,714	Deer, small game, fur animals, ruffed grouse, and water fowl.	
Gladwin, in Sherman Township, Gladwin County.	1921	5,713		
Iosco, in Oscoda Township, Iosco County.	1922	4,040		
Hanson—the same site as the Hanson Military Reservation in Crawford County.	1913	13,500	Deer, rabbits, fur animals, ruffed grouse, and waterfowl.	
Midland, in Jerome Township, Midland County.	1919	2,297		
Refuges on private lands	1913 act	29,176		163 parcels of private land, aggregating 29,176 acres, set aside to June 30, 1922.
Tract in Corwith Township, Otsego County.	1912 lease	12,800	Deer, elk, small game, fur animals, ruffed grouse, waterfowl.	
Minnesota:				
Anoka County—lands east of Mississippi River from Minneapolis to Anoka.	1918 order	6,500	Quail, prairie chickens, ring-necked pheasants, grouse.	
Aitkin County—T. 51, R. 22, and parts of Tps. 50, 52, R. 22.	1919 order	38,720	Deer, moose, and upland game birds.	
Aitkin County—Ts. 45–44, Rs. 24 and 23, and other sections.	1921 order	141,440	Deer and upland game birds.	
Beltrami—Ts. 151–152, R. 31, eastern part of Ts. 151–152, R. 32.	do	60,120	do	
Beltrami County—Ts. 149 and 150, R. 32.	1922 order	46,080	do	
Beltrami—lands in T. 147, Rs. 32 and 33.	1921 order	20,480	do	
Bemidji—surrounding lake and city of Bemidji.	1916 order	12,800	Deer, water fowl, upland game birds.	
Clay County—lands running north and south through center of county.	1921 order	26,880	Prairie chickens, ring-necked pheasants, ducks.	
Carlton County—lands between St. Louis River and Duluth Short Line Ry. east of Carlton village.	do	12,160	Deer and upland game birds.	
Carver County, 3¼ sections in Watertown Township.	1922 order	2,080	Quail, prairie chickens, and pheasants.	5 years.
Drummond—tract lying between the Drummond Branch and main line of the D. & I. and the Alger-Smith railways.	1920 lease	28,000	Deer, moose, and upland game birds.	10 years.
Dupont—T. 57 N., R. 19, and 12 sections in T. 57, R. 20.	1921 order	30,720	Moose, deer, and upland game birds.	
Fayal—T. 57, R. 17, except secs. 5 and 6.	do	21,760	do	
Faribault County—lands in T. 102, R. 27.	1920 order	760	Quail, prairie chickens, ring-necked pheasants, ducks.	
Freeborn County—lands surrounding Fountain and Albert Lea Lakes.	1921 order	15,200	do	
Freeborn County, 16½ sections east of Lake Geneva.	1922 order	10,560	Upland game birds and waterfowl.	
Gilmore Valley, Winona County	1916 order	2,580	Quail, grouse, ring-necked pheasants.	
Houston County—parts of secs. 14, 15, 22, and 23, T. 102, R. 6.	1921–22 order	680	Quail, grouse, prairie chickens.	
Hubbard County—T. 144	1921 order	23,040	Deer and upland game birds.	
Itasca County—T. 60, R. 24, except secs. 25 to 36.	1917 order	15,360	Deer, moose, and upland game birds.	
Itasca County—T. 60, R. 22 and 23.	1921 order	46,080	do	
Itasca County—5 sections in Center County, T. 55, R. 25.	do	2,800	Upland game birds.	
Koochiching County—Ts. 156–157, R. 26.	do	46,080	Deer, moose, upland game birds.	
Kasota—between Kasota and Mankato, east side of Minnesota River.	1920 order	7,000	Quail, grouse, prairie chickens, ring-necked pheasants, ducks.	
Kettle Falls—tract lying west of Kettle Falls.	do	60,000	Deer, moose, prairie chickens, ring-necked pheasants, waterfowl.	
Kittson County—T. 161, R. 47 and 48.	1921 order	46,080	Prairie chickens and ducks.	
Kittson County—4 secs. T. 161, R. 49.	1922 order	2,560	do	
Lyon County—2½ secs. T. 111, R. 41–42.	do	1,600	Upland game birds.	
Lake County—Castle Danger Refuge.	do	5,000	Deer and upland game birds.	10 years.
McLeod County—lands in T. 116, R. 29.	1921 order	3,680	Quail, grouse, prairie chickens, ring-necked pheasants, waterfowl.	
Marshall County—north half of T. 133, R. 45, 46, 47, 48.	do	46,080	Prairie chickens, ring-necked pheasants, ducks.	
Martin County—lands in T. 102, R. 10.	do	4,800	Quail, prairie chickens, ring-necked pheasants.	
Martin County—5 sections east of Fairmont.	1917 order	3,200	do	
Medicine Lake, Hennepin County, addition to Minnetonka refuge, including Medicine Lake.	do	11,520	Quail, grouse, ring-necked pheasants, ducks.	
Meeker County—lands surrounding Lake Ripley.	do	1,500	do	
Middle Lake—tract in Nicollet County.	1919 order	915	Ducks, geese, rails, upland game birds.	

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Minnesota—Continued.				
Mille Lacs County—lands between Wahkon and Isle north of Soo Railway track.	1920 order	2,000	Deer and upland game birds	
Mille Lacs County—12 sections in T. 42, R. 25.	1921 order	7,680	Quail, grouse, prairie chickens, ring-necked pheasants, ducks.	
Minnetonka, surrounding Lake Minnetonka in Hennepin County.	1915 order	60,000	do	
Minnetonka addition, lands between Lake Independence and Long Lake.	1920 order	10,250	Quail, grouse, prairie chickens, ring-necked pheasants, waterfowl.	
Minnesota River, extending along the Minnesota River in Hennepin and Dakota Counties.	1915 order	16,000	Quail, prairie chickens, ring-necked pheasants, ducks.	
Monongalia—16 sections west of New London, Kandiyohi County.	1917 lease	10,740	do	
Morrison County—25 sections between the Platte and Mississippi Rivers.	do	16,000	do	
Morrison County—4 sections west of Little Falls.	1918 order	2,560	do	
Nicollet County—addition to Swan Lake Refuge.	1922 order	50	Waterfowl	7 years.
Nicollet County—along Minnesota River between St. Peter and Mankato.	1916 order	13,680	Quail, prairie chickens, ring-necked pheasants, ducks.	
Norman County—townships 144, 145, 146, R. 45, and half of T. 143, R. 45.	1921 order	92,000	do	
Pennington County—T. 153, R. 42, 43.	do	46,080	do	
Pine County—16 towns between the Kettle and the St. Croix Rivers.	1921 lease	115,840	Waterfowl, deer, and upland game birds.	
Polk County—along Red Lake River above Crookston.	1916 order	7,040	Prairie chickens, ring-necked pheasants, ducks.	
Polk County—Prairie Chicken Refuge near Crookston.	do	83,840	do	
Ramsey County—embracing Lake Johanna.	do	5,000	Quail, prairie chickens, ring-necked pheasants, ducks.	
Ramsey County—lands lying east of Pleasant Lake.	1922 order	1,760	Upland game birds	1 year.
Renville County—secs. 6 and 7, T. 114, R. 34, and secs. 1 and 12, T. 114, R. 35.	1921 order	2,560	Quail, prairie chickens, ring-necked pheasants, ducks.	
Roseau County—T. 161, Rs. 40, 41	1916 lease	46,080	Waterfowl, deer, and upland game birds.	5 years.
St. Croix, bordering the St. Croix River in Washington County.	1915 order	3,000	Quail, prairie chickens, ring-necked pheasants, ducks.	
St. James Lake, Watonwan County.	1922 order		Waterfowl	
St. Louis County—Ts. 59, 60, R. 20.	1921 order	46,080	Moose, deer, and upland game birds	
Scott County, St. Lawrence Township.	1919 lease	11,500	Quail, grouse, prairie chickens, ring-necked pheasants.	Do.
Superior, northern Cook, Lake, and St. Louis Counties.	1909 order	1,200,000	Moose, deer, caribou, upland game birds, and fur animals.	
Swan Lake, Nicollet County	1923 order	10,500	Waterfowl	Game and fish commission.
Swan Lake, tracts in Swan Lake, Nicollet County.	1919 lease	700	Ducks, geese, rails, upland game birds	10 years.
Star Island, Cass Lake	1916 order	1,000	Grouse	
Watonwan County—870 acres around St. James Lake.	1922 order	870	Quail, prairie chickens	
Waseca County, including township of Blooming Grove.	1916 order	23,360	Quail, prairie chickens, ring-necked pheasants, ducks.	
Whitewater, Winona County, secs. 17, 19, 20, 29, in Elba Township.	1921 order	2,560	Quail and grouse	
Winona County, 4 sections in T. 105, R. 10 W.	1919 lease	2,560	Quail, grouse, ring-necked pheasants	
Wiscoy Valley, Winona County	1916 order	8,425	do	
Mississippi				Refuges not provided for by law.
Missouri				Refuges provided for by law and funds appropriated; none yet established.
Montana:				
Beaverhead, Beaverhead County	1921 act	32,640	Deer, elk, moose, game birds, fish	
Blackleaf, Teton County	do	23,000	Deer, elk	
Flathead Lake Bird Preserve, Flathead County.	1917 act	7		
Cherry Creek, Valley County	1923 order			
Gallatin, Gallatin and Park Counties.	1911 act	89,904	Deer, elk, moose, pheasants, grouse	
Highwood, Choteau County	1917 act	45,280		
Little St. Joe, Mineral County	1923 act	92,150		
Powder River, Powder River County.	1917 act	728,000	Deer, antelope	
Prior Mountain, Carbon County	1911 act	83,200	Deer, elk, grouse, pheasants	
Snow Creek, Garfield County	do	217,728	Deer, antelope, grouse, pheasants	
Snowy Mountain, Fergus County	1917 act	108,160	Deer, elk	
South Moccasin Mountains, Fergus County.	do	19,200	do	
Spotted Bear, Powell and Flathead Counties.	1923 act	254,000	Elk	
Sun River, Lewis and Clark County	1913 act	195,877	Elk, deer, sheep, goats, moose	
Teton Spring Creek, Teton County	1923 act	6,400		
Tobacco Root Mountain, Madison County.	1923 order			
Twin Buttes Game Preserve, Lewis and Clark County.	do	23,040	Deer, elk	
Nebraska:				
Fontanella Forest, between South Omaha and Bellevue, Douglas and Sarpy Counties.	1922 order	2,543		Set aside by State secretary of agriculture.
Nebraska National Forest	1921 act			Niobrara and Bessey divisions of forest (see 52, act, 1921).
School sections and educational lands.	1919 act			
Tract near Fairbury, Jefferson County.	1922 act	200		Set aside by State secretary of agriculture.

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Nevada:				
Clark County Refuge	1923	403,200	Antelope	Under the law of 1923, 25 State recreation grounds and game refuges may be set apart and proclaimed by the governor.
Grant, Nye and Lincoln Counties	1923	403,100	do	
Humboldt, Elko County	1923	1,175,040	do	
Jarbidge, Elko County	1923	40,300		
Lehman, White Pine County	1923	175,512		
Reese River, Nye County	1923	198,400		
Santa Rosa, Humboldt County	1923	414,720		
Schell Creek, White Pine County	1923	70,400		
Lander County Refuge	1923			
Washoe County Refuge	1923	2,672,640	Antelope	
White Pine County Refuge	1923	552,960	do	
New Hampshire:				
Game sanctuary, Nashua, Hillsborough County.	1922	1,000		
Game sanctuary, Hillsboro, Hillsborough County.	1922	400		
New Jersey:				
Buckwood Park, 3 townships, Warren County.	1916 act	5,000	Deer, ruffed grouse, squirrels	Control of fish and game commission, 5 years to 1926
Do	1916 lease			
Do	1921 lease			
Burlington County Game Protective League, Mount Holly Branch Game Farm.	1920 act	43		Lease renewed annually.
Do	1920 lease			
High Point Park, Sussex County	1922 gift	10,000		Donated by Col. and Mrs. Anthony Kuser.
Monmouth County Fish and Game Association Branch Game Farm.	1920 act	50		Leased from year to year.
Palisades Interstate Park, Bergen and Hudson Counties (1,000 acres in New Jersey and 35,038 acres in New York).	1900; enlarged 1906, 1910	36,038		Under interstate fish commissioners.
Ringwood Manor, Pompton Township, Passaic County.	1916 act	1,500	Few deer, quail, ruffed grouse, woodcock, and squirrel.	5 years to 1927.
Do	1921			
Do	1922			
State Game Farm, Forked River, Ocean County.	1912	538		
Do	Purchased			
New Mexico:				
Animas, Grant County	1922 order	9,600		
Black Canyon, Grant County	do	16,000		
Black Range Game Refuge, Sierra County.	do	19,500		
Chipadera, Socorro County	do	99,835		
Crosby Mountain, Catron County (amended).	do	18,700		
Council Rock, Socorro County	do	21,500		
Dillon Mountain, Catron County	do	18,900		
Double Springs, Catron County	do	50,000		
Eagle Peak, Catron County	do	17,600		
Fox Mountain, Catron County	do	22,400		
Lakes Nos. 2 and 5, Colfax County	do			
La Joya Station, Socorro County			Ducks and geese	
Magdalena, Socorro County	do	18,600		
Mangas Mountain, Catron County	do	18,300		
Mayberry, Catron County	do	16,640		
Miller Game Refuge	do			
Mogollon, Catron County	do	48,000		
Mount Sedgwick, Valencia County	do			
Mount Withington, Socorro County	do			
Organ, Dona Ana County	do			
Rio Grande River—near the following—	1921 order			
Alameda, Bernalillo County				These refuges include sections of the river from bank to bank at high-water mark at various crossings and extend 2 miles below wagon bridges. Signs posted on bridges.
Barelas, Bernalillo County				
Belen, Valencia County				
Bernalillo, Bernalillo County				
Cochita, Sandoval County				
Isleta, Bernalillo County				
Los Lunas, Valencia County				
San Felipe, Sandoval County				
Socorro, Socorro County				
Sandia, Bernalillo County	1922 order	11,840		
San Mateo, Sierra County	do	10,600		
Sapello, Grant County	1923			
Truchas Peak, San Miguel County	1922 order	20,000		Truchas Creek and Rio Vallecitas drainage.
White Creek, Catron County	do	22,000		
White Mountain, Lincoln County	1922	5,100		
New York:				
Big Flats (tract in town) Chemung County.	do	903	Pheasants, grouse, rabbits, migratory and insectivorous birds.	Privately owned, set aside by conservation Commission, Feb. 16, 1922, for 10 years.
Clark Reservation, in town of Dewitt, Onondaga County.	1915 gift	115		
Fire Island State Park, Suffolk County.	1908 purchase	118		
Letchwork Park, Wyoming County.	1907 gift	1,000		Not under conservation commission.
Niagara Falls Reservation, Niagara County.	1883 act	412		Do.
Palisades Interstate Park, Rockwood County (35,038 acres in New York; 1,000 acres in New Jersey.)	1900; enlarged 1906, 1910	36,038		Under interstate fish commissioners
Pendleton and North Tonawanda (tract in), Niagara County.	1922	60	Pheasants, rabbits, and migratory birds.	Set aside under sec. 366 of conservation law.
Squaw Island, in extreme northern end of Canandaigua Lake, Ontario County.				Not under conservation commission.
Thousand Islands Park, Jefferson County.		195		Do.
Sherburne Game Farm Refuge, Chenango County.				Do.
Watkins Glen Reservation, Schuyler County.	1906 purchase	103		Do.
The following created within:				
Alden, Erie County	1921 order			

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
New York—Continued.				
Arcadia, Wayne County	1918 order	450		
Bethany, Genessee County	1915 order	300		
Lancaster, Erie County	1916 order	1,000		
Le Roy, Genessee County	1920 order			
Lewiston, Niagara County	1919 order			
Niagara Falls Reservation, Niagara County.	do	1,500		
Pomfret and Dunkirk, Chautauqua County.	do	1,319		
Sangerfield, Oneida County	1920 order	100		
Southport, Chemung County	1921 order	903		
Volney, Oswego County	1920 order	27		
North Carolina:				
Fairview Park, Stanley County	1913 act			
North Dakota:				
Refuges on private lands	1920	16,159		24 parcles of land aggregating 16,159 acres have been set aside by agreement with owners.
Ohio:				
Theodore Roosevelt Game Preserve, Scioto County.	1919 act	15,000	Deer, wild turkey, ruffed grouse, ring-necked pheasants, quails, squirrels, rabbits, small fur animals, and native birds.	Purchased from game-protection fund. When well stocked, to be opened as public shooting ground and game refuge.
Mercer (Lake St. Mary)	do	308	Waterfowl	
Refuges on private lands by agreement with owners.	1913 act	104,679		59,896 acres under lease and 44,783 acres set aside by agreement with owners.
Oklahoma:				
Armstrong, Bryan County		250		Practically all these three refuges purchased from game-protection fund.
Medicine Park, Comanche County		268		
Small Park in Cherokee County		40	Deer	
Forest Game Preserve, McCurtain County.	1918 act	15,800		Purchased from Choctaws and Chickasaws.
Oregon:				
Clackamas County Upland Game Reservation.	1920 act, 1923 act extended	1,280	Upland birds	
Deschutes, Crook and Lake Counties.	1913 act	529,440	Deer, grouse, and waterfowl	
Multnomah County Pheasant Reservation, Multnomah and Clackamas Counties.	1917 act	80,640	Pheasants, quail, partridges, ducks, geese.	
Grass Mountain, Lane County	1912 act	24,500	Deer, elk, grouse, quail	
Steen Mountain, Multnomah and Columbia Counties.	1913 act	414,720	Deer, antelope, sage hens, and other birds.	
Sturgeon Lake, Multnomah and Columbia Counties.	do	22,000	Waterfowl	
Umatilla County Game Reservation.	1912 act	500	Chinese pheasants, quail, waterfowl	
Pennsylvania:				
Barclay and Leroy Townships, Bradford County.	1915 act	4,100	Deer, bear, rabbits, hares, gray and black squirrels, ruffed grouse.	Leased Apr. 21, 1916; purchased Dec. 14, 1920.
Beech Creek and Noyes Townships, Clinton County.	1905 act	2,530	Elk, deer, bear, rabbits, gray and black squirrels, raccoons, ruffed grouse.	Sproul State Forest.
Bratton Township, Mifflin County; Tuscarora and Lack Townships, Juniata County.	1916 act	2,900	Deer, rabbits, gray and flying squirrels, racoons, turkeys, ruffed grouse, ring-necked pheasants.	Rothrock State Forest.
Cherry Grove, Pleasant and Watson Townships, Warren County.	1921 act	2,516	Deer, bear, rabbits, hares, gray and black squirrels, raccoons, ruffed grouse, ring-necked pheasants.	Purchased during 1920 and 1921.
Coleran and Southampton Townships, Bedford County.	1917 act	2,196	Deer, rabbits, gray squirrels, raccoons, turkeys, ruffed grouse.	Buchanan State Forest.
Cook Township, Cumberland County.	1920 act	1,340	Deer, rabbits, hares, gray squirrels, raccoons, turkeys.	Michaux State Forest.
Cook Township, Westmoreland County.	1911 act	2,100	Deer, rabbits, hares, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Forbes State Forest.
Davidson Township, Sullivan County.	1915 act	2,500	Deer, bear, rabbits, hares, gray squirrels, raccoons, ruffed grouse, ring-necked pheasants, quail.	Leased Aug. 1, 1917; expires Aug. 1, 1927.
Green Township, Forest County; Farmington Township, Clarion County.	1918 act	8,000	Elk (stocked), deer, rabbits, bears, hares, gray and black squirrels, raccoons, ruffed grouse, ring-necked pheasants.	Leased July 26, 1918; expires July 26, 1933.
Hartley Township, Union County; Haines Township, Center County.	do	2,130	Deer, rabbits, bear, hares, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants.	Karoondiniha State Forest.
Haines Township, Center County	1912 act	1,265	Deer, rabbits, gray and black squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants.	Do.
Highland Spring Creek and Millstone Townships, Elk County; Jenks Township, Forest County.	1921 act	2,622	Deer, bears, rabbits, raccoons, ruffed grouse.	Purchased 1921.
Jackson Township, Huntingdon County.	1915 act	2,267	Deer, bear, rabbits, gray squirrels, raccoons, turkeys, ruffed grouse.	Logan State Forest.
Jackson Township, Dauphin County.	1918 act	1,849	Deer, bear, rabbits, hares, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Weiser State Forest.
Jones Township, Elk County	1920 purchase	2,359	Deer, bear, rabbits, hares; gray squirrels, raccoons, turkeys, ruffed grouse.	Purchased June 15, 1920.
Kidder Township, Carbon County	1915 act	1,900	Elk, deer bear (scarce), rabbits, hares, turkeys, ruffed grouse.	Known as the Trexler State Game Refuge, on leased land. Lease expires Jan. 24, 1926.
Lehigh Township, Lackawanna County.	do	2,774	Deer, bear, rabbits, hares, ruffed grouse, ring-necked pheasants.	Lackawanna State Forest.
Logan and West Townships, Huntingdon County.	1921 act	13,930	do	Logan State Forest.
Noxed and Forkston Townships, Wyoming County.	1917 act	2,100	Deer, bear, rabbits, hares, gray squirrels, raccoons, ruffed grouse.	Leased Mar. 15, 1917; expires Mar. 15, 1932.
Pine Township, Clearfield County	1906 act	3,107	Elk, deer, bears, rabbits, gray and black squirrels, raccoons, ring-necked pheasants, ruffed grouse, and quail.	Moshannon State Forest.
Penn and Cass Townships, Huntingdon County.	1918 act	1,856	Deer, rabbits, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Rothrock State Forest.
Plunketts Creek Township, Lycoming County.	1915 act	1,785	Deer, rabbits, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Tiadaghton State Forest.

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Pennsylvania—Continued.				
Portage Township, Porter County, and Portage Township, Cameron County.	1916 act	2,802	Deer, bear, rabbits, hares, gray and black squirrels, turkeys, ruffed grouse, ring-necked pheasants, quail.	Elk State Forest.
Quincy Township, Franklin County	1906 act	1,989	Deer, rabbits, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Mont Alto State Forest.
Shippen Township, Cameron County.	1916 lease	2,000	Elk, deer, bear, rabbits, hares, gray and black squirrels, raccoons, ruffed grouse, ring-necked pheasants.	Leased Mar. 14, 1916; expires Mar. 14, 1936.
Shippen Township, Tioga County	do	3,970	Deer, bears, rabbits, hares, gray and black squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Tioga State Forest.
Stewardson Township, Potter County; Chapman Township, Clinton County; Brown Township, Lycoming County.	1915 lease	2,460	Deer, bears, rabbits, hares, gray and black squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants.	Tiadaghton State Forest.
Summit Township, Potter County	1916 lease	3,434	Deer, bear, rabbits, hares, gray and black squirrels, raccoons, ruffed grouse, ring-necked pheasants.	Susquehannock State Forest.
Tobyne Township, Perry County	1911 lease	1,778	Deer, bears, rabbits, hares, gray squirrels, flying squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants, quail.	Tuscarora State Forest.
Union Township, Bedford County; Greenfield Township, Blair County; Summerhill Township, Cambria County.	1920 lease	1,727	Elk, deer, bear, rabbits, hares, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants.	Purchased during 1920 and 1921.
Auxiliary game preserves:				
Bridgeton and Nockamixon Townships, Bucks County.	1919 lease	600	Rabbits, hares, gray squirrels, raccoons, ruffed grouse, ring-necked pheasants.	10 years.
Donegal Township, Butler County.	do	300	Deer, rabbits, gray squirrels, raccoons, ruffed grouse, quail.	Do.
Noxen and Monroe Townships, Wyoming County.	1918 lease	800	Deer, bear, rabbits, hares, gray and black squirrels, raccoons, ruffed grouse, ring-necked pheasants, quail.	Do.
Perry Township, Clarion County.	do	700	Deer, bear, rabbits, hares, gray and black squirrels, raccoon, ruffed grouse, ring-necked pheasants, quail.	20 years.
Straban Township, Adams County.	1919 lease	700	Rabbits, hares, gray squirrels, raccoons, ring-necked pheasants, quail.	10 years.
South Fayette Township, Allegheny County.	1920 lease	375	Rabbits, ring-necked pheasants, quail.	Do.
Tinicum Township, Bucks County.	do	500	Rabbits, hares, gray squirrels, raccoons, turkeys, ruffed grouse, ring-necked pheasants.	Do.
Wood Township, Huntingdon County.	1921 lease	400	Rabbits, deer, hares, gray squirrels, raccoons.	Do.
Rhode Island:				
Warwick Neck, Kent County	Act	2,560		
South Carolina				Refuges not provided for by law.
South Dakota:				
Custer State Park, Custer County	1921 act	90,080	Buffalo, elk, antelope, deer	The Custer State Park includes the State game preserve, area 61,440 acres, created by act of 1913, inclosed by 8-foot woven and barbed wire fence; and also the Custer State Park game sanctuary, area 28,640 acres, which was set aside by Congress, and accepted for use as a State game refuge under the protection of both Federal and State Governments.
Grand View, Perkins County	1923 act	1,280		
Ipswich, Edmunds County	1917 act	5,120		
Lake Madison, Lake County	1923 act			
Sisseton, Roberts County	do	17,280		
Theodore Roosevelt, Custer County.	1921 act	45,400		
Wall Lake, Minnehaha County	1917 act	960		
Tennessee:				
Appalachian Game Preserve No. 1, Sevier, Blount, Monroe, and Polk Counties.	do	1,448,320		
Brushy Mountain tract, Morgan County.				State lands.
Herbert Domain, Bledsoe County		1,200		Do.
Loudon County Game Preserve	1919 act	30,000		
Reelfoot Lake shooting grounds, Lake and Obion Counties.	1917 act	72,000	Ducks, geese, herons, quail, turkeys	
Washington County Game Preserve	1919 lease	9,000		5 years.
Texas:				
Green Island (Wells Reservation), Cameron County.	1921	37	Snowy and reddish egrets, Ward and Louisiana herons, black-crowned night herons, least terns, green herons, etc.	Leased February, 1923, to National Association of Audubon Societies.
North Bird Island, Kleberg County	1921	10	Gulls, terns, skimmers, brown and white pelican, Ward and Louisiana herons, reddish egrets.	Do.
South Bird Island, Kleberg County	1921	20	do	Do.
Three Islands in Laguna Madre, Cameron County	1921	8	Ward herons, black skimmers, least terns.	Do.
Three Islands in Bahia Grand, Cameron County.	1923	10	Laughing gulls; royal, Caspian, gull billed, Cabot, Forster, and least terns, and black skimmers.	Leased to National Association of Audubon Societies.
Utah:				
Big Cottonwood, Juab, Uinta, and Salt Lake Counties.	1923 act	66,900		
Cache, Cache County	1919 act	268,501		In Cache National Forest.
Dixie, Iron, and Washington Counties.	do	435,200		In national forests.
Eastern half of Salt Lake County	1923 order	25,600		Set aside by State game and fish commission.
Fish Lake, Sevier County	1919 act	307,200		
Game preserve, adjoining Little Zion National Park.	Order	46,080	Deer, sheep, grouse	
Heaston, Tooele County	1919 act	209,320		
Mount Ogden Sanctuary, Weber County.	By commission	41,600		
Mountair, Salt Lake County	do	19,440		
Parowan, Iron County	do	27,520		

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Utah—Continued.				
Strawberry, Morgan, and Wasatch Counties	1919 act	92,160		In national forests.
Vermont:				
Arlington and Sunderland Game Refuges, Bennington County.	1922	590	Game birds and fur animals	Agreement with landowners and posted by the State.
Butler Game Refuge, Pittsford, Rutland County.	1922	196	do	Do.
Crosato Game Refuge, Pittsford, Rutland County.	1921	135	do	Agreement with landowners.
Downer State Forest, Windsor County.	1916	800	do	Created as a game refuge for 25 years
Doctor Jaynes property, Waterbury, Washington County.	1916	125	do	Created for a period of 10 years; owned by Waterbury Public Library.
Eddy and Potter Game Refuge, Clarendon and Rutland, Rutland County.	1921	300	do	Agreement with landowners; posted by State.
Lake Champlain at the mouth of Lamoille River, Chittenden County.	1920	900	Waterfowl	State-owned and inclosed.
Marshfield Game Refuge, Washington County.	1922	500	Game birds and fur animals	Agreement with landowners and posted by State.
Marshfield and Plainfield, Washington County.	1922	960	do	Do.
Northfield and Roxbury, Washington County.	1922	5,075	do	Do.
Plainfield Game Refuge, Washington County.	1922	200	do	Do.
Rutland Game Refuge, Rutland County.	1922	1,407	do	Do.
St. Albans, Franklin County	1922	600	do	Do.
Vermont Marble Co	1922	100	do	Do.
Virginia:				
Refuges on private lands by agreement with owners.				There are 118 sanctuaries of 300 or more acres each and 49 of less than 300 acres, making a total of 167 sanctuaries set aside for periods of not less than three years. February, 1923.
Washington:				
Chelan County	1913 order	254,424		
Eight Mile Game Preserve	1921 order	26,750		
Nason Creek Game Preserve	do	21,400		
Emerald Park Game Preserve	do	48,000		
White River Game Preserve		53,762		
Clallam County	1914 order	25,600		
Columbia County	1917 order	24,320		
Garfield County	do	15,840		
Grant County Migratory Game Preserve.	1923 order			
Grays Harbor County	1915 order	11,520		
King County	1914 order	35,750		
Kittitas County	1913 order	2,863		
Kitsap County	1922 order	1,280		
Lake Washington Game Preserve	1909 act			
Lewis County	1917 order	40,000		
Pend Oreille County	do	24,723		
Pierce County Game Preserve	1922 order	285,320		
Pierce County	1913 order	340,910		
Okanogan County Game Preserve	1917 act	37,700		
Opportunity Township, Spokane County.	1923 order	12,800		
Snohomish County	1913 order	120,000		
Spokane County	do	6,400		
Stevens County	do	641		
Thurston County	1914 order	40		
Whatcom County	1913 order	850,000		
West Virginia:				
Beech Run, Randolph County	1922 lease	2,000	Deer, black bear, raccoon, mink, skunk, squirrel (gray), red fox, cottontail, turkey, ruffed grouse, quail.	
French Creek, Upshur County	do	1,000	Gray squirrel, cottontail, skunk, red fox, opossum, ring-necked pheasant, ruffed grouse, quail, woodcock.	
Jackson Mill, Lewis County	do	2,000	Gray squirrel, opossum, skunk, quail.	
Lakin, Preston County	do	4,000	Gray squirrel, cottontail, skunk, opossum, mink, red fox, gray fox, ruffed grouse, quail.	
Paint Creek game refuge, Boone and Fayette Counties.	do	10,000	Black bear, raccoon, mink, opossum, skunk, gray fox, gray squirrel, ruffed grouse, ring-necked pheasant.	
Petersburg, Grant County	do	3,000	Gray squirrel, opossum, skunk, gray fox, cottontail, ring-necked pheasant, ruffed grouse, quail, turkey.	
Tibbs Run, Monongalia County	do	1,000	Waterfowl (during migration)	
Wisconsin:				
Converse, Dane County	Order	500	Upland birds, squirrels, rabbits	
Foster Run, Eau Claire County	do	1,000	Grouse, quail, partridge, prairie chickens, squirrels.	
Forest County game refuge	1915 act	42,800	Deer, grouse, partridge, beaver	
Idlewild, Buffalo County	Order	1,000	Upland birds, waterfowl, shore birds, squirrels, rabbits.	
J. H. Miller refuge, Oneida County	do	167	Deer, grouse, partridge, squirrels, beaver.	
Old Hickory, Dodge County	do	763	Upland birds, waterfowl, shore birds.	
Overcrest, Rock County	do	650	Upland birds, squirrels, rabbits	
Rusk County	do	6,840	Deer, grouse, partridge, beaver	
State game farm, Vilas County	do	700	do	
Suits-Us-Farm, Vilas County	do	300	do	
Sullivan, Richland County	do	460	do	
Walter Case, Richland County	do	250	Upland birds, squirrels, rabbits	
Wyoming:				
Big Horn; Big Horn, Sheridan, and Johnson Counties.	1913 act	768,000	Elk, deer, sheep, moose	
Bridger, Teton, and Sublette Counties.	1917 act	51,200		
Campbell County	1921 order	3,840		
Careyhurst, Converse County	1917 act	192,000	Elk, deer, antelope	Enlarged.
Carter Mountain, Park County	do			Acreage included in Shoshone refuge.
Casper Mountain, Natrona County	1922 act	1,920	Antelope, deer	
Days River, Teton County	1917 act	1,280		

List of State game and bird refuges—Continued

Designation	Created	Acres	Game and birds on refuge	Remarks
Wyoming—Continued.				
Haystack Mountain, Platte and Goshen Counties,	1922 act	2,560		
Hoodoo, Platte County	1917 act	5,440		
Kendall, Sweetwater County	do	128,000		
New Sheridan game preserve	1923 order	21,760		
Popo Agie, Fremont, and Sublette Counties.	1917 act	4,480		
Splitrock special game animal preserve, Fremont and Natrona Counties.	1919 act	1,600,000		
Shoshone, Park County	1917 act	608,000		
Teton, Teton County	do	512,000		
Wind River, Hot Springs County	do			Acreage included under Splitrock.

Mr. REED of Missouri. Mr. President, I do not know whether it is worth while spending my time or imposing upon the Senate to discuss a bill that has been so thoroughly propagandized as this one has. It is now the custom for interested parties to organize themselves, to raise a lot of money, to send paid agents to Washington, and to put legislation over by that process. This bill is no exception to the rule, as I shall demonstrate to those Senators who have enough interest to listen to the discussion.

Briefly speaking, this bill proposes to tax every man and boy in the United States $1 a year who hunts the migratory birds named in the bill. He must get a license before he may hunt any of these birds.

Second, it is proposed to take that fund and not turn it into the Federal Treasury, but to create a special fund to be expended by a commission to acquire by lease or by purchase such lands at such prices and on such terms as the commission shall approve. That is all to be done without any future approval of Congress.

Mr. LENROOT. Mr. President, the Senator did not quite mean that, did he, that these funds are to be paid in and expended without any action by Congress?

Mr. REED of Missouri. That is my understanding of the bill.

Mr. LENROOT. Not a dollar can be spent except on appropriation by Congress.

Mr. REED of Missouri. Where is the language covering that?

Mr. LENROOT. In section 11, on page 8, it is provided—

That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory bird refuge and marsh land conservation fund, to be appropriated from time to time by Congress, and when appropriated shall be available until expended, as follows:

Mr. REED of Missouri. There is another clause here relating to the matter.

Mr. LENROOT. That covers all the money. There could not be anything else.

Mr. REED of Missouri. The language further is:

That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as migratory bird refuges or public shooting grounds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and other expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, from moneys to be appropriated by Congress from the migratory bird refuge and marshland conservation fund.

Mr. LENROOT. Appropriated by Congress.

Mr. REED of Missouri. Yes. Of course, that means that the money is gathered together under the law and put into a special fund. The Secretary of Agriculture is absolutely authorized to make bargains for ground, to agree on the purchase price, and, of course, it then does take an act of Congress—and the Senator is correct that far—to appropriate the money; but in the meantime we have authorized an agent to bind the Government to purchase and to fix the price.

Third, the bill proposes to do two things, to establish refuges for birds where they can not be hunted, and to establish grounds where they can be hunted. Then it is proposed that 40 per cent of all the moneys collected shall be set aside to be used by the commission or board for the expenses of administering the act—not to exceed 40 per cent is the expression; but, of course, that means 40 per cent.

Looked at broadly, for all practical purposes, it may be said that no one can go hunting in the summer season of the year without a license. There are 5,000,000 or 6,000,000 hunters in the United States, and my judgment is that there will be collected, man and boy, from $5,000,000 to $6,000,000. The farmer's boy can shoot on his father's place, but if he goes with a neighbor boy over on to a neighboring farmer's place he is liable to be arrested, fined, and punished as in the bill provided.

Mr. NORBECK. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. I yield.

Mr. NORBECK. Is not that also true of State game laws in the 48 different States of the Union?

Mr. REED of Missouri. No; it is not true at all as it would be true under this bill.

Mr. NORBECK. It is true that they may hunt on their own land but not on their neighbor's land.

Mr. REED of Missouri. Nearly every State in the Union has a law that provides an open and a closed season.

Mr. NORBECK. So does this bill.

Mr. REED of Missouri. A man can go out and hunt during the open season, paying a State license, where he is under State surveillance. This is a totally different proposition. If a boy should go out hunting in a State and violate any State game law, if he were tried at all he would be taken before a justice of the peace, generally of his own township. But if this bill is enacted into law, he can be taken before a United States commissioner, who may live hundreds of miles away. State governments are the natural guardians of the wild game within the borders of the States. This is a proposition to thrust the Federal arm into a business which the State is fully competent to care for, particularly since the migratory game act was passed and sustained by the Supreme Court, when the birds are protected or can be protected during certain seasons of the year.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. CARAWAY. Of course, the migratory bird game act which is now in effect provided a place of refuge for game birds.

Mr. REED of Missouri. That is true.

Mr. CARAWAY. And this bill merely extends that law in order to give to the migratory birds a sanctuary. Under the present law the Secretary of Agriculture made certain regulations which permitted their hunting during certain periods of the year. Has the Senator any objection to that law as it is?

Mr. REED of Missouri. I think it a very unwise law as it is. However, that is a little aside from my line of discussion.

Mr. CARAWAY. I do not mean to divert the Senator. I want to ask the Senator this question, and then I shall not interrupt him again. Does the Senator believe, unless there are some steps taken to protect wild life, that there will be any of the migratory birds left in a very short time?

Mr. REED of Missouri. Unless there are some steps taken? Does the Senator mean if all the steps that have been taken were eliminated?

Mr. CARAWAY. No; but if there is no additional safeguard thrown around them.

Mr. REED of Missouri. Yes; I think there will be plenty of them. The fact is that until it became necessary to pass this bill or certain people become interested in passing this bill, we were told and we have been repeatedly told on the floor of the Senate that the Federal game law had resulted so beneficially that there were enormous flocks of birds now where previously there had been but few. Now, with this bill brought forward we are told that unless it is passed the whole of the Federal game laws and all the State laws are failures. The fact about the matter is that the Federal game law is not entirely a success and not entirely a failure, but I have not

any doubt it has to some extent conserved game life. Neither are the State laws entirely a success, but they have very largely and very greatly protected game life.

This bill extends the Federal power in several respects, but I want now particularly to deal with the question of the refuges. The establishment of a game refuge where game is not hunted at all is one thing. I have been told, although I do not know that I am a very high authority upon it because I have never seen any of these refuges, that in some of them there has been a vast multiplication of bird life and of other game life. But there the birds become perfectly tame or almost so. They feel perfectly secure. No one is permitted to hunt them, and they there nest and multiply very rapidly. But this bill proposes another thing in addition. It proposes to establish preserves on which people will be permitted to hunt.

Mr. MAYFIELD. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. Certainly.

Mr. MAYFIELD. Would the Senator favor the establishment of a migratory bird refuge provided no hunting was permitted on it?

Mr. REED of Missouri. Yes; and provided it was paid for as it should be paid for, not by levying a tax upon every boy and every man who might live a thousand miles away from it, but be paid for as the fish preserve is paid for, by proper appropriations made by Congress. I would favor it with great misgiving as a Federal measure. I believe that this is a part of the business of the States. I am vigorously opposed to the Federal Government taking over all these activities that naturally belong to the States. There was an argument that could be made in favor of the migratory bird act, namely, that the birds move rapidly from one State to another, and if they were protected by the laws of one State and not by the laws of another, the second or latter State might kill the birds and thus prevent protection. This is a question of establishing refuges, and they can be established by private individuals, they can be established by States, and they have been established by States and municipalities in great numbers, as the table which was introduced by the Senator from Washington [Mr. DILL] abundantly demonstrates.

Mr. MAYFIELD. I want to say to the Senate that my State of Texas to-day is spending a large amount of money for the purpose of establishing game preserves in various sections of the State.

Mr. REED of Missouri. As a State measure?

Mr. MAYFIELD. Yes; as a State measure.

Mr. REED of Missouri. That is highly proper.

Mr. MAYFIELD. We are having the land, or most of the land, donated.

Mr. REED of Missouri. The idea of a game preserve and the idea of a hunting ground are just as diametrically opposed as life and death. Yet here is a bill that tells us in one breath we are going to establish places where birds can multiply, and in the next breath that we are going to provide public shooting grounds where everybody can go out and kill the birds. In one moment we are engaged in protecting and saving the life of all the birds, and in the next moment we are providing a suitable place where everybody who does not have a hunting ground of his own can go and kill the birds. It does not seem to me there is much sense in making these two propositions at the same time.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. LENROOT. Is not that just as consistent as our present practice of conserving bird life and having an open season for shooting them?

Mr. REED of Missouri. Not at all. When we have a law which permits the shooting of birds at a particular season of the year we are conserving the life of the birds all the rest of the year. We are in that case simply allowing a citizen to exercise his natural privilege. But in this instance it is proposed to go out and spend a large amount of money to acquire a place in which birds can live, and for the purpose of permitting them to live there and multiply, and then it is proposed to establish preserves in which they can be killed.

Mr. LENROOT. Mr. President, will the Senator further yield?

Mr. REED of Missouri. Certainly.

Mr. LENROOT. It is simply to give an opportunity for the citizen again to exercise that natural privilege that the Senator speaks of and that he will rapidly be denied and which will be confined wholly to the wealthy sportsman unless we pass the bill now before us.

Mr. REED of Missouri. Now we are getting down to the argument of the poor man. There is a natural right of man to go and hunt. Some men have better guns than others, and some men have bought grounds where game naturally comes; and because some men have done that, we propose to go into the governmental business of promoting places where those who have no place to hunt shall go. We might just as well buy them first-class dogs and repeating guns because they do not have them. It is another bit of governmental paternalism that is absolutely disgusting. It is a false argument, and the men who make it know they are making a false argument. They know perfectly well that the poor man is not going to travel 300 or 400 or 500 miles to find a governmental game preserve. They know that perfectly well. They know that the only man who is going to go there is a man, a hunter, who happens to live in the vicinity or who has the ability to pay his railroad fare and is willing to go out and spend his money for that purpose. That sort of individual can always belong to a gun club at home and hunt on some shooting ground in which he is interested.

Mr. LENROOT. Mr. President, the Senator from Missouri has made a very strong assertion. I want to say to the Senator that I make that argument, and I do not know that it is false. On the contrary, I live in a section of country where we are within 100 or 200 miles of some of the finest game preserves in the United States—the upper waters of the Mississippi River. Within that radius of 100 or 200 miles a poor farmer's boy can get into his Ford and reach that place and enjoy a couple of days' shooting.

Mr. REED of Missouri. Exactly. That farmer's boy lives near the ground; it is up in the Senator's State, so the Senator wants the Government to tax somebody down in Missouri or Texas to keep it up; somebody who is a thousand miles away, and those who are interested in the particular locality are glad that he is a thousand miles away, at that. That is just exactly it. I said that the man who lives beside the grounds would have the use and benefit of them. I now say that the man who lives beside them wants somebody to help keep them up, for the Senator has just told us so.

Mr. LENROOT. No, Mr. President; the Senator from Missouri knows very well that the upper Mississippi River is not the only breeding ground there is in the United States.

Mr. REED of Missouri. Of course it is not the only breeding ground; but I know that if we shall establish these game preserves in sufficient number, so that they will really accommodate the poor boy—this boy Senators are weeping over; this boy whose soul will never get to heaven unless he gets at least one "pot shot" before he starts there—I know if we shall establish enough game preserves to satisfy that boy we shall have to put about three in every county in the United States, and we should bankrupt the United States Government in the undertaking.

In addition to that, we should take so much good agricultural land out of productive use that we would work a very great damage to the country, much greater than the good that can be done by enabling a female duck to hatch in peace. When I am told that we can establish enough free game preserves so that every boy in the United States and every man who wants to hunt can have a convenient place to shoot I say that I am told that which is a manifest absurdity on its face.

There will be a few large preserves established, and they will be paid for chiefly by men who live hundreds of miles away. I repeat, the man who can go 300 or 400 miles to hunt in almost all instances already belongs to some club where there is a more convenient place to shoot. So that part of the bill to my mind, is a mere sop that is offered to many people in order to induce them to be favorable to the bill, when, as a matter of fact, they will derive no benefit from it.

The Senator from Wisconsin [Mr. LENROOT] has a good State in which to hunt and in which to fish. I have gone up there fishing, but I have only been able to go once or twice in my life because it is so far away from where I live. It is all right for that State to establish all the game preserves it wants to, to pass such laws as it wants to, and to send out its agents to make such arrests as it wants to, but that is a very different thing from the United States Government going into the business. This is simply another step, Senators, along with those that we are taking from day to day, centralizing, and again centralizing, everything here in Washington.

The third proposition of this bill is to increase the number of Federal agents throughout the country—there are some now under the present law—to increase the number of snoopers and sneaks and spies to go down into the States and to drag the people of the States before Federal tribunals, where, in my judgment, they will be denied substantial justice, for a man who is haled before a Federal court for a slight misdemeanor generally has to spend so much money to get out of the toils of

the Government that he is willing to submit to any kind of blackmail in order to escape Federal prosecution.

The bill contains another feature which I think is utterly abominable.

Mr. KING. Mr. President, I was not in the Chamber when the Senator from Missouri started his speech. Will he permit an interruption?

Mr. REED of Missouri. Certainly.

Mr. KING. As I came into the Chamber I heard a colloquy between the Senator from Missouri and the Senator from Wisconsin [Mr. LENROOT] in regard to the right of the Federal Government to acquire land for shooting purposes. Now, if I may premise my question by an observation, we have the treaty with Canada for the protection of migratory birds and to furnish refuges for them.

Mr. REED of Missouri. No; there is nothing about refuges in the treaty.

Mr. KING. We have the treaty, whatever its implications are. Assume that we have the power to establish game refuges for migratory birds, where is the authority under the Federal Constitution for the Federal Government to buy grounds to be held for shooting purposes by individuals? It seems to me that there is no constitutional warrant for the Federal Government to do that. May the Federal Government go into the business of furnishing hunting grounds for Tom, Dick, and Harry all over the United States? I confess that I do not see any constitutional authority whatever for the provision of the bill in regard to shooting grounds.

Mr. REED of Missouri. Mr. President, I can not answer the Senator's question. I thought that the original bill containing a Federal prohibition against the shooting of migratory birds was unconstitutional. I think that was hammered on here in the Senate for two or three years, until it finally became the settled conviction of the proponents of that bill that probably the constitutional argument was sound. Thereupon was brought forward the treaty with Canada. After that treaty was negotiated and ratified they then pressed for their measure, and, as I understand the decision of the Supreme Court of the United States in sustaining the law, it is chiefly bottomed upon the doctrine that the statute was passed in furtherance of the treaty. I have not read that decision for several years, but that is my recollection of it. Of course, I can see a distinction between protecting the bird that is flying from one State to another and "engaging in interstate commerce"; but I never think of that decision that I do not have to quit talking about it in public, anyway, because my respect for the Supreme Court of the United States is so great that I would rather not express an opinion on that particular decision. But there is a distinction between one of these birds flying across State lines and the Government going into the business of establishing hunting grounds in various States. Still, the general power of the Government to spend the people's money seems to be almost unlimited. In this instance, of course, the answer is that the money is not taken out of the pockets of the general taxpayer, but we have been told it is voluntarily donated. Nothing of the kind is true; it is not voluntarily donated. The Government exacts a license from a citizen of the United States to do a thing that he wants to do, that he has a natural right to do, and charges him for that privilege; and then proposes to take that money and establish preserves in particular States or particular localities and in those preserves permit the killing of the game which the Government is so assiduously endeavoring to protect.

There is another clause in this bill to which I want to call attention very briefly. It is a clause that I do not think ought to be in any law enacted in any country. I do not believe that any law should ever be passed that permits an individual to compromise a crime for money. I do not think any man can justify such law as that. If a crime has been committed, the penalty should be paid, and be paid by all alike. If Senators will turn to section 17 of the bill, they will discover these remarkable provisions:

That any person, association, partnership, or corporation who shall violate any of the provisions of sections 8, 13, or 14 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 8 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action in the name of the United States.

Now, observe there are two penalties. One is a fine of from $10 to $500. Why is that latitude placed there? Why do we not say $10 or $50? Because we recognize the fact that there ought to be vested in the judge of the court, who is presumed to be wise and humane and prudent, the authority to scale the fine according to the offense, according to the aggravating character of the offense, and we place that discretion to the wisdom of the judge. That is true of many of our laws; but as we follow this bill through we read:

Provided, however, That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person.

So here is a penalty fixed by law, and then the right is given the Secretary of Agriculture to compromise the penalty and fix another and different penalty than that which is provided in the law of the land. The right is vested in this nonjudicial officer, and we all know that as it will work out it will not be the Secretary of Agriculture but it will be his game wardens who will make the compromise under a rule and regulation adopted by the Secretary of Agriculture; and the game wardens will generally compromise, just as they have done from time immemorial.

Furthermore:

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of sections 8, 13, or 14 of this act, or any regulation made pursuant to section 8 hereof, or of the migratory bird treaty act—

Now, here is an amendment to the migratory bird treaty act, an important change in it:

Or any regulation made pursuant thereto, or of sections 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation.

We declare a thing to be a crime, we fix a penalty, and then we give the commissioner the right to compromise for whatsoever sum he sees fit, the language being:

And who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation.

So that you may go before a commissioner, and he tells you how much you are to pay, and you will not be prosecuted if you admit it; and thus the man who has violated the law does not even have a criminal charge filed against him, and is dismissed. Now, I say that that sort of legislation will not do in anybody's country.

Mr. LENROOT. Mr. President, will the Senator point out the distinction between that and many of the provisions that we have in our internal tax laws?

Mr. REED of Missouri. We have some bad ones in our tax laws; but the question of a man who has failed to pay his taxes and simply has a penalty assessed for nonpayment of taxes, where it is necessary to compromise and find out what the equities and justice of the matter may be, is a very different question from the one I am discussing.

Mr. LENROOT. Does the Senator think that one who intentionally violates the law with reference to taxes is less guilty than a boy who may violate the law about shooting ducks?

Mr. REED of Missouri. I do not think the man who intentionally violates the law with reference to taxes should be compromised with at all; but this clause was put in that law for the purpose of providing a means by which settlements and adjustments could be made in doubtful cases where there had been an intent to obey the law and a mistake made. This law is dealing with crimes and with punishments, and the right is given to compromise the crime and compromise the punishment. I say that is intolerable; but, even if the clause were in another law, I have never been able to reconcile myself to the philosophy that justifies an iniquitous measure on the theory that we have committed the same sort of iniquity before. That is a species of logic by which every horse thief who is ever apprehended might justify himself on the ground that he had stolen many horses prior to that occasion. It is a poor kind of logic. This is a poor kind of a law to be talking about enacting; and if it is done you will find, as I have said, that these cases will be compromised by the game wardens just

as they are notoriously compromised by the game wardens now; so that for that reason, if for no other, I should be opposed to this bill.

Mr. President, I should like to get away from a little sentimentalism here. Every time I find anybody wanting to make an argument in favor of the preservation of game they cite the wild pigeon, and they tell us how the wild pigeon was killed by the hunters, and they tell us how beautiful the wild pigeon was in his flight, how his graceful wings cut through the air, and how he steered himself with the certainty of a mariner equipped with a modern compass. The wild pigeon was not killed with guns at all. The wild pigeon existed in such numbers as almost to blacken the skies at certain seasons of the year during its flights. I am old enough myself to remember them, for they flew abreast like an army advancing not in columns but in extended lines. I have seen them stretch from horizon to horizon, as far as the eye could reach, and I have seen flight after flight pass over the country; and they disappeared so quickly that for a long time it was a matter of dispute whether they did not disappear in one day of time. It has always been a mystery how these countless millions of birds suddenly ceased to exist; and a great prize is now offered for a single pair of these pigeons, and nobody has ever been able to account for their disappearance. What disease struck down the last one of them? What storm swept them away? What general and universal catastrophe annihilated them?

The reason assigned by one authority, the International Encyclopedia, is:

> The North American wild pigeon is especially interesting from the marvellous numbers composing its flocks before the settlement of the interior of the country caused its total disappearance.

Whether or not that is the correct cause, I do not know; but, if so, we could much better have homes for millions of people than roosts for millions of pigeons. There is nothing in the wild pigeon argument. The truth is that the chief exterminating force for wild life is the repeating gun, plus the advance of civilization and the taking up of the open lands. The buffalo existed in countless numbers; but the buffalo had to go, or the white man could not come. We could not have farms on the plains of the West if there were hundreds of thousands and millions of buffalo roaming at large. The men who went and killed them did not, perhaps, have that notion in view; but when men increase and multiply on this earth, the animal, of course, correspondingly disappears. So the buffalo went, and he exists to-day only as a curiosity; and if we were to try to set aside the great bodies of fine land he once had to graze on, we would have to set aside an equal amount of good farm acreage that human beings can live on.

Some people like to hunt tigers and elephants. I suspect that it is a great sport; but whenever human beings need the jungles in which these animals roam and multiply, it is a good deal better for human beings to have the jungles than it is for lions and tigers to have them, even though some sportsman may be deprived of the delight of boasting that he once killed a tiger.

The limitations upon wild life, therefore, are fixed by the advance of human beings, plus the modern repeating firearms. It used to be that a boy was in luck who had a single-barreled muzzle-loading shotgun. If he got any ducks he had to get them by single shots and if he missed he did not get any at all. Now he shoots anywhere from 7 to 16 times, depending upon how good a chance he has. He shoots when he sees them coming, and as long as he can see them going. There are places in this country, probably worthless at the present time for agricultural purposes, that can be set aside as game refuges. They should be set aside by the States, and the Federal Government should have nothing whatever to do with that business. It belongs to the States.

You can not make the argument in favor of the refuge that you could make in favor of the law for the protection of the birds in a State that had no game laws; that protection in other States would be of no use or of little use, the bird passing from the State where there was protection into one where there was no protection, because these game preserves, wherever they are located, if they are properly managed by a State, furnish protection for the bird there and give it the opportunity to hibernate and to multiply; and if it then goes into another State the present Federal law protects that bird during the closed season. So there is not any logic in saying that the Federal Government must go into this business in order to provide a hatching ground. The States can do it; and then, if the bird migrates into another State, the Federal game law is there to protect it. The law is already there.

Mr. President, we have wandered aside here a good deal to-day in discussing Mr. Dilg and the Audubon Society and the Izaak Walton League. The Izaak Walton League, as I understand, are greater than any 50 other leagues devoted to the preservation of game. In April, 1925, they had a great convention, at which there were 1,456 accredited delegates, and at that convention, by a unanimous rising vote, they condemned a bill which contained all of the substantial provisions of this bill. There has been no vote in the Izaak Walton League since April, 1925, on this bill or any similar bill. Some gentlemen who succeeeded Mr. Dilg and his associates in office wire in that they are in favor of this bill. That is their individual opinion. It is not the action of the league.

I want to call attention to the fact that the Senator from South Dakota stated that Dilg was turned out of his position because he was against levying a license fee to establish these preserves. He argued from the mere fact that Dilg was not reelected that he was kicked out because he was against levying this license tax, and that was the whole import of his argument.

Then he introduced a telegram which proved too much. I read from the telegram of May 17 this assertion:

> Dilg has always been for Federal control and insisted on the Madsen plan to use arms and ammunition tax. Presume you understand that fourth national convention in April turned him down hard, that he has resigned even as a director and has no connection with the league.

Mr. WILLIS. Who sent that telegram?

Mr. REED of Missouri. That was signed by George H. Selover, chairman of the board of directors. He says:

> The executive committee last week unanimously approved the position I have taken on this bill.

So it is the executive committee and not the body of delegates that is here represented.

Then here comes this supplemental wire from the same gentleman:

> Supplementing wire re Dilg. When April convention opened Dilg was candidate for reelection for president and had about one-third of the delegates with him. His own speeches and actions in the chair on the floor alienated practically all of his friends, so that they never offered his name for renomination. He received no vote either in nominating committee or on floor for any office. Nevertheless, on the convention's recommendation, the executive committee has offered him $500 a month indefinitely for his expenses, and he has contemptuously refused it.

So that it affirmatively appears from these telegrams that Dilg was not ousted from his position because of his opposition to this bill, but that he was ousted for other reasons. Whether they were good or bad I know not, and am not concerned. Therefore, the deduction drawn by the Senator is an unjustifiable deduction.

So that what we have the right to say here is that the Izaak Walton League in 1925 by a unanimous vote opposed a bill similar to this bill in almost every respect; that since that time the Izaak Walton League has taken no action whatever upon the question, but they did elect somebody instead of Mr. Dilg, and that they did it for reasons other than his position on this legislation. It is always well to examine evidence before you introduce it.

Mr. President, I think it is of interest to know who is back of this bill and who is putting up the money for this legislation. A confession does not at all destroy the force of a fact. This legislation has been presented to Congress for several years, always with the claim that it was promoted by public-spirited sportsmen who loved game life, and being in love with game life and with nature, they, from disinterested motives personally, were promoting the legislation.

It was not until I charged on this floor on yesterday or the day before that this legislation was promoted by the arms company that we got confession, a confession rendered in the face of the evidence certain to be introduced.

I think that evidence is very illuminating. I have in my hand a letter on the letterhead of the Winchester Repeating Arms Co. of date October 17, 1911. They have been at this a long time. It is addressed to Mr. Charles G. Spencer, post-office box 903, St. Louis, Mo. It is evidently a manifolded letter, for the address is written in with different type from that of the body of the letter. It reads:

> DEAR SIR: Inclosed with this you will find some literature pertaining to the American Game Protective and Propagation Association and also a copy of a letter we are mailing to all of our trade.

It is our wish that you thoroughly familiarize yourself with the objects of this association and that you lose no opportunity to boom its cause and secure contributing members.

Fifteen years ago the Winchester Arms Co. was engaged in promoting this association, which appears here as an association of sportsmen. They are sending to one of their customers or associates a letter saying, "It is our wish that you thoroughly familiarize yourself with this association," the American Game Protective and Propagation Association, "and that you lose no opportunity to boom its cause and secure contributing members." The letter continues:

Try to interest in this movement all dealers you call upon and all sportsmen, gun-club members, and organized gun clubs and hunting clubs as well, and induce them to become contributing members. It only costs an individual the small sum of $1 per year, payable in advance, to become a yearly associate member, though it is, of course, our wish to secure as many yearly contributions as possible for larger sums—$3, $5, $10, $25, $50, and up to any sum annually, as much as the party approached feels he can afford to give as a measure of his vital interest in our movement.

To carry on this work energetically and successfully, as is our purpose, will require a large annual income. This income can easily be had and without the individual feeling any burden whatever, if those who should support this movement will do so.

I will show who some of them are in a little while.

An organized gun club, as a club, can become an associate club member by the payment of $5 a year in advance. Every organized gun club in the country should become a member, and every individual member of the club should also become a yearly member, by the payment of dues of $1 per annum, or more if willing.

Here is a chance for you to demonstrate your ability as a sentiment inducer and at the same time perform a service of incalculable value to all those who enjoy the sports of hunting and fishing, and who naturally can not enjoy those sports unless the game that provides the sport is sufficiently protected to prevent its extermination.

It is, as you will note, one of our objects to awaken interest in the propagation of game and the establishment of propagation plants or game farms, to insure the sportsman the enjoyment of the shooting which affords him such keen pleasure.

When you secure a member fill out the inclosed blanks. The membership card goes to subscriber and the remittance blank is to be forwarded to this office with the remittance and addressed to the signer. The stub remains in the book as your voucher. When all slips are used, the book with stubs is to be mailed to the signer. All checks, money orders, etc., should be drawn payable to Wm. S. Haskell, treasurer.

Finally, you will yourself become the first subscriber as a yearly member, and this letter is your authority for charging $1, the annual dues for a yearly member, in your expense account.

Yours very truly,

H. S. LEONARD,
Second Vice President, Winchester Repeating Arms Co.

(Inclosures.)

The membership booklet referred to above will be sent you in the course of a few days, as it has not as yet been received from the printers.

W. R. A. Co.

Mr. BINGHAM. Mr. President, I ask unanimous consent to have inserted in the RECORD a telegram and three letters which I have received with regard to the migratory bird bill now before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram and letters are as follows:

HARTFORD, CONN., *May 14, 1926.*

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

Understand that migratory bird bill 2607 presented by Senator NORBECK to-day. You are urgently requested to be on the floor without fail to support NORBECK's motion and to vote for the bill. Sentiment in Connecticut and New England is overwhelmingly for the measure.

STATE BOARD OF FISHERIES AND GAME,
By JOHN W. TITCOMB, *Superintendent.*

SOUTH NORWALK, CONN., *April 15, 1926.*

Hon. HIRAM BINGHAM,
Senator, State of Connecticut.

DEAR SIR: The Norwalk Bird and Nature Club (membership 75) indorses and earnestly urges the passing of the migratory bird refuge and marsh land conservation bill (H. R. 7479, and S. 2607). We feel that this bill is probably the most important piece of Federal legislation that will come before the people of the country for a generation, and hereby register our favor for the bill, and ask your personal help to pass it.

Thanking you, I am,

Yours very truly,

NORWALK BIRD AND NATURE CLUB,
By EMMA B. SMITH, *Secretary.*

SOUTH MANCHESTER, CONN., *April 26, 1926.*

Hon. HIRAM BINGHAM,
Washington, D. C.

DEAR SIR: There has been such a wide and favorable consideration of the bills in Congress known as the migratory bird refuge and marsh land conservation bills (S. 2607 and H. R. 7479), that it is superfluous for me to comment upon the subject to you, further than to express a profound hope that you will bring yourself to wholeheartedly support this bill. I am one, only, of many men who believe the benefits which all bird life will acquire through the provisions embodied in the bill are the greatest that can be conceived at this time. It is a true conservation move.

A rider bill (S. 3580, H. R. 10433) to the migratory bird treaty act, fathered by Doctor Hornaday, is so contradictory to facts set forth by the Government, as well as sporting associations throughout the country, that it should be adversely considered.

My hope is that your favorable consideration of the refuge bill may be depended upon as well as your opposition to the "Hornaday bill."

I am, very truly yours,

ROBERT CHENEY.

MIDDLETOWN, CONN., *April 16, 1926.*

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: I beg to solicit your favorable attention to Senate bill 2607, entitled "Migratory bird refuge and marsh land conservation bill." The bill has the approval of the International Association of Game, Fish, and Conservation Commissioners, of the National Association of Audubon Societies, and of other societies deeply interested in the preservation of our birds. The unregulated and reckless destruction of bird life by hunters possessed of too little intelligence to appreciate the need of bird protection, or too selfish to care for the welfare of future generations certainly requires legislative control.

I am yours respectfully,

WM. NORTH RICE.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CONSULTING ENGINEERS ON RECLAMATION PROJECTS

Mr. McNARY. Mr. President, I send to the desk a joint resolution, which I ask to have read, and after it is read I shall ask for its immediate consideration.

The joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes, was read twice by its title and referred to the Committee on Irrigation and Reclamation, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Bureau of Reclamation the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $4 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

Mr. SMOOT rose.

Mr. McNARY. Mr. President, this is a joint resolution sent up by the Secretary of the Interior. It was sent to my desk just a moment ago, and I have not had an opportunity to examine it. The Secretary states in the accompanying letter that under the present law they are not able to pay more than $20 a day for the consulting engineers they need. They find it

impossible to get experienced engineers; and on account of some large projects, one of which is in the State of Utah, the Secretary desires to get efficient consulting engineers.

Mr. JONES of Washington. I suggest that the Senator have the joint resolution referred to his committee and let the committee report it right out, which will prevent any delay.

Mr. McNARY. I thought there would be no objection to meeting this pressing situation without referring the joint resolution to the committee of which I am chairman.

Mr. JONES of Washington. I think that would be the better way to handle the situation.

Mr. McNARY. Very well.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Irrigation and Reclamation.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 14 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 14 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 19, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 18 (legislative day of May 17), 1926

COMPTROLLER, BUREAU OF ACCOUNTS, POST OFFICE DEPARTMENT

William E. Buffington, of Pennsylvania, to be comptroller, Bureau of Accounts, Post Office Department, vice Francis P. Sullivan.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Medical Corps Reserve

Brig. Gen. Joel Ernest Goldthwait, Medical Corps Reserve, from November 4, 1926.

APPOINTMENT IN THE REGULAR ARMY

CAVALRY

Capt. Curtis Loyd Stafford to be captain of Cavalry with rank from July 1, 1920. (The nominee is now a captain of Cavalry with rank from September 16, 1923. This message is submitted for the purpose of correcting an error in his date of rank.)

POSTMASTERS

CALIFORNIA

George A. Herdeg to be postmaster at Riverside, Calif., in place of G. A. Herdeg. Incumbent's commission expires May 19, 1926.

Donald A. Parker to be postmaster at Etna, Calif., in place of D. A. Parker. Incumbent's commission expired April 11, 1926.

Inez M. Benson to be postmaster at Calipatria, Calif., in place of E. S. Slade. Incumbent's commission expired April 7, 1926.

COLORADO

Grace M. Fawcett to be postmaster at Smuggler, Colo., in place of G. M. Fawcett. Incumbent's commission expires May 19, 1926.

Dwight L. Willis to be postmaster at Holyoke, Colo., in place of C. N. Richardson. Incumbent's commission expired March 22, 1926.

CONNECTICUT

William N. Manee to be postmaster at Moodus, Conn., in place of G. P. Lecrenier, sr., deceased.

Edwin H. Powell to be postmaster at Burnside, Conn., in place of E. H. Powell. Incumbent's commission expired April 18, 1926.

FLORIDA

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of L. M. Chubb. Incumbent's commission expired May 11, 1926.

Mamie E. Barnes to be postmaster at Plant City, Fla., in place of M. E. Barnes. Incumbent's commission expired May 4, 1926.

Walter D. Griffin to be postmaster at Bradenton, Fla., in place of W. D. Griffin. Incumbent's commission expired April 14, 1926.

GEORGIA

Floyd M. Carter to be postmaster at Rockingham, Ga., in place of H. W. Harvey, resigned.

Emmett D. Dial to be postmaster to Woodstock, Ga., in place of E. D. Dial. Incumbent's commission expired March 29, 1926.

Maud Sewell to be postmaster at Temple, Ga., in place of W. A. Enterkin. Incumbent's commission expired August 29, 1923.

Charles H. Travis to be postmaster at Senoia, Ga., in place of C. H. Travis. Incumbent's commission expires May 23, 1926.

Rois A. Martin to be postmaster at Milner, Ga., in place of R. A. Martin. Incumbent's commission expired November 23, 1925.

Jackson C. Atkinson to be postmaster at Midville, Ga., in place of J. C. Atkinson. Incumbent's commission expired February 17, 1926.

Columbus W. Fields to be postmaster at Hampton, Ga., in place of C. W. Fields. Incumbent's commission expired November 23, 1925.

Jefferson B. Hatchett to be postmaster at Greenville, Ga., in place of J. B. Hatchett. Incumbent's commission expired April 18, 1926.

Edwin R. Orr to be postmaster at Dublin, Ga., in place of E. R. Orr. Incumbent's commission expires May 23, 1926.

James T. Dampier to be postmaster at Adel, Ga., in place of J. T. Dampier. Incumbent's commission expired January 17, 1926.

ILLINOIS

Frank E. Whitfield to be postmaster at Medora, Ill., in place of J. S. Darrah, resigned.

Anna M. Peters to be postmaster at Sandoval, Ill., in place of A. M. Peters. Incumbent's commission expires May 20, 1926.

Arno R. Mebold to be postmaster at Marine, Ill., in place of C. H. Pahlmann. Incumbent's commission expired February 24, 1926.

Frank W. Squire to be postmaster at Godfrey, Ill., in place of F. W. Squire. Incumbent's commission expired December 22, 1925.

Bernard A. Dorries to be postmaster at Breese, Ill., in place of B. A. Dorries. Incumbent's commission expired March 31, 1926.

Roger Walwark to be postmaster at Ava, Ill., in place of Roger Walwark. Incumbent's commission expired March 21, 1926.

INDIANA

William S. Matthews to be postmaster at North Vernon, Ind., in place of W. S. Matthews. Incumbent's commission expired April 25, 1926.

Frank B. Husted to be postmaster at Liberty, Ind., in place of F. B. Husted. Incumbent's commission expires May 20, 1926.

Percie M. Bridenthrall to be postmaster at Leesburg, Ind., in place of P. M. Bridenthrall. Incumbent's commission expires May 20, 1926.

Robert M. Waddell to be postmaster at Lagrange, Ind., in place of R. M. Waddell. Incumbent's commission expired April 29, 1926.

Ira N. Compton to be postmaster at Hamlet, Ind., in place of I. N. Compton. Incumbent's commission expires May 20, 1926.

KANSAS

Lucille H. Norton to be postmaster at Mildred, Kans., in place of C. E. Wilson, resigned.

LOUISIANA

Levi P. Carter to be postmaster at Bunkie, La., in place of L. P. Carter. Incumbent's commission expires May 19, 1926.

MARYLAND

John F. Wiley to be postmaster at White Hall, Md., in place of J. F. Wiley. Incumbent's commission expired January 24, 1926.

MASSACHUSETTS

William F. O'Toole to be postmaster at South Barre, Mass., in place of Benjamin Taylor. Incumbent's commission expired March 10, 1926.

Emma E. Murphy to be postmaster at Minot, Mass., in place of E. E. Murphy. Incumbent's commission expired February 7, 1926.

MICHIGAN

Elmer L. Dalton to be postmaster at Leland, Mich., in place of E. L. Dalton. Incumbent's commission expires May 20, 1926.

Grace A. Grinnell to be postmaster at Centerville, Mich., in place of G. A. Grinnell. Incumbent's commission expires May 20, 1926.

MINNESOTA

Will N. Bronson to be postmaster at Evansville, Minn., in place of W. N. Bronson. Incumbent's commission expires May 18, 1926.

MISSISSIPPI

Jesse C. Rhodes to be postmaster at Sallis, Miss., in place of J. C. Rhodes. Incumbent's commission expired May 3, 1926.

MISSOURI

Lawrence L. Glover to be postmaster at Newark, Mo., in place of L. L. Glover. Incumbent's commission expired March 29, 1926.

NEBRASKA

Fred Wolter to be postmaster at Ohio..a, Nebr., in place of Fred Wolter. Incumbent's commission expired April 10, 1926.

NEW JERSEY

John A. Wheeler to be postmaster at Monmouth Beach, N. J. Office became presidential July 1, 1925.

John J. Schilcox to be postmaster at Keasbey, N. J., in place of J. J. Schilcox. Incumbent's commission expired January 21, 1926.

Arthur S. Warner to be postmaster at Spring Lake Beach, N. J., in place of A. S. Warner. Incumbent's commission expired January 21, 1926.

Richard Ransom to be postmaster at Hohokus, N. J., in place of J. C. H. Sherwood. Incumbent's commission expired September 10, 1923.

Ralph G. Riggins to be postmaster at Bridgeton, N. J., in place of R. G. Riggins. Incumbent's commission expires May 19, 1926.

NEW YORK

Ruth E. Barlow to be postmaster at Wassaic, N. Y., in place of H. H. Paulsen, resigned.

Edmund E. Bandy to be postmaster at St. Regis Falls, N. Y., in place of E. E. Bandy. Incumbent's commission expires May 20, 1926.

Homer H. Thomas to be postmaster at Rushford, N. Y., in place of H. H. Thomas. Incumbent's commission expires May 23, 1926.

Elizabeth May to be postmaster at Round Lake, N. Y., in place of C. H. Ackerley. Incumbent's commission expired January 5, 1926.

Ella L. Winch to be postmaster at Lakewood, N. Y., in place of E. L. Winch. Incumbent's commission expires May 20, 1926.

NORTH CAROLINA

James M. Selby to be postmaster at Belhaven, N. C., in place of G. A. Connor, removed.

NORTH DAKOTA

Sidney O. Dundas to be postmaster at Watford City, N. Dak., in place of S. O. Tveden. Incumbent's commission expired March 24, 1926.

T. H. Hulbert Casement to be postmaster at Fordville, N. Dak., in place of T. H. H. Casement. Incumbent's commission expired May 10, 1926.

OHIO

L. Edgar Clawson to be postmaster at Middle Point, Ohio, in place of T. O. Armstrong, resigned.

Elizabeth P. CarSkaden to be postmaster at Castalia, Ohio, in place of E. P. CarSkaden. Incumbent's commission expired May 9, 1926.

Harold A. Carson to be postmaster at Bergholz, Ohio, in place of H. A. Carson. Incumbent's commission expired May 15, 1926.

OKLAHOMA

John L. Coyle to be postmaster at Rush Springs, Okla., in place of J. L. Coyle. Incumbent's commission expired November 2, 1925.

Agnes L. Stahlheber to be postmaster at Geary, Okla., in place of A. L. Stahlheber. Incumbent's commission expires May 19, 1926.

PENNSYLVANIA

Charles W. Schlosser to be postmaster at Waterford, Pa., in place of C. W. Schlosser. Incumbent's commission expires May 19, 1926.

RHODE ISLAND

Wilfred R. Easterbrooks to be postmaster at Wakefield, R. I., in place of W. R. Easterbrooks. Incumbent's commission expires May 23, 1926.

Frank W. Crandall to be postmaster at Hope Valley, R. I., in place of F. W. Crandall. Incumbent's commission expired January 24, 1926.

SOUTH CAROLINA

Paul F. W. Waller to be postmaster at Myers, S. C., in place of P. F. W. Waller. Incumbent's commission expires May 18, 1926.

Henry N. Folk to be postmaster at Bamberg, S. C., in place of H. N. Folk. Incumbent's commission expires May 20, 1926.

SOUTH DAKOTA

Paul F. W. Knappe to be postmaster at Tripp, S. Dak., in place of P. F. W. Knappe. Incumbent's commission expired January 23, 1926.

TENNESSEE

Solomon A. Vest to be postmaster at Mount Pleasant, Tenn., in place of J. F. Morrow, resigned.

TEXAS

Royce E. Dowdy to be postmaster at Trent, Tex., in place of R. E. Dowdy. Incumbent's commission expired March 10, 1926.

Kate Senning to be postmaster at Spur, Tex., in place of Lela Evans. Incumbent's commission expired January 5, 1920.

Benjamin F. Womack to be postmaster at Snyder, Tex., in place of B. F. Womack. Incumbent's commission expires May 19, 1926.

Joe H. Victery to be postmaster at New Willard, Tex., in place of J. H. Victery. Incumbent's commission expired May 12, 1926.

Richard T. Polk to be postmaster at Killeen, Tex., in place of R. T. Polk. Incumbent's commission expires May 19, 1926.

James F. Rodgers to be postmaster at Harlingen, Tex., in place of J. F. Rodgers. Incumbent's commission expires May 20, 1926.

Hazle B. Thomas to be postmaster at Gause, Tex., in place of H. B. Thomas. Incumbent's commission expires May 20, 1926.

UTAH

C. Thomas Martin to be postmaster at Milford, Utah, in place of C. T. Martin. Incumbent's commission expired February 10, 1926.

VIRGINIA

William C. Crews to be postmaster at Madison Heights, Va., in place of W. C. Crews. Incumbent's commission expires May 18, 1926.

Jesse R. Skinner to be postmaster at Kenbridge, Va., in place of J. R. Skinner. Incumbent's commission expires May 20, 1926.

Robert V. Richardson to be postmaster at Hampton, Va., in place of R. V. Richardson. Incumbent's commission expires May 20, 1926.

Bertha Thompson to be postmaster at Ferrum, Va., in place of Bertha Thompson. Incumbent's commission expires May 20, 1926.

WASHINGTON

Lewis Murphy to be postmaster at Republic, Wash., in place of Lewis Murphy. Incumbent's commission expired April 3, 1926.

WEST VIRGINIA

Stewart S. Stepp to be postmaster at Chattaroy, W. Va., in place of S. S. Goode, resigned.

Finley Oakes to be postmaster at Worthington, W. Va., in place of Finley Oakes. Incumbent's commission expired March 2, 1926.

Howard Cook to be postmaster at Lorado, W. Va., in place of Howard Cook. Incumbent's commission expired March 9, 1926.

Carl R. Varnum to be postmaster at Huntington, W. Va., in place of J. C. LeSage. Incumbent's commission expired October 25, 1925.

WISCONSIN

Paul Mlodzik to be postmaster at Cudahy, Wis., in place of M. J. Heffron, removed.

Edith Best to be postmaster at Prairie Farm, Wis., in place of H. M. Buck. Incumbent's commission expired January 21, 1926.

William H. Fieweger to be postmaster at Kimberly, Wis., in place of W. H. Fieweger. Incumbent's commission expired March 31, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 18 (legislative day of May 17), 1926

UNITED STATES DISTRICT JUDGE

Cecil H. Clegg to be United States district judge, district of Alaska, division No. 4.

UNITED STATES MARSHAL

Jacob H. Fulmer to be United States marshal, district of Nevada.

POSTMASTERS

GEORGIA

Rem B. Edwards, Crawfordville.
Stevens R. Owen, Gordon.

ILLINOIS

May B. Rush, Edgewood.
Harlo F. Selby, Golden.
Percy D. Barnum, Le Roy.
Cyril E. Reed, London Mills.
Henry Snow, Maquon.
Leonard Ott, Prophetstown.
Richard A. Full, Roanoke.
Lucian D. Lyons, St. David.
Glenn W. Weeks, Tremont.

NORTH CAROLINA

Charles N. Bodenheimer, Elkin.
Orin R. York, High Point.
James E. Green, Mount Gilead.
William B. White, Norlina.
Hettie B. Morgan, Seaboard.

OREGON

Polk E. Mays, Joseph.
John N. Williamson, Prineville.
Ida M. Clayton, Rockaway.

WASHINGTON

Frank G. Sanford, Bucoda.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 18, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of our Father in heaven, whose mercy never faileth. O Thou who art the fountain of all wisdom, look upon us in compassion. Let our hearts be tuned at the source of all melody, all goodness, and all gladness. O Spirit of God, come from behind matter and energy and sin and breathe upon our hopes, our ideals, and our wills; cause them to live and to go forth conquering and to conquer. May we be very sure of God lest we become victims of confusion. Thou who dost cause the sun to rise, the lilies to grow, the stars to shine, give heart to the discouraged, cheer to the infirm, tides of health to the sick, and may all hearts praise Thee, from whom all blessings flow. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIVERSION OF WATER FROM THE GREAT LAKES

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions I have just received from the Toledo architects, members of the Art Crafts Association.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ARCHITECTS BALK AT "WATER STEAL"—ART CRAFTS ASSOCIATION WILL NOT SPECIFY CHICAGO PRODUCTS

Toledo architects, members of the Art Crafts Association, will "refuse to specify or use any Chicago made or represented product" because of the effect of the Chicago drainage canal on the surrounding territory, including Toledo, according to a resolution adopted at a noon meeting in the Elks' Club Friday.

The resolution was presented before the architects by Joseph Huber, jr., and unanimously adopted, according to F. C. Dunn, secretary.

The text, in part, of the resolution follows:

"The city of Chicago, through its drainage canal, has lowered the levels of the Great Lakes, thereby lessening shipping tonnage, excluding ships from making certain docks, causing damage to property abutting the lakes and tributaries, inconveniencing the general public with the necessary operation of certain municipal water supplies.

"We, as architects, refuse to specify or use any Chicago made or represented product; that we tell all sales representatives from Chicago or its branches of this resolution, and that we will not be interviewed by them until such time as the people of Chicago themselves demand and enact legislation that proper sewage disposal be made for Chicago without diversion of water from the Great Lakes."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10055) entitled "An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes."

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 10429. An act entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes."

PUBLIC BUILDINGS BILL

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, and ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the bill H. R. 6559 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BUSBY. Mr. Speaker, it is my understanding that points of order to the amendments inserted should be reserved before the statement is read.

The SPEAKER. Does the gentleman from Mississippi desire to reserve all points of order?

Mr. BUSBY. I reserve all points of order, Mr. Speaker.

I have consistently opposed this bill, and I do not know what the disposition of the gentleman from Indiana is with regard to a division of the time, which comes under his control by reason of his position in submitting this report.

Mr. ELLIOTT. Mr. Speaker, as I understand, there is no division of time. There is an hour allotted to the chairman of the committee, which he can yield. Does the gentleman wish some time?

Mr. BUSBY. Yes; I would like to have a little time.

Mr. ELLIOTT. How much?

Mr. BUSBY. Something like 15 minutes.

Mr. ELLIOTT. Can not the gentleman get along with 10 minutes?

Mr. BUSBY. If the majority can get along with 45 minutes, I ought to have at least 15 minutes, it seems to me.

Mr. ELLIOTT. We are not aiming to use any more time than we can possibly help. All I want to do is to get this matter through as quickly as we can, so as not to interfere with the farm-relief measures.

Mr. BUSBY. I would like to have 15 minutes, if I see fit to use that much. I may get through in much less time than that.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BUSBY. Mr. Speaker, I do not think any agreement has been reached on the proposition of the allotment of time.

Mr. ELLIOTT. I think the gentleman ought to be satisfied with 10 minutes, because that is probably as much time as any of the rest of us will have.

Mr. BUSBY. How about 12½? [Laughter.]

Mr. ELLIOTT. Well, we will let the gentleman have that if he can find some way to divide the half. I can yield the gentleman 12½ minutes when the time comes.

Mr. BUSBY. I want that settled before we agree to this.

Mr. ELLIOTT. I said I would give the gentleman 12½ minutes.

Mr. CONNALLY of Texas. Can not the gentleman spare 15 minutes on an important measure like this, involving $165,000,000?

Mr. ELLIOTT. We will yield the gentleman 15 minutes.

Mr. BUSBY. Then I understand the agreement is I shall have 15 minutes at my disposal.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, and 13, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 2 of the House bill, line 21, after "conveyance" insert ": *Provided however*, That the Secretary of the Treasury is also authorized to acquire a site for the building for the Supreme Court of the United States"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert ": *Provided further*, That aside from land that may be acquired for a site for a building for the Supreme Court of the United States, and for enlarging the site of the Government Printing Office, or erecting a storage warehouse or warehouses, the sum of $50,000,000, hereinafter authorized for projects in the District of Columbia, shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles l'Enfant as may be practicable. Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert: ": *Provided further*, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the heads of the executive departments, which are to be located in such building"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert: "When deemed by him advantageous the Secretary of the Treasury is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: On page 3 of the Senate engrossed amendments, line 20, strike out "directed" and insert "authorized"; and on page 4 of the Senate engrossed amendments, line 7, strike out "Maiden" and insert "Malden"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert a comma and the following: "Which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically provided for in the act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this act shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury hereinafter provided for: *Provided further*, That the Secretary of the Treasury shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this act together with a limit of cost for the same: *Provided further*, That the foregoing provisos shall not apply to buildings or their modification heretofore provided for by act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert: ": *Provided*, That at least one-third of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least one-third of the expenditures for the fiscal year 1928, and at least one-third of the expenditures for the fiscal year 1929, shall be for a like purpose unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $5,000,000 annually in any one of the States, Territories, or possessions of the United States"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 8. That in the event local interests in the city of New Orleans, La., shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Secretary of the Treasury may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Secretary of the Treasury is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amount so advanced or expended" and a period.

And the Senate agree to the same.

RICHARD N. ELLIOTT,
W. F. KOPP,
FRITZ G. LANHAM,
Managers on the part of the House.

BERT M. FERNALD,
F. E. WARREN,
I. L. LENROOT,
CLAUDE A. SWANSON,
JAS. R. REED,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, submit the following detailed statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On No. 1, relating to the Supreme Court of the United States: Provides for the acquisition of a site for the Supreme Court in lieu of a site and building, as proposed by the Senate amendment. A separate building, in keeping with the dignity of this great tribunal of the United States of America, should be erected in the near future, but provision therefor was not contemplated in the authorization for buildings to house the executive departments in the District of Columbia, and its construction at this time would probably interfere with this program.

On No. 2, relating to the location of buildings outside of the District of Columbia: Authorizes the Secretary of the Treasury to give preference, where he considers conditions justify such action, to cases where sites have heretofore been acquired or authorized to be acquired.

On No. 3, relating to the disposition of a site heretofore acquired when found to be unsuitable for a building: Merely clarifies the language with respect to an exchange of sites.

On No. 4, relating to the acquisition of sites or additions to sites and the location of buildings and their character in the District of Columbia: Provides that such buildings and sites shall be located south of Pennsyvania Avenue and west of Maryland Avenue, and as nearly in harmony with the L'Enfant plan as may be practicable, exceptions to this plan being made in connection with land that may be acquired for enlarging the site of the Government Printing Office or erecting storage warehouses; an additional exception being made in the case of a site for the Supreme Court building, which it is believed should be situated in a different location than specified in this amendment. No. 4 also provides that high standards of architectural beauty and practical utility shall be combined in the construction of these buildings and for the beautification of their surroundings.

On No. 5, relating to the approval of sketches, plans, and estimates for buildings constructed under this act: Provides that said sketches, plans, and estimates shall be approved by the Secretary of the Treasury and the heads of the executive departments which are to have space in such buildings.

On No. 6: The Senate struck out the clause authorizing the Secretary of the Treasury, in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects. The House receded from its disagreement to the amendment and agreed to the same for the reason that the matter contained in the language stricken out is covered by the agreement in amendment No. 11.

On No. 7, relating to the performance by the Office of the Supervising Architect of the work of preparing designs and other drawings, estimates, specifications, and awarding of contracts and supervision of the work authorized by the act: Provides that the same shall be "under direction of the Secretary of the Treasury," except as otherwise provided. There is, of course, no objection to this, the Office of the Supervising Architect being a bureau of the Treasury Department.

On No. 8: The Senate struck out the language providing that in designing and constructing buildings preference shall be given so far as practicable to standardized and commercial types modified to meet governmental requirements rather than to buildings of monumental character, and the managers on the part of the House have receded from their disagreement to the amendment and agreed to the same. It is believed that the Treasury Department is well informed as to the character of buildings which should be erected and their suitability for the needs of the Government service. This question in connection with buildings to be constructed in the District of Columbia is covered in amendment No. 4, hereinbefore mentioned.

On No. 9, relating to the procuring by the Secretary of the Treasury of advisory assistance when deemed advantageous in special cases, is in effect merely an elaboration of the language in the House bill.

On No. 10: Relates to projects heretofore authorized by Congress, for the completion of which the sum of $15,000,000 is authorized in section 3 of the House bill. The Senate struck out the entire section and inserted in lieu thereof language which in effect is exactly in accordance with the intent of the House bill, the difference being that in the House bill the projects are referred to as the several cities enumerated in Senate Document No. 28, Sixty-eighth Congress, first session, for which public building construction has been heretofore authorized but not yet under contract, while the Senate amendment specifies by name the cities coming within this provision. The managers on the part of the House have receded from their disagreement to the Senate amendment and have agreed to the same with two minor amendments. In the first amendment to the amendment the Secretary of the Treasury is "authorized" in lieu of "directed" to carry into effect the provisions of existing law, etc. The second amendment is for the purpose of correcting a misprint, the name "Malden" being substituted for "Maiden."

On No. 11, relating to the duties of the Secretary of the Treasury in submitting estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921: Provides said estimates shall include a statement of the location of the buildings proposed to be erected together with a limit of cost for the same; that in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended in the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts; that unless specifically provided for in the act making appropriations for public buildings, which provision is authorized, no contract for public building work or for the purchase of land shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract; and that unless the act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made, and expended by the Secretary of the Treasury, in accordance with the estimates submitted by the Bureau of the Budget. The amendment also provides that the Secretary of the Treasury, in addition to submitting estimates to the Bureau of the Budget, shall make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this act, together with a limit of cost for the same; and also that the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury. These provisos, however, do not apply to buildings or their modification heretofore provided for by act of Congress. The amendment further provides that at least two buildings shall be estimated for during the period convered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided.

On No. 12: This amendment amends the Senate amendment by providing that at least one-third of the expenditures outside of the District of Columbia for the fiscal years 1927, 1928, and 1929 shall be for buildings heretofore authorized in lieu of 50 per cent of the expenditures during the fiscal years 1927 and 1928 as specified in the Senate amendment. It is believed that one-third is a fairer proportion, in view of the fact that a number of new projects in various sections of the country are more emergent than some of the cases heretofore authorized. The amendment also fixes a limit of $5,000,000 on the annual expenditures in any one of the States, Territories, or possessions of the United States.

On No. 13, relating to the sales of sites or buildings, or both, in cities where it is more advantageous to construct buildings on different sites: Provides that, in providing such new sites and buildings, only the respective net cost, if any, over and above the proceeds of such sales may be charged against the total sum of $150,000,000 authorized by this act.

On No. 14: The House receded from its disagreement and agreed to an amendment making the language specific in naming the quarantine station at New Orleans, La., for which it is understood the Senate amendment was intended.

RICHARD N. ELLIOTT,
W. F. KOPP,
FRITZ G. LANHAM,
Managers on the part of the House.

Mr. ELLIOTT. Mr. Speaker and gentlemen, when this bill went to the Senate the Senate added 14 amendments. The conferees have agreed to the Senate amendments numbered 2, 3, 6, 7, 8, and 13 as they were passed by the Senate. To these amendments the conferees can see no objection.

The first amendment that was placed in the bill provided for the erection of a building for the United States Supreme Court. When the bill was drafted in the first instance it provided $50,000,000 for the construction of buildings in the District of Columbia. It was not contemplated that a building should be erected for the Supreme Court of the United States. That will necessarily have to be an expensive building, so the conferees agreed in conference that instead of giving the Supreme Court a building out of this $50,000,000, they should have a site only.

The fourth amendment is known as the Bruce amendment. This amendment limited the building of public buildings to that area bounded on the north by Pennsylvania Avenue, on the east by Maryland Avenue, and projected in a straight direction to the Twining Lake or the basin.

The conferees have concluded that that is where all the buildings should be erected, with the exception of the building for the Supreme Court, and we have agreed to that with an amendment excepting the operation of the amendment for the site for the Supreme Court. It is understood that the Supreme Court has had in contemplation for years the block north of the Congressional Library. However, this bill does not attempt to fix the place where the Supreme Court shall go, but leaves it so that it can be placed wherever they want it.

There was another amendment in the bill which is of great importance, and that is the one known as section 3 of the old bill. In the bill as it came from the House it was provided that the buildings that have heretofore been authorized by law—practically all of them in the act of March 4, 1913—be completed. The trouble with those buildings was that the war coming on immediately after the passage of that act it increased the cost of the buildings to such an extent that they could not be completed within the limits of cost fixed by that act.

So we placed in this bill an additional authorization of $15,000,000 to take care of these buildings. We added an amend-

ment to the amendment of the Senate in two respects to correct a few mistakes. One was the use of the word "directed" when it should be "authorized," and another was in regard to Malden, Mass., where they had it Maiden. We have amended it to strike out "Maiden" and make it "Malden."

The amendment to that section does not change the old bill except in this respect that it has named each building in the bill that would be constructed, and in the old bill they were referred to as buildings remaining in Senate Document 28.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. JOHNSON of Texas. Does the bill provide that in each State there shall be erected——

Mr. ELLIOTT. I am coming to that. Amendment No. 11 was the one that gave us the most concern and was the hardest to iron out. I will read to you what we did to amendment No 11, which is the amendment relating to the duties of the Secretary of the Treasury in submitting estimates to the Bureau of the Budget in accordance with the budget act of 1921. It reads:

No. 11, relating to the duties of the Secretary of the Treasury in submitting estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and accounting act, 1921: Provides said estimates shall include a statement of the location of the buildings proposed to be erected together with a limit of cost for the same; that in submitting such estimates the Secretary of the Treasury shall allocate the amounts proposed to be expended in the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts; that unless specifically provided for in the act making appropriations for public buildings, which provision is authorized, no contract for public-building work or for the purchase of land shall be entered into until moneys in the Treasury shall be made available for the payment of all obligations arising out of such contract; and that unless the act making appropriations for public buildings shall otherwise specifically provide, appropriations shall be made and expended by the Secretary of the Treasury in accordance with the estimates submitted by the Bureau of the Budget. The amendment also provides that the Secretary of the Treasury, in addition to submitting estimates to the Bureau of the Budget, shall make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this act, together with a limit of cost for the same; and also that the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury. These provisos, however, do not apply to buildings or their modification heretofore provided for by act of Congress. The amendment further provides that at least two buildings shall be estimated for during the period covered by this act in each State for post offices with receipts of more than $10,000 during the last preceding year, for which post offices no public buildings have been provided.

Mr. AYRES. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. AYRES. I wondered whether the proviso meant at least two buildings in each State.

Mr. ELLIOTT. At least two buildings.

Mr. AYRES. At least two?

Mr. ELLIOTT. At least two.

Mr. AYRES. That does not mean that two are all any one State may get.

Mr. ELLIOTT. No; it means that two shall be estimated for in each State during the time this law is in force.

Mr. AYRES. Which is five years.

Mr. ELLIOTT. It will be longer than that.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. I want to ask in reference to this Senate amendment providing for the acquisition of a site for the Supreme Court building. Is it the thought that this site will be acquired in close proximity to the Capitol?

Mr. ELLIOTT. The Supreme Court, as near as I can understand it, have in contemplation a site north of the Congressional Library.

Mr. NEWTON of Minnesota. Under the bill this will be up to the Secretary of the Treasury. Of course, he will undoubtedly confer with the members of the Supreme Court, but it seems to me it would be the greatest kind of a mistake to permit a site to be acquired which would be away from this immediate locality.

Mr. ELLIOTT. I do not think there will be any trouble about that.

Mr. NEWTON of Minnesota. I hope there is no danger of that being done.

Mr. ELLIOTT. I understand that the Supreme Court would not consider anything but that site.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. HASTINGS. Is there any limit to the cost in the acquisition for the site of the Supreme Court buildings?

Mr. ELLIOTT. No, there is not; and there is no authority for the building of the Supreme Court building in the bill.

Mr. HASTINGS. As I understand, there is a provision in the bill——

Mr. ELLIOTT. For a site only.

Mr. HASTINGS. Is there any limit of cost placed in that?

Mr. ELLIOTT. That will have to be placed in the estimates that come through the Bureau of the Budget to the Committee on Appropriations.

Mr. HASTINGS. Then there is none in the bill.

Mr. ELLIOTT. No.

Mr. HASTINGS. Then so far as this bill is concerned, the sky is the limit.

Mr. ELLIOTT. So far as that is concerned, yes; but the Congress has to pass on that before they get it.

Mr. HASTINGS. That is in addition to the $50,000,000?

Mr. ELLIOTT. No; it comes out of the $50,000,000.

Mr. HASTINGS. What is the total amount authorized to be appropriated in this bill?

Mr. ELLIOTT. Fifty million dollars for the District of Columbia and $115,000,000 for the country.

Mr. HASTINGS. And then $50,000,000 authorized for the Supreme Court building?

Mr. ELLIOTT. Oh, no; $50,000,000 for everything in the District of Columbia.

Mr. HASTINGS. Then the amount is not increased?

Mr. ELLIOTT. The amount is not increased.

Mr. HASTINGS. There is, however, an authorization for a site for the Supreme Court in addition?

Mr. ELLIOTT. It is not in addition to the $50,000,000. It will have to come out of the $50,000,000.

Mr. HASTINGS. To be subsequently appropriated?

Mr. ELLIOTT. Yes.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. STEAGALL. What the gentleman means is that the site for the Supreme Court building will have to come out of the $50,000,000?

Mr. ELLIOTT. Yes.

Mr. STEAGALL. But after they get the site, additional expenditures will have to be covered by further appropriations?

Mr. ELLIOTT. Yes.

Mr. STEAGALL. So that the cost of the building for the Supreme Court contemplated and provided for in this bill, except as to the purchase of the site, does involve an additional expenditure above the $50,000,000 carried in this bill, does it not?

Mr. ELLIOTT. Yes; whenever the Congress gets ready to authorize it.

Mr. STEAGALL. The gentleman would not contemplate that Congress would authorize the purchase of a site for a Supreme Court building, and then let that investment lie idle without utilizing it?

Mr. ELLIOTT. In answer to that, we have one hundred and fifty-odd sites in the United States now, in the same fix under former acts.

Mr. STEAGALL. What is the meaning of the language used in the last provision to the effect that at least two buildings shall be estimated for in each State?

Mr. ELLIOTT. It means that the Secretary of the Treasury shall during the life of this law send an estimate to the Bureau of the Budget for at least two buildings needed in each of the States of the United States.

Mr. STEAGALL. Put down in everyday, corn-field English, what will be the meaning of that when it is construed and put into operation?

Mr. ELLIOTT. The Secretary of the Treasury has no power to do anything except make estimates to the Bureau of the Budget in regard to any of these buildings until Congress makes the appropriation to construct them, and this simply directs that he make these estimates for all the States to that extent, while he is making estimates for all this work.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. McCLINTIC. Did I understand the gentleman to say that the conferees agreed upon the provision which related to

these sites already purchased and that are now held by the Government?

Mr. ELLIOTT. Yes; we agreed to the Senate amendment on that.

Mr. McCLINTIC. I would like to have that amendment read, if the gentleman will do so.

Mr. ELLIOTT. That is amendment No. 2. It authorizes the Secretary of the Treasury to give preference where he considers the conditions justify such action to cases where sites have heretofore been acquired or have been authorized to be acquired.

Mr. McCLINTIC. It requires him to do that?

Mr. ELLIOTT. No; it does not.

Mr. STEAGALL. Simply talks about his power.

Mr. ELLIOTT. We agreed to what the Senate put in.

Mr. MOREHEAD. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. MOREHEAD. In reference to the site for the Supreme Court, I want to state for the gentleman's benefit that property is now selling for 100 per cent higher than it did a year ago, so we do not know when we go to purchase the site what it will cost. There have been some transfers recently that cost 100 per cent more than the transfers of a year ago, so time is an element in seeking to limit the appropriation.

Mr. ELLIOTT. I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, my views concerning the proper policy for public buildings have been expressed on the floor of the House on more than one occasion. I opposed this bill when it was originally before us because I did not believe it a proper policy to delegate to the Secretary of the Treasury functions of the Congress. The bill passed the House and went to the Senate, where a number of amendments were placed upon it. I was selected as one of the conferees. I felt that on the conference committee it was my duty to act not in an individual capacity but as a representative of the House.

I believe that as a result of that conference we have brought back a better bill than the one which passed the House, though it is not altogether such a measure as I should write if it were left to my own volition. I believe further that in its provisions it is more in keeping with the sentiment and the spirit of the Members of this body.

Certainly we need a great deal of public building in this country. My opinion is that before the expiration of the term provided for in this measure there will be additional authorizations of appropriations to take care of that need. Personally I think there should be. I have no sympathy with the idea which is advanced by some that, though it is quite proper to appropriate two or three hundred million dollars each year for the Army, two or three hundred million dollars for the Navy, and several hundred million dollars for various other lines of governmental endeavor and activity, when once in 10 or 15 years we try to appropriate for the pursuits of peace as much as is appropriated annually for one of these other purposes, then it is "pork." Pause and reflect what a small proportion of our expenditures are for the things of peace, anyway.

There were two principal amendments to this bill in the Senate. One was with reference to construction in the District of Columbia, and one had reference to construction outside the District of Columbia.

The first one is amendment No. 4, with reference to buildings to be erected here. This amendment provides that, except for the site for the Supreme Court building and such additions as may be necessary to the Government Printing Office and certain warehouses, governmental buildings shall be constructed along what is known as the Mall, south of Pennsylvania Avenue and west of Maryland Avenue projected to Twining Lake. I think the chief criticism which I have heard of the Nation's Capital from visitors who have come here from all sections of the country has been with reference to the hodgepodge, crazy-quilt manner in which our public buildings have been erected [applause] and scattered about the District. This amendment, to which the House conferees have agreed, eliminates any further tendency in that regard and provides that the $50,000,000, with the exceptions noted, shall be expended for buildings in the prescribed area. That may not be in harmony with the wishes of some real-estate owners and dealers in the District who may have their own peculiar and specific ideas with reference to certain pieces of property, but I think it is quite in keeping with the spirit and sentiment of this body and the American people in general. [Applause.] And so we agreed to that amendment.

Mr. MacGREGOR. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. MacGREGOR. That is intended to clean up Pennsylvania Avenue.

Mr. LANHAM. It might have that incidental effect; and, of course, in so far as the Government is concerned, the southern part of Pennsylvania Avenue would be used.

Mr. MacGREGOR. To me that is one of the sore spots for people of the Nation coming here to see that wonderful Avenue, and they find it is really one of the slums of the city.

Mr. LANHAM. That has been my observation.

Mr. MANSFIELD. The gentleman means on the south side?

Mr. LANHAM. I mean on the south side. Now, the other amendment to which I alluded is an amendment of particular interest to people outside the District, and it has to do with buildings outside the District. That amendment is No. 11, and while it does not go so far as some Members of the House would like for it to go, it seems more in keeping with the thought of a great many of us when this bill was originally before us. This amendment does not permit the Secretary of the Treasury to enter into contracts for public buildings until the estimates, through the Bureau of the Budget, have been submitted to the Congress and the moneys have been made available through appropriation. In other words, there is that limitation upon the power of the Secretary of the Treasury.

Then there is another feature—and we have insisted upon this part of the amendment—that in addition to the estimates through the Bureau of the Budget the Secretary of the Treasury, and the Postmaster General where his department is involved, shall make annually a report to Congress showing the building needs of the country, and not only may the Committee on Appropriations include those sites and buildings for which there are estimates from the Bureau of the Budget but they may also include, and may even substitute, I think, buildings from the annual report of the Secretary of the Treasury and the Postmaster General.

Now, the principal idea we had in view with reference to that modification of the Senate amendment, which we insisted upon and which was accepted, was this: Trying to be properly jealous of the dignity and prerogatives of the House, it occurred to us that in its practical operation, when this bill should become a law, the Secretary of the Treasury would submit his estimates from the Bureau of the Budget, and the House would be powerless to alter his recommendations in any way or add any other building to the list suggested; that any effort to have another building put in would be subject to a point of order, because there would be no legislative authority for it; and that the bill might then go to the other body and that they might include various sites and buildings not provided for in the bill as it passed the House.

Now, the purpose of the modification of this amendment was that the House should have the same authority as the Senate with reference to incorporating in appropriation bills for public buildings items for those buildings which had been found by the Postmaster General and the Secretary of the Treasury in their joint annual report to be necessary in accordance with their survey of the country. Consequently, if this measure should become a law, any building that should be placed upon a bill in the Senate that could not be placed upon the bill in the House would have to be some building that was not covered either by the estimates of the Bureau of the Budget or by the annual report of the Secretary of the Treasury and the Postmaster General. I think we may safely assume that a building item not included in the Budget estimates or the annual report would have little opportunity to pass.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. HUDSPETH. I want to ask my colleague if we would be authorized to place a building upon an appropriation bill authorized by the Secretary of the Treasury without it having come from the Budget Bureau?

Mr. LANHAM. Yes; if it is included in the annual report of the Secretary.

Mr. HUDSPETH. It would then be in order to offer that as an amendment on an appropriation bill?

Mr. LANHAM. That is my understanding; in order that the House may be kept on a parity with the Senate in the matter of additions to appropriation bills for public buildings.

Mr. BUSBY. Mr. Speaker, will the gentleman yield there?

Mr. LANHAM. Yes.

Mr. BUSBY. I understand that in order for a specific proposition to be in order to be offered as an amendment to an appropriation bill you must first look back and see if it is in the list you referred to?

Mr. LANHAM. It must be either in the estimates of the Bureau of the Budget or in the report of the Secretary of the Treasury and the Postmaster General. Without the insistence of the House conferees that provision would not have been in there; that is, allowing the House the latitude and leeway of

going to the annual report of the Secretary and the Postmaster General.

Mr. BUSBY. I am not concerned as to how it got in there; but is it not a fact that under this bill the House would become servile to the Budget and to the list prepared by the Post Office Department showing the needs of the country?

Mr. LANHAM. The gentleman knows very well my original views with reference to policy as to governmental buildings. I have not surrendered those views. I still retain them. It is true that all we can put in these bills are items either included in the estimates of the Budget Bureau or in the report of the Secretary.

Mr. ESLICK. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. ESLICK. I wanted to ask this question: When these reports are made, what is the function and the duty of the Committee on Public Buildings and Grounds?

Mr. LANHAM. I think "Ichabod" is written above the door of the Committee on Public Buildings and Grounds—that the glory of that House has departed and that the authority once possessed has been reposed in the Committee on Appropriations. However, this amendment does have this safeguarding effect, that these estimates and reports must come back to Congress, and there must be first a congressional sanction and moneys made available before contracts are entered into.

Mr. ESLICK. What is the power on the part of Congress or of the House committee to go outside of the recommendations of the Secretary or those of the Budget Bureau?

Mr. LANHAM. I think any effort to include an item not in the estimates of the Budget Bureau or in the annual report of the Secretary of the Treasury and the Postmaster General would probably be subject to a point of order under the rules of the House by reason of the fact that there would be no legislation supporting it.

Mr. ESLICK. In other words, the Secretary becomes dictator to the Congress as to where it will put its buildings?

Mr. LANHAM. Not quite so much so in the conference report as in the original House bill. In amendment No. 11 there is this additional provision: "That each State during the period covered by this measure shall receive at least two public buildings." There is that restriction on his authority.

Mr. ESLICK. And they must be limited to the smallest regulation buildings?

Mr. LANHAM. No; it is not limited.

Mr. ESLICK. It may be in the discretion of the Secretary?

Mr. LANHAM. It may be in the discretion of the Secretary of the Treasury, but our present law prescribes that, in order to receive a public building or be entitled to one, a town or city must have postal receipts of more than $10,000 annually, so that the enumeration of $10,000 here is simply in keeping with the terms of the present law. The provision is that one of these buildings shall not be located in one of those States unless the post office involved had receipts in the preceding year in excess of $10,000.

Mr. ESLICK. One other question. Each State may be limited, during the five-year period, to two buildings not to exceed $50,000, and those buildings would be of the minor type.

Mr. LANHAM. I will say to the gentleman that there are some States in the Union, as he knows, where there are very few cities of great size and where any building would necessarily have to be restricted to the benefits of this class if the States are to be represented at all in the legislation.

Mr. BOWLING. Will the gentleman yield?

Mr. LANHAM. I will yield to the gentleman from Alabama.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. BOWLING. Under the conference report, what will be the status of a site already bought and for which an appropriation has been made but no building has yet been begun?

Mr. LANHAM. An appropriation for the building has been made?

Mr. BOWLING. Yes.

Mr. LANHAM. That will depend on whether or not the particular case to which the gentleman refers is included in Senate Document 28. Was it so included?

Mr. BOWLING. No.

Mr. LANHAM. If not, then the Secretary, in his discretion, is authorized to give preference to cases of that character. However, that is left to the discretion of the Secretary.

Mr. UPSHAW. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Georgia.

Mr. UPSHAW. Under this bill what initiative has Fort Worth, Tex., or Atlanta, Ga., in building an annex to the present building?

Mr. LANHAM. They have no initiative further than to request the Secretary of the Treasury to make a survey of the conditions and report those conditions.

Mr. UPSHAW. So the initiative must come from the point of interest?

Mr. LANHAM. The bill provides that the Secretary of the Treasury shall make a survey of the building needs of the country and, based upon that survey, make an annual report to Congress of the cases that are emergencies in order that they may be dealt with.

Mr. CHALMERS. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman.

Mr. CHALMERS. I am very much interested in the gentleman's very clear explanation of this bill, and I want to ask him this question: Under amendment No. 14, where the Secretary of the Treasury declares a building necessary, would he have authority to authorize the building, provided the community is willing to advance the money for the site?

Mr. LANHAM. No; I will say to the gentleman that amendment No. 14 has been modified in this conference report.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. LANHAM. Will the gentleman from Indiana yield me one minute so that I may answer the gentleman?

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman one additional minute.

Mr. LANHAM. Amendment No. 14, as placed in the bill in the Senate, though couched in general terms, was designed to meet a specific case, the case of New Orleans, where the quarantine station is about 20 miles down the river, and business is being held up there by the boats having to stop 20 miles from the city, and the congestion of traffic and transportation has made it so inconvenient that a provision was put in to take care of that case.

Mr. CHALMERS. But the language makes it general.

Mr. LANHAM. That language has been changed and made specific. If the gentleman will read the conference report he will find that the original Senate amendment is not the language contained in the conference report. There is a site there that the Government wants to use and upon which citizens have an option. The option will soon expire, and the Government would have to pay very much more for that site if it were to buy it hereafter. Consequently, provision is made that the local interests of the city of New Orleans may buy that site and then turn it over to the Government, if the Government wishes to use it, at the price for which they obtain it; in other words, to continue in force the option which soon expires, in order that the Government may be saved the difference in the amount under the option and what it would have to pay for the site after the expiration of the option. [Applause.]

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. ELLIOTT. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. BUSBY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUSBY. The gentleman promised to yield me 15 minutes. Suppose his time runs out, what kind of a situation would he be in?

The SPEAKER. The Chair can not answer that as a parliamentary inquiry.

Mr. KVALE. Mr. Speaker, I voted against the bill in its original form, not because I am opposed to a public buildings bill, but because I did not think it was the right kind of a bill. I would even have been glad to have voted for $100,000,000 in addition to the $165,000,000, especially if we could have taken it out of the appropriations for the Army. I voted against it because of some of the provisions contained in the bill which I considered vicious. But I am glad to vote for the conference report because in the bill in its present form the Secretary of the Treasury is shorn of at least some of the powers conferred upon him in the original bill. Furthermore, there is in the bill now some slight guaranty and some little prospect that a part of these sums will be used in some of our Western States, a guaranty which we did not have in the original bill. Therefore, I am glad to support and vote for the conference report. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker and gentlemen of the House, we have now come to the concluding stage of the much

heralded public buildings bill. For weeks, and I might say two or three months, we have been considering this proposition.

I started out opposed to this bill because of the principles that it proposed to put into operation. I see no reason why I should change my position with reference to this bill because those principles are as fully maintained in the conference report as they were in the initial bill. In the first place, the bill does not provide anything like sufficient funds with which to take care of the needed buildings of the country to-day. The Supervising Architect, in his statement before the Committee on Public Buildings and Grounds, stated that as best he could judge it would take from $250,000,000 to $260,000,000 to construct the necessary public buildings to-day.

In another place he admitted it would take $325,000,000. We must all remember that not since 1913 has there been a public buildings bill passed by this House. We must remember that building and the necessity for buildings of every kind have taken great strides since then. Necessity is the thing that should be first before us for consideration. In other words, do we propose to do the thing that we ought to do and provide a building program or a bill that authorizes the expenditure of enough money to reasonably take care of the situation? In the first place, that is what I am for and that is one reason I am against this bill.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. HILL of Maryland. This report, as I understand it, carries with it an authorization only for buildings, does it not?

Mr. BUSBY. It carries an authorization for buildings and sites.

Mr. HILL of Maryland. There is a site provided for a building for the Supreme Court, is there not?

Mr. BUSBY. Yes; there is an authorization to spend a portion of the $50,000,000 for a site for a building for the Supreme Court.

Mr. HILL of Maryland. But there is no authorization for building the building.

Mr. BUSBY. Not in this bill.

Mr. HILL of Maryland. Does the gentleman think we ought to take the Supreme Court from its historic setting here and set it up as an independent establishment?

Mr. BUSBY. Personally, I do not.

Mr. HILL of Maryland. I agree with the gentleman.

Mr. BUSBY. I think it is difficult enough now to get to the Supreme Court to see the proceedings of our greatest judicial body, and when we once move it into a separate building away from the Capitol it will be inaccessible to the public which comes here.

Mr. HILL of Maryland. I agree with the gentleman that it ought to remain here. Is there any way I can vote to keep it here?

Mr. BUSBY. If the gentleman will pardon me, I do not know how to tell the gentleman the way out of that wilderness.

Mr. HILL of Maryland. I thank the gentleman.

Mr. BUSBY. It seems the powers that be have destined a certain course; consequently we are committed to that course.

Mr. HILL of Maryland. I think the Supreme Court ought to stay under this historic dome, where it is now.

Mr. BUSBY. Good; we are together on that.

Mr. Speaker, the first proposition to which I want to direct your attention primarily concerns you who have one of these 65 projects where sites and buildings have been authorized, referred to in the House bill as Senate Document 28, but which places are named in the Senate amendment.

The conference report strikes out the word which compels the Secretary of the Treasury to build these buildings by striking out the word "directs" and inserting in lieu thereof the word "authorizes."

Mr. LANHAM. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LANHAM. I would like to explain to the gentleman the reason of that change. If he is directed to build all these buildings with the $15,000,000 and the $15,000,000 should prove not to be sufficient to build them all, then he could not build any, because the direction would be to build them all. The authorization was put in there for the purpose of enabling him, in case the $15,000,000 should not be sufficient, to build as many of them as possible. A direction to build them all for the $15,000,000 might prevent him from building any because perhaps all of them could not be built for that amount.

Mr. BUSBY. I understand the reason assigned; but if there is anything in the figures he submits, they can build all of them, the 65 buildings, with a little over $12,000,000. If the bill should remain as sent back here by the Senate, the Secretary of the Treasury would be compelled to build each one of the 65 projects and not leave you gentlemen, who are voting, thinking you are getting something, absolutely in the air without any assurance in the world that the thing you are voting for is going to be carried out.

The conference report, or the bill that is before us now, does not in one single instance lessen the authority of the Secretary of the Treasury. It leaves his hands untied. It leaves the authority absolutely in his hands to initiate the projects. It may be the Committee on Appropriations can curtail somewhat his activity. It may be that the House, if you can get a chance at the situation, or if you can ever get your project so it will not be ruled out on a point of order under the entangling features they are tying on to this bill, will have some authority also, but I very seriously doubt that ever happening. Now, listen! This particular bill provides that this House shall be servile and subject to a list compiled by the Secretary of the Treasury showing the needs and necessities of buildings in this country. It is also servile and subject to the Budget Director's estimates for buildings. You must have those two propositions right before your project is in order to be offered as an amendment to an appropriation bill which comes in here to provide the funds for buildings.

Are we not now getting ourselves into a pretty predicament? Did any of you see this morning's Post, the official spokesman for the President, which gives us somewhat of a lambasting for wanting a little of the money—a portion of the $165,000,000—to go out of the District of Columbia into the 48 States of the country. It pictures a big hog marked "Pork barrel," coming along under the old-time congressional line, and it speaks—well, they are not endearing terms at least that are used. I want to read you a little of what the editorial says, showing what the Washington press thinks of you, and I think it justly sizes us up in some respects when we pass legislation like this bill. They want everything and complain if the rest of the country gets a little attention. We want a little. The editorial begins by saying:

> The Senate yesterday approved the conference report on the public buildings bill, thus taking another step in the execution of a program for placing public buildings where they are not needed, except for political purposes. The Senate thought it was doing very well when it took from the Secretary of the Treasury the authority to locate buildings where they are actually needed, and specified that every State should have a building if it could show that any post office within its confines had reported receipts of $10,000 annually. But the conferees went still further and made this measure an ideally perfect pork-barrel bill. They inserted a provision that every State should have two buildings if it could show a single post office earning $10,000 annually. "Well done," said the Senate as it adopted the report without a roll call.

This shows you how little the editorial writer who penned this editorial knew about the bill. The Senate bill provided one building each year, or during the seven-year period the bill is to cover it provided for seven buildings, while the conference report only provides that estimates shall be made for two buildings. Estimates? What do you get out of an estimate? Nothing; two buildings in each State estimated for during the entire life of the bill, which is only two-sevenths as many as the Senate amendment provided, and yet the editorial writer did not catch that proposition.

This editorial closes as follows:

> Think of the uplift to the hillbillies when they gaze upon the parthenons and agoras that will rise in the midst of their tin garages and drug-store speakeasies. From this viewpoint Congress is right; and if it is right, it may well stand aghast at its own moderation.

That is the way you are regarded by the Washington Post. Are you not properly pictured? We are to be lulled into a sense of security in supporting this monstrosity because the President who goes down into Virginia and preaches State rights, then comes back here to Washington and asks us to support the most bureaucratic legislation that we can conceive of and demands that we stand in line and pass it. When 2 and 2 do not make 4, I do not believe in the result. I do not want to criticize the motives of any gentleman here, but I do not like this asking us to surrender our duties to bureaucracy. Perhaps some of you are afraid the boss will turn the press against you and hold you up to ridicule in every conceivable way if you do not fall in line, or if you do not fall in line they will kick you out of the party. You can do as you please, but I am going to vote against this bill, and I am going to have a roll call on the bill, if it is possible for me to get one.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BUSBY) there were 130 ayes and 32 noes.

Mr. BUSBY. Mr. Speaker, I object to the vote because a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-five Members present, a quorum. The ayes have it, and the conference report is agreed to.

A motion by Mr. ELLIOTT to reconsider the vote whereby the conference report was agreed to was laid on the table.

FEDERAL IRRIGATION PROJECT

Mr. SMITH. Mr. Speaker, I call up the bill H. R. 10429, on the Speaker's table, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Idaho calls up the bill H. R. 10429, with Senate amendments, and moves to concur in the Senate amendments. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

PENSIONS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 257) making an additional appropriation for the payment of pensions for the fiscal year 1926

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of Army and Navy pensions for the fiscal year ending June 30, 1926, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $10,730,000: *Provided,* That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further,* That the amount expended under each of the above items shall be accounted for separately.

Mr. MADDEN. Mr. Speaker, I am authorized to ask unanimous consent for the present consideration of the resolution because of the emergency that exists for the payment of the pensions on the 4th of June, which we might not have sufficient money to do if we waited to incorporate it in the deficiency bill which will be reported later. So we come to the House because of this emergency with this particular item taken out of the proposed deficiency bill now pending before the Committee on Appropriations.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The resolution was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ADDITIONAL JUDICIAL DISTRICT, GEORGIA

Mr. DYER. Mr. Speaker, I call up the conference report upon the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes.

The SPEAKER. The gentleman from Missouri calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10055) to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and concur therein.

GEORGE S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

ALBERT B. CUMMINS,
WM. E. BORAH,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10055) submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The only material change made by the Senate amendment is to transfer the Valdosta division from the southern judicial district of Georgia to the new district created by the bill which is to be known as the middle judicial district of Georgia.

GEORGE S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. DYER. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CONTESTED-ELECTION CASE—BAILEY AGAINST WALTERS

Mr. VINCENT of Michigan. Mr. Speaker, I send to the Clerk's desk a privileged resolution from the Committee on Elections No. 2, and ask for its immediate consideration.

The SPEAKER. The gentleman from Michigan presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 270

Resolved, That Logan M. Keller, sheriff of Cambria County, State of Pennsylvania, or his deputy, be, and he is hereby, ordered to appear by himself or his deputy, before Elections Committee No. 2, of the House of Representatives forthwith, then and there to testify before said committee in the contested-election case of Warren Worth Bailey, contestant, against Anderson H. Walters, contestee, now pending before said committee for investigation and report and that said sheriff or his deputy bring with him all the ballots cast in the sixteenth ward of the city of Johnstown, Pa., and in Westmont Borough No. 2, of Cambria County, Pa., at the general election held in the twentieth congressional district of the State of Pennsylvania on November 4, 1924. That said ballots be brought to be examined and counted by and under the authority of said Committee on Elections in said case, and to that end that the proper subpœna be issued to the Sergeant at Arms of this House, commanding him to summon said sheriff, or his deputy, to appear with such ballots as a witness in said case, and that the expense of said witness, and all other expenses under this resolution, shall be paid out of the contingent fund of the House; and that the aforesaid expense be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by said Committee on Elections No. 2.

The SPEAKER. The question is on agreeing to the resolution?

The resolution was agreed to.

ADDITIONAL WING TO DISTRICT JAIL

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 10204) to provide an additional wing to the District jail, with Senate amendments thereto, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland calls up the bill (H. R. 10204) with Senate amendments thereto. The Clerk will report the Senate amendments.

The Clerk reported the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

UNIFORMS FOR METROPOLITAN POLICE, ETC.

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 3807) granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia, with Senate amendments thereto, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 3807, with Senate amendments thereto, and moves to concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

WILLIAM A. CALLANAN

Mr. MACGREGOR. Mr. Speaker, I call up House Resolution 38, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolution 38

"*Resolved*, That there shall be paid out of the contingent fund of the House an amount equal to six months' salary of William A. Callanan, late an employee of the House of Representatives, and $250 to defray the funeral expenses of the said William A. Callanan, the same to be disbursed by the Clerk of the House to such person or persons as he may determine are equitably entitled thereto.

With the following committee amendment:

Strike out the entire resolution and insert:

"*Resolved*, That there shall be paid out of the contingent fund of the House not exceeding the sum of $250 to defray the funeral expenses of William A. Callanan, late an employee of the House of Representatives, the same to be disbursed by the Committee on Accounts."

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the committee amendment and of the resolution.

The committee amendment was agreed to, and the resolution as amended was agreed to.

MUSCLE SHOALS

Mr. MACGREGOR. Mr. Speaker, I call up Senate Concurrent Resolution 4, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate Concurrent Resolution 4

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Muscle Shoals created by House Concurrent Resolution 4 of the Sixty-ninth Congress hereby is authorized in furtherance of the purposes of said resolution to summon engineers, experts, and other witnesses to testify under oath; to employ such clerical and expert assistants as may be deemed necessary, to employ a stenographer at a cost not exceeding 25 cents per hundred words to report such hearings and proceedings as may be held in connecton herewith, the recommendations and findings of the joint committee to be submitted in conformity with the provisions of House Concurrent Resolution 4. The expenses incurred hereunder to be paid one-half from the contingent fund of the Senate, but not to exceed the sum of $5,000, and one-half from the contingent fund of the House of Representatives.

With the following committee amendments:

Line 13, after the word "hereunder," insert the words "not exceeding $5,000," and in lines 14 and 15 strike out the words "but not to exceed the sum of $5,000."

Mr. LAGUARDIA. Mr. Speaker, will the gentleman from New York yield?

Mr. MACGREGOR. Certainly.

Mr. LAGUARDIA. Is this the first commission on Muscle Shoals or the second commission?

Mr. MACGREGOR. This is the Joint Committee on Muscle Shoals created by House Concurrent Resolution No. 4. That is the only commission in existence.

Mr. LAGUARDIA. And that was in the Sixty-eighth Congress or the Sixty-ninth?

Mr. MACGREGOR. The Sixty-ninth.

Mr. LAGUARDIA. But they have already reported, have they not?

Mr. MACGREGOR. I do not believe they have reported, but all of their work has been done. This is to pay for their expenses.

Mr. LAGUARDIA. This is for the past work?

Mr. MACGREGOR. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

ANNA A. BOGGS

Mr. MACGREGOR. Mr. Speaker, I call up House Resolution 252, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 252

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Mrs. Anna A. Boggs, widow of William J. Boggs, late employee of the House of Representatives, a sum equal to six months' salary of the position he held, and that the Clerk be further directed to pay out of the contingent fund the expenses of the last illness and funeral of the said William J. Boggs, not to exceed the sum of $250.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FRANCIS M. SULLIVAN

Mr. MACGREGOR. Mr. Speaker, I call up House Resolution 196, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 196

Resolved, That there shall be paid out of the contingent fund of the House of Representatives to Francis M. Sullivan, husband of Mary C. Sullivan, late employee of the House of Representatives, a sum equal to six months of her compensation as such employee, and an additional sum not to exceed $250 to defray the expenses of the funeral of said Mary C. Sullivan.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 11603.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, with Mr. MAPES in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The CHAIRMAN. When the committee rose at the last session the Clerk had finished reading section 9, and the gentleman from Minnesota [Mr. NEWTON] had offered an amendment to strike out the section.

Mr. BLANTON. Mr. Chairman, I offer a preferential motion.

Mr. JONES rose.

Mr. BLANTON. And that is to strike out the enacting clause.

The CHAIRMAN. The Chair recognizes——

Mr. BLANTON. Which is a preferential motion, Mr. Chairman, and in order at all times.

The CHAIRMAN. The gentleman from Texas offers a motion, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Strike out the enacting clause.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills and resolutions of the following titles:

H. R. 616. An act for the relief of Ernest F. Church;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known;

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments;

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska; and

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

FARM RELIEF

The committee resumed its session.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Chairman and gentlemen, the gentleman from Ohio [Mr. BRAND] made what seemed to be a well-reading story, and he and the Haugen crowd liked it so much that they put it on every Member's desk immediately. The gentleman from Ohio, when it was revealed that he had spoken the truth and spilled the beans for the Haugen lobbyists with reference to what they admit they would not do for the South, if they had the votes now, apologized in a very nice way, having stricken his remark from his speech. But knowing the gentleman from Ohio, I am amazed that he did not strike out another section of his speech, because he does not state the facts. He tells us a fantastic story of the currants in Greece, and his speech is based upon error from start to finish.

There is nothing new about the currants in Greece—nothing new to the Committee on Agriculture. We have had from time to time hearings and investigations of that situation in Greece, and it is not at all a new subject, as it seemed to be to the gentleman. He undertook to prove, or intimate, rather, that the law in Greece as to currant production is similar to the provisions of the Haugen bill. He asserted that the Haugen bill is following the Greek plan. The Greek plan is nothing but a liquor plan, a whisky plan, and he proposes to have the Haugen people indorse a liquor bill.

Now, gentlemen, I have looked with great care into the records of the Department of Commerce, and I have before me and shall present to you the records of the Greek plan up to this hour.

The gentleman from Ohio [Mr. BRAND] held up the poverty-stricken and unhappy people of Greece as our ideal and model. He undertook to say to the American people that Greece should lead us that way.

There are 6,800,000 people living in Greece and about 700,000 of them are farmers growing currants, 700,000 only. There are 6,800,000 people in Greece, and those who are familiar with the conditions of immigration to the United States will agree with my statement that if they could get across to-day that of the 6,800,000, 3,000,000 of them would come to America. They are trying to get here in wholesale numbers. The Greeks themselves would be shocked to hear any man point to them in their poverty as ideals and models for the American people to follow.

Now, gentlemen, I bring to you the facts as presented by the Department of Commerce. The principal taxes on currants in Greece are as follows: An export tax of 1,200 drachmas, or $18.72 per ton. This direct export tax amounted last year to $2,687,000. That was the direct export tax levied by the Government. This money goes to the central currant office, a Government organization and successor to the privileged company, an octopus feeding upon the lifeblood of the Greek farmers. That is the first tax. The second tax is a production tax of 10 per cent, in order to prevent increased production. The third tax is a retention tax of 35 per cent of the crop. The Government, under the law, has the Greek peasant who produces currants turn over 35 per cent of the crop, and that 35 per cent of the crop is converted into alcohol locally by private corporations under the direction of the Government. The Greek who brings 35 per cent of his crop to the central office is given a receipt and he is paid for that receipt whatever the central office decides is the value of the alcohol produced. Those are the facts as they exist to-day. The Greek scheme provides for turning over 45 per cent—that is, the 10 per cent, also converted into alcohol, and 35 per cent—of the crop to the central office; this total of 45 per cent of the crop is converted into alcohol or other by-products and, as I have already stated, the grower's compensation for the 45 per cent of the crop he has turned over to the Government is in the higher price he may get for the 55 per cent in foreign countries.

From figures available in the Department of Commerce it is revealed that last year's crop was 287,000,000 pounds. That is worthy of your notice. The crop last year was 287,000,000 pounds, and the central office has already taken over 150,000,000 pounds of the crop, and there are yet 75,000,000 pounds which are surplus this year. You will note that 45 per cent is taken from the grower to be used in making alcohol.

The claim that in the Greek law there is a similarity to the Haugen equalization tax is absurd. It is true that 45 per cent of the crop is taken directly by the Government and removed from the market by converting it into by-products for the purpose of raising world price levels. The internal demand is small. The 45 per cent of currants produced and taken over by the Government can not be exported; that part of the crop must be consumed in Greece either in food or converted into alcohol, and the domestic price levels are lowered by the act. Let me repeat. The Greek law provides for raising the price to the foreigner, but it reduces the price at home by having the surplus kept at home, stored at home, and there used either for food or converted into alcohol, a vastly different proposition from the Haugen bill. The Haugen bill would raise the price to the domestic consumer and feed the laborers of foreign lands cheap food to compete with ours here at home. But the Greek plan is to lower the price at home and make the foreign countries pay the advanced price. I repeat that anyone who would undertake to deceive the Members of this House into believing that there is a single similarity between the Haugen plan as here proposed and the Greek plan is simply deceiving himself, and his argument is unworthy your consideration.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise to support my amendment.

Mr. JONES. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. The gentleman from Texas, a member of the committee, is recognized to offer a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 13, line 22, at the end of the paragraph, insert the following:

"*Provided, however,* That when the board begins operations in respect to cattle or swine, and any fee is levied on the processing or sale thereof, a similar fee shall also be levied on the first sale of any stocks of beef, pork, or other food products made from cattle or swine on hand and owned by any individual or corporation at the time of the beginning of such period of operations: *Provided, however,* That the board shall exempt all of such commodities owned in good faith by retail dealers at the time of the declaring of such operative period from the operation of this clause."

Mr. CANNON. Mr. Chairman, may I ask what motion is pending before the committee?

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] made a motion to strike out the enacting clause.

Mr. JONES. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] had to leave, and requested me to announce that his motion was a pro forma motion, and he desired to withdraw it.

Mr. CANNON. Mr. Chairman, I object to the withdrawal of that motion. I would like to know how many Members of the House agree with the gentleman from Texas in his desire to strike out the enacting clause and kill this bill.

The CHAIRMAN. The gentleman from Texas [Mr. JONES], at the request of the gentleman from Texas [Mr. BLANTON], asks unanimous consent to withdraw the motion of the gentleman from Texas [Mr. BLANTON] to strike out the enacting clause. Is there objection?

Mr. CANNON. I object, Mr. Chairman. Let us find out right now how many want to kill the bill and how many want to pass it.

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] objects. The question is on the motion of the gentleman from Texas [Mr. BLANTON] to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 0, noes 65.

So the motion was rejected.

Mr. JONES. Mr. Chairman and gentlemen of the committee, in the hearings during the packer-control investigation it was shown that the packers carry on hand continuously stocks of meats and meat products averaging in value from $150,000,000 to $200,000,000. Those stocks are carried in the central storehouses at Chicago and at the other distributing points throughout the Nation.

My amendment provides that when the board levies an equalization fee on livestock or upon such stock at the slaughtering point, a similar fee shall be levied upon the meat and meat products in stocks already processed in these various distributing places. Any fee levied by the board will probably be at a certain rate per pound. The same rule of three should be applied to stocks on hand.

Mr. KINCHELOE. Will the gentleman yield?

Mr. JONES. Yes; I yield.

Mr. KINCHELOE. Does not the gentleman think if his amendment should prevail it is likely to put the packers against the Haugen bill?

Mr. JONES. It may; but that makes no difference. It is fair, gentlemen. If this bill will accomplish the purpose that everyone hopes it will if it passes and a fee is levied on the

livestock grower on his product at the slaughtering point and you do not levy it upon this $150,000,000 or $200,000,000 worth of stocks of products on hand, you automatically present to the packers many millions of dollars; and if the figures of the chairman are correct that the price will be increased along the lines he suggests, you lay at the packers' feet overnight over $50,000,000 in cash. Do you want to do that? I do not believe as sane, sensible men you do. It would probably not be that much, but it would amount to millions of dollars.

If the bill will have any effect, if it accomplishes any purpose at all toward a raising of the price, the packers' stocks would be automatically raised, and they would not pay a single cent.

To-day on the prairies of Kansas and Iowa and Illinois and Texas and other Western States there are thousands of individual cattle and hog owners, some of them owning so few cattle that they have them named. Are you going to provide by the terms of this bill that when that little cattle owner or that little hog owner drives his steer or his hog to the local butcher shop, or ships it to the packing center, he shall pay a fee and that the organizations in this country which own millions of dollars worth of meat and meat products in the cold-storage houses shall have the benefits of that tax without assuming any of its burdens.

To-day in the various stretches of this country are many thousands of men of this kind who have trusted you and me as their chosen Representatives to see that all of their rights are protected. I have asked the gentlemen who are friendly to this bill about this amendment, and I have submitted it to a number of the leaders of farm organizations here and not one has offered a criticism of it. I have consulted with as many members of the committee as I have had opportunity to see, and they all have said it should be adopted. Is anyone going to vote against an amendment of this kind? [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken; and on a division (demanded by Mr. HAUGEN) there were—ayes 45, noes 45.

Mr. JONES. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. HAUGEN and Mr. JONES.

The committee again divided; and the tellers reported that there were—ayes 68, noes 74.

So the amendment was rejected.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word.

A few nights ago I suggested that I doubted whether the committee was giving its most serious consideration to this bill. The amendment just presented was not opposed by anyone, was clearly explained by the gentleman who presented it, and was not hard to understand. The amendment just proposed provided that if an equalization fee was levied on meats, it should apply to the meats in the hands of the processors at that time the same as it would apply to the meats in the hands of the farmers; but for some reasons unexplained—unexplained in the committee, undenied by anyone on the floor in the mad desire to put over the Haugen bill unmolested—the amendment failed.

No one will ever attempt to justify a vote against that amendment. It can not be justified from the standpoint of fairness of one man toward another. What are we doing here? Are we considering legislation? I want to be perfectly frank for a while. I know how BLANTON got his telegrams; that is, if they are proceeding in the same way everywhere. In my State there is one man who is actively for this bill. His name is Ralph Snyder, and he is at the head of the Farm Bureau. The Farm Bureau is in a bad way out there. It does not amount to much. That is the truth about the Farm Bureau in Kansas. It does not amount to anything to speak of. It does not have any rank, and this is the way he gets these telegrams sent. He sent out 112 letters and telegrams. I got most of them forwarded here to me. The Members here did not get to exceed 12 telegrams in response to that appeal. This is the way he tried to get them to wire their Members:

MANHATTAN, KANS., *May 4, 1926.*

To County Farm Bureau Presidents:

This is in confirmation of my wire to you this morning. Wire Senators and Congressmen approval Haugen bill; disapproval Tincher measure. Bill us.

It is very important at this time that our Senators and Congressmen hear from home. It seems the party lash has been used pretty freely in some cases and our Representatives need some moral support. I trust that you sent the wire as I asked you. While we are, as usual, rather short of funds, I feel it money well spent and the State Farm Bureau will somehow manage to take care of the expense, unless perchance your county organization wishes to do so. At any rate I would like to know from you as to what you have done.

RALPH SNYDER, *President.*

Now, that is the way they get telegrams to you; and if you take the time to write the man back that you got the telegrams from, he will tell you that he does not know what these things mean. How can he know when the Haugen bill is changed from day to day?

Mr. HUDSPETH. Does this mean pay for all these telegrams?

Mr. TINCHER. No, he said if the county organization did not pay the farm organization would pay. I understand Chester Davis said—I do not know where he got the money, but he sent out $500 worth of telegrams Friday or Saturday asking for telegrams to be sent to Members of Congress.

Mr. ASWELL. Where from?

Mr. TINCHER. He sent them from Washington, asking that they wire Members, and demanding that they get some one to wire Members. I think most of them were directed against the Aswell bill. Now, is that the way to consider legislation, is that the way legislation ought to be passed? Are we to represent the minority here and pass laws on telegrams and postal cards, or will we consider the measures on their merits?

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. DICKINSON of Iowa. Is not a similar policy adopted with reference to other legislation? I get telegrams to support the McFadden banking bill, and I have had telegrams asking me to support the tax bill and other bills.

Mr. TINCHER. If you get a telegram asking you to favor my bill, you will get a voluntary one that I did not ask for. I do not welcome any Washington lobby in behalf of my bill, because there is no thinking man under the dome of the Capitol who does not know that that is the most vicious way to approach legislation.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TINCHER. Now, that is one way they are appealing for votes for a measure that has been analyzed as one that would destroy agriculture; one that would destroy agriculture in my State. I say it will, and we will prove it. Another way is to get the support of the economists. The gentleman from New York made a fine speech and demonstrated to the House that he was a great economist, and when he printed his speech he placed it on the desk of every Member in the House and conferred a favor on every Member, because he could read something substantial. The gentleman from Ohio [Mr. BRAND], who is ambitious, seeks to pattern after it, and after taking out of his speech the bare statement that they had $75,000,000 in the bill to buy Democratic votes, he printed his speech and placed it in our hands. I suppose he thinks that it is a great economist document. It might be if it was based on true premises, but you can not make an economic speech which ought to be circulated among the people unless it is based on true premises.

The people of the United States are watching this debate. Pupils of schools are asking for copies of the debates. The people want the facts, they want to know the truth, and they will some time know the truth. There are two great economical reasons advanced for the passage of the Haugen bill. First, they say Brazil handled her coffee like the McNary-Haugen plan. If it was true, it would be an argument in its favor; but it is not true. Brazil handled her coffee by monopolizing the crop. Can you handle the wheat crop, the corn crop, and the cotton crop in that way in the United States?

Mr. MOORE of Virginia. Greece did the same with the currant crop.

Mr. TINCHER. I will tell you about that in a minute. As to the argument about the currant crop, my friend from Louisiana has covered that. The Government takes the currants. There is no Haugen bill there. They elected Prime Minister HAUGEN and Prime Minister DICKINSON because their bill was like the Grecian plan. If you elected DICKINSON and HAUGEN prime ministers, you would have to elect a third one. [Laughter.] But neither DICKINSON nor HAUGEN, if they read the Greek law, will want to be elected prime minister. That is a little bit of a nation of a few million people, and there are just a few farmers. The Government said to those currant raisers, "We will take a certain per cent of your currants off your hands and we will hold down your surplus." They

even taxed them 10 per cent, a straight Government tax, and for what purpose? To discourage overproduction. If HAUGEN and DICKINSON ever advocate that, they will not be prime ministers. The gentleman said the bill was comparable to the Haugen bill because you take a certain per cent of it and manufacture it into alcohol and use it for beverages. I guess DICKINSON and HAUGEN are not looking to get on the road into the prime ministership by that route.

I say men ought to be careful, especially if you are going to circulate your speeches among Members of Congress. For seven years the Committee on Agriculture has been off and on holding hearings, and there has never been one of those hearings held yet but that some man appeared before us to explain the plan of Greece and the coffee plan of Brazil, and every one, up until the gentleman from Ohio [Mr. BRAND] took the floor the other day, conceded that by no stretch of the imagination could either of the plans be used as a basis for a plan of handling the surplus commodities in this great country, surrounded as it is by competitive producers of the same commodity, and we an export nation.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. KINCHELOE. Mr. Chairman, I rise in opposition to the pro forma amendment. I would not take the time now except for the fact that I never was more surprised in my life than I was to see the Jones amendment defeated. I want to read this amendment to you and see what you gentlemen were voting against.

Mr. ABERNETHY. Mr. Chairman, I rise to a point of order. We have disposed of this amendment. I voted for it. I do not see why we can not get on with farm relief and consider something that is pending before the House. I favored the amendment of the gentleman from Texas and we have now had two speeches upon it. We have voted it down, and I have followed the gentleman from Kentucky [Mr. KINCHELOE] and the gentleman from Texas. Why not go on to something else? I make the point of order that it is not in order to discuss a matter that has already been disposed of.

Mr. ASWELL. Mr. Chairman, the gentleman from Kentucky rose in opposition to the pro forma amendment, and I think he has a right to proceed.

Mr. KINCHELOE. I want to be frank with the committee. Of course, I rose for the purpose of making a few remarks on the Jones amendment, but if the gentleman from North Caroline desires to take me off my feet, very well.

Mr. ABERNETHY. I do not desire to take the gentleman off his feet.

Mr. KINCHELOE. That is what the gentleman's action will do.

Mr. ABERNETHY. I voted with the gentleman.

Mr. ASWELL. Is the gentleman going to vote against the Haugen bill?

Mr. ABERNETHY. I am going to vote for the Haugen bill.

Mr. KINCHELOE. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

Mr. ASWELL. Mr. Chairman, I request that it be 10 minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the gentleman from Kentucky may proceed for 10 minutes out of order. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Chairman, I want first to read the Jones amendment.

Page 13, line 22, at the end of the paragraph insert the following: "*Provided, however,* That when the board begins operations in respect to cattle or swine, and any fee is levied on the processing or sale thereof, a similar fee shall also be levied on the first sale of any stocks of beef, pork, or other food products made from cattle or swine on hand and owned by any individual or corporation at the time of the beginning of such period of operations: *Provided, however,* That the board shall exempt all of such commodities owned in good faith by retail dealers at the time of the declaring of such operative period from the operation of this clause."

If that amendment had been agreed to, what business would it have applied to, and to what business only? It would have applied to the packers of the country, and that is all. It would not have applied to the man who has meat in his meat house or to the butcher in your town. It would apply only to the packers. That has always been one of my objections to this bill.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Not now. In all the hearings for four years on this proposition there has never been a representative of the big packers who has appeared before the committee protesting against the McNary-Haugen bill; and as the gentleman from Texas [Mr. JONES] has so aptly said, the hearings show that these packers have on hand processed products to the value of from $150,000,000 to $200,000,000 every day in the year. When this board levies an equalization fee on the hogs and cattle of the farmer, of course the purpose is to stimulate the price of meats, but nobody pays the loss except the raiser of the hog and the raiser of the cow. Those are all that will pay the loss under this bill. The purpose of the action of the board will be to stimulate the price, and as soon as the price is stimulated, the big packer, with from $150,000,000 to $200,000,000 worth of processed meat on hand, will get the advantage of that stimulated price by reason of the tax back of the farmer, and as the gentleman from Texas [Mr. JONES] so well said, the packer will clean up in cold cash at least $50,000,000 overnight. Yet not a voice was heard publicly against the Jones amendment, and the packers have never appeared to say a word against the bill. Of course, they have not. By defeating this amendment you will put the packer in good shape in two places. The packers will be the one who will process these surplus cattle and swine for the board.

When the board declares an operation period you have given the board the right to say that when no cooperative association or other farmer's organization is qualified to process any of this stuff, then they have the right to employ any other agency, and there is no other agency in the United States to do this processing except the packers. When the board goes to the packers and tries to get a price, if it is too high and unsatisfactory to the board, the packers will say, "Very well, process it yourself." Where are they going to process it? There is no other agency in the world except the packers. There are two wonderful benefits the packer is going to get out of the bill. He is going to name his own price for processing the meat, and then he is going to turn loose his $150,000,000 or $200,000,000 worth of processed meats, which he has bought cheap before the equalization fee was levied, in an effort to stimulate, and he is going to clean up both coming and going.

And every dollar's worth of cost—do not forget this—every dollar's worth of the cost the packers are going to charge to the process. And every dollar of increased price the packers get for their products Mr. Farmer and the consumers of this country are going to pay for it—Mr. Farmer out of his own pocket—and yet you advocate the Haugen bill and say what a wonderful bill for the hog and cattle raisers of the United States and never raised your voice against the packers when Mr. JONES's amendment was before you.

Mr. PURNELL. Will the gentleman yield?

Mr. KINCHELOE. I will.

Mr. PURNELL. The gentleman admits by his argument that the creation of an operating period and the establishment of an equalization fee with respect to hogs and cattle will stimulate the price to the farmer. [Applause.]

Mr. KINCHELOE. No.

Mr. PURNELL. Or the basis of the gentleman's argument is false.

Mr. KINCHELOE. I admit when you undertake to do that you may stimulate the market price some, but by the time the cost of the administration of this law and the loss that comes by the way of the equalization fee back to the farmer himself, that stimulated price will not go back to the farmer and he will get no more for his products.

Mr. PURNELL. The gentleman's entire argument is based——

Mr. KINCHELOE. Did the gentleman vote against the Jones amendment?

Mr. PURNELL. I did.

Mr. KINCHELOE. Then the gentleman voted to benefit the packer, did he not?

Mr. PURNELL. I did not.

Mr. KINCHELOE. Whom did the gentleman vote to benefit?

Mr. PURNELL. I am trying to benefit the farmers, not the packers. I did not vote to help the packer. The gentleman's whole argument is predicated upon the assumption, which I think is correct, the equalization fee under the operating period, when established, will increase the price of livestock to the producer.

Mr. KINCHELOE. When you levy back on the farmer the cost of administration of the law, with hordes of Government agents spying around on the farmer to see that he takes the equalization-fee receipt and sees that the purchaser retains the equalization fee, after the cost of this board, after thousands of salaries just to give men new jobs—after all that is taken out—there is not going to be anything on earth for the benefit of the cattle and hog raiser of this country.

Mr. DICKINSON of Iowa. The gentleman knows there is a special appropriation for the payment of the salaries of the board.

Mr. KINCHELOE. That comes out of the taxpayer; the farmer pays his proportion of that, too. Of course, you can shift it one way and another, but you do appropriate $300,000 the first year for the administration of this law out of the Treasury, which will not be a drop in the bucket. You will have more Government officials running around as spies, and more farmers brought into the Federal courts in order to enforce this law than you have got men now on the pay roll in the enforcement of the prohibition law. None of the cost of this law by the defeat of the Jones amendment comes out of the packer; every dollar of it is coming back on the farmer in the way of an equalization fee. You say, what a wonderful bill this is for the farmer—no wonder the packers of the United States have never been before the Committee on Agriculture protesting against this bill. [Applause.]

Mr. SOMERS of New York. Mr. Chairman [applause], I just require a few moments during which time I want to read a letter from a gentleman in North Dakota which may interest you. It is as follows:

JAMESTOWN, N. DAK., *May 13, 1926.*

Hon. ANDREW L. SOMERS, M. C.,
Washington, D. C.

DEAR SIR: Conditions in our agricultural districts are deplorable, but our people are sensitive about having the facts known. They feel the truth will injure the reputation of their State as a community, but my idea is that it's better to get at the root of our trouble; then find a remedy. I have nine grain elevators and 2,400 acres farm land that I got together in North Dakota by working hard since 1882. In the spring of 1920 I didn't owe a dollar. I inventoried $225,000; this included $17,000 Liberty bonds, 200 United States Steel stock, and stock in other industries, totaling possibly $5,000. To-day stock and bonds are all gone. I owe $75,000, my home mortgaged, and I dare say if my creditors could sell my land and elevators for what I owe them, they would clean me up, but they can't sell my property for any price, hence I am left to worry it through. Now, every farmer, banker, business man, elevators, and railroads in all our agricultural country are in the same boat that I am, but can't let go and can't get out from under. I am sure I am correct when I make the statement that the Volstead law did all of it. I know what it has done to me. I never drank in my life and never will, but when our country destroys the biggest business in it some one is going to get hurt. Volstead destroyed our market for barley, rye, and corn, making them a feed proposition along with oats, thereby reducing the farmers' income 50 per cent. He has nothing left to market except wheat and flax. Prices for barley, 43 cents; rye, 65 cents; oats, 28 cents; corn, 27 to 44 cents. These are the prices at our local stations, and should we secure a good crop of wheat this year, wheat prices will tumble, and then good night. The Federal land bank, along with our State land department, have been loaning money to farmers, and they are so loaded up with loans right now that they can supply the demand for land for the next 20 years at just what they have invested in each parcel. There is absolutely no sale for land at any price, and taxes and overhead expenses on the increase, and we can't pay them much longer unless some system is devised whereby a farmer can find a market that will pay him a fair price for grains that he should and must grow in order to keep his land up anywhere near 100 per cent efficiency. He must diversify, but he can not lose money doing it and get away with it. Read the inclosed letter. I could write you for a week about our troubles, but my stenographer is sick.

Yours truly,

PIERCE BLEWETT.

Mr. Chairman, I shall not publish the inclosed letter, as it is a little too personal, but I offer this for what you may consider it to be worth. [Applause.]

Mr. BRAND of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BRAND of Ohio. Mr. Chairman, the little speech I made last Friday seems to be getting a good deal of advertising. I do not believe it troubles the opposition so much on account of the line I left out of it as on account of the several hundred lines I left in the RECORD. [Applause.]

Now, about this Greek situation: The Greeks used to sell their currants all at the same price. Part of them were used for wine. You know they use a great deal of wine over there. They do not use any water, and about half the currants were always used for wine and half sold as currants, all at the same price.

Now, they devised a scheme by which they divided that crop, and the Government took over the currants that could be spared for wine from the growers and allowed the rest to go, just as the world market demanded, as currants. Do you get it? Currants as currants at one price, currants for wine at a lower price. That is the purpose of the Haugen law over there. The grower comes in to the merchant at Patras with 100 pounds of currants. Let us go back 20 years before this law. He got $2 for 100 pounds. To-day he comes in and sells half of them at 9 cents a pound and gets $4.50 for that half. He is ahead $2.50, is he not? Then the Government takes the other half for wine.

Now, the gentleman from Louisiana [Mr. ASWELL] says that the Government does not pay anything for that half that the Government takes, but that is not true. The law was never that way. I just telephoned the minister from Greece to ask him if the law had been changed, and he said "No; the Government pays the growers for those currants used for wine." [Applause.] It is not always the same price. It varies; so that I can not tell you how many cents.

Now, I have listened to this debate carefully. I have not been bothered about what anybody said except one speech made by the gentleman from New Jersey [Mr. FORT], the second speech he made. He gave me cause for consideration on one point. It was the whole conclusion of his argument, it seemed to me; and that was that if the producers of farm products in the United States were now producing a surplus at a loss, what would they do if you made a profitable price for that surplus? He argued that the farmers would increase their production until they were swamped with production, and that this whole machinery that we are setting up would be swamped and go down in ruin.

That was his argument, and he gave me reason to think and try to study it out. He made the statement that wheat was an illustration of his argument and that during the World War the price had advanced and we went to increasing wheat and greatly increased the amount of wheat we produced.

Well, I went down to the Department of Agriculture, and I got a statement of the number of bushels we produced since 1913 down to 1925, a period of 13 years, and I got the prices for each of those years.

Now, I want you to listen carefully, because this is basic and fundamental in this debate: From 1913 to 1915, inclusive, we produced on an average in the United States 893,399,000 bushels of wheat per year for the three years. We got for it 90.1 cents a bushel. Now, in the next five years—those were the war years, 1916, 1917, 1918, 1919, and 1920—the next five years we produced in those years at the price of $1.84, or an average of twice what it was in the three years previous. What did we produce? We produced 779,083,000 bushels a year, or nearly 100,000,000 bushels a year less than we produced at half the price.

Mr. STALKER. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Ohio. Yes.

Mr. STALKER. Was labor hard to obtain during that period? Should not that be taken into consideration at this time?

Mr. BRAND of Ohio. I will say to the gentleman that Mr. FORT says we enormously increased the yield in the United States at that time—that was his argument—because the price was up. His speech is not worth the paper it was written on if my facts are correct.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. BRAND of Ohio. No; I do not yield.

Now, after 1920 the price went down. What happened to the yield? According to Mr. FORT, the yield would immediately go down. It would not be attractive to the farmer. In the five years following 1920 we produced 802,364,000 bushels a year, or 3,281,000 bushels more each year than we produced during the era of war prices. We actually increased the yield when the price went down, and we actually decreased the yield when the price went up.

Gentlemen, that is the history in 13 years of wheat growing. Now, there is some psychology here that the gentleman from New Jersey [Mr. FORT] does not understand. Let me talk to you people about labor. Twenty-five years ago labor was working 12 hours a day, from morning to night.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield there for a question?

Mr. BRAND of Ohio. Yes.

Mr. McREYNOLDS. Is it the gentleman's argument that the higher the price, the less the yield?

Mr. BRAND of Ohio. I am giving you the history, the lesson, if you will wait. Labor worked 12 hours a day, and then something happened 25 years ago, and we gave them more pay. They were offered more pay per hour. Did they work more hours and produce more? No. We all know that they reduced the hours that they worked to 10. Then we raised their wages again for some reason or other. What did they do? Did they work more? No. They reduced their

hours and asked Congress to reduce their hours to 8; and now they are thinking of going to 6.

Now, what is the lesson of all this? Gentlemen, I say to you that when an average man can make a living and be comfortable, he is willing to rest and take recreation and improve himself and his family. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio have five additional minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Ohio be extended five additional minutes. Is there objection?

There was no objection.

Mr. BRAND of Ohio. Now, I have a picture of this whole situation in my mind, and I would like to present it to the committee.

Mr. FULMER. Will the gentleman yield?

Mr. BRAND of Ohio. Yes.

Mr. FULMER. I want to say that absolutely the same thing applied to cotton, and if the gentleman will read my speech, he will see the number of bales made in 1920, 1921, 1922, 1923, 1924, and 1925, when we had the highest prices, and all of these years were small crop years, except two.

Mr. BURTNESS. And in that connection the Members will find the exact wheat crop and prices on page 9226 of the RECORD. If any of the Members want that information with reference to wheat, they will find it on that page of the RECORD.

Mr. BRAND of Ohio. I have a picture of this whole situation in my mind which I would like to give to you. Have you ever gone to this theater down town where they have a platform that rises up in front of you with the orchestra on it, away above the audience? Well, I have been down to that theater, and when the music begins from the orchestra, raised above the audience, I am inclined to close my eyes and I can see there this whole situation. On that platform above the audience I no longer see the orchestra, but I see all the people in the United States who are affected favorably by artificial legislation. I can see up there organized labor enjoying luxury and comfort, with good bank accounts and good building and loan accounts, helped by the immigration law and other laws passed by the Congress of the United States. I can see the people who hold railway certificates of stock that have advanced in value 50 per cent since their law was put into effect. I can see all the manufacturing plants of the Nation, both in the cities of the South and the cities of the North, flourishing and benefited by the tariff. Oh, there is prosperity there, and I glory that there is prosperity there. They are enjoying more prosperity than was ever enjoyed by any people in this world. But that is not all the picture. Down in the pit there are thirty-odd millions of toilers of the soil and one big farmer gets up and cries, "Hey, you fellows up there, we are about all in down here. Can't you give us a law to climb up on?" And the spokesman leans over and looks down, and he says, "No; it is uneconomic for you. [Applause.] We do not believe in fixed prices up here." And a little boy pipes up, "Except for us," and the spokesman says, "We can't do anything for you."

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BURTNESS. Mr. Chairman, I want to get those people down in the pit on top with the rest of the people. I ask unanimous consent that the gentleman from Ohio may have five additional minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Ohio be extended five additional minutes. Is there objection?

There was no objection.

Mr. BRAND of Ohio. And the farmer answers and says, "We do not want prices fixed. We want them raised to the extent of the tariff so we can live. The tariff does not apply on our surplus products." Spokesman: "No; it can not be done." And the farmer down below says, "Well, if you will not do anything for us, we will go after the props under you." [Applause.] Then from up above on the platform the answer comes back from the spokesman, "No, you will not; we have all the Republican leaders and all the Democratic leaders up here with us." [Laughter and applause.]

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BRAND of Ohio. The gentleman can not yield.

Mr. BLACK of Texas. The gentleman ought to be courteous enough to yield if he is going to continue to get his time extended by unanimous consent of the committee.

Mr. BRAND of Ohio. I will yield to the gentleman from Texas.

Mr. BLACK of Texas. I just want to ask the gentleman what Democrat who has spoken against this bill has made any sort of a statement that he will join with anybody in supporting the protective tariff system, and is not that equivalent to what the gentleman has said? Now, name your Democrat.

Mr. BRAND of Ohio. No, no; I do not think the question involves what I am saying. Then when the spokesman says that the Democratic and Republican leaders are up there and that nothing can be done, some one pulls the coat tails of the spokesman—and that is industry—and industry says, "Be careful, be careful; those people are about all in; they have nothing left but debts and patriotism and love of home."

Mr. SPEAKS. And votes!

Mr. BRAND of Ohio. Yes; they have votes. And then some one else pulls the coat tails of the spokesman and he says, "Be careful." This is organized labor. "We have been down there and we know what it means; those people are about all in and they can not keep on buying our products." And then Mr. Hoover takes hold of the coat tails of the spokesman and what does Mr. Hoover say? "Be careful. Do not wave aside the complaints of these people with an impatient gesture. Their cry is the cry of misery and they deserve constructive help." Mr. Hoover said that last Thursday night. And then they say, "What shall we do?" And the Democratic leaders and the Republican leaders get together and the spokesman says, "You can not raise the prices of food; the consumers are in the majority." And then these leaders say what? "Adjourn Congress; we have too many laws already." Maybe we have and maybe some of them will have to be repealed. [Applause.]

Mr. NEWTON of Minnesota and Mr. BLACK of Texas rose.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise to support the amendment I offered late Friday afternoon to strike out section 9, the equalization fee. It is time we got back to a discussion of the bill in detail.

As I understand it, there is going to be offered an amendment, if the minds of some supporters do not change between now and that time, which will strike out the subsidy, except in so far as it pertains to cotton, and will put the equalization fee into effect immediately. That is the way I understand it.

As I understand the bill, the equalization fee is provided for the purpose of creating a fund with which to reimburse the Federal Farm Board and its agents for losses and expenses that it may sustain in disposing of the surplus of these basic commodities abroad. Is that correct, Mr. Chairman of the committee?

Mr. HAUGEN. To pay the cost and expenses; yes.

Mr. NEWTON of Minnesota. It is set forth in detail, I think, in section 12, and subsection (c) in section 12 reads as follows:

> There shall be disbursed from the equalization fund the amounts agreed to be repaid by the board for losses, costs, and charges in respect of the operations in the basic agricultural commodity or its food products, and the salaries and expenses of such experts as the board determines should be payable from such fund.

It is apparent from the statement of the chairman and a reading of this section that the equalization fund is to absorb losses and expenses of operation and that the levying of a fee upon each and every commodity after the plan has been put into effect on that commodity is to create and replenish that fund. That is clear.

How is the fund to be obtained? On each commodity a fee is to be levied either at the time of its sale or of its processing. Where is there authority to do anything of that kind? Where has there ever been delegated to the Federal Government any power to go to a farmer who has produced a commodity, or to a miller who has processed it, and tax him 5, 10, 15, or 20 per cent? Where is there any power to levy a fee of $2 on each and every bale of cotton produced? Where do we get such authority?

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; I yield to the gentleman.

Mr. DICKINSON of Iowa. Did the gentleman hear the speech of the gentleman from Iowa [Mr. RAMSEYER] to the effect that this is not a tax?

Mr. NEWTON of Minnesota. Yes; I heard the speech of the gentleman from Iowa, and it was a very able presentation of the law as he understood it. He claimed it is not a tax. However, Mr. Murphy, a very able lawyer from my own State, appeared before the committee and claimed it was a tax. Of course, if it is a tax under the Constitution it must be uniform. You can not levy on a bushel of wheat on one farm and fail to levy it on a bushel raised on another farm. Of course,

if it is levied upon every bushel of wheat produced, it would have to be levied regardless of whether the wheat was to be used for one purpose or another. So they were up against it. Constitutionally, they could not do it and get by with it. As a practical matter, they could not levy it upon every bushel of wheat, so they sought to find another basis. They found the commerce clause. If you will read section 9 you will find the attempt is made to levy this equalization fee for the creation of this equalization fund with the purposes mentioned here under the power that Congress has to regulate interstate and foreign commerce.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. Suppose the farmer refused to pay the fee, how would it be collected; what procedure would be followed?

Mr. NEWTON of Minnesota. I have not gone into it that far.

Mr. BURTNESS. Will the gentleman yield for a question there?

Mr. NEWTON of Minnesota. Yes.

Mr. BURTNESS. Will the gentleman distinguish the fee that is involved in this bill from the so-called excess return that is covered by the recapture clause in the Cummins-Esch bill, which has been declared constitutional by the Supreme Court of the United States?

Mr. NEWTON of Minnesota. I was just going into that. I I may say to my friend, I have read the exhaustive and able brief which was submitted two years ago in connection with the McNary-Haugen bill. It is referred to in the report on this bill. In that brief, among the cases cited are several immigration cases. It is apparent that no person could enter here except through foreign commerce. Furthermore, the Supreme Court has held that the power to exclude aliens is an attribute of sovereignty and arises out of those sovereign powers granted by the Constitution. Another case cited is the case of Dayton-Goose Creek Co. *v.* United States (263 U. S. 456), which is the case which the gentleman from North Dakota just referred to in connection with the recapture clause in the transportation act. This case, sustaining the constitutionality of the recapture clause, is relied upon to sustain the right to assess an equalization fee. Let us see.

It appears to me that there is a vast difference between the two propositions. They are hardly analogous. What was the Dayton-Goose Creek case? The transportation act directed the Interstate Commerce Commission to so establish rates as to enable the carriers in a particular rate group or as a whole to receive a fair net operating return upon the value of the property devoted by them to transportation purposes and that the commission was from time to time to specify the percentage constituting the maximum of a fair return. If any carrier earned an excess above this percentage it was to be held for the Government as trustee. Provision was made for care and distribution of the surplus. A portion was to go into a revolving fund for loans to other carriers. Here was a taking of money from one carrier and the creating of a fund to be loaned for the benefit of all carriers. But, mind you, it applied to common carriers, not to a strictly private business. A railway company is a quasi public corporation. It is a business charged with a public interest. Because of this it has certain rights and is charged with certain duties. That is not true as to farming or any other private business. Among its obligations are that it must charge not to exceed a just and reasonable rate. It can not discriminate as between its customers. It must serve all alike. If it charges more than a just and reasonable rate it is taking what does not belong to it. Upon judgment to that effect in an appropriate reparation proceeding it must pay back what it received in excess of a just and reasonable rate.

Mr. STEVENSON. Will the gentleman yield for a suggestion there?

Mr. NEWTON of Minnesota. Yes.

Mr. STEVENSON. And the rate or the price at which they have to sell is absolutely fixed by Congress by means of the Interstate Commerce Commission and as a result of the mandate of the Constitution.

Mr. NEWTON of Minnesota. Yes; the maximum is absolutely fixed.

Mr. STEVENSON. There is no mandate allowing us to fix the price of anything that the farmer has to sell, in the Constitution or elsewhere.

Mr. NEWTON of Minnesota. No; and what would Mr. Farmer have to say about a Congress that attempted to fix and regulate his business like the railways of the country are regulated? They are entirely different. A railway company is subject to minute regulation by both State and Nation, not only as to prices it can charge, but as to number of employees, their hours of work and wages. If it wants to borrow money to make additional improvements, it must obtain the consent of the commission. If it finds a line unprofitable, it can not abandon it without obtaining the consent of the commission. It can not even abandon a single train service without first obtaining the consent of some commission. I could cite many other cases if I had time.

Therefore in the Dayton-Goose Creek case, in sustaining the recapture clause, the court recognized all these features. In substance, it reasoned like this: The transportation system of the country is necessarily a unit. They all get business from one another. Some are stronger than others. Some make money, while others lose it. One can not exist without the other. There could be no such thing as interstate or foreign commerce as we know it if this unit of transportation was not maintained. The companies making up this system are quasi public in their character. They are entitled only to a fair return and upon just and reasonable rates. Therefore as to any excess Congress can provide for its recapture in the public interest.

Gentlemen, I submit that this is vastly different than the attempt here to regulate a purely private business by levying a fee upon every bushel of wheat sold or ground into flour.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NEWTON of Minnesota. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Now, let us analyze section 9 a bit. I have called attention to the fact that the purpose is the reimbursement of this fund. The draftsman of this bill knew that it would not do to put that in the bill—it is not in the report. He knew that it would be necessary to go further, and so we have the following:

In order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equalization fund hereinafter established for such commodity.

That is the first proposition. I read further:

In order to prevent any unjust discrimination against interstate commerce.

Where is there in this bill, where is there in the problem before us any unjust discrimination against interstate commerce? This legislation is not being requested to prevent discrimination against interstate commerce, it is being enacted in order to increase the price which the farmer shall receive for his products. That is the purpose of it. The next phrase is—

any direct burden or undue restraint upon,

Where is there any direct burden or undue restraint on interstate commerce that will be removed by the enactment of this bill?

Mr. MOORE of Virginia. In the very argument the gentleman is making he is pointing out the fallacy of the argument made by the gentleman from Iowa [Mr. RAMSEYER].

Mr. NEWTON of Minnesota. I thank the gentleman.

The section further says:

and any suppression of commerce in basic agricultural commodities and their food products with foreign nations in favor of interstate or intrastate commerce.

There is no claim that there is any suppression. We are attempting to move a surplus and to sell it abroad for whatever we can get for it and paying the losses out of the equalization fund created by a fee on the domestic sales. That is all we are seeking to do. There is no "burden." There is no "suppression" of foreign commerce.

It goes on to say further:

and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in basic agricultural commodities.

Mr. Chairman, I submit that this bill, with the equalization fee as its cornerstone, can hardly stand the test of the courts. [Applause.]

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I am not a farmer; I practiced law about 30 years before I came to Congress. I have been here patiently day after day listening to the arguments pro and con on this farm relief legislation. I have just listened to the legal argument

of the gentleman who preceded me. I am convinced more than ever before that this Haugen bill will work and that it will work in the interest of the farmer. [Applause.]

We passed a bill yesterday afternoon to give to the rural free-delivery carriers of this country special privileges, and the civil-service employees of the Government certain privileges. The railroads are knocking at our doors and asking for an extension of the loan of $300,000,000, and Congress is going to give that to them. We have passed laws in favor of labor. I am not willing to vote for, and never will vote for, a high protective tariff; but that is here and we can not change it now with the Republican majority like we have. I am reminded on this occasion of the man who went to the blacksmith's shop with his wagon to be mended. I saw this represented in a cartoon the other day. There were four wheels to the wagon. There was a wheel called the railroad wheel, a wheel for labor, and a wheel for the manufacturers. These were great big wheels; but there was a little bit of a wheel for the farmer. The farmer said, "I want my wheel made as large as the other wheels on this wagon."

Mr. Chairman, I think the Haugen bill will make the wheels equal. The farmers down in my country think that. I have received 150 telegrams from farmers, lawyers, and bankers in my section requesting me to vote for the Haugen bill, and I am going to vote for it and aid the farmer. [Applause.]

Mr. RAINEY. Mr. Chairman, the same gentlemen who opposed the subsidy in this bill or what they call the subsidy, upon the theory that the Government is going to contribute something to the farmers, also oppose an equalization fee upon the theory that the farmer shall not be permitted to pay his own losses if there are any losses. This bill has progressed far enough to obtain from one of the effective opponents of the Haugen bill the admission that the Haugen bill will stimulate the price of farm products in the hands of the farmers. That admission convinces some of us that do not belong to this committee, who have not had the opportunity for study that members of the committee have had, that we are right in supporting the Haugen bill.

I have spent a lifetime fighting high protective tariffs. I expect to keep on fighting high protective tariffs. But we can not lower the tariff in the next two years. If the country intrusts to the Democratic Party two years from now, as it ought to do, control again of all the departments of this Government, it will be another year before we can revise the tariff downward. We have to work with the tools that we have, and I am going to work during the time that I remain a Member of this House always with the tools that we have, in an effort to bring about relief for the farmers of this country. The Republican Party promised to make the protective tariff effective as to the farmers, and upon that promise they swept the country in 1920. I propose now to help them keep that promise. [Applause.] As a Democrat, I am going to help make the protective tariff effective as to farm products, because it can be done, and it can be done by the methods proposed in the Haugen bill.

Last Thursday, I think it was, I opposed an amendment striking out cattle from this bill, tendered by my friend from Texas [Mr. HUDSPETH]. After the speeches were over, and the amendment was very properly rejected, I thought the incident was closed, but I was advised later in the day that the gentleman from Kansas [Mr. TINCHER], had brought over on this side and delivered to Mr. HUDSPETH a supplement to his speech. I expected it to be read on the floor at some subsequent date, and have been waiting for it, but my attention has been called now to the fact that it appears in the RECORD as a part of the extension of the speech of the gentleman from Texas [Mr. HUDSPETH], which he had a perfect right to make under the permission extended to him by the House. In that extension he took occasion to quote from my several speeches and magazine articles and newspaper interviews opposing the Haugen bill of two years ago. Two years ago I fought the old McNary-Haugen bill and every person who had anything to do with it to the very best of my ability. I fought it because it contained provisions which put the Government in the transportation business.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. I opposed it because it put the Government in the business of processing meats and other farm products. I opposed it on account of the impossible ratio price it sought to maintain in an effort to relate prices of farm products to the prices of numerous ordinary articles the farmer was compelled to buy. I opposed it on account of the large personnel made possible by the bill, on account of the penalties which might extend to terms of imprisonment in the penitentiary provided for farmers in the bill, and I opposed it on account of the oppressive reports which must accompany every transaction. I opposed it on account of its destruction of wayside marketing, on account of its possible inflation of the currency by the scrip that was to be issued. I opposed it for these reasons and other reasons, and my speeches so indicate. Every one of these features is out of the present bill, and now I am supporting this bill. In the bill that I submitted in an attempt to substitute it for the McNary-Haugen bill two years ago, I attempted to utilize the tariff as an emergency measure. I did not succeed on the floor. I reintroduced the bill at this session. So I am now supporting the Haugen bill with every feature out that I opposed two years ago, and the present Haugen bill attempts also to utilize the tariff in a different way from the way I attempted to utilize it, however, two years ago. I have always stood for the principles of this old McNary-Haugen bill. In other words, my position as to farm relief now is exactly what it was two years ago, and that is the reason that I am supporting this bill.

Let us look into it, since the gentleman from Kansas [Mr. TINCHER] has been so industrious, or some one has done it for him, as to find out and reproduce in Mr. HUDSPETH'S speech some of the things that I said in my fight against the old McNary-Haugen bill and in my fight against everybody who supported it two years ago. I want to quote now from what my friend, the gentleman from Texas [Mr. HUDSPETH], said about the McNary-Haugen bill two years ago, and from what Mr. TINCHER said two years ago about the same bill, because the gentleman from Texas [Mr. HUDSPETH] and the gentleman from Kansas [Mr. TINCHER] always go along together in these matters. Together they voted for the iniquities contained in the Fordney-McCumber tariff bill. Together they also voted to maintain free trade in cattle across the Texas boundary. You always find the gentleman from Texas toddling contentedly along on these matters that are wrong with the ponderous and picturesque gentleman from Kansas. [Laughter and applause.] An old-fashioned Texas cattleman following the leadership always of a typical Yankee from bleeding Kansas! You always find them together, and they greatly assist me. They are now collaborating in a speech on the floor which they think embarrasses me. They have rendered a most valuable assistance to me during the time they have both been in this Congress. I always observe their conduct in these matters. When I find either one of them for any proposition I look with suspicion on that proposition, and whenever I find both of them for it, I know it is wrong, and I go in the other direction and I find I am always right. [Applause and laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. May I have five additional minutes?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may speak for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. During that time I am going to add to my speech some of the remarks made by these two gentlemen two years ago about the old McNary-Haugen bill. On page 9929, first session Sixty-eighth Congress, Mr. HUDSPETH made an effective speech showing the importance of the old McNary-Haugen bill to the cattlemen of Texas. He elaborated upon the share "Reuben"—using the word "Reuben" to designate the farmer—would get out of it. On page 9930, first session Sixty-eighth Congress, Mr. HUDSPETH said:

> I want to say to my good friend from Kentucky [Mr. KINCHELOE]: Do not sit back at the table over there and continue to bluff us; we are trying to do something for the farmers and livestock people. Tell this Congress to vote down this bill and you have a better remedy. What is it? This measure is a temporary emergency relief. Do not sit there as if you had four aces and a six-shooter with your continuous bluff when you have nothing but a bobtailed flush.

That was followed by laughter and great applause. The gentleman from Texas is always interesting in any speech he makes, especially when he is wrong, and he is nearly always wrong. [Laughter.] Then he continues again, on page 9930—bear in mind he is now trying to get live cattle out of this bill—

> If it will never help the livestock producer, then somebody has got him badly buncoed, for every one of them in the United States is in favor of this bill.

Then Mr. TINCHER comes in and collaborates with Mr. HUDSPETH. The Damon and Pythias friendship which always

prevails between this blue-bellied Yankee from Kansas and this Texas cattleman is one of the interesting, pathetic, and dramatic events of this Congress. [Laughter.] Here is the way he collaborates in a speech which Mr. TINCHER makes. He says, on page 9930 of the first session of the Sixty-eighth Congress:

I think as good an example of inconsistency as we will ever have on this bill we saw here this morning. My distinguished friend from Kentucky [Mr. KINCHELOE], for whom I have a very high regard, was telling the farmers of the United States that they do not know what they want; that they are not competent to judge as to what would be good for them; and at the same time he was telling CLAUDE HUDSPETH, my friend from Texas, that although he, Mr. KINCHELOE, lives in a tobacco district, he can give Mr. HUDSPETH cards and spades on cattle, sheep, and hogs. That is a fair example of what they do. The gentleman's weird picture of the failure of this bill in the administration of it confirms my belief that he knows more about tobacco than he does about livestock.

Again, on page 9206, of the same session of the same Congress, Mr. TINCHER makes this frank admission when he was a candidate for Congress and was then seeking the support of the farmers of his district—this is the admission he makes then:

I am frank to say that had this bill come before Congress, and had no emergency existed, it would not have been sound as a governmental economic proposition. It is not a peace-time proposition, but we have an emergency.

Again, on page 9206, Mr. TINCHER says:

We ought to do something along the lines proposed in this bill in order to avoid a repetition of the days of 1873.

Now, here we have these two gentlemen taking these strong positions and making these violent speeches for the bill of two years ago, and now they are taking the other side and, arm in arm, lovingly and ferociously oppose the present bill. What is the matter with the present bill?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAINEY. May I have two additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. RAINEY. Nothing is the matter with it except these bad features have disappeared. That is the reason they are opposed to it now. The bad features are gone. What else has happened? Nothing, except that in the State of Kansas more farmers have left the farm, and in the State of Texas more farmers have left the farm. Nothing except the fact there are a few more bank failures in the agricultural sections of Kansas than then, and a few more bank failures in the agricultural sections of Texas than then. Nothing except the fact the farmer's condition is getting a little worse all the time—and he knows it—in both of those States and in all the States. In addition to all this, Mr. TINCHER is not now a candidate for Congress and evidently never expects to be again a candidate for Congress. Of course, the farmers are sending in petitions to this Congress. They have the right to do it under the Constitution of the United States; and these gentlemen can not consistently stand up here with their constitutional objections to this bill which they make so frequently and at the same time insist that the farmers of this country have no right to exercise their constitutional privilege and petition this Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MOORE of Virginia rose.

Mr. RAMSEYER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. Is it the purpose of the Chair to alternate from side to side in recognizing gentlemen who speak on this bill?

The CHAIRMAN. Yes. The gentleman from Virginia [Mr. MOORE] will be recognized. He has been on his feet for a little time.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent——

Mr. MOORE of Virginia. I am indifferent as to saying anything if these gentlemen want to go on. I shall not object.

Mr. RAMSEYER. There have been three or four speeches on the other side without any corresponding speeches from this side.

Mr. HAUGEN rose.

The CHAIRMAN. Does the gentleman from Virginia [Mr. MOORE] yield to the gentleman from Iowa?

Mr. MOORE of Virginia. Yes.

Mr. HAUGEN. I rise to ask unanimous consent to close debate on this section and all amendments thereto. How much time does the gentleman from Virginia desire?

Mr. MOORE of Virginia. Five minutes.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. MADDEN. Reserving the right to object—and I am not going to object, Mr. Chairman—I think the time has come when there should be some more expeditious movement in the consideration of this bill. This is not the only bill that ought to be before the Congress before the session closes. We have other important legislation pending. We ought not to use this bill to shut out all other legitimate legislation; and so far as I am concerned, I am going to insist on the consideration of this bill along more expeditious lines.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. MOORE] is recognized.

Mr. MOORE of Virginia. Mr. Chairman and gentlemen of the committee, I am tempted by the statement of the gentleman from Minnesota [Mr. NEWTON] to say a word or two about the power of Congress in connection with this proposed legislation. I am not one of those who are inclined to take a very strict view of the Constitution in construing it, and so I probably differ with a good many of my Democratic colleagues and some of my Republican colleagues when I say that I think Congress possesses the power under the common-defense and general-welfare clauses, if it deems it expedient, to enact a subsidy for the benefit of agriculture or to make appropriations for the purpose of extending loans to the agricultural interests. I think that is thus raised only a question of expediency and not a question of power. But when we come to the consideration of the equalization charge in this bill I think that the question of power is directly and vitally involved. Note that the equalization charge which is provided is a compulsory charge. When the operation begins the charge attaches to every transaction contemplated by the bill, and there is no escape from the payment of the charge. Those who deal in the products are forced to pay the charge.

Now, where will a court, looking at and through this bill, find any provision in our basic law from which the right to impose such a charge can be deduced? The charge is either a tax or it is not a tax. We are told that it is not a tax, and the bill does not purport to present it as a tax. It has been argued here, and argued conclusively, that it can not be regarded as a tax. Then it is a charge or fee, and it is not a voluntary fee, but a compulsory fee which must be paid.

Now, as the gentleman from Minnesota [Mr. NEWTON] has urged, and as I would undertake to urge if I had more time, it is altogether aside from the commerce clause of the Constitution. It can not be rested on the commerce clause. I am satisfied that the decisons of the courts, which have been innumerable on this subject, make that conclusion inevitable. If, then, it is not a tax and the commerce clause does not justify it, where will the court be able to put its finger on any grant of power in the Constitution that will justify it? On the other hand, will not the court say this: "It is a compulsory charge; it is designed to be paid by people in connection with private transactions, and it therefore invades the freedom of contracts?" What has the court said on that subject? I refer you to the case of Adkins v. Children's Hospital (U. S. Repts. vol. 261, October term, 1922). Here is the explicit doctrine propounded by the court, and it is directly applicable to this proposal we are talking about. The court says:

The statute now under consideration is attacked upon the ground that it authorizes an unconstitutional interference with the freedom of contract included within the guaranties of the due-process clause of the fifth amendment. That the right to contract about one's affairs is a part of the liberty of the individual protected by this clause is settled by the decisions of this court and is no longer open to question. (Allgeyer v. Louisiana, 165 U. S. 578, 591; New York Life Insurance Co. v. Dodge, 246 U. S. 357, 373–374; Coppage v. Kansas, 236 U. S. 1, 10, 14; Adair v. United States, 208 U. S. 161; Lochner v. New York, 198 U. S. 45; Butchers' Union Co. v. Crescent City Co., 111 U. S. 746; Muller v. Oregon, 208 U. S. 412, 421.) Within this liberty are contracts of employment of labor. In making such contracts, generally speaking, the parties have an equal right to obtain from each other the best terms they can as the result of private bargaining.

We all recognize the precarious condition of agriculture. In voting on other measures of relief heretofore presented I have recognized my responsibility to join with others in affording relief. But at this moment, in considering this particular bill, I can not evade the responsibility of keeping within the limits of the fundamental law.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. And so far as the equalization charge is concerned, whether it is to affect 6,000,000 people or only 1 individual, if it be contested in the courts, I submit to the lawyers here and to the laymen who give the matter careful consideration there is no real prospect that it will be sustained.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RAMSEYER rose.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I do not care to say but a word on the constitutionality of the equalization fee. I prepared what I thought was a careful argument on the constitutional issues that were raised against this bill. I made my argument Monday, May 10, and it will be found on page 9149 of the CONGRESSIONAL RECORD. There I presented what I thought was the purpose of the bill. I then argued that the equalization fee is not a tax. I think I showed conclusively that it is not a tax and that the fee is not going to be imposed under the taxing power of the Constitution.

I then discussed the other power under the commerce clause, giving Congress the right to regulate interstate and foreign commerce. Now, you can regulate interstate commerce and foreign commerce under the commerce clause of the Constitution, and the objection raised to the exercise of this power both in the McNary-Haugen bill and in this bill is, that you regulate not only interstate commerce but intrastate commerce as well. Conceding the right to regulate interstate transactions in basic agricultural commodities, the question arises: How far can you go in regulating intrastate transactions and still be within the powers conferred on Congress under the commerce clause? The burden of my argument which is in the RECORD was to show how the court reasons when it has before it an issue of this kind.

I know this is not a railroad-rate case. I know that quite as well as does the gentleman from Minnesota [Mr. NEWTON]. I told you frankly there never was a decision by the courts on anything like unto what we have before us in this bill. This is a new proposition. I tried to show you how the courts reason not only in railroad cases but in grain cases and other kinds of cases—and I cited you numerous cases—when they are up against the proposition of regulating interstate commerce and must, as an incident thereto, regulate intrastate commerce. That is, such intrastate transactions which, if left unregulated, would cast an undue burden upon interstate transactions. In other words, those intrastate transactions that are so closely related to the interstate transactions, if not regulated, would destroy, in fact, the attempt to regulate the interstate transactions, the power to regulate which the Constitution has attempted to confer upon Congress. In my argument, to which I have referred you, I tried to show you the line of reasoning of the courts that would sustain this bill as constitutional. Again I refer you to my argument on page 9149 of the RECORD.

The issue raised by the gentleman from Virginia [Mr. MOORE] that it interferes with private contract, I do not think has been raised before. The bill does provide that when these commodities get into certain channels, after the board has declared an operating period, they shall be subject to certain fees, but there is no provision of the bill that in any way interferes with the liberty of contract.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BLACK of Texas rose.

The CHAIRMAN. The Chair recognizes the gentleman from Texas for five minutes.

Mr. BLACK of Texas. Mr. Chairman, I had not intended to use any time in this debate this afternoon unless some particular amendment arose that I wanted to speak directly about, but the gentleman from Ohio [Mr. BRAND] made a statement that has been made elsewhere by some advocates of the Haugen bill that Members from the South who are opposing it have formed an alliance with the industrial East in order to defeat the bill.

I am no leader among the Members of the South who are opposing this bill, and I do not pretend to be, but I think I know these members. I think I know what they are thinking about and I want to indignantly deny that there has been or is going to be any alliance on this bill with the industrial East. [Applause.] The motives of Democrats from the South who are opposing this bill need no defense from me.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Not now; wait until I finish my statement. Another reason why I refer to it is because I received a letter in the mail this morning from one of the leaders of the cooperatives who happens to be from Texas, and while I have great respect for him and am always glad to have his counsel and advice, in that letter—it was a circular letter—he virtually stated that the Members who are opposing this bill upon the ground that it seeks to tie us up permanently to the Fordney-McCumber tariff law are doing so in order to play politics. In fact, he says in his letter that our opposition to this bill is based on "purely partisan political grounds." Now, gentlemen, you Members on the Republican side of the House will be fair enough to admit that when the Fordney-McCumber tariff law was pending in Congress in 1922, there were many of us who took the floor and said that notwithstanding the fact that the supporters of the bill were winning the support of the Representatives from the West by putting a high tariff on wheat, corn, and other agricultural products, it was our belief that those tariff rates would be ineffective and that the net result of the bill would simply be to increase the prices that our farmers had to pay and would give them no material increase in the price at which they had to sell. But you gentlemen from the West would not join us. You went ahead and made speeches on the floor predicting that the Fordney bill would result in marvelous prosperity to the East and to the West. But your predictions as to the West failed, just like we said it would fail. Now you have brought in a bill that by its very terms admits that you made a bad prediction to the farmers of the West, and because we Members from the South will not join you in seeking to perpetuate your iniquitous Fordney-McCumber law you are saying that we are forming an industrial bloc with the East. Such a statement is absurd and ridiculous.

If you western Members want the Members from the South to join you, I will tell you how you can do it, and then you will see how quickly we will rush to your cooperation: Bring in a bill that will repeal the iniquitous Fordney-McCumber tariff law and relieve the farmers from the terrific burdens which it imposes. If you want to improve the situation of agriculture, there is the way to do it. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURTNESS and Mr. JONES rose.

The CHAIRMAN. The Chair has recognized the three gentlemen who were on the floor asking for time when a limit was placed on debate.

Mr. HAUGEN. Mr. Chairman, I reserved five minutes for myself, and I yield that to the gentleman from North Dakota [Mr. BURTNESS].

Mr. JONES. I did not understand there was any particular person specified. I understood that members of the committee having bona fide amendments would have preference in being recognized.

Mr. HAUGEN. Inasmuch as I understand now that the gentleman from Texas had the understanding he was to be recognized, I yield the gentleman my time. I did not so understand, but if that is the understanding of the gentleman, I will yield my time to the gentleman from Texas.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 13, line 22, at the end of the section, insert the following proviso:

"*Provided*, That prior to the commencement of operations in any basic agricultural commodity in respect of which an equalization fee is to be collected, the board shall determine the amount of such fee and make public proclamation of the same. If at the expiration of 40 days from the date of such proclamation the board shall not have received objections or protests against such operations from cooperative marketing associations, farm organizations, or individual producers which in the judgment of the board indicate an unfavorable sentiment of the majority of the producers of the commodity, the board shall commence such operations. If in the judgment of the board the objections and protests received within the 40-day period indicate an unfavorable sentiment of a majority of the producers of the commodity, the board shall not commence such operations: *Provided further*, That the board shall not commence operations in any commodity unless members of the board representing land bank districts which in the aggregate produced, according to the last available statistics of the Bureau of the Census,

more than 50 per cent of any such basic commodity shall be in favor of such action."

Mr. JONES. Mr. Chairman, this amendment has two parts. The first part provides for a negative referendum. Of course, everyone would prefer a positive one, but that is not practicable. This does not take any power away from the board, but gives them a chance, in a way, to ascertain the sentiment of a majority of the people who are interested in any commodity before beginning operations in respect to the same.

The second part of the amendment, and the one which I consider more important than any of the others, provides that before the board can begin operations in any commodity they must have the consent of the members of the board who represent land-bank districts which produce more than 50 per cent of that commodity. The reason I have offered this portion of the amendment is to meet the objections which some have made that there might be one commodity that a great many members of the board would not understand and an unfavorable board might railroad action on that commodity.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield for a statement?

Mr. JONES. Yes.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, I simply wish to say that, so far as the friends of the bill on this side of the House are concerned, I believe I speak their sentiments when I say that the amendment of the gentleman from Texas is acceptable. [Applause.] The amendment I offered the other day requires that a substantial number of organizations shall call for an operating period. This gives a chance for an advertising period of 40 days and an opportunity for producers to come in and make a showing against an operating period if they want to. So I see no objection to the amendment, and I hope it will be adopted.

Mr. JONES. I thank the gentleman, and I have nothing further to say.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. JONES. Yes.

Mr. NEWTON of Minnesota. How would this amendment affect the question where, under the power given the board, they can change the equalization from time to time? Would the gentleman's amendment reach that; or would it have to go back to the organizations concerned?

Mr. JONES. This would reach it in so far as the commencement of any period of operation is concerned.

Mr. NEWTON of Minnesota. Then it would not reach that situation?

Mr. JONES. The latter part of it would reach it in all cases; that is, the nine members of the board which represent some other commodity than the one that is affected could not override the majority production of any commodity. In other words, it gives the veto power to those members of the board who represent districts which produce more than 50 per cent of any commodity. There is no one who can object to that.

Mr. RAYBURN. Let us see about that. Would not that give the three members—the gentleman is thinking about cotton, I presume, or at least I am——

Mr. JONES. It would refer to any commodity.

Mr. RAYBURN. Let us take cotton. Would this amendment give the three members of the board the power to veto an advance in the equalization fee?

Mr. JONES. They would have the right to veto any operation at all.

Mr. RAYBURN. The gentleman's amendment does not state that.

Mr. JONES. Yes; "prior to the commencement of operations in any basic agricultural commodity in respect of which an equalization fee is to be collected"——

Mr. RAYBURN. I understand that. That refers to the commencement of operation, and after it commences then the board could do as it pleases about the equalization fee.

Mr. JONES. The equalization fee for any operative period must be agreed on before operations can begin.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota [Mr. NEWTON] to strike out the section.

The motion was rejected.

The Clerk read as follows:

DETERMINATION OF AMOUNT OF FEE

SEC. 10. The board shall estimate from time to time the probable advances, losses, and expenses to be paid in respect of its operations, after the expiration of two years from the date of the passage of this act, in any basic agricultural commodity and its food products. Having due regard to such estimates, the board shall determine and publish the amount for each unit of weight, measure, or value designated by it, to be collected upon the processing or the sale of such basic agricultural commodity during the operations therein after such date. Such amount is hereinafter referred to as the "equalization fee." At the time of determining and publishing an equalization fee the board shall specify the period during which the fee shall remain in effect.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 13, line 24, strike out through the period in line 3, page 14, and insert in lieu thereof the following:

"SEC. 10. Prior to the commencement of operations in respect of any basic agricultural commodity upon which an equalization fee is to be paid, as hereinafter provided, and thereafter from time to time, the board shall estimate the probable advances, losses, and expenses to be paid in respect of its operations in such commodity and its food products."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

On page 14, line 8, strike out the words "after such date."

Mr. HAUGEN. That is for the same purpose as the other amendment, to clarify the meaning.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 14, line 9, after the word "fee" strike out the remainder of the section.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer this amendment for the purpose of asking the chairman a question in reference to the purpose and intent of section 10. Let us assume that the board has decided to put the plant into effect. The equalization fee is agreed upon and the plan has been put into operation, then would the board have the right to change that equalization fee at any time? They can reduce it or increase it?

Mr. HAUGEN. Yes; it would be necessary to do that as the prices fluctuate.

Mr. NEWTON of Minnesota. When the plan is put into effect, with the Jones amendment adopted, the cooperative and other farm organizations are consulted as to what the fee will be. But after the original fee has been levied and put into effect there is no provision in the bill requiring the board to consult the organization as to a change in the amount of the fee.

Mr. HAUGEN. The amendment provides that the board shall specify the period.

Mr. NEWTON of Minnesota. After it is put into effect the continuance of the fee is up to the board and the board alone.

Mr. HAUGEN. It is fair to assume that the board will determine the operating period for the crop year, but it might be for a shorter period. It might be necessary to make it a shorter period, but that would be for the board to determine.

Mr. NEWTON of Minnesota. Now, let me ask the gentleman this question with reference to lines 9 to 12. After the board has once set a period—say, for the crop year—it does not appear to be clear whether they have the authority to change that period?

Mr. HAUGEN. The board under this bill could make it for a shorter period than the crop year. I believe under the first bill they were to fix it for the crop year, but inasmuch as prices may fluctuate it may be necessary to make a shorter period. It might be from one to six months.

Mr. NEWTON of Minnesota. But after they have once fixed it for a certain period have they the right to change it and reduce the time or extend it?

Mr. HAUGEN. They might extend it, but not reduce it.

Mr. NEWTON of Minnesota. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota withdraws his amendment.

There was no objection.

The Clerk read as follows:

PAYMENT AND COLLECTION OF FEE

SEC. 11. (a) During the operations in respect of any basic agricultural commodity and its food products, the equalization fee shall be paid, under such regulations as the board may prescribe, upon the

processing or the sale (as the board may determine) of the unit of such basic agricultural commodity, but no such fee shall be paid prior to the expiration of two years from the date of the passage of this act.

(b) The board may by regulation require any person engaged in processing or in the purchasing of a basic agricultural commodity—

(1) To file returns under oath and to report, in respect of his processing or purchasing of such commodity, the amount of equalization fees payable thereon and such other facts as may be necessary for the payment or collection of the equalization fees;

(2) To collect the equalization fee from the producer and to account therefor; and

(3) To issue to the producer a serial receipt for the commodity which shall be evidence of the participating interest of the producer in the equalization fund for the commodity. The board may in such case prepare and issue such receipts and prescribe the terms and conditions thereof. The Secretary of the Treasury, upon the request of the board, is authorized and directed to have such receipts prepared at the Bureau of Engraving and Printing.

(c) Every person who, in violation of the regulations prescribed by the board, fails to account for any equalization fee shall be liable for such fee and to a penalty equal to one-half the amount of such fee. Such fee and penalty may be recovered together in a civil suit brought by the board in the name of the United States.

Mr. FULMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 14, line 17, after the comma, strike out through line 21 and insert in lieu thereof the following: "in the case of cotton or butter, upon the sale of a unit thereof, and in the case of wheat, corn, cattle, or swine, upon the processing or the sale (as the board may determine) of a unit thereof; but no equalization fee shall be paid in respect of cotton prior to the expiration of two years from the date of the passage of this act and the equalization fee in respect of cotton shall not exceed at any time the equivalent of $2 per bale."

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I do not care to dwell on this amendment, but I think it should be very acceptable, especially to the Members on the Democratic side, inasmuch as we have had so many statements made in the past here on the floor of this House and in correspondence with the constituents of various Members as to the amount that could be placed on cotton in the way of a fee. One gentleman stood upon the floor of the House here and said they could put on cotton $40. Other men have written to their constituents, "I am against the bill, because they can put $20 on a bale of cotton," and various statements of like manner, trying to substantiate their position against this legislation, instead of coming in here and sitting in with the proponents of the bill and so amending it as to make it a more constructive piece of legislation in the interest of the producers of this country.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. FULMER. No; I do not yield to the gentleman. Some of the Members might say to us, "Why defer the fee two years?" We have had quite a lot of men coming before the committee from the West and from the South working day and night to bring about constructive legislation, and my friends on the Republican side from the West, knowing the situation in the South and wanting to be helpful, and I appreciate it, have said, "We understand your position, Mr. FULMER. It would be perfectly fair to defer payment of fee for two years, and we leave it to you cotton men to say what amount will be necessary as a fee. We have on wheat, for instance, a tariff of 42 cents, and we can immediately and we want to do it, put the fee on wheat, cattle, hogs, and corn, because we can make the tariff effective. Suppose we pay 10 or 15 cents a bushel fee, we still get the advantage of 27 to 32 cents a bushel on wheat; but in your case, with cotton, you export 65 per cent, and you can not expect any benefits under the tariff. It is also an experiment, but I believe it will work successfully, more especially with cotton than any other commodity; and, wanting to help the people of the South, we agree with you that it is nothing but fair, and we accept that kind of a proposition."

I am sure on the Democratic side of the House no gentleman should object to it. I say to you, my friends, that within the two-year period we hope to so successfully operate this legislation that men who have stood here upon the floor of the House and made all kinds of wild statements, men who have submitted to their constituents this same class of statements, will live to be sorry and wish perhaps they had not gone quite so far until we had had an opportunity to perfect the bill and offer it to them in a perfected shape. I can not say so much about wheat, hogs, and cattle, because I have not much of them in my district, though I wish I had more, especially to take care of the man who is farming and producing cotton and buying those other products from somewhere else. As to cotton, I have gone into this proposition thoroughly, and I believe it will do just what we want the cooperatives to do; but their organization is so small and, being unable to get the producers to come in, it is necessary to have the Government come to their assistance, therefore we ask your assistance in passing this bill, which will enable the board to do what you say they ought to do. Unless you do this they are still going to be helpless, thereby allowing the speculators to take over the surplus and fix the price below the cost of production, and in so doing continue to rob our people in the South. My friends, I hope you will support this amendment. [Applause.]

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. FULMER. Yes.

Mr. ARENTZ. For several days it has been a question in my mind as to just what the $2 per bale would be an equivalent of. Two dollars per bale on a crop of 8,000,000 bales would be $16,000,000 that could be used for the purchase of cotton in the open market by the Government.

Mr FULMER. Yes; by the agency under the Government.

Mr. ARENTZ. It is my firm conviction that if the major portion of $16,000,000 is used by the United States Government in the purchase of cotton in the market it will cause an increase sufficient to give a profit to every producer of cotton in the United States; and I think the bill as amended, with $2 and a possible equivalent per bale, will do just the thing the cotton producers in America wish to have it do. [Applause.]

With $75,000,000 for two years, with the privilege of borrowing on cotton purchased 65 per cent from the intermediate bank, we would be able to buy and carry 3,000,000 bales of cotton.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the amendment. Probably it is not worth while to talk against this amendment, but I want to call attention to what the amendment does. And I do not want anyone to vote upon it without knowing what it does. The bill now provides that the equalization fee be continued for two years on everything. That is in the bill.

Mr. FULMER. I beg to differ with the gentleman. He knows just as much about that as he knows all of the while. It is three years in the bill for cotton deferred.

Mr. TINCHER. In this section of the bill it defers everything for two years.

Mr. FULMER. I am talking about cotton.

Mr. TINCHER. It defers everything for two years in this section of the bill. The gentleman has offered an amendment not to help with cotton because he still asks that cotton be deferred for two years, but he has offered an amendment for what? To put a tax at once upon wheat, cattle, and hogs.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FULMER. The gentleman wants to be fair?

Mr. TINCHER. Yes.

Mr. FULMER. We had it for two or three years, but the gentlemen from the West say, "We are willing to go to the bat, and we want it now."

Mr. TINCHER. I do not yield to the gentleman for a speech. The gentleman gave me his word that at no time through this fight would he ever try to load the tax on wheat and corn and cattle and livestock before the time it went onto cotton.

That was your word, and that is the way this bill left the committee. Just think for a minute! This bill left the committee in that condition. I understand you had a meeting the other night, to which some of us were not invited, in which you voted by raising hands, and Murphy and Peek and men who were not members of the committee voted to put a tax on wheat now, and on cattle now, and on hogs now, and defer it on cotton for two years.

Mr. RUBEY. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. RUBEY. How many meetings has the gentleman had himself?

Mr. TINCHER. I have never had a meeting in the Agricultural Committee room and never attended one where lobbyists were called upon to vote by holding up their hands.

Mr. RUBEY. Has not the gentleman had meetings in the Speaker's room or the White House?

Mr. TINCHER. I have never taken a vote on a bill. I want the House to know it. Maybe I am wrong; maybe they ought to put a tax on part of it. Maybe that will not appeal to the chivalry of southern Congressmen. I speak for the greatest wheat growers' district in the United States, and I say not one farmer in that district wants the tax left on wheat.

Mr. FULMER. Usually we try to vote to please our constituents, and every other Member from Kansas is for the Haugen bill except this gentleman from Kansas.

Mr. TINCHER. There is not a Member from Kansas who will stand on his feet and say that he is in favor of deferring the equalization fee on cotton and putting it on wheat now. Members from Kansas here will not stand for it. We still have Members from Kansas who are for a fair deal. This is not a fair deal, taking $75,000,000 out of the Treasury in this way. I want to call the attention of gentlemen on that side how unfair this proposition is.

The only excuse given was our people did not want this tax now; that we wanted time to educate them. That was the excuse. Then the excuse was advanced here—and I hope no self-respecting Congressman on this side subscribed to it—then we will put in the $75,000,000 to get your votes. Do you want to levy a tax on my people they do not want and advance the time to now? Do you want to take a subsidy out of the Federal Treasury for a product? I am proud of the fact that no colleague of mine from Kansas has taken that position. There are no strings. You seem to know how we stand here. Every one who agrees to that has agreed to betray the farmers of his district. This is one amendment you gentlemen will have a chance to vote on a roll call. They do not want it. Ralph Snyder in his palmiest days of telegraphing efforts did not ask that. He asked to support the bill as it was then. I do not like to legislate by dickering, swapping, or changing, by having bills reported out of committees and amended by the uprising of hands of lobbyists. Is that the way we ought to get this bill amended? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKINSON of Iowa. Mr. Chairman and gentlemen of the committee, in my judgment a commodity which is not left within the protection of the equalization fee is a commodity that is handicapped by this bill. I believe that the equalization fee is a protection, not a handicap. I believe the equalization fee is no more or less than the creation of a sinking fund for the protection of the producers of that commodity. I think if there is any mistake being made in this bill it is the fact that the cotton people have agreed to postpone for two years rather than have it enacted now because the machinery would then be in operation. But they say that they want to try it out in another way. We have based our findings on the statement that, according to the best testimony before the committee, cotton can be handled without a loss. They say there is no great danger in handling cotton, that there will be loss if you sell the surplus of wheat abroad and sell it at the world's price and therefore the wheat producer is going to be protected by having wheat put under the equalization fee here; wheat is not going to be handicapped, but helped, once under the equalization fee. I want to say that this legislation has been discussed for three or four years. The equalization fee is the basis of it. It is an essential point around which this all revolves, and if you do not have the equalization fee in here, that is going to go into effect sooner or later, I do not believe the legislation would be worth anything so far as really being remedial to the farmers under existing conditions.

Now they can delay it on cotton; and I am perfectly willing that they should delay it on cotton, but I want to see it maintained on corn and hogs even if you do not maintain it on anything else. I represent the biggest corn-and-hog district in the Middle West. [Applause.] I believe we can stabilize the price on corn and I believe we can stabilize the price on hogs if you give us this machinery. To say here to exempt cotton is to handicap wheat, because if you declare an operating period on wheat the bank account is going to be kept just as separate as my bank account is kept separately from yours. There is absolutely no connection between the commodities so far as financing is concerned. The only question is which one is going to have this protection; and for that reason I want to say to you that when you are delaying this equalization fee, in my judgment you are not helping the producers; you are simply giving them an opportunity to get under this machinery at a later date.

I do not blame these cotton boys. It was only a short time ago when they had in their cotton cooperatives men who said this legislation would not be helpful. But, so far as I am advised now, the men in the cooperative cotton organizations have changed their minds; and I want to say to you if conditions continue to decline as it now seems certain they will we are going to see a slump on cotton and other commodities of from three to five years; and if this slump comes, a man who stands up here and opposes the legislation embodied in this bill will have to reckon with the voters in his district in the time to come. I believe this amendment is helpful and sound, and that the greatest protection will come to the commodity that is put under the equalization fee. That being the case, I do not want the wheat growers to think that the cotton growers are putting anything over on the wheat growers.

Only a few years ago, when wheat was low, the wheat farmers were the men who were anxious for legislation of this kind. If cotton goes on down to 12 or 14 cents, which I believe it would have done if you had not had good cooperatives in the South marketing cotton for the benefit of the cotton producers, you would find that the cotton growers would be more anxious for this as time goes on. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment to the Fulmer amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Minnesota [Mr. NEWTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota:

Page 2, line 12, after the word "thereof" in the Fulmer amendment, strike out the balance of the line and lines 13, 14, 15, and 16.

Mr. NEWTON of Minnesota. That is on page 2 of the printed Haugen amendment, the amendment having been offered here by the gentleman from South Carolina [Mr. FULMER].

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Strike from the Haugen amendment, after the word "thereof," the following language: "but no equalization fee shall be paid in respect of cotton prior to the expiration of two years from the date of the passage of this act, and the equalization fee in respect of cotton shall not exceed at any time the equivalent of $2 per bale."

Mr. NEWTON of Minnesota. That should read "the Fulmer amendment," because it was offered by the gentleman from South Carolina.

Now, it seems to me that the argument made by the gentleman from Iowa [Mr. DICKINSON] just simply misses the point entirely. We are dealing here with a bill pertaining to several basic commodities. The bill as it was presented to the House provided a subsidy which was to be available to all the commodities. It did not discriminate as between the commodities, but in the amendment that has been presented here by the gentleman from South Carolina [Mr. FULMER] we find one commodity (cotton) is to receive a subsidy of $75,000,000 while the others receive nothing. As to these others the equalization fund, instead of being furnished out of the Government Treasury, must be furnished by the producers themselves; so that this "sinking fund" for two years as to cotton, which the gentleman from Iowa talks about, will be furnished out of the Public Treasury, but the sinking fund for the other commodities will be furnished out of the pockets of the producers and the growers of the products.

Mr. DICKINSON of Iowa. That process is all set out by Secretary Jardine, where he thinks there will be no loss in cotton, but a loss in wheat.

Mr. TINCHER. Mr. Chairman, there was no more unfair statement made on the floor of this House than where it was said that Secretary Jardine stated there would be no loan without loss. He said he was not in favor of this kind of a fund, and that this kind of a fund would be exhausted; and Secretary Jardine has been misquoted three or four times by the gentleman from Iowa, and I told him so.

Mr. DICKINSON of Iowa. There is absolutely no difference in the administration of this fund, whether it is an advance or a loan. There is no more reason why the board should squander it in one case than in the other.

Mr. NEWTON of Minnesota. But nevertheless here we are proposing to pay $75,000,000 out of the Treasury to form an equalization fund for one commodity (cotton) and denying it to wheat, corn, and the others. That is not fair. Neither is it the way this House should legislate.

Now, why are we legislating in that way? The gentleman from Indiana [Mr. PURNELL], whom we all love, in his able speech in favor of the bill stated to the House the other day very frankly that this subsidy for cotton was put in the bill for the purpose of getting votes and nothing else. Gentlemen, I am opposed to this Fulmer amendment. If you are going to repeal the subsidy as to these other commodities, you should do so on cotton and adopt the amendment I have offered, which will put the equalization fee on cotton just the same as it is on the other commodities, and will avoid taking money out of the Treasury for cotton and denying it to the other commodities.

Mr. ABERNETHY. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. ABERNETHY. Suppose we adopted your amendment. Then you would oppose the bill?

Mr. NEWTON of Minnesota. I will say this to the gentleman: If the gentleman will adopt not only this amendment but some other amendments I have in mind then I might get to a point where I might support the bill.

Mr. ABERNETHY. The gentleman says he might?

Mr. NEWTON of Minnesota. But I am not going to take other people's amendments until I know what they are about.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield.

Mr. CARTER of Oklahoma. What the gentleman means to say, I think, is that if we will permit him, by amendments, to emasculate this bill so it does not represent what the bill purports to be, then he will support it.

Mr. NEWTON of Minnesota. If the gentleman from Oklahoma means that I want to emasculate certain features of the bill, I will say yes for I want to eliminate all the subsidy features, whether the amount is $375,000,000 or any other sum.

Mr. BURTNESS. But the gentleman said he opposed the Fulmer amendment and that is the one which takes out three-fourths of the so-called subsidy.

Mr. NEWTON of Minnesota. I am trying to perfect the Fulmer amendment, and if you will vote for my amendment, and it is adopted, then I will vote for the Fulmer amendment. That is a fair proposition, but the gentleman will not take me up.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I want to vote for the Haugen bill [applause] because I believe it is an experiment in the basic industry of this country and one which will put agriculture on a firm basis, but I do not believe there is any sectionalism in this basic industry, and I trust that gentlemen on the other side of the aisle will yield to this amendment and come in equal with every other agricultural commodity on this equalization fee. If that can not be done, then I can not vote for the bill. I can not consent to recognize sections in this great industry, and I am speaking as one who is in favor of the bill. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Iowa?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in 30 minutes. For the information of the Chair, the Chair would like to ask the gentleman from Iowa how he expects the time to be divided.

Mr. HAUGEN. Ten minutes to the gentleman from Nebraska; two minutes to the gentleman from Washington [Mr. SUMMERS]; five minutes to the gentleman from South Carolina [Mr. HARE]; five minutes to the gentleman from New Jersey [Mr. FORT]; five minutes to the gentleman from Virginia [Mr. PEERY]; and three minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, as we have been proceeding in the consideration of this proposed legislation I have been interested and amused from time to time to see certain gentlemen take the floor and plead for "fair play," and saying, "Let us be square," "Let us be fair," and "Let us be perfectly frank about this matter." Now, there have been those on both sides of the House who have sought to convey wrong impressions to the Members of this House to the effect that there is something underhanded, that there is something mysterious, and that there is something crooked about the procedure here. Gentlemen, we labored on this bill for seven weeks in committee. We were ready to report out the Haugen bill when all of a sudden the gentleman from Kansas [Mr. TINCHER] announced that he was about to introduce a bill. He introduced that bill just at the close of the hearings of the Committee on Agriculture, and either directly or indirectly the impression was given out that the Tincher bill was the administration bill.

When it came to a division of the time here, things were so manipulated—I do not say purposely, but it turned out in that way—that one-sixth of the debate was in favor of the Haugen bill and five-sixths against it. The gentlemen who had opposing bills directed the guns of themselves and their friends against the Haugen bill, and my distinguished colleague from Kansas [Mr. TINCHER], who in the Sixty-eighth Congress, volume 65, part 9, pages 9019 to 9453, in debate covering over 400 pages, day by day, on almost every page, arose here and fought side by side with our chairman in favor of the McNary-Haugen bill.

Now, when many of the features of that bill that were objectionable at that time have been eliminated, as the gentleman from Illinois [Mr. RAINEY] has shown, yet the gentleman from Kansas comes in and constantly fights this bill by every means, fair or foul. There is a great deal more reason for the gentleman from Illinois [Mr. RAINEY], who stated his reasons for opposing the Haugen bill in the Sixty-eighth Congress and now favors this bill—there is far greater reason for the position the gentleman from Illinois [Mr. RAINEY] takes now than for the position that the gentleman from Kansas [Mr. TINCHER] takes. The gentleman from Illinois is entirely consistent, while the gentleman from Kansas is entirely inconsistent. The gentleman from Kansas, whenever he gets up here, says, "Let us have fair play." A little while ago the gentleman from Texas [Mr. BLANTON] arose and held up a number of telegrams which he had in his hand, and said his constituents down in Texas had sent them to him "collect." Well, the gentleman ought to educate them better than that. I have never received a telegram "collect" from one of my constituents in the seven years I have been here. Then the gentleman from Kansas gets up and by some innuendo attempts to incriminate the representatives of the farm organizations in Washington for having these telegrams sent here collect, and they call these honorable and respectable gentlemen lobbyists. These men had nothing to do with the Texas telegrams. I say to you that Chester Gray, who is the secretary of the Farm Bureau Federation of this Nation, has a right to communicate with the people of this country and these people have a right to petition the Congress of the United States. [Applause.] When a man is the elected representative of a farm organization, to call on this floor such a man a lobbyist, when he is here petitioning for farm-relief legislation, is wrong. It is inexcusable. It ought not to be done.

Oh, the gentleman from Kansas [Mr. TINCHER] wants to be absolutely fair! The other day he got up on this floor and, after calling attention to the fact that a little farm paper out in Illinois had said that the Tincher bill was not pleasing to his olfactory nerves, the gentleman from Kansas got up and almost cried on the floor here, and I thought he would perhaps go into hysterics or have apoplexy.

The gentleman from Massachusetts [Mr. UNDERHILL] then got up and assured the weeping gentleman from Kansas that he had the respect of every Member of the House, and immediately thereafter the gentleman was cheered—he actually smiled—and having the right of immunity on this floor the gentleman immediately attacked a man from Minnesota, Frank Murphy, legislative representative of the Committee of Twenty-two, and said he was connected with a grain-export corporation being formed up at Wheaton, Minn. The gentleman did not present any evidence except that his name was included among others. I found out afterwards that Frank Murphy has not a dollar invested in that organization and never did have. He was employed with others as an attorney to help them work out their plan of organization. Then, the next day, the gentleman from Kansas got up on the floor here and referred to the matter again and said, "I made the charge and I substantiated it yesterday." That was as far as he got. There is no squarer gentleman in Congress or out of Congress than Frank Murphy, and with this statement I am sure every Representative from Minnesota will agree. Then the distinguished gentleman from Connecticut [Mr. TILSON], our floor leader, admitted a few days afterwards that he was convinced—I am not using his exact language but his thought—there was something rather wrong about this proposition.

Now, the gentleman wants to be fair. That is what he says right along, "Let us be fair." This distinguished gentleman from Kansas, who spoke just as earnestly for the McNary-Haugen bill two years ago as he is now speaking against it after its objectionable features have been eliminated—this distinguished gentleman who very modestly let us know that he is the administration leader and that his is the administra-

tion bill—this modest, retiring gentleman from Kansas [Mr. TINCHER], who told us reluctantly the other day on the floor of the House that he wrote the agricultural portion of the message of the late President Harding when he presented his message to the Sixty-seventh Congress—this modest gentleman who admits he was called to the White House for four days to eat meals there and to help the President get his message ready—it is a pity that the immortal Harding is not here to defend himself—also comes in now and makes it known that he is the administration leader and that the President is for the Tincher bill. Well, I do not know about that, but I had about a 20-minute conference with President Coolidge yesterday, and I say to you that no man in this House respects and loves President Coolidge more than I do.

I believe he is the nearest type to Abraham Lincoln of any man who has been in the White House since the days of Lincoln. [Applause.] I went to the White House with the Committee of Twenty-two, as did 10 other gentlemen of this House, over six weeks ago, and we spent half an hour with the President, and after hearing the story of agriculture he said: "I know the condition. I am sympathetic. It is a real problem, but," he said, "the place for you to present this important question is to the legislative branch of the Government, and I will be sympathetic all the way through." The Committee of Twenty-two and others came and presented their views to the legislative branch of the Government, and then at the last minute comes the gentleman from Kansas and says, "Here is the administration bill," and since that time the gentleman from Kansas, entering into an "unholy alliance" with the gentleman from Louisiana [Mr. ASWELL], assisted by their good man "Friday," the gentleman from New Jersey [Mr. FORT], have opposed effective farm legislation constantly and persistently.

In my conference with President Coolidge yesterday, so far as I could ascertain, his views are the same now as they were when he expressed his great interest in the farm problems to the Committee of Twenty-two more than seven weeks ago. The President did not give me the impression that he was for any one bill in Congress as opposed to others, and he is still entertaining the hope that Congress will pass a constructive, effective farm-relief measure at this session of Congress.

The gentleman from Kansas [Mr. TINCHER], who voluntarily sings his swan song at the close of the Sixty-ninth Congress, may be the administration spokesman on Capitol Hill, but for one I do not believe it. I believe that President Coolidge has a mind of his own, and the personal conferences I have had with him from time to time on various subjects, together with my observation of the splendid manner in which he has performed his official, executive duties, lead me to believe that he is abundantly able to speak for himself. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. LANKFORD. Mr. Chairman, a parliamentary inquiry. The amendment I have would really come at the conclusion of the amendment of the gentleman from South Carolina [Mr. FULMER]. I doubt if my amendment be now in order until the amendment of Mr. FULMER is disposed of. My purpose was to offer it after the disposition of that amendment. I ask that my amendment be reported for information, and I will discuss it now.

The CHAIRMAN. The amendment will be read for information.

The Clerk read as follows:

At the end of the Fulmer amendment add the following: "*And provided further,* That no equalization fee or charge shall ever be collected upon any basic agricultural commodity while owned by the original producer, nor upon the sale thereof by the original producer direct to consumers or to any person, firm, or corporation which buys basic agricultural commodity for the purpose of and sells same directly to actual consumers, regardless of whether such sale is made before or after processing."

Mr. LANKFORD. Mr. Chairman, the purpose of my proposal is made clear by the reading of the amendment. The bill may cover a part of my amendment. But I want to put in the bill a provision that so long as the producer retains his product there can be no charge of an equalization fee on that product. In other words, there should be no equalization fee charged at the gin on cotton provided the farmer keeps it and stores it and retains the ownership of it.

Mr. FULMER. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. FULMER. This bill takes care of the cotton equalization fee until he sells it.

Mr. LANKFORD. Yes; but my amendment goes further and provides that where the farmer sells his pork or his beef to his neighbor in the little town where he lives there shall be no equalization fee charged for the selling of that to the consumer. It also provides that if the farmer brings into market his hog or beef and sells the product to the butcher shop or market no equalization fee can be charged on that sale. In other words, if my amendment is adopted, there can be no equalization fee charged except where the product is sold in wholesale or in interstate commerce. I shall ask for a vote on my amendment at the proper time.

Mr. FORT. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. FORT. The bill later on provides for the collection of the equalization fee from the producer and giving him a receipt. If the gentleman's amendment is adopted, that provision would have to come out, would it not?

Mr. LANKFORD. I do not see why it should.

Mr. FORT. It provides that the collection is to be from the producer.

Mr. LANKFORD. Yes; where the equalization fee is charged, but if no fee is charged there would be no receipt given and that part of the bill would not apply.

Mr. SUMMERS of Washington. Mr. Chairman, on last Friday the gentleman from Kansas [Mr. TINCHER] declined to yield to me, and a little later made reference to a "deal" that had been proposed. Because of the peculiar emphasis that he placed upon his words when he declined to yield to me many Members thought that he referred to me as the author of that proposition. I simply rise to keep the record straight and to say that I have made no proposition to the gentleman from Kansas nor to anyone else in the nature of a "deal" concerning this legislation. I am very anxious to see proper legislation enacted in behalf of the farmers, and I am doing all I can in studying the bill and helping some others who are not so familiar with farm conditions to understand our conditions and the necessities of the legislation, but I am hoping at all times to act in perfect good faith with honorable methods toward my colleagues. [Applause.]

The CHAIRMAN. There may be some confusion as to the amendment offered by the gentleman from Minnesota and the amendment offered by the gentleman from South Carolina, and unless there is some Member who wishes to oppose the Newton amendment the Chair will put the question.

Mr. NEWTON of Minnesota. I ask unanimous consent that my amendment may be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment offered by Mr. NEWTON of Minnesota.

The CHAIRMAN. The question is on the amendment to strike out the words indicated.

The question was taken; and on a division (demanded by Mr. NEWTON of Minnesota and Mr. FORT) there were—ayes 32, noes 55.

So the amendment was rejected.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia [Mr. LANKFORD] to offer his amendment, which the Clerk will report.

The Clerk again reported the Lankford amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was rejected.

Mr. HARE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HARE: Page 2, line 16, of the Haugen amendment, after the word "bale," strike out the period, insert a comma, and add the following: "and that no such fee shall be levied by the board until further and affirmative action by Congress."

Mr. HARE rose.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. DICKINSON of Iowa. Is the gentleman really presenting that amendment seriously?

Mr. HARE. Yes; and I shall be glad to let the gentleman be his own judge when I get through with my remarks. I think the gentleman himself has just said on the floor that he did not anticipate any loss on cotton, and, as a matter of fact, he endeavored to assure me and others that there would be no loss on cotton. Taking the gentleman's statement to be true—and I am willing to accept it, because I think he is right—I therefore see no reason why we should levy a tax on cotton. [Applause.] For that reason I have submitted this amendment. I can give one additional reason, and that is this: If

we are to have an operating period of two years before the fee is levied and collected, we ought to be able to know in that time whether or not it can be successfully operated; and if it can be, and the fee is not to be levied, then it ought to be left to this Congress to say so. We should not be called upon now to levy a fee two years in advance, when in the meantime there will be two sessions of Congress to sit and convene, either of which could take care of the situation.

Mr. FULMER. Does not the gentleman believe that if it is not successful the farmer will refuse to ask for the fee to go on?

Mr. HARE. I do, but I do not want him to be laboring under an hallucination for two years, and having me say to him, "I levied a fee on cotton, but I do not know whether it is going to be collected or not." I want to be able to say that the cotton farmer will not be called upon to pay for the experiment, because he is broke now on account of experimenting with other men's ideas.

Mr. NEWTON of Minnesota. Would the gentleman be willing to accept an amendment to his amendment—that at the end of two years the $75,000,000 subsidy, or what is left of it, should be turned back into the Treasury?

Mr. HARE. Let me say this about the subsidy. Personally, I do not believe this is a subsidy, even though some good gentlemen have said it is.

In or thereabout 1862 we established land-grant colleges in this country in order to develop agriculture. About two years later we provided for the establishment of experiment stations to develop agriculture. In 1912 we established the extension department and put 2,000 county agents in the counties of this country to go out and teach the farmers to grow two blades of grass where one grew before, but there is where we stopped. As I understand it the purpose of this bill is to make an appropriation to give to the farmers from the West and the South an opportunity to demonstrate whether or not they are able to regulate production and control the marketing of their products. It is nothing more than an investment similar to that which we have been making for 50 or 75 years in making appropriations to land-grant colleges and experiment stations, and we have not been asking them to return any money. It is not a subsidy. It is an investment to promote further production by evolving and developing a more successful method of marketing and distribution of our leading agricultural crops and commodities.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. DENISON. Would the gentleman be kind enough to give us an illustration of what a subsidy to the farmers would be?

Mr. HARE. A subsidy would be a gratuity, something that the Government expected to get nothing whatever out of.

Mr. DENISON. What is the Government going to get back out of this?

Mr. HARE. It is going to get increased production, an increased income for its people, who, by reason of increased prosperity and increased incomes would pay to the Government increased taxes. There is where the Government would get its money back.

Mr. DENISON. But all those go back to the people and not to the Government.

Mr. HARE. It would come back to the Government in the way of income tax. Furthermore, the farmer would then be able to buy cotton goods, shoes, clothing, automobiles, and many other things from the manufacturer, who should send a little of his income to the Treasury, and it would not be a subsidy. It is simply nothing but an investment, giving the farmers an opportunity to prove that they can regulate production and control the marketing of their cotton and their wheat and their other products.

Mr. JOHNSON of Texas. Does the gentleman's amendment provide that the equalization fee shall not apply on cotton at any time until Congress takes further and affirmative action?

Mr. HARE. Yes. Make it so that Congress will have to take further and affirmative action before it is collected.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. HARE) there were—ayes 21, noes 65.

So the amendment was rejected.

Mr. FORT. Mr. Chairman, I have offered an amendment which the Clerk has on his desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FORT to the Fulmer amendment: After the word "act" in the Fulmer amendment strike out the following language: "And the equalization fee in respect to cotton shall not exceed, at any time, the equivalent of $2 per bale."

Mr. FORT. Mr. Chairman, if this bill has any justification as government policy, it is that it is establishing the principle of an equalization fee to be levied from time to time by a board as the needs of the occasion require, of thus making the producer pay his share of losses. The proponents of the bill, believing in that policy, are asking this House to delegate to a board the normal legislative functions of the House in the fixation of the amount that the charge should be on all commodities except cotton. They are placing in the hands of the board in regard to wheat or swine or any other product of agriculture the sole and unlimited power to make the charge as low or as high as the emergency makes the board think wise. But when they come to cotton, they are applying first the $75,000,000 fund for two years. On the largest two crops of cotton ever raised in this country $75,000,000 is about $2.50 a bale. On the largest two crops ever raised consecutively in this country, $75,000,000 is nearly $3 per bale. They have provided in this bill and specified that the advances made out of the equalization fund and still unpaid at the end of two years, even though the cotton still be on hand, shall not be returned to the United States Treasury. They have provided in this bill that under no circumstances shall the Government get 1 cent of interest even though the operations in cotton produce a profit to the cotton associations.

Now, they come to us and ask us to continue the equalization fund out of the Treasury of the United States at $75,000,000 and provide that under no circumstances, whether we make money or whether we lose money, can we place the equalization fee at over $2 a bale not even if the operations in any year at $2 cause a loss to the Treasury of the United States. Under the operations of this bill with the Fulmer amendment in, the Government has to take that loss and not raise the equalization fee above the $2 maximum limit the following year to get its money back.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FORT. I will.

Mr. JACOBSTEIN. Merely for information, I want to get a little light on this question raised by the gentleman from Iowa [Mr. DICKINSON]. The gentleman is supporting the Tincher bill, and I want to know what is the difference in loaning to a cooperative association unsecured——

Mr. FORT. And an advance——

Mr. JACOBSTEIN. An unsecured loan by the Government.

Mr. FORT. And an advance. This bill proposes an advance to be used for the purchase of cotton. As this bill now reads, unless the cotton has been sold prior to two years from the date of the passage of this act, that advance will never be returned to the Treasury of the United States.

Mr. JACOBSTEIN. How does that differ——

Mr. FORT. But in the case of the Tincher bill when the cotton is sold if the loan has been against cotton, or if the loan has been unsecured—unsecured in the technical legal sense of lacking security of the type recognized in banking circles—notwithstanding which it would really have security in that it has been made to provide the margins over bank loans—as is the purpose of the Tincher bill, it would be returned to the Treasury. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. FORT) there were—ayes 31, noes 68.

So the amendment was rejected.

Mr. PEERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PEERY: Page 15, line 2, after the comma following the word "commodity" insert the following: "the price paid therefor, the cost of processing the same, and the price received for the products processed therefrom, and to exhibit to the board or to any authorized agent of the board at all reasonable times, for the purpose of examination and the right to copy the same, his books of account covering all operations in said commodity and products processed therefrom, and also to report"—

Mr. PEERY. Mr. Chairman and gentlemen of the committee, the paragraph that I have offered this amendment to will read as follows with the language added that I seek to add. I will go back a paragraph, so that we can get the connection:

The board may by regulation require any person engaged in processing or in the purchasing of a basic agricultural commodity—

(1) To file returns under oath and report, in respect of his processing or purchasing of such commodity, the price paid therefor, the cost of processing the same, and the price received for the product processed therefrom, and exhibit to the board or any authorized agent of the board at all reasonable times, for the purpose of examination and the right to copy the same, his books of account covering all operations in said commodity and products processed therefrom, and also to report the amount of equalization fees payable thereon, and such other facts as may be necessary for the payment or collection of the equalization fees.

This amendment, Mr. Chairman, in short, simply authorizes this board in its contract with the persons who process the basic agricultural commodity to give fuller returns as to the cost of processing the commodity and the price paid therefor, the price received for the same, and to exhibit their books of account.

In other words, this amendment puts into the bill substantially the language contained in the packer control and stockyards act. The fact is known to many of you that the Secretary of Agriculture under this clause in the packer control and stockyards act demanded the exhibit on the part of Swift & Co. of their books of accounts. They refused that request of the Secretary of Agriculture and the Secretary went into a court on a mandamus proceeding to compel the production of its books. The lower court decided that they should produce their books for examination, and that case is now pending in the court of appeals of the district embracing Chicago.

Since they have refused to produce their books, I am persuaded it would be a good provision to insert in this bill. We all know that one of the problems that confront us to-day is the great spread between the price paid to the producer and the cost to the consumer.

I understand that Mr. Hoover says that the spread on the distribution of meat products is greater than on any other commodity. We want to get at the facts. If beef is costing the consumer more than it should cost, we must know who is getting it. If the packer is getting more than his share, let us ascertain the facts.

I hope this amendment will be looked upon in the same way as the amendment offered by the gentleman from Texas [Mr. JONES]. I think this will improve the bill which we have under consideration, so that if it becomes a law it will give to us the means of getting the facts which we are entitled to have and which the producers are entitled to have.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. PEERY. Yes.

Mr. McLAUGHLIN of Nebraska. Does the gentleman believe his provision is necessary in addition to the auditing provisions on page 19 of the bill?

Mr. PEERY. I am frank to say that I did not know there was a provision in the bill to cover that. If the language on page 19 will accomplish that object, well and good. However, I do not think the provision contained on page 19 is broad enough. It should go further.

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEERY. Mr. Chairman, I call for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 47.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. FULMER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TINCHER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas asks for a division.

The committee divided; and there were—ayes 89, noes 36.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EQUALIZATION FUND

SEC. 12. (a) In accordance with regulations prescribed by the board, there shall be established an equalization fund for each basic agricultural commodity, into which the advances from the revolving fund, the equalization fees, and the profits in connection with operations therein or in its food products shall be deposited.

(b) The board, in order promptly to make the advances agreed to be made and to provide for the prompt payment of the losses agreed to be paid and the salaries and expenses of experts, may advance to the equalization fund for any basic agricultural commodity, out of the revolving fund hereinafter established, such amounts as may be necessary, except that (1) the aggregate amounts advanced to the equalization fund for cotton and remaining unpaid shall not exceed at any one time the sum of $100,000,000, and (2) the aggregate amounts advanced to the equalization funds for basic agricultural commodities other than cotton and remaining unpaid shall not exceed at any one time the sum of $250,000,000. The amounts collected as equalization fees shall not be available for the repayment of any advance to any equalization fund made prior to the expiration of two years from the date of the passage of this act.

(c) There shall be disbursed from the equalization fund the amounts agreed to be repaid by the board for losses, costs, and charges in respect of the operations in the basic agricultural commodity or its food products, and the salaries and expenses of such experts as the board determines should be payable from such fund. There shall be repaid from such equalization fund any amounts advanced in respect of the basic agricultural commodity, from the revolving fund hereinafter established, and remaining unpaid, together with interest on such amounts at the rate of 4¼ per cent per annum.

(d) When the amount in the equalization fund for a basic agricultural commodity is, in the opinion of the board, in excess of the amount adequate to carry out the requirements of this act in respect of such commodity and its food products, and the collection of further equalization fees thereon is likely to maintain an excess, the board may retire in their serial order as many as practicable of the outstanding receipts evidencing a participating interest in such fund. Such retirement shall be had by the payment to the holders of such receipts of their distributive share of such excess as determined by the board. The amount of the distributive share payable in respect of any such receipt shall be an amount bearing the same ratio to the face value of such receipt as the value of the assets of the board in or attributable to the fund bear to the aggregate face value of the outstanding receipts evidencing a participating interest in such fund, as determined by the board.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 16, line 6, after the word "losses," insert a comma and the words "cost and charges."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 16, line 21, strike out the word "repaid" and insert in lieu thereof the word "paid."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11603 and had come to no resolution thereon.

CONFERENCE REPORT—ALLOTMENT OF LANDS OF THE CROW TRIBE

Mr. LEAVITT. Mr. Speaker, I present a conference report on H. R. 8185 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe for the distribution of tribal funds, and for other purposes.

The SPEAKER. Ordered printed.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles when the Speaker signed the same:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake Saint Clair;*

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia;*

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21*, at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation, in Washington, for the use and occupancy of the Makah and Quileute Indians;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; and

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.

ENROLLED BILLS AND RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2333. An act for the relief of Katherine Rorison;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 7554. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine, on the Missouri River;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests, and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; and

H. J. Res. 226. An act authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926.

CONFERENCE REPORT—SANTA YSABEL INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I present a conference report on H. R. 8186 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation, and authorizing an appropriation of funds therefor.

The SPEAKER. Ordered printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BACHMANN, for one week, on account of illness.

THE PROTECTION AGRICULTURE NEEDS

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article prepared by Virgil L. MacGregor, of Crookston, Minn., upon questions involved in agricultural legislation.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD by printing an article on the subject of agriculture. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, gentlemen upon your side have been objecting to things of that sort. Does not the gentleman think Congress is doing pretty well on that subject? Has the gentleman consulted with the gentleman from Ohio [Mr. BEGG], who usually makes objection to these requests? I am not the protector of the RECORD and am not trying to protect it.

Mr. BURTNESS. May I say to the gentleman that this article is strictly in point upon questions that are being considered by the House at this time. It is written by a gentleman who has been a student of the question of agriculture for a number of years. He has taken a leading part in public discussions upon these questions out in the Northwest and it is for that reason I feel he is entitled to the courtesy of having this very short article printed in the CONGRESSIONAL RECORD, and I think it would be of considerable value to the Members in the discussion that is before us now.

Mr. GARRETT of Tennessee. Mr. Speaker, I have never assumed to be the protector of the RECORD and I am not going to assume that rôle now. I have a desk full of matter that might be quite valuable in that regard from gentlemen who themselves claim they are experts on this proposition. I do not object, but I submit the question of taste to the gentleman from North Dakota.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURTNESS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE PROTECTION AGRICULTURE NEEDS

By Virgil L. MacGregor, Crookston, Minn.

The motto of a certain service club is "We build." That which we build we should protect. Anyone living in the agricultural Central West, Northwest, or Southwest since the war has had daily brought home to him in his purchases the demonstrated advantage protection furnishes through our tariff for our built-up manufacturing industries, and he is pleased that certain farm products, such as flax, wool, sugar, butter, etc., are similarly protected.

An analysis of the higher price received by the farmer on such of his products as are protected by the tariff reveals that the protection brings him a total additional sum of around $125,000,000. Analyzing further we find that the additional sum paid by the farmer for agricultural products of other countries totals $95,000,000. Thus his gain is $30,000,000, or $1 for each man, woman, and child connected with agriculture. A still further analysis reveals that because of the tariff the farmer pays $150,000,000 extra on manufactured steel products alone, or the equivalent of $5 for each man, woman, and child. The extra cost to the farmer on other manufactured goods which he purchases will total even more. So under the present tariff the farmer makes a net gain of $1 on the higher price for agricultural products and pays ten times that to maintain the higher-than-world price on manufactured goods which he buys.

Such disparity would not of itself be the serious matter it has been since the war if the depression of Europe had not found a vulnerable point or means of attack through our export products. That depression would at once disappear if our statesmen would devise a way to protect our home market price on the agricultural products which are now in our export class.

Let us examine the result of our vulnerable exposure as revealed by our Government reports. We will take the five pre-war years, 1909 to 1914, inclusive, as compared with the four postwar years, 1921 to 1924, inclusive (1925 not being available in full as yet):

The average farm price for beef for the four postwar years is given as $5.54½ per 100 pounds, which sum had a 65¾ per cent purchasing power in needed nonagricultural products as compared with the pre-war years. This has meant an annual loss of $643,000,000.

Wheat averaged $1.05, or a relative purchasing power of 73 per cent. This meant a loss each year of $325,000,000.

Corn averaged 80 cents, or a relative purchasing power of 67¼ per cent. This meant a loss each year of $900,000,000.

Pork averaged 8¼ cents per pound, or a relative purchasing power of 64 per cent. This meant a loss each year of $450,000,000.

The cause for such stupendous losses is the mere fact that we export a small surplus.

We have built up the farms of the Central West, Northwest, and South for the production of products in the export class, such as wheat, corn, beef, pork, cotton, tobacco, etc., and we have also built up our farms for the production of products in the import class, such as butter, wool, flax, sugar, etc. It is the surplus in the export class which must go to the Liverpool market, and there it finds itself in competition with the India wheat and cotton, the Argentina meat and grain, and it also finds itself affected by the after-war ability of the European to buy.

Through our present tariff we say to the outside world that our home market for all our manufactured goods and for agricultural products of the import class shall have a certain higher level of price than prevails in the outside world market, and we have demonstrated our ability to maintain such higher level by the protection of our tariff wall. But mark you, we do not say this with such of the products of our farmers as may be in the export class.

However, the world "do move," and we have been inspecting that century-old tariff wall and have discovered, much to the surprise of many, that the wall is built with gates at our ports, which gates are hung on hinges which open out but not in. Any product desiring to come in must climb to the top, and to that extent the wall is as it should be, but the gates swing out without hindrance to any product pushing out.

Those gates must be sealed up, so that our walls will be intact. That repair is as simple as we would expect it to be, viz: By our import tariff we take from the foreign producer nearly all of the higher price he receives in our market. By a converse application of the tariff we should take from our home producer a small sum on each unit of a certain product as marketed so as to cover the drop of the surplus part over the repaired wall to the lower outside world price.

If Congress wishes its present 42-cent import tariff on wheat to maintain a 42-cent higher than world price within our borders, it may make that protection effective by empowering the Agricultural Department to determine, say, July 10 each year, the approximate production. If it finds the surplus to be one-sixth of the production, then one-sixth of 42 cents, or 7 cents, will be the sum to collect by the internal revenue offices from the mills, elevators, etc., on each bushel of wheat as purchased direct from the producer.

That bushel (unit) should then be forgotten, except to have the 42-cent protection sum ready by the port revenue office to pay to the last man who certifies it out to an exporter, whether in original or manufactured form, and thus it will enable that man to sell in competition with the Canadian, Argentina, or India product.

If the 7 cents (or 7½ cents) should prove to be a little more than required, any extra may be held in the respective account for adjustment the following season, and thus avoid any participation certificate or other device for refund of excess.

A stated protection on exports as well as imports should be as nearly stable as possible, but both subject to adjustment by the Tariff Commission when advisable. The tariff on hard and on soft wheat, as well as on meats and other affected agricultural products, should, of course, be increased to prevent any influx.

Our present tariff on imports functions wholly at our border and yet protects our home market level of price throughout the interior. Protection to our home market level of price on products of the export class should also function wholly at our border, except for the small collection requirement through the internal revenue offices.

We should avoid any unnecessary or extensive agricultural board and resulting army of employees. We should likewise avoid all interference with market speculation and hedging, and thus leave the market entirely free to rise and fall daily with the world market, and the protection amount on export products will automatically be maintained each day above it, just as now with the import product flax.

With the exportable surplus handicap removed, cooperatives may then function with far more assurances of success, as their endeavors would be centered principally on the United States market.

The same converse application of the tariff should be available to protect such products as butter and flax, which are now in the import class, but which may soon be increased to become an export.

The endeavor is general to increase our dairy herds. Must the capital so invested be liable to a knockout overnight should we awake some morning to learn that our production was 1 per cent in excess of our home market demand. That 1 per cent would push the gate open, and the usefulness of our 12 cents per pound tariff wall on butter would be destroyed.

If our production of flax in 1926 is, say, 30,000,000 bushels and the demand is 32,000,000 bushels, our home market level of price will be maintained daily at a 40-cent (present tariff) level above the world price, whereas a production of 34,000,000 bushels against a demand of 32,000,000 bushels will drop the price of the whole 34,000,000 bushels to the lower world price. If a law providing for a converse application of the tariff could be available, a 2½-cent surplus or equalization fee collected on each bushel marketed would still leave the producer a net price of 37½ cents above the world price.

It is this principle which was back of the McNary-Haugen bill and the present Haugen bill. The principle will, of course, be effective if 50 per cent of a certain product is an exportable surplus. In fact, if one-third is a surplus, it would be of small benefit. The larger the equalization fee, however, the more effective it will naturally be in reducing production, as what more direct realization can be brought to the producer to have him turn gradually to nonfee or small-fee products.

Has it not been tantalizing to agricultural people since the war to read our Government reports and yet have no statesman come forward with an acceptable plan to correct such an acknowledged injustice as the reports reveal. If this reversal of the tariff principle had been in force during the past five years, would we have had even a small part of the over 1,000 bank failures, tens of thousands of farm failures, and such depression affecting just that part of the agricultural section which produced products in the export class?

Brother producer of the East, take your business associate to one side for a heart-to-heart talk. After 10 minutes he will take your hand with a "Shake, old boy. I have thought it was some price-fixing scheme. Gee, that protection principle is our protection principle. I can see where the returned purchasing power of the agricultural West will double my sales."

Our Government reports belie our statesmanship when they admit that a large part of the built-up capital of the farms has been and still is being wiped out. Are we doing our part in protecting that which "we build"?

[NOTE.—The proposal by the author of the above article was the first step taken in the Northwest to solve the agricultural problem by the producer himself paying the protection through a surplus or equalization fee. This principle voiced itself in the committee chosen at the Fargo, N. Dak., conference in September, 1923, and through the hearty assistance of Secretary of Agriculture Wallace it resulted in the McNary-Haugen bill.]

EXTENSION OF REMARKS

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a poem by James Francis Thiery entitled "Ode to a Dry Agent."

Mr. UPSHAW. Mr. Speaker, I shall not object if they are the gentleman's own remarks.

Mr. BLACK of New York. They are not my remarks.

Mr. UPSHAW. I do not think it would be for the good of the country.

The SPEAKER. Does the gentleman object?

Mr. UPSHAW. I object.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 19, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 19, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON MINES AND MINING

(10 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of war," approved March 2, 1919, as amended (S. 3641).

SPECIAL JOINT COMMITTEE

(10 a. m., room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(11 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery (H. R. 11802).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

515. A letter from the Secretary of War transmitting a report of the Chief of Engineers, United States Army, on preliminary examination of Red River, Ark., authorized by the flood control act of May 31, 1924 (H. Doc. No. 381); to the Committee on Rivers and Harbors and Committee on Flood Control and ordered to be printed.

516. A communication from the President of the United States, transmitting a deficiency estimate of appropriation

for the fiscal year ending June 30, 1925, for $290 and supplemental estimates of appropriations for the fiscal year ending June 30, 1926, $44,500, amounting in all to $44,790, for the Bureau of Indian Affairs, Department of the Interior (H. Doc. No. 382); to the Committee on Appropriations and ordered to be printed.

517. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1927, amounting to $3,850, to be immediately available for the United States Geographic Board (H. Doc. No. 383); to the Committee on Appropriations and ordered to be printed.

518. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the Legislative Establishment, Joint Committee on Printing, for the fiscal year 1926, to remain available until June 30, 1927, in the sum of $10,000 (H. Doc. No. 384); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10355. A bill to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum; without amendment (Rept. No. 1235). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11943. A bill providing for an additional building for the use of the police court of the District of Columbia; with amendment (Rept. No. 1236). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. S. 2043. An act to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; without amendment (Rept. No. 1237). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Public Lands. H. R. 11060. A bill to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for county parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914; with amendment (Rept. No. 1242). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11896. A bill granting the consent of Congress to the county of Cass, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Boy River in said State; with amendment (Rept. No. 1244). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11942. A bill to authorize the construction of a bridge across the Fox River in Dundee Township, Kane County, Ill.; with amendment (Rept. No. 1245). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 11949. A bill authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; with amendment (Rept. No. 1246). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 12018. A bill granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton in the State of Washington; with amendment (Rept. No. 1247). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 12167. A bill to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing, Washington and Idaho; without amendment (Rept. No. 1248). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12203. A bill granting the consent of Congress for the construction of a bridge across that part of the Mississippi River known as Devils Chute, between Picayune Island and Devils Island, Alexander County, Ill.; without amendment (Rept. No. 1249). Referred to the House Calendar.

Mr. LEAVITT: Committee on the Public Lands. S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.; without amendment (Rept. No. 1252). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 674. An act granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city; without amendment (Rept. No. 1253). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 7868. A bill for the relief of William H. Wagoner; without amendment (Rept. No. 1243). Referred to the Committee of the Whole House.

Mr. SMITH: Committee on the Public Lands. H. R. 2849. A bill for the relief of the heirs of Russell J. Norton; with amendment (Rept. No. 1250). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. S. 856. An act for the relief of Joseph Mayhew; without amendment (Rept. No. 1251). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on Accounts. H. Res. 38. A resolution to pay out of the contingent fund of the House an amount equal to six months' compensation of the late William A. Callanan and $250 to defray the funeral expenses of said William A. Callanan (Rept. No. 1238). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. S. Con. Res. 4. A concurrent resolution authorizing the Joint Committee on Muscle Shoals to hold hearings and employ expert and clerical assistants (Rept. No. 1239). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 252. A resolution to pay salary and funeral expenses of William J. Boggs, late an employee of the House of Representatives, to his wife, Mrs. Anna A. Boggs (Rept. No. 1240). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 196. A resolution authorizing payment of six months' salary and funeral expenses to Francis M. Sullivan on account of the death of Mary C. Sullivan, late employee of the House of Representatives (Rept. No. 1241). Ordered printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 12261) authorizing appropriation of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park, near Cooke City, Mont., as an entrance to the Yellowstone National Park; to the Committee on Roads.

By Mr. MILLER: A bill (H. R. 12262) granting the consent of Congress to the Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. RATHBONE: A bill (H. R. 12263) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; to the Committee on Labor.

By Mr. SINNOTT (by departmental request): A bill (H. R. 12264) to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes; to the Committee on the Public Lands.

By Mr. SABATH: A bill (H. R. 12265) to amend subdivisions (a) and (b) of section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. ZIHLMAN: A bill (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; to the Committee on the District of Columbia.

By Mr. BULWINKLE: A bill (H. R. 12267) to provide an additional district judge for the western district of North Carolina; to the Committee on the Judiciary.

By Mr. CRAMTON: A bill (H. R. 12268) to authorize the employment of consulting engineers on plans and specifications for any dam proposed to be constructed by the Bureau of Reclamation; to the Committee on Irrigation and Reclamation.

By Mr. DAVILA: A bill (H. R. 12269) to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved

June 7, 1924, and for the insertion of three new sections in said act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said act, to be designated as "5a" and "20a" and "41a" of said act; to the Committee on Insular Affairs.

By Mr. JAMES: A bill (H. R. 12270) authorizing the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property; to the Committee on Military Affairs.

By Mr. SIMMONS: Joint resolution (H. J. Res. 258) to provide for appropriate military records for persons who pursuant to orders reported for military duty but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 12271) for the relief of Carl Ramser; to the Committee on Claims.

Also, a bill (H. R. 12272) for the relief of Fred A. Robinson; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 12273) for the relief of Louis A. Yorke; to the Committee on Naval Affairs.

By Mr. DOWELL: A bill (H. R. 12274) granting an increase of pension to Rose Anna Barnett; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 12275) granting an increase of pension to Susan Grove; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 12276) for the relief of Harrison H. Bradford; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 12277) authorizing the Court of Claims of the United States to hear and determine the claim of James Luker; to the Committee on Naval Affairs.

Also, a bill (H. R. 12278) authorizing the Court of Claims of the United States to hear and determine the claim of Giacomo Uzzolino; to the Committee on Naval Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 12279) granting an increase of pension to Ellen Shaw; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12280) granting an increase of pension to Mary E. Knowles; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12281) granting an increase of pension to Elizabeth S. Knicsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12283) for the relief of S. C. Liner; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 12284) granting an increase of pension to Catherine McDermitt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2212. By Mr. CARSS: Petition of Lodge No. 58, Sons of Norway, of Hibbing, Minn., indorsing the resolution before Congress, which provides for the recognition of Leif Ericson as the discoverer of America; to the Committee on the Library.

2213. By Mr. FRENCH: Petition of sundry citizens of Priest River, Idaho, against compulsory Sunday observance; to the Committee on the District of Columbia.

2214. By Mr. FULLER: Petition of Mr. Paul J. Carr, of Piano, Ill., and sundry other individuals, urging favorable action on the Haugen bill; to the Committee on Agriculture.

2215. Also, petition of the General Biological Supply House, of Chicago, Ill., and sundry individuals, urging early and favorable consideration of the House bill 7479; to the Committee on Agriculture.

2216. By Mr. GALLIVAN: Petition of the Massachusetts Forestry Association, Harris A. Reynolds, secretary, 4 Joy Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the game refuge bill; to the Committee on Agriculture.

2217. By Mr. O'CONNELL of New York: Petition of the American Farm Bureau Federation, opposing the acceptance of the bid for the Muscle Shoals development; to the Committee on Military Affairs.

2218. By Mr. SINNOTT: Petition of numerous citizens of Hereford, Oreg., protesting against the passage of House bills 7179 and 7822, the compulsory Sunday observance bills; to the Committee on the District of Columbia.

2219. By Mr. SWING: Petition of certain residents of San Diego, Calif., protesting against the passage of House bill 7179 and similar bills for the compulsory observance of Sunday; to the Committee on the District of Columbia.

2220. Also, petition of certain residents of San Diego, Calif., protesting against the passage of House bills 7179, 7822, 10311, and 10123, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2221. Also, petition of certain residents of San Diego County, Calif., protesting against the passage of House bills 7179, 7822, 10311, and 10123, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *May 19, 1926*

(Legislative day of Monday, May 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the concurrent resolution (S. Con. Res. 4) authorizing the joint committee on Muscle Shoals to hold hearings and employ expert clerical assistants, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions in which it requested the concurrence of the Senate:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia;*

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Silsbee* and the U. S. Army tug *No. 21*, at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; and

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Sackett
Bayard	Ferris	King	Schall
Bingham	Fess	Lenroot	Sheppard
Borah	Frazier	McKellar	Shipstead
Bratton	Gerry	McMaster	Shortridge
Broussard	Gillett	McNary	Simmons
Bruce	Glass	Mayfield	Smoot
Butler	Goff	Means	Stanfield
Cameron	Gooding	Moses	Steck
Capper	Greene	Neely	Stephens
Caraway	Hale	Norbeck	Swanson
Copeland	Harreld	Norris	Trammell
Couzens	Harris	Nye	Tyson
Cummins	Harrison	Oddie	Underwood
Curtis	Heflin	Overman	Walsh
Dale	Howell	Pine	Warren
Deneen	Johnson	Pittman	Watson
Dill	Jones, N. Mex.	Ransdell	Wheeler
Edwards	Jones, Wash.	Reed, Mo.	Williams
Ernst	Kendrick	Robinson, Ind.	Willis

Mr. EDWARDS. I desire to announce that my colleague [Mr. EDGE] is absent on account of illness.

Mr. BRUCE. I wish to announce that the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Pennsylvania [Mr. REED], the senior Senator from New York [Mr. WADSWORTH], and the junior Senator from Wisconsin [Mr. LA FOLLETTE] are engaged in the special committee which is investigating the Tariff Commission.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

RESTRICTIONS ON IMMIGRANTS

Mr. WILLIS. Mr. President, pending on the Senate Calendar is a measure which, if passed, will very seriously infringe upon the limitations of the present immigration law. There appeared in the New York Herald of May 17 instant a brief editorial which is entitled "No entering wedges." I ask that that editorial may be printed in the RECORD without reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO ENTERING WEDGES

The effort to drive a wedge into the immigration act by admitting outside the quota relatives of resident aliens persists in spite of the failure of the original scheme to make any headway in the congressional committees. As a start toward breaking down the statute even a small wedge would be effective. Since the attempt to let an indeterminate number under the bars did not succeed, the proposal now is to limit the quantity, thereby setting a precedent which Congress might find it difficult later to disregard.

The new substitute for the Wadsworth-Perlman bill is less ambitious than the earlier attempt, in that it does not demand admission ad libitum of the favored relatives. It makes no provisions for mothers and fathers of aliens resident in the United States before July 1, 1924, confining the privilege to wives and unmarried minor children. Of these it would admit 35,000, the distribution to be apportioned equitably among the various nationalities. This 35,000 may seem a moderate addition, although after next year the entire quota will be only 150,000. The indulgence, however, would mark a radical extension of the nonquota exceptions and, in view of the steady pressure by the alien interests for a relaxation of the restrictive law, there can be no doubt that the 35,000 would be regarded by them simply as the first installment. Make the hole in the wall and the rest will follow.

The present law admits nonquota the wife or unmarried child under 18 of an American citizen, a provision considered liberal when the act was passed. Congress set up the quotas deliberately for the purpose of numerical limitation and wisely refused to whittle away the principle in behalf of resident aliens. The latter came to this country of their own volition and they are at liberty at any time to rejoin their families on the other side if the quota law prevents their early reunion here. If motives purely sympathetic were to control, if Congress were to have consulted the wishes of aliens, no quota law would have been passed.

The statute as it stands is sound and beneficial from an American standpoint. Congress would be undoing its good work if it should dilute and weaken the restrictions. The quota law can not be assailed by a frontal attack. It should easily resist any such flank movement as the alien relative drive.

PETITION

Mr. WHEELER presented the following telegram in the nature of a petition, which was referred to the Committee on Manufactures and ordered to be printed in the RECORD:

(Western Union telegram)

GARFIELD, N. J., *May 19, 1926.*

Senator WHEELER,

Washington, D. C.:

The City Council of Garfield, Bergen County, N. J., at meeting held May 18, by unanimous vote went on record favoring Senate investigation textile-strike situation in this vicinity.

A. PERRAPATO, *Chairman,*
JOSEPH QUINLIVAN,
JOESPH AOLIA,
JOSEPH CHWAN,
JOSEPH KOLBECK,
JACK MORO,
W. M. MCALPINE,
EDWARD KUNKEL,
Members of the City Council of the City of Garfield, N. J.

Attest:

JOSEPH J. NOVACK, *City Clerk.*

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Naval Affairs, to which was referred the bill (S. 1023) authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy, reported it with an amendment and submitted a report (No. 851) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo., reported it without amendment and submitted a report (No. 855) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4119) for the relief of Edward R. Ledwell, reported it with an amendment and submitted a report (No. 856) thereon.

Mr. MEANS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 912) for the relief of Capt. George G. Seibels, Supply Corps, United States Navy (Rept. No. 857); and

A bill (H. R. 8846) for the relief of Cyrus Durey (Rept. No. 858).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5441) for the relief of Geraldine Kester (Rept. No. 859);

A bill (H. R. 7522) for the relief of William J. Nagel (Rept. No. 860); and

A bill (H. R. 7523) for the relief of John G. Hohl (Rept. No. 861).

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1594) for the relief of F. Joseph Chatterton (Rept. No. 862);

A bill (H. R. 4158) for the relief of Sophie J. Rice (Rept. No. 863);

A bill (H. R. 7024) for the relief of Walter Kent, jr. (Rept. No. 864);

A bill (H. R. 9237) to reopen, allow, and credit $1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts (Rept. No. 865); and

A bill (S. 2302) for the relief of Elisha K. Henson (Rept. No. 888).

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4902) for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate (Rept. No. 866);

A bill (H. R. 6696) for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke (Rept. No. 867);

A bill (H. R. 7809) for the relief of H. H. Hinton (Rept. No. 868);

A bill (H. R. 8602) for the relief of Hewson L. Peeke (Rept. No. 869); and

A bill (H. R. 9135) for the relief of Natalie Summers (Rept. No. 870).

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5332) for the relief of T. Luther Pinder (Rept. No. 871);

A bill (H. R. 7776) for the reimbursement of Emma Pulliam (Rept. No. 872);

A bill (H. R. 2715) for the relief of the widow of W. J. S. Stewart (Rept. No. 873);

A bill (H. R. 2993) for the relief of Harry McNeil (Rept. No. 874);

A bill (H. R. 1538) for the relief of John Milton Pew (Rept. No. 875);

A bill (H. R. 5341) for the relief of Ruphina M. Armentrout (Rept. No. 876); and

A bill (H. R. 1961) for the relief of B. G. Oosterbaan (Rept. No. 877).

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 965) for the relief of C. B. Wells (Rept. No. 878);

A bill (H. R. 2254) for the relief of Howard A. Mount (Rept. No. 879);

A bill (H. R. 3278) for the relief of A. S. Rosenthal Co. (Rept. No. 880);

A bill (H. R. 6466) for the relief of Edward C. Roser (Rept. No. 881);

A bill (H. R. 7403) for the relief of John E. Luby, of New Bedford, Mass. (Rept. No. 882); and

A bill (H. R. 8794) to credit the accounts of W. W. House, special disbursing agent, Department of Labor (Rept. No. 883).

Mr. FERRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1472) to provide for the establishment of a dairying and livestock experiment station at Mandan, N. Dak., reported it with an amendment and submitted a report (No. 884) thereon.

He also, from the same committee, to which was referred the bill (S. 2878) authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, for the removal of gravel, reported it without amendment and submitted a report (No. 885) thereon.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1147) to establish game sanctuaries in the national forests, reported it with an amendment and submitted a report (No. 886) thereon.

Mr. HARRELD, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 8715) to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916, reported it without amendment and submitted a report (No. 887) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, N. C., reported it without amendment.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, reported it with amendments and submitted a report (No. 889) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee had presented to the President of the United States the following enrolled bills:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia;*

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21* at St. Nazaire, France;

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; and

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 4294) granting an increase of pension to Phœbe May Osborne; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4295) granting a pension to William Swain (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 4296) granting an increase of pension to Rebecca Johnson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4297) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; to the Committee on the District of Columbia.

By Mr. UNDERWOOD:

A bill (S. 4298) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.;

A bill (S. 4299) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.;

A bill (S. 4300) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.; and

A bill (S. 4301) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 4302) to amend section 213 of the revenue act of 1926; to the Committee on Finance.

A bill (S. 4303) for the relief of Edmond Weil, Isidore Weil, and Fernand Weil, copartners doing business under the firm name and style of Alphonse Weil & Bros.; to the Committee on Claims.

A bill (S. 4304) to amend section 25 of the immigration act of 1924; to the Committee on Immigration.

A bill (S. 4305) to authorize the sale, under the provisions of the act of March 12, 1926 (Public 45), of surplus War Department real property; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 4306) granting an increase of pension to Mary C. King; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 4307) for the relief of Rose Thurin (with accompanying papers); to the Committee on Claims.

RIVERS AND HARBORS

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed to the bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public

works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

SURVEY OF YAZOO RIVER, MISS. (S. DOC. NO. 116)

Mr. STEPHENS. Mr. President, I present a report from the War Department with reference to the preliminary survey of the Yazoo River, Miss., and ask that it may be printed as a Senate document and referred to the Committee on Commerce.

There being no objection, the report was ordered to be printed as a document and referred to the Committee on Commerce.

CONSULTING ENGINEERS ON RECLAMATION PROJECTS

Mr. McNARY. Mr. President, I send to the desk the joint resolution (S. J. Res. 109) which I introduced yesterday. I would like to have the joint resolution read.

The VICE PRESIDENT. The clerk will read the joint resolution.

The Chief Clerk read the joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McNARY. Certainly.

Mr. KING. Would the amount appropriated or permitted to be appropriated come out of the reclamation fund?

Mr. McNARY. Yes; out of the reclamation fund.

Mr. BRUCE. I desire to inquire whether the Senator is asking that the joint resolution be taken up for immediate consideration?

Mr. McNARY. I am going to ask for the immediate consideration of the joint resolution.

Mr. BRUCE. I object. I observe or seem to observe that the employees proposed by the joint resolution do not come under the operation of the civil service law.

Mr. McNARY. This is a practice that has obtained in the Department of the Interior for many years in procuring the services of consulting engineers, experts in making designs and specifications and supervising the construction of large dams to impound water in the great Federal irrigation districts. Recently the comptroller has ruled that he can not pay in excess of $20 a day, which small sum prohibits the Department of the Interior from acquiring the services of experts.

Mr. BRUCE. What sort of experts are they who are to be exempt from the operation of the civil service law?

Mr. McNARY. They are consulting engineers of long practice and experience, familar with the designs of and specifications and plans for dams. Not more than three can be employed, and that for short periods of time, to consult with the regular engineers employed by the department. It has been done since reclamation was adopted as a part of the policy of the Government in 1902, until a few days ago, when the Secretary of the Interior requested that the joint resolution be introduced. I have a letter from him asking for early consideration, because Congress at its last session provided funds for the construction of six new projects.

Mr. BRUCE. Then, I understand the Senator to say that the exemption from the operation of the civil service law does not apply to any except these three consulting engineers?

Mr. McNARY. That is all.

Mr. BRUCE. I make no objection.

Mr. CURTIS. Mr. President, I should like to know if the joint resolution has gone to a committee?

The VICE PRESIDENT. The joint resolution was referred last night to the Committee on Irrigation and Reclamation.

Mr. CURTIS. Has it been reported out by that committee?

Mr. McNARY. It has not been reported out. I personally know of no objection to it, and I did not take the time to call the committee together this morning because I have been in attendance upon another committee. If the joint resolution passes here without objection, it does not necessarily need to go to a committee.

Mr. CURTIS. I have no objection to the joint resolution, but we would be establishing a very bad practice to let a joint resolution go through without having it referred to a committee and reported from a committee. I shall ask that the regular course be pursued and that the joint resolution be reported first from the committee. I am perfectly willing that the Senator shall poll the committee.

Mr. McNARY. I have that right, I thank the Senator. Nevertheless, what I have proposed follows a practice which has been adopted here on many occasions when some one was desirous of obtaining quick action. But if I am to be held up in the matter, I shall report it later to-day.

Mr. CURTIS. I have no desire to hold up the Senator, but I say it is a bad practice. It was not done more than once, to my knowledge. Had I been present on that occasion I should have objected, because it is a bad precedent to establish. Every joint resolution and every bill should go to a committee and be reported before we act upon it.

Mr. McNARY. If it is a bad practice, it is hoary with age.

Mr. CURTIS. I must object, nevertheless.

Mr. McNARY. Very well. I will have the joint resolution reported out to-day, and I shall ask unanimous consent for its consideration at the earliest opportunity.

Mr. CURTIS. I have no objection to that procedure, of course.

VIADUCT ACROSS MAHONING RIVER AT GIRARD, OHIO

Mr. BINGHAM. From the Committee on Commerce, I report back favorably, with an amendment, the bill (S. 3931) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio, and I submit a report (No. 852) thereon.

Mr. WILLIS. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Connecticut.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert the following:

That the consent of Congress be, and it is hereby, granted to the board of county commissioners of Trumbull County, Ohio, and its successors in office, to construct, maintain, and operate an overhead viaduct, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at Girard, Trumbull County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISSISSIPPI

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 7188) granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River in the State of Mississippi.

Mr. STEPHENS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert:

That the consent of Congress is hereby granted to the J. R. Buckwalter Lumber Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Pearl River at a point suitable to the interests of navigation at or near Edinburg, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Mississippi, any political subdivision thereof within or adjoining which any part of such bridge is

located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Mississippi under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The J. R. Buckwalter Lumber Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said J. R. Buckwalter Lumber Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. R. Buckwalter Lumber Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAKE WASHINGTON BRIDGE, WASHINGTON

Mr. BINGHAM. From the Committee on Commerce, I report back favorably with amendments the bill (S. 2959) granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington, and I submit a report (No. 853) thereon.

Mr. JONES of Washington. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, on page 2, line 4, after the figures "1906," to insert a comma and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The next amendment was, on page 2, beginning at line 5, to strike out sections 2 and 3 in the following words:

SEC. 2. Said Lake Washington Corporation is hereby permitted to mortgage its rights under this act and the bridge to be constructed hereunder.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

And to insert in lieu thereof the following:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Washington, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Washington under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Lake Washington Corporation, its successors, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said Lake Washington Corporation, its successors, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Lake Washington Corporation, its successors, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI BRIDGE AT MINNEAPOLIS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report favorably with amendments the bill (S. 3989) to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city, and I submit a report (No. 854) thereon.

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, on page 2, line 3, after the word "hereof," to insert a comma

and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert a new section, as follows:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

The amendment was agreed to.

The next amendment was, on page 2, line 4, to change the section number from 2 to 3.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENT OF LANDS OF THE CROW TRIBE

Mr. HARRELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That any allottee classified as competent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. Any adult incompetent Indian, with the approval of the superintendent, may lease his or her allotment, or any part thereof, and the allotments of minor children for farming and grazing purposes. The allotments of orphan minors shall be leased by the superintendent. Moneys received for or on behalf of all incompetent Indians and minor children shall be paid to the superintendent by the lessee for the benefit of said Indians. No lease shall be made for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency"; and the Senate agree to the same.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.
SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,
Managers on the part of the House.

Mr. HARRELD. Mr. President, I ask the attention of the Senator from Montana [Mr. WALSH] to the conference report which I have just submitted. This is a conference report on the Crow Indian bill. I will ask for the immediate consideration of the conference report, if it meets with the approval of the Senator from Montana.

Mr. WALSH. I will say that the report of the committee of conference is entirely satisfactory to me.

Mr. HARRELD. I ask unanimous consent for the immediate consideration of the conference report.

The VICE PRESIDENT. Is there objection?

There being no objection, the report was considered and agreed to.

SANTA YSABEL INDIAN RESERVATION LANDS, CALIFORNIA (S. DOC. NO. 114)

Mr. HARRELD submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.
SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,
Managers on the part of the House.

Mr. WALSH. I ask the Senator from Oklahoma the nature of the conference report which he has just submitted.

Mr. HARRELD. It is a conference report on a House bill concerning the Santa Ysabel Indian Tribe in California. It involves a very small matter.

MORONGO INDIAN RESERVATION LANDS, CALIFORNIA (S. DOC. NO. 115)

Mr. HARRELD submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. W. HARRELD,
SAM G. BRATTON,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.
SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

ALBERT REID

Mr. SMOOT. From the Committee on Finance I report favorably without amendment Senate Resolution 224.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 224) submitted by Mr. SMOOT on May 14, 1926, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Albert Reid the sum of $200 for expert services rendered by him to the Committee on Finance during the Sixty-ninth Congress, first session, in compiling, editing, and indexing hearings, reports, and bills relating to the revenue act of 1926.

Mr. SMOOT. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

Mr. CURTIS subsequently said: Mr. President, a parliamentary inquiry. I desire information relative to the resolution reported by the Senator from Utah [Mr. SMOOT] a few moments ago, which was adopted.

Mr. KING. I will say to the Senator from Kansas that it involves an expenditure of about $200.

Mr. CURTIS. I am aware of that, but what else does the resolution propose to do? Is it intended that the money shall be taken out of the contingent fund of the Senate?

Mr. SMOOT. Yes.

Mr. CURTIS. Then, Mr. President, under the rule the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask that it may be so referred.

Mr. SMOOT. Similar resolutions have been passed in this way by the Senate for years making such payments to the beneficiary, Mr. Reid. I have no objection, however, to a reference of the resolution to the committee if the Senator from Kansas so desires.

The VICE PRESIDENT. The Chair sustains the point of order made by the Senator from Kansas [Mr. CURTIS], and the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

CONSULTING ENGINEERS ON IRRIGATION DAMS

Mr. McNARY. From the Committee on Irrigation and Reclamation I report back favorably without amendment the joint resolution (S. J. Res. 109) authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation on the plans and specifications for any dam proposed to be constructed by the Bureau of Reclamation the services of not more than three experienced engineers, determined by him to have the necessary qualifications, without regard to civil-service requirements and at rates of compensation to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $4 in lieu of subsistence for each engineer, respectively, not exceeding in the aggregate more than $3,500 for any engineer so employed for the time employed and actually engaged upon such work: *Provided*, That retired officers of the Army may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McNARY. Mr. President, as a part of my remarks, I desire to have inserted in the RECORD the letter from the Secretary of the Interior, which I send to the desk.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 17, 1926.

Hon. CHARLES L. McNARY,
United States Senate.

MY DEAR SENATOR McNARY: Until recently the Department of the Interior had authority to employ engineering or scientific experts and to pay any reasonable compensation. A recent ruling of the comptroller fixes the maximum compensation which can be paid at $20.83 a day. Experienced and qualified engineers habitually receive for their services compensation in excess of this sum and their services can not be secured under this limitation.

The department is in need of such engineering advice in carrying out appropriations which have been made for the investigation and construction of the following important structures: The Echo Dam of the Salt Lake Basin project, Utah; the Gibson Dam of the Sun River project, Montana; the Stony Gorge Dam of the Orland project, California; the Owyhee Dam of the Owyhee project, Oregon-Idaho; the Thief Valley Dam of the Baker project, Oregon; and a dam connected with the Spanish Springs division of the Newlands project, Nevada, under the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto.

The designs and specifications of said dams, the adequacy of their foundations, and other conditions surrounding the work require careful examination and study, as a matter of safety for the residents who will live below, for the protection of the water supply dependent upon the integrity of such dams, and, generally, to determine the feasibility of the enterprise. On this account it is deemed advisable that the designs, plans, specifications, and the stability of the foundations of these dams be examined and reviewed by experienced engineers whose reputations and qualifications fit them for such work.

It is hoped, therefore, that Congress will pass a resolution authorizing the Secretary to pay sufficient compensation to secure the best obtainable advice, and a resolution to give effect to this is inclosed and your assistance in the introduction and passage of the same is requested. It conforms to the one recently passed by Congress authorizing the employment of engineers to pass upon the plans and specifications for the Coolidge Dam.

Very truly yours, HUBERT WORK.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. From the Committee on Civil Service I report back favorably with an amendment the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

I ask unanimous consent that House bill No. 7, which I have just reported, may be substituted for Senate bill 786 as the unfinished business of the Senate.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. STANFIELD. Certainly.

Mr. KING. Does the Senator report the bill from the full committee?

Mr. STANFIELD. Yes; from the full committee.

Mr. KING. And as chairman of the committee?

Mr. STANFIELD. Not as chairman of the committee, for the Senator from Michigan [Mr. COUZENS] is the chairman of the committee.

Mr. KING. But with the concurrence of the Senator from Michigan?

Mr. STANFIELD. I have submitted the report by direction of the committee.

Mr. KING. And it is to take the place of the pending bill on the same subject which has been discussed for some time by the Senator from Oregon [Mr. STANFIELD], the Senator from Utah [Mr. SMOOT], and other Senators?

Mr. STANFIELD. It is.

Mr. COPELAND. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that House bill No. 7 may be substituted on the calendar in place of Senate bill 786 as the unfinished business. Without objection, it is so ordered.

INVESTIGATION OF SENATORIAL ELECTIONS

Mr. HARRISON. Mr. President, I do not know just what the latest returns are from the Keystone State.

Mr. KING. The arch has crumbled.

Mr. HARRISON. Yes; the arch has crumbled, for some two or three hours ago it was reported that Mr. VARE, against whom the administration inveighed and in a mad effort to defeat sent into Pennsylvania its strongest champions and friends, was leading for the nomination by some 107,000 votes. It was thought all along that he would carry Philadelphia, but it seems that he not only got all the votes in Philadelphia, the home of our good friend, the present incumbent, the senior Senator from Pennsylvania [Mr. PEPPER], but it looks like he is carrying Pittsburgh, the home city of Andrew Mellon and Jim Davis and DAVIE REED. Too bad that Pittsburgh, around which clusters all that typifies Coolidge and his administration, throws it down—repudiates it—spurns it.

No wonder my friends on the other side look concerned this morning, at least those who have been standing whole-heartedly behind the administration during this Congress and who have been hopeful till now that they might receive a letter of indorsement from Calvin for use in the coming campaign.

Mr. CARAWAY. Such letters will defeat them if received.

Mr. HARRISON. Not only that but now they will not want letters of indorsement.

Mr. President, already charges in regard to the Republican primary fight in Pennsylvania have been made. One of the newspapers this morning carried the story that Senator PEPPER's friends and his managers had stated that there were too many votes polled for VARE in Philadelphia, alleging indirectly—and I suppose in a short time the allegation will be made directly—charges of corruption. Then VARE's management comes back and says that in Pittsburgh the Mellonized Republican machine was well oiled and running with its usual smoothness. Why, sirs, the report some two weeks ago was to the effect that the arm of the Secretary of the Treasury had become paralyzed from overwork in his strenuous efforts in behalf of his candidate. But these charges are not now made for the first time. Reputable correspondents of reputable newspapers have been visiting Pennsylvania and have been writing stories as to the great outlay of money being poured out for each of the candidates for the Republican nomination in Pennsylvania. In the Washington Daily News of a few days ago an article written by Leo R. Sack, who is cognizant of the conditions in Pennsylvania as are few men in journalism, painted a vivid picture of the expenditures upon the part of the managers of the various candidates there. He says:

The Newberry campaign in Michigan—

And I dislike to mention the name "Newberry," because the election is so close at hand, and that name is such a nightmare to certain Senators over there who are coming up for reelection this year, especially my friend CAMERON, of Arizona; my friend Senator CUMMINS, of Iowa; my genial friend CURTIS, of Kansas, the leader on the other side; EDGE, of New Jersey, although he pulled through last year; ERNST, of Kentucky; GOODING, from out in Idaho; HALE, from Maine—he weathered the storm——

Mr. REED of Missouri. Mr. President, what is this—a funeral oration?

Mr. HARRISON. Yes; for the various Senators whose names I am now mentioning.

Mr. REED of Missouri. The Senator's voice is getting so pathetic that it almost brings tears to my eyes.

Mr. HARRISON. My tender heart goes out to my brethren over there. I must commiserate with them. Then, HARRELD, from Oklahoma; LENROOT, from Wisconsin; McKINLEY—but, alas, he is gone; ODDIE—oh, if he could recall it now; SHORTRIDGE—oh, this is the one time he refuses to give me his smiles; SMOOT—he continues to read when I mention his name—he is trying to preoccupy his mind; he wants to forget it; STANFIELD—I am sorry he is not in the Chamber; WADSWORTH—well, it might not hurt him; nothing can; WARREN; WATSON, of Indiana—he will hear more about it during this fall; WELLER—poor WELLER; and WILLIS, whose opponent may be a lady. And PEPPER—oh, what a hurricane. No more are the people of Pennsylvania to be served that brand of seasoning.

Those are the names of Senators, most of them coming up for reelection this year, who voted for Newberry; and here is the article that Leo Sack wrote about the Pennsylvania situation:

The Newberry campaign in Michigan, which shocked the country a few years ago, was pikers' play compared to the Pepper-Vare-Pinchot fight which ends with Tuesday's primary election. The sky appears to be the limit, and the PEPPER and VARE managers seem to be going the limit. Governor Pinchot is not spending so freely.

He was wise.

It was charged in the Newberry contest that expenditures in his behalf exceeded $200,000. His managers admitted $195,000. In Pennsylvania the GEORGE WHARTON PEPPER forces are spending $2,000,000, it is conservatively estimated by well-posted politicians, veteran political reporters, and officeholders. Some think the expenditures may reach $5,000,000.

Leo Sack evidently knew what he was talking about. He would not have written that article if he had not. He is too smart; he would have been fearful that some investigating committee might call him before it and ask him upon what he based that statement. But he is not alone. Many other newspaper correspondents have written articles of the same kind.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator is a very able lawyer. Can my friend PEPPER now sue the people who got his money and did not deliver, and recover? He ought to have some kind of a forum where he can get his money's worth.

Mr. HARRISON. To paraphrase a legal term, may I say, "One who comes into court must come with clean hands." But in Mellon he has a friend who knows how to sue. My friend from Michigan [Mr. COUZENS] will agree to that.

The organization of Representative BILL VARE is almost as well financed as that of PEPPER.

The famous days of Matthew Quay were conservative compared to to-day in Pennsylvania old-timers declare. In Allegheny County alone the primary is costing PEPPER backers half a million dollars, it is estimated. * * *

A large fortune will be spent election day. There are 1,410 election districts in this county. An average of 10 workers will be assigned by the PEPPER forces to each voting place.

And with all that help he got few votes!

In eastern Pennsylvania Joseph R. Grundy, president of the Manufacturers' Association, who admitted before a Senate committee that he collected more than $700,000 for Coolidge, has been gathering money for the Pepper campaign.

And he knows how to gather it. He is one of the fellows, I believe, who got out the literature or collaborated with those who did in the Harding-Cox campaign, which said, "Step on it! Give it gas! Go to it! Get the money!"

There is no legal prohibition against these tremendous expenditures. The Pennsylvania corrupt practices act fixes no limit, and there are no Federal restrictions. The Supreme Court decided in the Newberry case that Congress has no power to regulate Senators' primary campaign expenses. The Senate will not even be able to inquire into the present orgy of spending if it should wish to do so.

Now, Mr. President, I desire to quote, for the purposes of the RECORD, from the speech made by Andrew Mellon in Pittsburgh on Friday night, just before the primary election in this great city, and in this county in which part of this money was expended, and which we are now told went for VARE on yesterday. Here is one utterance. Mr. Mellon says:

We, in this Republican stronghold of Pennsylvania, can do no less than give to President Coolidge our indorsement and backing in his efforts to complete the work which he has begun.

So even that siren song did not appeal to the voters of Allegheny County.

And then our friend from Pittsburgh, in speaking at Philadelphia, used this language. I quote from the speech of Senator REED——

Mr. REED of Missouri. Of Pennsylvania——

Mr. HARRISON. Of Pennsylvania. I will accept the amendment:

Don't think for a moment that Secretaries Mellon and Davis make their appeal for Senator PEPPER at Pittsburgh without the knowledge of the President. There is no doubt about what the national administration wants in Pennsylvania this year.

Mr. CARAWAY. There is not much doubt about what it got, either.

Mr. HARRISON. Yes. REED was there speaking for him; Mellon was there speaking for him; Secretary of Labor Davis was there speaking for him. They sent all their big guns, and yet on yesterday the administration was overwhelmed and repudiated. What we thought was to be a real battle turns out to be a rout.

Mr. President, of course, there is some doubt, in view of what the Supreme Court said in the Newberry case, whether the Senate or the Congress has the right to investigate this alleged corruption in this Republican primary; but the Senate has heretofore condemned the practices that every Senator here knows were invoked in the Republican primaries in Pennsylvania yesterday. It was a very difficult task to get you to go that far, but finally you were overcome and persuaded, and by your votes you condemned the expenditure of even $195,000 in a Republican senatorial primary fight. You said that by your votes in the Newberry case. Even though you were not willing to expel a man whose election had been shown to have been obtained by corrupt methods, you did go on record under the appealing eloquence of my friend from Ohio [Mr. WILLIS], the great pacificator, the fellow who just came in and ironed out all the differences and finally persuaded the late Senator from Missouri, Mr. Spencer, to accept his compromise substitute.

That resolution now adorns the literature of America. Let me read to you that remarkable document, conceived in the fertile brain of the senior Senator from Ohio, who used his eloquence and persuasive logic in obtaining a sufficient number of votes to have it adopted and thereby temporarily saved Newberry.

It was unquestioned that $195,000 had been expended by the friends of Newberry or himself, so there was no getting away from it. So the Senator from Ohio [Mr. WILLIS] and the distinguished gentlemen whose names I have just read, who come up for reelection this year and who will have to explain their action to their constituents, were the ones who voted for the Willis substitute.

He said:

That Truman H. Newberry is hereby declared to be a duly elected Senator from the State of Michigan for the term of six years. * * *

That whether the amount expended in this primary was $195,000, as was fully reported—

That is what you voted for—

or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large—

Says the Senator from Nevada [Mr. ODDIE]—

much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate—

Say the Senator from Utah [Mr. SMOOT] and the Senator from Wisconsin [Mr. LENROOT] and the Senator from Iowa [Mr. CUMMINS]—

either with or without his knowledge and consent, being contrary to sound public policy.

The expenditure of $195,000 by Newberry, which was acknowledged and openly admitted, so say you distinguished Senators over there, was contrary to sound public policy. What are you going to say about this two or five million dollars that reputable newspaper men say was expended yesterday in behalf of one or the other candidates in the Republican primary fight? If the expenditure of $195,000 was contrary to sound public policy in the Newberry case, do you believe that you can defend the policy of expending a million or two million or five million dollars in a primary fight in Pennsylvania?

That is not all it says. The expenditure of $195,000, says the resolution of my friend from Ohio, who comes up for reelection in November, is—

harmful to the honor and dignity of the Senate.

And yet one of the distinguished Senators in the primary fight in Pennsylvania yesterday, Senator PEPPER, voted for that expression as a Member of this body.

Mr. CARAWAY. And, incidentally, it was the first vote he cast.

Mr. HARRISON. Yes; when he had been here about six days.

Mr. CARAWAY. Oh, no; oh, no; just two.

Mr. HARRISON. Maybe it was only two days; but he said that the expenditure of $195,000 in a primary fight was harmful to the honor and dignity of the Senate. My friend from Ohio said the same thing. If the facts charged in the newspapers are true, that $2,000,000 or $5,000,000 was expended in the Pennsylvania Republican primaries, I wonder whether he would rise to defend it and offer another substitute, if the matter should come here, and say, "Notwithstanding the expenditure of $2,000,000 or $5,000,000 we will seat him, but we will express our disapproval and condemnation of it by saying that the expenditure of such an amount is harmful to the honor and dignity of the United States Senate."

But he did not stop there. You said in this resolution—and I am sorry my friend from Oklahoma [Mr. HARRELD] will not smile at what I am saying—that notwithstanding the expenditure of $195,000 in the Newberry primary contest, it was—

dangerous to the perpetuity of a free government.

Yet, notwithstanding the fact that one distinguished Republican Senator at least who had voted those sentiments and that expression for the seating of Newberry makes a campaign in his own State for renomination, and has it charged against him that his campaign managers are spending a $2,000,000 fund for his renomination.

Mr. CARAWAY. I think he has a defense. He got nothing for his money.

Mr. HARRISON. No; but he was able to do that which no other person had ever been able to do—elicit the services of Andrew Mellon to make a political speech, as poor as it was.

Mr. CARAWAY. Oh, no; that was not a political speech.

Mr. HARRISON. I read:

Such excessive expenditures are hereby severely condemned and disapproved.

Ah, Mr. President, it is a great pity that the American people can not be guaranteed in their rights of free and untrammelled and uncorrupted primaries, as well as elections. It is a pity that a group of rich men should get behind this Senator or that Congressman or that public officer and that they should spend money freely and lavishly, without thought of high morals or the expression of the sentiment of the Senate of the United States.

There is not a Senator on the other side now who, if this amount of money was expended in the primary, will rise to defend it.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HARRISON. I doubt whether these Senators whose names I have called, who come up for reelection in this coming campaign, if they had to vote again on the Willis resolution seating Newberry, would cast their votes that way, but they would vote to expel him.

Now, I yield to the Senator. I am glad to see him back. Considering the election returns, I am surprised he did not get back earlier this morning.

Mr. REED of Pennsylvania. Mr. President, I have been delayed by the Democratic tariff investigating committee, which is trying to find some issue for the next election.

Mr. HARRISON. The Senator is in better work in doing that than he was performing up in the primary fight in Pennsylvania.

Mr. REED of Pennsylvania. I want to say a word about the Senator's strictures on the expenditures in Pennsylvania. The Senator forgets, I think, that the population of Pennsylvania is over 9,000,000 people, and all of our adults who are citizens are permitted to vote. In the Senator's home State, where three-fourths of the adult citizens are disfranchised, it doubtless is not necessary to spend a dollar.

Mr. HARRISON. I would not be surprised if some of this money that was expended in Pennsylvania was spent in getting some of those voters from Mississippi up there to help out on yesterday. [Laughter.]

I am through, Mr. President.

Mr. REED of Missouri. Mr. President, I ask unanimous consent for the present consideration of the following resolution, which I ask to have read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read the resolution (S. Res. 195) submitted by Mr. REED of Missouri, April 8, 1926, as follows:

Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association, to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a member of the United States Senate at the general election to be held in November, 1926. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations that have made or shall hereafter make such promises, subscriptions, advancements, or payments and the amount by them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED of Pennsylvania. I object.

Mr. REED of Missouri. Mr. President, I am sorry the Senator from Pennsylvania has objected to the consideration of this resolution. He is too good a man to take the position that the Senate should not endeavor to protect itself against men who may employ vast sums of money to corrupt the electorate of any State or of all States.

The castigation administered by the Senator from Mississippi [Mr. HARRISON], partially humorous, but nevertheless barbed with facts, ought to have elicited, and I hoped would elicit, from the representatives of Pennsylvania a categorical denial of the facts or alleged facts lodged in the newspaper articles which were read.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. REED of Pennsylvania. In my own behalf I ought to say that I have been in constant attendance all morning in a meeting of the committee of which the Senator from Arkansas [Mr. ROBINSON] is the chairman. I was told that the business under consideration was the migratory bird bill, but it seems to be some other topic. I did not hear the statements of the Senator from Mississippi, and therefore am not in a position to affirm or deny them.

Mr. REED of Missouri. They were to the effect that something over $2,000,000 had been expended by one of the candidates and another huge sum expended by another of the candidates. As I construe the article, it in substance charges wholesale corruption. I had hoped that for the reputation of Pennsylvania and the good name of the country my friend would have been able to say to us that the allegations were untrue.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield again——

Mr. REED of Missouri. I yield.

Mr. REED of Pennsylvania. I will say that I do not for a moment believe that there was wholesale corruption. I will say, further, that I do not for a moment believe that any single candidate or group of candidates spent $2,000,000. I think that is the usual exaggeration that follows an extremely excited campaign. I will say this, further, if the Senator will permit me to trespass on his time——

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. That the outcome in Pennsylvania in the Senatorship campaign—which I deepely regret, because I think the State has failed to recognize the faithful service which Senator PEPPER has rendered—was due to two causes: First, the interjection of Governor Pinchot and his candidacy, which divided the so-called "dry" sentiment; next, a wave of resentment against the prohibition law, which blinded many people to the real questions at issue. It was the only opportunity they thought they would have for an expres-

sion of their sentiment on this wet and dry question. I think it is a crowning shame that the election of a United States Senator should have turned on an issue on which the successful Senator will probably not have a chance to vote in his six years in office.

I want to say for myself, now that I can say it without influencing Senator PEPPER's chances, that I believe that question ought to be taken out of politics, at least out of the campaigns for choice of representatives in the Senate, by allowing the people of Pennsylvania to express their sentiments in a referendum on that subject, so that we may know what they think, without having to try to read it through the dim glass of their choice of a particular candidate in a primary.

Mr. BORAH. Mr. President, may I ask the Senator from Pennsylvania if the Senator's people express their views through a referendum, must they not have a representative here and a Representative in the House to carry out the sentiment expressed in the referendum?

Mr. REED of Pennsylvania. I take it that any conscientious Senator or Representative will regard himself as bound by the solemnly expressed judgment of the people of his State on a question they have had a chance to consider as long as they have this wet and dry proposition.

Mr. BORAH. Does the Senator contend that if the people of Pennsylvania should vote in a majority against the Volstead Act a Senator here having a conviction against their action should surrender his conviction to the popular vote?

Mr. REED of Pennsylvania. Mr. President, on matters that come up afresh, on which the popular judgment is merely a first impression, I do not regard myself as bound, because I think the first judgment of the people is about as often wrong as it is right. But the nearest we can come to wisdom is the settled conviction of the public on a subject on which they have had a chance to think, and to watch the workings of an experiment, and I believe that they have had that chance to think on the wet and dry question, and I believe their judgment is wiser than mine is, and I regard myself as bound by it.

Mr. BORAH. The fundamental principle upon which this Government was organized was that of representative government, not referendums, or a pure democracy, but that the people select a representative, and that representative is to represent their views, if they are in harmony with his. If he has convictions against them, their remedy is to retire him. That, in my opinion, is absolutely essential to a sound form of representative government. I do not believe that a Senator or a Representative should surrender his convictions to a popular vote. The remedy of the people is to retire the official.

Mr. REED of Pennsylvania. The Senator knows from experience here that I have never hesitated to oppose my judgment to the views of a majority of Pennsylvanians, until I believed they had had a chance to reach a mature judgment. There have been many cases in which I have shown that. But I do believe, as I have said before, that the nearest we can come to wisdom in a democracy, or in a republic, or in a representative government, is the composite judgment of all the people on a subject they have been considering for years.

This primary, which has given Mr. VARE apparently a victory, establishes him as the Republican nominee with a minority of votes. Many people voted against him who agree with him on the prohibition question. Many people voted for him who perhaps disagree with him on the wet and dry question, because of his organization in Philadelphia. After all, it is only the expression of a minority of one of the two great parties. That is not a sufficient expression to guide me here in Washington. But I say that this question has become so acute that we are entitled to know what our people think of it, and when I do know, I shall consider myself, as their representative, bound to follow their judgment.

Mr. BORAH. Of course, it is acute, and we are bound to dispose of it; but I trust we are not going to have injected into our system of government the principle that a Senator here merely records, as a clerk or as an amanuensis, what he thinks the popular judgment has determined in his State.

Mr. REED of Missouri. Mr. President, I am glad to have the assurance of the Senator from Pennsylvania that he does not think there was corruption. I do not therefore at this time press that point, but the charge has been distinctly made by the press that the huge sums of money to which I have referred were raised and expended. I would like to ask the Senator if he feels at liberty to discuss the question whether the statements as to the amounts are substantially correct?

Mr. REED of Pennsylvania. I do not believe it for a moment. The Senator from Utah [Mr. SMOOT] tells me that the statement of the Senator from Mississippi [Mr. HARRISON] was that $5,000,000 had been expended.

Mr. HARRISON. The statement I read was from an article written by Leo R. Sack, and I think it is reinforced by other articles, stating the amount expended to have been from $2,000,000 to $5,000,000.

Mr. REED of Pennsylvania. Mr. Leo R. Sack is a very capable, admirable, and diligent newspaper correspondent who is stationed here in Washington, and while he may have repeated some gossip that he heard, he is not in a position to know what was spent. I have been in Pennsylvania for the last four or five days, and while I can not state the exact amount, of course, I have the impression that those figures are very greatly overstated.

Mr. REED of Missouri. Is not the Senator willing to let the Senate find out the facts?

Mr. REED of Pennsylvania. I think the Senate spends too much time chasing down newspaper rumors. We did that all during the last session of Congress and it got us nowhere. The Senator will remember that we almost made ourselves unable to transact the regular business of the Senate because we were busily engaged running down this rumor or that rumor and appointing special investigating committees. The country is sick of it.

Mr. REED of Missouri. This is more than a rumor. The committee, if created, will, of course, sit during the recess of Congress. But it is said investigations get nowhere. Sir, I remember two investigations that brought results of the most important character. The investigation by Congress disclosed the Newberry corruption. The investigation by what is commonly called the Walsh committee uncovered an unspeakable condition in the Cabinet. It furnished the facts to sustain litigation which has restored a large part of the property of which the Government had been defrauded. It brought the former Attorney General to the point where he has declined to testify before a grand jury on the ground that if his testimoney were truthfully given he would thereby incriminate himself.

In view of the results thus obtained, and obtained in many other cases, it is idle to claim that investigations are a waste of time.

I know that the Senator from Pennsylvania does not believe in corruption in politics. I know that he does not believe in buying votes. I know that he does not want the fountain of law poisoned. The primary election is after all the fountain source of the law, for at the primary the men are selected who afterwards make the laws for a great people. I ask the Senator from Pennsylvania, why not withdraw the objection, permit the resolution to be considered by the Senate, and let us find out what the facts are; let us ascertain whether or not the primary was tainted with corruption?

Mr. REED of Pennsylvania. Mr. President, there is no better constitutional lawyer who speaks in the Halls of Congress than is the Senator from Missouri, and he will grant, I am sure, that the Constitution binds us as firmly as any other branch of the Government. The Supreme Court of the United States in the Newberry case distinctly said that we have no business to legislate on the subject of primary elections.

Mr. REED of Missouri. I differ from the Senator as to the applicability of that case to the resolution I am proposing.

Mr. REED of Pennsylvania. If we have no business to legislate respecting primary elections, we certainly have no business to investigate them.

Mr. REED of Missouri. I do not agree with the Senator from Pennsylvania. The Supreme Court declared that a penal statute, when sought to be applied to a primary election in Michigan, was beyond the authority of Congress. But the Supreme Court did not say and the Supreme Court never will say that the Senate has not the right to protect the purity of the election of its Members; that it does not have the right to say who shall sit and who shall not sit in the United States Senate; that the Senate is not the sole judge of the qualifications of its Members. If that is true, then the Senate has the right to know the methods by which a man asking to be here seated was nominated. Although the Congress may not possess authority to enact a statute under which a court can send a culprit to the penitentiary, it does nevertheless have the right to know whether the nomination, which is the initial step to the election, was corruptly secured. For even though we can not enact a statute under which the individual may be sent to jail, we do undoubtedly have the right to inquire into his right to a seat in the councils of the Nation. If his election is tainted with the leprosy of corruption, if he is shown to have no regard for the ordinances of God or the laws of his own State, we have to consider the fact when that gentleman presents his credentials to the Senate. Accordingly, we do have a right to investigate and find out what the facts are.

Mr. President, the Senator from Pennsylvania, I think, has left the Chamber——

Mr. REED of Pennsylvania. No, Mr. President; I am still here.

Mr. REED of Missouri. I thought the Senator had left; I beg his pardon. I now move that the Senate proceed to the consideration of the resolution.

Mr. REED of Pennsylvania. Mr. President, a point of order. The unfinished business is the civil service retirement bill.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The point of order is well taken.

Mr. REED of Missouri. We can displace the unfinished business by a motion at any time.

The PRESIDING OFFICER. The Chair thought we were proceeding by unanimous consent.

Mr. REED of Missouri. My resolution has been on the table for two or three weeks. The necessary day's time has elapsed since its introduction. At any time the unfinished business can be displaced by a motion to take up a resolution or bill. I ask the Senator from Oregon [Mr. STANFIELD] if he does not want it displaced by my motion to make the request to temporarily lay aside his bill. I am going to insist on the motion.

Mr. REED of Pennsylvania. That request was made by a Senator on the other side of the aisle and I objected to it, and I shall continue to object to any such request.

Mr. REED of Missouri. I am not now making a request for unanimous consent. I am now moving that the Senate do now proceed to the consideration of Senate Resolution 195.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. REED of Pennsylvania. If the motion of the Senator from Missouri is adopted, will that not displace the civil service retirement bill from its status as the unfinished business of the Senate?

The PRESIDING OFFICER. The Chair so holds.

Mr. REED of Missouri. The Senator from Oregon might avoid that by asking to temporarily lay aside the unfinished business. If he does not see fit to do so, then I shall insist on my motion at this time. If the Senator wants to take that chance, it is for him to decide.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Missouri to proceed to the consideration of Senate Resolution 195.

Mr. HARRISON and Mr. REED of Missouri called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote, I withhold my vote.

Mr. TRAMMELL (when Mr. FLETCHER'S name was called). I desire to announce the necessary absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], which I transfer to the Senator from South Carolina [Mr. SMITH], and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER], and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the Senator from Massachusetts [Mr. GILLETT], who is absent. I transfer that pair to the Senator from Montana [Mr. WALSH], who is also absent, and let my vote stand.

Mr. GERRY. I desire to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness. If present, he would vote "yea."

Mr. HARRIS. I wish to announce that my colleague the junior Senator from Georgia [Mr. GEORGE] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 45, nays 34, as follows:

YEAS—45

Ashurst	Caraway	Gerry	Johnson
Bayard	Copeland	Glass	Jones, N. Mex.
Borah	Couzens	Harris	Kendrick
Bratton	Dill	Harrison	King
Broussard	Edwards	Heflin	La Follette
Bruce	Frazier	Howell	Lenroot
McKellar	Overman	Shipstead	Tyson
McNary	Pittman	Simmons	Underwood
Mayfield	Ransdell	Steck	Wheeler
Neely	Reed, Mo.	Stephens	
Norris	Robinson, Ark.	Swanson	
Nye	Sheppard	Trammell	

NAYS—34

Bingham	Fernald	Moses	Stanfield
Butler	Fess	Norbeck	Wadsworth
Cameron	Goff	Oddie	Warren
Capper	Gooding	Pine	Watson
Cummins	Hale	Reed, Pa.	Weller
Curtis	Harreld	Robinson, Ind.	Williams
Dale	Jones, Wash.	Sackett	Willis
Deneen	Keyes	Schall	
Ernst	McMaster	Smoot	

NOT VOTING—17

Blease	George	Means	Smith
du Pont	Gillett	Metcalf	Walsh
Edge	Greene	Pepper	
Ferris	McKinley	Phipps	
Fletcher	McLean	Shortridge	

So the motion was agreed to, and the Senate proceeded to consider Senate Resolution 195, submitted by Mr. REED of Missouri, April 8, 1926, as follows:

Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a progressive Republican, and of two members from the minority political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate at the general election to be held in November, 1926. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations that have made or shall hereafter make such promises, subscriptions, advancements, or payments and the amount by them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who having been summoned as a witness by authority of said committee willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

Mr. REED of Missouri. Mr. President, I ask for a vote on the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. HARRISON, Mr. REED of Missouri, and Mr. ROBINSON of Arkansas called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PEPPER]. Not knowing how he would vote if present, I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. He is absent, and I transfer the pair to the Senator from Montana [Mr. WALSH], who is also absent, and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

Mr. GERRY. I desire to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate by illness. If present, he would vote "yea."

Mr. HARRIS. I wish to announce that my colleague the junior Senator from Georgia [Mr. GEORGE] is necessarily absent. If present, he would vote "yea."

Mr. WHEELER. I wish to announce that my colleague the senior Senator from Montana [Mr. WALSH] is necessarily absent from the Chamber on official business. If he were present, he would vote "yea" on the adoption of the resolution.

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER], who is absent on account of illness, if present, would vote "yea."

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

Ashurst	Edwards	La Follette	Sheppard
Bayard	Frazier	Lenroot	Shipstead
Borah	Gerry	McKellar	Simmons
Bratton	Glass	McMaster	Stanfield
Broussard	Gooding	McNary	Steck
Bruce	Harreld	Mayfield	Stephens
Butler	Harris	Neely	Swanson
Cameron	Harrison	Norris	Trammell
Caraway	Heflin	Nye	Tyson
Copeland	Howell	Overman	Underwood
Couzens	Johnson	Pine	Weller
Cummins	Jones, N. Mex.	Pittman	Wheeler
Curtis	Jones, Wash.	Ransdell	Williams
Dale	Kendrick	Reed, Mo.	Willis
Dill	King	Robinson, Ark.	

NAYS—13

Bingham	Goff	Sackett	Warren
Ernst	Hale	Schall	
Fernald	Moses	Smoot	
Fess	Oddie	Wadsworth	

NOT VOTING—24

Blease	Fletcher	McLean	Reed, Pa.
Capper	George	Means	Robinson, Ind.
Deneen	Gillett	Metcalf	Shortridge
du Pont	Greene	Norbeck	Smith
Edge	Keyes	Pepper	Walsh
Ferris	McKinley	Phipps	Watson

So the resolution was agreed to.

Subsequently, under the provisions of the resolution (S. Res. 195) authorizing the President of the Senate to appoint a special select committee to make investigation into the means used to influence the nomination of any person as a candidate for membership in the United States Senate, the Vice President appointed Mr. REED of Missouri, Mr. DENEEN, Mr. REED of Pennsylvania, Mr. LA FOLLETTE, and Mr. BAYARD members of the special committee.

Mr. REED of Missouri. Mr. President, I arise merely to call attention to the fact that between the time we voted to take up the resolution and the time we voted on its adoption, as nearly as I can estimate, there was a lapse of only about seven minutes and three-quarters, including the time consumed by the roll call.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. In just a moment I will yield. I include in that seven minutes and three-quarters the time consumed by the roll call. In that interval of time 21 Senators changed their minds. It is the most——

Mr. CURTIS. Mr. President, that is not a fair statement. There is a great deal of difference between voting to displace a measure by taking up another measure and voting for its passage. The Senator ought to be perfectly fair.

Mr. CARAWAY. There is the difference between voting "yea" and voting "nay."

Mr. REED of Missouri. I am going to be fair; I am not going to let the Senator from Kansas get the least bit out of patience with me. In that period of time 21 Senators changed their minds. If two or three minutes more had been allowed to elapse, I have no doubt the other 13 Republican Senators would have also seen the light and voted for the resolution.

I know perfectly well that there is a difference between moving to take up a measure and moving the passage of the measure. The difference is that when you are merely moving to take up a measure it can be voted against and the excuse offered that the reason is not opposition to the proposition itself, but the desire to proceed with some other preferred business. That is the difference, and that is the only difference.

Every man sitting in this Chamber knows two things: That the debate, if the motion to take up the resolution had been debated, would not have occupied more than a few minutes of time, or, at the outside, an hour or two of time. As a matter of fact, it was not debated at all. He also knows that the bill that is to be considered—the retirement bill, I believe it is called—can be passed without any question at this session of Congress. So I must give to the remarkable change in the vote the most honorable explanation I can conceive, which is that there was really a sincere, albeit a lightninglike, change of heart during the seven and three-quarters minutes.

Nobody will pretend seriously in this body, or in the country to which we are soon to go, that there is any comparison in importance between this retirement bill and the purification and defense of the politics and elections of the land.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED of Missouri. I do.

Mr. CURTIS. Nobody will pretend that; but no one will contend that there was any great need of calling up this matter this afternoon, when it could have been called up to-morrow just as well. The Senator let it stay on the table here for days, and it could have been laid aside until the pending measure, which is the unfinished business, is disposed of just as well as not.

Mr. REED of Missouri. And if I had brought it up to-morrow or the next day I would have been met with the same argument, namely, "there is other business in the hopper."

Mr. BINGHAM. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED of Missouri. I do.

Mr. BINGHAM. The Senator from Kansas has said that the Senator's resolution was presented at least four or five days ago, and that the Senator left it on the table for four or five days. As a matter of fact, it was presented on April 8, and the Senator has made no effort to get it up in a month and ten days.

Mr. REED of Missouri. So much the worse——

Mr. BINGHAM. For the Senator from Missouri.

Mr. REED of Missouri. That it had to lie on the table all that time. When I offered the resolution, as I recollect, I asked unanimous consent for its then consideration, and it was objected to on the other side of the Chamber. If it lay there all that length of time, and needed action, why did not the "tall sycamore" from Connecticut arise and call it to the attention of the Senate?

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Certainly.

Mr. BINGHAM. Does the Senator think it was good legislative practice to take advantage of a situation in the morning newspaper, when certain rumors were current, to press for the immediate passage of a resolution which had not been debated and which he has just said was before the Senate less than seven minutes? Does the Senator think that is good legislative practice?

Mr. REED of Missouri. Oh, I did not make any such statement. Let me in turn ask the Senator if he thinks it is good legislative practice to try to throttle an investigation to ascertain whether or not charges publicly made by the press of this country are true, when the acts charged concern the very life of the country itself? Does he consider it good legislative practice not to promptly take up a question of that kind and investigate it?

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED of Missouri. I do.

Mr. SIMMONS. May I ask the Senator if during the period of time elapsing between the day he introduced this resolution, April 8, and the present time the steering committee, which has charge of outlining legislation in this body, has taken any action with reference to this important resolution?

Mr. REED of Missouri. No; the steering committee has been "otherwise engaged." It has taken no action. But what I said—and I am calling this to the attention of the Senator from Connecticut—was not that this resolution had only seven minutes consideration. On the contrary, an able address was made by the Senator from Mississippi [Mr. HARRISON] touching these alleged frauds and this charged corruption. Following that I called up this resolution and addressed the Senate at some little length. I begged and implored unanimous consent for its present consideration, and if it had been given the resolution could have been passed in a few moments; and when it was not given and when no one rose to speak we called for a vote.

The "seven and three-quarters minutes" is the time that elapsed after we had voted to take up the resolution. Thereupon the opportunity was given to speak on the resolution, but the clarion voice of the Roderick Dhu of the Atlantic coast was not heard summoning the hosts to battle. He was as mum as

an oyster, and everybody else was; and we voted, and 21 Senators changed their minds in the seven and three-quarters minutes that elapsed between the two votes. It was a remarkable exhibition of intellectual somersaulting.

Mr. BINGHAM and Mr. HARRELD addressed the Chair.

The VICE PRESIDENT. Does the Senator yield, and if so to whom?

Mr. REED of Missouri. I yield first to the Senator from Connecticut.

Mr. BINGHAM. Does the Senator deny that immediately after the vote was announced and the resolution was taken up he secured the floor and moved its immediate adoption and called for the yeas and nays without giving anyone a chance to debate it or even to read it?

Mr. REED of Missouri. Why, certainly I called for a vote, and then and there every Member of this body had the right to rise, address the Chair, and talk until exhausted nature reduced him to silence.

Mr. BINGHAM. The Senator will realize that certain Senators on this floor, not being so gifted as he who speaks so frequently from Missouri, are unable to talk upon a subject which they have not had the opportunity to study. They require a little time for study and reflection.

Mr. REED of Missouri. After having followed the Senator's course in this body I had not concluded that he was so afflicted.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED of Missouri. I yield for a question.

Mr. HARRELD. I desire to ask a question for information. I voted for the resolution. I voted against its immediate consideration because I did not know what was in it, and I do not know yet.

Mr. REED of Missouri. Why, then, did the Senator vote for it?

Mr. HARRELD. Because the Senator from Missouri told me what it contained, and I believed him, but I desire a little further information. What is the difference between the provisions of this resolution and the one that was introduced as an amendment to the Post Office appropriation bill two years ago by the Senator from Idaho [Mr. BORAH] and was passed and was in effect during the last campaign? Is there any particular difference between them?

Mr. REED of Missouri. I do not know what the difference is. I have not compared the two documents. I drew this one and hope it is drawn correctly.

Mr. HARRELD. I want to say that I voted for that one, and that this is no new kind of legislation.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED of Missouri. Yes.

Mr. SMOOT. I know that the Senator wants to be absolutely correct about every statement he makes; but in looking at the RECORD I find that when the Senator introduced the resolution there was no request for its immediate consideration, and it went directly to the table and was ordered to lie on the table.

Mr. REED of Missouri. Mr. President, I am very sure that I asked for its consideration. Whether I did it at the moment or allowed it to lie over, I do not recall.

Mr. SMOOT. I have looked through the RECORD, and I know that the Senator wants to be absolutely correct.

Mr. REED of Missouri. But, anyway, what is the use of quarreling about that? It is utterly trifling.

Mr. SMOOT. I am not quarreling about it.

Mr. REED of Missouri. There were 34 of you over there who voted against taking up the resolution at all.

Mr. SMOOT. Mr. President, I thought, of course, the Senator, if he were reminded of it, would simply say, "Well, then, I was mistaken." I know that if I had made a misstatement I would thank the Senator for calling my attention to it.

Mr. REED of Missouri. Certainly. I was speaking from recollection, and my recollection was that I asked for the consideration of the resolution at that time. If I did not, I feel confident that I asked for it later; but whether I did or not is as utterly immaterial as whether a mosquito was born last month. The fact is that 34 of you voted against taking up the resolution; and then 21 of you—and I am going to drop into the vernacular—"welched" inside of seven and three-quarter minutes.

Mr. STANFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. The fact is that if 34 of you voted against taking the resolution up for consideration we know that unanimous consent would have been refused. Besides, the Senator from Pennsylvania [Mr. REED] did this morning refuse unanimous consent. This he did, although I implored him, almost tearfully, to please allow us to have a vote.

Mr. STANFIELD. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. STANFIELD. I want to disclaim any motive of "welching." For several days I have been trying to bring the civil service retirement bill to a vote. It was the unfinished business of the Senate. We had hoped that we could proceed with it this morning; and I know, as one Senator who voted for the Senator's resolution, that I voted against bringing up his resolution, because I did not want to displace the civil service retirement bill, for the immediate passage of which there is an imperative need in order to alleviate the suffering of many thousands of people.

The Senator has interfered with that relief by purposely making his motion and displacing the unfinished business, the civil service retirement bill.

Mr. REED of Missouri. Mr. President, what happened was this: I said to the distinguished Senator that if he would ask to have his bill temporarily laid aside for only a few minutes we could pass this resolution, but that otherwise a motion would displace his bill, and that he could take his chances and proceed according to his own lights. He took his chances, and voted against taking up the resolution. He knows very well that if he had asked to have his measure temporarily laid aside it would not have been displaced. Now it is displaced, and displaced because he was so anxious to prevent a vote on this resolution that he was willing to jeopardize the legislative position of his own bill. That is the cold truth about it.

Mr. STANFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. REED of Missouri. Yes.

Mr. STANFIELD. I was advised by the parliamentarian of the Senate that if the Senator insisted on bringing up his resolution for a vote, and a vote was taken, regardless of whether I made the motion to lay aside the unfinished business temporarily or not, it would be displaced and would cease to be the unfinished business of the Senate. It may be that the Senator from Missouri is better informed on the parliamentary situation than the Senator from Oregon.

Mr. REED of Missouri. I advised the Senator on the floor this morning, and I told him that he could in that way keep his legislative position.

Mr. STANFIELD. I have made a parliamentary inquiry, and I should like to know which is the proper procedure.

Mr. REED of Missouri. When I told the Senator, why did he go further for advice?

Mr. STANFIELD. I sought better advice.

Mr. REED of Missouri. Mr. President, I am delighted at this conversion. That is all I rose to say, but Senators have the habit of interrupting me all the time. I am delighted because I intend very shortly to offer a resolution to provide for the expenses of this investigation; and, since there has been such a general unanimity of movement from the back seats to the mourners' bench, I take it that when I offer that resolution no Senator will object to its consideration or to its passage.

Mr. SMOOT. It has to go to the committee.

Mr. REED of Missouri. I know it has to go to a committee, and I am hoping that the moral force that has come from this "revival spirit," this contagion of virtue that has suddenly spread even to the other side of the Chamber, will be so great that the committee will report the resolution out favorably and promptly.

I desire to occupy the floor only a moment more. The question under consideration has been to some degree discussed in a semiserious, semijesting spirit. To my mind it is the gravest problem confronting the people of the United States. Our Government rests upon the will of the people, and if that will can be habitually cheated, suborned, or corrupted, then the Republic falls, and if it falls the liberties of the world will be buried in its ruins.

Sir, we amended the Constitution of the United States, and provided for the direct election of Senators. One of the great arguments advanced in support of that amendment was that men of great wealth were gaining seats in the Senate by corrupt methods practiced upon the general assemblies of the States. The infamies attending the attempted election of Adkins in Delaware, the scandals that spread a black pall over many legislative halls aroused the people. The awakened conscience of the Nation demanded that the election of United States Senators should be transferred from legislative assemblies to the great body of the people.

It was thus hoped to render corruption impossible, for it was believed the masses were incorruptible.

Are all these expectations to be defeated? Is the bud of hope to wither? Are we to gather only the bitter fruit of despair? Is the leprosy of corruption to spread from legislative halls to the body of the people?

Let no one say that I here assert that the majority of the people can be bribed or otherwise corrupted. I do not so assert; but if even a small percentage be corrupted, that percentage may determine a great national election and control the national policies.

When it was learned that Newberry had expended $190,000, in the teeth of a statute of his own State, there was a general expression of anger and even horror. Whereupon the Senator from Ohio, although generally anxious to bare his back to the party lash—to blindly follow his political bellwether—experienced such twinges of conscience that he felt something must be done to ease the pain. Accordingly he offered a resolution in substance and effect that "Newberry having obtained his election by processes destructive of the Republic, therefore be it resolved that he be given a seat in the Senate for six years."

The dulcet voice of the Senator from Pennsylvania [Mr. PEPPER] was heard upon the hustings defending Newberry and criticizing those who had attacked him. Doubtless some of the people of Pennsylvania when they went to the polls recalled those speeches and voted their protest.

A few weeks ago a primary election was held in Illinois. It has been charged by many people that one of the candidates expended from a million to a million and a half dollars in that primary. Even then he went down to defeat.

If these charges are true, then the country ought to know the facts. If these charges are true, then a condition of corruptness and of rottenness exists which ought to arouse to extreme vigilance every man who loves his country and adores its flag.

The press to-day states, and the statement is not categorically denied, that there was on yesterday and the few preceding days expended in the Pennsylvania primary from $2,000,000 to $5,000,000. If the charge be true, every man concerned in it ought to be speedily tried and sent to the penitentiary.

We are daily dooming to the penitentiary many men for selling a bottle of beer to a man who wants to buy that bottle of beer. We are filling our jails with citizens for acts that involve no great moral turpitude, acts that are only mala prohibita; but here is a vicious crime which, if it be permitted to fasten upon the body politic, will, like a cancer, eat into the heart of the Republic and destroy it utterly.

If, sir, you were to muster before me the murderer with blood-wet hands, the thief in possession of his loot, the highwayman armed with bludgeon and pistol, the fire bug with his torch, the burglar with dark lantern and jimmy, and if you were to place with that assembly of rogues the wretch who had corrupted an election, I would unhesitatingly declare the corruptionist the blackest scoundrel of them all. I would so say because the man who attacks the foundations of his Government and thereby assails the very structure of society is the greater criminal, the more intolerable villain, for his criminality poisons the soul of the Nation.

Mr. President, the charges to which I have referred seem to be lightly made. The Senator from Mississippi read from one newspaper. I now present an editorial appearing in the New York World:

NEWBERRY WAS A PIKER

Pennsylvania went through something yesterday which is called a Republican primary but which was actually a bitter fight for the control of a Republican State machine fought principally with dollars.

"It is generally conceded by everyone," says the United Press, "that more money has been spent in this campaign than in any other primary in this country."

"Reported expenditures are so great," says a World dispatch from Pittsburgh, "that even veteran politicians are staggered."

The Evening World's correspondent in the field suggests $2,000,000 as "a conservative estimate among men who have observed such a flow of gold as Pennsylvania has never known."

The correspondent of the Times estimates the whole cost of the primary at $5,000,000, and adds that the open and extravagant use of money "has given the Pennsylvania workers and people generally a *different idea of politics.*"

"A different idea of politics!" Ah, what an idea it must be. The ignorant man, the unlettered man, the foreigner new to our shores, attends a great American assize. He beholds the people summoned to the ballot box to express their untrammeled will. He sees issuing forth the bribe giver, the corruptionist, buying the souls of the citizens, bribing them to yield a privilege that was purchased by the lives of countless millions of men. For, sir, the struggle for human liberty was not begun in the War of the American Revolution. That liberty might be gained men have contended and struggled in every age of time. Armies have marched and countermarched across the face of the world until its plains were white with skeletons and all its soil was sodden with the blood of men. That we might all be free, martyrs centuries ago endured the torture of the rack, the agony of the thumbscrew, the ignominy of the pillory; they have stood at the stake and amidst the circling flames proclaimed the sacred right to liberty, equality, and justice.

To gain the boon of liberty for us men have lain behind prison walls until brown locks turned to gray and rotted on their temples.

To gain the boon of liberty for us, to establish here a free government, our fathers rallied to the standard of revolution. Through the miasma of swamps, through forest depths, beneath the burning sun, amidst the winter's snows, in starvation and in despair, they fought on and on and on, until at last they established the right of self-government. And that right is all concentrated in the simple right to cast a freeman's ballot.

He who will lay unholy hands upon that blood-baptized privilege is worse than an anarchist; he is the vilest of traitors; he does not merely betray, he destroys his country for he poisons its soul.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort, on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; to the Committee on the Library.

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition, to be held in the city of Camden, N. J.; to the Committee on Education and Labor.

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926; to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, requested that the Senate return to the House the bill (H. R. 9568) amending section 220, Criminal Code of the United States.

The message also announced that the House had passed without amendment the bill (S. 3115) to amend section 220 of the Criminal Code.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

Mr. STANFIELD. I ask unanimous consent that the Senate proceed to the consideration of House bill 7, the civil service employees' retirement bill.

Mr. JONES of Washington. There are some Senators absent who asked me if such a request was made to call for a quorum in order that they might be present. I therefore make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Bayard	Fess	McMaster	Shipstead
Bingham	Frazier	McNary	Shortridge
Borah	Gerry	Mayfield	Simmons
Bratton	Glass	Means	Smoot
Broussard	Goff	Moses	Stanfield
Bruce	Gooding	Neely	Steck
Butler	Hale	Norbeck	Stephens
Cameron	Harreld	Norris	Swanson
Capper	Harris	Nye	Trammell
Caraway	Harrison	Oddie	Tyson
Copeland	Heflin	Overman	Underwood
Couzens	Howell	Pine	Wadsworth
Cummins	Johnson	Pittman	Walsh
Curtis	Jones, N. Mex.	Ransdell	Warren
Dale	Jones, Wash.	Reed, Mo.	Watson
Deneen	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ark.	Willis
Edwards	King	Robinson, Ind.	
Ernst	La Follette	Sackett	
Fernald	Lenroot	Schall	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

Mr. STANFIELD. Mr. President, I renew my request for unanimous consent that the Senate proceed to the consideration of House bill 7, the civil service employees' retirement bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Mr. SMOOT. Mr. President, I ask that the bill be read because it is the House bill, I understand, that has been substituted for the Senate bill.

Mr. ROBINSON of Arkansas. It has not been substituted, has it?

Mr. SMOOT. Yes; it has. The House bill is now the unfinished business.

Mr. ROBINSON of Arkansas. Mr. President, let us understand the parliamentary status. The committee has reported the House bill. Does the Senator propose to substitute the House bill for the Senate bill?

The VICE PRESIDENT. The House bill has been substituted for the Senate bill.

Mr. STANFIELD. That has already been done. In making the committee report I moved that the House bill be substituted for the Senate bill for consideration by the Senate. Later the motion of the Senator from Missouri [Mr. REED] displaced the unfinished business, and now I have asked and obtained unanimous consent that the Senate proceed to the consideration of House bill 7, which had been substituted previously for Senate bill 786.

Mr. SMOOT. It is the unfinished business now?

Mr. STANFIELD. Yes.

Mr. SMOOT. It is now before the Senate?

Mr. STANFIELD. Yes.

Mr. SMOOT. I ask that the House bill be read at this time. The reason why I do that——

Mr. McKELLAR. Mr. President, the Senate committee has recommended to strike out everything after the enacting clause of the House bill.

Mr. SMOOT. I am perfectly aware of that. I want to perfect the House bill. When the Senator offers his amendment—of course, if anybody wants to offer an amendment to his amendment to perfect it, he can do so—but I want to perfect the House text, I will say to the Senator.

Mr. COUZENS. Mr. President, the House bill is not before us. The language of the House bill was substituted for the language of the Senate bill that was before us yesterday.

Mr. ROBINSON of Arkansas. It is in order to perfect the language of the House bill.

Mr. SMOOT. Of course it is.

Mr. COUZENS. But it has been substituted.

Mr. SMOOT. No; the House bill is now before the Senate.

Mr. ROBINSON of Arkansas. Technically, but not actually.

Mr. SMOOT. I ask that the House bill, which has just been made the unfinished business, be read at this time.

Mr. COPELAND. As I understand it, the House bill is a death sentence.

Mr. SMOOT. The Senator from New York may designate it in that way if he chooses. It is the retirement bill.

Mr. COPELAND. I understood that the bill which the Senator from Oregon has presented is the retirement bill, but the bill referred to by the Senator from Utah is simply to create a graveyard.

Mr. SMOOT. I do not care what designation the Senator from New York may apply to it. It is the retirement bill and the only one we are going to get, if we get any.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. The House bill was referred to the Committee on Civil Service. That committee has reported it back to the Senate, striking out all after the enacting clause and substituting the language of another bill. When the request is made to read the bill, is it not the bill as reported by the committee? I am not a parliamentarian, and I merely ask for a ruling of the Chair on the question.

The VICE PRESIDENT. The formal reading of the bill not having been dispensed with, it is in order now to read the House bill, which the clerk will do.

The Chief Clerk read the bill as passed by the House, as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 1. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 5 of this act shall be eligible for retirement on an annuity as provided in section 4 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and mechanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined by the Civil Service Commission after consultation with the head of the department, branch, or independent office of the Government concerned: *Provided, further*, That any such employee who was employed as a mechanic for the major portion of his service, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That the term "mechanics" as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

AUTOMATIC SEPARATION

SEC. 2. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to secure from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of section 1 of this act shall be employed again in any position within the purview of this act, nor be appointed to another position in any branch of the Government service.

EMPLOYEES TO WHOM THE ACT SHALL APPLY

SEC. 3. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil-service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or

other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

METHOD OF COMPUTING ANNUITIES

SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,500 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed $1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 6. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 4 hereof: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employees shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 12 hereof, upon application therefor in such form and manner as the Commissioner of Pensions may direct. In case of reemployment in a position within the purview of this act the amount so refunded shall be redeposited as provided in section 12 hereof.

No person shall be entitled to receive an annuity under the provisions of this act, and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 7. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 10 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 12 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employees would otherwise have become eligible for superannuation retirement computed as provided in section 4 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 4 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund," such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 8. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 9. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 3½ per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved, but failure to make such deposit shall deprive the employee of all benefits under this act except as provided in section 12 hereof.

DEDUCTIONS AND DONATIONS

SEC. 10. Beginning on the first day of the second month next following the passage of this act there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 3½ per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, invest, and disburse for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 11. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 12 of this act.

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 12. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

Each department, branch, and independent office of the Government not within the jurisdiction of any executive department shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 13. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of section 1 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of sections 6 and 7 hereof shall be subject to the limitations specified in said sections.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 14. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and

shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 15. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 16. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the board of actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the "civil-service retirement and disability fund" and continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 17. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 18. This act shall become effective on the first day of the second month next following its passage, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date.

Mr. SMOOT. Mr. President, I have two amendments to offer to the bill as it passed the House. I understand that the Senator from Oregon [Mr. STANFIELD], after I have perfected the House text with these amendments, will offer a substitute for the House text. I do not intend to offer the amendments to the bill the Senator from Oregon will offer as a substitute for the House text, but I will offer them to perfect the House text, and then, if the Senator's amendment shall be agreed to—though I hope it will not be—the whole matter will go to conference—the amendments I offer as well as the bill he proposes to offer as a substitute for the House text as amended.

The first amendment I desire to offer is, on page 19 of the House text, to strike out all of line 3 and down to and including line 21, and to insert the language which I send to the desk.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will state the amendment.

The CHIEF CLERK. In section 12, page 19, the Senator from Utah proposes to strike out lines 3 to 21, both inclusive, in the following words:

Each department, branch, and independent office of the Government not within the jurisdiction of any executive department shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

And in lieu to insert the following:

There shall be established and maintained in the General Accounting Office such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee to whom this act applies, and the interest thereon as prescribed by the act shall be computed and credited under such rules as the Comptroller General may prescribe, and each executive department and each independent establishment not within the jurisdiction of any executive department shall discontinue the keeping of such record of deductions made on and after July 1, 1928.

Applications for the return of deductions with accrued interest shall be made to the General Accounting Office, accompanied by a certificate from the proper office showing the amount of deductions for such number of months immediately preceding the making of the application as may be required by the Comptroller General.

Mr. SMOOT. Mr. President, the amendment just read is to take the place of the provision found on page 19 of the House text, lines 3 to 21, both inclusive. The paragraph contemplates that refunds to employees separated from the service shall be made by the Commissioner of Pensions on uncontrolled and unaudited departmental records. In future years these refunds will be very large. They are small at the present time. To insure accuracy and prevent fraud, it would seem essential that refunds should be made only from a properly controlled account in the office of the Comptroller General.

It also seems to be an evasion of the general authority of the Comptroller General under the Budget and Accounting Act. The amendment proposed would eliminate the records in the administrative offices and in the office of the Commissioner of Pensions and would enable the Comptroller General to supply all the information contemplated by these paragraphs as a by-product of the audit which the Comptroller General should make under the law, and with but little additional expense.

In other words, we do not want to have three agencies of our Government keeping the same records, and, as the law compels the Comptroller General to keep a record and an account of the pay roll of every employee of the Government, he will be compelled to keep it forever, and there is no need whatever of another agency doing exactly the same thing.

The amendment I offer to the House text simply directs the Comptroller General to carry out just what the law compels him to carry out to-day, and to furnish that information whenever it is needed in the computing of an annuity to any employee in any branch or division of the Government.

Mr. McKELLAR. Mr. President, I want to read an excerpt from a letter from the Civil Service Commission.

Mr. SMOOT. Read the whole of it, because I have it, and then I will answer the Senator.

Mr. McKELLAR. All right. It states that—

It has been proposed to amend the retirement act to eliminate the Civil Service Commission from participating in the administration of that act.

I stop here long enough to say that that is exactly what the proposal of the Senator from Utah is.

Mr. SMOOT. No; the proposal they speak of there is the amendment I suggested to the bill which was reported by the committee. It does take out a part of the work, as I have already stated, and there is one other amendment which I will suggest, and then I will tell the Senator exactly what the letter means.

Mr. McKELLAR. Outside of what it means, the proposal is to take the management and control of this much of the work out of the hands of the Civil Service Commission, and the next amendment will take more of it away. That is work certainly very intimately connected with civil-service employees. That commission has all their records, and it is its duty to keep the records. They know more about it than any other bureau of the Government does. It is just to take away the duties now devolved upon the Civil Service Commission and turn them over to another body. It would mean a duplication of the work. It is wholly unnecessary. I believe the committee has unanimously turned down the amendments, and I certainly hope the Senate will vote them down.

So far as I know, I have not heard a single Senator, except the Senator from Utah, announce that he was in favor of taking this purely civil service matter out of the hands of the Civil Service Commission, and it should not be done. I hope the amendment of the Senator from Utah will be voted down.

Mr. SMOOT. If the Senator's statement were correct, of course I would vote with him, but the Senator's statement is not correct. The Comptroller General now has the pay roll of every employee of the Government. It is necessary that he should have it. The Comptroller General must know what the annuities are. He knows what the bookkeeping shows, and he keeps the accounts.

Mr. McKELLAR. The Senator says that the Comptroller General has the books and records of all employees. That is true not only of these employees but of all employees. But the Senator will not deny that his proposal is to take the principal administrative features of this act out of the hands of the Civil Service Commission and turn them over to the Comptroller General.

Mr. SMOOT. I deny that it is necessary for two or perhaps three agencies of the Government of the United States to keep the same accounts. There is no necessity for it. There is no justification for it. The two amendments I have offered simply provide that the Comptroller General shall do just what he is doing now under the law. I do not care whether the Civil Service Commission does it or not. Under the law the Comptroller General must of necessity do it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was rejected.

Mr. SMOOT. The next amendment I offer will be found on page 22 of the House text. It is to strike out, after the word "act" in line 18, all down to and including line 22.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In section 14, page 22, line 18, after the word "act," strike out the comma and all down to and including the word "act" in line 22, in the following words:

including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

And in lieu to insert the following:

SERVICE RECORDS

SEC. 14. The General Accounting Office shall maintain as a part of its record of deductions from the basic salary, pay, or compensation of the employees to whom this act applies, such additional items of information relating to such employees as may be required by the board of actuaries for use in future valuations.

Mr. SMOOT. Mr. President, in explanation of this amendment I will say that the records of the General Accounting Office, as required by the amendment proposed, will consist of individual accounts of each employee subject to the retirement act. These individual records will show necessarily the dates of appointment, transfer, and separation of all employees, in addition to the employees' salaries. They will be accumulated from and controlled by the financial accounts of disbursing officers, and may therefore be assumed to be much more complete and accurate than any personnel record that could possibly be maintained in any other way.

It is proposed, therefore, to supplement this record by adding such other items of information as may be required by the board of actuaries for valuation purposes. Not only will this be much less expensive than it would be to have an entirely separate set of records maintained by the Civil Service Commission, but the records will be more accurate as well.

Mr. President, it is all very well for the Senate to pay no attention to what these amendments really mean, but I want to say to the Senate that by its vote the Senate seems to desire to set up three agencies and compel them to keep an accounting system. In fact, I have understood that only last year there was a request made from the Civil Service Commission for eighty-odd thousand dollars to do the very work that is being done by the Comptroller General's office, and the Director of the Budget would not approve of it. The Director of the Budget has approved of both the amendments I have offered, and I say to any Senator here that if he were going to run this himself, and if he had to pay the money for this service, he would never vote against the amendment.

I have no feeling whatever against the Civil Service Commission. I will vote any amount of money for them to carry on their regular work. I have not the least doubt but that they can do it just as well as the Comptroller General. But as the law compels the Comptroller General to do that work, I can not for the life of me see why the Senate of the United States now wants to go to the expense of some eighty-odd thousand dollars annually.

Mr. COUZENS. Mr. President, the Senator makes a statement, but he has not submitted any proof.

Mr. SMOOT. Does the Senator deny that these accounts are kept by the Comptroller General?

Mr. COUZENS. The records the Senator is talking about are already kept by the Civil Service Commission.

Mr. SMOOT. Some of them are.

Mr. COUZENS. And the Senator is undertaking to destroy them.

Mr. SMOOT. Does the Senator mean that the pay rolls are kept by the Civil Service Commission?

Mr. COUZENS. No.

Mr. SMOOT. Certainly not. That is what the amendment covers. The Comptroller General keeps them now and no amount of annuity can be arrived at nor a credit made unless the pay rolls are examined and the amount that is due every month compounded at 4 per cent quarterly. There is no agency of the Government that without having the pay rolls can find out just the amount of salary paid each employee during each month. It is an impossibility otherwise.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. NEELY. Mr. President, I call for the regular order.

Mr. STANFIELD. Mr. President, I offer the amendment, which I send to the desk.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state the inquiry.

Mr. McNARY. I understood that we had a unanimous-consent agreement to proceed to the consideration of executive business at this hour.

The PRESIDING OFFICER. The Senator is correct. The hour of 3 o'clock having arrived, in accordance with the unanimous-consent agreement previously entered into, the Senate will now proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 2 hours and 30 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 33 minutes p. m.) took a recess until to-morrow, Thursday, May 20, 1926, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 19 (legislative day of May 17), 1926

DIRECTOR OF THE WAR FINANCE CORPORATION

Floyd R. Harrison, of the District of Columbia, to be a Director of the War Finance Corporation. A reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19 (legislative day of May 17), 1926

UNITED STATES MARSHAL

Albert White to be United States marshal, first division, district of Alaska.

POSTMASTERS

ARKANSAS

Carl G. Nielsen, Dermott.
Juanita Barton, Turrell.

INDIANA

Lawrence O'Connor, Troy.

KANSAS

Minnie Temple, Bennington.
Henry Uhlenhop, Leonardville.

WEST VIRGINIA

Stewart S. Stepp, Chattaroy.
Carl R. Varnum, Huntington.
Howard Cook, Lorado.
Finley Oakes, Worthington.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 19, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou ever-present God, help us to open wide the gateways of our souls, that Thy blessed Spirit may enter and abide with us this day. Give us the wisdom to see the right and then inspire us with the disposition to do the right. In all our labors may we have Thy approbation and the approval of our fellow men. May we meet with calmness and deliberation all the problems which may be discussed. Then, O Lord, establish Thou the work of our hands, the work of our hands establish Thou it. O Thou heavenly Father, we thank Thee that so long as there is one child of Thine who fails to line up on the side of goodness there is travail in the heart of God. In the name of Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 7911. An act to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.;

H. R. 9218. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes; and

H. R. 9461. An act to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1170) to provide for the appointment of a commissioner of reclamation, and for other purposes.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 3926) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act, approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes."

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 970. An act for the relief of Th. Michaelsen;

S. 2390. An act for the relief of Minta Goike;

S. 2474. An act for the relief of the Riverside Contracting Co.;

S. 3107. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians, of Montana, may have against the United States, and for other purposes;

S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age;

S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased;

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtie Van Hooser, deceased; and

S. J. Res. 104. Joint resolution authorizing the Secretary of the Interior to call a pan-Pacific conference of education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Senate bills and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.; to the Committee on Public Buildings and Grounds.

S. 970. An act for the relief of Th. Michaelsen; to the Committee on War Claims.

S. 2390. An act for the relief of Minta Goike; to the Committee on Claims.

S. 2474. An act for the relief of the Riverside Contracting Co.; to the Committee on Claims.

S. 3107. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age; to the Committee on Military Affairs.

S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children; to the Committee on Indian Affairs.

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased; to the Committee on Claims.

S. J. Res. 104. Joint resolution authorizing the Secretary of the Interior to call a pan-Pacific conference of education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; to the Committee on Foreign Affairs.

USE OF FORGED OR COUNTERFEITED POSTAGE OR REVENUE STAMPS

Mr. CHRISTOPHERSON. Mr. Speaker, on last Monday, under unanimous consent, the House passed the bill (H. R. 9568) amending section 220 of the criminal code, to include forgery of foreign revenue stamps. I overlooked at that time that there was on the Speaker's table the bill S. 3115, an identical bill. I therefore ask unanimous consent that the bill S. 3115 may be taken up and passed at this time.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to consider the bill S. 3115, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 220 of the Criminal Code be amended to read as follows:

"SEC. 220. Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp or revenue stamp of any foreign government shall be fined not more than $500, or imprisoned not more than five years, or both: *Provided, however*, That nothing in this act shall be held to repeal or modify an act entitled 'An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates,' approved March 3, 1923."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. CHRISTOPHERSON. Mr. Speaker, I now ask unanimous consent that the Senate be requested to return the identical House bill passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

AMENDMENT OF THE NATIONAL BANKRUPTCY ACT

Mr. CHRISTOPHERSON. Mr. Speaker, I present a conference report on the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

AMENDMENT OF WORLD WAR VETERANS' ACT, 1924

The SPEAKER. House bill 10240, amending the World War veterans' act of 1924 is identical with the bill H. R. 12175 passed under suspension of the rules last Monday. Without objection H. R. 10240 will be laid on the table.

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, the Committee on Naval Affairs having the call. The Clerk will call the committees.

EQUALIZATION OF PROMOTION OF OFFICERS OF THE STAFF CORPS OF THE NAVY WITH OFFICERS OF THE LINE

Mr. STEPHENS (when the Committee on Naval Affairs was called). Mr. Speaker, I call up the bill (H. R. 7181) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line.

The SPEAKER. This bill, the Chair understands, is the unfinished business in the Committee of the Whole House on the state of the Union. The House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7181, with Mr. TREADWAY in the chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] has 24 minutes remaining of the general debate, and the gentleman from Georgia [Mr. VINSON] has 6 minutes remaining.

Mr. VINSON of Georgia. Mr. Chairman, I think the Chair is in error. I think the time in opposition belongs to the gentleman from Texas [Mr. BLACK], because I am supporting the measure.

The CHAIRMAN. Then the gentleman from Texas [Mr. BLACK] is recognized for six minutes.

Mr. BLACK of Texas. Mr. Chairman, when this bill was before the House last Wednesday I endeavored to point out some of my objections to it. One of these objections was that it would increase to some extent, at least, the cost of the Naval Establishment, which is already large enough. I think anyone who reads the bill will admit it is a very difficult one to understand; in fact, I doubt if the man who wrote it can understand some of its provisions.

If my good friend from Georgia, CARL VINSON, will get some time from the gentleman from Ohio [Mr. STEPHENS], I would like, for example, for him to explain to us what section 10 of the bill means; and I am going to read section 10 so he can explain it to us in the time he will have.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BLACK of Texas. Yes; I yield.

Mr. VINSON of Georgia. I will state to the gentleman from Texas that section 10 means exactly what it says.

Mr. BLACK of Texas. Yes; I know it does. [Laughter.]

Mr. VINSON of Georgia. And I can not take up the time of the House in an elementary discussion of what the English language means.

Mr. BLACK of Texas. All right; I am going to read this English now, and it may be that the gentleman from Georgia can give us some light on what it means:

SEC. 10. If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fail to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced shall have assigned as a new running mate the senior line officer in the rank to which advanced who was promoted to that rank upon recommendation of the line selection board immediately succeeding the last staff selection board which considered such staff officer but did not recommend him for advancement in its report as approved by the President.

Now, if there is a Member of the House or a member of the Naval Affairs Committee who can explain to us what that means, I want the gentleman from Ohio to yield him time to explain it.

Mr. VINSON of Georgia. Will the gentleman permit the gentleman from Ohio to explain it?

Mr. BLACK of Texas. He has plenty of time, and I hope he will do it in his own time.

Mr. STEPHENS. I will explain it to the gentleman some day when we have time.

Mr. BLACK of Texas. It will take a good while. The only reason I call the attention of the House to these matters is this: This is a bill that by title says is to provide for the equalization of promotion of officers of the staff corps of the Navy with the officers of the line. Now, when we had the bill before the House last Wednesday I pointed out that Admiral Buret, an admiral in one of the staff corps, said that instead of equalizing conditions in the Navy, it will cause the worst kind of confusion and make confusion worse confounded. I want to read from another naval officer's testimony—Commander S. J. Zeigler—who testified before the committee. Here is what Commander Zeigler said when he came before the committee:

I will show that instead of being a fair measure, H. R. 7181 will be a crushing injustice to many young staff officers now in the service, and to all staff officers who enter the service in the future.

Now, on the next page he says:

The temporary effect of this bill would be beneficial to all staff corps except the chaplains, but the ultimate effect would be ruinous to all.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEPHENS. I yield to the gentleman five minutes more.

Mr. WOODRUFF. Will the gentleman yield to me for a question?

Mr. BLACK of Texas. Yes.

Mr. WOODRUFF. I would like to ask if it is not a fact that this witness from whom the gentleman has just quoted is a member of the Construction Corps of the Navy.

Mr. BLACK of Texas. That is correct, and I will grant that the Construction Corps seem to have expressed more opposition to the bill than has come from any other source. Let me state further that they not only express their opposition, but they give their reasons for it and point them out, and I think some of them are good. It makes no difference who expresses the reasons if they are good.

Mr. WOODRUFF. Has the gentleman found anyone in the hearings who, as a naval officer, opposes this except members of the Construction Corps?

Mr. BLACK of Texas. I think that is all, but I am going to read some further objections that Commander Zeigler raises in his testimony.

Now he says on page 1529:

I think that the ultimate effect is much more important than the 204 promotions of additional captains and commanders that we would get right off the bat.

As a matter of fact, this question of immediate promotion is the principal purpose behind the bill. That is the principal reason why these other staff corps have urged it so strongly——

Mr. BUTLER. And the line, too.

Mr. BLACK of Texas. Is because it admittedly does mean that 204 officers will receive promotions. But Commander Zeigler says the ultimate effect of the bill will be to discriminate against the younger officers who will come into the service. Let me read another observation from him:

H. R. 7181 may give certain officers new running mates every time the Naval Academy class graduates and new promotions made, and one would have to carry a memorandum book in his pocket and correct it every time a class graduates from the academy to know just who to salute when he met him.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. STEVENSON. Does this equalization of compensation result in the reduction of anybody's salary?

Mr. BLACK of Texas. I am glad the gentleman asked that question.

Mr. STEVENSON. I want to know whether they are equalizing them up or down.

Mr. BLACK of Texas. It contains the following provision, which is usually in all these so-called equalization bills. It says:

Nothing contained in this act shall operate to reduce the pay and allowance of any officer below the pay and allowance to which he is entitled by reason of his rank and length of service on the date of the approval of this act.

In other words, it makes certain that no officer will be reduced in pay and operates as a promotion of 204 officers now in the Navy.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. STEPHENS. We showed the other day that it promotes 157 officers, and while the gentleman says there are no reductions in pay he will note that the Chaplains' Corps stands still. This prevents promotion. The Construction Corps stands still for 10 or 12 years. Therefore, while it does not reduce their pay, it keeps them from going up until their running mates catch up with them, because they are ahead of their running mates in the Chaplain Corps and in the Construction Corps.

Mr. BLACK of Texas. In his testimony Commander Zeigler stated that the effect of the bill would be to give the Construction Corps immediately four new captains, and that as soon as another class graduates in the Navy they would get three more.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEPHENS. Mr. Chairman, I yield five minutes more to the gentleman from Texas.

Mr. BLACK of Texas. Mr. Chairman, I am not going to take any more time, because some other gentlemen might want to discuss the bill, but the reason that I have undertaken to oppose this bill is because I think the Committee on Naval Affairs could better devote its time to writing a law which would do away with this complicated system of running mates, which nobody in the world can understand.

Mr. BUTLER. I agree with the gentleman. The gentleman is right about that, and we are going to do that.

Mr. BLACK of Texas. Therefore, if the Committee on Naval Affairs would devote its time to writing a single promotion list along the same line as that which is now in force in the Army we would have a great deal more satisfaction in the Navy than we now have. At least that is my opinion.

Mr. VINSON of Georgia. I would state to the gentleman that the first step in that direction is to equalize the injustice that has been done, and put them all on an equal footing, and following this bill comes along an effort to amalgamate all of these corps on a single promotion list.

Mr. BUTLER. There are two men who are for a single list, two that I know of. One of them is my colleague from Georgia [Mr. VINSON] and the other is your humble servant, and if we can bring a single list about we will relieve you of all of this trouble; but this is temporary, and for the harmony of the naval service I hope the gentleman will not be too strenuous in his opposition to this bill.

Mr. VINSON of Georgia. It is the hope of the committee, if we can get this bill through, to follow this bill with one along the thought of the gentleman from Texas [Mr. BLACK], similar to that of the Army, as far as possible.

Mr. BLACK of Texas. If the Committee on Naval Affairs will bring us in a bill doing away with this complicated running-mate system and establishing a single promotion list, I think a very forward step would be taken in doing away with the necessity or alleged necessity of bills like this one—H. R. 7181.

Mr. VINSON of Georgia. If the gentleman from Texas will aid us to give everyone in the Construction Corps a running mate so that everyone will be equal and no injustice will have been done, then we will be in a position where we can come in with a line bill, putting all into one line, and having a single promotion list.

Mr. BLACK of Texas. If I agreed with the gentleman, I would be in favor of this bill; but I do not agree, because I do not believe it will do what the gentleman thinks it will do. I believe it will merely multiply the confusion that now exists.

Mr. VINSON of Georgia. It could not be any worse than it is to-day without legislation, and we are trying to correct it with this legislation.

Mr. BUTLER. We will either bring you back at some period not remote a single list, or we will satisfy our friend from Texas that we have tried our best to do so.

Mr. BLACK of Texas. I thank the gentleman.

Mr. BUTLER. This will harmonize things all around.

Mr. STEPHENS. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Boards for the selection of staff officers for recommendation for advancement to the rank of rear admiral shall be composed of not less than three nor more than nine officers of the rank of rear admiral or commodore on the active or retired list of the staff corps concerned. Boards for the selection of staff officers for recommendation for advancement to the ranks of captain and commander shall be composed of not less than six nor more than nine officers not below the rank of captain on the active or retired list of the staff corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list of the rank of rear admiral may be detailed to duty on such board to constitute the required minimum membership: *Provided further*, That no officer shall be recommended for advancement unless he shall have received the recommendation of not less than two-thirds of the members of the board.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill the reason why the objections to the provisions of this bill come from the Construction Corps of Navy.

Mr. STEPHENS. The objections come from the Construction Corps largely because the Construction Corps officers have advanced faster than their running mates. They are away up, and the running mates are away down. Under this bill the Construction Corps officers will have to stand still; they will not be promoted for 10 or 12 years; that is, in the higher grades. They will have to stand still until their running mates get up with them, and then they will go along with them.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. VINSON of Georgia. In addition to what my colleague from Ohio [Mr. STEPHENS] has to say, the Construction Corps is practically the only corps that is filled to its full per cent. Prior to the war and in 1916, when we were building the 1916 program, we had only 76 constructors. The law permitted the Construction Corps to have a certain number based on the total strength of the line. The Construction Corps has exercised authority given by the law, until to-day they have about 250, and the Construction Corps is opposed to being held in statu quo while these others equalize themselves with the rank of the Construction Corps.

Mr. McSWAIN. How could the Construction Corps fill itself up? Would not the Secretary of the Navy have to commission every new officer in the Construction Corps?

Mr. VINSON of Georgia. By permission of the Secretary, of course.

Mr. McSWAIN. Of course. In other words, the Secretary of the Navy, acting on the advice of somebody, and we must assume that it is on the advice of the General Board, has gone on and filled up the Construction Corps to a present membership of over 250, whereas in time of war, when we needed somebody to construct something, we had only 76.

Mr. VINSON of Georgia. Secretary Daniels granted probably the greatest portion of the increases.

Mr. McSWAIN. I do not care whether it was Secretary Daniels or Secretary Jones or whoever it might be. The point is this, that the Secretary of the Navy never signs his name until the General Board tells him where to put his name on the dotted line. There is one other question I want to ask.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. The gentleman is surely not surprised, for that is what is going on in the Navy now. That is the tradition of the Navy.

Mr. McSWAIN. Why, of course; it was not expected even of Secretary Daniels, "the tradition breaker." Even with his breaking the bottle he could not break some of the traditions in the American Navy. But the point is this, and I want to get to it. I understand the promotions of chaplains are to be retarded also——

Mr. STEPHENS. Yes, sir. The Chaplain Corps is in the same position as the Construction Corps. They would have to stand still for 12 years. That is, they have advanced faster than the line. So it affects the Chaplain Corps and the Construction Corps.

Mr. McSWAIN. Mr. Chairman, I plead ignorant, and I desire to ask for information. Do chaplains in the Navy have rank and command?

Mr. STEPHENS. They have rank but no command.

Mr. McSWAIN. They are admirals and captains?

Mr. STEPHENS. No; commanders and——

Mr. McSWAIN. The rank of commander?

Mr. STEPHENS. They have the rank of commander, but they do not have the rank of admiral. They never will be admirals. They have the rank of junior officers but not of admirals.

Mr. McSWAIN. They would never become admirals?

Mr. STEPHENS. No.

Mr. McSWAIN. I am asking for information.

Mr. VINSON of Georgia. In the Dental Corps and Chaplain Corps the highest rank is the rank of captain.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McSWAIN. I will yield to my distinguished friend.

Mr. WAINWRIGHT. What is the reference of the gentleman from South Carolina as to breaking the bottle? Was it not Secretary Daniels who broke the traditions by breaking the bottle?

Mr. McSWAIN. I do not know what that tradition was, but it is a sort of common report through the country that somehow or other Secretary Daniels at least put the bottles out of sight. I do not know whether he succeeded in smashing the bottle itself.

Mr. STEPHENS. What was it the Governor of South Carolina said to the Governor of North Carolina?

Mr. McSWAIN. Mr. Daniels and myself both come from those two good States, and we know all local traditions.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 6. Each staff officer commissioned in his corps prior to March 4, 1913, who has served continuously on the active list of said corps since that date, and who has not lost numbers for any cause since January 1, 1914, or who has not been passed over, shall be assigned as his running precedence list of the Navy as published in the Navy Register of January 1, 1914; each staff officer commissioned on or after March 4, 1913, now on the active list, who has not lost numbers for any cause or who has not been passed over, shall be assigned as his running mate that line officer with or next after whom he takes precedence in accordance with existing law: *Provided*, That if the running mate who would be assigned in accordance with the foregoing clauses of this section to any staff officer appointed in his corps prior to March 4, 1913, is junior to the running mate of any staff officer appointed in the same corps, on or after said date, the staff officer first mentioned shall then be assigned as his running mate the running mate of the senior staff officer of the same corps now on the active list who was appointed on or after March 4, 1913: *Provided further*, That if the line officer assigned as a running mate to a staff officer, in accordance with the first clause of this section, has become separated from the active list, has been passed over, or has for any cause lost numbers, a running mate shall be assigned such staff officer who shall be the line officer on the active list who, on the date of this act, occupies the position on the active list of the Navy next senior to that which would have been occupied by the line officer first mentioned had he not become separated from the active list, been passed over, or lost numbers: *Provided further*, That each staff officer now on the active list who has been passed over or who has lost numbers for any cause since January 1, 1914, and each staff officer appointed on or after March 4, 1913, and who has lost numbers between that date and January 1, 1914, shall be assigned as his running mate the running mate of the next senior staff officer now on the active list of the same corps, but should such running mate be senior to the running mate who would otherwise under this section have been assigned the staff officer who has been passed over, or lost numbers, as aforesaid, such staff officer shall be assigned as his running mate the line officer who would have been his running mate under this section had he not been passed over or lost numbers: *And provided further*, That any officer of a staff corps of the Navy advanced to the rank of rear admiral prior to July 1, 1918, shall have as his running mate that line officer who shall be the running mate of the officer in his own corps next junior to such staff officer on the date of this act or thereafter until such time as the line officer who would otherwise be assigned as the running mate of such staff officer in accordance with this act becomes his running mate.

The committee amendment was read, as follows:

Page 9, line 6, strike out the words "takes precedence in accordance with existing law" and insert in lieu thereof "took precedence when commissioned originally in his corps, and with whom he has taken precedence for promotion purposes in accordance with the act of August 29, 1916."

Mr. CONNALLY of Texas. Mr. Chairman, I desire to ask the gentleman from Ohio a question or two. What is the highest rank a chaplain can obtain under this bill?

Mr. STEPHENS. Captain.

Mr. CONNALLY of Texas. And the gentleman only gives the chaplain the rank of captain and he gives the doctors and others the rank of admiral?

Mr. STEPHENS. Yes; that is existing law.

Mr. CONNALLY of Texas. And Surgeon General——

Mr. STEPHENS. Existing law does that. The Chaplains' Corps the highest rank is captain and in the Dental Corps it is captain. The highest rank now is commander, and under this bill it will be captain.

Mr. CONNALLY of Texas. In other words, the doctors who attend his physical wants are made an admiral, and the man who looks after his spiritual welfare does not get anything better than a captaincy. Is that right?

Mr. STEPHENS. That is the present law.

Mr. CONNALLY of Texas. And the gentleman is changing the law?

Mr. STEPHENS. No.

Mr. CONNALLY of Texas. Well, in other respects——

Mr. STEPHENS. We are changing the law so far as running mates, so the two will come up together.

Mr. CONNALLY of Texas. What is the running mate which a chaplain has?

Mr. STEPHENS. The running mate is an officer of the line; he is the running mate. Now, an officer of the line may have—or there might be a half dozen officers in different staffs who would have—the same running mate in the line.

Mr. CONNALLY of Texas. It is perfectly clear, perfectly. [Laughter.]

Mr. STEPHENS. The gentleman ought to get it clear that the line officer is the running mate and the staff officers are those who have the line officers for running mates, so there may be four or five staff officers with the same running mate, and there may be a running mate without any staff officer. Now, if you get that clearly in mind you will understand it all right.

Mr. CONNALLY of Texas. The gentleman's explanation is entirely satisfactory.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. VINSON of Georgia. As I understood, the objection of the gentleman from Texas was that if officers of the line did not have a chaplain as running mate they would suffer deprivation of some kind.

Mr. CONNALLY of Texas. No. I said it was a little inconsistent that the officer who had their spiritual welfare at heart could look only to his entrance into heaven as a promotion, while these other officers have their promotion in this world.

Mr. VINSON of Georgia. It might be that that would operate as a spiritual benefit to him.

Mr. STEPHENS. With the rank of captain, a chaplain has a first-class chance of getting to heaven.

Mr. CONNALLY of Texas. And that is the only place where they drop the running mate—when they get to heaven. [Laughter.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 9, line 20, strike out the words "the first clause of."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fail to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced shall have assigned as a new running mate the senior line officer in the rank to which advanced who was promoted to that rank upon recommendation of the line selection board immediately succeeding the last staff selection board which considered such staff officer but did not recommend him for advancement in its report as approved by the President.

With a committee amendment, as follows:

Page 12, line 20, after the word "President" insert a colon and the following proviso: "*Provided further*, That the foregoing provisions of this section shall not apply to officers of the staff corps of the rank of captain who, when eligible for the promotion to the rank of rear admiral, are not passed over; such officers shall retain their running mates, and if subsequently promoted to the rank of rear admiral shall continue to retain the running mates they had while in the rank of captain."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. Hereafter section 1481, Revised Statutes of the United States, as amended, shall apply only to officers of the Corps of Professors of Mathematics.

With a committee amendment, as follows:

Page 22, after line 13, insert a new section, to be known as section 21, to read as follows:

"SEC. 21. Nothing contained in this act shall operate to change the provisions of existing law as to the authorized number, eligibility of

officers, date of commission, or pay for permanent rank of rear admiral in those staff corps where but one officer of such permanent rank is authorized."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 21. Nothing contained in this act shall operate to reduce the pay and allowances of any officer below the pay and allowances to which he is entitled by reason of his rank and length of service on the date of the approval of this act.

With a committee amendment, as follows:

In line 19, page 22, strike out the figures "21" and insert the figures "22."

Mr. STEPHENS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 7181) to provide for the equalization of promotions of officers of the staff corps of the Navy with officers of the line, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEPHENS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROMOTION OF NAVAL OFFICERS

Mr. BUTLER. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up for consideration the bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps.

The SPEAKER. This bill is on the Union Calendar. Under the rule the House resolves itself automatically into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Massachusetts [Mr. TREADWAY] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3763, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3763, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps.

Mr. BUTLER. Mr. Chairman, I ask that the bill be read.

The CHAIRMAN. Without objection, the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a resulting temporary excess in the grade or rank to which promotion is due caused by the delay for any reason of the promotion of an officer in that grade or rank to fill an existing vacancy in a higher grade or rank.

Mr. BUTLER. Mr. Chairman, I can explain this bill in just one word.

It sometimes happens that when an officer in the service reaches his time for promotion he is off, in obedience to the supreme command, hundreds and perhaps thousands of miles from his home and has no opportunity whatever to take his examination. This measure does no more than to give him the privilege of returning home to pass his examination and, if he passes it, to be promoted.

It has happened in the past that officers that have been in China, for example, have been delayed by reason of the authority of the department and have been unable to reach home for a year or more, and in the meantime another officer has taken the examination and been promoted. That is not fair toward the officer who is absent, and we unanimously agreed in the committee that he should have the opportunity to come home, take his examination, and be promoted as of the time when he was rightfully entitled to it.

Mr. McSWAIN. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McSWAIN. According to law there is a limited number of admirals and a limited number of captains. When this officer comes back from China, we will say, he finds that the list of admirals or the list of captains is full. Now, you propose, merely because he was not here, to give him a chance to take the examination and, if he passes, to be promoted, and thus by indirection increase the number of admirals and captains.

Mr. BUTLER. No, my friend, the place will wait there until he comes back; the examination will then be held and the place will not be filled until he takes his examination.

Mr. McSWAIN. Let us see what the bill provides. The bill provides that if the class of officers to which he is to be promoted is temporarily in excess of the grade or rank allowed by law, nevertheless he can come in and be pushed into that already excessively full grade. That is the language of the bill.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. VINSON of Georgia. I will state to the gentleman that the law fixes the number of officers in each grade, and this bill does not provide for promotions in numbers larger than the law provides in the grade.

Mr. BUTLER. That is the law at present.

Mr. McSWAIN. But if this bill fixes the law it will be the law and not what was the law. This will be the new law, and this bill provides that the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a temporary excess in the grade or rank to which promotion is due. If "excess" does not mean that it is already full and overflowing, what does it mean?

Mr. BUTLER. It means simply this, and no more, that until the officer has had an opportunity to appear and take this examination the promotion will not be made.

Mr. McSWAIN. I think an amendment should be offered to make the bill say what is intended to be said. You can see this bill does not carry out that intention by any means.

Mr. BUTLER. The bill provides:

That hereafter the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a resulting temporary excess in the grade or rank to which promotion is due.

That means this, and no more, that that grade shall not be filled, so that when this officer, who has been delayed, reaches home he may have an opportunity to take his examination and then the grade will be filled. If that officer does not qualify, then the place will be filled by some one else who has successfully taken the examination and has been waiting for the promotion.

Mr. McSWAIN. Of course, there may be assigned in naval law a significance to words that is different from the significance which Mr. Webster has ascribed to them. Therefore I can not exactly understand what the naval terminology of the word "excess" means.

Mr. BUTLER. If my friend wants to amend the bill according to his views, all right; but I will say to him that we do not mean any more than we state in the bill.

Mr. McSWAIN. The bill provides that if any officer has been deprived of the opportunity of taking his examination for promotion, due to his absence from continental United States, then he shall be permitted, on his return, to take his examination and be promoted if found qualified to be promoted.

Mr. STEPHENS. That is what that means, but it is naval phraseology.

Mr. McSWAIN. It is naval terminology?

Mr. STEPHENS. Yes.

Mr. McSWAIN. I yield to this new edition of the English language.

Mr. BUTLER. I want to say to my friend that I have asked 40 times that these measures should be written in English that I could understand, with every once in a while a period where we can stop. When they present a measure such as this we examine it carefully, and we have done that with regard to this bill. We believe it is all right, and this is technical language and nothing more.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

That hereafter the promotion of an officer of the Navy or Marine Corps shall not be delayed or barred because of a resulting temporary excess in the grade or rank to which promotion is due, caused by the delay for any reason of the promotion of an officer in that grade or rank to fill an existing vacancy in a higher grade or rank.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BUTLER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BUTLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUTLER. Mr. Speaker, we have one other bill here that we thought we would ask the House to consider, but upon reflection the members of the committee have determined to postpone the consideration of that bill until a later date so that we may endeavor to reconcile our differences over in the committee room rather than thrash them out here, so that if we report the bill to the House we may expect 21 Members to be for it. Therefore we are through with the business of the Committee on Naval Affairs.

RECESS

Mr. TILSON. Mr. Speaker, in view of the statement just made by the gentleman from Pennsylvania [Mr. BUTLER], which takes us somewhat by surprise, I ask unanimous consent that the House stand in recess until 1.30 in order that we may notify another committee to be on hand ready to present its bills.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Thereupon, at 1 o'clock and 5 minutes p. m., the House stood in recess until 1.30 o'clock p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker.

Mr. TILSON. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 92]

Adkins	Davenport	Jacobstein	Michaelson
Aldrich	Davis	Johnson, Ill.	Moore, Ohio
Allgood	Dempsey	Johnson, Ky.	Morin
Aswell	Douglass	Johnson, S. Dak.	Nelson, Me.
Ayres	Esterly	Kahn	O'Connor, La.
Bachmann	Evans	Kelly	Oliver, N. Y.
Bankhead	Fairchild	Kemp	Patterson
Beedy	Fitzgerald, Roy G.	Kendall	Peavey
Beers	Flaherty	Kerr	Perkins
Begg	Fredericks	Kiess	Phillips
Bixler	Free	Kindred	Porter
Blanton	Freeman	King	Prall
Boylan	Gallivan	Kunz	Quayle
Britten	Garner, Tex.	Kurtz	Rainey
Campbell	Glynn	Lampert	Ransley
Carpenter	Golder	Lee, Ga.	Reed, N. Y.
Celler	Graham	Lindsay	Sears, Fla.
Clague	Griest	Lineberger	Shreve
Cleary	Hall, N. Dak.	McFadden	Smithwick
Collins	Harrison	McLeod	Strong, Pa.
Connery	Haugen	Magee, Pa.	Sullivan
Connolly, Pa.	Hersey	Magee, N. Y.	Swartz
Corning	Hill, Ala.	Magrady	Swoope
Cox	Hull, William E.	Menges	Taylor, Colo.
Taylor, Tenn.	Wason	Wefald	Wood
Taylor, W. Va.	Watres	Welsh	Wright
Temple	Watson	Wilson, Miss.	Wurzbach
Walters	Weaver	Wingo	

The SPEAKER. Three hundred and nineteen Members have answered present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRAND of Ohio. Mr. Speaker, I rise to a question of personal privilege.

Two days ago——

The SPEAKER. The gentleman will suspend a moment. The Chair thinks, under the Calendar Wednesday rule, a question of personal privilege ought not to be entertained except by unanimous consent, and in order to avoid a ruling on the subject the Chair would ask the gentleman to ask unanimous consent.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to address the House.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, about how long will it take?

Mr. BRAND of Ohio. About two minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BRAND of Ohio. Mr. Speaker, two days ago the gentleman from Louisiana [Mr. ASWELL] objected to the fact that I took a sentence out of a speech I made, just as though that was not customary in the House. Yesterday the same gentleman from Louisiana attacked me on the floor concerning what I said about Greece and the plan for farm relief in that country, and I was careful to get the stenographic report of his speech this morning to see if he made any changes in the RECORD. I find that he subtracted 63 words from his address. He added 66 words, and, what is worse, he only made one point in his speech, and that was that the Government of Greece takes 45 per cent of the currants away from the growers without compensation. He stated on the floor to you it was without compensation, and when he put it in the RECORD he struck out the words "without compensation." That destroyed the real point in his speech. That is all I wish to say, except that I want the country to understand that everything we say on the floor is submitted to us for correction, and I was entirely within my rights, and so was Mr. ASWELL, in making the corrections made. [Applause.]

The SPEAKER. The Clerk will call the committees.

RENTAL OF POSTAL QUARTERS

Mr. RAMSEYER (when the Committee on the Post Office and Post Roads was called). Mr. Speaker, I call up the bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases.

The SPEAKER. This bill is on the Union Calendar, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TREADWAY in the chair.

The Clerk read the title to the bill, as follows:

A bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Chairman, this bill is to overcome the ruling of the Comptroller General. It has been the custom of the Post Office Department for years to rent quarters for third-class post offices without making a formal contract. The comptroller has ruled that this can not be done after the beginning of the next fiscal year. It is estimated that there are over 9,000 offices where quarters are obtained for post-office purposes not under formal contracts.

Mr. MADDEN. Will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. MADDEN. As a matter of fact, the Post Office Department does not make contracts; it lets the postmasters make the contracts and then pays the postmaster in the general expense account.

Mr. RAMSEYER. That has been carried on in an informal way, and the comptroller has ruled that there must be formal contracts.

Mr. MADDEN. I think it would be more economical to do it in the way they have been doing it than in the other way.

Mr. RAMSEYER. It is estimated that it will cost the department $525,000 additional to what it costs now to have them let under formal contract.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. LAGUARDIA. Will this prevent or facilitate the condition referred to by the gentleman from Texas?

Mr. RAMSEYER. I did not hear the speech of the gentleman from Texas and therefore can not answer the gentleman's question. The bill is short, and the gentleman reporting the bill is present, and when the bill is read under the five-minute rule he can answer any questions that may be asked.

Mr. MADDEN. I would like a little time.

Mr. RAMSEYER. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, there are 9,000 third-class post offices in the United States. The compensation of the third-class postmasters is not very large. The quarters required for postal services for the third-class offices are not very elaborate. The third-class postmaster is not allowed clerks, but he is allowed clerical assistance. This means that the money paid, to a given amount, depends on the volume of business; he pays his own clerk out of this fund that is allotted to him as far as it will go. It does not always go as far as he has to pay. The Post Office Department has found in its experience in the operation of third-class post offices that it can rent quarters necessary for the prosecution of the business for very much less money if the postmaster is allowed to make the lease in his own name. So that practice has been followed for a long time. The amount paid by the postmaster has been reimbursed to him as a part of the expenses. He, of course, has to make an itemized statement of the payments he makes, and prove that he has made the payments for the purpose for which the money is reimbursed.

The Comptroller General, very properly, I think, has ruled that the Post Office Department had no legal authority to transact this class of business in the way it has been transacted. On the other hand, the Postmaster General and all the Post Office officials who have given time and study to this problem, and I as chairman of the Appropriation Committee also have given time and study to the problem, are clear that it will cost the Government $500,000 less to do the work the way it is being done than it will if we adopt the ruling of the Comptroller General, which is entirely proper under the law as it exists.

I understand that this bill, which authorizes the Postmaster General to make informal contracts, which is what he does now, up to $1,000 a year, for any one place, will obviate the necessity of changing the plan that now exists and will aid the Treasury of the United States through the Post Office Department to save at least $500,000 a year, and I hope that this bill will pass. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. RAMSEYER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. I want to ask a question. Under the present condition do these postmasters make the contract in the name of the postmaster or in the name of the Federal Government?

Mr. MADDEN. In the name of the postmaster.

Mr. SCHAFER. In case a postmaster should be removed or die, what becomes of the contract?

Mr. MADDEN. His successor would assume the responsibility.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 3709 of the Revised Statutes, as amended by the act entitled "An act to amend section 3709 of the Revised Statutes, relating to contracts for supplies in the departments at Washington," approved January 27, 1894 (28 Stat. pp. 33, 34), and as amended further by section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," approved June 17, 1910 (36 Stat. p. 531), is further amended by adding the following provision:

"*Provided*, That hereafter the Postmaster General in his discretion may rent quarters for postal purposes without entering into a formal written contract in any case where the amount of the rental does not exceed $1,000 per annum."

Mr. RAMSEYER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain instances, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. RAMSEYER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CANCELLATION OF SCREEN-WAGON CONTRACT AT TAMPA, FLA.

Mr. RAMSEYER. Mr. Speaker, I call up the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa calls up the bill S. 1930, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That if the Postmaster General finds that any formal written contract now in force for transporting the mails in regulation screen vehicles was entered into before the present unusual expansion of business and increase in cost for such service, and that the contract price agreed to be paid for the service to be rendered thereunder is now inequitable and unjust because of the increased cost and expense occasioned the contractor in handling the unusual volume of mail incident to the expansion of business, the Postmaster General is authorized, in his discretion, with the consent of the contractor and his bondsmen, to cancel such contract or make such readjustments in its terms as he deems necessary to allow for such increased cost and expense to the contractor.

With the following committee amendments:

Page 1, line 4, after the word "mails," insert the words "in the city of Tampa, in the State of Florida."

Page 2, line 4, after the word "contract," strike out "or make such readjustments in its terms as he deems necessary to allow for such increased cost and expense to the contractor."

Mr. FOSS. Mr. Speaker, this bill pretty nearly explains itself. This is to relieve an unusual condition in the city of Tampa on account of the rapid growth of that city. It is the only screen-wagon contract in the State of Florida, and at the present time the contractor is losing a large amount of money. This gives the Postmaster General the privilege of readvertising for bids. It cancels the present contract.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes."

A motion to reconsider the vote by which the bill was passed was laid on the table.

PREVENTING CERTAIN FIREARMS BEING SENT THROUGH THE MAILS

Mr. RAMSEYER. Mr. Speaker, I call up the bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalties.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 4502, on the House Calendar, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That pistols, revolvers, and other firearms capable of being concealed on the person are hereby declared to be nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service: *Provided*, That such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Marine Corps, or Officers' Reserve Corps; to officers of the National Guard or militia of the several States, Territories, and Districts; to officers of the United States or of the several States, Territories, and Districts,

er to peace officers thereof; to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment; to employees of the Postal Service; to watchmen engaged in guarding the property of the United States, the several States, Territories, and Districts; and also to manufacturers of firearms or dealers therein in customary trade shipments from one to the other, under such rules and regulations as the Postmaster General may prescribe. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm, declared by this act to be nonmailable, shall be fined not exceeding $1,000 or imprisoned not more than two years, or both.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That pistols, revolvers, and other firearms capable of being concealed on the person are hereby declared to be nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service: *Provided*, That such articles may be conveyed in the mails, under such regulations as the Postmaster General shall prescribe, for use in connection with their official duty, to officers of the Army, Navy, Marine Corps, or Officers' Reserve Corps; to officers of the National Guard or Militia of the several States, Territories, and Districts; to officers of the United States or of the several States, Territories, and Districts whose official duty is to serve process of warrants of arrest or mittimus of commitment; to employees of the Postal Service; and to watchmen engaged in guarding the property of the United States, the several States, Territories, and Districts: *And provided further*, That such articles may be conveyed in the mails to manufacturers of firearms or bona fide dealers therein in customary trade shipments from one to the other, under such regulations as the Postmaster General shall prescribe. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm, declared by this act to be nonmailable, shall be fined not exceeding $1,000 or imprisoned not more than two years, or both."

Mr. RAMSEYER. Mr. Speaker, this is a bill which is almost identical with the bill that passed in the House during the last Congress. The department sponsored the bill that was passed during the last Congress, and it is even more anxious now than it was then to have a bill of this kind enacted into law. It makes all firearms that are capable of being concealed on the person nonmailable. Complaints have come to us from cities where they have strict regulation in regard to the sale of firearms that the lawless element, the thugs and holdup men, are able to send to mail-order houses for these pistols, and in that way the local laws and regulations, whether State or municipal, are completely nullified. The Post Office Department does not want to stay in the business of transporting such firearms. It wants to get out of it. The first proposition that was up in regard to the regulation was to make pistols and firearms capable of being concealed on the person nonmailable if the State or political subdivision of the State into which they were to be sent had laws or regulations prohibiting the sale of firearms. The committee regarded that as almost impossible of enforcement. It would empower every State and every political subdivision of the State, especially the municipalities, to make postal regulations, and the wise way to meet this difficult situation was to make them nonmailable except to certain persons and organizations that are excepted in the bill.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CRISP. I am in thorough sympathy with the bill, as it has been brought out by the committee. I voted for it in the last Congress, and I shall vote for it in this Congress. I rise to ask the gentleman, who is diligent and always careful in his investigation, whether he has ever investigated the advisability of some bill regulating the shipment of these firearms through interstate commerce?

Mr. RAMSEYER. There is such a bill now pending before the Committee on Interstate and Foreign Commerce. That is a bill to regulate their shipment by freight, express, or other facilities of interstate commerce. Just what the status of that bill is I do not know. The demands from municipalities for this kind of legislation I shall leave to be explained to you by the author of the bill, the gentleman from Washington [Mr. MILLER], and I now yield to him so much of the hour that I have remaining as he cares to use.

Mr. MILLER. Mr. Speaker and gentlemen of the House, the gentleman from Iowa [Mr. RAMSEYER] has given a general and comprehensive statement of the character of legislation proposed in this measure. The most pressing necessity for legislation of this character comes from the city of New York. I have a very substantial correspondence with Mr. William McAdoo, chief magistrate of the city of New York, in the interest of this bill. Every well-regulated community of the country has local regulations regarding the sale of firearms. In most of the cities the general rule is that the carrying of firearms—if not under State, at least under municipal regulations and ordinances—is made a misdemeanor. In some States it is a felony. The sale of firearms is usually under the control of some branch or official of the police department of the municipalities. A great effort has been made during the last few years throughout the country to check the great crime wave, and one of the great factors in the crime of to-day is the indiscriminate use of firearms.

It is the weapon of the thug and the scoundrel. By wholesome municipal regulation this character of our citizenry, the thug and the scoundrel, can not buy pistols locally, because the regulations and the discretion vested in the municipal authorities will not grant these men the right to purchase a pistol locally. The thug and the scoundrel then resort to the mail-order houses throughout the country, and by sending a sufficient amount to the mail-order houses receive a pistol through the mail, delivered to him at his door, his room, or wherever he may direct. Now, it is with commendable appreciation of the times that some of the great mail-order houses of the country have refused of their own volition to fill these orders for firearms. I am advised in the case of the great mail-order house of Sears-Roebuck Co., of Chicago, and its various branches, that that company will not sell them. While it may not completely check crime in the country, it will be, all police officers believe, a very important factor toward checking it. The Post Office Department, both in the last Congress and this, very heartily supported legislation of this character. It believes that it is the best thing to do. It wants to get out of the business of carrying that character of firearms capable of being concealed on the person. A bill in similar phraseology to the one now before the House passed at the last session, but failed to pass the Senate in the closing days due to the jam of legislation in that body.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MILLER. I shall be glad to yield.

Mr. MOORE of Virginia. Will the gentleman tell us what penalty the bill carries and how the penalty is enforceable? And I may say before I ask for an answer that I am in sympathy with the purpose of the bill.

Mr. MILLER. The provision of the bill on page 3, near the close of the bill, is:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any pistol, revolver, or firearm, declared by this act to be nonmailable, shall be fined not exceeding $1,000 or imprisoned not more than two years, or both.

Mr. MOORE of Virginia. I suppose the prosecution contemplated would be in the Federal district court?

Mr. MILLER. I presume so.

Mr. MOORE of Virginia. I put that question because I believe it is competent for Congress to provide for the trial of many offenses by some subordinate officials without a jury. There are a great many penal offenses created by Federal statute. I have examined pretty carefully the general question whether it is in the province of Congress to avoid the congestion of business in district courts by leaving to commissioners subordinate to the courts the trial of a large class of misdemeanors without juries. When I can secure the opportunity, I intend to say something to the House on that subject.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. SCHAFER. Is the gentleman in favor of having a man tried for an offense which may send him to a penal institution for two years without giving him the right of trial by jury if he demands it?

Mr. MOORE of Virginia. I think there is no objection to that with respect to many misdemeanors, with the right of appeal reserved, and I will expect to show to the House that there is a good deal of precedent for that which has perhaps been overlooked.

Mr. ROMJUE. Will the gentleman yield for just a moment?

Mr. MILLER. I will be glad to do so.

Mr. ROMJUE. I want to inquire of the gentleman from Virginia as to this proposition.

Mr. MILLER. I will be glad to yield.

Mr. ROMJUE. This bill may contemplate imprisonment in the penitentiary not exceeding a period of two years. The

gentleman certainly does not think a man ought to be deprived of the right of trial by jury when he is confronted with the proposition of being sent to the penitentiary for that period?

Mr. MOORE of Virginia. The punishment by confinement in the penitentiary is not within the limit of what I am now suggesting. There are misdemeanors tried in this country under Federal statutes by commissioners appointed by the courts where the punishment is by fine and imprisonment in jail, or both, and I believe we could get rid of a good deal of the difficulty experienced by the Federal courts by directing our attention to that matter and trying to devise proper legislation.

Mr. ROMJUE. Does the gentleman suggest any amendment to the pending bill?

Mr. MOORE of Virginia. I do not.

Mr. MILLER. I think there is much in the idea suggested by the gentleman from Virginia [Mr. MOORE]. It is to be regretted that our Federal courts are becoming a forum for the trial of cases that could well be disposed of in courts of inferior jurisdiction, and I think it is along a very beneficial line that the gentleman from Virginia spoke, and I hope he will pursue that line.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes; I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Has the Congress authority, and if so, would it be advisable to provide in this bill that an order or a communication written by one who wishes to buy and to receive a pistol contrary to law should be guilty and subject to punishment? Or would it be proper for us to provide that one who receives through the mail a pistol illegally sent is guilty of a misdemeanor? One writing or communicating with a mail-order house, seeking to make a purchase forbidden by law, is a party to the transaction. Pistols are not sent out unless they are ordered and the money sent in. The transaction is not completed until the consignee has acted, when by his act he takes the illegally shipped package from the mail. Why should not this bill go further, if Congress has the right to provide for it, so that one who writes and mails a communication ordering a pistol, or one who completes the unlawful transaction by taking the pistol from the mail, should be deemed guilty of a misdemeanor?

Mr. MILLER. As to the first feature of the gentleman's question it is along a line where I have made no investigation; that is, as to the writer of a letter asking a mail-order house or any dealer in pistols to supply him with information concerning how he can purchase a pistol, or writing and ordering a pistol. I am not prepared at this time to go that length in legislation, I will say to the gentleman from Michigan. It might be wholesome, but I think we had better try out legislation along this line first.

Now, as to the second part of the gentleman's question——

Mr. McLAUGHLIN of Michigan. As to that, I agree with the gentleman that it would be going a long way to make a misdemeanor of a communication from the prospective purchaser. But one who receives a package by mail illegally sent and thereby completes the transaction is a party to an illegal act.

Mr. MILLER. I think the bill covers that; the phraseology on page 2, where it is provided—

> That pistols, revolvers, and other firearms capable of being concealed on the person are hereby declared to be nonmailable and shall not be deposited in or carried by the mails or delivered by any postmaster, letter carrier, or other person in the Postal Service.

And then further on—

> Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed.

Mr. McLAUGHLIN of Michigan. Does that go far enough to cover one who receives a mail package illegally sent?

Mr. MILLER. No. I think the gentleman from Michigan is right on that question; but it does reach the man who deposits it in the mail, not the man who receives it.

Mr. McLAUGHLIN of Michigan. There are two parties to every such transaction.

Mr. MILLER. If we can get one of them we shall be doing pretty well.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. ROMJUE. I think I have in mind what the gentleman is driving at in the inquiry he makes. I think if he will read the last paragraph of the bill, on page 3, he will find the law covers the proposition he has in mind. For instance, the bill provides that—

> whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed.

Then it goes on and provides a penalty.

Mr. McLAUGHLIN of Michigan. I think the gentleman is putting a strained construction on that to say that that would include the recipient—the consignee.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield for just another question?

Mr. MILLER. Yes.

Mr. McLAUGHLIN of Michigan. It is suggested here, and of course true, that if an article is never shipped it will never be delivered. But if we can catch both parties to the transaction, and both are equally guilty, why aim the law at only one?

Mr. MILLER. I can picture in my mind an instance where, if the law were such as the gentleman states, I could probably lead the gentleman into a great deal of embarrassment by writing in his name and ordering a pistol shipped to him at his home all unbeknown to him.

Mr. McLAUGHLIN of Michigan. The recipient of it is supposed to know the law, that it was illegally shipped, and he is not without guilt of he receives it. He should not be permitted thus to receive it and go scot free.

Mr. MILLER. We tried to remedy that in some degree by going after the man who mails the pistol and prohibiting its shipment through the mail.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield again?

Mr. MILLER. Yes.

Mr. KETCHAM. The gentleman has no doubt deeply studied the subject. Can he give us any figures that will indicate something about the development of this trade, whether it is on the increase or decrease, and what is the situation?

Mr. MILLER. It was testified before the committee at the hearings that in a city in the gentleman's State, I think, within the last 12 months nearly 6,000 pistols have come through the mails for distribution in the city of Detroit. There is a city in the State of Ohio where in 14 months 4,200 pistols were delivered through the mails. There were other instances where the numbers were not so large. But it is a common form now of the distribution of pistols throughout the country through the mails, due to the stringent regulations in the great majority of our cities regarding the local sale of firearms.

Mr. COLE and Mr. ROBSION of Kentucky rose.

Mr. MILLER. I will yield first to the gentleman from Iowa.

Mr. COLE. I would like to ask if this legislation would not stop the innocent man, the man who ought to have a right to protect himself by getting firearms, while the thugs and thieves could get them in some other way?

Mr. MILLER. The legislation, it may be, will interfere with the rights of a citizen or peaceable man, but the first-class citizen of your locality will have no trouble whatever in purchasing a pistol locally from a dealer, because he can conform to all the local regulations regarding the sale of firearms.

This bill treats alike the just and the unjust, so far as the transportation of pistols through the mails is concerned, but your local man would experience no trouble whatever in securing a pistol locally. I now yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. This, of course, undertakes to regulate the transportation of pistols by the United States mails. Now, if you should cut off that source, would you not merely direct them to enter the express service in receiving pistols?

Mr. MILLER. In answer to the gentleman, I suspect that, in a measure, is probably true. In the last Congress I introduced a bill to prohibit the transportation of firearms of this character through common carriers. That bill was referred to the Department of Commerce, to the Interstate Commerce Commission, and to the Department of Justice, but so far as I know a report has never been received from any of those three departments.

I will say to the gentleman that it is a very complicated question, this thing of prohibiting the transportation of firearms through common carriers, due to the advent of the automobile as an interstate carrier and due to the advent of the airplane, so that many factors which heretofore, until a comparatively few years ago, have not been factors in interstate commerce whatsoever are now factors to be considered. There is a bill now pending to prohibit this same exchange of merchandise through interstate carriers, and I hope it may pass eventually.

Mr. ROBSION of Kentucky. I was wondering whether an amendment would be in order to exclude the service I have mentioned.

Mr. MILLER. I doubt whether it would be applicable to this character of legislation, because this is postal regulation pure and simple.

Mr. LOWREY. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. LOWREY. I was just going to reply to the gentleman from Kentucky. It seems to me that admitting this would simply drive this business into the hands of the express companies; that none the less the Government ought to get out of the business, and the agency of the Government, the postal department, ought to refuse to assist in the violation of law and ought to respond to these appeals from the cities that the gentleman has spoken of.

Mr. ROBSION of Kentucky. I will say that I am very much in accord with this legislation, but I think we ought to take hold of the fellow who conspires or helps to bring about a violation of the law, the man who receives the firearms. I want to shut up as many holes as possible. I am for the legislation.

Mr. LOWREY. I am afraid the gentleman from Kentucky is in favor of taking away men's personal liberties and does not regard State rights and may be in favor of sumptuary laws.

Mr. ROBSION of Kentucky. How is that?

Mr. LOWREY. I just wanted to ask whether the gentleman thinks that maybe this trespasses on State rights and on men's personal liberties.

Mr. ROBSION of Kentucky. Well, as has been shown by the gentleman from Washington, this practice of sending pistols through the mails is trespassing upon the local laws of every town and of every county in nearly every State of the Union, and here they are seeking to let the local communities control the law they pass and have it made effective.

Mr. MILLER. It is in that direction.

Mr. LOWREY. I just felt this was about as much subject to that charge as some of the other legislation that gentlemen are attacking on the ground that it interferes with personal liberties.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. O'CONNOR of New York. On page 3, in the last sentence, the bill provides:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery.

What do those words "or delivery" mean? Would that cover the express case?

Mr. MILLER. No; I think not. I think it means delivery through the mails.

Mr. O'CONNOR of New York. But it does not say that.

Mr. MILLER. That phraseology was written by the Post Office Department.

Mr. O'CONNOR of New York. You can continue on and say "or shall knowingly cause to be delivered by mail," which seems to be separate. The language seems to contemplate the delivery by somebody. If you can deliver to anybody and not alone to the Post Office Department, you are getting in there more than the crime of mailing. The words "or delivery by the Post Office Department" might clear it up; otherwise it seems to me that the words "or delivery" are superfluous.

Mr. BLACK of New York. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. BLACK of New York. I think the idea back of that is this: That the authorities might be able to prove delivery through the mails and fall down in the actual proof of the original mailing. They might have better proof as to the point of delivery, and they would take the point of delivery. However, I think the idea of the gentleman from New York is right, that the words should be "or delivery by the post office."

Mr. O'CONNOR of New York. Here is the act which must be committed. A man must deposit the pistol or firearm, and the wording in the bill is "deposited for mailing or delivery." Now, it is either redundant or superfluous to use the words "or delivery," or they should be clarified by the use of the words "by the Post Office Department."

Mr. BLACK of New York. I do not believe it is redundant. I think it gives them two opportunities to prove their case; it gives them two overt acts.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. RAMSEYER. I think if the gentleman from New York will read the next line he will get the idea. I refer to line 17, "or shall knowingly cause to be delivered by mail according to the direction thereon."

Mr. O'CONNOR of New York. But that is separate. The bill provides:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery.

As I have stated, I think those words "or delivery" are superfluous or should be clarified by adding the words "by the Post Office Department."

Mr. RAMSEYER. Well, I do not know whether I understand the technique of the Post Office Department, but I should think if it is deposited for mailing or deposited in the post office for delivery—either way.

Mr. O'CONNOR of New York. What is the difference?

Mr. RAMSEYER. I presume, strictly speaking, everything you deposit for mailing you intend to have delivered.

Mr. MEAD. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MEAD. Several of the Members seem to be very much worried about this feature of the bill. This makes the sender liable and not the party who receives the revolver or the pistol. It is true that the most prolific cause of congestion in the Federal courts is our prohibition law, and yet we do not try the one who receives the liquor, but try the one who sells the liquor. There is nothing in the law that would hale into court the one who buys; it is the one who mails, or sends, or delivers; and if that is the common practice in a situation where there are many more cases brought into court than there will ever be in connection with this matter, it occurs to me that the gentleman who introduced the bill is simply following the established custom.

Mr. O'CONNOR of New York. You have a clause in this bill under which you can hold the receiver under the language "shall knowingly cause to be delivered." If he sends for it and starts it in motion, he could be indicted under that language.

Mr. MEAD. Yes; and if it were ascertained that anyone ordered liquor, perhaps they could hale him into court, too; but the common practice is to bring into court the sender, and the gentleman has followed that practice in the introduction of this bill, and the minority members of the committee have joined with the majority members in recommending its passage.

Mr. SCHAFER. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. SCHAFER. In view of the statements made by our colleague the gentleman from Virginia [Mr. MOORE] wherein he intimated it may be possible that a violator of this law may be tried and sentenced to two years' imprisonment without a jury trial, does not the gentleman think there ought to be a proviso added to the bill which would protect the postal employees while performing their duties?

Mr. MILLER. The character of legislation suggested by the gentleman from Virginia, I presume, is somewhere in the offing.

Mr. MOORE of Virginia. I will say to the gentleman that we all know perfectly well the bill as drawn, so far as the penalties are concerned and the method of punishment is concerned, will stand without being affected by the suggestions of a general sort which I have made, and my friend from Wisconsin need have no concern on that point.

Mr. SCHAFER. Would the gentleman have any objection to the incorporation of an amendment such as the following: In line 22, after the period after the word "both," insert the following:

And provided further, That this act shall not apply to any postal employee while performing the duties of his office.

A postal employee has a great many packages and letters and things of that sort in the mail to handle.

Mr. BLACK of New York. There is required all the way through the bill guilty intent, and the postal employee certainly has no guilty intent.

Mr. MILLER. I do not think that is at all necessary.

Mr. FOSS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Foss to the committee amendment: On page 3, line 14, after the word "shipments," insert "including such articles for repairs or replacement of parts."

The amendment to the committee amendment was agreed to.

Mr. SCHAFER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER to the committee amendment: In line 22, page 3, after the period after the word "both," insert the

following: *"And provided further,* That this act shall not apply to any postal employee while performing the duties of his office."

The amendment to the committee amendment was rejected.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONTRACT AIR MAIL SERVICE

Mr. RAMSEYER. Mr. Speaker, I call up the bill (H. R. 11841) to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11841, with Mr. TREADWAY in the chair.

The Clerk read the title to the bill, as follows:

A bill (H. R. 11841) to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. TOLLEY].

Mr. TOLLEY. Mr. Chairman and gentlemen of the House, this bill, H. R. 11841, makes possible the amending of existing contracts and the making of contracts which are to be entered into between operators of the Air Mail Service and the Post Office Department. As the Nation has advanced, so has transportation of mail changed with the advanced civilization; where the pony express once carried the mail, only to be superseded by the railroad, now we have the airplane giving still more rapid service in the delivery of mail.

In 1919 and 1920, when the airplane service was first established, it was the policy of the Post Office Department to administer the Air Mail Service exactly the same as it administered other deliveries of mail. However, under the present administration, and particularly under the direction of Colonel Henderson, it was decided by the department that the cause of aviation would be greatly advanced by permitting private parties to carry this mail. It was also found that by so doing the United States Government would be able to save a vast sum of money.

Now, the reason for the present bill is due to the fact that when these contracts were entered into—and, by the way, the existing contracts are those between Salt Lake City and Los Angeles, Chicago and Dallas, Chicago and St. Louis, Detroit and Chicago, Detroit and Cleveland, Jacksonville by way of Tampa to Miami—under these contracts, under existing law, it is necessary for the Post Office Department to count each separate piece of mail and figure upon the postage, because the United States Government only permits the contractor to receive as a maximum four-fifths of the revenue.

In relation to that it is interesting to know that some contractors have been willing to bid at a lower rate than 80 per cent of the total revenues allowed under existing law. But with this four-fifths rate it is mandatory upon the department to count each separate piece of mail, and the recent records of the department at New York City and Chicago indicate that the air mail is delayed from 30 to 50 minutes because of the necessity of making this tabulation.

Now, there is to be established a route between Chicago and Pueblo June 15, Chicago and Minneapolis July 1, and Boston and New York, and the congestion in these transfer stations will be greater still and the delay will be correspondingly greater, and therefore the department is very desirous that this legislation shall pass at this session of Congress.

Mr. ALMON. Will the gentleman yield?

Mr. TOLLEY. I will.

Mr. ALMON. Are these airplanes in the mail service permitted to carry passengers for hire? The rural letter carriers can not carry passengers, but the star-route carriers can.

Mr. TOLLEY. Under the regulations of the department I understand that these airplanes are considered as common carriers.

Mr. ALMON. Are the airplanes owned by the Government?

Mr. TOLLEY. No; all the equipment is furnished by the contractor, and the United States Government does not have a nickel invested. We pay nothing for landing fields, nothing for hangars, nothing for airplanes, and are not liable in case aviators are disabled.

Mr. ALMON. The reason I ask is because I saw where the Government had awarded contracts for the construction of 40 airplanes to California contractors, and I wondered whether the Government was going to furnish these planes.

Mr. TOLLEY. No. We have in operation the transcontinental route still being run by the United States Government. We have constructed in the past lighted airways and we are constructing others, but except for these minor exceptions in the past policy, in the future the Post Office Department will have no investment in so far as these contract routes are concerned.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. TOLLEY. I will yield to the gentleman.

Mr. JACOBSTEIN. Are these contracts between the two points the gentleman has mentioned with one company?

Mr. TOLLEY. They are contracts with one company.

Mr. JACOBSTEIN. How long are the contracts to run?

Mr. TOLLEY. I am not informed as to that.

Mr. MADDEN. They ought to run as long as they can get the service. If they want to get service, the way to do it is to have them made without limit. They ought to do with these people as they do with the railroads. They do not make any contract with the railroads, but just give them the business.

Mr. JACOBSTEIN. It is an exclusive contract.

Mr. TOLLEY. Yes; it is an exclusive contract, and it is entered into not upon the basis particularly of the lowest bidder but the department takes into consideration the prospect of the company's being able to deliver the mail.

Mr. JACOBSTEIN. It is more on the basis of service?

Mr. TOLLEY. Yes. The only limitation is that the bidders shall not charge more than four-fifths of the revenue collected for postage.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. LEA of California. In reference to the readjustment of the contracts referred to on page 2, line 10, is it expected that those rates shall be higher or lower than under existing contracts?

Mr. TOLLEY. There is practically no change. It is merely a bill affecting the administration. For instance, at present if we have a mail bag full of letters sent out by air mail, you have to take each separate letter, figure the postage upon it, and then take four-fifths of that. Under this system we decided upon a flat pound rate, taking it as an average that so many letters will constitute 100 pounds, and that they would carry so much postage, so that we merely weigh it; but the four-fifths applies just the same. The gentleman will notice that beginning on line 10, on page 2 of the bill, there is very peculiar phraseology. It reads as follows:

Existing contracts may be amended by the written consent of the contractor and the Postmaster General to provide for a fixed rate per pound, including equipment, said rate to be determined by multiplying the rate herein above provided by a fraction, the numerator of which is the per cent of revenues derived from air mail to which the contractor was previously entitled under the contract, and the denominator of which is 80.

We had to devise some phraseology of that nature in order to overcome this particular difficulty, because some of the contractors bid as low as 67½ per cent. Contractors who were awarded contracts, who the Post Office Department was satisfied could give good service, did not bid the full four-fifths, which they might have under the previous law. They bid 67 per cent, which is less than four-fifths, which is 80 per cent. Then the rate they receive is sixty-seven eightieths of the $3 per pound, which is the maximum limit of the four-fifths revenue.

Mr. LEA of California. Does this bill provide any minimum charge that must be made for carrying the air mail?

Mr. TOLLEY. To the Government?

Mr. LEA of California. Yes.

Mr. TOLLEY. There is no guaranty upon the part of the Government to furnish them with a load.

Mr. LEA of California. What I mean is, is there anything in the bill which prevents the Postmaster General from using his discretion as to how low the air charge shall be to the person sending the mail? Is there any minimum cost for sending airplane mail?

Mr. TOLLEY. That is established in our postal rates. This bill does not amend the postal rates as to air mail in any way whatsoever. This merely affects the statute regulating the contracts between the contractor and the Postmaster General.

Mr. LEA of California. Does this require the Postmaster General to pay any price? Is there any price that he must pay?

Mr. TOLLEY. There is no minimum price that he must pay.

Mr. LEA of California. Does not the gentleman think it would be better for the Postmaster General if he were not limited as to the maximum price, so that it would be entirely within his discretion?

Mr. TOLLEY. It is provided on page 2, line 1, that he may prescribe not exceeding $3 per pound for air mail.

Mr. LEA of California. Would it not be better to eliminate lines 1 to 10 on page 2 and leave the discretion in the Postmaster General to fix the charges?

Mr. TOLLEY. The committee went into that thoroughly, and that specific language is in the bill so that there would be no danger in the House from those who might fear in case we gave too much latitude to the Postmaster General, because the present law specifically defines that the contractor shall not receive more than four-fifths of the revenues. In amending that particular legislation, we did not want to leave the existing contracts wide open whereby the Postmaster General could permit contractors to receive more than five-fifths of the revenue. This $3 per pound for the first thousand miles is the maximum cost. We figured it out in averages, so that under the four-fifths law that is the maximum average to which the contractor would be entitled.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. WAINWRIGHT. Is there anything in these contracts to prevent the contractor from adopting the type of plane that can carry passengers and freight?

Mr. TOLLEY. I am not certain as to that. I do not think there is anything against that except that the Postmaster General has authority to make such regulations regarding these planes and to make certain regulations when he gets the contract.

Mr. WAINWRIGHT. Is there any reason why these contractors should not have the privilege of carrying passengers and freight as well as the mail, as they do abroad?

Mr. TOLLEY. I recollect there are one or two routes where they do carry passengers. These planes are considered as common carriers.

Mr. WAINWRIGHT. In the discussion of this subject in the gentleman's committee, did any information come to him indicating that the Postmaster General or the Department of Commerce or any department of the Government is doing anything to promote real common carriage and transportation by air of passengers and freight?

Mr. TOLLEY. Yes.

Mr. WAINWRIGHT. If so, I would like to know what they are doing.

Mr. TOLLEY. It is astounding to see the air map which was presented to our committee, showing routes that have been opened up and those contemplated.

Every Member of Congress, I presume, was glad to receive a letter from Colonel Henderson in the first mail delivered from Dallas to Chicago.

Mr. WAINWRIGHT. It is a matter of special pride to all of us to recognize the splendid achievement of the Post Office Department in the carriage of mails, which is greater than any other country in the world, but thus far we are behind all of the other countries of the world in further development of transportation through the air. I was wondering if in connection with the development and increase of facilities in carrying the mail through the air they are doing anything to get into a still broader field?

Mr. TOLLEY. There is no question, indeed, that it is most heartening to every member of the air mail committee to find that aviation has developed so rapidly and is being fostered by the Post Office Department in such a splendid way.

Mr. MADDEN. In what way is it being fostered?

Mr. TOLLEY. I was going to qualify that remark. There is one thing——

Mr. MADDEN. I do not think it is being fostered at all.

Mr. TOLLEY. It is not a subsidy in these air-mail routes. We get a profit from every one of the contract routes, and I am sorry this bill came up so suddenly, because the department has not yet been able to send me the final figures.

Mr. MADDEN. I do not think this bill ought to pass until the House knows something about it especially——

Mr. TOLLEY. The bill itself? Is there any question by the gentleman? If so, I will be glad to explain about the bill itself, because the bill itself only changes one small administrative feature of existing law, and not to pass it means the contractors will be thrown off of their schedules, not only those who are now taking the mail but those who are about to begin it. And furthermore the mail itself will be delayed 40 to 50 minutes without making any change in the basic legislation.

Mr. MADDEN. I will be glad to ask the gentleman a question. First, I notice that it is proposed by this bill to authorize the transportation by aircraft of first-class mail other than air mail at fixed rates. Now, I do not know anything about the rates proposed to be fixed for transportation of first-class mail in this bill by air, but $3 a pound of air mail for the first 1,000 miles—that is, air mail——

Mr. TOLLEY. Yes; that is air mail.

Mr. MADDEN. Now, if the postage on first-class mail is 2 cents an ounce——

Mr. TOLLEY. Yes, sir.

Mr. MADDEN. That will be 80 cents; and 2 cents an ounce, 16 ounces to the pound, will be 32 cents on a pound, would it not? We were getting that same rate for mail that is transported by rail. It costs for the transportation of mail by rail less than 9 cents a ton-mile. It will cost under this proposal, I undertake to say, not less than $2.50 a ton-mile. There is a good deal of difference between the cost of transportation at $2.50 a ton-mile and transportation cost of 9 cents a ton-mile. Two dollars and fifty cents would be thirty times as much as the rail cost. Thirty times as much. The sender does not pay the difference. The Government pays the difference under this bill. Now that is all by air mail, but under the air-mail rate; but this proposes to give the right of sending ordinary mail.

Mr. HUDSON. No.

Mr. MADDEN. Yes, it does; that is what is proposed. Now then, it costs for transportation of mail by rail about $127,000,000 a year. Now, 30 times 127, all carried by air, that will be over three and a half billion dollars if you make the calculation on the whole transportation cost. Now, the question is whether we want to enter upon a problem with a basic cost of three and a half billion dollars as against $127,000,000 without knowing the facts in the case.

Mr. JACOBSTEIN. Is there any special fee charged for this air mail?

Mr. MADDEN. There is not under this bill.

Mr. JACOBSTEIN. Do not the special rates now in effect pertain to the new bill?

Mr. HUDSON. Other than air mail.

Mr. MADDEN. I am talking about that part of the mail on which is collected the ordinary fee. Now, as to the other, of course I would be perfectly happy in passing the other to give the poundage rate instead of the count rate, because it would save time, and you do not have to count every letter. It is only done for the purpose of saving time.

Mr. McSWAIN. Will the gentleman yield?

Mr. MADDEN. I have not the floor. I am asking the gentleman a question, and I do not know whether he has answered it or not.

Mr. McSWAIN. I am going to make a little speech in the form of a question.

Mr. MADDEN. Let the gentleman from New York answer the question which I asked him.

Mr. TOLLEY. I was endeavoring to find the previous law, but the clerk to the committee unfortunately does not have it. This does not change the existing law in this respect, because the Postmaster General is permitted to do this very thing today. It is a question whether or not we have confidence in the Postmaster General in permitting these contractors to fill up a load with ordinary first-class mail without jeopardizing the United States Government along the line of the financial illustrations for which the gentleman from Illinois [Mr. MADDEN] is so famous.

Mr. RAMSEYER. If the gentleman will yield, I think he will find the law right here.

Mr. TOLLEY. Yes. The existing law which we are endeavoring to amend says:

> That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. McSWAIN. In other words, the purpose of this bill is to encourage people to go into the mail-carrying business by air, is it not?

Mr. TOLLEY. No. We do not have to encourage them. They are coming in. This specific bill is merely for ease in administration. The one purpose is to change the method of com-

putation of payment to contractors by a flat pound rate rather than the necessity of counting each particular letter separately and tabulating.

Mr. McSWAIN. Then it is true that no further financial inducements are necessary to encourage people to come in and carry mail by air?

Mr. TOLLEY. That is true. There are a great many companies bidding against one another for these contracts.

Mr. McSWAIN. That is the most encouraging information that has come to this Member for months and months, because for months and months we have been asked to open the door and wipe out competition in the building of aircraft and spend millions and millions of dollars. If these concerns are competing with each other to carry the mail, I think as soon as they compete enough to bear down the price we will go to the limit.

Mr. TOLLEY. I will say to the gentleman that in our hearings there was no endeavor to change the law whereby a contractor would get more than four-fifths of the revenue.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. SCHAFER. In answering the inquiry of the gentleman from Illinois [Mr. MADDEN], the gentleman from New York quoted the existing law and indicated that the Postmaster General now has authority to put in the same schedules for mail carried by airplane other mail which is not airplane mail, as this bill provides. As I understand the existing law, it stated that the cost shall not be more than four-fifths of the income.

Mr. TOLLEY. Yes.

Mr. SCHAFER. That is all right if you are talking about air mail, but if you are talking about first-class mail, where you pay 2 cents for a letter and you have a sack full of letters, on that basis you will have a great deal greater cost than four-fifths of the revenue that the Government receives if you are going to carry this mail by airplane at airplane rates.

Mr. TOLLEY. I will say to the gentleman that the Post Office Department assured us, when they first brought in the amendatory legislation, without this basic $3 per ton a thousand miles, it was the purpose of the department to follow out the basic law of four-fifths of the revenue. The rate to be paid contractors for carrying first-class mail is not to exceed 60 cents per pound per thousand miles. I do believe, from the assurance given to the committee by the department that we can safely trust the Post Office Department not to fix as a basis a rate which would exceed four-fifths of the revenue derived from the first-class mail.

Mr. SCHAFER. To clarify that, for example, an airplane carrier is leaving a postal station and he has not got a load, and to fill up his load he will carry, if this bill is enacted, eight mail sacks full of first-class mail. Those eight mail sacks full of first-class mail were not put in the mail with his airplane mail. Therefore you have not got that high rate of postage on eight sacks?

Mr. TOLLEY. That is correct.

Mr. SCHAFER. Now, with the rates that will be provided for this carrier with eight bags of first-class mail, which, technically, is not aircraft mail, that carrier will receive far more than four-fifths of the amount of postage the Government receives, will he not?

Mr. TOLLEY. No. He will receive four-fifths of the amount, or not to exceed 60 cents per pound per thousand miles.

It is figured here that 60 cents a pound would be four-fifths of the revenue for 100 pounds of first-class mail. That is all he can receive to-day, and that is all he would receive.

Mr. SCHAFER. I think the gentleman has cleared up that point in my mind, and I thank him.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. SHALLENBERGER. No matter what the value may be under the present law, the Government can not lose, but under the provisions of this bill it is going to be up to the administration of the Post Office Department to determine itself whether it is operating at a loss or not. There is no limitation here?

Mr. TOLLEY. Yes. There is a specific limitation to the advantage of the Government in the four-fifths change to $3 a pound.

Mr. SHALLENBERGER. That is still left in the bill?

Mr. TOLLEY. Yes; but we change it so as to make it easier to administer. We have set an average. The average was a little more than $3 per pound per thousand miles.

Mr. SHALLENBERGER. You do not remove the restriction that in no event are they to receive more than 80 per cent of the cost?

Mr. TOLLEY. Not at all. The Government is guaranteed at least one-fifth of the profits.

Mr. JACOBSTEIN. Will the gentleman permit a question along that line?

Mr. TOLLEY. Yes.

Mr. JACOBSTEIN. Where in this bill is there any indication that that four-fifths rule is still in force?

Mr. TOLLEY. There is no indication in the bill excepting in the final seven lines, where it says:

> Existing contracts may be amended by the written consent of the contractor and the Postmaster General to provide for a fixed rate per pound, including equipment, said rate to be determined by multiplying the rate hereinabove provided by a fraction, the numerator of which is the per cent of revenues derived from air mail to which the contractor was previously entitled under the contract, and the denominator of which is 80.

Mr. JACOBSTEIN. The gentleman's interpretation of that is that under this bill the Government would not be paying for the carrying of the mail more than it is now paying in proportion to what it receives.

Mr. TOLLEY. The gentleman means that the Government will receive as much profit as it now receives, to put it in the true sense.

Mr. JACOBSTEIN. Or, to put it in the negative, they would not lose any money?

Mr. TOLLEY. The Government can not lose any money. But, thinking that proposition through, four-fifths of the revenue would be 80 per cent. Some of the contractors bid less than 80 per cent; they bid 65 per cent and 70 per cent in order to get the contracts. Under the peculiar wording we have adopted, the Government still has the protection of the lower bids.

Mr. JACOBSTEIN. Is not that only for the existing contracts? How about new contracts?

Mr. TOLLEY. New contracts will be made on the same basis as they are now made, not exceeding $3 per pound.

Mr. JACOBSTEIN. Is that equivalent to the other?

Mr. TOLLEY. Three dollars a pound, as I just stated, is a little less than the four-fifths; that is, the average rate per pound per thousand miles.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. WAINWRIGHT. The gentleman spoke of the profit the Government was receiving from this service. Is the air mail service being conducted to-day at a profit?

Mr. TOLLEY. Oh, yes; on contract routes.

Mr. WAINWRIGHT. If this bill takes effect, is it contemplated that there will be no loss at all, and if there is any loss—that is to say, a greater expense—that that will fall on the contractor and not on the Government?

Mr. TOLLEY. Absolutely.

Mr. WAINWRIGHT. And there is no possibility of underwriting it or guaranteeing it to the contractor?

Mr. TOLLEY. None whatever. That is the reason why it is so heartening, that the air mail service is developing so rapidly and that we are not called on to subsidize it, but we are receiving a profit from every dollar's worth of mail carried. At least one-fifth of every dollar goes into the Treasury and still these routes are growing.

Mr. WAINWRIGHT. Then this one-fifth, with the exception of the cost of delivering the mail from the post offices to the air fields and the other overhead charges, will be velvet to the Government? Is that the idea?

Mr. TOLLEY. The transportation is covered by the air mail extra surcharge. There is a small amount of detail work necessary in the handling of air mail, but most of it is profit. Of course, it costs the Government more now than it will with this ease of administration, because you now have to have a man who spends his time in counting these letters, while in the other way you put first-class letters in a sack; they are marked "Chicago to Dallas"; you put that on there; you know your mileage and you figure it at $3 a pound per thousand miles, which is very simple.

Mr. WAINWRIGHT. So there will be no deficit which will fall on the taxpayers of the country at all? That is the assurance of the gentleman and his committee to the House at this time?

Mr. TOLLEY. Yes. It is a paying proposition to the United States Government.

Mr. McSWAIN. Will the gentleman yield for one observation?

Mr. TOLLEY. Yes.

Mr. McSWAIN. In view of the infancy of the art of aviation, which so many of us are desirous of promoting, I think we should be willing to make a liberal maximum and permit

the department a discretion in view of the existing competition amongst the carriers. If it is proven that that discretion is abused or that the maximum is too high, some of us will be here, or our successors will be here, and we shall be able to cut it down.

Mr. SHALLENBERGER. Will the gentleman yield further?

Mr. TOLLEY. Yes.

Mr. SHALLENBERGER. Is there any air mail being carried now other than by contract?

Mr. TOLLEY. Yes. The transcontinental route is carried by the Post Office Department.

Mr. SHALLENBERGER. Does the gentleman have information on this point: Whether or not the Government was able to carry this mail without a loss or whether the contracting system is the better system?

Mr. TOLLEY. The contracting system is the better system. I think the gentleman from Illinois [Mr. MADDEN] stated that we had spent something like $7,000,000 in the air mail service. Is not that true?

Mr. MADDEN. We have only spent $10,000,000 all together.

Mr. SHALLENBERGER. But the Government was not able to carry this mail itself without a loss, was it?

Mr. MADDEN. What we do now is to collect about $900,000 a year from the contract air mail service and spend a little over $3,000,000.

Mr. TOLLEY. There is a loss in the department. That may be due to the overhead charges, but which might be wiped out in the course of years. However, it was decided by the department that it would be much cheaper to let out contracts. Then there would be no chance of a loss to the Government and still we would be fostering and developing aviation, and there seemed to be a number of big business men who were willing to take a chance in this particular field offered them by the Government.

Mr. SHALLENBERGER. So even with these men carrying the mail by contract, there still is a loss to the Government in the operation of the air service?

Mr. TOLLEY. Not in the air mail service as far as the contracts go. As to the final loss the department to-day could not give me the figures on this short notice.

Mr. RAMSEYER. Will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. RAMSEYER. As I understand the gentleman, this bill does not add any additional burden to the department?

Mr. TOLLEY. None whatever. This is an amendatory measure simply for ease of administration, and it deserves the unanimous approval of the whole House. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That section 4 of the air mail act of February 2, 1925, is amended to read as follows:

"That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate, and to further contract for the transportation by aircraft of first-class mail other than air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe, not exceeding $3 per pound for air mail for the first 1,000 miles, and not to exceed 30 cents per pound additional for each additional 100 miles or fractional part thereof for routes in excess of 1,000 miles in length, and not exceeding 60 cents per pound for first-class mail other than air mail for the first 1,000 miles, and not to exceed 6 cents per pound additional for each additional 100 miles or fractional part thereof for routes in excess of 1,000 miles in length. Existing contracts may be amended by the written consent of the contractor and the Postmaster General to provide for a fixed rate per pound, including equipment, said rate to be determined by multiplying the rate herein above provided by a fraction, the numerator of which is the per cent of revenues derived from air mail to which the contractor was previously entitled under the contract, and the denominator of which is 80."

Mr. MADDEN. Mr. Speaker, I offer an amendment, on page 1, line 9, to strike out, after the word "aircraft," the words "other than the air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 1, line 9, after the word "aircraft," strike out the words "of first-class mail other than air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe."

Mr. MADDEN. The purpose of the amendment, Mr. Chairman, is this. If the language I seek to strike out remains in the bill, it will permit the transportation by air of mail carrying a rate of 2 cents per ounce, whereas the regular air-mail postage charge runs all the way from 10 cents to 15 cents or 25 cents per ounce, depending on the distance. If a person wishing to send a letter by air mail can do so at 2 cents per ounce while another one is required to pay 10 cents or 15 cents or 25 cents per ounce, you will see that the man who puts a 2-cent stamp on such a letter is given an advantage which the other man does not have. I maintain this is an injustice not only to the sender of the mail, but it makes it absolutely impossible, if the regulations provide that this mail shall be carried at that rate, to let any contracts to transport mail by air at all, and it will prevent the purchase of postage for the transportation of air mail by those who are now buying that kind of postage, because they will begin at once to see that there is a specially favored class who may be able to send mail by air at 2 cents and another class who will be required to pay 10 or 15 or 25 cents, depending on the distance their letter has to go.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Is not the only contingency under which the man who pays 2 cents gets his letter carried in the air mail one where all of the mail which has paid the full air-mail price has been included and there is room left in which you can include such part of the 2-cent letters as you may be able to handle without overloading the machine?

Mr. MADDEN. I do not agree with the gentleman at all. In the first place, if we ever adopt that plan, even though that may be the purpose, it will not be very long until we have nothing but the 2-cent rate for the transportation of mail by air, and the very minute the public discovers you can transport mail by air for 2 cents instead of 10 cents or 15 cents or 25 cents, that very minute the public ceases to pay the 10 or 15 or 25 cents postage. Then, instead of promoting air transportation of mail, you have absolutely prohibited the development of the air mail service. You have done exactly the thing you do not want to do.

Mr. McSWAIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McSWAIN. Is not the situation analogous to the one in respect of sending a telegram? You can send a 50-word telegram at 6 o'clock for 50 cents that will not be delivered until 9 o'clock next morning.

Mr. MADDEN. That has nothing to do with this matter.

Mr. McSWAIN. I know it has no legal connection, but as a business proposition it is analogous. If you want to send a 10-word telegram to go instantly, you must pay the full 50 cents for a 10-minute service.

Mr. MADDEN. Yes; I agree with the gentleman.

Mr. McSWAIN. Now, here is a man who has a letter he wants to go for sure as air mail. He has to pay his 10 or 15 or 25 cents. If he is indifferent, he simply sticks it in the mail; and if the man who has the contract for the delivering of air mail would like to make a little more extra money on this route, he says, "Stick a few sacks of that ordinary mail in here and I will make some money on it." It seems to me to be to the advantage of the mail carrier.

Mr. MADDEN. Then when you have adopted that policy you have served notice on the American people that 2 cents is the rate, because the very minute you carry it at 2 cents that becomes the rate.

Mr. McSWAIN. I can see some force in the gentleman's argument. It may be that people using the air mail service from Dallas to St. Louis, as an illustration, find out that usually there is room for the ordinary mail, and since that is usually so, they will take a chance on its being so the day they want to mail a letter. I think there is some point in that suggestion of the gentleman.

Mr. MADDEN. And it is not fair to the people we are urging to develop the air mail service. We are not only urging them to develop the air mail service but we are urging them to develop aeronautics. We are urging them to develop a system of air equipment that may be needed in the greatest emergency the country may ever have to face.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. I do not know that I caught the gentleman's amendment. Just what words does the gentleman seek to strike out?

Mr. MADDEN. The words in line 9, "other than air mail."

Mr. RAMSEYER. I am sure the Clerk read more than that as the language to be stricken out. As I now understand it, the

bill in line 1, page 2, referring to the rate of $3, applies to air mail, and the language in page 1 refers to two services, "at fixed rates, including equipment," and so forth. The rate applicable on page 2 to other than air mail is different from the rate applicable to air mail, and the $3 per pound rate is applicable only to air mail.

Mr. MADDEN. That is what I am dealing with.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois just what his amendment is. The Clerk understood the gentleman to move to strike out the words in line 9, after the word "aircraft," to and including the word "prescribed" in line 1, page 2.

Mr. MADDEN. My amendment is to strike out in line 8, after the word "designate," the words "and to further contract for the transportation by aircraft first-class mail other than air mail."

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 1, line 8, after the word "designate," strike out the following words: "and to further contract for the transportation by aircraft of first-class mail other than air mail."

The CHAIRMAN. Without objection, the amendment as reported by the Clerk will be considered instead of the original phraseology offered by the gentleman from Illinois.

There was no objection.

Mr. MADDEN. Now, Mr. Chairman, I would like to explain that, if I may. The purpose of striking out these words is to prevent the possibility of one class of mail shippers being charged one rate and one class another rate. The purpose is to see that all air mail contracted for transportation shall bear the air-mail rate and that no citizen of the United States may be permitted to do for 2 cents what it cost another citizen 25 cents to do.

Mr. McKEOWN. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. McKEOWN. Do these aircraft carry newspapers?

Mr. MADDEN. No; only first-class mail. They could not afford to carry anything but first-class mail, and they can not afford to carry that unless we make a special rate.

Mr. McKEOWN. I think the gentleman's amendment is all right and I have no objection to it.

Mr. HUDSON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. HUDSON. Do I understand that under this bill the Government will make 15 or 20 cents a pound revenue on first-class mail that is carried in addition to the aircraft mail?

Mr. MADDEN. Not at all; the Government would make nothing.

Mr. HUDSON. Does it not provide in the bill that the Government shall make 20 cents a pound?

Mr. MADDEN. It provides that the contractor shall get four-fifths of the rate, but under this bill you give a rate to one man of 2 cents and to another one of 25 cents, and when you do that you have made the rate 2 cents all the way along the line.

Mr. HUDSON. The contract makes the rate at so much a pound.

Mr. MADDEN. When you fix a rate at 25 cents and another rate at 2 cents, 2 cents will be the rate.

Mr. JACOBSTEIN. Under the bill as amended the Government would get $3 a pound.

Mr. HUDSON. That is for air mail, but the fact is they carry first-class mail in addition.

Mr. JACOBSTEIN. That applies only to the new contracts.

Mr. HUDSON. Absolutely.

Mr. TOLLEY. Mr. Chairman, this will vitiate the whole attempt to amend the existing law so as to apply to the ease of administration. If the argument of the gentleman from Illinois is correct, the present law has demonstrated that the people will not pay the extra fee in order to be assured of transportation in the air mail service, because under existing law contracts by the Postmaster General may be made with these contractors whereby if there is room for 100 pounds of first-class mail, inasmuch as the load has not been filled by air mail, the contractor could carry 100 pounds. Of course it is by chance. Of course it may go through, and it may not. If the gentleman's argument is correct, the present policy is wrong, and it should have been proven wrong under the present conditions.

But I think the American people who are using the air mail and making it grow are demonstrating by the increased use of it that the present law is sound.

Mr. HUDSON. Is it not a fact that under the present law, which does provide for this very thing, the air mail is constantly increasing?

Mr. TOLLEY. Yes. Furthermore, the only argument that the gentleman might have is that the Government might lose money by this change of contract, but it is specifically pointed out, on page 2, line 6, that it shall be only 60 cents per pound for first-class mail carried by contractors. Why is this language in the bill? Simply because we want to make a law that will be easy to administer, and the language may be in the already existing contracts, and unless we can change the contracts to care for the first-class mail, which may be carried by chance, as well as the air mail, there is no use of this amendatory legislation, which is so necessary for the dispatch of the air mail service.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. O'CONNOR of Louisiana. I have always understood that the transmission of mail by the Air Service is purely incidental to the main purpose, which is the development of aeronautics. The gentleman has just stated that the service is increasing immensely.

Mr. TOLLEY. It is.

Mr. O'CONNOR of Louisiana. Is the gentleman in the position to state by way of percentage the extent of that increase?

Mr. TOLLEY. I am not, except that I can state to the gentleman that we have just initiated six new routes and have three more routes to be opened, and the contracts have already been let. These contractors certainly would not be bidding for the opportunity of entering into this service unless they knew the demand for air mail service is increasing, because their revenue is dependent upon the volume of the mail carried. But I do not want to be diverted from this amendment of the gentleman from Illinois [Mr. MADDEN]. If this amendment is agreed to, then we might just as well kill all legislation, and, as I said before, this bill should have the unanimous support of every man, because the only thing it does is to make for ease of administration without changing in any way the basic law under which the air mail contracts are written at this present hour.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. TOLLEY. Yes.

Mr. O'CONNELL of Rhode Island. As I understand it, under the present law the only persons who can be sure of air mail service are the ones who pay for it.

Mr. TOLLEY. Absolutely.

Mr. O'CONNELL of Rhode Island. And a person who deposits mail and puts a 2-cent stamp on a letter may get that service, if there happens to be room, by the air mail service; but if he wants to be sure of getting air mail service, he is going to pay for it.

Mr. TOLLEY. And, furthermore, there is a difference in handling at the destination point and the terminal point, and at the transfer point. The air mail is there specially handled.

Mr. O'CONNELL of Rhode Island. And by this provision you may get additional revenue.

Mr. TOLLEY. Absolutely; and we must have this bill in order to amend existing contracts.

Mr. RAMSEYER. Mr. Chairman, I think some gentlemen have become confused with this language. The bill confers two powers on the Postmaster General. First, to contract for air mail service; and second, to contract for non air mail service, and those two powers are thrown together. Then it provides for the rates on air mail and the rates on non air mail. It might have been more easily understood if the bill had been drawn so that the authority for air mail carrying and the rate for air mail carrying had been together and then the authority for carrying non air mail and the rate for carrying non air mail had been together. The object of loading these planes with non air mail is none other than to furnish weight or ballast for the plane and, of course, giving a little additional revenue.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. In just a moment. Those who have the bill before them will notice that on page 1, lines 5, 6, 7, and 8, down to the word "designate," are the lines that contain the authority to carry air mail, and then from the word "designate" in line 8, if we jump over to the words "not exceeding" in line 1, page 2—"not exceeding $3 per pound for air mail"—and beginning after the word "designate" on line 8, page 1, you have authority to contract for carrying non air mail under such regulations as the Postmaster General may prescribe. Then jump over to line 5, on page 2, beginning with the words "not exceeding 60 cents per pound," you have the rates to carry such mail. It seems to me perfectly clear if you want to change existing law so as to prohibit the carry-

ing of non air mail you would vote for the amendment offered by the gentleman from Illinois [Mr. MADDEN], and then would strike out other portions of the bill in lines 5, 6, 7, and 8, down to line 10, on page 2. In that way you would eliminate non air mail from the bill altogether. Of course, if you do that, you may as well kill the bill. I think the gentleman from New York [Mr. TOLLEY] is absolutely right.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MADDEN. What does this language in the hearings mean:

When used in this act, the term "air mail" means first-class mail prepaid at rates of postage herein described.

Then also this:

That the rates of postage on air mail shall be not less than 10 cents per ounce or fraction of an ounce.

What does that mean?

Mr. RAMSEYER. Exactly what it says. If it does not bear that postage, it is not designated as air mail, and first-class mail carrying less postage than that may be transported by air mail, but the chances are it never will be. If there is room in the plane they fill it up with this other mail.

Mr. MADDEN. Is that fair to the man who pays the air-mail rates?

Mr. RAMSEYER. It is not unfair to him. If I pay the gentleman 25 cents to carry a message down here to the Union Station, and while he is on the way carrying that message somebody delivers him a similar message and offers to pay him a nickel for it, the gentleman would be just that much ahead.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAMSEYER. Mr. Chairman, in order to answer questions, I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JACOBSTEIN. Would it be agreeable to the committee to transpose the language in line 8 after the word "designate" down to the comma in line 1, page 2; transpose the language in line 10 after the word "length" so that the language will not be included within the $3 per pound rate?

Mr. RAMSEYER. I think the gentleman from New York and myself, and I think the officers of the Post Office Department, understand clearly what this means. Just because some Members on the floor of the House have become confused because the language is as it is I do not think is any good reason why we should transpose it. But I am not the author of the bill. The gentleman from New York is on the subcommittee reporting the bill.

Mr. WAINWRIGHT. I expect to vote for the bill.

Mr. RAMSEYER. As it is?

Mr. WAINWRIGHT. As it is, I think; but I think we ought to know pretty well what we are doing. Am I wrong in assuming that the extra mail may be possibly carried at the 2-cent rate with mail paid at the air-mail rate, and therefore the Government pays the contractor very much more than it gets?

Mr. RAMSEYER. I will leave it to the gentleman from New York [Mr. TOLLEY] to answer the question.

Mr. TOLLEY. The contractor is not paid at the air-mail rate.

Mr. WAINWRIGHT. What rate is it paid at?

Mr. TOLLEY. It is not paid at all. Since the controversy has arisen with the gentleman from Illinois I have called up the Post Office Department to find if they incorporated in the contracts the language of the basic law which this law changes, and they tell me that to date, as the gentleman from Illinois stated, there have been no contracts made whereby any mail not carrying first-class postage would be carried, and they have not contracted for any such mail in the future, and they stated that the author of the bill, Mr. KELLY, of Pennsylvania, and who is absent to-day, insisted that in order to aid aviation such a provision should be in, and therefore the Post Office Department have retained it.

Mr. WAINWRIGHT. What will the contractor be paid for this non air mail which he carries in his plane? Will he be paid at the same rate as the other air mail he carries?

Mr. TOLLEY. Not at all.

Mr. WAINWRIGHT. Therefore all the Government will collect under the pound rate will be at the 2-cent rate?

Mr. TOLLEY. That is all.

Mr. WAINWRIGHT. And the Government stands the difference?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. MEAD. Mr. Chairman, as a member of the subcommittee in charge of this legislation, I rise to inform my colleagues that the committee, together with the representatives of the Post Office Department and some of the representatives of the contractors, have carefully considered this bill, and I hope the amendment of the gentleman from Illinois will not prevail, notwithstanding that I have a high regard for his ability and his services. This legislation, Mr. Chairman, and the privilege that we extend to the contractors to carry in addition to the air mail the ordinary first-class mail is done to load the plane to a safe flying load. It adds, as the gentleman from Iowa has stated, to the revenues of the contractor. It encourages air mail and aviation. Surely there is great need for encouragement of aviation, and if there ever was an efficient and economical way to encourage aviation it is by building up the air mail service. We find that many cities are clamoring for this service. These cities are at great expense building landing fields, constructing hangars, and making possible the quick conveyance of mail from the post offices to these established air ports, so that this service may come to many of the cities that seek it. This bill is, in the opinion of the committee, and the minority joins with the majority, the best that can be presented at this time for the proper encouragement of aviation and to meet the suggestions of the Postmaster General with regard to the expeditious handling of the mail, namely, the weighing of mail per pound rather than the counting of letters one by one, as it now being done. So, that after this legislation has been considered, as it has been, and received the indorsement of the committee and the Post Office Department, as well as the contractors themselves, I earnestly hope the bill will not be hurriedly amended without the necessary thought and consideration, and that the suggestion of the committee will prevail.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MEAD. I will gladly yield to my colleague.

Mr. SHALLENBERGER. I understand at present the contractor is not carrying this 2-cent mail?

Mr. MEAD. My colleague is misinformed. He is carrying it.

Mr. SHALLENBERGER. But carrying without pay?

Mr. MEAD. Yes; he is carrying it to be of service, and, as I understand, at a loss.

Mr. SHALLENBERGER. The object of this bill, then, is to authorize the Postmaster General to pay some fair price for the transportation by airplane of this mail that is not air mail?

Mr. MEAD. Yes. I will say further to the gentleman, in contradiction to the statement of the gentleman from Illinois [Mr. MADDEN], who said that the policy hereafter will be to use the air service by paying the ordinary 2-cent fee, is not so, because if there were a thousand bags of mail deposited in the Chicago post office the practice would be that an airplane going out with less than a full load of mail would take on some of these ordinary mail sacks to fill up the load, which though not air mail would by chance receive air mail service, but the amount of ordinary mail taken on in this manner would be insignificant; only a bag or two at the most.

Mr. SHALLENBERGER. What authority is there at present for the determination of the compensation for carrying this mail for which they would receive extra pay? There is no authority.

Mr. MEAD. I will say to my friend, this bill confers specific authority.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes; certainly.

Mr. JACOBSTEIN. I am in favor of this development of the air mail service. Is the Government going to make a higher charge for the non air mail by virtue of this bill?

Mr. MEAD. I do not believe so, I will say to my colleague. But even if the cost would be a little greater than it is at the present time, it would affect only a small percentage of the mail, and we would, by doing so, encourage air mail, adding new routes to those already existing, and the Government would be well compensated for the service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McSWAIN. Mr. Chairman, it is manifest that the committee has gone into the situation fully. They are not proceeding here blindly, and although it might have been better had these two authorizations been arranged in separate paragraphs, yet I am of the opinion that careful analysis will demonstrate the fact that the gentleman from Iowa [Mr. RAMSEYER] is correct, and that it deals with only two kinds of mail. I think we should not limit the department in setting a liberal maximum for carrying this mail per pound.

We need to encourage aviation from every point of view, and the most heartening information that we have had to-day comes from this committee, to wit, the announcement that contractors to-day are in such numbers as to be competing with each other for the carrying of air mail.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. WAINWRIGHT. Of course, the gentleman is not in favor of paying these contractors a subsidy in any form, is he?

Mr. McSWAIN. No. And I am not in favor of letting down the bars to the Army and Navy to buy aircraft without competition. My friend from New York has taken advantage of the opportunity for the purpose of carrying on with me an argument that he and I have had for 90 days or more. In further answer to his query I would say, No; I am not in favor of letting down the bars requiring competition for the construction of aircraft for the Army and Navy, where under existing law aircraft is bought under the competitive system and where aircraft is built under private contract by private enterprise, where individuals are now able to buy it and come to the Post Office Department and compete with each other to carry the mail from one city to another. I say let us be liberal for a few years, and then all this argument about letting down the bars of competition will pass away, and we shall have all the aircraft we need.

Mr. WAINWRIGHT. Will the gentleman permit another brief question?

Mr. McSWAIN. Yes.

Mr. WAINWRIGHT. Of course the gentleman feels that in no possible way can this bill furnish a subsidy or anything in the nature of a subsidy to these air-mail contractors?

Mr. McSWAIN. I consider this, that whatever little subsidy there may be, it will be taken care of automatically under the principle of competition between private corporations competing against each other, and the tendency will be to trim down the price a little bit; so that the subsidy question does not bother me here like letting officers of the Army and the Navy sit down in a back room with a contractor and there make a contract to the extent of millions and millions of dollars of this Government's money for a few aircraft.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNELL of Rhode Island. Does not the gentleman believe that when the carriers enter into a contract for carrying mail they may take into consideration in the future some little additional revenue from this source, and if they do not have this little additional revenue the air mail cost would be higher rather than lower?

Mr. McSWAIN. Of course; that has manifestly been in the minds of the committee that brought in the legislation. So I say, gentlemen, the need to-day is to encourage aviation and to be liberal with it in this way, and go on and pass this bill.

Mr. WAINWRIGHT. And give them this little bit of subsidy?

Mr. McSWAIN. My friend should be content with this little bit, rather than none at all.

Mr. WAINWRIGHT. The gentleman knows I am in favor of giving them a little bit of subsidy.

Mr. McSWAIN. Then rejoice with us over this bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I offer another amendment. I move to strike out all after the word "designate" on line 8, down to and including the word "prescribe," on page 2, line 1, and insert that at line 5, after the word "and." That just transposes the language to the place where it deals with the subject.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 1, beginning on line 8, after the word "designate," strike out the remainder of line 8 and all of lines 9 and 10, and on page 2, in line 1, down to and including the word "prescribe," and after the word "and" in line 5 insert "and to further contract for the transportation by aircraft of first-class mail other than air mail at fixed rates per pound, including equipment, under such rates, rules, and regulations as he may prescribe."

Mr. MADDEN. Now, then, I ask that that language be inserted on page 2, line 5, after the word "and."

Mr. RAMSEYER. If the gentleman from Illinois will yield, I would like to understand his amendment. It simply transposes the language beginning with the word "and," in line 8, page 1, to and including the word "prescribe," on page 2, and puts it after the word "length," in line 5, page 2.

Mr. MADDEN. That is right.

Mr. JACOBSTEIN. It transposes it to where it is germane. That is all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. RAMSEYER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11841) to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. RAMSEYER. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

Mr. ARNOLD. Mr. Speaker, may we have the amendment again reported?

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

The amendment was agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent that the vote taken on the Madden amendment be vacated and that we have a new vote. The reason for it is this: The Madden amendment simply transposes certain language from one part of the bill to another part of the bill, and the object is to vote it down and leave the bill as it was reported by the Committee on the Post Office and Post Roads.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the vote whereby the Madden amendment was adopted be vacated. Is there objection?

There was no objection.

The SPEAKER. The question is now on agreeing to the amendment.

The amendment was rejected.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAMSEYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The title of the bill was amended to read as follows: "A bill to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound."

POSTAGE RATES ON HOTEL-ROOM KEYS AND TAGS

Mr. BELL. Mr. Speaker, I call up H. R. 92, a bill fixing postage rates on hotel-room keys and tags. This bill is on the Union Calendar and was introduced by Mr. JOHNSON of Washington. The bill was reported by Mr. KELLY, who is unavoidably absent to-day.

The SPEAKER. The gentleman from Georgia calls up House bill 92.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That on hotel-room keys with metal or fiber tags securely attached thereto, there being indelibly stamped upon such tags explicit instructions directing that key and tag be returned to the house of their origin, postage shall be charged at the rate of 2 cents

for each 2 ounces or fraction thereof if stamps be affixed before mailing, or 4 cents for each 2 ounces or fraction thereof if postage be collected on delivery.

With the following committee amendments:

In line 6 strike out the word "house" and insert in lieu thereof the word "hotel."

In line 7, after the word "of," strike out "2 cents for each 2 ounces, or fraction thereof, if stamps be affixed before mailing; or 4" and insert in lieu thereof the figure "5."

Mr. TREADWAY. Mr. Speaker, may I ask a question of the gentleman in charge of the bill? Just what does the bill accomplish with the amendments?

Mr. BELL. It does not change the rate on such matter, provided the postage is prepaid. It often happens that a man stopping at a hotel will carry his room key away with him and declines to put the necessary postage on it in order to return it to the hotel to which it belongs. This bill provides that such a key may be dropped in the mails anywhere without postage and then collect the postage from the hotel at the rate of 5 cents for each 2 ounces or fraction thereof.

Mr. TREADWAY. At the present time the key can not be returned unless the postage is prepaid?

Mr. BELL. That is correct.

Mr. TREADWAY. So that this would, in a way, be an aid to the hotels in overcoming the forgetfulness of their guests, and they would not be obliged to buy new keys?

Mr. BELL. That is correct.

Mr. HAWLEY. And the gentleman from Massachusetts highly commends such legislation?

Mr. TREADWAY. Yes; I think the gentleman is to be commended on behalf of the downtrodden hotel men.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BELL. Yes.

Mr. CONNALLY of Texas. Is this an administrative measure?

Mr. BELL. No; this is not an administration measure. The representatives of the hotel association were present and discussed this bill; they were perfectly willing to pay 5 cents on a key when returned to them through the mails, and the Post Office Department recommended the legislation and claims that a considerable revenue will be derived from this source.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CONFERENCE REPORT—ALLOTMENT OF LANDS OF THE CROW TRIBE

Mr. LEAVITT. Mr. Speaker, I call up from the Speaker's table conference report on H. R. 8185, to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," and ask unanimous consent that the conference report be agreed to.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table conference report on H. R. 8185, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That any allottee classified as competent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. Any adult incompetent Indian with the approval of the superintendent may lease his or her allotment or any part thereof and the allotments of minor children for farming and grazing purposes. The allotments of orphan minors shall be leased by the superintendent. Moneys received for or on behalf of all incompetent Indians and minor children shall be paid to the superintendent by the lessee for the benefit of said Indians. No lease shall be made for a period longer than five years. All leases made under this section shall be recorded at the Crow Agency."

SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,
Managers on part of House.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on part of Senate.

STATEMENT

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The language used by the House and amended by the Senate is stricken out and a new amendment is provided which will give the Crow Indians a very liberal voice in the leasing of their lands and also give adequate protection. This amendment adopted by your conference committee has the approval of the Crow Indian representative and the Department of the Interior.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. LUCE, for an indefinite period, on account of ill health.

To Mr. WURZBACH, for 10 days, on account of important business.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 616. An act for the relief of Ernest F. Church;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 4799. An act to approve act 235 of the session laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii";

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 6550. An act to provide for the construction of certain public buildings, and for other purposes;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known;

H. R. 9508. An act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages;

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments;

H. R. 10055. An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes;

H. R. 10204. An act providing an additional wing to the District jail;

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes;

S. 1170. An act to provide for the appointment of a commissioner of reclamation, and for other purposes;

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska; and

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

ADJOURNMENT

Mr. RAMSEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Thursday, May 20, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 20, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (S. 2657).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To authorize the settlement of the indebtedness of the French Republic to the United States of America (H. R. 11848).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Amending subchapter 5 of the Code of Law of the District of Columbia as amended to June 7, 1924, relating to offenses against public policy (H. R. 8989).

SPECIAL JOINT COMMITTEE

(10.30 a. m., room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers (S. 3921).

EXECUTIVE COMMUNICATIONS, ETC.

519. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1926, for inspection of the battle fields and surrender grounds in and around Old Appomattox Courthouse, Va., $3,000 (H. Doc. No. 385), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11802. A bill to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; with amendment (Rept. No. 1265). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. THOMAS: Committee on Claims. H. R. 7849. A bill for the relief of Ella Miller; with amendment (Rept. No. 1258). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11139. A bill for the relief of Celestina Mateos; with amendment (Rept. No. 1259). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 11914. A bill for the relief of the United States Fidelity & Guaranty Co.; with amendment (Rept. 1260). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 6588. A bill for the relief of Franklin Mott Gunther; without amendment (Rept. No. 1261). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 2722. A bill to reimburse James J. Burns, jr., for damages to touring car by Government-owned motor truck; with amendment (Rept. No. 1262). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 492. An act for the relief of Swend A. Swenson; with amendment (Rept. No. 1263). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on the Public Lands. S. 3759. An act authorizing the issuance of a patent to Richard Murphy; without amendment (Rept. No. 1264). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 7153. A bill authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army; without amendment (Rept. No. 1266). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 10209. A bill for the relief of Philip T. Coffey; without amendment (Rept. No. 1267). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3715) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11638) granting an increase of pension to Sarah R. Anderson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 12285) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. MILLS: A bill (H. R. 12286) to amend section 213 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. KINCHELOE: Resolution (H. Res. 271) relative to the alleged plan of the Department of Agriculture to effect the registration and licensing of the fruit and vegetable industry of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORNING: A bill (H. R. 12287) granting an increase of pension to Betsey M. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12288) granting an increase of pension to Rebecca Van Vorst; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 12289) granting a pension to Garrard Morgan; to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 12290) granting an increase of pension to Rachel A. Shatto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12291) granting an increase of pension to Maggie A. Waldrip; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 12292) granting an increase of pension to Martha F. Gothard; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 12293) granting an increase of pension to Catharine Leas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12294) granting an increase of pension to Amanda Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12295) granting an increase of pension to Eva A. Spear; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12296) granting a pension to Bertha T. Solomon; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12297) granting a pension to Sabina Lutes; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12298) granting an increase of pension to Alice E. Lisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting an increase of pension to Elizabeth Sheahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12300) for the relief of Harold P. Foote; to the Committee on World War Veterans' Legislation.

By Mr. JENKINS: A bill (H. R. 12301) granting an increase of pension to Elizabeth Stobert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) granting an increase of pension to Betsey G. Frost; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12303) to correct the military record of James William Cole; to the Committee on Military Affairs.

By Mr. LETTS: A bill (H. R. 12304) for the relief of Ella G. Richter, daughter of Henry W. Richter; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 12305) for the relief of Dewey Tipton Jones; to the Committee on Naval Affairs.

By Mr. ROWBOTTOM: A bill (H. R. 12306) granting an increase of pension to Alice Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12307) granting an increase of pension to Cinderella Douglas; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12308) for the relief of Charles Caudwell; to the Committee on War Claims.

Also, a bill (H. R. 12309) for the relief of the Bell Telephone Co., of Philadelphia, Pa., and the Illinois Bell Telephone Co.; to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 12310) granting an increase of pension to Mary A. Klepinger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2222. By Mr. BLOOM: Petition of board of managers of the Soldiers and Sailors' Club, of New York; to the Committee on Military Affairs.

2223. By Mr. GALLIVAN: Petition of G. C. Morton, president, Carpenter-Morton Co., 77 Sudbury Street, Boston, Mass., protesting against passage of House bill 10823; to the Committee on Interstate and Foreign Commerce.

2224. By Mr. JACOBSTEIN: Petition of New York State Archeological Association, urging the United States Government to make representations to the Government of Panama advising it of the interest of this association and other bodies and scientific groups of their interest in the preservation and protection of the Tule people of the San Blas coast in Darien and urging the Panama Government to set aside territory as a reservation; to the Committee on Foreign Affairs.

2225. By Mr. KVALE: Petition of members of auxiliary to C. Walter Larson Post, No. 378, American Legion, Herman, Minn., urging consideration in the House at the present session of House bills 10277, 4543, 10358, and 10425, and Senate bill 1620; to the Committee on Rules.

2226. Also, petition of 105 students in the medical school, University of Minnesota, urging that Congress enact into law House bill 10, the Britten metric standards bill; to the Committee on Coinage, Weights, and Measures.

2227. Also, petition of 143 students, school of nursing, University of Minnesota, urging immediate enactment of the metric standards bill (H. R. 10) to insure safer and more accurate bases for prescription of drugs; to the Committee on Coinage, Weights, and Measures.

2228. Also, petition of 84 students, college of dentistry, University of Minnesota, urging that Congress enact into law House bill 10; to the Committee on Coinage, Weights, and Measures.

2229. By Mr. MACGREGOR: Petition of James Madison Council, No. 73, Junior Order United American Mechanics, indorsing House bill 344; to the Committee on Immigration and Naturalization.

2230. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the United States, favoring the passage of the McFadden-Pepper bill (H. R. 2); to the Committee on Banking and Currency.

2231. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., no justifiable reason for delaying legislation to readjust those special classes of postal rates where the facts have established beyond a question of reasonable doubt that the rates are not equitable; to the Committee on the Post Office and Post Roads.

2232. Also, petition of Edward F. Roberts, editor Dry Goods Economist, of New York, favoring the passage of the McKellar bill on postal rates; to the Committee on the Post Office and Post Roads.

2233. Also, petition of the American Mining Congress, favoring the passage of Senate bill 1821, for the development of our potash deposits so as to furnish cheaper and more abundant supplies to the farming industry for fertilizing purposes; to the Committee on Mines and Mining.

2234. By Mr. PRATT: Petition of 86 members of William F. Scannell Chapter, No. 6, Disabled American Veterans of the World War, of Liberty, N. Y., urging enactment of legislation for the benefit of the disabled veterans of the World War; to the Committee on World War Veterans' Legislation.

SENATE

THURSDAY, *May 20, 1926*

(Legislative day of Monday, May 17, 1926)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes."

The message also announced that the House had passed the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 92. An act fixing postage rates on hotel room keys and tags;

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 4502. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing a penalty;

H. R. 7181. An act to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1170. An act to provide for the appointment of a commissioner of reclamation, and for other purposes;

H. R. 616. An act for the relief of Ernest F. Church;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 4799. An act to approve act 235 of the session laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii";

H. R. 6559. An act to provide for the construction of certain public buildings, and for other purposes;

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known;

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments;

H. R. 9508. An act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages;

H. R. 10055. An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes;

H. R. 10204. An act providing an additional wing to the District jail;

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes;

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska; and

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McMaster	Schall
Bayard	Gerry	McNary	Sheppard
Bingham	Gillett	Mayfield	Shipstead
Borah	Glass	Means	Shortridge
Bratton	Goff	Metcalf	Simmons
Broussard	Gooding	Moses	Smoot
Bruce	Greene	Neely	Stanfield
Butler	Hale	Norbeck	Steck
Cameron	Harreld	Norris	Stephens
Capper	Harris	Nye	Swanson
Caraway	Harrison	Oddie	Trammell
Copeland	Heflin	Overman	Tyson
Couzens	Howell	Pepper	Underwood
Cummins	Johnson	Phipps	Wadsworth
Curtis	Jones, N. Mex.	Pine	Walsh
Dale	Jones, Wash.	Pittman	Warren
Deneen	Kendrick	Ransdell	Watson
Dill	Keyes	Reed, Mo.	Weller
Edge	King	Reed, Pa.	Williams
Ernst	La Follette	Robinson, Ark.	Willis
Fess	Lenroot	Robinson, Ind.	
Frazier	McKellar	Sackett	

Mr. COUZENS. My colleague [Mr. FERRIS] is necessarily absent to-day. I desire this announcement to stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

FARM-RELIEF LEGISLATION

Mr. GOODING. Mr. President, I wish to give notice that to-morrow, as soon as the Senate convenes, I shall ask to be recognized to discuss farm legislation.

CONDITION OF RAILROAD EQUIPMENT

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to Senate Resolution 438, of February 26, 1923, a report showing the condition of railroad equipment and related information for the month of April, 1926, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

Mr. WILLIS presented resolutions adopted by the house of delegates of the Ohio State Medical Association at Toledo, Ohio, protesting against the passage of the bill (S. 4085) to strengthen the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes, which were referred to the Committee on Finance.

He also presented a resolution adopted by the house of delegates of the Ohio State Medical Association at Toledo, Ohio, opposing Federal subsidies for State and local health work and the trend in governmental policy which attempts, through aids, doles, and subsidies, to do for the individual those things which the individual should do for himself, which was referred to the Committee on the Judiciary.

He also presented resolutions unanimously adopted by the Council of the Federation of Churches of Cincinnati, Ohio, and vicinity, protesting against any weakening of the prohibition laws and favoring the strict enforcement thereof, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury, reported it with an amendment and submitted a report (No. 890) thereon.

Mr. DENEEN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3405) to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys, reported it without amendment and submitted a report (No. 891) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Missouri:

A bill (S. 4308) granting a pension to Peter Rost;

A bill (S. 4309) granting an increase of pension to Tulula V. M. Bortsfield; and

A bill (S. 4310) granting an increase of pension to Henrietta V. Kelley; to the Committee on Pensions.

A bill (S. 4311) for the relief of Albert von Hoffmann; to the Committee on Claims.

By Mr. EDGE:

A bill (S. 4312) for the relief of Emil Schneider; to the Committee on Claims.

By Mr. GOFF:

A bill (S. 4313) granting a pension to Perry Talbott; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4314) granting a pension to Frank X. Marks; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4315) granting an increase of pension to Margareta E. Strifert; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 4316) to amend the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917 (with accompanying papers); to the Committee on Naval Affairs.

By Mr. DENEEN:

A bill (S. 4317) granting a pension to James Shaw; to the Committee on Pensions.

A bill (S. 4318) granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois; to the Committee on Commerce.

By Mr. BINGHAM:

A bill (S. 4319) authorizing the President to appoint Arthur J. Hanlon, formerly a lieutenant colonel, United States Army (captain, regular service), a major in the United States Army; to the Committee on Military Affairs.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 3763. An act to prevent delay in the promotion of officers of the Navy and Marine Corps; and

H. R. 7181. An act to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line; to the Committee on Naval Affairs.

H. R. 92. An act fixing postage rates on hotel room keys and tags;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 4502. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound; to the Committee on Post Offices and Post Roads.

MUSCLE SHOALS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 4) authorizing the joint committee on Muscle Shoals to hold hearings and employ expert and clerical assistants, which were, on page 1, line 13, after the word "hereunder," to insert "not exceeding $5,000," and on page 1, to strike out all after "Senate," in line 14, down to and including "$5,000," in line 15.

Mr. DENEEN. I move that the amendments of the House be concurred in. It is just a transposition of words.

The motion was agreed to.

RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oregon [Mr. STANFIELD] to the substitute reported by the committee, which the clerk will read.

The CHIEF CLERK. On page 25, line 25, after the word "service" and the comma, insert the words "not less than 15 years."

Mr. SMOOT. Whose amendment is that, Mr. President?

The VICE PRESIDENT. It has been incorporated in the committee amendment.

Mr. SMOOT. I will ask the clerk to state the amendment again.

The VICE PRESIDENT. The clerk will state the committee amendment.

The CHIEF CLERK. Strike out all after the enacting clause and insert the following——

Mr. SMOOT. I do not ask that it be read. I ask the Senator from Oregon if the amendment is exactly the same as the bill reported by the Senate committee.

Mr. STANFIELD. It is just the same except that some slight administrative changes have been accepted.

Mr. SMOOT. What are those changes?

Mr. STANFIELD. On page 26, line 6, strike out the following:

The term "mechanic" as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

That has been stricken out. That is to bring under the act the employees of the Government Printing Office.

Mr. SMOOT. That is a good amendment. What was inserted in its place?

Mr. STANFIELD. Inserted in lieu thereof is the amendment originally proposed to Senate bill 786 by the Senator from Maryland [Mr. BRUCE], as follows:

Any mechanic having served 30 years who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation for the last 10 years of his service as a mechanic.

Mr. SMOOT. That is a very unwise amendment. However, I am not going to ask that it be disagreed to. I will make a short statement and then so far as I am concerned the bill may be passed. If the Senator wants his amendments to the substitute agreed to I have no objection to it at this time.

Mr. McKELLAR. They are already a part of the bill.

Mr. SMOOT. No; they are not.

Mr. STANFIELD. These two amendments to the substitute are made on the part of the committee.

Mr. SMOOT. I think it is a very unfair proposition.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee to strike out all after the enacting clause and insert in lieu thereof Senate bill 786, with several changes in the text. Without objection, the amendment is agreed to.

Mr. SMOOT. Mr. President, I would not like to have the question put in that way. I would like the Chair to state "All in favor of the amendment will say 'aye,'" because there is objection to it. I do not ask for a yea-and-nay vote, but I would like to have the question put and let it be carried by a viva voce vote, if there are enough votes to carry it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. GLASS. Mr. President, we do not know what the amendment is.

The VICE PRESIDENT. The amendment is to strike out all after the enacting clause and insert the matter proposed by the committee. The amendment will be stated.

The CHIEF CLERK. The committee proposes in House bill No. 7 to strike out all after the enacting clause and to insert a modified form of the amendment reported by the committee as Senate bill 786, which includes on page 4 a proposal to strike out the words:

That the term "mechanics" as used in this act shall include all employees in the Government Printing Office whose duties are to supervise, perform, or assist in apprentice, helper, or journeyman work of a recognized trade or craft, as determined by the Public Printer.

And to insert in lieu thereof the amendment offered by the Senator from Maryland [Mr. BRUCE], which reads as follows:

That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic.

Mr. FESS. Mr. President, a parliamentary inquiry. That amendment——

The VICE PRESIDENT. The Chair does not know that the Senate understands the amendment.

Mr. STANFIELD. It is an amendment proposed to the committee amendment.

Mr. FESS. Mr. President, is this a committee amendment?

The VICE PRESIDENT. The committee amendment is to strike out all after the enacting clause and insert new matter. The question is on that amendment.

Mr. FESS. Are we voting upon the amendment to strike out all after the enacting clause?

The VICE PRESIDENT. The pending question is the amendment to strike out all after the enacting clause and insert.

Mr. BORAH. Mr. President, in order that we may have a fairly intelligent idea as to the question on which we are voting, let me inquire does this amendment raise the question which has been debated here between the Senator from Oregon and the Senator from Utah with reference to rates, and so forth?

Mr. SMOOT. No; this is another amendment than that. On yesterday I offered a substitute, which was voted down, making the basic pay $1,500, the contribution on the part of the employee is 3½ per cent, instead of 4 per cent, and providing an annuity on the basis of $1,000. That amendment has already been voted down. This amendment, however, is an amendment to the committee amendment which was offered as a substitute for the House bill applying the provisions of the bill to mechanics.

Mr. FESS. My inquiry is whether this is an amendment to the committee amendment? The committee amendment, as I understand, has not as yet been inserted in lieu of the House text.

Mr. SMOOT. I understand that that has been done, and that this amendment is in order; there can not be any question about that.

Mr. JONES of Washington. Mr. President, I wish to ask whether or not we have under consideration the House bill?

Mr. STANFIELD. We have under consideration the House bill.

Mr. JONES of Washington. Have we stricken out all after the enacting clause and adopted the amendment of the committee?

Mr. STANFIELD. I do not believe that we have voted on that, unless the vote that we just took was on that question.

Mr. JONES of Washington. I think we have not voted on it.

Mr. SMOOT. I think that amendment has been agreed to.

Mr. STANFIELD. I think the vote just taken covered that.

Mr. SMOOT. The question on adopting the amendment proposed by the committee, which is, in fact, the Senate committee bill being substituted for the terms of the House bill, I think, is what we just voted on.

Mr. McNARY. Mr. President, I rise to a point of order. It is impossible to understand the debate in the Senate. Some Senators are interested in the discussion and would like to know what is going on.

The VICE PRESIDENT. Senators will take their seats. The Senator from Utah has the floor.

Mr. SMOOT. Mr. President, I want to ask the Chair a question as to the parliamentary situation of the bill at the present time. Do I understand that all of the provisions following the enacting clause of the House bill have been stricken out and the committee amendment agreed to? Has that been done?

The VICE PRESIDENT. On account of some misunderstanding, the Chair will again put the question, although it was agreed to. The Chair will hold that the committee amendment is open to amendment at the present time.

Mr. SMOOT. Then it has not been agreed to?

The VICE PRESIDENT. It has been agreed to, but the Chair is inclined to believe that the Senate misapprehended the situation, and the Chair will regard the committee amendment as open to amendment now and let that be the pending question.

Mr. LENROOT. Mr. President, a parliamentary inquiry. If the committee amendment has been agreed to, how can it be open to amendment?

The VICE PRESIDENT. The Chair thinks there was a misunderstanding on the part of Senators when the question was put as to what they were voting upon.

Mr. LENROOT. I suggest that a motion to reconsider be made.

Mr. SMOOT. There is no need of such a motion. I ask unanimous consent that the vote by which the committee amendment was agreed to shall be reconsidered.

The VICE PRESIDENT. Is there objection? Without objection, the vote is reconsidered.

Mr. SMOOT. Now, the Senator's amendment will be in order, and he offers that amendment, I understand.

Mr. BORAH. I should like to get an opportunity——

The VICE PRESIDENT. That amendment is already inserted.

Mr. STANFIELD. It is included as a part of the committee amendment.

The VICE PRESIDENT. The Stanfield amendment has already been included in the committee amendment.

Mr. SMOOT. Mr. President, if that is the case, I have not any more motions to make, and the Senate may vote upon the whole proposition.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Oregon a question. As I understand, the amendment now pending is the original Senate bill proposing an annuity of $1,200 instead of $1,000?

Mr. STANFIELD. That is correct. It is practically the same bill as that which the Senate passed at the last session, known as Senate bill 3011. That is the bill which the committee originally reported; we have substituted it for the House bill and are now about to vote on the original committee bill.

Mr. JONES of Washington. We have not as yet actually substituted it for the House bill. That is the pending proposal; that is the amendment now pending; I understand that that is what we are to vote on.

Mr. STANFIELD. I understand we are about to vote on the passage of the bill.

Mr. LENROOT. No; we reconsidered the vote by which the committee amendment was agreed to.

Mr. STANFIELD. That is true; we have reconsidered that vote, but we did vote on the amendment once.

Mr. JONES of Washington. Mr. President, I wish to say just a word. Personally I am in favor of this bill, but I want to see action of some kind taken at this session on the proposition it involves. In my judgment, the only action we will be able to take that will accomplish anything for the Government employees will be to accept the proposal as it comes from the House. For that reason, and that reason alone, I am going to vote against the adoption of the substitute, in the hope that we may pass the House bill. I desire now to offer an amendment as a new section to the proposed substitute.

Mr. NEELY. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES of Washington. I yield to the Senator from West Virginia.

Mr. NEELY. May I inquire of the Senator if he means by what he has just stated that he has information to the effect that the President will veto the Senate bill which provides a greater benefit to the extent of $200 a year to the Government employees?

Mr. JONES of Washington. I have no more information than other Senators have on that proposition. Other Senators know just as much about that as I do. I have expressed my view of the situation. The Senator may have whatever view he desires to entertain.

Mr. STANFIELD. Mr. President, will the Senator from Washington yield?

Mr. JONES of Washington. Certainly.

Mr. STANFIELD. Is it the Senator's opinion that the President will probably veto the Senate bill if we shall pass it?

Mr. JONES of Washington. I have stated my position. The Senator knows the situation just as well as I do; I have no information from the President; but I do read what is in the newspapers, and I draw my own conclusion. The Senator can draw whatever conclusion he feels should be drawn.

I now ask that the amendment which I have offered to the proposed substitute may be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. Civil-service employees who have gone from their civil-service employment to employment in the legislative branch of the Government and have returned to a civil-service position shall have the time of such legislative service included in the 15-year period of eligibility.

Mr. CURTIS. Mr. President, I desire to submit a parliamentary inquiry before we vote on this amendment. As I understand the situation—and if I am not right I wish to be corrected—the House bill was referred to the Committee on Civil Service; the committee reported that bill back, striking out all after the enacting clause and substituting the Senate bill for the House provisions——

The VICE PRESIDENT. As modified.

Mr. CURTIS. And we are now considering the House bill as proposed to be amended by the committee. Is that right?

The VICE PRESIDENT. That is correct.

Mr. STANFIELD. That is correct.

Mr. NEELY. Mr. President, will the Senator yield for just a moment?

The VICE PRESIDENT. The Senator from Washington has the floor. Does he yield to the Senator from West Virginia?

Mr. JONES of Washington. Certainly.

Mr. NEELY. I understand a "yea" vote on the pending question means that a Senator casting such a vote is in favor of the $1,200 provision of the Senate bill instead of the $1,000 provision of the House bill. Is that correct?

The VICE PRESIDENT. The pending amendment is the one which has just been read and which will be again stated.

The CHIEF CLERK. It is proposed by the Senator from Washington to insert a new section in the proposed substitute, to read as follows:

SEC. —. Civil-service employees who have gone from their civil-service employment to employment in the legislative branch of the Government and have returned to a civil-service position shall have the time of such legislative service included in the 15-year period of eligibility.

Mr. JONES of Washington. Mr. President, I wish to state the purpose of the amendment I have offered. I know that frequently Senators transfer to their offices employees who are in the civil service of the Government. Then when such Senators retire those employees go back to their civil-service status in the administrative branch of the Government. It is the purpose of the amendment to give them credit for that service in determining the 15-year period of eligibility. It seems to me that is perfectly fair. If a Senator takes an employee out of the civil service and puts him in his office and the employee serves in that capacity for three or four years, he ought not to lose his status if he goes back into the civil service; he ought not to lose that time; it seems to me that it ought to count as part of the 15-year period of eligibility.

Mr. SMOOT. Has the Senator considered how the basis of such an employee's pay shall be established? Will it be the pay that he received while in the administrative branch of the Government or that which he receives as a clerk or employee of a Senator? There is not anything in the bill which would cover that. There is a provision in the bill as to the basic salary being computed on the compensation received during the 10-year period preceding retirement. If the employee goes back into the service, how is his salary to be computed? Is he to be credited only with the years when he was connected with the administrative branch, and consequently received salary from that branch, or can he go back into the civil service and be credited with the salary that he received while he was employed in the legislative branch as a basis for his annuity?

Mr. JONES of Washington. Mr. President, I do not know very much about the details of this bill. The only purpose that I have in mind is that the time of the service under the legislative branch of the Government shall be considered a part of the total service in determining the 15-year period of eligibility. As to the retirement pay, or what effect it will have on that, I really do not know. I suppose that other terms of the bill determine that question.

Mr. BRUCE. Mr. President, I will ask the Senator from Washington whether he has taken into account the fact that during the period of legislative service no contribution will have been made, as I understand, to the retirement fund?

Mr. SMOOT. During that time not a dollar will be paid to the retirement fund by such an employee.

Mr. BRUCE. It would not seem to be exactly just to put such employees on a footing of parity with other civil-service employees.

Mr. JONES of Washington. If it is necessary to add another amendment to take care of that phase of it, I should be very glad to see such an amendment adopted. I thought, however, the amendment I have suggested would put the matter in conference at any rate, where, if it is not worked out here, it may

be adjusted. I agree with the Senator that such an employee transferred to the legislative branch of the Government ought to be required to put up the amount that he would otherwise have contributed if he had continued in the service of the administrative branch; but that may be taken care of and adjusted in conference. This amendment of mine only deals with the matter of allowing the service in the legislative branch of the Government to count in computing the 15-year period. Whatever amendment may be necessary to put employees transferred to the legislative branch on an equality with those who remain in the civil service, or to put those who remain in the civil service on an equality with those transferred to the legislative branch, I am heartily in favor of and think it ought to be done.

I should like to have the amendment adopted, however, so that in conference it may be adjusted to meet that situation, because I know that in the past, at any rate—and I presume it is probably true at the present time—Senators have found clerks in the civil service, in the departments, and brought them into their offices because of their experience, and so on. Then when the term of a Senator who has such an employee expires, and he is not returned to the Senate, the employee goes back to a civil-service status. He ought not to be deprived of credit for the time he served in the legislative branch. That is the purpose of this amendment.

Mr. KING. Mr. President, does the Senator limit the class to whom he refers now to those who are employed by Senators and Congressmen?

Mr. JONES of Washington. I put it "in the legislative branch."

Mr. KING. If the Senator's amendment is adopted, why may not others insist that if they are carried into some other activities, such as the Shipping Board and other administrative branches of the Government, they shall be included?

Mr. JONES of Washington. They are dealt with already.

Mr. STANFIELD. They are already in the civil service.

Mr. JONES of Washington. They come under this bill.

Mr. SMOOT. They come under the House provision.

Mr. JONES of Washington. This amendment is intended to deal only with the legislative branch.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. I yield to the Senator from Utah.

Mr. SMOOT. The only trouble is that it would not be fair, as the Senator from Maryland has stated; and not only that, but if the amendment is adopted it will have to provide when the time is to be counted—whether it is to be counted in the first part of the service or the latter part of the service.

Mr. JONES of Washington. That is a phase of the situation that may have to be dealt with. If we adopt this proposition and other changes are necessary, let us have them made; but if a Senator, for instance, brings some one from the civil service into his office as a clerk because he thinks he will render better service than somebody else he could get; if later the Senator retires and this clerk goes back to the civil service, it seems to me it is nothing but fair and just that credit should be given in the 15-year period for this time of service. That is the only purpose of this amendment. Whatever other changes may be necessary in order to make it all right, of course, ought to be made.

Mr. COPELAND. Mr. President——

Mr. JONES of Washington. I yield to the Senator from New York.

Mr. COPELAND. I am in the fullest sympathy with the suggestion made by the Senator from Washington. I want to ask this question, which has a bearing upon it:

What happens to the employee who has been in a department the first 10 years at a salary of $1,800 or $2,000 and the last 10 years at a salary of $1,000? How is he going to be dealt with?

Mr. JONES of Washington. I do not know.

Mr. COPELAND. I want to ask that question of the Senator in charge of the bill.

The VICE PRESIDENT. The attention of the Senator from Oregon is asked by the Senator from New York who has asked him a question.

Mr. STANFIELD. I beg the Senator's pardon.

Mr. COPELAND. In speaking upon the amendment of the Senator from Washington, which I thoroughly indorse, I should like to ask the Senator from Oregon what happens to the employee who has been in a department for 20 years, we will say, and the first 10 years he had a salary of $1,800 or $2,000 and the last 10 years only $1,000?

Mr. STANFIELD. His annuity would be reckoned on the basis of $1,000.

Mr. COPELAND. That is not fair, is it? There ought to be some provision made so that this man will have credit for the first 10 years at the higher salary.

Mr. SMOOT. May I suggest to the Senator that where there may be one case of that kind there would be 20 cases of the other kind. The higher salary is generally received when the man is retired.

Mr. COPELAND. Does the Senator consider that a complete answer?

Mr. SMOOT. That is the only answer that can be made. It is the same way with all other annuities paid by private concerns, and it is the only way I can see in which the annuity can possibly be figured. There must be a basis somewhere for arriving at the annuity. It has to be either the first 10 years or the middle 10 years or the last 10 years or some period between the entrance and the time the annuity is granted.

Mr. COPELAND. Did the committee give consideration at any time to working out a plan by which the average of the entire service would be taken?

Mr. SMOOT. If that were the case it would be less advantageous to the employees of the Government.

Mr. STANFIELD. Very much less advantageous. We did go into that thoroughly.

Mr. SMOOT. Why, certainly.

Mr. STANFIELD. That would be unfair, because there have been large increases of salary since the war.

Mr. SMOOT. It would take 25 per cent off this bill.

Mr. COPELAND. I would not take a penny off the bill. I know the Senator from Utah would like to take a good deal off.

Mr. SMOOT. No; the Senator from Utah would not like to do that. The Senator from Utah wants to get legislation through here that will become a law.

Mr. COPELAND. What does the Senator mean by that? Does the Senator mean by that to imply that the President will veto the bill if we do not do this or that? I do not think that is fair to the President of the United States.

Mr. SMOOT. Mr. President, the Senator no doubt has read the RECORD, and he has seen what has been said in the House. If this amendment is adopted, of course it will go into conference, and I have not any doubt that it will come out just as the House has passed it.

Mr. COPELAND. I do not care how it comes out of conference. I recognize the right of the conference committee to give consideration to the two bills, and to decide what shall be done; but I do not think it is fair for any Senator, and especially one on the other side of the aisle, to intimate that there is to be a veto from the President. I do not believe Mr. Coolidge would for one moment attempt to dictate to this legislative body what its duty is. So I want to say, simply to continue the other discussion, that I think some provision ought to be worked out, perhaps in another bill some time, to take care of these employees who have served faithfully for 10 or 15 years at one salary, and then, perhaps, because of illness or inability to do full service during the last 10 years, have not had so high a salary.

I have no disposition to press any amendment, but I desire to call the attention of the committee to this very desirable thing, and to hope that the present situation may be rectified in the future.

Mr. STANFIELD. There are some employees to whom this provision may work an apparent injustice, but there are very few; and to change it would do an injustice to a great many as against an injustice to a very few.

Mr. JONES of New Mexico. Mr. President, I desire to express my concurrence in the remarks just made by the Senator from New York [Mr. COPELAND]. I have a very vivid recollection of the situation as it existed in the departments of the Government some years ago, and I have no doubt that the same situation prevails to-day. A number of employees are carried upon the pay rolls of the departments to-day virtually as pensioners, or, at any rate, they were.

Mr. SMOOT. The Senator is right in saying that they were.

Mr. JONES of New Mexico. They were some years ago, before the passage of the first retirement bill.

Mr. SMOOT. That is true; but that is not the case now.

Mr. JONES of New Mexico. Whether many employees have been continued in such a situation since the passage of that retirement bill is a matter as to which I have no exact knowledge, but I think quite a number have been continued. They have served the Government faithfully for years; and instead of turning them out without any compensation whatever they

were carried on the rolls at a lower salary, practically as a pension.

Mr. SMOOT. Mr. President, I want to say to the Senator that I think in some cases they have been forced out to the disadvantage of the Government. In other cases, of course, it was advantageous.

Mr. STANFIELD. In the main it has been a great saving to the Government; and Mr. McCoy, the Actuary of the Treasury, says that if we would liberalize the agencies proposed in this bill it would result in a great saving to the Government, because there are some persons in the Government employ who should be permitted to retire at an earlier age.

Mr. JONES of New Mexico. Yes; and I apprehend there are some, and perhaps a good many, who are in the position referred to by the Senator from New York. Those old, faithful employees ought to receive some kind of consideration. The fact that their salaries have been reduced does not at all mean that their whole service to the Government has not been worth very much more than they have ever received from the Government; and unless that matter is worked out in this bill I hope something may be done to take care of that situation.

Mr. STANFIELD. I think it is quite evident that it will be necessary to follow the enactment of this bill with an omnibus bill taking care of those special cases; but I do not think it should be included in this bill, because this legislation is more or less general. There are, however, a number of special cases that are deserving of consideration.

Mr. JONES of New Mexico. I realize that in framing a general bill of this character it may be impossible to take care of all contingencies, and I do not feel disposed to insist at this time that this new feature shall be worked out upon this bill; but I do want to emphasize the importance of the situation which has been referred to by the Senator from New York.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I gladly yield.

Mr. COPELAND. May we not hope that the committee will give thought to this matter, and perhaps present a supplemental bill to take care of cases of this sort?

Mr. STANFIELD. That matter has been discussed by the Civil Service Committee of the Senate; and I am sure there is unanimity on that question, and that a bill will be considered giving relief to these special cases.

Mr. COPELAND. That is very gratifying.

Mr. JONES of New Mexico. I want to urge that this matter be taken up in earnest by the Senators having this subject in charge.

Mr. GLASS. Mr. President, may I inquire of the chairman of the committee what were the considerations which induced the committee to make retirement compulsory? Why may it not be permissive, rather than compulsory?

Mr. STANFIELD. The present law provides for compulsory retirement, and we have simply followed the present law in that respect. We provide for compulsory retirement at the age of 70; but they may be continued in the service on application of the employee to the head of the department, with the approval of the head of the department.

Mr. SMOOT. For two years in one period and two years in the next period, but not to exceed four years. I will say to the Senator that that provision is general in all annuity legislation.

Mr. GLASS. That the retirement is compulsory, rather than permissive?

Mr. SMOOT. Yes. In many, many cases in many, many countries, it is compulsory, with no authority given to the head of the department to extend the time.

Mr. STANFIELD. In almost all foreign countries that is true.

Mr. SMOOT. I think there are one or two exceptions; but in all of the other foreign countries it is compulsory.

Mr. GLASS. I have received some—not many, but some—quite insistent protests against that feature of the bill, upon the theory that many persons who even exceed the age of 70 years are not only competent but their services are almost indispensable to the Government.

Mr. STANFIELD. I should like to say to the Senator that there are many who think they are competent, and they would not retire unless they were compelled to retire.

Mr. GLASS. That is true of a great many who are under 70 years old, and in fact under 60.

Mr. STANFIELD. Yes; it is.

Mr. SWANSON. Mr. President, I understand that the pending amendment is the amendment of the Senator from Washington [Mr. JONES]. I suggest this amendment to the amendment:

Provided, That the employee continues his or her contribution to the retirement fund.

Mr. SMOOT. As the bill stands, they have to pay back contributions with interest at 4 per cent.

Mr. SWANSON. Under this provision of the bill to which the amendment of the Senator from Washington applies?

Mr. SMOOT. Certainly.

Mr. STANFIELD. Under the amendment of the Senator from Virginia, however, they would have to make the contribution as they go along.

Mr. SMOOT. They can return to the service by paying that back contribution.

Mr. SWANSON. I think they ought to make an election as to whether or not they want to continue the contribution at that time, and not wait until later. What I want to do is to have the amendment provide that they must continue their contributions to the fund when they get employment in the legislative branch or they will not receive the benefits of the retirement fund.

Mr. SMOOT. Under the existing law, if any employee in the civil service of the Government leaves the service, but has made his payments up to the time he leaves, if he comes and serves the Senator from Virginia or any Congressman for three or four or five years, he can by making the back payments regain his standing in the civil service for the purposes of the retirement fund.

Mr. SWANSON. Three years from then?

Mr. SMOOT. Whatever time it is—5 or 6 or 10 years, or whatever it is.

Mr. SWANSON. Ten years?

Mr. SMOOT. Yes.

Mr. SWANSON. What is the objection to an employee making an election at that time?

Mr. SMOOT. If he has a thought of going back into the civil service, he ought to stand upon the same footing as every other employee of the Government.

Mr. SWANSON. That is right.

Mr. SMOOT. And he ought to pay his 3½ per cent under the House provision, or 2½ per cent under the Senate amendment, every month.

Mr. SWANSON. What amendment would accomplish that?

Mr. SMOOT. The Senator would have to draw an amendment to this effect, that employees in the classified service who have left the service and entered the legislative branch of the Government, and who desire to return under the civil-service employment of the Government, shall pay all back dues on the basis of the salaries received, plus 4 per cent interest compounded annually.

Mr. SWANSON. What language would permit the employee to continue in that status?

Mr. SMOOT. It would not be fair for him to continue now and not make his back payments.

Mr. SWANSON. The amendment provides that—

Civil-service employees who have gone from their civil-service employment to employment in the legislative branch of the Government and have returned to a civil-service position shall have the time of such legislative service included in the 15-year period of eligibility.

Then add—

Provided, That the employee continues his or her contribution to the retirement fund.

Mr. SMOOT. That would not be fair. That does not apply to the past. He would be on a different basis entirely from every other employee of the Government.

Mr. SWANSON. What I want to insure is that he will make election at that time and continue paying into the retirement fund.

Mr. SMOOT. That would not be fair, and I know the Senator does not want anything that is not fair. If the employee goes back into the service, he ought to continue to make his payments—that is, under the law—and if this pending amendment is adopted it will be 2½ per cent.

Mr. SWANSON. If the amendment of the Senator from Washington shall be accepted, that condition will prevail.

Mr. SMOOT. No; the amendment of the Senator from Washington would not require the employee to make any back payments.

Mr. SWANSON. I would like to have the amendment framed so that a man could not come into the legislative branch and continue to receive the benefits of the retirement fund without making his contributions to it. I had an idea that the provision I suggested would accomplish that, "*Provided*, That the employee continues"—that is, from the time

he leaves the civil service—"his or her contribution to the retirement fund."

Mr. LENROOT. Mr. President, a man leaving the civil service and coming into the legislative service would not continue his contributions because he might never get back into the civil service, and therefore would not get the benefits of the retirement fund.

Mr. SWANSON. This would permit him to get back.

Mr. STANFIELD. Mr. President, if after resigning he should not get back, but should remain separated from the service he could recover his money. That would be returned to him with 4 per cent interest compounded annually.

Mr. JONES of Washington. Mr. President, I do not pretend to know about the details of the bill, because I have not had time to study it. Would this language meet the situation: "*Provided*, That such employee shall contribute to the retirement fund upon reentering civil-service employment an amount equivalent to that which would have been paid if such employee had continued under civil service"?

Mr. STANFIELD. I think that would cover it.

Mr. JONES of Washington. At any rate, it seems to me the matter could be taken care of in conference. So I make this a part of my amendment, and the whole matter will then be in conference.

The VICE PRESIDENT. The clerk will read the language offered by the Senator from Washington as a modification of his amendment to the amendment.

The Chief Clerk read as follows:

Provided, That such employee shall contribute to the retirement fund upon reentering civil-service employment an amount equivalent to that which would have been paid if such employee had continued under civil service.

Mr. LENROOT obtained the floor.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I yield.

Mr. KING. I think, if the Senator from Washington will pardon me, that the language of the amendment which he has just offered would not cover interest. It says "an amount." It should say "including interest."

Mr. JONES of Washington. I have no objection to that modification.

The VICE PRESIDENT. Without objection, the amendment will be modified as suggested. The question is on agreeing to the amendment of the Senator from Washington, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JONES of Washington. Mr. President, I would like to offer the same amendment to the House text.

Mr. BINGHAM. A parliamentary inquiry.

Mr. JONES of Washington. If this substitute should be rejected——

Mr. LENROOT. It would still be in conference.

Mr. BINGHAM. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Connecticut will state his inquiry.

Mr. BINGHAM. Is the bill as it passed the House before the Senate, or is the Senate committee bill, in the form of an amendment to the House text, before the Senate?

The VICE PRESIDENT. The bill as it passed the House is before the Senate. The amendment of the Senate committee, in the nature of a substitute, is pending.

Mr. BINGHAM. Is it true that the committee has proposed to substitute the Senate committee bill for the House text, so that the bill before the Senate is House bill No. 7, but the amendment now being considered is the same as the Senate committee bill?

The VICE PRESIDENT. As modified.

Mr. LENROOT. Mr. President, if this amendment be voted down, it would leave the bill as it passed the House intact. Before I vote upon it I would like to ask the Senator from Oregon, in charge of the bill, a question. If the Senate substitute shall be adopted and the matter shall go to conference, I am interested in knowing what the attitude of the Senator from Oregon and his colleagues will be with respect to insisting upon the Senate committee substitute, or allowing legislation to fail.

Mr. STANFIELD. Mr. President, I am sure that the committee, and I think the Senate, are desirous of securing legislation. We hope to stand by our bill and be successful in conference, if the Senate shall adopt this substitute; but I am sure it will not be our purpose to defeat legislation.

Mr. LENROOT. In other words, we could feel assured that if the Senate conferees were unable to secure an agreement they would bring the matter promptly back to the Senate so that we could have an opportunity to recede from this amendment?

Mr. STANFIELD. Yes; I assure the Senator of that.

Mr. COPELAND. Mr. President, have we any right to expect that the Senate conferees will do anything else than to strive for the bill as passed by the Senate?

Mr. LENROOT. I have known bills to die in conference, and so has the Senator from New York.

Mr. COPELAND. I would not think any member of the conference committee on the part of the Senate would have a moral right to take any other stand than to fight to the last for the bill passed by the Senate and to come back to the Senate for further advice if he could not get the House conferees to come to his way of thinking.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LENROOT. I yield.

Mr. McKELLAR. I believe I am the ranking Democrat on the committee. I want to say that I am thoroughly and heartily in favor of the Senate committee proposal, and I expect to fight for it as long as there is any hope whatsoever of our getting it. I am going to do everything within my power to get the Senate proposal adopted.

Mr. LENROOT. May I ask the Senator whether it is his disposition that he would rather see legislation fail than fail to secure the enactment of the Senate substitute?

Mr. McKELLAR. I have not considered that. I do not believe that that matter will be considered.

Mr. LENROOT. May I ask the Senator one further question?

Mr. McKELLAR. Certainly.

Mr. LENROOT. Irrespective of the Senator's personal views, if there is not an agreement within a reasonable time, will the Senator be willing to bring the bill back to the Senate for the Senate to act upon it?

Mr. McKELLAR. Is the Senator in favor of the Senate committee bill?

Mr. LENROOT. Yes, if we can get it; but I do not want to jeopardize all legislation at this session by voting for the Senate committee bill.

Mr. McKELLAR. I do not know that I will be appointed on the conference; it depends on the Senate or upon the Vice President, but why does the Senator want to get in advance from me, as one of the probable conferees, some statement that would weaken the Senate conferees in the course of the conference?

Mr. LENROOT. I do not desire to do that. I desire simply to know whether the Senate will, before the present session ends, have an opportunity of voting upon the bill as it passed the House in case the conferees do not agree? I think that is a reasonable inquiry.

Mr. McKELLAR. The Senate has already had an opportunity to vote upon the bill as it passed the House, and has voted against it.

Mr. LENROOT. I understand. The Senator very well knows that a Senator may prefer, as I prefer, to follow the committee, but I am interested in knowing whether, in case we can not get our way in that regard, this legislation is going to fail without any opportunity for the Senate to again pass upon it.

Mr. McKELLAR. Mr. President, as one of the probable conferees, I am not going to weaken the position of the Senate, or those who advocate the Senate committee bill, by making any statement about that whatsoever.

Mr. STANFIELD. Mr. President, if the Senator will yield to me——

Mr. McKELLAR. My judgment is that no better way could be imagined to wreck this bill than by the question of the Senator from Wisconsin.

Mr. STANFIELD. I was just going to ask the Senator if he did not think it rather unfair to put that proposal up to the probable conferees. Is it not fair to assume we are going to do what is right? If we can not agree in conference, the procedure would be to come back to the Senate for further instructions.

Mr. LENROOT. I will say frankly to the Senator that had it not been for one experience I have had at this session upon a conference I probably would not have asked the question, but I have had an experience where the Senate conferees were compelled to yield or there would have been no opportunity of having the other body express itself whatever upon the subject. I do think the custom ought to be universal that if conferees do not agree either House should have the opportunity again to consider the subject before final adjournment.

Mr. STANFIELD. I agree with the Senator; but I think it is unusual for the Senate to get such assurance in advance.

Mr. BINGHAM. Mr. President, before the Senator from Tennessee leaves the Chamber, may I have his attention for a moment? It has been difficult for us on this side to hear the discussion, but I understood him to say that the Senate had already voted against the bill as it passed the House. Did I hear him correctly?

Mr. McKELLAR. It has done that, but there has been a reconsideration of that vote. If the Senator was in the Chamber at the time, he will recall that the Senate committee bill was adopted as an amendment, but there was some confusion in the Chamber at the time, and a reconsideration was voted. That was what I referred to.

Mr. BINGHAM. There has as yet been no vote on the bill as it passed the House?

Mr. McKELLAR. No. The committee substituted the Senate committee bill, and the Senate agreed to the substitute; but there was a reconsideration of the vote afterwards, and we are now considering it.

Mr. BINGHAM. Will the Senator then state, for the benefit of some Senators who are in doubt, as to how a Senator may vote for the bill as it passed the House in the present parliamentary situation?

Mr. McKELLAR. He will have to vote against the Senate committee amendment.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LENROOT. I yield.

Mr. SIMMONS. I am in sympathy with the general purpose of the Senator from Wisconsin. If we can not secure legislation along the lines of the Senate amendment, I would like to see the House bill become the law. But I think it will be a great deal better to leave the matter with our conferees and not extort from them a promise or a pledge to act in any particular way with reference to the conference contest. I believe if the Senate should, in open session, by its action, pledge the conferees, before taking any position about it, to bring the matter back to the Senate that would be all right, and I would have no objection; but to say to our conferees, "If you can not secure the Senate amendment, then yield to the House," would be notice to the House conferees in advance that all they would have to do in order to prevail in the conference contest would be simply to hold out. I think that would be an unfortunate position in which to place our conferees.

I would be perfectly willing to have the Senate agree now that our conferees should not yield our action in this matter without first reporting the position of the conferees or the attitude of the conferees back to the Senate for further advice. If that is what the Senator desires, I agree with him.

Mr. LENROOT. All I desire is to have some assurance that the bill will not fail in conference without the Senate having a further opportunity to express itself. I am merely asking that the usual practice in conferences be followed in that respect.

Mr. SIMMONS. But the Senator is not seeking to commit the conferees to agree to the House bill if they can not get the Senate bill?

Mr. LENROOT. Oh, not at all.

Mr. McKELLAR. Mr. President, of course I have no idea what was in the mind of the Senator from Wisconsin [Mr. LENROOT]; but if the question that he asked had been answered by the conferees or any of them in the manner in which he desired that it should be answered, it would have defeated the Senate bill. It would have made it absolutely certain that there would be no legislation of any kind. As I said a while ago, if the Senator were opposed to the bill, if he were opposed to all legislation on the subject, he could not have presented to the Senate a better way of absolutely killing the bill at the present session, in my judgment.

Mr. LENROOT. If that had been the position of the Senator from Wisconsin, instead of asking the question that he did he would have been delighted to have the bill die in conference. All the Senator from Wisconsin desired was some assurance that it would not so die there and that the Senate would have a further opportunity to express itself.

Mr. McKELLAR. The Senator's question was somewhat like the situation where a father sent his boy down to sell a horse and told him if he could not get $100 for it to take $75. The boy took the horse down to the man who proposed to buy it and said, "Mr. Jones, father wants to sell you this horse for $100, and he told me if you would not give $100 I should take $75 for it." Of course, that would be just exactly what would happen in this case.

I want to say to the Senator and the Senate that the Civil Service Committee, in reporting out the bill and in substituting the Senate bill for the House bill, have acted in perfect good faith. They believe in the provisions of the Senate bill. I am convinced that nine-tenths of the Senators believe in the Senate bill. So far as I know, there are only two Senators who are really at heart opposed to it. We are going to fight for the Senate bill absolutely.

Mr. STANFIELD. The Senator will recall that the House committee reported out practically the same bill.

Mr. McKELLAR. Yes; and changed it after it got into the House.

Mr. STANFIELD. Yes; under some force they were compelled to change it; not on the floor of the House, however.

Mr. McKELLAR. There is almost a unanimous opinion of the Senate in favor of the Senate bill, and we would be recreant to our duty if we did not use every power that is within us to secure the adoption of the Senate bill. I am surprised at my friend from Wisconsin asking a question such as he did of those who are supposed to be the conferees, but who have not even been appointed.

Mr. COPELAND. Mr. President, will the Senator yield

Mr. McKELLAR. Certainly.

Mr. COPELAND. Let me say to the Senator that he need not be frightened by any talk about the President vetoing the bill. I do not believe the President has said he would veto the bill. I do not think he has any desire to veto a bill which does justice to these old people and young people who have worked all their lives for the Government.

Mr. NEELY. Mr. President, does the Senator from New York forget that the President vetoed the Civil War veterans' pension bill, that he vetoed the post-office employees' pay bill, and that he vetoed the World War veterans' compensation bill?

Mr. COPELAND. I have not forgotten that he did those things. He may veto this bill, but what I say is that the President has never said he would veto it. I do not think a Senator should be governed by the fear of what may or may not be the attitude of the President. He will exercise his constitutional right, of course, but we must exercise ours.

Mr. NEELY. Certainly no Senator should sacrifice his judgment or violate his conscience through fear of Executive disapproval. But it is a matter of common knowledge that the President has already vetoed practically everything but the Ten Commandments and the Sermon on the Mount. Why should anyone assume that he will not veto the retirement bill? It is quite significant that the Senator from Washington [Mr. JONES], who is very close to the administration, states that he intends to vote for the House bill because he does not believe that anything better can be obtained. Obviously the Senator from Washington thinks that the President will veto the bill if it provides a maximum annuity of $1,200 instead of $1,000.

SEVERAL SENATORS. Vote! Vote!

Mr. NEELY. No; we shall not vote until after I have concluded my remarks. Why have certain Senators suggested that there should be a conference on this measure for the purpose of obtaining concessions that would be satisfactory to those of us who have supported the Senate bill in the belief that the maximum annuity should be at least $1,200? This morning's Washington Post, an administration paper, contains an article which indicates that a conference would be productive of nothing but disappointment to all who favor more liberal compensation for retired Federal employees than that provided by the House bill. A part of the Post's article is as follows:

> Retirement bill likely to be lost in conference jam. LEHLBACH declares he will not yield.
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> * * * * * * *
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> The uncertainty concerning the final passage of the measure revolves around the possibility that it may be lost in conference. The House has passed the administration bill, and Representative LEHLBACH, retirement sponsor of that body, gave notice that we would make no concessions in conference.

Mr. President, there is nothing surprising in that deliverance. I have recently called attention to the fact that the managers on the part of the Senate habitually yield every important thing intrusted to them to the managers on the part of the House.

I know now that, regardless of the courageous stand that my friend the distinguished Senator from Tennessee [Mr. McKELLAR] will take in the conference in behalf of those of us who are insisting on the $1,200 annuity, the House conferees will, as usual, eventually prevail, and the provisions of the House bill will ultimately be adopted.

I am surprised that the distingished Senator from North Carolina [Mr. SIMMONS] and the equally distinguished Senator and master parliamentarian from Wisconsin [Mr. LENROOT]

should suggest that the conferees might report to the Senate for advice or instructions.

When I recently made a motion to instruct our managers in relation to their action on the revenue bill my able leader, the senior Senator from Arkansas [Mr. ROBINSON], made a point of order against my motion, and the distinguished presiding officer, the Vice President, sustained the point of order and held, improperly as I believe, that Senate conferees can not be instructed. So it is futile for the friends of the retired employees to hope for anything from the conference committee. Our managers will in due time return to us and make the usual humiliating and exasperating report that the House conferees are "grandly immovable" and that the Senate must either submit to the dictation of the House or abandon all hope of retirement legislation during this session of Congress.

If a conference is ordered, I hope that it will not be considered an unpardonable asperity for me to recommend that each of our managers, before entering upon the discharge of his duty, fortify himself with copies of the Declaration of Independence and the Emancipation Proclamation—the first to increase his courage and the second to remind him that Members of the United States Senate are, by implication, free men.

Mr. WILLIS. Mr. President, before the vote is taken I want to say just a word, though it is hardly necessary for me to do so, because my opinion of the situation has been expressed by the Senator from Washington [Mr. JONES]. I think it is an entirely practical question which confronts us. Personally I should be glad if there were a situation which would make possible the enactment into law of the terms of the Senate bill. It is perfectly apparent that the situation by which we are confronted makes that impossible. I myself was about to read a portion of the article which the Senator from West Virginia [Mr. NEELY] has just read. I am anxious to get some practical action taken.

I favor the idea of a retirement law and have always favored it, not only because it was for the benefit of the employees of the Government, but because I believe it would be for the benefit of the Government service itself. It is perfectly apparent that if we shall defeat the House bill, we at any rate run a very serious risk of securing no legislation whatever. For that reason and because I believe in securing some retirement legislation at the present session of Congress, I shall prefer to support the bill as passed by the House.

Mr. STANFIELD. Why is the Senator of the opinion that we are going to fail to get legislation if the House bill is not passed? I call the Senator's attention to the fact that during the last session the House passed practically the same bill, or almost identically the same bill, that we are now proposing in the Senate. Why should the Senator propose that we surrender to the action of the House?

Mr. WILLIS. Is that the end of the Senator's question?

Mr. STANFIELD. Yes.

Mr. WILLIS. If the Senator has been around here as he has and has not realized the present situation it will be perfectly useless to describe it to him now. The statement which has just been read by the Senator from West Virginia and other information that every Senator has can not leave any doubt in any Senator's mind upon the proposition. It is all very pleasant to talk about passing this bill and to say that this bill will not come back here. I am anxious to vote for something that will become a law and give these people some relief, rather than to play with the idea that we may obtain some legislation which Senators know can not be secured.

Mr. SIMMONS. Mr. President, I am very much in favor of the Senate committee substitute. I look upon the bill as it passed the House as being more unjust to the Federal employees than the present law. What the Federal employees are asking is for a liberalization of the retirement act. They are asking for something better than they now have. Of course the House bill will give them an additional annuity fund, but the House bill gives it to them upon terms that make it, when the whole problem is worked out, very much less advantageous to the employees of the Government than the present law. That is proved to the point of demonstration by the fact that under the present House bill the Government will save $29,000 more than it would under the present law. In other words, it is proposed to liberalize the gratuity and the contribution of the Government to the superannuated employees by saving money to the Treasury instead of by the Treasury making a larger contribution to that fund. I ask the chairman of the committee if that is not a sound and correct statement.

Mr. STANFIELD. I beg the Senator's pardon. I did not hear the Senator's statement.

Mr. SIMMONS. I said that under the present House bill the Government, instead of contributing a larger sum to the support of its superannuated employees, would contribute $29,000 less.

Mr. STANFIELD. That is correct. The contribution would be $29,000 less.

Mr. SIMMONS. Therefore this proposition, under the guise of liberalization and under the guise of helping, is really practicing one of those petty little "economies" and saving money at the expense of the Government employees, instead of adding money to their support in their advancing years.

Mr. STANFIELD. That is the effect the bill would have as passed by the House.

Mr. SIMMONS. That is the effect of the House bill. Mr. President, I am not in favor of handing this sort of a "gold brick" to the faithful employees of this Government. I want to ask the Senator in charge of the bill if the Senate committee's substitute shall be adopted what will be the status of the Government with reference to saving or losing money?

Mr. STANFIELD. The actual increase in cost to the Government would be $7,000,000, but the liberalization provided as to ages, according to the statement of certain actuaries of the Government, including Mr. McCoy, would save some $15,000,000, or a net saving of $7,000,000 by the increased efficiency of the employees.

Mr. SIMMONS. Yes; but I am not talking about that. I am talking about the actual expense.

Mr. STANFIELD. It is $7,000,000.

Mr. SIMMONS. Under the Senate bill the Government would contribute $7,000,000 more to the support of the employees when they shall retire on account of the infirmities of age than it is now contributing, while under the House bill the Government would contribute $29,000 less than it is contributing under the present law. That is one of the reasons, though not the chief reason, Mr. President, why I am in favor of the Senate bill instead of the House bill.

The other reason is that I do not regard the present allowance by the Government as at all adequate. I do not regard the proposition of the House as at all adequate. I do not regard the Senate bill as being more than what is just and proper under all the circumstances.

There are governments, many of them the leading commercial governments of the world, ranking as high as our own country in their standards of treatment of their employees, which are likewise providing for them in their old age; but in most of those countries the government contributes not merely a part of but all the fund that is to take care of those employees after they have become disabled and after they have spent a lifetime in the faithful service of their country. Great Britain, for example——

Mr. STANFIELD. Great Britain pays the total cost.

Mr. SIMMONS. Great Britain pays every cent of the annuity which is allowed to take care of those who have worn away their lives and their talents in the service of their government.

Mr. STANFIELD. And that government allows a maximum of annuity at the rate of one and a half times the annual salary of the employee.

Mr. SIMMONS. Yet when we come to provide annuities for our faithful employees we require them to contribute very liberally to the funds that we are setting apart for their maintenance when they are no longer able to take care of themselves.

Mr. President, the fact that we are acting in this discriminatory way as compared with other governments whose standards are no higher than ours is a strong argument for the plea that when we deal with them in the pending bill we should do it not upon a program of parsimony and of petty economy, but we should do it upon a program of liberality commensurate with the high purpose upon which this legislation is supposed to be based.

I do not think that this is a case for the application of any part of the much-vaunted economy program that has recently constituted such a large part in our discussion of public questions. I pointed out the other day, I think, that liberality in this regard would not call for any immediate expenditure on the part of the Government; that no objection could be made to this legislation on the ground that the Treasury was in financial distress; that the suggestion that we are confronted with a possible deficit in the Treasury next year or the year after or at some future time had no application here, because it is well understood that at whatever sum this annuity fund may finally be fixed, the Government will not be required to pay a single dollar of it for the next 12 years at least. Therefore

we may consider the proposition divorced from any suggestion of governmental economy or of the menace of a deficit in the Treasury.

However, Mr. President, it was not this aspect of the matter that I arose especially to discuss. I wish to say that this constant talk about the possibilities of a veto from the White House, this constant talk about the attitude of the other House being such that we must yield to that body in the exercise of our legislative function or have no legislation, grates on me. It is an insidious attempt, too often invoked in recent years, to coerce this body into legislation that does not meet its judgment; that does not conform to its sense of duty and obligation to the public.

When first I became a Member of this Chamber, Mr. President, while the executive department of the Government sometimes exercised the right of veto, it was a rare occurrence. If we go back to the days of the fathers, or go back to the time before the war between the sections, presidential vetoes were limited very largely to grounds of constitutional objection. The great Chief Executives of this country felt, and in some instances so expressed themselves, that the executive department should leave to the legislature the determination of legislative questions and that the action of the Executive should be confined chiefly, if not solely, to the question of whether a given act of legislation was authorized under the Constitution. That policy was maintained up to the last quarter of the last century. Then the Executives began to exercise their right of veto more extensively than they had done theretofore.

That policy on the part of the Chief Executives has gone on further and further, and has been enlarged from time to time until to-day we find ourselves confronted by a condition in which the Chief Executive assumes the right to determine every question of policy upon which the Congress acts, and if our policy does not conform to his policy, if our action does not conform to his judgment, we are threatened with a veto.

There was a time when it would have been considered indecorous on the part of a President to intimate in advance of legislation a purpose to veto it. Unfortunately that time has passed, and now it has become one of the main resources of those who want to defeat legislation to begin propaganda upon the line, first, that the President will veto, and, second, upon the ground that the other House will never consent. So we are urged here, day after day, until it has become absolutely nauseating, until it has become apparent as a scheme of coercion and intimidation, that we must not act upon our own judgment because of the attitude of the Chief Executive or because of the attitude of the other branch of Congress.

Mr. President, I agree with the Senator from New York [Mr. COPELAND]. I do not believe the President of the United States has expressed a purpose or has given any evidence of an intent to veto this measure in the event that we raise the maximum limit of the annuity from $1,000 to $1,200. It is too small a thing, in my judgment, to be considered for a moment by the Chief Executive of our country in connection with a possible veto. I do not believe he has given utterance to or given evidence of any such purpose; but, Mr. President, as I have said, that has become a method resorted to by the opponents of legislation in trying to encompass its defeat.

Newspapers, such as the Washington Post, which is supposed to represent, but which does not always represent, the White House, and other newspapers throughout the country are prone every time we have some measure of proposed legislation here of which they do not approve to give out rumors, innuendoes, insinuations that the White House will not permit it; that the White House proposes to veto it.

On the other side of the Capitol there is no Member of the Congress who himself would make a threat against this body. No self-respecting Member of the other House would threaten this body if it did not act according to the will and purpose of the House; but propagandists—those who for one reason or another are opposed to legislation proposed in this body—start such rumors and get them into the press for the purpose of coercing and intimidating the Senate in the discharge of its duty.

I want to say, so far as I am concerned, that I make no animadversions upon the President; I make no animadversions upon the House; but I do denounce these propaganda schemes of trying to influence our action, and I think that is what is taking place with reference to this legislation.

I rose, Mr. President, merely for the purpose of expressing my dissent from the apparent sanction that this Chamber is giving to these rumors, because every time we get one of these measures up in this Chamber Senators rise here and say: "We do not dare to do this, because the President may veto it." The papers are intimating that now: "We do not dare to do this, because there are rumors that the House will not stand for it."

I wish that part of these discussions could be eliminated. I wish the Senate might rise to a higher sense of its own dignity and its independence, and that Senators would cease to try to influence other Senators in their action by suggestions of vetos and suggestions of disagreements in conference. Let us like brave, courageous representatives of the people who sent us here stand up here and vote for such legislation as our judgment approves, such legislation as our conscience dictates to us as being in the interest of the people, and let that legislation take care of itself, either in the House or at the White House.

Mr. SMOOT. Mr. President, I suppose the Senate knows, as well as every representative of the employees of the Government, that I voted for the retirement bill last year. The Senate approved of it. It went to the House. It died in the House. What I am interested in at the present time is the passage of legislation in the Senate that will become a law.

If I were to judge from what was said in the House when this bill was under consideration, it may be that the bill will never go to conference. Under the rules of the House, I believe, one objection would prevent it. I do not want it to die in the House. I want legislation at this session of Congress; but the House has very definitely stated its attitude in relation to the legislation, and the House at the last session of Congress allowed the bill to fail. If, now, the House refuses to allow this bill to go to conference, there is no power in the Senate of the United States or the President, or anyone else to have favorable action upon this legislation at this session of Congress.

I do not want to take that chance, Mr. President; and it was for that reason, and that only, that I tried to amend the House bill as in my judgment it ought to be amended, so that that, too, would be in conference if it ever reaches conference; and the Senate saw fit to vote down those amendments.

Mr. President, I hope we will get a vote upon this bill. I want it to get over to the House, and whatever the judgment of the Senate may be in this regard I trust that the result of it will be that we will have legislation, one bill or the other. I know that every representative of the employees of the Government who has talked to me does not expect anything but the House bill. They desire, however, that the Senate shall pass the bill as reported by the committee. I suppose perhaps that is for the purpose of establishing a precedent; but I do not think they believe for a moment that they are going to have any other measure than the House bill.

So, whatever may happen here, I hope it will not prevent this bill from going to conference. I express that hope, and that is the only thing I see in the adoption now of the committee amendment as an amendment to the House bill. Otherwise, I can not see any danger attached to it.

So far as I am concerned, I think the Senate has made up its mind that it is going to have the Senate bill, and I shall take no further time in the discussion of it.

Mr. GEORGE. Mr. President, I offer an amendment to the pending Senate committee amendment; and after the reading of the amendment I wish to make a very brief statement.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 34, line 18, after the word "hereof," it is proposed to insert a comma and the following words—

but no such employee shall be retired on an annuity of less than $720 per annum.

Mr. GEORGE. Mr. President, the chairman of the subcommittee of the Civil Service Committee, with whom I have been acting as a member of that subcommittee, well understands the purpose of this amendment, I am quite sure. It is simply this:

Those employees who are retired for total disability after 15 years of service, as provided in section 6 of the bill, might, in the case of actual service for 16 years, be retired on an annuity that would not suffice to maintain them. In other words, after 16 years of full service the employee would retire at sixteen-fortieths of, say, a minimum salary of $1,200 per year, which would be only $40 per month. This amendment simply provides that in no case shall an employee who is retired because of total disability after 15 years' service receive an annuity of less than $720 a year, or $60 a month.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. McKELLAR. Would the Senator be willing to let that amendment go through here and go to conference with the understanding that we can work it out in conference?

Mr. GEORGE. I wanted to make the statement that I wish to offer the amendment so that it may go into the bill and go to conference, because I believe it to be a provision that ought to be inserted in the bill; and had I been present at the last meeting of the Civil Service Committee I should myself have offered it in the committee. Being unable to be there, I now offer it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GOFF. Mr. President, I offer an amendment to the committee amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to insert at the end of section 4, on page 32, the following proviso:

Provided, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

Mr. McKELLAR. Mr. President, would the Senator be willing to let that amendment be formally adopted and go to conference and then have us discuss it with him after that?

Mr. GOFF. Yes; I would.

Mr. SMOOT. Mr. President, I think the Senate ought to take action on an amendment of this kind. I can not believe that the Senator from West Virginia can be really in earnest about this amendment. If we are going to take this class of employees, and begin back in 1897, all of the employees of the Government ought to be treated in the same way.

Mr. NEELY. Mr. President, will my colleague yield for one moment?

Mr. GOFF. I will.

Mr. NEELY. In the absence of my colleague last Friday because of serious illness in his immediate family I offered this amendment in his place, and he is now speaking to the amendment which I offered for him. I happen to know that this amendment, if adopted, would bring just one person in the United States within the purview of this law, and that is the first man who ever served as a rural carrier under the laws of the United States. It will bring only one person within the purview of the law.

Mr. SMOOT. Let us pass a special act for him, then. Let us not put a provision in a general retirement bill when nobody knows what it means or what effect it has, and it is only an invitation to bring in some friend of somebody else under the general law. There may be excuse for including this one man; I do not know it; but let us not put such a provision in a general retirement bill.

Mr. McKELLAR. Unless there is real merit in it, I assure the Senator that it will be examined into very carefully in conference. It seems to me that that would be the best way to handle this particular situation, and I hope the Senator will accept the amendment.

Mr. SMOOT. I have nothing more to say.

Mr. GOFF. Mr. President, I want to say merely one word in reply to the Senator from Utah.

This amendment has merit—nothing but merit—and it is not offered for the purpose of including a large number of employees who otherwise would be denied the benefit of the provisions of this retirement act. As my distinguished colleague [Mr. NEELY] has stated, he very courteously offered this amendment for me during my absence on the 10th of May, 1926. I feel that if the amendment is adopted it will in no way impair the general provisions of this act or in any way destroy their efficacy.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from West Virginia to the amendment of the committee.

On a division, the amendment to the amendment was agreed to.

Mr. McKELLAR. Mr. President, I have just received a letter from the secretary of the Civil Service Commission relative to the commission's service record and retirement work and correcting a statement made in the Senate yesterday, which I ask may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., May 20, 1926.

Hon. KENNETH McKELLAR,
United States Senate.

MY DEAR SENATOR McKELLAR: The commission believes that you will desire information concerning the statement made in the Senate yesterday that the commission had submitted a request to the Bureau of the Budget "for eighty-odd thousand dollars to do the very work that is being done by the Comptroller General's Office, and the Director of the Budget would not approve of it."

The commission did not submit such an estimate for such purpose. Since 1920 the commission has had a small appropriation under the title of "Salaries and expenses, employees' retirement act." The requirements of the retirement act are such that the general service record work of the commission, as reported in its letter to you of May 17, 1926, which was printed in the CONGRESSIONAL RECORD, is made a part of the records for retirement purposes, thus avoiding duplication. This appropriation has covered only a part of the cost of the commission's service record and retirement work. For the current year the total appropriation under this item is $35,000, which has been repeated for the fiscal year 1927. Last fall in submitting its estimates to the Bureau of the Budget for the fiscal year 1927 the commission added to this item $47,700 to establish from its service records a statistical information service which would provide complete statistical information, required not only under the retirement act but also under other acts, and would furnish Members of Congress detailed information as to the personnel in the Government. This sum was divided—$30,000 for clerk hire the first year, $15,000 for punching and tabulating cards at the Bureau of the Census, and $2,700 for file cases, office equipment, supplies, indexes, etc. The establishment of this statistical service was recommended by Secretary Hoover, General Smither, and Senator MOSES, being provided for in Senate bill 3033 of the Sixty-eighth Congress.

This work is not being done by any office of the Government and could not be done as economically in any other office than the Civil Service Commission, where the personnel records of the Federal service generally are maintained, beginning with 1883.

At various committee meetings within the past year, at which this proposal to transfer a part of the commission's work to the General Accounting Office was considered, the statement was made apparently authoritatively that the installation in the General Accounting Office of this system would cost approximately $100,000 the first year, with annual maintenance cost thereafter.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee in the nature of a substitute as amended.

The amendment as amended was agreed to, which was to strike out all after the enacting clause and to insert:

That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and they are hereby, amended to read as follows:

ELIGIBILITY FOR VOLUNTARY RETIREMENT

SECTION 1. Beginning on the first day of the second month next following the passage of this act, all employees in the civil service of the United States to whom this act applies who shall have attained or who shall thereafter attain the age of 65 years, or being employed as city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, mechanics, railway postal clerks, and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall have or shall thereafter attain the age of 62 years, and shall have rendered at least 30 years of service computed as prescribed in section 6 of this act, shall be eligible for retirement on an annuity as provided in section 5 hereof, and any employee having thus become eligible may be retired as of a date requested by such employee upon giving to the head of the department, branch, or independent office of the Government concerned at least 60 days' notice in writing of his desire so to retire: *Provided*, That retirement under this paragraph shall be at the option of the employee, and nothing hereinafter contained in this act providing for automatic retirement shall apply to the foregoing eligibles.

ELIGIBILITY FOR SUPERANNUATION RETIREMENT

SEC. 2. All employees to whom this act applies who, before its effective date, shall have attained or shall thereafter attain the age of 70 years and rendered at least 15 years of service computed as prescribed in section 6 of this act shall be eligible for retirement on an annuity as provided in section 5 hereof: *Provided*, That city, rural, and village letter carriers, post-office clerks, sea post clerks, laborers, and me-

chanics generally shall, under like conditions, be eligible for retirement at 65 years of age and that railway postal clerks and those employees engaged in pursuits whose occupation is hazardous or requires great physical effort, or which necessitates exposure to extreme heat or cold, and those employees whose terms of service shall include 15 years or more of such service rendered in the Tropics, shall be eligible at 62 years of age; the classification of employees for the purpose of assignment to the various age groups shall be determined jointly by the Civil Service Commission and the head of the department, branch, or independent office of the Government concerned: *Provided further*, That any such employee who was employed as a mechanic for the major portion of his service, and not less than 15 years, and was subsequent to August 20, 1920, involuntarily transferred to employment as a laborer and thereafter involuntarily discharged from the service of the United States, shall receive such annuity as he would have been entitled to, if on the day of his discharge from the service he had been retired under the provisions of this act: *Provided further*, That any mechanic, having served 30 years, who was, through no fault of his own, transferred or reduced to a minor position, and who shall have attained, or who shall thereafter attain the age of 62 years, shall have his annuity computed upon his average annual basic salary, pay, or compensation, for the last 10 years of his service as a mechanic.

AUTOMATIC SEPARATION

SEC. 3. All employees to whom this act applies shall, on arriving at retirement age as defined in the preceding section and having rendered 15 years of service, be automatically separated from the service and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify such employees under his direction of the date of such separation from the service at least 60 days in advance thereof: *Provided*, That if not less than 30 days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he is employed certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon the approval and certification by the Civil Service Commission, and at the end of the two years he may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That after August 20, 1930, no employee shall be continued in the civil service of the United States beyond the age of retirement for more than four years.

Whenever an employee shall make application for such continuation in the civil service, and shall submit acceptable proof of his present physical fitness to perform his work, it shall be the duty of the head of the department, branch, or independent office of the Government concerned to obtain from the immediate superior in the service of such applicant all efficiency ratings and other information on file respecting the character of the work of such applicant, and shall also obtain from such immediate superior his opinion in writing with respect to the efficiency of the work performed by such applicant. From such information shall be eliminated increases in ratings, credits, and other preferences for any cause whatsoever other than the character of work actually performed. Should such information show that the applicant has been efficient and competent during the two years next preceding his application for continuance in the civil service, the head of the department, branch, or independent office of the Government concerned shall, as of course, certify to the United States Civil Service Commission that, by reason of the efficiency and willingness of such applicant to remain in the civil service of the United States, the continuance of such employee would be advantageous to the public service.

No person separated from the service who is receiving an annuity under the provisions of sections 1 and 2 of this act shall be employed again in any position within the purview of this act, nor be appointed to another position in any branch of the Government service.

EMPLOYEES TO WHOM THIS ACT SHALL APPLY

SEC. 4. This act shall apply to the following employees and groups of employees:

(a) All employees in the classified civil service of the United States, including all persons who have been heretofore or may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under civil-service rules promulgated by the President, or by Executive orders covering into the competitive classified service groups of employees with their positions, or authorizing the appointment of individuals to positions within such service.

(b) Superintendents of United States national cemeteries, and such employees of the offices of solicitors of the several executive departments, of the Architect of the Capitol, of the Library of Congress, and of the United States Botanic Garden, of the recorder of deeds and register of wills of the District of Columbia, whose tenure of employment is not intermittent nor of uncertain duration.

(c) All employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration.

(d) Unclassified employees of the United States in all cities and in all establishments or offices in which appointments are made under labor regulations approved by the President, or from subclerical or other registers for the classified service; and unclassified employees transferred from classified positions: *Provided*, That these groups shall include only those employees whose tenure of employment is not intermittent nor of uncertain duration.

(e) All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners or by other competent authority, including those employees receiving per diem compensation paid out of general appropriations and including public-school employees, excepting school officers and teachers.

(f) All employees and groups of employees to whom the benefits of the act of May 22, 1920, and amendments thereof, shall have been extended by Executive orders.

(g) Postmasters of the first, second, and third class who have been promoted, appointed, or transferred from the classified civil service.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to postmasters, excepting those specifically described in paragraph (g) of this section, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order, upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration: *Provided*, That the provisions of this act shall apply to anyone who entered the United States mail service as a rural carrier before January 1, 1897, and who continued in the service as such carrier continuously for 20 years or more, and who was honorably separated from the service. Such carrier shall be paid such compensation under this act as his length of service entitles him to receive.

METHOD OF COMPUTING ANNUITIES

SEC. 5. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by such employee during the 10 years of allowable service next preceding the date of retirement, by the number of years of service, not to exceed 30 years, and dividing the product by 40. In no case, however, shall the annuity exceed $1,200 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 6 hereof, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

COMPUTATION OF ACCREDITED SERVICE

SEC. 6. Subject to the provisions of section 10 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps or Coast Guard of the United States; in the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the war risk insurance act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his or her right to a pension, or to retired pay, or to compensation under the war risk insurance act in addition to the annuity herein provided.

In computing length of service for the purposes of this act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, and in the case of substitutes in the Postal

Service credit shall be given from date of original appointment as a substitute.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated.

DISABILITY RETIREMENT—MEDICAL EXAMINATIONS REQUIRED

SEC. 7. Any employee to whom this act applies who shall have served for a total period of not less than 15 years, and who, before becoming eligible for retirement under the conditions defined in the preceding sections hereof, becomes totally disabled for useful and efficient service in the grade or class of position occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity computed in accordance with the provisions of section 5 hereof, but no such employee shall be retired on an annuity of less than $720 per annum: *Provided*, That proof of freedom from vicious habits, intemperance, or willful misconduct for a period of more than five years next prior to becoming so disabled for useful and efficient service, shall not be required in any case. No claim shall be allowed under the provisions of this section unless the application for retirement shall have been executed prior to the applicant's separation from the service or within six months thereafter. No employee shall be retired under the provisions of this section unless examined by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons, designated by the Commissioner of Pensions for that purpose, and found to be disabled in the degree and in the manner specified herein.

Every annuitant retired under the provisions of this section, unless the disability for which retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter until reaching retirement age as defined in section 2 hereof, be examined under the direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any. If an annuitant shall recover before reaching retirement age and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding 90 days from the date of the medical examination showing such recovery. Should the annuitant fail to appear for examination, as required under this section, payment of the annuity shall be suspended until continuance of the disability shall have been satisfactorily established. The Commissioner of Pensions may order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his contributions, with accrued interest, the difference, unless he shall become reemployed in a position within the purview of this act, shall be paid to the retired employee, as provided in section 13 hereof, upon application therefor in such form and manner as the Comptroller General may direct. In case of reemployment in a position within the purview of this act, the amount so refunded shall be redeposited as provided in section 13 hereof.

No person shall be entitled to receive an annuity under the provisions of this act and compensation under the provisions of the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either act for any part of the same period of time.

Fees for examinations made under the provisions of this section, by physicians or surgeons who are not medical officers of the United States, shall be fixed by the Commissioner of Pensions, and such fees, together with the employees' reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this act.

INVOLUNTARY SEPARATION FROM THE SERVICE

SEC. 8. Should any employee 55 years of age or over to whom this act applies, after having served for a total period of not less than 15 years and before becoming eligible for retirement under the conditions defined in section 1 or 2 hereof, become involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency, such employee shall be paid as he or she may elect, either—

(a) The amount of the deductions from his basic salary, pay, or compensation made under section 11 of this act and under act of May 22, 1920, including accrued interest thereon computed as prescribed in section 13 hereof; or

(b) An immediate life annuity beginning at the date of separation from the service, having a value equal to the present worth of a deferred annuity, beginning at the age at which the employee would otherwise have become eligible for superannuation retirement computed as provided in section 5 of this act; or

(c) A deferred annuity beginning at the age at which the employee would otherwise have become eligible for superannuation retirement, computed as provided in section 5 of this act. The right to such deferred annuity shall be evidenced by a proper certificate issued under the seal of the Department of the Interior.

Any employee who has served for a period of not less than 15 years and who is 45 years of age or over and less than 55 years, and who becomes separated from the service under the conditions set forth in this section shall be entitled to a deferred annuity, but such employee may, upon reaching the age of 55 years, elect to receive an immediate annuity as provided in paragraph (b) of this section.

Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this act, or in any other position in the Government service, the annuity shall cease, and all rights and benefits under the provisions of this section shall terminate from and after the date of such employment.

This section shall include former employees within the provisions of the act of May 22, 1920, or said act as amended or as extended by Executive orders, who may have been separated from the service subsequent to August 20, 1920, under the conditions defined in this section: *Provided*, That in the case of an employee who has withdrawn his deductions from the "civil-service retirement and disability fund," such employee shall be required to return the amount so withdrawn with interest compounded on June 30 of each year at the rate of 4 per cent per annum before he shall be entitled to the benefits of this section.

BENEFITS EXTENDED TO THOSE ALREADY RETIRED

SEC. 9. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date.

CREDIT FOR PAST SERVICE

SEC. 10. Beginning with the effective date of this act, all employees who may be brought then or thereafter within the purview of the act by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per cent of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to the effective date of this act, and also 4 per cent of the basic salary, pay, or compensation for services rendered after the effective date of this act, together with interest computed at the rate of 4 per cent per annum compounded on June 30 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. Upon making such deposit the employee shall be entitled to credit for the period or periods of service involved: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled.

DEDUCTIONS AND DONATIONS

SEC. 11. Beginning on the first day of the second month next following the passage of this act there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this act applies a sum equal to 4 per cent of such employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by the act of May 22, 1920, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, or bequests, or otherwise, and to receive, deposit, and invest for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally.

Every employee coming within the provisions of this act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided herein, and payment less such deductions

shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he shall be entitled under the provisions of this act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this act applies.

INVESTMENTS AND ACCOUNTS

SEC. 12. The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm-loan bonds, such portions of the "civil-service retirement and disability fund" as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 13 of this act.

The Comptroller General shall establish and maintain an account showing the annual liabilities of the Government under this act, and shall keep such other accounts as may be deemed necessary for a proper administration of the act.

RETURN OF AMOUNTS DEDUCTED FROM SALARIES

SEC. 13. In the case of any employee to whom this act applies who shall be transferred to a position not within the purview of the act, or who shall become absolutely separated from the service before becoming eligible for retirement on annuity, the total amount of deductions of salary, pay, or compensation heretofore or hereafter made with accrued interest computed at the rate of 4 per cent per annum, compounded on June 30 of each fiscal year, shall, upon application to the General Accounting Office, be returned to such employee: *Provided*, That all money so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this act, be redeposited with interest before such employee may derive any benefits under this act, except as provided in this section, but interest shall not be required covering any period of separation from the service.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder.

In case an annuitant shall die without having received in annuities an amount equal to the total amount of deductions from his salary, pay, or compensation, with interest thereon at 4 per cent per annum compounded as herein provided up to the time of his death, an amount equal to the excess of the said accumulated deductions over and above the annuity payments made shall be paid in one sum to his legal representatives upon the establishment of a valid claim therefor.

In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of deductions with accrued interest thereon as herein provided shall be paid to the legal representatives of such employee.

In case a former employee entitled to return of deductions with accrued interest thereon as herein provided shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such employee.

If the amount of accrued annuity, or of accumulated deductions, or of refund due a former employee who is legally incompetent, together with accrued interest thereon payable under the provisions of this act, does not exceed $1,000, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor, administrator, guardian, or committee, payment may be made, after the expiration of 30 days from date of death or of separation from the service, as the case may be, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

PAYMENT OF ANNUITIES AND FORM OF APPLICATION

SEC. 14. Annuities granted under the terms of this act shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments.

Applications for annuity shall be in such form as the Commissioner of Pensions may prescribe, and shall be supported by such certificates from the heads of departments, branches, or independent offices of the Government in which the applicant has been employed as may be necessary to the determination of the rights of the applicant. Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Annuities granted under this act for retirement under the provisions of sections 1 and 2 of this act shall commence from the date of separation from the service and shall continue during the life of the annuitant. Annuities granted under the provisions of section 7 and 8 hereof shall be subject to the limitations specified in said sections.

SEC. 15. Civil-service employees who have gone from their civil-service employment to employment in the legislative branch of the Government and have returned to a civil-service position shall have the time of such legislative service included in the 15-year period of eligibility: *Provided*, That such employee shall contribute to the retirement fund upon reentering civil-service employment an amount, including interest, equivalent to that which would have been paid if such employee had continued under civil service.

DUTIES OF THE CIVIL SERVICE COMMISSION

SEC. 16. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this act; and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder; and shall prepare and keep all needful tables and records required for carrying out the provisions of this act, including data showing the mortality experience of the employees in the service and the percentage of withdrawals from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this act.

BOARD OF ACTUARIES

SEC. 17. The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, and they shall make a valuation of the "civil-service retirement and disability fund" at intervals of five years, or oftener if deemed necessary by the Commissioner of Pensions; they shall also prepare such tables as may be required by the Commissioner of Pensions for the purpose of computing annuities under this act. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

ADMINISTRATION

SEC. 18. For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and he shall transmit to Congress, through the Secretary of the Interior, the reports and recommendations of the board of actuaries.

The Secretary of the Interior shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to continue this act in full force and effect.

EXEMPTION FROM EXECUTION, ETC.

SEC. 19. None of the moneys mentioned in this act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

EFFECTIVE DATE

SEC. 20. This act shall become effective on the first day of the second month next following its passage, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed as of said effective date.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is now on concurring in the amendment made as in Committee of the Whole. The Chair will state that if there is any amendment to be proposed to the amendment in the Senate it should be offered before a vote is taken on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Sackett
Bayard	George	McMaster	Schall
Bingham	Gerry	McNary	Sheppard
Borah	Gillett	Mayfield	Shipstead
Bratton	Glass	Means	Shortridge
Broussard	Goff	Metcalf	Simmons
Bruce	Gooding	Moses	Smoot
Butler	Hale	Neely	Stanfield
Cameron	Harreld	Norbeck	Steck
Capper	Harris	Norris	Stephens
Caraway	Harrison	Nye	Swanson
Copeland	Heflin	Oddie	Trammell
Couzens	Howell	Overman	Tyson
Cummins	Johnson	Pepper	Underwood
Curtis	Jones, N. Mex.	Phipps	Wadsworth
Dale	Jones, Wash.	Pine	Walsh
Deneen	Kendrick	Ransdell	Warren
Dill	Keyes	Reed, Mo.	Watson
Edge	King	Reed, Pa.	Williams
Ernst	La Follette	Robinson, Ark.	Willis
Fess	Lenroot	Robinson, Ind.	

The PRESIDING OFFICER (Mr. NORRIS in the chair). Eighty-three Senators having answered to their names, a quorum is present.

AMENDMENT OF CRIMINAL CODE

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives to have returned to that body the bill (H. R. 9568) amending section 220, Criminal Code of the United States.

Mr. CUMMINS. This bill has been referred to the Committee on the Judiciary. I ask that it be recalled from the Committee on the Judiciary and that it be returned to the House of Representatives as requested by that body.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the bill be recalled from the Committee on the Judiciary and that the request of the House for the return of the bill be complied with. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 30 minutes spent in executive session, the doors were reopened.

INVESTIGATION OF SENATORIAL ELECTIONS

While the doors were closed, Mr. REED of Pennsylvania, Mr. DENEEN, and Mr. BAYARD having asked to be excused from service on the special select committee to make investigations into the means used to influence the nomination of any person as a candidate for membership in the United States Senate, the Vice President appointed Mr. GOFF, Mr. FERNALD, and Mr. KING members of the special committee in their stead.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War.

MIGRATORY-BIRD REFUGES

Mr. NORBECK. I ask unanimous consent that Senate bill 2607, the migratory bird bill, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being until 8 o'clock p. m., under the order previously entered.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate, in accordance with its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The consideration of the calendar will be resumed at Order of Business 788, House bill 8916.

ADDITIONAL PENSION APPROPRIATION

Mr. WARREN. Mr. President, I ask unanimous consent to report back favorably from the Committee on Appropriations without amendment the joint resolution (H. J. Res. 257) making an additional appropriation for the payment of pensions for the fiscal year 1926, and, as it is a matter of importance, I ask for its immediate consideration.

Mr. ROBINSON of Arkansas. Mr. President, pending the request of the Senator, I wish he would explain what the measure is.

Mr. WARREN. It is a joint resolution providing $10,000,000 to meet the payment of June pension checks. Half a million checks are being sent out, which should reach the various beneficiaries on the 4th of next month, and it takes about $17,000,000 to take care of them. There is about $6,000,000 in the Treasury for the purpose; so that this amount must be almost immediately available in order to enable the Treasury to pay the checks when they are presented.

Mr. OVERMAN. Mr. President, of course we will have to pass the joint resolution, but it is the most remarkable piece of legislation that has ever taken place since I have been here. It is astonishing. We had an estimate from the Budget for the necessary appropriations for this fiscal year, and we gave them every cent they asked for. They asked for $10,000,000 less than they really needed, and we are now called upon to appropriate that amount. They come in at this late hour asking for $10,000,000, instead of having estimated for it last year, when the amount of the total appropriations would have shown that much larger. They come in at this late hour and ask for $10,000,000, which I admit is absolutely necessary to pay the checks that have been issued; but why should they bring it here at this time instead of estimating for it when we were making the regular appropriations last year?

I say it is a remarkable procedure. It shows that the Budget did not do its duty, because it did not estimate for enough money to take care of the business of the Government when it sent down the estimates last year and when we made the appropriations.

Mr. WARREN. I will say to my colleague on the committee, first, that the amount appropriated last year was quite a good deal less than we had appropriated in some previous years, but that we make those appropriations rather early in the session, and after they are made there are often other bills passed which call for further appropriations. In fact, there are on the calendar now three or four large pension bills which undoubtedly will pass and will have to be taken care of in the long run and the necessary money appropriated.

Mr. OVERMAN. That is to be done by the deficiency bill which is coming over here shortly and which will be the largest bill of that nature that we have ever had.

Mr. WARREN. This is a deficiency pension appropriation for this particular item.

Mr. OVERMAN. This is a separate appropriation different from the estimate that comes in the deficiency bill. This is the amount that we failed to appropriate last year.

Mr. WARREN. Yes; but what I am getting at is that this is a deficiency to pay the appropriation of last year, and it comes at this time because of the necessary payment of these checks on the 4th of June.

Mr. OVERMAN. The Senator will agree with me that it is an unusual way of doing business.

Mr. WARREN. The Senator and I do not differ at all, except that the procedure of the Budget is rather obnoxious to him. I think, perhaps, we are to blame in some respects for keeping down these amounts.

Mr. ROBINSON of Arkansas. Mr. President, may I ask a question of the Senator from North Carolina? Is it the Senator's understanding that if the proper estimate had been made so as to appropriate the amount that reasonably might have

been expected to be necessary, this amount of $10,000,000 would have appeared in the estimates of last year?

Mr. OVERMAN. There is no question about it.

Mr. ROBINSON of Arkansas. It is the result of a process of reducing the estimates so as to make them appear to carry that much less money that is actually being expended or required?

Mr. OVERMAN. It would seem so, of course.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That there is appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of Army and Navy pensions for the fiscal year ending June 30, 1926, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $10,730,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL REPORT OF COMMITTEE

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (H. R. 7889) to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business, reported it with amendments and submitted a report (No. 892) thereon.

AMENDMENT OF NATIONAL DEFENSE ACT—ARMY BANDS

Mr. BINGHAM. Mr. President, the other day when we were considering the calendar and began at the point where we were to have begun to-night, Order of Business 728, the junior Senator from Connecticut happened to be in the chair and therefore was unable to press the consideration of Order of Business No. 780 when we reached that point. I ask unanimous consent that we may go back to Order of Business No. 780 at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2337) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Connecticut tell us what the bill is?

Mr. BINGHAM. The bill is an amended form of the Army band bill. It does two things as amended by the Senate Military Affairs Committee. It provides that every Army band shall constitute a separate organization like a separate company instead of being merely a part of the headquarters company. It also provides that the band leader, as during the war, shall be a commissioned officer instead of merely a warrant officer. The rank is limited to first and second lieutenants. It was found during the war that this added a great deal to the efficiency of the band.

We spend a great deal of money on Army bands, something over $2,000,000 a year. Under the present system the band leader is merely a warrant officer, and it is impossible for him to carry on as effectively as he could do and as he did do during the war, if he were a commissioned officer. The increased expense will not be great, and it is felt that it will be of great advantage to the bands in increasing their morale and efficiency to make the leaders commissioned officers and to make each band a separate organization.

I should like to say to the Senator, if he will pardon a personal reference, that during the trouble with Mexico in 1916, when the junior Senator from Connecticut was in command of the headquarters company of the Tenth Field Artillery, under the old organization I had the band as part of my company. It was an extremely unsatisfactory arrangement both for the band and for the company. The band really ought to be under the direct orders of the colonel commanding the regiment, because it is a part of the means that he uses for increasing the morale of his regiment. It ought to be a separate organization. Furthermore, it is thought that it would be far better for the band if the leader, instead of being a warrant officer, were a commissioned officer. The bill has been very much amended by the Senate Committee on Military Affairs and merely does those two things.

Mr. ROBINSON of Arkansas. I shall not object to the bill.

The amendments were, to strike out section 1, commencing on page 1, line 3, down to and including line 8, on page 2, in the following words:

That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition, there shall be in The Adjutant General's Department a musicians' bureau, which shall consist of (1) 1 chief of musicians, who shall be appointed by the President, by and with the advice and consent of the Senate, (2) 1 band commander for each authorized line band, and (3) 36 enlisted men for each authorized line band, and in addition thereto, 1 commandant, 1 executive, 1 principal of music, 1 assistant principal of music, and 6 instructors for duty at the Army Music School, who shall be selected by the Secretary of War from among Army band leaders of the service, upon the recommendation of the chief of musicians' corps."

On page 2, line 9, before the word "national," to strike out "Sec. 2. The," and insert "That the"; in line 11, after the word "act," to strike out "as amended by section 1 of this act,"; on the same page, after line 17, to strike out from line 18, on page 2, to line 5, on page 3, in the following words:

SEC. 6b. The chief of musicians: The chief of musicians shall serve for four years and shall have the rank, pay, and allowances of colonel while so serving. He shall investigate the qualifications of candidates for appointment as band commander, shall have direct supervision over the Army Music School and all the authorized line bands, shall make and enforce rules and regulations, subject to the approval of the Secretary of War, for the conduct of the Army Music School, for the uniform administration of the authorized line bands, and for the recruiting, transfer, and promotion of the personnel of the musical organization of the Army, and shall advise The Adjutant General on all matters relating to his bureau.

On page 3, line 6, before the word "band," to strike out "Sec. 6c." and insert "Sec. 6b."; in line 10, before the word "lieutenant," to strike out "first" and insert "second"; in the same line, after the word "lieutenant," to strike out "5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel" and insert "over five years, first lieutenant"; in line 13, after the word "leaders," to strike out "enlisted, warrant officer, and commissioned"; on page 4, to strike out line 3 to 21, inclusive, in the following words:

SEC. 6d. Enlisted personnel of bands: Each authorized line band of the Army shall hereafter consist of enlisted personnel of the following designations, grades, and classes in lieu of the designations, grades, and classes now prescribed for enlisted personnel in Army bands in pursuance of the provisions of section 4b of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended: One assistant band leader, first grade; 1 first sergeant and 3 first musicians, second grade; 8 second musicians, third grade; 8 third musicians, fourth grade; and 15 additional enlisted men of such designations, grades subordinate to the fourth grade, and classes as the Secretary of War shall, by regulation or special order in particular cases, prescribe. In time of war the Secretary of War may increase the number of the enlisted personnel of any such band to 48, distributing such additional personnel among the various grades in such proportion as he deems expedient.

On page 4, line 22, before the word "The," to strike out "Sec. 3." and insert "Sec. 2."; in line 23, after the word "officers," to strike out "and enlisted men"; in line 24, after the word "Army," to insert "and"; in line 25, after the word "grades," to strike out "and the percentage limitations upon the number of enlisted men which may be assigned to the various grades"; on page 5, to strike out lines 14 to 24, in the following words:

SEC. 4. The term "authorized line band" as used in this act includes every band connected with the Army or under the supervision of the War Department, but the provisions of this act prescribing the number of enlisted personnel in such a band and the number of men that may be assigned to the respective grades shall not be applicable to the United States Army Band or the United States Military Academy Band, nor shall any officer or enlisted man in either of such bands suffer any reduction in pay or allowances as a result of the enactment of this act or be paid less than a musician of the same class in the other Army bands.

On page 6, line 1, before the word "This," to strike out "Sec. 5" and insert "Sec. 3," and, in line 3, before the word "This," to strike out "Sec. 6" and insert "Sec. 4," so as to make the bill read:

Be it enacted, etc., That the national defense act of June 3, 1916, as amended, is amended by inserting after section 6 of such act the following new sections:

"SEC. 6a. Army bands: Each authorized line band shall hereafter constitute a separate organization of the regiment or station to which it is assigned, under the command of the band commander, who shall be responsible directly to the commanding officer of such regiment or station.

"SEC. 6b. Band commanders: Band commanders shall hereafter be commissioned officers and shall have rank, pay, and allowances according to length of active band-leader service in the Army, as follows: Less than five years, second lieutenant; over five years, first lieutenant. All prior service as band leaders to be counted toward computing the rank, pay, and allowances present band leaders shall receive on first appointment. Appointment as band commanders shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe, from warrant officers, noncommissioned officers, or other enlisted personnel, who have had at least 10 years' service in the Army, with preference to such appointments to qualified graduates of the Army Music School; and, third, from persons particularly qualified who are not in the Army, the number of such appointments, however, not to exceed at any time 10 per cent of the total number of appointments."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act. Any band leader now in the service who fails to receive a commission by reason of failure to pass the physical examination shall be given a warrant as band commander and shall, during his continuance in the service and upon retirement, receive the same pay and allowances as he would have received if the provisions of this act had not become law.

SEC. 3. This act shall take effect on the first day of the third month next following its enactment.

SEC. 4. This act may be cited as the "Army bands act."

The amendments were agreed to.

Mr. KING. Mr. President, I want to ask the Senator from Connecticut what is the highest rank that may be attained by the highest officer in any band?

Mr. BINGHAM. According to the bill as requested by the people interested it would have been the rank of colonel, but as amended by the committee it is only the rank of first lieutenant. The only exception is an exception which at present exists. There is one band leader in the Army, the head of the Army Music School, who is a captain to-day. This bill only provides for new lieutenants.

Mr. KING. There is no plan to find a parallel or running mate for the plan in the Navy to make admirals out of doctors, and so on, and to make generals out of musicians?

Mr. BINGHAM. I will say to the Senator there is no such idea. It is felt that lieutenant is the very lowest rank which should be given to a band leader to enable him to meet on an equality the other officers of the regiment and to give the band a proper standing in the regiment.

Mr. KING. Are all of the leaders as well as the members of the band subject to military discipline and to all the pains and penalties for infractions of the rules and regulations of the Army?

Mr. BINGHAM. Absolutely.

Mr. KING. And they enlist for a certain period?

Mr. BINGHAM. Certainly.

Mr. KING. There are no retirement privileges that come to those who are in charge of the band until they serve for a certain period of time?

Mr. BINGHAM. No; there is no difference from the status of the ordinary officers and enlisted men in the Army.

Mr. KING. Is there an effort to maintain as many bands in peace times as in war times?

Mr. BINGHAM. Not as many. The bands are not up to strength at the present time, and I believe there is not the full number of bands which is authorized. There was a provision in the bill that increased the pay of enlisted men which would have greatly increased the expense; and although personally I believe that would have been a good thing in bringing up the morale and would enable us to have better musicians in the band, yet it was felt that the increased expense was too great for that increase to be considered at the present time.

Mr. KING. The reason why I made the former inquiry is that I have received a number of letters complaining about the large number in bands at small posts, where there was a comparatively small number of soldiers. I know nothing personally about it. The idea seemed to be that they maintained too large a band in some of the small military posts, which is much like the complaint used to be that there were a number of generals and only one private in the regiment.

Mr. BINGHAM. The Senator will realize the reason for it is that the band is authorized only for a regiment, and under the present system, the Army having a great many posts, far more than are necessary, the regiment is frequently scattered widely over the country. The band necessarily must be somewhere, and it frequently is at a post where there are only two companies out of the entire regiment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINERAL LAND IN NEW MEXICO

Mr. JONES of New Mexico. I ask unanimous consent to present a report from the Committee on Public Lands and Surveys, and, inasmuch as it relates wholly to New Mexico and ought to be passed at the present session of Congress, I shall ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. JONES of New Mexico. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (S. 4261) relating to patents issued pursuant to decrees of the Court of Private Land Claims, and I submit a report (No. 893) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter all gold, silver, or quicksilver deposits, or mines or minerals of the same on lands embraced within any land claim confirmed or hereafter confirmed by decree of the Court of Private Land Claims, and which did not convey the mineral rights to the grantee by the terms of the grant, and to which such grantee has not become otherwise entitled in law or in equity, may be leased by the Secretary of the Interior to the grantee, or to those claiming through or under him, for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods.

SEC. 2. That for the privilege of mining or extracting the gold, silver, or quicksilver deposits in the land covered by such lease, the lessee shall pay to the United States a royalty, which shall not be less than 5 per cent nor more than 12½ per cent of the net value of the output of the gold, silver, or quicksilver at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine. All moneys received from royalties and rentals under the provisions of this act shall be deposited in the Treasury of the United States, and disposed of in the same manner as rentals and royalties under the provisions of the act of February 25, 1920 (41 Stat. p. 437).

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HARRELD. Mr. President, the other day when the calendar was called I was engaged at a committee meeting. I ask unanimous consent to return to Order of Business 766, Senate bill 3692.

Mr. CURTIS. Mr. President, I hope we can go on with the call of the calendar. It is hardly fair to Senators to get an agreement and then not keep it. We will probably reach that number this evening. I ask for the regular order.

Mr. HARRELD. I wish the Senator would not object, because when Senators are unavoidably absent——

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator from Oklahoma that, after the Senate has gone through the calendar in pursuance of the agreement, in all probability an opportunity will be afforded then to go back to other numbers that have been passed over.

The PRESIDING OFFICER. The regular order is demanded. The clerk will report the next bill on the calendar.

GRANT OF LAND TO KERN COUNTY, CALIF.

The bill (H. R. 8916) granting public lands to the county of Kern, Calif., for public-park purposes was announced as next in order.

Mr. TRAMMELL. Mr. President, I objected to the consideration of this bill the other night, purely for the purpose of

stating my position in regard to the effort which I am making at this time to obtain a donation of land for a park site in my State. That objection was not based upon any opposition which I really had to this particular measure. I shall be very glad, of course, to see this measure pass, and I think it very proper that Kern County should be allowed to obtain this property at the nominal price of $1.25 per acre. However, I wish to remind Senators that later I am going to ask for a similar contribution to my State for a park site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there is hereby granted and conveyed to the county of Kern, State of California, for public-park purposes and for the use and benefit of said county, the following-described lands in county of Kern, State of California, or so much thereof as said county may desire, to wit:

Those certain drilling sites in naval petroleum reserve No. 2, comprising approximately 2 acres each, known and designated as drilling sites Nos. 9, 10, 17, and 18, in the town site of Ford, according to the map of the town site of Ford, which comprise the southwest quarter, the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section 12, township 32 south, range 23 east, Mount Diablo meridian, approved on July 31, 1923, by the Commissioner of the General Land Office.

That such conveyance shall be made of said land to said county of Kern, State of California, by the Secretary of the Interior, upon the payment by said county for said land, or such portion thereof as it may select, at the rate of $1.25 per acre, and patent issued to said county for the said land selected, to have and to hold for public-park purposes; and the grant hereby made shall not include any lands which at the date of issuance of patent shall be covered by valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States, its grantees or lessees, all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the said land for prospecting for and extracting the same: *Provided further*, That said county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if said land shall not be used for public-park purposes, the same, or such parts thereof not so used, shall revert to the United States: *Provided further*, That the reservations to the Government provided for herein shall be stipulated in the patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I wish to ask a question in regard to the bill which we have just passed. On page 1, beginning in line 8, the bill provides:

Those certain drilling sites in naval petroleum reserve No. 2—

Does the bill propose to convey oil lands?

Mr. JOHNSON. Mr. President, the oil, coal, and other mineral deposits are expressly reserved. The bill is a House bill, which is sponsored by Representative BARBOUR, and relates to his district. It has the approval of the Secretary of the Navy and of the Secretary of the Interior.

Mr. KING. Is this land supposed to be within an oil reserve?

Mr. JOHNSON. It is within certain drilling sites, but the oil is reserved. The land is to be used for park purposes. The oil is reserved and the drilling sites are reserved, two acres in four sites, making eight acres in all.

Mr. KING. The land is within a municipality, is it?

Mr. JOHNSON. It is within a little village which is named Ford.

TRANSFER OF RECORDS OF GENERAL LAND OFFICE TO STATES

The bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, I desire to state that the junior Senator from Wisconsin [Mr. LA FOLLETTE] has asked that this bill be not considered in his absence. I therefore request that it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

JAMES E. VAN HORNE

The bill (S. 2609) for the relief of James E. Van Horne was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. One moment, Mr. President. I should like to have an explanation of that bill.

Mr. GOFF. Mr. President, I can in substance explain the bill to the Senator from Utah. The bill merely provides for the payment of $507 to Mr. Van Horne for services as a bailiff in the United States court in New Jersey about the year 1896. The report of the committee, I regret to say, has not as yet been published, through some delay on the part of the printer, and therefore it does not accompany the bill. A bill similar to this has passed the House of Representatives, and from a portion of the House report thereon I desire to read:

Judge Kirkpatrick, of the United States district court—

This was at or about the time the United States circuit court was abolished and its jurisdiction passed over to the United States district court—

issued an order reading as follows:

"It is on this 14th day of December, 1896, ordered that the crier and bailiff of this court be in attendance at the court room of this court every morning at 9 o'clock a. m."

Mr. Van Horne presented himself as a bailiff duly appointed pursuant to that order, and after discharging the functions and duty of a bailiff during such period of time as would be represented by the sum of $507 an effort was made to discontinue the pay of the crier, but Mr. Van Horne had discharged all the duties and functions and had been there daily and had done a great many things. The Department of Justice in effect approves the bill.

I wish to say to the Senator from Utah that I regret that a full report reflecting the approval of the Department of Justice is not here at this time in the report of the Committee on Claims on the bill.

Mr. KING. The Senator from West Virginia knows that under the practice the judge has to certify at the end of the quarter—and that certification goes to Washington—the services rendered by every officer of the court. Now if the bailiff—and I assume, of course, the Senator speaks accurately—rendered those services, the judge ought to have certified with the report which he transmitted, prepared by the clerk, at the end of the quarter to the Attorney General's office to the fact of the services, and the amount which was due Mr. Van Horne; and in due course it would have been paid. I marvel that it was not paid if those services were rendered. If the judge did not certify that this man was appointed as bailiff, why did he not do so?

Mr. GOFF. Mr. President, I think, upon a moment's reflection, it must be apparent to my friend the distinguished Senator from Utah that if the procedure which he has outlined had been followed this matter would not have been before the Committees on Claims of the respective Houses of Congress. It was because, as I have stated, subsequent to the issuing of the order the practice was discontinued that the judge, no doubt, failed to follow the procedure of certification which the Senator from Utah has suggested, and which is correct. So this is in the nature of an equitable claim addressed to the conscience, so to speak, of Congress; but the services were performed and were not duly compensated for by the United States marshal, for the reasons which I have indicated.

Mr. KING. One other question, if the Senator will permit.

The PRESIDING OFFICER. Does the Senator from West Virginia yield further to the Senator from Utah?

Mr. GOFF. Certainly.

Mr. KING. Do the minutes of the court show that sessions of the court were held during this period and that this man was appointed as bailiff?

Mr. GOFF. As I recollect, and as I stated when I first took the floor, I regret that the committee report has not been received from the printer. It has been delayed for reasons which I can not explain.

I can not answer definitely the question the Senator from Utah has just asked. I can not state with accuracy, and, therefore, will not state whether the court was in session during all of this time. I think it was not; I think there was a great deal of time during which the court was not in session, but the court was open, as many of the United States courts are, with the judge absent.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. GOFF. Certainly.

Mr. WALSH. I ask that the bill go over until the report shall be available.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

TRAVEL ALLOWANCES IN ALASKA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9178) to amend section 12 of the act ap-

proved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska, which was read as follows:

Be it enacted, etc., That section 12 of the act approved June 10, 1922 (42 Stat. p. 631), be, and the same is hereby, amended to read as follows:

"SEC. 12. That officers of any of the services mentioned in the title of this act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route, and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders in Alaska and outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty.

"In lieu of the transportation in kind authorized by section 12 of an act entitled 'An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service,' approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this act."

Mr. WARREN. Mr. President, I should like to inquire of the Senator from New York, who reported the bill, if it covers travel allowances for any Government officials except officers of the Army and the Navy? According to the manner in which it reads, it would seem as if it might include other officials than those who belong to the military service.

Mr. WADSWORTH. It applies to the military services, including the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Mr. WARREN. It does not apply to ordinary civil officers?

Mr. WADSWORTH. No.

Mr. ROBINSON of Arkansas. Mr. President, I understand that under the present law officers traveling in Alaska have an allowance of about $1.50 a day for traveling expenses and that, due to the conditions that exist in Alaska, the actual expenses which necessarily are incurred in travel are very much in excess of the allowance permissible under the law. What in all probability will be the amount that will be charged under the provisions of this bill as actual or necessary expenses?

Mr. WADSWORTH. Not to exceed $7 a day.

Mr. ROBINSON of Arkansas. There is a limitation of $7 a day?

Mr. WADSWORTH. Yes, sir. It is utterly impossible for an officer to travel in Alaska with dog teams on a mileage basis of 8 cents per mile.

Mr. ROBINSON of Arkansas. And, in addition to the expense of procuring teams, the expense of meals and lodging is very much greater than it is in many of the States at least.

Mr. WADSWORTH. Yes; but such expenses must come out of the allowance provided. A similar system is already in force in the foreign possessions of the United States, but the law did not happen to include Alaska.

Mr. ROBINSON of Arkansas. I am interested in knowing what will be the annual increased expenditure on account of this change.

Mr. WADSWORTH. There are three companies of Infantry in Alaska with whom there are only 11 officers. There are something like 175 soldiers of the Signal Corps who are operating the radio and telegraph stations of the Government in Alaska. I hardly suppose there are more than six or eight officers of the Signal Corps there.

Mr. ROBINSON of Arkansas. Then it will be a comparatively small amount.

Mr. WADSWORTH. Very small, indeed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEA RIDGE BATTLE FIELD, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., which had been reported from the Committee on Military Affairs with an amendment in section 4, page 2, line 16, after the words "sum of," to strike out "$3,000" and insert "$1,500," so as to make the bill read:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Pea Ridge, Ark., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Pea Ridge, Ark., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1926.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, or such part thereof as may be necessary, in order to carry out the provisions of this act.

Mr. CARAWAY. Mr. President, I hope the Senate will not agree to that amendment. The bill provides that there shall be an itemized statement of expenses rendered, so that there can be nothing expended except what may be absolutely necessary. The bill passed the House carrying $3,000; that is the usual amount appropriated or authorized for purposes of the kind contemplated by the bill. So I hope the Senate will reject the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee. [Putting the question.] By the sound the noes appear to have it.

Mr. WADSWORTH. Mr. President, has the result been announced?

The PRESIDING OFFICER. It has not been.

Mr. WADSWORTH. Mr. President, just a word of explanation about the purpose of this amendment. There have been a comparatively large number of similar bills introduced and referred to the Committee on Military Affairs. Under the standard form bills of this kind have carried an appropriation of $3,000; but it will be noted that the bill provides for a commission to be composed, first, of an officer of the Engineer Corps of the Army, then a veteran of the Civil War on the Union side, and a veteran of the Civil War on the Confederate side—three men in all—who are to visit this battle field. The engineer officer will take with him all the maps and available data from the War Department descriptive of the battle as it took place.

The only expenses which can possibly be incurred are the traveling expenses of the two civilian members of the commission and the personal expenses of the Engineer Corps officer, if indeed he will not be paid under the item "mileage of the Army" in the Army appropriation bill. The members of the commission can not remain long upon the ground. It is true that we have reported some other bills of a similar nature carrying $3,000, but we thought that $1,500 would be ample to pay the expenses of two men to visit this battle field, for, mind you, their work can not take a long time, because the War Department supplies all the maps and sketches of the ground.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. Yes.

Mr. CARAWAY. The bill provides that there shall be an itemized statement of expenses rendered, and, therefore, nothing can be expended unless it shall be absolutely necessary. There will be no more expended, if the expenses shall not exceed $1,500, under the bill as passed by the House than will be expended if the amendment shall be agreed to. It is the usual amount allowed. The bill provides for the only survey of a battle field in Arkansas. I may add that it is a very remarkable field in many respects, and its history is rather

interesting. I hope, therefore, that the Senator from New York will not insist upon the committee amendment.

If the amendment shall be adopted it will require that the bill go back to the House and be considered in conference. I appeal to the Senator to let the committee amendment be rejected and to allow the bill to pass in the form in which it passed the House.

Mr. WADSWORTH. Mr. President, I have no right to make such an agreement. The Military Affairs Committee voted unanimously on this matter, and decided, in so far as it had the right to decide, to establish the same standard for all bills of like character.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee. [Putting the question.] In the opinion of the Chair, the "ayes" have it.

Mr. CARAWAY. I ask for a division.

On a division, the amendment was agreed to.

Mr. CARAWAY. Mr. President, of course the Senators on the other side may insist upon cutting down the survey in this case. They have passed half a dozen bills of this kind for other fields, in other States, without any such amendment, without even a suggestion of it. If it appeals to them, let them get all the glory they can out of it.

Mr. WADSWORTH. I hope the Senator does not view the action of the committee in that light.

Mr. CARAWAY. There is but one light in which I can view the committee's action.

Mr. WADSWORTH. The committee had no thought of discriminating between one bill and another. This matter came to the attention of the committee. I think this is the second or third bill of the kind we have had this year. We know that a lot more are on the way; and by unanimous vote, after a considerable discussion, the committee made up its mind that for the future it would treat all bills alike and upon this basis. No discrimination was intended against Pea Ridge.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from New York will understand, but I should perhaps explain to the Senate that I myself being a member of the Military Affairs Committee was not present when this bill was considered.

Mr. WADSWORTH. That is true.

Mr. ROBINSON of Arkansas. As stated by the Senator from New York, it has been customary to report these bills, and in every instance heretofore they have carried an appropriation of $3,000. That may or may not be adequate. Of course, if the committee has embarked upon a new policy and proposes to limit the expenditures to the amount of $1,500 for surveys of battle fields, it may be justified; but there is not any occasion for cutting the appropriation for this particular survey. It is rather a remarkable action for the Senate to take.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. COPELAND. Mr. President, if this is a departure from the rule, and this action has not been taken relative to other battle fields, I wish it were possible that the same principle might apply here that has applied in the past. Of course, I am not familiar with what has been done in the past. May I ask my colleague whether the action in this matter is different from the action taken heretofore in regard to other battle fields?

Mr. WADSWORTH. It is; yes.

Mr. COPELAND. May I ask why it is done in this case?

Mr. WADSWORTH. Because the committee believes that $1,500 is plenty. We can not conceive how $3,000 could be spent.

Mr. COPELAND. Have there been bills relating to battle fields before where the same feeling prevailed with the committee?

Mr. WADSWORTH. I am perfectly willing to state that the committee has never given attention to that matter before; but upon this occasion, in examining into it and trying to estimate as best we could what was actually necessary, the members believed that $1,500 would cover the expenses of two men.

Mr. COPELAND. I appeal to my colleague why not begin your reform next time instead of now? If this is going to be the rule, do not begin now and suddenly spring upon the Senate this spirit of economy, which is commendable, of course, and should prevail in the future; but let us not have it prevail now. Let us let this bill go through and then after this let us be good.

Mr. KING. I call for the regular order.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

On a division, the amendment made as in Committee of the Whole was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (H. R. 11511) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, in what particulars does this bill amend the national defense act?

Mr. WADSWORTH. Mr. President, this bill treats three or four questions relating solely to the National Guard. The bill is the result of an agreement reached by the adjutants general of the States, the National Guard Association, the War Department, the House Military Affairs Committee, and the Senate Military Affairs Committee. It does not involve additional expenditures. It straightens out three or four little tangles or uncertainties which have arisen in connection with the administration of the status of the National Guard units or personnel.

For example, the comptroller has ruled that a National Guard officer attending a training school and falling ill at the school, or being so severely injured that he has to go to the school hospital, is no longer in attendance at the training school, and therefore his pay and allowances must all be cut off. That is one of the matters corrected in this bill.

Mr. ROBINSON of Arkansas. Is the bill presented or advocated by the National Guard?

Mr. WADSWORTH. It is.

Mr. ROBINSON of Arkansas. I have no objection to its consideration.

Mr. KING. Mr. President, I notice that the bill deals with the subject of aviation.

Mr. WADSWORTH. Yes.

Mr. KING. And it creates, as I understand the report and the bill, an additional officer. Is that the fact?

Mr. WADSWORTH. Without increasing the total number of authorized officers. It authorizes the detailing or the commissioning of a man who will have charge of the care and upkeep of the Army airplane property of the United States Government in the hands of the National Guard squadrons, so that a responsible, skilled man shall take charge of the airplanes, take care of them, and keep them in condition fit for flying; but that does not operate to increase the number of officers authorized for the National Guard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOHLE-GILBERTSON CO.

The bill (H. R. 6615) for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEOPLES INVESTMENT CO. (INC.)

The bill (S. 3200) to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 9, after the word "range," to strike out "4" and insert "3"; and on page 2, line 11, after the word "acre," to insert: "*Provided*, That the purchase money be paid to the register of the United States district land office in Baton Rouge within 90 days after the passage of this act: *Provided further*, That if the said lands are not shown to be nonmineral, by the Peoples Investment Co., to the satisfaction of the Secretary of the Interior, before the purchase authorized by this act is consummated, the patent herein directed to be issued shall contain a reservation to the United States of all oil and gas deposits in the land, together with the right of the United States, its permittees or lessees, to enter upon, prospect for, mine, and remove such deposits in the manner prescribed by law; and in that event the said company shall have a preference right to a permit to prospect said land for oil or gas pursuant to section 13 of the act entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain,' approved February 25, 1920, which it may exercise by application for such permit within 60 days from date of consummation of the purchase authorized by this act," so as to make the bill read:

Be it enacted, etc., That the Peoples Investment Co. (Inc.), a corporation organized under the laws of the State of Louisiana, be, and it

is hereby, confirmed in all the right, title, and interest now held or possessed by the United States in and to the following lands, now in its occupation, to wit: Lots 3 and 4 and the southwest quarter of the southwest quarter of section 1, township 19 north, range 3 east, Louisiana meridian, Louisiana: *Provided*, That this act shall only be construed to vest in the said Peoples Investment Co. (Inc.) the right, title, and interest in said lands now held and possessed by the United States, and shall not be construed in any way to impair the bona fide rights, interests, or claims acquired by any other person under adverse grants, concessions, or purchases made prior to the passage of this act.

SEC. 2. That a patent be, and the same is hereby, directed to be issued to the said Peoples Investment Co. (Inc.) for the lands described in this act upon payment of $1.25 per acre: *Provided*, That the purchase money be paid to the register of the United States district land office in Baton Rouge within 90 days after the passage of this act: *Provided further*, That if the said lands are not shown to be nonmineral by the Peoples Investment Co., to the satisfaction of the Secretary of the Interior, before the purchase authorized by this act is consummated, the patent herein directed to be issued shall contain a reservation to the United States of all oil and gas deposits in the land, together with the right of the United States, its permittees or lessees, to enter upon, prospect for, mine, and remove such deposits in the manner prescribed by law; and in that event the said company shall have a preference right to a permit to prospect said land for oil or gas pursuant to section 13 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, which it may exercise by application for such permit within 60 days from date of consummation of the purchase authorized by this act.

The amendments were agreed to.

Mr. KING. Mr. President, I wish to inquire, for information, how it is that the Federal Government has lands in Louisiana.

Mr. BROUSSARD. It has no lands there. This bill is merely to correct the description in a title that was erroneous. It was submitted to the Secretary of the Interior, who approved this legislation. Moreover, the committee has added an amendment which protects the United States Government against any discovery of minerals, or anything of that kind, which is perfectly acceptable to the parties, as disclosed by the letter of the Secretary of the Interior, who admits the fact that this bill is merely to correct the description of the property.

Mr. KING. I had no objection. I was just wondering—believing, as I did, that all of the Federal lands in Louisiana were alienated many, many years ago—why the Government was giving a patent now.

Mr. BROUSSARD. The Government gave a patent for a piece of property 6 miles away from this particular property, and therefore there was no title to a certain piece of land, and none to this particular piece.

Mr. KING. Then there has been no patent heretofore issued for this particular piece?

Mr. BROUSSARD. Not for this particular piece. The description was erroneous.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OR USE OF PUBLIC LANDS BY STATES, ETC., FOR RECREATIONAL PURPOSES

The bill (H. R. 10773) to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "administration," to insert "but only after a petition requesting such withdrawal has been signed and filed by the duly constituted authorities of the States or of the county or counties within which the lands are located," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to withhold from all forms of appropriation unreserved nonmineral public lands, which have been classified by him as chiefly valuable for recreational purposes and are not desired for Federal administration, but only after a petition requesting such withdrawal has been signed and filed by the duly constituted authorities of the States or of the county or counties within which the lands are located, and to accept title on behalf of the United States from any States in and to lands granted by Congress to such State, and in exchange therefor to patent to such State an equal quantity or value of surveyed land so withheld and classified, any patent so issued to contain a reservation to the United States of all mineral deposits in the land conveyed and of the right to mine and remove same, under regulations to be established by the Secretary, and a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State for park or recreational purposes, or that such land or any part thereof is being devoted to other use: *Provided*, That lands so withheld and classified may, in the discretion of the Secretary of the Interior, be also held subject to purchase and may be purchased by the State or county in which the lands are situated, or by an adjacent municipality in the same State, at a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized, or be held subject to lease and may be leased to such States, counties, or municipalities for recreational use at a reasonable annual rental for a period of 20 years, with privilege of renewal for a like period. And the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying the provisions of this act into effect.

The amendment was agreed to.

Mr. KING. Mr. President, I have had one or two letters complaining in regard to this bill, and I should like to ask for an explanation. One letter that I received contended that a plan was on foot to have lands upon which a valid mineral location had been made conveyed to some municipality or to some organization for recreational purposes, and they apprehended some contest by the Government growing out of their claim. Is this bill for the purpose of interfering with any rights on the public domain?

Mr. STANFIELD. I can assure the Senator from Utah that nothing of the kind is contemplated. This bill was proposed by Mr. MacNider, of the President's Recreation Conference, and it is to do away with the necessity for special acts to designate camp sites. The Senate committee saw fit to have the bill amended to the effect that such designation should be made only on petition of the counties or States involved. The bill has the approval of the Interior Department, and also of all the different officers.

Mr. KING. I should like to ask the Senator just one question. Suppose land is classified as nonmineral, and is set apart for recreational purposes, and some prospector believes that mineral is there and hazards his time and his means and does discover minerals. Would he be precluded from locating? I ask because this seems to provide that the land may be withheld from mineral location.

Mr. STANFIELD. The bill specifically provides that a classification shall be made, and it is only when the lands are determined to be of more particular value for recreational purposes than for any other purpose that they may be set aside; so if the land is more valuable for mineral than for recreational purposes it would not come within the purview of the act.

Mr. KING. The Senator comes from the West, and he knows that very often the geological surveys are as inaccurate as anything can be. We know that many lands have been classified as mineral when there was absolutely no mineral there except silicon.

Mr. PHIPPS. Mr. President, I desire to call attention to the language beginning on line 18, page 2, of the bill:

subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized—

And so forth. So the mineral rights are reserved.

Mr. STANFIELD. There can not be any question about that.

Mr. KING. No; the point I make seems not to have been apprehended by my friend from Colorado. My point is that land may be classified as nonmineral, and, coming within that classification, upon petition may be designated for recreational purposes.

Some person may be wise or unwise enough to believe that it does contain mineral, and he goes upon the land and attempts to exploit it, and does find mineral. My fear was that this bill would preclude him then from making a mineral location, though he might demonstrate that the land did contain mineral.

Mr. STANFIELD. Mr. President, I would like to call the Senator's attention to line 4, on page 1 of the bill, where the power is given to the Secretary of the Interior—

to withhold from all forms of appropriation unreserved nonmineral public lands.

Mr. KING. I am not complaining about that, but my point is that if the Secretary has made a reservation of lands upon the theory that they are nonmineral, as is often done, and somebody does discover mineral upon those lands. In such a

case I think the man discovering the minerals ought to have an opportunity to locate the land.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. PHIPPS. While I have not made a special study of this bill, as I read it I think the right to prospectors to go in and make their discoveries on these lands set aside for recreational purposes would be exactly the same as a person now possesses in regard to park lands and forest lands.

Mr. KING. If the Senator's interpretation of the law is correct, then, of course, the point I am making would have no foundation. I have never seen the bill before, and I am not sure as to that; but I do think that if lands are reserved because they are alleged to be nonmineral, and minerals are subsequently discovered, the person discovering the minerals ought to have the right of location. If the Geological Survey or the Interior Department were absolutely accurate in their determination as to the mineral or nonmineral character of lands, then my apprehensions would be groundless.

It is, of course, not to be expected that mistakes will not be made. Often lands are classified as mineral when they are nonmineral, and vice versa. All I want is to secure some protection, in order that land which may be classified as nonmineral, and hence set apart for recreational purposes, may not forever be withdrawn from prospectors, or from any effort to discover whether they contain minerals or not.

Mr. TRAMMELL. Mr. President, I want to suggest an amendment on page 3, line 3, following the word "Effect." I desire to offer as an amendment the following additional proviso:

Provided further, That the Secretary of the Interior shall for each year make a report to Congress giving in detail a list of lands exchanged under the provisions of this act.

This bill would grant quite an authority to the Secretary of the Interior, authorizing him to reserve these lands at his will, and under his discretion, and make exchanges of Government lands. I think that Congress, representing the people who own these public lands, should have some information as to what is going on. That is the reason why I propose the amendment, which requires that for each year the Secretary of the Interior shall make a report to Congress showing in detail the lands which have been exchanged under the provisions of this act.

Mr. STANFIELD. I can see no objection to the amendment.

The PRESIDING OFFICER. The Clerk will report the amendment proposed by the Senator from Florida.

The CHIEF CLERK. On page 3, line 3, after the word "affect," and before the period, insert a colon and the words, "*Provided further*, That the Secretary of the Interior shall for each year make a report to Congress giving in detail a list of lands exchanged under the provisions of this act."

Mr. STANFIELD. I have no objection to the amendment; and I think it is in keeping with due diligence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CAPT. JOSEPH L. RAHM

The bill (H. R. 7429) for the relief of Joseph L. Rahm, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like to have an explanation of that bill. I would like to know whether it is an effort to give a retiring status to reserve officers.

Mr. GEORGE. Mr. President, I made the report on this bill, and I would like to state to the Senator from Utah and to the Senate the facts regarding it.

Captain Rahm was a captain in the Dental Corps of the Army. He served in France, and in 1919 he went as a volunteer with the north Russian expedition. He was there subjected to some very severe treatment, living in a box car, where he had his dental office, and sleeping in the box car on the North Russian Railway, and he claimed to have been severely injured. There is considerable evidence tending to show that he did receive injuries.

When Captain Rahm came back to the States, after his service had expired with the north Russian expedition, and in June, 1922, Congress passed the act which required the letting out of so many officers in order to get rid of the surplus or excess officers of the Army. At that time he asked to be retired because he was incapacitated to perform service as an officer and soldier. He demanded that a retiring board be convened, and that that retiring board pass upon his ability to longer continue in the Army.

The Secretary of War did not appoint the retiring board, as Captain Rahm requested, but sent him to a base hospital in Nevada or Colorado, and after a certain period of observation the hospital authorities said that he was physically capacitated to perform service in line of duty and refused to convene the retiring board. Subsequently, in December, 1922, Captain Rahm was honorably discharged with one year's pay, under the act of June 30, 1922, not for inefficiency but because he was one of those officers who was found to be less efficient than the whole number of officers.

This bill simply authorizes the convening of a retiring board to pass upon Captain Rahm's claim, and if he is found to be incapacitated for duty, to specify, as the law provides, the cause of his incapacity, and whether or not that incapacity was an incident of his service.

This case presents peculiar features. It is very closely akin to a case recently passed on by the Congress and dealt with by the President in his veto; but it is peculiar in this respect: Here is an officer of the Army of the United States who claimed to be incapacitated. He asked for a retiring board to pass upon his claim. He was denied that, but after a period of observation, and then subsequently—at the end of the same year, in fact—he was retired under the act which arbitrarily cut down the number of officers in the Army, not because he was incapable of performing his duties but because he was less efficient than some other officers and therefore fell within that number of officers who were let out of the Army.

The Committee on Military Affairs recommended the passage of this bill, which is a House bill. It recommended the bill favorably upon this theory, that when this Army officer demanded the convening of the retiring board, under the general law, to then pass upon his physical ability to perform service as an officer in the Army, he was entitled to that, and they could not subsequently let him out of the Army because he was found to be less efficient than other officers.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. GEORGE. Certainly.

Mr. KING. I understand the purpose of the officer was to retire, and that subsequently he did retire from the Army.

Mr. GEORGE. He was honorably discharged with one year's pay, under the act of June 30, 1922, whereas before he was retired, he had asked for a retiring board, standing upon the general law, claiming he was incapable to longer perform his services as an officer.

Mr. KING. Then, it was obvious that he did want to retire, but wanted to retire because of the ruling of a retiring board, which he asked be appointed, that he was incapacitated for further service.

Mr. GEORGE. The retiring board did not so hold.

Mr. KING. He asked that.

Mr. GEORGE. Yes; he asked it.

Mr. KING. Suppose his request had been granted, and he had been ordered to be retired because of physical disability, would he have received retirement pay?

Mr. GEORGE. That is the point. He would have received his retirement pay because of his honorable discharge for incapacity incident to his service.

Mr. KING. He was a reserve officer?

Mr. GEORGE. No; he was in the Regular Army. He served in the Army here, he served in France, and after the armistice he volunteered for still further service, and went with the North Russian expedition. He performed very arduous service, I will say to the Senator. There was no question but that substantial grounds existed upon which this officer, who went into the service with full knowledge of the general laws applicable to the Army, could ask for his retirement by a retiring board. The authorities did not see fit to convene a retiring board, as he asked, but after a period of observation the officials in the hospital to which he was sent said he was not incapacitated, and sent him back to active service and thereafter he was cut off by the operation of the law of June 30, 1922.

Mr. KING. Let me ask the Senator if the Army officials violated the law in denying this officer the right to appear before the retiring board.

Mr. GEORGE. In my opinion they did. I think he had a clear legal right on the day when his actual disability occurred to demand that the board be reconvened and that privilege the Army failed to give him. They might have been justified in doing that. The bill merely gives him the chance to go before the retiring board.

Mr. KING. Does it not go further, and provide, in effect, if they find that at the time he ought to have been retired, an order shall be entered nunc pro tunc, so to speak, retiring him with all the advantages which would have accrued?

Mr. GEORGE. Not nunc pro tunc, but that an order shall be entered retiring him with exactly the advantages he would have had if the retiring board had found, when he asked for it, that he was incapacitated for active duty. But it is provided in the bill that no back retired pay shall be allowed.

Mr. KING. May I ask the Senator from New York a question? I do not want to take the Senator from Georgia off the floor.

Mr. GEORGE. I have no interest in the bill, but it seems to me one of those clear cases where an officer has been denied a right which I think is a vested right.

Mr. KING. If I may have the attention of the Senator from New York, with whom I agree so often in regard to these retirement cases, I would like to ask if he is familiar with this case, and if it is in harmony with former actions of the committee or is violative of the rule established by the committee or the War Department?

Mr. WADSWORTH. Mr. President, this is one of two or three very exceptional cases where the Committee on Military Affairs has come to the conclusion that there is real ground for relief, because the officer's health was ruined before he was discharged from the Army under the act of June 30, 1922.

The Senator will recollect that when we reduced the number of regular officers, in 1922, we provided that those who had had less than 10 years' service and were discharged to accomplish the reduction should be discharged with one year's pay, and that those who had had more than 10 years' service should be retired upon a graded system.

This man had had a little less than 10 years' service. He had had very hard service. His health was cracked. That is perfectly apparent, to us at least. There was a difference of opinion among some medical people of the Army about the case, with the result that the officer's request to be ordered before an examining board, to ascertain whether his health was ruined to the extent that he could not perform active service, was denied. His health has been a wreck ever since, and there is strong reason to believe that it was due to the service and that he was in that condition when he was discharged with one year's pay. I think it is one of two or three cases in the last five or six years.

Mr. KING. The Senator knows that a great many officers, when the Army was reduced in number, were of course let out of the service automatically. Would this be a precedent by which some of those officers might apply for a reopening of their cases to contend that they received disabilities while in the service of the Government and that they ought now to be retired as Army officers and with retirement privileges?

Mr. WADSWORTH. It could not be accepted as a successful precedent if the Committee on Military Affairs of the Senate continues its present practice. We have turned down about 10 to 1 of these cases. This, I think, is the second or third of the kind in four years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA STRICKLAND

The bill (H. R. 10109) for the relief of Virginia Strickland was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The Senator from Utah asks that the bill go over, and it will be passed over.

J. W. BRAXTON

The bill (S. 2521) for the relief of J. W. Braxton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. W. Braxton, of Marianna, Fla., out of any money in the Treasury not otherwise appropriated, the sum of $1,302.65.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LILLIE F. EVANS

The bill (S. 1818) for the relief of Lillie F. Evans, was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment in line 5, to strike out "$28,197" and insert in lieu thereof "$7,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby directed to pay to Lillie F. Evans, of Atlanta, Ga., the sum of $7,500 in payment of her claim growing out of the death of her husband, Walter L. Evans, accidentally killed on April 24, 1924, by a bullet fired by the United States Army during target practice on the Rose Dhu Rifle Range near Savannah, Ga.

Mr. KING. Mr. President, in a number of these cases where it is alleged that some person in the employ of the Government committed a tort resulting in the death of some one we have allowed $2,500, and the largest amount that I recall has been $5,000. I wonder why the sum of $7,500 is fixed in this case? In many States the maximum allowance under the compensation act is $5,000.

Mr. GEORGE. But this is not the case of an employee. This man was a civilian who was killed by the United States Army, the Eighth Infantry, while at target practice.

Mr. KING. No; the Senator does not understand my statement. We have had a number of cases where it was alleged that a tort had been committed by some employee of the Government or by some soldier.

Mr. GEORGE. I thought the Senator was referring to an employee.

Mr. KING. No; I was referring to the question of damages. In many of these cases $2,500 has been allowed, and the most that has been allowed in recent years has been $5,000. The Senator knows that in many States the compensation act fixes $5,000 as the maximum, and that it is payable in installments.

Mr. GEORGE. That is quite true. Of course, the amount of the claim is absolutely within the discretion of the Congress, and the amount to be fixed is within the discretion of the Claims Committee.

Mr. KING. I think the Senator had better make the amount $5,000. It is the maximum we have allowed.

Mr. GEORGE. In this case the man was only 40 years old and left a widow with two little children, 9 and 5 years of age. The family is in destitute circumstances. Among others the Associated Charities of the city of Atlanta brought the case to my attention. The bill will have to go to the House, of course.

Mr. KING. Let me say to the Senator that a number of bills have been reported by the same committee during this session of Congress and the last session, fixing $5,000 as the amount to be paid.

Mr. WALSH. Mr. President, I find it difficult to understand the objection of the Senator from Utah to the bill. The soldiers of the Army killed this man, and it does seem to me that $7,500 is a pittance to offer to the family thus bereft.

Mr. KING. There would be no legal liability against the Government. It is simply a matter of grace.

Mr. WALSH. I agree that there is no legal liability, but I submit to the Senator that there is a powerful moral obligation to make these people whole.

Mr. KING. I made the suggestion to the Senator, because I am afraid we are establishing a bad precedent.

Mr. WALSH. These people stand upon an entirely different footing from the man who is injured in the employ of the Government, because, of course, he takes the risks of the service, or would have done so in the absence of a statute which as a matter of grace gives him compensation.

Mr. COPELAND. Mr. President, it is unthinkable that we should give less than $7,500 in this case. I really regret that the committee did not report a larger sum in view of the circumstances.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF AGRICULTURAL CREDITS ACT

The bill (S. 4191) to amend the agricultural credits act of 1923 was announced as next in order.

Mr. WILLIS. Mr. President, unless there is some member of the Committee on Banking and Currency present to explain the bill, I think it ought not to be passed without attention being called to what it is. It is to be observed that it adds to the existing statute the words "or on agricultural crops being grown for market." Under the existing law loans can be made to the specified corporations secured at the time of discount or purchase for acceptance by warehouse receipts securing title to nonperishable and readily marketable agricultural products, or by chattel mortgage on agricultural products. The bill proposes to add "or on agricultural crops being grown for market." I do not desire to object to the bill, but it seems to me that that is rather a questionable basis.

Mr. WADSWORTH. Let the bill go over.

Mr. WILLIS. The Senator from New York objects.

Mr. WADSWORTH. The Senator from Ohio convinced me that I should object.

The PRESIDING OFFICER. The bill will be passed over.

LINCOLN COUNTY, OREG.

The bill (S. 741) for the relief of Lincoln County, Oreg., was announced as next in order.

Mr. KING. Let the bill go over.

Mr. STANFIELD. Mr. President——

Mr. KING. This is the matter we heard so much about in the McCamant case?

Mr. STANFIELD. This is the same case. I hope the Senator will withhold his objection. If there is anything he is in doubt about, I shall be glad to answer any question.

Mr. KING. There are a great many things I am in doubt about. I think there is no liability at all.

Mr. CARAWAY. Mr. President, will the Senator yield to me a moment?

Mr. KING. Certainly.

Mr. CARAWAY. Did the Senator object to the consideration of the bill?

Mr. KING. Yes; I objected.

Mr. CARAWAY. I would like to say to the Senator that the matter was submitted to me, and I had it quite a long while for investigation. These are the facts. The Government, through the Spruce Corporation, took over a large number of acres of land in Lincoln County, Oreg., about the close of the war. It built upon the lands a railroad, a mill, and other valuable improvements.

Mr. KING. Private lands?

Mr. CARAWAY. They were private lands and subject to taxation. At the close of the war the department sold the lands to a private corporation with the provision that title should remain in the Spruce Corporation for 10 years, during which time the company was to cut off the timber and pay for the land. By that arrangement the lands and all the improvements were exempted from taxation.

Lincoln County is a county of restricted resources. In addition to the ordinary expenses of government, it has impressed upon it improvement bonds issued for the purpose of improving the harbor. Practically the sole use of the harbor, for which the assets, the real estate, of Lincoln County are taxed, is the use that this corporation, which pays not a cent of the taxes, makes of it. Without question the Government realized through the Spruce Corporation more for the lands by reason of the fact that they were exempt during all this period of 10 years, in which time it expected to deplete or nearly deplete the timber on the land. Lincoln County has to pay and keep up the ordinary expenses of government and in addition pay these bonds to improve the harbor, and yet all this property is exempt from taxation.

I reached the conclusion, and the committee accepted it—the Senator from Oregon was kind enough to do it—that while possibly it would not be equitable to require that the improvements which the Spruce Corporation, which was really the Government, made upon the land should be included in the assets to be taxed, because they were improvements that were made with public money, at least it was nothing but fair that the real estate, the actual assets upon which rested the burden of taxation to support the county and pay these bonds, should bear its part and its fair part of the expenses of the county government in the payment of the bonds. Therefore the committee reached the conclusion that whatever would have been the resources realized from these lands, without any reference to the improvements made upon them by the Government and not taking them into consideration, but taking the lands in their raw state, as when the Government took them, ought to be paid to Lincoln County.

Mr. STANFIELD. There is no question but what the Government has already received the money.

Mr. CARAWAY. It has, in the enhanced value which it received for the land. It seems to me it is unthinkable that the Government should have made the contract, in the first place, taking over the land by right of eminent domain—I will not say that, because it purchased the land, but it could have taken it that way. It took it off the tax books and kept it off while it kept the land and then transferred the title subject to the condition that the title should remain in the Government for 10 years while the timber should be cut off.

Here in the District of Columbia we annually appropriate from the Federal Treasury large sums of money under the theory, at least in part, that a good large percentage of the value of the lands in the District of Columbia is taken off the tax books and therefore the Government ought to make some kind of a contribution. Here is a county of limited resources, a very large part of its lands taken off the tax books and sold to a private individual, but under such a contract that they can not get the land back on the tax books. The county government is compelled to keep up the county government, and a part of the property is barred from taxation in this way. They had to build a new road and to pay the bonds that were issued for improving a harbor used almost exclusively by this company.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CARAWAY. Certainly.

Mr. KING. Does the Senator see any analogy between the case to which he has just referred and a case of this kind: In the West there are mineral lands. Individuals go upon those lands and make mineral locations. They may not obtain title for many years, 5, 10, or 20 years. So long as the title is in the Government the land itself is not taxed, in most States, at least—I know that is true in my State—while the improvements may be taxed, and yet some of those properties are exceedingly valuable. No title passes from the Government. Does the Senator think that the Government of the United States ought to pay taxes upon those mineral lands which so many people in the West have? They have an equitable title, which, of course, ripens into a legal title when the patent issues.

Mr. CARAWAY. The difference is that the title to that land never was in private ownership and never was on the tax books and the county never had realized anything from it. The county had not burdened itself with certain obligations with a view of letting that land carry a part of the expense. In this case, however, the land was in private ownership. The Government took it over and I think made a most unconscionable contract. It transferred this land to private ownership in such a way that for 10 years they do not pay a cent of taxes. In the meantime, however, they cut and marketed practically all of the timber, while private individuals were compelled to maintain the county government and pay the expenses thereof. It is altogether different from the case cited by the Senator from Utah. Whenever the Government permits an entry on public land, so far as my State is concerned, we put the lands on the tax books. All land goes on the tax books whenever the claimant makes his entry.

Mr. KING. The Government acquired during the war, as the Senator from Arkansas knows, in Georgia, in Maryland, and in many other States large areas of land, tens of thousands and perhaps hundreds of thousands of acres in the aggregate. It would seem to me that we might be establishing rather a dangerous precedent if we should now announce that the Government when it acquires from private persons and subsequently enters into a contract to sell—and perhaps does not receive payment for a long period of years—runs the risk of having to pay the taxes to the State or States in which the land is situated.

Mr. CARAWAY. Mr. President, I will venture the assertion that never before in the history of this Government did it ever make a contract like this. It is a contract most repulsive to all sense of justice, and it entered very largely into the McCamant case which was considered by the Senate some time ago.

Mr. SWANSON. Mr. President, if the Senator will permit me to interrupt him, as I understand this case the Government sold the land in question at a high price, partly, at least, because it would not be subject to taxation for a long period. Under the contract entered into, it deprived the treasury of the State or of the county of taxes which it should have received. In effect, it seems to me, it was a violation of the comity which should exist between the Federal Government and the States, for when the Government engages in a transaction and by a system of legerdemain or an improper contract deprives a State of the right of taxation, it is infringing on the rights of such State.

Mr. CARAWAY. There has never been a case similar to this in the history of the Government. It is enough to shock anybody.

Mr. STANFIELD. Mr. President, the Government accepted notes in payment for this land, and the contract in this case is simply a mortgage. The Supreme Court, however, has ruled, and perhaps properly so, that it is not technically a mortgage, and therefore the property is exempt from taxation. The officer from the War Department who handled this sale came to my office and told me that the department was making these contracts for the purpose of securing the largest possible price and return to the Government, and he said that the United States Spruce Production Corporation was going to show a profit to the Federal Government of some $20,000,000. However, it is done in this case by defrauding the State and by defrauding the county of over a third of the taxable wealth of the county. It is one of the most unconscionable transactions with which I have ever come in contact so far as governmental activity is concerned.

Mr. McNARY. Mr. President, following what has been said by my colleague, I desire to say that the district court

of Portland held it was a constitutional sale where title was reserved to the Government, and therefore the property was not subject to taxation. That is the legal status of this contract.

In a word, Mr. President, I want to add to what the Senator from Arkansas [Mr. CARAWAY] has said, that when this property was taken from the tax rolls it was paying one-third of the taxes of the county of Lincoln, which had sold bonds to a large extent, up to 6 per cent of its aggregate wealth, for the purpose of deepening the harbor that led to the markets of the world and to the Pacific Ocean.

I can not conceive that a similar case occurred in the history of the World War. The county is practically bankrupt. The Government took from the tax rolls this land containing the largest and finest stand of spruce timber in America. The remainder of the property in the county, namely, two-thirds in private ownership, was compelled to pay the county's share of the cost of the administration of the State and also all the county and local taxation and to pay the bonds that were sold to deepen the harbor at Yaquina Bay.

Mr. WALSH. Will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. WALSH. My recollection is that this contract continues in force until 1932, and it may possibly be extended beyond that time. If liability is acknowledged by the passage of this act, as a matter of course, we shall have to make similar provisions for each successive year until——

Mr. McNARY. Until the property shall have been returned to private ownership.

Mr. WALSH. Until the property shall have been returned to private ownership.

Mr. McNARY. Entirely so.

Mr. KING. Let me ask the Senator, does he contend that the Government for an indefinite period because it owns the lands must pay taxes on the property?

Mr. McNARY. As stated by the distinguished Senator from Montana [Mr. WALSH], the contract expires in 1932, when it is expected that the company now holding this conditional contract of sale will acquire fee simple title and the property will thereby become subject to taxation.

Mr. WALSH. Mr. President, let me inquire of the Senator if it is not also expected that they will have skinned all the timber off by that time?

Mr. McNARY. Quite so.

Mr. WALSH. So that the property will then be valueless for purposes of taxation.

Mr. McNARY. It will be relatively so, so far as the county is concerned. That still further accentuates the injustice done this county and shows why the Government is under obligation to pay the county for the taxes that the county would have received had this land remained in private ownership.

Mr. KING. Let me ask the Senator a further question. I apprehend that the property is becoming less valuable because of the cutting of the timber?

Mr. McNARY. Quite so.

Mr. KING. This bill, as I understand, seeks to fix the same standard of valuation as was fixed when the timber was there?

Mr. McNARY. Not at all. It is fixed upon its present taxable value, which is becoming less, and hence the taxes due the county from the Government will be less year by year.

Mr. KING. Mr. President, I regard this as very dangerous, very unwise, and very imprudent legislation. I think it will be a precedent that will be most unfortunate.

Mr. WALSH. Mr. President, let me inquire of the Senator if the imprudence was not in the making of the contract?

Mr. KING. On the part of whom?

Mr. WALSH. On the part of the Government of the United States.

Mr. KING. I am not so sure that there was imprudence on the part of the Government; but I was going to say that while I shall not object to the consideration of the bill I regard the measure as very unwise and as one which is unfair to the Government. It simply means that the Government if it makes a contract to sell property and that contract extends over a number of years may be subjected, if it retains title, to taxation, upon the theory that if the Government has a large amount of property in a given locality it ought to alienate it at once instead of reserving the title. I believe, as I have said, that it is very improvident, very unwise legislation, and I shall vote against the bill.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon has the floor. Does he yield to the Senator from Arkansas?

Mr. McNARY. I yield.

Mr. ROBINSON of Arkansas. I merely want to say that I hope this bill shall become a precedent, and that it will have the effect of preventing the agents of the Government from repeating transactions such as this or making similar contracts in the future.

Mr. WALSH and Mr. BRATTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Montana.

Mr. WALSH. Mr. President, the Government can protect itself very easily by making the purchaser pay annually the amount of taxes which would be assessable against the property were it held in private ownership. That is what ought to have been done in this particular case. The Government should have provided that the private corporation, in addition to paying the purchase price to the Government of the United States until the property actually went into private ownership, should pay the appropriate amount of taxes to the State government. If the Government of the United States owns other pieces of property and sells them upon similar terms, that is what ought to be done.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 741) for the relief of Lincoln County, Oreg., which had been reported from the Committee on Claims with amendments, in section 1, page 1, line 4, after the word "Oregon," to strike out "the sum of $188,641.84"; in line 6, after the word "appropriated," to strike out "such sum being the" and insert "a sum of money equal to the"; in line 10, after the word "corporation," to insert "exclusive of improvements made thereon by the United States, United States Spruce Corporation, or any other agent of the United States"; and on page 2, line 6, before the word "taxes," to insert the word "such," so as to make the section read:

That the Secretary of the Treasury is authorized and directed to pay to Lincoln County, Oreg., out of any money in the Treasury not otherwise appropriated, a sum of money equal to the amount Lincoln County would have received as taxes for the years 1919, 1920, 1921, and 1922 from the United States Spruce Production Corporation if the real and personal property of such corporation, exclusive of improvements made thereon by the United States, United States Spruce Corporation, or any other agent of the United States, were taxable as property privately owned. The sum shall be in full satisfaction of all claims of Lincoln County against the corporation, or any real or personal property thereof, or against the United States in respect of such corporation or property for such taxes for such years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAVES OF THE OATMAN FAMILY IN ARIZONA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3875) to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution, which had been reported from the Committee on Public Lands and Surveys with an amendment on page 1, line 8, after the word "family," to insert: ", and to make whatever supplemental survey is necessary to secure the definite location, identification, and description of the tract to be conveyed: *Provided*, That in the event the supplemental survey establishes that the tract upon which are situated the graves of the Oatman family is no longer a part of the public domain, the Secretary of the Interior shall take no further action in the matter. If it is found by the supplemental survey that the tract in question is subject to prior existing rights, the patent to be issued hereunder shall recite a reservation of such prior rights," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue patent in fee to the National Society of the Daughters of the American Revolution for 1 acre of land in section 11, township 5 south, range 9 west, Gila and Salt River base and meridian, Arizona, upon which are situated the graves of the Oatman family, and to make whatever supplemental survey is necessary to secure the definite location, identification, and description of the tract to be conveyed: *Provided*, That in the event the supplemental survey establishes that the tract upon which are situated the graves of the Oatman family is no longer a part of the public domain, the Secretary of the Interior shall take no further action in the matter. If it is found by the supplemental survey that the tract in question is subject to prior existing rights, the patent to be issued hereunder shall recite a reservation of such prior rights.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF SHAWNEE INDIANS

The bill (S. 2113) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians proclaimed October 14, 1868, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. President, I notice that there is a report here showing that this bill is in conflict with the financial program of the President. We owe these Indians, apparently, something like $400,000, but it is contrary to the financial policy of the President to pay the amount. I do not think that that is a very good objection to this bill; but it appears that the claim was established away back in 1874 and has been the subject of repeated consideration by the Congress of the United States. I do not think that we ought to consider it to-night. I object to the consideration of the bill.

Mr. HARRELD. I hope the Senator will withhold his objection for a moment.

Mr. WALSH. Very well.

Mr. HARRELD. I should like to make a statement concerning the bill. This claim involves a considerable sum of money, and for that reason it has been passed over from time to time and has not become a law. This, however, is one of those cases that marks Uncle Sam as the most dishonest debtor in the world. Both the committee of the House and the Senate have been constrained to insist upon the payment of this claim to these Indians.

It is true the claim is 52 years old. That period of time has elapsed since the Government agent first reported it to Congress and recommended payment. It arose really during the Civil War. Before the Civil War there were located in southeast Kansas this band of Shawnee Indians and the Senecas and the Delawares, with whom in 1854 the Government made a treaty in which it agreed to protect them against the depredations of citizens of the United States. The Civil War came on. They were located where they were the prey of the Quantrell band of guerillas and to every other kind of guerilla warfare this country has ever known.

During that time they were a peaceful people. They were farmers; but their crops were absolutely taken away from them; their cattle were taken away and destroyed and used by those who were engaged in this guerilla warfare. The Government, after the war was over, recognizing that it was under treaty obligations to protect these Indians against such depredations, sent two men as a commission to investigate and determine what particular individuals of these tribes were entitled to be recompensed for losses on this account. That commission went there and submitted a detailed report, setting out exactly what persons were entitled to receive compensation and the amount to which each person was entitled, aggregating the sum of $463,000. That was in 1874, and this bill has been pending here since. Several times it has been reported out by committees of the Senate and of the House, but in some way, somehow, it has always been blocked and never passed. Secretary of the Interior after Secretary of the Interior has reported favorably upon this bill and it has been constantly before the Senate and the House ever since that time. It is one of those cases, as I have said, which marks Uncle Sam as the most disreputable and dishonest debtor in the world.

It is really a disgrace to this Nation that anything of this sort should be allowed. I am not going to insist on it this evening, but I do think this bill ought to be passed.

Mr. KING. I call for the regular order.

Mr. HARRELD. If there is no objection made, however——

Mr. WALSH. Mr. President, I feel impelled to make the objection for the very reason that the Senator states. It is 52 years since the commission reported that the Government owed this money, but the matter has been considered by repeated Congresses; and certainly we ought at this time to inquire into it with more care than we can give it at this session.

Mr. HARRELD. It never has been up on the floor. It was always killed before it got up for consideration. That is where the trouble comes. I wish to serve notice that when we get on the calendar under Rule VIII, I am going to move to take up this bill.

CAPITAL PAPER CO.

The bill (S. 3064) for the relief of the Capital Paper Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the Capital Paper Co., of Indianapolis, Ind., $706.87, out of any money in the Treasury not otherwise appropriated, this amount having been collected in excess on certain wrapping paper imported through the port of Indianapolis, Ind., November 12, 1924, the correct rate of duty being 30 per cent ad valorem under paragraph 1309 of the tariff act of 1922 and the amount collected being 3 cents per pound and 15 per cent ad valorem under paragraph 1305 of the said act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4224) to amend Title II of an act approved February 23, 1925 (43 Stat. 1053), regulating postal rates, and for other purposes, was announced as next in order.

Mr. KING. I think that is a rather important bill.

Mr. PHIPPS. Mr. President, this bill could not properly be considered under the five-minute rule; but I should like to call attention to the fact that while there is no report in the files here with the bill itself, Document 109, which has just come from the printer, includes the minority as well as the majority reports upon this bill; so that those reports are now available for the use of the Members.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

REDUCTION OF DISTRICT GARBAGE

The bill (H. R. 7286) to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIVERSARY OF INDEPENDENCE OF VERMONT AND BATTLE OF BENNINGTON

The joint resolution (H. J. Res. 176) establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOUNT RAINIER NATIONAL PARK

The bill (H. R. 10126) to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I ask the Senator from Oregon or the Senator from Washington if this bill meets the approval of the junior Senator from Washington [Mr. DILL]?

The PRESIDING OFFICER (Mr. JONES of Washingon in the chair). It does. The junior Senator from Washington reported it.

Mr. KING. There was a matter of controversy, the Chair will remember, in this connection.

The PRESIDING OFFICER. Yes. That was over another matter.

Mr. TRAMMELL. Mr. President, I desire to ask a question in regard to this bill. Does it contemplate the donation of any additional lands?

The PRESIDING OFFICER. Oh, no; it simply adds to the national park.

Mr. TRAMMELL. It redistricts it?

Mr. NORBECK. And adds a very slight acreage.

Mr. TRAMMELL. I just wish to know if it carries with it a contribution of public lands for the park. That is the inquiry I am making.

Mr. NORBECK. It does not.

Mr. TRAMMELL. It is just changing boundaries?

Mr. NORBECK. Yes; it makes slight changes to conform to the natural conditions of the surrounding country.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF NAVAL CAPTAINS, COMMANDERS, AND LIEUTENANT COMMANDERS

The bill (S. 4130) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy, was announced as next in order.

Mr. KING. Let that go over.

Mr. HALE. Mr. President, do I understand that there was objection to the consideration of Senate bill 4130?

The PRESIDING OFFICER. The Senator from Utah [Mr. KING] asked that it go over.

Mr. HALE. Will the Senator listen to me while I explain what the bill is?

Mr. KING. I will.

Mr. HALE. Mr. President, in the first place, a bill similar to this has passed the House—House bill 11355. That bill is now on the calendar as Order of Business 857; and I move that that bill be substituted for this one. It is the same bill. That will not prevent the Senator's objecting, if he wishes to do so.

The PRESIDING OFFICER. The Senator from Maine asks that House bill 11355 be substituted for Senate bill 4130. Does the Senator desire that Senate bill 4130 be indefinitely postponed?

Mr. HALE. I do.

The PRESIDING OFFICER. Without objection, that will be done, and the House bill will be substituted for the Senate bill.

Mr. KING. Now my objection is pending to the consideration of the House bill.

Mr. HALE. And I will explain to the Senator what the bill does.

Mr. KING. Yes.

Mr. HALE. There is at the present time before the House of Representatives a bill known as the Britten bill, which makes some very radical changes in the promotion of line officers in the Navy. That bill has been for two weeks before that committee, and there is considerable discussion on the bill. It is not probable that it will pass at this session of Congress. The Naval Affairs Committee of the House has reported the bill which we have under consideration and which takes up one of the features of the Britten bill. The feature which it takes up is the question of the retirement of lieutenant commanders, commanders, and captains of the Navy who have not been selected up for promotion.

Mr. KING. It does not cover reserve officers?

Mr. HALE. No; it has nothing to do with reserve officers. It refers to regular promotions in the line.

At the present time lieutenant commanders when they have reached the age of 45 years, commanders when they have reached the age of 50 years, and captains when they have reached the age of 56 years, if they have not been selected up for promotion, automatically retire and get as retired pay 2½ per cent for each year of commissioned service that they have had. This system has worked out a certain amount of injustice in the Navy. There is a latitude of about three to four years in the age at which a man may enter the service at Annapolis. Some men enter at 16 and some enter up to the age of 20. In certain cases those who enter at the age of 20 do not get far enough in the line of promotion for selection before they have to retire on account of age, and it was felt by the House committee and by our committee that that is not a fair thing.

Mr. KING. If the Senator will yield, that would simply mean that there are too many officers ahead of them in the line.

Mr. HALE. No; I do not think that would affect it.

Mr. KING. That would be the effect of it, because if they were competent to remain as officers, it would seem that there would be some promotions above captain or commander if there were vacancies; and if there are no vacancies above, it would be because there are too many officers.

Mr. HALE. There are no vacancies above because men are appointed captains and admirals, and live until they have to go out at the age of 64 years. That can not be regulated. What this bill as it came over from the House does is to take away retirement at 45, 50, and 56 years of age, and provide instead that these officers shall retire when they have had 21, 28, and 35 years of commissioned service. It will take care of some of these older men who have come up, but have had no chance for promotion; but at the same time it will work a hardship on others who have expected to stay in the Navy until they reached the age of 45, 50, and 56 years in their respective grades.

Our Committee on Naval Affairs of the Senate therefore have put in the words in line 5 of page 2 of the bill, "attainment of such age and the," and then, in line 7, have stricken out the words "without regard to age under the conditions specified in said act." The effect of the committee amendment is to allow all officers of the rank of lieutenant commander, commander, and captain, who under the present law would be eligible for promotion up to the ages of 45, 50, and 56 years, respectively, to remain in the service, as they now have the right to do, until they shall have reached such ages.

In other words, the amended bill will allow all such officers to remain in the service as permitted under the present law and in addition where their commissioned service has not reached 21, 28, and 35 years, to continue in the Navy until such period of service shall have been reached. It will affect a very few officers either way, but the committee have felt that this solved the matter in a fair way.

Mr. KING. Mr. President, with the increase in the number of naval officers, if we do have an increase—and there is some talk of increasing the number of appointees for Annapolis each year—it would mean, if this bill relates only to the present, that we would have the same problems in the future, with increasing difficulties, because of the increased number of officers.

Mr. HALE. It is claimed that if we put a time-in-grade instead of an age-in-grade limitation, more men will be taken care of fairly under it.

Mr. KING. Then it is really to permit naval officers to remain in office when under the present law they would be retired?

Mr. HALE. It does not increase the expense to the Government in any way. It simply means that these officers stay in, and others do not take their places until they retire or are promoted; so it makes no difference in the pay.

Mr. KING. It permits them to remain longer and reach a higher station where they can retire with greater pay.

Mr. HALE. Yes. These men have not had a fair chance to come up for promotion. While all others who have not reached the age limit after they have been four years in a grade and have had two years' sea service are eligible for promotion under the present law, in case of a man who is far down the line, he will not be reached, because the authorities do not like to pass over other officers to come to him. That means that he gets no chance for promotion.

I may say that this bill is not permanent legislation. It provides that it shall take effect only until March 5, 1929, by which time it is assumed that the law will be definitely fixed.

Mr. BROUSSARD obtained the floor.

Mr. HOWELL. Mr. President, I should like to ask the Senator if the effect of this bill is not to increase the length of time that a captain will remain in the service?

Mr. HALE. I think it will work on an average an increase of about one year that an officer remains in the service as a captain.

Mr. HOWELL. Under present conditions, considering the age at which a person enters the Naval Academy and graduates, it would increase the service of a captain three years?

Mr. HALE. I think one year.

Mr. HOWELL. In other words, under this bill a captain could remain in the service until he is 59 years of age.

Mr. HALE. That is true in individual cases. I was speaking of the average, which would be one year more for a captain.

Mr. HOWELL. As I understand, the purpose of certain legislation heretofore has been to decrease the period of service, so that a man could reach captaincy at a reasonable age.

Mr. HALE. Yes.

Mr. HOWELL. It is not to the advantage of the Navy for men to serve beyond a certain age as captains, because captains in the service should be young, active men; and as I interpret this bill it means that in special cases a man could be 59 years of age and still be a captain and in the service.

Mr. HALE. I do not think it would make any difference in the time at which he would reach his captaincy. Its effect would be that he would stay in longer as a captain before he goes up to the rank of admiral.

Mr. HOWELL. And, of course, it would prevent promotion, because the quota of captains would be filled.

Mr. HALE. To a certain extent that is true.

Mr. BROUSSARD. Mr. President, it is my purpose to speak on some features of this bill that have not been covered. There is an injustice which this bill is intended to remedy.

Some years back the age of entrance to the Naval Academy was raised, although it did not affect the particular class which is involved in this measure. The minimum age and the maximum age for entering the academy are included between the ages of 16 and 20. There are men reaching their fifty-sixth year this year who must be retired under the existing law.

They are not permitted to compete with their classmates who may remain, because they will be forced to retire at the end of this year. The other members of the class may not have reached their fifty-sixth year, and they will remain in the service and have a chance to be selected next year for promotion.

The men to whom I refer are forced to retire. There are four vacancies, and possibly 30 men from whom to select. Some of those men who are down, say, as far as No. 20 on the list have no chance of being selected, and they happen to be the oldest members of that class.

It is proposed by the Navy Department, as stated by the chairman of the Committee on Naval Affairs, and there is a bill pending in the House presented by Mr. BRITTEN, recommended by the Navy Department, to change this method of retirement and base retirement upon actual service since a man obtained his commission.

This merely covers one set of men affected by the retirement provision, and it is proposed to enact this, to be the law until such time as Congress may act upon the Britten bill, and not permit these men to be forced out without ever having had a chance to be passed upon by the board for promotion.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. BROUSSARD. I yield.

Mr. KING. If the Britten bill will care for these men, would it come too late to give them the relief which this bill contemplates they shall have?

Mr. BROUSSARD. There is no chance of passing that bill now, and these men will be retired before we meet again.

Mr. KING. How many are there?

Mr. BROUSSARD. There are six men of this class who will have to be retired before Congress meets again.

Mr. KING. Then this special legislation is for the benefit of those six only?

Mr. BROUSSARD. It is not only for the benefit of these only, but it is for the purpose of permitting these men to compete with others and receive what their 35 years of service entitle them to have—consideration at the hands of the promotion board.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BROUSSARD. I yield.

Mr. SWANSON. The trouble that has arisen was occasioned in this way: Under the act of 1916, at which time I was chairman of the Committee on Naval Affairs, captains and other officers were retired on account of age. Men went to the academy and graduated at differene ages. The purpose of this is to base eligibility for promotion——

Mr. KING. On years of service?

Mr. SWANSON. Upon years of service; and the Senator can see the justice of it. A man graduates from the Naval Academy at 24 years of age and another graduates at 22 years of age in the same class. The one who is 24 years of age might be a better officer, but he is retired, not on account of length of service but on account of his age. That developed an inequality which was not apprehended at the time the bill passed in 1916 was enacted, and it seems to me that we should pass this as an act of justice.

Mr. KING. Is that all this bill would accomplish?

Mr. SWANSON. That is all it would accomplish.

Mr. KING. If it is aimed only at taking care of that apparent injustice, I have no objection.

Mr. SWANSON. That injustice, which developed among classmates.

Mr. KING. The Senator knows that under the guise of retirement many bills have been slipped through which we have been called upon to regret.

Mr. SWANSON. This is one along the line the Senator favors; it prevents retirement.

Mr. BROUSSARD. This prevents retirement. I have in mind a man from my own State who graduated second in his class. He has had a brilliant record in the Navy. He is now to be forced to be retired just before he is to be considered for promotion.

Mr. KING. I withdraw my objection to this bill.

Mr. SWANSON. Let me ask the Senator from Maine a question. The amendments recommended by the committee have been adopted, have they?

The PRESIDING OFFICER. The amendments have not been acted on as yet, because the bill has not been taken up for consideration. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments, on page 2, line 5, after the word "the" to insert the words "attainment of such age and the"; on page 2, line 7, after the word "retired" to strike out the words "without regard to age under the conditions specified in said act," so as to make the bill read:

Be it enacted, etc., That until March 5, 1929, the provisions contained in the act approved August 29, 1916 (39 Stat. L. p. 579), which provide for the retirement of captains, commanders, and lieutenant commanders of the line of the Navy who are more than 56, 50, and 45 years of age, respectively, and who have become ineligible for promotion on account of such age, be, and the same are hereby, modified to the extent that captains, commanders, and lieutenant commanders shall not become ineligible for promotion and shall not be retired until they have completed 35, 28, and 21 years, respectively, of commissioned service in the Navy, and upon the attainment of such age and the completion of such service, if not recommended for promotion, they shall be retired: *Provided,* That the commissioned service of Naval Academy graduates, for the purpose of this act only, shall be computed from June 30 of the calendar year in which the class with which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years.

The amendments were agreed to.

Mr. WILLIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. Add a new proviso, as follows:

Provided further, That no captains, commanders, or lieutenant commanders shall be retired under the provisions of this act until they shall have reached the age of 56, 50, or 45 years, respectively.

Mr. HALE. I think that is not necessary.

Mr. WILLIS. Then it will not do any harm. I rather think it is necessary. The purpose of it is the same as that indicated by the Senator as the object of the bill, and I think I know of cases which would be reached by this amendment that would not be reached by the Senator's bill. I trust he will not object to the amendment.

Mr. HALE. Does not the Senator think that the amendment added by the committee has exactly that effect?

Mr. WILLIS. I have not had an opportunity fully to examine that amendment. From the reading of it, I judge not. If it has, the Senator can strike this out in conference.

The PRESIDING OFFICER. Will the Senator from Ohio indicate at what point in the bill this amendment will come?

Mr. WILLIS. I did not have a copy of the bill before me. I think it will come after another proviso at the end of the bill.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 15, after the word "years" and before the period, add a colon and the following proviso:

Provided further, That no captains, commanders, or lieutenant commanders shall be retired under the provisions of this act until they shall have reached the age of 56, 50, or 45 years, respectively.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL BUILDINGS AT NAVAL HOSPITALS

The bill (H. R. 10732) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR F. SWANSON

The bill (H. R. 1465) for the relief of Arthur F. Swanson, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. W. H. REMINE

The bill (H. R. 2635) for the relief of Mrs. W. H. ReMine was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. SWANSON. Mr. President, if the Senator will read the first page of the report, he will see the facts set forth very clearly.

A lieutenant in the Army died in San Francisco, and his effects were shipped back home, in accordance with law. The ship on which they were being transported had a collision and was severely damaged, water entering the hold where the officer's effects were, caused such damage to them that they were a total loss.

If the lieutenant had been living, the Government would have paid for these goods. He being dead, the department could not pay for them, and they reported that they could see no reason why his widow should not be paid, as he had died. They recommended that the Government pay for the property that had been destroyed.

Mr. KING. Is it the rule of the War Department and the Navy Department to permit officers to transport as much household effects and personal property as they please, and that the Government shall be responsible?

Mr. SWANSON. No; there is a limit to the amount they ship, and this man shipped only what he was entitled to ship under the law. If he had been living when the loss occurred, the department would have paid him for the loss. This is what the department reported:

There is no appropriation available for the payment of a claim of this character and no statutory authorization for settlement of the same.

This claim is of such a character that, if the property shipped had been lost under the same circumstances prior to the death of Lieutenant ReMine, he would have been reimbursed through proper administrative action. Your committee has examined the inventory of the articles destroyed and found the amount named in the bill to have been the value of the lost and damaged property, and therefore recommends favorable consideration of the claim.

The Secretary makes a recommendation for this payment.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECOND NATIONAL CONFERENCE ON OUTDOOR RECREATION

The next business on the calendar was Senate Resolution 221, reported by Mr. FESS on the 12th instant from the Committee on Printing.

The resolution was read and agreed to as follows:

Resolved, That the proceedings of the Second National Conference on Outdoor Recreation, held in the auditorium of the United States Chamber of Commerce in Washington, D. C., on January 20 and 21, 1926, be printed as a Senate document.

MOUNT RAINIER NATIONAL PARK

The bill (S. 3428) to revise the boundary of Mount Rainier National Park in the State of Washington, and for other purposes, was announced as next in order.

Mr. WILLIS. Mr. President, I call attention to the fact that a bill with a similar title has already been passed.

Mr. DILL. This bill should be indefinitely postponed. It is similar to the bill that was passed a while ago.

The PRESIDING OFFICER. The bill will be indefinitely postponed.

Mr. WALSH. Mr. President, is not this the bill that was the subject of some comment by me when the calendar was last called? I ask the occupant of the chair if that is not the case.

Mr. DILL. Order of Business No. 813 was a bill similar to this one, which the House passed.

The PRESIDING OFFICER. That is the bill to which the Senator from Montana had an amendment he desired to offer. The Chair had overlooked that.

Mr. DILL. I wish the Senator would then have us recur to Order of Business 813 and amend that, if he feels that the amendment must be made.

Mr. WALSH. I ask unanimous consent that we recur to Order of Business 813, and that the vote by which House bill 10126 was passed be reconsidered.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote by which House bill 10126 was passed? The Chair hears none, and the vote is reconsidered.

Mr. WALSH. I tendered the amendment. Perhaps the Presiding Officer has it.

The PRESIDING OFFICER. The Chair has not the amendment before him now.

Mr. DILL. The purpose of this bill is simply to straighten the boundaries of the park.

Mr. WALSH. I understand that. I call attention to the fact that under the original act creating the Mount Rainier Park the Northern Pacific had the right to surrender lands within the park and select lands in lieu thereof, and the amendment provides that no such right shall exist with reference to the lands within the extended boundaries.

Mr. DILL. I think there is a very small amount of property involved, but I have no objection to the amendment. The only thing I was concerned about was the provision for the leaving out of a certain part that was in the bill as sent to us by the department.

Mr. WALSH. Mr. President, I observe that the added areas are rather inconsequential in amount, and I do not imagine the provision will be applicable to any great extent.

Mr. DILL. I do not think so.

Mr. WALSH. I ask that the bill be passed.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

PORTLAND IRON WORKS

The bill (S. 1919) for the relief of the Portland Iron Works was announced as next in order.

Mr. KING. I would like to know whether the War Department—I think it was the War Department that was involved—has recommended this bill. I have no report here, and I can not learn the facts. If no one can explain it, I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The bill will be passed over.

O. H. LIPPS

The bill (H. R. 815) for the relief of O. H. Lipps was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES B. BECK

The bill (H. R. 6003) for the relief of Charles B. Beck was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF TRADING WITH THE ENEMY ACT

The bill (S. 2587) to amend the trading with the enemy act was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, this bill is apparently a measure of considerable importance, and I think the Senate should have an explanation of it.

Mr. GILLETT. Mr. President, I think in a couple of minutes I can satisfy the Senator that it is not as important as it seems. It does not, as one would think from its title, affect in any way the transfer of property to Germans.

The measure simply relates to a case where the United States took property from an American citizen wrongfully, as it often did under the excitement of war, suspecting that it belonged to the enemy, and held it, but afterwards, finding that it was mistaken, turned it back. If it was a business which the Government took over and ran, when it turned the business back it turned back not only the business, but the profits which had been made while the Government was running it.

When it took money which belonged to American citizens that money was put into a lump sum in the Treasury, and when the Government found that it did not belong to an enemy, but should be returned to a citizen, it returned the money, but did not return the interest which had been earned on it, because all that money was invested in Government bonds.

All that the bill provides is that in cases where the Government took money which belonged to American citizens and afterwards found that it was a mistake, where it took the money thinking it belonged to an enemy but found it was mistaken and that it really belonged to an American citizen, and then returned the money back to the citizen, then if there was interest which the Government had earned upon that money the interest should be paid over to the man who owned the money.

The Government can not tell exactly how much interest was earned, because the Government did not in the case of money keep a special account with each citizen as it did when it took over a business, but it put all the money into a lump sum and invested it in Government bonds. Of course, it has earned 4¼ per cent, and in some instances a little more, although some of the money was kept on hand as a working balance. It is impossible for the Government to tell just how much money had been earned on any particular amount the Government took over.

Therefore the bill provides that the Government shall pay 4 per cent, which is considered by both the Government and the claimants as a fair compromise and a good estimate of what the money really earned. That is all the bill provides.

It is simply to pay to American citizens, whose property was wrongfully taken, the interest that the Government earned upon the money while in its possession.

Mr. ROBINSON of Arkansas. On that statement of the case the bill is manifestly just and proper.

Mr. GILLETT. There is an amendment which I will offer. There is a little language in the bill that ought not to be there.

The PRESIDING OFFICER. The clerk will first state the amendment of the Committee on the Judiciary.

The CHIEF CLERK. On page 2, strike out lines 3 to 25, inclusive, and, on page 3, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following:

(b) The Alien Property Custodian is authorized and directed to pay, upon application therefor prior to the expiration of two years from the approval of this amendatory act, to any citizen of the United States whose money or other property was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, or to any person, partnership, corporation, or association whose money or other property was thus conveyed, transferred, assigned prior to the enactment of the act of March 4, 1923, interest upon the amount of such money (including the proceeds of any such property converted into money), deposited in the Treasury of the United States under section 12, at the rate of 4 per cent per annum, from the date on which such money or proceeds were so deposited until March 4, 1923, or until the date on which such money or proceeds were returned, whichever date is earlier, with interest upon such interest, computed at the same rate from March 4, 1923, to date of payment, notwithstanding any receipt or release given by such citizen, or other person, partnership, corporation, or association. Such payment shall be made out of any earnings accruing prior to March 4, 1923, upon money deposited in the Treasury of the United States and invested in bonds or certificates of indebtedness of the United States, under section 12, and out of the interest accruing subsequent to March 4, 1923, upon such earnings. As used in this subsection the term "citizen of the United States" includes an association or corporation created or organized in the United States, or under the laws of the United States or of any State or Territory, but excluding any such association or corporation, more than 50 per cent of the interests or voting power in which was on April 6, 1917, or on the date of approval of this amendatory act, vested (directly or indirectly) in citizens of Germany, Austria, Hungary, or Austro-Hungary.

Mr. GILLETT. Now, I offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. On page 3, beginning in line 17, strike out the words "or to any person, partnership, corporation, or association whose money or other property was thus conveyed, transferred, assigned, prior to the enactment of the act of March 4, 1923."

Mr. KING. Mr. President, I would like to ask the Senator from Massachusetts a question. Is the Senator quite accurate in stating that the property when it was seized by the Alien Property Custodian was owned by Americans? Is it not the fact that a considerable part of it, or at least some of it, was owned by Germans or Austrians because of marriage, but that by the Cable Act, which restored citizenship or permitted the restoration of citizenship to American nationals who had married foreigners——

Mr. GILLETT. No; those cases are not covered by the bill. The bill simply applies to American citizens.

Mr. KING. Those who held citizenship at the time the property was seized?

Mr. GILLETT. Yes. We had in one of the bills which was considered by the subcommittee a proposition of that sort, but those cases are not covered by this bill.

Mr. KING. In order that there may be no misunderstanding, this bill relates only to the property of American nationals who were American citizens at the time the property was seized and whose citizenship has been that of American nationals ever since?

Mr. GILLETT. Yes.

Mr. COPELAND. Mr. President, I am glad the Senate has decided to take some action in this matter. I hope that this is the beginning of congressional action seeking to adjust the matter of the property in the hands of the Alien Property Custodian and the Mixed Claims Commission. There is a demand everywhere in the country that there shall be an adjustment and closure of this matter which has been so long under discussion. I hope that Congress will not adjourn until some definite action is taken relative to other alien properties.

Mr. NEELY. Mr. President, can the Senator from Massachusetts inform the Senate what is the estimated aggregate amount of interest that the Government will have to pay if the bill should become a law?

Mr. GILLETT. There is about $2,500,000 that the Government has earned on such property.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, while I approved of the bill in the subcommittee, I would like to ask the Senator if the Treasury Department and the Department of State and the Alien Property Custodian approve of the payment of 4 per cent interest? It does seem to me, in view of the fact that the Government has incurred considerable expense in holding the property and in collecting the interest and has had to pay all of the overhead that a smaller rate of interest ought to be sufficient.

Mr. GILLETT. The Treasury Department and the Alien Property Custodian both approved the rate of interest.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Mr. President, there are three or four measures, which are contained in perhaps six or seven hundred pages, including the reports perhaps more than that, involving the matter of pensions. I shall join with the chairman of the committee in asking the Republican steering committee to take up all these bills next week and consider them at the same time. In view of the fact that I have a number of amendments to offer to each of the bills, which would take some little time to consider, I suggest that they be passed over to be taken up together next week.

Mr. WILLIS. Mr. President, I understand the Senator will be agreeable to the consideration of the bills?

Mr. KING. Yes.

Mr. WILLIS. I should like to say to him that they have already been given a place for consideration on the legislative program.

Mr. KING. I shall interpose no objection.

Mr. NEELY. Mr. President, before that order to let the bill go over is agreed to, I wish to inquire if acquiescence in the suggestion of the Senator from Utah will expedite action on the coal bill of my friend the Senator from New York [Mr. COPELAND]? If it is going to do that, I think I shall object to the bill going over, because there are a number of us who are opposed to the coal legislation.

The PRESIDING OFFICER. The bill will go over on the objection of the Senator from Utah.

TONGUE RIVER INDIAN RESERVATION FUNDS

The bill (S. 3884) authorizing expenditure of tribal funds of the Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to expend not to exceed $1,000 of the tribal funds of the Indians of the Tongue River Indian Reservation, Mont., for the payment of the expenses of delegates from said reservation in coming to Washington on official business of the tribe, when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TONGUE RIVER INDIAN RESERVATION (MONT.) LANDS

Mr. WALSH. Mr. President, the bill which was just passed is a counterpart of Calendar No. 654, the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes. I desire to ask unanimous consent to recur to that order of business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the Northern Cheyenne Indian Reservation heretofore set apart by Executive order dated the 19th day of March, 1900, for the permanent use and occupation of the Northern Cheyenne Indians, in Montana, be, and the same is hereby, declared to be the property of said Indians, subject to such control and management of said property as the Congress of the United States may direct.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be prepared a complete roll containing the names of all said Northern Cheyenne Indians, for whom said reservation was set apart as aforesaid, and their heirs, which roll, when approved by him, shall be the basis for allotting the land on said reservation, as herein provided. The Secretary of the Interior shall also cause to be prepared, in such manner as he may deem advisable, a list of the lands of said Indian reservation and to classify the same as agricultural, grazing, and land chiefly valuable for the timber thereon. As soon as practicable after the approval of said tribal roll and after the approval of said list of lands classified as above provided the Secretary of the Interior is hereby authorized to allot in severalty to the duly enrolled Indians in areas not exceeding 160 acres to any individual from the lands appearing on said approved list: *Provided*, That in allotting said lands each Indian shall be allotted a proportion of the agricultural, grazing, and timber lands, respectively: *And provided further*, That any Indians desiring to secure contiguous territory for his allotment may be allotted grazing land in lieu of his or her proportion of agricultural land, and trust patents shall be issued therefor of the form and legal effect authorized by the act of February 8, 1887 (24 Stat. p. 388), as amended.

SEC. 3. That the timber, coal, or other minerals, including oil, gas, and other natural deposits, on said reservation are hereby reserved for the benefit of the tribe: *Provided*, That at the expiration of 50 years from the date of the approval of this act the coal or other minerals, including oil, gas, and other natural deposits, of said allotments shall become the property of the respective allottees or their heirs: *Provided further*, That the unallotted lands of said tribe of Indians shall be held in common, subject to the control and management thereof as Congress may deem expedient for the benefit of said Indians.

SEC. 4. That before any allotment shall be made as herein authorized there shall be reserved on said reservation sufficient land for schools, agency, cemetery, town site, recreation, and missionary purposes: *Provided*, That no such reservation shall exceed 5 acres for public schools, 640 acres for agency, 160 acres for recreation purposes, 5 acres for cemetery purposes, 2 acres for missionary purposes, and 80 acres for town-site purposes at Lame Deer, Mont., and 40 acres elsewhere; said town sites to be platted and subdivided in lots, streets, and alleys in accordance with rules and regulations to be prescribed by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior shall be authorized to lease, sell, or otherwise dispose of said lots within said town sites in accordance with existing law, and such mercantile timber as may be on unallotted lands, and to deposit the avails thereof in the Treasury of the United States to the credit of the Northern Cheyenne Indians: *Provided further*, That all the income of said tribe from rents, royalties, or other profits accruing from the sale of any timber, coal, or other minerals, including oil, gas, and other natural deposits herein reserved for the benefit of the said Indians, including proceeds from sales of town lots, shall be distributed per capita to said Indians on the 1st day of July and the 1st day of January in each year, except 10 per cent thereof, which shall be applied and expended for the education of the children of said Indians: *Provided further*, That said 10 per cent fund shall be used proportionately among such children to be educated, and the said Indians shall be subject to the laws of the State of Montana with reference to compulsory education.

SEC. 5. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $30,000, or so much thereof as may be necessary, to pay the expenses of making the tribal roll, of compiling the list of lands on said reservation, for the necessary surveys and classifications, and all other expenses in connection with the allotment work: *Provided*, That the sum of $2,500 shall be available for the payment of the expenses of the tribal Indian council in holding meetings on said reservation and for the expenses of delegates which such council may have heretofore sent, or may hereafter send, to the city of Washington on tribal business.

Mr. WALSH. Mr. President, I desire to say that the measure has had the careful consideration of the Senator from Wyoming [Mr. KENDRICK], who is thoroughly familiar with the situation, and myself in conjunction with representatives of the Indians. We have certain amendments to offer, which I send to the desk and ask that they may be considered.

The PRESIDING OFFICER. These are amendments to the amendment of the committee?

Mr. WALSH. They are.

The PRESIDING OFFICER. The clerk will report the amendments to the amendment in their order.

The first amendment to the amendment was, on page 3, line 22, after the word "Indians," to insert "now living."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 3, line 23, after the word "aforesaid," to strike out "and their heirs."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, line 7, after the word "severalty" to insert "lands classified as agricultural and grazing."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, line 12, after the word "agricultural" to insert "and"; in the same line, after the word "grazing," to strike out "and timberlands," and insert "lands," and in the same line, after the word "respectively" to insert "such lands whenever practicable and so far as possible to be contiguous."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, to strike out lines 13 to 18, inclusive, and insert the following proviso:

Provided, That trust patents shall be issued therefor of the form and legal effect authorized by the act of February 8, 1887 (24 Stat. L. 388) as amended, and the lands so allotted and patented shall be designated in each case as a "homestead," which homestead shall remain inalienable and nontaxable for a period of 25 years from the date of issuance of patent therefor, or until the death of the allottee.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, before section 3, line 19, to insert the following:

The right is hereby reserved to any Indian to select as his allotment a tract occupied by him at the time of the approval of this act, though such lands or a part thereof may be classified as timber lands.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 4, line 21, after the word "tribe," to insert the following:

and may be leased with the consent of the Indian council under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 5, line 7, before the word "purposes," to strike out the comma and the words "and missionary."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 5, line 11, after the word "purposes" where it occurs the first time, to strike out the comma and "2 acres for missionary purposes."

The amendment to the amendment was agreed to.

The next amendment to the amendment was, on page 6, line 8, after the word "education," to insert the following additional proviso:

Provided further, That the organizations now engaged in educational and religious work on the reservation shall not be disturbed in their occupancy of the sites heretofore set apart under authority of the Secretary of the Interior so long as they continue to be used solely in the advancement of religious and welfare work for the benefit of the Northern Cheyenne Indians.

The amendment to the amendment was agreed to.

Mr. CURTIS. Mr. President, I desire to know if this is the measure which affects lands held by certain missions, in which it is attempted to limit their holdings to 2 acres, and to which limitation the mission people have objected, and whether or not the amendment suggested protects the rights of such missions?

Mr. WALSH. The bill as reported by the committee provides that there shall be reserved for the use of the religious organizations conducting missions on the reservations 2 acres of land.

The amendment just offered to the amendment was prepared by my colleague the junior Senator from Montana [Mr. WHEELER], as I understand, after conference with the missionary society, and it provides that they shall be continued in the occupancy and are not to be disturbed in the occupancy of such lands within the reservation as they now occupy by virtue of an order of the Secretary.

Mr. CURTIS. That is what I desired to know.

The PRESIDING OFFICER. The Senator from Montana proposes a further amendment to the pending bill, which will be stated.

The CHIEF CLERK. It is proposed to amend the amendment of the Committee on Indian Affairs, on page 5, line 19, before the word "timber," by striking out "mercantile" and inserting "merchantable."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Montana to the committee amendment will be stated.

The CHIEF CLERK. On page 6, line 8, following a preceding amendment to the amendment, it is proposed to insert the following:

An area to the extent of 60 feet on either side of every section line within the said reservation is hereby dedicated as public highways whenever and so far as the same may be so declared by the county commissioners of the county in which the same may be situate, and all allotments and patents hereby authorized shall be subject to the easement hereby created.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana offers a further amendment to the amendment, which will be stated.

The CHIEF CLERK. On page 6, at the end of the preceding amendment to the amendment, it is proposed to insert the following:

In addition to reservations heretofore herein authorized the Secretary of the Interior shall withhold from allotment any tracts in legal subdivisions in which are springs or other like sources of water supply to which cattle have been accustomed to repair for drink, together with so much land contiguous thereto as may be necessary to permit access by stock to such water supply from the highways herein provided for.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes."

FRANK A. BARTLING

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9938) for the relief of Frank A. Bartling. It directs the Postmaster General to credit the accounts of Frank A. Bartling, postmaster at Nebraska City, Nebr., $12,441.25, due to the United States on account of money and postage stamps stolen from the safe of the post office at Nebraska City, Nebr., when burglarized on the 24th of September, 1924.

Mr. KING. There is merely one question which I should like to ask in reference to this bill, and that is why the postmaster of the little city of Nebraska City in the great State of Nebraska should have on hand such a large volume of stamps and of such great value as is referred to in the pending measure?

Mr. HOWELL. Nebraska City is a city of about 6,000 inhabitants. There is a Federal building there, and that building was entered.

Mr. KING. Yes; I made no objection to the bill. I think the compensation ought to be paid, assuming that there was not some negligence on the part of the postmaster in obtaining and holding such a large quantity of stamps.

Mr. HOWELL. No negligence has been alleged. The Post Office Department recommends payment for the stamps. The bill has passed the House of Representatives, and it has been favorably reported by the Senate Committee on Claims. I think it is a just bill.

Mr. KING. The committee, however, should take into account the fact that in some of these little towns the quantity of stamps held is very great, and when there is a burglary the Government is compelled to sustain a very great loss. It seems to me there ought to be some admonition from the committee to the Postmaster General not to allow such quantities of stamps to accumulate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GAGNON & CO. (INC.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8486) for the relief of Gagnon & Co. (Inc.). It proposes—

to authorize the appropriation of $3,592 to Gagnon & Co. (Inc.) in full compensation for the erection of a school building at Crow Agency, Mont., in 1915–16.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHTS OF WAY FOR IRRIGATION OR DRAINAGE PURPOSES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6729) to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917. It proposes to amend section 18 of what is generally known as the irrigation act of March 3, 1891, as amended by act of March 4, 1917, so as to read as follows:

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and 50 feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE SUITS TO RECOVER DIRECT TAXES

The resolution (S. J. Res. 92) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name was announced as next in order.

Mr. WILLIS. Mr. President, I dislike to object to the consideration of this joint resolution which has been introduced by my friend, the junior Senator from Mississippi [Mr. STEPHENS], but it is a measure of very great importance, involving, undoubtedly, many millions of dollars, and also a question of policy that would require considerable discussion. It seems to me highly impracticable to undertake to discuss this measure under the five-minute rule at this late hour. Therefore I feel constrained to object to the consideration of the joint resolution, much as I regret so to do.

The PRESIDING OFFICER. Under objection, the joint resolution will go over.

Mr. STEPHENS. To what measure was the Senator from Ohio [Mr. WILLIS] referring?

Mr. WILLIS. I referred to Senate Joint Resolution 92, which was introduced by my friend the Senator from Mississippi [Mr. STEPHENS]. It seems to me that it is a matter of such great importance to the Federal Government, involving evidently a very large sum of money, and, as I have suggested, a matter of policy, at least in my mind, that it seems to me it ought to be discussed much more fully than we can possibly discuss it at this late hour and under the five-minute rule. So I suggest that my friend let the joint resolution go over. I request that he do so.

Mr. STEPHENS. Will the Senator from Ohio withhold his objection for just a moment?

Mr. WILLIS. Certainly.

Mr. STEPHENS. Mr. President, I am not going to take the time of the Senate to discuss the history of this matter, for I realize that every Senator is entirely familiar with it. It is a question of long standing, and all those who know anything of the history of legislation in this country are very familiar with this subject. It occurs to me, in answer to the Senator from Ohio, that because of the general knowledge that Senators have with reference to it, it should not require very much time to discuss the joint resolution and to give it proper consideration.

I simply wish to say that the joint resolution first was referred to the Committee on Claims and later referred to a subcommittee composed of the Senator from Oregon [Mr. STANFIELD], the Senator from West Virginia [Mr. GOFF], and the Senator from Delaware [Mr. BAYARD]. That subcommittee had a hearing, made a favorable report to the committee, and the

Committee on Claims then submitted a unanimous report in favor of the passage of the joint resolution.

It provides merely that the United States shall consent that the States shall have the right and privilege to go into the Supreme Court of the United States to maintain suits there, to thresh out all the facts, the legal phases, and the questions of law that may be involved with reference to whether the tax referred to in the joint resolution was a legal, constitutional tax. The effort simply is to give the States, sovereign entities that go to make up the Federal Government, the right to make complaint in the Supreme Court of the United States and there have the matter tested.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. STEPHENS. I yield.

Mr. WILLIS. Can the Senator give any estimate as to the probable amount involved in this joint resolution?

Mr. STEPHENS. No; I could not be at all accurate; but we all realize that there would be other stages of legislation required. All that is asked under the joint resolution, as I said a moment ago, is that the States shall be given the privilege of going into the Supreme Court of the United States and have tested the claims which some of them make and have righted the wrongs that some States maintain have been done to them.

I may say that 45 States are interested in the question. I can see no good reason, Mr. President, why any Senator should be unwilling for his State, or for any State, for that matter, to be given the privilege of going into the court and there testing this proposition.

Mr. WILLIS. Mr. President, I should like to say to my friend that I know there are several Senators who desire to be present when this joint resolution shall be considered; they are not now present in the Chamber, and for that reason, as well as for the other reasons stated, I can not withdraw my objection to the consideration of the measure at this time.

Mr. STEPHENS. Of course, Mr. President, I have no desire to occupy the floor of the Senate merely to kill time. I know that there are other measures here in which other Senators are interested; and, of course, if the Senator from Ohio is determined, for the reasons assigned by him, to object, I shall not discuss the matter any further.

DECLARATIONS OF INTENTIONS TO BECOME CITIZENS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3859) to validate certain declarations of intentions, which was read, as follows:

Be it enacted, etc., That so much of the seventh subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, as reads as follows: "*Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding of any election within the jurisdiction of the court," is repealed.

SEC. 2. No declaration of intention heretofore filed in disregard of so much of such act of 1906 as is above repealed shall be held invalid for such cause.

Mr. TRAMMELL. Mr. President, I should like to have an explanation of the bill. I believe that it proposes to repeal a provision of the act of Congress which forbids the making of a declaration of intention to become a citizen on election day or during the period 30 days previous to an election. What is the object of repealing that provision of the naturalization act?

Mr. JOHNSON. Mr. President, the reason presented to the Immigration Committee by Representative HUDSON, whose bill it is and at whose instance it passed the House, was that at one time some 18 States had similar laws to this, that now only one State has such a law, the remaining States having repealed the law existing on the subject, so that many declarations of intention that had been made were left invalid and illegal. It is desired, therefore, that the repeal of the national statute conform to the repeal of the State statutes, and that the intentions declared heretofore should be rendered valid.

Mr. TRAMMELL. Is the main object of the bill to validate previous declarations?

Mr. JOHNSON. It was the design of the House in passing the bill to validate the declarations of intention which had previously been made.

Mr. TRAMMELL. I rather doubt the wisdom of passing such an act, but I do not know that I will make any objection to the bill. The object and purpose of the law, to begin with, I think, were very correct. The object was to prevent aliens rushing in on the day of election or during the previous 30 days and declaring their intentions to become citizens. It was enacted to try to protect and preserve the elections from that influence. However, I make no objection to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (H. R. 11204) exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899, was considered as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, may I ask the Senator in charge of the bill how many foreign persons it is contemplated that this bill would let into Porto Rico, regardless of the quota law?

Mr. JOHNSON. The possibility, if I recall correctly, is some 3,000. Am I correct in that?

Mr. KING. One thousand five hundred.

Mr. JOHNSON. One thousand five hundred. The bill was presented by the Delegate from Porto Rico because under the treaty of peace that was made after the Spanish War we accorded to Spaniards living in Porto Rico their rights of property and their rights of citizenship, and under our quota law the rights that thus were accorded them are rendered nil if they travel at all. If they get out of Porto Rico now, if they go to Spain, if they go to any other place, go to Habana and the like, they can not return to their residence because of our quota law. The design of the Delegate from Porto Rico was to remedy that, and to permit travel by Spanish residents who had been guaranteed their rights under our treaty of peace.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the air corps of the Army of the United States, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, this is a very long bill, and will require a good deal of explanation and probably some amendment. As the hour is late, and there are many Senators here who have bills to which there is no objection to be considered, I shall ask that this bill be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WILLIS. Mr. President, the Senator from Kentucky [Mr. ERNST], who reported Orders of Business 837 and 838, relative to the codification of the statutes, requested that those bills be passed over, thinking that they ought not to be considered at this night session under the five-minute rule.

Mr. ROBINSON of Arkansas. Mr. President, pending the request of the Senator from Ohio, I ask leave to have printed in the RECORD in this connection a memorandum which relates to these two bills, Orders of Business 837 and 838.

The matter referred to is as follows:

Section 5 of the present locomotive inspection act requires carriers to file rules and instructions for the inspection of locomotive boilers (amended to include the entire locomotive and tender) with the Interstate Commerce Commission, the commission having authority to make such modifications as it may require. The act also gives the commission authority to prepare such rules and instructions if any carrier fails to file them with the commission.

Section 28 of the codification provides that a carrier may from time to time change its rules and instructions, subject to approval by the Interstate Commerce Commission, but it does not give the commission authority to modify them. Neither is the commission given authority to prepare rules and instructions in event the carrier fails to file them with the commission.

While section 5 of the present law provides that carriers shall file rules and instructions with the chief inspector within three months after approval of the act, the fact remains that subsequent to that three months' period it has been necessary to prepare rules and instructions governing the inspection and testing of certain type locomotives not generally in use during the three months specified in the act. If locomotives not now in use are placed in operation in the future, their inspection and testing must necessarily be governed by rules prepared by the carriers, which can not be modified by the commission; or in event no such rules are filed by the carriers, there will be no authority to require such filing nor preparation by the commission.

It is assumed that other errors have been made in this act, consequently time should be allowed to determine the effect of the proposed codification.

The title of the present safety appliance acts provides for compelling common carriers engaged in interstate commerce to equip their

cars with automatic couplers and continuous brakes and the locomotives with driving wheel brakes, the purpose being "to promote the safety of employees and travelers upon railroads." That portion of the title of the present law compelling carriers to equip their cars and locomotives with certain devices is provided for in the codification, but for the purpose "to promote the safety of employees and travelers upon railroads" is omitted.

A very important provision of the present law is left out because the Bureau of Safety of the Interstate Commerce Commission often finds it necessary to base court action on the purpose stated in the title. It is obvious that if this language of the title is left out the existing law is materially weakened.

The title of the law governing the hours of service of railroad employees, like the safety appliance act, limits the hours of employees "to promote the safety of employees and travelers upon railroads." This purpose as definitely stated in the title is not included in the codification, therefore the law as codified will not have the same force in court action as it has at the present time.

It is assumed that other errors have been made, consequently time should be allowed to determine the effect of the present codification.

Section 9 of the proposed codification of the safety appliance laws provides that not less than 50 per cent of cars in trains shall have their brakes used and operated by the engineer of the locomotive drawing such train. The present law contains a similar provision, and in addition thereto gives the Interstate Commerce Commission authority to increase that per cent. Orders of the commission now in effect require that not less than 85 per cent of cars in a train shall have power brakes used and operated by the engineer of the locomotive.

If the proposed section 9 is adopted, it will supercede the orders of the Interstate Commerce Commission previously issued, consequently carriers will be required to have only 50 per cent of cars in a train equipped with power brakes in operating condition, and no increase can be required of them unless and until the Interstate Commerce Commission can be persuaded to require it by formal order.

It is assumed that other errors have been made, consequently time should be allowed to determine the effect of the proposed codification.

The PRESIDING OFFICER. At the request of the Senator from Ohio, House bill 11318, to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, etc., and House bill 10000, to consolidate, codify, and reenact the general and permanent laws of the United States, in force December 7, 1925, will be passed over.

TRAFFIC IN CLINICAL THERMOMETERS

The bill (S. 2059) to provide for regulating traffic in certain clinical thermometers, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That for the purposes of this act a clinical thermometer shall be understood and construed to mean a maximum self-registering thermometer intended, designed, or suitable for use in determining the temperature of the body of man or other animal.

SEC. 2. That for the purposes of this act a clinical thermometer which is defined as correct shall be understood and construed to mean one which conforms to the standard within the tolerance established in accordance with the provisions of this act, and which in addition complies with the specifications similarly established.

SEC. 3. That the Bureau of Standards of the Department of Commerce shall inspect and test all clinical thermometers submitted for this purpose and all clinical thermometers which are being imported or offered for importation into the United States, to determine whether such clinical thermometers are correct, and shall mark or otherwise certify, or mark and certify, all those which are found to be correct. For all such inspections, tests, or certifications, except those performed for the Government of the United States, or State governments within the United States, a reasonable fee designed to make the work self-sustaining shall be charged according to a schedule promulgated by the Secretary of Commerce.

SEC. 4. That the Secretary of Commerce shall make and promulgate rules and regulations not inconsistent with this act for carrying out the provisions of this act, and these rules and regulations shall include specifications, reasonable tolerances, or permissible variations which may be allowed, and also requirements for such designating marks to be placed upon thermometers as may be deemed necessary.

SEC. 5. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country except in accordance with the provisions of section 6 of this act, or shipment to any foreign country of any clinical thermometer which has not been marked or certified, or marked and certified, in accordance with the provisions of section 3 of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any clinical thermometer which has not been marked or certified, or marked and certified, in accordance with the provisions of section 3 of this act, or any person who shall sell or offer for sale in the District of Columbia or in any Territory or in any place under the jurisdiction of the United States any such unmarked or uncertified clinical thermometer, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and upon conviction for each subsequent offense not exceeding $500: *Provided, however,* That any bona fide shipment of a clinical thermometer which has not been marked or certified, or marked and certified, in accordance with the provisions of section 3 of this act, when made to any laboratory of the Bureau of Standards of the Department of Commerce established or maintained for the purpose of inspection and testing clinical thermometers, in accordance with the provisions of section 3 of this act, for such inspection and test, or the return shipment of any such thermometer to the person so submitting it, shall not be deemed to be a violation of the provisions of this act, and any person so shipping or reshipping a clinical thermometer shall not be deemed to be guilty of violating the provisions of this act.

SEC. 6. That the importation into the United States, without a permit from the Secretary of Commerce, of any clinical thermometer, and the importation of any clinical thermometer which is not correct, are hereby prohibited; if any such clinical thermometer is found incorrect, the same shall be denied entry or returned at the expense of the owner or importer. The Secretary of Commerce is hereby authorized to issue permits for the importation into the United States of clinical thermometers which are found to be correct and are marked or certified in accordance with section 3 of this act, and to suspend or revoke any such permit when he is satisfied that such permit is being used to effect the importation into the United States of any clinical thermometers which are not correct.

SEC. 7. That it shall be unlawful for any person to counterfeit, duplicate, or copy, or to make any false, fraudulent, or unauthorized use of any mark or certificate placed upon or issued in connection with any thermometer in accordance with the provisions of section 3 of this act, or to use or have in his possession any stamp, plate templet, or other means specifically adapted or designed for producing any such mark or certificate required in accordance with the provisions of section 3 of this act, or to counterfeit, duplicate, or copy, or to make any false, fraudulent, or unauthorized use of any designating mark required under the provisions of section 4 of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not to exceed $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 8. That it shall be the duty of each district attorney to whom the Secretary of Commerce shall report any violation of this act, or to whom any weights or measure officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 9. That the term "Territory" as used in this act shall include the insular possessions of the United States. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 10. That the Secretary of Commerce shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and to make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office and other equipment, and other supplies, travel, rent of buildings, and general expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and for these purposes there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $200,000, to become available immediately upon the approval of this act.

SEC. 11. That this act shall go into force and effect from and after a date six months after the date of approval of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA

The joint resolution (S. J. Res. 96) extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That whenever the Secretary of the Interior shall carry out the provisions of section 5 of the Red River relief act (Public Law, No. 500, 67th Cong.), the preference right to take or lease not exceeding 320 acres of land therein described shall be extended for 90 days to any individual citizen of the United States who was a locator or was a member or manager of an association that made a placer-mining location or that attempted to locate or develop a placer-mining claim thereon, and who believed in good faith that such land was subject to the mining laws of the United States, and who, on account of his efforts to develop the same was enjoined, fined, and committed by a State court having no jurisdiction over said property of the United States, it being situated within the boundary and jurisdiction of another State, as the same shall be ascertained and determined by the Secretary of the Interior upon the evidence and the records which have been submitted in pursuance of the rules and regulations prescribed by him: *Provided*, That the Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions hereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BERT H. LIBBEY

The bill (S. 3483) to correct the military record of Bert H. Libbey was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. WADSWORTH. Mr. President——

Mr. KING. I move that the bill be postponed indefinitely.

The PRESIDING OFFICER. Without objection, the bill will be postponed indefinitely.

BILL PASSED OVER

The bill (H. R. 6226) for the relief of Edward N. Moore was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF NATURALIZATION LAWS

The bill (S. 4251) to amend and supplement the naturalization laws, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended by adding at the end thereof a new subdivision, to read as follows:

"Fourteenth. (a) The judge of any United States district court, or the senior judge of such court if there are more judges than one, is hereby authorized, in his discretion, to designate one or more examiners and officers of the Bureau of Naturalization (including the Naturalization Service) serving as such examiner or officer within the territorial jurisdiction of such court, to conduct preliminary hearings upon petitions for naturalization to such court, and to make findings and recommendations thereon. For such purpose any such designated examiner or officer is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpœna witnesses, and to administer oaths, including the oath of the petitioner to his petition and the oath of his witnesses.

"(b) The findings of any such designated examiner or officer upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition required by section 9, with a recommendation that the petition be granted or denied or continued, with the reasons therefor. Such findings and recommendation shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the findings, and signed by a duly designated examiner or officer. The judge to whom such findings and recommendations are submitted shall by written order approve or disapprove such recommendations with such exceptions as he may deem proper, and shall subscribe his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner of Naturalization.

"(c) The provisions of section 9 requiring the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner or officer has conducted the preliminary hearing authorized by this subdivision; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT RINGGOLD MILITARY RESERVATION, TEX.

The bill (H. R. 11927) to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENFORCEMENT OF NATIONAL PROHIBITION LAW

The bill (S. 4101) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, as amended by the act of May 31, 1924, was announced as next in order.

Mr. KING. Mr. President, one moment.

Mr. WALSH. Mr. President, I think I can explain the provisions of this bill. It is proposed by General Andrews, who desires to utilize in the prohibition forces officers of the Army who have been retired, and who would be unable to receive compensation for their services by virtue of some statute. This bill makes them available for service in the enforcement of the prohibition laws.

Mr. KING. Mr. President, I should like to ask the Senator from Montana, in view of the fact that the Prohibition Unit calls for active and energetic men, what services retired officers—who are presumed to be, if not infirm, rather aged—can render? It seems to me that it is just opening the way to give jobs to some of our retired officers in a field where they are not qualified for proper service. I may be in error, and I ask for information.

Mr. WADSWORTH. Mr. President, for one, I should like an opportunity to get some opinion from the Secretary of War on a measure of this sort. It may have a profound effect upon the military services of the country, and I should like to know his opinion. Perhaps the Committee on the Judiciary had some advice from the Secretary of War and the Secretary of the Navy.

Mr. KING. As a member of the Committee on the Judiciary, I may say that I never saw the bill or heard of it before.

Mr. WALSH. The bill was carefully considered by the subcommittee of the Judiciary Committee considering proposals to amend the prohibition law. I am sure, though, that there was no advice by the Secretary of War.

Mr. WADSWORTH. I should like to have the bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes, was announced as next in order.

Mr. BROUSSARD. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 8657) to amend sections 226 and 228 of the Judicial Code, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN OREGON

The bill (S. 3655) to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co., and revested in the United States by the act approved June 9, 1916, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior shall be, and is hereby, authorized to issue a patent to the city of Yamhill, Oreg., for the following-described lands, being a part of the lands revested in the United States by the act of Congress enacted June 9, 1916 (39 Stat. p. 218), to wit: The north half of the northeast quarter of section 9, township 2 south, range 5 west, Willamette meridian, Yamhill County, Oreg., on condition that the said city shall first pay to the United States the sum of $2.50 per acre for said lands: *Provided*, That there shall be reserved to the United States, its permittees or licensees, as to the land so patented, the right to enter thereon and take and use the same for power purposes, in accordance with the terms and conditions of section 24 of the Federal water power act of June 10,

1920 (41 Stat. p. 1063), and to remove from said land all timber which in the opinion of the Secretary of the Interior may be cut and removed without material damage to the watershed, but in the sale of such timber under the provisions of the said act of June 9, 1916, supra, the said city of Yamhill shall have a preference right of purchase at the highest price bid.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 455) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, the junior Senator from Pennsylvania [Mr. REED], who was unable to be present tonight, said that he would like to be present when that bill was considered; and I ask that it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL LAND OFFICES IN MONTANA

The bill (S. 3770) establishing additional land offices in the State of Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys, with amendments.

The amendments were, at the end of section 4, to insert:

SEC. 5. That all that portion of the State of Oregon included within the present boundaries of Union, Baker, Grant, Morrow, Umatilla, and Wallowa Counties is hereby constituted a new land district and that the land office for said district shall be located at La Grande, in the county of Union.

SEC. 6. That all that portion of the State of South Dakota included within the present boundaries of Harding, Butte, Lawrence, Meade, Pennington, Jackson, Custer, Washington, Washabaugh, Fall River, Shannon, and Bennett Counties is hereby constituted a new land district and that the land office for said district shall be located at Rapid City, in the county of Pennington.

SEC. 7. That all that portion of the State of Idaho included within the present boundaries of Blaine, Camas, Gooding, Jerome, Twin Falls, Cassia, Minidoka, and Lincoln Counties is hereby constituted a new land district and that the land office for said district shall be located at Hailey, in the county of Blaine.

And on page 3, line 11, to change the number of the section from 5 to 8; and on line 17, after the words "other land offices of," to strike out "said State" and insert "the respective States," so as to make the bill read:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lake, Lewis and Clark, Madison, Mineral, Missoula, Park, Powell, Ravalli, Sanders, and Silver Bow Counties is hereby constituted a new land district and that the land office for said district shall be located at Helena, in the county of Lewis and Clark.

SEC. 2. That all that portion of the State of Montana included within the present boundaries of Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties is hereby constituted a new land district and that the land office for said district shall be located at Miles City, in the county of Custer.

SEC. 3. That all that portion of the State of Montana included within the present boundaries of Fergus, Garfield, Judith Basin, Musselshell, Petroleum, and Wheatland Counties is hereby constituted a new land district and that the land office for said district shall be located at Lewistown, in the county of Fergus.

SEC. 4. That all that portion of the State of Montana included within the present boundaries of Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, and Valley Counties is hereby constituted a new land district and that the land office for said district shall be located at Glasgow, in the county of Valley.

SEC. 5. That all that portion of the State of Oregon included within the present boundaries of Union, Baker, Grant, Morrow, Umatilla, and Wallowa Counties is hereby constituted a new land district and that the land office for said district shall be located at La Grande, in the county of Union.

SEC. 6. That all that portion of the State of South Dakota included within the present boundaries of Harding, Butte, Lawrence, Meade, Pennington, Jackson, Custer, Washington, Washabaugh, Fall River, Shannon, and Bennett Counties is hereby constituted a new land district and that the land office for said district shall be located at Rapid City, in the county of Pennington.

SEC. 7. That all that portion of the State of Idaho included within the present boundaries of Blaine, Camas, Gooding, Jerome, Twin Falls, Cassia, Minidoka, and Lincoln Counties is hereby constituted a new land district and that the land office for said district shall be located at Hailey, in the county of Blaine.

SEC. 8. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register for each of the additional land offices established under the provisions of this act, who shall discharge the duties of said office and receive the same amount of compensation as other officers discharging like duties in the other land offices of the respective States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota."

AMENDMENT OF HAWAIIAN ORGANIC ACT

The bill (H. R. 6535) to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian homes commission act, approved July 9, 1921, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions with an amendment, on page 2, after line 2, to insert:

SEC. 2. That so much of section 55 of the Hawaiian organic act, as amended, as reads "nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than 30 years from the date of the issue thereof," is amended by adding at the end thereof the following: "nor shall any issue of bonds or other instruments of any such indebtedness be made after July 1, 1926, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series and the last installment not later than 30 years from the date of such issue."

The amendment was agreed to.

Mr. BINGHAM. I ask unanimous consent that the report may be printed in the RECORD at this point for the information of the Senate.

The PRESIDING OFFICER. Without objection, that order will be made.

The report (No. 844) submitted by Mr. BINGHAM on the calendar day of May 18, 1926, is as follows:

[Report to accompany H. R. 6535]

The Committee on Territories and Insular Possessions, to whom was referred the bill (H. R. 6535) to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian Homes Commission act, approved July 9, 1921, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

On page 1, after line 11, insert the following:

"SEC. 2. That so much of section 55 of the Hawaiian organic act, as amended, as reads 'nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than 30 years from the date of the issue thereof;' is amended by adding at the end thereof the following: 'nor shall any issue of bonds or other instruments of any such indebtedness be made after July 1, 1926, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.'"

Report of the Secretary of the Interior is hereto attached.

DEPARTMENT OF THE INTERIOR,
Washington, May 13, 1926.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR SENATOR WILLIS: Your letter of May 5, 1926, has been received inclosing a copy of H. R. 6535, entitled "An act to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian Homes Commission act, approved July 9, 1921." The bill in question is substantially as follows:

"That so much of section 55 of the Hawaiian organic act as amended by the Hawaiian Homes Commission act, approved July 9, 1921, which reads: 'and the total indebtedness of any such subdivision shall not at any time be extended beyond 3 per cent of such assessed value of property in the subdivision,' be amended to read as follows: 'and the total indebtedness of any such subdivision shall not at any time be extended beyond 5 per cent of such assessed value of property in the subdivision.'"

The reason for increasing the maximum from 3 to 5 per cent of the assessed valuation of property in each territorial subdivision arises out of the fact that under the present law sufficient funds can not be obtained to carry out very desirable improvements in the city and county of Honolulu. In the attached copy of a letter dated May 8, 1926, addressed by Governor Farrington to Delegate Jarrett, he states, among other things, that—

"The gross assessable values of real and personal property for the taxation period of the fiscal year 1925 in the first taxation division, which includes the city and county of Honolulu, was $214,275,164, and the net value was $192,104,784.

"On June 30, 1925, there had been authorized and issued for purposes of public improvement, confined exclusively to sewer extension, water extension, and street extension, public improvement loans totaling $2,080,000. Adding to this total the $3,000,000 authorization for water and sewer purposes made by the legislature at its session in 1925, we have a total bonded indebtedness for the city and county of Honolulu of $5,080,000. Three per cent of the net property value of approximately $192,000,000 amounts to $5,760,000. When the present $3,000,000 sewer and water loan is completed there will thus remain authority for the floating of only $680,000 additional. I think the opinion is quite general that this margin of loan appropriation is not sufficient to provide means for carrying on the work that is vitally pressing. The public improvements are of such a nature that there is every good reason why the funds for the work should not be charged in full against the present generation. The pipe lines and pumps and the highways, when once completed, will last for years, and the payments should very properly be distributed over a period of 30 years.

"Under the authorization of the bill now before Congress a 5 per cent debt limit on the present value of the city and county of Honolulu of approximately $192,000,000 would give a margin for the future of approximately $4,000,000. A total bonded indebtedness of the city and county of Honolulu of $9,000,000 is by no means a heavy burden upon the taxpayers and does not suggest that the people of the city would recklessly borrow money or go beyond their ability to pay. The authorization for the Territory and its municipal divisions to incur indebtedness is found in section 55 of the organic act. The debt limit for the Territory is 10 per cent of the assessed value of its real and personal property. The governor's report for 1925, on page 19, shows that the gross assessed value of real and personal property within the Territory has increased from $121,000,000 in 1921 to $360,000,000 in 1925.

"The city and county of Honolulu is the largest taxation unit in the Territory, and this evidence of the increasing values as shown by the report may be accepted as a fair index of the increasing values in the city and county of Honolulu."

In view of the facts set forth above I have to state that I am not aware of any good reason why the bill should not receive favorable consideration.

Very truly yours,

HUBERT WORK.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SILVER SERVICE SET OF BATTLESHIP "MINNESOTA"

The bill (H. R. 10539) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAMPHLET PRINT OF DECLARATION OF INDEPENDENCE

The bill (H. R. 11202) to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith, was announced as next in order.

Mr. KING. Mr. President——

Mr. HALE. Mr. President, this is a bill that will undoubtedly cause more or less discussion, and I suggest that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

DISPOSITION OF LANDS NO LONGER NEEDED FOR NAVAL PURPOSES

The bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments.

The first amendment was, on page 2, line 17, after the word "Reservation," to insert "except those portions retained for Wood End Light Station and the permanent range beacons which mark the Inner Measured Mile Course," so as to read:

Provided, That the Secretary of the Navy shall, if directed by the President, reconvey to the State of Massachusetts, without compensation, all right, title, and interest of the United States in said Long Point Military Reservation, except those portions retained for Wood End Light Station and the permanent range beacons which mark the Inner Measured Mile Course, notwithstanding the authorization for the transfer or sale of such property hereinbefore provided.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out all of section 8, in the following words:

SEC. 8. Hereafter if any real property acquired for naval purposes becomes useless for such purposes, the Secretary of the Navy is directed to report such fact to Congress in order that authorization for its disposition in accordance with this act may be granted.

The amendment was agreed to.

The next amendment was, on page 5, line 20, to change the number of the section from 9 to 8.

The amendment was agreed to.

The next amendment was, in line 24, to change the number of the section from 10 to 9.

The amendment was agreed to.

The next amendment was, on page 6, line 13, to change the number of the section from 11 to 10.

The amendment was agreed to.

The next amendment was, in line 19, to change the number of the section from 12 to 11.

The amendment was agreed to.

The next amendment was, on page 7, line 1, to change the number of the section from 13 to 12.

The amendment was agreed to.

The next amendment was, in line 15, to change the number of the section from 14 to 13.

The amendment was agreed to.

The next amendment was, on page 8, line 4, to change the number of the section from 15 to 14.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator whether this bill authorizes the sale of any of the property at Mare Island, Calif.?

Mr. HALE. I think there is nothing about Mare Island in the bill.

Mr. KING. I have not had a chance to read this long bill.

Mr. HALE. I think not; no. This bill simply authorizes the sale of certain lands belonging to the Government which are no longer needed for naval purposes. They are largely lands recommended to be disposed of by the Rodman Board report of 1922.

Mr. KING. Has that report been supplemented and brought down to date, with recommendations for the sale of additional parcels of land?

Mr. HALE. Not by any specific board. There are a few additional sections in the bill that were not included in the report.

Mr. KING. What is the estimated value of the property?

Mr. HALE. The bill is in line with the War Department bill recently enacted. It is a little difficult to tell the value. We have followed out almost exactly the provisions of the War Department bill and have created a naval public works construction fund instead of a military post construction fund.

Mr. WALSH. Mr. President, I should like to inquire of the chairman of the committee whether he can advise the Senate if it is the purpose of the Navy Department to dispose of these lands upon such terms as the property of the Pacific Spruce Co. was purchased?

Mr. HALE. I am not very familiar with the matter to which the Senator refers. The Navy wants as much money as it can get for its lands.

Mr. WALSH. We had it under consideration here a little while ago, and it cost us $180,000. I was wondering how much this would cost us.

Mr. HALE. I do not think it will involve any additional cost.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. KING. Mr. President, I see that the United States naval hospital at Key West is to be interfered with, or, at any rate lands belonging to that hospital are to be disposed of. Has that question been investigated, and is it certain that those lands will not be needed for hospital purposes?

Mr. HALE. I think that matter has already been attended to in another bill which has passed the Senate and is now before the House.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALTERATIONS IN COAL-BURNING BATTLESHIPS

The bill (H. R. 10503) to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in addition to the alterations authorized in paragraph 1 of the act approved December 18, 1924, entitled "An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels," the installation of improved appliances for launching and handling airplanes on the six battleships, *New York, Texas, Florida, Utah, Arkansas,* and *Wyoming*, is hereby authorized and the limit of cost of the alterations for such ships is hereby increased by the sum of $1,350,000: *Provided*, That the funds appropriated or to be appropriated for "alterations to naval vessels" may be utilized for the work hereby authorized.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. Chairman, I wanted to ask the chairman of the committee whether the appropriation of $1,350,000 is needed for that purpose, and whether the appropriation made in the naval appropriation bill for the next fiscal year was not sufficient to care for this item.

Mr. HALE. Mr. President, there is nothing in that appropriation which would take care of this specific item. This item is to take care of the installation of catapults on the six coal-burning battleships which are to be converted into oil-burning ships. The Senator will recall that the Navy Department is to put on additional deck protection and blisters on those ships, and thoroughly modernize them. This is one of the things that will have to be done in connection with that modernization. It was not taken care of in the original bill, because at that time the Navy had no suitable catapults to install on those ships. They now have a successful powder catapult which they propose to put on these six ships.

Mr. KING. The Senator knows that within six weeks we passed an appropriation bill for the Navy carrying approximately $300,000,000, and I understood, and I am sure that was the impression of most Senators, that that covered the anticipated needs of the Navy for the next fiscal year. Why was not this appropriation of $1,350,000 included in that $300,000,000 appropriation bill?

Mr. HALE. This is not an appropriation; this is an authorization.

Mr. KING. Why was it not included in that bill?

Mr. HALE. An appropriation bill does not carry legislation. This is legislation.

Mr. KING. When is it expected that this expenditure will be made?

Mr. HALE. The Senator will notice that the bill reads:

That in addition to the alterations authorized in paragraph 1 of the act approved December 18, 1924, entitled "An act to authorize alterations to certain naval vessels and to provide for the construction of additional vessels," the installation of improved appliances for launching and handling airplanes on the six battleships, *New York, Texas, Florida, Utah, Arkansas,* and *Wyoming*, is hereby authorized and the limit of cost of the alterations for such ships is hereby increased by the sum of $1,350,000: *Provided*, That the funds appropriated or to be appropriated for "alterations to naval vessels" may be utilized for the work hereby authorized.

That is to say, this bill brings the installation of the catapults in as part of the whole project, and they will commence at once on the installation of these catapults, and later on the authorization will have to be followed up by an appropriation to add to the eighteen million-odd dollars that were appropriated for the conversion.

BILL PASSED OVER

The bill (S. 477) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, was announced as next in order.

Mr. WALSH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ENSIGN CECIL CLINTON ADELL

The bill (S. 1023) authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy, was announced as next in order.

Mr. KING. Mr. President, I would like to have some explanation of that bill.

Mr. COPELAND. Mr. President, this young man was a candidate for the Olympic games, and was assigned to the Naval Academy, where he was put through very strenuous training, training which in my judgment was much too strenuous. He had to take off 16 pounds in a very short time.

As a result of his training and his successful try outs he was operated on for appendicitis, and in less than a month after the operation was assigned to duty and sent to Pensacola, where the naval physicians said he was unfit for duty and recommended that he be given sick leave. The man applied for sick leave, his request was denied, and there was nothing left for him to do but resign. He did resign and gave himself the necessary treatment, and was able afterwards to pass the examinations, and now naturally wishes to go back in the Navy.

The committee gave the case full consideration and decided to reassign this young man to the Navy, giving him an extra number, so as not to interfere with anybody else. The committee felt that was an act which should be done.

Mr. KING. Mr. President, I would like to ask the Senator from New York if the Navy Department has recommended this bill.

Mr. COPELAND. The Navy Department has not recommended it; no. They have given the facts, and the record shows his entire medical history. So there is nothing left now, so far as I can see, but to do an act of justice to this young man.

The Senator from Utah asks me if a precedent may not be set by this. It is not likely that any other member of the Navy will ever be taken out and put under such strenuous treatment as this young man had, to fit him for the Olympic games. I think he was mistreated. That is my honest judgment.

Mr. SWANSON. Mr. President, if the Senator will permit me, this young man was sick, he could not get proper treatment at Pensacola, and asked for leave so that he could get medical treatment and recover his health. He was refused leave of absence, as disclosed by the investigation of the committee, and he was compelled to resign in order to get medical treatment. In a case like that, the man ought to be reinstated.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "resigned," to strike out the period and the word "Such," and to insert a colon and the following: "*Provided*, That said Cecil Clinton Adell shall be an additional number in the grade of ensign, and to any to which he may hereafter be promoted: *Provided further*, That such," so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, Cecil Clinton Adell (who resigned his commission as an ensign in the United States Navy on October 1, 1924), an ensign on the active list of the Navy, and in the lineal position in the line of the Navy which he would have attained had he not resigned: *Provided*, That the said Cecil Clinton Adell shall be an additional number in the grade of ensign, and to any to which he may hereafter be promoted: *Provided further*, That such appointee shall not be entitled to receive pay or allowances for the period during which he was not in the active service of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTH JERSEY EXPOSITION, CAMDEN, N. J.

Mr. PHIPPS. Mr. President, I ask unanimous consent to submit a report from the Committee on Education and Labor. It will take but a moment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PHIPPS. I report back favorably without amendment from the Committee on Education and Labor the joint resolution (H. J. Res. 230), authorizing the Treasury Department to

participate in the South Jersey Exposition to be held in the city of Camden, N. J., and I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL MILITARY PARK AT MOORES CREEK, N. C.

The bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, N. C., was considered as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, I have not any opinion to express on the real merits of this bill, but it is a bill that very clearly should have been referred to the Committee on Military Affairs.

Mr. OVERMAN. Mr. President, with the Senator's consent, as he will remember when I mention it, the bill went to the Committee on the Library. I showed the Senator the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, I would like to have the report of the House Committee on Military Affairs printed in the RECORD to show what a wonderful victory was won on this battle field. I ask unanimous consent that it be printed in the RECORD in order that Senators and the general public may read it. It was indorsed by Senator Lodge and others.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TO ESTABLISH A NATIONAL MILITARY PARK AT THE BATTLE FIELD OF MOORES CREEK, N. C.

Mr. WURZBACH, from the Committee on Military Affairs, submitted the following report [to accompany H. R. 3796]:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3796) to establish a national military park at the battle field of Moores Creek, Pender County, N. C., reported favorably thereon, and recommended that the bill be passed with the following amendment: Strike out section 3.

On the 27th day of February, 1776, the first American victory was gained by the American arms in the War of the Revolution at Moores Creek, Pender County, N. C. The National Society of the Daughters of the American Revolution in a recent session in the city of Washington unanimously passed the following resolution:

"Whereas on February 27, 1776, 150 years ago, was won at Moores Creek, in Pender County, N. C., the first decisive victory of the American Army in the War of the Revolution, when 1,000 patriots under Col. Alexander Lillington put to flight 1,600 Tories under General McLeod, and thereby saved North Carolina to the cause of American independence.

"Whereas the victory was one of the chief factors leading to the ultimate decision of the colony to pass the Halifax resolutions of independence and freedom from English rule, so powerful in effect on the subsequent Federal Declaration of Independence.

"Whereas Fiske, in his History of the American Revolution, states, 'The effect of the victory was as contagious as that of Lexington in New England.' Within 10 days 10,000 militia were ready to withstand the enemy, so that Clinton on his arrival decided not to land. A provincial congress was forthwith assembled and instructions were sent to the North Carolina delegates in the Continental Congress empowering them to concur in declaring independence: Wherefore be it

"*Resolved*, That the National Society of the Daughters of the American Revolution in congress assembled indorse the resolution passed by the North Carolina State conference to request the Senate and the House of Representatives of the United States to pass a bill providing for sufficient appropriations to create and maintain a national park at Moores Creek battle ground, Pender County, N. C."

The national officers of the Daughters of the American Revolution filed with the Military Affairs Committee a statement as follows:

"It is a pleasure to comply with the request of Congressman CHARLES L. ABERNETHY and Senator LEE S. OVERMAN to indorse the resolution passed by the State conference of North Carolina, Daughters of the American Revolution, and unanimously indorsed by the national board of the Daughters of the American Revolution, Saturday, April 17, 1926, to request the House of Representatives and the Senate to pass a bill to establish and maintain a national park at Moores Creek battle ground in Pender County, N. C.

"Mrs. ANTHONY WAYNE COOK,
"President General, N. S. D. A. R.
"Mrs. GEORGE DE BOLT,
"Historian General, N. S. D. A. R.
"Mrs. JOHN TRIGG MOSS,
"Chairman Resolutions Committee,
"Congress 1926, N. S. D. A. R."

A simple brownstone monument stands as a memorial to the first victory gained by the American Army in the War of the Revolution. North Carolina throughout the War of Independence devoted her energy to the cause of freedom, and this was brought about largely on the strategy and zeal of Colonels Moore, Caswell, and Lillington, who with their 1,100 men stopped 1,600 of the enemy.

The hope of General McDonald, commander of the Tories and hero of Bunker Hill, was to reach Wilmington, where he expected to find Sir Henry Clinton and Lord William Campbell with a considerable land and naval force, and to be able in a short time to make an aggressive and successful advance into the interior. He organized his army of Tories and broke camp on the 23d of February, 1776, crossed the Cape Fear River, and pushed on at a rapid pace pursued by Colonel Moore and his band of patriots; crossed the South River from Bladen and New Hanover, and on approaching Moores Creek he came upon the camps of Colonels Caswell and Lillington.

The following morning the loyalists rushed forward under Captain McLeod, and the patriots, who had waited behind the breastworks constructed during the night until the Tories were within 30 paces, then arose from their concealment and bravely confronted the foe. Captain McLeod and the second leader, John Campbell, were killed; the Tories were dispersed and 900 made prisoners, including McDonald himself. Rifles and ammunition were taken in great quantities and stores amounting to the value of $100,000.

The amount of spoils taken and the number of prisoners captured does not show the benefits of this victory. The victory was the destruction of the great scheme which had been formed for the subjugation of North Carolina. The breaking up of the combination of the enemies of the colonists at home secured the State of North Carolina for the cause of independence. It showed that North Carolina was able to hold in check the Tories within her borders, and it won over to the cause of freedom many who had hitherto held back for fear of English power. A warm zeal invaded all ranks of the people in every part of the colony, and in less than two weeks approximately 10,000 men had risen against the enemy. The coming of Clinton inspired no terror, and almost every man was ready to turn out at a moment's notice.

About the time of this battle Sir Henry Clinton and Lord William Campbell were entering the Cape Fear with a considerable force; Sir Henry Parker, with 10 or 12 ships, and Lord Cornwallis, with 7 regiments, were expected every hour. Bitter was their disappointment when on reaching Fort Johnson a few days later to learn when on the very eve of attaining the object of their expedition the loyalists of the State had been repulsed and driven back and all who survived the fatal day were captured or scattered, and their hopes were completely blasted.

This battle is of great national import, as is evidenced by the action of that patriotic body, the National Society of the Daughters of the American Revolution. The historical references to it are many.

Dawson, in Battles of the United States, volume 1, says:

"This battle was of eminent service to the American cause of independence in America. It broke the spirit of a great body of men who would have constituted a very formidable reeinforcement to an invading army. Had General McDonald effected a union with Sir Henry Clinton, the whole of the colony would have been placed at their mercy."

Frothingham, in the Rise of the Republic of the United States, says:

"This was the Concord and Lexington of that region. The newspapers circulated the details of this brilliant result. The spirits of the Whigs ran high. 'You never,' one writes, 'knew the like in your life for true patriotism.'"

Caruthers, in Revolutionary Incidents, says:

"The Battle of Moores Creek was to the South pretty much what the Battle of Lexington was to the North. In the former case the victory was more complete, but we speak of it as a test of courage and its effects upon the community in preparing them for the approaching contest with the gigantic power of Great Britain."

John Fiske, in his American Revolution, volume 1, page 177, says:

"The effect of the victory was as contagious as that of Lexington had been in New England. Within 10 days 10,000 militia were ready to withstand the enemy, so that Clinton on his arrival decided not to land and stayed cruising about Albemarle Sound, waiting for the fleet under Parker, which did not appear on the scene until May. A provincial congress was forthwith assembled, and instructions were sent to the North Carolina Delegates in the Continental Congress empowering them to concur with the delegates in the other Colonies in declaring independency and forming foreign alliances, reserving to the colony the sole and exclusive right of forming a constitution and laws for it."

In the correspondence of George III, 1, 276, quoted in Frothingham, the Rise of the Republic of the United States, Boston, 1872, page 502:

"Governor Martin was endeavoring to save the State for the Crown and expected to accomplish his aim by brilliant activities on the part of the Tory Highlanders whom he hoped to have reinforced by Sir Henry Clinton's expedition from England, sent by George III, because, as he said, 'I am clear the first attempt should be made on North

Carolina, as the Highland settlers are said to be well inclined' * * * 'Thousands of Scots assembled, but only 1,600 remained when it was found that no royal troops had arrived. Under McDonald, the faithful started on their march to Wilmington. They were met at Moores Creek Bridge, 18 miles above Wilmington, by the radicals on February 27, 1776, and were killed, captured, or dispersed to a man.'"

See also Channing, Edward: A History of the United States, 1912. Volume 3; The American Revolution, pages 178, 179.

Henry Cabot Lodge says that—

"Governor Martin stirred up one part of the community against the other, set a civil war on foot in the colony, betook himself to a man-of-war, and cried our for help from England. The usual result followed. The loyalists attacked the minute men under Caswell, who had posted themselves at a bridge from which they had taken the planks. The Highlanders gallantly attempted to cross on the beams but were beaten back, for the claymore was no match for the rifle.

"In this way the colony was alienated from the Crown, fighting was started, the party of the revolution and resistance was left with a clear field and a free hand as the only positive force to set up an independent government and seize all authority. Lodge, Henry Cabot: The Story of the Revolution. New York, 1903, page 123."

R. D. W. Connor, in his History of North Carolina, volume 1, The Colonial and Revolutionary Periods, page 388, says:

"High ran the enthusiasm of the Whigs, and high their confidence. Ten thousand men sprang to arms and hurried to Wilmington. 'Since I was born,' wrote an eyewitness, 'I never heard of so universal an ardor for fighting and so perfect a union among all degrees of men.'"

John Clark Ridpath, in the New Complete History of the United States of America, Cincinnati, 1905, Volume V, 2490, says of this battle:

"All patriotic North Carolina sprang to arms, 10,000 being in camp in a few days."

Caruthers, in speaking of this battle, further states:

"The effect was to arouse their ambition, to fire them with resentment, to increase their confidence in themselves, and give them a better appreciation of their rights."

Gordon, William: History of the Rise, Progress, and Establishment of the Independence of the United States of America, London, 1788, volume 11, page 10:

"The joy of this conquest diffused among the North Carolinians is inconceivable, the importance of it being heightened by General Clinton and Lord William Campbell being then at Cape Fear in sanguine expectation of being joined by the vanquished."

Caruthers, Joseph S., supra cit., 94-95, further states:

"By their conduct at the bridge and by the victory achieved, they gained some military experience and a more intelligent confidence in themselves, which was of more advantage to them and to the country than all the spoils taken from the enemy."

Bancroft, George: History of the United States of America, New York, 1892, volume 55, pages 390, 391, says:

"North Carolina, proud of its victory over domestic enemies and roused to defiance by the arrival of Clinton in their great river, met in congress at Halifax on the 4th of April; on the 8th appointed a select committee, of which Harnett was the head, to consider the usurpations and violences of the British Parliament and King; and on the 12th, after listening to its report, unanimously 'empowered their delegates in the Continental Congress to concur with the delegates of the other colonies in declaring independency and forming foreign alliances.' At the same time they reserved to their colony the sole right of forming its own constitution and laws. The people of North Carolina were the first in America to vote an explicit sanction to independence."

R. D. W. Connor, supra cit., Volume I, 389:

"North Carolina was the Rubicon over which the Colonies passed to independence and constitutional self-government. Before that event the Whig leaders had rather dreaded than sought independence. They met with indignant denial the assertions of their enemies that they had aimed at it from the beginning of their dispute with the mother country. * * * At any rate, they approached independence slowly, through a long process of development, and finally adopted it, as emancipation was afterwards adopted, as a war measure. Officially North Carolina led the way with the first resolution adopted by any of the colonies authorizing their delegates in the Continental Congress to vote for independence."

Channing, Edward: A History of the United States, New York, 1912, says:

"This complete crushing of the southern loyalists brought to the fore the question of the thirteen Colonies."

At its session of the legislature in 1925 the State of North Carolina passed the following resolution:

"Whereas on February 27, 1776, at Moores Creek Bridge, in North Carolina, 1,000 patriots, under the command of Col. Alexander Lillington, put to flight 1,600 Tories, under the command of Col. Donald McLeod, and thereby saved North Carolina to the cause of American independence; showed that North Carolina was able to hold in check the Tories within her borders; won over to the cause of freedom many who heretofore held back for fear of England's power; and so thoroughly broke the spirit of the Highlanders that they never again rallied in North Carolina to the support of the royal cause; and

"Whereas the troops engaged in this battle under the patriot supreme commander, Col. James Moore, and the royal supreme commander, Gen. Donal McDonald, were engaged in the first set of military campaigns of the War of the Revolution, and the patriots here won the first pitched battle fought against royal troops in this war: Now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring): 1. That Moores Creek battle ground, in Pender County, N. C., ought to be erected into a national park and so maintained by the Federal Government.

"2. That a copy of this resolution be forwarded to each Senator and Member of the House of Representatives in Congress from this State, with the request that they seek by appropriate legislation to erect and maintain Moores Creek battle ground as a national park. In the general assembly, read three times, and ratified this 27th day of February, 1925."

The legislature also passed a resolution authorizing the Governor of North Carolina to turn over to the Federal Government without cost this battle field, the title to which is in the State of North Carolina, together with all the buildings thereon. There are several buildings on the grounds—a large auditorium; a splendid artesian well; the grounds are suitably fenced. This battle field was recognized by Congress at a previous session when a modest monument was erected to Mary Slocumb, who made the memorable ride of 60 miles because she had a dream that her husband was wounded. A very beautiful account of this ride is given in Wheeler's North Carolina History, page 457. Mary Slocumb's maiden name was Mary Hooks. She was a sister of Hon. Charles Hooks, who was a Member of Congress from the Wilmington, N. C., district from 1816 to 1825, and who removed from North Carolina to Alabama. This account of Mary Slocumb's ride is taken from Mrs. Elizabeth Eliet's The Women of the Revolution.

Our committee feels that this important battle should be appropriately recognized by being converted into a military park.

EDWARD R. LEDWELL

The bill (H. R. 4119) for the relief of Edward R. Ledwell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

C. B. WELLS

The bill (H. R. 965) for the relief of C. B. Wells was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOWARD A. MOUNT

The bill (H. R. 2254) for the relief of Howard A. Mount was announced as next in order.

Mr. KING. I would be very glad to hear from the Senator from North Dakota in regard to the bill.

Mr. NYE. I think this is a case where postage stamps were missing from a bundle delivered to a postmaster, which was found later on to be short.

Mr. KING. As I read the report, it is rather different from what the Senator states. I suggest that the bill be temporarily laid aside without prejudice.

The PRESIDING OFFICER. The bill will be passed over temporarily.

A. S. ROSENTHAL CO.

The bill (H. R. 3278) for the relief of the A. S. Rosenthal Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I ask unanimous consent that the vote by which House bill 3278 was passed be reconsidered. I notice that there are some new facts stated in the report, which I think ought to be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and the vote is reconsidered.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

PORTLAND IRON WORKS

Mr. STANFIELD. Mr. President, I ask unanimous consent that we return to Order of Business 820, Senate bill 1919, for the relief of the Portland Iron Works. I was temporarily out of the Chamber when that bill was reached.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Portland Iron Works the sum of $9,800, in full compensation, being amount held back by the Government as a penalty for delays in the construction of the two dredges known as *Wahkiakum* and *Multnomah*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD C. ROSER

The bill (H. R. 6466) for the relief of Edward C. Roser was next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN E. LUBY

The bill (H. R. 7403) for the relief of John E. Luby, of New Bedford, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. W. HOUSE

The bill (H. R. 8794) to credit the accounts of W. W. House, special disbursing agent, Department of Labor, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF WASHINGTON COUNTY, OHIO, ETC.

The bill (H. R. 4902) for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD J. O'ROURKE, GUARDIAN OF KATIE I. O'ROURKE

The bill (H. R. 6696) for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that under the unanimous-consent agreement the hour for recess or adjournment has arrived.

Mr. CURTIS. I rose to make a motion. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 11 o'clock p. m.) adjourned until to-morrow, Friday, May 21, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 20 (legislative day of May 17), 1926

FOREIGN SERVICE

VICE CONSULS OF CAREER

Ellis O. Briggs.
David K. E. Bruce.
Augustus S. Chase.
Early B. Christian.
Lewis Clark.
Harry L. Franklin.
Eugene P. Lawton, jr.
William H. T. Mackie.
John H. Morgan.
W. Mayo Newhall, jr.
Lloyd D. Yates.
McCeney Werlich.
Rufus H. Lane.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be major

Henry L. Larsen.

To be captain

Frederick M. Howard.

To be first lieutenant

William H. Doyle.

To be second lieutenants

Francis J. McQuillen.
Edward W. Snedeker.
Kenneth W. Benner.
Kenneth H. Cornell.
John S. E. Young, jr.
Richard S. Burr.
Lofton R. Henderson.
Chester B. Graham.
Arthur H. Butler.
Earl J. Ashton.
Hartnoll J. Withers.
Russell N. Jordahl.
Nels H. Nelson.
Mortimer S. Crawford.
Benjamin F. Kaiser, jr.
Frank P. Pyzick.
Thomas B. Jordan.
Elmer H. Salzman.
Thomas A. Wornham.
Earle S. Davis.
Charles G. Wadbrook.
Con D. Silard.
Joseph L. Wolfe.
Ward E. Dickey.
Roy M. Gulick.

POSTMASTERS

CALIFORNIA

Inez M. Benson, Calipatria.
Donald A. Parker, Etna.
George A. Herdeg, Riverside.

COLORADO

Roswell H. Bancroft, Palisade.

CONNECTICUT

Edwin H. Powell, Burnside.
William N. Manee, Moodus.

GEORGIA

James W. Long, Ashburn.
Joseph D. Long, Bremen.
Herbert I. King, Dexter.
Fletcher N. Carlisle, Flowery Branch.
Noel H. Bragg, Gray.
Henry L. Murphey, Hephzibah.
William H. Astin, Palmetto.
Joe B. Saunders, Ringgold.
William E. Fitts, Rocky Ford.
Mary W. Barclay, Rome.

KANSAS

Lucille H. Norton, Mildred.

MICHIGAN

Grace A. Grinnell, Centerville.
Elmer L. Dalton, Leland.

MISSISSIPPI

Jesse C. Rhodes, Sallis.

MISSOURI

Lawrence L. Glover, Newark.

NEW YORK

Ella L. Winch, Lakewood.
Elizabeth May, Round Lake.
Homer H. Thomas, Rushford.
Edmund E. Bandy, St. Regis Falls.
Ruth E. Barlow, Wassaic.

NORTH DAKOTA

T. H. Hulbert Casement, Fordville.
James H. Cramer, Marmarth.
Ovidia G. Black, Werner.

OHIO

Harold A. Carson, Bergholz.
Elizabeth P. CarSkaden, Castalia.
L. Edgar Clawson, Middle Point.

OKLAHOMA

Agnes L. Stahlheber, Geary.
John L. Coyle, Rush Springs.

RHODE ISLAND

Frank W. Crandall, Hope Valley.
Wilfred R. Easterbrooks, Wakefield.

UTAH

C. Thomas Martin, Milford.

WISCONSIN

Jacob Johnson, Curtiss.
Samuel M. Hogenson, Ephraim.
John F. Rhinehart, Gays Mills.
James N. Godsell, Hales Corners.
John E. Wehrman, Prescott.

REJECTION

Executive nomination rejected by the Senate May 20 (legislative day of May 17), 1926

UNITED STATES ATTORNEY

Aubrey Boyles, of Alabama, to be United States attorney, southern district of Alabama.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 20, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

This day, our heavenly Father, keep us very close to Thee. Dwell in all our hearts and remove all petty ambitions and desires. Give us the very broadest conceptions of truth, right, and justice. In all our ways help us to prove ourselves worthy of the gifts and privileges Thou hast bestowed upon us. We are grateful for one of the most beautiful descriptions in Thy Holy Word, namely, Thou art "the God of hope." Hope is Thy abiding message to all. Hope in God, hope in ourselves, and hope in our brother man. We praise Thee for this one string of the human breast that is never silenced. In the morning hours and in the depths of night it creates in us the sense of a new chance. Help us to be better and do better. Amen.

The Journal of the proceedings of yesterday was read and approved.

REVISION OF REMARKS

The SPEAKER. The Chair asks the attention of the House to a statement with regard to the rule respecting the right of one Member to inspect the reporter's notes of remarks made by another. He makes this statement in view of some discussion that has been had on this subject within the last few days. The precedent and the rule are very clear. Section 6964, of Volume V, of Hinds' Precedents, records a decision which was rendered and which has become the established practice of the House. In that case a Member, as a question of privilege, claimed that he had applied for a copy from the original notes of remarks delivered in the House, which request had been denied by the Reporters, under the direction of the Speaker of the House. He claimed that it was his right to have furnished him a copy of such notes.

Speaker Crisp stated that while there was no rule of the House upon the subject, in his opinion, when a Member withheld for revision his remarks, in which remarks was contained nothing personal to or reflecting upon another Member, such other Member was not entitled as a matter of right to be furnished a copy from such original notes, and that he had so advised the Reporters in the instance referred to by the complaining Member.

The Chair thinks this is a very wholesome rule and has instructed the Reporters to withhold the notes unless the remarks contain somewhat of a reflection upon the other Member.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE VIRGINIA BILL OF RIGHTS

The SPEAKER. The Chair appoints Mr. GOLDSBOROUGH, of Maryland, a member of the joint committee to attend the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights to fill the vacancy caused by the resignation of Mr. LINTHICUM.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7188. An act entitled "An act granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River, in the State of Mississippi.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2059. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington;

S. 3931. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city; and

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes.

The message also announced that the Senate had passed the following order:

Ordered, That the bill (H. R. 9568) amending section 220, Criminal Code of the United States, be returned to the House of Representatives in accordance with its request.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 4) authorizing the Joint Committee on Muscle Shoals to hold hearings and employ expert and clerical assistants.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2959. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington in King County, State of Washington; to the Committee on Interstate and Foreign Commerce.

S. 3931. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes; to the Committee on Irrigation and Reclamation.

AMENDMENT OF THE NATIONAL BANKRUPTCY ACT

Mr. CHRISTOPHERSON. Mr. Speaker, I call up the conference report on the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1039) entitled "To amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That section 1 (a), subdivisions 6, 8, and 24 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto, be, and the same hereby are, amended as follows:

"'(6) "Corporations" shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships, and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint stock companies, unincorporated companies and associations, and any business conducted by a trustee, or trustees, wherein beneficial interest or ownership is evidenced by certificate or other written instrument.

"'(8) "Courts of bankruptcy" shall include the district courts of the United States and of the Territories and possessions to which this act is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska.

"'(24) States shall include the Territories and possessions to which this act is, or may hereafter be, applicable, and the District of Columbia.'

"SEC. 2. That the introductory provision preceding subdivision 1 of section 2 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'That the courts of bankruptcy as hereinbefore defined, namely, the district courts of the United States in the several States, the Supreme Court of the District of Columbia, the district courts of the several Territories and possessions to which this act is, or may hereafter be, applicable, and the United States Court in the District of Alaska, are hereby

made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held.'

"SEC. 3. That section 3 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not knowing at least five days before a sale or other disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered, or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within 30 days from the date such levy, attachment, judgment, or other lien was obtained; or (5) made a general assignment for the benefit of his creditors; or, while insolvent, a receiver or a trustee has been appointed, or put in charge of his property; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.'

"SEC. 4. That section 7 (a), subdivision (8) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(8) Prepare, make oath to, and file in court within 10 days after adjudication, if an involuntary bankrupt, and within 10 days after the filing of a petition, if a voluntary bankrupt (unless in either case further time is granted), a schedule of his property showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors showing their residence, if known; if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions, as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee.'

"SEC. 5. The section 12 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) A bankrupt may offer, either before or after adjudication, terms of composition to his creditors, after, but not before, he has been examined in open court, or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of the estate, at which meeting the judge or referee shall preside; but action upon the petition for adjudication shall not be delayed, except that the court, for good cause shown, may in its discretion delay such action upon such terms and conditions for the protection of and indemnity against loss by the bankrupt estate as may be proper.'

"SEC. 6. That section 14 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) Any person may, after the expiration of 1 month and within 12 months, subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending, if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

"'(b) The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard; and investigate the merits of the application and discharge the applicant, unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) destroyed, mutilated, falsified, concealed, or failed to keep books of account, or records, from which his financial condition and business transactions might be ascertained; unless the court deem such failure or acts to have been justified, under all the circumstances of the case; or (3) obtained money or property on credit, or obtained an extension or renewal of credit, by making or publishing, or causing to be made or published, in any manner whatsoever, a materially false statement in writing respecting his financial condition; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition, transferred, removed, destroyed, or concealed or permitted to be removed, destroyed, or concealed any of his property, with intent to hinder, delay, or defraud his creditors; or (5) has been granted a discharge in bankruptcy within six years; or (6) in the course of proceedings in bankruptcy, refused to obey any lawful order of or to answer any material question approved by the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilites: *Provided*, That if, upon the hearing of an objection to a discharge, the objector shall show to the satisfaction of the court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this paragraph (b), would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt: *And provided further*, That the trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do by the creditors at a meeting of creditors called for that purpose on the application of any creditor.'

"SEC. 7. That section 21 of said act, as so amended, be, and the same hereby is, amended by adding after paragraph (g) thereof a new paragraph (h), to read as follows:

"'(h) A communication by a creditor, receiver, or trustee of one, by, or against whom a bankruptcy petition is filed, or who has been adjudicated a bankrupt, to another creditor, uttered in good faith and with reasonable grounds for belief in its truth, concerning the conduct, acts, or property of such bankrupt, shall be privileged, and the creditor, receiver, or trustee so uttering the same shall not be held liable therefor.'

"SEC. 8. That section 23 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) The United States district courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

"'(b) Suits by the trustee shall be brought or prosecuted only in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; and section 70, subdivision e.'

"SEC. 9. That section 24 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows, and by adding at the end thereof, a new subdivision (c), to read as follows:

"'(a) The Supreme Court of the United States, the circuit courts of appeal of the United States, the Court of Appeals of the District of Columbia, and the supreme courts of the Territories, in vacation, in chambers, and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases.

"'(b) The several circuit courts of appeal and the Court of Appeals of the District of Columbia shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law (and in matter of law and fact the matters specified in section 25) the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised by appeal and in the form and manner of an appeal, except in the cases mentioned in said section 25 to be allowed in the discretion of the appellate court.

"'(c) All appeals under this section shall be taken within 30 days after the judgment, or order, or other matter complained of, has been rendered or entered.'

"SEC. 10. That section 25 (a) of said act, as so amended, be, and the same is, amended to read as follows:

"'(a) That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of

$500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.'

"SEC. 11. That section 29 (a), (b), and (d) of said act, as so amended, be, and the same hereby is, amended to read as follows, and that section 29 be further amended by adding after paragraph (d) thereof a new paragraph (e) to read as follows:

"'(a) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"'(b) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently (1) concealed from the receiver, trustee, United States marshal, or other officer of the court charged with the control or custody of property, or from creditors in composition cases, any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to any proceeding in bankruptcy; or (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this act; or (5) received or attempted to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof from any person for acting or forbearing to act in bankruptcy proceedings; or (6) having been an officer or agent of any person or corporation, and in contemplation of the bankruptcy of such person or corporation, or with intent to defeat the operation of this act, concealed or transferred any of the property of the debtor; or (7) after the filing of the petition, or, in contemplation of bankruptcy, concealed, destroyed, mutilated, or falsified any book, document, or record affecting or relating to the property or affairs of a bankrupt; or (8) after the filing of the petition, withheld from the receiver or trustee any book, document, or paper affecting or relating to the property or affairs of a bankrupt, to the possession of which he is entitled.

"'(d) A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within three years after the commission of the offense.

"'(e) (1) Whenever any referee, receiver, or trustee shall have grounds for believing that any offense under this act has been committed, or from facts or circumstances brought out in the course of administration or otherwise brought to his attention, that there is reasonable ground to believe that such an offense has been committed, or for special reason an investigation should be had in connection therewith, it shall be the duty of such referee, receiver, or trustee to report such matter to the United States attorney for the district in which it is believed such an offense has been committed, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and a statement as to the offense or offenses believed to have been committed.

"'(2) It shall be the duty of every United States attorney immediately to inquire into the fact so reported to him by any referee, receiver, or trustee, and the law applicable thereto, and if it appears probable that any offense under this act has been committed, in a proper case and without delay, to present the matter to the grand jury, unless upon inquiry and examination such district attorney decides that the ends of public justice do not require that the alleged offense should be investigated or prosecuted, in which case he shall report the facts to the Attorney General for his direction in the premises.'

"SEC. 12. That section 38 (a), subdivision 5, of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(5) During the examination of the bankrupt, or other proceedings, authorize the employment of stenographers for reporting and transcribing the proceedings at such reasonable expense to the estate as the court may fix.'

"SEC. 13. That section 57 (n) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such time, then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.'

"SEC. 14. That section 60 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"'(a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer to any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of recording or registering of the transfer, if by law such recording or registering is required or permitted.'

"SEC. 15. That section 64, subdivisions (a) and (b), of said act, as so amended, be, and the same hereby are, amended to read as follows:

"'(a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, in the order of priority as set forth in paragraph (b) hereof: *Provided*, That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court. Upon filing the receipts of the proper public officers for such payments the trustee shall be credited with the amounts thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

"'(b) The debts to have priority, in advance of the payment of dividends to creditors, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expense of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary and involuntary cases, as the court may allow; (4) where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of the court, the reasonable expenses of such creditors in opposing such composition; (5) wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of the commencement of the proceeding, not to exceed $600 to each claimant; (6) taxes payable under paragraph (a) hereof and (7) debts owing to any person who by the laws of the States or the United States is entitled to priority: *Provided*, That the term "person" as used in this section shall include corporations, the United States, and the several States and Territories of the United States.'

"SEC. 16. That section 70, subdivision (a) 2, of said act as so amended, be, and the same hereby is, amended to read as follows:

"'(2) Interests in patents, patent rights, copyrights, and trade-marks, and in applications for patents, copyrights, and trade-marks: *Provided*, That in case the trustee, within 30 days after appointment, does not notify the applicant for a patent, copyright, or trade-mark of his election to prosecute the application to allowance or rejection, the bankrupt may apply to the court for an order revesting him with the title thereto, which petition shall be granted, unless, for cause shown by the trustee, the court grants further time to the trustee for making such election; and such applicant may, in any event, at any time petition the court to be revested with such title in case the trustee shall fail to prosecute such application with reasonable diligence; and the court, upon revesting the bankrupt with such title, shall direct the trustee to execute proper instruments of transfer to make the same effective in law and upon the records.'

"SEC. 17. Nothing herein contained shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

"SEC. 18. The provisions of this amendatory act shall govern proceedings, so far as practicable and applicable, in bankruptcy cases pending when it takes effect; but as to proceedings in cases pending when this act takes effect, to which the provisions of this amendatory act are not applicable, such proceedings shall be disposed of conformably to the provisions of said act approved July 1, 1898, and the acts amendatory thereof and supplementary thereto.

"SEC. 19. All acts or parts of acts inconsistent with any provisions of this act are hereby repealed.

"SEC. 20. This act shall take effect and be in force on and after three months from the date of its approval."

And the Senate agree to the same.

C. A. CHRISTOPHERSON,
EARL C. MICHENER,
A. J. MONTAGUE,
Managers on the part of the House.

T. J. WALSH,
CHARLES S. DENEEN,
GUY D. GOFF,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1639 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The differences between the Senate bill and the House bill, which was substituted in the House, consisted in that, first, the House bill amended some sections of the bankruptcy law not touched upon by the Senate bill; and, secondly, there were some technical differences in phraseology, but in the main both bills sought to accomplish the same purpose.

Sections 1 and 2 of the House amendment were not contained in the Senate bill. The Senate recedes from its disagreement to these amendments and agrees to the same.

In section 3 of the House amendment the only difference from the Senate bill is in subdivision (5), which difference consists merely in phraseology. The Senate recedes from its disagreement to this amendment and agrees to the same.

Sections 4 and 5 of the House amendment are not contained in the Senate bill and the Senate recedes from its disagreement to these amendments and agrees to the same.

As to section 6 of the House amendment, the Senate recedes from its disagreement to the amendment and agrees to the same with the following amendment: After the word "petition," in division (4) of subdivision (b), strike out the words "shall have."

Sections 7, 8, and 9 of the House amendment are not contained in the Senate bill. The Senate recedes from its disagreement to these amendments and agrees to the same with the following amendments:

In the first line of subdivision (b), section 8, strike out the word "only," and in the second line of the same subdivision, after the word "prosecuted," insert the word "only."

In the last line of subdivision (b), section 9, after the word "appeal," strike out the period, insert a comma and the following: "except in the cases mentioned in said section 25 to be allowed in the discretion of the appellate court."

The Senate recedes from its disagreement to the amendments contained in sections 10 and 11 of the House amendment and agrees to the same with the following amendment:

After the word "bankrupt," in the last line of subdivision (b), section 11, strike out the period, insert a comma and the following: "to the possession of which he is entitled."

Section 12 of the House amendment was not contained in the Senate bill. The Senate recedes from its disagreement thereto and agrees to the same.

Section 57 (n) and section 60 (a) of the Senate bill are not contained in the House amendment. The House recedes from its disagreement thereto and agrees to the same. These amendments are sections 13 and 14 of the conference report.

As to section 13 of the House amendment, being section 15 of the conference report, the Senate recedes from its disagreement and agrees to the same with the following amendment:

"After the word 'municipality,' in the third line of subdivision (a), strike out the words 'except franchise or license fees or taxes of a corporation, owing to States in which such corporation is not doing business.'"

At the end of division (7) of subdivision (b), section 13, after the words "United States," strike out the colon, insert a period, and strike out the following words: "*Provided, however*, That priorities granted by any State law to its residents and to domestic corporations over nonresidents and foreign corporations shall not be recognized or allowed."

As to section 14 of the House amendment, being section 16 of the conference report, the Senate recedes from its disagreement and agree to the same with the following amendment: Strike out all of subdivision (b).

The Senate recedes from its disagreement to sections 15, 16, 17, and 18 of the House amendment, being sections 17, 18, 19, and 20 of the conference report, and agrees to the same.

C. A. CHRISTOPHERSON,
EARL C. MICHENER,
A. J. MONTAGUE,
Managers on the part of the House.

Mr. CRISTOPHERSON. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

NATURALIZATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War, with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 9761, with Senate amendments, and moves to concur in the Senate amendments. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what this is all about.

Mr. JOHNSON of Washington. Mr. Speaker, I will make a very brief statement.

This bill went to the Senate as the Bacon bill, the purpose being to extend the time in which aliens who served in our armed forces during the war might have the naturalization privilege. It comes back now with the text of the Tilson bill, the purpose of which is to permit certain aliens to return to the United States, but carries also the text of the other bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11208) to admit to the United States alien veterans of the World War be laid on the table.

The SPEAKER. Without objection, H. R. 11208 will be laid on the table.

There was no objection.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 11603, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have not used any time during the consideration of this bill, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Chairman, the consideration of the farm-relief measures during the past two weeks has necessitated our intensive study of the farming problem. The Committee on Agriculture, consisting of 21 Members of the House, has been studying the question for the past two years. Most of the present members of that committee were members of the former Congress. During the past two years there have appeared before that committee representatives of practically every farm organization throughout the country. It is a disappointment that the Members of Congress charged with the sympathetic consideration of this subject were outmaneuvered as to procedure. Instead of one bill being reported represent-

ing the views of a majority of the committee, the members of the committee yielded to the suggestions of the minority and authorized the reporting of three bills without recommendation. The Committee on Rules has presented a rule for the joint consideration of all three bills. No such rule has ever been presented heretofore. It will enable many questions to be voted on in Committee of the Whole without an opportunity for a record vote. This is a most dangerous proceeding. To illustrate, the rule would permit a substitution of either the Tincher bill or the Aswell bill for the Haugen bill, and if one of the two bills is substituted it would permit the other to be offered as a substitute for the third one. Only one motion to recommit is in order, and under the procedure as outlined by this rule a record vote on the substitution of one bill for another may not be had.

I was reared on the farm, and I represent a great agricultural district. I am sure no one can be more deeply interested in farm legislation than myself. My investments are largely in farm lands, and I feel that I am justified in saying that I have much practical knowledge with reference to farming conditions.

1. ARGUMENTS THAT THERE IS A FARM PROBLEM REVIEWED

a. LOSS IN EXCHANGE OF FARM VALUES $13,000,000,000

I think it is conceded now by everyone that there is a real farm problem. During the debates the plight of the farmer has not been exaggerated or overemphasized. It has been brought out in the debates that within the last five years—1919–1925—that the exchange values of farm products have shrunk $13,000,000,000. This is a staggering statement. The figures are so large they can not be comprehended. No one who stops and reflects over this statement will deny that some action should be taken before the adjournment of Congress.

b. LOSS IN SHRINKAGE OF FARM VALUES $17,000,000,000

Not only have the farmers lost in the exchange value of their farm products but, in addition, have lost in shrinkage in value of their lands from $54,800,000,000 in 1920 to $37,800,000,000 in 1925, or $17,000,000,000. Yet the local taxes and cost of upkeep of their lands is approximately the same. The farmer can not evade his taxes by the concealment of his property. More land was sold for taxes in Oklahoma in 1925 than in any previous year.

c. MORTGAGE FORECLOSURES AND BANK FAILURES CITED

Figures have been inserted in the RECORD during this debate showing the very large number of mortgages foreclosed on farms and of the farmers who have taken advantage of bankruptcy. Surely, when we stop to study it, no one can deny that there is a real farm problem. It has been stated during the debates that during the years 1924 and 1925 there have been a total of 1,389 bank failures, State and National, involving deposits of about $386,344,000, and that most of these banks were located in the Middle West and Western States, supported by agriculture. Within the past week five banks failed in one day in the State of Iowa. Too many, I regret to say, were in my own State of Oklahoma.

We attempt to find excuses for this depression, but I am sure that when it is invited to our attention that but few of these bank failures are in the industrial sections, that we are compelled to acknowledge that agriculture is entitled to relief.

d. AVERAGE ANNUAL INCOME OF FARMER $736

The statistical report shows that the average income of the American farmer for 1924 was $736. The average income of a laborer on a railroad was $1,570. The average in manufacturing was $1,250. Clerical employees for the Government received an average of $1,650, and teachers $1,300. Included in the $736 for the farmer is his living expenses, which represent $630 per year. In other words, the farmer's income, exclusive of his living expenses, is $106. Nearly all of the other wage earners work eight hours per day, whereas the farmer works from daylight to dark, which during the summer months means about 16 hours per day. These figures will convince any reasonable person that there is a real farm problem.

e. PURCHASING POWER OF FARMER'S DOLLAR 60.3 CENTS

The report of the Secretary of Agriculture on the exchange value of the purchasing power of the farmer's dollar shows that it is 60.3 cents. In 1913 it was 100. I insert a table showing its exchange value or purchasing power for each year, including that of 1925:

The purchasing power of the farmer's dollar since 1913

(Includes food and farm products, with all other products)

1913	100	1920	96
1914	105	1921	84
1915	103	1922	89
1916	97	1923	61.3
1917	107	1924	62.4
1918	112	1925	60.3
1919	112		

It is argued that the condition of the farmer is improving. This table refutes this and shows that the purchasing power of his dollar continues to decline.

In other words, the farmer loses, in exchanging his food and farm products for manufactured products, the difference between 60.3 and 100, or 39.7 cents out of every dollar. I think that but few farmers realize this themselves. Surely it has not been sufficiently impressed upon the farmers of the country.

No industry or business can long survive that contributes 39.7 cents out of every dollar to other industries. That is exactly what the farmers of the country are doing. We are legislating for the manufacturers in the East and discriminating against the farmers in the West and South. Unless some legislation or administrative relief is applied farms will be abandoned and values will continue to fall, and the number of bankrupts among the farmers will greatly increase. If the farmers of the country would stop and study the situation and realize that they are getting only 60.3 cents out of every dollar in exchange for their farm products, they would insist upon legislation that would give them relief.

Now, this exchange value can not be disputed, because it is taken from the report of the Secretary of Agriculture.

A bushel of wheat 15 years ago paid for a day's labor on the farm. It now takes 2 bushels of wheat at an increased price per bushel to secure the same labor.

Everyone realizes that the farmers' products, including wheat, cotton, and corn, will not buy for him to-day shoes, clothing, furniture, and agricultural implements in the same quantities they did before the war.

f. LOSS TO WHEAT FARMERS $1,150,000,000

It has been stated during the debates, and the figures are taken from the statistics, that the actual loss in dollars and cents which the wheat farmers of the country suffered by reason of the drop in the purchasing power of their products from July, 1920, to July, 1925, a period of five years, amounted to $1,150,000,000.

In other words, their wheat, measured in goods for which they exchanged it, lost them that amount of money. This is a staggering sum. It is almost unbelievable, yet it is true. Now, the farmers appeal to Congress and ask us for remedial legislation.

g. LOSS ON CORN OVER $1,000,000,000

Let us examine the loss in the purchasing power of corn. In the five years from 1920 to 1925, inclusive, the chart, prepared by the Secretary of Agriculture and exhibited during the debates, shows that the farmers raising corn have lost over a billion dollars.

No wonder the corn farmers of Iowa are appealing for relief, and this accounts for the meeting held not long since in Des Moines, and it also explains the very large number of bank failures throughout that section of the country, including the five failures recently in that State.

h. HOG PRODUCERS LOST $2,680,000,000

The farmers who have raised hogs have lost heavily. It has been stated on the floor, and the chart prepared by the Secretary of Agriculture verifies this, that comparing the losses in the exchange prices of hogs, the hog producers have lost in the six years since 1919 the sum of $2,680,000,000.

In other words, they would have had that much more money if they had received for their hogs an average price compared with the prices of manufactured products on a pre-war basis.

i. CATTLEMEN LOST $2,360,000,000, AND ALL BROKE

Every cattleman knows that the cattle industry has suffered greatly. No man dealing extensively in cattle who borrowed money in the State of Oklahoma, and I might say throughout the entire country, who is not broke. There may be a few small dealers who had money of their own and were not operating on borrowed capital who may have survived, but I am inviting attention to the fact that every large dealer in cattle operating on borrowed capital who was in business in 1919 and continued to 1925 went broke.

The same chart exhibited on the floor shows that the cattlemen lost $2,360,000,000. No wonder so many banks closed in the West and Northwest. Surely no one can examine these figures submitted and not admit that a very grave situation exists among the farmers in the South and West.

During the six years the loss on all agricultural products, including corn, wheat, cotton, cattle, and hogs, reached the total of $13,000,000,000.

j. COTTON BELOW COST OF PRODUCTION

My district is greatly interested in cotton. As compared with other products for which the cotton farmer exchanges his cotton in order that he may break even, and without profit, according to the chart exhibited he should receive 20 cents

per pound for it. Cotton at present is selling for from 15 to 18 cents, according to its grade. In other words, the cotton which the farmer sells at present will be at a loss of approximately 3 cents per pound. And the market continues to decline.

k. HAZARDS OF FARMERS

Your attention is invited to the fact that the farmer is subjected to innumerable hazards, including the weather, pests of various kinds, and the difficulties which attend the harvesting of his crops. He has inclement weather to contend with, and much of his time is lost. A cold, rainy, backward spring prevents him from utilizing his time in planting his crops as early as he should, and bad weather interferes with their cultivation. When the crops are about to mature pests of various kinds, familiar to farmers, including the chinch bug, boll weevil, and others, frequently appear and destroy or greatly reduce the net total of his crop yield.

These are hazards which the industries of the East do not have to contend with. They are properly housed, their employees work in comfortable rooms, and they can work their regular number of hours each day in the year; hence it is important to consider these difficulties which interfere with the farmers to a measurable extent during every year.

2. REDUCTION OF FREIGHT RATES URGED

During the course of the debate many remedies have been proposed. Attention is invited to the fact that the farmers are required to pay too high freight rates. I have repeatedly invited attention to this. While the railroads are entitled to a fair return, yet as long as the farmer only gets 60.3 cents on the dollar in exchange for his farm products no other business or industry is entitled to 100 cents on the dollar. The losses, if there must be any, should be shared and equalized.

The appropriations by the Federal Government, the States, and local communities for the building of roads have greatly assisted the farmers in reducing the cost of transportation of their products from the farms to the markets. Everyone knows that the farmers get for their products the price at the central market, less the freight. There may be an exception now and then because of some local shortage, but generally speaking this is true.

The price of the farmer's cotton is based on the Liverpool price as reflected through the markets at New York and New Orleans. Everyone knows that the increased freight rates affect the net amount the farmer receives.

3. TARIFF DISCRIMINATES AGAINST CONSUMERS

Attention has been invited to the artificial price of industrial products—in other words, the price added because of legislation, such as the tariff. Everyone knows, of course, that the manufacturers of the East are prosperous. This is due to the legislative advantage in the Fordney-McCumber bill of 1922. This bill enables the manufacturers to raise the price to the consumers on practically everything they buy. This is the reason why the exchange value of the farmer's dollar has been reduced to 60.3 cents.

It is argued that there is no duty on farming implements, but the steel and other materials of which they are made are highly protected, which increases their cost to the farmers.

In 1922, through the tariff act, we gave the East this legislative advantage. You can not give an advantage to one without taking it from another. In this case we take millions of dollars in small sums from the consumers by permitting the manufacturers to add to the price of the articles they consume and give this to the industrial class in the East.

If the manufacturers were compelled to give the farmers 39.7 cents on the dollar for all the farm products they consume, the farmers would enjoy prosperity.

In one argument this was illustrated by the see-saw. As one goes up the other goes down. As the load of one is lightened the burden of the other is increased. There is not a penny added to the price of the things which the farmers must buy but what this enables the manufacturers to get more for the articles they make. This is a subsidy pure and simple. Some people think a subsidy means that the money must come from the Federal Treasury. It does not make much difference whether the people pay this into the Federal Treasury in taxes, and then it is taken from the Treasury and paid to the manufacturer, it comes from the people anyway. The financial burden is upon them. If all legislative advantages were taken away from all other classes, there would be no necessity for legislation for the farmers.

4. SPECIAL LEGISLATION ENACTED FOR ALL CLASSES EXCEPT THE FARMERS

We advanced large sums to the railroads immediately after the war aggregating hundreds of millions of dollars, and bills are pending in Congress now to extend these loans at 4¼ per cent for a number of years. We have lost many millions of dollars upon our merchant marine. We legislated in 1913 to protect the banking interests of the country, enacting the Federal reserve act. This was then criticized as being radical and unworkable, but it is now appreciated by everyone as being a great piece of constructive legislation.

The Federal reserve act provides for a board, with certain powers, and member banks are compelled to take stock, and thereby contribute to a fund which stabilizes the finances of the country, and is intended to prevent panics for all time. The Haugen bill is on the same principle and operating through a board is expected to stabilize the price of farm products and prevent the prices from falling below the cost of production.

We legislated in behalf of the laboring man by passing the immigration bill. We have legislated in behalf of various classes of people, and when we recognize that the farmers are in distress and have been for six years we should use our best efforts to give them relief.

We legislate for every other group, but when we consider legislation for the benefit of the farmers of the country it is called "class" legislation.

5. FOREIGN DEBT SETTLEMENTS CRITICIZED

Against my vote and over my protest we remitted to the Italian Government $2,565,013,500, and an equal if not greater amount is to be remitted to France, and all settlements are extended over a period of 62 years. The farmers must share their part of this burden through increased taxes. When we make an appropriation to relieve their distress and to save them from bankruptcy it is called a "subsidy."

When we consider legislation creating a board to assist in the control and marketing of the surplus to prevent further foreclosures of mortgages, and to save the farmers from ruin, it is called "price fixing," but when we lose $6,000,000,000 in foreign-debt settlements to enable banker groups to float large loans, with high rates of interest and attractive commissions to finance the army of the dictator Mussolini, it is called stabilization of conditions in Europe.

6. EMERGENCY TARIFF ACT OF 1921 A SUBTERFUGE

In 1921 Congress passed an emergency tariff act to place a duty upon the farm products imported into this country. Of course, every thoughtful person knew that that would not raise the price of farm products. However, the Republicans thought perhaps something would come about to increase these prices and they could then give the credit to that legislation, but the price of farm products continued to go down, and it should be against the law to longer attempt to fool the farmer with this subterfuge.

7. TARIFF NO BENEFIT WHEN EXPORTABLE SURPLUS RAISED

During the last campaign my opponent claimed that the price of cotton, then a fair one, was due to a tariff on cotton, when everyone knows there is no tariff on cotton and never was, except on long-staple cotton, none of which is produced in Oklahoma, and even that provision was repealed in 1922.

A tariff on farm products where we raise a surplus and export it can not possibly help the farmer. A tariff on cotton, when we export approximately half the amount we raise, would not be of any advantage to the cotton farmers, and the same is true of wheat. The tariff against the importation of Canadian wheat may at times be of some benefit to the wheat growers near the Canadian border, but the truth is, generally speaking, the Liverpool price governs the price of wheat, both in the United States and in Canada. No Canadian wheat comes in competition with wheat grown in Oklahoma. The freight rates forbid.

8. QUANTITY PRODUCTION AND DIVERSIFICATION URGED

The question of overproduction has been discussed during the debates. It has been insisted that production should be reduced.

When the question is studied it will be found this is economically unsound and should not be done. I believe in diversification. The farmer, so far as his soil and climate will permit, should diversify his crops and should raise everything necessary for his own use, but he must utilize his entire acreage to the best advantage each year. The more of a commodity produced per acre the less it costs proportionately to produce it. This is fundamentally sound. We should enact no legislation that would encourage the noncultivation of any land. It must be remembered that the farmer has an investment in his land and the improvements upon it. He should receive interest on his investment. He must keep up the improvements and pay taxes whether the land is in cultivation or not. He can not, therefore, permit it to remain idle; and while I agree that the farmer should diversify his crops, yet I insist that he should not reduce production of the commodities he sows and plants. He should attempt to raise more per acre and thereby

reduce the cost of raising it. Ford made a success and a fortune through quantity production. If the farmer is not encouraged to produce the maximum amount per acre, he should not use modern farming implements, no fertilizers should be used, and he should not rotate his crops to build up his soil to make it more productive.

Everyone familiar with farming conditions knows that tenant farmers must raise crops they can sell for cash. They do not have cattle and hogs and other livestock to feed their surplus grain. They must raise crops they can sell to meet their obligations. Everyone in the South knows this is true.

9. MANY FARMS NOT CULTIVATED

In Oklahoma the Census Bureau reports 197,218 farms. Of these, 81,226 are operated by their owners, 115,498 by tenant farmers, and 494 by managers.

More farms were not cultivated in the years of 1924 and 1925 than during any years in peace times in the history of the country

10. THE HAUGEN BILL ANALYZED

We have three bills before us for consideration. I have not had the advantage of being on the Committee on Agriculture. This committee has been in session almost daily for the past seven or eight weeks. I think it was due Congress that a report upon one bill should have been made, but three bills have been reported to the House, the bill known as the Haugen bill being the first under consideration.

This bill attempts to control the surplus. It provides for an advisory council selected by the farmers and provides for a farm board of 12 members, one from each land-bank district, to be nominated by the President and confirmed by the Senate from the members recommended by the council. It gives very broad powers to the board. I regret that more details are not stated in the bill. The equalization fee is to be postponed as to cotton for two years. Thereafter the fee is limited not to exceed $2 per bale. In the meantime we will have an opportunity to study it and see how it works out. If it does not assist in the marketing and the control of the surplus to the advantage of the farmers and the elimination of the middlemen, we can amend or repeal it. It authorizes an appropriation of $175,000,000, of which amount $75,000,000 is allocated to cotton, out of which the equalization fee is to be paid. Its operation is voluntary and only goes into effect as to any particular basic commodity included in the bill when the board finds that a substantial number of the producers of that community request it, and in no event unless members of the board representing land-bank districts which produce more than 50 per cent of any commodity shall be in favor of such action.

With this legislation, how can we stabilize or raise the price of any commodity to the producers? Let me illustrate with cotton.

After the war, when there was no foreign demand for cotton because of the financial depression in Europe, the price of cotton fell from 35 cents to 11 cents per pound. The War Finance Corporation, with powers similar to those given the board created by this bill, was given an appropriation of $300,000,000 to purchase and stabilize agricultural products. The cooperatives were organized, cotton was bought and stored in warehouses, money was advanced by the Government only in the sum of $41,000,000, the price of cotton was doubled, and the cotton producers of the South were saved from ruin. Every cent was repaid and the Government never lost a dollar. We are making an effort to meet a similar emergency through the provisions of this bill.

Statistics show that there are seldom more than three good crops in succession of any commodity. Everyone can apply his own experience to verify this statement. If, therefore, the surplus can be withheld and its marketing controlled over a period of three years, it will greatly assist in solving the farm problem.

11. THE TINCHER BILL COMPARED

The Tincher bill provides for a council and marketing commission similar to the council and board provided by the Haugen bill. It then authorizes an appropriation for a loan to farm organizations and other agencies upon certain basic farm commodities to the amount of $100,000,000. This is all it attempts to do. I regard it as entirely inadequate. It is not stated how much of the money is to be allocated to the various basic commodities. Of course everyone knows that the entire amount may be more than consumed in the marketing of wheat, and none would be left for cotton and the other commodities.

The farmers are not satisfied with this measure of relief because they think it inadequate. They assert that through their own organizations and through the intermediate credit banks they are now able to get credit to finance the products to the extent of their members.

Under the Haugen bill there is a representative on the board from each of the 12 farm land bank districts, and an opportunity is given for a representative on the board for all commodities.

Under the Tincher bill the marketing commission is composed of only six members, and the South and West may be deprived of sympathetic representation on the commission. There is no inducement, under the terms of the Tincher bill, for a farmer to become a member of a cooperative association, because he gets the advantages of the increased price of any commodity raised in his community without becoming financially responsible.

The method of recommending for appointment the members of the board in the Haugen bill is challenged as unconstitutional. The same method is contained in the Tincher bill for recommending and appointing members of the commission.

The Haugen bill encourages cooperative membership, whereas the Tincher bill discourages it. The cooperatives, representing a comparatively small percentage of the farm membership, are not sufficiently strong to share the financial burden of all the producers of farm products.

In so far as the Tincher bill provides for an advisory council and a commission to collect data and bring that to the attention of the farmers, and in so far as it would bring the two into closer relationship, I approve of it, and I also approve of the amount of $100,000,000 authorized to be appropriated, but this sum should be increased and more definite language placed in the bill to indicate the amount intended to be allocated to the various commodities. Otherwise there would be criticisms and charges of favoritism as to one section over another, and this should not be permitted.

The farmers are scattered over a wide area of country, approximately 40,000,000 people living on the farms. Some are in sparsely settled communities. It is almost impossible to organize them and therefore legislation which will encourage organization among them would be helpful.

12. THE ASWELL BILL ONLY AN ORGANIZATION MEASURE

The Aswell bill encourages cooperation and organization and authorizes an appropriation of $10,000,000 to be loaned for that purpose, repayable in a number of years. I see no objection to this bill. It would be helpful in so far as it goes, but I do not believe in itself it is sufficient to solve the problem.

The farmers buy in a protective market and sell in a world market without protection.

I have frequently said that in my judgment it would require a series of bills to afford the farmers permanent and adequate relief. I am in sympathy with them. I know their distress and the hazards, and while I am not able to secure for them the legislation I would recommend I am not willing to refuse to vote for legislation recommended by the representatives of farm organizations who have made a survey of the farmers' needs and have commended the legislation to Congress.

I intend, therefore, to support the Haugen bill, recommended by practically all the farm organizations of the country, provided the equalization fee is not made operative as to cotton for two years, giving the farmers in the meantime a chance to see whether the bill is workable, and provided also that an adequate sum is authorized to be appropriated to enable the farmers to dispose of their surplus products. While I do not believe the Tincher bill will assist the farmers to a very great extent, in event it is substituted for the Haugen bill I intend to vote for that bill, but for the reasons already indicated I do not believe its provisions will adequately assist the farmers.

If the Aswell bill, which is an organization measure, is offered as an amendment to either of the other bills and not as a substitute, I intend to support it because I believe in closer cooperation and organization among the farmers.

In the event that neither the Tincher bill nor the Aswell bill is finally offered as a substitute, as the rule provides, it will confirm the belief that both bills were presented and the rule adopted to divide the vote of those friendly to farm legislation, to defeat any favorable action by Congress.

The present situation demands constructive legislation. We can not afford to remain inactive. In 1920 there were 6,448,343 farmers. In 1925 6,371,617, or a decrease of 76,726. The rural population is growing smaller each year.

The difference between the income of the man on the farm and the man in the city accounts for the efforts of the man on the farm to engage in some other occupation to better his condition. The drift is toward industrial centers because wages are higher and living conditions more inviting, due to legisla-

tive favoritism. Therefore I have come to the conclusion that while the details of this proposed legislation are not entirely satisfactory, I am unwilling to have Congress adjourn without giving the representatives of the farm organizations an opportunity to try out the remedy which they have suggested.

I am sure that the discussions in the House and in the press of the country will compel some future Congress to enact any amendments which may be found necessary to make this legislation workable; but I would prefer to vote for a bill which would take away the legislative advantages from the eastern manufacturer and equalize the exchange value of the farmer's dollar, but that legislation is not before us.

Believing that the legislation under consideration will bring at least a measure of relief to the distressed farming industry, I intend to give it my support to the extent that I have indicated. [Applause.]

13. OUR APPROPRIATIONS DISCRIMINATE AGAINST THE FARMER

The farmer has a right to feel embittered because of unfair discriminations in appropriations. The appropriations by the present Congress, exclusive of the second deficiency appropriation bill yet to be reported, but including that for the Postal Service, for the coming fiscal year are as follows:

Treasury and Post Office Departments	$868,281,501.63
Interior Department	226,332,918.00
Navy Department	319,650,075.64
Agricultural Department	127,924,573.00
First deficiency, 1926	426,298,681.19
War Department	342,609,641.16
Independent offices	512,928,376.64
State, Justice, Commerce, and Labor Departments	79,963,851.90
District of Columbia	33,918,571.00
Legislative establishment	16,437,327.20
Total	2,954,345,487.36

To this amount must be added $1,393,000,000, estimated permanent and indefinite appropriations, making a total of $4,347,345,487.36.

The second deficiency appropriation bill, to be passed before the adjournment of Congress, will carry such an additional amount as will show an aggregate authorized expenditure for the coming fiscal year of approximately $4,500,000,000.

The Department of Agriculture expends $59,275,823 from this appropriation supplemented by other sums from permanent appropriations, and Federal aid to roads and forest trails amounts to $82,500,000. Eighty-two per cent of our Government expenditures are on account of wars, past and prospective. In addition to the above expenditures we have authorized an appropriation of $165,000,000 for public buildings, $50,000,000 of which is to be expended in the District of Columbia.

I have not called attention to these appropriations for the purpose of criticizing them, but when the farmers, and all business interests dependent upon them, are in distress and facing bankruptcy, they may well ask whether or not parts of the sums appropriated could not have been postponed and an adequate sum appropriated for their relief.

14. ALL CLASSES DEPENDENT UPON THE FARMER

Agriculture is our greatest basic industry. More people live on the farm and are affected by agriculture than of any other class or occupation. The banker, the business man, the professional man, carpenter, and laborer of all kinds is dependent upon the farmer and is affected by his prosperity. They are not only dependent upon him for food supplies but their business success is dependent upon him. You further impoverish and destroy the farmer and you injure every class of business, particularly throughout the South and West, as every business man knows and appreciates.

During the past week the State Bankers' Association of Oklahoma, with a reported attendance of 1,000 representatives from all parts of the State, appreciating the dependence of every business upon agriculture, indorsed and recommended the enactment of the Haugen bill.

Legislation favorable to the farmer, therefore, benefits every citizen of the Nation and surely Congress can be depended upon to enact some sound legislation that will tend to alleviate his condition and at least place him upon a parity with those more favored classes in the East.

15. OTHER REMEDIES NOT BEFORE US

Let me warn the representatives of the agricultural districts, particularly from the South, that we should seriously consider the question before we vote against the only remedy which we have an opportunity to support. If normal crops are made during the present year and if the prices of agricultural products, including cotton, continue to decline, and new low-price levels are reached this fall, you will be greatly embarrassed in attempting to explain to a distressed and bankrupt constituency, why you declined to vote for the only measure of relief recommended by the representatives of all farm organizations who appeared before the Committee on Agriculture.

You must remember that the question of lower freight rates is not before us. There is no chance during the present administration to lower the tariff. We all know this. For myself I am not going to permit the only opportunity that I will have to assist the farmer pass without giving it my support.

We are not justified in refusing to support the only remedy proposed because no opportunity will be afforded to vote for other measures of relief not before us. [Applause.]

16. ALL CLASSES SHOULD VOTE FOR THEIR INTERESTS AND NOT THEIR PREJUDICES

Let me express the hope that the day may soon come when all classes, including the farmers, shall more closely study the questions which so intimately affect them. Instead of being led off by side issues to arouse their prejudices, they should vote for their own best interests. They should organize and see to it that both in the primary and the general election all of the eligible voters are gotten to the polls instead of 51 per cent, as shown by the reports of the last election, which would result in the nomination and election of representatives in sympathy with their problems and in securing more favorable consideration of their recommendations in the future. [Applause.]

Mr. FULMER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. FULMER: Page 16, line 12, strike out "$100,000,000" and insert in lieu thereof "$75,000,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. LOZIER. Mr. Chairman, I desire to discuss the so-called subsidy feature of the pending bill. I therefore ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Missouri is recognized for 10 minutes.

Mr. LOZIER. Mr. Chairman, many of the Members of this House who have spoken against or are opposing the pending Haugen bill base their opposition very largely on the provisions of the bill that call for an appropriation from the United States Treasury to set the machinery provided under this bill in operation and make it effective for the first two years. In other words, they claim that this bill grants a subsidy to agriculture and they say they are opposed to the Government subsidizing any vocation or industry. May I say frankly that the records of this House will show that most of the Members opposing this legislation have at all times and under all circumstances opposed any and all legislation for the benefit or relief of American agriculture and have used their influence and votes to prevent agriculture being placed upon an equality with other occupations.

And now these spokesmen of special interests, these advocates of class legislation, these champions of subsidies for other vocational groups, tear their hair and vociferously shout that the Haugen bill is economically unsound because it advances to the farmers of this Nation the funds reasonably necessary to put the proposed machinery in operation for the rehabilitation of agriculture, the greatest of all basic industries. The great majority of those who are opposing the Haugen bill are not consistent and their opposition is not in harmony with their former attitude on legislative proposals. Many of those whose powerful influence is now being exerted to defeat this legislation have in former years, in season and out of season, voted for and advocated legislation which subsidized other vocational groups at the expense of the United States Treasury and the American people.

The government-owned United States merchant marine represents an investment of approximately $2,800,000,000 of public funds, and since the war several hundred million dollars have been appropriated out of the public treasury and given to the United States Shipping Board with which to operate our merchant marine. No one denies that these appropriations are subsidies granted by the Federal Government to build up and stabilize our shipping interests, to handle our commerce with foreign nations, and to keep our flag on the seven seas. Is the shipping industry more important and more necessary than the agricultural interests? If money can be collected from the American people in the form of taxation and paid out as subsidies to establish our merchant marine and to build up our shipping interests, would it be a crime to invest a few million dollars of public money to stabilize American agriculture that is now languishing and drifting rapidly toward the rocks of economic disaster?

President Harding, in 1922, called a special session of Congress to pass what is known as the ship subsidy bill. This bill in plain terms proposed to grant a subsidy to private ship owners, payable out of the United States Treasury, of approximately $30,000,000 per annum, and if this measure had been enacted and become the permanent policy of the Government, it would have cost the Treasury of the United States and the taxpayers of the Nation many billions of dollars. The Republicans forced the bill through the House but it was defeated in the Senate, many western Republicans joining with the Democrats in defeating this obnoxious measure. On the yea-and-nay vote in the House, according to the official record, the following, among other distinguished Republicans, voted in favor of granting this enormous subsidy to the private shipping interests:

Bacharach, Beedy, Begg, Burton, Chindblom, Crowther, Cramton, Darrow, Dempsey, Fish, Fess, Frothingham, Graham of Pennsylvania, Hawley, Hersey, Kelly of Pennsylvania, Lehlbach, Longworth, Luce, McLaughlin of Michigan, Madden, Mills, Snell, Tilson, Tinkham, Treadway, and Underhill.

In the foregoing list will be found many of the most aggressive foes of farm-relief legislation. They were perfectly willing to vote for a subsidy to be paid out of the United States Treasury to the private owners of ships, but their sensitive souls revolt at the thought of granting a little subsidy to the great basic industry—agriculture.

In 1890, in the first session of the Fifty-first Congress, the Republican majority enacted H. R. 9416, which granted a subsidy to the sugar producers in the United States of from 1¾ to 2 cents per pound. This bounty applied to beet sugar, cane sugar, and maple sugar produced in the United States. Other provisions of the same bill provided that all machinery and other equipment for construction of and use in sugar refineries should be admitted free of duty for one year. It further provided that all tariff duties paid since January 1, 1890, on machinery and equipment for sugar refineries should be refunded. These refunds and the bounty on domestic sugar were paid out of the Treasury of the United States from money collected from the American people in the form of taxation. This was admittedly a subsidy, bounty, or donation deliberately granted by the American Congress to the American sugar producers, and under this law many millions of dollars of public money were paid out of the United States Treasury direct to the sugar interests. This subsidy so shocked the conscience of the American people that public opinion forced its repeal at the second session of the Fifty-third Congress in 1894. The following, among many other, illustrious and influential Republican Members of the House voted for the sugar subsidy:

Boutelle, Burrows, Burton, Butterworth, Cannon of Illinois, Dalzell, Dingley, Dolliver, Funston, Grosvenor, Haugen (Nils P.), Henderson, Hitt, Lacey, La Follette, Lehlbach, Lodge, McKinley, Morrill, Niedinghaus, Payne, Spooner, Stephenson, and Thomas.

It will be observed that the distinguished constitutional lawyer from Ohio, Mr. BURTON, voted for this sugar subsidy, as he voted to subsidize the shipping interests and manufacturers, and as he has seldom heretofore opposed any Federal legislation granting subsidies out of the United States Treasury to the special privileged classes. But now when it is proposed that the Government grant to agriculture similar assistance to that heretofore granted to other occupations the gentleman from Ohio, running true to form and speaking for the selfish interests he so ably represents, holds up his hands in holy horror and shouts, "wolf, wolf, subsidy, subsidy."

Practically every Member of the present House who is opposing this farm-relief legislation and who was a Member of the Sixty-sixth Congress, voted for the transportation act of 1920, which subsidized the American railroads to the extent of several hundred million dollars. Section 210 of the transportation act provides that:

"For the purpose of enabling carriers by railroad, subject to interstate commerce act, properly to serve the public during the transition period immediately following the termination of Federal control, loans may be made by the United States Government" to said railroads, and so forth. And the act appropriated $300,000,000 as a revolving fund for the purpose of making loans to these railroads. Is it more important to stabilize the railroads than to stabilize American agriculture? Is it any more a subsidy to appropriate money out of the Federal Treasury to the railroads than to appropriate the modest sum carried by this bill for the rehabilitation of the greatest of all basic industries—agriculture? Why make fish of one and flesh of another? An efficient national railway system is no more important or necessary than a prosperous national agriculture.

The following Republican Members of the present House were Members of the Sixty-sixth Congress and voted to subsidize the railroads, voting an initial appropriation of $300,000,000 for that purpose out of the Public Treasury:

Bacharach, Begg, Butler, Campbell, Chindblom, Crowther, Darrow, Hawley, Hill, Lehlbach, Longworth, Madden, Magee, Mapes, Michener, Morgan, Robsion, Tilson, Tinkham, Treadway, and Vare.

These same Members are stubbornly opposing this farm-relief legislation and vociferously shouting "subsidy," "subsidy." Judging from their votes in the past, they are not opposed to granting subsidies to certain specially favored classes, but the favors they so generously extend to other vocational groups are denied to agriculture. Oh, consistency, thou art a jewel.

May I call your attention to the fact that much of the legislation of this Nation, especially in the last 50 or 75 years, has carried subsidies and appropriated funds out of the Treasury of the United States for the benefit of certain vocational groups or sections. I grant you that as a matter of principle the granting of subsidies by the Federal Government is unsound, but the practice and custom has been followed too long and exercised so frequently and so freely that no one can deny that it is now thoroughly embedded in our institutions as a definite and permanent policy. If a multitude of subsidies had not heretofore been granted by Congress and paid out of funds contributed by the American people to the Public Treasury, the opponents of this bill might be justified in their opposition to this measure on the ground that it in a way does temporarily provide a subsidy for the rehabilitation of American agriculture. [Applause.]

While casting no reflection upon the sincerity and motives of those who are shouting "subsidy," "subsidy," in violent opposition to this bill, nevertheless it is quite evident that they are either ignorant of or indifferent to the legislative proceedings of the American Congress. At every session of Congress laws are enacted appropriating public funds for purposes which in the last analysis are nothing more or less than subsidies. And the grants of public funds and public property in the past in the form of subsidies have been so numerous and enormous as to shock the conscience of the Nation.

Under a policy adopted in 1862, vast areas of our public domain were granted by Congress as subsidies to establish State schools for the promotion of agriculture. This was followed by legislation establishing agricultural experiment stations for the development of agriculture at the expense of the National Government. Later on Congress established the Agricultural Extension Service, under which approximately 2,000 county agents operate, a portion of the cost of which is paid out of the Federal Treasury. Then followed congressional legislation establishing the Bureaus of Animal Industry, Dairying, Plant Industry, Chemistry, Soils, Entomology, Biological Survey, Public Roads, Agricultural Economics, Home Economics, Insecticides and Fungicide, Horticulture, and Weather. Thereafter Congress established Federal farm-land banks and intermediate credit banks, Bureau of Reclamation, Bureau of Foreign and Domestic Commerce, Bureau of Fisheries, Bureau of Labor Statistics, Children's Bureau, Women's Bureau, United States Employment Service, Bureau of Industrial Housing and Transportation, Bureau for the Conciliation of Labor Disputes, United States Shipping Board, Emergency Fleet Corporation, Board of Vocational Education, Inland Waterways Corporation, National Screw Thread Commission, Federal Trade Commission, and numerous other similar bureaus, commissions, and governmental agencies.

All these bureaus, commissions, boards, and other governmental agencies were created to aid some particular class of citizens or some particular vocation or industry, and all are supported by subsidies paid out of the United States Treasury from moneys collected from the American people by some form of taxation. I do not want to be understood as condemning Congress for establishing many of these bureaus or for supporting them by subsidies from the United States Treasury, because most of these bureaus perform useful functions and materially contribute to the betterment of the vocational groups for the aid or development of which they were created. My purpose in calling attention to these numerous bureaus and commissions is to emphasize the fact that the policy of granting subsidies is not a new one in the history of the American Congress, but the practice is quite general, has been established for years, and at every session of Congress we vote many million dollars in the form of subsidies without "the batting of an eye" or the quivering of a lip. And to enact the pending legislation will not do violence to any settled national policy. [Applause.]

In the early part of the nineteenth century Congress adopted a policy of granting large areas of our public domain to the several States as subsidies for internal improvements, endow-

ment of State educational institutions, construction of public buildings, eleemosynary institutions, and which policy has continued to the present time, and under which 202,391,760 acres of our public domain were granted as subsidies to the various States for purely local purposes or for the development of some particular industry or vocational group. Every State shared largely in these concessions or subsidies. These land grants were for a multitude of purposes—for the establishment of common schools, seminaries, normal schools, colleges, universities, including agricultural and mechanical colleges, experiment stations, industrial schools for girls, industrial institutions, hospitals, the construction of public buildings, penitentiaries, insane asylums, deaf, dumb, and blind asylums, miners' hospitals, charitable institutions, military institutes, game preserves, State parks, State reform schools, State normal schools, State charitable, penal, and reformatory institutions, and many other grants for similar purposes. The States were subsidized by gifts from the Government of millions of acres of swamp land. No one can read the history of this legislation and deny that the policy of granting subsidies is thoroughly established in the United States and has been recognized and followed for more than a century.

Every State in the Union participated in these subsidies granted for the purposes I have enumerated, but the following States especially received princely concessions, as follows:

	Acres		Acres
Arizona	10,489,236	Louisiana	10,993,059
Arkansas	9,372,993	Michigan	8,787,423
California	8,423,629	Minnesota	8,330,990
Florida	21,966,294	Mississippi	4,948,428
Illinois	3,631,965	Oregon	4,352,132
Indiana	4,306,253	Wisconsin	6,219,970

Many other States received almost as liberal allowances as the States I have just enumerated.

Since the passage of the homestead act the Federal Government has donated to settlers under the provisions of said act 222,707,947 acres of public lands, or approximately one-ninth of the total area of continental United States. While this was wholesome legislation, which contributed very materially to the development of the West and the general prosperity of the Nation, still the granting of these lands was a bounty, or subsidy, pure and simple.

Between February 28, 1823, and March 3, 1869, Congress enacted 14 measures donating 3,239,268 acres of public lands to the States of Ohio, Indiana, Michigan, Wisconsin, and Oregon to encourage the building of wagon roads.

Between March 2, 1827, and July 3, 1866, Congress enacted 23 measures donating 4,597,668 acres of land to the States of Indiana, Ohio, Illinois, Wisconsin, and Michigan to encourage the building of canals.

Between May 23, 1828, and July 12, 1862, Congress granted 2,245,252 acres of land to the States of Alabama, Wisconsin, and Iowa to encourage the improvement of rivers.

Between September 20, 1850, and March 3, 1871, Congress passed 83 acts under which the railroads received as a bounty or subsidy approximately 280,000,000 acres of public lands. Some of these lands were granted by Congress to the States and then donated by the States to the railroads, while the large proportion of the grants were made by Congress direct to the railroad corporations. As some of the grants were ambiguous and were forfeited, the exact acreage of public lands donated to the railroads as subsidies is difficult of ascertainment.

Of these 83 land grants 40 of them were enacted under Democratic administrations and 43 under Republican administrations. In area, however, the grants made under Republican administrations far exceeded those under Democratic administrations. But neither party can consistently charge the other party with the responsibility of squandering our public domain, as both Republicans and Democrats are "tarred with the same stick" and guilty of granting enormous subsidies of public lands to railroads.

The most outrageous rape of our public domain was perpetrated during and following the great Civil War, when almost countless millions of acres of public lands were granted by Congress as subsidies to railroads, principally for the construction of railroads between the Missouri River and the Pacific Ocean.

These various land grants in the aggregate took away from the American people and gave to these railroads 437 square miles of our public domain; an area four times the size of England, Ireland, Scotland, and Wales combined, ten times as large as Virginia, one and two-thirds the size of Texas, and six times as large as all of the six New England States. When this rape of our national resources was being perpetrated, it was openly admitted and not denied that these land grants were subsidies in every sense of the term. By granting these lands as subsidies to the railroads, the American people were despoiled of over 280,000,000 acres of our public domain which should have been preserved inviolate as a national heritage for homestead settlement for the people of the United States and their descendants. [Applause.] These land grants were so enormous that it is difficult to conceive how Congress could so recklessly give away such a large part of our public domain in the form of subsidies to railroads. I will mention a few of the larger of these land grants:

	Acres		Acres
Texas Pacific	18,000,000	Southern Pacific	9,520,000
Union Pacific	12,000,000	Northern Pacific	47,000,000
Kansas Pacific	6,000,000	St. Paul & Pacific	4,723,000
Central Pacific	11,000,000	Atlantic & Pacific	42,000,000

In addition to these and other enormous land-grant subsidies, these railroads received Government bonds amounting approximately to the cost of constructing these railroads. For every mile of railroad constructed between the Missouri River and the eastern base of the Rocky Mountains, and between the Pacific Ocean and the western base of the Sierra Nevada Mountains, the railroads received $16,000 worth of Government bonds; and between the eastern base of the Rocky Mountains and the western base of the Sierra Nevada Mountains, the railroads received Government bonds at the rate of from $32,000 to $48,000 per mile. The railroad companies sold these bonds, the proceeds being approximately sufficient to cover the cost of constructing the Pacific railway systems. By this process the United States became legally liable for the principal and interest due on these bonds, practically underwriting and financing the construction of these railroads, the railroads, however, being obligated to reimburse the Government. According to a Treasury statement issued January 31, 1926, the amount of $3,474,671.50 was still due the United States Government from the central branch of the Union Pacific Railroad on account of Pacific Railroad aid bonds issued under the act of July 1, 1862, and subsequent acts. Some of these lands, however, reverted to the Government because of the failure of the States to meet the conditions on which the grants were made.

The first grant of public lands to a State for improvement of rivers and navigation in that particular State was by the act of May 23, 1828, by which Congress granted to the State of Alabama 400,000 acres of land for improvement of Muscle Shoals and Colbert Shoals in the Tennessee River and such other parts of said river within the State of Alabama as the legislature of said State may direct; and in certain event to aid in the improvement of the Coosa, Cahawba, and Black Warrior Rivers. And at the present time the people of Alabama are asking legislation in relation to Muscle Shoals, which, in the last analysis, is a subsidy in which the people of Alabama will share immensely.

Nor is that all. Approximately $500,000,000 of funds from the United States Treasury have been donated to the States as subsidies to encourage the building of roads and highways. A multitude of irrigation projects have been authorized by Congress, and in the aggregate the expenditure of $251,008,809 from the Public Treasury has been authorized to consummate these irrigation and reclamation projects. These appropriations for irrigation and reclamation purposes are subsidies in truth and fact and are appropriations of public money raised by taxation for the use and benefit of particular localities and a particular vocational group.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Missouri is recognized for five additional minutes.

Mr. LOZIER. Millions of dollars have been expended and are being annually expended by Congress for the building of levees, for flood control, and to protect the property of certain particular classes in certain particular localities. These appropriations are in essence subsidies. The Government of the United States now holds $1,500,000 worth of stock in the Inland Waterways Corporation. This is a subsidy designed to improve transportation facilities in one locality, and in this venture the Government is not only subsidizing the transportation business in that particular locality but with this subsidy is engaging in a private business activity in competition with private business enterprise.

All of the original capital stock of the Federal farm land banks, $9,000,000, was subscribed by the Federal Government and paid for out of the Public Treasury. By subscribing to the capital stock of the Federal farm-land banks the Government subsidized these organizations, thereby enabling the agricultural

classes in certain communities to finance the production and marketing of their commodities. The money advanced by the Federal Government to establish the Federal farm-land banks was a subsidy deliberately granted by Congress in order to improve conditions and stabilize a particular industry, namely, agriculture. I am glad to say that all of the money advanced by the Federal Government for the capital stock of the Federal farm-land banks has been paid back into the United States Treasury with the exception of $1,180,440, and, according to a recent Treasury statement of the assets now in the United States Treasury, $72,000,000 are in the form of Federal farm-land bank bonds.

Then, again, under act of Congress the United States subscribed $24,000,000 of the capital stock of the intermediate credit banks, and the law authorizes an additional subscription of $36,000,000. This is also a subsidy, the payment of public funds out of the Public Treasury to improve conditions of a special designated vocational group.

The Federal Government subscribed for stock in the Panama Railroad and now holds in the Federal Treasury $7,000,000 worth of such stock. Bounties or subsidies were granted by the agricultural extension acts, the acts creating the agricultural experiment stations, the Bureau of Plant and Animal Industry, and many other similar activities bottomed solely on the principle of granting a governmental subsidy for the improvement of conditions of a certain specified vocational group.

The Government subscribed $5,000,000 to the United States Sugar Equalization Board, which was the use of money raised by public taxation to prevent profiteering and stabilize the sugar market in the United States. The Government subscribed and paid for $10,000,000 worth of the capital stock of the Spruce Production Corporation. The purpose of this corporation and this use of public funds was to improve conditions of a certain specified group of people and to protect an industry from approaching disaster.

Many, many times the Federal Government has made enormous loans to the great banking institutions of the Nation in times of financial distress, in order to meet emergencies.

And we have the great subsidy incident to the imposition of high tariff taxes. A tariff is in the last analysis a subsidy. I mention the tariff in no controversial spirit, nor do I care to discuss the tariff question now, but I merely refer to the policy of high protective tariff as a method of indirect subsidy. Subsidies may be either direct or indirect. A direct subsidy is where the Government raises money by taxation and then pays such money out of the Treasury of the United States to a certain industry. An indirect subsidy is where the Government, by the enactment of laws, enables a certain industry or vocational group to collect a subsidy or tribute direct from the people. The high tariff laws are indirect subsidies. They enable the manufacturer to collect from the people a higher price for the manufactured commodities than they could exact if such tariff laws were not in existence. In principle there is no difference between the Government collecting money directly from the people and then paying it over to the manufacturers and in the Government enacting laws which permit the manufacturers to collect these extra amounts direct from the people.

Now, a large majority of those who are aggressively opposing this farm-relief legislation believe in and vote for subsidies for other vocational groups and for other sections of this Nation. At every session of Congress they, without the bat of an eye, vote to appropriate millions and tens of millions for the purpose of subsidizing some particular industry, activity, vocational group, or section of this Nation. The agricultural classes have for generations been contributing a very considerable part of the money which has been used by the Government to directly or indirectly subsidize other industries and vocational groups. [Applause.]

According to the theory of the opponents of this bill, it is all right to subsidize the railroads, by giving them 280,000,000 acres of land, and, in recent years, lending them hundreds of millions of dollars to carry on their activities, and guaranteeing to them a freight rate under which they may make net 5¾ per cent interest on the capital invested, including watered stock. They say it is all right to subsidize the manufacturing interests of this Nation; that it is all right to grant $500,000,000 to the States as subsidies for highway purposes; that it is perfectly proper to grant all these other subsidies, but they say the line must be drawn when agriculture demands relief from present intolerable economic conditions.

We have traveled too far on the subsidy path to throw a fit over the insignificant grant of the subsidy to the American farmers carried by this pending bill. If by doubling or trebling the appropriation carried by this bill we could rehabilitate American agriculture, I would gladly grant such an appropriation. It would be money well expended and would be reflected in the increased prosperity of all vocational groups. For 50 or 75 years we have been swallowing subsidy camels and elephants, but now these gentlemen from the manufacturing and financial districts and a few from the South are gagging at this subsidy gnat to agriculture mentioned in the pending bill.

I do not want to be understood as voicing opposition to all the subsidies mentioned by me. Many of them were warranted and justified. But nevertheless they were and are subsidies—just as much a subsidy as the $175,000,000 carried by the Haugen bill and which is to be used, under the provisions of this act, for the betterment of agricultural conditions and to rehabilitate the greatest of all basic industries—agriculture. [Applause.]

If fundamentally subsidies are antagonistic to the genius and spirit of our institutions, that objection should have been urged many, many years ago, and should now be urged against many of the appropriations which every session go through Congress practically by unanimous consent. Rightfully or wrongfully, this Government, by its legislation in the past, is now irrevocably committed to a policy of subsidizing certain industries, activities, or vocational groups, and if the American farmers are to be denied the relief carried by this bill, on the specious ground that the bill grants a subsidy to agriculture, then by the same process of reasoning, we should never again enact any legislation that directly or indirectly grants subsidies to other vocational groups. I regret that the American Congress ever embarked upon a policy of granting subsidies to any industries or vocational groups, but inasmuch as these subsidies have been repeatedly granted in the past and are being continued at the present time, and will be granted in the future, I insist that agriculture should have the same treatment that is accorded to other industries.

The granting of subsidies by the United States Government has become so common and is so strongly interwoven into our legislative fabric that there is no reason why we should prattle over it being uneconomical. Why draw the line on agriculture? After granting enormous subsidies to other vocational groups, no sound reason can be urged why agriculture should be placed beyond the pale of governmental assistance. The granting of subsidies was favored by Hamilton and opposed by Jefferson. Our constitutional fathers embodied the Jeffersonian formula in our Constitution. Reading our organic law, one would say that the principles of Jefferson had triumphed, but slowly and insidiously the policy of Hamilton has been recognized and applied in a multitude of important legislative enactments until at the present time a very considerable part of our Federal legislation is bottomed on the principle of subsidizing certain favored vocational groups or sections of our country. If the spirits of Hamilton and Jefferson meet and converse in the abode of the departed, as the shades of Æneas and Dido held converse in the somber groves and barren meads of Asphodel in the realms of the dead, I can in fancy hear the sage of Monticello exclaim, "O Hamilton, thou hast conquered," because no one can deny that the principle of granting governmental subsidies has found expression in almost countless legislative acts. No reason can be offered why agriculture should not be given the same consideration as other vocational groups. Subsidies have been granted unstintingly by the Government to other industries and privileged classes. Agriculture demands equality with other occupations. The Haugen bill is not a perfect measure, but it will, in my opinion, do much to improve agricultural conditions, and its enactment will be a long step toward removing from agriculture the unjust economic burden under which it now labors. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. HUDSPETH. Mr. Chairman, I rise in opposition to the pro forma amendment. I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I am opposed to this amendment. If you are going to force upon the cotton farmers of the South this equalization fee, which they do not want, and run your arms into the Treasury and take money out as subsidies, then let it stand as it was originally drawn. The whole scheme is unsound economically.

Now, Mr. Chairman, not wishing at any time to deprive any friend of any pleasure that I might accord him, and in view of the fact that my friend from Illinois [Mr. RAINEY] stated

on this floor a few evenings ago that he always enjoyed my remarks—my dissertations here—even though "I was wrong at all times" and that I was always effective and entertaining, I have phoned the gentleman to come over—I see him here, and I now most respectfully request him to come up near the front and take a reserved seat—and I will try and afford him a little more amusement.

Gentlemen of the committee, when I first entered this Chamber, an unsophisticated, verdant range rider from the far West, the first sound that I heard upon this floor was a volcanic eruption from the Vesuvius from Illinois [Mr. RAINEY], and he continued to erupt from day to day, pouring out molten lead and hot lava, belching forth fire and brimstone upon any man who stood for a tariff equitably distributed upon every product of this country, until in the fall of 1920 he received an invitation from his people to return home for a period of two years and, as he said, commune with them and get anew their viewpoint. He said in a speech here after he returned that it was such a substantial invitation from a great majority of his constituents that he had to comply with it.

Now, I am very fond of the gentleman from Illinois. I like his majestic appearance, and I like his shamble when he comes upon this floor like a prancing Arabian steed, and especially I want to say that I like the shake of that majestic hirsute adornment. I warned the gentleman of the wrath that would be visited upon him by the farmers of Illinois when he stood on this floor and voted for and advocated a tariff measure outrageously discriminatory as to their products and consigning them to the merciless gods of the New England manufacturers and denying to them even incidental protection.

I warned you in ample time to "flee from the wrath that did come" on a certain November day in 1920, but you would not heed. Oh, I would have taken that roly-poly form under my wing as a hen gathers her brood when the shadows of evening fall upon the earth. I prayed and wept over you, HENRY, as the Savior of mankind wept over that wayward and sin-cursed city of Jerusalem, but you would not.

When he went back and communed with his people he came back to Congress after a two-year vacation with a new view on the tariff question, and he brought forth two measures, one on May 19 and the other on May 22, 1924, levying not only incidental protection upon farm products, but he put it in the power of the President by proclamation to add to the then existing duty any rate this great commission he was creating in this bill might request—100 per cent or 200 per cent. [Applause.] In fact, this former low-tariff advocate, after he had knocked around a little among the farmers of the twelfth district of Illinois, and they said, "Now, HENRY, you deserted us under the Underwood bill. You gave the manufacturers everything they asked, but nothing for Reuben. You voted against the emergency tariff in 1920 that did levy some duty on farm products, and we recalled you, but we will give you another chance if you will go back and give us a square deal." And they warmed HENRY'S coat tail until he came back here and introduced a bill permitting the highest tariff ever asked at the hands of Congress. [Applause.] Here is that bill.

A MEMBER. Read it.

Mr. HUDSPETH. On May 19 he introduced a bill, entitled as follows: "To create an export commission." The McNary-Haugen bill that the gentleman denounced so vociferously and vehemently two years ago did the same thing, except in a businesslike way—the Haugen bill two years ago proposed a corporation to take the surplus of the farmer and export it across the sea to a foreign market and sell it, and this bill by which the gentleman from Illinois, this veritable Houdini who transforms goats into cattle and cattle back into goats almost in the twinkling of an eye—this is the bill that my friend Houdini brought forth here in 1924. What does he propose to do? Great Lord, gentlemen, listen to this monstrosity; listen to this great panacea which has never been seriously considered by the Committee on Agriculture and which he never brought before this House, because he was ashamed of his own child.

Mr. RAINEY. I attempted to substitute it for the Haugen bill two years ago.

Mr. HUDSPETH. It was a weak attempt. I do not recall even the effort.

Mr. RAINEY. And the gentleman voted against my bill.

Mr. HUDSPETH. Yes; and I think every other sensible man in this House voted against it.

What did my friend in his panacea propose to do? He creates a commission to ascertain the average selling price of commodities in the United States. Now, mind you, the gentleman from Illinois represents a State in which there are 2,360,000 cattle. This bill did not include anything but wheat and swine at that time, and I want to say to the gentleman from Illinois that the cattlemen were in the throes of despair at that time, and there is no question but that their condition to-day could be improved by this House adopting the Tincher bill, which is sound. But he applied this remedy, if it might be dignified by calling it a remedy, only to wheat and swine; and he empowered the commission to issue what he called emergency scrip. Now, with this "razorback" currency he was going to take up the surplus products of swine and wheat, which "razorback" currency was not backed up by anything on the face of the earth; not backed by the Federal Government—just a worthless piece of paper issued from a printing press—and that was his panacea, except that in one provision of the bill he said, substantially:

> During said emergency, which may be declared for only one year, the President is invested with the power to fix a rate of duty at anything that the President may desire—

One hundred, two hundred, or a thousand per cent—some tariff reformer, eh—

> or that this great commission with this "razorback" currency would call for.

Now, representing the cattle that he represented in his State, 2,360,000—almost as many as there are in the State of Texas—694,000 sheep, 58,225,000 pounds of butter, 333,234,000 gallons of milk, and 388,000,000 bushels of corn—not included in his bill, I surmise the gentleman was only raising hogs and wheat on that sandy land farm.

Oh, where was Roderick then in behalf of the cattle and corn and butter producers of his State, when one blast of that musical trumpet of his that resounds so melodiously and frequently on this floor would have brought to them immediate relief?

When the emergency tariff was brought forth in 1920—which embraced almost altogether farm products—where was Roderick then? Blowing his mighty bugle and fighting against it.

The gentleman has stood on this floor and challenged my Democracy and the Democracy of every man who has had the temerity to advocate a just and equitable distribution of the tariff and contend that every industry should share equally and share alike.

In a speech in behalf of the Tariff Commission to restore it the gentleman from Illinois was questioning the Democracy of any man who voted for the Fordney-McCumber Tariff Act, and in one portion of his speech he quotes Senator Nelson. He said:

> Senator Nelson announced on the floor of the Senate, "You will sweat drops of blood before you pass another tariff bill unless it contains also protection for the farmers."

And Mr. RAINEY added:

> And the Fordney bill contains this protection.

Seems to be perfectly satisfied with that bill as far as the farmer was concerned at that time.

Yet the gentleman from Illinois challenges my Democracy and the Democracy of good Democrats like WHIT MARTIN, Doctor LAZARO, and any other man who has the manhood to ask for an equitable distribution of the tariff.

Not only that, gentlemen, but in this remarkable speech of February 2, 1925, he says "That in the last campaign we had the most miserable leadership, and that brought about our defeat," referring, I presume, to our standard bearer, the Hon. John W. Davis.

My friend Mr. RAINEY stood here and eulogized President Wilson as a great man, and let me say he was a great man; but the gentleman from Illinois finds fault with the leadership of that great Democrat, Mr. Davis, one of the greatest we have nominated since the days of Jackson. The gentleman refers to him as being responsible for the miserable leadership which brought about our defeat. The gentleman states that notwithstanding the fact that Mr. Davis was appointed Solicitor General by President Wilson and represented the Government before the Supreme Court of the United States in some of the most colossal suits ever argued before that tribunal in behalf of the Government; and John Davis won most of them, one of them being the Harvester Trust suit. And Mr. Wilson, the man the gentleman from Illinois eulogized——

Mr. RAINEY. I never challenged the leadership of John W. Davis.

Mr. HUDSPETH. That was the statement of the gentleman and I am reading from the RECORD. The gentleman says he was not referring to Davis, then. I will ask the gentleman to whom he was referring?

Mr. RAINEY. I suppose I must have referred to you.

Mr. HUDSPETH. Oh, no; oh, no; I am too small for this great intellectual colossus to have in mind. He was referring to the standard bearer of the Democratic Party in the last campaign. Let us take it in all good humor and do not make such an awful face, my friend from Illinois, because I am particularly fond of the gentleman, although we do not exactly agree on some matters. Now, he must have referred to Mr. Davis; he was our chosen leader, who was characterized by President Wilson as the greatest lawyer who ever stood before that tribunal over there on the other side of this building.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. Mr. Chairman, may I have five additional minutes?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Now, I want to state to the gentleman who challenged my Democracy that I have in the 48 years I have lived and since I commenced voting—and I commenced pretty young—I have voted the Democratic ticket straight, without a single exception, from President to constable. [Applause.]

I want to say to the gentleman from Illinois that my Democracy has been sorely tried in the past, as it was two years ago, when the State chairman of my State, the Democratic chairman, called me out, and I responded. I then asked the people of my district and of my State, the Democrats, to rally to the support of a lady whose husband I had voted to impeach as governor of my State. Yet the gentleman challenges my Democracy. Can the gentleman show as good a record as a party man?

Now, the gentleman from Illinois says he is a farmer and that he works his own farm, and the gentleman derisively referred on Tuesday to the "Damon and Pythias friendship" existing between myself and the gentleman from Kansas [Mr. TINCHER]. I want to state to the gentleman from Illinois that I have great admiration for the gentleman from Kansas, and I trust it is reciprocated. He is a cattleman, and there is a bond of friendship that exists among men of the range, a tie too strong for dissolution, too pure for other than friends to bear; and possibly the gentleman from Illinois is a stranger to such sentiment. There are many things on which I agree with the gentleman from Kansas, and there are many on which I do not; but he is my friend, I trust, and I know I am his friend. The gentleman says this:

Then Mr. TINCHER comes in and collaborates with Mr. HUDSPETH. The Damon and Pythias friendship which always prevails between this blue-bellied Yankee from Kansas and this Texas cattleman is one of the interesting, pathetic, and dramatic events of this Congress.

Well, I do not know that it is so pathetic and dramatic. I want to state that I take it the gentleman from Kansas has always been a regular party man, as I have been in my party; that when his party speaks it is a command to him to obey; I take it he has never scratched a Republican ticket as I have never scratched a Democratic ticket. I want to say further to the gentleman from Illinois that I am not an anatomical expert. I do not know whether that part of the anatomy of my friend from Kansas is lily white, sky blue, or pea green, but I do want to show to the gentleman from Illinois that I will wager him 1,000 of those registered cattle, which his great discernment could not distinguish from goats, against that sandy land farm in Illinois, that that part of the anatomy of the gentleman from Kansas he refers to is not yellow. [Applause.]

Now, my friends, that term "blue-bellied Yankee" was applied with derision by some of my people in the South when the passions following the Civil War ran high. I deprecate it, and I think every other southern man deprecates it at the present time. I thank God that feeling has passed away. [Applause.] I know you do. I am glad that we are one, a unit, for this great Union.

I want to state to the gentleman from Illinois, I sprang from the loins of a man who followed the Stars and Bars from Bull Run to Appomattox. Perhaps, the gentleman from Illinois followed that flag over the Speaker's stand [indicating]. If not, his father may have. Perhaps the father of the gentleman from Kansas followed the same flag in behalf of the Union cause.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. I want to say to the gentleman who rolls as a sweet morsel under his tongue the epithet "blue-bellied Yankee from Kansas," that I would not exchange for all the glories from Maine to Florida, the heritage of that man whom I revere above all men, and whose name I bear, and who left me a heritage in a soldier's life and death. I revere the traditions and memories of my people—but that man taught me to keep the faith, to keep the pledge that the gallant commander of the Southern armies made when he attempted to surrender his sword at Appomattox to that equally chivalrous commander from the North who refused it, when he pledged to the Union the fidelity and loyalty of the South, and in doing so spoke for every honest man from Maine to Texas. [Applause.] Yet the gentleman will get upon the floor here and use that term of derision as a sweet morsel.

I want to say this to my friend from Illinois [Mr. RAINEY], What are you going to say when you go back to the cattlemen you talked so much about representing when you introduced a bill here that did not include cattle, that did not include sheep, that did not include wool, that did not include corn, butter, or milk, and you declared it an emergency measure, backed up by this "razorback" currency? What are you going to say to those farmers? The gentleman says he believes every man here should be defeated every 18 years so he can go back and get a new viewpoint from his people. I trust the gentleman will stay here 18 years longer, and in that time, my friends, possibly this House may get a true viewpoint of his attitude on the tariff.

Oh, the gentleman denounced one of my colleagues here—the gentleman from Texas [Mr. GARNER]—and talked about his bad leadership. I take it the gentleman from Texas will not shrink from an intellectual contest with the gentleman from Illinois at any time. He is well able to take care of himself; but I have never in all the days I have carried the banner of Democracy denounced the leadership of my party or failed to follow under its banner or obey its commands.

I want to say to my friend, in conclusion, who from his viewpoint has stated that no man can be a good Democrat and vote for a tariff such as the emergency bill, that the gentleman denounces in this very speech the Underwood bill, and I take it the gentleman from Illinois was on the Ways and Means Committee that drafted that bill, and that bill, I want to state to him, if it received his support—I was not here—did not carry any duties that were levied upon the farm products, but it did carry heavy duties upon the products of the manufacturers of New England, and the gentleman from Illinois voted for that bill, and I understand advocated it, as he so ably advocates every measure upon this floor.

I want to say again to this Samson in the field of tariff reform and this Solomon in the councils of my party, who seems to have had his silvery locks shorn recently—I want to ask him where they were shorn—those antitariff locks. I want to ask him who is the Delilah that performed the tonsorial operation. I believe that is the proper name of that lady. If not, Brother UPSHAW, of Georgia, who is well versed in Biblical lore, and who is one of the greatest pulpit orators since the days of St. Paul, will correct me. I again most humbly inquire who did the shearing? [Applause.]

Mr. BEGG. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, to those members of the committee who are favorable to a subsidy or a gift or a dole or a bounty, or whatever you want to call it, I want to call your serious attention to just what it is now being proposed to do.

The motion is to cut this $100,000,000 down to $75,000,000, or to cut it 25 per cent. There were 16,000,000 bales of cotton produced in the United States last year, and on the basis of a 16,000,000-bale production that makes 1.2 cents a pound of a bounty; and if the average farmer in the South—and I can not be accurate on this and am perfectly willing to take any figures that are offered—if the average farmer is a 3,000-pound producer, this gives him the munificent sum of $36. Of course if he is a 4,000-pound producer, it would give him $48. That is the amount with a subsidy of $100,000,000. Now, along come the friends of farm relief legislation, and they say, "Let us cut that 25 per cent, and instead of giving him $36 let us give him $24."

I appeal to your sanity and to your reasonableness, if there is reason enough, because of the hard times among the farmers of the South, to justify voting any money out of the Treasury, $36 will not help him very much.

Oh, I know a little about farming in a broad sense, and a man who is in such a stringent financial situation that he can only borrow $36 is not getting much relief; that is not enough money to feed his mule for a year. Let us not be hypocritical.

If the farmers need a bonus, let us give the bonus so they can get on their feet. Let us give them $500,000,000, which would be less than $200 to a farmer.

I submit that if there is any justification for a bonus $500,000,000 would not be any too much to farmers who are hard hit and who need the money to get on their feet. If there is a supporter of this bill who will stand on the floor and say that this appropriation to be passed is not a straight contribution with no indication of getting one penny back, I will support the bill.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. BEGG. Not now. I will in a minute. Now, I want to call attention to something else. Cotton-growing men get $75,000,000 and all the rest of agriculture combined is to get $75,000,000, because the chairman of the committee advises me that there will be a motion to cut the $250,000,000 down to $75,000,000. Now, you men from the cotton States, are you willing to say to me, from a State that never grows a pound of cotton, that cotton is as important to the welfare of agriculture in this country as all other agricultural products combined? Why, you will not be that unfair.

Now, let us see what the men testifying before the Agricultural Committee said. Mr. Murphy, in his testimony in reference to the $250,000,000 appropriation, says it is for what? For the purpose of financing this association and organization through its initial stages. That is what he claimed; and let me read his language:

> We estimate that when the organization is financed it will require funds of approximately $250,000,000 to be advanced as required, but we realize that a much greater amount may be needed.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. On the next page Mr. Murphy testified that—

> all the representatives of the farm organizations here in Washington have given consideration to all legislative requests before this committee and have agreed after mature deliberation upon this suggestion.

I challenge the sincerity of the very representatives that are before Congress; or if you can not challenge their sincerity, I certainly challenge their ability to represent people for whom they are trying to speak and make a clear analysis of the project. Two months ago the united and combined judgment was $250,000,000, and they said that in all probability it would require more than $250,000,000. Why cut it to $75,000,000 now and say they will be satisfied?

That kind of jumping from pillar to post is not anything but a bid for votes, and it can not be interpreted in any other light. If I were for the Haugen bill—which I am not—if I were the gentleman from Iowa [Mr. HAUGEN] or the gentleman from Iowa [Mr. DICKINSON] I would not compromise. If my judgment told me that $250,000,000 was the amount of money—the amount that is needed to make this organization function—I would stand for $250,000,000 or else I would surrender the whole thing. Now I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN of Nebraska. What kind of legislation does the gentleman favor?

Mr. BEGG. The only kind of legislation for agriculture that I am in favor of is such as will remove any disability that may exist preventing the farmers from organizing farm organizations of their own—if they have not the funds to finance it I am willing to loan Government money until they can operate.

Mr. McLAUGHLIN of Nebraska. Is the gentleman for the Tincher bill?

Mr. BEGG. There is not any bill that answers the situation entirely, but the Tincher bill comes the nearest to it, but it ought to have some amendments. I certainly think to be consistent you ought to give a bigger subsidy to the cotton men than $36 a year, or else you ought to give them nothing—cut it all out.

Mr. McLAUGHLIN of Nebraska. The gentleman refers to the $75,000,000 and $36 a year. Is that the gentleman's conception of how the appropriation is going to be used?

Mr. BEGG. So far as that is concerned, my conception of how it is going to be used is that it will finally drift down to the farmer just like most other appropriations of that kind, namely, they will not get the $36, but it will be absorbed by a lot of incompetent Government agents.

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am glad to see my friend from Ohio [Mr. BEGG] softening somewhat toward the agricultural interests of the country, but if you remember the story I told just a few days ago you can readily determine the class to which my friend from Ohio belongs, and that is the class represented by the mule. As a matter of fact, he does not know anything about agriculture, and it seems that he cares less. When we come in here with a bill that has been well thought out and one that we have worked on night and day for two months, a bill in the interest of agriculture, my friend from Ohio comes in and tries to muddy the waters by dividing the $75,000,000 to each and every individual farmer in the South. Our good friend from Michigan, Mr. KETCHAM, the other day came in with very attractive figures proposing to divide the $75,000,000 in the interest of the various States of the South. I am glad that you gentlemen are thinking people, and that a majority of you are really interested in agriculture. I do not believe that statements coming from men representing large cities and industries which have been taken care of in the past will be very influential with you or cause you to vote against something that is really in the interest of agriculture in this country. I have had men come to me from the city and say, "How do you propose to take off the market one or two million bales of cotton with $75,000,000?" I am sorry that my friend, who they tell me was once a very splendid school-teacher, is unable to figure this proposition out, but if he had had a little more practical experience in the actual work of the fellow who has had to go out into the world and till the soil he would come to you with a different story. [Applause.] With the $75,000,000, and with the privilege of borrowing to-day from the intermediate credit banks or any other bank at least 65 per cent of the value of the cotton, we could retire with this money not less than 3,000,000 bales of cotton, but what is the trouble to-day?

Low-grade cotton ought to be selling within 2 or 3 cents a pound of the price of middling cotton, and yet it is on the market, and the farmer is helpless, forced to sell in an open market, dominated by the speculator because of a surplus. He has his obligations to the Federal land banks and to every other bank he could borrow a dollar from, his fertilizer accounts to pay. The speculator and the cotton factor is buying up that cotton to-day at 14 cents, 12 cents, and 8 cents a pound, which is 3 to 9 cents a pound less than the price of middling cotton. It is nothing more or less than highway robbery, and just as long as this Congress continues to legislate for the fellow who is able to take care of himself and ignores the farmer, who is the backbone of the country, agriculture will be in this same deplorable position. I bring to the attention of those of you who think this is a subsidy the fact that in 1867, 1868, and in 1869 the Congress of the United States placed on the people of the South a tax on cotton to the tune of $68,000,000. This they tucked away in the Treasury of the United States, and, although the law was found unconstitutional, it has never been returned to the people of the South. If, therefore, you should lose every dollar of this money, you will not have lost anyone else's money than the money of the people of the South. [Applause.] Why stand here and quibble about a proposition that is in the interest of agriculture? I hope that all of these gentlemen who come before the House and make all kinds of misstatements and who side-step and rabbit track in their arguments against this legislation, will have no effect on the men who are really interested in the people who are the mainstay of this country. Just continue the attitude that you have had toward agriculture a few years longer, and I will tell you that agriculture will be so deep in the hole that it will never be able to get out. Though I would hate to see it, I believe the time is coming when some of you people who represent the city districts and other districts besides agriculture will be upon your knees begging somebody to go out and make bread for you and your children. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WILLIAMS of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Carolina [Mr. FULMER]. During the general debate upon this bill a great deal of opposition on both sides developed and was expressed to that part of the bill which carries a subsidy to agriculture. I was in entire sympathy with the criticism voiced against that provision of this legislation. The amendment offered by the gentleman from South Carolina must be considered along with other amendments that will follow. It is an honest attempt on the part of those of us who are supporting this legislation to remove that objection from the bill. The bill as it was reported by the committee carries $100,000,000 for cotton, $250,000,000 for wheat, corn, swine, pork, and butter, and $25,000,000 as a revolving fund to be loaned to cooperatives. The amendment offered by the gentleman from South Carolina reduces the $100,000,000 for cotton to $75,000,000. The amendments that will follow reduces the $250,000,000 provided for these other commodities to $75,000,000,

with other amendments that put the equalization fee on these other commodities in effect now, meeting the very objection that was voiced by the gentleman from Ohio [Mr. BEGG] and others to this legislation. [Applause.]

The farmers in the corn and wheat producing sections of the country, and those engaged in the production of livestock, so far as I know, have never asked Congress and are not asking Congress now for a subsidy from the Federal Treasury. All they are asking is that they be given a law here which will enable them to levy a small equalization fee on their production to provide a fund that will enable them to market in an orderly way their products, removing the exportable surplus from the domestic market here so that it will not depress the price received in the home market. These amendments meet every objection that has been urged against this bill, so far as the subsidy feature is concerned. It is said that the $75,000,000 for cotton is a subsidy. That may be true to this extent. If there should be a loss, naturally that would come out of the $75,000,000 provided for in the bill, but it is believed, by those who are competent, I think, to express an opinion upon the subject, that cotton can be handled without any loss, and that this fund will not be lost. If that is true, the only difference in the bill as it will be after these amendments are enacted and as it was submitted to our committee by the representatives of the great farming organizations of the West and Central West, will be that the equalization fee on cotton has been deferred for two years, to become operative at the end of that time, and we will then have the essential features of the legislation we have been advocating, that we believe in and that our people believe are essential to bringing agriculture to a parity with industry and labor in this country. For that reason I am supporting this amendment and will support all these amendments that are being offered my friends of the bill to perfect it, and to meet, so far as we can, without sacrificing the great principles underlying this legislation, the objections that have been urged on the floor by the members opposing this legislation. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

Mr. PURNELL. Mr. Chairman, the chairman of the committee is submitting another committee amendment.

The CHAIRMAN. The gentleman from Minnesota has been recognized to offer his amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 16, line 11, strike out the words "for cotton"; and, on line 14, the words "other than cotton."

Mr. NEWTON of Minnesota. Mr. Chairman, as I understand it, by the adoption of the amendment of the gentleman from South Carolina the sum of $100,000,000 subsidy has been reduced to $75,000,000. Is that correct?

Mr. FULMER. The amount is correct.

Mr. NEWTON of Minnesota. Now, the purpose of an amendment, which is to be offered later if the intention as announced some days ago is carried out, is to strike out the remaining subsidy of $250,000,000. That will restrict the subsidy to one commodity—cotton—so that whatever amount is authorized to be granted as a subsidy in this measure the way the bill now reads, and the way it will read after the amendment is adopted, will be restricted to one commodity—cotton. Now, I take it for granted there is a sincere attempt to enact legislation for the benefit of agriculture. If so, this legislation should be for the benefit of agriculture, not only in one section, but in every section of the country. How can we as Members here justify and defend the voting of a subsidy out of the Treasury for the benefit of cotton and deny it to all of the others?

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. DICKINSON of Iowa. In the gentleman's definition of a subsidy is there any agreement to repay?

Mr. NEWTON of Minnesota. Any agreement to repay?

Mr. DICKINSON of Iowa. Yes; to repay?

Mr. NEWTON of Minnesota. I do not know just what the gentleman has in mind.

Mr. DICKINSON of Iowa. The gentleman knows if there is a subsidy granted to anybody it is a gift and there is no agreement to repay?

Mr. NEWTON of Minnesota. Does the gentleman contend there is anything here in this bill to repay?

Mr. DICKINSON of Iowa. Absolutely.

Mr. NEWTON of Minnesota. To repay?

Mr. DICKINSON of Iowa. Absolutely.

Mr. NEWTON of Minnesota. Then the gentleman's construction is entirely different to that of anybody else who has discussed this on the floor.

Mr. DICKINSON of Iowa. Look at page 16.

Mr. NEWTON of Minnesota. The gentleman from South Carolina has said here just a few moments ago, in effect admitted, that it was a subsidy and probably would not be repaid, and he attempted to justify it.

Mr. DICKINSON of Iowa. Look at page 16, line 11, in reference to this cotton part, where it says:

The aggregate amounts advanced to the equalization fund for cotton and remaining unpaid shall not exceed at one time the sum of $100,000,000.

Which amount has now been cut down to $75,000,000.

Mr. NEWTON of Minnesota. The gentleman is not speaking to the point at all. Will the gentleman show me one single clause in this bill showing that any part of this fund is to be paid back to the Treasury of the United States?

Mr. DICKINSON of Iowa. I just showed it to the gentleman.

Mr. NEWTON of Minnesota. No; that is a repayment of the fund in the revolving fund, but there is nothing in the bill that there is anything to be paid back into the Treasury. On the contrary——

Mr. BRAND of Ohio. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; I will yield to the gentleman.

Mr. BRAND of Ohio. Can anybody in the South get a dollar of this fund without putting up a dollar's worth of cotton?

Mr. NEWTON of Minnesota. Well, that would depend altogether upon who is running the board and advancing the money.

Mr. BRAND of Ohio. Does the gentleman think they can get any money advanced unless they put up cotton as an equivalent?

Mr. NEWTON of Minnesota. That question is up to the board.

Mr. BRAND of Ohio. I do not think so.

Mr. NEWTON of Minnesota. Who is it up to?

Mr. BRAND of Ohio. They propose to loan on cotton.

Mr. NEWTON of Minnesota. One of the purposes may be to loan, but it is to loan out of the revolving fund that is furnished by the Treasury of the United States with no provision for its repayment. The advancement is to be made to these farm organizations and cooperatives. But whether a loan or a straight subsidy, the money itself must come from the public Treasury from taxes received from all the people, and it is here proposed to give the entire amount to the one commodity—cotton—and deny it to the others. How can the gentleman from Ohio justify that to the farmers in his district?

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: On page 16, line 16, strike out "$250,000,000" and insert in lieu thereof "$75,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 16, after the period in line 16, strike out through line 19.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 17, line 4, after the word "interest," strike out through line 5 and insert in lieu thereof a

comma and the following: "at the rate of 4¼ per cent per annum, on the amounts advanced after the expiration of the period of two years from the date of the enactment of this act, except that upon the expiration of such period so much of the amounts remaining (after such disbursements are made) or thereafter deposited in the equalization fund for cotton, in respect of operations prior to the expiration of such period, as are not in excess of the amounts advanced from the revolving fund prior to the expiration of such period and remaining unpaid, shall be paid into the revolving fund as repayment in full of the amounts so advanced."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTROL OF SURPLUS OF OTHER COMMODITIES

SEC. 13. (a) The board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make advances out of the revolving fund to any cooperative association engaged in the purchase, storage, and/or marketing of any agricultural commodity (other than a basic agricultural commodity) for the purpose of assisting such cooperative association in controlling the surplus of such commodity in excess of the requirements for orderly marketing.

(b) The board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make advances out of the revolving fund to any cooperative association engaged in the storage and/or processing of any agricultural commodity for the purpose of assisting such cooperative association in the purchase or construction of facilities to be used in the storage or processing of such agricultural commodity. In making any such advance the board may provide for the payment of a fixed number of annual installments which will within a period of not more than 20 years repay the amount of such advance, together with the interest thereon.

(c) Any advance under this section shall bear interest at the rate of 4¼ per cent per annum.

(d) The aggregate amounts advanced under this section and remaining unpaid shall not exceed at any one time the sum of $25,000,000.

Mr. RAINEY rose.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] will be recognized.

Mr. RAINEY. Mr. Chairman and gentlemen, if the gentleman from Texas [Mr. HUDSPETH] gets any satisfaction out of reading garbled extracts from my speeches into the RECORD and misrepresenting my position, he is entitled to it; I do not object. I would be glad to give the gentleman from Texas references to all the speeches I have made in this House and all the work I have done and attempted to do during my period of service here. And I can say to him that if he cares to read it all he will find that my record is the record of a long and active service and is absolutely consistent, and he will probably spend his time profitably.

I have no reply to make to the speech of the gentleman from Texas. I want to talk about an important matter and to call some facts to the attention of the committee which I think the committee ought to consider.

There are many Members of this Congress perhaps who are hoping that this farm legislation can in some way be defeated and postponed and who are under the impression that with the lapse of a few months or a year or two the agrarian problem in the United States will disappear. I want to say that the troubles of the farmer are just commencing; that the future looks darker for him than even the present looks; that the future economic situation, so far as the farming industry of the United States is concerned, is dark and gloomy indeed.

In the month of January this year the New York Journal of Commerce, in a two-column article, called attention to the shipment of tractors and farm machinery from the Pan American wharves in New York to Soviet Russia. At one time early this year there were 660 carloads of farm machinery awaiting shipment to Russia. Day after day the loading went on, with five gangs of men working day and night with the most improved loading machinery. The Journal of Commerce in speculating on how much agricultural territory could be put under cultivation with the shipments made from New York alone of farm machinery in the early weeks of this year estimated that sufficient farm machinery had gone to Soviet Russia during the first few weeks of this year to put in cultivation there 100,000 square miles of territory. And while these shipments have been going on——

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. RAINEY. Yes.

Mr. GARRETT of Tennessee. Has the gentleman any information as to the price at which that machinery was sold, the American price?

Mr. RAINEY. Yes. I will come to that presently.

During that same period of time shipments of farm machinery and tractors were going to Turkey.

Now, in these two sections of the agricultural world the peasants own the land. Their rights have been recognized. They paid nothing for their farms. The only thing they had to do was to kill the overlords, or exile them, and take possession of their land.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. They are not taxed on these lands to-day. They are therefore operating with the best kind of farm machinery that we can produce in this country, on lands that they now own, and which are just as fertile as our lands are, producing crops per acre just as big, and paying no taxes. These are peasant laborers.

Now, I want to call attention to the prices they pay for the farm machinery they get. In 1925 we sent abroad $78,000,000 worth of farming implements to competing agricultural territory in Russia and in Turkey. The exporting companies are required to give values, "declared values," when these exportations occur, and I have here an export declaration, from which it appears that the law regulating declarations as to value is as follows:

The values stated should be the actual cost or selling price if the goods are sold. If shipped on consignment without a sale having been made, the market value at the time of exportation in the ports of the United States from which exported should be stated.

Freight and other charges from the port of departure in the United States to the place of destination in the foreign country or noncontiguous territory to which shipped must not be included in the value.

In other words, when they ship from New York they state the market price at New York which, of course, includes the transportation cost to New York, and I take it that the statement they make is the price at which these agricultural manufacturing companies would sell to retailers in New York City and includes the manufacturers' profit.

I have here the number of harvesters and binders that have gone abroad during 1925 and 1926. I am not going to give these enormous figures and clutter up the RECORD, except to say that I have divided the declared values in 1925 and 1926 by the number of harvesters and binders exported from New York, and the declared value of harvesters and binders at the port of New York was $197.66 in 1925, and in 1926 the declared values had decreased in amount until harvesters and binders in New York were valued at $189.22. There has been no decrease in the prices of these implements to American farmers, but the decrease in declared values indicates that there has been a decrease in the price of binders sold abroad.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. NEWTON of Minnesota. Of course, there may have been a different type or a different kind of binder sold in 1926 than in 1925.

Mr. RAINEY. That is possible, but not probable.

Mr. NEWTON of Minnesota. I talked with the Department of Commerce in reference to this and they told me they could obtain no evidence of farm implements being sold abroad at less than here.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

There was on objection.

Mr. RAINEY. My information is that they are sending abroad the very best type of farm machinery that can be made. Not only that, but they are manufacturing abroad, and the amount we ship from New York to Turkey and to Russia does not indicate the total amount of farm machinery they are getting that is American made, because we have branch establishments in Europe near this territory also manufacturing these same implements and delivering them there.

Mr. KNUTSON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. KNUTSON. The gentleman is on the Ways and Means Committee. Will the gentleman kindly state to the House what the tariff is on farm machinery at the present time?

Mr. RAINEY. There is not any. The tariff does not enter into this question at all, I will say to the gentleman, but there is a tariff, of course, upon everything that goes into the manufacture of farm machinery, including manganese, which hardens the iron and makes it possible to make farm tools out of it. That all carries a tariff, but it pays the tariff when it comes in and it is not remitted in these shipments when it goes out. So the tariff does not cut any figure.

Mr. CROWTHER. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CROWTHER. In relation to manganese, I put in the RECORD certain figures showing that the tariff on manganese adds $1.20 to an implement that weighs a ton. I just want it to appear how trifling the duty on manganese is with reference to the expense of farm machinery.

Mr. RAINEY. I have already stated that the tariff does not cut any figure and that ought to satisfy the gentleman.

Mr. CROWTHER. It does.

Mr. RAINEY. Hand hoes and rakes were sent abroad to Turkey and Russia in 1925 at a declared value of 46 cents. You try to buy some of them here for 90 cents and $1 and see if you can do so. In 1926 the declared value was 44 cents. Harrows went abroad in 1925 at $50.10 and at $43.49 in 1926. Windmills went abroad at $88.45 in 1925 and at $83.95 in 1926. I do not know whether these farmers abroad are ultimately getting these implements at a less price than our farmers are getting them or not, but I do know that the declared value at New York is as I have stated; that does not include the ocean freights to points of destination, which they are not permitted to include. It is evident, however, that these peasant farmers are not paying more for American farm machinery than our own farmers pay.

I am going to publish in the CONGRESSIONAL RECORD this article appearing in the Journal of Commerce as to these enormous shipments.

And now, may I call the attention of gentlemen from the Southern States to the fact that on the 20th day of January of this year the new Makwar Dam, on the Blue Nile, in the Sudan, was opened, and that brings under cultivation this year 300,000 acres, in one block, of the best cotton land in the world. It will produce Egyptian cotton and it will produce 40,000,000 pounds of cotton every year, and these 40,000,000 pounds of cotton, an Associated Press dispatch of January 20 from Cairo announced, are to be used to supply the Lancashire mills, which have been receiving their supplies heretofore from the Southern States.

In Turkey the amount of farm land being added to the cultivated area is increasing at an alarming rate, alarming to us because they produce in Turkey cotton, wheat, and sugar cane, and I am going to put those facts in the RECORD.

PRICES TO FARMERS OF RUSSIA, ETC.

Cream separators were shipped abroad in 1925 at a declared value of $52.26. In 1926 the declared value was $52.09. In the case of harrows the declared value in 1925 was $50.10. In 1926 it was $43.49. The declared value of cultivators in 1925 was $17.60. In 1926 the declared value was $14.84. In the case of threshers the declared value in 1925 was $980.55. In 1926 it was $862.18. Windmills in 1925 had a declared value of $88.45. In 1926 the declared value was $83.95. From the classification given by the Department of Commerce to these articles it is impossible to understand what some declared values mean. For example, horse and power plows are classed together. It is not possible to tell what the declared value of a power plow was, nor what the declared value of a horse plow was. The statistics show that planters are described as horse and power, and the number going abroad is constantly increasing. On account of this method of combining horse and power plows it is impossible to reach any conclusion as to the declared values of either, but I have been able to isolate enough items to show that prices abroad are decreasing. Prices to our farmers, however, do not show any decrease. If the declared values at New York contain the elements the law requires them to contain, the prices at New York include the profits of the manufacturing companies, and include also transportation to New York. In other words, the declared values are evidently prices at which retailers in New York could purchase the goods in question. If retailers in the agricultural sections of the West who buy directly from the manufacturing companies could obtain agricultural implements at the prices indicated in these declarations, it seems to me they could price to farmers these implements at much less than they could price them at the present time. For example, it is not possible now to buy a harvester and binder in the agricultural sections of Illinois from a retailer at a less price than $245, and if he gets his goods at the New York price he is evidently making as his profit $50 on each harvester and binder he sells. I am unwilling to believe that the retailer is making such a profit as this.

INDIA

In India enormous quantities of wheat lands are now being brought under cultivation. At the present time in India they have under cultivation a total area of 233,215,000 acres, a much larger area than they had under cultivation at the conclusion of the World War, and the number of acres irrigated in India is continually increasing, until at the present time they have an area of irrigated land under cultivation amounting to 26,538,000 acres, and this enormous area of irrigated land in India is continually increasing. In India up until the conclusion of the World War, their farmers tilled the ground with primitive implements—now they are using power machinery and modern American farming tools. Until the conclusion of the World War they never rotated crops nor fertilized land. India is a great wheat-producing country, the fourth largest wheat-producing country in the world, and always a large competitor of ours in world markets. They raised on an average 6 bushels of wheat to the acre. For over 2,000 years they cultivated wheat land without rotation and without applying any fertilizers and for hundreds of years the yield of wheat per acre was about 6 bushels. This seems to be about the minimum possible to be obtained under this kind of farming and it seems also to be the maximum. Our missionary organizations have now entered upon the project of instructing the farmers of India as to the best methods of raising wheat. They send expert advisers there, and they have now commenced to rotate crops and to fertilize them, and to use improved machinery, and the yield per acre has already commenced to materially increase on account of this very valuable assistance. Our farmers are being asked to contribute, and do contribute, very materially in the moneys they give to foreign missions to these enterprises, and they are, therefore, being asked to contribute toward depressing the prices of their products on foreign markets, and, of course, on our own markets. I am not criticizing the efforts of our missionary organizations; I am simply calling attention to the facts and to the possible injurious effects this policy may have on the farmers of the United States. I am frank enough to admit that in this matter my sympathies are with the farmers of the United States.

ITALY

Italy is seeking an outlet for her surplus population. The principal crop she raises at the present time is children, and her population is enormously increasing, and she proposes to establish colonies and will establish colonies in the immediate future, and her colonial enterprises will in all probability start this year. Two weeks ago before the French Chamber of Deputies Premier Briand made a remarkable speech, a speech extolling Mussolini and his ambitions, calling attention to the fact that Italy must have colonies, and indicating that he sympathized with the Italian dictator and the Italian people in this enterprise. All of which indicates that Mussolini has succeeded in satisfying responsible officials in France that the Italians have no designs upon those Provinces in France which were formerly a part of Italy.

The Italian armies are being rapidly mobilized at Adriatic ports. Her navy is there ready for action. Mussolini has made his first triumphal visit to Africa and has returned. The Italian people are ready for the aggressive forward movement of Italy. During the Italian debt discussion on this floor I insisted that the Italian objective would not be the territory beyond the Brenner Pass, but that the Italian objective would be colonies in Africa. It is now becoming apparent that the Italian objective may be Abyssinia. Abyssinia would fall an easy prey to the Italian dictator. The Abyssinian Government is about the only absolute monarchy left in the world. The Abyssinian monarch would be quite contented to be permitted to remain in his capitol with his wives in his harem and live out his existence in oriental magnificence. His army consists only of 100,000 men, poorly armed and equipped, without modern implements of war, without airplanes, and without poison gas. If Abyssinia is the Italian objective, it would be quite easy for the Italian dictator to establish himself there. Abyssinia embraces within its boundaries an immense territory and an immense area of fertile lands—lands upon which sugar cane and cotton can be successfully grown. The Italians are an agricultural people. They are willing to work and they will work, and if Abyssinia is the Italian objective we will soon be compelled to reckon with Abyssinia as a great agricultural

country producing sugar cane and cotton and perhaps also cereals.

I have attempted to call attention to world conditions, which American farmers must consider, and which present to our farmers added difficulties in the immediate future.

WHAT IT ALL MEANS TO THE AMERICAN FARMER

What does all this mean to the American farmer? It means that he must renew his efforts in order to avoid being reduced to the condition of the peasant labor with which he will soon be brought into such active contact. Therefore there is more need than ever for the Haugen bill. We need an orderly world distribution of the things we produce on American farms. The world never had too much to eat. The world never had too much cotton for clothing. The whole question is a matter of distribution. The populations of European countries are twice what they were 100 years ago. Great wars in the next 100 years destroying millions of human lives are not now within the range of possibility. There will be no Attila ravaging the territory of European countries, leaving in his trail millions of dead and rivers of blood. Modern medical science has made impossible great plagues, which in the centuries that are gone destroyed in a few months millions of lives. The world will go on increasing in population and the world will go on needing ever more and more foodstuffs and more and more cotton for clothing.

NEW METHODS OF WORLD DISTRIBUTION

Our present methods of world distribution of foodstuffs and material for clothing must stop. We are a progressive Nation. Our methods are being followed now all over the world and we must inaugurate a more logical distribution. The Haugen bill is the first step in that direction. It contemplates now not only a storage of farm products at home and a more orderly distribution here, but it contemplates a more orderly distribution of what we are compelled to export. We must reach with our cereals and our cotton and our wheat products, not Liverpool and the port mills of Europe, not the Lancashire mills, but we must reach points of consumption, and we must reach points of consumption directly.

As world methods of distribution now exist we are compelled to meet in European markets not only the cheaply produced products of the peasant labor of Europe, but we must meet there our own surplus, and our own surplus competes not only with exports from other sections of the world, but we meet there and compete with ourselves. This can not last, and we must take the initiative. The question demands in its solution a vision which it has not yet received. The Haugen bill, if it passes, is but the first step in the direction of a logical and efficient world marketing of our products. It will be amended from time to time as the years pass, and I expect to see a few years from now processing plants erected where they are needed by the consumers of the world, financed by American capital, which is now seeking dangerous investments abroad. The time will soon come, if this bill passes, when investments of this character will be made and will be profitable. The wealth of the country, now rapidly concentrating in the hands of a few, can in this way be made to work, not in producing competition for our farmers abroad, but in finding markets for the products of our farmers where the consumers are to be found.

We are making a rapid increase in our population. The time will come within the next quarter of a century, in all probability, when we will need all the food products we can produce in continental United States in order to sustain the population of continental United States. When that time comes many of the problems we are now discussing will disappear, but until it does come the American farmers need more relief than is to be furnished by loaning them more money and increasing their interest burdens.

Members of Congress who are sent here now from the agricultural sections as well as from the cities must quickly develop enough vision to meet these world problems or must yield their places to others who will be capable of meeting and grappling the serious questions which confront us now. This is not a problem merely for the agricultural sections; it is more of a problem for the cities than for the rural sections. If the farmers are to be driven from their farms and our cultivated area is to be materially decreased, the time will soon come when the dwellers in cities will be compelled to pay more and ever more for the foodstuffs they consume and the clothing they wear. We need Members of Congress from the cities with a vision sufficient to grasp this situation. The cities are more interested in this problem than we who live in the rural sections.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAINEY. Under the permission given to me to extend my remarks, I here reproduce the article which appeared in the month of January of this year in the New York Journal of Commerce, in the matter of the exportations of American farm machinery. I also print a letter I received from the Department of Commerce discussing these shipments, from which it appears that in the judgment of our Department of Commerce the story printed in the New York Journal of Commerce is in no way exaggerated:

SHIPPING TO RUSSIA IS ON THE INCREASE—MUCH AGRICULTURAL MACHINERY NOW BEING LOADED AT STATEN ISLAND PIERS

Recent developments indicate, it was said yesterday, that the piers of the Pan American Wharfage Co. at Staten Island, which have been busy for the past year and a half handling shipments of agricultural machinery for ports of Russia, will soon see a period of activity unprecedented in the history of the port, except during World War days. Ever since the Russian Soviet Government began its extensive purchasing of supplies in this country the Pan American docks have been factors in the movement of the same. And now that Henry Ford may ship 12,000 additional farm tractors to be used in the intensive cultivation of Russian soil planned by the Soviets, the Pan American plant at Stapleton is apt to resemble to a considerable extent the processes of a beehive during the next eight or nine months. These Pan American piers are 1,029 feet long, were built by the city of New York after recommendations by engineers of the Pan American Wharfage Co., and are within the free-lighterage limits.

An idea of what has been and still is going on at the Pan American docks in the way of Russian shipments can be gained from the fact that in the past three weeks several steamers have been loaded at and dispatched from them with full cargoes of Ford tractors, agricultural machinery, etc. The vessels were the Britisher *Corinthic* that sailed January 22, the Norwegian *Stiklestad* that sailed last Saturday, and the Danish *Gudrun Maersk* that also sailed on Saturday last. Three additional ships, the Norwegian *Bjornsterne Bjornson*, the Italian *Adige*, and the Dutch *Fordson I* are now taking into their holds and onto their decks several thousand tons of similar cargo. With the exception of the latter, all of these ships have been reported in the New York freight market as being chartered for account of the Russian Soviet Government by Derutra, the organization in charge of transportation of supplies to Soviet destinations. Clifford N. Carver directs the affairs of Derutra at New York.

WILL OPEN EYES OF SKEPTICS

Anyone who is skeptical as to the accuracy of announced purchases of agricultural machinery in this country by the Russian Soviet will have all doubt on that score banished by a visit to the Pan American docks. As far as the eye can see the yard of the Baltimore & Ohio Railroad, which serves the piers, is jammed with flat cars, each loaded with from 13 to 17 tractors stoutly boxed, the packages explicitly marked with Soviet license numbers and points of destination via the ports of Odessa, Batum, and Novorassiysk. The name of Ford is stenciled in sufficiently large letters that the most near-sighted Russian will not fail to see it.

An agent of the Baltimore & Ohio Railroad told a representative of the Journal of Commerce a few days ago that the procession of cars containing the tractors and other agricultural machinery totaled at least 400, that it would soon be augmented by other cars at Arlington, where is located the chief storage yard of the Baltimore & Ohio on Staten Island. At one time a few weeks ago, the railroad man said, the number of cars stored at Arlington awaiting movement to ships scheduled to load at the Pan American docks for Russia reached a total of 660. The wharfage company's piers were piled high with large and small wooden packages containing the Ford machines and plows, reapers, and threshing machines sent forward by the International Harvester Co.

At the offices of Derutra, in Water Street, it was said the value of goods purchased in the United States by the Russian Soviet during the first half of 1925 reached $53,600,000, or three times as great as in pre-Soviet days and four times the value of exports to Russia during 1924. It was further said at the Derutra offices that exports to Soviet Russia during 1926 would probably have a value double, if not triple, those of 1925. The statistics from Derutra's records showed that during last year 88 steamers carrying cotton, agriculturals, and flour sailed from ports of the United States to Soviet Russia. In addition to these full cargoes a large amount of freight was carried from the United States to Soviet Russia via the various berth liner services. England and Germany competed closely for Soviet trade in 1925.

FIVE GANGS WORKED DAY AND NIGHT

In the case of the British steamer *Corinthic* the work of loading the cargo for Russia was expedited by the use of five gangs of men night and day. Severe weather on the Atlantic had delayed the *Corinthic* and it was necessary to hustle the ship out in order to lift the increasing congestion on the railroad tracks leading to the Pan American piers. Several hundred boxes of tractors were loaded onto the *Corinthic's* decks as well as into her holds. The *Stiklestad* and the *Gudrun Maersk* also took large deck cargoes. The vessels now loading will probably do likewise, although in the case of the *Fordson I* lifting may be avoided as that vessel is constructed to allow the stowing direct from the railroad cars into the holds through openings on the side of the ship.

Men who have enthused over modern methods of ship loading and discharging at other American ports and at European ports, and who recently visited the city's piers at Staten Island, are said to have expressed amazement over their facilities, especially the 35-foot depth of water, the 1,010-foot length of the pier sheds, the double-rail tracks on each side of each pier, the four 40,000-pound truck and team elevators, and the six 12,000-pound service elevators to the second floor, but above all the 2½-ton and 5-ton Gantry cranes. These cranes electrically operated lift heavy packages from the cars along the ship's side and deposit them on the deck or lower them through the hatches as easily as if they were so much tissue paper.

In shipping circles yesterday it was reported that at least one more charter fixture had been made covering the shipment of agriculturals to Russia and that further Russian business was being whipped into shape to take boats. It was also said that Henry Ford himself is contemplating a visit to the Pan American piers in the near future in order that he may obtain first-hand information as to exactly what shape the tractors purchased from him by the soviet are arriving in. In this connection an official of Pan American was quoted as declaring that the shipments have so far shown an infinitesimal amount of breakage of the wooden containers.

The continuous traffic in the tractors and other agricultural machinery over the piers of the Pan American Wharfage Co. has aroused more than ordinary speculation, not alone among the workers who handle the shipments but among residents of Staten Island as well, concerning the extent of the area of Russia the machinery will be used in. Various estimates have been made, one of them putting the figure at 100,000 square miles. It has been said that before they are through soviet officials will have purchased in this country between 50,000 and 100,000 tractors.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, February 12, 1296.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: This will acknowledge your letter of February 10, addressed to Mr. George B. Bell, chief of the agricultural implements division, in which you refer to an article in Commerce Reports, February 1, that refers to the exports of agricultural implements and asks for more details in connection with the table printed in that article.

In connection with the first class you mention, "planters, horse and power," we are unable to give the number of horse planters and the number of power planters exported, as in compiling the export figures from the export declarations all articles corresponding to this general class of horse and power planters are shown as such, and consequently our records do not show them separately. I am also unable to give you the market of the planters exported, as this is something that also is not shown in our compilations.

The same remarks apply to "horse and power plows," and our information on this subject includes no further detail than is shown in these figures. A rough estimate of the number of power plows exported may be gathered from reference to the number of tractors exported, as, in general, when a tractor is sold it also involves the sale of a plow to be used with the tractor. The number of wheel tractors exported in 1925 was 44,975 and track-laying tractors 977. I would be inclined to say that the number of power plows exported did not exceed that number and may have been somewhat less.

You also inquire about "drills and seeders" and "hay balers," but these, like the others, are shown only as they appear in the export statistics, and we can not give you further details.

There is no distinction between "mowers" and "mowers except lawn," except that in 1924 lawn mowers were included in "mowers," whereas in 1925 you will observe that in addition to the class "mowers except lawn," there is also a separate class of lawn mowers.

I am inclined to think that the statement to which you refer regarding shipments to Russia is not exaggerated. You are probably familiar with the newspaper reports the latter part of 1925, when it was stated that an order for 10,000 tractors had been placed with the Ford Motor Co. for shipment to Russia. This order has been verified, and it is our understanding that these shipments are now going forward, and this alone would be sufficient to account for the conditions mentioned in the article to which you refer. Russia was one of our best purchasers of agricultural machinery in 1925, ranking fourth, and taking implements valued at $7,249,839. These purchases appear to be continuing, and some of the larger implement manufacturers have accepted Russian orders, and it may be said that most implement manufacturers are keenly interested in Russian business, providing they can get satisfactory credit arrangements.

I am sorry that I am unable to furnish you with further details regarding this class of exports, which you specify, but the only additional detail which we have available is that showing the countries to which these articles were shipped in 1925. If you care for further information along that line, I shall be glad to furnish it.

Sincerely yours,

JULIUS KLEIN, *Director.*

Under permission to extend my remarks I also print the Associated Press dispatch from Cairo, Egypt, of January 20, as to the opening of the Blue Nile Dam, and I also print an Associated Press dispatch of January 1 of this year from Constantinople describing the immense scale of farming now being inaugurated in Turkey where they expect to produce with modern implements cotton, sugar, and wheat.

HUGE BLUE NILE DAM TO BE OPENED TO-DAY

CAIRO, EGYPT, January 20.—The Makwar Dam, on the Blue Nile, in the Sudan, will be opened to-morrow by Lord Lloyd, British high commissioner to Egypt. It will bring under irrigation 300,000 acres, which will be devoted to cotton raising. Egyptian officials estimate that in this area 40,000,000 pounds of cotton can be raised annually, thus providing a new cotton supply for the Lancashire mills, which now draw most of their supply from the United States.

The dam is 2 miles long and will make a lake of 50 miles at its greatest dimension.

TURKS AID FARMING ON IMMENSE SCALE—RECOGNIZE ENDURING PROSPERITY IS LACKING WHEN WORKERS ARE OPPRESSED

(By the Associated Press)

CONSTANTINOPLE, January 1.—The Turkish Republic is going in for agriculture on a scale the like of which the country previously has never witnessed.

Recognizing the principle that there can be no enduring prosperity in a nation of oppressed and unwilling producers, the Government has made numerous changes ameliorating conditions under which the peasants lived.

The feudal system which obtained during the rule of the Sultans has been abolished. The overlords who claimed vast stretches of land and used the peasants as serfs have been executed or exiled and the land divided among the people. With the departure of the Sultans went the tax on the peasants, which took one-tenth of their profits.

To create a body of expert managers, the Department of Education has established 13 agricultural schools, for which there were 2,000 applicants this year, and also is sending students to farm colleges in Europe and America.

The Department of Agriculture is encouraging scientific farming through the dissemination of information, distribution of seeds, and introduction of tractors and other modern machinery. It has elaborated upon a program, to extend over the next 10 years, for the intensified production of tobacco and the "three whites" of Turkey—cotton, sugar, and wheat.

As for President Kemal, he is so keenly interested in the development that he is running an experimental farm of his own on the outskirts of Angora.

I also print here in the RECORD an extract from the issue of February 1, 1926, of Commerce Reports, one of the official publications of our Department of Commerce, as to recent exportations from the United States of agricultural implements:

AGRICULTURAL-IMPLEMENT EXPORTS INCREASE 30 PER CENT IN 1925—WHEEL TRACTORS, PLOWS, HARROWS, DAIRY MACHINERY, AND IMPLEMENTS SHOW CONSIDERABLE GAINS

Exports of agricultural implements from the United States during 1925 were the largest for any year, with the exception of 1920—an abnormal year in every respect—and were valued at $77,936,911—only $2,000,000 less than the value of shipments in 1920. The exports in 1925, however, represent a greater volume, because prices in 1920 were at a higher level. Foreign shipments of implements in 1925 exceeded those in 1924 by approximately $18,000,000, an increase of 30 per cent. The 1925 exports were also 50 per cent greater than in 1923, more than three times as large as those of 1922, and 88 per cent greater than in 1913.

UNITED STATES TRACTORS SOLD ABROAD

Approximately one-third of the shipments in 1925 were made up of wheel tractors, 44,975, valued at $26,127,449; 977 track-laying tractors, valued at slightly less than $2,000,000, were also exported, and the

shipments of parts of tractors exceeded $4,500,000. Exports of tractors and parts in 1925 exceeded similar shipments in 1920 by approximately $1,500,000.

This is indicative of the increased ability of foreign markets to absorb foreign farm equipment and is all the more striking when it is considered that the immense shipments of tractors in 1920 had a disastrous effect on foreign demand for tractors which affected the market for several years after, while shipments during the past year show every indication of being taken care of without any untoward effects. Exports of wheel tractors in 1925 as compared with 1924 nearly doubled, while the increase in shipments of track-laying tractors and parts was much less notable.

GAIN IN SALES OF PLOWS—DECREASE IN HARVESTERS AND BINDERS

Exports of plows increased more than $2,000,000, but those of harvesters and binders and of threshers each decreased approximately $2,000,000. This loss is partly offset by shipments of combined harvesters and threshers, which amounted to approximately $1,000,000.

A comparison of the 1925 exports with those of 1924 follow:

United States exports of agricultural implements

Item	1924		1925	
	Number	Value	Number	Value
Cream separators	6,906	$305,991	11,252	$553,196
Other dairy machinery and parts	[1] 2,383,444	953,479	[1] 3,141,802	1,289,172
Incubators and brooders	9,363	220,605	14,703	366,966
Implements of cultivation:				
Horse and power plows	207,009	5,283,334	241,084	7,636,627
Harrows	18,652	862,788	33,052	1,560,826
Cultivators	40,111	844,661	69,383	1,190,665
Planters, horse and power	10,182	314,377	13,742	641,587
Drills and seeders, horse and power	14,493	1,161,722	18,358	1,811,304
Sprayers and dusters			36,233	254,591
Hand hoes and rakes	396,808	176,209	443,794	211,289
Other cultivating implements and parts		3,216,223	[1] 31,712,918	4,314,690
Harvesting machinery:				
Mowers	120,878	3,377,715		
Mowers, except lawn			36,608	2,368,771
Lawn mowers, hand and power			102,533	744,402
Hay rakes and tedders	11,041	413,334	18,912	691,105
Harvesters and binders	41,915	7,639,288	31,422	5,340,845
Combined harvesters and threshers			1,719	1,025,350
Ensilage and feed cutters	910	132,542	1,221	113,669
Other harvesting implements and parts		4,455,573	[1] 24,209,209	3,955,374
Feed separators:				
Threshers	5,985	5,515,101	4,230	3,505,688
Corn shellers	11,308	222,590	14,423	277,628
Cotton gins and parts	[1] 4,602,789	924,910	[1] 4,942,224	998,187
Other separators and parts	[1] 5,847,270	1,280,513	[1] 7,450,733	1,261,619
Feed grinders and crushers	4,186	67,014	2,233	116,609
Wheel tractors	24,404	13,235,519	44,975	26,127,449
Track-laying tractors	817	1,491,639	977	1,838,144
Parts of garden and farm tractors	[1] 11,072,175	3,202,012	[1] 15,735,847	4,614,038
Windmills	11,633	1,020,619	17,086	1,430,543
Towers and parts, windmills, except pumps	[1] 4,059,241	586,249	[1] 6,178,915	697,764
Hay balers, hand and power	885	257,066	1,227	317,039
Other agricultural machinery, implements, and parts		2,832,962		2,681,774
Total		50,974,044		77,936,911

[1] Pounds.

UNUSUAL SHIPMENTS OF TRACTORS AND PLOWS CAUSE GAIN

The high level reached by exports in 1925 was in excess of all expectations and was in part accounted for by the unusually large exports in December, which amounted to $7,476,122, an increase of more than 100 per cent, as compared with December, 1924, and approximately $3,000,000 greater than November, 1925. Ordinarily December shipments are among the smallest of the year, but in this case they were among the highest in 1925. Shipments for this month were distinguished by the large exports of wheel tractors exceeding $2,500,000, while those of plows were more than $1,000,000.

UNCLASSIFIED IMPLEMENTS ADD TO TOTAL SHIPMENTS

Among the items of farm equipment not included in the agricultural implements classification, exports of wagons and drays during 1925 amounted to 8,214 in number and $839,016 in value; hand pumps, 84,697, valued at $877,258; and engines, not over 10 horsepower, 28,491, valued at $2,440,966.

Mr. KNUTSON. Mr. Chairman, the Republican platform of 1924 contained a specific pledge to agriculture. That pledge was made in good faith, and I more than welcome this opportunity to help redeem the promise then made. [Applause.] The pledge reads as follows:

We recognize that agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party through an unfortunate administration of legislation passed as war measures.

While the bill we are now considering does not meet with my entire approval, it is, in my judgment, the best of the three measures reported out by the Agricultural Committee after seven weeks of constant hearings. [Applause.] While it is to be expected that there should be a wide difference of opinion as to which of the three bills reported out will best serve the ends we seek to attain, I do not believe that a Member who has made a careful study into the condition of agriculture will deny the necessity for remedial legislation.

At this point I desire to insert a quotation from the speech delivered recently by former Gov. Frank O. Lowden before the Iowa Editorial Association:

England was supreme. She was producing more economically than any other nation in the world. It is not strange, therefore, that England at that time deliberately adopted the policy of subordinating her agriculture to her industry and commerce. And yet, after the lapse of a little while—for what is a century in the life of a nation—the most thoughtful men in England are to-day wondering if that policy was not a mistake.

If England, with her unrivaled advantages, already has come on evil days as a result of her policy, would we not in America do well to stop and reflect before we adopt a similar policy? For to-day all nations of the great western world are encouraged in manufacturing on relatively equal terms. The day of importing cheap foods from new agricultural countries is well-nigh spent.

FARM IS CHIEF CONCERN

The problem of to-day and to-morrow is to balance agriculture with industrial progress. It becomes more and more apparent that a nation is only secure in time of peace, as well as war, when it is able to feed itself. Agriculture, therefore, hereafter must be the chief concern of any nation which would flourish and endure.

Mr. Chairman, that is precisely what we are trying to do through this legislation. The purpose of the Haugen bill is to place agriculture on the same footing with labor and industry. If the present movement from the farm to the cities is not halted, the time is not far distant when the American people will be faced with a serious shortage in foodstuffs. The longer we delay action the more serious will be results.

What has impressed me in the protracted debates that have been had on this legislation is the attitude taken by some eastern and southern Members. They are perfectly willing to assist the railroads and merchant marine with subsidies and what not, but when one suggests giving Federal aid to agriculture these same men hold up their hands in holy horror and speak of it as socialism. Mr. Chairman, this is neither socialism, republicanism, or democratic doctrine. It is merely a business plan evolved by the Committee on Agriculture to place the greatest of all American industries—agriculture—on a sound economic footing, where it can again be made profitable. If that be socialism, you must make the most of it. [Applause.]

The question of farm-relief legislation has been before Congress in one form or another for the past two years. In the Sixty-eighth Congress we had the McNary-Haugen bill, which failed of passage by reason of opposition from the South and East. The bill we are now considering is also by Mr. HAUGEN, and is somewhat along the same line, but this measure includes butter. If the present bill is enacted into law, it will give the butter producers of this country the foreign price plus the 12-cent duty which recently was put into effect, and should contribute further toward the stabilization of the butter market.

Frankly, Mr. Chairman, I am not clear in my own mind as to just how far we can or should go in this sort of legislation. Let me say right here that I will go as far as I possibly can without detriment to agriculture. You older Members of the House well remember the price-fixing legislation which we enacted during the war. You will recall that the minimum price for wheat was fixed at $2.26 per bushel at the terminal market, and you will further recall that in the operation of the law the minimum price became the maximum price, thus depriving our farmers of hundreds of millions of dollars which they would have received had there been no legislation. We must guard against a repetition of that experience.

The whole problem, as I view it, is to provide a method for taking care of crop surpluses, and to prevent ruinous foreign competition. We have had considerable experience with surpluses in our section of the country. For three consecutive years we sold our potato crops at prices that hardly paid for the digging and hauling to market. Every potato grower lost money in proportion to his acreage and yield. While there

was a tariff duty of 50 cents per hundred on potatoes the tariff was in each year inoperative because of the surplus, which compelled our producers to sell their crop in competition with the world, and you all know that the purpose of the tariff is to prevent American products being sold in competition with the foreign grown or manufactured products.

The purpose of the Haugen bill is to handle the marketing of farm surpluses in a manner that will prevent price depression in the domestic market. If it will do that we will have accomplished something of real benefit to agriculture.

Opponents of this measure say, "Let the farmer regulate his production." That sounds easy. It is true that the manufacturers of the country can get together and regulate production to meet the demand and no more, but the farmers can not do this. He has so many things to contend with: Droughts, floods, pests, hail, hot winds, and what not. Every one of these blights has an important influence on production and resultant prices. Then we have the law of supply and demand which no act of Congress can repeal or set aside.

I want to see the wheat and corn growers made prosperous, because if they continue to lose many of them will go into dairying and that will mean an enormous overproduction of dairy products, so in helping them we are helping ourselves.

Coming from an important dairy district it is but natural that my concern should be for that particular industry. You will recall that the Fordney-McCumber tariff act provided for a duty of 8 cents per pound on imported butter. With the depreciated foreign exchange and low production costs abroad as compared to American standards it became very profitable for the foreign dairyman to send large quantities of his products to this country with the result that the domestic price became depressed to a point where even dairying was not profitable. The Tariff Commission was asked to make a study of the situation with a view to asking the President to put into effect the elastic clause of the tariff law by increasing the duty 50 per cent, or to 12 cents per pound. This the President did by proclamation on March 6, of this year.

Of this action the Minneapolis Journal had the following to say:

PRICE RECOVERY IS UNDER WAY IN SPITE OF OVERPRODUCTION—DAIRY COWS RISE TO OCCASION BY BREAKING PRODUCTION RECORDS FOR OWNERS—DUTY INCREASE IS EQUAL TO $9,000,000 GIFT TO NORTHWEST—2,000,000 POUNDS OF FOREIGN BUTTER ALREADY "DEPORTED" AS INFERIOR IN QUALITY

Although Minnesota is producing 16 per cent more butter than it was last April, the American butter market showed new strength last night on the eve of a 4-cent increase in the butter tariff, to become effective to-morrow, which means a $9,000,000 annual gift to Northwest farmers.

The dairy cows of Minnesota and other Northwest States, spurred on by the most favorable feeding conditions they have known in early spring, were cooperating with their farmer owners by breaking production records. In spite of the overproduction, prices started to recover from a temporary slump and were giving farmers a fair margin, experts said.

2,000,000 POUNDS "DEPORTED"

In addition there was word from New York that 2,000,000 pounds of foreign butter, in New York storage since Christmas, will have to go back to Europe for sale, because America is producing better butter at less cost.

To-morrow the increase to 12 cents a pound in the butter tariff, ordered by President Coolidge, will go into effect.

The tariff increase is the equivalent of a $9,000,000 gift to Northwest farmers, dairy leaders say.

Application of the tariff increase, according to H. F. Meyer, butter sales manager for the Land o' Lakes Association, will—

"Strengthen the market during the summer, because there will not be hanging over the country the threat of an invasion of foreign butter at ruinous prices.

"Hold the market in good shape during the fall and winter, weak times in the dairying business, by eliminating the competition of Danish butter dumped on the New York market.

"Encourage dairy farmers to continue their program of production on a sound basis, confident in the backing of tariff protection."

Members of the Land o' Lakes Association alone have produced 8,000,000 pounds of butter in March, 16 per cent above the record for last year. The rest of the State kept pace with the association, and Northwest production in general was reported high.

Because of large quantities of corn and oats on farms, which farmers have found it unprofitable to sell, cows have had unusually good feed early this spring, Mr. Meyer said, with the result a big increase in production.

The result has been a drop in price of 3 cents from a month ago, but lowered costs have given farmers a fair return, Mr. Meyer said. Now the market is showing new strength and may be expected to hold firm for some time, in the opinion of Mr. Meyer.

Production will remain high with cows getting out into pastures, but with no danger of foreign competition prices should hold up well, dairy leaders believe.

It was early in March that President Coolidge ordered the tariff increase, to take effect to-morrow. Farm leaders called it a $9,000,000 gain to Northwest farmers, in better return for their product. The stabilizing effect is expected to be felt largely in fall and winter months.

The States of Minnesota, Wisconsin, Iowa, North and South Dakota produce 450,000,000 pounds of butter a year.

Foreign shipments of butter put 2,000,000 pounds in New York refrigerators in December and January at a price of 47 cents. The price offered since then has made it impossible of sale, with the result that it still is being held. The American price is below the world market at present, so that the foreign butter will have to be sent to London or elsewhere for sale.

While Northwest dairy interests were elated over the increase in the butter tariff, another announcement from Washington that the senatorial committee had reported to President Coolidge that there was "no reason to reduce the duty on casein" was being hailed as "help to an infant industry." Milk producers and university professors both agreed that the decision should be of "inestimable benefit to Minnesota dairy interests."

Prof. C. H. Eckles, of the University Farm School, explained that, while 5,000,000 pounds of casein was being used in glue manufacture and other purposes in Minneapolis, only about 1,000,000 pounds was produced in Minnesota. Casein, which is a by-product of skim milk, is used in making paint, enamels, artificial ivory, and glue, he said.

Officials of the Twin City Milk Producers Association said that they produced 780,000 pounds last year and were the largest producers in the State. It means no more profit, they explained, to make casein than to sell skim milk; and if the duty were reduced, it would mean that production probably would stop.

"At first we felt that the duty was unfair," H. L. Brestholdt, manager of the Monite Waterproof Glue Co., said. "We use 5,000,000 pounds a year, and about 4,000,000 pounds come from Argentina. The duty almost forced us out of business. We hope it will inspire further production in Minnesota. The product can be made more cheaply in Argentina.

Mr. Chairman, I am happy to say that I had a small part in getting the Tariff Commission to take the action which it did, and I am proud to have received from the president and secretary of the Minnesota Cooperative Creameries Association letters of commendation for my work, which I ask to have made a part of my remarks, but will not take the time to read:

MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION,
St. Paul, Minn., February 18, 1926

Hon. HAROLD KNUTSON,
House of Representatives, Washington, D. C.

DEAR MR. KNUTSON: We certainly appreciate the interest you are taking in the butter-tariff question and assure you that the farmers are back of you in your efforts.

Very truly yours,
MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION (INC.),
JOHN BRANDT, *President.*

MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION,
St. Paul, Minn., March 8, 1926.

Hon. HAROLD KNUTSON,
House of Representatives, Washington, D. C.

DEAR MR. KNUTSON: We wish to take this occasion to thank you most sincerely for your good influence in helping to bring about the increased tariff on butter.

We can not say at this time just how much this increased tariff will mean to the farmers of Minnesota, but it will unquestionably run into millions of dollars, and especially if there should be a large surplus of foreign butter.

Again thank you for your good work, and with kindest personal regards, I am

Very respectfully,
MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION (INC.),
A. J. MCGUIRE, *General Manager.*

MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION,
St. Paul, Minn., March 19, 1926.

Hon. HAROLD KNUTSON,
House of Representatives, Washington, D. C.

DEAR SIR: In behalf of the Minnesota Cooperative Creameries Association I want to thank you for the assistance you have given the dairymen of the Northwest in securing a higher tariff on butter. This increase has met with a great deal of favor among the farmers, and will really be a great financial help to them.

Yours very truly,
MINNESOTA COOPERATIVE CREAMERIES ASSOCIATION (INC.),
JOHN BRANDT, *President.*

ROUTE NO. 1, CLEAR LAKE, MINN.,
April 27, 1926.

Hon. G. N. HAUGEN,
House of Representatives, Washington, D. C.

DEAR MR. HAUGEN: There are a number of conflicting political stories being circulated about our Congressman, HAROLD KNUTSON, and I am writing to you as the outstanding friend of the American farmer, being, as you are, the chairman of the powerful Agricultural Committee, and therefore you are probably in a better position to know exactly how sincere and influential every Member of the House is who represents agricultural districts.

My purpose in writing is to ascertain from you first-hand how HAROLD KNUTSON has stood on matters having to do with the welfare of agriculture.

Wishing you every success in your great work in behalf of the American farmer, I am,

Yours very truly,

JOHN O. GILYARD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, May 1, 1926.

Mr. JOHN O. GILYARD,
Route No. 1, Clear Lake, Minn.

MY DEAR MR. GILYARD: I am in receipt of your letter of the 27th instant requesting that you be advised as to Mr. KNUTSON'S stand on matters having to do with the welfare of agriculture.

I am pleased to say that we have always had the hearty cooperation and assistance of my good friend HAROLD KNUTSON and that he has never failed to render entire and most valuable assistance in legislation to improve agricultural conditions.

Very respectfully yours,

GILBERT N. HAUGEN, *Chairman.*

ROUTE NO. 1, CLEAR LAKE, MINN.,
May 5, 1926.

Hon. HAROLD KNUTSON,
House of Representatives, Washington, D. C.

DEAR HAROLD: Inasmuch as there has been conflicting stories circulated in this district, it occurred to me that I would write to Mr. HAUGEN to ascertain exactly how you have stood on agricultural legislation, and I am inclosing herewith Mr. HAUGEN'S reply, together with my letter to him, thinking that you might make some use of it. Of course, in my own mind I was perfectly satisfied of what you had done as I have read the CONGRESSIONAL RECORD from day to day and have taken special interest in your activities not only on the floor of the House but at all committee meetings and hearings where you could do anything to further the cause of the farmer.

Just a word politically: It is my impression that the farmers, generally speaking, are for you, as they are as a whole quite familiar with your activities and accomplishments in Congress in their behalf.

Yours very truly,

JOHN O. GILYARD.

The Journal estimates that the action of the President will place $9,000,000 in the pockets of the Northwestern dairymen this year. That sum may mean the difference between profit and loss. The full effect of the increase, however, will probably not be felt until fall, for it is estimated that there were approximately 26,000,000 pounds of butter in storage when the increase in duty went into effect. Since the duty was increased shipments of cream and milk into this country from Canada has taken on large proportions, and it will now be necessary to increase the duties on those items. The Tariff Commission has already been asked to take the necessary action.

We can overdo a good thing. Consumers will not pay above a certain price. When this price has been attained they will use substitutes. This is important to remember when legislating on tariff and farm relief.

Mr. Chairman, the measure we are now considering has been indorsed by farmer and labor organizations, bankers, merchants, editorial organizations; in fact, by every conceivable line of industry. It may not be perfect and probably is not, but it represents weeks of hearings by the Committee on Agriculture, and days and nights of patient, conscientious study on the part of the membership of that committee, the chairman of which [Mr. HAUGEN] is a practical farmer, as are several other members thereof. This legislation may be revolutionary, but the ailment is of a nature requiring drastic remedies.

Mr. DOUGHTON and Mr BLACK of New York rose.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina.

Mr. DOUGHTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DOUGHTON. Mr. Chairman and gentlemen, it is not surprising that the House is getting somewhat restless and impatient of so much discussion of this question, and were it not for the fact that in my judgment the bill now under consideration is one of the most important matters that has come or will come before this Congress, I would not attempt to say anything at all on the subject.

Agriculture, conceded by all to be our most important industry, has been falling further and further behind for a number of years, until it is now in a dying condition. This is a very serious matter and worthy of the fullest consideration and most careful thought of the Congress of the United States.

In 1924 the situation was recognized as being so serious that both the major political parties recognized the fact that agriculture was in distress and that something should be done for the relief of this great industry, and each of the parties in their platforms promised substantial relief, and yet this Congress at the long session now nearing a close has as yet done nothing to carry out these pledges, while every other subject concerning which relief was promised has received consideration.

We are all agreed as to the conditions. There is not a man in this House who will rise and say that agriculture is successful and prosperous, but as to the cause and the remedy there is a wide divergence of opinion. If the Democratic Party were in power and a Democratic tariff law on the statute books, our Republican friends would have no trouble in diagnosing the case, but would wildly and vociferously declaim that the cause was low tariff and the remedy a high protective tariff. However, one thing has been clearly demonstrated; that is, the Republican policies have completely failed to keep agriculture prosperous.

Mr. BLACK of New York. Will the gentleman yield?

Mr. DOUGHTON. I will.

Mr. BLACK of New York. As a matter of fact, is not the only difference between the two parties with respect to the farmer that under the Democrats they were getting something while under the Republicans they are getting nothing but talk? [Applause.]

Mr. DOUGHTON. I fully agree with the gentleman. Of course, it is very easy for the parties to dispute back and forth and for each to endeavor to pass the responsibility to the other, but what we ought to sincerely and honestly try to do is to find some remedy, for notwithstanding what has happened in the past or upon whom the blame may rest, the Nation is now faced with a very serious situation; as Mr. Cleveland said:

> It is a condition and not a theory that confronts us.

It is surprising and disappointing that the great Committee on Agriculture, which is composed of very able men, after years of study and months of hearings, have been unable to agree on anything, only that the farmers are in a terrible fix. A majority of the committee were unable to suggest any relief whatever.

America is no stronger than the American farmer. If agriculture dies, our Government can not endure. Moreover, if agriculture is to live, the farmer must be kept on the farm, and not driven off by adversity. The sons of the farmer, and even the farmer himself, if not too old, can go to the towns and cities and make a success in either professional or industrial life. Truth is, a large majority of the most successful men in the towns and cities to-day were raised in the country. On the contrary, men raised in the cities could not earn their salt much less make a success if they should go to the country and engage in farming. One must grow up on the farm and learn in early life the things necessary to success if he is ever to amount to anything as a farmer. Therefore, if agriculture is to live at all, we must keep on the farms the boys who are there now.

The farmer is the only man in America to-day who has no voice in the fixing of the price of his commodities. How long would the merchant remain in business if his customers named the price of the merchant's goods? How long would a bank remain out of the hands of a receiver if the borrower fixed the rate of interest and the time of payment? How long would a mill or factory run if the retail merchants fixed the prices of the manufactured products? The farmer has no voice whatever in fixing the price of either the things he buys or the things he sells. When he goes to market he finds the buyers all organized and offering the same price; then, if he goes to the merchant to buy farm tools, clothing, furniture, or any article used on the farm or in the home, he finds the merchants organized, and they will always ask him about the same price—so he gets it going and coming, having nothing to say about the price of the things he buys or the things he has to sell.

Congress has reduced the tax on incomes from business and salaries, but very few farmers have received any relief from

income-tax reduction. The tariff taxes that bear heavily on every farmer have not been reduced a penny. This Congress has stubbornly and persistently refused to offer any relief whatever in the way of reducing these exorbitant taxes. It is very easy for those of us having adequate salaries or sufficient income with which to provide a comfortable living to stand back and find fault and say that this measure, that measure, and the other measure is not economically sound. In my judgment, Mr. Chairman, the ills from which the farmer is now suffering and those that have brought him to the quagmire of despondency and ruin are the result of legislation not economically sound, but they are on the statute books fatally handicapping the farmer day by day, driving him deeper and deeper into debt and further and further into bankruptcy. Until these uneconomical and unjust laws are modified or repealed I am ready to support the best measure possible that will have even a tendency to remove the disparity that now exists between the farmer and those engaged in other lines of business.

Mr. CROWTHER. Will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. CROWTHER. The gentleman says we must do this in a nonpartisan way. Does the gentleman think it is nonpartisan the way the Democrats have shouted "Tariff, tariff!" putting all the blame on the tariff? What did the gentleman's party ever do for the farmer when they wrote the tariff? They put everything on the free list.

Mr. DOUGHTON. The gentleman from New York is the last man in the world who ought to find fault with anybody for extreme tariff utterances. [Laughter on the Democratic side.]

There is one thing, however, that I can emphatically state, and that is that, tariff or no tariff, the conditions of the farmer and of agriculture were much more favorable under the laws referred to by the gentleman than they are at present.

It is indeed regrettable that the President of the United States has persistently and continuously opposed any substantial farm relief legislation. In his message at the opening of Congress, also in his speech at Chicago, he is on record as saying that the farmer can best work out his own difficulties and problems and that all he needs is a little assistance in the way of cooperative marketing.

The farmer has been beseeching Congress for a number of years and urging that the laws that unjustly discriminate against him be repealed, and that he be placed on a parity with others. His taxes are piling higher and higher and his interest charges growing heavier and heavier all the while, and he is frequently having to borrow money to pay both his interest and his taxes. In many cases he is losing his home and realizes in desperation that he is rapidly being driven into a condition of poverty and vassalage. We should subordinate partisan politics in the interest of public welfare.

Mr. ABERNETHY. What is the remedy?

Mr. DOUGHTON. That is what we have been debating here for days and days, and that is also what the Committee on Agriculture has failed to find. The farmer himself and those here who are most interested in his welfare have faith that the Haugen bill will afford at least some relief.

Mr. DOWELL. Would we not have a remedy if we should adopt the Haugen bill?

Mr. DOUGHTON. I think that would give us some relief; at least, my confidence in its merits is great enough to give it my support. I am against the other two measures for the special reason that those who oppose any legislation whatever for the relief of the farmer are supporting the Tincher and Aswell bills; and were it not for the Haugen bill, the others would not be seriously considered, in my opinion. [Applause.]

Mr. DOWELL. Is it not true that the other two bills have been used in this House all the while to sandbag the Haugen bill and prevent its passage and its becoming a law?

Mr. DOUGHTON. Unquestionably; and there has been little or no defense made of the other two bills, but a vicious attack from the first to the last on the Haugen bill. It must be killed at all hazards; even though the heavens fall and the earth pass away, the Haugen bill must be destroyed because the farmer is behind it, say those who oppose this legislation.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. BARKLEY. I did not quite hear the gentleman, but did I understand him to say that the Tincher bill is backed by the administration?

Mr. DOUGHTON. That has been my understanding. The proponents of the bill do not deny it.

If this Congress shall adjourn without enacting some legislation to benefit and uplift the farmer, enabling him to get on his feet once again, I feel it will have committed an unpardonable offense. [Prolonged applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. BLACK of New York. Reserving the right to object, I have an amendment I want to offer.

Mr. LaGUARDIA. And I have an amendment I want to offer.

Mr. HAUGEN. Mr. Chairman, nearly three weeks have been consumed in the discussion of this bill, and it is about time we brought it to a close. I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. BLACK of New York. Reserving the right to object, all day political speeches have been made, and now I have a real amendment that will take 20 minutes in discussion.

Mr. HAUGEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

Mr. LaGUARDIA. Mr. Chairman, I move to amend the motion by making it 10 minutes. I have a perfecting amendment and I ought to be allowed five minutes to discuss it.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this section and all amendments thereto close in five minutes, and the gentleman from New York [Mr. LaGUARDIA] offers an amendment that all debate close in 10 minutes. The first question is on the amendment of the gentleman from New York to the motion of the gentleman from Iowa.

The question was taken, and the amendment to the motion was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa that all debate on the section and amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLACK of New York: Page 18, line 12, after the word "commodity," insert "including the brewing of beer for sale for beverage purposes containing not more than 2.75 per cent of alcohol by weight, under regulations prescribed by the board.

Mr. DOWELL. Mr. Chairman, I make the point of order that the amendment is not germane and is out of order.

Mr. BLACK of New York. Mr. Chairman, I should like to be heard upon the point of order. [Cries of "Rule!"]

The CHAIRMAN. The Chair is prepared to rule.

Mr. BLACK of New York. Mr. Chairman, I ask that the Chair get me order. I wish to say to the Chair that, although I am a little fellow from the city, yet I have a worth-while amendment to offer.

Mr. DOWELL. Oh, the gentleman has not filed an amendment yet that has been worth while.

The CHAIRMAN. The gentleman from Iowa will be in order.

Mr. BLACK of New York. I wish to say also to the Chair that I had this amendment on the desk, and the Chair has recognized before me two gentlemen who have had nothing whatever before the House. I wish the Chair would hear me on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. BLACK of New York. The gentleman from New York is going to assert his rights in this House.

The CHAIRMAN. The Chair has endeavored to recognize all Members of the House impartially. He would say to the gentleman from New York that several members of the committee have been to the Chair this afternoon requesting recognition. The Chair finds it quite impossible to recognize more than one gentleman at a time. The Chair recognized the gentleman from New York just as soon as it was possible to do so, in justice to the other members of the committee.

Mr. BLACK of New York. I want to say to the Chair that I offered my amendment in the regular way in open forum, and I did not talk to the Chair in star chamber about it, and I had the right of precedence here with an amendment on the desk.

The CHAIRMAN. The gentleman from New York has no right of precedence. The gentleman from North Carolina [Mr. DOUGHTON] has just left the floor. He was one of the first to speak to the Chair this afternoon seeking recognition. The Chair has been endeavoring all afternoon to recognize the gentleman from North Carolina as well as other members of the committee, impartially.

Mr. BLACK of New York. I do not want to continue my quarrel with the Chair——

The CHAIRMAN. The Chair will give the gentleman from New York his rights, but he does not feel that he is justified in recognizing the gentleman from New York on amendments of this kind and giving him preference over other gentlemen who desire to discuss the legislation upon its merits. [Applause.]

The Chair will hear the gentleman upon the point of order.

Mr. BLACK of New York. Very well, Mr. Chairman, this bill is intended to meet an emergency in agriculture by controlling and reducing surplus crops, affords the producers certain broad powers of processing their commodities for that purpose. It does not specify the processes. My amendment permits a process heretofore barred by law, which law has been an artificial cause of surpluses because it outlawed the market for agricultural purposes. I seek to restore this market, and thus reduce the surplus which is the purpose of this bill.

Mr. DOWELL. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order, but undertaking by subterfuge to discuss his amendment. The gentleman must discuss the point of order.

The CHAIRMAN. It lies very largely in the discretion of the Chair to hear the gentleman in his discussion of the point of order, and the Chair thinks the gentleman from New York is within his rights up to this point.

Mr. BLACK of New York. Funk & Wagnalls Dictionary defines "germane" as "in close relationship; appropriate; relevant; pertinent." Certainly my amendment answers these definitions as far as its germaneness to the pending bill is concerned. Brewing, a processing of agricultural commodities, is in close relationship to the general phrase processing of agricultural commodities. The general phrase is the genus and brewing is the species. Surely brewing will consume some of the surplus and so is most appropriate to the purpose of the bill. The prohibition of brewing has a causal connection with the surpluses and so my amendment is relevant. It will provide a market and an income for producers and is pertinent. Webster defines germane as near akin and closely allied and brewing is covered by the idea of processing. [Cries of "Vote"!] Mr. Chairman, I insist on order.

The CHAIRMAN. The committee will be in order.

Mr. BLACK of New York. Hinds', volume 5, section 5821, sets forth that a bill being considered under exceptional circumstances an amendment germane to the bill but not germane to the section was admitted. Circumstances have much to do with the extent of the notion germane, and it is freely admitted by all in the committee that the present circumstances are exceptional. Indeed, the Committee on Agriculture reported three irreconcilable propositions for farm relief, having in mind only the general purpose which my amendment will serve.

Hinds', volume 5, section 5838; Hon. James A. Hemenway, of Indiana, as Chairman, ruled as follows:

> For instance, a private claim bill for the allowance of a single claim would not be subject to an amendment allowing some other claim, but a general claims bill, such as often comes before the House, can be amended by adding another claim.

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take the gentleman from New York off his feet by a parliamentary inquiry.

Mr. DOWELL. Will the gentleman yield?

Mr. BLACK of New York. Certainly.

Mr. DOWELL. I want to ask the Chair how long it will take for this kind of an argument to convince the Chair of the lack of germaneness of the amendment of the gentleman from New York?

Mr. BLACK of New York. Mr. Chairman, I suggest the gentleman ought to go into the District room and hear some of those mind readers.

Funk and Wagnalls defines an emergency as a perplexing and pressing combination of circumstances. So with the agricultural emergency this bill is designed to cure. The Volstead Act by depriving agriculture of the brewers' market is an item in the combination of circumstances affecting this emergency set forth in the bill.

So on logical grounds alone the amendment is relevant.

Let us see how our scheme of rules is met by the amendment.

In the first place this bill is being considered under exceptional circumstances, and the scope of the idea germane covers any amendment that is as relevant to the Haugen bill as are the Aswell and Tincher bills. My amendment does not seek to destroy the whole structure of the bill, as do they, and surely if the rule makes such repugnant substitutes germane an amendment adding to the powers of the farm board, giving additional processing facilities, a market, and an income to the producers through the medium of the machinery provided by the bill must be germane. The chairman of Rules in reporting this rule stated that his committee reported the rule, because it was anxious to do everything in its power to aid in passing legislation to benefit agriculture.

Mr. DOWELL. Will the gentleman yield?

Mr. BLACK of New York. I will.

Mr. DOWELL. Mr. Chairman, I desire to withdraw the point of order to avoid any further debate.

Mr. BLACK of New York. I am glad I have convinced the gentleman.

Mr. DOWELL. The gentleman did not convince me.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. BLACK of New York. No, Mr. Chairman, the gentleman withdraws the point of order. Then I insist on continuing my argument. [Laughter and applause.] Does not the Chair wish to hear the precedents of the House?

The CHAIRMAN. The Chair does not care to hear the gentleman further on the point of order. It is apparent that the amendment introduces matter foreign to the bill under consideration. The gentleman in his argument states that his amendment proposes to amend the Volstead Act. The Chair sustains the point of order.

Mr. BLACK of New York. Will the Chair permit an interruption? May I call the attention——

Mr. DOWELL. I am not going to withdraw the point of order in view of the Chair's ruling.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. BLACK of New York. I am adding to the facilities for disposing of the surplus another process called brewing to the general processes allowed by the bill. Brewing has been made illegal by Congress, and it can not be a legalized process until Congress makes it such as it may do by adding this amendment. The bill in the interest of agriculture is making many things heretofore illegal legal for the purpose of the disposition of surplus.

Hinds', V, section 5859, an amendment was offered, a point of order was made that the amendment was not germane. After debate Hon. Charles E. Littlefield as Chairman sustained the point of order and stated:

> An an instance of the latitude occasionally taken by Speakers in construction of the rule requiring amendment to be germane, reference may be made to a precedent of August 28, 1850, when the House was considering the Senate bill providing for the adjustment of the northern and northwestern boundaries of Texas, and the relinquishment by Texas of territory exterior to those boundaries, and of claims against the United States. To this bill, which was short and confined simply to these adjustments an amendment was offered in the form of a long bill providing systems of territorial governments for the Territories of New Mexico and Utah. This amendment, Mr. Speaker Cobb held to be in order on the ground that the bill brought before the House the question of the territory acquired from Mexico, and that propositions affecting that territory were germane to the bill, New Mexico and Utah being in that territory. On appeal this decision was sustained; yeas 122, nays 84. (First session Thirty-first Congress, Journal, p. 1333.)

There we had the United States making some general regulation for new or surplus land by a general bill and an amendment was considered germane which territorial government regulatory processes for parts of this additional territory.

The amendment is one that provides for indirect revenue and the Agriculture Committee has been given revenue jurisdiction in exceptional circumstances as here. See section 680 of Manual.

The best test of germaneness is the story of prohibition statutes. The RECORD of June 23, 1917, gives the birth of prohibition. The Lever Food Control Act was under consideration, and I quote from the RECORD:

[From RECORD June 23, 1917]

AMENDMENT TO LEVER ACT OFFERED BY MR. BARKLEY

Mr. BARKLEY. Mr. Chairman, I move to strike out all of section 13 down to and including the word "unrevoked," in line 14, and strike out the word "after," in line 14, and all of line 15, down to and including the word "notice"; strike out the words "except in," in line 17, and all of lines 18, 19, 20, and 21, down to and including the word "notice," so that it will rend as follows:

"No person shall use any foods, food materials, or feeds in the production of alcohol or of alcoholic or nonalcoholic beverages. Any person who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN (Mr. Hamlin from Missouri). The Chair thinks that it is in order, inasmuch as it simply strikes out certain words in the section, and therefore overrules the point of order.

And again we find the parliamentary and substantial germaneness of brewing and agriculture in the RECORD of April 18, 1918:

EXTENSION OF REMARKS OF HON. CHARLES H. RANDALL

[Appendix to the CONGRESSIONAL RECORD, volume 56, part 12, Sixty-fifth Congress, second session]

Mr. RANDALL. Mr. Speaker, there is before the House the report of disagreement between the House and Senate conference committees on the price of wheat. The House stands for $2.20 and the Senate insists upon $2.50 wheat.

The assurance which it is proposed to give the farmer of the price which he shall receive for his wheat, of course, has relation to the food supply of the country. Such a proposition is based upon the effort to assure a sufficient food supply by encouraging the increase of the acreage of wheat.

The Food Administration wants this law. Yet the Food Administration can by one stroke of a pen save 4,000,000 pounds of bread daily, and fails to act. Last summer, Mr. Herbert Hoover, in answer to an avalanche of demands that he save the food wasted by brewers, wrote the following response:

"In 1916 there was used in the production of malt for the manufacture of beer for home consumption and export about 60,000,000 bushels of barley, 15,000,000 bushels of corn, and about 3,000,000 bushels of rice. It will be seen, therefore, that the economic advantage to be gained from the prohibition of the manufacture of beer relates almost entirely to the question of saving 60,000,000 bushels of barley, which could be milled to 60 per cent of its food value and produce a pound loaf of barley bread per day for 6,000,000 people."

Since the above letter was sent out by Mr. Hoover, he has written me, under date of January 22, 1918:

"DEAR CONGRESSMAN RANDALL: In the administration of the food bill we have reduced the foodstuffs used in brewing by 30 per cent. I hope that by this order there may be effected a saving of approximately 18,000,000 bushels of grain.

"Faithfully yours,

"HERBERT HOOVER."

It will be seen at a glance that, from Mr. Hoover's own figures, the brewers are still permitted to use 42,000,000 bushels of barley, more than 10,000,000 bushels of corn, and more than 2,000,000 bushels of rice annually. The barley alone will make more than 4,000,000 pounds of bread daily.

And the world is starving!

One stroke of the pen will save all this food. The House of Representatives once acted and ordered the closing of the breweries. The Senate was ready to act. The food administration demanded that the power be not exercised by Congress. Congress yielded and gave the power to Herbert Hoover. And Herbert Hoover does not act. Why?

Is barley a useful food? Prof. S. P. L. Sorenson, the eminent Danish physiological chemist, has made an elaborate study of the subject. He finds that barley, when turned into flour and made into bread, has a higher value to the human being than through any other process.

OUR PATRIOTIC PEOPLE

Mr. Speaker, the following news dispatch recently appeared in the California newspapers:

STATE MAY BE WHEATLESS IN 90 DAYS!

SAN FRANCISCO, *March 30.*

At the present rate of consumption there will be no wheat flour in California in 90 days.

The State faces a bread ration of very limited proportion.

I have every confidence in the effectiveness and constitutionality of this amendment. Realizing there is a farm problem, I have sought to meet it without imposing any additional burden on the country, the States, the cities, the consumers, or the farmers themselves. I have in mind too the creation of harmony between the workers of the city and the country. The advocates of the pending Haugen bill have admitted that the cost of food to the consumers would be advanced by it. It also seems plain that the result of this bill will be to charge American consumers more for their food and foreign consumers less. This is unfair to us and very naturally resented. The revenue to meet the appropriation authorized by this bill will come from American producers and consumers if it comes at all. The States and cities will have to pay more money for the upkeep of their charitable institutions because of the increased cost of food.

My amendment provides a more satisfactory way to meet the emergency by restoring a market to the farmers that was removed through the artificial instrumentality of legislation. The Volstead law, which went several steps beyond the eighteenth amendment by prohibiting nonintoxicants has been responsible for the unabsorbed surplus that the brewer could have processed. The Bureau of Crop Estimates of the Department of Agriculture shows that prior to prohibition there was used in the brewing of beer annually, over 3,000,000,000 pounds of farm products, including malt, hops, rice, corn or cerealine, grape sugar or maltose, glucose or sirup, grits and other materials.

According to the almanac and yearbook of the Chicago Daily News of 1926, the barley crop of the United States in 1918 was worth $234,942,000 and in 1924 it was worth $132,270,000. On barley alone since prohibition figured on the tables of the Department of Agriculture, the farmers have lost much over $700,000,000. The yearbook of the Department of Agriculture of 1922 sets forth that the brewers caused a premium to be paid for the highest grades of barley. The price on the farm of barley in 1924–25 was only $0.77 per bushel and in 1917–18, before prohibition, was $1.37. This is from the United States Department of Agriculture. Prior to prohibition the culture of barley for brewing purposes had been greatly encouraged by the Government, and after the Government had done this the Government removed the market for it by the artificial means of the Volstead Act. The Hon. Sidney Anderson before the House Committee on Agriculture in 1912 said that there were 8,000,000 acres of land devoted to barley, for which there was practically no market, except that for its use in making beer. E. C. Horst, an American farmer, estimates that there was at one time 8,000 square miles devoted to barley raising.

In the Grain Dealers' Journal, Pierce Blewett, owner of the Star Elevator Co., Jamestown, N. Dak., states:

I have nine elevators, and my record shows that previous to the Volstead Act we shipped 41 cars of barley where now we ship one. When you consider this average for all elevators throughout the States, it should make the farmers think.

Henry Altenbrand stated to the Senate Judiciary Committee that he had been an extensive barley farmer, that the barley farmers of the Northwest used to realize over $300,000,000 for their barley, which was the crop they could sell before Christmas, out of which they could pay their taxes, buy their supplies for the year, and secure some ready cash. He estimates that the country would consume annually 68,000,000 barrels of beer, out of which the Government would get $140,000,000 in the sale of revenue stamps. It seems to me that this revenue alone would be able to take care of the surplus crops of other commodities. Miscellaneous Circular No. 23 of the United States Department of Agriculture shows that we export 20,000,000 bushels of barley each year, which, of course, has an effect on the world price of barley. The use of barley in beer would have a tendency to jack up the world price of barley.

As to hops, the Yearbook of the Department of Agriculture of 1922 shows that brewers consumed about 34,000,000 pounds in 1918 and about 4,000,000 pounds in 1922.

All these figures tend to show the direct loss that prohibition has brought upon the farmers. I have not available the figures to show what increased taxes, due to loss of revenue on beer, and the cost of the enforcement of the national prohibition act have come to the farmer.

Mr. BRAND of Ohio shows the good effect of the Greek plan of farm relief as far as the currant farmers are concerned. The Greek Government gets a revenue through the conversion of surplus currants into alcohol. By the Haugen plan the American Government will pay for the farmers' surplus and dispose of it outside of this country, where it may be converted into alcohol and shipped back to this country in the form of bootleg liquor.

Thus the United States and the farmer will become accessories before the fact to the foreign bootlegger, with no revenue to us. Again, the farmer loses money through the Volstead Act and the regulations of the Prohibition Bureau, which stifled the manufacture of industrial alcohol for fuel and motive purposes in favor of petroleum. This is a vast charge on the farmer both in the loss in his market for the constituents of industrial alcohol and in the excessive cost he must pay for gasoline.

Now, as to the constitutionality of my amendment—the Ruppert *v.* Caffey case (251 U. S. 264) merely decided that Congress might prohibit a nonintoxicant in order to make the prohibition of intoxicants effectual. It did not decide that 2.75 beer was an intoxicant. As a matter of fact, the court by deciding that Congress could prohibit a nonintoxicant, and having before it for disposition a quantity of 2.75 beer, by implication at least decided that 2.75 beer is not an intoxicant. The court devotes its opinion to the power of Congress to prohibit a nonintoxicant, and the particular controversy arose over 2.75 beer. Justice McReynolds, who wrote the dissenting opinion,

states in it that it is "solemnly admitted in this record to be nonintoxicating," referring to the complainant's beverage. The court divided 5 to 4, not on the question as to whether 2.75 beer was intoxicating but whether or not Congress could prohibit a nonintoxicant.

In the National Prohibition cases, reported in Two hundred and fifty-third United States Reports, page 350, the court simply followed the decision of the Caffey case on the power of Congress to adopt a content definition which might prohibit a nonintoxicant.

Congress, in view of its added wisdom in the matter of prohibition, due to experience in prohibition enforcement, may, of course, change its definition under these decisions, and particularly in a case like this, where an emergency exists in the country, due in part to the prohibition of beer.

I thoroughly believe that the only sane way to meet the farmers' problem is to remove some of the artificial barriers that have held him back, and it seems plain to me that among these barriers none have been more harmful than prohibition.

My amendment would permit the farmers, through their associations, to brew beer, and I assume that the Federal farm board, in cooperation with the prohibition authorities, would see that it would be sold under conditions that would tend to enforce the constitutional amendment against intoxicating liquors.

One last word—go back and tell your bankrupt farmer that prohibition, according to Prof. Irving Fisher, has made six billions for the country and he will want to know who got his.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed on this amendment for five minutes.

Mr. WILLIAMSON and Mr. DOWELL. I object.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. Page 18, line 19, add a new section, which I have sent to the desk to be read, and I ask to explain my amendment for five minutes.

Mr. DOWELL. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 18, after line 19, after subsection (c), add the following as a new subsection (c):

"It is hereby made unlawful for any person, other than a cooperative association engaged as in this act described, willfully to destroy any agricultural commodity for the purpose of enhancing the price or restricting the supply thereof, knowingly to commit waste or willfully to permit preventable deterioration of any agricultural commodity in or in connection with their production, manufacture, or distribution; to hoard any agricultural commodity; to monopolize or attempt to monopolize, either locally or generally, any agricultural commodity; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any agricultural commodity; to conspire, combine, agree, or arrange with any other person (a) to restrict distribution of any agricultural commodity; (b) to prevent, limit, or lessen the manufacture or sale of any agricultural commodity in order to enhance the price thereof; or (c) to exact excessive price for any agricultural commodity; or to aid or abet the doing of any act made unlawful by this section.

"Any person convicted of any of said unlawful acts shall be punished by a fine of not more than $5,000, or imprisonment for not more than five years, or both."

Mr. CANNON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for five minutes on the amendment.

The CHAIRMAN. The time for debate has been closed.

Mr. LAGUARDIA. But I can get time by unanimous consent, I submit to the Chair.

The CHAIRMAN. The gentleman from New York asks unanimous consent, notwithstanding the order heretofore made, that he may have five minutes in which to discuss his amendment. Is there objection?

Mr. CARTER of Oklahoma. Reserving the right to object, Mr. Chairman, it has been only a few minutes since the House took a vote on closing debate. I voted with the gentleman from New York [Mr. LAGUARDIA] to extend that time, but the House has just spoken on it, and the House should not hop back and forth on votes about closing debate. Much as I like the gentleman from New York, and having voted with him, I feel constrained to object on account of the order adopted restricting the time of the debate.

Mr. LAGUARDIA. There will be no more extensions of time on this bill.

Mr. CANNON. Mr. Chairman, I have no objection to the gentleman from New York discussing his amendment, but it is out of order, and inasmuch as the gentleman is not going to be recognized to discuss his amendment I make the point of order.

Mr. LAGUARDIA. I desire to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri makes a point of order on the amendment. The Chair will hear the gentleman from New York.

Mr. LAGUARDIA. The gentleman from Missouri must state the reason for his point of order.

Mr. CANNON. The amendment is not germane. I merely call attention to the last paragraph of the gentleman's amendment, in which he provides a penalty. But I will withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri withdraws his point of order. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AUDITS OF BOOKS AND ACCOUNTS OF BOARD

SEC. 14. The books and accounts of the board showing the payments of the losses and profits under agreements entered into under section 8, salaries and expenses of experts, and the advances and repayments thereof, shall be audited at least once every year at such times and by such auditors as the President or the board may direct. The report of such auditors shall be included in the annual report to the Congress.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 19, line 3, after the word "losses," insert a comma and the following words: "costs, charges."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STEVENSON. Mr. Chairman, I do not wish to make a speech, but I want to read part of a telegram just received from South Carolina, which is of interest to some of the Members here. I read:

Democratic convention killed resolution favoring Haugen bill by straight fight on floor after resolution committee had reported it favorably.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order—and I have the right to make a point of order—against the gentleman reading the telegram.

The CHAIRMAN. The gentleman from New York makes a point of order.

Mr. LAGUARDIA. I make a point of order, and I am going to be heard. This is either a parliamentary body or a roughhouse, and I want to know which. I make the point of order that the gentleman's telegram is not pertinent to the amendment. I desire to have a ruling on my point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on his point of order.

Mr. LAGUARDIA. The point of order is that the gentleman did not speak to any amendment and did not move to strike out the last word or make a pro forma amendment. There was nothing before the House and the gentleman did not speak to the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. In the opinion of the Chair, the gentleman's point of order is well taken.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word.

Mr. BLACK of New York. Mr. Chairman, there is an amendment pending, and it is too late to move to strike out.

Mr. DOWELL. Mr. Chairman, it is not in order to strike out the last word at this time. There is an amendment pending.

The CHAIRMAN. The gentleman has a right to strike out the last word. Without objection, the pro forma amendment of the gentleman will be withdrawn and the Chair will recognize the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the House, I wanted to discuss this amendment for the purpose of bringing before this body the real requests of the agricultural interests of my State of Michigan, including the members of the Farm Bureau, the head of the Grange in the State of Michigan, and the leader of the farm clubs, and these are expressed in the telegram I am reading at this time.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order that the gentleman from Michigan is not speaking to his amendment, and that is to strike out the last word of the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

Mr. HUDSON. I will speak on the amendment if I am given time.

Mr. LAGUARDIA. There is to be no quarter allowed to-day.

Mr. HUDSON. I read:

LENNON, MICH., *May 19, 1926.*

Hon. GRANT M. HUDSON:

Michigan farmers are facing bankruptcy; conditions could not be worse. The Tincher bill would affect the farmer the same as throwing a chunk of pig iron at a drowning man. The Aswell bill valueless. Failure to pass the Haugen bill is nothing more nor less than a confession by the United States Congress that expressions of certain Members of Congress of a desire to give the farmers a square deal are pure bunk. Haugen bill will save farmers from ruin.

PETER LENNON AND COMMITTEE OF 22, MICHIGAN.

Mr. LAGUARDIA. Mr. Chairman, the gentleman is not speaking to the amendment of the gentleman from Iowa, which deals with costs and charges, on page 19. I hate to interfere with the gentleman from Michigan, but I must protect my rights. I renew my point of order.

Mr. HUDSON. I am discussing costs and charges to the farmers of the State of Michigan, and I have a right to do that. I recognize that the gentleman from New York is very hesitant about making an objection.

The CHAIRMAN. The gentleman from Michigan will have to discuss the amendment offered by the gentleman from Iowa. The gentleman will proceed in order.

Mr. HUDSON. I thank you, Mr. Chairman, and I am coming to that point. The amendment offered by the gentleman from Iowa should be adopted in perfecting his bill, regardless of whether we vote for the bill or not. In that connection, I have in my hand the following telegram:

LANSING, MICH., *May 19, 1926.*

Michigan Farm Relief Committee sees Haugen bill as only effective House measure for handling surplus problems. Aswell and Tincher bills or combination undesirable and ineffective.

MICHIGAN FARM RELIEF COMMITTEE,
Per J. F. COX, *Vice Chairman.*

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 110, noes 3.

Mr. LAGUARDIA. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from New York demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 19, line 7, strike out the words "or the board."

Mr. NEWTON of Minnesota. Mr. Chairman, section 14 applies to the auditing of the accounts of the farm board in its handling of the $100,000,000 that will be turned over to it out of the Treasury of the United States. Now, then, let us see what plan there is for a proper auditing of the accounts of the farm board. I want to direct this to the attention of the chairman of the committee. Here is what the bill provides:

The books and accounts of the board showing the payments of the losses and profits under agreements entered into under section 8, salaries and expenses of experts, and the advances and repayments thereof, shall be audited at least once every year at such times and by such auditors as the President or the board may direct.

Now, my amendment strikes out the words "or the board." Under this provision you have a situation where the board has the authority to appoint their own auditors. That is a perfectly absurd situation, that the board having the expenditure of $100,000,000 should have the authority to appoint their own auditors. This is unique, but there are similar unusual propositions in this bill. I shall now refer to one of these others. This sum of $100,000,000 is to be advanced by the board to the cooperatives, farm organizations, or their agents. Who passes on the desirability of these advances? The board. No one can become a member of the board unless he is first approved and nominated by these organizations themselves. The plan could be compared to a situation in a bank where the loan or discount committee was composed exclusively of the borrowers instead of the depositors and directors of the bank. How long would such a bank last?

Now, then, I hope the chairman of this committee will not let this bill be passed without correcting it at least in this particular.

Mr. HAUGEN. The gentleman has mentioned a bank. The gentleman is aware of the fact that the responsibility rests on the president and the directors, and here we leave the responsibility to the President or the board. That is the usual procedure.

Mr. NEWTON of Minnesota. What is the objection to striking out the words "or the board," so that the President alone will have the right to say who shall audit these accounts?

Mr. HAUGEN. I see no objection to the board having that right, and if the President is not satisfied he has the authority to do it.

Mr. NEWTON of Minnesota. The gentleman thinks it is all right, then, to let the farm board appoint its own auditors?

Mr. HAUGEN. As much as the directors of a bank or the president of a bank.

Mr. NEWTON of Minnesota. I will say then that it is consistent, at least, with the rest of the bill.

Mr. MADDEN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment offered by the gentleman from Minnesota, which the Clerk will report.

Mr. MADDEN. Mr. Chairman, I move to strike out, on page 19, line 6, after the word "year," the balance of line 6 and all of line 7 down to and including the word "direct," and insert in lieu thereof the words "by the General Accounting Office."

Mr. DOWELL. Mr. Chairman, I make the point of order that that is not in order as an amendment to the amendment offered by the gentleman from Minnesota.

Mr. NEWTON of Minnesota. It is offered as a substitute?

Mr. MADDEN. Yes; it is offered as a substitute.

Mr. NEWTON of Minnesota. I wish to say that that amendment is perfectly acceptable to me.

Mr. MADDEN. That is the way it ought to be done and that is the proper way to make the audit.

Mr. DOWELL. Mr. Chairman, before that amendment is voted upon the motion of the gentleman from Minnesota must be disposed of, and the motion of the gentleman from Illinois is not in order as an amendment to the amendment offered by the gentleman from Minnesota.

The CHAIRMAN. The Chair does not think that the amendment offered by the gentleman from Illinois can be offered as an amendment to the amendment offered by the gentleman from Minnesota.

Mr. MADDEN. It is a substitute, Mr. Chairman.

The CHAIRMAN. If the gentleman from Minnesota desires to withdraw his amendment, the Chair will then recognize the gentleman from Illinois to offer his amendment.

Mr. NEWTON of Minnesota. Mr. Chairman, I will withdraw my amendment. The amendment offered by the gentleman from Illinois is acceptable to me.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Minnesota will be withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I object. Let us have parliamentary procedure here.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] objects. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. MADDEN. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 19, line 6, after the word "year," strike out the words "at such times and by such auditors as the President or the board may direct," and insert the words "by the General Accounting Office."

Mr. MADDEN. Mr. Chairman, it seems to me any other audit than an audit by the General Accounting Office would be adding new expense and creating more chaos.

I have offered this amendment for the purpose of clarity and for the further purpose of insuring a correct and comprehensive audit of any accounts or payments that may be created as a result of the enactment of this legislation.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out all of section 14.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 19, beginning in line 2, strike out all of section 14.

Mr. LAGUARDIA. Mr. Chairman, a few moments ago I offered the following amendment:

Page 18, after line 19, after subsection (c), add the following as a new subsection (c):

"It is hereby made unlawful for any person, other than a cooperative association engaged as in this act described, willfully to destroy any agricultural commodity for the purpose of enhancing the price or restricting the supply thereof, knowingly to commit waste, or willfully to permit preventable deterioration of any agricultural commodity in or in connection with their production, manufacture, or distribution; to hoard any agricultural commodity; to monoplize or attempt to monopolize, either locally or generally, any agricultural commodity; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge in handling or dealing in or with any other person (a) to restrict distribution of any agricultural commodity; (b) to prevent, limit, or lessen the manufacture or sale of any agricultural commodity in order to enhance the price thereof; or (c) to exact excessive price for any agricultural commodity; or to aid or abet the doing of any act made unlawful by this section.

"Any person convicted of any of said unlawful acts shall be punished by a fine of not more than $5,000, or imprisonment for not more than five years, or both."

First, a point of order was made by the gentleman from Missouri [Mr. CANNON], but later withdrawn, and then the committee ruthlessly rejected the amendment without pausing sufficiently to study or consider it. I desire to point out to my distinguished colleagues who are in charge of the agriculture relief bills now before us that they have assumed an attitude and are following tactics that are anything but conducive to harmonizing the different points of view existing on the important farm problem, and seem to go out of their way to antagonize Members. May I also state that anything which does not emanate from their own source or from the few individuals whose views they are sponsoring in their respective bills, does not seem to be worthy of the slightest consideration by them, and every amendment offered in all earnestness and in the best of good faith to bring about a better understanding between the consumers and the producers is brusquely brushed aside by these very gentlemen. Why, Mr. Chairman, my amendment is not original. I have taken it almost verbatim from the "Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," known as the food control act, which was approved on August 10, 1917. My amendment is section 4 of that act, with slight modifications to meet the provisions of the Haugen bill, and is not as broad as section 4 of the act of August 10, 1917. The provisions of my amendment in no way apply to the cooperative organizations described in the bill now before us. It would in no way hamper or limit the activities or the operation of the board or any of the provisions of the Haugen bill. The only purpose of the amendment is to protect the consumer against gougers, profiteers, monopolies, food manipulators, speculators, and gamblers. The purpose is that there should be no excessive prices over and above the stabilized price resulting from the operation by the board in any of the commodities specified in the bill.

To illustrate: Once the board would begin operation and commence buying a surplus of any given commodity the stabilized price which would result would, of course, be higher than if there had been no operation and the surplus left on the market. Nobody can deny that. The minute that happens speculators and profiteers in the cities will take advantage of that situation and jack up prices, blaming it, of course, on the operation of the board. When I say jack up prices, I mean artificial high prices over and above the natural price resulting from the buying in of the surplus as provided in this bill. How often has it been stated on the floor of the House during the past two weeks in the discussion of these bills that the increased prices of wheat, large as it may be, can not possibly reflect in the cost of bread to the city? I agree with that. Theoretically it is correct. Theoretically there can be no justifiable increase in the price of a loaf of bread resulting from a slight increase or even a substantial increase in the price of a bushel of wheat. But in actual practice it does not work out that way. How often have the good wives and mothers in the city of New York been told as they bitterly complain of the diminishing size of the loaf that it is due to the cost of flour, which in turn is due to the cost of wheat, and that the farmers are getting big prices? Of course, we know that the farmers are not getting the big prices that we pay. I have stated that so many times on the floor of the House that I do not want to bore you now with a repetition of the prices we pay for products coming from the farmers and the low prices the poor farmers are getting. The gentlemen in charge of these bills simply ignore these actual conditions, refuse to confer with us, decline to take into consideration these facts, and believe that they can solve the farm problem without seriously changing the present method of marketing and the present method of speculation and exploitation.

Now my amendment, to go back to the bread, would provide for and cover just such a situation. If a big baking corporation in the city of New York would increase the price of bread or would diminish the size of the loaf and exacted excessive prices, we would be able to hold it responsible. We could, under my amendment, go after the corporation or the persons unduly enhancing the price of the bread made of the agricultural commodity under operation. It would not affect the wheat farmer. It would have nothing to do with any farmer or production. It would protect the city. The same as to meat. Suppose the board commences operation on meat and the prices are unduly enhanced either by the packers, jobbers, or retailers, and these enhanced prices are unreasonable, above the price resulting from the operation in cattle, we would be able to go out and get the persons responsible for such profiteering. It would not affect or hurt the cattle raisers. Not at all. They would be getting the price resulting from the buying of the surplus, but it would protect the consumer against a cruel profiteering that is going to happen if this bill passes without providing for protecting the consumer in the way I am suggesting.

I am willing to confer with my colleagues who represent farm districts. Every man from the city is anxious and willing to help the farmer, and I am sure that every city Representative stands in a like position that the consumer should be protected to the extent of not being preyed upon by profiteers and gamblers and gougers who will take advantage of the situation. Why was it necessary to write section 4 into the food act during the war?

That act provided for the licensing, the control of food, for the fixing of prices, and it was readily seen then that there would be persons without love of country who would disregard the emergency and the danger confronting the country at the time and go ahead and take advantage of the situation by enhancing prices and gouging the public. Why, if these persons would do a thing like that in time of war, what will they do if you pass the Haugen bill without putting in the safeguards against the greed, avarice, and heartlessness of certain men which were written into the food laws during the war?

I have already expressed myself on the parliamentary situation in which we find ourselves in the consideration of these three separate, distinct bills. I will not bore the House with a repetition of my views on the matter. I can not resist stating, however, that with a crisis such as is confronting the American farmer to-day, the failure on the part of the representatives of the farmers to agree is unpardonable, to put it mildly. If all three bills fail there can be no doubt on whom the responsibility will fall. In closing I will again say that this great problem will never be solved until the farmer and the consumer get together. We have had an illustration on the floor of this House on keeping the consumer and the farmer apart by the tactics which have been followed, the same as is used every day of our lives outside of this Chamber. By the getting together of the consumers and the farmers it will be possible to eliminate a great deal of the waste that the present system of distribution and marketing entails. A large part of the profits that are now going into the pockets of many channels which do not lift a finger in the direct production of agricultural commodities would find its way into the pockets of the farmer. If a fair proportion of what the consumers pay for agricultural commodities would reach the farmers they would not find themselves in their present plight, but would be happy, prosperous, and flourishing. If, on the other hand, we can establish a more direct method of marketing the consumers would not have to pay profiteers, gougers, and gamblers the exorbitant prices exacted from them to-day for the very necessaries of life. We will help you establish your farm cooperatives; you in turn must help us establish our consumers' cooperatives. Farmers' cooperatives without consumers' cooperatives will do neither the farmer nor the consumer any good. The quicker we get together the better it will be for all concerned.

Mr. HAUGEN and Mr. BLACK of New York rose.

Mr. BLACK of New York. Mr. Chairman, I rise in opposition to the motion.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

Mr. LAGUARDIA and Mr. BLACK of New York objected.

Mr. HAUGEN. Mr. Chairman, I modify my request and ask that all debate close in three minutes.

Mr. DOWELL. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that all debate on this section and all amendments thereto close in three minutes. Is there objection?

Mr. LAGUARDIA. I object, Mr. Chairman.

Mr. HAUGEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in three minutes.

The motion was agreed to.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, if there is one thing that is absolutely needed in this bill, outside of an eraser, it is this section. Here is a bill that provides that there shall be a Federal farm board forced on the President by a Federal farm council who are elected by farmers and cooperatives, with the general run of the people having nothing to say about the selection of this official board. Then you propose to give this Federal farm board millions and millions of dollars of the people's money to expend in all sorts of fanciful ways, apparently in the interest of the producers of the country. They may lease buildings, they may buy buildings, they may buy products, they may buy machinery, they may lease machinery; everything in this bill reeks with opportunities for all kinds of graft, and the one decent thing in the bill is the section that the gentleman's motion is aimed at, though I realize the gentleman does not want it out.

The idea is to go to the American people and say to them that in their basic food supplies there shall be a Federal farm board, not selected by the American people, the consumers not having a chance to say anything about it, but a Federal farm board selected supposedly by the farmers but actually by the farm leaders; and we have heard men on this floor, men on both sides of this bill, make all kinds of attacks on the gentlemen back of this bill. We have heard all kinds of attacks on them by my distinguished friend the gentleman from Kansas [Mr. TINCHER]. I do not care how few we are here, the consumers are going to be heard on this proposition. It is the rottenest piece of political machinery I have ever seen, and how any man who says he is an American Congressman can stand for such class legislation, plus the opportunity for graft for the class that is in this bill, is beyond me.

Mr. Chairman, I hope the motion of the gentleman from New York does not prevail.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. LAGUARDIA] to strike out the section.

The motion was rejected.

The Clerk read as follows:

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 15. (a) It shall be the duty of any governmental establishment in the executive branch of the Government, upon request by the board, or upon Executive order, to cooperate with and render assistance to the board in carrying out any of the provisions of this act and the regulations of the board. The board shall, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the board with such information and data pertaining to the functions of the board as may be contained in the records of such governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems desirable.

(c) The board may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

Mr. BARKLEY. Mr. Chairman, I move to strike out subsection (b).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 10, line 20, strike out subsection (b).

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LAGUARDIA. I object.

Mr. BARKLEY. Mr. Chairman and gentlemen of the House, it is difficult in so short a time to mention, to say nothing of attempting to discuss, the problems now confronting agriculture in the United States. But it may be helpful in arriving at a solution if we can do nothing more than attempt to catalogue them.

I think we are all prepared to accept the general proposition that agriculture is the one indispensable industry of this Nation. It is the one without which all other industries would languish and disappear. There is no industrial center in this land that does not rely upon some form of agriculture for its supply of raw materials. The great shoe factories, the woolen mills, the sugar refineries, the cotton and silk industries, the meat-packing enterprises, the lumber mills and furniture factories, the automobile plants, and others too numerous to mention, depend for their existence upon products that must come out of the soil. Even the steel and iron mills depend for their prosperity upon these products, because without agriculture there would be no need for railroads, steamships, banks, or business houses nor for farm implements, into the structure of all of which steel and iron are essential parts.

Admitting, therefore, the premise that the pursuit of agriculture is an occupation indispensable to the successful operation of all human activities and to the general happiness of mankind, it would seem as a simple corollary that those who engage in it ought to be the most prosperous and independent portion of our people. If the farmer's calling is admitted to be the calling without which all others would be of little value, then we may well ask whether those who follow it are masters of themselves and their industry; and if not, why not? I will answer my own question first. Theoretically the farmer is his own master and is master of his farm. He arises when he pleases, goes to work when it suits him, and quits when he gets ready. He neither goes to nor returns from his toil by any rule of the clock; and if he wishes to take a vacation for a day or a week he can do so without consulting any boss immediately over him.

All this is theoretically very beautiful; but as a matter of fact inexorable economic conditions have jockeyed the farmer into a position where he is not his own master, nor is he the master of his industry. He is free to determine how long and how hard he shall work, but he has no voice in fixing the price of his labor, because he has not the slightest voice in fixing the price of the product of that labor. This is an artificial restraint upon the initiative and the inducement that ought to accompany the cultivation of the soil that does not pertain to any other industry in the world.

The manufacturer is able to fix the price of the product which his intellectual and financial genius has brought from his factory. Competitive conditions may be determining factors in the fixing of this price, but the manufacturer fixes it. The merchant also fixes the price of the merchandise upon his shelves. Nobody denies his right to do this. If the price does not suit us, we refrain from purchasing. The doctor and the lawyer fix the price of their service to humanity. They may be governed by economic and competitive conditions in their respective professions, but theirs is the last word in determining the value of their service. Skilled and unskilled labor by reason of effective organization has a powerful, if not a determining, voice in fixing the price of a day's work, and nobody in these enlightened days would wish to deny to the man who labors with his hands the right to a voice in fixing the price of that labor.

But this is not true, generally speaking, of the man who produces the things that feed and clothe the people of the world and make possible the commerce of nations. When they have labored throughout the year to produce from the soil the things we all must have, instead of determining themselves what their product is worth to mankind and what their labor in producing it is worth, they are compelled to throw it upon the market and ask those who have not produced it what they are willing to pay for it. In other words, the farmer is economically and industrially so unorganized in the production and marketing of his products that he has practically no voice in fixing the price which others should pay him for his year's work.

This is an intolerable and impossible situation. No business man could expect to escape the bankrupt courts if he allowed his customers to determine the value and price of his goods. No factory could long give employment to labor if the price of its product were always fixed by those who buy it and use it.

In addition to this unnatural and unequal situation the farmer is also handicapped by the artificial stimulation given to those who buy his products and sell him theirs. He sells to an organized world and in return he buys from an organized world. Those who sell him the things he needs upon his farm have been able so to organize their industry as to compel him

to pay their prices for what he needs. As a rule those who buy from him are also sufficiently organized and sufficiently powerful to compel him to take their prices for what they buy from him. In other words, he buys in a seller's market and sells in a buyer's market, and, therefore, he is ground between the upper and nether millstones until the spread between his income and outgo is constantly widening.

By reason of the protective tariff levied for the benefit of special interests upon the things he has to buy, he is compelled to pay more than their value, while he is at the same time compelled to accept less than the value of the necessities of life which he supplies to mankind. This in part, at least, explains why the compensation of agriculture has been constantly decreasing while its indebtedness has constantly increased, and this is why men and boys are constantly leaving the farms for the cities, and this in turn is the reason why the population of our country upon the farms has become smaller than the population in the towns and cities. This is why the number of farms in the United States decreased more than 76,000 between 1920 and 1925, while, as a matter of fact, the increase in our population would have justified a large increase in the number of farms and the number of farmers.

Recognizing his intolerable economic situation, and recognizing that it has been in part produced by the policy of favoritism at the hands of the Government in behalf of those who enjoyed this favoritism, the farmer is not to be wholly condemned if he asks the same Government which has granted these artificial and special favors to other classes to take some step that will enable him to escape from the economic and financial pocket into which he has been thrust. This situation is responsible for the fact that Congress is now manfully attempting to solve this tremendous problem in a legislative way. Whether it can be solved by legislation may be seriously questioned, but without regard to the merit of bills now pending in Congress, or that may hereafter receive consideration, I think it is fair to assume that sooner or later the Government must either withdraw from other classes every form of artificial stimulation, which results in heavier burdens upon agriculture, or it must seek in some way to help the producer of the world's necessities to lift himself out of the financial strait-jacket, which hampers all his activities and produces an intolerable agricultural situation. We can not continue to neglect agriculture while we give hothouse cultivation to other industries in the Nation. We frequently hear of the movement "back to the farm" through the magazines. But there is no such movement, except in the magazines.

The movement is away from the farm, and will continue to be until those who live out in the open spaces and draw from the soil the things upon which the world must live are able to look into the future with greater hope of successful labor and greater hope of emancipating themselves from the slavery of overwhelming debt, which is one of the hardest forms of surfdom under which man may be compelled to bend. [Applause.]

In the solution of this tremendous question not only is the farmer himself vitally concerned but the business man, the professional man, the laboring man, and the statesman are all deeply interested, because its wise and proper solution will go far toward solving many of the social problems which now beset us as a Nation.

One of the most serious burdens pressing down upon agriculture to-day is that of heavy taxation. In 1913 the amount of direct and indirect taxation paid by farmers and farm property owners throughout the United States aggregated $624,000,000, which was about 9 per cent of their gross agricultural income for that year. In 1922 these taxes had risen 133 per cent, and totaled more than $1,436,000,000, which was 13 per cent of gross agricultural income for that year. From 1909 to 1914 the direct taxes on farm property in the United States amounted to $265,000,000. In 1924–25 the average amount of direct taxes on farm property was in the neighborhood of $900,000,000, which was an increase of about 236 per cent during the 15-year period, while the total increase in agricultural income for the same period was less than 100 per cent. During the year 1921 the farmers' direct taxes rose from $596,000,000 to $848,000,000, or about 42 per cent in one year, while his income dropped from $16,621,000,000 to $10,313,000,000, a decrease of nearly 40 per cent.

In the tariff bill passed by the Republican administration in 1922 practically everything the farmer buys pays its share of tribute to the special interests, in whose behalf this exorbitant tax is levied.

Under the Underwood tariff law, which was a Democratic measure, the farmers' dollar was worth 100 cents in any market in the United States. To-day it is worth only about 60 cents in purchasing power. As an illustration of the disadvantage under which the farmer labors to-day, as compared with his condition 10 years ago, only a few illustrations are required. In that period increases in the price of his farm implements have in many cases amounted to more than 100 per cent. The following table of comparison between the price of a few typical farm implements will shed a flood of light upon the farmers' depressed condition in 1926:

Cost of implements	1914	1924
Walking cultivator	$18	$38
Riding cultivator	25	62
1-row lister	36	89
Sulky plow	40	75
3-section harrow	18	41
Mowing machine	45	95
Self-dump hayrake	28	85
Wagon box	16	36
Farm wagon	85	150
Grain drill	85	165
Grain binder	150	225
Walking plow, 14-inch	14	28
Harness, per set	46	75

In the Fordney-McCumber tariff law the farmer was thrown a sop in the way of a tariff on wheat and a few other agricultural products which do not come in competition with American products. A tariff on wheat can not help the American farmer, because no great amount of foreign wheat comes into the United States in competition with American wheat. We export nearly one-third of our annual crop. What the American wheat growers as well as all other producers need is relief from the exorbitant burdens of overtaxation, both direct and indirect, and a wider market for his surplus in the other nations of the world. The Republican Party in its historic course in attempting to legislate exclusively for the benefit of special sections and special interests has elevated them upon artificial stilts, but the farmer still lies flat on the ground. Admitting that this course has impoverished agriculture and created a hothouse prosperity among certain other groups, an effort is now being made to find stilts for the farmer, but the trouble is that the leadership of the Republican Party has none that will fit him. The fact that Congress is now wrestling with the agricultural problem in the midst of what is widely proclaimed as universal prosperity is a public admission that they have practiced gross fraud and deception on the most important branch of American industry. Under the tariff law now in force, to which I have already referred, the American farmer who is benefited in any way must pay out $14 in cash to get $1 in benefit. [Applause.]

In 1920 the value of farm lands in the three States of Ohio, Indiana, and Illinois was more than $9,400,000,000. The value of farms as a rule is governed by production and the price received for that production. If these values had held even fairly well during the intervening years, the farmer might be considered as prosperous as the manufacturer and distributer. But from 1920 to 1925 these farm values in these three States shrank to $5,900,000,000, an average shrinkage in five years of 36 per cent, in farm values. According to a report of the Secretary of Agriculture in 1924, American farmers as a whole lost more than 3 per cent of their capital in the farm year 1920–21, and in the best year, 1923–24, they only gained 1.4 per cent, which was less than one-fourth of the rate they were paying on their farm mortgages. In 1923 the average farmer received for his year's work, in managing and cultivating his farm, $454, and in 1924, $520, which was an average of $45 less than was received by his hired man.

It is not strange that the American farmers, from the Atlantic to the Pacific, are revolting against the condition which grants special favors to nearly everybody else and leaves agriculture to bear the burden. We are told by the Secretary of the Treasury that the United States enjoys fabulous prosperity. This is no doubt true in certain sections and among certain interests; but can anybody deny that it is an unwholesome and tragic situation where, in a land of astonishing wealth, agriculture, the basic industry of all, must languish in abject poverty? Those of us who appreciate this situation are anxious to do whatever can be done to correct the unequal conditions which have brought it about. We are not only willing, but anxious, that the Government shall manifest more than a passive interest in the welfare of the farmer and that Congress shall legislate in a practical way, so as to make possible the elimination of the constantly growing spread between the income and outgo of the farmer. I believe that fundamentally he needs a wider and more stable market rather than an opportunity to increase his indebtedness. If this administration will

remove from the back of the farmer the burden with which it has enabled special privilege to load him down, he will not ask any special consideration at the hands of the Government or of its Treasury. [Applause.] What the farmer needs and demands is a square deal, and he is not receiving it under the laws now in force in the United States. Those of us who are interested in legislation that will do justice to agriculture have asked the leaders responsible for legislation to accept provisions in connection with legislation now pending that will enable them to support something practical for the benefit of agriculture. They do not wish any longer to see the farmer blinded by legislative mirages while his pockets are being picked by those who have created the image. This administration started out with the determination to do nothing in behalf of agriculture; it has succeeded in this policy thus far, and from the word which we get from the fountain of all wisdom we feel the result at the end of this Congress will be precisely nothing. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. BARKLEY. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Kentucky will be withdrawn.

There was no objection.

Mr. MEAD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 19, line 16, after the word "board," insert: "It shall be the duty of the packers and stockyards administration to report the result of their investigation and report to the board the prices paid by the great packers to the farmers for cattle and swine as well as the retail prices paid by the consumers of the country."

Mr. RAMSEYER. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MEAD. Mr. Chairman and gentlemen of the House, in discussing and attempting to solve the farm problem we are confronted with a situation that is causing serious concern to those of us that represent city as well as farming districts. We are anxious to help the farmers, but the failure of the Agricultural Committee, the administration, and the farm leaders of the House to agree on a program makes the situation most difficult for us.

The many avenues from which the long debate has been approached are both interesting and instructive. Although we may be unable, because of the lateness of the present session, to enact into law any of the three bills at present under discussion, we may perhaps be able to evolve some helpful and remedial legislation agreeable to the powers in control that will prove of ultimate benefit to those splendid citizens that till the soil.

The farmers of the great State that I have the honor, in part, to represent in the Congress who will necessarily be called upon to bear their share of the tax burden which will be levied to defray the expense involved in these proposed relief measures, particularly the Haugen bill, will, so far as I can estimate, have very little chance to participate in the promised relief despite the roseate pictures that have been painted thus far in this debate. If the Haugen bill with its appropriation of $250,000,000, and originally $375,000,000, were to become a law, New York's share of the taxes would be approximately $70,000,000 with no benefits accruing to its agricultural workers.

In this connection may I say that many people throughout the country are laboring under the misapprehension that New York is but a vast empire of skyscrapers, subways, banks, and beehives of financial gibralters; that the principal artery is Wall Street, where gold and silver is king; and that aside from these pillars where business of tremendous power holds sway the farmers' plight is neither appreciated nor understood. Nothing could be further from the truth.

Let me remind you that in the 500 miles from Montauk Point on the extreme end of Long Island to Buffalo on the shores of Lake Erie there is a vast agricultural domain, the resources of which will compare favorably in the matter of farm production with any other section of the country from Maine to California. For that reason I contend that in the contemplation of a plan to solve this perplexing problem my State is deserving of your best consideration just as much as any other section of the Nation.

In verification of this statement, which may prove illuminating to many of my colleagues, I insert at this time as part of my remarks the following tabulation of the position of New York, as given by the 1925 census of agriculture:

Rank of New York and all States ranking above New York for specified items as shown by preliminary tabulation, 1925 census of Agriculture

Rank	All land in farms (acres, Jan. 1, 1925)	Value of land and buildings (Jan. 1, 1925)	All corn (acres, 1924)	Wheat (acres, 1924)	All oats (acres, 1924)	Barley (acres, 1924)	Rye (acres, 1924)
1	Texas	Iowa	Iowa	Kansas	Iowa	North Dakota	North Dakota.
2	Kansas	Illinois	Illinois	North Dakota	Minnesota	Minnesota	Minnesota.
3	Nebraska	California	Nebraska	Oklahoma	Illinois	South Dakota	Wisconsin.
4	North Dakota	Texas	Missouri	Montana	South Dakota	California	South Dakota.
5	Iowa	Nebraska	Kansas	Nebraska	North Dakota	Kansas	Michigan.
6	Montana	Minnesota	South Dakota	South Dakota	Wisconsin	Wisconsin	Nebraska.
7	Missouri	Kansas	Minnesota	Illinois	Nebraska	Colorado	Indiana.
8	South Dakota	Missouri	Indiana	Ohio	Indiana	Nebraska	Pennsylvania.
9	Oklahoma	Ohio	Georgia	Washington	Ohio	Illinois	Illinois.
10	Illinois	Wisconsin	Texas	Minnesota	Missouri	Oklahoma	Colorado.
11	Minnesota	Indiana	Ohio	Indiana	Michigan	Texas	Ohio.
12	New Mexico	South Dakota	Tennessee	Missouri	Texas	Iowa	North Carolina.
13	California	New York (13)	Kentucky	Colorado	Kansas	Idaho	New Jersey.
14	Colorado		Alabama	Texas	Oklahoma	Michigan	Wyoming.
15	Ohio		Oklahoma	Pennsylvania	Pennsylvania	Montana	Iowa.
16	Georgia		Wisconsin	Oregon	New York (16)	New York (16)	New York (16).
17	Wisconsin		Mississippi	Idaho			
18	Indiana		North Carolina	Michigan			
19	Kentucky		Arkansas	Virginia			
20	New York (20)		South Carolina	Maryland			
21			Michigan	Iowa			
22			Virginia	California			
23			Colorado	North Carolina			
24			North Dakota	New York (24)			
25			Pennsylvania				
26			Louisiana				
27			New York (27)				

Rank	Buckwheat (acres, 1924)	All hay (acres, 1924)	White potatoes (acres, 1924)	Apples (trees of bearing age, Jan. 1, 1925)	Peaches (all trees, Jan. 1, 1925)	Pears (all trees, Jan. 1, 1925)	Plums and prunes (all trees, Jan. 1, 1925)
1	New York (1)	New York (1)	Minnesota	New York (1)	Georgia	California	California.
2			New York (2)		California	New York (2)	Oregon.
3					Arkansas		Washington.
4					Illinois		New York (4).
5					Tennessee		
6					North Carolina		
7					Ohio		
8					Pennsylvania		
9					Texas		
10					New York (10)		

Rank of New York and all States ranking above New York for specified items as shown by preliminary tabulation, 1925 census of Agriculture—Continued

Rank	Grapes (all vines, Jan. 1, 1925)	All horses (Jan. 1, 1925)	All cattle (Jan. 1, 1925)	Dairy cows (2 years old and over, Jan. 1, 1925)	Number of tractors (Jan. 1, 1925)	Number of farms reporting radio outfits (Jan. 1, 1925)
1	California	Iowa	Texas	Wisconsin	Illinois	Illinois.
2	New York (2)	Illinois	Iowa	New York (2)	Iowa	New York (2).
3		Kansas	Nebraska		Kansas	
4		Nebraska	Kansas		Ohio	
5		Texas	Wisconsin		California	
6		Minnesota	Minnesota		Wisconsin	
7		North Dakota	Missouri		Minnesota	
8		South Dakota	Illinois		New York (8)	
9		Missouri	South Dakota			
10		Ohio	California			
11		Wisconsin	New York (11)			
12		Oklahoma				
13		Montana				
14		Indiana				
15		Michigan				
16		New York (16)				

The total value of New York State's crops for 1925 was $323,000,000, ranking seventh among the States of the Nation.

And yet even though New York is one of our leading agricultural States, its farmers will not be benefited by this so-called Haugen relief measure. On the contrary, the New York State farmer will have to pay higher prices for cattle and poultry feed.

Note the important position New York occupies in the leading farm productions as set forth in the foregoing exhibit. For these reasons I am sure you will appreciate the confidence and assurance with which I advance the cause of the farmers of my State in this important debate.

My friends, I am one of the human interrogation points who is constantly asking what can be done for the farmer. Some time ago a solution was given to me, in a way, when one of our economists advanced the reason that the farmer, while he received a small price for his product, the real profit went to transportation by rail, cartage, and profits to the great packers and manufacturers of the country. Often, my informant said, the farmer gets 5 cents for what the consumer pays 25 cents. Then the elimination of waste, bad packing, high freight and delivery rates, and exorbitant profits, all of these if corrected, he said, would be essential alike not only to the protection of the farmer but to the ultimate consumer as well. The farmers are entitled to a greater share of the proceeds of their products for it is stated they receive but $7,500,000,000 for what the consumer pays $22,000,000,000.

Because the farmers produce more crops than are consumed by the home market, it is necessary that they have a market abroad for the surplus crop, as without it farms must be abandoned. It is shown that instead of increased foreign markets, imports to this country for January, February, March of this year exceeded the exports by $125,143,976, and for March alone the unfavorable balance was $70,000,000. Consider that in the Wilson administration our exports were about 2 to 1 over the imports, and it will readily be seen how the farmer's markets are being lost.

Only a small part of the $5,000,000,000 tax imposed on the consumer goes into the Federal Treasury, the balance goes to the concerns which raise prices to figures just below the rate fixed by the tariff law on products of other countries. The farmer pays his part of this $5,000,000,000 as, except for sugar, the farmer gets nothing from the tariff for anything he grows and pays excess tariff prices for everything he buys. The conclusion has apparently been reached by the Tariff Commission that the farmer exists in this country only to be taxed by high-tariff rates imposed for the enrichment of others. It is not to be wondered that the farmer is getting tired of this tariff gold brick now and then handed him as, for example, a high-tariff rate on wheat. The farmer buys his supplies in a high protective-tariff market and sells in most part to a free-trade market—the farm relief bills are admissions that the farmer does not get full benefit of the tariff.

It was stated recently that the public-service corporations alone have a preferred status in this country as they are allowed to capitalize their companies for any amount they wish and then pay dividends upon watered stock. This may be wrong as to some State commissions, but the cost of everything furnished by public-service corporations—gas, electric lights, telephone, telegraph, freight and passenger service, water power, and the like—has generally been increased beyond war prices. These rates are a heavy burden upon farmers and all other consumers, and when stock is increased beyond the money invested and sold to unsuspecting purchasers for value, the burden of high rates seem to be imposed for all time.

Then, too, without entering into merits of question, prohibition has reduced the output of the farmer. I quote the following figures from page 491 of the Yearbook of the United States Department of Agriculture:

> The most recent factor affecting the production of barley has been the prohibition of brewing. This came at a time when a very fundamental change in barley production was taking place. The high acre yields in pounds of feed was being recognized in the increased acreage of the crops and in the percentage of the crop fed on the farms where grown.
>
> The percentage of the barley moved out of the country where grown was increasing steadily before the prohibition of brewing. This legislation did not cause abrupt acceleration of the movement.

In the same publication for 1923, under the heading of "Hops consumed by brewers," it is stated that in 1918, 33,481,415 pounds of hops were consumed, which in 1919, after prohibition went into effect, fell to 13,924,650 pounds, and in 1923 dropped to 4,555,759 pounds. Hops are used in cereal beverages, and the farmer's condition could be improved by the return of beer even without the return of the stronger beverages. Prior to prohibition approximately 3,500,000 bushels of products going into the manufacture of fermented beverage—malt, rice, hops, corn cereline, grape sugar, maltose, glucose, and grits—were produced. Since prohibition wheat fell from $3 to $1 a bushel. In 1920 there were 833,000,000 bushels of wheat produced, worth $1,197,000,000. In 1924 this production had increased to 872,000,000 bushels, yet, due largely to the dry law, the value had fallen to $1,136,000,000. In 1918 there were produced 256,000,000 bushels of barley, worth $234,000,000. When prohibition went into effect this fell, until in 1924 only 187,000,000 bushels were produced at a value of $137,000,000. In 1921 the value of barley fell as low as $64,000,000, and each subsequent year a loss is noted. The above figures are compiled by the United States Department of Agriculture.

Taking the Department of Agriculture's tables, the index price of barley in 1919 was 102.6 cents. In 1924 this fell to 73.1 and in 1921 was as low as 41.9. This increased the wheat crop to a state of overproduction, as is shown by the fact that the index number for wheat was 214.0 in 1919 and 130.2 in 1924.

While I am on the prohibition feature of this subject let me offer the following illuminating article on "Prohibition and the farmer," by Pierce Blewett, owner of the Star Elevator Co., Jamestown, N. Dak., which may interest our western friends:

> About 36 years ago farmers of North Dakota started the prohibition movement in this country and destroyed $25,000,000 invested money in our State as completely and as surely as though they had sold $25,000,000 worth of bonds and taken the money out in the middle of the street and burned it up. However, the full force of this prohibition farce did not affect North Dakota seriously for the reason that the other States kept their heads and manufactured liquor that gave us a market for our different products, but when the Volstead Act became law and closed the breweries and distilleries of the Nation 50 per cent of the farmer's resources were lost thereby.
>
> We have it from unquestioned authority that the farmers of Minnesota, North and South Dakota are losing $70,000,000 per year on barley alone, due to prohibition. There are billions of dollars going out of our country each year for liquors that should be kept at home and paid to our farmers who produce everything necessary for the manufacture of these liquors.
>
> It remains for a Senator and a Congressman from Maryland to appeal to Congress to modify the Volstead law in order that the grain growers

may get a market for their grain. It didn't take the farmers in Canada long to settle this prohibition problem to their credit and profit.

Before Volstead, Peoria, a small city in Illinois, received a trainload of corn every day in the year, manufactured it into liquor, and shipped it to all parts of the world. Yet the farmers of Illinois do not know why their land has depreciated from $300 to $40 per acre and have sent their ex-Governor Lowden out here to tell us we must cooperate before we can bring the farm back. More of them in all parts of the country are organizing cure-all organizations to save the farmers' wheat growers' associations, cooperative buying organizations, cooperative selling agencies, and endless other organizations,, all to save the farmer at so much per. After a great many years' experience in dealing with farmers may I say that I believe they can dispose of their own crops to better advantage and with more satisfaction to themselves than through any other agency, and it costs them nothing.

Therefore, from the above article by Mr. Blewett, as well as from the records of the Department of Agriculture, we find that prohibition has destroyed a cash American market formerly enjoyed by our farmers. This farm problem is so vast, important, and varied that it has been necessary in many instances for action by the individual State governments to meet existing local conditions, and it is the duty of the individual States to help their farmers in every possible way.

Now, in respect to New York State, under the wise and able leadership of our present governor, we have adopted a program of farm relief that has proved of incalculable value to our farming communities and to a great extent has helped to solve this very vital problem.

Among the most important measures adopted by the New York Legislature and approved by Governor Smith, the following may be mentioned.

State aid for rural education: In this matter New York has set a splendid example for the rest of the States to follow. It not only raises the standard of education in the rural districts but it lightens the burden of taxation on our farmers.

The Lowman Highway Act: By this act the State appropriates dollar for dollar spent by town or county for the development of county-built stone roads. These roads are all "market roads," cutting in from rural districts to the main highway.

The adoption of a number of cooperative marketing bills, which has placed New York State in a most advanced position in regard to laws affecting cooperative marketing.

The appropriation each year during Governor Smith's administration of from three to four and one-half million dollars for the eradication of tuberculosis in cattle, and so forth.

Authorized a building fund of over $2,000,000 for college agriculture at Cornell and has completed a $500,000 dairy building at Cornell.

Appropriation of one-half million dollars for the building of a coliseum on our State fair grounds to be used to exhibit agricultural products and livestock at the New York State fair.

I might also mention in passing that the governor frequently calls the leaders of farm organizations together for conferences, and has always cooperated in the enactment of legislation recommended by farm organizations, irrespective of party influences.

This unexampled record would indicate to every fair mind the interest and the sympathy of the Governor of New York in this question.

Mr. Chairman, I assure you I appreciate the farmer's plight in this hour, and, as I have always given my support to legislation in his interest, it will be a privilege in the future to assist his cause with my voice and vote. But I can not support legislation which is of doubtful value to certain farming sections of the country and of positive harm to the farmers of my State and also to the city consumer.

I have always supported legislation helpful to the farmer, including appropriations for better highways, improved marketing conditions, extension of the rural credits act, appropriations recommended by the Agricultural Department for the eradication of tuberculosis in cattle, for the control of the boll weevil and other pests, germs, and so forth. I opposed the higher freight rates included in the Cummins-Esch law, the unjust rates embodied in the Fordney-McCumber Tariff Act, both of which operate against the farmer, and I shall continue to advocate his cause until he is receiving his fair share of the Nation's income, which his toil deserves. The farmer, like the worker in industry, must be given a greater share in the wealth he produces.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAMSEYER. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. Does the gentleman from New York desire to discuss the point of order?

Mr. MEAD. No, Mr. Chairman; I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

DEFINITIONS

SEC. 16. As used in this act—

(a) In the case of wheat or corn, the term "processing" means milling for market of wheat or corn or the first processing in any manner for market (other than cleaning or drying) of wheat or corn not so milled, and the term "sale" means (1) the first sale or other disposition in the United States of wheat or corn for milling or other processing for market, for resale, or for delivery by a common carrier, and (2) the first processing of wheat or corn, if not acquired in pursuance of a sale described in clause (1) of this subdivision—occurring after the beginning of operations by the board in respect of wheat or corn or their food products.

(b) In the case of cotton, the term "processing" means ginning, and the term "sale" means (1) the first sale or other disposition in the United States of cotton for milling or other processing for market, for resale, or for delivery by a common carrier, and (2) the first processing of cotton, if not acquired in pursuance of a sale described in clause (1) of this subdivision—occurring after the beginning of operations by the board in respect of cotton.

(c) In the case of cattle or swine, the term "processing" means slaughter for market, and the term "sale" means (1) the first sale or other disposition in the United States of livestock destined for slaughter for market without intervening holding for feeding (other than feeding in transit) or fattening, and (2) the processing of cattle or swine, if not acquired in pursuance of a sale described in clause (1) of this subdivision—occurring after the beginning of operations by the board in respect of cattle or swine or their food products.

(d) In the case of butter, the term "sale" means the first sale or other disposition in the United States of butter for processing or for resale—occurring after the beginning of operations by the board in respect of butter.

(e) The term "sale" does not include—

(1) A transfer to a cooperative association for the purpose of sale by such association on account of the transferor.

(2) A transfer of title in pursuance of a contract entered into before, and at a specified price determined before, the commencement of operations in respect of the basic agricultural commodity or its food products. In case of the transfer of title in pursuance of a contract entered into after the commencement of operations in respect of the basic agricultural commodity or its food products, but entered into at a time when, and at a specified price determined at a time during which, a particular equalization fee is in effect, then the equalization fee applicable in respect of such transfer of title shall be the equalization fee in effect at the time when such specified price was determined.

(f) The term "person" means individual, partnership, corporation, or association.

(g) The term "United States," when used in a geographical sense, means continental United States.

(h) The term "cooperative association" means an association of persons engaged in the production of agricultural products, as farmers, planters, ranchers, dairymen, or nut or fruit growers, organized to carry out any purpose specified in section 1 of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922, whether or not such association is qualified under such act.

Mr. JONES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 21, line 10, at the end of the paragraph insert the following: *Provided*, That when the board in applying this definition begins operations in respect to cattle or swine, and any fee is levied on the processing or sale thereof, a similar fee of not less than the same amount per pound shall also be levied on the first sale of any stocks of food products made from cattle or swine on hand and owned by any individual or corporation at the time of the beginning of such period of operations: *Provided, however*, That the board shall exempt all of such commodities owned in good faith by retail dealers at the time of the declaring of such operative period from the operation of this clause.

Mr. RAMSEYER. Mr. Chairman, I reserve the point of order on the amendment.

Mr. JONES. Mr. Chairman, I would like to know what the point of order is.

Mr. RAMSEYER. My point of order is that it is not germane. This section of the bill deals with definitions and subsection (c), of course, is a definition of the meaning of process-

ing and sale of certain basic commodities, to wit, cattle and hogs. As I read the section, it deals with nothing but definitions. The gentleman from Texas in his amendment tries to give the same directions that he offered a few days ago, and I am advised that it is exactly the same amendment. That, of course, would make the amendment subject to the further point of order that it had already been passed upon. What I am trying to get before the Chair is that this whole section deals with definitions. The amendment offered does not undertake to change the definitions, but undertakes not to change or enlarge the definitions but to give directions in regard to the administration of the equalization fee, a portion of the bill that we passed several days ago.

Mr. JONES. Mr. Chairman, this subsection (c) is a section of definitions, but in the definitions three things are included. One of them is live cattle; a second is the first sale of cattle destined for slaughter; the third is the processing of cattle. The first part of the definition is the first sale of livestock destined for slaughter for market without intervening holding for feeding. Then it also includes in part of the definition the processing of cattle or swine, if not acquired in pursuance of a sale, described in clause 1 of this subdivision. In other words, three different things are in the definition. I offer to include within the definition any product made from cattle and swine, which means meat products. This is not the same amendment which I offered the other day.

The one the other day, while it might accomplish in large measure the same purpose, is worded differently and covers a different matter. Here is the definition of subsection (c), which includes not only the live cattle but includes also the processed product of those live cattle. In other words, the definition includes the livestock and then the processed products made from the livestock. I also want to include within the definition the processed products on hand made from livestock purchased just before the law goes into effect. The definition includes the livestock products—meat, and so forth—which are made just after the law goes into effect. I want to include those made exactly in the same way and on hand at the time the law goes into effect.

Mr. RAMSEYER. If the gentleman will yield for a question, where in subsection (c) is anything said about assessing the equalization fee?

Mr. JONES. The whole thing ties on the equalization fee. The whole purpose of this definition is to give substance and form to the application of the equalization fee.

Mr. RAMSEYER. It simply defines the term processing and sale and applies it to certain commodities.

Mr. JONES. It refers back to the language in the paragraph which covers the equalization fee.

Mr. RAMSEYER. But the equalization fee has been passed several days ago. The gentleman in his amendment undertakes to apply the equalization fee to something that is not covered in the definition at all of the language in the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the amendment offered by the gentleman from Texas goes beyond the purpose and object of the definition and attempts to levy a fee in certain instances, and therefore the Chair sustains the point of order made by the gentleman from Iowa.

Mr. JONES. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 21, line 10, after the word "products," strike out the period, insert a comma, and the following subdivision: "and (3) the first sale of any stocks of beef, pork, or other food products made from cattle or swine on hand and owned by any individual or corporation at the time of the beginning of such period of operations: *Provided*, That the board shall exempt all of such commodities owned in good faith by retail dealers at the time of the declaring of such operative period from the operation of this clause."

Mr. RAMSEYER. Mr. Chairman, I make the same point of order. I think the last part makes it subject to the point of order.

Mr. JONES. It merely limits the definition; it is purely a limitation of the definition. In other words, it is an exemption from the food definition. The part put in the definition is limited by the qualifying clause. In other words, the definition having three parts, I simply add a fourth part, which covers exactly the same thing in the amendment, except it applies to the products in the hands of the packer at the time the law goes into effect, and makes the bill cover that as well as what goes from the livestock man to the packer. I do not see how it can be out of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. JONES. Mr. Chairman and gentlemen of the committee, I do not see what peculiar halo or charm exists or surrounds the packers that they seem to be favored or have Members try to favor them in the application of this law.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. McKEOWN. This is simply to put it on if the packers store it before the period comes on?

Mr. JONES. Exactly. The amendment I offered a moment ago specified that the amount the packers should pay on the stocks should be not less than the same amount per pound paid on livestock; but due to the point of order made, I regret to say, by gentlemen I have always regarded as friendly to the bill—and yet who saw fit to make the point of order—it became necessary to limit the definition in a way which it is hoped will accomplish the same purpose, but which may in some instances leave a possible loophole.

I regret having to word my amendment so as to leave this possibility, but I still have it so that if the board levies a fee upon the first sale of cattle or swine, they must also levy it on stocks on hand which the packer has at the time the law goes into effect.

Listen, gentlemen: Under the bill as it now stands there is a 40-day period between the notice that is given of the intention to levy an equalization fee and the time the law goes into effect. During that time, if the packers desired to do so, they may increase their stocks from $150,000,000 to $300,000,000, and then make a great deal more money. Do you want to give them that privilege?

I want to say this: The livestock people of this country have faced many hardships. They have faced them like true men. They will face them again if necessary. I have seen the time in the great Southwest when the hot winds swept with blistering trail across the prairies, when supplies were short, when prices were low, when the horizon looked dark. But they never gave up. They are not quitters. They have courage. They have not asked for special favors. They should not be discriminated against.

I do not want to see put through here a species of favoritism so palpable that if Members fully understood it they would lift up their voices against it. How can any man who lives beneath that flag and who is proud of his Americanism—and ought to be—vote against an amendment that simply says that when you levy a fee on a small livestock man or on a big livestock man and levy a fee on a little hog dealer and on a big hog dealer that the great stocks of the packers shall not be exempted? Will you levy a fee against the growers of cattle and hogs and at the same time present to the big packers, in the same minute, a bouquet in the form of a $50,000,000 subsidy? You gentlemen talk about subsidy over here. Here is one subsidy that nobody will get a rebate on and that will never be repaid, because the packers alone will receive this subsidy.

Mr. LAGUARDIA. And, of course, they are going to pass on to the consumer all that stock on hand?

Mr. JONES. Yes. They can do so. If this bill has any effect at all—and if it has not, there is no use of passing it—if it has any effect at all, it will be to increase in some measure those prices. Will not the stock of the packer be increased just at that moment? I would be insulting your intelligence were I to suggest an answer.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. JONES. Yes.

Mr. ARENTZ. Does not the gentleman know that an amendment will be offered to strike out that whole section, and that in good faith the gentleman should wait until such an amendment is offered?

Mr. JONES. I did not know that such an amendment would be offered.

Mr. ARENTZ. Section 18 is to be stricken out.

Mr. JONES. This is not section 18. This is section 17.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. I understand section 18 is the one to be stricken out.

Mr. ARENTZ. On page 21. That is to be stricken out.

Mr. JONES. This is not line 11, which refers to butter, but my amendment relates to subsection (c). I understand no such amendment has been offered.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. JACOBSTEIN. Is not the reason for passing the gentleman's amendment this, that if the packers have a quan-

tity of meat on hand they are going to use their influence to keep the equalization working upon the farmer and not upon their products prematurely?

Mr. JONES. Yes. As my friend suggests, they could load up and have a big supply and say, "We will not buy livestock during the next three months except at such figures as we want to offer," and in the meantime they could sell their own products at their own price, having the supplies on hand.

Mr. HUDSPETH. Mr. Chairman, will my colleague yield?

Mr. JONES. Yes.

Mr. HUDSPETH. Considering the price at present, can my colleague tell me how much this equalization fee, levied upon the meats, without my colleague's amendment being adopted, would increase the prices of the stock which the packers now have on hand?

Mr. JONES. According to figures which have been quoted by the chairman, it would be about $50,000,000, and if they doubled the stock during this 40-day period it would amount to much more than that.

Mr. HUDSPETH. And if this amendment was adopted it would save the farmers $50,000,000?

Mr. JONES. I do not know exactly the amount, but I am sure it would save a large amount—many millions at least.

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. ARNOLD. I did not understand the gentleman's amendment, whether or not it would put the equalization fee on all the stock on hand, or on the stock on hand as it goes out into the channels of trade.

Mr. JONES. It is on the first sale of beef and pork and other meat products in the hands of the packer at the time the bill goes into effect, to be collected when they sell it. In other words, on their sale to the retailer or the intermediate wholesaler.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. NEWTON of Minnesota. In the event your amendment should be adopted, what would be the result on the stock that was left on hand when the operation of the plan would cease? Would there be required some sort of adjustment between the board and the packers?

Mr. JONES. This is supposed to be a permanent law; at least no definite period is put on it, and that situation would have to take care of itself. No doubt sufficient notice will be given before operations cease for all these matters to be adjusted by those handling these commodities.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. JACOBSTEIN. Has there been any real sound argument offered against your amendment?

Mr. JONES. Not any at all; in fact, there has not been any offered against it.

Mr. JACOBSTEIN. Why does not some one who is likely to vote against it—and I hope no one will vote against it—get up and present an argument against the amendment?

Mr. JONES. I would like to take a poll of some of these friends of the bill and find out how they stand on my amendment. I would like to hear from some of them. What does the gentleman from Nebraska [Mr. MCLAUGHLIN] think about it?

Mr. McLAUGHLIN of Nebraska. Does the gentleman desire that I answer him in his time or in my own time?

Mr. JONES. I ask in my time. What do you think about this amendment? Are you for it or against it?

Mr. McLAUGHLIN of Nebraska. I will say that on the face of the amendment it has a psychological value.

Mr. JONES. Well, that is enough.

Mr. McLAUGHLIN of Nebraska. But when you come down to the point of getting into the working of it, it is absolutely impractical and undeterminable, which I shall show in my own time.

Mr. JONES. The amendment is what? It would make the packer pay a fee on the stocks on hand at the same rate per pound that the cattle owner pays. That is not impracticable; that is simply just.

Mr. McLAUGHLIN of Nebraska. It is impractical and the fee would be undeterminable.

Mr. JONES. Gentlemen, on that proposition I want to say that we passed a packers and stockyards law two years ago which forced the packers to keep books in a manner dictated by the Secretary of Agriculture, and every day they have to be open to inspection by the packers and stockyards administration. Every pound of meat and meat products they have on hand in all of their warehouses in the United States is listed. Their exact stocks are recorded everywhere. Every sale they make is a matter of record. All this is open to the Secretary of Agriculture. There is an absolute line on it. It is much easier to determine what the amount will be than as to the other portions of the meat provisions of this bill. There is no answer to the logic of this proposition. A fee is to be levied in the hope that more stable and better prices for livestock will result. If such result is achieved meat values will increase necessarily inevitably. Will you levy all the fee on the owner of livestock or distribute it ratably on all those who will be benefited? Will you play favorites or be fair? Will you be just or unjust? What are you going to do about it? [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, I only desire to take two or three minutes to state a few reasons why, in my judgment, the amendment offered by the gentleman from Texas is impractical, and why the fee would be undeterminable, and to endeavor to show that in the end the effect would be practically the same, whether the equalization fee was paid on processed meat or not. Preliminary to that, the gentleman says that after the board has announced that they will—unless an objection of half or more of the people dealing in that particular product is lodged—at the end of 40 days institute an operating period, we will say with reference to cattle or hogs, he fears that during that 40-day period the packers will jump in, depress the price, and buy up all the meat in sight and have it processed and out of the way by the time the equalization fee would go into effect. Well, now, all he needs to do is to go a little further and see that the farmer, who also knows about the inauguration of this operating period 40 days hence, and knows it is for his benefit, for the purpose, if possible, of stimulating the price of his hogs or cattle, is not going to rush in with the packers and in a few days' time let the packers relieve him of all the stock he has, so that it will be in the packers' hands when the operating period goes into effect.

Let us see what this equalization fee does. The equalization fee is levied upon the stock, upon the cattle or hogs, on foot. Now, the gentleman from Texas would provide that if the processor or the packer has on hand so many million pounds of beef or pork at the time this goes into effect that the equalization fee should be put on that processed stuff that is in his cold-storage plant. In the first place, it would be almost impossible to determine what sort of an equalization fee should be placed upon him, because his meat is already processed and its value is entirely different from what it was on foot, as you can well see. And, furthermore, there is this fact, that in case of a rise of stock on foot the price is not immediately reflected in the retail trade.

As you well know, it takes a long period of time before a rise is, if ever, reflected in the retail trade. The purpose of this equalization fee is to increase the price to the producer. Now, then, if, after the packer has processed his cattle or his hogs, you go in and levy an equalization fee on him at that time, does it not follow that he must, of necessity, pass that on to the consumer at that time, which otherwise would not be done? Then, furthermore, if you place an equalization fee on this processed stuff when you begin the operating period and you require the packer to give you an invoice of his stuff at that time and levy a fee upon him at the opening of the period, at the end of that operating period it has got to be recovered back to him, and you will have to take into account all of the stock he has on hand at that time or during the time the equalization fee was on hand and the operating period was in effect.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. HOWARD. Mr. Chairman and gentlemen, my doctor has admonished me that I must not have any excitement. I am in sympathetic touch with my doctor. I never fully understood the true and literal meaning of the word "sympathetic" until we began this agitation in behalf of legislation for agriculture. I hear it every day. I hear it from my Yankee administration friends from New England. I hear it from their partners in opposition to the Haugen bill, my Tammany friends from New York, and occasionally I hear it from my cotton friends from the far South, but not as often as I did a week ago, but I still hear it. I heard the gentleman from New York stand here a little bit ago and say that he was sympathetically inclined toward farm legislation. Then I was thinking about the character of his sympathy.

I remember that the gentleman from Oklahoma stood here one day and told about the condition of a poor crippled grass-

hopper in a pen full of hungry Oklahoma turkeys, and I am thinking that sometimes, when my friends from New England are expressing sympathetic interest in this agricultural legislation, that they have about the same grade of sympathy for it that those hungry turkeys had for TOM MCKEOWN'S crippled grasshopper. [Applause.]

Oh, my friends, I want to appeal particularly to those of you in charge of this bill not to vote down this Jones amendment. I have a right to make this appeal. I speak to you from the standpoint of one who is not ashamed to be called a "crazy Haugenite," and I have the right to say to you that you dare not, as the friends of this legislation, assume that you ought to deal, ever so softly, with the packing interests.

Oh, I know, my friends, that our distinguished Secretary of Agriculture will be greatly offended if you shall put this Jones amendment into the bill, and yet I can think of worse things we might do than to offend our Secretary of Agriculture. I have watched his maneuverings with reference to efforts in behalf of agriculture, and I challenge any man on this floor to show me a move that our present Secretary of Agriculture has ever made with reference to agriculture which did not win the approval of the greatest grain gambler in the world, Mr. Armour, and the hearty approval of everybody connected with the Packers' Trust.

I am perfectly willing to go along here now and pass this Jones amendment, believing it will make more friends for our Haugen bill than anything that has yet been proposed, and I appeal to you, Mr. Chairman of the committee, and to all friends of this legislation, do not vote down this amendment. You will be making a serious mistake if you do. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. FULMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 20, line 18, strike out through line 22 and insert in lieu thereof the following:

"(b) In the case of cotton the term 'sale' means (1) the first sale or other disposition in the United States of cotton for processing in any manner for market, for resale, or for delivery by a common carrier, and (2) the first processing in any manner other than ginning or compressing."

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 21, line 4, strike out the word "livestock" and insert in lieu thereof the words "cattle or swine."

The amendment was agreed to.

Mr. MENGES. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman and gentlemen of the committee, I have just returned from a little political skirmish we had up here in Pennsylvania. [Laughter.] I do not know whether we settled it or not. While up there I had occasion to talk to some of the farmers of my district. I called them into my office and I talked to them about the agricultural legislation that is proposed to be enacted here by the Congress. I tried to explain to them the equalization fee, and I found that when I talked equalization fee they knew as little about it as they know about paradise, and some of them up there do not know anything about that place. [Laughter.] I explained it to them. I think I have a sort of notion about how it ought to act, and I explained it in the way I understood it, and I want to say to you it did not take very long to make it plain to them. Our farmers are not like the farmers of my friend from Louisiana, Doctor ASWELL. He has to dangle about $100,000,000 before their eyes before they will appreciate the advantages offered. Our farmers will bite at 40 cents a bushel on wheat. [Laughter and applause.]

When I told them that the farmer is to pay this equalization fee, they wanted to know how, and I told them how he is to pay it, and they are perfectly willing to pay 7 or 8 cents a bushel to have wheat exported to Europe, if that becomes necessary, and take 35 cents additional for themselves. They can see that. [Applause.] It does not take long to understand that.

There is an agricultural problem right up here in Pennsylvania. I am not exaggerating when I say that I live in one of the most fertile sections of that State, and I happen to own a farm there, that is not paid for—not entirely. [Laughter.] Adjoining my farm, or just one field across, is a farm that any man would be proud to own, with buildings on it that would cost more to-day than the farm would bring, and yet it is not farmed. It is a farm of 165 acres. Across from my farm is another farm, one of the best farms in the York Valley, 195 acres, with buildings that any man would be proud to live in, unoccupied simply because it is impossible to make anything out of the agricultural business in that section of the State of Pennsylvania. That is why the farm is not occupied. Not only that, but 50 or 75 acres of my own farm are not farmed for the simple reason it is impossible to make sufficient money out of the crops that we were going to sow there to pay us to sow them and reap them, and we are within 5 miles of a city of 60,000 inhabitants who are willing to consume the products that we produce on our farms.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MENGES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MENGES. While up in Pennsylvania I had a call from the owner of one of the largest milling establishments in my district, who said to me:

Enact some legislation down there in Congress that will give us an equalized price of farm products, so that we fellows who are in the milling business when we buy wheat one week and will be obliged to sell it the next week do not find the price reduced to such an extent that we are bound to lose money. We know very well that such a thing as that is absolutely unnecessary and uncalled for.

[Applause.]

I say to you that the millers are ready to have some legislation enacted so that they can escape the hands into which they have fallen.

Now, there is another thing I would like to call to your attention. Last November we had a report from the Department of Agriculture that the hog population on the farms of the United States was lower than it had been since 1920, when we had exported about all of our hogs to Europe. Another report we got from the Department of Agriculture was that the cattle population was only about 92 per cent of normal. I thought it was a good time to buy a bunch of cattle and feed into them low-priced corn, and I did. I paid $8 a hundred for those cattle in the market in my neighboring city of Lancaster. I turned them over to my farm and fed them, and I want to leave it to the cattlemen here as to the result. We increased the weight from 840 to 1,224 pounds, or nearly 400 additional weight on every steer. I leave it to the cattlemen if that is not a fair increase. We started in the 1st of December to feed them, and fed them until the beginning of May, so that they gained nearly 3 pounds a day.

Well, I had to sell the cattle; they had to get off the farm because I had not the labor to keep them there. It was necessary to put the crops in and I had to sell the cattle, and what do you think I got? I got exactly what I paid—$8 a hundred. They cost me $124.40 a head just for the grain and hay and feed, with nothing for the labor, and I sold them for $96.46 a head. Now, do not you think it is time I had a redeemer? [Laughter and applause.]

I want every farmer in this Nation to have a chance to look up in the future and say, "I know that my Redeemer liveth." [Applause.]

Mr. ABERNETHY. I would like to ask the gentleman if he favors the Haugen bill?

Mr. MENGES. Yes; I do, although I would like to have some amendments made to it.

Mr. CANFIELD. Mr. Chairman, it is indeed gratifying to know that the Members of the House are at last allowed to give consideration to agricultural relief, but too bad that the great Agricultural Committee could not agree on some kind of a constructive program instead of reporting out three bills and as much as saying, "Here they are; take your choice." And it is also too bad that the present administration could not have shown more interest in this kind of legislation instead of waiting until almost the last minute and then presenting what might be termed a money-loaning bill, which, in my opinion, was done for the sole purpose of defeating real farm-relief legislation that by all means should have been passed during this session of Congress.

Of the three pending agricultural bills I expect to support the one known as the Haugen bill, the bill that is earnestly favored not only by the farm organizations of my State but practically all of the farm organizations of the country. This bill seeks not only to establish a Federal farm board to aid in orderly marketing but it will control and dispose of the surplus agricultural commodities, the thing that is absolutely necessary if stable prices are to be maintained on agricultural products.

Not only are the farm organizations of the country for the Haugen bill but the American Federation of Labor, the representatives of the working class of people, are for it, for they realize that the farmers are entitled to a fair return for their labor, just as members of their unions and representatives of business interests are entitled to a fair return for the work they do.

The statement has been made here on the floor that this kind of legislation is economically unsound. With this I can not agree. If England by this kind of legislation can make her war debt out of rubber and Brazil can profit by this kind of legislation out of coffee, why can not we take care of the present depressed farm conditions in the same way? [Applause.] In fact, it has already been demonstrated in this country that when the Government steps in prices can be stabilized and farm products can be sold at a profit instead of a loss.

The Government has already done it. In 1920 Congress gave the War Finance Corporation $300,000,000 to stabilize the price of all agricultural commodities, and if you will remember cotton had dropped from 34 to 9 cents. The War Finance Corporation sent men into the South to instruct the cooperatives to have the growers bring in their cotton, and put it in a warehouse, get a warehouse receipt, and the money for the value of their cotton. This was published in the newspapers, and cotton began to advance at once, and in 90 days the price of cotton had doubled, and as has been stated on this floor by Representative BRAND of Ohio, a member of the War Finance Committee, all the Government put up was $41,000,000.

Before the Brazilian Government passed a law to stabilize the price on coffee they were getting 3½ cents a pound, to-day they are getting 17 cents a pound.

What has been done and is being done in other countries can be done in our own country. The farmers of our country can be helped if those in charge of making our laws want to help them, and the question that confronts each and every one of us is, are you going to pass constructive farm legislation that will be helpful to the farmers of our country, who represent from 33 to 40 per cent of the entire population, or are you going to continue to follow the dictations of those who believe that everything should be done to help the big interests of the country, and absolutely nothing for the farmers except to make conditions harder for him through high tariff, high transportation, and high everything else except what the farmer himself has to sell?

The farmers of Indiana are in favor of the Haugen bill and against the Tincher and Aswell bills. I am receiving hundreds of telegrams and letters from not only the voters in the district I have the honor to represent, but from all parts of Indiana, and I have just opened a telegram, which reads as follows:

INDIANAPOLIS, IND.

Hon. HARRY C. CANFIELD,
House Office Building, Washington, D. C.:

Tincher and Aswell bills, separately or combined, will not do farmers any good. We can organize cooperatives now, and our cooperatives can borrow all the money they need on favorable terms, and that is all either bill provides. We trust that you will continue to aid us in support of the Haugen bill, which is the only measure now before Congress that promises farmers any substantial relief.

INDIANA WHEAT GROWERS' ASSOCIATION.

This is only one of hundreds I have received requesting me to support the Haugen bill and to vote against the Tincher and Aswell bills.

It is too bad, for the sake of those interested in agriculture, that our present Secretary of Agriculture does not take the stand on this question that was taken by the former Secretary of Agriculture, Henry C. Wallace, a man that was a friend of the farmer and one of the best Secretaries of Agriculture we have ever had. I refer you to his statement in the Yearbook of the Department of Agriculture, 1923, on pages 149 and 150, which reads as follows:

One of the largest elements in the production cost of manufactured products, as well as in transportation cost, is the wages of labor. Wages have remained high since the war. The immigration and Adamson laws, together with the policies of organized labor, have been potent factors in maintaining wage scales. On the other hand, the domestic market for the products of the manufacturing industries makes it possible for them to continue production at a profit even with high wages for industrial labor. Under these conditions organized industry can maintain high prices in the domestic market and dump surpluses in foreign markets at low prices.

The question may be raised whether protection to labor and industry shall be withdrawn in order that the inflow of foreign labor and manufactured products may reduce the prices of the products which farmers buy to the level of farm products or whether some better remedy should be sought. The better and more practical alternatives may be to try to improve prices of farm products, of which we have an exportable surplus and which are therefore unduly depressed. Abundance of work at good wages gives assurance of good demand for farm products, but justice requires that the farmer be helped, so far as possible and proper, to secure relatively good wages for his labor. Indeed, industry and labor can not hope long to enjoy a disproportionately high price level for their products, for the simple reason that farmers constitute about 30 per cent of the purchasers of such products, and if the farmer's ability to buy is materially lessened for any length of time, both industry and labor suffer through lessened demand, and prices will be forced lower.

Cooperation among farmers has been suggested as a means of attaining the end sought. While cooperation is to be encouraged as one of the best means of improving marketing methods and reducing marketing costs, as well as of improving the quality of farm products, it does not appear possible, and certainly not within a short period of time, to organize the producers of the great staples of American agriculture so effectively as to give them that control over supply which is necessary substantially to influence price.

The sale or gift of a substantial part of our surplus wheat to countries which are not able to buy, and which would, therefore, take out of the ordinary channels of trade and competition the wheat sold or given, would unquestionably have a helpful effect upon domestic prices of wheat, provided larger tariff protection were given. Before such sale or gift could be consummated, however, more than two-thirds of this year's wheat crop will have passed out of the hands of the farmers.

Inasmuch as the first step looking toward increasing the domestic price requires the disposition of the surplus over and above domestic needs, and inasmuch as the facts presented in the foregoing pages indicate that the world production of wheat will probably be overlarge for another year or so, the suggestion that the Government set up an export corporation to aid in the disposition of this surplus is worthy of the most careful consideration. Such a corporation necessarily would need rather broad power. It would not be necessary that it should undertake to handle the entire crop, and it could probably carry on its activities in cooperation with existing private agencies. If it should be found necessary to arrange for the sale of the surplus exported at a price much lower than the domestic price, the loss so incurred would probably be distributed over the entire crop.

I feel this statement is true, and I also firmly believe that if he were Secretary of Agriculture to-day he would be back of the Haugen bill instead of advocating that we pass a money loaning bill, to loan the farmers of our country more money so they can get deeper in debt.

What our farmers must have, gentlemen, is a price for their products, so they can get out of debt, not a chance to get deeper in debt, as is offered them by the Tincher bill.

Why should the farmers of our country be told that all the Government can do for them is to loan them a little money and that it will be necessary for them to work out their own salvation, when the other great industries are cared for by Federal legislation? The large manufacturers, railroads, banking interests, and labor are all cared for by special legislation, and it is time that our farmers are entitled to consideration. All he is asking is fair and equal treatment, and, gentlemen, either the prices on what he has to sell must be advanced or the tariff wall must be lowered, and transportation charges reduced, as the span is too great, and as long as this condition is allowed to continue our farmers will continue to go bankrupt and the great agricultural sections of the country will continue to cry out for relief.

The natural wealth of our country advanced from $186,000,000,000 in 1912 to $320,000,000,000 in 1920. Then came the period of deflation, and the farm-land values decreased approximately 27 per cent, or over $25,000,000,000, and in addition to that our farmers are approximately $12,000,000,000 in debt, while those favored with special legislation, such as a high tariff, increased freight and passenger rates, and other special legislation, have reported more than $10,000,000,000 for income taxes during the last three years, and their values have increased from $25,000,000,000 to over $50,000,000,000. With these facts facing you, how can you stand back and say all the Government can afford to do is to loan the farmer a little money and it will be necessary for him to work out his own salvation. With special legislation passed for industry and

labor it can not be done. Our farmers must have legislation, or it will be impossible for them to overcome the handicap and close the span that now exists, and without we pass the Haugen bill, in my opinion, the hard struggle of the farmer will continue, while the special interests will continue to reap a harvest by reason of special legislation.

Both parties in their national platforms promised legislation that would be helpful to our farmers. The Republican Party is in full control of both branches of Congress, as well as in control of the executive department, and is the party that is held responsible.

As soon as they took charge of the Government, instead of looking after the interest of the farmers, the big interests of the country began to dominate the policy of the party, and they forced the enactment of high-tariff legislation in their own interest, they demanded increased freight and passenger rates, and other special legislation which has reduced the purchasing power of the farmer's dollar from $1.12 in 1919 to 60.3 cents in 1925. Now, I feel that even though years have passed since this promise was made, it is time that the promise be fulfilled and our farmers be given at least a fair chance to bring the purchasing power of their dollar up to something like the purchasing power of the dollars of those who have been receiving the benefits of special legislation for the last six years.

In all countries outside of the United States, Canada, and Australia farming is a peasant occupation, and it is only in these three countries that farmers enjoy the status of independence with full privileges of citizenship, and are on a par with those engaged in other callings, but while our farmers are free and independent in the United States, they are in immediate competition with farm products in all parts of the world where the peasant farmers have much lower standards of living, and while many of us are not in favor of the high protective tariff law that we have on the statute books at the present time and feel that the country as a whole would be much better off if this law were repealed and a fair tariff law enacted we realize that this is impossible under the present administration, and as some one has said, "We are compelled to work with the tools we have to work with," so with a protective-tariff system developed and industry benefiting by it at the expense of our farmers who are compelled to buy at a cost determined by the American protective system and American standards of living, and to have the price of their commodities determined almost altogether by the world markets and in competition with the products of those whose product costs and living standards are lower, the only thing left for us to do is to pass legislation that will help the farmer get his share under the present protective system.

The cost of production to our farmers is fairly constant from year to year, but the selling price varies as much as 100 per cent from one year to the next, and with these conditions facing any kind of business it would be impossible to continue on a stable or profitable basis without there was some way to stabilize the price so that it would not be necessary to sell at a loss in years when the world price is low.

Statistics show that while production and demand are badly out of balance from year to year they also show that when we consider the supply and demand over a period of years they strike a balance, and for farm-relief legislation to be effective it is necessary to deal with the temporary surpluses in years when there is an oveproduction, and in addition to this it must give some measure of protection to our American farmers who produce commodities whose prices are established in world markets in competition with the products of those who are able to produce them at a much less cost just the same as it is necessary to protect our American labor against cheap foreign labor. It must also create a way by which the producers can control the unneeded part of their annual crops so they can hold them off the markets until there is a demand for them at a price that will make it profitable to the producer.

In order that this may be done it is necessary that a fund be created, and under the Haugen bill this is to be done on everything except cotton, and on cotton after two years, by an equalization fee which will be used to purchase and remove from the market the surplus until it is needed and can be sold at a fair price.

I do not feel that this legislation contemplates any new principle, as the same principle is now used in our Federal reserve banks, and by it for the last three or four years we have had comparatively stable money in this country, due to the fact that the money and credit supply of the Nation can be quickly adjusted and the purchasing power of money stabilized.

The Haugen bill does not propose that the Government shall stabilize agriculture, as some have tried to lead you to believe, but it makes it possible for the Government to provide the mechanism through which the farmers themselves can do it by collecting an equalization fee which will enable them to take care of the surplus.

Under this bill there is no compulsion, as it can only be applied to crops of which there is a surplus, and then only at the request of the producers. Some producers will no doubt request it at once, while others may not apply for it for years, and maybe never, depending entirely on the surplus and the prices they are able to get for their crops.

When this bill becomes a law there will be no more reason for our farmers having to sell a large production for less money than they were able to get for a small production in previous years, but will make it possible for our American farmers to be rewarded according to their production.

There has been much discussion of the way the national board is to be selected. This to me seems absolutely fair, as it is to be controlled by the farmers themselves, with one selected from each of the 12 land-bank districts, and will serve agriculture in much the same way that the Federal Reserve Board serves banking and commerce, but will not itself engage in any commercial activity but will operate through the farmers' cooperative organizations. Provisions have been made so that they can deal with commercial agencies until adequate cooperatives may be organized, but after two years the board is limited to operating through the producers' own organizations.

We all realize that those who are trying to defeat this legislation are saying many things about it the same as was said on this floor by those who have opposed other new legislation such as the Federal reserve act, the Interstate Commerce Commission act, the Federal Trade Commission law, and all other kinds of legislation that have made a substantial change in the way of handling affairs affected by the different kinds of legislation, and regardless of all this talk I personally believe that we have as much reason for believing that it is workable as we had for believing any other important legislation where extreme changes were made would be workable. I find no principle involved in this bill that has not in some other form been put into application elsewhere, and it is impossible to know in advance just how any law will work or how those to be affected will take to it; the only thing we can do is to forecast the outcome the same as we do with any other law dealing with problems when extreme changes are to be made.

The charge has been made that this legislation is demanded by radicals, and that those who advocate it are demagogues. Gentlemen, why statements of this kind should be made I can not understand, as the men who are advocating this movement are not only among the leading representatives of agriculture, but some of them are recognized among the leaders of our country, and when almost every important national farm organization which looks into the large economic problems of agriculture are supporting it, unfair charges like these should not be made.

It has long been the policy of Congress to consult with representatives of any industry when legislation affecting that industry is under consideration, and there is no reason why the leaders of agriculture should not be accorded the same respectful consideration, and there is no reason why they should be called radicals and demagogues just because they are trying to get Congress to pass legislation that will put agriculture on an even basis with those that have already been given consideration by having legislation passed that has been and is now helpful to them.

Gentlemen, we should all bear in mind that our farm homes are the fortification of our social and political stability. The prosperity of our farms and our industries should be mutual, for neither can prosper long at the expense of the other, and until a way is found to bring the price of farm products up to a level of other commodities or the price of other commodities down to the price of farm products, there can be no sound prosperity, and as long as our farmers are compelled to sell their products at less than it costs to produce them, as many of them are compelled to do at the present time, this can not be done. In fact, as long as these conditions are allowed to continue we are bound to have a double standard of living, one for our farmers and another for the industrialist which should not be, and legislation should be enacted at once to correct this handicap so that agriculture will be on a par with industries, and in my opinion the time has come when those of you who represent industrial sections will either help to relieve the present depressed conditions in our agricultural sections or our farmers will see that men are sent to Congress who will work to have our present high tariff lowered, and our present freight and passenger rates reduced, and those of you

who represent agricultural districts will do well to think twice before you vote against the Haugen bill, for our farmers are, as you all know, demanding relief, they are entitled to relief, and if you do not help to give it to them they may decide to vote for some one who will see that their interests are looked after here in Congress. [Applause.]

Mr. TINCHER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, if I have been asked once since this legislation has been up here I have been asked fifty times why some member of the committee did not take a transaction and carry it through as it would be carried through under the Haugen bill if put into effect? I have not done that for this reason. It is not yet possible to know just what the bill will be, but of the 21 members of the committee I think at least as soon as the bill has been read some one will be able to do it, and will try to tell you the effect of the legislation on a commodity so that the Members and farmers can understand just what it will do. There have been changes made in the bill since it was reported from the committee, and if the man had made his speech with any pride as to whether his speech was accurate or not and put it in the RECORD carrying forward such a transaction, he would now have to revise his figures in that speech.

I am going to use only a minute or two now, but I promise that as soon as we finish reading this bill I shall take some time to trace some of the transactions through, step by step, and see where it leaves us, and I shall be open then for criticism if I am wrong. My friend from Pennsylvania [Mr. MENGES] says he explained to the farmers of Pennsylvania the equalization fee; but while he was doing that we have changed the features of the bill, step by step, so that his farmers would not know it. Some say we will pass this bill because it is protection, but if we repeal the protection, then what?

Mr. MENGES. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. MENGES. The gentleman said I was in Pennsylvania?

Mr. TINCHER. Yes; I said that while you were explaining it up there we were changing it here. [Laughter.]

Mr. MENGES. You changed it?

Mr. TINCHER. No; I, myself, did not.

Mr. MENGES. All right, then. [Laughter.]

Mr. TINCHER. I will debate and argue facts and argue questions; I will answer men when they attack me personally if I have nothing else to do; but I have never been called upon on the floor of this House in my eight years to attack anybody personally or ridicule anyone except in answer. Some day I may take some time off and perhaps indulge in a little ridicule. It does not make much difference what these farm organizations are for. The responsibility is finally up to us. It does not make much difference if a State convention demands legislation or not. Finally it is up to us. We ought not to legislate by minorities. The report went back that the Kansas Farm Bureau was undividedly in favor of this farmers' bill.

A friend of mine, by the name of Ralph Snyder, denounced me.

I got a telegram this afternoon, and I want to read it to you. I read:

OLATHE, KANS., *May 20, 1926.*

Congressman TINCHER,
House of Representatives, Washington, D. C.:

The Johnson County Farm Bureau is unqualifiedly opposed to the Haugen bill or any other price fixing bill. The farmers of Kansas are not ready to go back to populism in spite of the efforts of those whose legislative activities have never secured anything but trouble for the Kansas farm bureaus. The farm bureau is not a political organization, is strictly educational, and representations made by Snyder are wholly inspired by him and do not represent the sentiment of 10 per cent of the Kansas farmers.

JOHNSON COUNTY FARM BUREAU,
By W. D. LORIMER, *President.*

I got that this afternoon, and I say to you that I never solicited a telegram. But I knew that when Ralph Snyder got out 112 letters there was some fight on, but I did not pay any attention to it. I think that the Kansas Farm Bureau, when we get through, will not be for this bill. When the bill is finished I want to take a little time and take up some commodities and trace it through and tell you what I think as to how the bill will affect that commodity. We ought not to pay too much attention to telegrams. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired. The Clerk will read.

The Clerk read as follows:

REVOLVING FUND AND APPROPRIATION

SEC. 17. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $375,000,000, which shall be administered by the board and used as a revolving fund, in accordance with the provisions of this act. The Secretary of the Treasury shall deposit in the revolving fund such amounts, within the appropriations therefor, as the board from time to time deems necessary.

(b) For expenses in the administration of the functions vested in the board by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, to be available to the board for such expenses (including salaries and expenses of the members and the per diem compensation and expenses of members of the council) incurred prior to July 1, 1927.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 22, line 21, strike out "$375,000,000" and insert in lieu thereof "$175,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 22, line 19, strike out paragraph (a) of section 17.

Mr. NEWTON of Minnesota. Mr. Chairman, this is the section authorizing the appropriation of $375,000,000 out of the Public Treasury as a subsidy for a period of two years. I believe the amount has since been, or will be, amended so as to read $175,000,000, and that the subsidy has been denied all the basic commodities like wheat, corn, cattle, and swine, and so forth, with the exception of cotton. I use the term "subsidy." This has been denied. But up to a few minutes ago everyone admitted that it was a subsidy and nothing but a subsidy. There is at present a dispute among the members of the committee itself as to whether or not it is a subsidy. Some say it is while others now claim it is not. I say it is a subsidy. Let me illustrate. Take cotton. The board will use this $75,000,000 by assisting "producers of cotton in controlling the quantity in excess of the requirements for orderly marketing," by entering into agreements with cooperatives, farm organizations, or their creatures or agents. These in turn are to "purchase, store, or sell" a sufficient quantity of the cotton so as to stabilize the price at a fair and reasonable figure. Cotton is a world product. Of the amount produced here we use 35 to 40 per cent and export 60 to 65 per cent. Therefore when the market is off—that is, where supply so exceeds demand as to create a material excess—the board must use this fund by making agreements, and so forth, so that this surplus will be bought, stored, and later sold either at home or abroad. It takes money to buy and to sell, and there is a substantial expense during the period of storage. In selling it is anticipated that it will be sold at a loss, for provision is made for replenishing this "equalization fund" by collecting, after two years, a fee of not to exceed $2 per bale from each cotton farmer. Out of this "equalization fund" is to be paid the "losses, costs, and charges in respect of the operation in the commodity." It seems very clear therefore that this is a subsidy. It contemplates something different than the "loaning" of money. Note that this term is not used.

Mr. Chairman, there is a wide difference of opinion here as to the wisdom of providing a subsidy. There is even a greater difference of opinion as to the wisdom of granting it to one and denying it to all others. My amendment does away with a subsidy altogether. Those who are against a subsidy or to a discriminating one will vote for my amendment.

Mr. DICKINSON of Iowa rose.

Mr. NEWTON of Minnesota. Now I yield to my friend from Iowa, who was on his feet a moment ago.

Mr. DICKINSON of Iowa. As a matter of fact, you are assuming that these transactions in cotton are going to be at a loss. The purpose is to buy cotton when it is low and assist in advancing the price. If this board uses its best judgment, as Secretary Jardine says in his statement before the committee, there should be no loss on cotton in a transaction of this kind. [Applause.]

Mr. NEWTON of Minnesota. But the gentleman from Kansas [Mr. TINCHER] fully explained to the House the other day that Secretary Jardine did not say that. If you do not anticipate a loss, why are you levying an equalization fee to replenish the $75,000,000 fund after it has been exhausted?

Mr. DICKINSON of Iowa. Secretary Jardine—and I can put his statement in the RECORD—did say the very thing I have stated to this House.

Mr. NEWTON of Minnesota. Well, I will say that there is a great difference of opinion between the gentleman from Kansas and the gentleman from Iowa as to what Secretary Jardine said.

Mr. DICKINSON of Iowa. I have the original transcript of his testimony here, and I am quoting from it.

Mr. NEWTON of Minnesota. And that is another reason why we as a House ought not to take any chance on this by voting for anything like a subsidy.

Mr. ASWELL. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. ASWELL. I call the attention of the gentleman from Iowa to the fact that when Secretary Jardine made that statement he was opposing the Haugen bill and made it with reference to the Tincher bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. NEWTON) there were—ayes 68, noes 98.

So the amendment was rejected.

The Clerk read as follows:

REGULATION OF IMPORTS

SEC. 18. Whenever, during the operations of the board in respect of any basic agricultural commodity, the President of the United States finds that the importation into the United States of any such commodity, or any derivative thereof or competitive substitute therefor, is increasing materially or is likely to increase materially the losses payable out of any equalization fund in respect of such commodity, he shall by proclamation declare such fact. On and after the day following such proclamation and until otherwise ordered by the President or Congress, it shall be unlawful to import into the United States any such commodity, derivative, or substitute, except under such regulations and subject to such limitations and exceptions as the President may prescribe.

Mr. FULMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 23, beginning with line 11, strike out through line 25.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEPARABILITY OF PROVISIONS

SEC. 19. If any provision of this act is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or class of transactions in respect of any commodity is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons, circumstances, commodities, and transactions shall not be affected thereby.

Mr. TINCHER. Mr. Chairman, I move to strike out the section, and I ask unanimous consent to proceed for 10 minutes in order to explain how this bill now would affect one commodity. I have a chart which covers the matter.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TINCHER. Now, members of the committee, you may think it is not a little irksome to be charged, and honestly charged, by your own colleagues on the floor of the House with being unfriendly to every constituent you have in your district. It is a little hard sometimes to know what is good for the farmers. They can not wire in and tell what their position is with reference to what we are doing here, and we did not know ourselves until a few minutes ago just what the bill would provide. I had the printed list of the amendments that Mr. HAUGEN prepared, and based on that I had this chart made, and am prepared to explain to you one commodity under the bill as it would be now.

I supported an equalization-fee proposition once. It had in it two propositions. One was that the price fixed by the board would be the fair ratio price of that commodity to other commodities; and, second, the equalization fee attached to the whole commodity. I had a hard enough time supporting that, but when you abandon those things and have an equalization fee you are going to get into deep water, indeed. You have just struck out the embargo, and I did not raise my voice against it, because that is a danger in time of peace.

My friend from New York [Mr. JACOBSTEIN] prepared and delivered a good speech here, and we all appreciated getting it. In that speech he said you had better get away from all tariff standards. Some people thought he was talking politics, but he was not; he was talking economics.

Now, let us see what we have. We have a bill under which it is the duty of the board to procure for the American farmer what? The world price for his wheat plus the tariff of 42 cents. That is the bill now, and it will levy an equalization fee on his product to do that. That is the bill now. You can not levy an equalization fee on the foreigners' product, and you have just struck out of the bill that un-American thing, the embargo.

I want every Member of the House to have the night to study it over, and I want any enthusiastic supporter of this bill to say whether he is willing to have the farmers of this country believe that some of us are betraying them. I want any such enthusiastic supporter to answer the figures I now put in.

Kansas next year will produce 150,000,000 bushels of wheat. My district will produce 100,000,000 bushels of that wheat. Do you think I am here trying to commit suicide? Some of you fellows have talked to me as though I was owned by some octopus outside. I have heard every word of the testimony that has been given before the Agricultural Committee; I have studied the question, and I think I am the best friend the American farmer has had, because I have worked more hours for the last two months on this proposition than some of you have.

The first thing I want you to notice is the crop I am going to talk about. It is a normal crop, the normal wheat crop of the world. I want to say that the 90 cents and the $1.32 which you see on this chart do not mean anything, excepting that those figures happen to be the figures the Tariff Commission used when they made up the figures.

The Canadian cost of producing a bushel of wheat, according to the Tariff Commission's report, was 42 cents a bushel less than the American farmer's cost of producing a bushel of wheat. That was the lowest difference. Some of the members of the commission went as high as 54 cents, but President Coolidge, acting upon the lowest difference they had, made the tariff 42 cents. Why? Because the difference in the cost of producing wheat was 42 cents. That is what tariffs are based on when they are based on anything just and for just protection. At the time the commission raised the rates those were the estimated costs, and for that reason I have used those figures. Now, the world price that year, we will say, is $1. That is a very good world price for wheat, $1. The American domestic price, then, has got to be what? One dollar and forty-two cents—the world price plus the tariff.

I have not mentioned transportation in here, because transportation will work on one side the same as it will work on the other, and I did not have much time after I found out what this bill was liable to be to have charts made.

The American domestic price of wheat is $1.42. Sale of wheat to the American mills, then, would be at $1.42. The Canadian farmer's profit after he pays the tariff is what? Ten cents net. The American farmer's profit, 10 cents less the equalization fee.

By your act in striking out the embargo clause and using the tariff as a measure you propose to vote a tax or a tariff against the American farmer and in favor of the foreigner. These figures will not lie.

Mr. MURPHY. Will the gentleman yield for a question, because I am seeking information?

Mr. TINCHER. I understand that; yes.

Mr. MURPHY. The statement just made by the gentleman is based on the assumption that all the wheat produced in America is going to be dumped on the market at the world-market price.

Mr. TINCHER. No.

Mr. MURPHY. Is it not a fact that it is only the surplus that is to be sold in that way?

Mr. TINCHER. If the gentleman wants to understand this chart, I would suggest that he come around here where he can see it.

Mr. MURPHY. I am following the gentleman with all the intelligence I have.

Mr. TINCHER. I know that.

Mr. JACOBSTEIN. Will the gentleman yield for a question for information?

Mr. TINCHER. Yes.

Mr. JACOBSTEIN. That statement also assumes, of course, there will be no further increase in the tariff.

Mr. TINCHER. I am taking it on the conditions to-day, because up until an hour ago I did not know but what there would be an embargo; and if so, this chart would not have been of value. We can not tell, of course, what the law will be.

Mr. JACOBSTEIN. I would like to ask the gentleman another question in order to clarify the chart. If this bill actually went into operation and that situation existed, would not the Tariff Board be called upon to increase the tariff in view of that situation?

Mr. TINCHER. If it took as long as it did before, it would require about two years.

Mr. JACOBSTEIN. But is it not proper to assume that there would be an increase in the tariff?

Mr. TINCHER. Would they be justified in increasing the tariff unless there was a difference of more than 42 cents?

Mr. JACOBSTEIN. Not from my point of view, but——

Mr. TINCHER. We would absolutely have to change our tariff policy in order to increase the tariff beyond the difference in the cost of production, and for that reason there is no occasion for presuming they would raise the tariff.

Mr. KINCHELOE. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINCHELOE. If the President should exercise his power under the flexible provision of the tariff act, he could only increase it 3 cents more.

Mr. TINCHER. The gentleman meant we could increase it by passing a new law.

Mr. KINCHELOE. We could increase it by an act of Congress, of course.

Mr. JACOBSTEIN. No; I meant by the Tariff Commission.

Mr. TINCHER. We have already had action by the Tariff Commission.

Mr. JACOBSTEIN. We could increase it again.

Mr. TINCHER. No; the original tariff was 30 cents and the President only has the power to raise it 15 cents more, and he has already raised it 12 cents. Therefore, he could only raise it 3 cents more.

Mr. JACOBSTEIN. The additional cost of transportation from Winnipeg to Minneapolis would wipe out that difference.

Mr. TINCHER. It would not be more from Winnipeg to Minneapolis than from Medicine Lodge to Minneapolis. I am giving the Haugenites the benefit of all doubt, and when you study it and dig into it, you will find that this is the greatest economic monstrosity that was ever proposed, and instead of helping the farmer it will ruin him. Put it on the statute books for four years and you will ruin the American farmer. That is the reason I am against it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINCHER. I hope gentlemen will not ask me to yield for a few moments.

Now, here is something there can be some contention about: "Equalization fee necessary to take 200,000,000 bushels of wheat off the market at the world price." I put that down at 23 cents a bushel. I know there will be some contention about that. I will tell you what it would be on the basis of an 800,000,000 bushel crop in this country to take 200,000,000 bushels off the market at $1.42. Two hundred million bushels at $1 would make the wheat average $1.31, and that would only indicate an equalization fee of 10½ cents, but the testimony was that we must then have 7 cents expense account, which would make 17½ cents. Then there is the seed wheat and all the wheat that is fed to stock, and, of course, the 200,000,000 bushels of wheat does not count. The gentleman from New Jersey [Mr. FORT] figured it at 23 cents and I figured it at nearly 24 cents. The gentleman from New Jersey has had those figures in the RECORD for nearly two weeks and nobody has challenged them, and for that reason I am using his figures. The 23 cents we pay in order to get $1.42, which leaves the American farmer's net loss on every bushel of that wheat 13 cents. The Canadian farmer has a profit of 10 cents, and the Canadian farmer has an advantage over the American farmer of 23 cents a bushel.

At any rate, whatever equalization fee it is, the foreign wheat producer will have just that advantage over the American farmer.

Some have said they wanted to vote for this bill because it is a Republican protection bill.

Mr. MURPHY. And so it is.

Mr. TINCHER. It is not a Republican protection bill the way it is worded now. Its name should be changed. It should be called a bill in the interest of the foreign producer of agricultural products.

I am now talking figures. We have got the thing here with all her dresses off. She stands here now so we can see her, and I am telling you the figures that will apply. [Laughter.] She has had many experiences. She has trotted around here, and I wish I had the time—no; I do not wish that because I do not want to bore you.

However, the same kind of chart can be made, and the same facts will apply to cattle, to corn, to hogs, and to butter.

Mr. ALMON. How about cotton?

Mr. TINCHER. There is no tariff on cotton, and all you can do for cotton is to furnish credit or make a gift, and I have incorporated in my bill a provision for the orderly marketing of cotton. There not being a tariff on it they do not propose to hike up the price. There is another thing about cotton that is entirely different. We raise an exportable surplus on purpose.

I am simply telling you what you do to the producers of these various commodities. They are entitled to our sober judgment and should not have simply our guesses.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. JACOBSTEIN. According to the gentleman's argument it would be better if nothing had been said in the bill about the tariff.

Mr. TINCHER. The gentleman was right, as long as it was not there it was defensible. The corporation could have done something for the farmer, and they fixed a yardstick if they were going to keep the tariff in.

Mr. JACOBSTEIN. The gentleman's argument is against the equalization fee except as used with the tariff.

Mr. TINCHER. My argument is against the equalization fee, but if you have an equalization fee, it should be based on a fair ratio in the prices of that commodity to other necessary commodities. No one can defend a tax on production—nobody except those who do not think and say, "I am for the farmer, and everybody else is against the farmer." [Laughter.]

Mr. KINCHELOE. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. KINCHELOE. In my opinion the people who pay the equalization fee on cattle and hogs are going to be worse off than the raisers of wheat.

Mr. TINCHER. Yes; it will figure out worse.

Mr. HOCH. Will the gentleman yield?

Mr. TINCHER. I will yield to the gentleman.

Mr. HOCH. The equalization fee is 23 cents, and the farmer would get $1.42 for his wheat less 23 cents. That would be $1.19. That would be 19 cents more than he would get without the bill.

Mr. TINCHER. I did not understand the gentleman.

Mr. HOCH. According to the gentleman's figures, if I understand them, the farmer sells his wheat for $1.42 and pays 23 cents equalization fee, which will leave him $1.19.

Mr. TINCHER. The American farmer has 42 cents tariff on wheat and he will get about 23 cents above the world price—if he has the benefit of the protection he has had for five years.

Mr. HOCH. I only wanted to know what the gentleman's contention is about the price.

Mr. TINCHER. If this is the world price as we take it for five years, as it has been under the Fordney-McCumber tariff bill, he would get $1.23 for his wheat, because he has had the benefit of 23 cents protection from the tariff. If my figures are wrong, I will correct them.

Mr. BEGG. Will the gentleman yield?

Mr. TINCHER. I will yield to the gentleman from Ohio.

Mr. BEGG. According to the figures I placed in the RECORD for the past five years, there has been an average price of 17 cents——

Mr. TINCHER. The right figures are 23 cents.

Mr. BEGG. I am not arguing that whether it is 17 cents or 23 cents. If the gentleman is correct, the price of any commodity in the States, must be less than the price in Canada.

Mr. TINCHER. Is the gentleman arguing that the chart is not correct?

Mr. BEGG. No. I say it is correct, and the gentleman has proved his case beyond a doubt.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. CARTER of Oklahoma. The American farmer would get 23 cents less under this bill than the Canadian farmer—that is, he would have to lose 13 cents a bushel—but that loss would not take place unless the operating period was declared.

Mr. TINCHER. What is the use to talk about that? I have heard it said in favor of this thing that probably it will never take effect. Men seem to be willing to vote for it if they can get some assurance that it will never take effect. Let us not pass a bill that will not go into effect and will never help the farmer.

Mr. CARTER of Oklahoma. The gentleman does not think that any sane member of the organization would be in favor of declaring an operating period on any commodity that would injure the farmer?

Mr. TINCHER. The language of the Haugen bill is that the board is obligated to declare an operating period on any basic commodity when it is selling below the world price plus the tariff. If they are not going to use it for that, in Heaven's name, what are they going to use it for?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Kansas be extended for five minutes. Is there objection?

Mr. BRAND of Ohio. Mr. Chairman, reserving the right to object——

Mr. TINCHER. Oh, if the gentleman objects, I do not want any more time.

The CHAIRMAN. Does the gentleman from Ohio object?

Mr. BRAND of Ohio. I reserved the right to object to ask a question. Does the gentleman yield?

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAND of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BRAND of Ohio. I just wanted to ask whether the tariff was not working to the extent of 23 cents, as the gentleman says, on a limited proportion of wheat raised in the Northwest?

Mr. TINCHER. No.

Mr. BRAND of Ohio. That is a special kind of wheat?

Mr. TINCHER. No.

Mr. BRAND of Ohio. It does not work on the Ohio wheat, does it; that is, on No. 1 wheat?

Mr. TINCHER. Oh, there is no such thing as No. 1 wheat, generally speaking. It is a name that they have for certain colored wheat.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. CHINDBLOM. The gentleman from Kansas [Mr. HOCH] drew the conclusion that the American farmer would get $1.19 for his wheat. The chart and the gentleman's argument shows that the cost of production to the American farmer is $1.32, and in that case if he got $1.19 he would sustain a loss of 13 cents.

Mr. TINCHER. I have given that; yes.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Let me tell you what he said. Wheat is selling to-day for more than $1.42 at home; and if this fool law were in effect, they would have to raise it to $1.80 or $1.90 by his own boot straps, and that would result in the production of a billion bushels of wheat in this country, which would mean ruin to every wheat farmer in the country.

Mr. DICKINSON of Iowa. Then it is overproduction rather than the failure of the bill to work that the gentleman is objecting to?

Mr. TINCHER. You take this crazy patchwork home to-night and read it; and if you expect it to work, then you will expect to make architects out of fleas.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. ALLGOOD. I was interested in the gentleman's statement at the beginning that the Canadian farmer produces wheat 40 cents a bushel cheaper than the American farmer.

Mr. TINCHER. Forty-two.

Mr. ALLGOOD. Is that because of the American tariff?

Mr. TINCHER. Oh, no. I said that the Canadian farmer produces wheat on virgin land. Canada claims to still have enough virgin soil to raise sufficient wheat to feed North America. That is in the hearings. You can buy wheat land in Canada for $5 and $6 an acre that will raise 30 or 40 bushels of wheat to the acre in a good wheat year. I want to make this statement so that everyone may look it up and see whether or not it is correct. I say that this bill, if enacted into law, would ruin every American farmer that tried to produce butter. It would ruin every dairyman in the United States if you passed the Haugen bill in its present form. Ask any butterman, ask any creamery man—I do not care whether he has been for the Haugen bill before or has been against it—but ask him whether it will not put the dairyman out of business in the United States.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. SUMNERS of Texas. Will the gentleman explain why it is that there are about 200,000,000 bushels of wheat shipped away from a high market, say, at $1.23, to be sold in the world market at $1? I ask the question in all seriousness. It seems kind of foolish to me.

Mr. TINCHER. It is kind of foolish, but that is their proposition. They first said, "We will dump it into the ocean," instead of saying, "We will try our best to have orderly marketing, and not raise too much, to have orderly farming and merchandising"; but if you say you are for that, then they say that you are an enemy to agriculture and that you ought to be sent home.

Mr. ALLGOOD. Will the gentleman tell us what he thinks it will do to cotton?

Mr. TINCHER. I have already done that. I do not think it will ever help cotton. Then, thinking of the offer of $75,000,000 to you gentlemen over here, with the intellect you have, it is nothing less than an insult to your intelligence, and before you vote for it, even though it may dangle there and look tempting, figure out what it is going to do to the rest of us in the United States. Just think that this is a national problem and not a sectional problem. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. BURTNESS. Mr. Chairman and gentlemen of the House, I have had no opportunity to examine this chart, except as I have seen it from near the rear of the Chamber during the discussion of it by Mr. TINCHER; but I do desire to make a few observations with reference to it and the story it tells.

I am not challenging the correctness of a great many of the figures given on the chart, but the conclusions that have been drawn by the gentleman from Kansas [Mr. TINCHER] are, I believe, entirely erroneous in so far as the operation of this bill will be concerned, and particularly as to the amount of the equalization fee that would be required on wheat and what the net gain or loss would be to the American farmer. It is very true that the arbitrary prices as set down here, 90 cents and $1.32 [indicating], represent what has been found by this Government as the actual difference in the cost of production of wheat in the United States and abroad, so they are admitted as correct. We will admit also—and this is simply an arbitrary figure, I take it—that the world price for illustrative purposes is $1. The purpose of the Haugen bill, as it has been explained to you so often, is to arrange a device so that the American farmer selling now a surplus of his wheat abroad at world prices may, in so far as that portion of the wheat is concerned that enters into domestic production, receive the benefit of the 42 cents spread between those two figures. So far on the chart, I think, everything is conceded. The question, then, arises as to how it will actually work out.

The American or domestic price under the Haugen bill, with $1 as the world price, would be $1.42. That is the figure at which wheat will be sold to the American mills and flour made out of it. There is no question raised as to the correctness of the figures up to this point.

Now the camouflage entered into starts with the next item, "The Canadian farmer's profit after the tariff is paid, 10 cents." We are not dealing here with what profit the Canadian farmer may or may not make upon his wheat. That is not the question before us. The question is, How will this bill affect the American farmers? It is true some elements of competition may enter in. But where does the gentleman get the next figure? "American farmer's profit, 10 cents, less the equalization fee." Now, many mistaken statements have been made with reference to the equalization fee that will be required in reference to wheat. Let us see what it will be. The average production of wheat in this country over a period of 10 years was given by the gentleman from New Jersey [Mr. FORT] the other day at 831,000,000 bushels. I am willing to accept that figure. I will also accept the figure of the gentleman from Kansas upon this chart, where he says that 200,000,000 bushels must be taken off the domestic market.

Now let us go to the very extreme and put the entire loss of 42 cents per bushel upon the 200,000,000 bushels that must be taken out of the domestic market and exported. The actual loss would in all probability not exceed 25 cents per bushel,

but let us take the largest possible loss and say it is 42 cents per bushel. What do we find? You multiply 42 cents by 200,000,000 bushels, and you will have $84,000,000 that must be raised through the equalization fee—$84,000,000 loss on the exportable surplus. Say the average crop is 831,000,000 bushels, as Mr. FORT gave it to us the other day—I will accept the figures given by the opposition to the Haugen bill in all the estimates I am making. I will accept Mr. FORT's estimate of 120,000,000 bushels of wheat as the amount used each year for feed—that is, used for poultry, and so forth—and the amount needed for seed. So that leaves us——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTNESS. I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to proceed for 10 additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTNESS. So that leaves 711,000,000 bushels against which the equalization fee will be charged. There was a suggestion made that the equalization fee would not be applied to the amount exported. Of course it will be. It will be applied upon every bushel leaving the farms. The answer is simply a matter of computation. How large must the equalization fee be on each of 711,000,000 bushels of wheat to take care of the loss of $84,000,000 on a surplus? Figure it out and you will find that an equalization fee of 11.8 cents a bushel will be sufficient. [Applause.]

One cent equalization fee upon 711,000,000 bushels will amount to $7,110,000, and I do not think anyone is going to say that the cost of operation of the board is going to amount to more than that. The total fee would then be 12.8 cents. But let us be even more liberal than that and let us say the equalization fee might amount to 15 cents per bushel. Then what is the situation? A net gain above world price of 27 cents. Remember, though, that if it is true that all the wheat crop gets the benefit of the tariff to the extent claimed by the gentleman from Ohio [Mr. BEGG] the equalization fee would probably be very little more than one-half of that amount. He claimed a present benefit of 17 cents from the tariff. Possibly the loss on the export surplus need not generally exceed 25 cents per bushel, in which event the equalization fee would be proportionately less.

In no event, I assert, can the fee possibly amount to more than 15 cents a bushel. Where does that lead to? All right, you have here on the chart a proposed domestic price of $1.42. The world price is $1. Deduct from $1.42 the equalization fee of 15 cents and you get $1.27. Compare that with what you are getting now, tariff or no tariff. Even at Mr. BEGG's figures it would mean a net gain of 10 cents per bushel.

Let me make this observation to you men who come from the middle sections of the country, where you raise winter wheat: Every tariff figure that has been given here as to the amount the wheat grower gets as a benefit through the tariff is limited to the protein wheat raised in the spring-wheat country. [Applause.]

But the constituents of you gentlemen who come from Missouri and from Kansas, Ohio, and Indiana or Oklahoma, are not getting that same benefit. It is a plain economic proposition. In the spring-wheat country we are not raising the same kind of wheat that you raise, with the result that almost every year the demand of the mills raises the price of our large protein-content hard spring wheat above the regular world price.

What is the price paid for soft winter wheat in Ohio? Oh, gentlemen, the price is not even the world's price given on this chart at a dollar. The price is the Liverpool price, less the cost of transportation from your station to Liverpool. That is what your soft winter-wheat farmers are getting now. [Applause.]

Oh, if I were simply sectional in my views, I might take the position that we spring-wheat people are getting almost as much benefit from the tariff as this bill would provide. If that is partly true with us, it is not true in the winter-wheat section, and particularly not true with respect to the soft winter wheat, where you get, as I have suggested, only the world price, less the cost of transportation of your wheat to the world markets. What about the Ohio farmer? Assume the cost of transportation via Baltimore is 15 cents. Taking this basis [indicating] as normal, he would receive 85 cents. Would he not like to get $1.27? The hard winter-wheat section on the market is a little bit different, I admit, from that of the soft wheat country, but the producer of wheat even in that section is not getting much benefit from the tariff. If you want to examine the figures as to hard winter wheat get your world prices and compare them with the Chicago prices, where hard winter wheat is dealt in, not the Minneapolis prices. The Minneapolis exchange prices are for spring wheat of a large protein content, differing from the wheat of other sections.

Every wheat farmer who is not now getting any advantage from the tariff to speak of, including all soft wheat producers and generally also all hard winter wheat farmers, would get at least 27 cents per bushel net benefit from the Haugen bill. There is no question about it. [Applause.]

Those of us who are in the spring-wheat section are getting, in some years at any rate, substantial benefits from the tariff on wheat, and on the average we receive a benefit of from 15 to 20 cents. Mr. BEGG's figure of 17 cents is probably about correct as an average. That is not true in the years when we are on an export basis, when we have more spring wheat than American millers need. That was the case in 1924, when wheat at Fort William and Port Arthur on Lake Superior sold for more than the same kind of wheat at Duluth. In such years we would get exactly the same benefit from the Haugen bill as the Ohio farmer and the Kansas farmer and the Missouri farmer would get, and that, as indicated, would be at least 27 cents per bushel. Even in other years, granting our wheat is worth a premium above winter wheat, I believe such premiums would still be paid us, for the mills would want our wheat.

Now, I am willing to agree with the gentleman from Kansas when he says on this chart that the same general proportion, as I read it, would apply to the rest of the commodities mentioned in the Haugen bill.

In estimating the equalization fee—and I do not know how this figure on the chart has been obtained, because the method of computation is not shown—some eliminate the export crop and possibly in estimating the equalization fee at 23 cents they have eliminated the export entirely in addition to making other assumptions not shown. That is the kind of practice that has been resorted to in trying to throw dust into the eyes of the men who have not made up their minds upon the bill which is now before us. [Applause.]

Now, what is left, so far as this bill is concerned?

Mr. TINCHER. Mr. Chairman, will the gentleman yield there?

Mr. BURTNESS. Yes.

Mr. TINCHER. The gentleman is not impugning the good faith of the man who made that chart?

Mr. BURTNESS. No. I do not know who prepared it, but I will say that the man who prepared the chart did not dare to show thereon the method of computation upon which his figure as to an equalization fee of 23 cents is based. You will find that 12.8 cents is the highest amount of equalization fee you need charge against wheat under normal conditions, and it would in all probability be less. I have shown you how I reach that figure. The estimate on the chart seems only an arbitrary amount some one has written down.

The subsidy argument against the bill has been substantially eliminated, and so at the last moment, when they can not argue that any more, they try to bring in here incorrect and unsubstantiated figures to becloud the issue. We have also eliminated out of this bill the presidential embargo which has been much opposed. There seem to be only two propositions left which seem to me to furnish fair arguments to be made against the bill, and the most important of those is whether it is going to increase the cost of the commodities to the consumer. The second is a possible increase in production. I want to say to the gentlemen from New York [Mr. BLACK and Mr. LAGUARDIA] and others coming from congested centers, representing as they do employees in the industries of this country, that with the general wage scale of organized labor in this country at 225, or two and one-quarter times, higher than in pre-war times, prior to 1914, and with the index showing agricultural prices standing generally at 150, organized labor, the general consumers of this country, have to-day an advantage of 50 per cent above the farming population. The ratio is 225 to 150, approximately. I believe that these men when they know those facts will not insist that the farmers who raise wheat, as shown by the gentleman from Kansas in this chart, must raise it below the cost of production. I can not believe they want to obtain their food that way.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes, gladly.

Mr. SCHAFER. I do not think that members of labor organizations want you to continue producing at a loss, as you have done, and I do not think my constituents in a city district will object. In fact, I think they will be in favor of helping the farmer.

Mr. BURTNESS. Thanking the gentleman for his contribution, let me add that I am convinced that all of them would be in favor of so doing if they knew the facts. They want and need a high purchasing power in the agricultural sections to insure permanent employment at good wages. And I submit,

from what has been brought out here by some of you, that even though the prices of the farmer's raw materials were increased the laborers would not see the increase when it gets into the finished product at the butcher shop and the bakery. It is doubtful whether there would be any material increase in the price of bread or of bacon, beef, and what the consumer buys.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. COOPER of Wisconsin. The gentleman made a statement which, it seems to me, is of vital importance to everyone on this floor called on to vote upon this bill. The whole controversy, it seems to me, about that chart centers around the alleged equalization fee of 23 cents and the methods by which it was arrived at. Now, will the gentleman once more state the figures and the facts on which he arrived at what he thinks now is the equalization fee on wheat, or would be under the present circumstances?

Mr. BURTNESS. I will be very glad to do that. I take Mr. FORT's figures as to the average production of wheat being 831,000,000 bushels, and I take Mr. TINCHER's figures of 200,000,000 bushels as the amount of wheat that must be taken off the domestic market and sent abroad in order to protect the American price at the world price plus the tariff.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. BURTNESS. Mr. Chairman, I ask for three more minutes in order to answer the question.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. MILLS. Mr. Chairman, reserving the right to object, I want to know whether the gentleman will be willing to answer a question which I have been trying to ask for the last 10 minutes.

Mr. BURTNESS. I am now willing to answer any question that any Member of the House may want to put to me that I am able to answer.

Mr. COOPER of Wisconsin. Mr. Chairman, I think the gentleman ought to be permitted to answer in his own way the question which I asked him, and which seems to me to be a vitally important question on this controversy right now.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from North Dakota be extended for five additional minutes. Is there objection?

There was no objection.

Mr. BURTNESS. The total average crop for 10 years has been 831,000,000 bushels. Of course, last year it was only 669,000,000 bushels. The equalization fee on such a crop as we had last year would amount to practically nothing, possibly 5 or 6 cents, but I will take the average production. Two hundred million bushels, according to the gentleman from Kansas, must be removed out of the domestic market; that leaves 631,000,000 bushels for domestic consumption, including the wheat that may be used for chicken feed and seed. Assuming that there would be a loss of 42 cents—and that is the highest possible loss on the exportable surplus; I am taking the highest figure—assuming a loss of 42 cents a bushel upon 200,000,000 bushels of wheat we would have a total loss of $84,000,000 that must be borne by all of the producers of wheat. I am taking Mr. FORT's figures to the effect that 120,000,000 bushels of wheat would not be subject to the equalization fee because it would be used for seed, poultry feeding, and things of that sort on the farms. So there would be left 711,000,000 bushels of wheat subject to the equalization fee to take care of this loss of 42 cents a bushel. It becomes simply a matter of dividing $84,000,000 by 711,000,000 bushels of wheat, which will give you a loss of 11.8 cents per bushel. I have added another cent, or between seven and eight million dollars, for costs of operation of the board, which seems more than ample, making the fee 12.8 cents.

Mr. MILLS. Will the gentleman yield now?

Mr. COOPER of Wisconsin. Mr. Chairman, I insist that the gentleman may answer my question completely.

The CHAIRMAN. The gentleman from North Dakota has the floor.

Mr. BURTNESS. Of course, the board would size up the existing situation. If the crop was less than the average, thus decreasing the export surplus, the equalization fee would be less, and if it were more then the fee might be a little more. I have given the figures on the 10-year average, which includes some years of large production. They would also estimate what it would cost them to run during the operating period and they would figure it out accordingly and would levy the fee subject to other provisions in the bill.

Mr. COOPER of Wisconsin. So that on the facts of to-day the figure of 23 cents, given as the equalization fee on Mr. TINCHER's chart, is how many cents too high?

Mr. BURTNESS. I would say it is about double what it ought to be. That is my judgment. Not quite that, but at least 10 cents too high under the most unfavorable conditions.

Mr. MILLS and Mr. FORT rose.

Mr. BURTNESS. I will now yield to the gentleman from New York, who has risen several times.

Mr. MILLS. The gentleman says those figures are correct down to the Canadian farmer's profit. If that is so the Canadian farmer can export Canadian wheat and sell it at a profit of 10 cents a bushel.

Mr. BURTNESS. I do not know anything about the Canadian farmer's direct profit, but know that the Canadian farmer has been found to have an advantage of 42 cents in production costs.

Mr. MILLS. Does that mean that your farm board or your cooperatives will have to buy up Canadian wheat just as fast as it comes in if you are to maintain the price at $1.42?

Mr. BURTNESS. Of course, there is nothing to that contention and for this reason: This board, without the embargo provision against imports would simply be able to keep that price up to a point just below the 42 cents above world prices, so that there would be no incentive to bring in wheat above the tariff wall, and as long as the wheat market in this country was no higher than the world price, plus the tariff, that is, as long as there was no more than the difference of 42 cents between the two there would be absolutely no incentive for the Canadian farmer to send his wheat here, because the net price to him would be exactly the same; the amount he would realize from it would be exactly the same and it is natural for the Canadian exporter to ship to the world's consuming markets, to send it to Liverpool rather than to bring it to the American market. His cost of transportation to our markets would be a further protection. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

The pro forma amendment was withdrawn.

Mr. FORT. Mr. Chairman, I move to strike out the last two words. [Applause.]

Mr. Chairman and gentlemen of the committee, I rise because some figures which I gave to the House two weeks ago have been to-day, for the first time, challenged. The estimate of the equalization fee on this chart is substantially the estimate which, as I say, I offered to the House two weeks ago, and which has heretofore been unchallenged.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. FORT. Not at this point.

The gentleman from North Dakota [Mr. BURTNESS] has endeavored to attack this figure upon the theory that the 200,000,000 bushels of wheat which are to be exported will pay the equalization fee; but under the bill as it now reads the equalization fee is payable in the case of wheat only upon its being processed within the United States. Wheat which does not go for processing to a mill in the United States will pay no equalization fee.

Mr. BURTNESS. Will the gentleman yield? The gentleman does not claim that. The gentleman did not hear the amendment read that was adopted. The amendment that is found in the printed amendments is not the amendment adopted by the committee. It was changed purposely, because the amendment as printed the other day would have caused the situation to which the gentleman refers.

Mr. FORT. Well, if I am misinformed on that point, then I am in error as to the amendment adopted. It has been very difficult to prepare your views on a printed set of amendments that were to be offered and then have something hastily read in confusion that you could not hear. This is the first time I have realized that the amendment was changed after being printed.

It is, however, a fact that the gentleman ignores and slides over in his argument the entire question of the losses, costs, and charges of the American miller, which by this bill are guaranteed to be paid out of the equalization fund. This bill proposes in its present form that the agency set up by the Government of the United States shall take over by contract the processing of all wheat in the United States, with a guarantee to the miller against loss and a guarantee to him of his expenses and charges or profits on the milling operations. I estimated that figure moderately, as I believed then and still believe, at the sum of $16,000,000 in my previous remarks on this subject, which in and of itself is an increase of about two and a half cents a bushel on the gentleman's own figures.

In addition to that, the figures of the gentleman from North Dakota refuse to take into account any of three vital factors in this matter. They refuse to take into account any increase in the American supply through increased production, through the increase in price that it is alleged the American farmer will receive. They refuse to take into account any increase in the gross supply of wheat in the United States through the fact that foreign wheat will and can and now does come in over the tariff wall, because to a large extent that foreign wheat, with its high gluten content, is desirable at any price and will thereby force American wheat out of consumption and into export. They refuse to take the third factor into account, which is that an increase in the domestic price will certainly decrease domestic consumption and thus increase the supply for export. All of these factors by increasing the quantity for export must increase the gross losses and the consequent fee. When to these items is added the expenses of the board in administering the equalization fund, paying experts and the like, the 23-cent figure will not prove too large on a normal crop and will be inadequate on a large one. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

The Clerk concluded the reading of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the Clerk may be directed to renumber the sections.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. TINCHER. Mr. Chairman, I desire to offer as a substitute for the bill the bill which I introduced and which was provided for in the rules.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: Strike out all after the enacting clause and insert:

FARM ADVISORY COUNCIL

SECTION 1. (a) There is hereby established a Federal farm advisory council (hereinafter referred to as the council) to consist of three members from each of the 12 Federal land-bank districts. The members of the council from each district shall be elected by bona fide farm organizations and cooperative marketing associations in such district at a convention of representatives of such organizations and associations, to be held at the office of the Federal land bank in such district or at such other place, in the city where such Federal land bank is located, to which the convention may adjourn.

(b) The Secretary of Agriculture shall annually, with the advice of such farm organizations and cooperative marketing associations as he deems to be representatives of agriculture, (1) fix the date on which such conventions shall be held, (2) designate the farm organizations and cooperative marketing associations in each district eligible to take part in such conventions, and (3) designate the number of representatives and the number of votes to which each such organization or association shall be entitled. In the case of farm organizations and cooperative marketing associations having members in more than one district such organizations and associations shall certify to the Secretary of Agriculture the district in which they shall cast all of their votes and such organizations and associations shall not vote in conventions in other districts. The Secretary of Agriculture shall mail, at least 30 days prior to the date on which a convention is to be held to each organization and association eligible to participate in such convention, notice of the date and place of such convention. The conventions first held after the date of the enactment of this act shall be held within 60 days after such date. The Secretary of Agriculture shall prescribe uniform regulations for the procedure at such conventions and for the proper certification of election of the members of the council.

(c) The term of office of each member first elected shall expire one year from the date of his election, and the term of office of all successors shall expire one year from the date of the expiration of the preceding term. Any member in office at the expiration of the term for which he was elected may continue in office until his successor takes office.

(d) The members of the council shall serve without salary but may be paid by the farmers' marketing commission (established in section 3 and hereinafter referred to as the commission) a per diem compensation of $20 for attending meetings of the council. Each member shall be paid by the commission his traveling expenses to and from the meetings of the council and his actual expenses while engaged upon the business of the council.

SEC. 2. The council shall—

(a) Meet as soon as practicable after the enactment of this act and select a chairman, secretary, and such other officers as it deems necessary.

(b) Nominate to the President 18 individuals eligible, under subdivisions (d) and (e) of section 4, for appointment to the commission.

(c) Meet thereafter at least once a year at a time and place designated by the Secretary of Agriculture, or upon call of the Secretary.

(d) Nominate to the President three individuals eligible, under subdivisions (d) and (e) of section 4, for appointment to the commission to fill any vacancy occurring in the commission.

(e) Submit to the commission such recommendations, and cooperate with the commission in such manner as the council deems most effective to carry out the purposes of this act.

FARMERS' MARKETING COMMISSION

ESTABLISHMENT

SEC. 3. There is hereby established a commission to be known as the farmers' marketing commission (hereinafter in this act referred to as the commission), and to be composed of seven members as follows:

(a) The Secretary of Agriculture; and

(b) Six members (one to be designated as chairman) appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated, as provided in section 2.

APPOINTMENT AND QUALIFICATIONS OF MEMBERS

SEC. 4. (a) The term of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President, two at the end of the second year, two at the end of the fourth year, and two at the end of the sixth year after the date of the enactment of this act. A successor to an appointed member shall be appointed by the President, by and with the advice and consent of the Senate, from the individuals nominated, as provided in section 2, for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

(b) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

(d) The appointment of the members shall be made with due regard to the knowledge and experience of (1) one appointee in the production and cooperative marketing of livestock, (2) one in the production and cooperative marketing of grain, (3) one in the production and cooperative marketing of dairy products, (4) one in the production and cooperative marketing of cotton, (5) one in the production and cooperative marketing of tobacco, and (6) one in the production and cooperative marketing of fruits, vegetables, and poultry.

(e) Each of the appointed members shall be a citizen of the United States, shall not actively engage in any business, vocation, or employment other than that of serving as a member of the commission, and shall receive an annual salary of $12,000, payable monthly, together with actual and necessary traveling and subsistence expenses while engaged away from the principal office of the commission on business required by this act.

(f) Vacancies in the commission shall not impair the powers of the remaining members to execute the functions of the commission, and a majority of the appointed members shall constitute a quorum for the transaction of the business of the commission.

GENERAL POWERS OF THE COMMISSION

SEC. 5. The commission—

(a) Shall maintain its principal office in the District of Columbia.

(b) Shall have an official seal, which shall be judicially noticed.

(c) Shall make an annual report to the Congress.

(d) May make such regulations as are necessary to execute the functions vested in it by this act.

(e) May (1) appoint and, in accordance with the classification act of 1923, fix the salaries of a secretary and such experts and, subject to the provisions of the civil service laws, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and as may be provided for by the Congress from time to time. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

SPECIAL POWERS AND DUTIES

SEC. 6. (a) The commission shall meet at the call of the chairman at least weekly, and at such other times as the chairman or the Secretary of Agriculture deems advisable.

(b) The commission is authorized—

(1) To keep continuously advised upon agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in agricultural products or derivatives or fabrications thereof.

(2) To determine by surveys made upon petition by any cooperative marketing association whether there exists or may exist during the ensuing 12 months a surplus in excess of normal domestic requirements of any agricultural commodity handled by such association and report its findings.

(3) Upon its own initiative or upon petition of any cooperative marketing association, to call into conference cooperative marketing associations engaged in the handling of the same commodity or commodities with a view to assisting in the organization by such cooperative associations of a national or regional duly incorporated cooperative marketing association, to act as the common marketing agent of such cooperative associations, in the interest of the producers of such commodity or commodities.

(4) Upon petition of any cooperative marketing association handling a surplus commodity to confer and advise with such association with respect to—

(a) The disposition and marketing of such commodity, including agricultural, commercial, financial, and legal matters which, in the opinion of the commission, affect interstate or foreign commerce in such commodity.

(b) The holding of conferences between such association and one or more other cooperative marketing associations handling such commodity, and/or nonmember producers of such commodity upon the production of such commodity during the ensuing 12 months in order to secure the volume of production required in the public interest.

(c) The negotiation of agreements between such association and one or more other cooperative marketing associations handling such commodity, and between such association or associations and nonmember producers of such commodity providing for the establishment of pools, exchanges, special funds, or other cooperative undertakings in prevention or disposition of a surplus of such commodity.

(5) To make loans to any cooperative marketing association, or to any cooperative association created by two or more of such cooperative marketing associations to act as a common agent in marketing any agricultural commodity. Such loans may be either secured or unsecured and may be made to assist in the orderly marketing of the products of such associations or for the acquirement of properties and facilities, or for both, or for any purpose not in conflict with the intent and purposes of this act, and upon such terms and conditions as the commission may prescribe, subject to the following conditions and limitations:

(a) In the making of loans the commission shall exercise care and diligence to satisfy itself that there is a reasonable prospect of repayment.

(b) That in case other or additional provisions for payment are not prescribed by the commission, any association receiving a loan shall provide for the payment thereof, including interest thereon, in a manner approved by the commission, during a period not exceeding 33 years.

(c) That any association receiving a loan shall submit such reports of its transactions and audits of its accounts as the commission may prescribe, but such information shall not be disclosed by the commission or any member or employee thereof except upon a demand of Congress or an order of a court of competent jurisdiction.

SEC. 7. (a) That for the purpose of making loans in accordance with the provisions of this act there is hereby authorized to be appropriated, to be available until expended, the sum of $100,000,000. All expenditures and use of the money appropriated shall be made by and under the authority of the commission.

(b) That for the expenses in the administration of the functions vested in the commission by this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be available to the commission for such expenses incurred prior to July 1, 1927.

SEC. 8. There is hereby established in the Treasury a fund to be known as the farmers' marketing commission loan fund, and all amounts repaid or collected upon loans made by the commission shall be converted into such fund and are reserved, set aside, and appropriated to be available, until June 30, 1963, for the use of the commission in making such loans as provided for in this act.

DEFINITIONS

SEC. 9. As used in this act—

(a) The term "agricultural commodity" includes livestock, grain, dairy and poultry products, cotton, tobacco, nuts, fruits, and vegetables.

(b) The term "surplus commodity" means an agricultural commodity in respect of which a surplus has been determined as provided in section 6.

(c) The term "cooperative marketing association" as used herein means any association of producers that is operating in accordance with the act of February 18, 1922, entitled "An act to authorize association of producers of agricultural products (ch. 57, 42 Stat. L. p. 388).

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 10. (a) Any governmental establishment in the executive branch of the Government is authorized to act as agent of the commission in the administration of functions vested in it by this act. The commission may, in cooperation with any such governmental establishment, avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

(b) The President may by Executive order direct any such governmental establishment to furnish the commission with such information and data pertaining to the functions of the commission as may be contained in the records of such governmental establishment. The order of the President may provide such limitations as to the use of the information and data as he deems advisable.

(c) The commission may cooperate with any State or Territory, or department, agency, or political subdivision thereof, or with any person.

RESERVATION TO RIGHT TO AMEND

SEC. 11. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this act.

SEPARABILITY OF PROVISIONS

SEC. 12. If any provision of this act is declared unconstitutional or the applicability thereof to any person, commodity, or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons, commodities, and circumstances shall not be affected thereby, and nothing contained in this act is intended, nor shall be construed, to modify or repeal any of the provisions of the act of February 18, 1922, entitled "An act to authorize association of producers of agricultural products" (ch. 57, 42 Stat. L. p. 388).

SHORT TITLE

SEC. 13. This act may be cited as the "Agricultural act of 1926."

Mr. TINCHER. Mr. Chairman, I ask unanimous consent, on account of the lateness of the hour, that the amendment may be considered as pending; that it be printed in the RECORD and the further reading be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the reading of the amendment be waived but that it be printed in the RECORD for the information of the House. Is there objection?

Mr. RAMSEYER. Reserving the right to object, is this amendment the identical Tincher bill (H. R. 11618)?

Mr. TINCHER. It is.

Mr. HAUGEN. I reserve a point of order on the amendment.

Mr. CHINDBLOM. Mr. Chairman, I ask for the regular order, and that means that a point of order can not be reserved.

Mr. HAUGEN. Then we must have the amendment read.

Mr. CHINDBLOM. Oh, no.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. DOWELL. Mr. Chairman, I want to reserve a point of order on the first amendment.

The CHAIRMAN. The request of the gentleman from Kansas is pending, and until that is disposed of there is nothing in order. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOWELL. Now, Mr. Chairman, I make the point of order that the amendment of the gentleman from Kansas is not in accordance with the rule adopted by the House. The rule adopted by the House provides that the substitute consisting of certain bills would be in order for the entire bill before the House.

Mr. ASWELL. That is what this is.

Mr. DOWELL. No; the amendment offered by the gentleman from Kansas is to strike out all after the enacting clause. But under the rule you will note that the entire bill may be offered as a substitute. This is not in accordance with the strict construction of the rule.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. DOWELL. Certainly.

The CHAIRMAN. In what other way can a substitute be offered?

Mr. DOWELL. Only under the provisions of the rule would it be in order; otherwise it is not germane.

The CHAIRMAN. In what other way is a substitute in order than to strike out all after the enacting clause?

Mr. DOWELL. Except by this rule no other amendment could be offered, but this provides that the bill No. 11618 may be offered as a substitute. The ordinary rules of the House would not permit it. Listen to the reading of the rule:

After the reading of such bill and amendments it shall be in order to offer H. R. 11618, the Tincher bill, or H. R. 11609, the Aswell bill.

These are complete. Under the amendment of the gentleman from Kansas he only offers a substitute striking out all after the enacting clause. The question before this committee now is, Is this offer of an amendment in accordance with the rule? It is the entire Tincher bill, H. R. 11618, and under no other construction can the Chair hold that it is in order.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. GARRETT of Tennessee. Let us see whether we have the facts straight. I understand that the gentleman from Kansas offers the bill in this way: He moves to strike out all after the enacting clause of the Haugen bill and substitute therefor the Tincher bill.

Mr. DOWELL. It is not in order.

Mr. GARRETT of Tennessee. Why is it not in order?

Mr. DOWELL. Because the enacting clause of the Haugen bill which is now before the House is the thing that carries the Haugen bill wherever it goes. There is an enacting clause to the Tincher bill, which is a separate bill, and which under the strict construction of this rule can be only offered as such. That is why I am raising the question.

Mr. GARRETT of Tennessee. Then the question revolves around the enacting clause?

Mr. DOWELL. The question is whether you are going to offer it as an entire bill, as provided in the rule, or whether you are going to offer it as a part or as an amendment to the other bill? There is another point I wish to make. This rule also specifically states in what manner this may be amended and carries specifically the method under which this action may be taken.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. TILSON. Suppose the gentleman should succeed in his contention, are not the two enacting clauses here the same? One is exactly like the other. What would the gentleman gain if he retained the enacting clause of the Haugen bill? It is the difference between tweedledum and tweedledee, even if the gentleman's contention is correct.

Mr. DOWELL. Then why should he not offer his amendment in accordance with this rule?

The CHAIRMAN. The Chair is ready to rule. The purpose of the special rule, or that part of it which is pertinent to this point of order, as the Chair understands it, is to make either the Tincher bill or the Aswell bill in order as substitutes to the Haugen bill, notwithstanding the rules of the House in respect to germaneness. The special rule simply says that it shall be in order to offer the Tincher bill as a substitute to the Haugen bill, notwithstanding the provisions of clause 7 of Rule XVI. The rules of the House provide the manner of offering a substitute. It is a common practice in Committee of the Whole to offer bills as substitutes, and in doing so the common and accepted motion is to strike out all after the enacting clause and insert. The Chair does not think that this special rule changes the ordinary rule of the House of Representatives in that respect, nor that it was the purpose of the special rule to do so. There is no reason why it should be necessary to change the ordinary and accepted form of making a motion to substitute one bill for another, and in the opinion of the Chair the special rule does not attempt to do so. The Chair, therefore, overrules the point of order.

Mr. ASWELL. Mr. Chairman, I offer as a substitute the bill H. R. 11606 for the Haugen bill, and ask unanimous consent that the bill may be printed to-night for the information of the Members of the House.

Mr. DOWELL. Mr. Chairman, I make the further point of order as to this, that only one substitute for the Haugen bill can be offered at a time. The gentleman's motion is out of order, and the motion to substitute is not in order.

Mr. RAMSEYER. Mr. Chairman, I do not think there will be any objection to having it printed in the RECORD for information.

Mr. CANNON. Mr. Chairman, if the gentleman wishes it to be printed for the information of the House, there will be no objection to it, but I make the point of order that he can not offer it as a substitute at this time.

Mr. ASWELL. Mr. Chairman, I am asking to have it printed for the information of the House, and may I inquire whether it is in order now for me to offer it as a substitute?

The CHAIRMAN. The Chair thinks that the plain intention of the rule is that it should be in order to offer the bill at any time as a substitute for the amendment.

Mr. ASWELL. Then I offer it now, and ask that it be printed to-night.

The CHAIRMAN. The Chair has not completed his statement. It would be in order to offer it as a substitute to the substitute offered by the gentleman from Kansas [Mr. TINCHER]. The Chair thinks that such a motion by the gentleman is in order.

Mr. CANNON. Mr. Chairman, if that is the ruling of the Chair, I would have to appeal from the decision of the Chair.

Mr. BURTNESS. Mr. Chairman, in the event one substitute is offered as an amendment to the Tincher bill then, I take it, it will be subject to the general rules of the House upon the question of whether it is a germane amendment to the substitute.

The CHAIRMAN. The Chair does not understand the gentleman from North Dakota.

Mr. BURTNESS. Mr. Chairman, in the event the so-called Aswell bill were now offered either by way of amendment or in any other formal way to the so-called Tincher bill, which is pending as a substitute, then I take it it would at least be subject to the general rules of the House upon the question of whether it is a germane amendment to the Tincher bill if it is offered as an amendment; and if it is offered as a substitute, then it would be subject also to the general rules of the House.

The CHAIRMAN. The Chair assumes the gentleman from Louisiana offers it as a substitute to the Tincher bill.

Mr. RAMSEYER. Mr. Chairman, I make the further point of order as to the germaneness to the Tincher bill.

Mr. DOWELL. Mr. Chairman, the rule makes no provision for a substitute for the Tincher bill. It provides it may be substituted for the Haugen bill.

The CHAIRMAN. Let us take one point at a time. The rule provides after the reading of the Haugen bill it shall be in order to offer the Tincher bill or the Aswell bill as a substitute for the Haugen bill or the Tincher bill for the Aswell bill or the Aswell bill for the Tincher bill.

Mr. SNELL. Mr. Chairman, I think I can explain what the Committee on Rules intended by the rule. It was intended that one of these bills, either the Tincher bill or the Aswell bill, shall be submitted as a substitute. After that was voted on, if it was adopted, you could then submit the other bill as a substitute for that bill or submit it as a substitute for the main Haugen bill; but both substitutes were not to be before the House at the same time to be voted on. [Applause.]

The CHAIRMAN. The Chair thinks the language of the rule does not properly state the intent of the committee if that was its purpose.

Mr. SNELL. That was the understanding.

Mr. CANNON. I would like to know if the Chairman has held that the substitute offered by the gentleman from Louisiana is now in order as a substitute for the Tincher bill. Was that the holding of the Chairman on that point, or did he merely offer it for information to be printed in the RECORD? If the Chair has not decided, I will reserve the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman——

The CHAIRMAN. The Chair will be glad to hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. If I may venture the statement, it does not seem to me there ought to be any great trouble about straightening out this tangle. I think the gentleman from New York has correctly stated what the Committee on Rules had in mind. The Committee on Rules desired to give to this House the same opportunity that the Committee on Agriculture had [laughter]; that is, to pass on all three of these bills.

Mr. SNELL. Exactly correct.

The CHAIRMAN. May the Chair ask the gentleman from Tennessee a question?

Mr. GARRETT of Tennessee. But the Committee on Agriculture passed the buck to the Committee on Rules, and the Committee on Rules is giving the House its opportunity. [Laughter.] Now, Mr. Chairman, there is no occasion for trouble about the matter. If the Tincher amendment, which is offered and is now pending, shall be voted up, then undoubtedly it will be in order for the gentleman from Louisiana to offer his amendment. I do not know that it is in order for them both to be pending at the same time.

The CHAIRMAN. Will the gentleman from Tennessee allow the Chair to ask him a question?

Mr. GARRETT of Tennessee. Certainly.

The CHAIRMAN. It being the intent of the Committee on Rules, as the Chair takes it from the statement of the gentleman from Tennessee and also of the gentleman from New York, to give the Whole House on the state of the Union a chance to consider both the Tincher bill and the Aswell bill, how, unless the Chair rules that this substitute is now in order, will the committee have that chance, provided the motion of the gentleman from Kansas [Mr. TINCHER] offering his bill as a substitute is voted down?

Mr. GARRETT of Tennessee. The rule takes care of the situation. If that is voted down, then it will be in order to offer the Aswell bill as a substitute for the Haugen bill.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. Will the gentleman from Tennessee allow the Chair to ask him another question?

Mr. GARRETT of Tennessee. Certainly.

The CHAIRMAN. The gentleman undoubtedly answered correctly the question submitted by the Chair, but the Chair had this question more especially in mind: Suppose the substitute of the gentleman from Kansas is voted up; that is, suppose his substitute is adopted. Then under the rules of the House, as the Chair understands them, it is his duty to submit the question, Shall the Haugen bill, as substituted by the Tincher bill, be adopted? Then no further amendment would be in order, and the House would never have an opportunity to pass upon the Aswell bill.

Mr. GARRETT of Tennessee. That would be true, Mr. Chairman, under the general rules of the House, but the Committee of the Whole is operating, and the House will operate, under this special rule, which is very peculiar, because it had to deal with a very peculiar situation, and it was the intent of the Committee on Rules to see that an opportunity was given to pass upon every one of these propositions. Therefore I think it was the idea of all the members of the Committee on Rules that whichever of these propositions should be first offered, whether the Tincher bill or the Aswell bill, no matter how the vote might be upon that, it should then be in order to offer the other, whether it was voted up or voted down.

Mr. SNELL. That exactly is the intention of this rule.

The CHAIRMAN. It seems to the Chair that this is the situation: That, conceding the intention of the committee to be as stated both by the gentleman from New York [Mr. SNELL] and the gentleman from Tennessee [Mr. GARRETT], it is necessary for the Chairman to exercise some latitude one way or the other in order to make this special rule work, no matter which horn of the dilemma is taken. Under the interpretation of the special rule by the gentleman from New York and gentleman from Tennessee the ordinary rule of the House just referred to must be overlooked. Under the interpretation put upon the rule by the Chair the technical rule that two substitutes can not be pending at the same time must be overlooked. In order to put these two substitutes—that is, the Tincher and Aswell bills—on an equal footing it seems to the Chair that they have got to be before the House at the same time. It would be unfair to one to allow the other to go before the House and be perfected and voted upon as a substitute before the House knows what the first will be like when it has been perfected by amendment. The special rule is not altogether clear to the Chair, but he thinks that a fair interpretation of it is that both substitutes ought to be allowed to be pending at the same time. The Chair will state that he has no pride of opinion on this question if the committee desires to overrule him.

Mr. TINCHER. Mr. Chairman, I hope that the House will permit the ruling of the Chair to stand. I want to be fair with my colleagues. Doctor ASWELL suggested to me that he would like a vote on his substitute first. I thought it over from every angle and I made up my mind that I would just as soon vote on his bill first as not, and I voted for the reporting of the Haugen bill under the theory that the gentleman from Louisiana would try to substitute his bill for that bill. I think he can do so under the rule, and I had a reason to think that he could offer it that way. I make this statement in order that the gentleman may know that I have had no notion of taking any advantage of him in a parliamentary way.

Mr. TILSON. Mr. Chairman, it seems that the gentleman from Kansas [Mr. TINCHER] and the gentleman from Louisiana [Mr. ASWELL] have together tried to find out what the situation would be and have agreed with one another that this should be the order. If so, it seems in fairness to all that the gentleman from Kansas, if he wishes to, in order to make good his promise to the gentleman from Louisiana, might withdraw his amendment and offer it after action had been taken on the other.

Mr. TINCHER. No. I think the reading of the rule is to the effect that he would offer his bill as a substitute for mine.

Mr. DOWELL. No, Mr. Chairman; it seems to me that that is not a correct statement. The substitute of the gentleman from Louisiana is a substitute for the Haugen bill now pending.

Mr. TILSON. Was it the joint intention of the gentleman from Kansas and the gentleman from Louisiana that the gentleman from Louisiana should have his substitute voted on first?

Mr. TINCHER. Yes.

Mr. TILSON. In order to be fair to all parties, it seems to me that the gentleman from Kansas should withdraw his substitute and let the gentleman from Louisiana offer his to be considered first.

Mr. TINCHER. The Chair has just ruled that he could offer it.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. Will the Chair state which of these propositions will first be voted on, in order to know whether the intention of the two gentlemen can be carried out?

The CHAIRMAN. The amendment offered by the gentleman from Louisiana and the substitute of the gentleman from Kansas are to be voted on first.

Mr. CANNON. Mr. Chairman, I have an appeal pending.

Mr. ASWELL. Mr. Chairman, can my substitute be offered as a substitute for the Tincher bill, or for the Haugen bill?

The CHAIRMAN. For the Haugen bill. The gentleman from Missouri desires to appeal from the ruling of the Chair that the substitute of the gentleman from Louisiana may be offered as a substitute for the amendment offered by the gentleman from Kansas [Mr. TINCHER].

Mr. CANNON. Mr. Chairman, in raising this point of order I am prompted solely by a sincere interest in the integrity of the proceedings of this House. Speaking seriously, in the reporting and consideration of farm legislation in this session of Congress less regard has been shown for basic principles of parliamentary law than in any legislative body in the history of the world since Oliver Cromwell organized his Rump Parliament. [Applause.]

We have pending here three separate and complete bills, brought up for consideration in a manner in which no legislation has ever been brought before the House since Speaker Muhlenberg presided over the First Congress in 1789. The Committee on Agriculture, after long deliberation, in pursuance of what is apparently a carefully laid plan, and in violation of the oldest practice of the House, reported out simultaneously for the first time in the history of the Congress three bills on the same subject without preferential recommendation of any kind. And when I rose to a question of privilege to protest against this flagrant disregard for the law of the House, recognition was refused on the ground that it was Calendar Wednesday, although every Speaker previously presiding over the House since the rule was adopted has held without exception that a question of privilege takes precedence over business in order on Calendar Wednesday, and I was denied an appeal. And now under this remarkable decision of the Chair you have two substitutes pending to the same text at the same time. In all the 150 years of the parliamentary history of this House I challenge any Member to point to any occasion or to cite any precedent in which this exceptional situation has obtained. But, in view of the manifest determination to gavel the program through and in response to the urgent request of my friend the gentleman from Kansas [Mr. TINCHER] I withdraw my appeal with the anxious hope that it will not in the future be considered a precedent to be followed.

The CHAIRMAN. The question is on the unanimous-consent request of the gentleman from Louisiana that his bill may be printed in the RECORD without reading. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. As I understand it, two substitutes are now pending. Under the ruling of the Chair, are both of those substitutes subject to germane amendments—that is, is each of the substitutes subject to germane amendments?

The CHAIRMAN. The Chair so understands. The Chair will answer the gentleman from North Dakota further by stating that under the general rules of the House it is in order to offer an amendment to a pending proposition, an amendment to the amendment, an amendment in the nature of a substitute, and one amendment to the substitute. These four motions may be pending at the same time. The Chair will say, partly in answer to the gentleman from Missouri, that, as he understands the rule, it is that one substitute may be offered and that a motion may then be made to strike out all after the first word of the substitute. In that way the rule which provides that two substitutes can not be pending at the same time for all practical purposes is evaded. It amounts to the same thing, in practical effect, to strike out all after the first word and substitute another bill as it does to move to substitute the other bill. The Chair thinks that under this particular rule and the general situation with which we are confronted here it would be only a difference between tweedledee and tweedledum to say that the two propositions may not be pending at the same time as substitutes, and therefore he has made the ruling that he has—that under the rule making this legislation in order the two substitutes may be pending at the same time.

Mr. CANNON. If the Chair will permit, this is the rule: There may be pending at the same time an amendment, an amendment to the amendment, a substitute, and an amendment

to the substitute, and nothing else in the nature of either a substitute or an amendment. Two substitutes have never been permitted under any circumstances. The very situation which the Chairman has mentioned marks the utter senselessness of this iconoclastic procedure. What is to be gained by admitting two substitutes simultaneously? If you permit parliamentary law to govern and admit one substitute, then whether it is voted up or whether it is voted down you can still offer the other substitute under this rule. Why not proceed in an orderly way, when the same results may be obtained without doing violence to the fundamental practice of the House?

The chairman of the Committee on Rules says that was the purpose of the rule. The minority leader so interprets the rule and the majority leader suggests that procedure. Had the rule contemplated so radical a departure from the practice of the House it would have specified that the two substitutes were to be admitted simultaneously. Certainly there is much to be lost and nothing whatever to be gained by this unprecedented procedure.

Mr. CRAMTON. Will the gentleman from Missouri yield? If not, I ask recognition to make this observation: The Chair, as well as the House, is bound by the particular rule that has been adopted, and not by what was in the mind of some members of the Committee on Rules. That rule specifically and directly says that the Tincher bill can be offered as a substitute for the Aswell bill or the Aswell bill offered as a substitute for the Tincher bill. And, if the Chair will permit, the Chair has only followed the plain and exact language of a special rule adopted by this House, and he could do nothing else.

Mr. CANNON. Mr. Chairman, I ask to be Leard. I am entitled to be heard in reply to the gentleman from Michigan.

The CHAIRMAN. The Chair will say that there is nothing before the House. [Cries of "Regular order!"]

Mr. RAMSEYER. Mr. Chairman, when the gentleman from Louisiana offered his bill I reserved a point of order because it was not germane to the Tincher bill, and I do not want in this hubbub to have the RECORD not disclose the fact that I am reserving that point of order.

The CHAIRMAN. The gentleman's point of order will be reserved.

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry. May I ask the gentleman from Louisiana if this is the identical bill reported by the Committee on Rules?

Mr. ASWELL. I beg the gentleman's pardon. I did not hear the gentleman.

Mr. DOWELL. Is the substitute that the gentleman has offered to be printed in the RECORD the identical bill that was before the Committee on Rules and reported by the Committee on Rules?

Mr. ASWELL. With an amendment.

Mr. RAMSEYER. Then I make a point of order, Mr. Chairman. It has to be the identical bill under the rule, and I make the further point of order——

The CHAIRMAN. The Chair is ready to rule on that point. The Chair thinks the only bill that is in order under the rule is the identical bill mentioned in the rule.

Mr. ASWELL. May I state, Mr. Chairman, if there is any question about it I will print the identical bill.

The CHAIRMAN. In the judgment of the Chair the only bill that is in order under the rule is the bill mentioned by the rule.

Mr. DOWELL. Offering a bill and then printing another bill is not in order.

Mr. KINCHELOE. The gentleman says he will offer the identical bill.

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. The Chair would like to straighten out this situation before recognizing the gentleman. The Chair understood that the gentleman from Louisiana was offering the identical bill mentioned in the rule.

Mr. ASWELL. I am offering that, and I have asked to have it printed in the RECORD.

The CHAIRMAN. That is the bill the gentleman asked unanimous consent to have printed in the RECORD without being read.

Mr. FULMER. Mr. Chairman, that is not the bill. The gentleman acknowledges he has an amendment to the original bill.

The CHAIRMAN. Of course the gentleman from Louisiana is the only man who knows; and if the gentleman says it is the original bill, it will be the original bill.

Mr. ASWELL. It will be, Mr. Chairman.

The CHAIRMAN. And the reading clerk informs the Chair he has the original bill.

Mr. COOPER of Wisconsin. Is the gentleman offering that bill and nothing else?

The CHAIRMAN. Yes; so far as the Chair is advised, and that is the only thing the Chair has ruled upon. In the judgment of the Chair any other bill, or any amendment to the bill, or any other amendment, will be subject to the rule of germaneness, to be passed upon when the time comes.

Mr. RAMSEYER. Mr. Chairman, a point of order. I renew my reservation of a point of order to the offering of the Aswell bill as an amendment to the Tincher bill as not germane, and I merely reserve that.

The CHAIRMAN. The Chair overrules that point of order.

The Aswell bill is as follows:

A bill (H. R. 11606) to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes

Be it enacted, etc.—

TITLE I. NATIONAL FARM MARKETING ASSOCIATION

ORGANIZATION

SECTION 1. For the purpose of (a) promoting and stimulating the orderly flow of agricultural commodities in interstate and foreign commerce, (b) removing direct burdens and undue restraint upon such commerce in such commodities, and (c) providing for the processing, preparation for market, handling, pooling, storing, and marketing in such commerce of agricultural commodities through cooperative marketing associations, 12 individuals, 4 to be named by the Farmers' Educational and Cooperative Union of America, 4 by the National Grange and Patrons of Husbandry, 4 by the American Farm Bureau Federation, and the members elected to succeed them, as hereinafter provided, are hereby incorporated and declared to be a body corporate under the name of the National Farm Marketing Association (referred to in this act as the "national association"). The incorporation shall be held effected at such time as the 12 individuals named by the organizations have tendered their acceptances to the President, as ascertained and specified by him by Executive order. Such individuals shall be the incorporators.

GENERAL POWERS

SEC. 2. The national association—

(a) Shall have perpetual succession;

(b) May sue and be sued in its corporate name;

(c) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure;

(d) Shall have its principal office in the District of Columbia;

(e) May make contracts;

(f) May acquire, hold, or dispose of property necessary for the carrying out the purposes of the association;

(g) May appoint, fix the compensation of, and remove without prejudice to contract rights such officers, employees, and agents as are necessary for the conduct of the affairs of the national association. Such officers, employees, and agents may be either individuals, partnerships, corporations, or associations. Each such officer, employee, or agent responsible for the handling of money or the custody of agricultural commodities shall give bond in such amount, with such penalties and upon such terms as the national association shall determine;

(h) May accept the services of any person without compensation;

(i) May adopt, amend, and repeal regulations;

(j) Shall have such powers not specifically denied by law as are necessary and proper to conduct, under this act and in accordance with approved business methods, the business of cooperatively processing, preparing for market, handling, pooling, storing, and marketing agricultural commodities or such further business as is necessary and incidental thereto.

SPECIAL POWERS

SEC. 3. The national association is authorized—

(a) To provide or approve systems of accounting for local and interstate zone organizations organized under Title II;

(b) To provide a system of reporting and disseminating crop and marketing information for the benefit of such interstate zone organizations;

(c) To advise with the members of such organizations as to the diversification of production of agricultural commodities and as to the increase or decrease of production necessary to provide an adequate supply of the commodity without causing either an undue surplus or shortage of production;

(d) To determine, subject to the approval of the interstate zone directors, the annual budget and necessary supplements thereto and the receipts and expenditures of the association;

(e) To provide jointly with the interstate zone organization for the commodity assessment against members of interstate zone organizations of fees sufficient (1) to meet the expenditures of the national association and the interstate zone organizations authorized in any approved budget, (2) to repay all loans and interest thereon provided for in section 301, and (3) to establish a reserve fund in such amount as both the members of the national association and the interstate zone organizations determine to be necessary to enable it most effectively to execute the functions vested in it by this act;

(f) To acquire, construct, maintain, and dispose of, or acquire the rights of operation of (1) storage warehouses for agricultural commodities, (2) terminal facilities for transportation (otherwise than as a common carrier) in connection with the storage and distribution of such commodities, and (3) facilities for processing such commodities.

BOARD OF DIRECTORS

SEC. 4. (a) Except as otherwise specifically provided, the board of directors (referred to in this act as the "national board"), to be composed as hereinafter provided in this section, shall, through the interstate zone directors, direct the exercise of the functions vested in the national association.

(b) The first board of directors shall be composed of seven members, one of whom shall be a fiduciary officer of the United States designated by the President, and six of whom shall, within one month after the incorporation is effected, be elected from their own number by the incorporators, but each of the three organizations named in section 1 shall have two representatives as directors on the first board. Of the six elected members of the board of directors, two shall be elected for a term of one year, two for two years, and two for three years. A successor to the director designated by the President shall be likewise designated by him. Successors to the elected directors, except those elected to fill unexpired terms of directors, shall be elected for a term of three years by the members of the national association in the manner provided in section 7.

(c) A vacancy in the office of an elected director may be filled by the remaining directors until, at the next annual meeting of the members of the national association, a successor is elected to fill the unexpired term of such office and is qualified. Any such vacancy shall not impair the powers of the remaining directors to execute the functions of the national board. A majority of the directors shall constitute a quorum for the transaction of the business of the national board.

(d) Each elected director shall receive a salary to be fixed by such members and shall hold office until his successor is elected and qualified.

(e) The director designated by the President shall not receive compensation from the association for his services as director, other than pay for necessary expenses incurred by him while acting as a director, and upon repayment by the national association of the loan and interest thereon provided in section 301, his term of office as director shall be terminated.

(f) There shall be but six elected directors, unless by a two-thirds vote of the members of the national association such number is increased, but at no time shall the number of directors exceed 13.

MEMBERS OF NATIONAL ASSOCIATION

SEC. 5. (a) The incorporators shall be the original members of the national association. Four of the incorporators shall be designated by the President by Executive order as members for a period of three years, four for a period of two years, and four for a period of one year, beginning from the date of incorporation of the association. Successors to the original members, except those elected to fill unexpired terms of members, shall be elected as provided in section 203 for terms expiring three years after the expiration of their predecessors' terms.

(b) A vacancy in the office of any member may be filled for the unexpired term of such office by election as provided in section 203.

COMMENCEMENT OF OPERATIONS

SEC. 6. The national association (1) shall begin its operations under this act in respect of such agricultural commodity or commodities as it considers best adapted to national cooperative marketing, and (2) shall, so far as it deems practicable, utilize such existing cooperative associations and other marketing agencies as are immediately available and capable of use for the purposes of this act.

DUTIES OF MEMBERS OF NATIONAL ASSOCIATION

SEC. 7. It shall be the duty of the members of the national association—

(a) To convene as provided by regulations at the call of the national board and at a place to be selected by it;

(b) To elect annually directors to the national board;

(c) To act as an advisory group on behalf of the interstate zone organizations and to supervise generally the policy of the national board;

(d) To fix the salaries of the directors of the national board and approve, with or without modifications, or disapprove, the annual budget of the national association and necessary supplements thereto;

(e) To prepare a schedule of commodity assessments which, when approved by the national board, may be levied by the interstate zone organizations upon their member organizations.

BRANCH OFFICES

SEC. 8. (a) The national association, through the interstate zone organizations, may establish such agencies or branch offices at such places as it deems advisable, either domestic or foreign.

(b) The national association shall be held an inhabitant and resident of the District of Columbia within the meaning of the laws of the United States relating to venue of civil suits and of offenses against the United States.

BOOKS

SEC. 9. The national association shall keep, at its principal office in the custody of its secretary, correct books, showing the original or a transcript of the minutes of the national board's and members' meetings, and showing the accounts of the association's business transactions.

ANNUAL REPORT

SEC. 10. The national association shall make an annual report to the Congress in respect of all loans made under authority of section 302 until such loans are repaid in full with interest.

TITLE II.—INTERSTATE ZONE COOPERATIVE MARKETING ASSOCIATIONS

ORGANIZATION

SEC. 201. In order to carry out the functions vested in it by this act, the national association is authorized to provide for the organization of interstate zone cooperative marketing organizations (referred to in this act as "interstate zone organizations") in the several States.

DUTIES OF INTERSTATE ZONE ORGANIZATIONS

SEC. 202. Each interstate zone organization shall—

(a) Annually select a board of directors of not exceeding seven, which shall direct the operations of the organization in its respective zone;

(b) By its board of directors annually select an individual as its representative to an annual convention of representatives of State associations;

(c) Organize as members of, or admit to membership in, such interstate zone organization any local cooperative association included within the provisions of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922.

ELECTION OF MEMBERS

SEC. 203. The individuals selected as representatives of the interstate zone organizations shall convene at least once each year at a place designated by the national board and shall elect the members of the national association.

Each representative shall have but 1 vote, which shall be cast in person.

REGULATION OF INTERSTATE ZONE AND LOCAL ASSOCIATIONS

SEC. 204. (a) The national association is authorized to prescribe regulations requiring—

(1) The adoption by local and interstate zone organizations of systems of accounting approved by the national association;

(2) The use by the local and interstate zone organizations of systems of reporting and disseminating crop and marketing information provided by the national association;

(3) The use by local and interstate zone organizations of approved forms of agreement under the terms of which a local association is admitted to membership in national organizations;

(4) The use by local associations of intrastate grading standards and marketing schedules not in conflict with law, to be uniform, and to be established by local associations, so that interstate standards, shipments, and marketing directed by interstate zone organizations will avoid market glutting and destructive trade conditions; and

(5) The payment by the interstate zone organization of the commodity assessments fixed under section 3.

(b) If the national association finds by a vote of two-thirds of its members that any interstate zone organization, or any local association which is a member of an interstate zone organization, has failed to comply with any regulation prescribed under this section, the national association shall adopt a resolution publishing such finding. Upon the adoption of any such resolution the interstate zone organization shall be ineligible, for such period of time as the national association may designate in the resolution, to obtain any loan provided in section 302, to be represented at an annual convention of representatives of interstate zone organizations, or to obtain the exemptions accruing to it by reason of the benefits of section 303, except that if the violation is that of a local association, the interstate zone organization shall not be held ineligible under this subdivision if, within 30 days after the adoption of the resolution, the membership of the local association in the interstate zone organization is terminated or suspended for such period of time as the national association may designate in its resolution.

OPERATING ZONES

SEC. 205. For the purpose of facilitating the marketing of any agricultural commodity, interstate zone organizations engaged in the marketing of such commodity, within such zones as the national association may designate, may consolidate their marketing operations in respect of such commodity. For the purpose of carrying out such consolidated marketing operations, the interstate zone organizations may jointly contract with or establish such organizations as they deem advisable.

TITLE III.—MISCELLANEOUS PROVISIONS

LOAN FUND FOR ORGANIZATION PURPOSES

SEC. 301. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000, which, as appropriated, shall be set aside and reserved as a revolving loan fund in the Treasury, available to the national association until December 31, 1936. Payments shall be made from such fund at the direction of the director designated by the President upon application therefor by the national board, shall bear interest at the rate of 4¼ per cent per annum until repaid from commodity assessments fixed as provided in section 3.

USE OF FUNDS

SEC. 302. (a) The moneys in such fund shall be available for loans to the national association for administration expenses of such association, including expenditures for the organization of interstate zone organizations, or in the organization by it of local associations which are members of the interstate zone organization.

(b) The national association shall prescribe regulations in respect of the repayment to or collection by such association of all loans made under subdivision (a). All moneys repaid to or collected by such association shall be covered into such fund.

APPLICATION OF ANTITRUST LAWS

SEC. 303. The national association and interstate zone organizations shall, for the purposes of this act, be deemed marketing agencies within the meaning of that term as used in the provisions of the first section of the act entitled "An act to authorize association of producers of agricultural products," approved February 18, 1922, and in the same manner and to the same extent as associations included in such act shall be subject to the provisions of section 2 thereof.

COOPERATION WITH EXECUTIVE DEPARTMENTS

SEC. 304. To foster, encourage, and promote the cooperative processing, preparing for market, handling, pooling, storing, and marketing of agricultural commodities under this act and to assist in the establishment and maintenance of interstate zone and local associations, any Government establishment in the executive branch of the Government shall, in accordance with its written request to the head of such Government establishment, cooperate with such association or with any zone association to such extent as the head of such Government establishment deems compatible with the interests of the Government.

SEPARABILITY OF PROVISIONS

SEC. 305. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

RESERVATION OF RIGHT TO AMEND

SEC. 306. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this act.

SEC. 307. This act may be cited as the "National Farm Marketing Association act of 1926."

Mr. HAUGEN. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union (reported that the committee having had under consideration the bill H. R. 11603 had come to no resolution thereon.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the so-called Haugen bill be reprinted with all of the adopted amendments for the information of the Members of the House to-morrow, so we may have before us the complete Haugen bill as amended.

Mr. NEWTON of Minnesota. Mr. Speaker, reserving the right to object, will the gentleman couple with that request a request that the amendments to the Haugen bill be printed in italics so we will know what the new language is, and that which is stricken out be printed in line type.

Mr. GARRETT of Tennessee. Further reserving the right to object, Mr. Speaker, let me ask the gentleman if he does not think it would probably be more desirable to have it printed in bill form?

Mr. VESTAL. That is what I intended, I will say to the gentleman from Tennessee. My request, Mr. Speaker, is to have it printed in bill form as if it were reported, printing in italics the amendments that have been adopted, so we may know what the amendments are.

Mr. BURTNESS. Reserving the right to object, Mr. Speaker, does not the gentleman think it would be more valuable to the House to have the bill in exactly the form it has been approved by the committee up to this time? We will have before us to-morrow three propositions, the Aswell bill, the Tincher bill, and the Haugen bill as amended to date.

Mr. VESTAL. I am asking for that.

Mr. TILSON. The way the gentleman from Indiana is preferring his request both will appear—the bill as adopted to date, together with the portion of the bill that has been stricken out.

Mr. BURTNESS. I have no objection to that.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the so-called Haugen bill be printed in bill form, showing the amendments that have been adopted since the bill first reached the floor of the House. Is there objection?

Mr. ASWELL. Mr. Speaker, reserving the right to object, I would like to include a request to print the Aswell bill with some amendments which I propose to offer later.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, if the gentleman is not going to agree to the request of the gentleman from Louisiana, I am going to object to this request.

The SPEAKER. The Chair has stated several times he would not entertain a request of this sort when coupled with an additional request by some other Member. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ASWELL. Now, Mr. Speaker, I will renew my request.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that his bill may be printed in bill form containing amendments that he proposes to offer.

Mr. HILL of Maryland. Reserving the right to object, if the Aswell bill is adopted as a substitute, will the amendments be offered to it and voted upon?

The SPEAKER. That question will be answered by the chairman of the committee.

Mr. MADDEN. I suggest that the bill of the gentleman from Louisiana be printed as it was introduced and then the amendments that are to be proposed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FARM RELIEF

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a table prepared by the Bureau of Labor Statistics in January, 1924, indicating the ratio prices of commodities for 1923, and showing the effect if the McNary-Haugen bill had been in operation and the corporation functioning in the month of December, 1923, printed on page 2 of the hearings of January 21, 1924, on the McNary-Haugen bill:

Market prices of commodities

Index of all commodities, 1905–1914	100.0
Index of all commodities, year 1923	162.3
Index of all commodities, December, 1923	159.8

Individual commodities	Average market price, 1905–1914	Average market price, year 1923	Average market price, December, 1923	Ratio price, year 1923	Ratio price, December, 1923
Cotton, upland middling	$0.120	$0.293	$0.358	$0.194	$0.191
Corn, contract grades, cash, Chicago	.602	.821	.730	.977	.962
Wheat, range of No. 1 northern spring and No. 2 red winter, Chicago	1.000	1.163	1.097	1.624	1.598
Cattle, good to choice, steers, Chicago	6.853	9.952	9.785	11.123	10.949
Hogs, heavy, Chicago	7.099	7.690	7.050	11.522	11.342
Sheep, wethers, Chicago	5.379	7.648	8.000	8.731	8.594
Flour, patents	5.127	6.365	6.100	8.322	8.192
Wool, one-fourth and three-eighths grades, scoured basis	.492	.979	.964	.799	.787

The indexed number of all commodities—1905–1914—is 100. Index number for all commodities, December, 1923, was 159.8. According to it, prices of all commodities increased 59.8. The average market price of wheat in Chicago for 1905–1914 was $1. The ratio price for December, $1.598. The average market price for December was $1.097. The price of wheat would have advanced 50.1. In other words, eliminating the decimals, the farmer would have received $1.59 for his wheat instead of $1.09, an increase in price of 50 cents a bushel. If the corporation had estimated the number of bushels required for domestic consumption at 800,000,000 bushels and the surplus for export

at 150,000,000 bushels and the loss on the exportable surplus at 50 cents a bushel, or $75,000,000, it would have found it necessary to withhold or collect $75,000,000 from all purchases, or 10 cents a bushel on the whole crop. If so, the farmer would have received $1.49 in cash and a receipt for 10 cents, instead of $1.09, the amount which he received.

If the bill had been in effect the 1st of last December, according to the table furnished by the Department of Labor just referred to, the indexed number of all commodities of December, 1923, was 159.8. The current price of hogs in December was $7.05; the ratio price would have been $11.34, and the price of hogs would have been increased $4.29, or about 60 per cent.

Suppose there had been declared a special emergency on butter the 1st of May. The current price in New York, 35¼ cents to 36½ cents, say 36 cents, extra creamery, score 92, would have advanced to 45 cents, or 9 cents a pound, which is 25 per cent increase over 36 cents.

Also a table furnished in April, 1926, indicating the ratio price of commodities for April, 1926:

Index of all commodities, 1905–1914	100. 0
Index of all commodities, year 1924	158. 1
Index of all commodities, March, 1926	160. 0

Individual commodities	Average market price, 1905–1914	Average market price, year 1924	Average market price, March, 1926	Ratio price, year 1924	Ratio price, March, 1926
Butter, extra, New York	$0. 285	$0. 427	$0. 429	$0. 459	$0. 456
Cotton, upland middling, New York	.120	.287	.194	.189	.191
Corn, contract grades, cash, Chicago	.602	.972	.741	.952	.963
Wheat, range of No. 1 northern spring and No. 2 red winter	1. 000	1. 301	1. 651	1. 582	1. 601
Cattle, good to choice, steers, Chicago	6. 853	9. 669	9. 690	10. 835	10. 965
Hogs, heavy, Chicago	7. 069	8. 488	11. 490	11. 223	11. 358
Sheep, wethers, Chicago	5. 379	8. 391	9. 150	8. 505	8. 607
Flour, patents, Minneapolis	5. 127	7. 191	8. 805	8. 106	8. 204
Wool, one-quarter and three-eighths grades, scoured basis, Boston	.492	.997	.873	.778	.788

Index union scale of wages, 1905–1914	100. 0
Index union scale of wages, May, 1924	245. 3
Index union scale of wages, May, 1925	255. 8

Also a table furnished in February, 1926, by the Bureau of Labor Statistics indicating the ratio price of commodities for 1925 and January, 1926:

Market prices of commodities

Index of all commodities, 1905–1914	100. 0
Index of all commodities, year 1925	167. 6
Index of all commodities, January, 1926	164. 7

Individual commodities	Average market price, 1905–1914	Average market price, year 1925	Average market price, January, 1926	Ratio price, year 1925	Ratio price, January, 1926
Butter, extra, New York	$0. 285	$0. 454	$0. 445	$0. 477	$0. 469
Cotton, upland middling, New York	.120	.235	.208	.200	.197
Corn, contract grades, cash, Chicago	.602	1. 038	.804	1. 009	.992
Wheat, range of No. 1 northern spring and No. 2 red winter, Chicago	1. 000	1. 718	1. 852	1. 677	1. 648
Cattle, good to choice, steers, Chicago	6. 853	10. 659	9. 875	11. 486	11. 287
Hogs, heavy, Chicago	7. 099	12. 250	11. 625	11. 898	11. 692
Sheep, wethers, Chicago	5. 379	9. 323	10. 031	9. 016	8. 860
Flour, patents, Minneapolis	5. 127	8. 828	9. 406	8. 593	8. 445
Wool, one-quarter and three-eighths grades, scoured basis, Boston	.492	1. 015	.964	.825	.811

According to the above table, as received from the Bureau of Labor Statistics, Department of Labor, on February 26, 1926:

The average price received for butter, extra, New York, for 1925, was $0.023 a pound below the ratio price for 1925, and for January, 1926, the average price was $0.024 a pound below the ratio price.

The average market price for cattle, good to choice steers, Chicago, for the year 1925 was $0.827 below the ratio price for 1925, and for January, 1926, the average price was 1.412 below the ratio price.

The average market price for corn, contract grades, cash, Chicago, for the year 1925 was $0.029 a bushel above the ratio price for 1925, and for January, 1926, the average price was $0.188 a bushel below the ratio price.

The average market price for wheat, range of No. 1 northern spring and No. 2 red winter, Chicago, for the year 1925 was $0.041 per bushel above the ratio price for 1925, and for January, 1926, the average price was $0.204 per bushel above the ratio price.

The average market price for hogs, heavy, Chicago, for the year 1925 was $0.852 above the ratio price for 1925, and for January, 1926, the average price was $0.067 below the ratio price.

The average market price for sheep, wethers, Chicago, for the year 1925, was $0.307 above the ratio price for 1925, and for January, 1926, the average price was $1.171 above the ratio price.

The average market price for flour, patents, Minneapolis, for the year 1925 was $0.235 above the ratio price for 1925, and for January, 1926, the average price was $0.961 above the ratio price.

The average market price for wool, one-fourth and three-eighths grades, scoured basis, Boston, for the year 1925, was $0.190 above the ratio price for 1925, and for January, 1926, the average price was $0.153 above the ratio price.

The average market price for cotton, upland middling, New York, for the year 1925 was $0.035 above the ratio price for 1925, and for January, 1926, the average price was $0.011 above the ratio price.

Also table indicating the production and net exports of wheat, corn, beef (slaughtered), lard, butter, and tables indicating the world price and domestic price, the tariff, and a net profit to the producers had the proposed bill been in operation for the years 1924, 1925, and 1926:

Wheat

Crop year	Production	Net exports
	Bushels	*Bushels*
1923–24	791, 797, 381	128, 473, 000
1924–25	862, 627, 000	251, 915, 000
1925–26	669, 365, 000	[1] 70, 000, 000

[1] To May 1.

[From Department of Agriculture]

No. 1, dark, northern, at Minneapolis, and No. 1, northern, at Winnipeg

PRICES

Year	Minneapolis	Winnipeg	Tariff	Freight	Equalization fee	Net profit per bushel	Total profit
1923–24	$1. 24	$1. 00	$0. 42	$0. 03	$0. 048	$0. 262	$209, 600, 000
1924–25	1. 58	1. 66	.42	.03	.155	.375	318, 750, 000
1925–26 (10 months)	1. 67	1. 50	.42	.03	.04	.24	168, 000, 000

If the bill had been in operation during the crop year of 1923–24, the wheat grower would have received the Winnipeg price of $1 plus the tariff of 42 cents and transportation charges of 3 cents, or a total of $1.45, instead of the Minneapolis price of $1.24, a gain of 31 cents per bushel, minus the equalization fee to cover the discount of 31 cents per bushel on the 125,000,000 bushels exported, or $38,750,000, to be distributed over 800,000,000 bushels, or an equalization fee of $0.048, a net profit per bushel of $0.262 and a total profit of $209,600,000.

If the bill had been in operation during the crop year 1924–25, the wheat grower would have received the Winnipeg price of $1.66 plus the tariff of 42 cents and transportation charges of 3 cents, or a total of $2.11, instead of the Minneapolis price of $1.58, a gain of 53 cents per bushel, minus the equalization fee to cover the discount of 53 cents per bushel on the 250,000,000 bushels exported, or $131,750,000, to be distributed over 850,000,000 bushels, or an equalization fee of $0.155, a net profit per bushel of 37.5 cents and a total profit of $318,750,000.

The wheat crop for the crop year 1925–26 has been estimated at 669,000,000 bushels and the exports to May 1, 70,000,000 bushels. Assuming that the crop is 700,000,000 bushels and the exports 100,000,000 bushels, the wheat grower would receive, if the bill were in operation, the Winnipeg price of $1.50 plus the tariff of 42 cents and the transportation charges of approximately 3 cents, or a total of $1.95, instead of the Minneapolis price of $1.67, a gain of 28 cents per bushel, minus the equalization fee to cover the discount of 28 cents per bushel on the 100,000,000 exported, or $28,000,000, to be distributed over 700,000,000 bushels, or an equalization fee of 4 cents, a net profit of 24 cents per bushel, and a total profit of $168,000,000.

Corn	Bushels
Production	3, 000, 000, 000
Exports, 1924	23, 000, 000
Exports, 1925	5, 000, 000
Exports, 9 months, 1926	18, 000, 000

Prices of corn

[Chicago prices by Department of Labor, and Buenos Aires prices by Department of Agriculture]

Year	Chicago price	Buenos Aires price	Export tax	Tariff	Ocean freight	Total	Minus equalization fee	Net profit per bushel	Total profit
1924	$0.972	$0.83	$0.01	$0.15	$0.11¼	$1.10¼	$0.001	$0.129	$387,000,000
1925	1.038	.94	.01	.15	.11¼	1.21¼	.0003	.1742	522,627,500
1926:									
January	.804	.79							
February	.773	.73							
March	.741	.66							
Average	.77	.75	.01	.15	.11¼	1.02¼	.0015	.251	753,000,000

If the bill had been in force in 1924 the corn grower would have received the Argentine price of 83 cents, plus the tariff of 15 cents, plus the export tax, which was 1.54 cents in February, 1926, 1.03 cents in March, and 0.46 cent in April, or say 1 cent, and the ocean freight to Baltimore or New York, say 11¼ cents, the rate March last, or a total of $1.10¼, instead of the Chicago price of 97.2 cents, a gain of approximately 13 cents per bushel, minus the equalization fee of 13 cents on 23,000,000 bushels to be distributed over a total production of 3,000,000,000, assuming that the total production had been marketed. If so, an equalization fee of $0.001 per bushel, a net gain of $0.129 per bushel, or a total profit of $387,000,000.

If the bill had been in force in 1925 the corn grower would have received the Argentine price of 94 cents, plus the tariff of 15 cents, plus the export tax of 1 cent, and the ocean freight of 11¼ cents, or a total of $1.21¼, instead of the Chicago price of $1.038 (see ratio table furnished by Department of Labor), a gain of 17.45 cents per bushel, minus the equalization fee of 17.45 cents on 5,000,000 bushels to be distributed over a total production of 3,000,000,000, assuming that the total production had been marketed, or an equalization fee of $0.0003 per bushel, a net gain of $0.1742, a total profit of $522,627,500.

If the bill had been in force in 1926 the corn grower would have received the Buenos Aires price of 79 cents for January, 1926; 73 cents for February, 1926; 66 cents for March, 1926; or an average of 75 cents, plus the tariff of 15 cents, plus the export tax of 1 cent and the ocean freight of 11¼ cents, or a total of $1.02¼ instead of the average Chicago price of 77 cents, a gain of 25¼ cents per bushel minus the equalization fee of 25¼ cents on 18,000,000 bushels, to be distributed over a total production of 3,000,000,000 bushels, assuming that the total production had been marketed, or an equalization fee of $0.0015 per bushel, a net gain of $0.251, or a total profit of $753,000,000.

Beef slaughtered

	1925	1924
Production	7,146,000,000	7,065,000,000
Exports	39,000,000	40,000,000
Imports	17,000,000	21,000,000
Net exports	22,000,000	19,000,000

[From Department of Agriculture]

Prices on English beef sides, average top price, London; and on choice western dressed at New York

PRICES—CARCASS

	New York	London	Tariff	Transportation	Equalization fee	Net profit per pound	Total profit
1924	$0.184	$0.1794	$0.03	$0.015	$0.0001	$0.04	$284,658,400
1925	.1921	.1937	.03	.015	.00014	.0465	332,078,400

If the bill had been in operation in 1924 the producer would have received the London price of $0.1794 plus the tariff of $0.03 and the transportation charges of approximately $0.015, or a total of $0.2244, instead of the New York price of $0.184, a gain of $0.0404, minus the equalization fee, on 19,000,000 pounds, to be distributed over the total production, which would be but a small fraction of a cent, or $0.0001. That is, the producer would have received a profit of approximately $0.04 a pound, or a total profit of approximately $284,658,400.

If the bill had been in operation in 1925 the producer would have received the London price of $0.1937 plus the tariff of 3 cents and the transportation charges of approximately $0.015, or a total of $0.02387, instead of the average New York price of $0.1921, a gain of $0.0466, minus the equalization fee, on 22,000,000 pounds, to be distributed over the total production, which would be but a small fraction of a cent, or $0.00014. That is, the producer would have received a profit of approximately $0.0465 a pound, or a total profit of approximately $332,078,400.

Lard	Pounds
Production, 1925	2,211,000,000
Exports, 1925	719,000,000

PRICES, 1925

[From Department of Commerce]

Chicago	$0.168
Liverpool	.183
Tariff	.01
Transportation	.005
Equalization fee	.0097
Net profit per pound	.0203
Total profit	44,883,300

The average Liverpool price for lard in the year 1925 was 18.3 cents per pound, and if the bill had been in effect the producer would have received the Liverpool price of 18.3 cents plus the tariff, which is 1 cent, plus the cost of transportation to the port of entry, say, one-half cent, or a total of 19.8 cents, a gain of 3 cents over the Chicago price of 16.8 cents minus the equalization fee of $21,446,700, to be distributed over the total production, which would be approximately $0.0097 per pound, a net profit per pound of $0.203, or a total profit of $44,883,300.

CATTLE

The average Buenos Aires price for steers, medium to good, averaging 1,320 pounds, in the year 1925 was $5.66, or 5.6 cents per pound, and if the bill had been in operation the cattleman would have received the Argentine price plus the tariff of 1½ cents plus the cost of transportation to the port of entry, say, 4 cents, or a total of 11.1 cents instead of the average Chicago price of approximately 10 cents, a gain of 1.1 cents less the equalization fee.

Butter

(Pounds)

	Production	Exports	Imports	Net imports	Net exports
1924	2,000,000,000	5,425,000	29,466,000	24,041,000	
1925	2,000,000,000	8,384,000	7,189,000		1,195,000
March, 1926	133,902,000	875,688	277,371		298,317

PRICES

	New York	London (Danish)	Copenhagen	Tariff	Freight	Minus equalization fee	Net profit per pound	Total profit
1924	$0.426	($0.417)	$0.397	$0.08	$0.01		$0.061	$122,000,000
1925	.453	(.448)	.425	.08	.01	$0.000037	.061963	123,925,910
March, 1926	.428	(.414)	.388	.12	.01	.0002	.0698	12,022,432

If the bill had been in operation in 1924 the butter producer would have received the Copenhagen price of $0.397 plus the tariff of 8 cents and transportation charges of approximately 1 cent, or a total of $0.487, instead of the New York price of $0.426, a gain of $0.061 per pound, or a total profit of $122,000,000. Imports were in excess of exports for the year 1924, hence no equalization fee. All that would have been necessary to insure the advance would have been to regulate the importations as provided in section 18.

If the bill had been in operation in 1925 the butter producer would have received the Copenhagen price of $0.425 plus the tariff of 8 cents and transportation of 1 cent, or a total of $0.515, instead of the New York price of $0.453, a gain of $0.062 minus the equalization fee on 1,195,000 pounds to be distributed over the total production of 2,000,000,000 pounds, which would be less than four-thousandths of 1 cent per pound. That is, the producer would have received a profit of $0.062 a pound on 2,000,000,000 pounds, or $124,000,000, less $0.062 on the 1,195,000 pounds exported—$74,090—or a net profit of $123,925,910.

If the bill had been in operation in March, 1926, the butter producer would have received the Copenhagen price of $0.388 plus the tariff of 12 cents and transportation charges of approximately 1 cent, or a total of $0.518, instead of the New York price of $0.428, a gain of 9 cents per pound minus the

equalization fee on 298,317 pounds to be distributed over the total production of 133,992,000, which would be approximately $0.0002 a pound. That is, the producer would have received a profit of $0.09 a pound on 133,992,000 pounds, or $12,059,280, minus $0.09 on the 298,317 pounds exported—$26,848—or a net profit of $12,022,432.

I understand that certain representatives of milk producers' organizations, posing as representatives of the dairy people, are opposed to giving the producers of butter the full benefit of the tariff. They seem to be perfectly unconcerned about giving the producers a just and fair price under our protective tariff system. They are largely responsible for the elimination of the butter provision in the McNary-Haugen bill. They are here now, opposing provisions in the bill that would, if enacted into law, give the butter people 9 cents a pound more than they are receiving. They are largely responsible for the depression in butter prices for the last two years, as before stated, $0.061 per pound, or $122,000,000 for the year 1924, and $0.062 a pound, or $124,000,000. They are opposing this, as they have every measure suggested having for its object to benefit the butter producers.

PRODUCTION OF AGRICULTURAL COUNTRIES

Corn	Bushels
World production of corn, 1924	3,721,000,000
World production of corn, 1923	4,373,000,000

We produce about 75 per cent of the world production.

Wheat	Bushels
World production of wheat, except Russia, 1925	3,349,000,000
World production of wheat, except Russia, 1924	3,098,000,000

Our average production is about one-fourth of world production.

BUTTER

The production of butter by 17 important countries, including the United States, is around 5,000,000,000 pounds, of which we produce about two-fifths.

	Equalization fee	Total net profit
Wheat, 1925	$131,750,000	$318,750,000
Butter, 1925	74,090	123,925,910
Corn, 1925	872,500	522,627,500
Lard, 1925	21,446,700	44,883,300
Beef, 1925	925,200	332,078,400
Total	155,068,490	1,342,265,110
Total for wheat, 1925	131,750,000	318,750,000
Total for beef, corn, butter, and lard	23,318,490	1,023,515,110

If the total production had been marketed and the equalization applied as provided in the bill, the total advance in price on wheat, butter, corn, lard, and beef would have been $1,497,333,600 minus the equalization fee of $155,068,490, which would have left a net profit to the producer of $1,342,265,110. The total advance in price of wheat in 1925 would have been $450,500,000 minus the equalization fee of $131,750,000, a net profit of $318,750,000. The total advance in price on corn, beef, lard, and butter for the year 1925 would have been $1,046,833,500 minus the equalization fee of $23,318,490, a net profit of $1,023,515,110.

BIRTHDAY OF CUBA

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to print in the RECORD an editorial in the Washington Post on the 24th, on the birthday of Cuba.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CUBA'S BIRTHDAY

Twenty-four years ago to-day the Republic of Cuba came into being. The country went through long agonies before it achieved its independence. It has suffered some since, but comparatively little; and its condition as a whole is incomparably better than it was before it became a Republic. The present President, Mr. Machado, is an able and progressive executive, and his cabinet is composed of patriotic and efficient men who are working indefatigably for the upbuilding of Cuba. Public improvements are under way, including the construction of the national capital, the enlargement of Habana Harbor, the building of roads, etc.

The reciprocity treaty with Cuba has helped to develop commerce between the United States and the island, but it is possible that a revision of the arrangement should be made, in view of the changes that have come since the treaty was ratified. The peculiarly close relations between the United States and Cuba warrant special treatment in tariff matters, and it would be well for both countries if this question should be carefully reviewed at this time.

Cuba represents the embodiment of an American ideal. It stands free and independent, working laboriously but courageously for the fulfillment of its hopes. It is not hampered in its efforts by the United States, but on the contrary its aspirations have the warm sympathy of Americans. Self-government, a most difficult task for any people, is undergoing the test in Cuba, and is proving its worth in the preservation of liberty and justice. Every year of experience increases the ability of the Cuban people to devise and execute their own national policies without interference from any other nation.

The United States was under judgment when it liberated Cuba. The world hardly believed that this Nation would release Cuba from Spain and permit it to become independent. South Americans who feared American aggression looked narrowly upon the proceedings of 1898–1902. But the United States was faithful to its pledge, and will remain so. Its treatment of Cuba is the answer to any assertion that this country seeks expansion at the expense of other peoples.

Congratulations to Cuba and the Cuban people on their independence day! May the flag of Cuba always remain in the sky, over a free and happy nation!

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes";

H. R. 9761. An act to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War; and

S. 3115. An act to amend section 220 of the Criminal Code.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6559. An act to provide for the construction of certain public buildings, and for other purposes.

LEAVE OF ABSENCE

Mr. DREWRY, by unanimous consent, was given leave of absence, for three days, on account of death in the family.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Friday, May 21, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 21, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers or the line of the Navy (H. R. 11524).

SPECIAL JOINT COMMITTEE

(10.30 a. m., Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To request the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON LABOR

(10.30 a. m.)

To create in the bureau of labor statistics of the Department of Labor a division of safety (H. R. 11886).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Amending subchapter 5 of the Code of Law of the District of Columbia, as amended to June 7, 1924, relating to offenses against public policy (H. R. 8989).

COMMITTEE ON THE JUDICIARY

(9.30 a. m.)

To incorporate the American Citizenship Foundation (H. R. 11319).

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of three new sections in said act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said act, to be designated as "5a" and "20a" and "41a" of said act (H. R. 12269).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey (S. 3894).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended (H. R. 11612).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

520. A letter from the chairman of the Interstate Commerce Commission, transmitting a report for the month of April, 1926, showing the condition of railroad equipment and the related information indicated in Senate Resolution 438, dated February 26, 1923, so far as such information is available; to the Committee on Interstate and Foreign Commerce.

521. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of the channel entering Pensacola Harbor, Fla.; to the Committee on Rivers and Harbors.

522. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal year 1926 and 1927, amounting to $2,217,130; also draft of proposed legislation affecting existing appropriations (H. Doc. No. 387); to the Committee on Appropriations and ordered to be printed.

522. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, House of Representatives, fiscal years 1926 and 1927, in the sum of $3,542.51 (H. Doc. No. 388); to the Committee on Appropriations and ordered to be printed.

524. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1926, for the War Department for modification and readjustment of contracts, river and harbor improvements, amounting to $17,653.30 (H. Doc. No. 389) to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. S. 2703. An act to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes; without amendment (Rept. No. 1268). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. S. 3072. An act to authorize an exchange of lands between the United States and the State of Nevada; without amendment (Rept. No. 1269). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 11087. A bill authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md.; without amendment (Rept. No. 1277). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CELLER: Committee on Claims. H. R. 4719. A bill for the relief of the New Braunfels Brewing Co.; without amendment (Rept. No. 1270). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. S. 1747. An act for the relief of Henry T. Wilcox; without amendment (Rept. No. 1271). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. S. 3715. An act for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.; without amendment (Rept. No. 1272). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on War Claims. H. R. 8174. A bill for the relief of Ruth Gore; with amendment (Rept. No. 1273). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 10076. A bill for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa.; without amendment (Rept. No. 1274). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on War Claims. H. R. 10456. A bill for the payment of claims for pay, personal injuries, loss of property, and other purposes incident to the operation of the Army; without amendment (Rept. No. 1275). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11870. A bill for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight; without amendment (Rept. No. 1276). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12056) granting a pension to Rosalie M. Eckley, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12311) granting the consent of Congress to the State of Minnesota, or Dakota County, or Washington County, or Ramsey County, in the State of Minnesota, or either or several of them to construct, maintain, and operate a bridge across the Mississippi River at or near South St. Paul, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 12312) to amend the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. BANKHEAD: A bill (H. R. 12313) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Pickensville, in the county of Pickens, Ala.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12314) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Cochrane, in the county of Pickens, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 12315) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: A bill (H. R. 12316) to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREW: Concurrent resolution (H. Con. Res. 27) requesting the President to proclaim armistice day a day of thanksgiving and prayer for peace; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 12317) granting an increase of pension to Mary E. K. Wilson; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 12318) granting an increase of pension to Anastasia Corcoran; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 12319) granting an increase of pension to Emeline Tucker; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12320) granting an increase of pension to Isabel Pumphrey; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12321) granting an increase of pension to Ella Williams; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 12322) granting an increase of pension to Hannah B. Gibbs; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 12323) granting an increase of pension to Sarah Parker; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 12324) granting a pension to Helen W. Greer and minor children; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 12325) for the relief of N. B. Haney and Carrie M. Haney; to the Committee on Claims.

By Mr. MILLS: A bill (H. R. 12326) for the relief of Frank Bayer; to the Committee on Claims.

By Mr. NEWTON of Missouri: A bill (H. R. 12327) for the relief of Harry E. Stevens; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 12328) granting an increase of pension to Sophronia J. Vertrees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12329) granting an increase of pension to Julia A. Angel; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 12330) granting an increase of pension to Marcia E. Garey; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 12331) granting a pension to Charles W. Friend; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 12332) granting an increase of pension to Sarah J. Weidner; to the Committee on Invalid Pensions.

By Mr. WELSH: A bill (H. R. 12333) granting an increase of pension to Clara B. Coney; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 12334) for the relief of W. Randall Spurlock; to the Committee on Claims.

By Mr. BLOOM: Joint resolution (H. J. Res. 259) admitting Johannes Tielle, a citizen of Holland, to the United States; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2235. By Mr. CARTER of California: Petition of Berkeley Council, Knights of Columbus, No. 1499, indorsing Senate bill 3533, to provide for the better definition and extension of the purpose and duties of the Bureau of Education; to the Committee on Education.

2236. Also, petition of Cypress Park Improvement Association, Los Angeles, Calif., indorsing committee print bill to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation and Reclamation.

2237. Also, petition of the California Federation of Women's Clubs, Los Angeles district, urging the passage of House bill 10433; to the Committee on Agriculture.

2238. Also, petition of Anna Hall and 76 others, protesting against the passage of House bill 7179; to the Committee on the District of Columbia.

2239. By Mr. CHALMERS: Petition of the Wm. B. Guitteau Co., of Toledo, Ohio, urging the passage of the migratory bird bill; to the Committee on Agriculture.

2240. By Mr. CULLEN: Resolutions regarding readjustment of postal rates; to the Committee on the Post Office and Post Roads.

2241. By Mr. FULLER: Petition of the Illinois Bankers' Association, of Illinois, and others, favoring the passage of the McFadden bill; to the Committee on Banking and Currency.

2242. By Mr. GALLIVAN: Petition of the Federation of the Bird Clubs of New England, F. B. Fletcher, secretary, 50 Congress Street, room 516, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge bill; to the Committee on Agriculture.

2243. By Mr. HOOPER: Petition of Samuel R. Nay and five other residents of Battle Creek, Mich., protesting against the passage of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2244. By Mr. O'CONNELL of New York: Petition of the natural resources production division of the Chamber of Commerce of the United States, asserting its unalterable opposition to and urging the chamber to oppose legislation directed toward Government interference in private business; to the Committee on Interstate and Foreign Commerce.

2245. Also, petition of the Merchants' Association of New York, favoring the passage of the McFadden banking bill (H. R. 2), as amended by the Senate; to the Committee on Banking and Currency.

2246. Also, petition of E. R. Squibb & Sons, opposing the passage of House bill 11254, to amend paragraph 59 of the tariff act of 1922; to the Committee on the Judiciary.

SENATE

FRIDAY, *May 21, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, our fathers trusted in Thee and found Thee to be a very present help in time of trouble, and as Thou wert their refuge and strength we beseech of Thee to give us that confidence in Thee that we may turn toward the duties of each day with the realization that Thou wilt guide us in paths of righteousness and in the fulfillment of every pledge conferred upon us. Hear us, help us, and through the days that may yet be, may we realize constantly Thine own gracious guidance. For Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, May 17, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3115. An act to amend section 220 of the Criminal Code;

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe for the distribution of tribal funds, and for other purposes";

H. R. 9761. An act to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War; and

S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	King	Robinson, Ind.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	Lenroot	Schall
Blease	Frazier	McKellar	Sheppard
Borah	Gerry	McMaster	Shipstead
Bratton	Gillett	McNary	Simmons
Broussard	Glass	Mayfield	Smoot
Bruce	Goff	Metcalf	Stanfield
Cameron	Gooding	Moses	Steck
Capper	Greene	Neely	Stephens
Caraway	Hale	Norbeck	Swanson
Copeland	Harreld	Norris	Trammell
Couzens	Harris	Nye	Underwood
Cummins	Harrison	Oddie	Walsh
Curtis	Heflin	Overman	Watson
Dale	Howell	Phipps	Weller
Deneen	Johnson	Pine	Willis
Dill	Jones, N. Mex.	Ransdell	
Edge	Jones, Wash.	Reed, Pa.	
Edwards	Kendrick	Robinson, Ark.	

Mr. TRAMMELL. I desire to announce the absence of my colleague [Mr. FLETCHER], on account of illness.

Mr. BINGHAM. I was requested to announce that the following Senators are engaged at a meeting of the Committee on Military Affairs: The Senator from New York [Mr. WADS-

WORTH], the Senator from Wyoming [Mr. WARREN], the Senator from Georgia [Mr. GEORGE], and the Senator from Tennessee [Mr. TYSON].

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

POWER OF LEGISLATIVE BODIES TO PUNISH FOR CONTEMPT

Mr. WALSH. Mr. President, the power of either House of Congress to punish as for contempt and to conduct investigations has been the subject of repeated discussion in this body and before its committees. There is in the University of Pennsylvania Law Review for the month of May a very learned discussion of the subject with an historical review of its development. I regard it as of very great value. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

POWER OF LEGISLATIVE BODIES TO PUNISH FOR CONTEMPT

[Footnotes will be found at end of article]

In 1924 the proceedings of the committee of the Senate of the United States appointed for the purpose of investigating the management of the Department of Justice by Attorney General Harry M. Daugherty were brought to a standstill by the refusal of his brother, Mally S. Daugherty, to appear before the committee and produce the books of a certain bank in Ohio of which he was president, which were believed to contain certain important information on the subject under investigation. When he was arrested by the Sergeant at Arms of the Senate for the purpose of compelling his attendance before the committee the United States District Court for the Southern District of Ohio discharged him on habeas corpus,[1] and the desired information was never obtained. The case was appealed and is still pending before the Supreme Court of the United States. This incident raised a question of great interest and importance to the country as to how far legislative bodies can go in compelling the giving of testimony and the production of books and papers by unwilling witnesses. The question is not new. It has been before the Supreme Court in four outstanding cases[2] and has been passed on many times by State courts. But while the courts are in agreement on many phases of the subject, other very important phases of it remain to be determined. Upon the proper determination of these matters will to an extent depend the future effectiveness of our legislatures as law-making bodies and as agencies for keeping the public informed of the operations of their Governments, State and National. It seems appropriate, therefore, that the whole subject should be examined with some degree of care in an effort to discover if possible the principles upon which legislatures and courts may safely proceed in such cases.

It will be found as the discussion proceeds that the power of legislatures to punish for contempt is closely bound up with the ancient privileges of such bodies and of their members, as it furnishes the means by which they are able to give effect to the privileges claimed. It will also be seen that the privileges of legislative bodies in this country and the means of making them effective are derived not so much from any express delegation in our constitutions, State and national, as from the laws and customs of the English House of Commons transmitted through the colonial assemblies as a well-established legal tradition and adopted into our constitutions, mainly by implication, as an integral and inherent part of the "legislative power" which the fathers conferred upon our representative assemblies. Only by arriving at a clear understanding of what those words meant to them can we determine the extent of the powers conferred.

I. ARE ENGLISH PRECEDENTS OF VALUE IN THIS COUNTRY?

At the very outset it seems necessary to answer a question that at first blush seems too obvious to call for consideration, that is, whether the precedents of the House of Commons have any persuasive value for us in this country. As our common law was inherited from England and our legislative machinery and procedure were largely modeled on the British pattern, an affirmative answer would seem to follow as a matter of course. But serious doubt was raised as to the value of such precedents by the opinion of the United States Supreme Court in the celebrated case of Kilbourn against Thompson.[3] In that case the court, speaking through Mr. Justice Miller, admitted that the power of the House of Commons to imprison for contempt of its authority had been fully sustained by the courts of Westminster Hall, but contended that such precedents were of no value to us for the reason that the House of Commons was a court as well as a legislative body, and that in punishing for contempt it was exercising a judicial power that had come down from the days when the two houses sat as one body, the High Court of Parliament.[4] In support of his thesis Justice Miller gives extracts from the opinions in several English cases, stating that the House of Commons is a court, most of which seem to be based on a statement to that effect in Coke's Institute,[5] and then he draws the following conclusion:

"We are of the opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority or a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudged cases in which the English courts have upheld these practices."[6]

Thus, by taking the affirmative side of the much-controverted question as to whether or not the House of Commons is a court, Mr. Justice Miller disposed in summary fashion of the great mass of English parliamentary precedents and court decisions, which for the most part were unfavorable to the views expressed by him. But he is not consistent in this particular, for a little further on in his opinion he makes liberal use of English court decisions when they suit his purpose, and, in the following quotation which he reproduces from the opinion of Mr. Justice Coleridge in Stockdale against Hansard,[7] he completely answers his own dictum that the House of Commons is a court:

"The House is not a court of law at all in the sense in which that term can alone be properly applied here. Neither originally nor by appeal can it decide a matter in litigation between two parties; it has no means of doing so; it claims no such power; powers of inquiry and accusation it has, but it decides nothing judicially, except where it itself is a party in the case of contempts."[8]

As to whether the House of Commons is in law a court is perhaps very difficult to say. The House itself has taken both sides of the proposition. Thus the English constitutional historian, Henry Hallam, calls attention to an entry on the rolls of Parliament in the time of Henry IV to the effect that the judicial powers of Parliament did not belong to the House of Commons,[9] and Sir Thomas Erskine May, the great authority on parliamentary procedure, quotes a resolution of the Commons of 1592, to the effect that that body was a court of record.[10] It seems probable that in earlier times the House of Commons did not seriously claim to be a court, but as the Commons grew stronger and especially as the conflict with the Crown came on, the House and its partisans, such as Lord Coke, put forward every claim calculated to enhance the power and prestige of that body.[11] This mental attitude continued for some time after the final triumph of Parliament in 1688, but, after the occasion for asserting the claims had passed, we find Lord Mansfield saying that the House of Commons was not a court,[12] and May says that "this claim, once firmly maintained, has latterly been virtually abandoned, although never distinctly renounced."[13]

Whether the House of Commons be called a court or not, is for purposes of this discussion, a matter of small moment. It is fundamentally and essentially a legislative, and not a judicial, body. The few remnants of judicial or quasi-judicial power that it may still exercise are not materially different from the judicial powers exercised formerly and to a lesser degree at the present time by American legislative bodies. Coke, in the passage referred to in the decisions quoted by Justice Miller, enumerates three such powers—(1) the power of impeachment, (2) the power to punish for contempt, and (3) the power to bring to the attention of the House of Lords delinquencies committed by members of that body.[14] To this list Justice Miller, in the passages quoted above, adds a fourth, the power, jointly with the House of Lords, to pass bills of attainder. Now, it will be seen that the first and third of these powers—that is, the power, as the "general inquisitors of the realm," to prefer impeachment charges to be tried by the House of Lords, and the power to direct the attention of that body to cases of "oppression, bribery, extortion, or the like" on the part of members of the upper house—are not strictly speaking judicial in their nature, and the first is possessed and exercised by the lower house of all our legislatures, State and National. If possession of this power by the House of Commons makes it a court, then our lower chambers are also courts, and the precedents of the House of Commons would be very persuasive. If the possession of the second power enumerated by Coke, that of punishing for contempt—the very power whose exercise we are now considering—be held to make the House of Commons a court, then Mr. Justice Miller's argument comes to this: The possession of the power to punish for contempt makes the House of Commons a court, and the House of Commons can punish for contempt because it is a court." It hardly need be said that such an argument carries little weight. But Justice Miller's contention goes a step further. He says that this power "goes back to the period when the bishops, lords, knights, and burgesses met in one body." Historically this claim can not be maintained. It now seems definitely established that the first instance in which the House of Commons vindicated any power or privilege by imprisoning for contempt occurred in 1543, nearly 300 years after the commons had become a separate body.[15] We will see that our colonial assemblies, to whose powers in this respect our State legislatures succeeded, exercised the power to punish for contempt practically from the time they came into existence, and the Houses of Congress had several times exercised the power within the first decade of their existence. From these facts it would seem that we can make out about as good a claim to a prescriptive right to the exercise of contempt powers as can be made out for the House of Commons.

The fourth judicial function, that added to Coke's list by Justice Miller, is the right formerly exercised by the commons, conjointly with the lords, of enacting bills of attainder. Lord Coke did not mention this, presumably because he did not regard it as a judicial power. It is rather the exercise of the legislative power to pass special acts, a

perverted form of legislation probably almost as common in this country in colonial and early post-Revolutionary days as it ever was in England. Our State legislatures did not hesitate to pass bills of attainder[16] directed at those who sided with England in the Revolution, and at least one of these measures was sustained by the United States Supreme Court as a valid exercise of the legislative power. In the case of Cooper *v.* Telfair,[17] involving such a statute passed by the State of Georgia in 1782, before the United States Constitution forbade the enactment of such laws, Mr. Justice Paterson used this significant language:

"The power of confiscation and banishment does not belong to the judicial authority; and yet it is a power that grows out of the very nature of the social compact, which must reside somewhere, and which is so inherent in the legislature that it can not be divested or transferred without an express provision of the Constitution."[18]

From this it will be seen that the fathers were not legislating against an imaginary danger when they provided in the Constitution that no bill of attainder could ever be passed either by the National Congress or by any State legislature.[19]

If this opinion is correct and the power to pass bills of attainder is essentially legislative in character, then Mr. Justice Miller's argument that the possession of this power makes the House of Commons a court whose precedents are valueless to us completely fails. Besides, the power to pass bills of attainder and bills of pains and penalties has been obsolete in England for a hundred years.[19a] The truth is that a careful study of the legislative history of England and America will show that the privileges of representative bodies and the power to punish directly the invasion of those privileges are a part of the common inheritance of the Anglo-American peoples.

At first the House of Commons was a weak and timid body, asserting few privileges for itself and its members and depending on the King and the lord chancellor to protect them in the enjoyment of them. With the breakdown of the nobility at the end of the war of the roses, and with the growth of the cities and the commercial classes during the Tudor period, the commons grew stronger and bolder and began to claim more privileges and to assert the right to protect them by their own direct means. Every privilege they succeeded, as the people's representatives, in wresting from the King and nobility became a part of the cherished rights of Englishmen, and were as highly prized in the colonies as in the mother country. So we find the colonial assemblies setting up precisely the same privileges and vindicating them in precisely the same way, as was being done contemporaneously by the House of Commons. Just as there were excesses and brutal punishments there, so there were excesses and brutal punishments here. And so, too, with the coming of a more enlightened and humane spirit, excesses, and barbarities progressively disappear on both sides of the Atlantic, until to-day the privileges asserted by the House of Commons and the means by which they are vindicated are not appreciably different from those asserted and vindicated by our state and national legislative bodies. The contempt power is everywhere, in the English-speaking world, regarded as an inherent power, an essential auxiliary of "legislative power," and, as we will see, the nature and extent of the power was scarcely affected at all by the advent of written constitutions and the doctrine of the separation of the powers of government. It follows that no one who would understand the subject can shut his eyes to the experience and practice of the great assembly after which all our legislative bodies have been modeled.[20]

II. ENGLISH AND AMERICAN COLONIAL PRECEDENTS[21]

A. Freedom from arrest

While the privilege of freedom from arrest only included freedom from arrest on civil process, and not for criminal offenses,[22] it was extended to the servants and estates, as well as to the person, of the member, as will be seen by reference to the speaker's petition quoted above. This led to grave abuses during the century following the restoration, and hundreds of persons were haled before one house or the other and imprisoned for such crimes as arresting the servants of members, or trespassing upon their property, or bringing actions of ejectment against members or their servants or even against their tenants—that is, for any act that would necessitate the presence of the member in court as either plaintiff or defendants.[23] Finally Parliament itself saw that it had grossly perverted a very useful and valuable privilege, and, partly by statute and partly by custom, the excesses have been eliminated until now the protection is confined, as in this country, to freedom from arrest of the member only, on civil process, during the sessions of Parliament and for a reasonable period before and after the session.[24]

In America the colonial assemblies, following the example of the mother country, claimed the same freedom for themselves, their servants, and their estates.[25] This claim they made good by imprisoning those who disregarded it. Thus, in 1691 the New York Assembly incarcerated a sheriff who arrested and detained a member-elect on his way to attend the sessions,[26] and in 1740 it imprisoned one C. Den for nearly a month for seizing a boat used by a member for attending its sessions.[27] In the same year the House of Burgesses of Virginia punished as for contempt a person who assaulted a member's servant and spoke disrespectfully of the master.[28]

B. Freedom of members from assaults, affronts, insults, libels

Probably no privilege claimed for the members has more frequently called for the exercise of the contempt powers of the houses than that which guarantees that the members shall be free from molestation during the sessions of the Parliament. Thus, in 1623, Thomas Morley was fined £1,000, sent to the pillory, and imprisoned by the House of Lords for a libel on a member of that body. In 1781 the House of Commons committed a person who sent a challenge to a member to fight a duel, and in 1809 it sent one Daniel Butler, a sheriff's officer, to Newgate prison for arresting and insulting a member.[29]

The journals of the colonial assemblies are filled with cases of imprisonment for molesting members. For example, in 1693 the House of Burgesses of Virginia adopted the following:

"*Resolved and accordingly ordered*, That Mr. Thomas Rooke, for his several abuses to the members of the house in general on his bended knees acknowledge his offense, and beg the pardon of the house in such words as shall be appointed and that for the personal abuse given Mr. Kemp, a member of the house, he ask his forgiveness in particular, and that he remain in the Messenger's custody till further orders."[30]

In 1727 the same body called before it one Edward West, charged with "affronting" a member, and he, "kneeling at the Bar, was by order of the House, reprimanded by Mr. Speaker, and upon his knees asked pardon of Mr. Andrews, and of the House." He was then discharged upon payment of costs.

In 1723 the Virginia House arrested William Hopkins for uttering "several rude and Contemptuous and undecent expressions" concerning a member. Upon being ordered to apologize on bended knee, he refused. Thereupon it was ordered—

"That said Wm. Hopkins be led thro' the Town in Custody of the Messenger by the Door Keepers of this House Attended by the Constables of the Town, from the Capital Gate to the College Gate and back again with an Inscription in great Letters pind upon his Breast in the following words ("For Insolent Behavior at the Bar of the House of Burgesses when he was there as an offender and with obstinacy and Contempt disobeying their Order.") And in case he shall refuse to walk that he be Tied to a Cart and Drawn thro' the Town, And that he be afterwards committed to the public gaol in Williamsburg The Keeper whereof is hereby required to receive and there safely to keep him during the pleasure of this House."

This resolution brought him to terms, and he was allowed to apologize, to thank the house for the "favorable Mitigation of my Just punishment," and to promise that, "I will from this time carefully shew a decent Respect to every member of this House and do earnestly entreat their good will."[31]

In 1717, the New York Assembly arrested one George Webb, a boatman, for offering an affront to Mr. Speaker and another member. He apologized for the "great Indignity and Affront offered by him," and two days later was discharged, "paying his fees."[32] The next year the assembly sent its doorkeeper to arrest one Edward Penant for accusing a member of having accepted a bribe, but he reported that Penant had left the province.[33] In 1720, Mr. Gilbert Livingston, member from the Manor of Livingston, reported that Capt. Jacobus Bruyn had said that Livingston had betrayed his country by voting supplies to the colonial government for a period of five years. For this insult Bruyn was taken into custody on June 9. As no further record is made of his case, it is presumed that he remained in custody until July 12, when the house adjourned.[34] In 1759, the Pennsylvania Assembly imprisoned Thomas Christie for instigating a "false, scandalous, and groundless" election contest against a member.[35]

C. Freedom of house as a whole from insults and libels

English and colonial legislatures were always very sensitive of their honor and dignity and quick to resent any conduct that tended to bring them into contempt. As early as 1559 we find the House of Commons committing William Thrower to the custody of the sergeant for a contempt in words against the dignity of the house. In 1580, Arthur Hall, a member, was expelled, fined, and imprisoned by the house for printing "matter of infamy of sundry good particular members of the house, and of the whole state of the house in general, and also of the power and authority of the house."[36]

The colonial assemblies, following the example of the English Parliament, struck out vigorously and often against persons insulting them or reflecting upon their dignity and power. For example, the House of Representatives of Massachusetts in 1722 expelled a member for presenting to the house a petition containing "false and reflecting expressions upon the House."[37] In North Carolina, the house in an address to the governor accused the chief justice, William Little, and his assistants of exacting illegal fees of office. The chief justice took exception to this and sent to the governor a petition asking for a hearing on the charges. In the opinion of the house this document con-

tained "Scandalous expressions reflecting on the Dignity of this House." It was therefore—

"*Ordered*, That the sergeant attending this House do immediately take Mr. William Little into his custody and him safely keep until to morrow morning and that he then bring him before the House to Answer for his Affronting the House by sundry Reflections exprest in his petition now before the House." [53]

In 1717, the New York Assembly arrested the 17 members of the grand jury for presenting an humble Representation" to the governor in regard to a bill just passed by the assembly. When brought to the bar of the house and examined, they said that "they were humbly of Opinion, they might petition one Part of the Legislature, without any intention of reflecting on the other Two," whereupon they were discharged, "paying their Fees." [54] The details of the case of Judge William Moore and William Smith, provost of the Academy of Philadelphia, who were repeatedly arrested for presenting a document to the governor "containing many injurious charges, and slanderous aspersions against the late assembly, and highly derogatory of, and destructive to, the rights of this house, and the privileges of assembly," will be given in another place.[55]

A very striking case of imprisonment for libeling the house occurred in New York just on the eve of the American Revolution, the case of Capt. Alexander McDougal, who was imprisoned a total of 81 days for publishing a "scandalous reflection on the conduct, honor, and dignity of this house." The details are given in the footnote.[56]

Libels and reflections upon former assemblies were resented and punished,[57] as were also assaults on officers of the house,[58] and the publication of the proceedings or parts thereof without permission.[59] Other illustrations of punishment for libel and slander of the house, found in our colonial history, are given in the margin.[60]

D. Control of elections of members

The right to determine election contests, formerly claimed by the House of Commons and by the colonial assemblies, was a frequent occasion for the exercise of the contempt powers of these bodies. Prior to the time of Elizabeth election contests had for the most part been settled by the chancellor. From that time until the Revolution of 1688 the House of Commons contested the field with the courts, and in 1689, in the case of Barnardiston against Soame,[61] the House of Lords held that the exclusive right of passing on the legality of election returns and of the conduct of the returning officers was in the House of Commons.

After this triumph the Commons extended the right to include all questions respecting the right of electors to vote. Then they argued that if electors were permitted to sue election judges for refusing to receive their votes there might arise a diversity of judgments between the commons and the courts to the confusion of the subject and the discredit of the house. Therefore, in 1704, in the celebrated case of "the Aylesbury men," where five voters began actions in the courts against the election officers for refusing their votes, the house held the plaintiffs guilty of contempt and sent them to Newgate prison. This was later recognized as an excess of authority, and the precedent has not been followed for 150 years.[62]

In America the colonial assemblies from the beginning assumed control of questions arising in connection with the election of their members. They summoned the sheriffs before them and reprimanded and otherwise disciplined them for failure to perform their duties as returning officers.[63] In Virginia persons guilty of riotous conduct at elections [64] and persons charged with fraudulently securing signatures to a petition complaining of the election of certain members [65] were sent for in the custody of the sergeant at arms and forced to confess their wrongs, to apologize to the house, and to pay their fees. In the same colony in 1740 a member was deprived of his seat upon a showing that he had promised to pay the fines that might be assessed against voters who were unfavorable to him and who would remain away from the polls in violation of law; and a nonmember who was guilty of the same offense was forced to acknowledge his fault and apologize.[66] In Pennsylvania the assembly, as the "grand inquest of the province," investigated riots at the polls and requested the governor to direct the judges of the courts to make a thorough probe of the violations of the law.[67]

E. General Inquisitorial Powers—Unsealing Witnesses

The colonial assemblies, like the House of Commons, very early assumed, usually without question, the right to investigate the conduct of the other departments of the government and also other matters of general concern brought to their attention. These investigations were sometimes conducted by the house itself and sometimes by committees clothed with authority to send for "persons, papers, and records." For example, during the Indian war of 1722, the Massachusetts house of representatives engaged in a long-drawn-out controversy with the governor over their asserted right to call before them for examination Colonel Walton and Major Moody, the heads of the colonial forces in Maine, to determine the responsibility for the failure to carry out certain offensive operations ordered by the house at a previous session. They had no power to remove military officers, but they asserted it to be "not only their privilege but duty to demand of any officer in the pay and service of this Government on account of his management while in the public employ." [68]

In Pennsylvania in 1742, as has already been noted, the assembly summoned a great many witnesses for the purpose of investigating riots at an election, at the conclusion of which they requested the governor to direct the courts to go into the matter fully and punish the wrongdoers. There is nothing to indicate that the house at any time contemplated taking any other action.[69] In this Colony—and the same was true of most of the Colonies—the assembly had a standing committee to audit and settle the accounts of the treasurer and of the collectors of public revenues. This committee could sit during recesses of the house and was clothed with "full power and authority to send for persons, papers, and records by the sergeant at arms of this house, in order that all the said public accounts be fully settled and made ready to be laid before the house on the first day of their meeting in September next." [70] In 1770 the house ordered the assessors and collectors of Lancaster County to appear before the audit committee and to bring with them their books and records for the preceding 10 years.[71] In North Carolina the assembly ordered the arrest and detention of the receiver of "powder money" at "Roanoak" for his refusal, in compliance with the governor's orders, to submit his accounts to the house.[72]

The foregoing are only a few of the many investigations of all manner of subjects carried on by the colonial assemblies. In all these cases they assumed, as a matter of course, that they had authority to punish as for contempt any person who refused to appear and give the information called for. Thus, in 1691, the New York Assembly having been informed that Mr. Daily, "the French minister," had received a petition signed by several inhabitants of Harlem and Westchester, he was called before the house, and having refused to answer the questions put to him was declared guilty of contempt and committed "to the custody of the sergeant at arms, and there to remain until he shall make answer, or be discharged by the house." [73] The refusal of Samuel Townsend to appear when summoned before the house to answer for writing an insulting letter to the speaker met with like treatment in 1758.[74]

In this connection the case of William Moore and William Smith, which arose in Pennsylvania in 1757, is so instructive and illustrates so many of the powers under discussion that it seems worth while to state it in some detail. Complaints having been made to the house that William Moore, judge of the court of common pleas and justice of the peace, had for a long time been guilty of "fraudulent, corrupt, and wicked practices," the house examined many witnesses and sent an address to the governor asking him to remove Moore.[75] It seems to have been conceded that the governor alone had the power of removal, and there is nothing in the record to indicate that any legislation on the subject was in contemplation. When a newly elected assembly met in January, 1758, Judge Moore was arrested and charged with having presented to the governor and printed in the newspapers a document "containing many injurious charges and slanderous aspersions against the conduct of the late assembly." [76] At the same time William Smith, "provost of the academy of this city," was arrested, charged with having assisted in the preparation of the paper. Among the witnesses examined touching Smith's part in the affair was Doctor Phineas Bond, who, feeling honor bound not to tell what he knew, was promptly committed to the custody of the sergeant, to be held until he should answer the questions put to him, no one being permitted to speak to him except in the presence of the sergeant.

Another witness was committed for "prevaricating in his testimony and refusing to answer." [77] As a result of the hearing the Assembly declared Judge Moore guilty of contempt and ordered that he be confined in the "common gaol of the county of Philadelphia there to remain until he shall willingly make such a retraction of the aspersions and falsehoods contained in the said libel as this house shall approve of." At the same time the sheriff was instructed not to "obey any writ of habeas corpus or other writ whatsoever that may come to his hand for the bailing or discharging the said William Moore or otherwise discharge him from his custody on any pretense whatsoever and that this house will support him in his obedience to this order." [78] Smith was also held guilty and sent to jail. Through his counsel he gave notice of his intention to appeal the case to the King in council, but the house held that no appeal would lie in a contempt proceeding. From the jail he wrote a letter to the speaker insisting on his right to appeal, but the house, considering this a "further insult upon them, returned no answer thereto." [79] In April, 1758, the Assembly took a short recess and Moore and Smith were discharged on habeas corpus, in accordance with the rule that imprisonment by the House of Commons terminates with the session, but when the house met again they were rearrested and held to the end of the session in September. The matter was taken up again in the session beginning in October, 1758, and an order for their rearrest was made on February 28, 1759, but the sergeant at arms reported that Moore had absconded and Smith had sailed for England.[80]

One more incident in connection with the Moore and Smith case is worthy of notice. At one stage in the hearings the house was disturbed by hand clapping, stamping, and other noises on the part of the

spectators. This was voted an insult, and many of those present were haled before the bar of the house, where, after apologizing, they were reprimanded by the speaker and ordered to pay the fees for their arrest. Those who refused to appear when summoned were arrested and also those who failed or refused to pay their fees.[66]

This case, it will be observed, epitomizes to a large extent the contempt powers exercised by the colonial assemblies. Here the Pennsylvania body asserted its right to investigate a public official, although it did not claim the right to impeach or otherwise to remove him, and did not indicate any intention of legislating on the subject under investigation. It also asserted its right to punish libelous reflections upon itself and to vindicate the good name of a preceding assembly. It declared and exercised the right to punish contumacious witnesses and witnesses giving false testimony. It held that there was no right of appeal from a judgment of contempt, and that habeas corpus did not lie until after the recess or adjournment of the house. Finally it asserted its right to protect itself against disturbances from onlookers. In view of this great precedent it is not at all surprising to find the National House of Representatives in the very same city, 40 years later, punishing Randall and Whitney for offering bribes to Members, and the Senate proceeding against William Dunne for publishing a libel upon it.[67]

III. EARLY STATE AND NATIONAL PRECEDENTS

The foregoing survey of English and American colonial practice shows clearly that it was the generally accepted view that legislative bodies had the inherent right to protect their privileges, their dignity, and their honor by use of the power to punish for contempt. The precedents were plentiful and had continued down to the outbreak of the struggle for independence. The statesmen of the period were thoroughly familiar with these precedents and regarded the power to punish for contempt as an integral part, or auxiliary, of legislative power.

As a necessary result, when they drafted their Constitutions, State and National, and conferred the legislative power upon the bodies provided to receive it, they conferred the contempt power along with the rest. This doubtless explains the fact that most of the States, in drafting their new fundamental laws, made no mention whatever of the power to punish for contempt. Of the 11 States adopting constitutions, during the Revolution, 9 made no reference to the power to punish for contempt. Massachusetts and Maryland alone dealt directly with this subject.

The provisions incorporated in the Massachusetts constitution adopted in 1780 and continued down to the present time are especially interesting and were subsequently adopted almost without change in New Hampshire[68] and South Carolina,[69] and possibly in other States. After declaring, in Article VI, "that the house of representatives is the grand inquest of this Commonwealth, and all impeachments made by them shall be heard and tried by the senate," the constitution, in Article X, proceeds as follows:

"The house of representatives * * * shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house."[70]

The next article extended the same powers to the senate and to the governor and council, and then occurs this proviso:

"*Provided*, That no imprisonment on the order or warrant of the governor, council, senate, or house of representatives for either of the above-described offenses be for a term exceeding 30 days."[71]

In Maryland the constitution went much further, conferring upon each of the houses unlimited power to investigate all grievances and "affairs concerning the public interest," to "commit any person for any crime to the public jail, there to remain till he be discharged by due course of law," and to punish for contempt in a great variety of cases. The provisions are so interesting, as indicating the temper of the times, that they are reproduced in full in the footnote.[72]

Like the nine State constitutions, the Constitution of the United States is silent on the subject of contempt. Each house is given power to judge of the election and qualification of its members, to make its own rules of procedure, punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member, but nothing is said of any power to deal with outsiders who may disturb the house or obstruct its proceedings.[73]

Such was the state of the first written constitutions on this subject.[74] Their silence on the subject is suggestive. Equally so is the fact that for three-quarters of a century no case involving the contempt power of a legislative body except Anderson against Dunn,[75] reached the higher courts, State or Federal. This absence of adjudicated cases strongly suggests that there was a general acquiescence in the exercise of this power, for there was no dearth of cases in the legislatures that might have found their way into the courts if the persons concerned and their counsel had thought that relief could be obtained from that source. Since the constitutions and the court reports are silent we must turn to the assemblies themselves. What, then, was the practice of the new legislatures? The answer is to be found scattered through a multitude of legislative journals, usually poorly printed and unindexed, that have not yet been fully explored. However, ample evidence has been assembled to warrant the statement that the legislative bodies assumed that the contempt power so freely exercised by the colonial assemblies had been passed on to them without diminution. For example, in March, 1776, it was reported to the Continental Congress that one Isaac Melchior had treated the president of the Congress with "great rudeness" and had made "use of several disrespectful and contemptuous expressions toward him and this Congress." It was, therefore—

"*Ordered*, That the said Isaac Melchior attend Congress to-morrow morning at 11 o'clock to answer for his conduct."

When he appeared he denied any recollection of what he had done, "owing to the particular circumstances he happened to be under," and, apologizing to Congress and its president, he was dismissed without further punishment "in consideration of Mr. Melchior's former services."[76] A year later Mr. Gunning Bedford was declared "guilty of a high breach of the privileges of this House, in sending a challenge to one of its Members for words spoken by him in this House, in the course of debate," and he was required to "ask pardon of the House and of the Member challenged."[77]

In Virginia, whose constitution made no provision for punishing for contempt, the house of delegates in 1781 appointed standing committees on religion, on privileges and elections, on courts of justice, and on trade, and clothed each of them with the power to "send for persons, papers, and records for their information." At the same session the same power was specially conferred on the committee on privileges and elections, which was ordered to investigate the opposition "in arms," on the part of some of the people of Augusta, to a law passed by the preceding legislature.[78] There is nothing in the record to show that any legislation or other affirmative action was contemplated as a result of this inquiry. During the same session the house ordered the immediate arrest of one John Hopkins, a clerk in the Treasury Department, upon a report of contemplated misconduct on his part. He was discharged the next day, and later vindicated by the committee appointed to look into the matter.[79] In 1784 one John Warden, a Scotchman, resident in Virginia, was sent for under the custody of the sergeant at arms for "uttering certain expressions derogatory to the honor and justice of the same." Warden presented a written apology to the committee, expressing his sorrow at having given unintentional affront, and the matter went no further.[80]

In Pennsylvania the senate, in 1801, ordered the arrest of one Peter Getz for disturbing the proceedings of the body,[81] and in 1835 several contumacious witnesses, including Joseph R. Chandler, were arrested and confined by one of the houses.[82]

Under the first constitution of New York, which provided that the assembly should "proceed in doing business in like manner as the assemblies of the colony of New York of right formerly did,"[83] several cases of the exercise of the contempt power occurred. In 1796 the house punished one Killitas for charging that a committee of the house had acted corruptly. In 1810 the senate punished a man named Clarke for having challenged Senator DeWitt Clinton to a duel for words spoken by him in debate. About the same time the house punished a printer for breach of its privileges.[84] The new constitution adopted in 1821 omitted the provision above referred to and merely provided that each house should determine the rules of its own proceedings.[85] In discussing this change, the revisers of 1830 say:

"It is believed that the omission of these words in the amended constitution was not intended to deprive, and could not have the effect of depriving, the two houses of the legislature of the indispensable power of punishing for contempt."[86]

Accordingly they submitted an act defining the contempt powers of the legislature and naming the privileges the breach of which might be punished by imprisonment.

In the meantime the House of Representatives of New York, operating under the new constitution, had asserted and exercised the power in the case of William J. Caldwell. In 1824 the house appointed a special committee to investigate and determine whether any corrupt means had been used in securing the charter of the Chemical Bank. What action, if any, was contemplated as a result of the investigation does not appear. Caldwell refused to appear before the committee and testify, and wrote a letter to the chairman containing reflections upon the house. Being arrested and arraigned at the bar of the house, he admitted writing the letter and refusing to testify. Thereupon the house adopted this resolution:

"*Resolved*, That there was no sufficient ground for his refusal to appear before the committee and testify; that he was guilty of a misdemeanor and contempt of the house; that the sergeant at arms deliver him to the keeper of the jail of the county of Albany; that he be imprisoned until further order of the house; and that the speaker issue his warrant accordingly."

After a week's imprisonment he came before the committee and testified and was then discharged.[87]

Another notable case arose in New York in 1837, involving the refusal of Moses Jaques and Levi Slamm to appear and testify before a committee of the house of representatives appointed to inquire whether or not the banks of the State had been using their funds for other than legitimate banking purposes. Here again there is nothing in the record to indicate what the purpose of the investigation was or what action was contemplated by the house. The motion that these parties were guilty of contempt and that the speaker issue his warrant and bring them before the house was carried by a vote of 75 to 18. Slamm submitted and was discharged, but Jaques at first refused and was ordered imprisoned until he should agree to testify.[88]

While these instances were occurring in the State legislatures the Houses of Congress of the United States had on several occasions asserted their right to punish for contempt. The first important case arose, when the new Government was less than seven years old, out of an attempt to bribe Members of the House of Representatives. In December, 1795, three Members arose in their places and stated that they had been offered financial inducements by one Robert Randall to support a proposed grant to him and his associates of a large body of western lands. Like information was given by one Member against Randall's associate, Charles Whitney. They were arrested and brought before the House, and, after a hearing, the House adopted, by a vote of 78 to 17, the following resolutions offered by Mr. Edward Livingston, of New York:

"*Resolved*, That it appears to this House that Robert Randall has been guilty of a contempt to, and a breach of the privileges of, this House by attempting to corrupt the integrity of its Members in the manner laid to his charge.

"*Resolved*, That the said Robert Randall be brought to the bar, reprimanded by the Speaker, and committed to the custody of the Sergeant at Arms until further order of this House."

After eight days of confinement under this resolution, Randall was, upon his humble petition, discharged from custody.[89]

A very significant feature of this case is that there seems to have been no division of opinion among the Members present, several of whom had been members of the constitutional convention,[90] as to the power of the House to punish a non-Member for such an offense. There was much discussion as to the proper method of procedure—whether the accused should have the assistance of counsel, whether all questions should be asked by the Speaker and whether the testimony of the accusing Members of the House should be given under oath—but practically none at all on the constitutional aspects of the case. Madison, one of the drafters of the Constitution, counseled deliberation, but expressed no doubt of the authority of the House. On the whole, the conclusion seems warranted that this body of representative men gathered from all the States, thoroughly versed in the legislative practice of the time, were substantially agreed that the grant of the legislative power to Congress carried with it by implication the power to punish for contempt.[91]

In 1800 an interesting case arose in the Senate growing out of the publication, by William Duane, editor of the Aurora, of an alleged libel of the Senate and of one of its committees.

Duane was ordered to appear at the bar of the Senate and "make any proper defense for his conduct in publishing the aforesaid false, defamatory, scandalous, and malicious assertions and pretended information." He appeared and asked to be allowed counsel, which request was granted with certain restrictions as to the functions to be performed by counsel. Later he wrote to the Vice President, saying that on account of the restrictions placed on counsel, reputable lawyers to whom he had applied refused to appear in his behalf, and informing the Senate that he would not attend further, and stating that the Senate could take such further action as it should see fit. For this refusal to appear, not for printing the libel, the Senate, by a vote of 16 to 12, held him "guilty of a contempt of said order, and of this House, and that for said contempt he, the said William Duane, be taken into the custody of the Sergeant at Arms attending this House, to be kept subject to the further orders of the Senate." This occurred on March 26. There is no record that he was again arrested, but just before the Senate adjourned, on May 14, a resolution was adopted requesting the President to direct that Duane be prosecuted and punished by the courts of law.[92]

In this case the power of the Senate to punish Duane was vigorously contested in one of the ablest debates of this period. Unfortunately, as the Aurora was a strongly anti-Federalist paper, partisan feeling was involved, and we can not be certain how far the views expressed and the votes cast were influenced by party considerations.[93] While the arguments of Jefferson's followers did not convince the majority of the Senate, as the vote on the resolution showed, they may have so influenced them that they decided to let the matter drop. Probably a more potent factor was the approaching presidential election and the state of public opinion at the time, aroused by the odious alien and sedition laws, passed two years before for punishing just such expressions of opinion as Duane was guilty of. The rumblings, of which the Kentucky and Virginia resolutions were a part, might well have caused a determined majority to forego the full measure of redress to which they were legally entitled.

Passing over some less important cases we come to what was, perhaps, the greatest of the early cases involving the right of one branch of Congress to punish for contempt. This arose in the House in 1818, when Lewis Williams, a Member from North Carolina, laid before that body a letter that he had received from Capt. John Anderson containing a check for $500 as "part pay for extra trouble" in furthering certain claims in which the writer was interested. Thereupon Mr. John Forsyth, of Georgia, moved the following resolution, which was adopted "and ordered to be entered unanimously":

"*Resolved unanimously*, That Mr. Speaker do issue his warrant directed to the Sergeant at Arms attending this House, commanding him to take into custody, wherever to be found, the body of John Anderson, and the same in his custody to keep, subject to the further order and direction of this House."

Before the resolution was voted upon the question was raised as to the power of the Speaker to issue a general warrant. Henry Clay, the Speaker, said that fortunately there were few occasions for the exercise of the power, but that there could be no question of the authority of the House to protect its privileges and its dignity.[94]

Anderson was brought before the bar of the House and a long and instructive debate took place, at the conclusion of which a resolution to discharge Anderson from custody was indefinitely postponed by the decisive vote of 117 to 42, and the House held him guilty of contempt and ordered him reprimanded by the Speaker.[95] In this decisive fashion the House, after exhaustive debate, definitely settled the question, so far as it could do so, that it had by necessary implication, wholly independently of any constitutional provision, the power to protect itself and to carry on its functions without obstruction or interference from without. In this position it was fully sustained by the Supreme Court in the suit for damages for false imprisonment brought by Anderson against Dunn, the Sergeant at Arms,[96] which will be discussed in another connection.

The House of Representatives in the early days was several times called upon to vindicate the right of the Members to be free from assault for words spoken in debate. In 1809 one I. A. Coles was held guilty of a breach of the privileges of the House for assaulting a Member in the Capitol Building after the House had adjourned, although it appeared that the occasion of the attack was not in any way connected with the business of the House.[97] In 1828 Russel Jarvis was charged, in a message from the President, with having assaulted John Adams, the President's private secretary, while he was in the Capitol Building, and in the act of retiring from the House, to which he had just delivered a message from the President. The House held Jarvis guilty of violating the privilege of the House and meriting the censure of that body.[98] But the great case involving the right of the House to punish an assault on a Member came in 1832, when Samuel Houston, formerly Governor of Tennessee, and later President of the Republic of Texas, was held guilty of contempt and was reprimanded for an assault on William Stanbury, a Member of the House from Ohio, for words spoken by Stanbury in debate. Houston was a warm personal friend of President Jackson, and the discussion out of which the provocation grew was aimed at the conduct of the President's Secretary of War. As a result the affair from the beginning, like the Dunne case, took on a partisan aspect, so that much that was said in the long and vehement debate loses the force that it would otherwise be entitled to. The significant thing about the case is that those who favored the vindication of the privileges of the House were able to carry through their purpose in the face of the opposition of the dominant party and of the indomitable Jackson.

The facts of the case are briefly as follows: On April 14, 1832, the Speaker laid before the House a communication from Stanbury, in which he stated that on the previous evening he had been waylaid on the street near his boarding house and "knocked down by a bludgeon, and severely bruised and wounded by Samuel Houston." Immediately upon the conclusion of the reading of the communication Joseph Vance, of Ohio, offered a resolution directing the Speaker to issue his warrant for the arrest of Houston. This passed by a vote of 106 yeas to 65 nays. Houston was brought before the House, allowed counsel in the person of Francis S. Key, denied bail on the strength of the precedents of the House of Commons, and brought to trial before the whole House. The trial occupied the time of the House for almost a month. After the testimony was all in, many days were devoted to debate, at the conclusion of which the following resolutions were separately voted on and adopted, the first by a vote of 106 to 88 and the second by a vote of 96 to 84:

"*Resolved*, That Samuel Houston has been guilty of contempt and a violation of the privileges of this House.

"*Resolved*, That Samuel Houston be brought to the bar of the House on Monday next at 12 o'clock and be there reprimanded by the Speaker for the contempt and violation of the privileges of the House of which he has been guilty, and that he then be discharged from the custody of the Sergeant at Arms."[99]

The power to compel testimony from unwilling witnesses, which, as we have seen, was frequently exercised in colonial days, and was exer-

cised by the New York Legislature in the cases of W. J. Caldwell and of Jaques and Slamm, in 1824 and in 1837, was also made use of by the National House of Representatives during the first half of the last century. The first case was in 1812, when Nathaniel Rounsavell was committed for refusing to give testimony before a committee of the House appointed to "inquire whether there has been any, and if any, what, violation of the secrecy imposed by this House" in regard to a proposed embargo that had been discussed in a secret session of the House. After remaining in custody a day he indicated his willingness to testify and was discharged.[100] The second case occurred in 1837, when Reuben M. Whitney was arrested and held for some days while preparing for trial on a charge of refusing to testify before a special committee of the House appointed to investigate matters pertaining to the executive departments.[101]

From the foregoing review of the cases it is now quite apparent that the changes attendant upon the separation from England and the establishment of State and National Governments under written constitutions resulted in no abandonment on the part of the legislatures of the right so freely, and sometimes, it must be said, so harshly used during the colonial period, of punishing directly and without the intervention of courts or the authority of statutes those who obstructed their proceedings or reflected upon their integrity. In this survey of early State and national precedents we have seen the power exercised (1) by the Continental Congress, a voluntary body which had assumed the powers of a national legislature, but which as yet had no written constitution behind it; (2) by State legislative bodies, especially in Virginia and New York, where the constitutions did not confer the power, but were wholly silent on the subject; and (3) by the Houses of Congress, although the power was not expressly conferred in the Constitution, but was asserted as a necessary means of self-defense inherent in all legislative bodies.

C. S. POTTS.

CAMBRIDGE, MASS.

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[1] Ex parte Daugherty, 299 Fed. 620 (D. C. 1924). When in January, 1926, relator in this case was called before a Federal grand jury in New York investigating alleged misconduct of the Alien Property Custodian, he stated that he had given the same records involved in the Senate's inquiry to his brother, former Attorney General Harry M. Daugherty, who "wanted to look over certain matters—mostly politics—and see where he stood," and that they had been burned.—Boston Herald, Jan. 23, 1926, p. 14, c. 2. See also editorial in the same paper, Jan. 29, 1926, p. 14, c. 3. See also the New Republic, Mar. 31, 1926, pp. 164–167.

[2] Anderson *v.* Dunn, 6 Wheat. 204 (U. S. 1827); Kilbourn *v.* Thompson, 103 U. S. 168 (1880); In re Chapman, 166 U. S. 661 (1897); Marshall *v.* Gordon, 243 U. S. 521 (1917).

[3] See note 2, supra.

[4] Justice Miller states his position as follows:

"While there is in the adjudged cases in the English courts little agreement of opinion as to the extent of this power and the liability of its exercise to be inquired into by the courts, there is no difference of opinion as to its origin. This goes back to the period when the bishops, the lords, and the knights and burgesses met in one body and were, when so assembled, called the High Court of Parliament. * * * Upon the separation of the Lords and Commons into two separate bodies, holding their sessions in different chambers, and hence called the House of Lords and the House of Commons, the judicial function of reviewing by appeal the decisions of the courts of Westminster Hall passed to the House of Lords, where it has been exercised without dispute ever since. To the Commons was left the power of impeachment, and perhaps others of a judicial character, and jointly they exercised, until a very recent period, the power of passing bills of attainder for treason and other high crimes which are in their nature punishment for crime declared judicially by the High Court of Parliament of the Kingdom of England. It is upon this idea that the Houses of Parliament were each courts of judicature originally, which, though divested by usage, and by statute probably, of many of their judicial functions, have yet retained so much of that power as enables them, like any other court, to punish for contempt of these privileges and authority that the power rests." (103 U. S. 184.)

[5] Thus from the case of Burdett *v.* Abbott (14 East 1 (1811)), is taken the following quotation from the opinion by Mr. Justice Bailey:

"In an early authority upon the subject, in Lord Coke (4 Inst. 23), it is expressly laid down that the House of Commons has not only a legislative character and authority but it is also a court of judiciature, and there are instances put there in which the power of committing to prison for contempts has been exercised by the House of Commons, and this, too, in cases of libel." (103 U. S. 184.)

[6] 103 U. S. 189.

[7] 9 Ad. & E. 1 (1838).

[8] 103 U. S. 198.

[9] Hallam, Constitutional History of England, 5th ed. 207.

[10] May, Law, Privileges, Proceedings, and Usage of Parliament, 13th ed. (1924), 101.

[11] It must be remembered that Coke's Institutes were written in the midst of the fiercest internal struggle that England ever experienced. Soon after the work came from the hands of the printer, the remnant of the revolutionary House of Commons resolved itself into a high court of justice and sent Charles I to the block. Statements made by Coke pertaining to matters involved in the struggle must be accepted with great caution. Thus Prof. E. C. Corwin, in commenting on Coke's attempt to find warrant in Magna Charta for the right which he was seeking to establish that the subject could only be proceeded against by the King upon presentment by a grand jury, has this to say:

"It must not be thought that in writing thus Coke is recording the facts of history. Rather, to quote a recent authority on Magna Charta, he was but 'following his vicious method of assuming the existence in Magna Charta of a warrant for every legal principle established in his own day,' a method which has enabled him to mislead utterly 'several generations of commentators.' Among those thus misled are the three great commentators on American constitutional law, Kent, Story, and Cooley—willing dupes no doubt, yet dupes none the less." ("The Doctrine of Due Process Before the Civil War," 24 Harv. L. Rev. 366, 368 (1910), citing, for the subquotations, McKechnie, Magna Charta, 447.)

Dean Roscoe Pound, in commenting on this phase of Coke's work, says:

"Coke's purpose was to prove his case in the contests between courts and Crown in which he was a chief actor. Recent historians who have reexamined the material in writing histories of the King's Council, the Star Chamber, and the High Commission, assert that he grossly perverted the texts. Very likely he did, for he was a partisan and an advocate. * * * Coke's problem was what they [the provisions of Magna Charta] must be made to mean if justice was to be done in accordance with them and by means of them in seventeenth-century England. The fiction of interpretation enabled him and his contemporaries to believe that the two things were the same." (Interpretations of Legal History, 132.)

To the same effect is the following from Prof. Redlich:

"Anyone who closely follows the party strife of the sixteenth and seventeenth centuries under the leadership of the learned jurists of those times will have little difficulty in seeing that their constitutional arguments, at times bordering on the fantastic, were mere cloaks for the political claims to power made by the majority of the House of Commons, and by sections of the nation which it represented." (Joseph Redlich, Procedure of the House of Commons [Transl. by A. Ernest Steinbal], Vol. I, p. 25, note, quoted and commented on by Prof. McIlwain in his High Court of Parliament, pp. 230–1, note.)

[12] Jones *v.* Randall (1 Cowp. 17 (1774); May, op. cit. 101.)

[13] May, op. cit. 101. For an elaborate discussion of the question as to whether the House of Commons is a court, see McIlwain, High Court of Parliament (C. III, pp. 109–246).

It is of interest to note that our legislative bodies in this country have sometimes been referred to as courts. Thus in Coffin *v.* Coffin (4 Mass. 1, 34 (1808)) we find this language: "I consider the House of Representatives not only as an integral branch of the legislature, and as an essential part of the two Houses in convention, but also as a court having final and exclusive cognizance of all matters within its jurisdiction, for the purposes for which it was vested with jurisdiction." The contempt power is also fully recognized in this case. The Legislature of Massachusetts is still officially known as the "general court."

[14] 4 Coke, Inst., 23–24.

[15] In discussing this first use of the contempt power, Hallam says:

"The commons sent their sergeant with his mace to demand the release of Ferrers, a burgess, who had been arrested on his way to the house; the jailers and sheriffs of London having not only refused compliance but ill-treated the sergeant, they compelled them * * * and even the plaintiff who had sued the writ against Ferrers, to appear at the bar of the house, and committed them to prison. The King, in th presence of the judges, confirmed in the strongest manner this assertion of privilege by the commons. It was, however, so far, at least, as our knowledge extends, a very important novelty in constitutional practice; not a trace occurring in any former instance on record, either of a party being delivered from arrest at the demand of the sergeant or of anyone being committed to prison by the sole authority of the House of Commons." (Hallam, the Constitutional History of England, pp. 157–158.)

See also May, The Law, Privileges, Proceedings, and Usage of Parliament, 13th ed., pp. 112–113. May adds the interesting detail that before ordering the arrest of the sheriffs, the House of Commons laid the case before the House of Lords, "who, judging the contempt to be very great, referred the punishment thereof to the order of the Commons' house."

[16] Thompson, "Anti-Loyalist legislation during the American Revolution" (3 Ill. L. Rev. 81, 147); Pound, "Justice according to law" (14 Col. L. Rev. 1, 2, 8 (1914)). In this article Dean Pound calls attention to numerous instances of the exercise of judicial power by American legislatures, such as granting divorces or creating special rules for particular cases or for particular individuals, or affording special relief in individual cases, or granting new trials after final judgment, or exercising jurisdiction in insolvency. The Legislature of Rhode Island exercised appellate jurisdiction until 1857, and the New York Senate continued to act as a court of appeals until the adoption of the constitution of 1846.

[17] 4 Dall. 14 (U. S. 1800).

[18] 4 Dall. 19. Almost identical language was used by Mr. Justice Cushing in his brief concurring opinion.

[19] Constitution, Article I, secs. 9 and 10.

[19a] Dean Pound says that "the abortive bill of pains and penalties brought against Queen Caroline is probably the last of its kind" (14 Cal. L. Rev. 3 (1914)). That was the year 1820. IX Dictionary of National Biography, 152.

[20] The extent to which the colonial assemblies modeled themselves on the pattern of the House of Commons is strikingly illustrated in the faithfulness with which they copied the ancient ceremony observed at the opening of a session of Parliament. From a very early day, it is believed, and certainly from the time of Henry VIII, when regular journals began to be kept, it has been customary, upon the assembling of Parliament, for the House in a body to wait upon the King sitting in the House of Lords, and present their newly elected speaker for the King's approval. The choice having been approved, the speaker—

"In the name, and on behalf of the commons, lays claim by humble petition to their ancient and undoubted rights and privileges; particularly that their persons, their estates, and their servants may be free from arrest and all molestation; that they may enjoy liberty of speech in all their debates; may have access to his Majesty's royal person wherever occasion shall require; and that all their proceedings may receive from his Majesty the most favorable construction."

To this address the lord chancellor, as the presiding officer, replies that—

"His Majesty most readily confirms all the rights and privileges which have ever been granted to or conferred upon the commons by his Majesty or any of his royal predecessors." (May, 70.)

In the same way the colonial assemblies demanded a renewal of their ancient privileges. For example, in 1734, the Assembly of Pennsylvania in a body waited on the governor, sitting with his council, and after he had approved the speaker chosen, that official "in the name and behalf of the house" petitioned—

"That the members of this house, during the time of their sitting in assembly, may enjoy freedom of speech in all their propositions and debates; and that their persons and estates may be free from arrest and molestation; that himself (as speaker), as often as the business of the house shall require, may have free access to the governor; that if in reporting anything to the governor as the sense of the house, he happen to be mistaken, such mistake may not be imputed to the house, but that he have free liberty to resort to them for their true

meaning, and the mistake be pardoned; that it would please the governor to give credit to no information he may receive without doors, of matters moved and debated in the house, until the same shall have passed in resolves."

To this petition, it is stated, the governor was "pleased to assure the house that he would always protect them in the full enjoyment and exercise of the same." (Votes of Assembly, Vol. III, 219.) For repetitions of this ceremony in the same words in other years, see Votes of Assembly, Volume III, 444, 497, 536; Volume IV, 757; Volume VI, 2, 113, 193, 262, 284, 546.

[23] American colonial precedents have not heretofore been collected and made available.

[24] May, 120.

[25] An extended list of cases is to be found in the "Report from the Select Committee" (of the House of Commons) on the publication of printed papers (May 8, 1837), p. 3 and (Appendix) p. 19, reproduced in 9 Ad. & El. 12. It is said that more than a thousand cases of punishment for contempt by the two houses of Parliament have occurred, though now they are of rare occurrence.

[26] May (op. cit. 114–116). For a full discussion of this privilege, see May, Chap. V, pp. 110–135.

[27] See the speaker's petition quoted above from the Assembly of Pennsylvania. See also New York Ass. Jour. Vol. I, 413–414 (1718). In 1660 the House of Burgesses of Virginia passed a resolution waiving their right of freedom from arrest in part, but adding "that they will be ten days after the expiration of this session subject to arrest, judgment, and execution against their estates, but the persons to be still free." (Jour. H. of B. 1659/60.)

[28] Ass. Jour., Vol. I, 4.

[29] Ass. Jour., Vol. I, 233, 234, 236, 238.

[30] Jour. of H. of B., 1740 (reprint), pp. XXXII, 421.

[31] For these and other illustrations see MAY, 87–88.

[32] The form of the apology provided by the speaker is set out in full. Jour. H. of B. 1659/60–1693 (reprint), pp. 473, 4, 5, 6, 7.

[33] Jour. H. of B. 380 *et seq.*

[34] Ass. Journ., Vol. I, 406–7.

[35] *Ibid.*, 419.

[36] *Ibid.*, 592, 594. For Samuel Townsend's case, see Ass. Jour., Vol. II (1758) 551–4 (writing insolent letter to speaker).

[37] Votes of Ass., Vol. V, 57.

[38] I Hatsell, 93; May, 86. For many other English cases see May, 85–87.

[39] Jour. H. of R. Vol. IV (reprint), 43.

[40] Saunders, Colonial Records of N. C., Vol. III, 603–4.

[41] Ass. Jour., Vol. I, 410–411.

[42] Votes of Ass., Vol. IV, 748–8, 763–4, 768, 769, 776, 777, 781–5, 820, 837, 846. Vol. V, 22.

[43] In December, 1769, a paper was published calling a mass meeting of citizens "in order effectually to avert the destructive consequence of the late base, inglorious conduct of our general assembly" in voting supplies to the British troops then stationed in New York. The house thereupon adopted resolutions denouncing the publication as a "scandalous reflection on the conduct, honor, and dignity of this house," and declaring the author of it "guilty of a high misdemeanor." They therefore called upon the governor to offer a reward of 50 pounds for his arrest. The offer was made and Captain Alexander McDougal was arrested on February 7, 1770. He refused to give bond and was held in jail until he was indicted by the supreme court in the following April. He then gave bond in the sum of one thousand pounds, and was discharged. However, as the case before the court was never brought to trial, he was again arrested, and on December 20, 1770, he was arraigned at the bar of the house as "the supposed author or publisher" of the article. He pleaded, in reply, that he was already under indictment in the supreme court for the same offense, "and he conceived it would be an infraction of the laws of justice to punish a British subject twice for the same offense." His reply was voted "a high contempt" and he was sent to jail, only five members voting in the negative. He applied for habeas corpus, but upon the sergeant's showing in his return that he was "committed by a warrant of the speaker for a contempt of the authority of this house," the court refused to interfere. He was finally discharged when the house was prorogued on March 4, 1771, after an imprisonment of eighty-one days. (O'Callaghan, Documentary Hist. of N. Y., Vol. III, 534–537.)

It is of interest to note that McDougal rose to the rank of major general during the Revolutionary War and was a prominent member of the State Senate of New York from 1784 until his death in 1786.

[44] Note the last two cases mentioned above. Also the case of Hezekiah Watkins, New York Journal, Vol. II, 520–21.

[45] In 1742 the Virginia House of Burgesses arrested and reprimanded William Nugent for beating the doorkeeper. (Jour. pp. XX, 131,-132.)

[46] See the case of Hugh Gaine. (O'Callaghan, Documentary Hist. of N. Y., Vol. IV, 385.)

[47] New York, 1720, Captain Mulford forced to apologize for rash expressions concerning the assembly. (Jour. Vol. I.)

New York, 1756, Rev. Hezekiah Watkins imprisoned for printing a libel on house. (Id. Vol. II, 520–21.)

New York, 1758, Samuel Townsend arrested, held for a day, reprimanded and discharged. (Id. Vol. II, 551–55.)

New York, 1765, anonymous insulting letter written to house. Governor asked to offer a reward of 50 pounds for discovery of perpetrator. (Id. Vol. II, 787.)

Pennsylvania, 1743, party firing a gun loaded with shot at door of chamber. (Votes of Ass. Vol. III, pp. 539–540.)

Pennsylvania, 1757, William McIlwaine ordered arrested for uttering "false and scandalous reflections on the house."—Absconded. (Id. Vol. IV, 734.)

Pennsylvania, 1769, woman ordered imprisoned for behaving in a "very disorderly manner, as well to the members as to the house itself." (Id. Vol. VI, 152.)

Pennsylvania, 1776, Capt. Josiah Hart ordered brought before the house for refusing to pay an account allowed by the house. Having appeared before the audit committee of the house and "paid all expenses incurred by his late misconduct," he was discharged without appearing at the bar of the house. (Id. Vol. VI, 705, 724.)

Virginia, 1730, John Mercer and Peter Hedgman arrested, reprimanded, and discharged, "paying fees," for writing a remonstrance, "a scandalous and seditious libel containing false and scandalous reflections upon the legislature." (Jour. H. of B. (1727–34), 66, 71.)

Virginia, 1742, John Austin made his humble "submission" to the house for words spoken. (Id. XX, 107, 113.) On same day a committee was appointed to investigate a sermon preached by Rev. Mr. Fife, reflecting on members. (Id. pp. XX, 108.)

Virginia, 1742, address sent to governor's council complaining that at a conference between committees of that body and of the house, one councilor sat with his hat on. The council explained that no disrespect was intended, but that it was only an inadvertence. (Id. pp. XX–XXII, 141.)

[48] 6 State Tr. 1119 (1689).

[49] May, 64–66. Since 1868 election contests in England have been settled by two judges selected from the King's bench division of the high court of justice (Id., 641–643).

[50] In New York: In 1747 the high sheriff of Richmond was called on to explain his failure to send in the returns. "He humbly hoped that, as what he had done was through inadvertency, the house would not proceed to greater severities." He was let off with a reprimand by the speaker, "paying fees" (Jour., Vol. II, 227, 8, 9). Another similar case occurred in 1761 (Id., 658).

In Pennsylvania: In 1707 the sheriff was brought to the bar and "made his humble submission to the house and promised to bring the said returns to-morrow" (Votes of Ass., Vol. II, 2, 3).

In 1740 the former sheriff of Bucks, when brought before the bar, showed that his failure was not "through willful neglect or contempt of the house." Reprimanded (Id., Vol. III, 425–6).

In 1756 William Parsons was charged with having detained the writ of election intended for the sheriff. He was allowed counsel and time to prepare for trial. Later the sergeant was told at his lodgings that "he had been gone out of town some days to Amboy for the recovery of his health and was not expected to return again to Philadelphia (Id., Vol. IV, 743).

[51] Journ. H. of B., 1727–1740, pp. XXVIII, 278.

[52] Id., 31, 32, 33, 34.

[53] Id., pp. XXXIII, 426–7.

[54] Votes of Ass., Vol. III, 498–503.

[55] Journ., Vol. IV, 165. [The Journals from 1715–1724 have been reprinted in five volumes by Mass. Hist. Society.] The upshot of the controversy was that the House finally secured the testimony desired, along with that of many other witnesses, and ultimately brought about the retirement of Walton and Moody from the service. Later when the house learned that Walton was still exercising his functions "and is bound eastward, having given out such speeches as (if possible to be accomplished by him) may prove very pernicious to this Government," they

"*Resolved*, That the sheriff of the county of Suffolk be directed forthwith to follow the said Colonel Walton and order his return to Boston to attend the order of this court." (Jour., Vol. IV, 199. See also pp. 94, 95–6, 126, 128, 130, 132–3, 146, 155, 156, 163–5, 167, 170, 177, 179, 182, 183, 186, 188, 191–2, 194–5. See also Hutchinson, Hist. of Mass. Bay, Vol. II, 276–294.)

[56] Votes of Assembly, Vol. III, 498–503, 564, et seq.

[57] Votes of Assembly, Vol. VI, 2, 111, 193, 66–102.

[58] Id., 199, 224.

[59] 3 Saunders, Colonial Records of North Carolina, 585–586, 604.

[60] Assembly Jour., Vol. I, 9–10. The subject matter of the petition is not given.

[61] Id., Vol. II, 552, 553, 554.

[62] Votes of Assembly, Vol. IV, 747–748.

[63] Votes of Assembly, Vol. IV, 763–764.

[64] In this case the sergeant was ordered "not to permit any person whatsoever, either directly or indirectly, to converse with or speak to the said Armbruster till further orders from this house." (Votes of Assembly, Vol. VI, 776.)

[65] Id., 769.

[66] Votes of Assembly, Vol. VI, 777, 781, 784.

[67] Id., Vol. V, 5, 22. It seems that the house failed to get rid of Moore, for in 1775 we find him still oppressing the people as a justice of the peace. (Votes of Assembly, Vol. VI, 665.)

[68] Id., Vol. IV, 781–785, 786, 837, 843.

[69] 2 Hinds' Precedents, 1047–1052, 1052–1056.

[70] Constitution of 1784, 4 Thorpe, American Charters, Constitutions and Organic Laws, 2462. The provisions were retained in the constitutions of New Hampshire adopted in 1792 and 1902; 4 Thorpe, 2477–8, 2501.

[71] Constitution of 1790, sec. 13 of Art. I, 6 Thorpe, 3260. The same provision reappears as Art. I, sec. 19 of the constitution adopted in 1865, as Art. II, sec. 16 of the constitution of 1868, and as Art. III, sec. 13, of the constitution of 1895. 6 Thorpe, 3272, 3287, 3314.

[72] Constitution of 1780, Chap. I, Sec. III, Art. X. 3 Thorpe, 1899. In the case of Burnham *v.* Morrisey (14 Gray 226 (Mass. 1859)) the supreme court held that these provisions were not grants of power to the houses, nor did they by implication deny to the houses power to punish for contempt in other cases not here enumerated. Their purpose, said the court, was to define and make explicit powers inherent in all legislative bodies. In one respect they extended the inherent power of the houses by enabling them to commit for a period extending beyond the time of adjournment. See also Coffin *v.* Coffin (4 Mass. 1, 34–5 (1808)).

[73] This proviso was not adopted by South Carolina. New Hampshire adopted it, but with the term of imprisonment limited to a period not exceeding 10 days.

[74] Constitution of 1776, Arts. X and XII. 3 Thorpe, 1692.

Art. X: "They (members of the house of delegates) may inquire on the oath of witnesses, into all complaints, grievances, and offenses, as the grand inquest of this State; and may commit any person for any crime to the public jail, there to remain till he be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the State relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records and send for persons whom they may judge necessary in the course of inquiries concerning affairs relating to the public interest; and may direct all official bonds (which shall be made payable to the State) to be sued upon for any breach of duty."

Art. XII: "That the house of delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threat to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness or any other person attending on or on their way to or

from the house, or by rescuing any person committed by the house. And the senate may exercise the same power in similar cases."

[70] Constitution, Art. I, sec. 5.

[71] As to the contempt power in the State constitutions at the end of the nineteenth century, see an article by Frederick W. Whitridge, "Legislative Inquests" (1 Pol. Sci. Quart. 84 (1886)).

[72] 6 Wheat. 204 (U. S. 1821).

Two early State cases, while not directly concerned with the contempt power, show clearly that the courts regarded it as inherent in legislative bodies. In the first, Bolton *v.* Martin, 1 Dall. 296 (1789), the Supreme Court of Pennsylvania held that the delegates to the convention called in that State to ratify the Federal Constitution enjoyed the same freedom from arrest on civil process as the members of the State legislature. While the latter had no privileges conferred upon them by express grant, the court said that "its members are legally and inherently possessed of all such privileges as are necessary to enable them, with freedom and safety, to execute the great trusts reposed in them by the body of the people who elected them."

The second case, Coffin *v.* Coffin (4 Mass. 1 (1808)), held that the legislative bodies in Massachusetts are for some purposes courts and may punish for contempt of their authority, though the point was not directly involved in the case. See pp. 34–35.

[73] Jour. of Con. Mar. 7, 1776, p. 84.

[74] Id., June 12 and 14, 1777, pp. 232, 236.

[75] Jour. H. of B. 1781, p. 8.

[76] Id. pp. 6, 7, 38, 58. It will be noted that this case is indefensible, as his alleged unlawful plan was not directed against the House in any way.

[77] The resolution adopted by the house on this occasion was as follows:

"Information being given to the house, by a member in his place, that John Warden, of the county of Hanover, hath been guilty of a high contempt and breach of privilege of this house, in uttering certain expressions derogatory to the honor and justice of the same.

"*Ordered*, That the subject matter be referred to the committee on privileges and election; that they do examine the matter thereof, and report the same, with their opinion thereon, to the house.

"*Ordered*, That the sergeant at arms attending this house take into his custody the body of the said John Warden, and Mr. Speaker is desired to issue his warrant accordingly."

The Member calling the matter to the attention of the House is supposed to have been Patrick Henry. Other prominent Members of this body were James Madison, Richard H. Lee, and John Marshall. Madison was a member of the committee to which this case was referred. (Cong. Debates, 1831–32, vol. 8, part 2, pp. 2880–81.)

[78] Sen. Jour., November, 1800, 289, 320, 328, 334–35.

[79] 2 Hinds' Precedents, 1105.

[80] Constitution of 1777, 5 Thorpe 2631.

[81] These three cases are referred to in the debates in Congress on Samuel Houston's case in 1832. (Cong. Debates, vol. 8, pt. 2, p. 2843, and pt. 3, pp. 3006–7.)

[82] Article 1, section 3: 5 Thorpe 2640.

[83] Wickelhausen *v.* Willett, 10 Abb. Prac. 164, 171 (1860). This statement of the revisers of 1830 is quoted with approval in the leading New York case, McDonald *v.* Keeler (99 N. Y. 463, 475 (1885)).

[84] Jour. Ass., Nov., 1824, pp. 1229, 1265–66, 1288, 1351. See also Wickelhausen *v.* Willett, *supra*, note 86.

[85] Jour. Ass., 1837, 132–136, 262, 371, 381, 423–424, 433–440, 466, 488–489. Also Ass. Doc. 198 and 237 (1837), and Wickelhausen *v.* Willett, *supra*, note 86.

[86] Journal, 1st sess. Fourth Cong., pp. 389, 391, 392, 393, 395, 397, 405, 407, 414. 5 Annals, pp. 166–170, 177, 179, 185–195, 212, 222–229. 2 Hinds' Precedents, pp. 1047–1052.

[87] The Speaker, John Dayton, of New Jersey; James Madison, of Virginia; Nicholas Gilman, of New Hampshire; and Abraham Baldwin, of Georgia, had all sat in the Constitutional Convention and signed the draft constitution. In addition to these men the House contained other well-known statesmen and able lawyers, among whom may be mentioned Albert Gallatin, of Pennsylvania, afterwards Secretary of the Treasury; Edward Livingston, of New York, afterwards Secretary of State under President Jackson; William B. Giles, of Virginia; and Jeremiah Smith, of New Hampshire.

[88] Just before the vote was taken, John Nicholas, of Virginia, raised the issue of the power of the House to punish for contempt. "At the first embarking of the House in this affair he had felt doubts. His scruples had gradually augmented, and he was now of opinion that Randall should not have been meddled with at all in the present way. * * * He did not think that any resolution had yet passed the House, upon due consideration, whether they had a right to proceed or not." (5 Annals, 219.)

Little, if any, attention, was given to this suggestion, and a few minutes later the resolution by Mr. Livingston, quoted above, was adopted.

[89] Senate Journal, 6th Cong., 1st sess., pp. 45, 51–54, 55, 56, 58, 59–61; 10 Annals, 63, 68–93, 104–105, 112–115, 117, 118, 121–124, 184; 2 Hinds' Precedents, 1052–1056. It seems that Duane was prosecuted and sentenced to serve 30 days in jail. (2 Hinds, 1052–1056.)

[90] Thomas Jefferson, who was Vice President and presided over the Senate during this debate, afterwards summarized in his "Manual," prepared for the Senate, the arguments for and against the exercise of the contempt power (pp. 18–19).

[91] Journal, 15th Cong., 1st sess., pp. 117, 119, 129, 154; 31 Annals, 580–583; 2 Hinds' Precedents, 1058–1059.

[92] 31 Annals, 589–590.

[93] Anderson *v.* Dunn (6 Wheat. 204; U. S. 1821).

[94] Jour. H. of R., 11th Cong., 2d sess., pp. 111, 123, 147, 148; Annals, pp. 685, 705, 987; 2 Hinds' Precedents, 1096.

[95] Jour. 20th Cong., 1st sess., p. 587; Cong. Debates, p. 2715; 2 Hinds' Precedents, 1081–1083.

[96] Jour. 22d Cong., 1st sess., pp. 590, 593, 595, 600, 604, 610, 713, 725, 730, 736; Debates, 2511–2619, 2810–3022; 2 Hinds' Precedents, 1083–1089.

[97] Jour. 12th Cong., 1st sess., 1812, pp. 276, 277, 280; Annals, p. 1266; 3 Hinds' Precedents, 1.

[98] Jour. 24th Cong., 1st sess., pp. 232, 367–372, 378–382, 407–417, 489; Congressional Debates, 1685–1707, 1735–1754, 1760–1773, 1789; 3 Hinds' Precedents, 2–8. He was never declared guilty of contempt, for in the course of the trial before the House it developed that there had been a serious difficulty between respondent and two members of the committee and that his refusal to appear a second time before the committee was probably due to fear. The House thereupon ordered that he be discharged from custody.

LAUSANNE TREATY

Mr. BINGHAM. Mr. President, American missionaries in Turkey, as well as other Americans, including the American Board of Commissioners for Foreign Missions, are very deeply interested in the Lausanne treaty now before the Senate. The missionaries in Turkey are extremely anxious that the treaty should be ratified. I think the senior Senator from Idaho [Mr. BORAH] has asked that the treaty be printed. I ask unanimous consent that a brief communication, signed by two secretaries of the American board favoring the Lausanne treaty, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The communication is as follows:

[From the American Board Quarterly News Bulletin]

CONGREGATIONAL HOUSE, *Boston, May 20, 1926.*

Friends of the American Board:

In this number we convey highly important messages in regard to the treaty with Turkey pending in the United States Senate, * * *.

CORNELIUS H. PATTON,
BREWER EDDY,
Secretaries.

WHY THEY FAVOR THE LAUSANNE TREATY

The missionaries in Turkey and their supporters in America are in favor of the ratification by the United States Senate of the treaty with Turkey. This is because they, better than other Americans, understand the treaty, because they appreciate the good that will come from reestablishing diplomatic relations, and because they, more than others, feel the harm that would result from nonratification. They understand that the treaty recognizes the ending of special foreign privileges in Turkey. The United States was in no way responsible for this change and alone is quite unable to reverse it. Beyond this it in no way limits American rights either with regard to business or missionary work. It rather removes us from the humiliating position of accepting special favors and gives us the same rights as other foreigners in Turkey. It leaves the United States free to take any action which she may deem advisable, now or in the future, with reference to Armenia and the Armenians.

Ratification regularizes conditions already existent and gives to Americans and their work the protection of international law. A treaty will give a basis for negotiations regarding further rights, claims, and privileges and native born and naturalized American citizens. With regular relations and normal protection more can be accomplished for the Armenians than without. Nonratification would strengthen the feelings of race antagonism, which have been the curse of near eastern diplomacy for centuries. It would continue disjointed relationships and increase misunderstandings hampering the missionaries in one of the most daring projects ever launched upon Jesus's simple principle, "Love your enemies." It would look to retreat when conditions, incalculably more favorable than we ever dared to hope for, unmistakably urge an advance. The social, educational, and religious reformation now in progress among the Turks, with the resultant eagerness for western leadership, is one of the most significant movements in history; it has opened innumerable doors long closed by custom, bigotry, and superstition to the heart and mind of the Turk, and the missionaries in the spirit of loving service are entering in. The American Nation should make their task easier, not harder.

INVESTIGATION OF SENATORIAL ELECTIONS

The VICE PRESIDENT. The Senator from Maine [Mr. FERNALD] desiring to be excused from service on the special select committee appointed under Senate Resolution 195, the Chair appoints the Senator from Oregon [Mr. MCNARY] in his place.

SCREEN-WAGON CONTRACTS, POST OFFICE DEPARTMENT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, which were, on page 1, line 4, after the word "mails," to insert "in the city of Tampa, in the State of Florida"; and on page 2 to strike out all of lines 3, 4, and 5 and insert a period; and to amend the title so as to read:

An act to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes.

Mr. MOSES. I move that the Senate disagree to the amendments of the House, ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. MOSES, Mr. ODDIE, and Mr. TRAMMELL conferees on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. SHEPPARD. Mr. President, I present, in the nature of a petition, a resolution on law enforcement and prohibition passed by the seventh annual convention of the National League of Women Voters, which I ask may be referred to the Committee on the Judiciary and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolution on law enforcement and prohibition passed by the seventh annual convention National League of Women Voters April 20, 1926

Whereas obedience to law is a fundamental requisite of orderly government, and only by enforcement of existing law can the Nation command the respect of its citizens: Therefore, be it

Resolved, That the National League of Women Voters in convention assembled hereby reaffirms its unwavering conviction that obedience to the Constitution and the written law of the land is the duty of every man and woman in the United States; and be it also

Resolved, That the league calls upon the President of the United States, the Secretary of the Treasury, and all State and local officials to use to the fullest extent the power conferred upon them for the effective establishment of prohibition: Be it further

Resolved, That the league again urges the merit system, applied through civil-service regulations, as the basis of appointment of officers in the Prohibition Unit.

Mr. WILLIS presented a petition of sundry citizens of Toledo, Ohio, praying for the passage of Senate bill 2607, the so-called migratory bird refuges and public shooting grounds bill, which was ordered to lie on the table.

He also presented a letter from John W. O'Leary, president Chamber of Commerce of the United States of America, together with a resolution adopted by the Chamber of Commerce of the United States at its fourteenth annual meeting, favoring the passage of legislation establishing upon a permanent basis a foreign commerce service of the United States for commercial attachés and trade commissioners, such officers to be appointed by the Secretary of Commerce after eligibility has been determined by examinations held by the Civil Service Commission and the Department of Commerce in coordination, which, with the accompanying resolution, was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the bill (S. 2615) to authorize common carriers engaged in interstate commerce to transport any blind person, accompanied by a guide, for one fare, reported it with an amendment and submitted a report (No. 894) thereon.

Mr. JONES of Washington, from the Committee on the District of Columbia, to which was referred the bill (H. R. 4812) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, reported it without amendment and submitted a report (No. 895) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3833) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, reported it with an amendment and submitted a report (No. 896) thereon.

He also, from the same committee, to which was referred the bill (S. 3053) to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, reported it with amendments and submitted a report (No. 897) thereon.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia, reported it without amendment and submitted a report (No. 898) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4094) to amend an act entitled "An act to incorporate the American Social Science Association," reported it without amendment and submitted a report (No. 899) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 3160) for the relief of certain settlers on the Fort Peck Indian Reservation, State of Montana, reported it with an amendment and submitted a report (No. 900) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2353) to amend the military record of Leo J. Pourciau, and for other purposes, reported it with amendments and submitted a report (No. 901) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon, and submitted a report as indicated:

A bill (S. 2080) for the relief of Hamilton Stone Wallace, formerly colonel, Quartermaster Corps, United States Army; and

A bill (S. 3994) for the relief of Charles Evans Conkling (Rept. No. 902).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted a report, as indicated:

A bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers, at Marion, Ind. (Rept. No. 903); and

A bill (H. R. 658) for the relief of Harry Coventry.

Mr. ROBINSON of Indiana also, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 860) for the relief of William O. Mallahan;

A bill (S. 2914) providing for the appointment of Michael McDonald (formerly a squadron sergeant major, United States Army), a warrant officer, United States Army, and to place him upon the retired list immediately thereafter;

A bill (S. 3165) for the relief of Andrew J. Patrick; and

A bill (S. 3672) for the relief of Frederick Bremer.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1170. An act to provide for the appointment of a commissioner of reclamation, and for other purposes; and

S. 3115. An act to amend section 220 of the Criminal Code.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 4320) for the relief of the State of North Carolina; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 4321) authorizing the construction of public buildings at West Point, Ga., and Lanett, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL:

A bill (S. 4322) granting a pension to Charles C. Chandler; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4323) for the relief of Bertha Harness (with accompanying papers); to the Committee on Claims.

By Mr. STANFIELD:

A bill (S. 4324) for the relief of the State of Oregon; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 4325) to establish the Bear River Migratory Bird Refuge; to the Committee on Agriculture and Forestry.

By Mr. SHORTRIDGE:

A bill (S. 4328) to authorize the appointment of an additional judge for the District Court of the United States for the Northern District of California; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 4329) for the relief of C. H. Reynolds, assignee of the Bitu-Mass Paving Co., of Spokane, Wash.; to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 4330) authorizing the Secretary of War to take settlement of the claim of the Franklin Ice Cream Co.; to the Committee on Military Affairs.

TRAVEL EXPENSES OF SENATE CLERKS

Mr. RANSDELL submitted the following resolution (S. Res. 226), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to not more than one clerk or one assistant clerk to each Senator, 10 cents per mile each way traveled, by the most direct route, from Washington, D. C., and return to the legal place of residence of the Senator by

whom appointed, as reimbursement for money expended by such clerk or assistant clerk for railroad fare, Pullman charges, meals en route, and other necessary expenditures incurred in connection with such trip: *Provided, however,* That such reimbursement shall be limited to the expenses of one round trip for each regular or extra session of Congress or special session of the Senate, and shall be paid on vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate, when the Senator by whom appointed certifies in writing that said clerk or assistant clerk traveled at his direction.

EXPENSES OF SENATORIAL ELECTIONS INVESTIGATION

Mr. REED of Missouri submitted the following resolution (S. Res. 227), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the special Senate committee created pursuant to Resolution 195, agreed to the 19th day of May, 1926, hereby is authorized to employ stenographic assistance, at a cost not exceeding 25 cents per hundred words, to report such hearings and proceedings as may be had in connection with any subject which may be before said committee and such clerical or other assistance as may be deemed necessary by the committee, that all expenses incurred, including costs of travel by the committee or their assistants, in furtherance of the purposes of said resolution, shall be paid out of the contingent fund of the Senate upon vouchers properly approved. The costs of this investigation shall not exceed $———.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 19, 1926:

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920:

S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 1480. An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters;

S. 2058. An act for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve; and

S. 2876. An act for the purchase of a tract of land adjoining the United States target range, at Auburn, Me.

On May 20, 1926:

S. 41. An act to encourage and regulate the use of aircraft in commerce, and for other purposes;

S. 2822. An act authorizing Rear Admiral Edwin A. Anderson, United States Navy, retired, to accept the silver service tendered by the Government of Panama;

S. 3080. An act to authorize payment of expenses of the Washington-Alaska military cable and telegraph system out of receipts of such system as an operating expense;

S. 3440. An act to regulate the interstate transportation of black bass, and for other purposes; and

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927.

On May 21, 1926:

S. 3550. An act providing for an inspection of the Kenesaw Mountain and Lost Mountain and other battle fields in the State of Georgia;

S. 4070. An act granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.; and

S. 4116. An act to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes.

The message also announced that the Speaker had appointed Mr. GOLDSBOROUGH as a member on the part of the House of the joint committee under House Concurrent Resolution 22, providing for the appointment of a joint committee to represent Congress at the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights, in place of Mr. LINTHICUM, resigned.

GRAIN FUTURES EXCHANGES

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 222) submitted by Mr. SHIPSTEAD on the 14th instant calling for a report of the grain futures administration on wheat-price fluctuation in 1925.

Mr. SHIPSTEAD. Mr. President, some days ago when I introduced the resolution and it came before the Senate, it went over for one day under the rule. In the meantime the Senator from Kansas [Mr. CURTIS] has informed me that the Secretary of Agriculture has not had time to prepare the report asked for the resolution. I want to give the Secretary a reasonable time to get his papers in shape, so I ask that the resolution may go over under the rule without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRICES OF CRUDE OIL, GASOLINE, ETC.

Mr. TRAMMELL. Mr. President, I have on the calendar a resolution that has gone over under the rules for quite a little while, Senate Resolution 31. I would like to call up the resolution at this time.

Mr. CURTIS. Mr. President, I hope the Senator from Florida will not ask to have the resolution taken up this morning. It will probably occupy the time until 2 o'clock, and the Senator from Idaho [Mr. GOODING] has given notice that he would speak immediately after the conclusion of the routine morning business.

Mr. TRAMMELL. Mr. President, I did not know that the Senator from Idaho proposes to speak, but the matter involved in the resolution is of as great importance to the American people as anything that may be presented to the Senate; probably it is of more importance than the speech which is to be made.

Mr. CURTIS. What is the purpose of the resolution for which the Senator from Florida asks consideration?

Mr. TRAMMELL. It is a resolution which calls upon the Federal Trade Commission to make inquiry into the operations of the oil companies. Following up their custom of periodically advancing the prices of oil when business is best, they have recently advanced the prices of gasoline throughout the country, and the way in which it is done indicates that there is a concert of action, and certainly an indirect violation, if not a direct violation, of the antitrust law. This resolution was——

Mr. CURTIS. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. If the Senator from Kansas will please permit me to finish my sentence, I will then yield. I submitted this resolution last year, but was unable to secure action upon it at that time because it developed that not long prior the Federal Trade Commission had made some investigation of the subject, and on account of that report the resolution was at that time defeated. I think this is a matter of a great deal of importance and that the resolution should be speedily acted upon.

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 31, which the clerk will read.

The Chief Clerk read the resolution (S. Res. 31) submitted by Mr. TRAMMELL March 10, 1925, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress:

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices, or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

The VICE PRESIDENT. The resolution comes over from March 17, 1925.

Mr. CURTIS. Mr. President, this is the first time my attention has been called to the resolution, which was submitted while I was absent from the Senate on account of illness. I should like to have an opportunity to examine the resolution. As I understand, it is the resolution which the Senator offered at the last session of Congress, but at one of the meetings of the Republican conference we determined to request that all such matters be referred to a committee, unless the chairman of the committee had investigated the subject matter and had

passed on it. I have not had time to talk with the chairman of the committee in reference to the resolution. If the Senator from Florida will let the resolution go over until to-morrow or Monday, I shall have an opportunity to consult with the chairman of the committee in the meantime, and I shall be glad to do so.

Mr. TRAMMELL. Mr. President, of course, I do not like to go contrary to the wishes of the distinguished Senator from Kansas in the matter, but I suggest that the resolution ought to be acted upon. It does not involve any questions which would require a great amount of study. It embraces merely a plain proposition as to whether or not Congress desires to ascertain through the Federal Trade Commission what are the operations of the oil companies in continuously, as business grows better, advancing the price of gasoline, and in that way exacting a toll of millions and millions of dollars from the users of gasoline throughout the country. The practice contains every element of concerted monopolistic conduct on the part of the oil companies, and I think is a proper subject for the Federal Trade Commission to look into. That is the reason I am so insistent about the consideration of the resolution.

I had hoped that after we had the matter up last year the oil companies would, at least, take warning and not go ahead with the pernicious practice by concerted action of increasing prices. Simultaneously with the increase of price in New Jersey they increase the price in Indiana, and when the price is increased in Indiana simultaneously it is increased in Florida. In my opinion there is apparently a violation of the antitrust act which ought to be investigated.

Mr. CURTIS. Mr. President, if the Senator will yield, as I understand, he himself intends to speak on the resolution, and while he is occupying the floor I will consult with the chairman of the committee in regard to the resolution. This is the first time I have had an opportunity to examine it.

Mr. TRAMMELL. I am going to insist upon early action on the resolution, but I shall, for the present, respect the request of the Senator from Kansas.

FARM RELIEF

Mr. GOODING. Mr. President, at the other end of the Capitol there is being considered, in my judgment, the most important piece of legislation that has been before Congress in the interest of agriculture since the foundation of this Government, and I believe it is almost of equal importance to the whole country and to all its industries.

Mr. CURTIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. GOODING. Certainly.

Mr. CURTIS. I wish to know if we are considering Senate Resolution 31?

The VICE PRESIDENT. Senate Resolution 31 has been laid before the Senate.

Mr. GOODING. Mr. President, I repeat that, in my judgment, the proposed legislation now being considered in the House of Representatives in the interest of agriculture is the most important that has been before Congress in the whole history of the Government, because it seeks to restore the relationship which existed in this country between the agriculture and labor and the manufacturing industries for more than 100 years before the business of producing agricultural products was destroyed through legislation of our own Government.

Rumor has it, Mr. President, that no legislation will be passed in the House of Representatives to-day on the subject of farm relief; that it is more than likely that all bills having to do with this question will be recommitted to the committee or defeated, and then, it is said, that the Tincher bill or the Aswell bill may be substituted for the Haugen bill. I hope that will not be the case, because I wish to say that unless the House shall pass some legislation in behalf of the farmers, Congress is not going to adjourn at a very early date, for 60 Senators at different times have had luncheon together here, on which occasions farm problems and legislation were discussed, and there was an almost unanimous understanding that Congress should not adjourn until there was a full discussion of farm problems and a vote taken on some measure to provide agricultural relief. So, it might be well for Senators and Members of the House to understand that if farm legislation shall be defeated in the House to-day that will not end the fight but that the friends of agriculture in the Senate are going to continue it with the hope that there will be some legislation enacted that will be beneficial to agriculture.

The farmers of this country are not asking either for the Tincher bill or the Aswell bill. They are asking for what is known as the Haugen bill or the Senate bill as it was reported out of the Committee on Agriculture and Forestry by the Senator from Oregon [Mr. MCNARY].

It is not my purpose, Mr. President, to discuss the features of the Senate bill at any great length at this time. I am going to leave that to the Senator from Oregon, who reported the bill, for I am sure he is much more able to present the bill than am I. However, I wish to say that the Senate bill provides for an equalization tax on four of the principal farm products, namely, wheat, corn, hogs, and cattle. At the same time it defers such a tax on cotton. There is a distinct difference between the first four products I have named and cotton in the relationship which they bear to the general subject of agriculture, because the first four have a tariff to protect them, while cotton has no tariff. For that reason it was thought best to defer the equalization tax on cotton for two or three years.

Later, Mr. President, when I refer to the maps and diagrams that are now hanging on the wall, I am going to discuss the features of the bill, not at any great length, but so that I may be able to present my argument in a manner which will enable it to be better understood.

Mr. President, the question is often asked, What is the matter with agriculture, and why has agriculture met with such great losses in the last few years while the manufacturers have enjoyed their greatest era of prosperity, and labor has been fully employed at the highest wage since the dawn of civilization?

To me the story of the hardships, privations, and great losses that have overwhelmed agriculture in the last few years is a simple story. If the subject is approached with an open mind, a mind that is not prejudiced toward agriculture, it is not hard to understand why the basic industry of the Nation has been demoralized and some branches of it wrecked, while labor and the manufacturers have enjoyed their greatest era of prosperity.

Before the war the prosperity of the great industries meant the prosperity of agriculture, and likewise the prosperity of agriculture meant the prosperity of the great industries. For more than a hundred years before the World War there existed a close relationship in this country between agriculture, industry, and labor. I can remember something about the panic of 1873, and I can remember a great deal about the panic of 1893. In those two great panics agriculture, industry, and labor all went down together in one great crash. In the panic of 1893 the country witnessed more than 60,000 commercial failures, with liabilities of a billion dollars; railroads with mileage sufficient to reach twice around the earth could not meet their obligations and were forced into the hands of receivers; the manufacturing industries of the country were paralyzed; more than 3,000,000 men were thrown out of employment, and free-soup houses and bread lines had to be established in all of the great cities of the country to prevent death from starvation. At the same time agricultural products were forced down to ruinous prices, which brought wreck and ruin to that industry. In 1903, 1904, 1905, and 1906, 62 national banks and 212 State banks were forced to close their doors. Then we saw prosperity return; agriculture, industry, and labor all came back together to enjoy prosperity, as they had gone down together in the great panic of 1893, which brought wreck, ruin, and disaster to every industry.

Mr. President, you may search the history of this country from its very foundation, but this is the first time agriculture has been demoralized while the manufacturing industry and labor have enjoyed prosperity. To this rule there is no exception until in 1920, when the crash came to agriculture. Mr. President, I shall have no trouble in showing that our own Government through war-time legislation, together with the unwise administration of that legislation, destroyed all of the relationship that had existed in this country between agriculture, industry, and labor for more than 100 years and created a condition that is impossible for the farmers to meet.

Mr. President, when a great Government like this, either in peace or in war, through legislation or through the administration of legislation, impairs the basic industry of this Nation by creating a condition that is impossible for it to meet it becomes the duty of the Government to pass legislation that will bring back, as nearly as possible, the same relationship that existed between agriculture, industry, and labor before it was destroyed by the Government.

It is admitted by all those who have an open mind toward agriculture that a most serious condition has existed in that industry since the fall of 1920. In the last campaign all of the political parties recognized the serious condition of agriculture, and in their platforms they all made solemn pledges to the farmers of this country.

The Republican Party at its convention at Cleveland had this to say:

In dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population.

We recognize our agricultural activities are still struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party, through an unfortunate administration of legislation passed as war-time measures.

* * * * * * *

We promise every assistance in the reorganization of the marketing system on sounder and more economical lines, and where diversification is needed Government assistance during the period of transition.

The vigorous efforts of this administration toward broadening our exports market will be continued.

Mr. President, the platform of the Republican Party can not be misunderstood. I know that it was understood when it was adopted by the resolutions committee at Cleveland, for I was a member of that committee and had something to do with this part of the platform of the Republican Party. I was appointed on a committee with delegates from the State of Iowa to prepare this part of the platform, and after a discussion of it for something like two hours before the committee, in which I took up a good deal of their time, it was adopted unanimously.

The Democratic Party, Mr. President, at its New York convention, made just as solemn pledges to agriculture and went just as far, in my judgment, in its promises to bring back a balanced condition between agriculture, industry, and labor as the Republican Party did in its platform adopted at Cleveland.

The Democratic platform pledges the party—

To stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.

That is not quite as long as the corresponding part of the platform adopted by the Republicans, but it is just as strong to my mind, because it gives to agriculture all it is asking for now, and that is a commission that will have a chance to export the surplus that the farmers are producing to-day, brought about to some extent by the encouragement of their own Government during the war.

Mr. President, in the pending bill are involved the pledges of the two great political parties to the American farmer in the last campaign, and there is yet time to carry out these pledges before these two great political parties go back to the people for their support in the coming campaign.

Mr. President, we hear much to-day about price fixing, and our attention is called to the great danger of price fixing; but we have already passed the milestone of price fixing by legislation in America, for through legislation we have not only fixed the price of labor on our railroads but we have fixed the hours that constitute a day's labor on our railroads.

Congress passed the Adamson 8-hour law in September of 1916, and it became effective on January 1, 1917. Through that legislation we changed the basis of a day's labor on our railroads from a 10 and 12 hour day to an 8-hour day. Through the Adamson law and other increases made in the price of labor on our railroads in 1917 labor received an increase for that year of $237,000,000. On the 1st of January, 1918, the Government took over the railroads for operation, and from the 1st of January, 1918, to the 1st of March, 1920, including the increase brought about by the Adamson law, the annual increase in the price of labor on our railroads amounted to $1,086,000,000.

In 1920 Congress passed the Esch-Cummins Act and created the Labor Board. During 1920 the Labor Board increased wages on our railroads $487,000,000, and in 1921 and 1922 the Labor Board decreased the price of labor on our railroads, which reduced the price paid to all labor on our railroads $309,000,000.

The net annual effect in the increased price of labor on our railroads which was authorized by the Government is $1,519,000,000. Our Government not only fixed the price of labor on our railroads through legislation but it fixed eight hours as a day's labor on our railroads, and it also fixed through legislation the price of freight rates that the farmer must pay to carry his products to market.

Since the beginning of the war, taking 1914 as a basis of 100 per cent in freight rates, the Government has increased the price of freight rates on our railroads by fully 100 per cent. The first increase that was made was a 5 per cent increase in freight rates in 1915. This increase was generally confined to the eastern roads; but when the Adamson law was passed the railroads asked for a 15 per cent increase in freight rates to take care of the increased cost of labor brought about by the Adamson law.

In 1917 and 1918 the railroads were given an increase in freight rates of 15 per cent. First the eastern carriers were given this increase, and later on the western roads were allowed to increase their freight rates, which gave us an increased freight rate on our railroads over 1914 of 20 per cent.

On June 25 Mr. McAdoo, Director General of Railroads, issued what is known as General Order, No. 28, making a horizontal increase in freight rates on our railroads, with but one or two exceptions, of 25 per cent. Taking 1914 as a basis of 100 per cent in freight rates, Mr. McAdoo's increase of 25 per cent was equal to a 30 per cent increase over our 1914 freight rates; so that the increase in freight rates in 1915, 1916, 1917, and 1918 added an increase of 50 per cent to the 1914 freight rates. In 1920 Congress passed the Esch-Cummins Act, and on July 29 the Interstate Commerce Commission authorized a horizontal increase in freight rates ranging from 25 to 40 per cent, and 33⅓ per cent of an increase in all freight passing from one railroad zone to another. Taking 33⅓ per cent as an average of the increase in freight rates made by the Interstate Commerce Commission under the Esch-Cummins Act on the 29th of July, 1920, we had an increase in freight rates of just exactly 100 per cent since 1914.

In 1922 the Interstate Commerce Commission ordered a decrease of 10 per cent, and on some commodities the reduction was a little more than 10 per cent; so it is safe to say, Mr. President, that the increased freight rates in this country at the present time are somewhere between 80 and 90 per cent above the freight rates of 1914. Freight rates have been increased on the eastern railroads since 1914 a little more than on the western roads; but the facts are, Mr. President, that the freight rates were considerably higher on a mileage basis on the western roads before 1914 than on the eastern and southern roads, and they are still considerably higher on a mileage basis in the West than on the eastern and southern roads.

In the two horizontal increases made—one by the Director General of Railroads, Mr. McAdoo, of 25 per cent, and the other by the Interstate Commerce Commission in 1920 of from 25 to 40 per cent, and 33⅓ per cent between the different railroad zones—no thought or consideration was given as to how high the rate was originally or how low the rate, or how long the haul or how short the haul, or what the product would bear to carry it to market. The low-priced farm products, with but one or two exceptions, were increased the same as the high-priced manufactured articles. These horizontal increases worked a great hardship on the farmers of the West; and it is estimated that through these increases in freight rates since 1914 the farmers have been forced to pay more than $3,000,000,000 in increased freight rates, which were authorized by their own Government.

In 1916 the shippers of this country paid the railroads a freight bill of $2,560,988,111, and in 1925 the shippers of this country paid the railroads a freight bill of $4,546,760,891. In 1916 the railroads paid labor $1,415,302,636. The average earning for an employee on our railroads in 1916 was $868, while in 1925 the railroads paid labor $2,812,647,342, and the average earning paid to a railroad employee for 1925 was $1,605.

Mr. President, when this Goverment fixed the price of the labor of nearly 2,000,000 men on our railroads, it fixed the price of labor in every industry in America, for labor organizations were not slow to take advantage of the increased price of labor on our railroads which had been authorized by our own Government, and in 1917, 1918, and 1919 labor organizations inaugurated 11,400 strikes, in most of which they were successful in bringing about an increase in the price of labor.

Our great railroads traverse every part of this country, and with the scarcity of labor during the war the farmers everywhere were forced to meet the increase in the price of labor on the farm.

The farmers of this country are not asking the Government to fix the price of farm products in this bill. All they are asking for is a fighting chance to exist and meet the conditions the Government has created by fixing the prices of labor and freight rates; that is all the farmers are fighting for, just a square deal and nothing more.

Mr. President, soon after the war we heard much about the country returning to normalcy, but if returning to normalcy

means returning to conditions that existed before the war, then this country will never return to normalcy, and as far as I am concerned, I hope generally we shall be able to maintain the present standard of wages and the same standard of living in this country. My fight is to build agriculture up and not tear industry and labor down to the present standard of agriculture.

However, one of two things must happen; either agriculture must be built up to the present standard that exists in industry and labor or it is only a question of time when a great crash will occur in America, and we will have an old-fashioned panic such as the country witnessed in 1893, and out of that wreck will no doubt come a closer parity between agriculture, industry, and labor; but I am sure that a parity reached in this way would be at the expense of both agriculture and labor, and that is the last thing any sane, sensible, American should want.

So with an increased cost of production forced on the farmer of practically 100 per cent by his own Government through legislation which has created a new condition that is impossible for the farmer to meet in many branches of agriculture, it becomes the duty of Congress to pass legislation that will assist the farmer of this country in stabilizing the price of agricultural products so as to enable him to get at least a fair return for his labor and investment.

Mr. President, if the Interstate Commerce Commission had not followed with an increase in freight rates of 15 per cent after the Adamson law was passed, and if the director general of our railroads, Mr. McAdoo, during the war had not followed his increase in the price of labor with a 25 per cent increase in freight rates, and if the Interstate Commerce Commission had not followed the Labor Board's increase in the price of labor with its increase in freight rates from 25 to 40 per cent, every mile of railroad in the United States would have been in the hands of a receiver long, long ago.

I do not care what industry it is, if you increase the cost of operation of any industry by 100 per cent, and there is no opportunity for that industry to receive a corresponding increase for what it produces, then bankruptcy will surely overtake that industry, and to that rule there can be no exception. That is exactly the condition this Government forced on the American farmer through legislation in fixing the price of labor on our railroads and in fixing the price of freight rates on our railroads.

No line of business could have existed in this country if they had occupied the same position as that of the American farmer, which is one of helplessness, and one in which the farmer is not able to pass the increased cost of production on to the people. When any other line of industry has its freight rates increased, it can pass that increase on to the farmer and other consumers in America, or if there is an increase in labor, industry, without an exception, can pass that increase on to the farmer and other consumers; but some one else always fixes the price of everything the farmer produces, and some one else always fixes the price of everything the farmer must buy for the home and the farm. So the farmer, under the present economic conditions that have been created by his own Government, that have increased the cost of production of farm products fully 100 per cent, is facing a most dangerous situation in all branches of agriculture where there is a surplus produced beyond the needs of our own people.

We hear much about organizing the farmers, and for years the farmers have made an honest effort to organize and bring about cooperative marketing, and in a very few cases they have met with some success, but you can not bring about an orderly, intelligent marketing of any branch of agriculture unless you have an organization in this country that controls practically the entire output of that branch of agriculture, and I do not believe it is possible for the farmer to organize and bring about such an organization in the larger branches of agriculture without the assistance of the Government.

I think we might just as well go out and try to organize the west wind in the arid West as to try to organize the farmers of this country without some legislation, because every hand is raised against the American farmer—that is, I mean the people who are living off him are against him. It is said that we have 19,000,000 people in America who are trafficking in farm products and that there are 36,000,000 in the farm population; that farm products bring every year $21,000,000,000; that is what the American people have to pay for them. The 19,000,000 people who are trafficking in farm products take $14,000,000,000 and leave the farmers $7,000,000,000. So there are 19,000,000 people in this country who are interested in leaving the present conditions as they are. The farmer, in my opinion, is in an almost hopeless condition, as far as organizing is concerned, to bring about an orderly and intelligent marketing in the larger branches of agriculture.

Mr. President, a very fair illustration of what happens in the great industries when they increase the price of labor was told in the Washington Post under date of March 24, 1924, when it copied a story from the Chicago Tribune telling the earnings of the United States Steel Corporation for 1923. The article was headed "More pay for employees," and read as follows:

> Employees shared in the corporation's prosperity, both by obtaining the 8-hour day and also higher pay per day. The average earning per day per man was $5.83, compared with $4.91 in 1922. Total salaries and wages were $469,502,634, compared with $322,578,130 for 1922. The average number of employees was 260,786, compared with 214,931 the year before. The number of additional employees required because of the shorter day was 17,117, and to that change was attributed 60 per cent of the increase in total pay rolls.

Mr. President, when the United States Steel Corporation changed the basis of a day's labor in the steel mills from a 12-hour day to an 8-hour day and paid labor $5.83 for an 8-hour day as compared with $4.91 in 1922 for a 12-hour day, they followed that increase in wages with an increase in the price of steel of 20 per cent. This 20 per cent increase in steel gave the United States Steel Corporation an increased earning in 1923 of $262,000,000. Out of this increase they paid labor an increase for 1923 over 1922 of $146,824,504. This increase of 20 per cent in steel left a net increased revenue for the Steel Corporation of $115,077,910. This increase in the price of steel brought about an increase of from 10 to 20 per cent in the price of farming machinery, and what is true in the great steel industry is true of all other great industries, for they are all able to pass their increased cost of operation on to the farmer and the rest of the people.

Mr. President, I have here the Idaho prices of a few articles that are used on the farm, and I want to call the attention of Senators to them.

In 1914 the farmer paid $3.25 per hundred for horseshoes by the keg; to-day he pays $9.75 per hundred. In 1914 he paid $12 per ton for blacksmith coal; to-day he pays $31 per ton. In 1914 he paid $8.50 for a 1-ton scraper; to-day he pays $18.50. In 1914 he paid $72.50 for a 4-row riding beet cultivator, fully equipped; to-day he pays $150.50. In 1914 he paid $16.50 for a 60-tooth steel harrow; to-day he pays $32. In 1914 he paid $125 for a 3½-inch tire wagon; to-day he pays $242.50. In 1914 he paid $75 for a 14-inch gang plow; to-day he pays $146.50; and in 1914 he paid $62.50 for a 5-foot mower, but to-day he pays $120 for the same type machine.

This is only a fair average of everything the farmer buys for his farm. On a former occasion in discussing the condition of the American farmer I made the statement on the floor of the Senate that this Government became a speculator and a profiteer in handling the farmer's wheat during the war; that it fixed the price of wheat at our primary markets below the cost of production for some of the wheat crops produced during the life of the food control act. I did not make that statement believing it was the deliberate purpose of this Government to become a speculator and a profiteer in handling the farmer's wheat, or that the Government intentionally fixed the price of wheat below the cost of production for some of the wheat crops produced during the life of the food control act.

But nevertheless, Mr. President, that is just what happened when Julius Barnes, the greatest speculator in wheat this country has ever known, was placed at the head of the Grain Corporation. On August 10, 1917, the food control act was approved, and under the provision of that act the President issued an Executive order on August 10, 1917, creating the Food Administration and appointed Herbert Hoover as United States Food Administrator; on August 14, 1917, the President issued another Executive order creating the Grain Corporation, and Julius Barnes was made president of that corporation.

On August 14, 1917, President Wilson appointed what was known as the fair-price committee, which consisted of 11 men representing all different interests in the country, to fix the price of the wheat crop of 1917. On August 13, 1917, the committee presented the following report to the President. I especially want to call Senators' attention to that part of the committee report in which they tell the story of how they arrived at $2.20 per bushel as a fair price for the wheat crop of 1917. In that report the committee had this to say:

> In reaching its conclusion the committee has been guided by the principle you have announced, that a fair price should be based upon the cost of production for the entire country plus a reasonable profit. We have relied upon the cost estimates for the crop of 1917, furnished by the United States Department of Agriculture, checked by

the results of our own independent investigations, and the evidence submitted to the committee by the producers and their representatives.

The committee has considered the regulations recently established by the United States Grain Corporation for the different grades of wheat, through which all transactions in wheat are to be standardized and speculation is to be entirely eliminated; also that profits to the grain dealer, miller, and flour dealers have been regulated and reduced by the Grain Corporation, effecting a material reduction in the cost of flour.

In consideration of the foregoing facts and circumstances this committee respectfully recommends that the price of No. 1 northern spring wheat or its equivalent at Chicago be $2.20 per bushel.

Mr. President, the point I want to make clear is that if $2.20 a bushel was only a fair price for a bushel of wheat as found from an investigation of the Department of Agriculture with a reasonable profit for the crop of 1917 then $2.20 a bushel was an unfair price for the wheat crop of 1918, 1919, and 1920, after this country had increased the cost of production to the wheat growers by practically 100 per cent. If there is any doubt about $2.20 being an unfair price in the minds of any Senators, I want to call their attention to the fact that the Department of Agriculture in 1919 made a survey as to the cost of production of wheat in six of the principle wheat-producing States of the Union—Kansas, Missouri, Nebraska, North and South Dakota, and Minnesota. In that investigation the Department of Agriculture found the actual cost of production of a bushel of wheat on the farm in those six States for 1919 was $2.11 per bushel.

Mr. President, for the wheat crop of 1919 the Government paid the wheat growers of this country $2.26 per bushel at the primary markets for No. 1 northern wheat. Here let me say, Mr. President, that No. 1 northern wheat is the highest grade of wheat produced in this country and brings from 10 to 15 cents more per bushel at the primary markets than common grades of wheat. About 15 per cent of the wheat grown in this country is No. 1 northern, and 85 per cent of it is a lower grade. So, while 15 per cent of our farmers received a premium of 15 cents per bushel for No. 1 northern, 85 per cent of the wheat growers received only $2.11 at the primary markets for a bushel of wheat, or just exactly what the Department of Agriculture found it cost to grow a bushel of wheat in the six great wheat-producing States of the Union. But on top of the $2.11, which was the actual cost to the farmer for producing a bushel of wheat on the farm, he had to pay for hauling charges to the elevator, elevator charges, and freight rates to the primary markets.

It has been estimated by reliable authority that the wheat growers of America sold their wheat crop of 1919 to the Government for between four and five million dollars less than it cost them to produce it, without a single dollar left for a reasonable profit, which we heard so much about. For the wheat crop of 1918, 1919 and 1920 it is estimated that the wheat growers of America were forced to sell their wheat to the Government for a billion dollars less than it cost them to produce it, and as I see it, the sad part of the story is the fact that the Government, during these increases in the price of labor and the increases in freight rates, gave no thought or consideration to the effect of these increases on agriculture when we reached the peak in the cost of production in 1920, after all of the increases I have mentioned, and after the farmer had been encouraged to grow more wheat to help win the war and more farm products of every kind and description, and was assured that Europe would need our wheat and every other agricultural product we could produce.

The farmers of the country in the early summer of 1920 were looking forward to a prosperous year. The food control act expired on May 31, 1920, under which the President had fixed the maximum price of a bushel of wheat. The next day, June 1, 1920, the farmers were able to sell their wheat in Minneapolis for $3.09 per bushel. With the demoralized condition which existed in Europe, the farmer had every right to expect to sell his wheat crop of 1920 around $3 per bushel, but he was doomed to disappointment, for Governor Harding, of the Federal Reserve Board, seemed to believe that board was created for the purpose of bringing about a deflation in the country at any time they thought it advisable to do so.

On May 18, 1920, Governor Harding called a meeting of the Federal Reserve Board and the Federal Advisory Council and class A directors of the Federal reserve banks. The meeting was a secret one, and very little was known outside of banking circles of what happened at that meeting until February 22, 1923, when the Manufacturers' Record, of Baltimore, published a stenographic report of the proceedings of that meeting, which I placed in the CONGRESSIONAL RECORD a few days after it appeared in that magazine. At that secret meeting of May 18, 1920, the question of restriction of credits, breaking down of prices, and increasing of freight rates were generally discussed and agreed to.

Mr. President, I offer at this time the names of all those in attendance at the meeting of the Federal Reserve Board, May 18, 1920, and ask that the list be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, it is so ordered.

The list of names is as follows:

Hon. Adolph C. Miller, member of the Federal Reserve Board.

Hon. Henry A. Mohlenpah, member of the Federal Reserve Board.

Hon. John Skelton Williams, Comptroller of the Currency and member ex officio of the Federal Reserve Board.

Hon. David F. Houston, Secretary of the Treasury and member ex officio of the Federal Reserve Board.

George L. Harrison, counsel, Federal Reserve Board.

Also members of the Federal Advisory Council: Philip Stockton, Federal reserve district No. 1; A. B. Hepburn, Federal reserve district No. 2; L. L. Rue, Federal reserve district No. 3; W. S. Rowe, Federal reserve district No. 4; J. G. Brown, Federal reserve district No. 5; Oscar Wells, Federal reserve district No. 6; F. O. Watts, Federal reserve district No. 8; E. F. Swinney, Federal reserve district No. 10; R. L. Ball, Federal reserve district No. 11; A. L. Mills, Federal reserve district No. 12; J. H. Puelicher, Marshall & Ilsley Bank, Milwaukee, Wis.; John Perrin, chairman of the board and Federal reserve agent, Federal Reserve Bank, San Francisco; Hon. Edmund Platt, chairman of the Banking and Currency Committee, House of Representatives.

Boston: Thomas Beal, Edward S. Kennard, and Frederick S. Chamberlain.

New York: James A. Alexander, R. H. Treman, Charles Smith, and J. S. Sisson.

Philadelphia: Joseph Wayne, jr., M. J. Murphy, and Francis Douglas.

Cleveland: O. N. Sams, Robert Wardrop, and Chess Lamberton.

Richmond: John F. Bruton, Charles E. Rieman, and Edwin Mann.

Atlanta: J. K. Ottley, Oscar Newton, P. R. Kittles, and W. H. Kettig.

Chicago: George M. Reynolds, Charles H. McNider, and E. L. Johnson.

St. Louis: J. C. Utterback and Sam A. Ziegler.

Minneapolis: Wesley C. McDowell and E. W. Decker.

Kansas City: J. C. Mitchell, E. E. Burham, and W. J. Bailey.

Dallas: John T. Scott, E. K. Smith, and B. A. McKinney.

San Francisco: C. M. McIntosh, J. E. Fishburn, and M. A. Buchan.

Mr. GOODING. Mr. President, at this time I shall only discuss and review a few of the statements made by some of the representatives of the great banks who attended that meeting.

Mr. Robert Wardrop, of the Cleveland Reserve Bank, said at that meeting:

I think a reasonable depression of business would be a good thing for the country.

He added further:

I really think we would do better if we could get down to a lower basis, and from that we could work up again.

Mr. President, at that meeting of the Federal Reserve Board an organization was perfected in this country to restrict credits and increase the rate of discount and to bring about the depression of business that Mr. Robert Wardrop thought would be a good thing for the country, and while they were trying to deflate the country and reduce prices these bankers—and they were the great bankers of the country, with power given them by the Government to control the financial destiny of the American people—passed a resolution and appointed a committee of five to present their resolutions to the Interstate Commerce Commission and the United States Shipping Board asking for an advance in freight rates. That resolution reads as follows:

Resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the chair to present these resolutions to the Interstate Commerce Commission and the United States Shipping Board, with such verbal presentation as may seem appropriate to the committee.

Mr. President, at first it was hard for me to understand why these great bankers, who had met to restrict credit and deflate prices, should pass a resolution asking the Interstate Commerce Commission and the United States Shipping Board to increase freight rates, but I soon found that the great bankers who met with the Federal Reserve Board on May 18, 1920, in that secret meeting held in this city represented financial interests that owned and controlled a large majority of the stocks and bonds

of the railroads in this country. So it is not strange, after all, that they should want to protect their railroads from the deflation that they were about to force upon the country.

When Mr. James A. Alexander, one of the class A directors of the Federal reserve bank in New York, was asked about transportation in his district he said:

> There is almost no such thing there now. There is one thing, I think, to be feared, and that is if the transportation facilities are improved and commodities moved freely and credits are to be released it may bring a temporary ease in the money market and may encourage people to go ahead and expand. I believe now is the time to put the rates up and keep them up.

Mr. President, it is hard to believe that the great financiers of the country would be guilty of wanting to wreck transportation on our railroads for fear there would be a temporary ease in the money markets; but when we bring back in review the railroad blockade that occurred in 1920, it can properly be asked what part the great financiers of this country, who own and control the vast majority of the stocks and bonds of our railroads, played in the freight blockade of 1920. I am not quite sure, however, but what in their madness to deflate the country with the pressure forced upon the farmers everywhere to liquidate, but that in their efforts to cripple transportation and to force deflation, or to bring the country back to normalcy, which we heard so much about, they served a good purpose; for even with the facilities the railroads offered for the movement of freight in 1920 the farmers were pressed so hard to pay up that farm products were upon the market in such great volumes that, under pressure to sell, the greatest deflation in the price of farm products ever known in the history of this country was brought about in a few short weeks. Wheat was selling in the primary markets in June as high as $3.09 a bushel. By December, 1920, it sold for $1.60 a bushel, a decline of $1.49 a bushel. It seems to me that was deflation with a vengeance. Was there not an organized effort to break down and deflate the country? It has been said by those who have made a careful investigation that the farmers of the United States through that deflation suffered a loss in the value of farm lands and farm products as compared with 1919 of more than $30,000,000,000.

Mr. President, again quoting from the Manufacturers' Record, Mr. Joseph, of Philadelphia, raised the question of graduated rates on borrowing or rediscounts, and said:

> I would like to know whether in the districts that have adopted this procedure there has been eliminated the question of borrowing on Government securities from calculation as to the line of credit granted to a bank?

Governor Harding replied:

> In the Kansas City district and the Dallas district in their tentative plans they have eliminated entirely borrowing on Treasury certificates of indebtedness and on Liberty bonds actually owned on the 1st of April, 1920.

Mr. Wayne then asked:

> Have they made any reference to collateral notes of the customers that have been discounted by the banks as a result of the Liberty loan subscriptions?

Mr. Bailey, of Kansas City, replied:

> They have to belong to the bank on the 1st day of April. We have made that rule.

Mr. Scott said:

> It is the same way in the Atlantic district.

Mr. Wells said:

> He wants to know if customers' notes secured by Liberty bonds are exempt from the application of it.

And Mr. Bailey said:

> They are not.

Mr. President, speaking of the damnable conspiracy to force Liberty bonds on the markets, the Manufacturers' Record, of Baltimore, has this to say:

> When the Federal reserve system undertook to violate every promise made by the Government and by the banks in persuading people to buy Liberty bonds, promising to carry them and then calling loans on them in order to force them out of the banks, breaking them down from 12 to 15 points or more, the honor of the Government and the good faith of the banks trampled in the mire, millions of bonds bought in good faith by patriotic people to help the banks and help the Government were forced to be sold at a loss, and the National Government bought in $2,000,000,000 of its own dishonest promises to pay and the Secretary of the Treasury boasted of the money that had been saved in doing so. And at these low figures hundreds of millions of bonds were bought in by big estates and big institutions, with heavy losses to the innocent original purchasers.

Mr. President, when we think of the sacrifice that was made by a great many people to purchase Liberty bonds, of the encouragement they were given by the bankers of the country in this matter, and of the cold-blooded way in which these great bankers at their secret meetings discussed their method of forcing Liberty bonds on the market, it is not strange that we have a few anarchists in America, for it is such selfishness and greed as exhibited by these great bankers in the Federal Reserve Board meeting of May 18, 1920, that have created anarchy and destroyed governments as far back as history tells the story of the rise and fall of civilization.

Our Government was the only Government during the war that made a profit out of handling the farmers' grain. The report of the Grain Corporation shows that during the life of the Grain Corporation they made a profit over and above all expenses out of the farmers of $62,050,778.90. We were the only country on earth during the war that fixed a maximum price on a bushel of wheat.

In 1918 and 1919 the Canadian wheat growers received $2.45½ per bushel for their wheat, and for the crop of 1919 and 1920 they received $2.77 per bushel for their wheat. France paid her wheat growers in 1918 and 1920 $3.94 per bushel for their wheat, and in 1919 and 1920 $3.83 per bushel, and in 1920 and 1921 France paid her wheat growers $3.35 per bushel. In 1920 and 1921 Germany paid her wheat growers $7.13 per bushel. In 1918 and 1919 Italy paid her wheat growers $4.33 per bushel; in 1919 and 1920 $4.20 per bushel; in 1920 and 1921 $5.64, and in 1921 and 1922 $7.08 per bushel. Netherlands paid her farmers $2.23 per bushel in 1918 and 1919. During the war Portugal paid her wheat growers $3.83 per bushel. Spain paid her wheat growers $3.96 per bushel during the war; Sweden, $2.95; Switzerland, $3.25; and for the crop of 1919 and 1920 Rumania paid her farmers $5.25 per bushel for wheat. England gave her wheat growers a guarantee, based on 32 bushels per acre, which is something above the average yield of wheat in Great Britain, of $2.22 per bushel. So the wheat growers of Great Britain received $71.04 per acre during the war, and after the war Great Britain increased that guarantee, and it was said that altogether England paid a bonus of something like $150,000,000 to her wheat growers. Australia fixed a minimum price of $1.14 per bushel, but permitted her grain growers to receive the full market price, and paid her growers a bonus of something like $4,000,000 besides.

The action of our Government in forcing our farmers to furnish the people of Europe with wheat for less per bushel than European governments paid to their own farmers during the war, after it had increased the cost of production to the American farmer by 100 per cent, together with the action of the Federal Reserve Board, are tragedies that will leave wounds and scars in the hearts of American farmers that will never be forgotten.

Mr. President, the debates in Congress on the Federal food control act, which was approved August 10, 1917, show very conclusively that Congress intended that the wheat growers of this country should be given a fair deal. I offer for the RECORD section 14 of that act, which guarantees the farmers of this country a minimum price for their wheat.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Without objection, the section will be printed in the RECORD.

The matter referred to is as follows:

> Whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits of the guaranty provided for in this section, he is authorized, from time to time, seasonably, and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit. The President shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain standards act approved August 11, 1916. The President shall from time to time establish and promulgate such regulations as he shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment and differences in price for the several standard grades in the principal primary markets of the United States, adopting No. 1 northern spring or its equivalent at the principal interior primary markets as the basis. Thereupon the Government of the United States hereby guarantees every producer of wheat produced within the United States that, upon compliance by him with the regulations prescribed, he shall receive for any wheat produced in reliance upon this guarantee within

the period, not exceeding 18 months, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 1 northern spring or its equivalent at not less than $2 per bushel at the principal interior primary markets. This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute and shall be binding until May 1, 1919.

Mr. GOODING. I wish particularly to emphasize the last two sentences of section 14, as follows:

The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 1 northern spring or its equivalent at not less than $2 per bushel at the principal interior primary market. This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute and shall be binding until May 1, 1919.

Mr. President, there is a vast difference between a minimum price on a bushel of wheat and a maximum price of a bushel of wheat when the world is at war. The farmers of this country would have accepted their great losses very cheerfully, I am sure, if profiteering had been stopped in other lines of industry in America, but everyone knows that profiteering was permitted to run riot in America.

I wish to read a short statement from a publication issued by the Grain Corporation, which shows very conclusively that there was no law in this country in 1917 fixing the price of wheat. The article is headed "What the farmer wanted," and reads as follows:

It should be clearly understood that the food control act, passed by Congress in 1917, contained no reference to the crop of 1917 or its price. There was nothing in the act itself authorizing any buying basis for Government purchases, and there was absolutely no authorization to the President or anyone else to "fix" the wheat price which should govern the prices to be paid in everyday transactions by individuals. It was necessary, however, that some element of stability should exist in the wheat market, and the best way to bring this about was to establish a fair buying basis for Government purchases and induce other buyers to pay the same price. But what was a "fair" price? The farmers of the Southwest, who had sold some of their 1917 crop at prices around $2.50 per bushel, held out for a price at least that high. They were backed up by the whole agricultural interest of the Northwest, which had seen the price of spring wheat pass the $3 mark at Minneapolis before harvest. Naturally these interests were opposed to any reduction in the price.

The farmers were interested in getting a higher price, and when the fair-price committee met here and agreed on $2.20 a bushel for a bushel of wheat nothing was said during the meetings about that being a maximum price. The late Senator Ladd and Mr. Barrett, the president of one of the farmers' organizations, told me on numerous occasions their understanding was that it was to be a minimum price, and that they were never more surprised in their lives than when on the next day they found out it had been made a maximum instead of a minimum price by the Grain Corporation.

So, Mr. President, without any authority of law as to the crop of 1917, the Government forced a maximum price for a bushel of wheat on the wheat growers without their consent. The action of the Government, through the Grain Corporation, headed by Julius Barnes, enacted a chapter in dealing with the farmers of this country that I believe is one of the blackest pages in American history.

There is no doubt but what the fair-price committee, when it fixed the price of a bushel of wheat at the primary markets at $2.20 per bushel, believed the Grain Corporation would carry out its promise to regulate the profit of the flour-milling companies when they pledged there should be no profiteering in flour; but the Grain Corporation utterly failed in this matter, as is shown in the report of the Federal Trade Commission on wheat-flour milling.

Mr. President, I ask to print at this point in my remarks a table showing the profits made during the five-year period of the war by the large flour-milling companies located in the Northwest, the Southwest, and the Eastern seaboard country, as shown from an investigation of the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

Table showing profits during five-year period of the war by 37 flour-milling companies in certain parts of country

Year	37 companies		Northwestern group		Southwestern group		Eastern group	
	Investment	Per cent of profit	Investment	Per cent o profit	Investment	Per cent of profit	Investment	Per cent of profit
1913-14	$43, 687, 911. 12	12. 6	$26, 671, 525. 22	13. 6	$6, 293, 539. 56	11. 3	$10, 722, 846. 34	10. 5
1914-15	45, 830, 752. 49	17. 2	27, 843, 276. 69	19. 4	5, 954, 412. 73	20. 9	11, 033, 063. 07	9. 1
1915-16	48, 248, 643. 87	13. 1	29, 520, 392. 40	15. 7	7, 807, 301. 72	12. 5	10, 920, 949. 75	6. 5
1916-17	55, 382, 957. 48	38. 4	34, 673, 062. 86	44. 7	9, 293, 918. 23	34. 2	11, 415, 976. 39	22. 8
1917-18	65, 771, 847. 33	34. 1	41, 321, 145. 44	32. 7	11, 794, 511. 56	42. 6	12, 656, 190. 33	20. 8

Mr. GOODING. This table shows that the 37 companies, with an investment of something over $43,000,000, made 12.6 per cent profit in 1914; in 1915 they made a profit of 17.2 per cent; in 1916, 13.1 per cent; and in 1917, when regulated by the Grain Corporation, the same 37 companies made 38.2 per cent profit. In 1918 they increased their investment from $48,000,000 to $65,000,000, and were permitted by the Grain Corporation to earn in that year 34.1 per cent on their capitalization, which had been increased in two years out of the earnings of the company from $48,000,000 to $65,000,000.

It must be remembered these 37 companies are the large flour-milling companies of the northwestern group, the southwestern group, and the eastern group.

Mr. President, when the Grain Corporation, headed by Julius Barnes, permitted the flour mills of this country to become profiteers, as is shown in the report of the Federal Trade Commission, they trampled into the mire the solemn pledge made to the farmers that no profiteering was to be permitted by the flour mills of the country. While the farmers and wheat growers of this country were tied down to the cost of production of a bushel of wheat, which at times during the Federal food control act was below the actual cost of production, profiteering, as everyone knows, ran riot in America during the war; and the action of the Grain Corporation, headed by Julius Barnes, toward the wheat growers of this country under the food control act was nothing less than tyranny.

Mr. President, it is said that it is the net results in this life that count after all. On the 18th of this month six years had passed since the Federal Reserve Board held their secret meeting in this city in 1920, at which they started to deflate the country. In 1910 the mortgage indebtedness of the farmers of this country was $4,320,000,000; in 1925 it was $12,250,000,000.

It has been estimated that in the increased indebtedness of the farmers and the shrinkage in the value of farm lands and farm products, as compared with 1919, the farmers of this country have sustained a loss since 1920 of more than $30,000,000,000.

Mr. President, I offer for the RECORD a special report to the President by the Secretary of Agriculture on the wheat situation. This report is for the fiscal year ending June 30, 1923.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, the report will be printed in the RECORD.

The matter referred to is as follows:

When the price deflation came in 1920 the farmers who had accumulated large debts were seriously embarrassed. While the majority of them have been successful in tiding over their financial difficulties, a substantial number have not. This situation is brought out in a special inquiry made by the Department of Agriculture in the spring of 1923. Reports were secured from 15 States, covering the period January, 1920, to March, 1923.

Out of over 68,000 farm owners included in this survey, 4 per cent lost their farms through foreclosure or bankruptcy, 4½ per cent lost their farms without legal proceedings, and a little over 15 per cent had been spared such loss up to March, 1923, only because of the leniency of their creditors.

Out of almost 26,000 tenant farmers, 7.2 per cent lost property through foreclosure or bankruptcy, 7.8 per cent lost property without legal proceedings, and 21.3 per cent retained their property merely as a result of the leniency of creditors.

The seriousness of the situation is further reflected in the records of the bankruptcy courts. While the total number of bankrupt cases among farmers is not large, it must be remembered that the farmers as a rule do not resort to the bankruptcy courts when forced to give up property to creditors. The significance of the record lies, therefore, in the increase and distribution of such cases rather than in their absolute number. The records of the Department of Justice show that during the pre-war years 1912–1914 an average of 5.5 per cent of all bankruptcy cases were farmers, while in 1922 the percentage was 14.4. The resort by farmers to bankruptcy courts was especially pronounced in the more specialized wheat regions.

In the western winter-wheat region farmer bankruptcy cases in the pre-war years averaged 8 per cent of all cases; in 1922 this percentage had increased to 25. In the spring-wheat region the percentage increased from almost 22 per cent of all cases in the pre-war years to 48.9 per cent in 1922. The increase in bankruptcy cases among farmers in the Pacific Northwest States is also marked, particularly in Idaho, where almost 47 per cent of all cases put through the bankruptcy courts in 1922 involved farmers. The percentage of bankruptcies among farmers in 1922 was especially high in Iowa, Kansas, Nebraska, Colorado, North Dakota, South Dakota, Montana, and Idaho, ranging from 32.6 per cent of all cases in Nebraska to 78.5 per cent in North Dakota. Preliminary reports indicate that bankruptcies of farmers for the fiscal year ending June 30, 1923, will materially exceed those of 1922.

Mr. GOODING. Mr. President, in this special report by the Secretary of Agriculture on the wheat situation for the fiscal year ending June 30, 1923, he shows that in 1922, 1,220,000 of our farm population left the farms. He also shows that in those States where the survey was made of 68,000 farmers, 4½ per cent lost their farms through legal proceedings and that a little over 15 per cent had been spared such a loss up to March of 1923 only because of the leniency of their creditors.

Out of a survey of over 26,000 tenant farmers, it was shown that 7.2 per cent lost their property through foreclosure or bankruptcy, and that 7.8 per cent lost their property without legal proceedings, and that 21.3 per cent retained their property merely because of the leniency of their creditors.

Mr. President, there has been a decided improvement in the wheat situation in the United States since 1923, but this has only been brought about through the misfortunes of the wheat growers in Canada and in some parts of our own country. I shall discuss this feature again when I refer to the maps I have had placed here in the Senate Chamber, where they can be observed by the Senators.

Mr. President, I have here the number of national-bank failures in all of the States since 1910. The total number of bank failures—State and national—since June 30, 1920, in this country is 2,502. This does not include the State banks that have failed since June 30, 1925, or the national-bank failures since the 1st of January, 1926.

So, Mr. President, since 1920 we have had bank failures in this country at the rate of 500 a year. When 62 national banks and 212 State banks failed in the great panic of 1893 it was looked upon with astonishment and has been referred to on a great many occasions in the past; but here, Mr. President, we have an average of 500 bank failures for the past five years, and they are still failing at about the same ratio, and what a story they tell!

I want to call the Senate's attention to the fact that practically all of the bank failures that have occurred since 1920 are in the agricultural States, and that the bank failures in the industrial States are less than they were before the crash came to agriculture in 1920.

The State of Alabama since 1910 has had four national-bank failures. One of them was before 1920. The others have occurred since 1920. I will take just a few of the States where the largest number of failures have occurred.

In the Eastern States, where the great industries are located, there have been no bank failures to speak of since 1920, and very few before that time.

Connecticut had one national-bank failure between 1910 and 1920. Since 1920 it has had only one more national-bank failure.

Florida had six national-bank failures before 1920 and one national-bank failure since 1920.

Georgia had five national-bank failures during the 10 years prior to 1920 and seven national-bank failures since that time.

Idaho had 2 national-bank failures from 1910 up to 1920, and 20 national-bank failures in the last five years and a half.

Illinois had one national-bank failure from 1910 up to 1920, and two national-bank failures since 1920.

Iowa—the great agricultural State of Iowa—had one national-bank failure in 1914. That is, from 1910 to 1920 the great State of Iowa had only one bank failure. Since that time it has had 19 bank failures. These are national banks. This does not tell the story of the State banks.

Kansas had two national-bank failures from 1910 to 1920, and it has had five bank failures since that time.

Massachusetts has had one national-bank failure since 1920.

Maryland has had one national-bank failure since 1920.

Maine has had none.

Michigan has had no national-bank failures since 1920. It had one in 1912.

Minnesota had two national-bank failures before 1920; that is, from 1910 to 1920 Minnesota had two national-bank failures. Since 1920 Minnesota has had 26 national-bank failures.

Montana had one national-bank failure in the 10 years from 1910 to 1920. Since 1920, including 1920, Montana has had 50 national-bank failures.

Nebraska had two national-bank failures before 1920. Since 1920 it has had 15 national-bank failures.

New Mexico had one national-bank failure before 1920. Since 1920 it has had 19 bank failures.

New York had four national-bank failures from 1910 to 1920, and one bank failure since 1920.

North Carolina had one national-bank failure before 1920, and seven since 1920.

North Dakota had one national-bank failure in the 10 years from 1910 to 1920. Since 1920, including 1920, it has had 33 national-bank failures.

The State of Ohio from 1910 to 1920 had seven national-bank failures, but since 1920 it has had only two national-bank failures.

Oklahoma had only 1 national-bank failure between 1910 and 1920 and 35 national-bank failures since 1920.

Pennsylvania had 11 national-bank failures from 1910 to 1920 and 5 national-bank failures from 1920 to 1926.

South Dakota had 1 national-bank failure from 1910 to 1920 and had 34 national-bank failures from 1920 to the 31st of December, 1925.

These are only national-bank failures and tell only a small part of the story.

Texas had 4 national-bank failures in the 10 years from 1910 to 1920 and had 22 national-bank failures since that time.

Vermont has had no bank failures in the last 16 years.

Utah had no bank failures for 10 years, but since 1920 it has had 3 national-bank failures.

Virginia had no national-bank failures from 1910 to 1920, but it has had one since 1920.

Wisconsin had no national-bank failures for the period between 1910 and 1920, but it has had five national-bank failures since.

The State of Washington had one national-bank failure before 1920 and five since 1920.

The State of Wyoming had no national-bank failures for the 10 years between 1910 and 1920. Since 1920 it has had 11 bank failures.

Mr. President, I ask permission to have printed in the RECORD a table showing in detail the national-bank failures to which I have referred.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The table is as follows:

Total number of national-bank failures in the United States from Jan. 1, 1910, up to and including Dec. 31, 1919	82
Total number of national-bank failures in the United States from Jan. 1, 1920, up to and including Dec. 31, 1925	379
Total number of national-bank failures east of Chicago (i. e., Michigan, Indiana, Ohio, New York, Pennsylvania, Maine, New Hampshire, Vermont, Rhode Island, Delaware, Massachusetts, New Jersey, Connecticut, Maryland) before 1920	29
Total number of national-bank failures east of Chicago (same States as enumerated above) since 1920	13

Total number of national-bank failures in the following States

	Since 1920	Before 1920
California	9	1
Colorado	11	4
Idaho	20	2
Iowa	19	1
Kansas	4	3
Minnesota	26	2
Montana	50	1
Nebraska	15	2
North Dakota	33	1
South Dakota	34	1
Oklahoma	36	0
Texas	22	4
Wyoming	10	1
Washington	5	1
Wisconsin	5	0
Utah	3	0
Total	302	24

Mr. GOODING. Mr. President, the point I want to make is that these bank failures in the agricultural States of the Union tell the story of agriculture as fully as the increased mortgages that are on record and the increased indebtedness of the farmer, because I think we all know that it was the condition of agriculture, the deflation forced upon agriculture in this country, together with the increased cost of production forced upon agriculture by our own Government, that destroyed agriculture and created a condition impossible for the farmers to meet.

Mr. President, the saddest thing I know is to see a man, after he has passed the meridian of life lose the earnings of a lifetime without any fault of his own and forced to commence life's work over again to provide a home for his declining years. This is made doubly hard when he knows and understands that in his efforts to produce more wheat to help win the war he was forced to produce it at a loss or be branded as disloyal and a traitor to his country.

As a member of the Agricultural Committee of the Senate, I have listened to some distressing stories from bankers, farmers, and business men coming from the wheat-producing States. I am glad to say, however, that those distressing conditions do not exist any longer. But the wheat growers are still faced with an impossible condition. Mr. John F. Sinclair, a banker of Minneapolis, told the committee the distressing story of 168 suicides upon the farms of Minnesota, North and South Dakota, and Montana in 1922. I sometimes wonder what the condition in the home must be when strong men break down over their losses and weep like a beaten child and then commit suicide.

The story was told of farmers being so poor in some of those States that when death entered the home some one was forced to build a rough wooden box for burial, as there was no money in the family to pay funeral expenses. The story was told of how children had to be kept out of school, as their parents were too poor to buy shoes and clothing to keep them warm.

Mr. President, what a terrible condition that is to exist in a great country like this, where there is so much prosperity and so much wealth; in a country that now boasts of more than half of all the gold in the world; in a country where men are fast becoming billionaires.

Surely every Senator must agree that a very strange condition exists in this country with our farm population leaving the farm at from half to one million every year and farmers giving up their farms in a wholesale manner while the wealth along every other line in this country has been increasing at a rate almost beyond belief.

In 1914 the total wealth of this country was estimated at $200,000,000,000, in 1922 at $320,000,000,000, in 1924 at $350,000,000,000, and in 1925 the total wealth of this country was estimated at $356,000,000,000. In 1922 the total wealth of the British Empire was estimated at $180,000,000,000, of France at $100,000,000,000, of Italy at $30,000,000,000, and the total wealth of Japan was estimated at $25,000,000,000.

Since 1914 this country has accumulated more wealth than France, Italy, and Japan combined, and almost as much as the total wealth of the British Empire, which has been accumulating its wealth for a thousand years. This country is generous to a fault, for since the war it has given a billion dollars to charity abroad, and last year it was estimated that the American people spent $500,000,000 in foreign countries, most of which was spent in Europe for pleasure; but some day, Mr. President, unless we do something for agriculture, it will be necessary for us to begin charity at home.

Mr. President, here is a most interesting statement from the Comptroller of the Currency, which deals with the deposits in banks for the fiscal years of 1914 and 1925:

On June 30, 1914, there was deposited in national banks in this country $8,565,000,000. On June 30, 1925, we had $19,909,000,000 in national banks, and in State and commercial banks on June 30, 1914, we had $3,411,009,666; while in 1925, in the same banks, we had on deposit $13,402,017,000.

In loan and trust companies in 1914 we had $4,289,095,458, and in 1925, $9,465,628,000.

Deposited in stock savings banks in 1914 we had $1,031,672,932, and in 1925, $1,926,336,000.

Deposited in mutual savings banks in 1914 we had $3,915,795,392, and in 1925, $7,151,803,000.

Deposited in private banks for the fiscal year 1914 we had $148,517,930, and in 1925 in private banks we had $127,479,000, making a total amount deposited in all banks for 1914 of $21,359,842,316, and for 1925 of $51,982,932,000.

I ask to have the statement printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Total deposits all banks 1914 and 1925

Class of bank	June 30, 1914	June 30, 1925
National	$8,563,750,926.12	$19,909,669,000.00
State (commercial) banks	2,411,009,666.61	13,402,017,000.00
Loan and trust companies	4,289,095,468.29	9,465,628,000.00
Stock savings banks	1,031,672,932.97	1,926,336,000.00
Mutual savings banks	3,915,795,392.34	7,151,803,000.00
Private banks	148,517,930.02	127,479,000.00
Total banks other than national	12,796,091,390.23	32,073,263,000.00
Total all reporting banks	21,359,842,316.35	51,982,932,000.00

Mr. GOODING. Mr. President, in 1914 foreign countries had $4,500,000,000 invested in this country, and since 1914 it is said we have paid off $3,000,000,000 of that indebtedness. In 1914 the American bankers and financiers had $2,000,000,000 invested in foreign securities, and it is said that to-day American bankers and financiers have something over $8,000,000,000 invested in foreign securities. There is not a civilized country on earth that is not indebted to American bankers and financiers, and in some of the smaller countries the American bankers have taken over the customhouses to insure the payment of their loans.

American capital has several billion dollars invested in industries in foreign countries. American capital has something over a billion dollars invested in Cuban sugar plantations; nearly a billion dollars in Czechoslovakia in sugar, steel mills, and glass factories and sawmills, together with great landholdings. It is said that in China American capital controls the dried-egg industry.

So we are not a poor country. We have more wealth, I was about to say, than all the rest of the world. I will not say that, because that would be taking in a great deal of territory; but we have more than all of Europe combined. The farmers are now coming here asking for some legislation to enable them to make something beyond the cost of production.

I now want to discuss briefly the maps on the wall.

ORDER OF BUSINESS

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Robinson, Ind.
Bayard	Fess	Lenroot	Sackett
Bingham	Fletcher	McKellar	Schall
Blease	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shipstead
Broussard	Gerry	Mayfield	Shortridge
Bruce	Gillett	Means	Simmons
Cameron	Goff	Metcalf	Smoot
Capper	Gooding	Moses	Stanfield
Caraway	Hale	Neely	Steck
Copeland	Harreld	Norbeck	Stephens
Couzens	Harris	Nye	Swanson
Cummins	Harrison	Oddie	Trammell
Curtis	Heflin	Overman	Tyson
Dale	Howell	Phipps	Underwood
Deneen	Johnson	Pine	Wadsworth
Dill	Jones, N. Mex.	Pittman	Walsh
Edge	Jones, Wash.	Ransdell	Warren
Edwards	Kendrick	Reed, Pa.	Willis
Ernst	King	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present. The hour of 2 o'clock having arrived, Senate Resolution 31 will go to the calendar. The Chair lays before the Senate the unfinished business, which is Senate bill 2607, the migratory bird bill. The Senator from Idaho is entitled to the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho yield to me for a moment?

Mr. GOODING. I yield.

Mr. LA FOLLETTE. I desire to ask unanimous consent for the present consideration of the bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

I desire to state that through a misunderstanding last night at the session when I could not possibly be present, the Senator from Connecticut [Mr. BINGHAM] asked that the bill go over under the impression that I was opposed to the measure. As a matter of fact I am in favor of its passage and am anxious to have it disposed of. It simply provides for the return to the States of certain records of the Public Land Office after the Government Land Office has concluded with the use of them and it protects the preservation of the

records. The bill was unanimously reported by the House Committee on Public Lands, was passed by the House, and was unanimously reported by the Senate Committee on Public Lands and Surveys. I am sure there is no opposition to it. I will say to the Senator from Idaho that if it provokes any debate I will withdraw my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. TRAMMELL. Mr. President, I do not like to object, but in view of the fact that we have occupied two hours here discussing farm legislation when I was trying to bring up for consideration my resolution which had to do with the recent increase in the prices of gasoline, and that we put off a matter of that character and of great importance to the American people, it seems to me there is no reason why we should take up little measures out of order like the one suggested. I demand the regular order.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Wisconsin.

REMISSION OF DUTY ON BELLS FOR CARILLON PURPOSES

Mr. FLETCHER. Mr. President——

Mr. GOODING. I yield to the Senator from Florida.

Mr. FLETCHER. I ask unanimous consent, out of order, to introduce a bill to admit free of duty certain bells for carillon purposes, and also a bill to remit the duty on a carillon of 56 bells to be imported by Edward W. Bok, of Philadelphia, Pa., to be installed by him in a tower at or near Mountain Lake, Fla., the carillon to be operated for the enjoyment and benefit of the public.

I will state that the reason for this action on my part at this time is that Mr. Edward W. Bok proposes to erect on his sanctuary at Mountain Lake, in Polk County, Fla., the finest carillon perhaps to be found in the whole country. It requires 56 bells. Such bells are not manufactured in the United States. My understanding is it is necessary that the bells shall have a certain tone, to carry a certain vibration, and that sort of thing, which does not in any way compete with bells manufactured in the United States.

The duty on bells is 40 per cent, so that if Mr. Bok has to pay $100,000 for the 56 bells to compose this carillon it would take $40,000 to get them into the country, which would make the cost prohibitive. I am asking that the Finance Committee, if they can see their way clear to admit free of duty bells for such a public purpose, shall recommend a bill to that end. Such a duty does not protect American manufacturers at all, because no American manufacturers make these bells.

Mr. JONES of Washington. Does the Senator think a bill like that can properly originate in the Senate?

Mr. FLETCHER. I am not sure about it, but bills have been introduced in the Senate on the subject.

Mr. SMOOT. Mr. President, I will say to the Senator that the subject is now before the Committee on Finance and is being considered. The committee took an unfavorable position on the matter. The question also arose as to whether the Senate has a right to enact legislation of that sort, as the Constitution provides that any bills affecting revenue must originate in the House. I will say to the Senator that no doubt the same bill will be introduced in the House, and if it is passed there and comes to the Senate we can take it up here immediately.

Mr. FLETCHER. I shall endeavor to arrange to have the same bill introduced in the House, but in the meantime I am asking the Senate Committee on Finance to consider the matter. I am going to ask unanimous consent now to have printed as a Senate document a pamphlet on the subject of Carillons and the Carillon to be Imported Into this Country for the Park Avenue Baptist Church, New York. I ask that the pamphlet may be printed as a public document.

The PRESIDING OFFICER. Without objection, the pamphlet will be printed as a public document [S. Doc. No. 118].

The bills introduced by the Senator from Florida will be read by title and referred.

The bills were read twice by title and referred to the Committee on Finance, as follows:

A bill (S. 4326) to admit free of duty certain bells for carillon purposes; and

A bill (S. 4327) to remit the duty on a carillon of 56 bells to be imported by Edward W. Bok, of Philadelphia, Pa., to be installed by him in a tower at or near Mountain Lake in Florida, the carillon to be operated for the enjoyment and benefit of the public.

INTERSTATE AND FOREIGN COMMERCE IN COAL

Mr. COPELAND. Mr. President, will the Senator yield to me a moment?

Mr. GOODING. I yield for a question; but if the Senator desires to take any time I must insist on finishing my remarks.

Mr. COPELAND. I want to submit a request for unanimous consent.

Mr. GOODING. I will yield for that purpose.

Mr. COPELAND. I will state to the Senate that I am under obligation to leave Washington to-morrow for a week and I desire to have the coal bill, Calendar No. 763, Senate bill 4177, given consideration, if possible, before I go away. I think that it will not interfere with the machinery of the program if the bill is given consideration immediately after the Senator from Idaho has finished his speech. It may defer action upon the migratory bird bill for a few hours, but nothing can be more important than the question of the poor people of the country getting coal.

Mr. GOODING. Mr. President, I shall have to object to taking up any other measure at this time, or in the future, so far as that is concerned, until we have disposed of farm legislation. I expect that some disposition will be made in the House of the farm legislation which they have been discussing over there for a week. I am sure the Senator would not want to displace farm legislation or interfere with an opportunity to discuss it in the Senate. I understand the Senator from Oregon [Mr. McNARY] will be ready very shortly to move to proceed to the consideration of farm legislation.

Mr. McNARY. Mr. President, I appreciate the necessity for reasonable expedition in the matter of farm legislation. I can assure the Senator from Idaho and others within the range of my voice that this session of Congress will continue until we have ample time for its consideration.

I wish to say to the Senator from New York [Mr. COPELAND] that if I were able to-day or to-morrow to have the farm relief legislation made the unfinished business, I would be willing to yield to him for a short time, because he told me of the necessity of leaving the city to go to the bedside of his father. I think the courtesy is due him to that extent, and should I be able to get the farm relief measure made the unfinished business so that we would be assured of its early consideration, I would yield to the Senator from New York under these peculiar conditions.

Mr. COPELAND. I very much appreciate what the Senator from Oregon has said. I have no other purpose in mind except to have some understanding about it. May I ask the Senator from Oregon what he understands now to be the situation?

Mr. McNARY. The migratory bird bill is the unfinished business. After that is disposed of, it is the hope of the Senator from Oregon that the unfinished business may become the farm relief measure, which is now on the calendar. Just when that will occur would be known only to a prophet. I hope I may get it made the unfinished business to-morrow or not later than Monday noon if we should adjourn over until Monday.

Mr. COPELAND. I appeal now to the leader of the majority, the Senator from Kansas [Mr. CURTIS]. I assume, of course, that at some time coal legislation is to be considered. Would it seriously disarrange the program if the Senator permitted the coal legislation to be taken up now?

Mr. CURTIS. Mr. President, I have no authority to agree to such an arrangement. I am told that the Senator from West Virginia [Mr. NEELY], who is absent at the moment, and one or two other Senators are opposed to taking up the coal bill at this time, and that it would take several days to dispose of it when it is taken up. Of course, I would not undertake to arrange any program. The Senator may, of course, do as he pleases, but I would prefer to carry out the program which has been arranged by the steering committee.

Mr. COPELAND. I have no disposition to forestall the Senator from West Virginia or any other Senator, because, as I see it, every Senator who has a view either for the legislation or against it must have an opportunity to express his view. I am simply asking the Senator if it is possible to arrange the program in such a way as to accommodate my necessity. I must leave the city to-morrow afternoon and I would like very much and I would feel very much happier to know that this matter had been disposed of or considered.

Mr. ROBINSON of Arkansas. Mr. President, the body at the other end of the Capitol is just now voting on so-called farm relief legislation.

Mr. McNARY. The vote is being taken on the motion to recommit the legislation to the Agricultural Committee.

Mr. ROBINSON of Arkansas. Yes; and the indications are that the motion to recommit will prevail by a very large majority. In view of that situation, I think that an opportunity ought to be given to consider the bill which has been reported from the Committee on Education and Labor by the Senator from New York [Mr. COPELAND] relating to coal. The subject

matter of that bill has been under consideration by the committee for several months. Every year heretofore since the war we have had this experience: A controversy has arisen between the coal operators and the miners, resulting in the closing down of many of the mines, a reduction of production, and increases in the cost of coal. It is true that a composition was made after the winter season had passed and production was resumed, but there is nothing conclusively showing that the next season will not present the same difficulties that have heretofore arisen. Certainly some time ought to be given to the consideration of legislation on this subject. The Senator from New York has been quite patient about the matter. The majority steering committee apparently has given no consideration whatever to legislation on the subject.

Mr. CURTIS. Mr. President, may I interrupt the Senator from Arkansas?

Mr. ROBINSON of Arkansas. Yes; I yield to the Senator.

Mr. CURTIS. There has been no meeting of the steering committee since this measure was reported, but I have agreed to present it to the steering committee at its next meeting, which I hope will be to-morrow or Monday. I do not yet know when it will be; I am not a member of the committee; but I am going to ask the committee to meet, because I think some legislation on this subject ought to be enacted. So I shall ask the committee to take up and consider the question when they meet if no other disposition shall be made of it

Mr. GOODING. Mr. President, I wonder if I might not be permitted now to go ahead and finish my remarks?

Mr. ROBINSON of Arkansas. Just a moment.

Mr. WILLIS. Mr. President, will the Senator from Idaho yield to me for a brief suggestion?

Mr. COPELAND. I appeal to the Senator from Idaho for just a moment. Let us have this measure considered. It is a matter near to my heart, and I am under the painful necessity of going away to-morrow.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho [Mr. GOODING] has the floor.

Mr. SMOOT. Mr. President, the Senator from West Virginia [Mr. NEELY] and one other Senator—I forget who he was—gave notice that if this bill came up they desired to talk upon it, I think they said for days.

Mr. JONES of Washington. Until the 15th of next November.

Mr. SMOOT. Yes; until the 15th of next November. I do not believe that the bill ought to be brought up in the absence of the Senator from West Virginia.

Mr. ROBINSON of Arkansas. Of course, any Senator may object to the request for unanimous consent made by the Senator from New York, but any Senator who does so makes the objection upon his own responsibility. I understand that the request has been presented, and when the Senator from New York shall have concluded his statement I shall ask the Chair to submit the question.

Mr. SMOOT. The Senator from Idaho has the floor.

Mr. GOODING. I usually yield in a spirit of fairness to any measure and to any Senator, but I should like now to be permitted to go ahead and finish my remarks.

Mr. ROBINSON of Arkansas. The Senator from Idaho will have that opportunity. He is speaking now upon a question which is not before the Senate, but there will be no difficulty about his finishing his speech, and he will be permitted in a few moments to proceed. The Senator from New York, however, has submitted a request, and under the practice which prevails here we discuss such questions. I think an arrangement ought to be made to consider the bill reported by the Senator from New York.

Mr. WILLIS. Mr. President——

Mr. COPELAND. Just a moment please. Mr. President, I know that no Senator will try by parliamentary tactics of any sort to defeat a brief calm discussion at this time as to what should be done with the bill. So far as I am concerned, I want the Senator from West Virginia or any other Senator to have all the time he may need to discuss his opposition to the bill. It may not be the desire of the Senate to pass this legislation; I am not assuming that it is the desire of the Senate to do so; but for myself I feel that nothing is more important to the welfare of the people of the country than to have legislation of this sort enacted and I am sure the Senate is going to give that consideration to the subject which its importance demands. I hope before we finish this little conference in all good feeling we may agree about what shall be done in the matter, so that we may then consider the subject wholly upon its merits.

Both the migratory bird bill and the farm relief bill, in which the Senator from Idaho [Mr. GOODING] is so interested, meet my full approval. I want to see them passed; I do not want to see Congress adjourn until they shall have been enacted into law. Here, however, is a peculiar situation. I am sorry to put it on personal grounds, but because I am interested in the subject I am anxious to be here when the bill is considered. I can not be here next week. I can not see how the ultimate disposition of other bills now pending will suffer at all if they shall wait a little while to enable us to consider this bill. It is in that spirit that I now ask unanimous consent that when the Senator from Idaho shall have finished his speech we may take up this bill. The Senator from West Virginia [Mr. NEELY], who is in opposition, is now in the Chamber. I want him to be heard to the fullest length; I have no disposition to hasten action until every Senator shall have been satisfied; but I do hope that action will be taken.

Mr. NEELY. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. The Senator from Idaho [Mr. GOODING] has the floor.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. GOODING. Mr. President, I do not think I ought to yield any further, other than for a short statement, for I desire to conclude my remarks. I have not much more to say. I wish merely to call the attention of Senators to the charts on the wall. I am not going to take up much more time, and I hope I may be permitted to conclude my speech.

Mr. COPELAND. I ask the Senator from Idaho to give us just a few minutes further time.

Mr. NEELY. I will not consume more than a minute.

Mr. GOODING. I cheerfully yield to the Senator for that length of time.

Mr. NEELY. Mr. President, if I were at liberty to follow my inclinations instead of my judgment, I should accede to any request that the distinguished Senator from New York [Mr. COPELAND] might make. But I am convinced that the enactment of his coal bill into law would injure a great industry of the State of which I have the honor to be one of the representatives in this body.

Therefore I am impelled to inform the Senator that if he is obliged to leave the city at an early date, he should entertain no hope of passing his bill through the Senate before he departs. Many days will be consumed by those of us who are unalterably opposed to this measure in debating its objectionable provisions.

Mr. COPELAND. Of course, Mr. President, the Senator will have to take those two or three days anyway, and we might have a sample for the next few hours of what he intends to say, and then we might determine how much time we could assign to him in the future.

Mr. GOODING. Mr. President, I wonder if I may be permitted now to proceed.

Mr. WILLIS. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. GOODING. I suppose I will have to yield to the Senator.

Mr. WILLIS. Mr. President, I want to say to my friend from New York that it is not possible to take up this bill and have it passed upon before the Senator says he must leave. I think it is altogether proper that he should be here when any measure on this subject is considered, but I can say to him that I know it is not possible to consider this bill and to act upon it before the time when the Senator says he must leave. The Senate will be in session when he comes back here at the end of 10 days and there will be ample opportunity to consider the measure.

Mr. GOODING. Mr. President, I am not going to yield any longer. It is quite clear that this matter can not be disposed of within a reasonable time.

Mr. WILLIS. I thank the Senator.

Mr. GOODING. I will detain the Senate only a few minutes more.

Mr. COPELAND. Mr. President, will the Senator yield to me for a minute or two?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. GOODING. I yield to the Senator from New York for two minutes.

Mr. COPELAND. I ask unanimous consent that Senate bill 4177 be made a special order for Monday, the 31st of May.

The PRESIDING OFFICER. Is there objection to the request presented by the Senator from New York?

Mr. WILLIS. Mr. President, for the reasons that Senators have already stated, for the additional reason that the day named is a holiday, and for the further reason that I do not approve of the policy at this time in the work of the Senate of individual Senators picking out particular bills and making them special orders to the end that every other measure of legislation may be crowded out, I feel compelled to object to the request.

Mr. COPELAND. Then I move that the bill be made a special order for Tuesday, June 1.

Mr. GOODING. Mr. President, will not the Senator defer making that motion until I shall have concluded? I think I have been very liberal in yielding. I have been on the floor some time, and I should like now to conclude my remarks.

Mr. COPELAND. I thank the Senator, and when he has concluded I shall renew my motion.

FARM RELIEF

Mr. GOODING. Mr. President, I should like to call the attention of Senators for a few moments to the charts on the wall. I am not going to discuss them at any great length to-day. They are placed there with the hope that Senators will study them. While they do not altogether tell a true story of agricultural conditions, yet the basis is there for the story, for they set forth the relationship that exists between the wholesale prices of commodities and the prices of farm products. As will readily be realized, wholesale prices do not represent the farmer's dollar, because he never buys wholesale; his products must be based on the retail dollar, if we are going to get a true picture of the purchasing power of his dollar.

There is this feature to which I wish to call the attention of Senators: This dotted line [indicating on chart] represents the prices of all commodities which the farmer must buy. This black line [indicating], showing violent fluctuations, mountain peaks and deep gulches as they might be called, represents the farmers' prices.

Mr. President, there is not an industry of any kind in America that could exist under the wild price fluctuations to which the products of the farmers have been subjected. I hope Senators will study these charts and appreciate what they mean. No industry of any kind, manufacturing or otherwise, can continue to exist if the value of the commodity which it produces decreases 50 or even 75 or more per cent in a few months, as the prices of agricultural products. Take cotton, for instance: This high point on the chart [indicating] represents a price of 37 cents a pound, and this low point on the chart [indicating] shows a price of 6 cents a pound. It is impossible for any line of industry to meet such conditions. The chart shows here [indicating] that the price dropped in 1920 from 37 cents a pound to 9 cents a pound some time in 1921. Such a tremendous decrease in price can only mean bankruptcy to any line of industry. The charts on the wall show that similar conditions apply as to all farm commodities represented by the various lines on the chart.

The bill does not propose to collect any equalization tax on cotton for three years. The House bill has been amended to make the time two years, and provides that the cotton growers shall then come in and collect their tax, the same as the growers of other commodities, for which the bill provides a tax or an equalization fee.

As far as cotton is concerned, I am very much in favor of deferring it for two years, providing the bill will provide that at the end of that time the cotton growers will come in—that is, if they want to come in at that time—and take the same position that the producers of all other agricultural products take, and, if there is any loss in the handling of farm products, that they themselves shall sustain the loss.

Mr. OVERMAN. Mr. President, does the Senator's bill provide that they shall come in voluntarily or that they shall be forced in at the end of that period of three years?

Mr. GOODING. I understand that under the Senate bill legislation will be required before they come in, but I do not think that is fair. I think if the Government advances to the cotton growers a revolving fund of $75,000,000 for them to carry on their business with, and it proves a success, the cotton growers no doubt will be glad to come in. The cotton growers would have come in at this time; all those who represented the cotton growers and came here before the Agricultural Committee were very anxious that the cotton growers should be placed in the same status in the bill that the corn growers and the hog raisers and the cattle raisers and the wheat growers occupy; but it was thought best to make this other arrangement, owing to the fact that cotton occupies an entirely different position, as far as marketing is concerned, than wheat and corn. Producing, as we do, something like 65 per cent of the cotton of the whole world, there is no reason why there ought to be a loss, properly handled, in taking care of cotton. The chances are that there may be a profit there, as there is also a chance, of course of a loss.

In the case of a crop that dominates the whole world, like cotton, I believe it is clearly the duty of this Government to see that the growers get a fair price, and I think it can be easily handled properly unless you want to continue a wreck-and-ruin policy toward agriculture.

Mr. President, all the great industries are able to stabilize the price of their own products. When there is in the market an overproduction of the products of a manufacturer, he can close down very properly, and public opinion sustains him in closing down. The farmer can not do that; and it is very fortunate that he can not do it, because, if he could, the country might at some time or other suffer from a lack of food.

It is with agriculture the same as it has always been; it is either a feast or a famine. I am satisfied if this legislation is passed so as to bring about an orderly intelligent marketing, then the average price of cotton in the future will not be far from the average price the American people have paid in the last few years. The cotton growers are entitled to a fair price for the production of cotton. If it is necessary to increase the price of cotton to give the cotton growers a fair price for its production, the American people should be willing and glad to accept that increase. The cotton growers, like the wheat growers and every other grower of farm products, have had an increased cost of production forced upon them for which they are not responsible, and in considering this legislation that is the most important feature of all to be considered.

If this legislation is passed, Mr. President, the cotton growers could not afford to place an unreasonable price on that commodity; it would mean the development of cotton in other parts of the world, and we have every reason to believe if this legislation passes, and the commission is created with a commissioner for every line of agriculture represented, the same business methods will be used that are used in the great industries to-day.

All that the farmer is asking is to be allowed to do business along the same lines and with the same methods with which the Government permits the great industries to transact their business. They fix prices. Is there any doubt in the mind of any Senator here but that the steel people fix the price of steel? Is there any doubt in the minds of Senators but that Pittsburgh plus is still in existence, where they charge the freight rate to Gary, Ind., from Pittsburgh, Pa., on steel? It is said that the farmers pay millions of dollars every year in the way of freight on steel over a long line of railroad that the car is never hauled because of the Pittsburgh-plus basis. Why, it is said that the paper mills of this country not only fix prices but divide their territory; and I do not object to that as long as it is done in a reasonable, sane way. I simply want to see the American farmer given the same chance to do business in the same way. I am not quite sure that the great industries of the country are always altogether fair. At the same time, we all want them to be in a prosperous condition.

This map referring to cotton for the first four years takes cotton and all other commodities at 100 per cent. It goes on to show that at the present time the purchasing power of cotton is considerably below the level of pre-war wholesale prices. I think we all know that the spread between the wholesale price and the retail price is greater to-day than it was before the war. The wholesaler, of course, has to meet the increase in freight rates, and yet it is the retailer, who has the long haul, who pays the bulk of the freight rates after all; and added to the retailer are his freight rate, his increases in taxation, his increases in the cost of doing business. I do not know what happened in other States, but during the war the Government organized the retail merchants of my State.

They learned to cooperate and coordinate, and they learned to get better prices than they ever had before. No longer is there the cutthroat competition in the retail institutions in my State that I saw before the war; so, after all, as far as the dollar of the farmer is concerned, the spread between the retail dollar and the farm dollar is greater than it has ever been in the history of this country.

Mr. President, we have attained a new civilization. I was a homesteader in my State of Idaho—Mrs. Gooding and I—nearly 40 years ago. The farmer in those days required but little in this life. He got but little, and he was content with little. This, however, is the age of electricity, the age of the motor vehicle, the age of the flying machine, and the age of the radio. The farmer is entitled to some of these great

blessings that have come to humanity. In past years, when he had a failure of crops, it did not mean so much to him, because the cost of production was not so great; but with the increased cost of production to-day, when he loses a crop or when he gets less than the cost of production, it means not only bankruptcy for him, but broken banks in the community; and all that this bill seeks to do is to stabilize agriculture, stabilize production, and stabilize its prices.

I know farmers in my State who in the last few years have given up their automobiles and have gone back to using the old gray mare to go to market. We have gravel roads out in Idaho. The farmer can no longer travel over those gravel roads without shoeing his horses. You see him going into town now, going along the borrow pit where excavations have been made for grading up the roads. If the time ever comes when the farmer can not afford to own one of the cheaper automobiles and must be honked off the road by a limousine driven by some of those who are making their living off of the farmer, we have about reached the end of things in this country.

This chart shows the prices of cattle. It shows that, except for a very short period, the prices of cattle have never been at any time up to the wholesale prices of other commodities. They are still away below them.

I want briefly to refer to these different maps, and when the agricultural relief bill is before the Senate I shall take them up again. I am going to leave them on the wall with the hope that Senators are going to pay some attention to them.

I offer for the RECORD a table of the wheat production in this country for the years 1910 to 1925, showing the number of acres harvested, the total production, the amount exported, and the number of bushels imported.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Acreage, production, exports, and imports, 1910–1925

WHEAT

Year	Acreage harvested	Production	Exports, including flour	Imports
		Bushels	*Bushels*	*Bushels*
1910	45,681,000	635,121,000	69,311,760	1,146,558
1911	49,543,000	621,338,000	79,689,404	3,413,626
1912	45,814,000	730,267,000	142,879,596	1,282,039
1913	50,184,000	763,380,000	145,590,349	2,383,537
1914	53,541,000	891,017,000	322,464,975	715,369
1915	60,469,000	1,025,801,000	243,117,026	7,187,650
1916	52,316,000	636,318,000	203,573,928	24,924,985
1917	45,080,000	636,655,000	132,578,633	31,215,213
1918	59,181,000	921,438,000	287,401,579	11,288,591
1919	75,694,000	967,979,000	219,864,548	5,495,516
1920	61,143,000	833,027,000	366,077,439	57,398,002
1921	63,696,000	814,905,000	279,406,799	17,251,482
1922	62,317,000	867,508,000	221,923,184	19,944,934
1923	59,659,000	797,381,000	156,429,824	28,044,999
1924	54,209,000	862,627,000	258,022,900	6,199,424
1925	52,200,000	669,365,000		
1925, winter wheat				
1926	[1]37,085,000	[1]548,908,000	398,486,000	

[1] Winter wheat only: Increase, 1926 over 1925, winter wheat 150,422,000 bushels, according to May 8 estimate.

The Tariff Commission found in its investigation of wheat that the three-year average cost of production on the farm for 1921, 1922, and 1923, with interest allowed for land values in the United States, was $1.40 per bushel, and in Canada 92 cents per bushel.

Mr. GOODING. This is the wheat chart. This chart shows the wild break that took place in 1920, after the Federal Reserve Board held its secret meeting and determined to deflate the country. You will notice that this line comes down like a rocket. Wheat prices on the farms ran to $2.65 a bushel in 1920, after the Federal food control act expired, and then were forced down in one short year to $1.11 a bushel on the farm—a difference of $1.54 a bushel.

In 1924 the average price of wheat in America was $1.14 a bushel. In 1925 it was $1.45 a bushel. Unfortunately for the farmer—and that is true not only of the wheat growers but of all farmers—his good fortune comes to him through the misfortunes of other farmers. Canada produced in 1923 a wheat crop of 474,000,000 bushels. In 1924 the wheat crop of Canada was reduced, because of the drought, to 262,000,000 bushels, a shrinkage of 212,000,000 bushels. That reduced the world's production of wheat, which increased the price of wheat in America.

Not only Canada suffered a short wheat crop in 1924 but much of Europe suffered a shrinkage in the production of wheat in that year. We had a total world production of wheat in 1923 of 3,509,000,000 bushels, and for 1924 only 3,098,000,000 bushels—a shrinkage in the world production of wheat for 1924 of 411,000,000 bushels. So the farmers in 1924 benefited through the misfortunes of the Canadian farmers and those in European countries and for 1924 received $1.14 per bushel for their wheat on the farm. In 1925 the world production was 3,349,000,000 bushels, but the production of wheat in the United States for 1925 was only 669,000,000 bushels of wheat as compared with the production of 1924 of 862,000,000 bushels, making a shortage in 1925 as compared with 1924 of 193,000,000 bushels.

Six hundred and sixty-nine million bushels, Mr. President, is barely enough for our consumption, so through the misfortunes of the farmers in some parts of our own country in 1925, together with the tariff on wheat of 42 cents per bushel, the farmers of the United States received an average price of wheat on the farm for that year of $1.45 per bushel. The danger confronting the wheat growers of 1926, however, is that this year promises to be a great wheat year. In 1924 the winter wheat crop was 398,000,000 bushels, while on the 8th of May of this year the Department of Agriculture estimates show the winter wheat crop at around 548,000,000 bushels, and it is yet too early for estimates on the spring wheat crop for this year, but if the season is as favorable for spring wheat as for winter wheat this country will produce close to 900,000,000 bushels of wheat for 1926.

Indications are, Mr. President, that there will be an increased production of wheat over all the world. These conditions have alarmed the wheat growers of America, and everywhere the wheat growers are pressing for this legislation, which, if passed, will save the wheat growers from great losses and give them benefit of most of the protection of 42 cents per bushel on wheat.

This chart shows the fluctuations in the price of corn. I am going to leave that for the senior Senator from Iowa [Mr. CUMMINS] to discuss when he takes up the question of farm problems.

This chart shows the all-commodity products and 30 principal farm products.

This chart shows that the lines ran along very evenly together up to 1920, but in 1920 came the wild break. Since 1920, 30 principal agricultural crops have never been on a parity with the wholesale prices, fluctuating all the time between 20 and 30 per cent.

Mr. President, I shall not take up any more time in the Senate to-day in discussion of these seven charts, which show the purchasing price of the wholesale dollar and the farmer's dollar. I have not referred to the charts showing the fluctuations that have taken place in the hog industry, the cattle industry, or the butter industry. These I shall leave until the bill is before the Senate for consideration.

I want to say to my Republican friends and to my Democratic friends that it is unfair to say that legislation during the war and the administration of that legislation was altogether responsible for the condition of agriculture. The great principle of the protective tariff plays its part in the demoralization of farm products where they have to be shipped abroad and sold in a foreign market.

If there is one thing I have stood for in this Chamber, and if there is one thing I have stood for all of my life, since I have understood the principle of protection, it is protection to American industries. If there is one thing I am going to stand for and fight for wherever the good fortunes of life may carry me, it is protection to American industries.

Mr. President, this country would have a hard time to exist at the present time without protection, for the cost of production in America is vastly greater in proportion to the cost in foreign countries than it was before the war. So protection becomes more essential if we are going to maintain the American standard of living and the American wage.

I think every Republican who has ever made a tariff speech has boasted that protection was responsible for the high wages of America and for our better standards of living, and I have always said for a better citizenship. I want to tell Senators that the great principle of protection, which, to my mind, is responsible for making this the greatest country the world has ever known since the morning stars first shone over the creation of man is in danger. If you think the American farmer is going on and produce at a high cost that has been created by his own Government, and then be forced to sell in a foreign market and compete with the paupers of the world, then you do not understand the American farmer. He will wake up some day, and he is waking up now, and he has come here organized, and practically every farm organization is asking for this legislation. Senators had better see that the farmer is given a square deal. That is all he wants.

Mr. President, if this bill passes it will enable the farmer to get a fair price on the American market. He can only get a

fair price because the tariff on the four principal farm products—wheat, corn, cattle, and hogs—will not permit him to sell those farm products in America higher than the foreign price plus the protection given to those industries. In fact, he will always have to take a little less than the foreign price plus the amount of protection in order to keep out importation as much as possible of these same farm products. In other words, Mr. President, the protective tariff is a guaranty on the four principal farm commodities that I have mentioned because there is no way of forcing the American price above that level.

If this bill passes, we will have an orderly marketing of farm products; there will be an orderly marketing of the surplus abroad and we will not have such wild scenes in the marketing of farm products as now occur in the wheat pit, where men tear off their clothes and at times tear their hair, and where the price of wheat always depends on some report that is made, and often a none too reliable report as to the conditions of the crops down in the Argentine, or in some other foreign country, or in some parts of our own country where a frost or a hot wind is reported, or that there is black rust when such a report brings about a wild fluctuation in the price of wheat in this country. If this bill passes, it will mean we shall have a safe, sound, and sensible marketing of farm products. It seems to me with this high standard of civilization we should reach and bring about an intelligent, orderly marketing of farm products so the farmer can go along and do business in the same orderly way as the business of the great industries is transacted to-day.

Mr. President, a representative of the American Federation of Labor came before Senators at one of our luncheons and went on record for the Haugen bill and made the statement that he knew the farmers were not getting a reasonable price for some of their farm products, and that if the bill increased the price of farm products so as to give the farmers a fair price in the cost of production labor organizations would not object to it. I do not think this legislation will result in an increase in the price of farm products. It is going to stabilize them. I think, one year with another, legislation enabling us to have intelligent farm marketing will mean cheaper farm products to the consumer. I think the time has come when a lot of those who traffic in farm products should be eliminated. Let me tell the industrial East that your industries are in danger. Time was when the farmers were your best customers. The farmer has not been able to buy much in the last few years, for he has had to fight to save his home from the mortgage company and to keep the wolf from the door.

Mr. President, since the beginning of the war the balance of trade in this country has been something like $21,000,000,000 in our favor. That is not going to last. Closer and closer the lines are being drawn, and the balance of trade is getting a little thinner every year. We had better pay attention to our markets in our own country.

I hope Senators will study the charts on the wall and look at those ragged peaks. How they remind me of a range of mountains in my own State, called the Sawtooth Range, that can be seen on a clear day against the western sky more than a hundred miles away, some of them with their peaks above the perpetual snow line.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. GOODING. I yield.

Mr. ASHURST. I ask the able Senator, in whose speech I have been taking great interest, if he will not leave these maps on the wall during the discussion of the McNary-Haugen bill?

Mr. GOODING. Yes; they will be here. They were prepared by the Department of Agriculture, and it is my hope that Senators will study them and give some attention to them.

Mr. President, I was very happy when the present increase in the tariff on wheat from 30 cents a bushel to 42 cents a bushel was made. I thought that was going to help the farmer, but I have discovered that, for some reason, at times he has received but little benefit from the tariff of 42 cents a bushel on wheat, and I have come to the conclusion that it is simply because the millers have a thorough organization.

Mr. SMOOT. The hard-wheat growers.

Mr. GOODING. No; not even the hard-wheat growers at times have received much benefit from the tariff.

Mr. President, I offer a table for the RECORD showing the price of No. 1 dark northern wheat at Minneapolis and the price of No. 1 northern at Winnipeg for the years 1924, 1925, and up to May 1 of 1926. This table shows that, with the exception of a few months, the growers of wheat in this country who come in competition with the high-grade wheat of Canada have received but little benefit of the protection on wheat, and it is safe to say, Mr. President, that the growers of the low grades of wheat in this country have received little, if any, protection out of the tariff of 42 cents per bushel on wheat.

Wheat report January, 1924, to April, 1926, inclusive

[Source: Bureau Agricultural Economics, United States Department of Agriculture]

	Minneapolis No. 1 dark northern	Winnipeg No. 1 northern Manitoba	Excess, Minneapolis over Winnipeg
1924—January	$1.24	$0.94	$0.30
February	1.27	.97	.30
March	1.26	.95	.31
April	1.26	.96	.30
May	1.30	1.03	.27
June	1.37	1.12	.25
July	1.47	1.35	.12
August	1.38	1.42	−.04
September	1.35	1.42	−.07
October	1.51	1.60	−.09
November	1.54	1.64	−.10
December	1.71	1.73	−.02
1925—January	1.98	1.96	.02
February	1.94	1.97	−.03
March	1.80	1.76	.04
April	1.60	1.56	.04
May	1.73	1.82	−.11
June	1.69	1.71	−.02
July	1.66	1.62	.04
August	1.67	1.67	.00
September	1.58	1.38	.20
October	1.58	1.27	.31
November	1.67	1.42	.25
December	1.77	1.57	.20
1926—January	1.78	1.56	.22
February	1.73	1.55	.18
March	1.67	1.48	.19
April	1.66	1.57	.09

Production of wheat to correspond to above prices

Fiscal year ending June 30	United States		Canada	
	All wheat	Hard spring [1]	All wheat	Hard spring
1923–24	797,381	170,954	474,199	449,901
1924–25	862,627	175,648	262,097	235,179
1925–26	669,365	134,888	422,327	393,958

[1] Four States—Minnesota, North Dakota, South Dakota, and Montana.

Let us not forget that this table refers to only the hard-wheat grower. Only 15 per cent of the wheat growers of this country produce what is known as No. 1 northern wheat, which competes with Canada.

It is sarcasm to say that the wheat growers, outside of the hard-wheat growers, have gotten any benefit from the tariff.

I do not think anybody ever fought harder for protection to American industries than I have, and I did not care whether it was protection to the citrous-fruit grower of California and Florida or the manufacturers in New England. I stood by the man of New England when nearly every other Senator, with the exception of the Senator from Connecticut [Mr. McLEAN] and one or two others, had left the fight. I do not think we can have protection too high in America.

The time has come in this age of organization when organization goes beyond our own borders. The Senator from Montana [Mr. WALSH] in discussion only a few days ago called our attention to the fact that in his investigation of the Aluminum Co. of America he found the aluminum producers' organization reached beyond our own shores.

When the Republican Party puts a tariff law on our statute books that undertakes to give the farmer protection, by some means and in some way it ought to see that he is not robbed of it. That is what has happened to the wheat growers at the present time.

I hope no one will think that I am yielding any of my convictions so far as protection to American industries is concerned. On one occasion, in discussion of the tariff question, I showed that articles on the free list had increased as much in many instances as those commodities that had high protection given to them. This is the age of organization and monopolies. It seems to me it is a farce to put protection on farm products and then permit the millers of the country to rob the farmer of the benefits.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. GOODING. I yield.

Mr. KING. I am interested in the observations which the Senator has made regarding the millers, and I think he is absolutely correct. Does not the Senator think that some of the evils of our industrial system, some of the injustices which afflict the people, could be remedied if the Attorney General would enforce the Sherman antitrust law and the Clayton Act, and if the Federal Trade Commission would endeavor to carry out the terms of the Federal trade law?

Mr. GOODING. The Senator is a great lawyer and knows that is impossible. He knows that it can not be done under the improved methods of doing business. I have not forgotten that when we had one of the Assistant Attorney Generals before the Interstate Commerce Committee he told the story of how they transact business in these days. They do it around the table. There is no record of any conspiracy or any combination to increase prices. They do it in a very simple way. In an investigation by the Government of the General Electric Co. it was shown that while the sale of the little light bulbs constitutes only 20 per cent of the business of that company, their profits from that source are 60 per cent of the total profits of the company. Under the improved methods of doing business the Sherman antitrust law is pretty nearly a dead letter on the statute books.

I am not objecting to business men getting together in a sane and reasonable way and getting a fair profit on their investments. I am asking that the farmers, however, be given the same opportunity to do the same thing. It is going to require legislation to do it.

Mr. SHIPSTEAD. Mr. President——

Mr. GOODING. I am going to close my remarks in about two minutes, if the Senator will permit me.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. GOODING. Very well; I yield.

Mr. SHIPSTEAD. I hope the Senator will not conclude until he explains a little more in detail the statement he made as to how he thinks the millers are, as I understood him to say, robbing the farmers of the benefit of the tariff. I would like to have an explanation of that statement.

Mr. GOODING. I thought I made that pretty clear. I said, as the Senator would remember if he had been in the Chamber, that through a high protective tariff the principles of protection, to my mind, have made of America the greatest country that civilization has ever known. We pay in America higher prices for everything we get; we pay labor higher prices. We have new immigration laws which have restricted immigration, so there is an opportunity for labor to get the full measure of protection. The point I am making is that the farmer is forced to pay a protective price for American labor, and then when he sells his surplus in foreign markets he sells in competition with cheaper labor, or what we might call free-trade labor. That is the point I am making.

Mr. SHIPSTEAD. Perhaps I misunderstood the Senator. I thought the Senator said the millers were robbing the farmers.

Mr. GOODING. What I said was the report that I put into the RECORD to-day shows that the millers of the country, according to the report of the Federal Trade Commission, during 1917 and 1918, after they were regulated, made exorbitant profits.

This report stated that in 1914 these large flour-milling companies, 37 of them altogether, the largest there were in this country, made 12 per cent in 1914, 17 per cent in 1915, 13 per cent in 1916, and they were permitted to make 38 per cent in 1917 and 34 per cent in 1918, when they were under the regulation of the Grain Corporation which was headed by Julius Barnes.

I do not know anything about the profit the miller is making at the present time. I want it to be clearly understood that I am not objecting to any line of industry making a fair profit. When we come down to the Sherman antitrust law, however, it is not enforced and never has been enforced, and under the present methods of doing business it is practically impossible to enforce it.

Mr. President, unless the Senator from Minnesota wants to ask some further questions I intend to yield the floor.

Mr. SHIPSTEAD. I shall not impose upon the Senator's time. I have spent considerable time in a study of the fluctuation and control of prices of farm products, and I have not found that the milling industry at the present time and for some time past has made a great deal of money.

Mr. GOODING. I have not any information, and I did not make any statement that they were at the present time. I merely called attention and placed in the RECORD a table showing the report of the Federal Trade Commission on 37 of the large milling companies in the northwestern group, southwestern group, and the eastern group.

Mr. President, I have here several tables with reference to wheat, cotton, cattle, hogs, and butter production in the United States, and so forth, which I ask permission to have printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, permission is granted.

The tables are as follows:

FOREIGN CROPS AND MARKETS

World production, 1894–1925

[Million bushels, i. e., 000,000 omitted]

WHEAT

Year	Production for countries reporting all years	Estimated world production, except Russia	Total Europe, excluding Russia	Production in selected countries							
				Russia		France	Italy	India	Argentina	Australia	Canada
				Production	Export						
1894	1,750	2,138	1,069	477	126	344	122	271	61	26	----------
1895	1,696	2,343	1,042	310	146	340	118	261	46	14	----------
1896	1,646	2,065	1,088	412	135	340	145	201	32	21	----------
1897	1,582	1,902	829	340	132	342	87	200	53	28	----------
1898	2,145	2,566	1,157	459	----------	364	137	269	105	41	----------
1899	1,968	2,348	1,113	464	68	365	138	255	102	40	----------
1900	1,824	2,235	1,100	423	74	326	147	200	75	48	----------
1901	2,049	2,495	1,103	428	87	311	182	305	56	99	----------
1902	2,021	2,530	1,208	607	143	328	151	227	104	12	----------
1903	2,163	2,670	1,266	621	158	363	203	298	130	74	----------
1904	2,055	2,508	1,116	667	195	300	185	360	151	55	----------
1905	2,145	2,695	1,224	636	167	335	177	283	135	68	----------
1906	2,315	2,961	1,356	543	100	329	194	320	156	66	----------
1907	2,197	2,641	1,176	571	62	381	195	317	192	45	----------
1908	2,041	2,565	1,181	628	105	316	168	229	156	63	112
1909	2,256	2,804	1,240	846	237	359	190	285	131	90	167
1910	2,133	2,762	1,201	836	230	253	153	350	146	95	132
1911	2,277	3,028	1,347	563	81	322	192	376	156	72	231
1912	2,370	3,077	1,284	801	106	334	166	371	187	92	224
1913	2,378	3,080	1,301	1,028	170	319	215	368	105	103	232
1914	2,309	2,815	1,072	526	8	283	170	312	169	25	161
1915	2,629	3,477	1,125	627	14	223	171	377	169	179	394
1916	2,022	2,713	1,049	----------	----------	205	177	323	84	152	263
1917	2,023	2,553	740	----------	----------	135	140	382	235	115	224
1918	2,373	2,866	906	----------	----------	226	183	370	180	76	189
1919	2,238	2,792	894	----------	----------	182	170	280	217	46	193
1920	2,262	2,922	949	267	----------	237	141	378	156	146	263
1921	2,350	3,133	1,216	171	----------	323	194	250	191	129	301
1922	2,310	3,184	1,044	202	----------	243	162	367	196	109	400
1923	2,479	3,509	1,261	327	23	276	225	372	247	128	474
1924	2,381	3,098	1,055	382	----------	281	170	361	191	165	292
1925	2,332	3,349	1,381	661	15	329	241	325	215	107	417

Division of Statistical and Historical Research, March 20, 1926.

Acreage, production, exports, and imports, 1910–1925

CORN

Year	Acreage harvested	Production	Exports, including corn meal	Imports
		Bushels	*Bushels*	*Bushels*
1910	104,035,000	2,886,260,000	65,614,522	
1911	105,825,000	2,531,488,000	41,797,291	53,425
1912	107,083,000	3,124,746,000	50,780,143	903,062
1913	105,820,000	2,446,988,000	10,725,819	12,367,369
1914	103,435,000	2,672,804,000	50,688,303	9,897,939
1915	106,197,000	2,994,793,000	39,896,928	5,208,497
1916	105,296,000	2,566,927,000	66,753,294	2,267,299
1917	116,730,000	3,065,233,000	49,073,263	3,196,420
1918	104,467,000	2,052,665,000	23,018,822	3,311,211
1919	97,170,000	2,811,302,000	16,728,746	10,229,249
1920	101,699,000	3,208,584,000	70,905,781	5,743,384
1921	103,740,000	3,068,569,000	179,430,442	124,591
1922	102,846,000	2,906,020,000	96,596,221	137,529
1923	104,324,000	3,953,537,000	23,135,200	227,704
1924	101,076,000	2,312,745,000	9,791,000	4,617,000
1925	101,631,000	2,900,581,000		

Acreage and production in the United States from 1910 to 1924

COTTON

Year	Acreage picked	Production
		Bales
1910	32,403,000	11,609,000
1911	36,045,000	15,693,000
1912	34,283,000	13,703,000
1913	37,089,000	14,156,000
1914	36,382,000	16,135,000
1915	31,412,000	11,192,000
1916	34,985,000	11,450,000
1917	33,841,000	11,302,000
1918	36,008,000	12,041,000
1919	33,566,000	11,421,000
1920	35,878,000	13,440,000
1921	30,509,000	7,954,000
1922	33,036,000	9,762,000
1923	37,123,000	10,140,000
1924	40,115,000	13,153,000
1925		16,103,000

Total hog production in the United States, 1910–1925

1910	27,000,000	1918	65,000,000
1911	57,000,000	1919	65,000,000
1912	56,000,000	1920	62,000,000
1913	57,000,000	1921	63,000,000
1914	55,000,000	1922	68,000,000
1915	62,000,000	1923	80,000,000
1916	68,000,000	1924	80,000,000
1917	57,000,000	1925	68,000,000

Total cattle production in the United States, 1910–1925

1910	61,803,000	1918	67,422,000
1911	60,502,000	1919	68,560,000
1912	57,959,000	1920	67,120,000
1913	56,527,000	1921	65,587,000
1914	56,592,000	1922	66,059,000
1915	58,329,000	1923	67,240,000
1916	61,920,000	1924	66,506,000
1917	64,583,000	1925	64,928,000

Total butter production in the United States, 1917–1925

	Pounds		Pounds
1917	759,511,000	1922	1,153,515,000
1918	793,285,000	1923	1,252,214,000
1919	849,994,000	1924	1,356,214,000
1920	863,577,000	1925	1,356,000,000
1921	1,054,738,000		

Prices paid on the farm for wheat and corn for the years of 1908 up to and including an estimated price on the crop of 1925

Year	Wheat per bushel	Corn per bushel
1908	$0.904	$0.638
1909	1.025	.662
1910	.963	.618
1911	.867	.559
1912	.875	.675
1913	.787	.602
1914	.888	.713
1915	1.062	.716
1916	1.254	.75
1917	2.029	1.318
1918	2.042	1.487
1919	2.142	1.515
1920	2.136	1.389
1921	1.116	.578
1922	.998	.575
1923	.956	.779
1924	1.149	.88
1925	1.45	

ORDER FOR RECESS UNTIL MONDAY

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day, it take a recess until 12 o'clock on Monday next. I make the request for the reason that I have talked with the Senator in charge of the migratory bird bill, which is the unfinished business, and with other Senators who expect to offer amendments to it, and we believe we can save time by pursuing this course.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL AID HIGHWAY LEGISLATION

Mr. ODDIE. Mr. President, on May 5 it was my privilege to report to the Senate H. R. 9504, better known perhaps as the Federal aid roads bill, with recommendation from the Committee on Post Offices and Post Roads, of which I am a member, that it be enacted into law. This bill provides for an amendment to the Federal aid highway act approved July 11, 1916, authorizing for the fiscal years 1928 and 1929 an appropriation out of the Federal Treasury of $75,000,000 each year to be spent on State roads in the Federal aid highway system and $7,500,000 annually to be spent on roads in and to our national forests.

There is nothing new or unusual about this bill. Its appropriation provisions are identical with those of the bill which passed the Sixty-eighth Congress, making authorizations for the fiscal years 1926 and 1927. Strictly speaking, however, this is an authorization and not an appropriation measure, although when passed it will create a contractual obligation on the part of the Federal Government to the States which must be honored. But not one dollar may be withdrawn from the Federal Treasury now on account of it. Congress is merely authorized to make an appropriation at a future date. Obviously, this is not necessary from a legislative viewpoint; but as a practical matter, it is most desirable. The expenditures involved are large, and but few States would be able to match the funds allotted to them and spend them on actual road construction in the year for which they were authorized. So the law has wisely provided that each State may have three years in which to use all of the funds allotted to it in any one year. Thus the entire amount authorized by this bill may not actually be appropriated until the second session of the Seventy-first Congress, and certainly nothing will be appropriated sooner than the first session of the Seventieth Congress. I mention this detail only because there is some uncertainty as to whether or not a portion of the current Federal revenue must be set aside to meet the appropriations authorized.

In offering this bill for immediate and favorable consideration I am presenting what without doubt is one of the least controversial, and at the same time most important, bills which have come before Congress this session.

An investigation of the House records will show that the Committee on Roads made a unanimous report favoring immediate passage. This report is full of most valuable and interesting statements on road matters by some of the ablest and best posted men in the country on these matters, and I commend it to those who may be interested.

The Committee on Rules in the House reported unanimously on the resolution which permitted early consideration of the bill in that body. The CONGRESSIONAL RECORD for April 16 shows that during the four hours permitted for debate on the bill in the House 25 Representatives either spoke on the merits of the bill or requested the privilege of extending their remarks in the RECORD. Every one of them asked that the bill be acted upon favorably. Although there was not a record vote in the House, I am informed on reliable authority that not one Congressman voted against the measure.

For convincing evidence of the great public interest in the subject, and also the complete unanimity of expression on it, I call attention to the fact that nine of the very largest and strongest national organizations in the country representing the viewpoint of the farmer, the tradesman, the motorist, the banker, the automobile manufacturer, the manufacturer and business man generally, labor, and the State highway official, appreciating keenly the value of this Federal activity to the country at large and their own groups in particular, have joined unanimously in requesting Congress to continue Federal aid on roads until the work on what is now known as the Federal aid highway system has been completed. Under the Federal highway act of 1921 this system is limited to 7 per cent of the total mileage of roads in existence at that time, or slightly more than 200,000 miles of highway.

I ask to have incorporated in the RECORD copies of resolutions adopted by eight of the national organizations referred to, urging the continuation of Federal aid on roads. These national organizations, indorsing the extension of the principle of Fed-

eral aid on roads and the public interest expressed through them, are thoroughly representative in character. They are the American Automobile Association, representing more than 800 motor clubs and branches, with a total membership exceeding 800,000 motorists; the American Bankers' Association, with a membership of 23,000 banks; the American Farm Bureau Federation, representing 45 State federations and 1,800 county bureaus, with an underlying membership of 1,250,000 farmers; the National Grange, composed of 8,000 local organizations, with a membership of 1,000,000 farmers; the Chamber of Commerce of the United States, representing 900 local chambers of commerce and 500 trade and commercial organizations, with an underlying membership of 750,000 industrial and commercial concerns; the American Federation of Labor, representing 35,000 local trade-unions, with an underlying membership of 4,000,000 skilled workers; the National Automobile Chamber of Commerce, with a total membership of 145 motor-vehicle manufacturers, representing every important manufacturer in this line except the Ford Motor Co. and about 64 per cent of the passenger-car production and 80 per cent of the truck production in the United States; and the American Association of State Highway Officials, representing the highway departments of the 48 States, with a membership composed of the best engineering and executive talent on highway matters to be found in the world to-day. Indorsement was also given by the American Road Builders' Association, the number of members of which I do not know.

I ask unanimous consent to have printed in the RECORD at this point the indorsements to which I have referred, including a letter addressed to me by Thomas P. Henry, president of the American Automobile Association, dated May 18, 1925, in which he gives very interesting and instructive data on Federal-aid roads and this proposed legislation, and a letter written to me by Frank Page, the president of the American Association of State Highway Officials, dated May 18, who also furnishes very interesting and illuminating data on the Federal-aid road problem.

The PRESIDENT pro tempore. In the absence of objection, the matter referred to by the Senator from Nevada will be printed in the RECORD.

The matter referred to is as follows:

AMERICAN AUTOMOBILE ASSOCIATION,
OFFICE OF THE PRESIDENT,
Detroit, Mich., May 18, 1926.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR ODDIE: Having observed that you recently reported from committee H. R. 9504, and understanding that you are to have charge of the bill on the floor of the Senate, I want to assure you of the deep and lasting interest of the American Automobile Association, representing 810 motor clubs and branches, with an individual membership of 800,000 motorists, in the subject with which it deals—Federal aid on roads.

In 1908 this association called its first annual good roads and legislative convention. This was followed by related meetings until January, 1912, when the American Automobile Association called the first national good roads Federal-aid convention. Consistently and persistently since that time it has urged the development of an adequate system of State and national highways, the accomplishment of which will be largely assured by the passage of this bill.

The appropriations authorized for the fiscal years 1928 and 1929 of $75,000,000 annually to be spent on State roads in the Federal-aid highway system and $7,500,000 on roads in and to our national forests are most reasonable and have already met with general public approval. Any lesser appropriations at this time would seriously handicap the States in carrying out their road-building programs and at the same time destroy their confidence in the promises of the Federal Government to undertake a joint responsibility with the States and fulfill the obligations assumed.

Not since the World War has there been such a unanimity of purpose and action on any measure of such great public importance as there has been on the present roads bill. Nine of the largest national organizations, all leaders in their respective fields, were represented at the hearings held by the House Committee on Roads and unanimously asked that Federal aid on roads be continued in behalf not particularly of their own groups but of the Nation. Can anyone doubt the public interest shown when he realizes that the farmers, bankers, union tradesmen, motorists, manufacturers and business men generally, and State highway officials joined in a unanimous appeal through their national organizations for what is now represented by H. R. 9504?

It is unthinkable that an orderly, constructive program of road building which has meant so much to our Nation, has always had the most sympathetic support from the general public, has been indorsed by both Republicans and Democrats in their party platforms, and the continuation of which has had the unanimous approval of the House and will have the approval of our President, if we may accept as final his expressions to Congress at the beginning of this session, should be thrown into chaos by doing away with Federal aid at this time. Surely all who have given their indorsement have not erred in interpreting the public interest. The solution of our great national problems requires that we give primary consideration to the national welfare and not local needs, benefits, or prejudices.

As early as 1903 the Federal Government began the construction, at its own expense, of the Old National Pike, running from Cumberland, Md., to Vandalia, Ill., at a total cost of about $7,000,000. From 1893 to 1912 modest appropriations were made to maintain an office of road inquiry. In the latter year a congressional commission was appointed to investigate the highway problem and determine whether or not the Federal Government had a real duty in the matter. For three years the commission investigated the Federal responsibility and finally concluded that "the demand for Federal aid has become general and insistent," and that national participation was necessary. In 1916, shortly after the report was made, the first Federal aid road act was passed, which permitted the States to use the Federal funds allotted to them on any rural post roads they might select. This procedure was followed for five years, whereupon the Federal highway act of 1921 set up what is now known as the Federal-aid highway system. Of the 3,000,000 miles of highway in this country, only 7 per cent, or 200,349 miles, are on the Federal system.

To say that the Federal system is too large is to deny the need of connecting all of the county seats and main market centers in the several States. When Congress set up this system, after long deliberation, it felt that by connecting the points mentioned it had included the lowest mileage that would be adequate for the Postal Service, the defense of the Nation, the extension of farm markets, a greatly enlarged interstate commerce, and the general welfare of the Nation. Certainly this limit is most conservative when viewed in the light of the real Federal responsibility.

To stop or reduce the appropriations now would be an unwarranted breach of faith with the States on a matter of vital concern to every American citizen. Ten years ago the Federal Government declared its policy of "aiding" the States to build highways of national importance. Five years ago it affirmed this policy by setting up the Federal-aid highway system. In 1922 and 1925 it reaffirmed this policy when it made additional appropriations to be spent in improving roads on this system. To-day the system is about two-thirds improved. But instead of the Federal Government having paid half, its contributions have amounted to less than one-fifth of the actual cost of the improvements. The States have spent more than $2,000,000,000 and the Federal Government only $550,000,000 to improve roads which Congress admits are highways of national importance, and for that reason should receive Federal aid when improved. It should be recalled here that the United States Government has collected in war excise taxes directly from the motorists a sum in excess of $975,000,000. The Government therefore is still more than $425,000,000 to the good.

I submit to the opponents of Federal aid that there is not a single argument used by them to-day which did not receive full consideration by Congress prior to the time the Federal policy was declared and its program put under way.

There is nothing new or unusual about this bill. Its merits are so well known and the national interest in it so apparent that we hope it may have prompt and favorable consideration by the Senate.

Very truly yours,

THOS. P. HENRY, *President.*

Resolution on Federal aid for highways unanimously adopted at annual meeting of the American Automobile Association at Atlantic City, N. J., June 29 and 30, 1925

Whereas the Government of the United States during much of its existence has manifested a deep and practical interest in the promotion of better transportation facilities of all kinds for the American public, as evidenced by—

(a) Land grants to railroads consisting of 158,000,000 acres;

(b) The expenditure of one and one-quarter billion dollars in the development of waterways and harbors in the United States;

(c) The construction and maintenance of the Panama Canal, at a cost of over a half billion dollars; and

Whereas the policy of the United States Government in aiding the States in building a national system of highways has greatly stimulated highway construction in the States themselves; and

Whereas such a national system of highways is essential to facilitate the transportation of mails, secure adequate defense of the Nation in time of war, promote the development of the natural and commercial resources of the individual States, and insure a steady and uninterrupted flow of commerce between the States; and

Whereas the United States Government has expended $417,000,000 upon good roads, thereby giving evidence of the importance with which the Government regards the new type of transportation: Now, therefore, be it

Resolved, That the American Automobile Association regards the farsighted policy of the United States Government in aiding in the establishment of a national system of highways and extending financial

aid to States in the construction of such highways as being in the public interest, and urge the Congress of the United States to continue its policy until the national highway system is completed.

AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS,
THE EXECUTIVE COMMITTEE,
May 18, 1926.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: As president of the American Association of State Highway Officials, I desire to place before you the following facts with reference to the Federal highway legislation now pending before the Senate of the United States, and to urge, in view of these facts, early consideration of this legislation.

At its last annual convention, held at Detroit, Mich., on November 20, 1925, the association unanimously adopted the following resolution:

"Whereas the appropriations now authorized by Congress for the purpose of carrying out the provisions of the Federal highway act do not extend beyond the fiscal year to end June 30, 1927; and

"Whereas appropriations beyond said fiscal year 1927 should be authorized for such periods in advance as to enable the State highway departments to so plan their construction as to best utilize such appropriations when they shall become available: Now therefore be it

"*Resolved*, That it is the sense of this association that Congress at its ensuing session should authorize further appropriations for said purpose for the fiscal years to end June 30, 1928 and 1929, respectively, and that the appropriations so authorized should be at the rate of $80,000,000 for the cooperative construction of rural post roads and $8,000,000 for the construction of forest roads for each of said fiscal years 1928 and 1929."

I am also including a table of figures which shows the amounts of Federal funds placed under agreement, as well as the amounts actually paid to the States during the calendar years 1922, 1923, 1924, and 1925. From these figures you will note that approximately $80,000,000 is the average annual sum of the program of agreements executed and payments made covering these four years, and from these figures the association has arrived at this figure as the extent of the program which should be provided to continue highway construction at its average current rate. There has been a variation between the years, so the association has believed it fair to take the average over these four years as more truly representative of the rate of construction than any single year. The figures referred to are as follows:

Federal highway funds used during calendar years 1922, 1923, 1924, and 1925

Calendar year	Agreements executed	Payments made to States
1922	$68,186,528	$74,900,671
1923	77,798,963	74,893,972
1924	84,261,869	90,148,474
1925	84,553,311	90,441,339
Total	314,800,671	336,384,456
Average	78,700,168	84,096,114

During the years above referred to the program exceeded the authorizations of the Congress by reason of unexpended balances which were carried over from the previous years. But these balances have now been exhausted to the point that the program for the fiscal years 1928 and 1929, which are the years covered by the bill now pending, can only be practically in the same amount as the authorizations made by the Congress for these years.

The Association of State Highway Officials stands squarely and unanimously behind this request for early action on the measure, which has already been passed by unanimous vote of the House of Representatives. A close study of the added cost of highway transportation as between improved and unimproved roads is convincing that there is no expenditure of public funds which brings greater economy to the people than those for roads. It has been the experience in my State, North Carolina, which has been carrying on a large program of road construction, as well as the experience of practically every other State, that the support and the influence of the Federal Government has been a real incentive to the people of the United States to engage in this great work of road improvement on an adequate scale, and the helpful cooperation through the Bureau of Public Roads has helped to produce confidence in the undertaking and maintain high standards of efficiency and integrity in the expenditure of the necessary public funds. Unless early action is had upon the measure now pending, a serious handicap will result in highway work in practically every State.

Very truly yours,

FRANK PAGE,
President American Association of State Highway Officials.

Resolutions on Federal aid for highways unanimously adopted at annual convention of American Association of State Highway Officials at Detroit, Mich., November 20, 1925

Whereas the appropriations now authorized by Congress for the purpose of carrying out the provisions of the Federal highway act do not extend beyond the fiscal year to end June 30, 1927; and

Whereas appropriations beyond said fiscal year 1927 should be authorized for such periods in advance as to enable the State highway departments to so plan their construction as to best utilize such appropriations when they shall become available: Now therefore be it

Resolved, That it is the sense of this association that Congress at its ensuing session should authorize further appropriations for said purpose for the fiscal years to end June 30, 1928 and 1929, respectively, and that the appropriations so authorized should be at the rate of $80,000,000 for the cooperative construction of rural post roads and $8,000,000 for the construction of forest roads for each of said fiscal years 1928 and 1929.

Whereas the system of Federal-aid highways selected and designated by the highway departments of the several States and approved by the Secretary of Agriculture of the United States, pursuant to the provisions of section 6 of the Federal highway act, embraces those highways in each State, selected after careful study, which will provide a properly correlated and connected system and best accommodate local and farm-to-market traffic as well as State and interstate traffic; and

Whereas any reduction in said system of highways as now selected and approved would tend to break the continuity of said system and might so restrict the same that many communities served by highways now rightfully included therein would be deprived of such service: Now therefore be it

Resolved, That this association is opposed to any plan which has for its purpose a reduction in the system of Federal-aid highways as now provided for in section 6 of the Federal highway act.

NATIONAL AUTOMOBILE CHAMBER OF COMMERCE,
HIGHWAYS COMMITTEE,
Washington, May 19, 1926.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Senate Committee on Post Offices and Post Roads has recently reported favorably a bill authorizing the continuance of Federal appropriations for highway purposes during the fiscal years 1928 and 1929.

In an era of constantly growing motor transportation these expenditures not only insure a necessary increase in our capital highway facilities, but they also make possible a wise and prudent administration of the very large sums annually invested in roads by the Nation as a whole.

In other words, while these appropriations are but a small percentage of the whole, they constitute a notable achievement in the elimination of waste and in the direction of true economy.

For these reasons and for others which will be found in detail in the testimony (cf. pp. 138–141, hearings before the Committee on Roads on general authorization bills) of Mr. H. H. Rice, of our organization, before the House Committee on Roads, the members of the National Automobile Chamber of Commerce are strongly in favor of this legislation.

Very truly yours,

ROY D. CHAPIN, *Chairman.*

NATIONAL GRANGE, P. OF H.,
Washington, D. C., May 14, 1926.

To Members of the United States Senate:

As the representative of the National Grange in Washington, I am expressing some concern over the delay in action by the Senate on the pending bill providing for a continuance of Federal-aid highway construction. This bill, as I understand, has received almost unanimous approval of both the House and Senate committees and has passed the House of Representatives without opposition. It will be a great service to all concerned, among whom the people on the farms of the United States form a large part, if the Senate will act favorably at an early date on this legislation.

The resolution which the Grange adopted at its annual meeting last November at Sacramento, Calif., fairly represents, I believe, the view of the farmer people of the United States on this important subject. It is as follows:

"Whereas the Federal Government from its earliest history has recognized means of communication and transportation as national necessities and national obligations calling for its supervision and financial support; and

"Whereas interstate-highway transportation is more important today than ever before in our history, and the Federal-aid highway system as designed under the act of Congress in 1916 is but one-third com-

pleted and at the present rate of progress it will take at least five more years to complete the gaps in the more important interstate highways; and

"Whereas continuation of Federal-aid appropriations by the National Government will result in continuity in highway construction and produce a nation-wide system of coordinated highways vitally necessary from military, commercial, and tourist standpoints; and

"Whereas over 4,000,000 of the 17,500,000 motor vehicles in the United States are owned by farmers and operated in the rural communities and the completion at the earliest possible date of a national system of highways is therefore of vital importance to the agriculturists of this country: Be it therefore

"*Resolved*, That the National Grange in convention assembled at Sacramento, Calif., does hereby petition Congress to recognize the urgent necessity of continued Federal-aid appropriations to complete a system of interstate highways that will adequately serve all the people of this Nation; and be it further

"*Resolved*, That the secretary be instructed to forward a copy of this resolution to the Senators and Congressmen representing every State in the Union."

Yours respectfully,

T. C. ATKESON,
Washington Representative.

Resolution of Federal aid for highways unanimously adopted by the National Grange at their annual session in Sacramento, Calif., November, 1925

Whereas the Federal Government from its earliest history has recognized means of communication and transportation as national necessities and national obligations calling for its supervision and financial support; and

Whereas interstate-highway transportation is more important to-day than ever before in our history, and the Federal-aid highway system as designed under the act of Congress in 1916 is but one-third completed, and at the present rate of progress it will take at least five more years to complete the gaps in the more important interstate highways; and

Whereas continuation of Federal-aid appropriations by the National Government will result in continuity in highway construction and produce a nation-wide system of coordinated highways vitally necessary from military, commercial, and tourist standpoints; and

Whereas over 4,000,000 of the 17,500,000 motor vehicles in the United States are owned by farmers and operated in the rural communities and the completion at the earliest possible date of a national system of highways is therefore of vital importance to the agriculturists of this country: Be it therefore

Resolved, That the National Grange, in convention assembled at Sacramento, Calif., does hereby petition Congress to recognize the urgent necessity of continued Federal-aid appropriations to complete a system of interstate highways that will adequately serve all the people of this Nation, and cooperate with the States in road building; be it further

Resolved, That the secretary be instructed to forward a copy of this resolution to the Senators and Congressmen representing every State in the Union.

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., May 17, 1926.

To the Senate of the United States:

GENTLEMEN: The American Farm Bureau Federation is strongly in favor of a continuation of highway construction in this Nation in keeping with the provisions of the Federal highway act of 1921.

As an evidence of this position you are hereby offered resolution No. 6, which was adopted at the seventh annual meeting of our organization in Chicago, Ill., in December, 1925.

"We petition Congress to continue the cooperation with the States in the construction of roads as rapidly as the economic conditions of the country will warrant. We further oppose any reduction in the Federal highway system of roads already agreed upon by the Secretary of Agriculture and the State highway departments, pursuant to the provisions of section 6 of the Federal highway act."

In carrying forward the purposes sought to be accomplished by this resolution, your attention is called to the so-called Dowell bill (H. R. 9504), which has been approved by the House of Representatives and now comes before the Senate from the Senate Committee on Post Offices and Post Roads for your approval. This bill provides $75,000,000 for each of the fiscal years ending June 30, 1928 and 1929, these amounts being for the purpose of cooperating with the States in the building of highways. There also is carried in this bill the sum of $7,500,000 for each of the two years above enumerated for the construction of forest roads and trails.

It is greatly to be hoped that the Senate of the United States can pass this measure with no reduction from the above amounts. Your personal interest and approval in this effort is respectfully solicited.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Acting Director.*

AMERICAN FEDERATION OF LABOR

Resolution on Federal aid for highways adopted by American Federation of Labor at Atlantic City, N. J., October 16, 1925

Whereas from the beginning of our country the Federal Government has maintained its responsibility for the national defense, the Postal Service, interstate commerce, and anything that pertains to the general welfare; transportation has been encouraged by the Federal Government at all times; rivers and harbors, canals, and railroads have received millions of dollars from the Federal Government for their development. While the Federal Government as early as 1803 made some effort to accept the responsibility of highway construction, it was not until motive power on the highway eliminated distances that the Federal Government was made to see the tremendous value that highway improvement has upon the general welfare and protection of the people; and

Whereas in 1916, after three years' investigation by a committee of Congress, the Federal Government, through Congress, began to make definite appropriations to cooperate with the States in the construction of highways, in 1921 a definite system of highways of interstate character was laid out by the several States and approved by the Federal Government, on which system the Federal funds were to be expended. This system of highways when completed will connect all of the county seats and main market centers of the country with an improved highway; and

Whereas up to the present time this system of roads has been about half completed: Therefore be it

Resolved, That the Federal Government should continue in this work with the States until such time as this system has been completed, according to agreement heretofore entered into, as few, if any Federal expenditures, has added so much to the public convenience, better living standards, and general prosperity of the country as for the improvement of our highway system.

AMERICAN ROAD BUILDERS' ASSOCIATION

Resolution on Federal aid for highways adopted by American Road Builders' Association at their meeting in January in Chicago, Ill.

Resolved, That this association heartily approves the present arrangement whereby the National Government cooperates with the several States in the construction of highways through the medium of Federal aid.

CHAMBER OF COMMERCE OF THE UNITED STATES.

The importance of improved highways has already had recognition by the Chamber, and the highway development in the country has attracted wide attention. In order that funds now to be spent for highway construction may adequately serve the economic purposes which are becoming clearly recognized, the following fundamental principles should govern:

Bonds should be issued by States, Territories, counties, or municipalities, and Federal assistance furnished only for portions of highway construction which are reasonably enduring and permanent in character.

Federal appropriations should be made only for assistance to State and Territorial highways which will become a part of an interstate system.

Federal assistance should be continued only to those States and Territories which adequately maintain highways for which there has been Federal aid.

Most careful study should be made by the Federal Government in cooperation with State governments as to routes, the probable character of service over such routes, and the best form of construction to meet such service. These studies should include ultimate economies of location and design.

It was voted that the declaration be adopted.

Adopted by the ninth annual meeting of the Chamber of Commerce of the United States in 1921.

AMERICAN BANKERS' ASSOCIATION

Resolution adopted by the American Bankers' Association at its convention at Atlantic City in 1925

It is the judgment of this convention that the Federal Government should continue its policy of cooperation with the several States in road construction until such time as the interstate system of highways laid out by agreement between the Federal Government and the States has been completed.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Maryland?

Mr. ODDIE. I yield.

Mr. BRUCE. May I ask the Senator from Nevada whether he is entirely familiar with the grossly unequal operation of the Federal-aid road system, or, in other words, whether his attention has been called to the fact that whereas the State

of Maryland gets back, in one form or another, out of the taxes that it pays into the Federal Treasury 2.32 per cent the State of Nevada gets back 315.92 per cent?

Mr. ODDIE. Mr. President, that is a very broad question, and it will take some time to answer it. I will ask the Senator from Maryland if he will withhold the question until I shall have completed the presentation of certain data? I will say, however, in brief answer to the Senator's question, that computations on which the Federal-aid appropriations are made are based on three factors: Area of the State, the mileage of post roads, and the population.

Mr. BRUCE. Yes; but that all assumes the justice of the underlying principle of the system. I do not wish now to interrupt the Senator. However, I only say that I do agree with him entirely in his statement that it will take him some time to answer the illustration of the gross injustice and the inequality of this legislation which I have called to his attention.

Mr. ODDIE. Mr. President, I shall have to differ from my good friend from Maryland by refusing to assume that there is anything unjust or inequitable in the Federal-aid system, because its principle and operation have been studied and worked out successfully for a number of years. It is one of the fairest, most practicable, and just things that have been done by our Government.

Mr. President, the unanimous action taken by the House, the general public approval, the well-known declarations in the platforms of both the Republican and the Democratic Parties, and the favorable attitude of President Coolidge, as expressed in his message to Congress at the beginning of this session, were valuable aids to the Senate Committee on Post Offices and Post Roads in disposing of the bill promptly.

Much has been said regarding the essential provisions of the bill itself and the unusual legislative history incident to it. There is much to be said about its merits and about the merits of Federal aid on roads generally. Public interest in the bill is very apparent, but there have been so many misstatements about Federal aid to roads, or perhaps it would be better to say statements based on misinformation on incomplete information, that I must outline what appear to me to be the fundamentals of the subject justifying the adoption of the policy of Federal aid on roads 10 years ago as well as the continuation of such a policy beyond the period which Congress has already authorized.

Before going into the fundamentals of the problem, I will call attention to a few of the outstanding historical and statistical facts concerning this activity. Federal aid was inaugurated under the Federal aid road act of 1916. This was not, however, the first participation by the Federal Government in road building. As early as 1803 Congress planned the Cumberland Pike, running from Cumberland, Md., to Vandalia, Ill. A few years later it authorized the construction of the pike with Federal funds alone, at a cost of about $8,000,000.

Shortly after the pike was constructed, it was turned over to the States, which in turn passed it on to toll companies. And then for a half a century the much vaunted "local control" was given an excellent "try out." The only free highways for years were impassable in unseasonable weather. The free highways were in fact the byways.

In 1893, two years after the States began a real program of road construction, Congress appropriated $10,000 to establish the office of road inqury, which proceeded to "inquire" for eight years. At the end of that time it changed its name to the office of public roads. The constant growth of State highway departments and expansion of State road activities between 1893 and 1912 gave Congress larger vision of highway requirements, and in the latter year it created a special commission to investigate the highway problem and to determine whether or not the Federal Government had a real duty in the matter. For three years the commission made a thorough investigation, and finally submitted its report, a few sentences of which I quote:

> All the arguments that have been here presented showing the value of the construction and maintenance of good roads are of equal weight in support of the plea for Federal aid. Experience has demonstrated that past methods are inadequate to accomplish desired results. To the original plan of leaving highway construction and maintenance to the several localities State participation has been added in nearly every State in the Union, but even this has not proved to be sufficient, and the demand for Federal aid has become general and insistent.
>
> National participation in the good-roads movement is justified, moreover, on more extensive grounds. The activity of the National Government would more strongly emphasize the importance of the attainment of good roads, would establish higher standards, and to some extent would shift the burden of expense from the rural resident to the inhabitants of the city.

A significant indication of the state of public opinion was obtained in response to a letter sent by the commission to a large number of newspapers, commercial organizations, and granges asking for a statement of the consensus of opinion on the subject of Federal participation in highway development. The following is an extract from the report:

> The letter of inquiry made no reference to any particular plan for Federal aid but sought to ascertain the trend of public opinion in general.
>
> Newspaper editors generally ascertained and communicated the consensus of opinion in their communities; commercial organizations and granges held meetings, discussed the questions presented, and adopted resolutions setting forth their veiws.
>
> Replies representing 100,000 individuals came from every State in the Union, and since the requests for opinions were made without discrimination and the answers received were from all parts of the United States the responses show, with reasonable accuracy, the consensus of public opinion on the subjects mentioned. Ninety-seven per cent of the replies received favored Federal aid and 3 per cent were against it.

This report was followed by the enactment of the first Federal aid roads bill in 1916.

Under the Federal aid road act of 1916 the States were permitted to use the Federal funds allotted to them on any rural post roads they might select. This procedure was changed under the act of 1921 by setting up what is now known as the Federal-aid highway system. This act provided that in approving projects to receive Federal aid the Secretary of Agriculture must give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character. The States were then asked to designate through their State highway departments a system of highways not to exceed 7 per cent of the total highway mileage of the State at that time. Upon the system so designated all of the Federal apportionments must be spent.

The 7 per cent system is limited to 200,349 miles of highway. At the close of the last fiscal year the States had designated for improvement only 178,737 miles on it. The designation of the balance was held in reserve to take care of future highway emergencies as they might arise. Up to March 31, 1926, 64,000 miles of the highways so designated had been completed or were under construction with Federal aid. The States, however, had completed or were constructing 70,000 miles on the designated system without any assistance whatever from the Federal Government. So to-day 134,000 miles on the Federal-aid system have been improved or are being improved.

The appropriations authorized for Federal aid through the fiscal year 1927 amount in all to $690,000,000. Actual expenditures for Federal aid up to March 31, 1926, were $548,000,000, while the cost to the States of the mileage, improved and under construction, both with and without Federal aid, was about $2,000,000,000, or nearly four times the share contributed by the Federal Government in improving what it recognizes as the Federal-aid system.

If the national needs are such that they can be adequately provided for only by improved State roads and the States refuse, neglect, or otherwise fail to make the improvements, there is a definite obligation on the Federal Government to take such steps as it legally and reasonably can to secure the building of these roads. I consider such matters as road systems, mileage, types of surfacing, and the share of expense to be borne by the Federal and State Governments as mere incidents to the major problem.

If we accept the premise laid down, the obligation of the Federal Government to continue its aid on roads can be proved only by showing—

First. The national need of improved State highways;

Second. Reasonable and legal steps that may be taken by the Federal Government to meet national needs; and

Third. Failure by the States to make improvements to serve adequately the national needs.

The national needs for improved roads are not many, but they are highly important to the public at large. First, let us consider the Postal Service; second, commerce among the States; third, national defense; fourth, the extension of farm markets; and fifth, the general welfare of the Nation. If these five needs are established, they should be sufficient.

The carriage of the mails is a national function and one that is specifically provided for in our Federal Constitution. The accepted modes of transportation of the mails are by rail, water, air, or over the highways. Obviously the first three are of importance only in the carriage between points of collection and distribution and even then only over great distances. For short hauls and house-to-house delivery the carrier must travel either by automobile, by horse-drawn vehicle, or on foot. Rural carriers are paid on the basis of the standard route of 24 miles. Their annual salaries are computed on the basis of $75 per

mile. By reason of road improvements and the consequent ability of rural carriers to use motor vehicles instead of horse-drawn vehicles throughout most of the year, carriers have been able to take on much larger routes than the standard. For each additional mile so taken on they are paid $30 annually. By the consolidation of routes and the extension of rural service beyond the standard mileage the carriers have added $30 annually to their income and the Post Office Department has saved $45. This saving alone, due to improved post roads, amounts to more than $7,000,000 per year. What the saving to the public through increased efficiency in the Postal Service, particularly through the lessening of time for deliveries, together with direct savings to the carriers through lower depreciation and operating costs of their vehicles, has not been estimated, but in my opinion it is very substantial and exceeds greatly the known savings to the department in salaries. Experience has shown conclusively that the building of good roads has made it possible to transmit the mails more quickly and more economically.

We have approximately 12,000 miles of coast and border line. It is absolutely necessary that there be improved highways following these boundaries. Back of what might be our first line of defense at any time, there should be numerous other trunk highways improved to the extent that they might be used, if necessary, as our second, third, fourth, and fifth lines of defense. I am referring particularly to the seacoast. These in turn must be connected with each other and with our various manufacturing or agricultural centers so that the whole will form a complete network of highways gridironing the Nation. We must not lose sight of the necessity of completing as soon as possible our system of transcontinental highways from coast to coast as a military precaution to supplement the railroads in an emergency.

During a military emergency it is often impracticable to transport materials or men other than over highways and the difference between victory and defeat may depend largely upon the condition of the highways over which vehicles commandeered for the emergency must travel speedily and heavily loaded. We need no better examples of the value of improved roads during a military emergency than those still fresh in our minds as the result of the late World War.

Government surveys show that the farmer using motor equipment has quadrupled the economic range in his choice of markets. This has enabled him to take advantage of more favorable prices at a greater distance. In a great number of cases it has resulted in direct sales to the consumer of his products, which otherwise would remain unproduced or unsold. On the other hand, cooperative truck service, where it exists, has relieved him of the necessity of taking his goods to market and has permitted the farmer to remain a producer and not a transporter or marketer. The result is that more farm products are being produced, much of which is being marketed, that in the past was largely permitted to go to waste. Frequently the farmer has been brought within reach of a large city and enabled to turn from the production of a low-value crop to perishable and more valuable products.

One of the most important things that the farmer obtains from improved highways is increased marketing facility by the hauling of various farm commodities into the cities by motor truck. The truck passes the farmer's gate, thereby furnishing a service which can not be duplicated by the railroads. In this way the cost of distribution of agricultural products has been materially reduced. Let us take the distribution of milk as an example. Experts declare the shipment by truck instead of by rail has reduced the number of handlings from six to only two. Heretofore the farmer had to haul his milk to the local shipping point, then it was hauled by rail to the city, and then the city distributer had to go to the milk platforms and get it. Now it comes right from the farmer to the city distributer's place of business. There is an estimated saving of 5 cents per hundredweight effected on all milk trucked in by the elimination of the haul from the railroad milk platforms to the city distributer. Benefits from this new method of transportation are realized not only by the farmer but by the consumer as well. The economies brought about by the more advanced methods have helped materially to keep the selling price of the products at a reasonably low figure, which at the same time has been high enough to allow the farmer or producer fair returns on his labor and capital invested.

It is generally conceded that something must be done by Congress to relieve agricultural conditions. Strong efforts are being made in this session to agree on some legislation that will give the farmer relief. President Coolidge very aptly said in his message to Congress at the beginning of this session:

> Agriculture is a very complex industry. It does not consist of one problem, but several. They can not be solved with one stroke. They have to be met in different ways, and small gains are not to be despised.

The problem of good roads in the farming areas is one of the major problems of this complex industry. Good roads play a highly important part in making life on the farm more agreeable and profitable. It is very evident that the gains to the farmer from good roads are large, consequently adequate farm relief and the continuation of Federal aid on roads must go hand in hand.

The question of the relationship of road improvements to the general welfare of the Nation is one which can best be answered by inquiring into the value of such improvements in the social, economic, and political life of our country.

When we consider the facilities offered by our great system of national highways for recreation to millions of our citizens, the health giving and building that motoring gives them, the educational opportunities made possible by the bringing together of rural schools into modern consolidated schools which compare favorably with the more advanced institutions of learning in our great metropolitan districts, and the opportunities offered for closer fellowship within the family circle during the vacation periods and for greater participation in the religious and civic life of the community, it will be very evident that the benefits therefrom extend far beyond the community and State and are permitting a social development by our Nation which has never been equaled in the world's history.

With regard to the economic value and necessity of improved roads we may well look to President Coolidge once more for enlightenment. In his first message to Congress he said:

> No expenditures of public money contributes so much to the national welfare as for building good roads.

The practice of penny-wise economy on roads by any political agency is to be deplored, particularly when the cure is much less costly than the ailment. We might well add to the statement just quoted another made by an eminent authority on highway transportation, Mr. Thomas H. MacDonald, Chief of the Bureau of Public Roads, who stated:

> We pay for improved roads whether we have them or not, and we pay less if we have them than if we have not.

It costs money, real money, to drive any motor vehicle over the highways. Few of us accurately compute the actual costs. If we do, we consider not only the cost of gasoline and tires but other operating costs, together with depreciation, insurance, storage, interest on investment, and similar expenses. The highway department of Kentucky recently made an investigation of the differences in operating costs alone of vehicles operating on improved and unimproved roads. These costs included only gasoline, oil, grease, tires, and repairs. On good roads they were found to be 4.22 cents per mile and on bad roads 6.72 cents per mile, or a difference of 2½ cents. Assuming that the average car runs only 5,000 miles per year, its owner, if able to run on good roads, would save $125 during that time in operating expenses alone. Multiply this, if you will, by the 20,000,000 vehicles in use to-day and you will find that the surcharge on the motoring public of America, due to unimproved roads would amount in a single year to the huge sum of $2,500,000,000, or two and a half times the present highway bill of the Nation. It might be interesting to state that in 1925 there were manufactured in the United States 3,678,327 motor passenger cars and 474,923 motor busses. These, if placed end to end, would extend for 9,688 miles.

Another economy of improved highways is to be found in the effect they have on land values. When the Bureau of the Census was collecting data for its report on the "Estimated national wealth," our Government experts gave much thought to the question of how to determine the real value added to national wealth by improved highways. Some thought that the true figure was the replacement expense of highway improvements at present costs with an adequate allowance for depreciation of the improvement since it was made. It was finally decided, however, that the real value of such improvements must be largely, if not entirely, reflected in the value of the real property which the improved highways served, not necessarily in the value of the property along the highways or within any stated distance from them, but somewhere in the United States. In other words, the value of highway improvements is national and not local, and in not accepting replacement cost less depreciation as the true value of highway improvements, it may be reasonably assumed that these experts considered the actual value as greatly in excess thereof.

From an economic standpoint the increase in land values and the direct savings in operating costs of motor vehicles using

the highways would seem to fully justify not only the expenditures we are making at the present time but considerably more. The computations made, however, have not taken into account the huge economic value of improved highways in facilitating the transportation of persons as well as agricultural and industrial products. Nor does it include any allowance for the added efficiency of the American business man to-day, which is estimated at 57 per cent where he is able to use an automobile. Nor does it include the noncommercial utility of the motor vehicle such as time saved outside of business and in healthful recreation. Nor does it make allowance for the stimulating effect improved roads have had upon the more extensive use of motor vehicles and in turn the effect the expansion of the automobile industry has had upon the prosperity of the Nation. This industry alone is responsible directly for the livelihood of more than 3,200,000 persons and indirectly for the happiness and prosperity of the entire Nation. During the 25 years of its existence the automobile industry has grown until now it is our most important manufacture, rated according to wholesale value. In 1925 the total wholesale value of cars and trucks reached the stupendous sum of $3,000,000,000, while the wholesale value of parts and accessories and tires amounted to almost $2,000,000,000 more. Consider the interdependence of the automobile industry and highway building and the ultimate effect of these on the country at large. They have assumed the proportions of a national need.

We may well contemplate what the employment situation in the United States might be to-day if it had not been for this industry and the vast range of new activities added to the industrial roster of the Nation by the manufacture, service, and use of automotive equipment. Labor has been employed at high wages. There has been no unemployment in any of the industries, and yet all manufacturing industries have had a supply of labor ample to meet ordinary requirements. Farms and factories have produced more without creating an embarrassing surplus. What would these 3,200,000 persons have done for a livelihood during the last few years if they had not found employment directly or indirectly in the automotive industry? They could not have been absorbed by other industries, for during this time there has not been a scarcity of either labor or manufactured products. Widespread unemployment is the only answer. And the great prosperity that we boast to-day would have been only a hope for the future.

In appraising the economic value of the automotive industry I should not fail to mention the real effect the use of its product has had on other transportation facilities. Often it is said that the use of the automobile, the bus, and the truck is crowding other freight and passenger carriers out of the transportation field. But is this the fact?

Let us compare first the effect the use of automotive equipment has had on the type of transportation with which it comes in more direct competition than any other—the electric railways. Statistics prepared by the American Electric Railway Association, covering 221 electric railways, show the operating revenues for these railways during 1924 were $552,000,000, while for 1925 they were $546,000,000, or a decrease of a fraction more than 1 per cent. But this small loss of revenue had no effect whatever on the earnings of the companies, for the net income of these railways showed an increase in 1925 of more than 13 per cent over 1924.

Statistics prepared by the Interstate Commerce Commission on steam railroad operation are even more interesting when there is talk of competition. The total operating revenue of the railroads in 1924 were $5,921,000,000, while for 1925 they were $6,187,000,000, an increase of about 5 per cent. Out of this the net operating income in 1924 was $986,717,000 and in 1925, $1,136,984,000, an increase in the latter year of 15 per cent. Certainly, this shows no serious effect from highway competition. But let us examine further the report made recently by the commission on railroad abandonments, which has a direct bearing upon the question of ruinous competition. This report shows that of the 2,438 miles of railway abandoned from 1916 to 1925 exhaustion of natural resources caused 57.8 per cent; competition of other railroads, 29.3 per cent; rearrangement of railroad lines, 1.3 per cent; miscellaneous, 7.3 per cent; and motor vehicles only 4.3 per cent.

The national needs are such that road improvements must be made if we are to continue to progress, and these needed improvements can be obtained only by Federal cooperation, which can be given in a lawful manner. What the Government can do to meet these demands is best illustrated by what it has been doing for the past 10 years—cooperating with the States in the improvement of roads on the Federal-aid system. Small as has been the Federal Government's participation in the expenses, slightly more than one-fourth of the cost of the improvements on the Federal-aid system itself, and annually not more than 8 per cent of the total highway bill of the Nation, it nevertheless has been large enough to accomplish the results we have looked for. Federal aid without question has afforded the greatest possible stimulus to State road construction. The annual appropriations for Federal aid by Congress have accomplished two results which are highly important from the national standpoint. First of all, they have stimulated construction in the States to a point where the Federal contributions at present are negligible in many States; and, secondly, the appropriations have been and still are large enough to make the States willing to match the Federal funds in improving the interstate roads on the Federal-aid system. With the impetus Federal aid has given to road building throughout the States there are a few that have gotten to the point where they could well afford to forego the privilege of receiving further funds. While these States could forego this privilege, the Federal Government could not, for if it expects at any time in the reasonably near future to have a complete system of national highways, it must offer to all the States sufficient inducement in the form of financial aid to get them to improve interstate highways in preference to unimportant local highways.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Nevada yield to the Senator from New York?

Mr. ODDIE. I yield.

Mr. COPELAND. The Senator has just said that it is necessary to have a complete system of Federal highways. Has the Federal Government prepared a plan which covers the entire country, so that it has in contemplation something which, when completed, will be, as the Senator has said, a completed plan?

Mr. ODDIE. There is a plan which was laid out after exhaustive study, on which the present 7 per cent highway system is being worked out. That plan contemplates something over 200,000 miles of highways, and this legislation we are considering now is for the purpose of authorizing appropriations for the continuation of this work for the years 1928 and 1929.

Mr. COPELAND. I should like to ask the Senator this question: Is there a definite plan? Has the Government outlined a plan of development which during the next 10 years it hopes to carry out?

Mr. ODDIE. I can not say that the present plan will extend as long as 10 years, but I believe and hope that it will, although the program, including the two hundred thousand and odd miles, has been very carefully worked out.

Mr. COPELAND. It does not mean anything to me to say how many miles are developed. It is conceivable that the Government might build 200,000 miles of roads that would not be such roads as might be included in the constitutional roads which Congress could appropriate money to build. I have had an impression, I may say to the Senator from Nevada, that the Government, if it is seeking to have continued appropriations, should mark out a plan of through highways, so that when it builds one section of road this year it will have in mind that another section of the same road will be built next year, and the third year another section, so that ultimately, when the plan is carried to its culmination, there will be well-worked-out useful highways, and highways which have been built in accordance with the constitutional right of the Congress to appropriate money for that purpose.

That is what I have in mind, and I have had the suspicion, if I may say so to the Senator, that there has been a haphazard appropriation of money, that there has been the construction of a highway here and a lateral highway there, that there has not been any definite, constructive plan as to what is ultimately to be done when these appropriations have been expended.

As the Senator knows, I have been insistent upon such a plan for several years, and I think the advocates of Federal expenditures for highways are under obligation to this country and to the taxpayers to see to it that such a definite plan as I have suggested shall be put into operation. I want to ask the Senator, who has been a consistent advocate of the plan from the first, if there is such a plan in existence. Has some official, or some body, or some board, worked out such a plan looking to the ultimate completion of this enterprise?

Mr. ODDIE. Mr. President, I can assure the Senator from New York that such a plan has been very carefully and thoroughly worked out, and one of the main objects of this system is to prevent the uncoordinated building of roads in the different States. The object is to correlate the systems in the various States into one great system.

Mr. COPELAND. To have the roads correlated into one great interstate system?

Mr. ODDIE. And the interstate system is to be connected with the intrastate system, which is equally important and necessary.

Mr. COPELAND. Of course I am willing to admit and to concede that an interstate system such as has been suggested by the Senator may be carried out by the lawful use of Federal money, but I do not believe that the expenditure of money for any intrastate system, unless that intrastate construction is actually a part of what will ultimately become a great interstate system, is a lawful or constitutional use of the funds of this Government.

Mr. ODDIE. Mr. President, on the point just raised by the Senator from New York, this argument is based on the false premise that transcontinental routes are the only ones over which Congress may properly exercise any control. This, of course, is not the case, for it may proceed, in extending Federal aid, under any one of three distinct powers—one general and two specific. The general power is that to provide for the common defense and general welfare of the Nation. The two specific powers are those to regulate interstate commerce and to establish post roads. According to the best constitutional authority, the power to provide for the common defense and general welfare, while an admitted limitation on the taxing power of Congress, is also sufficient authority for Congress to legislate on subjects not embraced within the specific or enumerated powers, but nevertheless included in the general power. This unquestionably embraces Federal aid on roads.

This argument evidently is offered on the assumption that transcontinental highways are the only ones that can be built under the commerce clause. This obviously is wrong, for any reasonable interpretation of that clause would permit the improvement of all interstate highways. Furthermore, it might permit the improvement of intrastate highways if the clause, as it affects highways, is interpreted as liberally as it has been with respect to railroads. There are many decisions holding that a railroad built and operated wholly within a State is subject to Federal control if used to complete a movement of interstate traffic.

There can be no question that the authority of Congress, acting under the defense and welfare clauses, to improve roads is by no means limited either to interstate or transcontinental routes. When the Federal-aid highway system was set up, the Secretary of Agriculture asked the General Staff of the Army to submit a map showing roads that were required for military purposes. The General Staff called upon the department commanders of the Army to submit such maps. With a few exceptions, notably with respect to roads along the Mexican border, the replies received were substantially that any road that was desirable for peace-time commerce was of military importance in time of war. Any road that is desirable for peace-time commerce would certainly meet the requirement that improvements on it be in the interests of the general public welfare.

No attempt is made in the Federal Constitution to define what a post road is or to place any specific limitations on the power of Congress to provide them. Obviously, then, Congress may make any reasonable definition it wishes of what constitutes a post road. Such a definition will stand until the Supreme Court changes it. Under the first Federal aid act a post road was defined as any road over which the mails were carried. By the act of 1919 this definition was amended to read that a post road is any road which now carries or which may hereafter carry the mails. This definition stands to-day.

In view of the absolute power in Congress to improve post roads or military roads and to define what roads shall be included in these classifications, and in view of the action already taken by Congress under this authority to set up the Federal-aid highway system, no one can seriously maintain that it is exceeding either its express or implied powers under the Federal Constitution. The least that can be said about it is that the action taken at this time is perfectly proper and legal and there is, in my opinion, little likelihood that the United States Supreme Court would ever overrule the conclusions of Congress in carrying out these powers. Up to this time the action taken by Congress to legislate under them has been most reasonable and in the public interest.

Mr. COPELAND. If the Senator will bear with me for a moment, there is a very serious question in regard to this matter. Of course, I am not qualified to discuss a constitutional question, yet there are so many works upon the Constitution that anybody who understands the English language can get fairly accurate information as to what the authorities think regarding this question.

I want to quote just a paragraph from John Randolph Tucker, who, as the Senator knows, has written a very illuminating book upon the Constitution of the United States. Mr. Tucker, in his book, says:

> If there were no roads, they being absolutely necessary for the transportation of mail matter, to make a road under such circumstances would be a fair exercise of power. But to make a road for other purposes and with other intents than for postal purposes under cover of this power would be neither necessary nor proper, but a fraud on the Constitution.

Of course, the Senator may contend that any road is a post road because the rural-delivery man travels over it. He may contend that the road up to my front door is a post road because the mail carrier travels it, but I think that the Senator must make clear that these roads which are built under this highway act are honest-to-goodness post roads, and that if there were no express trains or motor cars suitable for carrying the mail these roads might be used by buses or by postmen to carry through mail. I can not see, and I have not been able to see, that these lateral roads, which make for the convenience and the happiness of the people, are built lawfully when they are built by the use of Federal funds. I know how useful they are. I think there is some justification in that they lower the cost of the necessities of life. They enable the farmer to bring his produce to market, and no doubt contribute a lot to the lowering of the prices of food necessities in the cities. Yet, after all, I say to the Senator that I think this suspicion of the unlawful use of Federal funds for this purpose could be swept away if the Senator, with the enthusiasm for which he is noted, would bear down upon the highway officials of the Government, to see to it that there is a definite program arranged for roads which, in the true sense, will be interstate roads, and make for the common welfare, and that they are not just purely to take care of local interests. That is the thought I have in mind.

Mr. ODDIE. Mr. President, replying to the Senator from New York first on the practical side, I will say that the Federal Government to-day is using over 1,200,000 miles of roads on which it carries the mail.

I will say something further on the constitutional question raised by the Senator from New York, because that is a matter that has been discussed at various times in connection with this Federal-aid highway legislation, and it is important that the people of the country know that in this legislation they have something that is absolutely constitutional without a question.

The Constitution provides that the Congress shall have power—

First. To lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Second. To regulate commerce with foreign nations and among the several States and with the Indian tribes.

Third. To establish post offices and post roads.

Fourth. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

In regard to the question of the authority for Federal aid in the matter of building roads I will mention the post-roads clause in the Constitution.

The statement has been made that the authority for Federal aid on roads is to be found solely in the post-roads clause of the Constitution. This is wrong. There are three distinct powers under which Congress may act in providing Federal aid. The first is a general power, and is found in its authority to lay and collect taxes, duties, impost and excise, to pay the debts, and provide for the common defense and general welfare of the United States. The best constitutional authority on this point, the late Justice Story, who was Chief Justice of the Supreme Court for 34 years, holds that the defense and welfare provisions of this clause are at one and the same time a limitation on the taxing power, as well as a grant of a general power to collect taxes and appropriate revenues derived therefrom in the accomplishment of the purposes mentioned. In other words, as has so often been argued by opponents of Federal aid, the defense and welfare provisions are not synonymous with the specific or enumerated powers in the Constitution following that to lay and collect taxes.

There can be no question that the post-roads clause is sufficient authority for any appropriations Congress has made or is likely to make in the furtherance of Federal aid on roads. Every road improved with this money is of real, and not merely assumed, importance from the standpoint of the Postal Service.

The second specific authority to appropriate for good roads, that contained in the commerce clause, has been bitterly assailed on many occasions in both the House and Senate. There is, however, an abundance of legal authority to support

the conclusion that the commerce clause is ample authority for Congress to appropriate under it to either aid the States in building roads of importance from the standpoint of interstate commerce or for the Federal Government to assume control of the roads and make improvements at the sole cost of the Federal Government. With such complete authority there can be no doubt as to the wisdom of Congress in providing for the national needs by aiding the States in improving the roads instead of compelling them to permit improvements by the Federal Government.

If Congress has power to appropriate, as it has done, more than $1,300,000,000 for the improvement of rivers and harbors, and more than $379,000,000 for the construction of the Panama Canal, all under the authority given it by the commerce clause, it certainly has ample authority to extend governmental aid to the States in the improvement of highways of national importance. As arteries of commerce, highways are just as important, if not many times more important, than are our harbors, rivers, and canals, improved at a much heavier total expense to the Federal Government.

In the interpretation of the extent of the power of Congress to regulate interstate commerce the Supreme Court of the United States has held that where the regulation of interstate commerce was dependent upon the construction or improvement of the facilities by which the commerce is carried on, the Federal Government might provide such facilities, whether they be railways, highways, or waterways. In other words, the court has given a very broad interpretation to the power of Congress to "regulate" interstate commerce.

That Congress has power to go even further and authorize or construct roads and highways as a means of communication between the States without the concurrence or consent of the States within which the structures are made is upheld in the following cases:

1. Wilson *v.* Shaw (204 U. S. 24.)
2. Luxton *v.* North River Bridge Co. (153 U. S. 525).
3. Stockton *v.* Balto., etc., R. Co. (32 Fed. 9).
4. Indiana *v.* U. S. (148 U. S. 148).

For our purposes the opinion of Justice Brewer, of the United States Supreme Court, in the celebrated case of Wilson *v.* Shaw, Secretary of the Treasury (204 U. S. 24), should be conclusive on this question. In affirming the decision of the court of appeals, in which it held that Wilson had no right to restrain the Secretary of the Treasury from paying $40,000,000 to the Panama Canal Co. and $10,000,000 to the Republic of Panama for work already completed on the Panama Canal, and to further restrain the Secretary of the Treasury from paying out money for the completion of the canal and from borrowing money for that purpose and issuing bonds of the United States therefor, the Supreme Court disregarded the technical questions raised and decided the case upon the fundamental principles of constitutional law involved. The following is a quotation from the decision:

Complainant contends that the Government has no power to engage anywhere in the work of constructing a railroad or canal. The decisions of this court are adverse to this contention. In California *v.* Pacific Railroad Co. (127 U. S. 1, 39) it was said:

"It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws. The power to construct, or to authorize individuals or corporations to construct national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a limited extent, the Cumberland or National Road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject. Of course, the authority of Congress over the Territories of the United States, and its power to grant franchise exercisable therein, are and ever have been undoubted. But the wider power was very freely exercised, and much to the general satisfaction, in the creation of the vast systems of railroads connecting the east with the Pacific, traversing States as well as Territories, and employing the agency of the State as well as Federal corporations. (See Pacific Railroad Removal cases, 115 U. S. 1, 14, and 18.)"

In Luxton *v.* North River Bridge Co. (153 U. S. 525, 529), Mr. Justice Gray, speaking for the court, said:

"Congress, therefore, may create corporations as appropriate means of executing the powers of Government, as, for instance, a bank for the purpose of carrying on the physical operations of the United States or a railroad corporation for the purpose of promoting commerce among the States. (McCulloch *v.* Maryland, 4 Wheat. 316, 411, 422; Osborn *v.* Bank of United States, 9 Wheat. 738, 861, 873; Pacific Railroad Removal cases, 115 U. S. 1, 18; California *v.* Pacific Railroad, 127 U. S. 1, 29.) Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or National Road, from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States. (See Indiana *v.* United States, 148 U. S. 148. See also Monongahela Navigation Co. *v.* U. S., 148 U. S. 312.)"

These authorities recognized the power of Congress to construct interstate highways.

A fortiori, Congress would have like power within Territories, outside of State lines, for there the legislative power of Congress is limited only by the provisions of the Constitution and can not conflict with the reserved powers of the States. Plaintiff, recognizing the force of these decisions, seeks to obviate it by saying that the expressions were obiter dicta, but plainly they were not. They announced distinctly the opinion of this court on the questions presented and would have to be overruled if a different doctrine were now announced. Congress has acted in reliance upon these decisions in many ways, and any change would disturb a vast volume of rights supposed to be fixed; but we see no reason to doubt the conclusions expressed in these opinions and adhere to them.

If it is the desire of any Senator to go further into this subject, he may do so by going over the following cases in which the decision above mentioned, in the case of Wilson against Shaw, has been cited: 202 U. S. 486, 257 U. S. 590, 263 U. S. 478, 152 Fed. 757, and 201 Fed. 679.

Another argument that has been used against Federal aid on roads is that the "defense" and "general-welfare" provisions of the Constitution are limitations on the power to tax and are not general powers under which the Federal appropriations may be made to carry them into effect. For an answer to this charge we may well look to an eminent authority on constitutional law, such as Mr. Justice Story, who served as Chief Justice of the United States Supreme Court from 1811 to 1845. In his work on the Constitution, volume 1, page 673, section 923, in referring to the interpretation to be given to the power of Congress "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States," he says:

If the power of taxing here be granted, why should it not be qualified according to the intention of the framers of the Constitution? But then, it is said, if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for this purpose, although not within the scope of the other enumerated powers. Certainly it may be so appropriated, for if Congress is authorized to lay taxes for such purposes it would be strange if, when raised, the money could not be applied to them. That would be to give a power for a certain thing and then deny the end intended by the power.

In section 924, page 675, of the same volume, Mr. Justice Story elaborates further on his views as to the effect of the provisions in question:

The only real question is whether, even admitting the power to lay taxes is appropriate for some of the purposes of the other enumerated powers (for no one will contend that it will of itself reach or provide for them all), it is limited to such appropriations as grow out of the exercise of those powers. In other words, whether it is an incident to those powers or a substantive power in other cases which may concern the common defense and the general welfare. If there are no other cases which concern the common defense and general welfare, except those within the scope of the other enumerated powers, the discussion is merely nominal and frivolous. If there are such cases, who is at liberty to say that, being for the common defense and general welfare, the Constitution did not intend to embrace them? The preamble of the Constitution declares one of the objects to be to provide for the common defense and to promote the general welfare; and if the power to lay taxes is in express terms given to provide for the common defense and general welfare, what ground can there be to construe the power short of the object, to say that it shall be merely auxiliary to other enumerated powers and not coextensive with its own terms and its avowed objects? One of the best-established rules of interpretation, one which common sense and reason forbid us to overlook, is that when the object of a power is clearly defined by its terms, or avowed in the context, it ought to be construed so as to obtain the object, and not to defeat it. The circumstance that so construed the power may be abused is no answer.

On the legal side there can be no question of the power and the obligation of the Federal Government to continue this activity. The broad powers given Congress over post roads and in providing adequately for the defense of the Nation as well as for the general public welfare are ample to cover any form of Federal aid on roads which has up to this point been undertaken. The national demands, however, greatly exceed the limitations placed upon them by Congress in providing for them directly and adequately. The extension of farm markets is a problem with which Congress has not specific authority to attempt to solve unless it is incidental to other problems over which it has jurisdiction. But when we realize the full importance of this and other similar problems we feel that in acting under the powers given us to deal with certain national problems we should do so liberally when the solution of one of the problems will also solve the other. This is not meant in any way to countenance an abuse of our authority to legislate, but is simply a declaration of my belief that we should interpret these powers in the light of modern conditions, which were never dreamed of by the framers of the Constitution.

The large percentage of the citizens of every State are motorists, tourists, or business men using the highways of other States. It might be contended that there should, therefore, be reciprocity between the States so that motorists from one State might enter and leave another State at will. It is possible for one State to collect taxes from motorists and other users of the highway, put them into its own treasury, and if its revenues are large build splendid highways. I might then insist that other States improve their highways and permit its citizens to travel on them. But is it not a much fairer and more equitable way to solve the problem by having the Federal Government collect in taxes from all citizens of the United States sufficient revenue to make possible its aid to the States in improving the interstate routes, now so heavily burdened with tourist traffic and vehicles operated for commercial purposes? To withdraw or curtail such aid at this time would be uneconomic, a breach of faith, and wrong.

Our national needs are such that we must have improved roads; and these needs can be adequately served by the Federal-aid road system authorized by the Federal highway act of 1921, which provides for a complete network of interstate highways gridironing the country in such a manner that no person will be compelled to live at any point more than 10 miles from a road improved with Federal aid. Only then will the Federal obligation be fulfilled. We recognize a national need for good roads, but cooperation among the 48 States, without the present Federal-aid legislation, in the improvement of a definite system of interstate highways such as are included in the Federal-aid highway system is only a vain dream. My views in no way reflect upon my own or any other State; for the purposes of State and national highways, while similar in some respects, are so widely different in others of greater importance that the States themselves would not be justified in making the improvements.

No expenditure of public funds for highway improvement is justified unless the improvement is an economic necessity. When a State spends the money of its citizens for roads it must do so with due regard for the economic and political demands of the State itself. In other words, strictly State highways must meet State and local needs, not national needs. Furthermore, some of the States are financially unable to make improvements that will meet national needs. The highways improved with Federal cooperation are built with due regard for all of the national needs, particularly the demands that may be placed on them during a military emergency. For instance, every culvert and bridge on the Federal-aid roads must be so constructed that it will meet the requirements of the Army. Close cooperation has always existed between the War Department and the Bureau of Public Roads, with the result that there is little chance that any road will be built with Federal aid that will not serve adequately the military needs of the Nation; consequently, the Federal Government should neither ask nor expect the States to build roads at their sole expense to serve such needs.

To discontinue Federal aid now or at any time in the future before the highways on the designated systems have been improved would be an unwarranted breach of faith with the States. Ten years ago the Federal Government declared its policy. Five years ago it reaffirmed this policy when it set up the Federal-aid highway system. To-day this system is about two-thirds improved, but instead of the Federal Government having assumed one-half of the total cost, it has borne slightly more than one-fifth. The improvement of national highways has cost the States more than $2,000,000,000 and the Federal Government only $550,000,000.

When Congress laid out a system of national highways and agreed to aid the States in improving them, the States accepted the offer with the greatest sincerity and faith. They expected then, and will continue to expect, Federal cooperation until all of the roads on the system are improved to meet existing traffic needs. To withdraw this aid now would be a most unhappy solution of the Nation's highway problem and a sad testimonial to the ability of the Federal Government to keep faith on what is unquestionably one of the most important cooperative undertakings ever entered upon between the two principal political divisions of our Nation.

Mr. President, I have presented what appear to me to be the fundamentals of the problem of Federal aid on roads. While I have not gone into exhaustive detail on the subject, I believe the points made are sufficiently clear and logical to show the duty of the Federal Government in the premises. I have not heard a single argument made that would offset the fundamentals I have outlined. There have been statements made from time to time that this activity should be discontinued, but in each instance the public has been urged to adopt some isolated idea or notion about the subject which entirely overlooks the real purposes of Federal aid and to accept the argument as a justification for discontinuing one of the most meritorious undertakings of our Federal Government.

We have heard it said that Congress lacks constitutional power to continue Federal aid; that the bases for distributing the funds and mileage are inequitable; that the demand for Federal aid is sectional; that such aid has destroyed local initiative; that it has encouraged extravagance; that the East pays the highway bill of the Nation, particularly the West; and that the Federal-aid system is already too large. I shall now take up each of these arguments and show their fallacy.

The argument that Congress is not clothed with sufficient constitutional power to provide for Federal aid has been worn threadbare and should be discarded. I think the statements I have just made, the quotations from the Constitution, the law, and the authorities, have answered this objection.

What more authority can be required than the right to legislate for post roads, national defense, and general welfare? Would such eminent statesmen as Jefferson, Hamilton, Madison, Clay, Calhoun, and Webster have constantly maintained the constitutional authority of Congress not only to aid States to build roads but to actually go into the States and build them at the sole expense of the Government if there had been any doubt in their minds as to what the framers of the Constitution intended?

Of late the proponents of this view have found it expedient not to argue that there is no power in Congress to give aid to the States, but that in giving such aid it has been more liberal than necessary in carrying out its constitutional obligations. My answer to this is that the framers of the Constitution knew what they meant and said it. They gave Congress complete control of certain fields of activity; they said that it could build post roads, prepare to defend the Nation, and provide for the general welfare. There is not one of the essential objects of Federal aid that is not fully and adequately covered by one of these specific powers. The duty of Congress in using its discretion is to act as intelligently and fairly as conditions warrant. This, I submit, it has done.

When Congress decided to contribute toward highway improvements it gave a great deal of time to the study of the most equitable method for distributing the Federal funds. Post-road mileage was immediately admitted as one of the factors, for the Federal Government was using daily thousands of miles of highways for the distribution of mail; population was agreed upon as one which naturally carried with it a more or less constant relationship to wealth, for it has been found that they coincide to a great degree; area was chosen because it carried with it the problem of the growth of the States in their development and a recognition that the States in which the Federal Government holds much of the land can not add to population or road mileage on that very account.

Taxable property was eliminated because there was no equalized method of assessment for property for taxation purposes—some States assessed one-third of the value, some one-half, and some full value. It was not necessary to recognize wealth because of its direct relationship to population. Congress therefore decided that the most equitable method to adopt for the distribution was on the basis of one-third according to the ratio which the area of each State bears to the total area of all States; one-third in the ratio which the population of each State bears to the total population of all States, as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural-delivery routes and star routes

in each State bears to the total mileage of rural delivery and star routes in all States.

The contention that the demand for Federal aid is a sectional matter, coming largely from the Western States, is based entirely on the erroneous impression that the roads in the East have been built. It is true that road improvement was begun in the East at an early date, but every mile of the original construction has been or is being rebuilt to meet modern traffic requirements, and the Federal-aid funds are as eagerly used in this section as in any other. The Eastern States benefit to a marked degree by this Federal service for the very reason that their population is dense and the number of their interstate roads is greater. An analysis of the figures of Federal expenditures for the last fiscal year shows that the New England, Middle Atlantic, and the East North Central States, which contain only 13.7 per cent of the land area of the Nation, receive 28.2 per cent of the Federal aid. It shows also that the Mountain and Pacific Coast States, which constitute 39.6 per cent of the total land area, receive only 18.8 per cent of the Federal aid.

Another argument is that Federal aid destroys local initiative. How can this be said when the Federal expenditures are less than 10 per cent of the Nation's annual highway bill? Each year the Federal share is becoming relatively less, for the amounts provided by the Federal Government show some signs of constancy, while the amounts provided by the States must become larger and larger if they are to meet the ever-increasing demand for better transportation facilities. The fact is that Federal aid, instead of destroying local initiative, has encouraged it far beyond the expectations of those Members of both the House and Senate who framed the original bill.

We must not overlook the argument that Federal aid encourages extravagance. Can the 50-50 plan of the Government, with a limitation of $15,000 per mile on the payments that it will make, be such a tremendous inducement to State highway departments and State legislatures that they will jump at the opportunity of matching Federal funds with a larger share of funds raised by local taxes in order to build roads promiscuously and without regard to economic demand? Such a charge is unwarranted. Furthermore, it may be said generally that no improvement on the Federal-aid system is extravagant from the national standpoint. The argument loses sight entirely of the fact that Federal aid is intended to secure the improvement of a definite system of interstate highways, so that they will adequately serve national needs. It would certainly be inconsistent to expect the States to construct roads solely to meet national needs and to ignore entirely the local needs.

To say that the Federal-aid highway system is too large is to maintain that there is no need to connect all of the county seats and main market centers in the several States. When the 1921 act was being prepared much consideration was given to this question, and it was finally decided that in the national interest this connection was necessary and that the least mileage that would connect these points was 7 per cent of the total road mileage of all the States. Certainly this is a most conservative limit on Federal participation when viewed in the light of the full Federal responsibility.

One of the latest and most popular arguments against Federal aid is that it is unfair to compel the Eastern States to pay for highway improvements in the West. The premise on which this argument is based is unsound. It presupposes that the real source of Federal taxes is circumscribed by State lines and that a Federal function to be properly fulfilled should benefit all States in direct proportion to the tax revenue received through them. It overlooks entirely basic facts that are fundamental to our Government. Our States are political and not economic units, and our system of Federal taxation is such that the revenues collected from any one State are in no way a true indication of the creation of the wealth or use or consumption of the products taxed within the particular State. Furthermore, if the benefit theory be sound, why would it be necessary to centralize certain important powers in a Federal Government at all? Would it not be just as easy to operate as a federation of States? On March 10 of this year I discussed this matter on the floor of the Senate and had placed in the RECORD two very able and illuminating articles bearing on this question, one entitled "A billion for highways! Who pays the bill?" by A. J. Brosseau, director of the National Automobile Chamber of Commerce, and appearing in Nation's Business of January, 1926, and the other article, entitled "Who pays Uncle Sam's bill?" made by the American Association of State Highway Officials.

Let us inquire into the source of Federal taxes. Economic studies show that the percentage of population and wealth of most States to the entire population and wealth of the Nation is about the same as the percentage of internal-revenue collections from those States to the total collections for the United States.

There are, however, a few notable exceptions to the rule, which will illustrate the point I have in mind. New York, for instance, has 10.2 per cent of the population, 11.7 per cent of the total wealth of the Nation, while its payments in internal revenue are 28.8 per cent; Michigan has 3.3 per cent of the population, 3.6 per cent of the total wealth, and pays 7.9 per cent of the internal revenue; North Carolina has 2.3 per cent of the population, 1.4 per cent of the wealth, and pays 5.7 per cent in revenue.

The question naturally arises as to the cause for these excess payments. In Michigan it is easily explained when it is understood that 43 per cent of the total tax paid by Michigan is excise on automobiles and 73 per cent of all of the automobile excise taxes is collected in that State. When it is known that the average tax on which this computation was based was $31 per car, there is no difficulty in understanding how this large fund is actually spread out over the entire country, for the purchaser of the new automobile pays the bill. On the other hand, the income tax of the Fords alone was $21,260,000. In justice to the people of this State, however, it should be noted that they do not claim to have paid more than their due share.

As to North Carolina a similar explanation must be made. North Carolina's seeming excess is even more startling, for 86 per cent of the internal revenue paid by that State is on tobacco in its manufactured form. Can anybody question the statement that smokers all over the United States pay for the $400,000 worth of internal-revenue stamps used daily in the tobacco plants of that State?

The total internal revenue credited to New York in round numbers is $690,000,000. Of this amount 73 per cent comes from corporation and individual incomes, and 40.9 per cent of the 73 per cent is from corporations. The largest corporations in our country have their principal offices in New York, pay their Federal taxes there, and secure their income and profits from practically every State in the Union. The United States Steel Corporation, for instance, paid an income tax of $16,000,000 in New York in 1923. It has 145 plants and warehouses, only two of which are located in New York State. It further has 153,000 stockholders out of whose profits this tax was taken. These stockholders held residences in every State in the Union.

Let us also consider the situation of the railroads, many of which have their principal offices in New York City. Probably the most flagrant examples are the Union Pacific and the Southern Pacific. The Union Pacific in 1923 paid an income tax in New York of $4,500,000, and yet this road does not operate east of Omaha and Kansas City, half of the length of the continent from New York. The Southern Pacific paid a tax of $5,000,000 and this road does not run any nearer New York than New Orleans.

The gigantic corporations which have their business offices in that State recognize no such limits as State lines. Transportation has enabled them to carry their products to the remotest hamlet. Twenty-four picked more or less at random showed a capital stock of practically $2,500,000,000.

Let us also glance at the other side of the picture. Parties who have been protesting that their States are being assessed by the Federal Government to give funds to some far distant State seem to forget that it is the natural resources of that far distant State that contributes to their prosperity. Mines in Nevada, Utah, and Colorado and other Western States produce enormous wealth, and much of their profits go to residents of other States.

Let us consider the argument that the benefits of Federal aid are not distributed in proportion to the taxes collected. It seems hardly necessary to discuss this if one recognizes Federal aid as a proper governmental obligation and function. Every such activity must benefit some class of citizens or sections of the country more than another, but there is hardly a single activity in which the Federal Government engages that brings a larger and more direct return to the people of the United States. If equality of benefits is the test, let me ask how Congress can justify the appropriation it has made of more than $1,300,000,000 for rivers and harbors. Do they benefit directly the farmer or the mountaineer? And further let me suggest that the Federal Government has collected from the users of motor vehicles within the past nine years a sum that approximates $1,000,000,000, or much more than enough to offset the total appropriations for Federal aid and those proposed, or more than $100,000,000 in excess of the total cost of Federal aid through the years for which authorizations are now asked. Surely as a class the motor-vehicle users deserve

most sympathetic consideration when Congress recognizes the benefit system.

While the aid authorized in this bill will not be available to the States until the fiscal years ending June 30, 1928 and 1929, the appropriations for 1928 should be allotted on January 1, 1927. This means that Congress should act on this bill at this session. Furthermore, and perhaps of greater importance, the States must match the Federal funds before making the improvements authorized, and their officials are entitled to know reasonably in advance of the meeting of the legislatures what the Federal Government intends to do, so that they may prepare their highway programs intelligently. Practically all of the State legislatures which meet in 1927 will convene the early part of January. Unless early action is taken on the bill, the State highway departments and the legislatures as well will be subjected to unnecessary inconvenience and embarrassment.

The authority of Congress is ample to continue Federal aid on roads. The policy of our Government has been clearly established, the improvement of an adequate system of interstate highways to meet national needs is a highly desirable Federal function, the States expect Congress to continue this policy at least until the Federal-aid system is completed, and that any attempt which might be made now or in the future to withdraw or curtail Federal participation before this system is completed would be an unwarranted breach of faith.

Mr. President, it is a misnomer to speak of the Federal appropriations for highway work as "Federal aid." The fact is that through the present cooperative law the Government has induced the States to shoulder a large share of a burden which is rightfully that of the National Government.

I ask unanimous consent to have inserted in the RECORD some tables showing the appropriations for Federal aid for roads, authorizations, apportionment to the States, the amount appropriated, the disbursements to the States, administration, mileage, and so forth, which will give much interesting statistical information on the subject.

The PRESIDING OFFICER. Without objection, the tables will be inserted in the RECORD.

The tables referred to are as follows:

Federal aid

[From Bureau of Public Roads]

(Figures for each fiscal year ending June 30)

Year	Authorized	Apportionments to States	Appropriated	Disbursements to States, administration, etc.
1917	$5,000,000	$4,850,000	$5,000,000	$34,337.85
1918	10,000,000	9,700,000	10,000,000	574,816.30
1919	65,000,000	63,050,000	65,000,000	2,915,282.76
1920	95,000,000	92,150,000	95,000,000	20,340,774.24
1921	100,000,000	97,000,000	100,000,000	57,462,768.07
1922	75,000,000	73,125,000	75,000,000	89,946,603.64
1923	50,000,000	48,750,000	50,000,000	71,604,708.75
1924	65,000,000	63,375,000	65,000,000	80,447,823.78
1925	75,000,000	73,125,000	[1] 75,000,000	97,482,829.80
1926	75,000,000	73,125,000	[1] 51,200,000	----------
1927	75,000,000	73,125,000	----------	----------
Total	690,000,000	671,375,000	591,200,000	420,809,945.19

[1] The present Agricultural appropriation act carries $75,000,000 in Federal-aid funds from the authorizations of those two years, closing out the balance of $23,800,000 from the authorization for 1925, which had remained unappropriated. This leaves a total of $23,800,000 from the authorization of 1926 and $75,000,000 from the authorization of 1927 which remain unappropriated—a total of $98,800,000.

(1) First column shows the total amount of Federal-aid funds authorized to July 1, 1927. (Present Federal aid bill would extend authorizations to cover fiscal years of 1928 and 1929 with an amount of $75,000,000 authorized for each of those years.)

(2) a. The second column shows the apportionment to the States of the funds authorized. These authorizations have all been apportioned to the States, the last apportionment being completed January 1, 1926.

b. The difference between the apportionment total and the authorization total is represented by the funds allotted to Federal administration, research, etc.

(3) The third column shows the total of appropriations to date, which have lagged behind authorizations. Until 1923 there were no authorizations, as the Federal funds were simply appropriated and made available in the Treasury until used. By 1923, however, the balance on hand was so large that the program was continued by making authorizations for the future, and appropriating as the funds were needed. To date all the authorizations prior to 1926 have been canceled by appropriations. Under the authorization of $75,000,000 for 1926 the sum of $51,200,000 has been appropriated by the present agricultural appropriation bill. There is authorized to be appropriated, therefore, the sum of $23,800,000, being the balance of the authorization for 1926, and $75,000,000, being the total authorization for 1927. With the passage of the present agricultural appropriation act, therefore, there will be a balance on hand of authorized but unappropriated funds totaling $98,800,000. This, added to the figure of $591,200,000 actually appropriated to date (including present agricultural appropriation act), equals the total of $690,000,000 authorized up to and including 1927. The reason for the lag between appropriations and authorizations is that the money is now appropriated to meet the expected obligations of each year.

(4) The last column shows the total amount of Federal-aid expenditures, including administrative expense of something less than the statutory limitation of 2½ per cent of available funds. Payments to States are slightly less than the totals shown.

In 1917 the figure shown represents administrative expense.

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1. Comparison of combined receipts from motor-vehicle licenses and gasoline taxes to State funds required to match Federal-aid road apportionment, 1925.

2. Total program of Federal highway projects which have been approved for construction (includes projects completed and projects under construction) as of April 30, 1926.

3. Total cost Federal aid and mileage of Federal-aid roads completed to April 30, 1926.

4. Total cost Federal aid and mileage of Federal-aid roads under construction as of April 30, 1926.

5. Total cost Federal aid and mileage of Federal roads approved for construction as of April 30, 1926.

6. Apportionment of Federal aid to States, fiscal years 1917–1927.

7. Total payments to States as of April 30, 1926.

8. Unobligated balances of Federal-aid apportionments as of April 30, 1926.

9. Comparison of Federal motor-vehicle receipts with Federal expenditures for highway construction as of March 31, 1926.

10. Statement of Federal highway funds as of July 1, 1927 (estimated), based on obligations incurred since May 1, 1924.

11. Federal highway system January 30, 1926.

12. Estimated State and local highway expenditure program for 1925.

13. Estimated program of State and local expenditures for calendar year 1926.

14. Apportionments and appropriations for cooperative road construction as of May, 1926.

15. Revenue derived from Federal excise taxes on automobiles, trucks, motor cycles, tires, accessories for the fiscal years 1918–1925, inclusive, arranged by States in which collected.

1925—Comparison of combined receipts from motor-vehicle licenses and gasoline taxes to State funds required to match Federal-aid road apportionment

[U. S. Department of Agriculture, Bureau of Public Roads]

States	A Combined receipts from motor-vehicle and gas taxes (1925)	B State funds required to match $75,000,000 Federal-aid road apportionment	C Surplus of combined receipts over State funds required A−B=C	D Ratio of A to B or $\frac{A}{B}$=D
Alabama	$4,651,931	$1,541,870	$3,110,061	3.02
Arizona [1]	1,261,543	403,800	857,743	3.12
Arkansas	6,100,360	1,264,164	4,836,196	4.82
California [1]	22,773,087	1,628,000	21,145,087	13.99
Colorado [1]	3,391,245	1,068,000	2,323,245	3.17
Connecticut	7,553,056	474,801	7,078,255	15.90
Delaware	1,022,781	365,625	657,156	2.79
Florida	11,303,135	892,878	10,410,257	12.66
Georgia	7,429,239	1,983,089	5,446,150	3.74
Idaho [1]	2,088,030	628,000	1,460,030	3.32
Illinois [2]	12,969,754	3,191,479	9,778,275	4.06
Indiana	12,302,712	1,938,693	10,364,019	6.34
Iowa	13,246,218	2,070,396	11,175,822	6.39
Kansas	7,515,284	2,074,360	5,440,924	3.62
Kentucky	6,821,622	1,411,607	5,410,015	4.83
Louisiana	5,739,588	997,262	4,742,326	5.75
Maine	3,450,483	685,140	2,765,343	5.04
Maryland	4,553,337	635,783	3,917,554	7.16
Massachusetts [1]	9,843,901	1,090,118	8,753,783	9.03
Michigan	22,762,080	2,225,227	20,536,853	10.23
Minnesota	13,608,774	2,124,151	11,484,626	6.40
Mississippi	4,024,274	1,291,960	2,732,314	3.11
Missouri	11,426,213	2,417,727	9,008,486	4.72
Montana [1]	1,589,963	1,193,000	396,963	1.33
Nebraska	6,130,260	1,581,969	4,548,291	3.87
Nevada [1]	527,902	132,000	395,902	4.00
New Hampshire	2,443,166	365,625	2,077,541	6.68
New Jersey [2]	10,515,323	935,082	9,580,241	11.24
New Mexico [1]	995,230	690,000	305,230	1.44
New York [2]	28,506,245	3,657,096	21,849,149	6.97
North Carolina	14,412,222	1,699,168	12,743,054	8.49
North Dakota	1,717,989	1,180,699	537,290	1.45
Ohio	22,157,181	2,789,588	19,367,593	7.94
Oklahoma [1]	9,720,089	1,415,000	8,305,089	6.86
Oregon [1]	8,279,297	710,000	7,569,297	11.66

[1] States not on 50-50 basis on account of public lands and nontaxable Indian lands.
[2] No gasoline tax assessed.

1925—Comparison of combined receipts from motor-vehicle licenses and gasoline taxes to State funds required to match Federal-aid road apportionment—Continued

States	A Combined receipts from motor-vehicle and gas taxes (1925)	B State funds required to match $75,000,000 Federal-aid road apportionment	C Surplus of combined receipts over State funds required A−B=C	D Ratio of A to B or $\frac{A}{B}$=D
Pennsylvania	$30,279,770	$3,360,123	$26,919,647	9.01
Rhode Island	2,182,312	365,625	1,816,687	5.97
South Carolina	6,231,479	1,052,549	5,178,930	5.92
South Dakota [1]	4,292,710	965,000	3,327,710	4.44
Tennessee	6,468,834	1,622,985	4,845,849	3.98
Texas	18,119,715	4,415,715	13,704,000	4.10
Utah [1]	1,618,239	229,000	1,389,239	7.06
Vermont	1,999,418	365,625	1,633,793	5.47
Virginia	8,002,901	1,449,713	6,553,188	5.52
Washington [1]	8,000,838	941,000	7,059,838	8.52
West Virginia	5,540,986	797,295	4,743,691	6.95
Wisconsin	11,927,886	1,873,308	10,054,578	6.36
Wyoming [1]	939,154	525,000	414,154	1.79
Hawaii [1]		[2](365,625)	(2)	(2)
Total	[2] 405,467,756	67,081,920	[2] 338,751,464	6.04

[1] States not on 50-50 basis on account of public lands and nontaxable Indian lands.
[2] Hawaii and District of Columbia not included in total except Hawaii shown on State funds.

Total program of Federal highway projects which have been approved for construction—Includes projects completed and projects under construction, as of April 30, 1926

States	Total cost	Federal aid	Miles
Alabama	$23,117,069.01	$11,056,086.88	1,498.6
Arizona	12,415,954.70	6,849,466.37	823.4
Arkansas	23,438,009.13	10,076,809.95	1,654.8
California	37,871,042.56	18,274,097.35	1,358.9
Colorado	18,177,067.35	9,274,373.18	967.3
Connecticut	8,256,929.43	2,969,077.95	158.5
Delaware	6,615,280.13	2,293,783.79	164.8
Florida	13,435,899.95	6,383,643.11	405.5
Georgia	37,777,454.73	18,038,316.37	2,474.9
Idaho	14,330,320.94	7,847,684.15	919.6
Illinois	49,369,377.29	23,155,907.68	1,553.7
Indiana	33,378,414.80	15,849,844.18	973.2
Iowa	40,450,568.95	17,180,660.63	2,857.1
Kansas	44,984,696.22	17,300,297.28	1,839.7
Kentucky	26,245,328.22	11,142,168.04	1,027.2
Louisiana	17,127,686.51	7,745,545.67	1,205.2
Maine	10,649,253.95	4,945,424.45	365.9
Maryland	12,503,529.21	5,859,305.96	505.0
Massachusetts	21,658,478.56	7,576,361.31	418.2
Michigan	35,048,406.10	15,908,534.52	1,183.5
Minnesota	45,590,599.66	17,961,116.56	3,734.4
Mississippi	22,707,076.24	11,072,700.99	1,486.6
Missouri	48,883,775.35	21,614,307.29	2,089.7
Montana	13,736,306.44	7,784,021.72	1,272.4
Nebraska	24,688,314.13	11,994,712.03	3,080.3
Nevada	10,702,323.69	7,842,606.89	867.3
New Hampshire	5,621,095.94	2,674,538.48	256.7
New Jersey	22,685,974.93	7,513,866.15	315.0
New Mexico	13,817,627.11	8,253,521.99	1,532.7
New York	78,030,201.31	27,284,049.08	1,791.1
North Carolina	35,366,791.59	14,899,747.43	1,467.7
North Dakota	18,436,257.68	9,211,889.46	3,015.8
Ohio	60,314,715.37	22,130,594.38	1,744.0
Oklahoma	31,517,199.10	14,724,128.62	1,299.7
Oregon	20,488,483.83	10,492,009.89	1,080.6
Pennsylvania	88,737,726.46	29,302,658.33	1,744.8
Rhode Island	5,566,124.44	1,999,034.06	116.1
South Carolina	21,337,153.30	9,597,891.44	1,733.9
South Dakota	20,150,762.01	9,865,957.92	2,616.8
Tennessee	29,533,387.74	13,881,151.61	1,028.4
Texas	90,577,552.26	37,055,857.43	5,896.9
Utah	9,958,508.83	6,373,099.62	700.5
Vermont	5,750,610.23	2,610,696.33	163.3
Virginia	28,938,740.51	13,440,473.15	1,206.5
Washington	20,262,558.87	9,381,509.46	701.7
West Virginia	15,591,501.47	6,554,746.47	567.1
Wisconsin	31,064,674.90	13,491,012.66	1,903.4
Wyoming	13,465,852.81	7,641,663.07	1,308.6
Hawaii	1,950,897.93	312,635.18	15.9
Total	1,321,294,431.87	576,689,524.51	67,092.9

Total cost, Federal aid, and mileage of Federal-aid roads completed to April 30, 1926

States	Total cost [1]	Federal aid [1]	Miles [2]
Alabama	$20,339,703.88	$9,780,901.10	1,399.4
Arizona	11,272,444.61	6,065,967.40	760.1
Arkansas	19,096,084.79	7,968,373.46	1,344.7
California	20,605,859.73	14,226,761.70	1,122.1
Colorado	14,787,349.38	7,590,920.96	785.6
Connecticut	5,716,021.97	2,189,767.05	121.9

[1] Figures subject to revision on payment of a few final vouchers now outstanding.
[2] Mileage is of original improvement only.

Total cost, Federal aid, and mileage of Federal-aid roads completed to April 30, 1926—Continued

States	Total cost	Federal aid	Miles
Delaware	$4,918,052.29	$1,781,665.60	124.3
Florida	7,658,911.74	3,737,503.26	239.2
Georgia	25,631,400.61	12,089,634.22	1,830.4
Idaho	11,454,561.09	6,129,916.39	749.0
Illinois	45,769,092.88	21,448,920.26	1,435.8
Indiana	20,813,832.24	10,024,670.34	639.0
Iowa	28,826,151.90	11,835,808.05	2,117.4
Kansas	34,040,971.05	13,158,014.12	1,228.7
Kentucky	20,837,203.14	8,589,428.19	770.8
Louisiana	13,799,901.64	6,121,526.74	1,045.1
Maine	8,747,552.76	4,192,507.39	303.6
Maryland	10,924,943.10	5,112,991.22	423.3
Massachusetts	19,038,154.38	6,792,875.67	382.2
Michigan	26,451,021.18	12,044,173.78	975.6
Minnesota	35,761,838.88	15,048,616.56	3,118.4
Mississippi	14,028,701.53	6,855,911.36	1,071.2
Missouri	34,491,762.21	15,819,222.01	1,705.7
Montana	11,724,392.38	6,505,001.78	1,056.3
Nebraska	13,815,076.29	6,600,793.83	1,950.4
Nevada	8,309,065.35	5,845,861.92	616.7
New Hampshire	5,223,663.04	2,491,898.09	243.8
New Jersey	16,561,782.55	5,161,844.48	294.3
New Mexico	12,544,111.22	7,397,694.75	1,432.6
New York	43,945,872.31	18,051,963.88	1,190.4
North Carolina	29,340,609.78	12,192,148.05	1,316.4
North Dakota	12,929,105.41	6,314,756.77	2,243.8
Ohio	47,755,744.25	17,388,248.56	1,365.5
Oklahoma	27,562,340.81	12,842,779.35	1,129.9
Oregon	17,491,092.17	8,866,282.89	956.2
Pennsylvania	66,165,618.27	22,737,543.36	1,264.7
Rhode Island	4,237,437.19	1,645,004.06	92.5
South Carolina	15,055,046.78	6,797,933.83	1,460.6
South Dakota	17,582,280.80	8,648,009.76	2,225.9
Tennessee	22,313,290.36	10,609,004.91	863.0
Texas	70,392,489.91	28,054,522.26	4,942.3
Utah	8,832,245.81	5,519,704.24	593.0
Vermont	4,242,042.64	2,017,699.51	134.5
Virginia	22,406,087.30	10,579,112.50	1,017.1
Washington	17,038,539.07	7,771,909.46	667.9
West Virginia	9,167,107.88	3,993,436.95	390.1
Wisconsin	25,089,461.61	10,495,229.47	1,603.6
Wyoming	11,556,922.99	6,447,537.63	1,143.4
Total	1,005,383,043.15	443,551,999.12	53,818.4

Total cost, Federal aid, and mileage of Federal-aid roads under construction as of April 30, 1926

States	Estimated total cost	Federal aid allotted	Miles
Alabama	$2,644,252.98	$1,208,629.70	98.4
Arizona	605,719.90	414,336.09	44.8
Arkansas	3,805,254.02	1,872,276.49	272.7
California	8,265,182.83	4,047,335.65	236.7
Colorado	2,806,410.18	1,406,990.88	160.9
Connecticut	1,486,989.57	470,073.43	22.3
Delaware	791,364.06	315,854.75	17.8
Florida	5,776,988.21	2,646,139.85	166.3
Georgia	9,905,685.64	4,878,792.62	583.7
Idaho	1,781,255.58	1,092,904.39	86.0
Illinois	3,600,284.41	1,706,987.42	118.0
Indiana	12,037,167.09	5,563,907.39	320.9
Iowa	8,256,468.35	3,695,501.89	483.1
Kansas	8,729,814.24	3,432,676.49	464.0
Kentucky	5,088,134.00	2,439,639.31	253.4
Louisiana	3,327,784.87	1,624,018.93	160.1
Maine	1,809,495.54	706,814.24	57.5
Maryland	169,995.00	84,997.50	10.8
Massachusetts	2,115,055.96	637,341.44	28.4
Michigan	8,406,208.92	3,781,312.61	202.6
Minnesota	8,429,674.84	2,635,600.00	556.1
Mississippi	7,334,675.78	3,636,343.22	375.8
Missouri	13,013,694.69	5,184,601.54	331.1
Montana	1,066,190.94	765,198.85	105.9
Nebraska	8,799,246.41	4,361,305.80	922.4
Nevada	2,333,258.34	1,996,744.97	250.6
New Hampshire	351,807.11	159,677.50	11.5
New Jersey	5,703,321.98	2,285,571.67	10.3
New Mexico	1,198,960.52	809,099.34	94.7
New York	28,494,756.00	7,987,320.20	517.4
North Carolina	4,381,542.80	1,885,279.88	107.3
North Dakota	2,910,647.43	1,462,381.04	396.0
Ohio	8,407,317.31	3,358,808.69	269.7
Oklahoma	3,320,053.77	1,574,067.29	138.5
Oregon	1,513,199.43	911,344.95	68.7
Pennsylvania	19,709,352.69	5,634,508.13	418.7
Rhode Island	1,282,981.70	340,980.00	22.7
South Carolina	5,618,343.09	2,493,791.66	222.0
South Dakota	2,478,624.91	1,173,020.01	372.9
Tennessee	5,900,289.90	2,732,243.65	206.0
Texas	16,172,943.00	7,207,256.08	841.5
Utah	1,126,263.02	853,395.38	107.5
Vermont	1,024,826.45	423,905.57	23.2
Virginia	5,879,836.92	2,572,863.11	171.6
Washington	2,430,275.28	1,185,600.00	23.6
West Virginia	5,409,144.55	2,133,967.79	135.0
Wisconsin	3,936,318.46	1,967,445.69	189.8
Wyoming	1,724,014.12	1,075,541.44	150.2
Hawaii	1,950,897.93	312,635.18	15.9
Total	262,411,670.72	111,146,969.70	10,851.0

Total cost, Federal aid, and mileage of Federal roads approved for construction as of April 30, 1926

States	Total estimated cost	Federal aid allotted	Miles
Alabama	$133,112.15	$66,556.08	0.8
Arizona	537,790.19	369,162.88	28.4
Arkansas	536,670.32	236,160.00	37.4
Colorado	583,307.79	276,461.34	20.7
Connecticut	1,053,917.89	309,237.47	14.3
Delaware	905,863.78	196,263.44	22.7
Georgia	2,190,368.48	1,069,889.53	60.8
Idaho	1,094,504.27	624,863.37	84.5
Indiana	527,415.47	261,266.45	13.2
Iowa	3,367,948.70	1,649,290.69	256.7
Kansas	2,213,880.93	709,606.67	147.0
Kentucky	319,991.08	143,098.54	3.0
Maine	92,205.65	46,102.82	4.7
Maryland	1,408,591.11	661,317.24	70.9
Massachusetts	505,268.22	146,144.20	7.6
Michigan	191,176.00	83,048.13	5.3
Minnesota	1,399,085.94	276,900.00	60.0
Mississippi	1,344,598.93	580,446.41	39.6
Missouri	1,378,318.45	610,483.74	52.9
Montana	945,723.12	513,821.09	110.2
Nebraska	2,073,991.43	1,032,612.40	207.5
New Hampshire	45,925.79	22,962.89	1.4
New Jersey	420,870.40	66,450.00	4.4
New Mexico	74,555.37	46,757.90	5.4
New York	5,589,573.00	1,244,765.00	83.3
North Carolina	1,644,639.01	822,319.50	44.0
North Dakota	2,596,504.84	1,434,751.65	376.0
Ohio	4,151,653.81	1,383,537.13	108.9
Oklahoma	634,804.52	307,281.98	31.3
Oregon	1,484,192.23	714,382.05	55.7
Pennsylvania	2,862,755.50	930,606.84	61.5
Rhode Island	45,705.55	13,050.00	.9
South Carolina	663,763.43	306,165.95	51.3
South Dakota	89,856.30	44,928.15	18.0
Tennessee	1,319,807.48	539,903.05	19.4
Texas	4,012,119.35	1,794,109.09	113.1
Vermont	483,741.14	169,091.25	5.7
Virginia	592,816.29	288,497.54	17.8
Washington	793,644.52	424,000.00	10.2
West Virginia	1,015,249.04	427,341.73	42.0
Wisconsin	2,088,894.83	1,028,337.50	110.0
Wyoming	184,915.70	118,584.00	15.0
Total	53,599,718.00	21,990,555.69	2,423.5

Apportionment of Federal aid to States, fiscal years 1917–1927

States	Total apportionment 1917–1925	Apportionment fiscal year 1926	Apportionment fiscal year 1927	Total apportionment 1917–1927
Alabama	$11,252,963.00	$1,555,693.00	$1,540,799.00	$14,349,455.00
Arizona	7,495,701.00	1,065,640.00	1,055,708.00	9,617,249.00
Arkansas	9,062,400.00	1,275,497.00	1,267,907.00	11,605,804.00
California	17,093,306.00	2,494,803.00	2,484,706.00	22,072,815.00
Colorado	9,559,881.00	1,385,547.00	1,380,384.00	12,325,812.00
Connecticut	3,381,195.00	479,058.00	473,428.00	4,333,681.00
Delaware	1,739,530.00	368,903.00	365,625.00	2,474,058.00
Florida	6,286,887.00	900,882.00	897,185.00	8,084,954.00
Georgia	14,449,897.00	2,000,867.00	1,981,189.00	18,431,953.00
Idaho	6,677,712.00	945,326.00	936,589.00	8,559,627.00
Illinois	23,436,492.00	3,220,090.00	3,175,616.00	29,832,198.00
Indiana	14,312,392.00	1,956,073.00	1,935,890.00	18,204,355.00
Iowa	15,336,137.00	2,088,957.00	2,060,469.00	19,485,563.00
Kansas	15,299,289.00	2,092,956.00	2,072,165.00	19,464,411.00
Kentucky	10,371,739.00	1,424,261.00	1,416,809.00	13,212,809.00
Louisiana	7,265,442.00	1,006,202.00	1,000,764.00	9,272,408.00
Maine	5,089,972.00	691,282.00	683,574.00	6,464,828.00
Maryland	4,648,950.00	641,483.00	634,624.00	5,925,057.00
Massachusetts	7,919,780.00	1,099,891.00	1,089,055.00	10,108,726.00
Michigan	15,879,772.00	2,245,175.00	2,217,418.00	20,342,365.00
Minnesota	15,318,419.00	2,143,193.00	2,130,168.00	19,591,780.00
Mississippi	9,531,273.00	1,303,542.00	1,293,203.00	12,128,018.00
Missouri	17,940,188.00	2,439,401.00	2,406,847.00	22,786,436.00
Montana	10,310,870.66	1,562,354.34	1,551,660.00	13,424,885.00
Nebraska	11,450,946.00	1,596,151.00	1,588,138.00	14,635,235.00
Nevada	6,890,321.00	956,576.00	948,318.00	8,795,215.00
New Hampshire	2,434,954.00	368,903.00	365,625.00	3,169,492.00
New Jersey	6,589,247.00	943,465.00	934,708.00	8,467,420.00
New Mexico	8,589,332.00	1,195,790.00	1,187,264.00	10,972,386.00
New York	26,708,148.00	3,689,881.00	3,647,166.00	34,045,195.00
North Carolina	12,294,251.00	1,714,401.00	1,708,554.00	15,717,206.00
North Dakota	8,363,656.00	1,191,283.00	1,193,720.00	10,748,659.00
Ohio	20,140,164.00	2,814,595.00	2,777,037.00	25,731,796.00
Oklahoma	12,536,703.00	1,770,839.00	1,752,245.00	16,059,787.00
Oregon	8,506,159.00	1,190,243.00	1,182,945.00	10,879,347.00
Pennsylvania	24,601,616.00	3,390,245.00	3,346,920.00	31,338,781.00
Rhode Island	1,933,041.00	368,903.00	365,625.00	2,667,569.00
South Carolina	7,687,546.00	1,061,985.00	1,051,993.00	9,801,524.00
South Dakota	8,718,680.00	1,225,912.00	1,222,198.00	11,166,790.00
Tennessee	12,024,637.00	1,637,535.00	1,618,419.00	15,280,591.00
Texas	31,724,213.00	4,455,301.00	4,426,917.00	40,606,431.00
Utah	6,116,473.00	854,055.00	848,251.00	7,818,779.00

Apportionment of Federal aid to States, fiscal years 1917–1927—Contd.

States	Total apportionment 1917–1925	Apportionment fiscal year 1926	Apportionment fiscal year 1927	Total apportionment 1917–1927
Vermont	$2,533,279.00	$368,903.00	$365,625.00	$3,268,507.00
Virginia	10,592,953.00	1,462,709.00	1,445,852.00	13,501,514.00
Washington	7,886,678.00	1,129,018.00	1,130,080.00	10,145,776.00
West Virginia	5,754,132.00	804,443.00	793,936.00	7,352,511.00
Wisconsin	13,678,451.00	1,890,102.00	1,870,262.00	17,438,815.00
Wyoming	6,687,351.00	943,329.00	935,594.00	8,566,274.00
Hawaii	365,625.00	368,903.00	365,625.00	1,100,153.00
Total	524,469,453.66	73,780,546.34	73,125,000.00	671,375,000.00

Total payments to States as of April 30, 1926

Alabama	$9,651,142.63	New Hampshire	$2,478,722.98
Arizona	6,188,396.66	New Jersey	6,677,093.29
Arkansas	8,900,686.43	New Mexico	7,675,840.03
California	15,814,889.59	New York	20,372,823.33
Colorado	7,812,071.35	North Carolina	12,774,757.06
Connecticut	2,352,862.75	North Dakota	6,706,519.82
Delaware	1,917,078.26	Ohio	18,989,497.55
Florida	4,666,872.92	Oklahoma	13,471,034.99
Georgia	14,885,621.28	Oregon	9,203,434.43
Idaho	6,522,502.89	Pennsylvania	25,238,555.27
Illinois	22,521,099.63	Rhode Island	1,558,829.06
Indiana	13,427,707.70	South Carolina	7,991,972.09
Iowa	13,678,724.43	South Dakota	9,214,376.61
Kansas	14,427,511.92	Tennessee	11,683,642.31
Kentucky	9,732,079.03	Texas	30,810,124.63
Louisiana	6,884,822.20	Utah	5,816,256.84
Maine	4,506,120.68	Vermont	2,146,279.67
Maryland	5,146,096.97	Virginia	11,023,302.65
Massachusetts	6,616,140.81	Washington	7,901,687.54
Michigan	14,548,135.17	West Virginia	5,151,764.77
Minnesota	16,782,070.15	Wisconsin	11,299,495.22
Mississippi	8,926,796.02	Wyoming	7,164,938.35
Missouri	16,241,657.21	Hawaii	55,391.21
Montana	6,798,396.20		
Nebraska	8,627,656.59	Total	490,349,148.01
Nevada	7,365,668.84		

Unobligated balances of Federal-aid apportionments as of April 30, 1926

Alabama	$3,293,368.12	New Hampshire	494,953.52
Arizona	2,767,782.63	New Jersey	953,553.85
Arkansas	1,528,994.03	New Mexico	2,718,864.01
California	3,798,717.65	New York	6,761,145.92
Colorado	3,051,438.82	North Carolina	817,458.57
Connecticut	1,364,603.05	North Dakota	1,536,769.54
Delaware	180,274.21	Ohio	3,601,201.62
Florida	1,701,310.89	Oklahoma	1,335,658.38
Georgia	393,636.63	Oregon	387,337.11
Idaho	711,942.85	Pennsylvania	2,036,122.67
Illinois	6,676,290.32	Rhode Island	668,534.94
Indiana	2,354,510.82	South Carolina	203,632.56
Iowa	2,304,962.37	South Dakota	1,300,822.08
Kansas	2,164,113.72	Tennessee	1,399,439.39
Kentucky	2,070,642.96	Texas	3,550,573.57
Louisiana	1,526,862.33	Utah	1,445,679.38
Maine	1,519,493.55	Vermont	657,810.67
Maryland	65,751.04	Virginia	61,040.85
Massachusetts	2,532,364.69	Washington	764,266.54
Michigan	4,433,830.48	West Virginia	797,764.53
Minnesota	1,630,663.44	Wisconsin	3,947,802.34
Mississippi	1,055,317.01	Wyoming	924,610.93
Missouri	1,172,128.71	Hawaii	787,517.82
Montana	5,640,863.28		
Nebraska	2,640,522.97	Total	94,685,475.49
Nevada	952,608.11		

Comparison of Federal motor-vehicle receipts with Federal expenditures for highway construction, as of March 31, 1926

Fiscal year ending June 30	Receipts from manufacturers excise tax on motor vehicles, parts, tires, and accessories	Receipts from special occupational tax on passenger automobiles for hire	Expenditures for Federal cooperative construction and administration
1917			$34,337.85
1918 [1]	$23,981,268.35		574,816.30
1919	48,834,271.47	[2] $507,721.01	2,915,282.76
1920	143,922,792.01	2,040,243.61	20,340,774.24
1921	115,546,249.31	1,776,493.88	57,462,768.07
1922	104,433,762.75	1,785,619.89	89,946,603.64
1923	144,290,490.28	1,907,399.55	71,604,708.75
1924	168,014,709.40	2,013,829.00	80,447,823.78
1925	124,686,745.30	[1] 865,075.43	97,472,506.13
1926	[1] 111,508,061.83	[1] 1,576,233.95	[1] 75,440,031.37
Total	975,218,350.70	13,472,625.32	496,239,652.89

[1] 9 months only. [2] 6 months only.

Statement of Federal highway funds as of July 1, 1927 (estimated)

(Based on obligations incurred since May 1, 1924)

States	Apportioned fiscal years 1917–1927	Total obligations as of June 30, 1927	State apportionment will be wholly absorbed on these dates	Balance of 1927 funds available for new work July 1, 1927	Additional amount required prior to July 1, 1927, to carry out present rate of construction	Apportionment for fiscal year 1927 (included in first column)
Alabama	$14,349,455	$12,323,315		$2,026,140		$1,540,799
Arizona	9,617,249	7,395,099		2,222,150		1,055,908
Arkansas	11,605,804	11,605,804	Dec. 1, 1926		$1,356,429	1,267,907
California	22,072,815	22,072,815	May 1, 1927		632,894	2,484,706

Statement of Federal highway funds as of July 1, 1927 (estimated)—Continued

States	Apportioned fiscal years 1917–1927	Total obligations as of June 30, 1927	State apportionment will be wholly absorbed on these dates	Balance of 1927 funds available for new work July 1, 1927	Additional amount required prior to July 1, 1927 to carry out present rate of construction	Apportionment for fiscal year 1927 (included in first column)
Colorado	$12,325,812	$11,368,335		$957,477		$1,380,384
Connecticut	4,333,681	3,036,427		1,297,254		473,428
Delaware	2,474,058	2,474,058	Dec. 1, 1926		$360,284	365,625
Florida	8,084,954	7,862,574		222,380		897,185
Georgia	18,431,953	18,431,953	Dec. 1, 1926		1,481,994	1,981,189
Idaho	8,559,627	8,559,627	Jan. 1, 1927		794,774	936,589
Illinois	29,832,198	26,770,291		3,061,967		3,175,616
Indiana	18,204,355	18,204,355	Sept. 1, 1926		2,688,197	1,935,890
Iowa	19,485,563	17,641,330		1,844,233		2,060,469
Kansas	19,464,411	19,464,411	Mar. 1, 1927		224,014	2,072,165
Kentucky	13,212,809	13,119,913		92,896		1,416,809
Louisiana	9,272,408	8,569,485		702,923		1,000,764
Maine	6,464,828	5,796,756		668,072		683,574
Maryland	5,925,057	5,925,057	Oct. 1, 1926		735,695	634,624
Massachusetts	10,108,726	9,173,842		934,884		1,089,055
Michigan	20,342,365	18,651,535		1,690,830		2,217,418
Minnesota	19,591,780	19,591,780	Jan. 1, 1927		2,087,593	2,130,168
Mississippi	12,128,018	12,128,018	do		572,564	1,293,293
Missouri	22,786,436	22,786,436	Aug. 1, 1926		4,841,508	2,403,847
Montana	13,424,885	9,054,490		4,370,395		1,551,999
Nebraska	14,635,235	14,160,048		475,187		1,588,138
Nevada	8,795,215	8,795,215	Sept. 1, 1926		1,040,059	948,318
New Hampshire	3,169,492	3,169,492	Jan. 1, 1927		250,536	365,625
New Jersey	8,467,420	8,467,420	Sept. 1, 1926		1,265,603	934,708
New Mexico	10,972,386	9,519,471		1,452,915		1,187,264
New York	34,045,195	34,045,195	May 1, 1927		1,808,909	3,647,166
North Carolina	15,717,206	15,717,206	Oct. 1, 1926		2,253,332	1,708,554
North Dakota	10,748,659	10,560,136		188,523		1,193,720
Ohio	25,731,796	25,481,323		250,473		2,777,037
Oklahoma	16,059,787	16,059,787	Dec. 1, 1926		1,577,710	1,752,245
Oregon	10,879,347	10,879,347	Sept. 1, 1926		938,486	1,182,945
Pennsylvania	31,338,781	31,338,781	do		4,153,204	3,346,920
Rhode Island	2,667,569	2,667,569	May 1, 1927		125,074	365,625
South Carolina	9,801,524	9,801,524	Dec. 1, 1926		1,218,800	1,051,993
South Dakota	11,166,790	11,166,790	Feb. 1, 1927		1,349,570	1,222,198
Tennessee	15,280,591	15,280,591	Mar. 1, 1927		580,715	1,618,419
Texas	40,606,431	40,606,431	Jan. 1, 1927		3,596,841	4,426,917
Utah	7,818,779	7,818,779	Apr. 1, 1927		306,722	848,251
Vermont	3,268,507	3,238,200		30,307		365,625
Virginia	13,501,514	13,501,514	Dec. 1, 1926		1,709,853	1,445,852
Washington	10,145,776	10,145,776	June 1, 1927		395,865	1,130,080
West Virginia	7,352,511	7,352,511	Jan. 1, 1927		817,653	793,936
Wisconsin	17,438,815	15,602,323		1,836,492		1,870,262
Wyoming	8,566,274	8,566,274	Dec. 1, 1926		812,733	935,594
Hawaii	1,100,153	600,000		500,153		365,625
Total	671,375,000	646,549,409		24,825,591	39,977,611	73,125,000

Federal highway system January 30, 1926

States	Certified total mileage	Limiting 7 per cent mileage	Mileage on 7 per cent system approved Jan. 30, 1926	Per cent limiting mileage Jan. 30, 1926
Alabama	56,551	3,959	3,872.00	98
Arizona	21,400	1,498	1,498.00	100
Arkansas	71,960	5,037	5,007.03	99
California	70,000	4,900	4,562.60	93
Colorado	48,000	3,360	3,332.00	99
Connecticut	12,000	840	835.43	99
Delaware [1]	3,800	266	345.08	130
Florida	27,548	1,928	1,901.00	99
Georgia	80,892	5,663	5,558.40	98
Idaho	40,200	2,814	2,768.60	98
Illinois	96,771	6,774	5,002.22	74
Indiana	70,946	4,966	4,679.00	94
Iowa	109,113	7,638	7,231.00	95
Kansas	124,143	8,690	7,873.00	91
Kentucky	53,000	3,710	3,639.95	98
Louisiana	40,000	2,800	2,800.00	100
Maine	23,104	1,617	1,393.46	86
Maryland [1]	14,810	1,037	1,421.69	137
Massachusetts	20,525	1,437	1,308.00	91
Michigan	75,000	5,250	4,817.00	92
Minnesota	103,050	7,214	6,849.60	95
Mississippi	53,000	3,710	3,329.00	90
Missouri	111,510	7,806	7,530.00	96
Montana	67,100	4,697	4,366.00	93
Nebraska	80,272	5,619	5,480.00	98
Nevada	22,000	1,540	1,398.00	91
New Hampshire	14,112	988	977.39	99
New Jersey	17,120	1,198	1,198.30	100
New Mexico	47,607	3,333	3,298.00	99
New York	81,873	5,731	5,018.00	88
North Carolina	60,000	4,200	3,790.30	90
North Dakota	106,202	7,434	6,162.00	83
Ohio	84,497	5,915	5,912.50	99
Oklahoma	112,698	7,889	5,545.00	70
Oregon	41,826	2,928	2,814.00	96
Pennsylvania	90,000	6,300	3,693.36	59
Rhode Island [1]	2,368	166	242.43	146
South Carolina	52,318	3,662	3,230.00	88
South Dakota	115,390	8,077	5,666.00	70
Tennessee	65,204	4,564	3,180.20	70
Texas	182,816	12,797	11,129.00	87
Utah	24,057	1,684	1,588.00	94

[1] Extensions to the 7 per cent system have been approved in these States.

Federal highway system January 30, 1926—Continued

States	Certified total mileage	Limiting 7 per cent mileage	Mileage on 7 per cent system approved Jan. 30, 1926	Per cent limiting mileage Jan. 30, 1926
Vermont	14,900	1,043	1,043.00	100
Virginia	53,338	3,733	3,675.50	82
Washington	42,428	2,969	2,907.70	98
West Virginia	31,629	2,214	1,927.95	87
Wisconsin	78,800	5,516	5,493.36	99
Wyoming	46,320	3,242	3,071.70	95
Total	2,862,198	200,353	179,770.75	89+

Estimated State and local highway expenditure program for 1925

State	By or under supervision of State Highway Department					Probable local road and bridge expenditure	Grand total expenditure State and local	Road mileage by types to be constructed under supervision of State Highway Department		
	Construction		Maintenance		Total probable expenditure			Earth improved	Sand-clay, gravel, and macadam	Asphalt, concrete, and brick
	Probable expenditure	Total miles [1]	Probable expenditure	Total miles						
Alabama	$7,000,000	460	$360,000	1,300	[2] $7,360,000	$7,296,000	$14,656,000	----------	385	75
Arizona	2,600,000	115	700,000	1,607	3,300,000	500,000	3,800,000	----------	75	40
Arkansas	10,000,000	1,775	2,000,000	5,000	12,000,000	7,000,000	19,000,000	1,200	500	75
California	6,600,000	190	5,200,000	[2] 4,900	11,800,000	25,000,000	36,800,000	----------	[2] 100	[2] 90
Colorado	2,850,000	133	1,300,000	8,674	4,150,000	1,000,000	5,150,000	----------	100	33
Connecticut	6,700,000	[2] 170	3,500,000	[2] 1,825	10,200,000	2,000,000	12,200,000	----------	[2] 90	[2] 60
Delaware	2,100,000	55	107,000	441	2,207,000	[2] 1,680,000	3,887,000	----------	----------	55
Florida	7,211,300	400	552,400	1,275	7,763,700	15,500,000	23,263,700	[2] 160	[2] 200	[2] 40
Georgia	4,785,000	419	1,865,000	6,000	[2] 6,650,000	11,100,000	17,750,000	41	340	38
Idaho	1,650,000	120	550,000	1,890	2,200,000	1,000,000	3,200,000	10	85	25
Illinois	51,000,000	1,800	1,175,000	4,700	52,175,000	20,000,000	72,175,000	300	----------	1,500
Indiana	10,744,000	382	3,000,000	3,950	13,744,000	32,096,000	45,840,000	----------	157	225
Iowa	6,180,000	554	3,204,000	6,660	9,384,000	30,000,000	39,384,000	370	106	78
Kansas	3,375,000	250	250,000	1,100	3,625,000	9,458,500	13,083,500	90	95	65
Kentucky	6,786,000	358	2,000,000	2,100	[2] 8,786,000	10,400,000	19,186,000	166	145	47
Louisiana	6,500,000	500	1,500,000	3,500	8,000,000	7,000,000	15,000,000	----------	470	30
Maine	3,380,000	348	1,500,000	4,900	4,880,000	3,800,000	8,680,000	----------	346	2
Maryland	3,300,000	140	3,297,200	2,350	6,597,200	[3] 3,005,000	9,602,200	----------	55	85
Massachusetts	10,315,000	256	3,111,000	1,522	13,426,000	8,000,000	21,426,000	----------	188	68
Michigan	20,000,000	650	5,500,000	6,600	25,500,000	28,000,000	53,500,000	----------	305	345
Minnesota	11,000,000	2,850	7,000,000	20,000	18,000,000	6,000,000	24,000,000	1,200	1,500	150
Mississippi	2,500,000	200	750,000	[2] 2,000	3,250,000	11,300,000	14,550,000	100	80	20
Missouri	25,000,000	1,480	2,000,000	7,420	27,000,000	12,000,000	39,000,000	420	500	560
Montana	1,600,000	225	175,000	1,000	1,775,000	2,000,000	3,775,000	----------	225	----------
Nebraska	3,500,000	625	1,750,000	5,700	5,250,000	5,000,000	10,250,000	200	400	25
Nevada	1,500,000	130	255,000	1,100	1,755,000	500,000	2,255,000	24	101	5
New Hampshire	2,000,000	70	1,500,000	1,000	3,500,000	1,500,000	5,000,000	2	65	3
New Jersey	13,525,000	192	5,700,000	3,900	19,225,000	5,200,000	24,425,000	----------	110	82
New Mexico	1,500,000	186	650,000	4,000	2,150,000	200,000	2,350,000	60	120	6
New York	22,000,000	400	18,000,000	9,500	40,000,000	24,000,000	64,000,000	----------	50	350
North Carolina	13,000,000	650	3,500,000	6,000	16,500,000	5,000,000	21,500,000	----------	400	250
North Dakota	2,400,000	701	300,000	[2] 1,500	2,700,000	2,000,000	4,700,000	460	240	1
Ohio	21,000,000	800	8,000,000	5,630	29,000,000	[2] 50,000,000	79,000,000	----------	475	325
Oklahoma	8,000,000	400	1,000,000	5,000	9,000,000	11,000,000	20,000,000	70	225	105
Oregon	4,200,000	410	1,800,000	3,200	6,000,000	5,000,000	11,000,000	200	200	10
Pennsylvania	[2] 32,000,000	[2] 900	[2] 21,000,000	12,300	[2] 53,000,000	[2] 20,000,000	[2] 73,000,000	[2] 20	[2] 410	[2] 470
Rhode Island	2,300,000	40	700,000	406	3,000,000	850,000	3,850,000	----------	16	24
South Carolina	3,500,000	263	1,600,000	[2] 3,200	5,100,000	5,000,000	10,100,000	200	----------	63
South Dakota	4,177,000	550	650,000	4,400	4,827,000	5,500,000	10,327,000	100	450	----------
Tennessee	8,700,000	624	2,000,000	4,644	10,700,000	[2] 10,500,000	21,200,000	338	188	98
Texas	12,000,000	1,100	5,000,000	16,600	17,000,000	24,000,000	41,000,000	110	890	100
Utah	2,483,000	201	450,000	3,000	2,933,000	550,000	3,483,000	----------	199	2
Vermont	1,637,000	140	1,000,000	4,200	2,637,000	750,000	3,387,000	----------	130	10
Virginia	6,240,000	189	2,138,500	4,600	8,378,500	[2] 7,000,000	15,378,500	22	125	42
Washington	8,000,000	400	1,500,000	2,800	9,500,000	[2] 10,000,000	19,500,000	200	140	60
West Virginia	10,000,000	600	2,000,000	1,500	12,000,000	7,000,000	19,000,000	[2] 400	[2] 150	[2] 50
Wisconsin	5,737,000	475	3,062,000	10,000	8,799,000	7,309,000	16,108,000	100	250	125
Wyoming	2,292,000	450	611,000	3,500	2,903,000	500,000	3,403,000	200	250	----------
Total	404,867,300	24,326	134,763,100	217,794	539,630,400	463,494,500	1,003,124,900	6,763	11,631	5,932

[1] Details given in last three columns.

[2] Estimate based on data of previous years.

Estimated program of State and local expenditures, for calendar year 1926

States	Grand total expenditures (estimated) on State and local roads	Probable expenditures by State highway departments					Probable expenditures on roads and bridges by local authorities	Estimated road mileage to be constructed by State highway departments				Miles maintained by State highway department
		Construction and maintenance	For construction			For maintenance only		Total	Earth improved	Sand, clay, gravel, and macadam	Asphalt, concrete, and brick	
			Total	Roads	Bridges							
Alabama	$21,900,000	$9,900,000	$9,300,000	$9,000,000	$300,000	$600,000	$12,000,000	613	----------	490	123	1,750
Arizona	4,830,000	4,200,000	3,500,000	3,200,000	300,000	700,000	630,000	147	40	100	7	1,607
Arkansas	15,500,000	6,500,000	5,000,000	4,000,000	1,000,000	1,500,000	9,000,000	930	500	400	30	6,000
California	37,000,000	14,000,000	8,500,000	7,000,000	1,500,000	5,500,000	23,000,000	250	50	50	150	6,323
Colorado	9,550,000	4,550,000	3,972,500	3,972,500	(1)	577,500	5,000,000	[2] 185	60	95	32	9,642
Connecticut	10,285,289	7,785,289	4,785,289	3,000,000	1,785,289	3,000,000	2,500,000	113	----------	80	33	1,872

[1] Bridge expenditures included with road expenditures.

[2] Only mileage of Federal-aid roads given.

Estimated program of State and local expenditures for calendar year 1926—Continued

States	Grand total expenditures (estimated) on State and local roads	Probable expenditures by State highway departments					Probable expenditures on roads and bridges by local authorities	Estimated road mileage to be constructed by State highway departments				Miles maintained by State highway department
		Construction and maintenance	For construction			For maintenance only		Total	Earth improved	Sand, clay, gravel, and macadam	Asphalt, concrete, and brick	
			Total	Roads	Bridges							
Delaware	$3,830,000	$2,930,000	$2,770,000	$2,000,000	$770,000	$160,000	$900,000	70			70	500
Florida	32,000,152	14,000,152	13,197,152	13,197,152	(1)	803,000	18,000,000	440	[2] 70	[2] 170	[2] 200	1,624
Georgia	20,324,750	7,324,750	5,624,750	5,024,750	600,000	1,700,000	13,000,000	442	160	164	118	6,248
Idaho	4,337,000	2,837,000	2,437,000	1,892,000	545,000	400,000	1,500,000	205	109	49	47	2,000
Illinois	66,200,000	46,200,000	44,000,000	41,000,000	3,000,000	2,200,000	20,000,000	1,450	250		1,200	6,900
Indiana	53,200,000	13,200,000	10,000,000	8,750,000	1,250,000	3,200,000	40,000,000	280		55	225	4,218
Iowa	29,584,108	13,584,108	9,994,108	8,071,144	1,922,954	3,590,000	16,000,000	1,248	521	704	23	6,674
Kansas	19,072,000	9,072,000	7,072,000	5,000,000	2,072,000	2,000,000	10,000,000	595	300	200	95	7,000
Kentucky	22,000,000	12,000,000	10,250,000	10,250,000	(1)	1,750,000	10,000,000	434	237	139	58	2,500
Louisiana	16,250,000	9,250,000	7,000,000	6,000,000	1,000,000	2,250,000	7,000,000	500		425	75	4,200
Maine	12,883,400	8,983,400	6,483,400	5,383,400	1,100,000	2,500,000	3,900,000	422		386	36	4,900
Maryland	10,316,398	7,116,398	3,450,000	2,760,000	700,000	3,666,398	3,200,000	130		55	75	2,500
Massachusetts	25,000,000	13,000,000	11,400,000	10,800,000	600,000	1,600,000	12,000,000	230		160	70	1,548
Michigan	33,500,000	11,500,000	8,500,000	7,000,000	1,500,000	3,000,000	22,000,000	400	75	100	225	7,000
Minnesota	28,000,000	21,500,000	15,000,000	14,500,000	500,000	6,500,000	6,500,000	2,682	1,242	1,250	190	18,000
Mississippi	12,250,000	6,250,000	5,000,000	3,250,000	1,750,000	1,250,000	6,000,000	320	90	180	50	3,300
Missouri	40,076,000	28,076,000	26,000,000	24,100,000	1,900,000	2,076,000	12,000,000	1,500	500	350	650	7,640
Montana	2,350,000	1,350,000	1,200,000	1,000,000	200,000	150,000	1,000,000	125	25	100		1,000
Nebraska	15,000,000	6,500,000	4,500,000	4,000,000	500,000	2,000,000	8,500,000	1,230	400	800	30	6,000
Nevada	2,070,000	1,670,000	1,410,000	1,300,000	110,000	260,000	400,000	149		149		1,050
New Hampshire	5,060,000	3,550,000	1,550,000	1,500,000	50,000	2,000,000	1,500,000	104		95	9	2,000
New Jersey	31,200,000	22,900,000	18,400,000	16,400,000	2,000,000	4,500,000	8,300,000	311		199	112	3,913
New Mexico	3,755,553	3,555,553	2,993,053	2,539,397	453,656	562,500	200,000	146	44	93	9	4,500
New York	62,391,000	35,750,000	19,250,000	17,250,000	2,000,000	16,500,000	26,641,000	534	52	24	458	9,700
North Carolina	26,000,000	16,000,000	12,000,000	12,000,000	(1)	4,000,000	10,000,000	728	304	180	244	6,200
North Dakota	8,950,000	5,450,000	5,000,000	3,500,000	1,500,000	450,000	3,500,000	1,380	790	590		2,700
Ohio	45,500,000	25,500,000	16,000,000	14,000,000	2,000,000	9,500,000	20,000,000	1,450	50	1,200	200	6,000
Oklahoma	22,000,000	10,000,000	8,000,000	6,250,000	1,750,000	2,000,000	12,000,000	500	300	50	150	5,500
Oregon	14,000,000	7,000,000	4,000,000	3,500,000	500,000	3,000,000	7,000,000	285	150	125	10	3,000
Pennsylvania	76,050,000	63,550,000	49,800,000	47,800,000	2,000,000	13,750,000	12,500,000	1,100		240	860	10,828
Rhode Island	4,665,000	3,790,000	3,190,000	3,000,000	190,000	600,000	875,000	61		36	25	406
South Carolina	8,040,000	5,540,000	3,940,000	3,190,000	750,000	1,600,000	2,500,000	270	200		70	4,341
South Dakota	8,600,000	3,350,000	2,450,000	2,200,000	250,000	900,000	5,250,000	450		450		4,277
Tennessee	27,000,000	18,000,000	14,735,350	13,596,562	1,138,788	3,264,650	9,000,000	1,350	393	834	132	4,000
Texas	44,000,000	28,000,000	20,000,000	18,000,000	2,000,000	8,000,000	16,000,000	1,250	600	500	150	18,000
Utah	4,140,798	3,640,798	3,170,798	2,868,798	302,000	470,000	500,000	228		228		3,200
Vermont	4,230,000	3,530,000	1,780,000	1,280,000	500,000	1,750,000	700,000	91		86	5	2,230
Virginia	12,885,500	10,285,500	7,460,000	6,881,000	579,000	2,825,500	2,600,000	212	42	98	72	4,839
Washington	20,000,000	9,000,000	7,250,000	5,400,000	1,850,000	1,750,000	11,000,000	462	220	200	42	3,000
West Virginia	19,750,000	13,750,000	12,000,000	11,120,000	880,000	1,750,000	6,000,000	705	301	263	141	2,152
Wisconsin	31,670,000	20,970,000	16,600,000	14,600,000	2,000,000	4,370,000	10,700,000	2,350		2,100	250	10,000
Wyoming	3,100,000	2,200,000	1,600,000	1,600,000	(1)	600,000	900,000	150	70	80		2,800
Total	1,030,286,948	598,390,948	461,515,400	413,916,703	47,598,697	137,075,548	431,896,000	20,216	8,143	14,320	6,751	234,582

[1] Details given in last three columns. [2] Approximate details.

Remarks: Above data reported by State highway departments of respective States.

Apportionments and appropriations for cooperative road construction by fiscal years as of May 8, 1926

APPORTIONED FOR CONSTRUCTION AND ADMINISTRATION

Authorized by—	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	Total
Act of July 11, 1916 (39 Stat. 355)	$5,000,000	$10,000,000	$15,000,000	$20,000,000	$25,000,000							$75,000,000
Act of Feb. 28, 1919 (40 Stat. 1200)			50,000,000	75,000,000	75,000,000							200,000,000
Act of Nov. 9, 1921 (42 Stat. 212)						$75,000,000						75,000,000
Act of June 19, 1922 [1] (42 Stat. 660)							$50,000,000					50,000,000
Act of Feb. 26, 1923 [2] (42 Stat. 1321)								$65,000,000				65,000,000
Act of June 5, 1924 [2] (43 Stat. 460)									$75,000,000			75,000,000
Act of Feb. 12, 1925 (43 Stat. 889)										$75,000,000	$75,000,000	150,000,000
Total	5,000,000	10,000,000	65,000,000	95,000,000	100,000,000	75,000,000	50,000,000	65,000,000	75,000,000	75,000,000	75,000,000	690,000,000

APPROPRIATIONS

Act of July 11, 1916 (39 Stat. 355)	$5,000,000	$10,000,000	$15,000,000	$20,000,000	$25,000,000							$75,000,000
Act of Feb. 28, 1919 (40 Stat. 1200)			50,000,000	75,000,000	75,000,000							200,000,000
Act of Nov. 9, 1921 (42 Stat. 212)						$75,000,000						75,000,000
Act of Jan. 22, 1926 (42 Stat. 1157)							$25,000,000					25,000,000
Act of Feb. 26, 1923 (42 Stat. 1321)								$29,300,000				29,300,000
Act of June 5, 1924 (43 Stat. 460)									$13,000,000			13,000,000
Act of Feb. 10, 1925 (43 Stat. 852)							25,000,000	35,700,000	15,300,000			76,000,000
Act of Mar. 3, 1926 (Public 36-69th Cong.)									22,900,000			22,900,000
Act of May —, 1926 H. R. 8264									23,800,000	$51,200,000		75,000,000
Total	5,000,000	10,000,000	65,000,000	95,000,000	100,000,000	75,000,000	50,000,000	65,000,000	75,000,000	51,200,000		591,200,000
Balances unappropriated										23,800,000	$75,000,000	98,800,000

[1] Act of June 19, 1922, carried authorization for fiscal years 1923, 1924, and 1925. [2] Dates of acts authorizing apportionment of funds previously authorized.

Revenues derived from Federal excise taxes on automobiles, trucks, motor cycles, tires, accessories for the fiscal years 1918–1925, inclusive. Arranged by States in which collected

[Taken from annual reports of the Commissioner of Internal Revenue]

Alabama	$131,746.76	Nevada	$871.37
Arizona	19,703.53	New Hampshire	117,265.55
Arkansas	70,435.31	New Jersey	12,106,919.08
California	9,610,069.24	New Mexico	1,045.62
Colorado	1,244,879.60	New York	74,255,169.00
Connecticut	6,297,146.78	North Carolina	701,231.73
Delaware	23,135.43	North Dakota	11,998.95
Dist. Columbia	29,530.91	Ohio	134,283,889.38
Florida	47,154.63	Oklahoma	286,983.54
Georgia	582,871.61	Oregon	179,045.89
Idaho	15,282.59	Pennsylvania	17,842,240.28
Illinois	26,374,329.14	Rhode Island	240,098.72
Indiana	57,632,461.50	South Carolina	397,831.18
Iowa	1,814,901.45	South Dakota	73,712.94
Kansas	351,849.86	Tennessee	213,886.71
Kentucky	750,567.26	Texas	980,542.20
Louisiana	134,812.80	Utah	38,812.14
Maine	24,917.12	Vermont	13,099.89
Maryland	595,452.69	Virginia	315,383.93
Massachusetts	15,794,605.48	Washington	423,719.42
Michigan	461,414,845.31	West Virginia	372,842.14
Minnesota	1,239,993.63	Wisconsin	28,807,958.52
Mississippi	18,589.07	Wyoming	3,618.17
Missouri	6,790,943.01	Hawaii	12,458.66
Montana	8,186.13		
Nebraska	1,002,273.02	Total	863,710,288.87

Mr. President, I ask permission to have printed in the RECORD a table showing some interesting figures relative to national forest roads and trails.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Forest highway system—Total, 14,840 miles

[From hearings before House Committee on Roads, Feb. 15–20, 1926, p. 193]

Source of funds	Miles[1]	Approximate costs[2]
Built with exclusively county and State funds[3]	1,369	$18,326,296
Built with Federal aid and local cooperative funds (State and county):[4]		
Federal aid	490	5,390,000
Local funds		6,432,000
		11,822,000
Built with forest highway funds and other Federal funds with local cooperation:		
Forest highway funds	3,239	15,989,074
Section 8 funds		[4] 8,574,346
F. F. R. C.		[4] 7,637,198
Local cooperation		[4] 13,508,877
		45,709,495
Total	5,098	75,857,791
Less total of all Federal funds as above		37,590,619
Balance of State and county funds		38,267,172

[1] Includes mileage under construction Jan. 1, 1926.
[2] Due to differing dates of closing statistical accounts deferred payments to contractors, etc., figures in these columns are subject to corresponding corrections.
[3] Eleven Western States only.
[4] Some of the earlier mileage built with these funds is not now included in forest highway system.

Mr. ODDIE. Mr. President, the bill now under consideration by the Senate provides an authorization of $7,500,000 for forest roads and trails for each of the fiscal years 1928 and 1929, in addition to the $75,000,000 per year for highways under the Federal-aid system.

Provisions for the survey, construction, and maintenance of national-forest roads and trails are contained in section 23 of the Federal highway act.

The national forests comprise approximately 160,000,000 acres of Federal-owned land located in 33 States and in the Territories of Alaska and Porto Rico. If all the forests were assembled as one unit, they would cover an area equivalent to all the New England States, plus New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and Virginia. The national forests now contain about 600,000,000,000 feet of standing timber and are capable of yielding about 6,000,000,000 feet. The value for timber, grazing, and water power is estimated at about one and one-half billion dollars. Including the other resources, the total will approximate $2,000,000,000.

A system of roads and trails is absolutely essential to the proper administration, protection, and utilization of the Federal land and resources within the national forests. This system must be not only adequate in mileage, but capable of giving the transportation service that the property and traffic requires.

The financial aid given by the Federal Government toward the construction of national-forest roads and trails is essentially different from the Federal-aid appropriations for roads on the 7 per cent system. The forest road appropriation is based on the ownership of land by the Federal Government. Each road approved under the provisions of section 23 of the Federal highway act must be necessary to the administration, protection, or development of the Federal property. Forest roads are not restricted to the interstate or intercounty systems; they may be on the 7 per cent, State, county, or community system, or they may be essentially property roads. The selection of projects is vested in the Secretary of Agriculture. The construction and other work is done under the direct supervision of the Department of Agriculture. While cooperation may be accepted, it is not required.

With two exceptions the sections of the Federal highway act, other than section 23, do not relate to or govern the forest-road appropriation; this appropriation is separate and distinct from the appropriation for Federal aid. All roads and trails constructed from the forest-road appropriation are not only open to the public, but are extensively used by the public. The roads are a part of the system of public highways.

The legislation is based on the ownership of the land. The appropriation is founded on the constitutional provision for developing and protecting Federal property. The appropriation is made in order to promote the most effective protection and utilization of the national forests—to bring about a coordinated and balanced use in order to obtain from each area the greatest aggregate of public benefits and the most valuable forms of service.

The Federal Government as the owner of the national forests has two obligations, (1) to protect, develop, and administer the property efficiently so that the forests may be of the greatest benefit to the people, (2) to share in the burdens of a landowner for the public transportation system necessary to the property itself and to those who need a means of transportation to and across the property. These two obligations are recognized in section 23 of the Federal highway act. Each road and trail must be necessary to the national forests. The legislation differentiates between the forest roads of greater value to public travel than for the forests themselves and those which are more greatly needed for forest protection, utilization, or administration than for the States, counties, and communities within or near the forests. The total appropriation is by law split into two parts; that for forest roads and trails of greatest value to the forests is called the forest-development fund; the remainder is called the forest-highway fund.

In 1905, when the national forests were created, the areas were practically a wilderness. The only transportation system was that constructed by the pioneers, prospectors, homesteaders, and the small settlements who had to have some means of transportation. Primitive conditions still prevail in a large measure, and this acts to hold back development, but the States, counties, and communities have done much toward building the necessary transportation system. Beginning with 1916 the Federal Government started with assistance, providing $1,000,000 a year for 10 years. Material progress has been made, but much remains to be done. The needs in many cases are urgent.

For the forests themselves the greatest need is to protect the property from destruction by fire. With the national consumption some four times the annual growth, the destruction of the remaining timber must be reduced to the absolute minimum. The 600,000,000,000-foot stand of national forest merchantable timber must be saved. Possibly even more important is the protection of the growing timber and reproduction and the productivity of the soil. Scores of years are necessary to grow a tree, but a fire will kill it in a few minutes. Roads and trails are necessary to protection against fire. The time to provide the necessary protection system is before rather than after the timber is destroyed.

Roads and trails alone do not prevent destruction by fire, but they reduce the loss greatly and materially lessen the cost of suppression and detection. A very material aid in fire-suppression work is the availability of the crews engaged in road or trail building.

The market demand for the national forest timber is decidedly increasing; each year the national forest supply is becoming more and more important in meeting the national needs. Roads aid greatly in exploiting the timber and expediting its sale. Even where the timber is taken out by driving the streams, roads are necessary for transportation of supplies, equipment, and men. But the greatest service is in actually hauling out the timber to market or shipping point. Each year brings larger use of motor trucks for hauling timber. It is

decidedly advantageous to the Federal Government to provide the necessary roads. An existing means of transportation often results in selling timber which would otherwise be unmarketable or in the Government getting a higher price than would otherwise be obtainable. Furthermore, instead of a temporary road which would be built by the ordinary operator and which would be practically valueless at the completion of his operation, the Federal road will be of value in connection with later sales besides serving other forest resources and meeting public and forest needs. The necessary timber utilization roads increase the Federal receipts and the national supply of manufactured timber products; they make money for the Federal Government. First, the integrity of the Government property must be preserved. Next, that which has been saved should be utilized and made remunerative under conditions that will insure continuous production.

The national forest road and trail system is also essential to the utilization of water power, irrigation, grazing, and all other resources of the forests. Every road is open to and used by the public. Roads into and across the forests are required by the public. The national forests in the main occupy the rugged mountainous areas and lie in the path of the necessary extension of State and county roads. In a large number of cases the forest highways are necessary links in through roads extensively used by the public; these links must be as good as the portions outside the forest if the required service to the traveling public is to be rendered. Mining, irrigation, agriculture, and other public and private resources and holdings in or near the forests need roads in the national forests. Scattered ranches and small settlements within the forest boundaries must have a means of transportation and communication. The forests contain large areas of land that are extremely attractive from a recreation and scenic standpoint. The public demands opportunity to enjoy these resources.

The States and counties have done much in constructing the roads in the forests. They are now cooperating with the Federal Government and also building roads entirely from their own funds. They think that the Federal Government should give very material assistance, due to its large holdings and to being exempt from local taxation. Of the total forest highway mileage, 4,037 miles (28 per cent) is on the Federal 7 per cent system, 3,984 miles (28 per cent) is on the State system, and the balance (44 per cent) is on the county system.

The proposed system is based on the estimated needs within 10 years. It is 44,587 miles in length, of which 14,840 miles are forest highways and 29,747 miles are forest development roads. This system also includes a total of 84,041 miles of trails.

The proposed forest-road system contemplates 4.6 miles of road for an average township of an area of 36 square miles. At present the average township has 1.2 miles of roads of type adequate to the required service and an average of 2.2 miles of unsatisfactory roads. Taken as a whole, the system now contemplated is about 25 per cent complete. In the six western forest districts there are now 2,487 whole townships, out of a total of 5,784 townships, which have now no roads at all anywhere within the township lines. Forty-one per cent of the whole townships have no roads at present. Even when the system now planned is completed, 33 per cent will be without any roads.

From appropriations already made, and including cooperation amounting to 20 per cent of the total expenditure, 10,022 miles of road and 21,497 miles of trail were constructed or improved prior to June 30, 1925. Thirteen thousand nine hundred and seventy-eight miles of road and 38,858 miles of trail were maintained.

Forest roads are constructed to a standard adequate to provide the service required by traffic and property. The standard is higher for the forest highways—the forest roads of primary importance to public travel—than for the forest development roads. Hard-surfaced roads are not needed. Usually the natural material is used, surfacing of crushed rock or gravel being supplied only when the natural material is unsuitable. On the sidehill sections the width varies from 9 feet overall for the very light service roads up to a maximum of about 23 feet where provision must be made for two-way travel.

Twenty-eight per cent of the forest-highway system now planned is of satisfactory standard. The forest-development road system is about 25 per cent done and the trail system about 59 per cent completed. Changes in traffic and property requirements within the next 10 years will probably require additions or eliminations from the system now planned. If no changes are made in the present system and in the road standards and costs of doing work, and if the forest-road appropriations and the cooperative assistance continue as at present, the forest-highway system will be completed in about 26 years and the forest-development system in approximately 18 years.

Mr. President, my intention is to call this bill up at the very first opportunity, and, if there is no objection, I should like the bill to be acted on at this time.

Mr. CURTIS. Mr. President, I agreed with Senators on the other side that there would be no other measure taken up to-night except a bill in charge of my colleague, the junior Senator from Kansas [Mr. CAPPER] relating to the District of Columbia. I hope the Senator from Nevada will not make his request now.

Mr. ODDIE. Then, Mr. President, at the very first opportunity I will ask unanimous consent that it may be taken up. I believe from what I have learned from a number of Senators and from the general impression over the whole country, that the bill will pass without much further discussion.

REGULATION OF TRAFFIC IN THE DISTRICT

Mr. CAPPER and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. CAPPER. Mr. President, I ask unanimous consent for the immediate consideration of Order of Business No. 569, being the bill (H. R. 3802) to amend the act known as "The District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes.

That bill provides for certain amendments to the traffic act now in force in the District. Its passage is urged by the District Commissioners and by the traffic director. It has been reported unanimously by the Committee on the District of Columbia, and, if possible, should have action at once.

Mr. DILL, Mr. BRUCE, and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield; and if so, to whom?

Mr. DILL. I understood the Senator from Kansas to request unanimous consent for the consideration of a bill, and before unanimous consent shall be given I desire to be heard.

Mr. CURTIS. Will the Senator yield to me in order that I may submit a request for unanimous consent?

Mr. BRUCE. Mr. President, I am going to object to any request for unanimous consent, because I wish to say a few words on a subject that I have been trying all day to say something about. It will take me but a few minutes.

Mr. CURTIS. I do not think my request will interfere with the Senator. I merely wish to ask unanimous consent that the unfinished business may be temporarily laid aside. That will permit the bill for which my colleague desires consideration to be taken up, if there is no objection to it. The Senator from Maryland can then proceed if he so desires.

Mr. BRUCE. Very well.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The junior Senator from Kansas is recognized.

Mr. CAPPER. I ask unanimous consent for the immediate consideration of the bill to which I have referred.

Mr. DILL. Mr. President, before unanimous consent is granted I desire to say that this bill gives the director such additional powers that I do not think it ought to be passed with such a small number of Members of the Senate here. I do not want to call for a quorum; but this bill proposes to define traffic in such a way that the director of traffic in this city is going to be able, and in a newspaper statement that was published in the Star last night and in the Post this morning he states that he proposes to keep horses and wagons and buggies off certain streets; and under the powers of the traffic act he can put people in jail for violating his regulations. I do not believe the Congress ought to confer any such power.

The statement in the Washington Post this morning, quoting Mr. Eldridge to that effect, shows very clearly what he will do if he is given these powers. I admire him for his frankness; but I can not consent to allowing the bill to go through the Senate by unanimous consent, or even to be taken up for consideration, when there is not a quorum here, with these provisions remaining in the bill as to pedestrians and animals.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Kansas yield to his colleague?

Mr. CAPPER. I yield.

Mr. CURTIS. Could we not have a unanimous-consent agreement that the bill shall be taken up and not acted upon to-night, so that the Senator from Maryland may make the speech he wanted to make a few minutes ago? I feel that I foreclosed

him from making his speech by having the unfinished business temporarily laid aside.

Mr. DILL. I am perfectly willing for the Senator from Maryland to make his speech, but I am not going to consent to the consideration of this bill until I have an understanding about the amendments to it.

Mr. BRUCE. Mr. President, I desire to say something on the motion.

The PRESIDENT pro tempore. No motion has been made. The junior Senator from Kansas has asked unanimous consent for the consideration of House bill 3802. That unanimous consent has been refused, as the Chair understands, through the action of the Senator from Washington, and there is nothing before the Senate at the moment.

Mr. CURTIS. Mr. President, as the Senator from Maryland [Mr. BRUCE] desires to make a speech; unless he be given unanimous consent to do so, I will ask that the unfinished business be laid before the Senate.

Mr. BRUCE. Yes; I desire to say just a few words.

MIGRATORY-BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

THE PROHIBITION LAW

Mr. BRUCE. Mr. President, I desire to say that I was simply astonished when my attention was called to an Executive order which has just been issued by the President of the United States. That Executive order reads:

In order that they may more efficiently function in the enforcement of the national prohibition act, any State, county, or municipal officer may be appointed, at a nominal rate of compensation, as prohibition officer of the Treasury Department, to enforce the provisions of the national prohibition act and acts supplemental thereto in States and Territories, except in those States having constitutional or statutory provision against State officers holding office under the Federal Government.

First of all, I should like to know from what source the President deduces his legal right to issue any such order. Of course, I have had no opportunity to give anything in the nature of an exhaustive examination to that side of the subject.

Presumably the President believes himself to be issuing a legal order. Presumably he consulted with the Attorney General of the United States before he issued his order, but I am prepared to say that, so far as I am concerned, any legal advice that the President may have received from the Attorney General of the United States on the subject is entitled to no very extraordinary measure of deference. From what I have seen of him, I am inclined to think that he is as much a stranger to law as he is to English syntax.

I have hastily refreshed my memory of the Volstead Act, but I can find no legal authority for the order in it. I believe that at the time that the war draft act was passed there was a provision in it imposing upon certain State officers Federal duties, but that act was passed under conditions wholly extraordinary, when there was little disposition in any quarter to ask whether it was legal or illegal. I have also heard it suggested that a precedent for this order is to be found in some act enacted during the reconstruction period. God forbid that we should go back to those hard and unconstitutional times to find legal authority for any act of the Executive!

This order provides that it shall have no application to "States having constitutional or statutory provision against State officers holding office under the Federal Government." My State does not fall within that category, so the order applies with full force to it. Under the constitution of the State of Maryland no senator or delegate in the Maryland General Assembly can hold a Federal office. That is the only provision in that constitution which forbids any State officer from holding a Federal appointment. So, as far as Maryland is concerned, the President has assumed the power of going into it and attempting to confer upon its officers authority to enforce the provisions of a law which to the majority of its people is nothing less than detestable. And, mind you, this Executive order does not undertake simply to confer the power of enforcing the national prohibition act upon some State, county, or municipal police officer. It says that the President may confer such power upon "any State, county, or municipal officer" in the State of Maryland—perhaps, forsooth, upon the Governor of Maryland, or the comptroller of Maryland, or the secretary of state of Maryland, or the mayor of Baltimore city, as well as upon some constable in the city of Baltimore, or some sheriff in one of the counties of Maryland, or some member of the State roads constabulary in the State of Maryland.

Just think of it! Only a few days ago, down at Williamsburg, the President said in the course of an address:

No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline.

And also:

The States should not be induced by coercion or by favor to surrender the management of their own affairs.

And here he is suggesting the most extreme stretch of Federal authority that has ever been brought to my attention in my time!

I remember that a good many years ago, when that great man, Mr. Cleveland, was giving expression to some rather lofty sentiments about civil-service reform and at the same time making several appointments that were highly obnoxious to public sentiment, Thomas B. Reed, of Maine, the Republican leader in the House, said in his sarcastic way: "What a pity it is that the author of such noble sentiments should not have more influence with the appointing power!" So I say, what a pity it is that the author of those sentiments in relation to a subject of such supreme importance as State sovereignty should not be more loyal to his own professed convictions!

Come into Maryland, indeed, and authorize one of its State officers to enforce the national prohibition law! If that officer were to accept such a commission and attempt to exercise any power under it, we have a governor who, if I am not mistaken, would remove him from his office forthwith.

I have always had a liking for the President; I have always had a respect for him, and I have so expressed myself upon the floor of the Senate. If I did not believe as well of him as I do, I would say that this extraordinary order was assignable to mere chagrin, to mere disappointment, to mere resentment excited by that overwhelming victory won by the antiprohibition cause in Pennsylvania a few days ago, despite the fact that the President in vain attempted to avert it. Or perhaps it may be that there is something, after all, in the rumor that the President is to be a candidate for the Presidency again and has made up his mind to be the candidate of the "drys." If that is true, he certainly has adopted a most effective way of making himself solid with Wayne B. Wheeler and the rest by calling to the aid of prohibition not only all the power that resides in the Federal Government but much of the power that resides in the State governments besides.

In Maryland we are not willing that the contamination of prohibition shall be communicated in any form whatever to our efficient and honest State officials. We are fully mindful of the 875 prohibition agents who have been dismissed from the prohibition force mainly for official corruption or other forms of downright rascality. The State of Maryland has several times declared that it will not pass any act in aid of national prohibition. That is the settled policy of her people; and there is no reason to believe that it will ever be reversed. Indeed, there never was less indication than at present that it will ever be reversed.

I was in Baltimore last night at one of the most enthusiastic and impressive demonstrations against prohibition that I have ever witnessed in my life. The whole air was electric. There was hardly a single telling point made against prohibition that did not bring the whole audience to its feet, applauding and cheering as only true freemen can applaud and cheer; and yet here is this announcement of the President that the settled policy of our State is to be violated, that the Federal Government is to confer upon our State officers powers that our own State has refused to confer upon them as a matter of principle, as a matter of conviction, as a matter of fixed, and I think I am justified in saying, of irrevocable policy.

Mr. KING. Mr. President, will the Senator permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Utah?

Mr. BRUCE. I yield.

Mr. KING. I was wondering if the views of the President, as expressed in the proclamation, or edict, or ukase, whatever it may be——

Mr. BRUCE. "Ukase"; that is a good word with which to describe it.

Mr. KING. However we may denominate it, if it is to be the prevailing policy hereafter, whether the President of the United

States may not go into every State for the enforcement of every Federal statute—the statute against narcotics, the statute against Federal larcenies, the statute in regard to frauds upon lands, and every other penal statute that has been passed, including any statutes in regard to the fourteenth and fifteenth amendments, and utilize the State machinery for the purpose of enforcing those laws.

Mr. BRUCE. Of course. Give power an inch, and it will always take an ell. That is the law that invariably governs tyranny and usurped authority in every form.

Mr. KING. Aside from the question of prohibition, if this policy is to be pursued, assuming that it is even right or proper morally in the prohibition case, what would be the effect in respect to our State policy, and the relation of the Federal Government to the States in the future, and in connection with all penal statutes enacted by the Federal Government?

Mr. BRUCE. It tends inexorably to lead step by step to the final stage of absolute centralization of authority in the Federal Government.

I doubt whether in the whole history of the United States—and I have some little familiarity with that history—that any President, except in times more or less revolutionary, has ever undertaken such a bold, such a totally indefensible encroachment upon the just rights of the States.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. BRUCE. Yes.

Mr. OVERMAN. Outside of prohibition, where does the President find any right or power to issue Executive orders at all?

Mr. BRUCE. Of course, I have had very little opportunity to look into all the legal aspects of this matter, and having been a lawyer for a great many years I know that one should not commit himself hastily to any legal conclusion, but so far as I am advised at present, there is no source from which the President can infer the authority that he claims.

Mr. OVERMAN. Can Congress confer that power on him?

Mr. BRUCE. I was just about to come to that. Literally construed the proposal of this order apparently is to confer the authority of a national prohibition agent on a State officer in the State of Maryland, say, whether that officer is disposed to assent to that grant of authority or not, and whether the State of Maryland is inclined to assent to it or not. In other words, the language of the Executive order is that—

> Any State, county, or municipal officer may be appointed, at a nominal rate of compensation—

Do not overlook that feature of the order—

> as prohibition officer of the Treasury Department, to enforce the provisions of the national prohibition act.

That is to say, we are not to go below the surface of the words, he may be appointed willy-nilly, and no matter how repugnant to every honest, decent, impulse of his own self-respect the bestowal of such authority on him might be. He is simply told, "Here is a presidential ukase," to adopt the apt term of the Senator from Utah. "You must obey it whether you wish to obey it or not, or whether the State of Maryland is willing that you shall obey it or not"; and the only way in which you can escape obedience is by giving up your State office. Speaking under the impressions of the moment, I do not believe that the Federal Government has any more constitutional power to superimpose Federal duties upon the State duties of a State officer than it has to impose a tax upon the salary of a State officer.

Mark, too, the feature of this order to which I have passingly referred. The Federal Government, under its provisions, is to adopt the State officer as another execrable—as I see it—instrument of prohibition tyranny, and it does not propose to pay him anything except a purely nominal compensation, and that notwithstanding the fact that, for all this order shows, the ordinary measure of the duties of the State officer may be largely increased by the superadded Federal duties.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. DILL. This order is unnecessary except in those States that have no State enforcement laws, is it not?

Mr. BRUCE. It is, I should say. We have no State prohibition enforcement law.

Mr. DILL. It can be aimed only at them.

Mr. BRUCE. Yes; it looks that way. There are only two States in the Union that have no State prohibition enforcement laws at present, as I am informed, though I am subject to just correction if I am mistaken, and those are the States of New York and Maryland. Perhaps the President had in mind the referendum on the prohibition question that is to take place in the State of New York this fall and the effect that brisker enforcement might have on public opinion in that State in the interim.

I really do not think that the President could have understood the full significance of this order, or that his Attorney General could have understood it, which is intelligible enough. But look at it as you please, no plea can be urged in its behalf, except the tyrant's plea, of necessity, which we all know is never lacking when human oppression is about to be exerted in some governmental form or other.

Speaking for the sovereign State of which I happen to be one of the representatives here, I resent this order with all the force of such intelligence as I possess, with all the manliness of spirit that I can claim, and with all the just indignation that such an Executive act is so well calculated to excite.

I sincerely regret that I have to speak in this candid way about the President of the United States, but I would be faithless to the people of the United States, and certainly to the interests and sentiments of the people of my own State, if I did not express myself in the frank manner that I have.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. BORAH. I understand that the State of Maryland has a constitutional or statutory provision which would make this order inapplicable to that State.

Mr. BRUCE. The only provision in our constitution that I can recall relating in any manner to the subject matter of this Executive order is the provision that no senator or delegate in our general assembly shall hold a Federal office. We have a provision also in our State constitution that no State officer shall hold two offices of profit.

Mr. BORAH. That has been pretty generally held by the courts, has it not, to prevent a State officer from accepting a Federal office?

Mr. BRUCE. Not that I know of.

Mr. BORAH. I have not looked it up.

Mr. BRUCE. As I recall it at this moment—but I will not rely upon my memory too confidently—the language of our constitutional provision is that no person shall hold two State offices of profit.

Even if this were not so, I do not think that the interpretation suggested by the Senator from Idaho would be the proper one, because, as I have said, when the Maryland Constitution in another connection forbids a senator or delegate in the Maryland General Assembly to hold a Federal office, it uses words wholly free from ambiguity.

Mr. BORAH. I am not familiar with the laws of Maryland, but there are a number of States which would prevent a State officer from holding a Federal office at the same time he holds the State office.

Mr. BRUCE. I have not the slightest doubt of it. The clause in our constitution which provides that no one person shall hold two offices of profit is, as I remember, a very common provision in the State constitutions of the country.

[NOTE.—Article 35 of the Maryland Declaration of Rights says: "No person shall hold at the same time more than one office of profit created by the constitution or laws of this State."]

It is perfectly clear to my mind that this Executive order bears directly upon the State of Maryland.

Of course, I need not argue when I am engaged in a colloquy with such a distinguished lawyer as the Senator from Idaho that the State of Maryland is under no constitutional obligation whatever to enact any prohibition aid enforcement statute if it does not choose to do so. It is hardly necessary for me to state such a truism as that our form of government is a dual form of government and that the States are as supreme in their spheres of sovereignty as the National Government is in its; and that consequently, if there is a clash between a State and the Federal Government where the State is acting distinctly within its own constitutional domain, the latter has the right to take any view of the controverted question that it honestly entertains. I do not suppose that any lawyer who deserves the name would dispute that proposition.

In the exercise of their constitutional discretion, both the State of New York and the State of Maryland have determined that they will not enact any prohibition State enforcement law. Yet here is apparently a deliberate, studied attempt on the part of the President of the United States to defy the exercise of that entirely lawful and legitimate discretion, and to make State officers agents for prohibition enforcement, even though the State itself, of which they are but servants, is inflexibly opposed to lending its aid to prohibition enforcement at all.

Mr. President, I might say more on the subject, but I believe that I have said enough, at any rate, to present to the Senate

my leading ideas with respect to it. I shall be glad to see some other Senator assume what seems to me to be the impossible task of defending the order.

TRANSFER OF GENERAL LAND OFFICE RECORDS

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

Mr. CURTIS. Mr. President, may I inquire if that is the bill the Senator explained this morning?

Mr. LA FOLLETTE. It is.

Mr. KING. Has the Senator spoken to the Senator from Arkansas [Mr. ROBINSON] about it?

Mr. LA FOLLETTE. I have.

Mr. CURTIS. Has he any objection to it?

Mr. LA FOLLETTE. There was no objection.

Mr. KING. Mr. President, may I ask the Senator from Wisconsin if it is the bill which provides for certain records to be deposited with the States after the Federal Government has ceased to require them?

Mr. LA FOLLETTE. It is.

Mr. KING. I thing it is a very wise piece of legislation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read as follows:

Be it enacted, etc., That whenever the last United States land office in any State has been or hereafter may be abolished the Secretary of the Interior be, and he is hereby, authorized to transfer to the State within which such United States land office was or is situated such transcripts, documents, and records of the office aforesaid as may not be required for use of the United States and which the State may desire to preserve.

SEC. 2. That when the public surveys in any State have been so far completed that in the opinion of the Secretary of the Interior it is no longer necessary to maintain a public survey office in said State, he may turn over to the State the field notes, maps, plats, records, and all other papers appertaining to land titles in such public survey office that may not be needed by the United States and which the State may elect to receive.

SEC. 3. The transcripts, documents, records, field notes, maps, plats, and other papers mentioned in sections 1 and 2 of this act shall in no case be turned over to the authorities in any State until such State has provided by law for the reception and safekeeping of same as public records, and for the allowance of free access to the same by the authorities of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIGRATORY-BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by establishment of migratory-bird refuges, etc.

Mr. KING. Mr. President, I desire to offer a substitute in the form of an amendment to the pending bill and at the same time I offer a resolution for investigating the whole subject in connection with the Department of Agriculture.

The PRESIDENT pro tempore. Without objection, the amendment will be printed and lie on the table, and without objection the resolution will be received, printed, and lie on the table.

Mr. KING. I would like to have the amendment printed in the RECORD in order that all may see just what it is.

The PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Amendment intended to be proposed by Mr. KING to the bill (S. 2607):

A bill for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and for the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of Agriculture is authorized and directed to acquire by purchase, gift, or lease such areas of land or of land and water within the United States which are not now used for agricultural purposes and which he determines to be suitable and advantageous for use as migratory-bird refuges.

SEC. 2. Such lands, when acquired according to the provisions of this act, shall constitute Federal migratory-bird refuges and shall be maintained (a) as refuges and breeding places for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe as refuges and breeding places for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as refuges and breeding places for fish and other aquatic animal life.

SEC. 3. No such area shall be acquired by the Secretary of Agriculture until the legislature of the State in which such area is situated has consented to the acquisition of the same by the United States for the purposes of this act, and except in the case of a lease no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

SEC. 4. The existence of a right of way, easement, or other reservation or exception in respect of any such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this act.

SEC. 5. The Federal migratory-bird refuges required under this act shall be subject to the provisions of sections 6, 7, 8, 9, and 11 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924.

SEC. 6. The sum of $1,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to effectuate the provisions of this act.

Amend the title so as to read: "An act for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and for the furnishing of adequate protection of migratory birds."

Mr. KING submitted the following resolution (S. Res. 228), which was ordered to lie on the table and to be printed:

Senate Resolution 228

Whereas the United States, on August 16, 1926, concluded with Great Britain a convention for the protection of migratory birds which pass between the United States and Canada in regular seasonal flights; and

Whereas it is claimed that by said convention the United States become committed to the protection of such migratory birds during the period of their flight and presence in the United States; and

Whereas in order to discharge such alleged commitments upon the part of the United States Congress passed the migratory bird treaty act, approved July 3, 1918, and to further effectuate the purposes of said convention Congress by the act entitled "An act to establish the Upper Mississippi wild life and fish refuge," approved June 7, 1924, provided for the establishment of an extensive refuge and breeding place for such migratory birds in the upper Mississippi Valley and authorized an appropriation of $1,500,000 for the acquisition of the lands required for such refuge; and

Whereas it is claimed that additional refuges are necessary at suitable and advantageous localities for the further protection of migratory birds; and

Whereas it is reported that persons representing corporations and organizations interested in the killing of migratory birds have claimed that they had an agreement with the Biological Survey as to what lands should be purchased for public shooting grounds in the event that Congress should appropriate public funds for the purchase of shooting grounds, or should provide a Federal shooting license of $1 per annum for the purpose of raising funds to purchase such shooting grounds, as proposed in bills pending in Congress.

Whereas the protection of migratory birds under said treaty and the protection of the wild life of the country is a policy which concerns the whole country and not merely the small proportion of the people who desire to kill such wild life for sport or the corporations which manufacture guns, powder, and shells for the purpose of hunting and killing game; and

Whereas an extensive controversy has developed as to the proper measures which should be taken by Congress to discharge the obligations of the Government under said migratory bird treaty and as to the general policy of the Government with respect to the protection of wild life: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry is authorized and directed to make an investigation to determine what addi-

tional legislation, if any, is necessary or desirable for the enforcement of the migratory bird treaty with Great Britain; and particularly what additional bird refuges are required; the best localities for such refuges; the estimated cost of such refuges; the best means to develop such refuges; the extent to which the Government should cooperate with the several States with respect to the maintenance of such refuges; the most effective means to administer such refuges; whether the Department of Commerce should participate in the maintenance of such refuges; whether there should be an advisory committee to advise the Biological Survey of the Department of Agriculture with respect to the performance of its duties and functions with respect to the maintenance and administration of such refuges, and if so, how such advisory committee should be appointed and what compensation should be allowed for it; how funds should be raised to purchase land for game refuges; and generally to make a comprehensive study of the whole subject of game refuges and report its findings and recommendations to the Senate.

The committee is authorized to hold public hearings, to send for persons and papers, to administer oaths, to sit during the session or during any recess of the Senate, and to sit at such places as it may deem advisable. Any subcommittee of such select committee duly authorized thereto may exercise the powers conferred upon the committee by this resolution.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 3 minutes p. m.), under the order previously entered, took a recess until Monday, May 24, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 21, 1926

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Capt. Stanton Louis Bertschey, Infantry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Daniel Whilldin Hand, Field Artillery, from May 15, 1926.

TO BE LIEUTENANT COLONEL

Maj. George Watkins Ewell, Quartermaster Corps, from May 15, 1926.

TO BE MAJORS

Capt. Frank Elmer Parker, Finance Department, from May 15, 1926.

Capt. Edwin Fairbrother Ely, Finance Department, from May 16, 1926.

Capt. Raymond George Moses, Corps of Engineers, from May 16, 1926.

APPOINTMENTS IN THE NAVY

The following-named citizens to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 9th day of June, 1926:

Alexander E. Brunschwig, a citizen of Illinois.
Edgar E. Evans, a citizen of Colorado.
Charles F. Flower, a citizen of California.
Herbert T. Rothwell, a citizen of Colorado.
Gifford H. Henry, a citizen of Oklahoma.
Harold V. Packard, a citizen of Iowa.
Leon D. Carson, a citizen of Illinois.
Claude R. Bruner, a citizen of Missouri.
George S. Heller, a citizen of Tennessee.
George D. Gertson, a citizen of North Dakota.
Joseph B. Gordon, a citizen of Virginia.
Gerald W. Smith, a citizen of Kansas.
Thomas M. Arrasmith, jr., a citizen of North Carolina.
Emmett F. Guy, a citizen of Illinois.
Harry D. Cowlbeck, a citizen of New York.
Franklin V. Sunderland, a citizen of Colorado.
Walter F. James, a citizen of Illinois.
Welbourne F. Bronaugh, a citizen of Oklahoma.
Arthur W. Loy, a citizen of Tennessee.
Albert T. Walker, a citizen of California.
Albert Ickstadt, jr., a citizen of Illinois.
Arthur K. Joerling, a citizen of Ohio.
Verner P. Johnson, a citizen of Minnesota.
Thomas Jackson, jr., a citizen of Pennsylvania.
Roy A. Boe, a citizen of Iowa.
Henry M. Walker, a citizen of Tennessee.
Glenn S. Campbell, a citizen of Oregon.
Clyde M. Longstreth, a citizen of Iowa.
Herman M. Maveety, a citizen of Michigan.
Fred E. Angle, a citizen of Kansas.
Charles R. Wilcox, a citizen of Iowa.
Paul E. Wedgewood, a citizen of Ohio.
French R. Moore, a citizen of Oregon.
Charles B. Congdon, a citizen of Minnesota.
Robert Krohn, a citizen of Wisconsin.
William D. C. Day, a citizen of Indiana.
Cornelius G. Dyke, a citizen of Iowa.
Paul S. Ferguson, a citizen of Missouri.
Joseph W. Kimbrough, a citizen of North Carolina.
William J. N. Davis, jr., a citizen of Illinois.
Raymond W. Hege, a citizen of North Carolina.
John C. Vermeren, a citizen of Illinois.
Bruce E. Bradley, a citizen of Virginia.
Stephen A. Parowski, a citizen of Illinois.
Theophilus F. Weinert, a citizen of Illinois.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1926

POSTMASTERS

COLORADO

Dwight L. Willis, Holyoke.
Grace M. Fawcett, Smuggler.

GEORGIA

James T. Dampier, Adel.
Edwin R. Orr, Dublin.
Columbus W. Fields, Hampton.
Jackson C. Atkinson, Midville.
Rois A. Martin, Milner.

MARYLAND

John F. Wiley, White Hall.

MINNESOTA

Lyall E. Williams, Dexter.
Anna E. Miller, Kelliher.
Katherine C. McCaffrey, La Crescent.
Orville G. Nichols, Mazeppa.
Archie M. Hayes, McGregor.

NEBRASKA

Fred Wolter, Ohiowa.

NEW JERSEY

Ralph G. Riggins, Bridgeton.
Richard Ransom, Hohokus.
John J. Schilcox, Keasbey.
John A. Wheeler, Monmouth Beach.
Arthur S. Warner, Spring Lake Beach.

NORTH CAROLINA

James M. Selby, Belhaven.

TENNESSEE

Solomon A. Vest, Mount Pleasant.

WASHINGTON

Carl J. Gunderson, East Stanwood.
Nelson J. Craigue, Everett.
Lewis Murphy, Republic.

WISCONSIN

Paul W. Schuette, Ableman.
William H. Howard, Altoona.
George E. Grob, Auburndale.
Leslie D. Jenkins, Bagley.
Nels O. Neprud, Coon Valley.
Reginald E. Caves, Dalton.
Wallace M. Comstock, Oconto.
Donald C. McDowell, Soldiers Grove.
Charles A. Arnot, South Wayne.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 21, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite and Eternal God, while Thou art so near us, yet Thou art so far away; do Thou open the depths of our spiritual understanding that we may behold Thy glory. Satisfy our longings and guide our wandering thoughts. May this sacred moment be an inspiration to help us through this day. Let an ideal life haunt us. May we feel the thing we ought to be beating beneath the thing we are. We bless Thee just for

everyday life, life filled with common duties, unpromising and unwelcome tasks. Bless us with the satisfaction that whoever tries to do each day's work in the spirit of loyalty to God is weaving a texture whose other side is fairer than the one he sees. Help us to grow in the stature of Christian manhood while the days pass by. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

DETERIORATED AND UNSERVICEABLE AMMUNITION

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 9218, with Senate amendments thereto, and agree to the Senate amendments. Is there objection?

There was no objection.

THE CRIMINAL CODE

The SPEAKER. In compliance with the request of the House, the Senate has returned H. R. 9568, amending section 220, Criminal Code of the United States, and, without objection, the bill will be laid on the table.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 7. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof;

H. R. 6535. An act to amend so much of section 55 of the Hawaiian organic act, as amended by the Hawaiian homes commission act, approved July 9, 1921;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation, in Montana, and for other purposes;

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes;

H. R. 10773. An act to authorize acquisition or use of the public lands by States, counties, or municipalities for recreational purposes; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke as guardian of Katie I. O'Rourke;

H. R. 6729. An act to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8657. An act to amend sections 226 and 228 of the Judicial Code, and for other purposes;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8916. An act granting public lands to the county of Kern, Calif., for public-park purposes;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9938. An act for the relief of Frank A. Bartling;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver-service set in use on the battleship *Minnesota*;

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes;

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence with certain biographical sketches and explanatory matter.

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects, residents of Porto Rico, on April 11, 1899;

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to the Rio Grande City Railway Co.;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the Independence of Vermont and the battle of Bennington and authorizing an appropriation to be utilized in connection with such observance;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 741. An act for the relief of Lincoln County, Oreg.;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1818. An act for the relief of Lillie F. Evans;

S. 1919. An act for the relief of Portland Iron Works;

S. 2059. An act to provide for regulating traffic in certain clinical thermometers, and for other purposes;

S. 2337. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 2521. An act for the relief of J. W. Braxton;

S. 2587. An act to amend the trading with the enemy act;

S. 3064. An act for the relief of the Capital Paper Co.;

S. 3200. An act to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 3655. An act to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

S. 3770. An act establishing additional land offices in the State of Montana;

S. 3875. An act to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution;

S. 3884. An act authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington;

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes;

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims; and

S. J. Res. 96. Joint resolution extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma.

FARM RELIEF

Mr. ANDRESEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11603, with Mr. MAPES in the chair.

The Clerk reported the title of the bill.

Mr. TINCHER. Mr. Chairman, in order to clarify the parliamentary situation, I ask unanimous consent to temporarily withdraw the amendment that I offered yesterday so that the other amendment may be considered.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment. Is there objection?

Mr. DOWELL. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I reserve the right to object. Does the gentleman intend later on to offer this amendment?

Mr. TINCHER. Yes.

Mr. CANNON. He really wishes to withdraw it for the present?

Mr. ASWELL. Mr. Chairman, I offer the bill H. R. 11606 as a substitute for the Haugen bill.

Mr. CANNON. But, Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The Chair put the request of the gentleman from Kansas.

Mr. CANNON. I reserved the right to object, and under that reservation I made an inquiry.

Mr. ASWELL. Has not the Chair already stated that there was no objection?

The CHAIRMAN. The Chair did, but the Chair will put it again. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ASWELL. Mr. Chairman, is it in order now for me to offer a substitute for the Haugen bill?

The CHAIRMAN. It is in order for the gentleman or for anyone else to offer a substitute.

Mr. ASWELL. Then I offer the bill H. R. 11606 under the rule.

Mr. MADDEN. Mr. Chairman, I have a preferential motion, which I desire to offer.

Mr. ASWELL. Mr. Chairman, under the rule under which we are operating I offer, as a substitute, the bill H. R. 11606, as presented originally to the Haugen bill.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Louisiana yield for that purpose?

Mr. ASWELL. Yes.

Mr. CHINDBLOM. Mr. Chairman, last evening the so-called Aswell bill was offered as a substitute.

Mr. ASWELL. Mr. Chairman, I withdraw that amendment temporarily.

Mr. MADDEN. Then I have a preferential motion which I desire to offer.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry. Last evening the Aswell bill was offered as a substitute for the Tincher bill. The Tincher bill having been withdrawn, does that carry with it the withdrawal of the Aswell bill or does the gentleman from Louisiana now withdraw his amendment?

Mr. ASWELL. I withdraw it temporarily.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. CANNON. Mr. Chairman, I make the point of order that that motion is not in order. Under the rule the committee automatically rises.

Mr. MADDEN. Mr. Chairman, I offer a preferential motion that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that it be referred to the Committee on Agriculture.

Mr. CANNON. Mr. Chairman, I offer an amendment to that.

Mr. DOWELL. Mr. Chairman, I make the point of order that that motion is not in order.

The CHAIRMAN. Will the gentleman allow the Chair to put the motion? The gentleman from Iowa [Mr. HAUGEN] moves that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The gentleman from Illinois [Mr. MADDEN] moves as a preferential motion that the committee rise and report the bill back to the House with the recommendation that it be referred to the Committee on Agriculture for further consideration.

Mr. CANNON. And I offer an amendment.

Mr. DOWELL. Mr. Chairman, I raise the point of order that the motion of the gentleman from Illinois is not in order in the Committee of the Whole House.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CHINDBLOM. Mr. Chairman, the motion of the gentleman from Illinois was not entirely stated by the Chair. The motion of the gentleman from Illinois included the amendments. The gentleman from Illinois moved that the committee rise and report the bill with amendments, with the recommendation that the bill as amended be referred back to the Committee on Agriculture.

Mr. CANNON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. Let us dispose of the point of order first. The Chair will hear the gentleman from Iowa.

Mr. DOWELL. Mr. Chairman, my point of order is that a motion to recommit, as is the motion of the gentleman from Illinois, can only be made under this special rule in the House after the matter is before the House, either upon a recommendation to strike out the enacting clause or after the third reading of the bill. These are the only two instances where there is any authority under the rules for the recommittal of the bill, and there is no provision in the rule for a motion to recommit the bill or for recommendation that it be recommitted in the Committee of the Whole House. I respectfully refer the Chair to the special rule, and I call attention to the rule itself, which makes no provision for the motion that has just been made by the gentleman from Illinois. That being true, there being no special rule for this action, it can only be made under the provisions of the rules of the House, which permits the House, when the motion is made in the Committee of the Whole to strike out the enacting clause, and the matter then comes before the House, or after the third reading of the bill on its final passage.

Mr. TILSON. Mr. Chairman, it seems to me that we have reached a stage in the consideration of this bill——

Mr. DOWELL. Will the gentleman yield to me for a moment?

Mr. TILSON. I will yield.

Mr. DOWELL. One other point which I desire to suggest to the Chair is that when there are no amendments before the committee it is then in order for the ones in charge of the bill to make a motion to rise with a report, and that is now in order. There is no preferential motion to that; there is no motion that has any preference except an amendment to the bill. There is no amendment to this bill. Every section has been read, and under this rule it then is in order for the chairman of the committee—which he did do—to make the motion to rise and report the bill favorably.

That is in order always, unless there is a motion to amend, which is preferential. And so, with no provision here for such a motion as the gentleman from Illinois has made, and where there is a plain provision under the rules that the chairman of the committee has the right to make the motion to rise and report the bill whenever there is no amendment before the House, it seems to me there can be no question that the motion of the gentleman from Illinois is not in order.

The CHAIRMAN. Is the gentleman's position that this motion would be in order before amendments were disposed of?

Mr. DOWELL. No; it is not an amendment; it can not be construed as an amendment. If it were an amendment, the gentleman from Iowa, the chairman of the committee, would not be permitted to make his motion until the amendment has been disposed of. But when the motion is made and all amendments have been disposed of, the chairman of the committee has the right, and there is no preferential motion to that, to move that the committee rise and report the bill to the House. I think there is no authority anywhere contrary to this; and if there is anything to the contrary, I have not found it.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. DOWELL. I will.

Mr. CONNALLY of Texas. Would it be in order for the committee to adopt a motion to report to the House a recommendation that the bill be not passed?

Mr. DOWELL. I think that might possibly be in order.

Mr. CONNALLY of Texas. If the gentleman admits that——

Mr. DOWELL. I am not conceding it; but I believe that might be true, though I am not advised on that question. The question before us now is as to the preferential motion of the gentleman from Illinois, and I do not want to be taken from that question.

Mr. TILSON. Will the gentleman yield?

Mr. DOWELL. I will.

Mr. TILSON. Is it not in order at any time for the committee to rise and recommend to the House that any proper action that can be taken by the House be taken?

Mr. DOWELL. No; I think not.

Mr. TILSON. What can the committee recommend?

Mr. DOWELL. It can recommend this bill. It may take other definite action. It may strike out the enacting clause. It may do whatever is provided for under the rules of the House.

Mr. BURTNESS. Will the gentleman yield?

Mr. CHINDBLOM. Mr. Chairman, will the gentleman from Iowa yield for this question?

Mr. DOWELL. Yes.

Mr. CHINDBLOM. Suppose the Committee of the Whole should vote down the motion of the gentleman from Iowa [Mr. HAUGEN] that it rise and report the bill. Then what would the committee do? Would it be perfectly helpless?

Mr. DOWELL. I do not know what it would do, but it would have the matter before it, to take such action as can be taken under the rules of the House.

Mr. CHINDBLOM. The gentleman says they could not do anything but report the bill or strike out the enacting clause.

Mr. DOWELL. No; I did not say that. I say that this committee can take no action except such action as is provided for by the general rules of the House.

The CHAIRMAN. The Chair would like to hear the gentleman from Connecticut on the point of order.

Mr. TILSON. Mr. Chairman, I take the position that in the consideration of a bill the Committee of the Whole may recommend to the House any action that it is proper for the House to take. Now, let me read from paragraph 4 of Rule XVI with reference to whether this is proper action for the House to take when we go into the House. I read:

> When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely.

Mr. DOWELL. That is in the House?

Mr. TILSON. Clearly so. I so stated in my opening remarks, and I started out with the proposition that it is in order for this committee to recommend in its report to the House any action that it is proper for the House to take after the committee has reported.

Mr. BEGG. Mr. Chairman, will the gentleman yield right there?

Mr. TILSON. Certainly.

Mr. BEGG. Could the committee do anything other than what the House was permitted to do?

Mr. TILSON. It could not. It could make no other recommendation except such action as the House may properly take.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CONNALLY of Texas. Is it not true that the very purpose of reference to the Committee of the Whole is to get the advice of the Committee of the Whole as to what should be done, and is it not competent therefore for the Committee of the Whole under those circumstances to report its advice to the House?

Mr. TILSON. Yes; and it is upon this principle that I stand. What are the circumstances? We have been considering this bill for something like two weeks—three weeks, as has been suggested by some of my colleagues near me. Not many here will claim that the bill is in any better shape now than it was when it was brought in. In fact, I think that a goodly part of the membership of the House will agree with me that this bill as it stands at present is in such a state that it would be unsatisfactory to a great part of the membership of the House.

Mr. DOWELL. Mr. Chairman, will the gentleman yield now?

Mr. TILSON. Not yet.

I believe further that it is not the wish of this House to absolutely reject all agricultural legislation, but that it is the sincere wish of the Members of the House to secure proper legislation along this line.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. TILSON. In a moment.

It has been demonstrated very clearly that the House in Committee of the Whole has been unable to amend this bill satisfactorily on the floor, and gentlemen know that the best way to prepare a bill is to prepare it in committee, where a smaller number of men can sit around a table and consider the bill. In order to do this it is necessary for this entire matter to be referred back to the Committee on Agriculture for such action; and, Mr. Chairman, it is inconceivable as a parliamentary proposition that the Committee of the Whole has not the power and the right under parliamentary procedure to make such a recommendation to the House.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FULMER. I would like to ask the gentleman what would be gained by that procedure, inasmuch as we have 14 members of the Committee on Agriculture for the Haugen bill and only 2 for the Tincher bill and 2 for the Aswell bill. If you went back and immediately reported it out, you would kill it.

Mr. TILSON. Rather than kill the bill at the present time the proposition for which I stand would give another opportunity for the Committee on Agriculture to consider it. I submit that my original proposition is correct and that the motion of the gentleman from Illinois is in order.

Mr. BURTNESS. Mr. Chairman, I do not dispute the contention made by the distinguished majority leader, that the Committee of the Whole has the right to do what it likes with reference to a recommendation under the general rules of the House. But that is not the question before us now upon the motion that has been made by the gentleman from Illinois [Mr. MADDEN]. The gentleman from Iowa [Mr. HAUGEN], the chairman of the Agricultural Committee, which is in charge of the bill, has made the motion that the committee rise and report the bill back with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass. The only question under the general rules of the House, laying aside for just a minute the special rule under which we are operating is whether the motion made by the gentleman from Illinois is a preferential motion to the motion that has been made by the gentleman from Iowa, and that is a question which the gentleman from Connecticut has not discussed. He discussed merely the question as to whether the motion of the gentleman from Illinois might be in order as a motion standing by itself. We are here confronted with the question as to whether it is preferential to the motion made by the gentleman from Iowa.

Mr. TILSON. Allow me to answer the gentleman's question. I read to the gentleman the order of proceeding, the order of preference.

The order is this: The last preference of all is the motion to rise and report. That motion is not in order as long as anyone wants to amend. The privilege of amending has to come before the right to rise and report the bill, but the privilege of referring comes ahead of the privilege to amend. In the order of precedence the motion to refer is preferential to a motion to amend.

Mr. BURTNESS. That is true of proceedings in the House.

Mr. TILSON. The motion to amend has preference over a motion to rise and report, so a motion to refer is two stages in preference ahead of the motion to rise and report.

Mr. BURTNESS. Conceding such application to proceedings in the House, I might also concede that it applies to proceedings in the Committee of the Whole without yielding on the point of order. This question must be determined by the language of the rule itself, and I want to call the Chair's particular attention to this, because I think it is conclusive. We are operating here under a special rule, and let me read to you just what may be done. At the end of the first page we find this—

> After the reading of such bill for amendment it shall be in order to offer H. R. 11618 (Tincher bill) or H. R. 11606 (Aswell bill).

They have been withdrawn and they are not before us, so we come to the next sentence, and I hope I can have the Chair's attention to it.

The CHAIRMAN. The Chair is following the gentleman.

Mr. BURTNESS. This is the next sentence:

> At the conclusion of the reading of the bill the committee—

Shall do what?

> shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

The rule specifically provides that at the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and then it will be up to the House to determine whether it cares to accept the recommendation of the Committee of the Whole House or not.

Mr. TILSON. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. TILSON. Will not the gentleman admit that at this very minute, while the motion of the gentleman from Iowa to rise and report is pending, it is in order for either of those gentlemen, or any gentleman, to rise and propose an amendment and take the motion of the gentleman from Iowa off the floor?

Mr. BURTNESS. I do not concede that, for the bill has been fully read for amendment.

Mr. TILSON. Yes, it would, because the bill has not been completed yet; consequently this is the only motion in order ahead of a motion to amend.

Mr. BURTNESS. The House by a special rule and by its own vote has declared what is to be done when the present stage is reached, and we are to-day operating under this special rule; and the last sentence of it, it seems to me, is absolutely controlling upon the House and the committee. Under that view the point of order should be sustained.

Mr. SNELL. Mr. Chairman, in reference to the statement made by the gentleman from North Dakota in regard to the special rule, I simply desire to say that the special rule provided simply for the manner of considering those substitutes and that was all; otherwise it did not change the general rules of the House.

Mr. RAMSEYER. Mr. Chairman, I wish to emphasize to the Chair the reading and meaning of this special rule under which we are proceeding. I think the gentleman from North Dakota is absolutely correct. Of course, the object of the motion of the gentleman from Illinois [Mr. MADDEN] is to kill off agricultural legislation for this session. [Applause.] The object here is to prevent a straight-out vote on the Haugen bill, which was made in order under a special rule of the House. Under that special rule of the House the Aswell bill or the Tincher bill could have been offered as substitutes. They were offered as substitutes and both have been withdrawn, so that there is nothing before us except the Haugen bill, and the only thing that will be before us when we rise and report the bill to the House will be the Haugen bill.

I do not know whether the majority leader is ready to stay here all summer to carry out what he has stated, and that is to give this House an opportunity to vote on farm legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order and not on the merits of the proposition.

Mr. RAMSEYER. The Chair did not hold the majority leader strictly to a discussion of the point of order. [Applause.]

The CHAIRMAN. The Chair is interested in the point of order and not in the merits of the proposition.

Mr. RAMSEYER. If the Chair insists that I confine my remarks to the point of order, I will, of course, conform to the ruling of the Chair. The only object of a special rule is to change the rules of the House. [Applause.] Now, this special rule, so far as the consideration of the Haugen bill in the Committee of the Whole is concerned, made two changes. It provided that two certain substitutes might be offered at the end of the reading of the bill instead of after the reading of the first section, where substitutes are in order. The second change it made was that those two substitutes should be in order, notwithstanding the rule as to germaneness. We have passed both of these provisions. Now, the third is—and that is as specific as language can make it—that we are to report the Haugen bill with amendments. Why? To give the House an opportunity to vote on the Haugen bill with amendments. [Applause.]

Now, let me read again the closing sentence of the rule, and I think it is just as plain as English can make it—

> At the conclusion of the reading of the bill—

That is the Haugen bill—

> the committee shall rise and report the bill—

The Haugen bill—

> to the House with such amendments as may have been adopted.

The gentleman from Iowa [Mr. HAUGEN] has made the proper motion.

I am not saying what might be in order if this special rule were not here governing the proceedings of the Committee of the Whole. When you get into the House the rule provides—

> The previous question shall be considered as ordered on the bill—

The Haugen bill—

> and amendments thereto to final passage.

[Applause.]

If the Chair holds the Madden amendment in order, you get out of the committee and before the House an entirely different proposition from what the rule says you shall get out of the committee and into the House. The rule is specific that the thing you get out of the committee under the rule is the Haugen bill with such amendments as have been adopted in the Committee of the Whole, and then the previous question shall be considered as ordered on that bill and amendments thereto to final passage. The substitute or the so-called preferential motion of the gentleman from Illinois [Mr. MADDEN] brings before the House an entirely different proposition and gives to the House something entirely different from what the rule provides.

All I am asking the Chair to do is to so rule as to carry out the specific rule that has been adopted to govern the proceedings of the Committee of the Whole on this bill. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I find it just a little difficult to conform to the suggestion of the Chair that remarks at this time be confined strictly to the point of order, because I am at a loss to understand how there is any room for discussion or argument on this proposition. [Applause.]

The CHAIRMAN. Is the gentleman for or against the point of order?

Mr. GREEN of Iowa. I am in favor of sustaining the point of order, and if the Chair will hear me a little further, he will get my point of view.

The special rule states explicitly that at the conclusion of the reading of the bill certain action shall be taken. There is not any choice on the part of the Chair about it, but it is mandatory upon the Chair. The rule is in the form that has been used here for so many years that I am not able to state how far back it goes; and the custom has been invariable that when a rule provides, as this one does, that as soon as the reading of the bill is finished—and the reading of this bill has been finished—for the Chair to state, "under the rule the committee now rises and reports the bill back to the House with amendments," and so on.

Mr. BEGG. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BEGG. Does the special rule specify what recommendation shall go with the report to the House, or does it leave that to the committee? That is all there is in this proposition. If the special rule says that in making this report to the House they shall make a favorable report, recommending that the bill do pass, then the gentleman is quite correct, but the special rule does not say that but simply says that the committee shall report.

Mr. GREEN of Iowa. I do not want the gentleman from Ohio to take up all my time.

Mr. BEGG. I am sure the gentleman can get all the time he desires to discuss this matter. The special rule says that the committee shall report the Haugen bill to the House, and that is what we are going to do. The rule does not say whether the recommendation shall be to pass the bill, to refer it to the committee, or that it be unfavorably reported.

Mr. GREEN of Iowa. The gentleman knows quite well what the practice has been. This rule is in the same form as similar rules we have had heretofore, and they have always been construed by the Chair to mean that the bill shall be reported to the House with amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass. Besides this, the rule provides for a vote on the bill.

Mr. BEGG. Will the gentleman yield right there?

Mr. GREEN of Iowa. Yes.

Mr. BEGG. The gentleman has been here longer than I have, but I have seen recommendations made to report unfavorably.

Mr. GREEN of Iowa. Of course you have, but not under such a rule as this. There is a further provision in the rule that, after it is reported to the House, the previous question shall be considered as ordered on the bill and all amendments thereto to final passage.

Mr. BEGG. And that will lie now.

Mr. GREEN of Iowa. Unless these amendments are reported, how will that question be considered by the House? The words "to final passage" have always been construed to mean a vote on the passage of the bill.

Mr. BEGG. The bill will carry all its amendments with it to the House.

Mr. GREEN of Iowa. Yes; but how, if this motion is adopted, will there be a vote on the passage of the bill?

Mr. BEGG. And the previous question will lie. The recommendation that we now make is up to the majority of this committee. We can recommend that the bill do pass, we can recommend to refer it, or we can recommend that it be postponed indefinitely.

Mr. GREEN of Iowa. The previous question will lie, but not "upon the bill and all amendments thereto." I would like to have the gentleman from Ohio cite an instance in this House where under a rule similar to this such action as he proposes now has ever been taken. No decision has ever been made which held in order a motion recommending the recommitment of the bill when such a rule was in force.

Mr. RAMSEYER. And you certainly could not recommend anything in violation of the specific language of the special rule. [Cries of "Rule!" "Rule!"]

Mr. DOWELL. Mr. Chairman, this is an important matter, and I want to say a few words with reference to this rule. I want to answer the gentleman from Ohio——

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. DOWELL. I want to answer the statement of the gentleman from Ohio, that they could do all the things he suggests in the Committee of the Whole. The Committee of the Whole can amend this bill or it can make whatever recommendations it desires to make with reference to its passage or may report adversely. It has that power under the rules; but let me read just a little clause which gives the House the power to do what the gentleman has suggested, and I want to say that the Committee of the Whole has no authority to pass a motion here recommending that the bill be referred to a committee after it gets back to the House. That is the province of the House and not of the Committee of the Whole. [Applause.]

I want to call the Chair's attention to one other thing——

Mr. BEGG. Will the gentleman yield right there?

Mr. DOWELL. I want to call the Chair's attention to one other thing. The able parliamentarian, my floor leader [Mr. TILSON], stood upon the floor and argued this question. I asked him to cite a single rule on it. The gentleman did not even attempt to make a single reference to a rule which would make such a motion as this in order, and I submit to the Chair that no such motion as this has been made in the Committee of the Whole House since I have been a Member of this House.

Mr. HOCH. Will the gentleman yield?

Mr. DOWELL. I want to call attention to a provision here which clearly makes this distinction and provides how this may be done in the House:

> Whenever a bill is reported from a Committee of the Whole with an adverse recommendation——

Mr. BEEDY. Will the gentleman inform us where he is reading?

Mr. DOWELL. From paragraph 7, page 386, of the Manual:

> Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House, but before the question of concurrence is submitted it is in order to entertain a motion to refer the bill to any committee.

And I challenge any gentleman to show me any rule that gives any other authority aside from that. And this authority is in the House and not in the Committee of the Whole.

One thing further, Mr. Chairman. I want to call the attention of my distinguished leader, the gentleman from Connecticut, to this proposition: If there is a provision, if there is a rule, which permits this motion of the gentleman from Illinois, why does he not submit it to the Chair and to the committee? Why has he presented his case without a reference to this rule?

Mr. TILSON. Let the gentleman read paragraph 4 of Rule XVI.

Mr. HOCH. Mr. Chairman, in corroboration of what the gentleman says, I not only find no place where this motion is permitted but I do find what seems to be a specific provision indicating that it is not permitted. Section 770 of the Manual says:

> There are in the rules of the House two motions to refer—the ordinary motion provided for in this rule and a special motion provided by the rule for the previous question. The motion to refer is sometimes made by using the words "to commit" or "to recommit"; but this change is one of form merely, and the three motions are practically the same. The motion may not be used in direct form in Committee of the Whole.

[Applause.]

All that this committee can do is to rise and recommend that the bill pass or not pass. The motion to recommit is within the power of the House and not within the power of the committee.

Mr. CANNON. Mr. Chairman, this question has been argued exhaustively, and the rules have been cited in detail, but the Chairman might be interested in analogous decisions made by two former Chairmen of the Committee of the Whole, Mr. Walsh of Massachusetts and Mr. Graham of Illinois.

The first case came up under a special rule providing, as this rule provides, that at the conclusion of the reading of the bill the committee should rise and report to the House. The motion was made to strike out the enacting clause. Mr. Walsh held, in deciding on that point of order, that the motion to strike out the enacting clause was admissible solely because it was an amendment; that otherwise it would not have been in order.

The same point arose when the McNary-Haugen bill was under consideration in May, 1924. On that occasion the resolution providing for the consideration of the McNary-Haugen bill provided in the exact phraseology of this rule that at the conclusion of the reading of the bill the committee should rise and report the bill to the House.

A motion was made to strike out the enacting clause. On that occasion the point of order was made——

The CHAIRMAN. If the Chair may interrupt the gentleman, the Chair will say that this was a motion made by the gentleman from Illinois that the committee rise and recommend that the bill be recommitted, and the gentleman is referring to a case where the motion was to strike out the enacting clause.

Mr. CANNON. Exactly. That being true, no motion is in order except a motion to amend, and under both decisions no motion is in order other than the motion to amend after the reading of the bill has been concluded, and the committee rises automatically.

Both Speaker Clark and Speaker GILLETT held that where a special order provided that on adoption of the resolution the House should resolve into the Committee of the Whole, that action was automatic, and chairmen have held that where such special order directed that on certain contingencies the committee should rise, that action likewise was automatic. As Speaker Clark said: "Unless you want the rule construed like it reads, you must not put that language in it."

This rule provides that "at the conclusion of the reading of the bill the committee shall rise and report." Either that language means something or it means nothing. If it means nothing why put it in the rule. If it means something it means exactly what it says, and when the reading for amendment is concluded the committee rises automatically without motion, and a motion to rise with recommendation is not in order.

Mr. SINNOTT. Mr. Chairman, I want to make one observation. The Chair will undoubtedly read from Hinds' Precedents a number of cases where the motion recommending that a bill be recommitted was made in Committee of the Whole and the matter was reported to the House with the recommendation that the bill be recommitted to a committee. But when the Chair reads those precedents I wish the Chair to bear in mind that the question in Committee of the Whole was which motion had precedence, namely, the motion to report the bill favorably or the motion to recommend a recommittal; but in none of these cases was the specific point raised that that motion recommending recommittal was not permissible. I wish the Chair to bear that in mind when the cases are cited. Furthermore, there was no special rule involved in any of those cases.

Mr. COOPER of Wisconsin. Mr. Chairman, the contention of the Republican leader [Mr. TILSON] and others who have followed him amounts, it seems to me, to a complete nullification of the purpose and intent of the special rule. This purpose and intent is clearly set forth in the last sentence of the special rule, which reads as follows:

> At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

I know that when this special rule was adopted I understood, and I do not doubt that every Member who voted for it—unless, perhaps it was somebody "on the inside"—understood that after the bill and amendments should be reported to the House all debate would cease and that the House would proceed to vote on the bill and amendments to final passage. And yet the gentleman from Illinois [Mr. MADDEN] now presents a motion which would prevent consideration of the bill and amendments to final passage and thus defeat the plain intent of the special rule as understood by those who voted for it.

Gentlemen seeking to invoke precedents made years ago under the general rules of the House utterly ignore the mandatory special rule governing our consideration of the Haugen bill, which provides—I will again read it—

> At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted—

And then what?

> and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

"To final passage" means that there shall be a vote on the bill and the amendments. That is what the special rule means. [Applause.]

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the logic of the situation is in favor of the

motion offered by the gentleman from Illinois [Mr. MADDEN]. The situation with which the Committee of the Whole House on the state of the Union is confronted with reference to this farm-relief legislation illustrates the importance or logic of the motion about as forcibly as could possibly be done, it seems to the Chair. The Committee of the Whole House on the state of the Union has been considering this legislation now off and on for upward of about three weeks, and the Chair thinks the Committee of the Whole House on the state of the Union is in about the same position of hopeless confusion as to what ought to be done as the Committee on Agriculture was when it reported the three bills to the House without getting a majority for any one of them. The Committee of the Whole House on the state of the Union wants to do something, but it does not know just what; and anyone familiar with the procedure here knows that as a practical matter it is impossible for this body to work out a satisfactory bill under all the circumstances.

With that situation in mind, it seems to the Chair that the rule of the House ought to be very definite and specific that would justify the Chair in ruling that this committee can not do the reasonable and sensible thing. If the Committee of the Whole House on the state of the Union, in its discretion, considers it advisable to recommend to the House that this legislation be rereferred to the Committee on Agriculture for consideration until that committee, or a majority of it, can agree upon some constructive legislation, it seems to the Chair that any rule or precedent that would prevent its doing so ought to be very definite and specific.

Fortunately, the precedents of the House sustain the logic of the thing. The Chair has listened very intently for some one who argued in favor of the point of order to cite some precedent to sustain his position, by which the Chair could be guided, but the Chair has failed to hear any precedent cited. None has been cited. There is a precedent cited in Hinds' Precedents, section 4775, which seems to the Chair to be so definite and so directly in point that it leaves very little for discussion upon the point of order. It is in favor of the motion and against the point of order. Section 4775, Hinds' Precedents, reads:

> In Committee of the Whole the motion to report a bill, with the recommendation that it be referred, takes precedence of the motion to report it with the recommendation that it do pass. On January 22, 1896, the House was considering in Committee of the Whole House on the state of the Union the joint resolution (S. J. Res. 50) relating to plans for the public building at Chicago, Ill.
>
> Mr. William Lorimer, of Illinois, moved that the committee rise and report the bill as amended back to the House, with the recommendation that it do pass.
>
> Mr. Charles F. Crisp, of Georgia, moved that the committee rise and report the bill back, with the recommendation that it be referred to the Committee on Public Buildings and Grounds.
>
> Mr. Joseph G. Cannon, of Illinois, having raised a question as to the precedence of the motions, the chairman held that the latter motion had precedence.

The Chairman of the Committee of the Whole House on the state of the Union at that time was the Hon. Sereno E. Payne, of New York.

Reference has been made to the special rule under which the Committee of the Whole House on the state of the Union is considering this particular legislation. The Chair thinks there is nothing unusual with reference to this special rule. The rule does not operate automatically. The rules makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11603, the so-called Haugen bill. The House does not automatically go into the Committee of the Whole House on the state of the Union for the consideration of that bill. It goes into the Committee of the Whole House on the state of the Union only upon the motion of some one to do so. The so-called Haugen bill under the rule has no more privileged status than has the ordinary revenue or appropriation bill in that respect, and the Chair thinks that the closing sentence of the special rule, to which reference has been made, has no more significance or gives the legislation no different status than revenue and appropriation bills have without a rule under the common practice of the House. It is the common practice upon the completion of the reading of a bill under consideration for amendment for the chairman of the committee to make the motion that the committee rise and recommend to the House the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. In practical effect that is all that this rule does—authorize the making of such a motion. Upon any such strict construction of the language, as some have argued here, it would not be in order for the chairman of the Committee on Agriculture to make the motion which he has made, that the committee rise and report the bill back to the House with a favorable recommendation.

The rule does not authorize the chairman of the Committee on Agriculture to do that. The language of the rule does not say that. It simply says that at the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted. I take it that no one would contend, however, that the motion to report the bill with amendments with the recommendation that the bill as amended do pass would not be in order.

The gentleman from Kansas [Mr. HOCH] has cited a provision in the rules that the motion may not be used in direct form in Committee of the Whole. The Chair thinks that is correct, but he does not think it is in point. No attempt here is made to make a motion in direct form. That is not the motion. The motion is that when the committee rise it report the bill back to the House with the recommendation that the bill and amendments be referred to the Committee on Agriculture.

For the reasons stated, the Chair overrules the point of order.

Mr. DOWELL. Mr. Chairman, I appeal from the decision of the Chair.

Mr. ACKERMAN. Mr. Chairman, I move to lay that appeal on the table.

Mr. DOWELL. I submit that is not in order, and I have a right to the floor. The motion to lay on the table is not in order in the Committee of the Whole House on the state of the Union.

The CHAIRMAN. The gentleman is correct about that. The Chair asks the gentleman from Michigan [Mr. CRAMTON] to take the chair while the appeal is pending.

Mr. CRAMTON assumed the chair.

The CHAIRMAN (Mr. CRAMTON). The gentleman from Iowa is recognized for five minutes.

Mr. DOWELL. Mr. Chairman, I want to appeal to the members of this committee for a fair deal here. [Applause.] The effort made here this morning is one that has never been made on the floor of this House since I have been a Member of it, and all are fully aware of it. The special rule which we adopted, and, stronger than that, the Committee on Rules when it brought that rule before the House assured every Member of the House that everyone would have a fair opportunity to consider all of these bills. [Applause.] There is a plain provision under the rules of the House if they want to proceed under it to recommit this bill, but please do not destroy all possibility of agricultural legislation at this session of Congress. [Applause.]

The CHAIRMAN. The Chair suggests it is only in order at this time to discuss the appeal from the decision of the Chair.

Mr. DOWELL. Yes, sir; and I am trying to show why the Chair should not be sustained in that ruling. [Applause.]

Mr. RAMSEYER. May I offer a suggestion right here? The Chair in giving his ruling stated that there was nothing automatic in the last sentence of the rule. The last sentence of this rule under which we are proceeding has this: "And the previous question shall be considered as ordered." That operates automatically. Every Member of the House knows that the previous question under a rule like this is ordered when we get into the House without a motion for the previous question, and that part is no stronger than the other part of the same sentence, which directs that the bill be reported to the House with amendments.

Mr. DOWELL. I just want to say this, that if the decision of the Chair is sustained and the motion of the gentleman from Illinois to refer this bill to a committee is adopted, it will hazard all legislation on the subject. Those of you who are in favor of agricultural legislation at this session of Congress, it seems to me, ought to see plainly the very purpose and intent of the motion of the gentleman from Illinois, and I ask you to vote not to sustain the chairman in his ruling.

Mr. GREEN of Iowa. I would like to ask any gentleman of this House, when this question is discussed on the other side, how the last part of this rule can be complied with if the motion of the gentleman from Illinois is sustained? The previous question can not be ordered, the bill and amendments can not proceed to final disposition if this motion is sustained.

Mr. DOWELL. Why, certainly, it is an effort not to follow the rule we adopted when we took this bill under consideration.

Mr. GREEN of Iowa. It can not be carried out.

Mr. TILSON. According to the gentleman's interpretation of the rule it can not be carried out unless we finally pass the bill.

Mr. BEGG. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEGG. Under the rules this is debatable under the five-minute rule. Does that mean five minutes on a side or more than five minutes of time?

The CHAIRMAN. This debate proceeds under the five-minute rule: five minutes on a side.

Mr. TILSON. Will there be further debate after one gentleman speaks in favor and one opposed?

The CHAIRMAN. That lies largely in the discretion of the Chair. Customarily it will proceed until debate is closed.

Mr. TILSON. Mr. Chairman and gentlemen of the committee, in deciding points of order we should as far as possible dissociate ourselves from the merits of the proposition. Here the Chairman of the Committee of the Whole has made a ruling based upon broad parliamentary principles, the rules of the House, and the precedents of the House. This statement can not be successfully contradicted.

Mr. MOORE of Virginia. May I direct the attention of the gentleman to this point? In connection with very specific precedents cited by the Chair, will not the gentleman call attention to the fact that a motion similar to the motion which has been presented by the gentleman from Illinois was made by one of the most distinguished parliamentarians who ever served in this House, Speaker Crisp? [Applause.]

Mr. TILSON. Undoubtedly Speaker Crisp was one of the finest parliamentarians who ever sat in this House, and the precedent referred to as having been made by him has never been overruled. It is based upon sound parliamentary principles, so that it would place us in a ridiculous attitude to override it and proceed to set up a contrary precedent that would rise up in the future——

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. No; I can not in five minutes—would rise up to plague us. So I appeal to Members that in passing upon this question they keep in mind not the merits of the proposition, but the proper parliamentary practice and procedure in the House, although it seems to me, as a practical matter, that the only way in which we can have the legislation, in which all seem so interested, is to send this bill back to the committee.

Mr. BEGG. Will the gentleman yield for a question? Will the gentleman state to the House whether or not it is the intention of the gentleman, as the Republican floor leader, to do what he can to get farm legislation? [Cries of "Oh!"]

Mr. TILSON. Mr. Chairman, do not take this out of my time.

Mr. FUNK. Will the gentleman yield?

Mr. TILSON. No; I can not.

Mr. BLANTON. I make a point of order, Mr. Chairman——

The CHAIRMAN. There is no business before the committee until the committee is in order.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I can not yield in the limited time I have.

The CHAIRMAN. The gentleman declines to yield?

Mr. TILSON. Giving a fair answer to a fair question, I will say that [laughter]——

Mr. LOZIER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOZIER. A point of order. The gentleman is attempting to answer——

The CHAIRMAN. The gentleman has not stated his point of order.

Mr. LOZIER. I make the point of order that the gentleman is not proceeding in order. He is attempting to answer the question of the gentleman from Ohio, which does not relate to the point of order. [Applause.]

The CHAIRMAN. The gentleman from Connecticut has the floor and is entitled to speak upon the point of order. He will proceed in order.

Mr. TILSON. Mr. Chairman, speaking directly upon this appeal and the reasons why the decision of the Chair should stand as the judgment of the committee, I have to say that one of the impelling reasons why the decision of the Chair should be sustained is this: That if it is not sustained and the House proceeds to strike out the enacting clause or otherwise defeats the bill, it will probably kill all hope of agricultural legislation at this session, whereas by sending the bill back to the Committee on Agriculture, where we may confer together and try again to bring out something, we have at least another chance of bringing out legislation that may be satisfactory.

Mr. FULMER. Mr. Chairman, will the gentleman yield there for a short question?

Mr. TILSON. I can not yield. Mr. Chairman, please do not take this out of my time. I decline to yield to anyone because I wish to finish my statement. I hope that the Chair will not take out of my time these interruptions.

The CHAIRMAN. The Chair will assure to the gentleman the time accorded to him. The gentleman from Connecticut declines to yield.

Mr. TILSON. Gentlemen, I appeal to you on sound parliamentary grounds that we should not let our preference for one side or the other on any question sway us in these matters, because we are making parliamentary history every day that we are here, and when a decision like this is made, based firmly upon sound parliamentary principles and backed up by uncontroverted precedents established by the best parliamentarians that ever sat in this House, we should think long and seriously, notwithstanding our desire to have our way on the merits of the question, before overturning a ruling thus based. [Applause.] I appeal to you, to all of you, on that ground, regardless of how you feel on this legislation, because in a few moments you will have a vote on the merits of the question as to whether to refer this particular bill or not. The question now is whether a righteous decision, a decision well considered and well bottomed, shall stand, or whether we are willing to override parliamentary principles and precedents and decree by our votes that this chairman has made an erroneous ruling, and have it go down in the books of precedents that a decision founded on sound principles has been overruled. [Applause and cries of "Vote!"]

Mr. MURPHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURPHY. Are we proceeding under the rules of the House under the five-minute rule? If we are, I want to oppose the effort or the motion that the leader has made.

The CHAIRMAN. It will be in order now for the Chair to recognize some one who is in favor of the appeal.

Mr. HOWARD. I am in favor of it.

Mr. MURPHY. And I am in favor of it.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. TILSON. Mr. Chairman, may I make a parliamentary inquiry?

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Kentucky state his parliamentary inquiry?

Mr. KINCHELOE. The formal parliamentary inquiry I want to propound is this: We are proceeding under the five-minute rule. There has been one five-minute speech in favor of sustaining the Chair's decision and one against. The Chair says he can recognize somebody else. The parliamentary inquiry is, How many men the Chair will recognize, and how long this debate will continue?

The CHAIRMAN. While the debate continues the Chair feels that he should alternate in recognizing gentlemen.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON] is recognized to propound a parliamentary inquiry.

Mr. TILSON. Under our rules when an amendment is offered in Committee of the Whole anyone can move to amend that amendment by moving to strike out the last word. In this case there has been one speech for and one against the pending proposition and no amendment is in order; therefore the Chair could not recognize anyone, except by unanimous consent, because there is no pro forma or other motion that can be made. [Cries of "Vote!"]

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair will try to respond to the parliamentary inquiry of the gentleman from Connecticut [Mr. TILSON]. The suggestion of the gentleman from Connecticut is as to the right for the debate to continue after 10 minutes has been exhausted by reason of the fact that no amendment can be offered as in the usual case under the five-minute rule in the consideration of the bill. The Chair is advised that former Speaker Crisp ruled that debate on an appeal from the decision of the Chair proceeded under the five-minute rule. Under a strict construction of the rules, as suggested by the gentleman from Connecticut, possibly there could be no debate at all. The practice has been—which this present incumbent of the chair feels inclined to follow—to permit the debate to proceed under the five-minute rule until debate is exhausted or the committee sees fit to close the debate, and it will be the desire of the Chair while the debate continues to alternate in granting recognition.

Mr. SNELL rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SNELL. I rise to propound an inquiry.

The CHAIRMAN. The gentleman from New York will state his inquiry.

Mr. SNELL. When will it be in order to close debate?

The CHAIRMAN. At any time now. The Chair will recognize the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Gentlemen of the House, it is of the utmost importance that we observe our rules in the consideration of matters that come before us. The merits or demerits of the legislation, in my judgment, should not influence us in passing upon the parliamentary question.

In my opinion the special rule which this House is now acting under does not violate, abrogate, or change the general rules of the House. All the special rule provides is that when the committee enters upon the consideration of the Haugen bill it shall be in order to offer as amendments to it the Aswell and Tincher bills, removing any question as to the germaneness of those two amendments or as to whether or not those two amendments can be offered. The special rule makes it mandatory that those two amendments when offered are in order. In my judgment that is the only way the special rule has changed the rules of the House for the consideration of this particular bill. That rule, permitting those two amendments to be offered, does not preclude any other germane amendment from being offered and it does not preclude any other authorized motions recognized under our rules of procedure.

Now, gentlemen, why should the proponents of the Haugen bill or its enemies be concerned as to whether this motion to recommend recommitment is in order? It is simply a parliamentary method of letting this House express its judgment on it. If a majority of this Committee of the Whole House on the state of the Union or a majority of the House is in favor of the Haugen bill, they can simply vote down the motion to rise and report that the bill be referred to the Committee on Agriculture, and then they can vote to rise and report the bill with the recommendation that it do pass.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRISP. Certainly I yield to my leader.

Mr. GARRETT of Tennessee. And if the motion to report carries there can, of course, be a roll call in the House, which will give every Member a chance to record his vote?

Mr. CRISP. Of course. No right of anybody is involved in this proposition. As to the Haugen bill, you have all of your rights. You can vote for it in the committee; if it should carry, you can get a roll call in the House. But I do think unless you want mob rule and lawlessness here we should observe our rules; when this body adopts a code of rules for its procedure it should live up to those rules; and, in my judgment, under the rules this motion is in order, and I shall vote, irrespective of my views on the legislation, to sustain the Chairman in his decision. [Applause.]

Mr. McSWAIN. Will the gentleman from Georgia yield?

Mr. CRISP. I shall be glad to yield, if I have the time.

Mr. McSWAIN. Gentlemen solemnly stated on the floor that the purpose of this rule was to put the situation before the House; that the Committee on Agriculture had "passed the buck" to the Rules Committee; that the Rules Committee had passed it back to the House, and if we should agree to this motion it will "pass the buck" back to the committee itself.

Mr. CRISP. Using the language of the gentleman from South Carolina, that it is "passing the buck," the motion to recommit "passes the buck" to the membership of this House to say whether or not they will vote for the motion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SNELL. Mr. Chairman, I move that further debate on the pending appeal do now close.

The motion was agreed to.

The CHAIRMAN. The question now before the committee is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair being in doubt the committee divided; and there were—ayes 201, noes 132.

So the decision of the Chair stood as the judgment of the committee.

Mr. MAPES resumed the chair.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Would it be in order to have debate on the motion I have made? If not, I would like to ask unanimous consent to make a short statement. Mr. Chairman, I ask unanimous consent to make a statement of not exceeding five minutes in connection with my motion.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WEFALD. Mr. Chairman, I object.

Mr. CANNON. Mr. Chairman, I offer a motion to amend.

The CHAIRMAN. The gentleman from Missouri [Mr. CANNON] offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. CANNON: At the end of the motion of the gentleman from Illinois insert a comma and the following language: "with instructions to the Committee on Agriculture to report the same back forthwith as amended by the amendments adopted in the Committee of the Whole House on the state of the Union"——

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. It is out of order in that it is an amendment in the third degree.

Mr. CARTER of Oklahoma and Mr. SABATH rose.

Mr. CARTER of Oklahoma. Mr. Chairman, a parliamentary inquiry. Has the reading of the amendment been completed?

Mr. BLANTON. The Clerk has read far enough to show it is not in order.

Mr. SABATH. Mr. Chairman, I think the gentleman from Texas is out of order because the amendment has not yet been read in its entirety.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read as follows:

At the end of the motion of the gentleman from Illinois insert a comma and the following language: "with instructions to the Committee on Agriculture to report the same back forthwith as amended by amendments adopted in the Committee of the Whole House on the state of the Union, with favorable recommendation."

Mr. BEGG. Mr. Chairman, I make the point of order that that motion is not in order because the committee just decided to do the opposite.

Mr. BLANTON. Mr. Chairman, I make the point of order it is an amendment in the third degree and therefore out of order.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The Chair would like to hear the gentleman from Missouri on his point of order.

Mr. CHINDBLOM. Will the gentleman from Missouri permit me to make another point of order?

Mr. CANNON. Yes; I yield to the gentleman.

Mr. CHINDBLOM. Mr. Chairman, the gentleman yields to me to make the further point of order that the motion in effect is the same as the motion that has already been made by the gentleman from Iowa [Mr. HAUGEN].

Mr. CANNON. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. A point of order has been made against the gentleman's motion, and the Chair will be pleased to hear the gentleman on the point of order.

Mr. CANNON. In Volume V of Hinds' Precedents, section 5754, it is held that the motion to refer to a committee without recommendation is subject to amendment unless the previous question has been ordered. Of course, in this case the previous question can not be ordered in Committee of the Whole. On page 110 of Procedure of the House——

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will yield to me I would like to have the motion reported again so that we may have it in mind. Will the gentleman yield to have the motion again reported?

Mr. CANNON. I yield to the gentleman for that purpose.

The motion was again reported.

Mr. GARRETT of Tennessee. Mr. Chairman, I would like to ask what is the point of order that is now pending?

Mr. SNELL. Mr. Chairman, I desire to make a further point of order.

Mr. GARRETT of Tennessee. The gentleman from Ohio made a point of order. Let us see what it is that is pending.

Mr. BEGG. The point of order which I made, Mr. Chairman, I do not believe would stand, and therefore I am not going to press my point of order.

Mr. GARRETT of Tennessee. I think the gentleman made the point of order that this was undoing a thing that the committee had just done.

Mr. BEGG. That is the point of order I made, but my attention was called, I will say to the gentleman, to the fact that the committee had not done the thing literally which I had in mind; they had only given evidence of what they will do.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that this amendment is of the same content and to the same effect as the original motion for which the Madden motion is a substitute or amendment.

The CHAIRMAN. And on that point the Chair will be glad to hear the gentleman from Missouri.

Mr. CHINDBLOM. If the Chair will permit, I would like to make a further point of order after having heard the amend-

ment again reported, and that is that it is not within the power of the Committee of the Whole to recommend to the House that the House shall instruct the Committee on Agriculture to agree to amendments already adopted in the Committee of the Whole. That would be contained in the motion to recommit, which is in order in the House only after the third reading of a bill.

Mr. CANNON. That is the very point on which I desire to be heard.

Mr. BLACK of New York. I want to make the further point of order, Mr. Chairman, that the amendment can accomplish nothing, because we already have the bill and the situation which the gentleman proposes by his amendment, and it is therefore a useless proceeding.

Mr. CANNON. Mr. Chairman, several points of order have been made against this motion. The first one, made by the gentleman from Ohio, was that it was undoing what had just been done by the committee. The only action taken by the committee was on the decision of the chairman holding that the motion was in order, and certainly if the motion is in order a germane amendment to that motion is in order. This effectively disposes of the point of order made by the gentleman from Ohio [Mr. BEGG].

The second point of order made was that this motion is not permitted in the Committee of the Whole. In Volume V of Hinds' Precedents, section 4721, it was held that a motion to rise with instructions to report with recommendation to refer was in order, and of course if in order is subject to amendment.

The gentleman from Illinois [Mr. CHINDBLOM], one of the ablest parliamentarians of the House, makes the point of order that it is not in order to move to amend with instructions to report forthwith.

In the Sixty-second Congress, second session, CONGRESSIONAL RECORD, page 6976, that very point is decided, and it was held—I do not remember the name of the chairman who decided the point of order—that it was in order to move to recommit with instructions to report forthwith, which is precisely the situation before us here.

Mr. SNELL. Will the gentleman yield for a question?

Mr. CANNON. Certainly; I yield to the gentleman from New York.

Mr. SNELL. By your motion are you not trying to do by indirection what, by the previous motion, you could not do by direction?

Mr. CANNON. The Chairman is well aware that this is a stereotyped motion in the House. It is a stock method of procedure. When a motion is made to rise and report with recommendation that it be referred, a motion is in order to amend that motion by adding instructions that they report forthwith. This has been done here time and time again.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. CHINDBLOM. Mr. Chairman, I want to make my point a little clearer, perhaps, than I made it in the first instance. When we go back into the House, under the general rules of the House which are governing, notwithstanding any action the committee may take, it will be the orderly procedure, the necessary orderly procedure, for the House to proceed to consider the bill and the amendments if action is taken upon the bill and the amendments, whatever that action may be. If action is taken on the bill and the amendments, whatever that action may be, the gentleman by his motion then will seek, upon a motion to recommit, to instruct the Committee on Agriculture to act upon a proposition upon which the House has already acted.

Mr. CANNON. After we get back into the House, if that situation should arise, the gentleman could then debate that point of order. The motion has been made here that the committee rise, with the recommendation to refer the bill to the Committee on Agriculture, and it is in order to instruct that committee to report forthwith. That has been done repeatedly.

Mr. CHINDBLOM. My point is this: The gentleman seeks in effect to change the rules of the House procedure. The gentleman seeks to amend the rules, namely, provide a method by which before there has been a vote on the bill or a vote on the amendment, he seeks to instruct the standing committee.

Mr. CANNON. Unfortunately for the gentleman's contention the House has repeatedly done that very thing.

The CHAIRMAN. The Chair will ask the gentleman from Missouri if he can cite a precedent where a motion in the Committee of the Whole House on the state of the Union to recommend to the House that the bill be referred to a standing committee with instructions to that committee to report back a bill in the identical shape that the Committee of the Whole reports the bill to the House was held in order?

Mr. CANNON. That has been done repeatedly. Here are cases in the Hinds' Precedents, volume 4, sections 4761 and 4762.

Mr. CHINDBLOM. The gentleman from Missouri is making a motion that would change the rules of the House.

Mr. BEGG. Mr. Chairman, I want to call the Chair's attention to the fact that the rules of the House give preference to the motion made by the gentleman from Illinois. An appeal was made from a decision of the Chair saying that was the rule of the House, and the committee sustained the Chair. So undoubtedly it is the rule to give preference to the motion of the gentleman from Illinois. If the gentleman from Missouri is permitted to offer his motion, he forces a violation of that rule, and no man is permitted to offer an amendment or a motion that violates the rules of the House. I make the point of order that the motion of the gentleman to amend is not in order.

The CHAIRMAN. It seems to the Chair that it would be an idle procedure for the Committee of the Whole House on the state of the Union, or the House itself, to adopt the motion made by the gentleman from Missouri [Mr. CANNON]. The Chair was anxious to get the citation of a precedent for the motion, but he has been unable to find one and his attention has not been directed to any. If the House wants to do what the gentleman from Missouri seeks to do, it can vote down the motion of the gentleman from Illinois [Mr. MADDEN] and vote up the motion of the gentleman from Iowa [Mr. HAUGEN], and when it goes into the House adopt the bill with the amendments, without going through the idle ceremony of having the bill rereferred to the Committee on Agriculture with instructions to report back the identical proposition before the House when it rose if it adopts the motion of the gentleman from Iowa.

Mr. HOCH. Mr. Chairman, could not that same argument be made on the motion to refer before the House committee decided to sustain the decision of the Chair that the committee has power to recommend to the House that the bill be referred back to the committee? If we have the power, as they say, to recommend to the House, how can it be said in logic that we do not have the power to add to the motion to report back certain instructions?

The CHAIRMAN. The Chair has only ruled on the specific motion before the committee. It seems to the Chair an idle ceremony to vote on the motion of the gentleman from Missouri. If the House desires to take the action which he recommends, it can do so in a much more direct and simple manner.

Mr. HOCH. The Chair is arguing on the ground that it might be an idle thing, but that does not go to the parliamentary question. I was endeavoring to call the attention of the House to the fact that the committee might have done the same thing in the preceding situation. The sole question is the right of the committee to recommend to the House that it refer back to the Agricultural Committee the bill and amendments, and whether we now have the right to amend the motion by saying that we shall refer it with certain instructions. I call attention to the fact that the very sections relied upon to sustain the Chair in holding that the committee had the right to recommend to the House a reference to the committee, section 771 of the Manual says that a motion may be amended by adding instructions. The rules with reference to the motion to refer contain the provision that it may refer with instructions. If the committee may recommend a reference to the Committee on Agriculture, I see no reason or logic why we can not recommend to the House that we refer it with certain instructions, and that is what the gentleman from Missouri is attempting to do.

The CHAIRMAN. The Chair perhaps can not make himself any clearer than he has already done; but it seems to the Chair that the motion of the gentleman from Missouri [Mr. CANNON] is an idle motion, and that there is no reason why it should be voted on. The House can arrive at the same result in a much more direct way, and the general rule of procedure is that whatever action aids the House to reach an agreement or come to a final conclusion on a proposition more quickly and in more simple fashion ought to be adopted. The Chair therefore sustains the point of order.

Mr. MADDEN. Mr. Chairman, I rise to prefer a unanimous-consent request that I be permitted to address the House for not to exceed five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

Mr. WEFALD. Mr. Chairman, a few moments ago I objected to a similar request on the part of the gentleman from Illinois. I understand now that those who are in charge of the Haugen bill would like to have the gentleman speak. I do

not like to take anyone off the floor. The leadership of the Haugen bill has floundered enough in this debate already, so I withdraw my objection.

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, I would like to offer an amendment to the motion made by the gentleman from Illinois and would like to have it pending during the time the gentleman occupies the floor. May I offer my amendment now to the gentleman's motion?

The CHAIRMAN. The Chair thinks the request of the gentleman from Illinois should be put and acted upon first. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman and gentlemen, I have felt that I ought to explain why I made the motion which I have made and to express the hope that something can be worked out which will be of some advantage to the farmer before we get through. I do not want the House to understand that I am antagonistic to any proper legislation for the development of the agricultural prosperity of the country. On the other hand, I want the House to realize that I am thoroughly in earnest when I say that I am deeply interested and that I hope something will be done; but I have certain reasons why I could not agree to the Haugen bill in its present form.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RUBEY. If this motion of the gentleman is agreed to, and the bill goes back to the committee and the committee brings it in, then in what position will the bill be?

Mr. MADDEN. I would like very much to see the committee bring in something when they get through with a proper study of it.

Mr. RUBEY. They will bring in a bill, because they are for this legislation, and they are for this bill; but when the bill comes back here what will become of it?

Mr. MADDEN. Of course, I am only one Member of the House.

Mr. RUBEY. Will we have to have a rule to bring it on the floor of the House to have it considered?

Mr. MADDEN. I am not in a position to answer that question.

Mr. RUBEY. Will that be the parliamentary situation?

Mr. MADDEN. Mr. Chairman, I think the gentleman ought to permit me to make my statement.

Mr. RUBEY. I would like to know whether we are going to get any legislation at all or not.

Mr. MADDEN. I can not tell. I should like to make my statement without interruption. I dictated it before I came into the House this morning so that I might present a concrete expression of my opinion, just exactly as it is.

I have been more than hopeful that some solution of the farm problem would be worked out without invading the Treasury for a subsidy.

Twenty-one patriotic men on the Agricultural Committee have worked earnestly for months to find some legislative solution. That they have not succeeded is attested by the three bills which the committee seemed compelled to report out in order to get the matter before the House. Each of these bills approach the subject from an entirely different angle. It was clear that with the committee hopelessly divided the question could not be worked out in the House. Of course some will contend that it has been. To this I regret I can not agree.

No one is more sympathetic with the problems which confront the farmers than I. No one would be more willing to give the best there is in him to a solution of those problems, but when they are solved they should be solved with a certainty that it is going to work. I doubt if anyone who has been active in promoting the pending legislation agrees in his own mind that what is proposed is practicable. In fact, everyone with whom I have spoken, even the most enthusiastic advocates of the pending subject, express doubt on the ultimate good that may result if the legislation should be finally enacted into law.

This is too important a question to pass over lightly; too intricate a problem to enter upon with uncertainty as to the outcome; too dangerous to undertake with the prospect of a continued subsidy from the Treasury.

Economic laws can not be changed by legislation. Prosperity may be retarded by delay, but the future good of the Nation should be the paramount thing looked forward to; the independence of every industry to work out its own salvation under economic laws best suited to our situation.

We have a responsibility to see that our prosperity is not invaded or retarded by foreign nations, and to the extent that we can prevent them from invading our territory by the proper protection of our own rights we should do that, but among ourselves we should stand in an independent position, meeting the issues as they arise, taking the profits or losses, as the case may be, and adjust ourselves to the situation in such a way as to improve the conditions by our own actions.

It seems to me that the question before us is of such importance that it would be far better that no legislation be enacted at this session than that we should enter upon an uncertain field. It is of such importance that it should be studied with great care by the best experts before final action is taken by this body, if action is found to be necessary at all. It is better that it should be solved right, even if it is solved later, than it should be solved wrong by immediate action.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SCHAFER. Does the gentleman not think that if this great Government——

Mr. MADDEN. Oh, I yielded to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Was not the gentleman in this House when we voted a large subsidy to the railroads?

Mr. MADDEN. No; I never voted for a subsidy bill except the subsidy bill that was intended to preserve the $3,300,000,000 which was invested by the American people in the building of ships during the war and for the purpose of the war.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. No; I do not yield to anyone except the gentleman from Minnesota [Mr. WEFALD]. That is the only one that I ever voted for, and in that case I introduced an amendment that prohibited the appropriation of a single dollar in any year in which the subsidy might be in existence except after a complete report to the Committee on Appropriations of the House, with detailed statements as to the validity of the payment of the appropriation in every instance, and the gentleman from Wisconsin will certify to that.

Mr. NELSON of Wisconsin. That is correct.

Mr. MADDEN. Mr. Chairman, we should every one join in any legitimate movement to foster and promote the country's prosperity and particularly the prosperity of those who are engaged in agriculture, but in doing this we should be mindful that when we enter upon a subsidy proposal for any section of our citizenship we must expect that a demand will be made for similar subsidies by every other section of the citizenship, and because of this I find myself reluctantly compelled to advocate a further study of the existing agricultural problem by these 21 patriotic men who compose the membership of the Agricultural Committee of the House. They are to be commended for their patience, their industry, and their untiring efforts to meet the issue, and I feel sure that sooner or later they will find a satisfactory way out of the existing difficulty.

I do not advocate the defeat of this legislation, but I advocate a further study of it. I feel sure that if we send this bill back to the Committee on Agriculture that committee will do everything within its power to report a bill back within the not distant future which will adequately meet the issues in the case, and which can be passed by the Congress.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment which I desire to offer.

Mr. McLAUGHLIN of Nebraska rose.

The CHAIRMAN. The Chair thinks that he should recognize first a member of the committee.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, for the time being I shall object, until I have had my amendment passed. I offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the motion of the gentleman from Illinois [Mr. MADDEN]: At the end of the motion of Mr. MADDEN, strike out the period, insert a comma, and add the following: "and the committee further recommends to the House that the said Committee on Agriculture be instructed to report a farm relief bill within 10 days."

Mr. LEHLBACH. Mr. Chairman, I make the point of order.

Mr. CANNON. I make the point of order that it is not in order to instruct the committee to report at any specific time, and I would like to be heard on the point of order.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order it is an amendment to the rules of the House. The rules of

the House do not require any committee to report within 10 days. The rules prescribe how the committee shall proceed, and this is an amendment to the rules.

Mr. LAGUARDIA. Mr. Chairman, may I be heard on the point of order for a moment? The situation is very clear. A motion was made that the committee rise and report back to the House a certain bill with a recommendation that the bill and amendments pass. Thereupon the gentleman from Illinois [Mr. MADDEN] offered an amendment to refer the bill back to the committee. What happened in the House is fresh in the Chairman's mind. Thereafter the gentleman from Missouri offered an amendment instructing the committee to report immediately the Haugen bill with amendments, and the Chair ruled that that was an idle gesture, for the reason stated by the Chair, that the House could vote down the Madden amendment and vote up the Haugen motion and pass the bill.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. In one second. I submit to the Chair that if it is in order to make a recommendation to the House that a bill be referred to the committee, it is in order to add to the recommendation that it be reported back within 10 days.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTNESS. Mr. Chairman, I desire to be heard on the point of order.

Mr. BLANTON. Mr. Chairman, the gentleman from New York yielded.

Mr. CANNON. Mr. Chairman, in order to avoid debate, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. LAGUARDIA) there were—ayes 60, noes 90.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this amendment and all amendments thereto close in five minutes.

Mr. WILLIAMSON. Mr. Chairman. I move an amendment that debate close in eight minutes.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that no motions are in order.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not object to debate continuing, but I would like to ask what is the regular order?

The CHAIRMAN. The regular order is the vote on the motion of the gentleman from Illinois.

Mr. GARRETT of Tennessee. That has been adopted.

SEVERAL MEMBERS. No.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for eight minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for eight minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the House, we are approaching a time very shortly which, in my judgment, is one of the most serious and important times that has occurred in this House for many years. For 90 days the question of agricultural legislation has been very carefully considered by the Committee on Agriculture of the House, and had it not been for the fact that at the very close of those hearings, almost the very last day of the hearings, after nothing but the so-called committee bill, or the Haugen bill, had been under consideration, that a bill was brought before us, which was said to be the administration bill. Whether it was or not, I do not know; but had that not been dropped in and had not the plea been made to members of the committee that the administration bill ought at least to have consideration, the Haugen bill would have been reported out of the committee by a goodly majority. [Applause.]

Now, gentlemen, what is the situation? More than 90 per cent of the farm organizations of this Nation—East, West, North, and South—have gone on record for the Haugen bill. Not a single organization has yet appeared before the Committee on Agriculture, and none have approached this House in the interest of the Aswell bill or the Tincher bill. You have the voice of the country, you have the voice of the farmers, about 40 per cent of the population of this country, speaking to you and asking you for a bill which they, through their organizations, through their leaders, and through themselves, have been studying for many years—if you give them this legislation; and if it does not solve their problem it is their funeral and not yours. Now comes the gentleman from Illinois—after we thought we had a distinct understanding that we were going to get a straight out-and-out vote on this measure—he comes in with a motion to recommit to the Committee on Agriculture and makes a plea here for legislation, and then refuses to support us in a motion to have the committee report back within 10 days, but states on the floor of this House that we ought to have more time to consider it and we ought to wait until fall.

Mr. FULMER. Mr. Chairman, will the gentleman yield there?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. FULMER. I just want to inform my friend that the reason for it is to save the skin of Democrats and Republicans who do not want to vote directly on the question. [Applause.]

Mr. McLAUGHLIN of Nebraska. Now, Mr. Chairman, the farmers of this Nation have waited for nearly six long years for help, and they are still pleading before us, because their condition is steadily growing worse instead of better, and we go to them now and say, "We will put it off until fall or some indefinite time."

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. SINNOTT. Has the gentleman thought of the anomalous position the House will be in if the motion of the gentleman from Illinois [Mr. MADDEN] carries? If that motion carries the bill is reported to the House with the motion to recommit. On the bill also, under the rule, when it is reported to the House, the previous question is considered ordered. When the previous question is ordered there is always one motion to recommit in order. Therefore, you will practically permit two motions to recommit to be pending in the House at the same time if the motion of the gentleman from Illinois carries.

Mr. McLAUGHLIN of Nebraska. That is very true.

Now, just one concluding word with reference to the statement the gentleman from Illinois [Mr. MADDEN] made, that before we enact legislation of this kind we must be certain as to what it will do.

I tell you that with respect to no other piece of legislation that Congress has ever adopted has the same plea been made. There is never a certainty as to how any measure will work out, neither in the case of a tariff measure, nor a revenue measure, nor any other great legislative measure. In this case alone they tell you that you must have absolute certainty as to how it will work out.

I have studied this question for many years, and I come from a section of the country where a seventh-grade child in the schools of Nebraska can figure out what the equalization fee will be more quickly and accurately than can the gentleman from Kansas [Mr. TINCHER]. [Laughter.]

I happened to be sitting in this Chamber yesterday by the side of a very distinguished New England Representative, and he was talking to another distinguished Representative, and one said to the other, "I do not understand this business. Do you?" The other answered: "No; I do not know a darn thing about it, and I have not had a chance to think about it, and I am going to vote against everything." We have men in this House who acknowledge that they know nothing about the farm problem, and who say: "Because I do not know anything about it and have not had time to study it I am going to vote against everything."

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. WEFALD. This motion to recommit is the second attempt on the part of the administration to kill the Haugen bill this session, is it not?

Mr. McLAUGHLIN of Nebraska. Perhaps so. I have been in hopes the leaders would see the light, but I admit now it looks like there is a concerted effort to defeat this legislation.

Mr. WEFALD. First by the Tincher bill and now by this motion.

Mr. McLAUGHLIN of Nebraska. I do not know whether the bill of the gentleman from Kansas [Mr. TINCHER] is an administration bill or not. The gentleman from Kansas endeavors to give out the impression that his bill is the administration bill, but I doubt if the President knows about it. The situation reminds me, gentlemen, of a story I heard of a widow who had a small boy about 8 years old. One evening when he came home from school she called him in and said, "Johnny, I want to convey a secret to you, and I do not want you to tell your schoolmates about it. I feel that I ought to take you into my confidence. I am going to marry Doctor Johnson." And the boy said, "Bully for you, Ma! Does the doctor know it yet?" [Laughter and applause.]

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FULMER. Reserving the right to object, Mr. Chairman, will the gentleman yield me three minutes?

Mr. TINCHER. Make it eight minutes, Mr. Chairman.

Mr. RUBEY. Let us make it an hour, and give us all a chance to talk. I shall object unless you make it an hour.

The CHAIRMAN. Objection is heard. The question is on the motion offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. DOWELL. Mr. Chairman, a division.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I call for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 197, noes 176.

Mr. FUNK. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered, and the Chairman appointed Mr. HAUGEN and Mr. MADDEN to act as tellers.

The committee again divided; and the tellers reported—ayes 171, noes 166.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had directed him to report the same back to the House with certain amendments, with the recommendation that the bill and all amendments thereto be rereferred to the Committee on Agriculture.

The SPEAKER. The gentleman from Michigan [Mr. MAPES], Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having under consideration the bill (H. R. 11603) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, had directed him to report the same back with certain amendments, with the recommendation that the bill and all amendments thereto be rereferred to the Committee on Agriculture. The question is on agreeing to the recommendation of the Committee of the Whole. As many as are in favor thereof will, when their names are called, answer "yea"; those opposed, will answer "nay."

Mr. BURTNESS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BURTNESS. We are operating under a special rule, the last sentence of which reads as follows:

> At the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

The Chairman of the Committee of the Whole House on the state of the Union has just reported to the House the bill with the amendments that were adopted in such Committee of the Whole. Therefore under the rule the previous question has now been ordered on the bill and the amendments—and I am quoting from the rule—"to final passage."

Mr. RAMSEYER. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. RAMSEYER. Is not the situation this: Notwithstanding the illegal proceedings in the Committee of the Whole, that under the rule the Haugen bill with amendments is now, in fact, before us?

Mr. BURTNESS. Exactly. That is the very point of order I am making, that under the rule the only vote that can now be taken, regardless of what the recommendation of the Committee of the Whole House on the state of the Union is, is the vote on the Haugen bill and amendments, as provided by the rule, to final passage. This is a special rule adopted by the vote of the House for the consideration of this specific bill, and I therefore make the point of order against any attempt to vote upon the question as to whether the recommendation of the Committee of the Whole House on the state of the Union shall be agreed to or not.

Mr. BLANTON. Mr. Speaker, I make a point of order against the point of order made by the gentleman from North Dakota, that if the gentleman's point of order had any standing at all it should have been made in the committee, and it has no place in the House because the committee has reported its action to the House for confirmation. It might have been in order to have heard it in the committee, but it is out of order here.

Mr. RAMSEYER. The gentleman evidently was not present. That point of order was made, argued, and overruled.

Our position is that the proceedings of the Committee of the Whole, in view of this special rule giving specific directions as to the proceedings, were erroneous; that it was not within the power of the Committee of the Whole to adopt a course in violation of the special rule; therefore, what is now in fact before the House under the rule is the Haugen bill, with amendments, and the only thing we can do here is to consider the Haugen bill with amendments.

Mr. TILSON. Will the gentleman yield for a question?

Mr. RAMSEYER. Yes.

Mr. TILSON. If the committee had made the recommendation that the enacting clause be stricken out, then does the gentleman contend that that would have been illegal under the rule?

Mr. RAMSEYER. That is a motion that would have been in order before conclusion of the reading of the bill.

Mr. TILSON. It was in order.

Mr. RAMSEYER. The gentleman when he was arguing here, more against this kind of legislation than he was on the rule, and trying to cite some precedents studiously avoided construing the last sentence in this rule. We are proceeding under a special rule which is specific as to what shall be done at the conclusion of the reading of the bill. Read the rule and interpret English according to the ordinary rules of interpretation.

Mr. TILSON. Will the gentleman contend that nothing can be done upon the recommendation of the committee except to vote upon the final passage of the bill? Is that the gentleman's contention?

Mr. RAMSEYER. My contention is that at the conclusion of the reading of the bill that the bill, with amendments, is before the House under the general rules of the House. Separate votes could be demanded upon the various amendments, and, of course, a motion to recommit would always be in order.

Mr. TILSON. And the gentleman would treat the recommendation of the Committee of the Whole as a nullity?

Mr. RAMSEYER. Exactly; under the special rule of the House it is a nullity. Probably that is a better word than the words I used before—"illegal" and "erroneous." I thank the gentleman for helping me out. It is a nullity.

Mr. BEGG. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BEGG. Suppose the Committee of the Whole, after the bill had been read, had carried a motion to strike out the enacting clause and had made that report to the House—then what is the contention of the gentleman?

Mr. RAMSEYER. I answered that question once. Under the rules of the House a motion to strike out the enacting clause would have been in order at any time during the consideration of the bill. It was made once and voted down, but at the conclusion of the reading of the bill it is to be reported to the House for final passage. All I ask the gentleman to do is to read the language of the special rule, and all I ask the Speaker to do is to follow the language of the special rule under which we have been operating here during the consideration of this bill.

The SPEAKER. The Chair is prepared to rule. The Chair thinks the situation is absolutely clear, and the Chair does not think he has the right to put any question except the question as to whether the House will follow the recommendation of the committee. The contention of the gentleman from Iowa would have been in order if the committee had recommended to the House the passage of the bill, but the committee did not make that recommendation; the committee recommended that the bill and amendments should be rereferred to the Committee on Agriculture. Therefore the Chair can take no other course than to overrule the point of order, and the question is, Shall the recommendation of the Committee of the Whole House on the state of the Union that the bill be rereferred to the Committee on Agriculture be adopted by this House?

Mr. DOWELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. To ask a question for information. I do not want any Member of the House to vote upon this motion without proper information or vote upon something he does not understand, and the question I desire to propound now is this: The Tincher bill having been officially announced as the administration bill, and that bill having been withdrawn, is there any bill before the House now in behalf of the administration?

The SPEAKER. The gentleman does not state a parliamentary inquiry.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I believe we are entitled to know what we are voting on here, and I want to submit this as a parliamentary inquiry. If this motion is agreed to and the bill is referred to the Committee on Agriculture, will farm legislation be back in precisely the same situation it was last fall, when the Congress first convened; second, if this motion is agreed to and the bill is referred to the Committee on Agriculture, is the Committee on Agriculture under any necessity of reporting at this session of Congress?

Mr. BRITTEN. Mr. Speaker, I demand the regular order.

The question was taken; and there were—yeas 182, nays 200, answered "present" 1, not voting 48, as follows:

[Roll No. 93]

YEAS—182

Ackerman	Deal	Kincheloe	Rogers
Aldrich	Dempsey	Kindred	Sanders, N. Y.
Almon	Dominick	Kirk	Sandlin
Andrew	Douglass	Kunz	Seger
Appleby	Doyle	Lanham	Shreve
Aswell	Dyer	Lazaro	Snell
Bacharach	Eaton	Lehlbach	Somers, N. Y.
Bacon	Ellis	Linthicum	Sosnowski
Bailey	Esterly	McDuffie	Spearing
Beedy	Fairchild	McLaughlin, Mich.	Sproul, Ill.
Begg	Fenn	McLeod	Stalker
Bell	Fitzgerald, Roy G.	McMillan	Stephens
Berger	Fletcher	MacGregor	Stevenson
Bixler	Fort	Madden	Stobbs
Black, N. Y.	Foss	Magee, N. Y.	Strong, Pa.
Bland	Freeman	Magee, Pa.	Strother
Bloom	Frothingham	Magrady	Swartz
Bowles	Gambrill	Mapes	Sweet
Bowman	Garrett, Tenn.	Martin, La.	Taber
Brand, Ga.	Gibson	Martin, Mass.	Taylor, N. J.
Brigham	Gifford	Merritt	Temple
Britten	Gilbert	Michener	Thatcher
Bulwinkle	Glynn	Mills	Tilson
Burton	Goldsborough	Montague	Tincher
Butler	Gorman	Montgomery	Tinkham
Carpenter	Graham	Mooney	Tolley
Carter, Calif.	Hale	Moore, Ky.	Treadway
Chalmers	Hardy	Moore, Ohio	Tucker
Chapman	Hare	Moore, Va.	Tydings
Chindblom	Hawley	Nelson, Me.	Vaile
Collier	Hersey	Newton, Minn.	Vincent, Mich.
Collins	Hill, Md.	Newton, Mo.	Vinson, Ga.
Connery	Hooper	Norton	Vinson, Ky.
Connolly, Pa.	Houston	O'Connell, R. I.	Voigt
Cooper, Ohio	Huddleston	O'Connor, La.	Wainwright
Cox	Hudspeth	Oliver, N. Y.	Wason
Coyle	Hull, Morton D.	Parker	Watres
Cramton	Jacobstein	Patterson	Watson
Crisp	Jenkins	Phillips	White, Me.
Crosser	Johnson, Wash.	Porter	Whitehead
Crumpacker	Kahn	Pratt	Wilson, La.
Cullen	Kearns	Ragon	Wolverton
Curry	Kelly	Rankin	Wright
Darrow	Kemp	Reece	Wyant
Davenport	Ketcham	Reed, N. Y.	
Davey	Kiess	Robsion, Ky.	

NAYS—200

Abernethy	Edwards	Johnson, Ill.	Parks
Adkins	Elliott	Johnson, Ind.	Peery
Allen	Eslick	Johnson, S. Dak.	Pou
Allgood	Evans	Johnson, Tex.	Purnell
Andresen	Faust	Jones	Quin
Anthony	Fish	Keller	Rainey
Arentz	Fisher	Kerr	Ramseyer
Arnold	Fitzgerald, W. T.	Kiefner	Rathbone
Ayres	Frear	King	Rayburn
Barbour	French	Knutson	Reed, Ark.
Beck	Fuller	Kopp	Reid, Ill.
Beers	Fulmer	Kurtz	Robinson, Iowa
Black, Tex.	Funk	Kvale	Romjue
Blanton	Furlow	LaGuardia	Rowbottom
Boies	Garber	Lampert	Rubey
Bowling	Gardner, Ind.	Lankford	Rutherford
Box	Garrett, Tex.	Larsen	Sabath
Brand, Ohio	Gasque	Lea, Calif.	Sanders, Tex.
Briggs	Goodwin	Leatherwood	Schafer
Browne	Green, Fla.	Leavitt	Schneider
Browning	Green, Iowa	Letts	Scott
Brumm	Greenwood	Little	Sears, Nebr.
Buchanan	Griest	Lowrey	Shallenberger
Burtness	Griffin	Lozier	Simmons
Busby	Hadley	Lyon	Sinclair
Byrns	Hall, Ind.	McClintic	Sinnott
Canfield	Hall, N. Dak.	McFadden	Smith
Cannon	Hammer	McKeown	Speaks
Carew	Harrison	McLaughlin, Nebr.	Sproul, Kans.
Carss	Hastings	McReynolds	Steagall
Carter, Okla.	Haugen	McSwain	Stedman
Christopherson	Hawes	McSweeney	Strong, Kans.
Clague	Hayden	Major	Summers, Wash.
Cole	Hickey	Manlove	Sumners, Tex.
Colton	Hill, Ala.	Mansfield	Swank
Connally, Tex.	Hill, Wash.	Menges	Swing
Cooper, Wis.	Hoch	Miller	Taylor, Colo.
Crowther	Hogg	Milligan	Thomas
Davis	Holaday	Morehead	Thompson
Denison	Howard	Morgan	Thurston
Dickinson, Iowa	Hudson	Morrow	Tillman
Dickinson, Mo.	Hull, Tenn.	Murphy	Timberlake
Doughton	Hull, William E.	Nelson, Mo.	Underwood
Dowell	Irwin	Nelson, Wis.	Updike
Drane	James	Oldfield	Upshaw
Driver	Jeffers	Oliver, Ala.	Vestal
Warren	White, Kans.	Williamson	Woodruff
Wefald	Whittington	Wilson, Miss.	Woodrum
Weller	Williams, Ill.	Winter	Yates
Wheeler	Williams, Tex.	Wood	Zihlman

ANSWERED "PRESENT"—1

Underhill

NOT VOTING—48

Auf der Heide	Flaherty	Mead	Sears, Fla.
Bachmann	Fredericks	Michaelson	Smithwick
Bankhead	Free	Morin	Sullivan
Barkley	Gallivan	O'Connell, N. Y.	Swoope
Boylan	Garner, Tex.	O'Connor, N. Y.	Taylor, Tenn.
Burdick	Golder	Peavey	Taylor, W. Va.
Campbell	Johnson, Ky.	Perkins	Vare
Celler	Kendall	Perlman	Walters
Cleary	Lee, Ga.	Prall	Weaver
Corning	Lindsay	Quayle	Welsh
Dickstein	Lineberger	Ransley	Wingo
Drewry	Luce	Rouse	Wurzbach

So the recommendation of the Committee of the Whole House on the state of the Union was rejected.

Mr. UNDERHILL. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. BANKHEAD, and I therefore vote "present."

Mr. KINCHELOE. Mr. Speaker, my colleague, the gentleman from Kentucky, Mr. ROUSE, is absent from the city. He authorized me to say that if he were present he would vote "yea."

The Clerk announced the following pairs:

On this vote:

Mr. Welsh (for) with Mr. Taylor of Tennessee (against).
Mr. Underhill (for) with Mr. Bankhead (against).
Mr. Vare (for) with Mr. Weaver (against).

Until further notice:

Mr. Morin with Mr. Gallivan.
Mr. Wurzbach with Mr. Quayle.
Mr. Ransley with Mr. Sears of Florida.
Mr. Free with Mr. Corning.
Mr. Luce with Mr. Auf der Heide.
Mr. Kendall with Mr. Barkley.
Mr. Bachmann with Mr. Lee of Georgia.
Mr. Fredericks with Mr. Garner of Texas.
Mr. Golder with Mr. O'Connor of New York.
Mr. Campbell with Mr. Smithwick.
Mr. Perkins with Mr. Wingo.
Mr. Walters with Mr. Drewry.
Mr. Perlman with Mr. Boylan.
Mr. Swoope with Mr. Lindsay.
Mr. Peavey with Mr. Johnson of Kentucky.
Mr. Michaelson with Mr. Dickstein.
Mr. Lineberger with Mr. Prall.
Mr. Flaherty with Mr. Taylor of West Virginia.
Mr. Burdick with Mr. Rouse.
Mr. Mead with Mr. O'Connell of New York.
Mr. Cleary with Mr. Sullivan.

The result of the vote was announced as above recorded.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. Mr. Speaker, the bill having been reported to the House by the Committee of the Whole House and the House having refused to accept the special recommendation of the committee, is not the bill, with the amendments, now before the House under the rule for voting on the bill and the amendments thereto upon its final passage with the previous question ordered?

The SPEAKER. The Chair thinks the gentleman from Iowa is correct. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. ASWELL. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER. The gentleman from Louisiana offers a motion to recommit, which the Clerk will report.

Mr. DOWELL. And on that I move the previous question, Mr. Speaker.

Mr. BLANTON. The motion should be first reported, Mr. Speaker.

Mr. DOWELL. I withdraw my motion for the present, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASWELL moves to recommit the bill to the Committee on Agriculture with instructions to report the same back to the House forthwith, striking out all after the enacting clause and inserting the following——

Mr. KINCHELOE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. KINCHELOE. I would like to ask the gentleman from Louisiana if that is his original bill?

Mr. ASWELL. It is identically the bill as presented here.

Mr. DOWELL. Mr. Speaker, I make the point of order it is not germane to the Haugen bill before the House and is therefore not in order.

Mr. KINCHELOE. Mr. Speaker, the purpose for which I rose was to ask unanimous consent that the reading of the bill be dispensed with. It has been in the RECORD and everybody has read it.

The SPEAKER. The gentleman from Iowa makes the point of order that the bill is not germane. Does the gentleman withdraw his point?

Mr. DOWELL. No; I insist upon my point of order that under the rule adopted the motion of the gentleman from Louisiana is not in order and his amendment is not germane to the bill.

The SPEAKER. Clearly the gentleman is correct if the motion to recommit is not germane. It would be very difficult for the Chair to determine whether that is true or not——

Mr. DOWELL. I assume, if it is the bill that has been before the House for some time, it is generally known it is not germane to the bill that is under consideration.

The SPEAKER. Will the gentleman from Iowa point out wherein the motion to recommit is not germane?

Mr. DICKINSON of Iowa. Mr. Speaker, may I make a suggestion to the Chair?

Mr. ASWELL. I wish to remind gentlemen in good faith that we have been operating several days under a special rule, and this motion which I offer is the identical bill made in order by the special rule.

Mr. BURTNESS. The gentleman from Louisiana was not acting under duress when he withdrew his bill in Committee of the Whole House on the state of the Union; I assume he was acting voluntarily.

Mr. ASWELL. The gentleman insults me when he asks that question. He does not know what he is talking about.

Mr. BURTNESS. I am sorry if I have said anything that the gentleman thinks would insult him. I take it that the gentleman's action was voluntary when he withdrew his amendment.

Mr. ASWELL. The RECORD will show that I withdrew it temporarily only.

Mr. DOWELL. Mr. Speaker, the Chair is fully aware that the time and place for presenting this Aswell bill under the rule is long past. The gentleman had the proper time and the proper place to offer it. He did offer it under the rule when it was in order and then voluntarily withdrew it, and now seeks to present it when it is out of order.

The SPEAKER. The Chair will state that the only provision in the rule relating to germaneness is the provision that either the so-called Aswell bill or the Tincher bill could be offered in committee, the rule of germaneness to the contrary notwithstanding. That does not apply in the House.

Mr. RAMSEYER. Mr. Speaker, I think we can get an agreement or admission from the gentleman here that it never was regarded by anyone, either in the Committee on Agriculture or in the Committee on Rules, that the Aswell bill is germane to the Haugen bill. The object of getting this special rule to offer the substitute in Committee of the Whole was to obviate the rule as to germaneness. I do not think it will be contended by anyone that the Aswell bill is germane to the Haugen bill.

The SPEAKER. The Chair took occasion some time ago to examine the bills in their original forms and he was convinced that the Aswell bill was not germane to the Haugen bill, but there is some question in the mind of the Chair now as to what the Haugen bill is. In other words, the Chair has not followed all of the various amendments, and the Chair would be glad if the gentleman would point out wherein the provisions of the Aswell bill are not germane to the Haugen bill.

Mr. DICKINSON of Iowa. Mr. Speaker, in the first place the Haugen bill provides for a council to be selected from farm organizations under rules and regulations prescribed by the Secretary of Agriculture, they in turn to nominate men to make up the board, and that board is to be named by the President. That board is given certain powers in the matter of naming the agents to handle certain commodities on which they declare an operative period. They have a right to propose an equalization fee, and that fee is to be put into a fund to help take care of the surplus, either domestic or foreign.

On the other hand, the Aswell bill provides a selection from three farm organizations four names that are organized into a national corporation. There is no provision in the Haugen bill anywhere for the formation of a corporation of any kind. That corporation goes out and organizes market associations, or market producers associations, from the locality up to the district, from the district to the national, and the national board of this corporation, the board of directors, have a right to fix their own salaries, have a right to use $10,000,000 to promote the organization of these cooperative associations, and the right to collect the charges against these associations, or the local associations, through commodity assessments in order to pay the whole expenses of the national corporation that is to handle food commodities that the board brings under their jurisdiction.

Now there is nothing of that kind in the Haugen bill. The Haugen bills says that under certain conditions the board can designate an agent to go out and handle the commodity, naming what the commodities are. Under the Aswell proposition that board can handle any commodity in the United States that comes under the term "agricultural commodities." Under the Haugen bill they could handle only such designated commodities. That being the case, you can not substitute the Aswell bill as germane to the Haugen bill as it is now before the House.

The SPEAKER. The Chair thinks that it is not necessary to go far into detail. It seems to the Chair—and he is speaking from some examination of the two bills—that they differ very widely, that they attempt to accomplish different things, and they differ entirely in the machinery by which those things are to be accomplished. The Chair does not think the motion of the gentleman from Louisiana is germane, and sustains the point of order.

Mr. ASWELL. Mr. Speaker, would it be in order now to move to recommit the bill to the Committee on Agriculture?

The SPEAKER. It would.

Mr. ASWELL. Mr. Speaker, I move to recommit the Haugen bill to the Committee on Agriculture.

Mr. DOWELL. Mr. Speaker, on that I move the previous question.

The SPEAKER. The gentleman from Louisiana moves to recommit the bill to the Committee on Agriculture.

Mr. CANNON. Mr. Speaker, I make the point of order that the House has just passed upon that proposition and had decided not to refer it to that committee.

The SPEAKER. This is a motion in the House to recommit the bill. This does not involve the action of the Committee of the Whole House on the state of the Union. The question is on the motion of the gentleman from Iowa to move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Louisiana to recommit the bill to the Committee on Agriculture.

The question was taken, and the motion was rejected.

The SPEAKER. The question now is, Shall the bill pass?

Mr. RAMSEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 212, answered "present" 1, not voting 51, as follows:

[Roll No. 94]

YEAS—167

Abernethy	Fitzgerald, W. T.	Johnson, Ind.	Nelson, Mo.
Adkins	Frear	Johnson, S. Dak.	Oldfield
Allen	French	Jones	Oliver, Ala.
Allgood	Fuller	Keller	Purnell
Andresen	Fulmer	Kerr	Quin
Anthony	Funk	Kiefner	Rainey
Arentz	Furlow	King	Ramseyer
Arnold	Garber	Knutson	Rathbone
Ayres	Gardner, Ind.	Kopp	Reed, Ark.
Barbour	Garrett, Tex.	Kurtz	Reid, Ill.
Beck	Gasque	Kvale	Robinson, Iowa
Beers	Goodwin	Lampert	Romjue
Boies	Green, Fla.	Lankford	Rowbottom
Bowling	Green, Iowa	Larsen	Rubey
Brand, Ohio	Greenwood	Leatherwood	Rutherford
Browne	Griest	Leavitt	Sabath
Burtness	Hadley	Letts	Schafer
Canfield	Hall, Ind.	Little	Schneider
Cannon	Hall, N. Dak.	Lowrey	Scott
Carss	Hammer	Lozier	Sears, Nebr.
Carter, Okla.	Hardy	Lyon	Shallenberger
Christopherson	Harrison	McClintic	Simmons
Clague	Hastings	McFadden	Sinclair
Cole	Haugen	McKeown	Sinnott
Colton	Hawes	McLaughlin, Nebr.	Smith
Cooper, Wis.	Hayden	McReynolds	Sproul, Kans.
Davis	Hickey	McSwain	Steagall
Denison	Hill, Ala.	McSweeney	Stedman
Dickinson, Iowa	Hill, Wash.	Magrady	Strong, Kans.
Dickinson, Mo.	Hoch	Major	Summers, Wash.
Doughton	Hogg	Manlove	Sumners, Tex.
Dowell	Holaday	Mansfield	Swank
Elliott	Howard	Menges	Swartz
Eslick	Hull, William E.	Miller	Swing
Esterly	Irwin	Milligan	Taylor, Colo.
Evans	James	Morehead	Thomas
Faust	Jeffers	Morrow	Thompson
Fisher	Johnson, Ill.	Murphy	Thurston

Tillman	Warren	Williams, Ill.	Woodruff
Timberlake	Wefald	Williamson	Yates
Updike	Wheeler	Winter	Zihlman
Vestal	White, Kans.	Wood	

NAYS—212

Ackerman	Darrow	Kemp	Robsion, Ky.
Almon	Davenport	Ketcham	Rogers
Andrew	Davey	Kiess	Sanders, N. Y.
Appleby	Deal	Kincheloe	Sanders, Tex.
Aswell	Dempsey	Kindred	Sandlin
Bacharach	Dominick	Kirk	Seger
Bacon	Douglass	Kunz	Shreve
Bailey	Doyle	LaGuardia	Snell
Beedy	Drane	Lanham	Somers, N. Y.
Begg	Driver	Lazaro	Sosnowski
Beil	Dyer	Lea, Calif.	Speaks
Berger	Eaton	Lehlbach	Spearing
Bixler	Edwards	Linthicum	Sproul, Ill.
Black, N. Y.	Ellis	McDuffie	Stalker
Black, Tex.	Fairchild	McLaughlin, Mich.	Stephens
Bland	Fenn	McMillan	Stevenson
Blanton	Fish	MacGregor	Stobbs
Bloom	Fitzgerald, Roy G.	Madden	Strong, Pa.
Bowles	Fletcher	Magee, Pa.	Strother
Bowman	Fort	Magee, N. Y.	Sweet
Box	Foss	Mapes	Taber
Brand, Ga.	Free	Martin, La.	Taylor, N. J.
Briggs	Freeman	Martin, Mass.	Temple
Brigham	Frothingham	Merritt	Thatcher
Britten	Gambrill	Michener	Tilson
Browning	Garrett, Tenn.	Mills	Tincher
Brumm	Gibson	Montague	Tinkham
Buchanan	Gifford	Montgomery	Tolley
Bulwinkle	Gilbert	Mooney	Treadway
Burton	Glynn	Moore, Ky.	Tucker
Busby	Goldsborough	Moore, Ohio	Tydings
Butler	Gorman	Moore, Va.	Underwood
Byrns	Graham	Morgan	Upshaw
Carpenter	Griffin	Nelson, Me.	Vaile
Carter, Calif.	Hale	Newton, Minn.	Vincent, Mich.
Chalmers	Hare	Newton, Mo.	Vinson, Ga.
Chapman	Hawley	Norton	Vinson, Ky.
Chindblom	Hersey	O'Connell, R. I.	Voigt
Collier	Hill, Md.	O'Connor, La.	Wainwright
Collins	Hooper	Oliver, N. Y.	Wason
Connally, Tex.	Houston	Parker	Watres
Connery	Huddleston	Parks	Watson
Connolly, Pa.	Hudson	Patterson	Weller
Cooper, Ohio	Hudspeth	Peery	White, Me.
Cox	Hull, Tenn.	Phillips	Whitehead
Coyle	Hull, Morton D.	Porter	Whittington
Cramton	Jacobstein	Pou	Williams, Tex.
Crisp	Jenkins	Pratt	Wilson, La.
Crosser	Johnson, Tex.	Ragon	Wilson, Miss.
Crowther	Johnson, Wash.	Rankin	Wolverton
Crumpacker	Kahn	Rayburn	Woodrum
Cullen	Kearns	Reece	Wright
Curry	Kelly	Reed, N. Y.	Wyant

ANSWERED "PRESENT"—1

Underhill

NOT VOTING—51

Aldrich	Drewry	Mead	Sears, Fla.
Auf der Heide	Flaherty	Michaelson	Smithwick
Bachmann	Fredericks	Morin	Sullivan
Bankhead	Gallivan	Nelson, Wis.	Swoope
Barkley	Garner, Tex.	O'Connell, N. Y.	Taylor, Tenn.
Boylan	Golder	O'Connor, N. Y.	Taylor, W. Va.
Burdick	Johnson, Ky.	Peavey	Vare
Campbell	Kendall	Perkins	Walters
Carew	Lee, Ga.	Perlman	Weaver
Celler	Lindsay	Prall	Welsh
Cleary	Lineberger	Quayle	Wingo
Corning	Luce	Ransley	Wurzbach
Dickstein	McLeod	Rouse	

So the bill was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Taylor of Tennessee (for) with Mr. Welsh (against).
Mr. Bankhead (for) with Mr. Underhill (against).
Mr. Weaver (for) with Mr. Vare (against).

Until further notice:

Mr. Aldrich with Mr. Corning.
Mr. McLeod with Mr. Celler.

Mr. KINCHELOE. Mr. Speaker, my colleague Mr. ROUSE is absent from the city to-day, and has authorized me to say that if he were present he would vote "no."

The result of the vote was announced as above recorded.

On motion of Mr. TILSON, a motion to reconsider the vote by which the bill was rejected was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I desire to make a statement in regard to the order of business. It is expected that to-morrow, Saturday, after the routine business and the disposition of matters on the Speaker's table, the rule for the consideration of the river and harbor bill will be taken up, with the understanding that next week, Tuesday, probably, the river and harbor bill will suspend for the day, or such part of the day as may be necessary, to allow the Committee on the Judiciary to consider two bills under a rule, which it had been expected would be brought up ahead of the river and harbor bill.

Mr. SNELL. And that was done by the unanimous agreement of the two chairmen.

Mr. TILSON. By unanimous agreement between all parties concerned.

Mr. CRAMTON. Mr. Speaker, what will be the program on Monday and Wednesday of next week?

Mr. TILSON. Wednesday, of course, will be Calendar Wednesday, and quite probably Calendar Wednesday business will be taken up. On Monday the river and harbor bill will probably go on unless there should be some very necessary and uncontested District legislation that may come up.

Mr. ZIHLMAN. Mr. Speaker, I would state to the gentleman from Connecticut that there is some very important and uncontested District legislation.

Mr. TILSON. The gentleman will realize that any very controversial matter ought not to be brought up at this time in the session.

Mr. BLANTON. But there will be two or three bills, I think, that we can agree upon.

Mr. TILSON. I shall be very glad to confer with the gentlemen in regard to those bills.

Mr. CHALMERS. Does the gentleman mean to say that there should not be any more controversial matters brought up at this session?

Mr. TILSON. Oh, I did not mean to say just that.

Mr. GARRETT of Tennessee. Is it the purpose of the gentleman from Connecticut not to consider any more controversial legislation?

Mr. TILSON. I just answered a similar question from the gentleman from Ohio [Mr. CHALMERS]. My statement in respect to controversial legislation applied to District matters only.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BRAND of Georgia. When are we going to get any action on the McFadden bill?

Mr. TILSON. That is a privileged matter. It is on the Speaker's table and can be called up at any time.

Mr. JACOBSTEIN. Do I understand the administration is likely to report a coal bill?

Mr. TILSON. The administration does not report coal bills in this House.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 616. An act for the relief of Ernest F. Church;

H. R. 2209. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 4799. An act to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii";

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments;

H. R. 9508. An act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska and to provide for the survey and subdivision of such tracts of Indian or Eskimo towns or villages;

H. R. 10055. An act to amend section 77 of the Judicial Code, to create a middle district in the State of Georgia, and for other purposes;

H. R. 10204. An act providing an additional wing to the District Jail;

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes;

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska;

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; and

H. R. 7966. An act to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Saturday, May 22, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 22, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON POST OFFICES AND POST ROADS

(10.30 a. m.)

To amend section 4009 of the Revised Statutes, relating to the transportation of the mails between the United States and its Territories or possessions or its naval or military forces abroad (H. R. 12211).

SPECIAL JOINT COMMITTEE

(10.30 a. m., Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To request the President to propose the calling of a third Hague conference for the codification of international law (H. J. Res. 221).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended (H. R. 11612).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12266. A bill to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12172. A bill permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; without amendment (Rept. No. 1280). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; without amendment (Rept. No. 1281). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 10130. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now, or may be, in his custody; without amendment (Rept. No. 1289). Referred to the House Calendar.

Mr. DRANE: Committee on Naval Affairs. H. R. 11515. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis;* without amendment (Rept. No. 1290). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 11110. A bill for the relief of George Caldwell; without amendment (Rept. No. 1279). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 2168. An act for the relief of Elbert Kelly, a second lieutenant of Infantry in the Regular Army of the United States; without amendment (Rept. No. 1282). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. S. 519. An act for the relief of Perley Morse & Co.; without amendment (Rept. No. 1283). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2188. An act for the relief of G. C. Allen; with amendment (Rept. No. 1284). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2335. An act for the relief of Andrew Radel Oyster Co.; without amendment (Rept. No. 1285). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 5264. A bill for the relief of Ann Margaret Mann; with amendment (Rept. No. 1286). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 5789. A bill for the relief of the estate of J. A. Galloway; with amendment (Rept. No. 1287). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 10725. A bill for the relief of Capt. C. R. Insley; without amendment (Rept. No. 1288). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12292) granting an increase of pension to Martha F. Gothard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12323) granting an increase of pension to Sarah Parker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12335) to provide for the protection and increased production of western white pine and other forest species; to the Committee on Agriculture.

Also, joint resolution (H. J. Res. 260) defining continuity of residence under the naturalization law; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12336) granting an increase of pension to Minerva Kepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12337) granging an increase of pension to Florence Burnett; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12338) granting an increase of pension to Lizzie Bowen; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 12339) granting a pension to Alfred Good Thunder; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 12340) granting an increase of pension to Cynthia White; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12341) granting an increase of pension to May A. McDonough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12342) granting an increase of pension to Mary Ann Jones; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12343) granting a pension to Frank Nacod; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 12344) granting an increase of pension to Bronislawa Wypiewski; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12345) for the relief of Shelby F. Strother; to the Committee on Foreign Affairs.

Also, a bill (H. R. 12346) granting an increase of pension to Sarah M. Kasson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12347) granting an increase of pension to Sarah Hoffacker; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12348) granting an increase of pension to Eliza C. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting a pension to Susan Bruce; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 12350) granting an increase of pension to Hannah F. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12351) granting a pension to Jennie McNeil; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 12352) granting an increase of pension to Addie L. G. Coleman; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 12353) granting an increase of pension to Anna E. Headland; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12354) to correct the military record of Charles C. Taylor; to the Committee on Naval Affairs.

By Mr. SIMMONS: A bill (H. R. 12355) granting an increase of pension to Sylvester L. Blauvelt, jr.; to the Committee on Pensions.

Also, a bill (H. R. 12356) granting an increase of pension to Mary Berney; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 12357) for the relief of desert-land entrymen under the Crystal Lake Irrigation Lands Co., Jefferson County, Idaho; to the Committee on the Public Lands.

By Mr. SWING: A bill (H. R. 12358) granting an increase of pension to Elizabeth Forsyth; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12359) providing for the promotion of Lieut. Commander Richard E. Byrd, United States Navy, and awarding to him a congressional medal of honor; to the Committee on Naval Affairs.

Also, a bill (H. R. 12360) providing for the promotion of Floyd Bennett, aviation pilot, United States Navy, and awarding to him a congressional medal of honor; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2247. Petition of Charles Bright, for the impeachment of Judge Augustus N. Hand, of the United States District Court of the Southern District of New York; to the Committee on the Judiciary.

2248. By Mr. ANDREW: Petition of William H. Swasey Camp, Sons of Veterans, Newburyport, Mass., urging passage of Elliott pension bill; to the Committee on Invalid Pensions.

2249. By Mr. CARTER of California: Petition of the Cooper Ornithological Club of California, urging the passage of House bill 7479; to the Committee on Agriculture.

2250. By Mr. CULLEN: Resolutions regarding Harrison narcotic acts by the Medical Society of the County of Kings, adopted May 18, 1926; to the Committee on Ways and Means.

2251. By Mr. GALLIVAN: Petition of William L. Harris Post, No. 196, the American Legion, Edward H. Barteaux, commander, route 40, Back Bay Postal Station, Boston, Mass., recommending early and favorable consideration of House bill 9638, which relates to certain civil employees of the United States Government for the period when in the military service of the United States; to the Committee on the Civil Service.

2252. By Mr. HUDSON: Petition of citizens of Highland Park, urging the passage of House bill 5000; to the Committee on Education.

2253. By Mr. JOHNSON of Texas: Letter of Mr. W. A. Dealey, assistant general manager A. H. Belo & Co., publishers, the Dallas News, Dallas, Tex., urging enactment of remedial measures adjusting postal rates on newspapers; to the Committee on the Post Office and Post Roads.

2254. By Mr. O'CONNELL of New York: Petition of the National Education Association, favoring pending legislation designed to clear title of lands granted to States by the Federal Government for the support of education; to the Committee on Education.

2255. Also, petition of the National Society, Daughters of the American Revolution, recommending to the Congress amendment to the naturalization laws so as to provide for a definite, reasonable, and adequate educational test for all applicants for naturalization; to the Committee on Immigration and Naturalization.

2256. Also, petition of the American Association for Labor Legislation, favoring the passage of the Graham-Cummings bill providing accident compensation for longshoremen and harbor workers and requesting favorable action by the Committee on Rules for its consideration; to the Committee on the Merchant Marine and Fisheries.

2257. Also, petition of the Beauty Culture Publishing Co. of New York, favoring the passage of the McKellar postal provision bill (S. 4189 and H. R. 12061); to the Committee on the Post Office and Post Roads.

2258. Also, petition of the Medical Society of the County of Kings, Brooklyn, N. Y., opposing the passage of Senate bill 4085 and instead initiate Federal investigation of the narcotic situation as antecedent to further legislation; to the Committee on Ways and Means.

2259. By Mr. YATES: Petition of legislative committee, Stark County Farm Bureau, Wyoming, Ill.; Sterling-Rock Falls Association of Commerce, Sterling, Ill.; the Morris Rotary Club, Morris, Ill.; the Montgomery County Farm Bureau, Hillsboro, Ill.; Kendall County Farm Bureau, by its board of directors, Yorkville, Ill.; Edgar County Farm Bureau, Paris, Ill.; Ogle County Farm Bureau, Rochelle, Ill.; Monroe County Farm Bureau, Waterloo, Ill.; Boone County Farm Bureau, Belvidere, Ill.; Brown County Farm Bureau, Mount Sterling, Ill.; director DeKalb County Farm Bureau, Kingston, Ill.; and Madison County Farm Bureau, Edwardsville, Ill., urging support of the Haugen agricultural bill (H. R. 11606); to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 22, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, impress us that man can not "live by sight alone, but by every word that proceedeth out of the mouth of God." May we not be deceived by a false estimate of ourselves. By faith may we eat the bread of heaven and drink the water that flows from the rivers of heavenly heights. With confidence that right is might, may we work and pray, that the tangled webs of all questions may be unraveled and made clear. Spirit of God, kindle on the altars of our hearts the sacred flame of love, and may it burn brighter and brighter until the dawn of the perfect day. Be the balm for every wound and help us to walk erect in the white light that beats for ever against the Father's throne. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes; and

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9636. An act entitled "An act to provide for the inspection of the battle field of Pea Ridge, Ark."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1930) entitled "An act to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes" had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOSES, Mr. ODDIE, and Mr. TRAMMELL conferees.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes"; and

H. R. 9761. An act to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War.

ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke as guardian of Katie I. O'Rourke;

H. R. 6729. An act to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8657. An act to amend sections 226 and 228 of the Judicial Code, and for other purposes;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8916. An act granting public lands to the county of Kern, Calif., for public-park purposes;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9218. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

H. R. 9938. An act for the relief of Frank A. Bartling;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota;*

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes;

H. R. 11202. An act to provide for the preparation of printing and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter;

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899;

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.;

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926; and

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes.

MORONGO INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I desire to offer a conference report on the bill S. 2702 for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation.

The SPEAKER. Ordered printed.

INSPECTION OF BATTLE FIELD OF PEA RIDGE, ARK.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9636, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 9636, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will appoint the following conferees.

The Clerk read as follows:

Mr. JAMES, Mr. WURZBACH, and Mr. FISHER.

ONE HUNDRED AND FIFTIETH ANNIVERSARY, BATTLE OF FORT MOULTRIE, CHARLESTON, S. C.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Concurrent Resolution 28

Whereas June 28, 1926, will be the one hundred and fiftieth anniversary of the historic Battle of Fort Moultrie, Charleston, S. C., which was fought between the untried but resolute forces battling for American rights and liberties on one side and the organized and widely experienced forces of Great Britain on the other; and

Whereas said Battle of Fort Moultrie resulted in glorious victory for the cause of America, thus heartening her people and encouraging her Representatives in Congress assembled in the city of Philadelphia to take the fateful step of declaring that "the States are, and of right ought to be, free and independent" on July 4, 1776; and

Whereas said victory and said Declaration of Independence are thus forever linked as mighty factors in bringing about our national freedom that has since so marvelously blessed America, and through America is blessing and bettering the world; and

Whereas it is entirely proper and fitting that such epoch-making events of our country's history should be impressively brought to our minds by conspicuous celebrations; and

Whereas it is appropriate that the Congress of the United States should recognize June 28 next as the one hundred and fiftieth anniversary of this memorable battle which is of such great historical interest and importance to the entire country: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That there be a committee of Congress consisting of 10 members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to join and participate in said celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary to be held in the city of Charleston, S. C., on the 26th, 27th, and 28th of June, 1926.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The question was taken, and the concurrent resolution was agreed to.

A POINT OF NO QUORUM

Mr. CHALMERS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 95]

Aldrich	Fredericks	Lineberger	Schneider
Auf der Heide	French	Linthicum	Sears, Fla.
Bachmann	Gallivan	Luce	Smithwick
Bailey	Gambrill	McLeod	Sproul, Kans.
Bankhead	Garner, Tex.	Manlove	Stevenson
Barkley	Gasque	Mead	Sullivan
Berger	Gibson	Merritt	Swartz
Bowles	Gifford	Michaelson	Swoope
Boylan	Golder	Mills	Taber
Brigham	Graham	Morgan	Taylor, N. J.
Burdick	Greenwood	Morin	Taylor, Tenn.
Celler	Griffin	O'Connell, N. Y.	Taylor, W. Va.
Chapman	Hall, N. Dak.	O'Connor, N. Y.	Tincher
Clague	Haugen	Oliver, N. Y.	Treadway
Cleary	Hawes	Patterson	Tucker
Collins	Houston	Peavey	Tydings
Corning	Johnson, Ky.	Perkins	Walters
Cullen	Kelly	Perlman	Weaver
Davis	Kendall	Porter	Weller
Dickstein	Kiefner	Prall	Welsh
Doughton	Knutson	Purnell	White, Me.
Douglass	Kurtz	Quayle	Wingo
Drewry	LaGuardia	Ransley	Wood
Fitzgerald, Roy G.	Lee, Ga.	Robsion, Ky.	Wurzbach
Flaherty	Lindsay	Rouse	Yates

The SPEAKER. Three hundred and twenty-nine Members have answered present, a quorum.

Mr. SNELL. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

RIVER AND HARBOR BILL

Mr. SNELL. Mr. Speaker, I call up House Resolution 268, a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 268

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11616, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 12 hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, pending the consideration of this resolution, I would like to ask the gentleman from North Carolina [Mr. POU] if he desires any time?

Mr. POU. A couple of minutes.

Mr. SNELL. I will yield to the gentleman that time.

Mr. Speaker, this is the usual resolution presented to the House for the consideration of a bill by the Committee of the Whole House on the state of the Union under the general rules of the House. It provides for 12 hours general debate, and as usual it provides that that debate shall be controlled one-half by those favoring and one-half by those opposed to the bill.

In looking over the committee I find that the chairman and the ranking member of the minority are both in favor of the bill, but I have taken this matter up with them and have taken the liberty to suggest to the gentlemen, and they have agreed, that the gentleman from New York [Mr. DEMPSEY], the chairman of the committee, yield one-half of his time to the member of the committee on the Republican side who is opposed to the bill, and the gentleman from Texas [Mr. MANSFIELD] has also agreed to yield one-half of his time to a member on the minority side who is opposed to the bill, so that we shall have an equal division of time that is satisfactory to all.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CHALMERS. Will the chairman of the committee yield one-half of the time in opposition to me?

Mr. SNELL. Yes. It is understood that one-half of the time in control of the chairman will be yielded to the gentleman from Ohio.

Mr. Speaker, I reserve the balance of my time and now yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

The SPEAKER. The gentleman from Ohio is recognized for 10 minutes.

Mr. BURTON. Mr. Speaker and gentlemen of the House, I have not favored the consideration of this river and harbor bill; not that I am opposed to this kind of legislation, but because there are two items in this bill open to very serious objection. They should be considered separately, and their presence in the bill threatens the enactment of this measure at this session of Congress.

I refer to the so-called Illinois River item on page 6 of the bill, which seeks for the first time to authorize by legislation diversion from waters of the Great Lakes. That diversion threatens the very lifeblood of a splendid commerce on that Great Lakes system. There is a traffic by boats on these Lakes surpassing that on any inland waterway in the world. The total tonnage is 125,000,000. The saving in freight rates because of that amount may be counted as great as $1 per ton, or $125,000,000 per year. According to an official report made by the engineers, giving figures which have not been contradicted, it was stated that in the last year there was a saving on shipments of wheat from the United States and Canada of $36,000,000. It is also stated that in the period from 1887 to 1924 the gain in freight rates can be computed at $3,143,000,000. There is nothing comparable with it anywhere in the world.

Now there is a diversion at Chicago, which was at first fixed by the Secretary of War at 4,167 cubic feet per second. The city of Chicago and the State of Illinois, disregarding the limits of this permit and claiming the right to decide for themselves the amount of diversion, increased that amount to 10,000 cubic feet per second. In the year 1913 the Government of the United States brought a suit to restrain by injunction the city of Chicago and the Drainage Canal Board and to limit that amount to 4,167 cubic feet per second. That hung over for years in the courts, and was not finally decided in the district court until 1920, when the injunction asked by the Government was granted. That was appealed first to the circuit court, and was affirmed, and then again from the circuit court to the United States Supreme Court, where it was affirmed in 1925.

The Secretary of War, however, recognizing the fact that there was a very serious problem at Chicago in the disposal of sewage of that great city, gave a temporary right to divert 8,500 cubic feet. In the meantime the other States bordering on the Great Lakes—Minnesota, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, and New York—all the States bordering on the Lake system except Illinois, have filed suits in the United States Supreme Court, maintaining two contentions: First, that not even Congress itself, and certainly no executive officer, has the right to authorize the diversion of water from one great watershed to another, thus denying the right to divert water from Lake Michigan or the Great Lakes system to the Mississippi Valley. Indeed, it may be safely asserted that if such a diversion existed from one country into another of equal strength it would cause war. [Applause.]

Another contention is that the Secretary of War had no right to grant these permits. Those suits are set for hearing on the 4th of October next; and in view of the great public question involved, it is probable that there will be a decision by New Year's Day. Now, this bill proposes to authorize a diversion which the Supreme Court within eight months or maybe within six months from now may declare to be a nullity and that no such right exists. Under the circumstances, what is the sensible and orderly thing for this House to do? It is to postpone action on this item until the court of last resort can decide that vital and that most essential question as to the rights of the parties.

Now, what is the injury done to the Great Lakes system by this? It has not all been done by this diversion. There has been a cycle of lower water. Beginning in 1918, the levels of Lakes Michigan and Huron have been lowered by approximately 34 inches by deficient rainfall, and an additional 6 inches by reason of this diversion at Chicago, which is being contested in the courts. There is a similar, though somewhat smaller, decrease in the levels in the connecting waters between Lake Huron and Lake Erie and in Lake Erie. For every inch of lowering of that water there is a damage to the lake traffic amounting to approximaely $500,000. The draft of boats is limited this year to 18 feet and 0.3 inches, while numerous great freighters draw 22 and even 23 feet.

The chairman of the Committee on Rivers and Harbors, when the statement had been made by those opposing this diversion that the diversion at Chicago costs $3,000,000 per year to the shippers, said that it costs far more than that; that the freight which otherwise would be carried by boats had to be carried by rail, and that the rail rates were approximately ten times as much as they were by water, so that the total loss by reason of this lowering was not $3,000,000, but $30,000,000.

Now, gentlemen on both sides, I make this appeal to you. I have been familiar with river and harbor legislation for years. This is the first project ever brought before this House

that I recall in which one project was pressed to the detriment and to the very serious injury of another. Thus far all the projects which have been asked have been where there was general benefit to the people and to the whole people and not to one alone and to the very serious detriment of another.

I want to say for those representing lake interests that we would be glad to see this improvement in the Illinois River. However, we think its advocates are visionary, and we are very sure it will not result in any such traffic as they say. The whole history of river and harbor improvements is strewn with the wrecks of great expectations, where millions of traffic were expected and where it can rather be counted by the hundreds.

There is, of course, this embarrassing question. Should the Supreme Court decide that no diversion is possible, I do not wish to commit myself as to what we would say, but should they decide it was possible, we could, I think, readily agree as to the amount that should be diverted for a 9-foot channel through the Illinois River.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman from Ohio has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. BURTON. The diversion necessary for the Illinois River improvement, as estimated by the engineers, varies all the way from 1,000 at ordinary depth to 1,650 cubic feet at low water up to a diversion of 8,500 cubic feet.

Now, what does this bill do? It authorizes the immediate diversion of 8,500 cubic feet.

Mr. McDUFFIE. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. McDUFFIE. Does not the gentleman think that the language on page 6 really relieves the situation as to committing Congress on the question of diversion one way or the other? Let me read the gentleman this language:

Provided, Nothing in this act shall operate to change the existing status.

The existing status is a permit issued by the Secretary of War which may be revoked, as the gentleman well knows. It is not a law but it is simply a permit.

Nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the sanitary district of Chicago, March 3, 1925, by the Secretary of War, but the whole question of diversion—

Now, this is the language I invite to the attention of the gentleman from Ohio and to the attention of the House—

but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

Does not the gentleman think that he is in error in saying that the House is here committing itself on the question of diversion in the face of that language?

Mr. BURTON. I understand the gentleman's position and I give him credit. He drew that provision himself and it is as strong as it could be made. But there are here two discordant voices. Which is the louder? Which is the prevailing one? It is the provision for this improvement, for the diversion of 8,500 cubic feet per second for the creation of channels of a certain width and for the completion of those channels.

The SPEAKER pro tempore. The time of the gentleman from Ohio has again expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. BURTON. Does the gentleman from Alabama believe that after the camel has gotten its nose under the tent, after that waterway is once opened and traffic has adjusted itself to 8,500 cubic feet, that this Congress will observe any such limitation as that? More than that, the dominant thought is this: You in one part of it confirm, ratify, and establish a waterway with a flow of 8,500 cubic feet.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. WILLIAM E. HULL. Is it the gentleman's position that he does not want a waterway through the Illinois and Mississippi Rivers?

Mr. BURTON. I have already spoken about that.

Mr. WILLIAM E. HULL. I ask the gentleman that question.

Mr. BURTON. No.

Mr. WILLIAM E. HULL. The gentleman is not opposed to it, then?

Mr. BURTON. I am not opposed to it, but I want your waterway, about which you are so much interested, to be constructed according to law. More than that, what is proper and fair? The traffic of the Great Lakes is one hundred and sixty times as great as the traffic of the Mississippi between the mouth of the Missouri and Minneapolis, and one hundred and sixty times as great as it is from the mouth of the Missouri to Cairo, and I think it is a claim that involves a great amount of presumption to say that the waterways of the Great Lakes shall be so substantially impaired, to the very verge of ruin, just to build up a waterway, where the comparison just made has been with larger waterways and over a longer stretch, in the proportion of 160 to 1. Not only is damage done to the Lakes and the connecting channels by diminishing their depths, but every harbor shows a diminishing depth, so that it is very difficult to get boats into the great harbor of Cleveland and all the other harbors on the Great Lakes in this way.

Now, Mr. Speaker and gentlemen, I have in my experience in this House been very happy in one particular. I have had a constituency behind me that wanted me to think national thoughts, and I have sought to advocate that which I regarded was for the general good of the United States. But here is a case where the injury to my own locality and to a very large area is of greatest interest. That interest centers around the Lakes, which, in a way, surpass any equal area in the world. Their fate is at stake. I appeal to you to see that justice is done to this great interest and that the hand of the spoiler may be stayed. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, this rule is a fair rule. Any germane amendment is in order. The bill does not displace any of the days set apart for special business of the Congress. In the Committee on Rules, my recollection is, there was practically no division. Twelve hours' debate is, of course, ample for the consideration of all controverted matters.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Speaker, I want to take a few minutes to explain to you the Illinois River project in the pending rivers and harbors bill. We want this project left out of the bill at this time. If the Illinois project waits until the last session of the Sixty-ninth Congress, Chicago and the State of Illinois will lose nothing unless they are trying to take an undue advantage of the Great Lakes and hurry us into doing something that will affect adversely our case in the United States Supreme Court, set for hearing October 4, 1926.

Let me explain it to you. The Illinois waterway is divided into three reaches: First, the drainage canal, 35 miles long, from Chicago to Lockport, now completed; second, Illinois State project, Lockport to Utica, 65 miles, now less than one-half finished. In this reach there are five locks and dams. Two are completed. The contract has just been let for the third. There are two more to let and finish. It will take the State five years to finish this reach at the rate they are going. They may finish in three years if they speed up their work.

The third reach is the Federal project, 223 miles long from Utica to Grafton on the Mississippi River. This reach can be done easily within two years. This waterway is useless for through traffic until both State and Federal portions are done. If we wait a year to start our part of the work, we will have finished ahead of the State of Illinois.

It seems to me that it is a supreme exhibition of the essence of selfishness for the proponents of the Illinois project to insist on this project staying in the bill, and thus killing the chance of the bill's passage during this session of Congress.

I want to get this over to the membership of the House, and particularly those who have projects in this bill. The rivers and harbors bill of 1926 has absolutely no chance to become a law in 1926 with the Illinois project in the bill. Some of you think not. Well, you try it out and see what kind of a prophet I am. I am talking very earnestly to you now. I hope that all the Members who have a "stake" in this bill, and there are many of you, will take due and timely notice thereof and govern yourselves accordingly. Because with the Illinois project out of this bill it will slip through the House in short order.

Do you know how you feel when you know that some great catastrophe is going to happen to you—some terrible calamity is hanging over our heads—you are having a hideous nightmare, and you wake up trying to cry out and you can not make yourself heard? Well, that is the way I feel now. I feel that they will do something that will take all the joy out of life for us on the Great Lakes.

My people at home feel just that way. People who are not being hurt do not resort to the boycott. People whose lives are endangered will do anything to save their lives. That applies to the physical lives of individuals and to the com-

mercial lives of communities. In my home paper last week I read an article under these headlines:

Architects balk at water steal. Art Crafts Association will not specify Chicago products.

They adopted resolutions as follows:

The city of Chicago, through its drainage canal, has lowered the levels of the Great Lakes, thereby lessening shipping tonnage, excluding ships from making certain docks, causing damage to property abutting the Lakes and tributaries, inconveniencing the general public with the necessary operation of certain municipal water supplies. We, as architects, refuse to specify or use any Chicago-made or represented product; that we tell all sales representatives from Chicago or its branches of this resolution and that we will not be interviewed by them until such time as the people of Chicago themselves demand and enact legislation that proper sewage disposal be made for Chicago without diversion of water from the Great Lakes.

That is the way the Art Crafts Associations of the Great Lakes territory feel. It is the way I feel.

I have been a Member of this House now for nearly four years. I have tried to help along all lines. I have never been an obstructionist. My attendance here upon the session of the House has been constant during the four years. I have not missed a roll call this session. I have never made a point of order that there was no quorum present. I have never voted to override the decision of the Chair.

My viewpoint has always been national instead of local. In my committee work I have been a special friend of the Pacific coast, the Texas-Louisiana waterways, the other Gulf and Atlantic coast projects have always had my hearty support. I refer you to my votes on the Mississippi Valley and other inland projects. The Great Lakes' interests in the past have been neglected.

Now, added to that neglect they are trying to do us to death. Did you ever see a wild animal fight for its life when it is cornered, when its back is to the wall and it knows it must overcome its enemies or give up its life? Did you ever see the mother or father bear fight for their young when they are in danger? Well, you are going to see an imitation of that kind of a fight if wickedly and cruelly they try to pass this rivers and harbors bill with the Illinois project in it.

We shall exercise our rights and constitutional privileges to the limit in an attempt to save our people, their business rights, and commercial interests from this great wrong.

I read in the Washington Star last Sunday a press dispatch from Chicago headed, "Lake-level fall held temporary." We are now passing through a 10-year cycle of low water. The lake levels are now 4 feet below normal. This is the lowest for 65 years. The shipping interests are suffering an annual loss of $17,700,000 in freight returns through the low levels. They go on to say that only 6 inches of this can be charged up to Chicago diversion. The rest must be charged to lack of precipitation and excessive evaporation. Well, who controls rainfall and evaporation? Nature or God Almighty? Who created the Chicago River and caused it to flow from the top of the Continental Divide into Lake Michigan; away from the Mississipi Valley into the Great Lakes basin? Who broke God's plans and caused the Chicago River to flow from Lake Michigan through the Continental Divide into the Mississippi Valley, taking twenty-five times its natural flow from Lake Michigan? Ten thousand cubic feet of water each second. Enough water to drown every man, woman, and child in the District of Columbia every second. Sixty times that amount each minute, three hundred and sixty times that volume each hour, 8,640,000 cubic feet of water each day—day and night for a week, a month, a year, and for 30 years.

It may be that God is visiting this low-water cycle upon us because we did not rise up in our wrath and smite these water thieves hip and thigh.

No matter what you may hear, there are just two causes for low lake levels—lack of rainfall and Chicago diversion. We can not control the rainfall. We can stop the Chicago diversion just as soon as proper disposal plants can be constructed for Chicago sewage. These plants can be built in five years and will cost less than $70,000,000 for a population of 4,000,000. Five years will build these plants. Let us, the Great Lake interests, build these plants and save our shipping interests. We are losing $20,000,000 annually now because of subnormal water levels. We would be money ahead to build these reduction works and save the life of the Great Lakes. The Great Lakes are bleeding to death through that ugly wound in their side—the Chicago Drainage Canal. They are sapping the life blood from the greatest transportation agency in the world. These inland seas have been one of the principal factors in the making of this Nation. I am calling upon you to-day to save them. Save our commercial existence. Same them for the people. Save them for Chicago and Illinois. Save these men from themselves. [Applause.]

Mr. WYANT. Will the gentleman yield?

Mr. CHALMERS. I will to my friend.

Mr. WYANT. I believe the gentleman is a member of this committee.

Mr. CHALMERS. I am.

Mr. WYANT. What is the total amount of the cost of completing this project?

Mr. CHALMERS. Approximately $40,000,000.

Mr. WYANT. By whom was that estimate made?

Mr. CHALMERS. By the Board of Engineers for Rivers and Harbors.

Mr. WYANT. In view of our experience with these projects, does not the gentleman think that this project will cost nearer $100,000,000?

Mr. CHALMERS. No; I think the estimate of the engineers is very fair.

Mr. KINDRED. Will the gentleman yield for a brief question?

Mr. CHALMERS. Yes; I always must yield to my friend from New York.

Mr. KINDRED. I desire to ask the gentleman, with whom I have the most pleasant relations on the committee and otherwise, if he does not believe that the committee has used every effort to make the provision proposed in regard to the diversion of the water as clear as the English language can make it?

Mr. CHALMERS. I will say to my friend that I think Senator BURTON'S answer was conclusive on that subject. This is the first time in 30 years that congressional approval has been asked for the abstraction of water at Chicago. Never before in the history of all this wicked diversion of water has congressional approval ever been asked. We are asked to approve of a project that requires 8,250 cubic feet of water per second to run it. That is what Congress is doing if you adopt the project and give it congressional approval. I will take that up in general debate.

Mr. KINDRED. But, on the contrary, does not the amendment provide that the question of diversion shall be left just as if the bill had not been enacted into law?

Mr. CHALMERS. You can not do one thing and then say you did not do it. You by this bill are asked to indorse a project that requires 8,250 cubic feet to run it, and that will in my opinion settle the question in the Supreme Court.

Mr. SABATH. Will the gentleman yield?

Mr. CHALMERS. For a question.

Mr. SABATH. Is it not a fact that every engineer of reputation has stated that by compensating constructions at small cost the level of the lake can be increased 3 or 4 feet?

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. KUNZ].

Mr. KUNZ. Mr. Speaker, the argument with reference to the withdrawal of water from Lake Michigan has resolved itself into a mud-slinging contest. Accusations have been made by gentlemen that the levels of the Lakes are being lowered by diversion of water from Lake Michigan for the purpose of connecting the Great Lakes with the Gulf of Mexico.

I am somewhat surprised that the gentleman who previously addressed the House [Mr. BURTON], and who was the presiding officer at the last Republican National Convention, dares to-day to come before the Members of this House, and before this country, and repudiate that part of the platform, which the Republican Party adopted at its last convention, relating to the Great Lakes to the Gulf of Mexico waterway. I want to call your attention to this plank of the Republican platform, on which the people of the Middle West and the people of this country elected Members of Congress and elected the President of the United States. The Republican Party platform of 1924 committed itself to the Great Lakes to Gulf waterway in the following language:

Fully realizing the vital importance of transportation in both cost and service to all our people we favor the construction of the most feasible waterways from the Great Lakes to the Atlantic seaboard and the Gulf of Mexico, and the improvement and development of rivers, harbors, and waterways, inland and coastwise, to the fullest extent justified by the present and potential tonnage available.

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. KUNZ. Yes.

Mr. WYANT. Did not the persons who drew that plank have in mind the construction of a canal down through western Pennsylvania from Pittsburgh?

Mr. KUNZ. Oh, you can not connect western Pennsylvania and Pittsburgh with the Gulf of Mexico.

Mr. WYANT. Do we not have an Ohio River improvement and a Mississippi River improvement?

Mr. KUNZ. I know, but you can not connect that from the Great Lakes.

Mr. WYANT. Does not the gentleman know that through a small tributary of the Ohio and Mississippi Rivers we shipped 28,000,000 tons of freight in a single year?

Mr. KUNZ. Yes; but you ship that much north, too. The Democratic platform stated:

> We favor and will promote deep waterways from the Great Lakes to the Gulf.

President Coolidge in his first message to Congress stated:

> The time has come to resume in a moderate way * * * the improvement of the waterways from the Great Lakes toward the Gulf of Mexico.

The successful completion of the waterways from the Great Lakes to the Gulf of Mexico is dependent upon a proper diversion of water from Lake Michigan through the Chicago Drainage Canal and must be provided for.

That this diversion of water from Lake Michigan into the Chicago Drainage Canal was reckoned with in the boundary waters treaty of 1910 concluded between the United States and Great Britain is shown by the following statement made by Hon. Elihu Root, Secretary of State, during the consideration of the treaty before the Senate Committee on Foreign Affairs:

> The great bulk of water goes on the Canadian side, and the waterways commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet additional to get round numbers—so our limit is higher than we want, but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then there is this further fact why we could not object to this 36,000 cubic feet per second on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not permit them to say anything in the treaty about Lake Michigan. I would not have anything in the treaty about it, and under the circumstances I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

The facts clearly show that as far back as 1826, when Congress was memorialized by the General Assembly of Illinois to unite the waters of Lake Michigan with the Illinois River by the construction of a canal, in order to add to the great connecting links in the chain of internal navigation, the State of Illinois has been interested and working for the development of a navigable waterway from the Great Lakes to the Gulf of Mexico.

At least two-thirds of the distance between Chicago and New Orleans now has a project depth of 9 feet or more.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. KUNZ. Yes.

Mr. HOWARD. I would like to ask how the gentleman voted yesterday with reference to his party platform pledge for farm relief.

Mr. KUNZ. I voted conscientiously, and, as I believe, in the interest of the people of this country, and I say to the gentleman that I do not think the farmers to-day know what they want. If they did, I would be willing to vote for it and give them what they want.

Mr. CHINDBLOM. Did the Democratic platform declare for the Haugen bill? If it did, your party repudiated it yesterday.

Mr. HOWARD. First, the gentleman being a parliamentarian, he ought to get permission of the Chair to interrupt the gentleman. You get your permission—and pardon me for using the pronoun—and if the gentleman from Illinois [Mr. KUNZ] will give permission, then I shall try to answer the gentleman's question.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. The gentleman from Illinois [Mr. KUNZ], my colleague, has the floor, not the gentleman from Nebraska.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Speaker, these gentlemen should not take the gentleman's time.

Mr. SNELL. Mr. Speaker, I am not going to yield any time for the purpose of discussing extraneous matters. The only proposition before the House is whether we shall adopt this rule providing for the consideration of the general river and harbor bill. The individual items of that bill are not before the House at the present time.

Mr. KUNZ. No; the individual items are not, but the question has been raised by the gentleman from Ohio [Mr. BURTON] in respect to the diversion of water from Lake Michigan.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. POU. Mr. Speaker, in view of the fact that so little time has been taken on this side, I am sure the gentleman from New York will be willing to yield a little more time.

Mr. SNELL. Mr. Speaker, I am willing to yield the gentleman some more time, but I think a discussion of the farm problem is entirely out of order at this time. I yield five minutes more to the gentleman from Illinois.

Mr. KUNZ. Mr. Speaker, there is not any question but that this project—that is, the Great Lakes to the Gulf of Mexico improvement—will necessitate the diversion of water from Lake Michigan. We are not camouflaging about that. We come before you because we believe you are going to be fair and honest in this proposition. We believe that you are going to stand by the pledges that were made to the people. We believe that the President, elected by a larger majority than any man has received heretofore, was elected by the Republicans and Democrats alike because they believed in him and believed in his pledges and the pledges of the Republican Party. Are you going to deceive the voters now, because some gentlemen come here and say that there is a diversion of water from Lake Michigan which is lowering the levels of the Lakes?

What about the extensive improvements in the Detroit and St. Clair Rivers, which have greatly increased the outflow from Lakes Michigan and Huron and lowered the lake levels more than the diversion at Chicago has lowered these levels? How about the diversions at Niagara Falls and the Welland Canal—those are for power purposes and for private gain. There are 6,000,000 horsepower going to waste down the St. Lawrence, and of that amount 5,250,000 is Canadian and 750,000 is American, so that if this 10,000 cubic feet of water we are using goes down the St. Lawrence more than five-sixths goes to enrich the Canadian interests.

This Great Lakes to the Gulf of Mexico waterway is an all-American project, and I defy anyone to state differently; but when you divert water at Niagara Falls a great deal of it is being used by the Canadian Government, thus giving the Canadians the benefit of the power and depriving the people of the Middle West and the farmer and the business man of that to which he is entitled—a navigable stream and cheaper transportation.

As I said before, at least two-thirds of the distance between Chicago and New Orleans now has a project depth of 9 feet or more. The remaining improvement necessary involves a diversion of water from Lake Michigan to supply the needs of navigation because of the fact that at low-water stages the natural flow of the Illinois and Mississippi Rivers is not sufficient to provide a navigable channel. This fact has been recognized by Congress for more than 100 years, and water has, in fact, been diverted for canal purposes since 1848, in which year the Illinois and Michigan Canal was completed. From 1903 to 1925 the authorized diversion for sanitary purposes was limited to 4,167 cubic feet per second, but, as a matter of necessity and to preserve the public health, an average of 8,500 to 10,000 cubic feet per second has been diverted for 10 years or more past, and the present permit from the Secretary of War to the Sanitary District of Chicago authorizes a diversion of 8,500 feet per second for a five-year period only.

Engineers have agreed that the diversion at Chicago has reduced the levels of Lakes Michigan and Huron about 5½ inches, with a lesser effect on the lower lakes, and that the continued diversion of 8,500 to 10,000 cubic feet per second will have no greater effect in lowering the levels. Navigation interests on the Great Lakes oppose this diversion on the theory that it affects the depth of water in the harbors and channels of the Lakes, and is thus injurious to lake transportation. Here I would call your attention to the fact that of the $121,000,000 or more which has been spent in the improvement of the channels and harbors on the Great Lakes, the State of Illinois has paid its proportional share in taxes; the people of Illinois enjoy the benefits of lake navigation, perhaps, to a greater extent than any other State in the Union, and it follows that we are just as anxious as any other State to maintain proper depths and channels in the harbors of the Lakes.

The people of Illinois have spent in excess of $75,000,000 in building a channel from Lake Michigan to connect with the Illinois River. The State of Illinois is in the process of spending $20,000,000 to continue this waterway to connect with the navigable waters of the Illinois River at Utica, a distance of 60 miles.

The permit issued by the Secretary of War on March 3, 1925, granting to Chicago permission to divert an average of 8,500 cubic feet of water per second from Lake Michigan through the drainage canal required that the sanitary district of Chicago should "carry out a program of sewage treatment by artificial processes which will provide the equivalent of the complete—100 per cent—treatment of the sewage of a human population of at least 1,200,000 before the expiration of the permit." The rate of construction of artificial sewage-treatment facilities required under the provision of the permit which I have just stated was about twice that which the sanitary district was able to finance under its existing financing capacity, so on July 1, 1925, authority was obtained from the Illinois State Legislature to increase the bonding rate from 3 per cent to 4 per cent of the assessed valuation of all property within the sanitary district. The proposed artificial sewage-treatment construction for the next five years has been approved by the United States district engineer at Chicago. This construction will cost approximately $53,000,000, and on December 3, 1925, just nine months after the issuance of the permit by the Secretary of War, over $8,000,000 is known to have been spent in carrying out the sewage-treatment program. Prior to December 3, 1925, over $47,000,000 had been spent by the sanitary district on artificial sewage treatment.

The permit of the Secretary of War, dated March 3, 1925, also specified that if—

> within six months after the issuance of this permit, the city of Chicago does not adopt a program for metering at least 90 per cent of its water service and provide for the execution of said program at the average rate of 10 per cent per annum thereafter, this permit may be revoked without notice.

On September 1, 1925, the city council of Chicago adopted an ordinance providing for the metering of the water supply at the rate of 10 per cent per year, in accordance with the terms of the permit, and the budget of the city of Chicago for the year 1926 includes appropriations for the execution of this ordinance.

The permit of March 3, 1925, further required that—

> The Sanitary District of Chicago shall pay its share of the cost of regulating or compensating works to restore the levels or compensate for the lowering of the Great Lakes system, if and when constructed, and post a guarantee in the way of a bond or certified check in the amount of $1,000,000 as an evidence of its good faith in this matter.

The board of trustees of the sanitary district has agreed to pay its share of the cost of regulating or compensating works to restore the lake levels, and on September 17, 1925, transmitted to the Secretary of War a guaranty of its good faith in the matter in the form of a bond for $1,000,000.

Engineers have agreed that the Chicago, or any other diversion from the Lakes, can be compensated for by the construction of regulating or controlling works at the outlets of the Great Lakes. It has been found by engineers who have made a study of the situation that these regulating works will control the lake levels and hold them or restore them to any desired stage. Chicago, which is charged with only 12½ per cent of the present lowered levels of Lakes Michigan and Huron, is perfectly willing and anxious to pay its proportion of the cost of remedial or compensatory works in order to overcome its share of the damage. The bitter antagonism of our opponents is evidenced by their expressed unwillingness to drop their fight against us even though we shall establish these regulating works which will beyond a shadow of a doubt restore the levels of the Lakes to what they were before the diversion.

Let me call attention to an article which was published in the United States Daily of May 20, 1926:

> Low water levels in the Great Lakes are attributed to unusually dry weather, especially during the past nine years, in a statement issued by the Department of Agriculture May 19.
>
> Deforestation, swamp drainage, and soil cultivation have had no measurable effect in lowering the Lakes, Weather Bureau records are declared to show, and it is suggested that the Lakes will again rise following years of heavy rainfall, which may be expected.
>
> The full text of the statement follows:
>
> "The Weather Bureau has just completed a compilation of the amount of rainfall and snowfall, technically known as 'precipitation,' in the basin of the Great Lakes for the 50-year period ending with 1924.
>
> "The persistent lowering of the water levels in the Great Lakes during recent years has caused wide discussion both in the United States and Canada and has become a subject of congressional investigation and international correspondence. Broadly speaking, the Weather Bureau's study has shown that the removal of the forest, the drainage of swamps, and the cultivation of the soil have had no measurable effect upon the precipitation and consequently upon the lake levels.
>
> "There has been, however, pronounced variations in the individual years that go to make up the record, the outstanding variations being, first, heavy rains during the 10 years, 1875–1884; second, a long time of moderate but on the whole diminished precipitation, 1885–1916; and finally, nine years of much lighter rains than usual, 1917 to date. The years 1894–95 and 1910 were especially dry in the lake region, as elsewhere in the United States.
>
> "Past records of rainfall indicate that after a prolonged period of deficient rainfall normal rains or rainfall in excess of normal may be expected to prevail."

Can the people of Illinois be blamed for the lack of rainfall? Why did not the gentlemen who are opposing this proposition stand here and say that they are opposed to navigation from the Lakes to the Gulf? Why will they not candidly say they oppose this navigation project because they are unwilling to give this benefit to the Middle West farmer and business man? Why do they not come in here and admit they are opposed to this proposition because they fear the East is going to give some benefit to the Middle West by assisting in the passage of legislation designed to open this great inland waterway from the Great Lakes to the Gulf of Mexico?

The region that would be served by this great inland waterway from the Great Lakes to the Gulf of Mexico produces 68 per cent of our total exportable products, 44 per cent of our manufactured goods, and 70 per cent of our total agricultural products. Eighty-one per cent of our wheat, 86 per cent of our corn, and 87 per cent of our oats are raised in the Mississippi Basin. Sixty-two per cent of our cotton, 53 per cent of our lumber, and 75 per cent of our livestock come from the Mississippi Valley territory. Can there be any doubt but that the completion of the Lakes to the Gulf waterway—and by completion I mean the diversion of 10,000 cubic feet of water per second from Lake Michigan into the Chicago Drainage Canal, which is necessary as the last connecting link in this great project—is absolutely essential to the farmer, the merchant, and the manufacturer of the Middle West, so that he can compete on equal terms with his eastern competitors? When the entire Nation contributed toward building the Panama Canal we made it possible for the eastern manufacturers to ship their products to the Pacific coast at much lower rates than our middle western industries are able to obtain. A navigable waterway through the Mississippi Valley would correct this discrimination against the Middle West in the operation of the Panama Canal.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SNELL. Mr. Speaker, the debate on this resolution has taken an entirely different trend from that which I had expected. The only question at present before the House is whether we shall adopt this rule for the consideration of the river and harbor bill. The individual items——

Mr. SOSNOWSKI. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum.

Mr. SNELL. I believe there is a desire on the part of a majority of the Members of the House to consider this legislation. As far as I am individually concerned, I am very much opposed to some of the items in the bill, and I shall oppose those items at the proper time, but I am not against the consideration of the bill, and the only question now before us is, Shall we adopt the rule and consider the legislation? And I move the previous question on the resolution.

Mr. BURTON. Before that, just one question. There was no final arrangement as to the division of time. As I understand the senior member was to yield half of the time, or three hours, to the gentleman from Ohio [Mr. MOONEY]. Is that correct?

Mr. SNELL. That has been agreed on.

Mr. BURTON. That is definitely understood?

Mr. SNELL. Yes, sir.

The SPEAKER pro tempore. The gentleman from New York moves the previous question.

Mr. CANNON. Getting back to the rule itself, I notice——

Mr. SNELL. Mr. Speaker, I ask for a vote on the resolution.

The previous question was ordered.

Mr. SNELL. Mr. Speaker, I move the adoption of the resolution.

The question was taken, and the resolution was agreed to.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11616.

Mr. MAPES. Mr. Speaker, before the motion is put I desire to reserve all points of order against the bill.

The SPEAKER pro tempore. The gentleman from Michigan reserves all points of order against the bill.

Mr. CHINDBLOM. Mr. Speaker, I object to any reservation of points of order. I demand the regular order and object to reservations of points of order.

Mr. SNELL. Mr. Speaker, it seems to me a man has a right to reserve a point of order at any time in the House before the consideration——

Mr. CHINDBLOM. But you can not do that over an objection. I demand the regular order, and the regular order is, if there are points of order they should be presented.

The SPEAKER pro tempore. Does the gentleman wish to present his points of order?

Mr. BURTON. Is it not customary just prior to entering into the Committee of the Whole House on the state of the Union to reserve all points of order as a general proposition?

Mr. CRAMTON. Mr. Speaker, the gentleman from Illinois [Mr. CHINDBLOM] demands all points of order be now made. Now I am not sure as to the right to insist upon that, but there are a number of points of order and if it does develop they have to be made at this time I think I can promise the gentleman from Illinois it will take some little time before he gets into the Committee of the Whole House on the state of the Union for the consideration of the bill. I will say this, that if we are not going to have this customary request granted, that in my service I have never heard denied that points of order can be reserved, then I will say it is going to take some time to get into the Committee of the Whole House on this bill. We are not going to be driven into unseemly haste in this matter, and be told now, as we are about to begin three days of general debate before it is taken up under the five-minute rule, that no points of order can be reserved. The gentleman can not drive us in that fashion.

Mr. CHINDBLOM. Mr. Speaker, if the gentleman from Michigan may contain himself in patience a moment——

Mr. MAPES. Mr. Speaker, I think we ought to have a quorum here under the circumstances, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ninety-seven gentlemen are present, not a quorum.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from New York moves a call of the House.

Mr. CRAMTON. Mr. Speaker, I demand a division on that motion.

The SPEAKER pro tempore. A division is demanded on the motion. As many as favor a call of the House will rise and stand until they are counted.

The House divided; and there were—ayes 61, noes 23.

Mr. MAPES. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays on the pending question.

The SPEAKER pro tempore. The yeas and nays are demanded. Those in favor of taking the vote by yeas and nays will stand until they are counted. [After counting.] Forty-seven Members have arisen—a sufficient number.

The yeas and nays were ordered.

The SPEAKER pro tempore. Those in favor of a call of the House will, when their names are called, answer "aye"; those opposed will answer "no."

The question was taken; and there were—yeas 178, nays 143, not voting 110, as follows:

[Roll No. 96]

YEAS—178

Ackerman	Bowman	Canfield	Crisp
Andresen	Brand, Ga.	Carew	Crosser
Ayres	Brand, Ohio	Carter, Calif.	Crowther
Bacharach	Brigham	Chalmers	Curry
Bacon	Britten	Christopherson	Davenport
Barbour	Brumm	Cole	Davey
Beck	Buchanan	Collins	Deal
Beers	Bulwinkle	Colton	Denison
Bell	Burton	Connery	Dickinson, Iowa
Black, N. Y.	Busby	Connolly, Pa.	Dickinson, Mo.
Black, Tex.	Butler	Cooper, Wis.	Dominick
Blanton	Byrns	Coyle	Douglass
Bowling	Campbell	Cramton	Dowell
Doyle	Hoch	McLaughlin, Nebr.	Sears, Nebr.
Dyer	Hooper	MacGregor	Shallenberger
Eaton	Howard	Madden	Shreve
Eslick	Huddleston	Magee, N. Y.	Smith
Esterly	Hudson	Magrady	Sosnowski
Evans	Hudspeth	Mapes	Speaks
Faust	Hull, Tenn.	Martin, Mass.	Sproul, Kans.
Fish	James	Menges	Stalker
Fisher	Jenkins	Michener	Steagall
Fitzgerald, W. T.	Johnson, S. Dak.	Montgomery	Strong, Kans.
Foss	Johnson, Tex.	Mooney	Swank
Frear	Johnson, Wash.	Moore, Ky.	Swing
Fuller	Kahn	Moore, Ohio	Taylor, N. J.
Fulmer	Keller	Moore, Va.	Thomas
Funk	Kemp	Morrow	Tinkham
Furlow	Kerr	Murphy	Tolley
Garber	Ketcham	Nelson, Mo.	Underhill
Gibson	Kiess	Nelson, Wis.	Updike
Gilbert	Kopp	Newton, Minn.	Upshaw
Goodwin	Kvale	O'Connell, R. I.	Vestal
Greenwood	LaGuardia	O'Connor, La.	Vinson, Ky.
Griest	Lampert	Phillips	Voigt
Hadley	Lanham	Pou	Walters
Hall, Ind.	Larsen	Quin	Watres
Hammer	Lea, Calif.	Reed, N. Y.	White, Kans.
Hardy	Leatherwood	Reid, Ill.	Wolverton
Haugen	Leavitt	Rogers	Woodruff
Hayden	Letts	Romjue	Wright
Hersey	Little	Sanders, Tex.	Wyant
Hickey	McClintic	Sandlin	Zihlman
Hill, Md.	McFadden	Schneider	
Hill, Wash.	McLaughlin, Mich.	Scott	

NAYS—143

Abernethy	Garrett, Tenn.	Lyon	Seger
Adkins	Garrett, Tex.	McDuffie	Sinclair
Allen	Gifford	McKeown	Sinnott
Allgood	Goldsborough	McMillan	Snell
Almon	Gorman	McReynolds	Somers, N. Y.
Andrew	Green, Fla.	McSweeney	Spearing
Arentz	Green, Iowa	Major	Sproul, Ill.
Arnold	Hale	Mansfield	Stobbs
Aswell	Hare	Martin, La.	Strong, Pa.
Berger	Harrison	Miller	Strother
Bland	Hastings	Milligan	Summers, Wash.
Bloom	Hawes	Montague	Sumners, Tex.
Boies	Hawley	Morehead	Taber
Box	Hill, Ala.	Nelson, Me.	Temple
Briggs	Hogg	Newton, Mo.	Thurston
Burtness	Holaday	Norton	Tillman
Cannon	Hull, Morton D.	Oldfield	Tilson
Carpenter	Hull, William E.	Oliver, Ala.	Timberlake
Carter, Okla.	Irwin	Parker	Treadway
Chindblom	Jacobstein	Parks	Tydings
Collier	Jeffers	Peery	Underwood
Connally, Tex.	Johnson, Ill.	Pratt	Vincent, Mich.
Cox	Johnson, Ind.	Ragon	Wainwright
Crumpacker	Jones	Rainey	Warren
Darrow	Kearns	Rankin	Wason
Dempsey	Kincheloe	Rathbone	Watson
Drane	Kindred	Rayburn	Wefald
Driver	King	Reed, Ark.	Wheeler
Edwards	Kirk	Robinson, Iowa	Whitehead
Elliott	Kunz	Robsion, Ky.	Whittington
Fairchild	Kurtz	Rowbottom	Williams, Ill.
Fenn	Lankford	Rubey	Williams, Tex.
Fletcher	Lazaro	Rutherford	Wilson, La.
Free	Lehlbach	Sabath	Wilson, Miss.
Freeman	Lowrey	Sanders, N. Y.	Woodrum
Gardner, Ind.	Lozier	Schafer	

NOT VOTING—110

Aldrich	Ellis	McSwain	Stephens
Anthony	Fitzgerald, Roy G.	Magee, Pa.	Stevenson
Appleby	Flaherty	Manlove	Sullivan
Auf der Heide	Fort	Mead	Swartz
Bachmann	Fredericks	Merritt	Sweet
Bailey	French	Michaelson	Swoope
Bankhead	Frothingham	Mills	Taylor, Colo.
Barkley	Gallivan	Morgan	Taylor, Tenn.
Beedy	Gambrill	Morin	Taylor, W. Va.
Begg	Garner, Tex.	O'Connell, N. Y.	Thatcher
Bixler	Gasque	O'Connor, N. Y.	Thompson
Bowles	Glynn	Oliver, N. Y.	Tincher
Boylan	Golder	Patterson	Tucker
Browne	Graham	Peavey	Vaile
Browning	Griffin	Perkins	Vare
Burdick	Hall, N. Dak.	Perlman	Vinson, Ga.
Carss	Houston	Porter	Weaver
Celler	Johnson, Ky.	Prall	Weller
Chapman	Kelly	Purnell	Welsh
Clague	Kendall	Quayle	White, Me.
Cleary	Kiefner	Ramseyer	Williamson
Cooper, Ohio	Knutson	Ransley	Wingo
Corning	Lee, Ga.	Reece	Winter
Cullen	Lindsay	Rouse	Wood
Davis	Lineberger	Sears, Fla.	Wurzbach
Dickstein	Linthicum	Simmons	Yates
Doughton	Luce	Smithwick	
Drewry	McLeod	Stedman	

So a call of the House was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Kendall with Mr. Drewry.
Mr. Vare with Mr. Gallivan.
Mr. Perkins with Mr. Cullen.
Mr. Welsh with Mr. Garner of Texas.
Mr. Patterson with Mr. Boylan.
Mr. Sweet with Mr. Wingo.
Mr. Graham with Mr. Sears of Florida.
Mr. Wood with Mr. O'Connell of New York.
Mr. Perlman with Mr. Taylor of West Virginia.

Mr. Mills with Mr. Auf der Heide.
Mr. McLeod with Mr. Celler.
Mr. Appleby with Mr. Smithwick.
Mr. Luce with Mr. Quayle.
Mr. Golder with Mr. Rouse.
Mr. Ransley with Mr. Lindsay.
Mr. Morin with Mr. O'Connor of New York.
Mr. Michaelson with Mr. Taylor of Colorado.
Mr. Purnell with Mr. Corning.
Mr. Magee of Pennsylvania with Mr. Barkley.
Mr. Kiefner with Mr. Sullivan.
Mr. Thatcher with Mr. Bankhead.
Mr. Begg with Mr. Oliver of New York.
Mr. Fort with Mr. Weaver.
Mr. Stephens with Mr. Mead.
Mr. Yates with Mr. Johnson of Kentucky.
Mr. Burdick with Mr. Weller.
Mr. Manlove with Mr. Vinson of Georgia.
Mr. Bixler with Mr. Doughton.
Mr. Cooper of Ohio with Mr. McSwain.
Mr. French with Mr. Stedman.
Mr. Simmons with Mr. Tucker.
Mr. Frothingham with Mr. Davis.
Mr. Porter with Mr. Browning.
Mr. Clague with Mr. Cleary.
Mr. Bailey with Mr. Carss.
Mr. White of Maine with Mr. Gambrill.
Mr. Merritt with Mr. Dickstein.
Mr. Anthony with Mr. Gasque.
Mr. Colton with Mr. Stevenson.
Mr. Aldrich with Mr. Chapman.
Mr. Thompson with Mr. Griffin.
Mr. Ellis with Mr. Linthicum.
Mr. Glynn with Mr. Peavey.
Mr. Fredericks with Mr. Prall.
Mr. Taylor of Tennessee with Mr. Lee of Georgia.

Mr. BEEDY. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. BEEDY. I was not.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. SIMMONS. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. SIMMONS. I was not.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. CARSS. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. CARSS. I was not.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. WILLIAMSON. Mr. Speaker, I desire to vote "nay."

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called?

Mr. WILLIAMSON. No; I just came into the Hall.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRAMTON. Would it be in order to have an announcement of this vote?

The SPEAKER pro tempore. The tally clerks have not yet completed the computation. A number of changes have been made and it will require considerable time on the part of the tally clerks, and it is not their fault.

The result of the vote was announced as above recorded.

Mr. SNELL and Mr. MADDEN moved to dispense with further proceedings under the call.

Mr. WOODRUFF. Mr. Speaker, I offer a preferential motion, and that is, that the House do now adjourn.

Mr. GARRETT of Tennessee. Will the gentleman withhold that motion for a moment?

Mr. WOODRUFF. For what purpose?

Mr. GARRETT of Tennessee. In order that I may make an inquiry of the Chair.

Mr. WOODRUFF. I will withhold it for that purpose.

Mr. GARRETT of Tennessee. I misstated the proposition. I want to make an inquiry of the gentleman from Michigan rather than of the Chair. Does the gentleman think that by adjourning, the Republican Party may probably get together on this proposition?

Mr. WOODRUFF. I will say for the benefit of the gentleman from Tennessee that it is very evident that the membership upon both sides of the House are not in a mood this afternoon to transact the public business, and therefore I renew my motion.

The question was taken; and on a division (demanded by Mr. CRAMTON and Mr. WOODRUFF) there were—ayes 65, noes 100.

Mr. WOODRUFF and Mr. BLANTON demanded tellers.

The SPEAKER pro tempore. The gentleman from Michigan and the gentleman from Texas demand tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Thirty-eight gentlemen have risen, not a sufficient number, so tellers are refused.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

Mr. CRAMTON. Mr. Speaker, I ask for the other side.

Mr. CHINDBLOM. Mr. Speaker, there is no other side.

Mr. MAPES. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Michigan asks for the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-one gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

Mr. CANNON. Mr. Speaker, as I understand it, there is a point of order pending before the House.

Mr. CHINDBLOM. Mr. Speaker, I did not make a point of order. I demanded the regular order.

Mr. MADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. There is no point of order pending until further proceedings are dispensed with.

Mr. CANNON. Then, Mr. Speaker, I make the point of order that the demand of the gentleman from Michigan [Mr. MAPES] is out of order. The reservation is out of order, and I desire to cite in support of the point of order——

The SPEAKER pro tempore. Further proceedings under the call have not been dispensed with, and the gentleman from Illinois [Mr. MADDEN] moves to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 166, noes 54.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11616.

Mr. CRAMTON. Mr. Speaker, I am demanding the yeas and nays. I have been on my feet all the time.

Mr. DEMPSEY. I was on my feet also.

Mr. CRAMTON. Mr. Speaker, during the announcement of the vote I was on my feet, and have been since, trying to get recognition to demand the yeas and nays on the motion to suspend further proceedings under the call.

Mr. DEMPSEY. But I got recognition, Mr. Speaker, and made my motion. The motion I made was pending anyway.

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. CRAMTON] demand the yeas and nays on the vote just taken?

Mr. CRAMTON. Yes.

The SPEAKER pro tempore. As many as are in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Fifty-one gentlemen have risen; not a sufficient number.

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union——

Mr. KELLER. Mr. Speaker, I dispute the count of the Chair and ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. CRAMTON and Mr. DEMPSEY.

The House divided, and the tellers reported that there were—ayes 64, noes 147.

The SPEAKER pro tempore. One-fifth of the Members present having voted in favor of ordering the yeas and nays, the yeas and nays are ordered, and the Clerk will call the roll.

Mr. McDUFFIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McDUFFIE. As I understand it, the question was whether or not we would have the yeas and nays; and the majority having voted not to have the yeas and nays, why is it that we have to have them?

The SPEAKER pro tempore. No; the Constitution happens to declare otherwise—that one-fifth of the Members present may order the yeas and nays.

Mr. McDUFFIE. Yes; but we were not voting as to the yeas and nays. The question was whether there would be the yeas and nays ordered.

The SPEAKER pro tempore. No; it was to determine whether there were a sufficient number demanding the yeas and nays under the Constitution.

Mr. McDUFFIE. I beg the Chair's pardon; I did not understand the question to be that. I understood the question to be whether or not we would have the yeas and nays.

The SPEAKER pro tempore. That was the question in effect.

The question was taken; and there were—yeas 241, nays 58, not voting 132, as follows:

[Roll No. 97]

YEAS—241

Abernethy	Dowell	Kerr	Rogers
Ackerman	Doyle	Kiess	Romjue
Adkins	Driver	Kincheloe	Rowbottom
Aldrich	Dyer	Kindred	Rubey
Allen	Edwards	King	Rutherford
Allgood	Elliott	Kirk	Sabath
Almon	Eslick	Kopp	Sanders, N. Y.
Anthony	Evans	Kunz	Sanders, Tex.
Arentz	Fairchild	Kvale	Sandlin
Arnold	Fenn	Lanham	Seger
Aswell	Fish	Lankford	Sinnott
Ayres	Fisher	Larsen	Snell
Bacharach	Fitzgerald, Roy G.	Lazaro	Somers, N. Y.
Bacon	Fitzgerald, W. T.	Lea, Calif.	Speaks
Barbour	Fletcher	Leatherwood	Spearing
Beedy	Foss	Lehlbach	Sproul, Ill.
Bell	Free	Little	Sproul, Kans.
Black, N. Y.	Freeman	Lowrey	Stalker
Black, Tex.	Fuller	Lozier	Steagall
Bland	Garber	Lyon	Stobbs
Blanton	Gardner, Ind.	McDuffie	Strong, Kans.
Bloom	Garrett, Tenn.	McKeown	Strong, Pa.
Boies	Garrett, Tex.	McMillan	Strother
Bowling	Gibson	McReynolds	Sumners, Tex.
Bowman	Gifford	McSweeney	Swank
Box	Gilbert	Madden	Sweet
Briggs	Goldsborough	Magee, N. Y.	Swing
Brigham	Gorman	Magrady	Taber
Britten	Green, Fla.	Major	Taylor, N. J.
Browning	Green, Iowa	Mansfield	Temple
Buchanan	Hale	Martin, La.	Thomas
Burton	Hall, Ind.	Martin, Mass.	Thompson
Busby	Hardy	Merritt	Thurston
Byrns	Hare	Miller	Tillman
Canfield	Hastings	Milligan	Tilson
Cannon	Hawes	Montague	Timberlake
Carew	Hawley	Montgomery	Tolley
Carter, Calif.	Hayden	Mooney	Treadway
Carter, Okla.	Hersey	Moore, Ky.	Tydings
Chindblom	Hickey	Moore, Va.	Underhill
Cole	Hill, Ala.	Morrow	Underwood
Collier	Hill, Md.	Nelson, Me.	Upshaw
Collins	Hill, Wash.	Nelson, Mo.	Vinson, Ky.
Colton	Hoch	Newton, Minn.	Wainwright
Connally, Tex.	Hogg	Norton	Warren
Connolly, Pa.	Holaday	O'Connell, R. I.	Wason
Cox	Howard	O'Connor, La.	Watson
Coyle	Hudspeth	Oldfield	Wheeler
Crisp	Hull, Tenn.	Oliver, Ala.	White, Kans.
Crosser	Hull, Morton D.	Parker	White, Me.
Crumpacker	Hull, William E.	Parks	Whitehead
Curry	Irwin	Peery	Whittington
Darrow	Jacobstein	Pou	Williams, Ill.
Davenport	Jeffers	Pratt	Williams, Tex.
Deal	Johnson, Ill.	Quin	Wilson, La.
Dempsey	Johnson, Ind.	Ragon	Wilson, Miss.
Denison	Johnson, S. Dak.	Rankin	Wolverton
Dickinson, Iowa	Johnson, Tex.	Rathbone	Wright
Dickinson, Mo.	Jones	Rayburn	
Dominick	Kahn	Reid, Ill.	
Douglass	Kemp	Robsion, Ky.	

NAYS—58

Beck	Fulmer	McLaughlin, Nebr.	Simmons
Begg	Greenwood	MacGregor	Sinclair
Berger	Hooper	Mapes	Sosnowski
Brand, Ohio	Huddleston	Michener	Summers, Wash.
Browne	Hudson	Moore, Ohio	Vincent, Mich.
Brumm	James	Morehead	Voigt
Bulwinkle	Jenkins	Murphy	Walters
Burtness	Kearns	Nelson, Wis.	Watres
Chalmers	Keller	Reed, N. Y.	Wefald
Christopherson	Ketcham	Robinson, Iowa	Williamson
Cooper, Wis.	Lampert	Schafer	Winter
Cramton	Leavitt	Schneider	Woodruff
Crowther	Letts	Scott	Wyant
Davey	McFadden	Shallenberger	
Frear	McLaughlin, Mich.	Shreve	

NOT VOTING—132

Andresen	Davis	Hadley	Michaelson
Andrew	Dickstein	Hall, N. Dak.	Mills
Appleby	Doughton	Hammer	Morgan
Auf der Heide	Drane	Harrison	Morin
Bachmann	Drewry	Haugen	Newton, Mo.
Bailey	Eaton	Houston	O'Connell, N. Y.
Bankhead	Ellis	Johnson, Ky.	O'Connor, N. Y.
Barkley	Esterly	Johnson, Wash.	Oliver, N. Y.
Beers	Faust	Kelly	Patterson
Bixler	Flaherty	Kendall	Peavey
Bowles	Fort	Kiefner	Perkins
Boylan	Fredericks	Knutson	Perlman
Brand, Ga.	French	Kurtz	Phillips
Burdick	Frothingham	LaGuardia	Porter
Butler	Funk	Lee, Ga.	Prall
Campbell	Furlow	Lindsay	Purnell
Carpenter	Gallivan	Lineberger	Quayle
Carss	Gambrill	Linthicum	Rainey
Celler	Garner, Tex.	Luce	Ramseyer
Chapman	Gasque	McClintic	Ransley
Clague	Glynn	McLeod	Reece
Cleary	Golder	McSwain	Reed, Ark.
Connery	Goodwin	Magee, Pa.	Rouse
Cooper, Ohio	Graham	Manlove	Sears, Fla.
Corning	Griest	Mead	Sears, Nebr.
Cullen	Griffin	Menges	Smith
Smithwick	Taylor, Colo.	Updike	Welsh
Stedman	Taylor, Tenn.	Vaile	Wingo
Stephens	Taylor, W. Va.	Vare	Wood
Stevenson	Thatcher	Vestal	Woodrum
Sullivan	Tincher	Vinson, Ga.	Wurzbach
Swartz	Tinkham	Weaver	Yates
Swoope	Tucker	Weller	Zihlman

So the motion to dispense with further proceedings under the call was adopted.

The Clerk announced the following pairs:

Until further notice:

Mr. Butler with Mr. Drane.
Mr. Smith with Mr. Rainey.
Mr. Faust with Mr. Hammer.
Mr. Griest with Mr. Connery.
Mr. Vestal with Mr. Brand of Georgia.
Mr. Newton of Missouri with Mr. Stevenson.
Mr. Beers with Mr. Harrison.
Mr. Funk with Mr. Wingo.
Mr. Zihlman with Mr. Gambrill.
Mr. Porter with Mr. Woodrum.
Mr. Andrew with Mr. Reed of Arkansas.
Mr. Campbell with Mr. Tucker.
Mr. Furlow with Mr. Oliver of New York.
Mr. Hadley with Mr. Gasque.
Mr. Johnson of Washington with Mr. McClintic.
Mr. Kurtz with Mr. Griffin.
Mr. Swartz with Mr. Chapman.
Mr. Ramseyer with Mr. Dickstein.
Mr. Reece with Mr. LaGuardia.

Mr. BRAND of Georgia. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. BRAND of Georgia. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. FAUST and Mr. FORT announced that they were present but did not qualify.

The result of the vote was announced as above recorded.

Mr. WOODRUFF. Mr. Speaker, I move that the House do now adjourn.

Mr. MADDEN. I make the point of order that the motion is dilatory.

Mr. DEMPSEY. That motion has been made two or three times and voted down.

Mr. CRAMTON. Let us have an accurate statement; it has been voted down only once.

The SPEAKER. The Chair is informed that it was made just prior to the last roll call, and therefore the Chair holds that it is dilatory.

Mr. WOODRUFF. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Michigan makes the point of order that no quorum is present.

Mr. GARRETT of Tennessee. Mr. Speaker, would it be in order, pending the count, if the Democrats should withdraw in order that the Republicans might do business? [Laughter.]

The SPEAKER. Does the gentleman desire to have his question answered?

Mr. GARRETT of Tennessee. No. I just asked the question. [Laughter.]

Mr. CRAMTON. It would at least be helpful if they would.

The SPEAKER (after counting). Two hundred and thirty-seven Members are present, a quorum.

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MAPES. Mr. Speaker, a point of order. Some time ago when this motion was made, and the Speaker pro tempore was in the chair, I made a reservation against all points of order on the bill, and objection was made at that time that I should make the points of order that I had in mind. I was not prepared at the time to do that, and I do not know whether that point is insisted upon now or not; but whether it is or not, I desire to make the point of order at this time that this bill is reported contrary to the rules of the House, which authorizes only the Appropriations Committee to report bills making appropriations, and therefore it is improperly on the calendar and should be stricken from the calendar.

In that connection I desire to call the Chair's attention to one or two paragraphs of the bill. Page 13, section 6, beginning with line 13, has this language:

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from appropriations heretofore made, or to be hereafter made, for examinations, surveys, and contingencies for rivers and harbors.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. GARRETT of Tennessee. The point of order the gentleman makes may lie in Committee of the Whole, but it does not seem to me that it will lie in the House. Admittedly the bill was not a privileged bill under the rules, and therefore the Committee on Rules brought in the special rule making it in order. The point of order that is being made by the gentleman may lie in Committee of the Whole, but it does not lie on the question of consideration because of the special rule.

Mr. MAPES. I make the point of order now, although I have not read the rule recently; but my understanding of the rule is that the point of order against the appropriation in a bill reported by a legislative committee can be made at any time. I am therefore making it at this time.

Page 21 of the bill reported by the Committee on Rivers and Harbors has this language:

and the Secretary of War is hereby authorized to expend for this purpose, from appropriations heretofore or to be hereafter made for examinations, surveys, and contingencies, an amount not to exceed $100,000.

That is the proposed survey of the all-American or all-New York survey. Now, Mr. Speaker, fortunately that language has been passed upon by former Speakers on two or three different occasions as being in effect an appropriation.

The SPEAKER. The Chair would like to know whether the gentleman is making his point of order against the report of the bill or against a specific item contained in it.

Mr. MAPES. I am making it against the entire bill because it contains appropriations. I would like to call the Speaker's attention to one or two decisions.

I read from the CONGRESSIONAL RECORD, Sixty-seventh Congress, fourth session, page 2798, January 31, 1923, and I shall read the entire matter that pertains to this so that the Speaker may have a general understanding of the situation:

Mr. GREENE of Massachusetts. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1771.

That is the same motion that has been made by the gentleman from New York.

The SPEAKER. The gentleman calls up S. 1771, which the Clerk will report by title.

The Clerk read the title of the bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes.

Mr. GREENE of Massachusetts. The bill is on the Union Calendar.

Mr. BLANTON. Mr. Speaker, I make the point of order that this bill contains a paragraph which is in violation of clause 5 of Rule XXI, in that it makes an indirect appropriation of money.

The SPEAKER. Of course, the only question is whether an appropriation out of the funds of the Shipping Board is an appropriation within the meaning of the rule.

Mr. EDMONDS. Mr. Speaker, this is not an appropriation out of the funds of the Shipping Board, but it is a direction to the Shipping Board to use certain funds already appropriated to the board for the purpose of acquiring the site of an oil-fuel station on the Virgin Islands. In the first place, I should like to call the attention of the Speaker to the fact that this is a Senate bill.

The SPEAKER. Does the gentleman state that the appropriation has already been made?

Mr. EDMONDS. A revolving fund for the operation of ships has been placed in the hands of the Shipping Board by Congress. This bill allows them to take a certain sum of money out of that revolving fund to purchase a fuel station on the Virgin Islands. It authorizes them to utilize the money for that purpose. It is an authorization to them.

The contention is that there would be a question as to the use of the appropriation for the purchase or permanent acquisition of a piece of ground. Not knowing themselves as to whether they have authority to utilize this money already appropriated for the purpose of buying a piece of ground, they came before Congress with this bill; and we are giving them the authority.

The SPEAKER. If the money has already been appropriated for that purpose it does not require any more legislation.

Mr. EDMONDS. It has been appropriated for operating ships; and the question in their minds is whether they can use that money, appropriated for the operation of ships, for the purchase or permanent acquisition of a piece of ground.

The SPEAKER. If it is already appropriated for the purchase of this ground, then this is unnecessary; and if it has not been appropriated, then why is not this an appropriation?

Mr. DOWELL. A reappropriation.

Mr. EDMONDS. There seems to be confusion in the minds of the Shipping Board as to whether they have the power to authorize the use of the money for the purchase of ground.

The SPEAKER. It seems to the Chair at first blush that we are facing this alternative: The gentleman says there is confusion. If the money has already been appropriated, this legislation is not necessary. If it has not been appropriated, why is not this an appropriation, and therefore against the rule? The Chair does not know whether it has been appropriated or not. The gentleman seems to think nobody knows.

Mr. EDMONDS. To my mind, the establishment of fuel stations around the world is a necessary part of the operation of a ship.

Mr. BLANTON. Will the Chair hear me a moment?

Mr. MADDEN. Mr. Speaker——

Mr. EDMONDS. I agree with the Chair, but the Treasury Department do not agree with the Chair. They think it is necessary to have some further authorization.

Mr. MADDEN. The Shipping Board have a fuel station there now, and all they want to do is to buy the station which they already have.

Mr. EDMONDS. That is true.

Mr. MADDEN. There is no money authorized by that law. They have been before our committee trying to get authority to buy the land, and we would not give it to them.

The SPEAKER. Does the gentleman from Illinois mean that his committee would not give it to them because they had no right to it?

Mr. MADDEN. Yes; and, besides that, we did not think they ought to buy this land. They have land there now.

The SPEAKER. Unless some one desires to argue the question further, the Chair sustains the point of order.

After one or two other interrogatories the gentleman from Massachusetts [Mr. Greene] called up another bill, and that was the end of that.

Mr. DEMPSEY. Mr. Speaker, may I intervene for a moment?

The SPEAKER. Does the gentleman from Michigan yield?

Mr. MAPES. I would like, first, to finish my statement.

Mr. DEMPSEY. I simply wish to say that I think this is all out of order.

Mr. MAPES. Mr. Speaker, I decline to yield for that.

The SPEAKER. The gentleman from Michigan declines to yield.

Mr. MAPES. Mr. Speaker, in the Sixty-seventh Congress, first session, on November 9, 1921, page 7606 of the CONGRESSIONAL RECORD, the Chairman of the Committee of the Whole, after a long discussion of a point of order on a similar proposition, said this:

The point raised by the gentleman from Minnesota [Mr. ANDERSON] that this committee would be permitted to authorize an appropriation, I think would not be contested. The question as to whether this is an authorization or not is a point in doubt, where it says that the Secretary of the Interior may award an additional amount, which shall be paid from the unexpended portion of the appropriation carried in said act. The Chair does not have any hesitancy in saying that an authorization does not necessarily require the word "authorize" to be used. Other language may be employed to mean the same thing, and the specific language would not change the ruling. Whether the Secretary of the Interior may award from the amounts or additional amounts carries an authorization or in addition an appropriation is a very close question. But assuming that it is merely an authorization, the language that follows it, namely, "which shall be paid from the unexpended portion of the appropriation carried in said act," is very strong and, in the mind of the Chair, equivalent to or tantamount to an appropriation.

The reasoning is that even to transfer it from one purpose to another has this effect, that the original purpose might not require all of the appropriation, and, therefore, the unexpended part of the appropriation would have gone back to the general fund in the Treasury; but when it is authorized to be transferred, that is in effect a new appropriation, and, therefore, the point of order was sustained.

The SPEAKER. The Chair concedes that this is an appropriation. The only question is whether the committee had jurisdiction to report this bill containing an item of appropriation, and the Chair would like to be enlightened upon that as to the gentleman's views.

Mr. MAPES. Mr. Speaker, Rule XXII, clause 5, provides:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of any bill or joint resolution reported by a committee not having that jurisdiction.

Of course, the Chair is well aware that when the Budget law was adopted and the rules of the House of Representatives were amended in accordance with the Budget law the

Committee on Appropriations was made the only committee which is authorized to report appropriation bills.

Mr. DEMPSEY. Mr. Speaker, the argument of the gentleman from Michigan [Mr. MAPES] has been made under a misapprehension of the facts. This does not appropriate money in the sense that an appropriation bill appropriates money at all. Appropriations made for the improvement of rivers and harbors do not lapse, and this situation frequently occurs, that there is on hand at the time that an authorization bill becomes a law an unexpended balance, which is applicable to the particular paragraph in the bill to which reference is made. In both instances these are survey items. At the time this bill becomes a law there may be in the hands of the Secretary of War unexpended balances of appropriations heretofore made for surveys which are applicable to this bill. This simply makes—and all it attempts to make; and it properly makes those items whatever they may be—those balances to the amount they exist—applicable to the surveys now to be made as well as to uncompleted surveys.

This objection is not an objection that can be made in the House. It is an objection which can be made only in Committee of the Whole, and then the item, if stricken out, does not come before the House at all, and on that point I refer the Speaker to Hinds' Precedents, volume 4, section 3811, where the precise question is dealt with at length and where that decision is made. It is held even to this extent, that the objection can not be made to a whole paragraph if the paragraph is separable into parts, and the objection can only apply to a part, and that that part only should be stricken out which is objectionable under the rule.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BEGG. Is the gentleman quoting from a decision made before or after the adoption of the Budget law and the establishment of the supreme jurisdiction of the Committee on Appropriations?

Mr. DEMPSEY. The general rule is the same since as before.

Mr. BEGG. Well, I would like to submit that to the gentleman and I would like to ask him to answer the question which is a simple thing to answer, whether the decision from which he is quoting was before or since the adoption of the Budget law?

Mr. DEMPSEY. What I say is that that is immaterial. That the change referred to does not alter the law in the respect under discussion. The objection, if there be an objection, lies in the committee and not in the House, and second, that it shall lie not to the bill but to the paragraph and not to the whole paragraph, but if it is separable only to that part of the paragraph which is involved.

Mr. BEGG. The gentleman is admitting he wholly bases his authority on precedents established prior to the establishment of the Appropriations Committee and the Budget. The gentleman admits that, does he not?

Mr. DEMPSEY. I do not think there have been; I do not find any decisions since that time, and necessarily both sides would have to rely on decisions made prior to that time.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GARRETT of Tennessee. I may be dull about the matter, but, after all, what difference does it make? The special rule has been adopted?

Mr. DEMPSEY. For this bill.

Mr. GARRETT of Tennessee. Which declares it shall be in order to consider this bill.

Mr. BEGG. Will the gentleman yield on that?

Mr. GARRETT of Tennessee. Yes.

Mr. BEGG. Does the gentleman contend that this special rule—I will put it this way—does the gentleman contend the special rule undoes the rule that applies to the Appropriations Committee?

Mr. GARRETT of Tennessee. No; I do not so contend.

Mr. BEGG. I am sure of that.

Mr. GARRETT of Tennessee. No; I do not so contend, but I think the place to raise it is in the Committee of the Whole House. As I understand the point of order of the gentleman from Michigan in effect goes to the consideration of the bill to the effect that there are certain parts of it which are not in order.

Mr. BEGG. Will the gentleman yield right there?

Mr. GARRETT of Tennessee. I will yield if the gentleman from New York will permit me to yield.

Mr. DEMPSEY. Just one moment. I want to state in addition that there has been this decision since the adoption of this paragraph 4 of rule 21, that the point of order would be to the item of appropriation in the bill, Mr. Speaker, and not to the act of reporting the bill, so that point can be raised, as suggested by the gentleman from Tennessee, in the committee, but even then it goes not to the actual reporting of the bill but to the particular item or part of the item in the bill to which objection is made.

Mr. GARRETT of Tennessee. Admittedly, if the gentleman will permit, the bill as reported was not a privileged bill?

Mr. DEMPSEY. No.

Mr. GARRETT of Tennessee. Under the general rule, and therefore this special rule.

Mr. BEGG. Now, will the gentleman yield?

Mr. GARRETT of Tennessee. If the gentleman from New York will permit, I will yield; the gentleman from New York has the floor.

Mr. BEGG. Does the gentleman from Tennessee even suggest that there is any language in the special rule that deprives any Member of the House from raising the question of consideration on the ground of a wrong report, or anything of that kind? In other words, does the rule go beyond the power of permitting the gentleman from New York to make the motion?

Mr. DEMPSEY. Mr. Speaker——

Mr. BEGG. I would like to hear the gentleman's answer as to that.

Mr. GARRETT of Tennessee. I think in a way; yes.

Mr. BEGG. What is in the rule that says that?

Mr. GARRETT of Tennessee. "*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union," and so forth, for the consideration of the bill.

Mr. BEGG. Now, the gentleman has made the motion. It did not deprive me or any other gentleman of the House of any of the rights under the rules to raise objection to the bill on the ground it was improperly reported or improperly constructed or——

Mr. GARRETT of Tennessee. Oh, well, the gentleman asks me—why go out of the way to raise the question of consideration——

Mr. BEGG. No; the question of whether it was wrongfully reported or anything in that way. In other words, is there anything in the rules that deprives any Member of the House from exercising his right under the rules save the right of denying the gentleman from New York the right to make his motion?

Mr. CRAMTON. All the special rule does is to say that the gentleman from New York has the right to make the motion. He has made the motion. Now comes the other question.

Mr. GARRETT of Tennessee. My thought is, the point of order made by the gentleman from Michigan is not now in order. It may be in order in the Committee of the Whole.

Mr. BEGG. I would like to ask the gentleman, if he will permit, if the point of order should develop to be good, when could he make it if not now?

Mr. GARRETT of Tennessee. In the Committee of the Whole.

Mr. BEGG. He can make it now if he could make it then. The point can be made in either place.

Mr. DEMPSEY. Mr. Speaker, I call the Speaker's attention to a ruling on precisely this point of order under section 959 and reported on page 508 of the Manual.

The SPEAKER. The Chair has it.

Mr. DEMPSEY. I call the Speaker's attention to the fact that not only does that decision hold, made by Mr. Speaker GILLETT, that the point of order lies simply to the part of the bill objected to but not to the reporting of the bill, but also in that case Mr. Mann, who raised the point of order, said he raised it in order to have the question decided, and that his view was absolutely clear that the Speaker was right in his ruling. I call attention to that because I think we all agree that James R. Mann was as good a parliamentarian as has been produced in the present generation.

The SPEAKER. The Chair is prepared to rule. The Chair has before him the decision referred to by the gentleman from New York [Mr. DEMPSEY] on the question raised by Mr. Mann, of Illinois, the precise question that we have here. It was raised merely for the purpose of obtaining a decision of the Chair. In fact, Mr. Mann said:

> I only raise it for the purpose of having a construction, after some consideration by the Speaker, so that the Speaker shall decide it and not have it left to conflicting decisions by chairmen of the House. My own view is that the point of order is not good.

The question arises as to the construction of paragraph 4 of Rule XXI, together with the construction of paragraph 2 of Rule XXI. The gentleman from Michigan [Mr. MAPES] makes

the point of order that in the first sentence of paragraph 4 this language is found:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations.

Apparently if that sentence were considered by itself and not in connection with the rest of that rule, or with paragraph 2 of Rule XXI, the point of order made by the gentleman from Michigan would undoubtedly lie. But construing the two together, as Mr. Speaker GILLETT did in that decision, the Chair thinks that a sensible view to take of the proposition is that the point of order should be directed not against the right or jurisdiction of the committee to make the report, but against the specific provision to which the objection will lie.

In the opinion of the Chair section 6 of this bill does, at least indirectly, provide an appropriation. The Chair thinks that the point of order made by the gentleman from Michigan, even if made in the House—although such a point is usually made in the committee—will lie against section 6, or at least that portion of it to which the gentleman from Michigan referred.

However, the Chair thinks that the point of order would lie against the following language of section 6:

And a sufficient sum to pay the cost thereof may be allotted from appropriations heretofore made or hereafter made for examinations, surveys, or other contingencies of rivers and harbors.

That is on line 15. The Chair does not think that the point of order can be directed against the entire bill, and the Chair therefore overrules the point of order of the gentleman from Michigan in so far as it refers to the right of the Committee on Rivers and Harbors to make this report.

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MAPES. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Mr. Speaker, before I make the point of order which I am about to make, I want to say that I was forced to a hasty examination of the question because of the objection of the gentleman from Illinois [Mr. CHINDBLOM] to my reservations of all points of order on the bill, and I have not had time to look up the authorities. I recall quite distinctly now that the Speaker has referred to the point of order made by the gentleman from Illinois, Mr. Mann, and the decision of Mr. Speaker GILLETT. The only difference between that situation and this, as I understand it—and I do not think that the difference is material—the point of order there was raised before an attempt was made to call up the bill. I understand that to be the case, after having made a hasty examination of the ruling of Speaker GILLETT, but I make no point of that.

I make the point of order now against the language in section 6, referred to on page 13, which makes the appropriation, and also to the language at the bottom of page 20, beginning on line 24 and running through to line 6 on page 21; that is, the appropriation for the all-New York canal survey.

I desire, Mr. Speaker, to make this additional point of order. My understanding of the rule is that if any provision of a section is subject to a point of order, the whole section goes out.

The SPEAKER. Does the gentleman mean the section or a paragraph?

Mr. MAPES. I make a point of order against the objectionable language in section 6, page 13, and against the entire paragraph—paragraph beginning on page 20, line 24, through line 6, page 21.

Mr. DEMPSEY. Mr. Speaker, may I be heard a moment on that?

The SPEAKER. The Chair wants to be further enlightened on the point of order. Does the gentleman from Michigan make the point of order against the language which, in the opinion of the Chair, is an appropriation, on line 2 of page 21—

From appropriations heretofore made or hereafter made for examinations, surveys, or other contingencies of rivers and harbors?

In the opinion of the Chair, that is clearly an appropriation. Does the gentleman make a point of order against that language or against the paragraph beginning on line 24 of page 20, and ending on line 6 of page 21?

Mr. MAPES. I make it against the paragraph.

Mr. DEMPSEY. Mr. Speaker, the decisions have been uniform in holding that language of this nature, when not in order, shall be stricken out, but that only such part of the language shall be stricken out as offends the rule or is in conflict with the rule. All that is in conflict is the language to which the Speaker called attention in the ruling already made.

The paragraph is not in conflict. The Committee on Rivers and Harbors has the right to authorize expenditures, but it does not have the right to appropriate. That is its sole function—to authorize. The whole bill is one of authorization. The only language on pages 20 and 21 which is in conflict with the rule and which would be in the nature of an appropriation are the words at the top of page 21, in lines 2 and 3, "heretofore or." That would authorize the use of moneys already appropriated and so may be said to be in the nature of an appropriation; but the rest of the language is simply the ordinary authorization which is within the jurisdiction of the committee, and its sole jurisdiction is to authorize. So that all that could be stricken out under the rule is the last word in line 2, "heretofore," and the first word in line 3, "or," leaving the language simply that the authorization is from appropriations to be hereafter made. That language is plain and distinct; it could not be more plain and distinct than it will be, and it limits it absolutely to appropriations hereafter made. It is a clear limitation to future appropriations; it does not authorize an expenditure from existing appropriations, and it is not in the nature of an appropriation; but, on the contrary, it is in precise terms and in exact language so that it shall be limited to the appropriations hereafter made.

The SPEAKER. The Chair is prepared to rule. The Chair asked the specific question of the gentleman from Michigan as to whether or not he made his point of order against that language, which the gentleman from New York concedes to be an appropriation, or against the paragraph. The gentleman from Michigan says that he makes the point of order against the paragraph. The rule on that seems to be clear:

And if a portion of a proposed amendment be out of order, it is sufficient for the rejection of the whole amendment; and where a point is made against the whole of a paragraph the whole must go out, but it is otherwise when the point is made only against a portion.

The gentleman from Michigan has made his point of order against the whole paragraph, which, in the opinion of the Chair, contains an appropriation, and the Chair therefore sustains the point of order made by the gentleman from Michigan that the entire paragraph must go out.

Mr. DEMPSEY. Mr. Speaker, as I understand, the rulings heretofore have always been that when an objection was made to a paragraph the rule was to strike out not the paragraph but only the language which was objectionable.

The SPEAKER. No. The Chair has just read the precise ruling, and if the gentleman from New York will look at section 816 he will find that the precedent is absolutely clear that the paragraph must go out, and the Chair sustained the point of order of the gentleman from Michigan, as he has hitherto sustained the point of order of the gentleman from Michigan against the same language in section 6.

Mr. DEMPSEY. May I be permitted to call the Speaker's attention to one or two decisions upon this question before the ruling is finally made?

The SPEAKER. Well, the Chair is thoroughly convinced in his mind. Of course, the gentleman from New York may reoffer it in another shape; and the Chair will take this opportunity to say that he regrets these points of order should be made in the House, as he believes they should be made in the Committee of the Whole; but in view of the fact that they have been made in the House the Chair is compelled to rule.

Mr. SCHAFER. Mr. Speaker, I make a point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. SCHAFER. I make a point of order against section 2, beginning on page 8.

This section legally binds the Government of the United States to the expenditure of a certain amount of the people's money, because the language clearly ratifies an agreement for the purchase of the Cape Cod Canal by the Government with money out of the Treasury of the United States.

The SPEAKER. What is the gentleman's point of order?

Mr. SCHAFER. That this committee is not an appropriating committee and has no authority to report to the House this section which, in fact, is an appropriation. If this was not an appropriation in fact, this Congress, by adopting this section, would be entering into a legal contract for the purchase of the Cape Cod Canal and at the same time by direction stating that they are not liable under this legal contract, because this legislation came before the House from a committee which could not bind the Government to the payment of funds out of the Treasury.

The SPEAKER. Will the gentleman from Wisconsin call the Chair's attention to any language making an appropriation?

Mr. BEGG. Mr. Speaker——

Mr. SCHAFER. I yield to the gentleman from Ohio.

Mr. BEGG. Mr. Speaker, I make a point of order against paragraph (c).

The SPEAKER. The Chair overrules the point of order of the gentleman from Wisconsin.

Mr. BEGG. Then, Mr. Speaker, I make a point of order against paragraph (c) of section 2. This is clearly a direct appropriation. I would call the attention of the Chair to this language:

> The Secretary of the Treasury may, in his discretion, pay before maturity, as stipulated in the contract, the principal sum of $6,000,000, or any part thereof, to the holders of the bonds.

Mr. McDUFFIE. Will the gentleman yield? Will not the gentleman finish reading the paragraph?

Mr. BEGG. I would like to ask the Chair a question. To-day the Secretary of the Treasury can not pay that money. Under the law of the land there is no way the Secretary of the Treasury can pay out one dollar unless the money is first appropriated, but under this bill, if it is enacted into law, the Secretary of the Treasury can pay that money for these bonds.

The SPEAKER. The gentleman from Ohio has not read the last four lines of the paragraph.

Mr. BEGG. I am calling attention to the language that is a direct appropriation.

Mr. SNELL. Will the gentleman from Ohio read the entire paragraph?

Mr. BEGG. There is nothing in the rest of it.

Mr. DEMPSEY. Oh, yes.

The SPEAKER. The last four lines of the paragraph distinctly state it is not an appropriation. The Chair overrules the point of order.

Mr. BEGG. Mr. Speaker, I would like to be shown the language which says this is not an appropriation.

The SPEAKER. The gentleman can read the last four lines.

Mr. BEGG. The four lines read:

> The amount necessary to make the several payments in this section provided is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

I submit in all seriousness, Mr. Speaker——

The SPEAKER. The Chair is taking the gentleman seriously [laughter]; but clearly the language is not an appropriation.

Mr. BEGG. I want to submit to the Chair with respect to the language that is in the bill that the Secretary may pay for these bonds; you could strike out all the language after the period in that one sentence, and then they could go on and pay for them.

The SPEAKER. Not unless an appropriation had been made.

Mr. BEGG. That is an appropriation.

The SPEAKER. No; it is specifically provided it can not be paid unless an appropriation is made; at any rate, that is the view of the Chair. The Chair overrules the point of order.

Mr. DEMPSEY. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MAPES. Mr. Speaker, I desire to renew my reservation of all further points of order on the bill.

Mr. CANNON. Mr. Speaker, I make the point of order that the gentleman from Michigan can not make the reservation.

The SPEAKER. The Chair will state the motion. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11616.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Is the reservation offered by the gentleman from Michigan considered to have been made or was the gentleman recognized for that purpose?

The SPEAKER. The Chair recognized the gentleman to make the reservation.

Mr. CANNON. Then I make the point of order, Mr. Speaker——

The SPEAKER. The Chair understands the gentleman has heretofore made the reservation.

Mr. CANNON. I make the point of order the gentleman is not entitled to make the reservation.

The SPEAKER. The Chair does not think it makes a particle of difference whether the gentleman makes the reservation or not. He can make it in the committee.

Mr. CANNON. But the gentleman has no right to make the reservation before we go into Committee of the Whole.

The SPEAKER. The Chair does not think it makes a particle of difference whether he makes it or not.

Mr. CANNON. Then why recognize him to make it if it does not make any difference?

The SPEAKER. Because the gentleman asked the Chair for recognition.

Mr. CANNON. It is in violation of the rules of the House for him to make the reservation prior to going into Committee of the Whole House on the state of the Union. I made the point at the time, and I make it again.

Mr. CHALMERS. Mr. Speaker, I make a preferential motion. I move that the House do now adjourn.

Mr. DEMPSEY. Mr. Speaker, I make the point of order that motion is dilatory.

The SPEAKER. The Chair does not think so. A lot of business has been done since the last motion.

The question was taken; and on a division (demanded by Mr. CHALMERS and Mr. CRAMTON) there were—ayes 72, noes 102.

Mr. CRAMTON. Mr. Speaker, I ask for the yeas and nays.

Mr. CHALMERS. Mr. Speaker, I make the point of no quorum.

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House.

The SPEAKER. The gentleman from New York [Mr. DEMPSEY] moves that the House resolve itself into Committee of the Whole House——

Mr. CHALMERS. Mr. Speaker, I was on my feet objecting to the vote on account of no quorum being present.

The SPEAKER. The gentleman certainly knows it does not require a quorum to adjourn.

Mr. CRAMTON. Mr. Speaker, I was on my feet demanding the yeas and nays.

The SPEAKER. The gentleman from Michigan makes a good point. The gentleman from Michigan demands the yeas and nays. All those in favor of ordering the yeas and nays will rise and stand until counted. The Chair has counted and finds that 230 Members are present and the number demanding the yeas and nays was 46; not a sufficient number.

Mr. CRAMTON. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Speaker appointed Mr. DEMPSEY and Mr. CHALMERS as tellers.

The SPEAKER. As many as are in favor of taking the vote by yeas and nays will pass between the tellers.

The House divided; and the tellers reported that there were 68 yeas and 117 noes.

The SPEAKER. One-fifth having voted in favor thereof the yeas and nays was ordered. All those in favor of adjourning will as their names are called answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

Mr. DEMPSEY. Mr. Speaker, there is an understanding between the gentleman from Ohio [Mr. CHALMERS] and myself that as soon as we go into the Committee of the Whole I will make a motion that the committee rise and we will adjourn.

The question was taken; and there were—yeas 87, nays 202, answered "present" 1, not voting 141, as follows:

[Roll No. 98]

YEAS—87

Andresen	Fletcher	Lampert	Schafer
Beck	Frear	Leatherwood	Schneider
Beers	Fulmer	Leavitt	Scott
Begg	Furlow	Letts	Shreve
Berger	Goodwin	McFadden	Simmons
Boies	Green, Iowa	McLaughlin, Mich.	Sosnowski
Browne	Greenwood	McLaughlin, Nebr.	Speaks
Bulwinkle	Hardy	McSweeney	Sproul, Kans.
Burtness	Hill, Md.	Magrady	Strother
Burton	Hoch	Manlove	Summers, Wash.
Carss	Hooper	Mapes	Temple
Chalmers	Howard	Menges	Thompson
Cooper, Wis.	Huddleston	Merritt	Thurston
Cox	Hudson	Michener	Underwood
Cramton	James	Mooney	Vincent, Mich.
Crosser	Jenkins	Moore, Ohio	Voigt
Dickinson, Iowa	Johnson, S. Dak.	Morehead, Va.	Watres
Dowell	Johnson, Tex.	Murphy	Wefald
Eslick	Keller	Nelson, Wis.	Williamson
Evans	Ketcham	Ragon	Woodruff
Fitzgerald, Roy G.	Kurtz	Robinson, Iowa	Wyant
Fitzgerald, W. T.	Kvale	Rutherford	

NAYS—202

Abernethy	Bacon	Brand, Ga.	Carter, Calif.
Ackerman	Barbour	Briggs	Carter, Okla.
Adkins	Bell	Brigham	Chindblom
Allen	Black, N. Y.	Britten	Cole
Allgood	Bland	Busby	Collier
Almon	Blanton	Byrns	Colton
Arentz	Bloom	Canfield	Connally, Tex.
Arnold	Bowling	Cannon	Connolly, Pa.
Aswell	Bowman	Carew	Coyle
Bacharach	Box	Carpenter	Crisp

Crowther	Hayden	Martin, La.	Somers, N. Y.
Crumpacker	Hersey	Martin, Mass.	Spearing
Curry	Hickey	Miller	Sproul, Ill.
Darrow	Hill, Ala.	Milligan	Stalker
Davenport	Hill, Wash.	Montague	Steagall
Davis	Hogg	Montgomery	Stobbs
Deal	Holaday	Moore, Ky.	Strong, Kans.
Dempsey	Hudspeth	Moore, Va.	Strong, Pa.
Denison	Hull, Morton D.	Morrow	Swank
Dickinson, Mo.	Hull, William E.	Nelson, Me.	Sweet
Dominick	Irwin	Nelson, Mo.	Swing
Douglass	Jacobstein	Newton, Minn.	Swoope
Drane	Jeffers	Newton, Mo.	Taber
Driver	Johnson, Ill.	Norton	Taylor, N. J.
Edwards	Johnson, Ind.	O'Connell, R. I.	Tilson
Elliott	Jones	O'Connor, La.	Timberlake
Faust	Kahn	Oldfield	Tinkham
Fenn	Kemp	Oliver, Ala.	Tolley
Fisher	Kerr	Parks	Treadway
Fort	Kiess	Peery	Tydings
Foss	Kindred	Pratt	Underhill
Free	King	Quin	Upshaw
Freeman	Kunz	Rainey	Vestal
Fuller	Lanham	Rankin	Vinson, Ky.
Gardner, Ind.	Lankford	Rathbone	Wainwright
Garrett, Tenn.	Larsen	Rayburn	Warren
Garrett, Tex.	Lazaro	Reed, Ark.	Wason
Gibson	Lea, Calif.	Reed, N. Y.	Watson
Gifford	Lehlbach	Reid, Ill.	Wheeler
Gilbert	Little	Rogers	White, Kans.
Glynn	Lozier	Romjue	White, Me.
Goldsborough	Lyon	Rowbottom	Whitehead
Gorman	McDuffie	Rubey	Whittington
Green, Fla.	McKeown	Sabath	Williams, Ill.
Griest	McMillan	Sanders, N. Y.	Williams, Tex.
Hadley	McReynolds	Sanders, Tex.	Wilson, La.
Hale	McSwain	Sandlin	Wolverton
Hammer	Madden	Seger	Wright
Hare	Magee, N. Y.	Shallenberger	Yates
Hastings	Major	Sinnott	
Hawley	Mansfield	Snell	

ANSWERED "PRESENT"—1

Sumners, Tex.

NOT VOTING—141

Aldrich	Drewry	Kopp	Sears, Fla.
Andrew	Dyer	LaGuardia	Sears, Nebr.
Anthony	Eaton	Lee, Ga.	Sinclair
Appleby	Ellis	Lindsay	Smith
Auf der Heide	Esterly	Lineberger	Smithwick
Ayres	Fairchild	Linthicum	Stedman
Bachmann	Fish	Lowrey	Stephens
Bailey	Flaherty	Luce	Stevenson
Bankhead	Fredericks	McClintic	Sullivan
Barkley	French	McLeod	Swartz
Beedy	Frothingham	MacGregor	Taylor, Colo.
Bixler	Funk	Magee, Pa.	Taylor, Tenn.
Black, Tex.	Gallivan	Mead	Taylor, W. Va.
Bowles	Gambrill	Michaelson	Thatcher
Boylan	Garber	Mills	Thomas
Brand, Ohio	Garner, Tex.	Morgan	Tillman
Browning	Gasque	Morin	Tincher
Brumm	Golder	O'Connell, N. Y.	Tucker
Buchanan	Graham	O'Connor, N. Y.	Updike
Burdick	Griffin	Oliver, N. Y.	Vaile
Butler	Hall, Ind.	Parker	Vare
Campbell	Hall, N. Dak.	Patterson	Vinson, Ga.
Celler	Harrison	Peavey	Walters
Chapman	Haugen	Perkins	Weaver
Christopherson	Hawes	Perlman	Weller
Clague	Houston	Phillips	Welsh
Cleary	Hull, Tenn.	Porter	Wilson, Miss.
Collins	Johnson, Ky.	Pou	Wingo
Connery	Johnson, Wash.	Prall	Winter
Cooper, Ohio	Kearns	Purnell	Wood
Corning	Kelly	Quayle	Woodrum
Cullen	Kendall	Ramseyer	Wurzbach
Davey	Kiefner	Ransley	Zihlman
Dickstein	Kincheloe	Reece	
Doughton	Kirk	Robsion, Ky.	
Doyle	Knutson	Rouse	

So the House refused to adjourn.

The following pairs were announced:

Additional general pairs:

Mr. Butler with Mr. Hawes.
Mr. Smith with Mr. Connery.
Mr. Anthony with Mr. Ayres.
Mr. Brand of Ohio with Mr. Kincheloe.
Mr. Dyer with Mr. Tillman.
Mr. Fairchild with Mr. Wilson of Mississippi.
Mr. Kearns with Mr. Oliver of New York.
Mr. MacGregor with Mr. Johnson of Kentucky.
Mr. Parker with Mr. Gasque.
Mr. Sinclair with Mr. Browning.
Mr. Bailey with Mr. Doyle.
Mr. Cooper of Ohio with Mr. Stevenson.
Mr. Esterly with Mr. Weaver.
Mr. Frothingham with Mr. Pou.
Mr. Kopp with Mr. Vinson of Georgia.
Mr. Phillips with Mr. Thomas.
Mr. Winter with Mr. Lowrey.
Mr. Aldrich with Mr. Hull of Tennessee.
Mr. Beedy with Mr. Griffin.
Mr. Andrew with Mr. Black of Texas.
Mr. Kelly with Mr. Harrison.
Mr. Morgan with Mr. Buchanan.
Mr. Wurzbach with Mr. Collins.
Mr. Knutson with Mr. Davey.
Mr. Fish with Mr. Peavey.

The result of the vote was announced as above recorded.

Mr. DEMPSEY. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11616.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. CRAMTON. I object.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11616, the river and harbor bill, and had come to no resolution thereon.

Mr. CRAMTON. Mr. Speaker, I would like to ask the gentleman from New York if he does not think it well to have a reprint of the bill without the portions that have been eliminated? I ask unanimous consent that the bill H. R. 11616 be reprinted without the eliminated portions—that we have an expurgated edition.

The SPEAKER. The gentleman from Michigan asks unanimous consent for an expurgated reprint of the bill H. R. 11616. Is there objection?

ADJOURNMENT

Mr. DEMPSEY. I object. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until Monday, May 24, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 24, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia (H. Res. 228).

For the relief of John W. Barnum (H. R. 9609).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

SPECIAL JOINT COMMITTEE

(10.30—Room 347)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

525. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Weather Bureau of the Department of Agriculture for the fiscal year ending June 30, 1927, $75,000 (H. Doc. No. 390); to the Committee on Appropriations and ordered to be printed.

526. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1925, amounting to $4,054.55 (H. Doc. No. 391); to the Committee on Appropriations and ordered to be printed.

527. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1926, and to remain available during the fiscal year 1927, for the Civil Service Commission, amounting to $30,000 (H. Doc. No. 392); to the Committee on Appropriations and ordered to be printed.

528. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Treasury Department for the fiscal year ending June 30, 1926, $100,075 (H. Doc. No. 393); to the Committee on Appropriations and ordered to be printed.

529. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the United States Tariff Commission for the fiscal year ending June 30, 1926, in the amount of $1,820.76 (H. Doc. No. 394); to the Committee on Appropriations and ordered to be printed.

530. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, aggregating $550,000 (H. Doc. No. 395); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on Irrigation and Reclamation. S. J. Res. 109. A joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes; with amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 5218. A bill to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal absentee Shawnee Tribes of Indians, proclaimed October 14, 1868; with amendment (Rept. No. 1293). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACON: Committee on the Library. H. R. 12207. A bill authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KELLER: A bill (H. R. 12361) authorizing the purchase for park or other purposes all of the land in square 692 (House Office Building); to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 12362) to place the agricultural industry on a sound commercial basis, to encourage national cooperative marketing of farm products, and for other purposes; to the Committee on Agriculture.

By Mr. COYLE: A bill (H. R. 12363) to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.; to the Committee on Naval Affairs.

By Mr. DRANE: A bill (H. R. 12364) to admit free of duty certain bells for carillon purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 12365) to remit the duty on a carillon of 56 bells to be imported by Edward W. Bok, of Philadelphia, Pa., to be installed by him in a tower at or near Mountain Lake in Florida, the carillon to be operated for the enjoyment and benefit of the public; to the Committee on Ways and Means.

By Mr. WRIGHT: A bill (H. R. 12366) authorizing the Secretary of the Treasury in carrying into effect the provisions of section 3 of the public building act to acquire a site for a post-office building in each of the cities of West Point, Ga., and Lanett, Ala., in lieu of the site heretofore acquired by the Government for the post-office building authorized to be located on the State line of these two cities, and cause to be constructed upon said sites buildings for the post office in said cities, respectively, within the extended limit of cost fixed by Congress in said section; to the Committee on Public Buildings and Grounds.

By Mr. BACON: A bill (H. R. 12367) to amend sections 180 and 262 of the Judicial Code of March 3, 1911; to the Committee on the Judiciary.

By Mr. VESTAL: A bill (H. R. 12368) amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents; to the Committee on Patents.

By Mr. BEGG: A bill (H. R. 12369) to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended; to the Committee on the Post Office and Post Roads.

By Mr. HAWES: A bill (H. R. 12370) for the acquisition of sanctuaries for the habitation and refuge of migratory and other birds, fur-bearing animals, game fish, and all forms of wild life, to provide funds for the establishment of the same and the issuance of bonds therefor, and the furnishing of adequate protection for such birds, fur-bearing animals, game fish, and other wild life and the creation of a commission with authority to carry out the purposes of this act, and for other purposes; to the Committee on Ways and Means.

By Mr. WOOD: Joint resolution (H. J. Res. 261) consenting that certain States may sue the United States and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867 and 1868, and vesting the right in each State to sue in its own name; to the Committee on the Judiciary.

By Mr. KIESS: Resolution (H. Res. 272) to provide for the printing of the "American's Creed" as a House document; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 12371) granting an increase of pension to Mina E. Steckel; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 12372) granting an increase of pension to Idumea M. Thayer; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 12373) granting a pension to Ewel V. Lafoon; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 12374) granting an increase of pension to Alice M. Stoop; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12375) for the relief of H. A. Griffeth; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 12376) granting an increase of pension to Nancy E. Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12377) granting an increase of pension to Emma E. Stevenson; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 12378) granting an increase of pension to Mary E. Coburn; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 12379) granting an increase of pension to Joseph D. Burke; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 12380) granting an increase of pension to Myrtle M. Troutner; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12381) granting an increase of pension to Amanda A. Briggs; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12382) granting an increase of pension to Lewis H. Wallace; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 12383) granting an increase of pension to Bettie Sharp; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 12384) for the relief of James Gilbert, C. E. Porter, and Wilbur J. Selby, trustees of the Rotary Sign Co.; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12385) granting a pension to Green W. Blakely; to the Committee on Pensions.

Also, a bill (H. R. 12386) granting a pension to Peter Lafayette Turpin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12387) granting an increase of pension to Sallie E. Wyatt; to the Comimttee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12388) for the relief of K. I. Ward; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2260. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, favoring the passage of Senate bill 2929, au-

thorizing the refunding of indebtedness due by the railroads; to the Committee on Interstate and Foreign Commerce.

2261. By Mr. GALLIVAN: Petition of D. J. Parker, Jason Weiler & Sons, Washington and Franklin Streets, Boston, Mass., recommending early and favorable consideration of the McKellar bill providing for a revision of postal rates; to the Committee on the Post Office and Post Roads.

2262. By Mr. JENKINS: Resolution adopted by representatives of the Daughters of Veterans of the Civil War and Sons of Union Veterans of the Civil War and the Grand Army of the Republic post of Glouster, Ohio, urging the passage of the Elliott bill for the Civil War veterans and their widows; to the Committee on Invalid Pensions.

2263. By Mr. LEAVITT: Petition of residents of Tyler, Grass Range, Staff, Winnett, Blakeslee, and Flatwillow, Mont., protesting against passage of compulsory Sunday observance bills, particularly House bills 10311, 10123, 7179, and 7822; to the Committee on the District of Columbia.

2264. By Mr. MAPES: Petition of John Wilson and 10 other adult residents of Hudsonville, Mich., and vicinity, against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2265. By Mr. O'CONNELL of New York: Petition of the national committee of the American Legion, favoring the passage of the Johnson bill (H. R. 10240) the Fitzgerald bill (H. R. 4548), and the Green bill (H. R. 10277); to the Committee on World War Veterans' Legislation.

2266. Also, petition of the American Farming Publishing Co., favoring the passage of the McKellar bill regarding second-class mail; to the Committee on the Post Office and Post Roads.

2267. By Mr. WYANT: Resolution of the Chamber of Commerce of the United States, in re Parker bill (H. R. 12209); to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, *May 24, 1926*

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 28) authorizing the appointment of a committee to represent Congress in celebrating the one hundred and fiftieth anniversary of the battle of Fort Moultrie at Charleston, S. C., June 28, 1926, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. WURZBACH, and Mr. FISHER were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke as guardian of Katie I. O'Rourke;

H. R. 6729. An act to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8657. An act to amend sections 226 and 228 of the Judicial Code, and for other purposes;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8916. An act granting public lands to the county of Kern, Calif., for public-park purposes;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9218. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

H. R. 9938. An act for the relief of Frank A. Bartling;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park in the State of Washington, and for other purposes;

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota;*

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes;

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter;

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899;

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Blease	George	Mayfield	Smoot
Borah	Gillett	Means	Stanfield
Bratton	Glass	Metcalf	Steck
Broussard	Goff	Moses	Stephens
Bruce	Gooding	Norbeck	Swanson
Butler	Hale	Norris	Trammell
Cameron	Harreld	Nye	Tyson
Capper	Harris	Oddie	Underwood
Caraway	Harrison	Overman	Wadsworth
Couzens	Heflin	Pepper	Walsh
Cummins	Howell	Phipps	Warren
Curtis	Johnson	Pine	Watson
Dale	Jones, N. Mex.	Pittman	Weller
Deneen	Jones, Wash.	Ransdell	Wheeler
Dill	Kendrick	Reed, Pa.	Williams
Edge	Keyes	Robinson, Ark.	
Edwards	King	Schall	
Fernald	La Follette	Sheppard	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD and appropriately referred three resolutions adopted by the State convention of the Democratic Party of South Carolina assembled in Columbia on the 13th instant. I shall submit some comments on the resolutions at a later time.

There being no objection, the resolutions were ordered to be printed in the RECORD and referred as follows:

To the Committee on Immigration:

COLUMBIA, S. C., *May 20, 1926.*

To whom it may concern:

I certify that the following and attached resolutions are exact copies of three resolutions adopted by the State convention of the Democratic Party of South Carolina, assembled in Columbia on the 19th day of May, 1926:

Resolution 1

Whereas Hon. COLE L. BLEASE, United States Senator, has introduced in Congress a bill to regulate the employment of certain persons by the United States Government, which reads as follows:

"*Be it enacted, etc.*, That from and after the passage of this act no person not a citizen of the United States shall be employed by any official of the United States Government in any of its departments in any capacity whatsoever: *Provided*, That any person not a citizen of the United States, who has duly made and filed his or her application for citizenship in the United States pending the decision on such application, will be eligible for temporary employment; but if such application is denied, or the person so employed does not become a naturalized citizen within the time provided by law, such employment must cease.

"SEC. 2. Any violation of this act by any official of the United States Government shall be punished by immediate dismissal from office."

Whereas we believe that such legislation is badly needed and will work for the best interests of the people of the United States, and that same will, if enacted into law, bring about a better feeling and understanding among the laboring people of this country, and will serve as an inducement to aliens within our borders to become naturalized citizens, and being appreciative of his efforts in this direction and of his 100 per cent Americanism: Now therefore be it

Resolved, That the Democratic Party of South Carolina, in State convention assembled, go on record as indorsing said bill, and requests all of South Carolina's Representatives in Congress to support the same.

By Hon. Ben. E. Adams, of the Charleston delegation.

To the Committee on the Judiciary:

Resolution 2

Whereas Hon. COLE L. BLEASE, United States Senator, has introduced in Congress a bill to prohibit the intermarriage of certain races, which reads as follows:

"*Be it enacted, etc.*, That it shall be unlawful for any white man to intermarry with any woman of the Negro race or any mulatto; or for any white woman to intermarry with any man of the Negro race or mulatto; or for any negro or mulatto to intermarry with a white woman; or for any negro or mulatto to intermarry with any white man. Any such marriage or attempted marriage shall be utterly null and void and of none effect.

SEC. 2. Any person who shall violate the above section or any one of its provisions shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by imprisonment for not less than 6 months or more than 12 months, in the discretion of the court.

"SEC. 3. Any clergyman, minister of the Gospel, magistrate, or any other person authorized by law to perform the marriage ceremony, who shall knowingly and willfully unite in the bonds of matrimony any persons of different races, as above prohibited, shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to the same penalty as provided for in section 2 of this bill."

Whereas this body is appreciative of his efforts to preserve the racial integrity of our country: Now therefore be it

Resolved, That the Democratic Party of South Carolina, in State convention assembled, hereby indorses the said bill and requests all of South Carolina's Representatives in Congress to support the same.

By Hon. Frank H. Barnwell, of the Florence delegation.

To the Committee on Agriculture and Forestry:

Resolution 3

Resolved by the State Democratic Convention of South Carolina—

1. That we condemn the effort of the Republican administration, aided by tools of big business disguised as Democrats, to give the Muscle Shoals development to the Power Trust, in violation of its dedication to the service of the farmers.

2. That we appeal to our Senators and Representatives in Congress to do their utmost to prevent the triumph of mercenary interests from consummating this plot for the betrayal of the people.

By Hon. John J. McMahan, of the Richland delegation.

J. WILSON GIBBES,
Secretary State Democratic Convention of South Carolina.

Mr. ROBINSON of Arkansas presented a petition of sundry citizens of Eureka Springs, Ark., praying for the passage of legislation providing for the registration of aliens, which was referred to the Committee on Immigration.

He also presented a resolution, adopted by the Arkansas Bankers' Association, favoring the passage of the so-called McFadden banking bill, even though it may be necessary to effect a compromise respecting the Hull amendments, which was referred to the Committee on Banking and Currency.

Mr. McKELLAR presented a petition of sundry citizens of Knox County, Tenn., favoring the passage of the so-called Aswell bill, being House bill 5583, requiring the registration of aliens in the United States, etc., which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Knox County, Tenn., praying for the passage of legislation creating a bureau of customs and a bureau of prohibition in the Treasury Department, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Knox County, Tenn., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 2929, authorizing the refunding of indebtedness due by the railroads to the Government, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 11618, to establish a Federal farm advisory council and farmers' marketing commission, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented memorials and letters and papers in the nature of memorials of the consistory of St. John's Reformed Church, of Chambersburg, representing a membership of over 700; the Antietam congregation of the Church of the Brethren, of Waynesboro; the pastor and congregation of the First Baptist Church of Huntingdon; the pastor and congregation of the Church of the Brethren of Pittsburgh; the pastor and congregation of the Presbyterian Church of Mercersburg; members of Orbisonia Methodist Episcopal Church, of Orbisonia; the pastor and members of the First Presbyterian Church of Alexandria; the pastor and congregation of the United Presbyterian Church of Lewistown; the pastor, members, and friends of St. Paul's Lutheran Church, of McConnellsburg; the president and congregation of the First United Brethern Church of Duncannon; the pastor and congregation of the First Presbyterian Church of Lewistown; the official board of the Evangelical Church of Mifflin; the pastor and members of the Church of the Brethren of Waynesboro; the pastor and congregation of the White Memorial Congregational Church, of Milray; the congregations of the Ryde, Atkinson Mills, and Newton Hamilton Methodist Episcopal Churches, of Newton Hamilton; members and friends of the Concord United Presbyterian Church, of Concord, Franklin County; members and friends of the Tuscarora United Presbyterian Church, of McCoysville, Juniata County; officials of the Fourth Street Church of the Brethern, of Chambersburg; the pastor and congregation of St. James Evangelical Lutheran Church, of Huntingdon; the pastor and congregation of the Methodist Episcopal Church of Mifflinburg; the pastor and congregation of the Grace Evangelical Church, of Lewistown; the congregations of the Little Valley Presbyterian and the Burnham Presbyterian Churches, of Burnham and vicinity; and members of the Ministerial Association of Mifflin County, all in the State of Pennsylvania, remonstrating against any modification of the eighteenth amendment to the Constitution and favoring the strict enforcement thereof, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. ROBINSON of Arkansas, from the Committee on Military Affairs, to which was referred the bill (H. R. 9212) authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of $9,403.42 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States, reported it without amendment and submitted a report (No. 906) thereon.

He also, from the same committee, to which was referred the bill (S. 3127) to correct the military record of William W. Woodruff, reported adversely thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 2906) for the relief of Emile Genireux, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 8766) for the relief of Edward J. Boyle, submitted an adverse report (No. 907) thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. BINGHAM, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 3976) for the relief of William P. McKinley; and

A bill (S. 3993) for the relief of W. E. Ayers.

Mr. GEORGE, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (S. 2768) to provide for the advancement on the retired list of the Army of M. M. Cloud; and

A bill (S. 3895) to correct the military record of John W. Howard.

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4325) for the relief of Wade W. Barber, reported it without amendment and submitted a report (No. 908) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3514) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct" (Rept. No. 909);

A bill (H. R. 10131) granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes (Rept. No. 910);

A bill (H. R. 10203) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes (Rept. No. 911);

A bill (H. R. 10385) to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps (Rept. No. 912); and

A bill (H. R. 10984) to amend the national defense act of June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions (Rept. No. 913).

Mr. WADSWORTH also, from the Committee on Military Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 2139) for the relief of William W. Green, warrant officer, United States Army (Rept. No. 914);

A bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property (Rept. No. 915);

A bill (H. R. 4001) to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud (Rept. No. 916); and

A bill (H. R. 11613) to provide for the study and investigation of battle fields in the United States for commemorative purposes (Rept. No. 917).

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1721) for the relief of Francis Forbes (Rept. No. 918); and

A bill (H. R. 2172) for the relief of Joseph A. Choate (Rept. No. 919).

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1717) for the relief of Alonzo C. Shekell, reported it without amendment and submitted a report (No. 920) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10052) to authorize the sale of the Mesa Target Range, Ariz., reported it with an amendment and submitted a report (No. 921) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on May 22, 1926, that committee had presented to the President of the United States the enrolled bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

IN MEMORY OF VIRGINIA DARE

Mr. FESS. From the Committee on the Library I report back favorably without amendment the bill (H. R. 5683) for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., in memory of Virginia Dare, the first child of English parentage to be born in America.

Mr. OVERMAN. Mr. President, I ask the Senate to give me unanimous consent for the immediate consideration of the bill just reported by the Senator from Ohio. In August next there is to be a great celebration of the birth of the first white child born in America. It is the three hundred and thirty-ninth anniversary of the event. The ambassador from England will be present. The bill simply provides for the erection of a marker at the point where the second colony sent out by Sir Walter Raleigh landed 341 years ago. I know that no Senator will object to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated to be expended, under the direction of the Secretary of War, in the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., in memory of Virginia Dare, who was born there on August 18, 1587, and who was the first child of English parentage to be born in America.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OVERMAN. Mr. President, I ask that the report of the House committee on the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

[House Report No. 1184, Sixty-ninth Congress, first session]

TABLET OR MARKER AT SIR WALTER RALEIGH'S FORT ON ROANOKE ISLAND, N. C., IN MEMORY OF VIRGINIA DARE, THE FIRST CHILD OF ENGLISH PARENTAGE TO BE BORN IN AMERICA

Mr. BULWINKLE, from the Committee on the Library, submitted the following report to accompany H. R. 5683:

The Committee on the Library, to which was referred H. R. 5683, for the erection of a tablet or marker at Sir Walter Raleigh's Fort on Roanoke Island, N. C., in memory of Virginia Dare, the first child of English parentage to be born in America, having considered the same, report favorably thereon with the recommendation that it pass with the following amendments:

In line 3 strike out the figures "$10,000" and insert therefor the figures "$2,500"; in line 6 strike out the words "monument or other form of memorial" and insert therefor the words "tablet or marker."

Amend title to read:

"For the erection of a tablet or marker at Sir Walter Raleigh's Fort on Roanoke Island, N. C., in memory of Virginia Dare, the first child of English parentage to be born in America."

In 1584 Queen Elizabeth gave letters patent of discovery to her favorite courtier, Sir Walter Raleigh, and soon thereafter he sent out an expedition under those great captains, Amadas and Barlowe. On July 4, 1584, they landed on Roanoke Island, N. C., where they remained for two months before returning to England. They carried back with them two friendly Indians, named Wanchese and Manteo. (The two principal villages on Roanoke Island are named after these two Indians.)

On July 3, 1585, the second colony sent out by Raleigh landed on Roanoke Island. It was commanded by another great explorer, Sir Richard Grenville, and Ralph Lane became its governor. Their situation soon became precarious, and it also soon returned to England.

Raleigh, still bent on colonization, sent out from England a third and last colony, which arrived on Roanoke Island on July 22, 1587. It consisted of 150 men and women, and John White was made their governor. A fort was erected, homes were built, the soil was cultivated, and the colonists soon adapted themselves to their new position.

At this fort, on August 18, 1587, Eleanor Dare, wife of Ananias Dare and daughter of Governor White, gave birth to a daughter. The baby was christened the following Sunday, and because this child was the first Christian born in Virginia she was named "Virginia." All historians mention her as the first child born in this country of English parents, and her baptism as the first Christian baptism on American soil. (See (1) The second Colonie, Hakluyt's Early Voyages, Travels, and Discoveries of the English Nation, Vol. III, p. 345; (2) Dawes, Edward Graham, Raleigh's New Fort in Virginia, 1586, pp. 457–468; (3) Eggleston, Edward, Household History of the United States, pp. 18–19.)

Governor White was called back to England and did not return until 1590. It was agreed that if the colony was forced to move during his absence that the word "Croatan" should be carved on a tree near the fort, and should they be in distress that a small cross should be carved over the word. Upon the governor's return he found that the colony had departed. The word "Croatan" was carved on a tree, but there

was no cross above it. After a considerable search he returned to England without finding them. They are recorded in history as the "Lost Colony," and no trace has ever been found of them, and the history of Virginia Dare stops then. Many beautiful legends and traditions are told as to their fate.

The county in which Roanoke Island is situated is called "Dare," and the capital of North Carolina bears the name of Sir Walter Raleigh. The three hundred and thirty-ninth anniversary of the birth of Virginia Dare will be appropriately celebrated on August 18, 1926, Sir Esme Howard, the British ambassador, being the speaker for the occasion.

MISSISSIPPI RIVER BRIDGE AT LITTLE FALLS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (S. 3802) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Little Falls, in the State of Minnesota, and I submit a report (No. 905) thereon. At the request of the junior Senator from Minnesota [Mr. SCHALL] I ask unanimous consent for the immediate consideration of the bill. It is a railroad bridge bill in the usual form.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert:

That the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Little Falls, in Morrison County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Northern Pacific Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (S. 3803) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota, and I submit a report (No. 904) thereon. At the request of the junior Senator from Minnesota [Mr. SCHALL], I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and in lieu thereof to insert the following:

That the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Minneapolis, in Hennepin County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Northern Pacific Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE BETWEEN NEBRASKA AND SOUTH DAKOTA

Mr. BINGHAM. From the Committee on Commerce I report favorably with amendments the bill (H. R. 11719) granting the consent of Congress to Kansas-Nebraska-Dakota Highway Association to construct a bridge across the Missouri River between the States of Nebraska and South Dakota.

Mr. NORRIS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Commerce were, on page 2, after line 3, to insert a new section as follows:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Kansas-Nebraska-Dakota Highway Association, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such party";

On page 2, line 4, before the word "There," to change the section number from 2 to 3, and in line 17, before the word "the," to change the section number from 3 to 4.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action; to the Committee on the Judiciary.

By Mr. FESS:

A bill (S. 4332) to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of certain claims in favor of the United States; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 4333) permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; to the Committee on the District of Columbia.

By Mr. MOSES:

A bill (S. 4334) granting an increase of pension to Josephine T. Cowles (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4335) for the relief of Bagdasar Jackson (with an accompanying paper); to the Committee on Claims.

By Mr. PEPPER:

A bill (S. 4336) for the relief of William C. Gray; to the Committee on Naval Affairs.

A bill (S. 4337) granting an increase of pension to Ellen C. Smith; to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 4338) to authorize the President to appoint T. F. Long a medical inspector in the Medical Corps, United States Navy; to the Committee on Naval Affairs.

A bill (S. 4339) to reimburse Hugh T. Caffey, formerly postmaster at Leeds, Ala., for money and stamps stolen from said post office at Leeds, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4340) to reinstate William R. Bleakney in West Point Military Academy; to the Committee on Military Affairs.

By Mr. ODDIE:

A bill (S. 4341) to amend section 26 of an act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes; to the Committee on Indian Affairs.

By Mr. MOSES:

A joint resolution (S. J. Res. 110) authorizing a joint committee of both Houses to consider the purchase of the right

to an unrestricted use of the Harriman Geographic Code System under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman Geographic Code System for all governmental, administrative, or publication purposes for which the same may be desirable; to the Committee on Expenditures in the Executive Departments.

WAR-TIME RANK TO CERTAIN RETIRED ARMY OFFICERS

Mr. MEANS submitted an amendment intended to be proposed by him to the bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army, which was ordered to lie on the table and to be printed.

MIGRATORY-BIRD REFUGES

Mr. DILL submitted an amendment intended to be proposed by him to Senate bill 2607, the so-called migratory bird refuges and public shooting grounds bill, which was ordered to lie on the table and to be printed.

AMENDMENTS OF THE PROHIBITION LAW

Mr. EDGE submitted three amendments intended to be proposed by him to the bill (S. 4207) to amend and strengthen the national prohibition act and the act of November 23, 1921, supplemental thereto, and for other purposes, which were ordered to lie on the table and to be printed.

OBSERVANCE OF ARMISTICE DAY

Mr. MEANS. Mr. President, at the request of the American Legion, I send to the desk a concurrent resolution and ask that the same be read. I ask then unanimous consent for its immediate consideration.

The concurrent resolution (S. Con. Res. 18) was read, as follows:

Whereas the 11th of November, 1918, marked the cessation of the most destructive, sanguinary, and far-reaching war in human annals and the resumption by the people of the United States of peaceful relations with other nations, which we hope may never again be severed; and

Whereas it is fitting that the recurring anniversary of this date should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations; and

Whereas the legislatures of 27 of our States have already declared November 11 to be a legal holiday: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples.

Mr. BORAH. Mr. President, may I inquire what is the effect of the resolution? Is it to make another legal holiday?

Mr. MEANS. I can not enlarge upon the wording of the resolution or state anything beyond what it sets forth. Twenty-seven States have already declared Armistice Day to be a legal holiday. The resolution merely requests that the day be observed, not as a holiday but in the manner prescribed by proper ceremonies in public buildings, churches, and schools. It has no other effect.

Mr. JONES of Washington. Just a day or two ago the senior Senator from Kansas [Mr. CURTIS] objected to the consideration of a resolution until after it had been referred to a committee. That has been the general practice of the Senate, and I think it would be better if the Senator from Colorado would follow that course. He can poll the committee and probably bring the report out very soon and have the resolution passed. I think it is a bad thing for the Senate to get into the custom of passing bills or resolutions without referring them to committees. Of course, I do not like to object to a proposition like this; I think I am in favor of it; but it would mean a delay of only a very short while if the resolution were referred to the committee. The chances are the Senator could poll the committee and make a report this afternoon.

Mr. MEANS. I am not so sure that we have the right, under the rules of the Judiciary Committee, to poll the committee. It would delay us until the next meeting of the committee. The Judiciary Committee has refused to be polled upon the matter of having a bill reported out.

Mr. JONES of Washington. Then let the resolution lie on the table for the present.

Mr. MEANS. Very well.

The VICE PRESIDENT. The resolution will lie on the table.

TRANSFER OF EMPLOYEES OF ALIEN PROPERTY CUSTODIAN

Mr. NORRIS. Mr. President, I ask unanimous consent for the immediate consideration of a Senate resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 229), as follows:

Resolved, That the Alien Property Custodian be, and he is hereby, directed to notify the Senate whether any officials, clerks, stenographers, or employees paid from the funds of the Alien Property Custodian office, are or have been transferred or detailed to any other bureau, division, or official of the United States Government. If any such transfer has been made, give in detail the names of the employees or officials thus transferred, the time that such transfer has been in effect, and the amount of money or salary paid to such officials or employees while thus employed.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BRUCE. Mr. President, do I understand that the Senator from Nebraska asks for immediate action on the resolution?

The VICE PRESIDENT. The Senator from Nebraska has asked unanimous consent for the immediate consideration of the resoultion.

Mr. BRUCE. I am sorry that I shall have to object to that request until I know something more about the resolution.

Mr. NORRIS. Let me say to the Senator from Maryland that this resolution merely calls for information.

Mr. BRUCE. I withdraw my objection to the consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

PRODUCTION OF PEANUTS, SOY BEANS, AND COTTONSEED

Mr. GEORGE. I submit a resolution, which I send to the desk, which I ask may be printed and lie over for a day.

The VICE PRESIDENT. Does the Senator from Georgia desire that the resolution shall be read?

Mr. GEORGE. Yes, Mr. President.

The resolution (S. Res. 230) was read and ordered to lie over under the rule, as follows:

Whereas for about two years the United States Tariff Commission has been conducting an investigation into the cost of production of certain vegetable oils in the United States and other countries; and

Whereas American farmers are in direct competition with the oriental producers of the raw materials from which these oils are extracted; and

Whereas the same general reasons for the investigation of vegetable oils apply with equal force to a like investigation of the costs of producing peanuts, soy beans, and cottonseed: Therefore be it

Resolved, That the United States Tariff Commission be, and it is hereby, requested forthwith, under the provisions of section 315 of the United States tariff act approved September 21, 1922, to make an inquiry into the cost of the production of peanuts, soy beans, and cottonseed in the United States and in those countries which may be deemed by the commission to be the principal countries of competition, and to report its findings to the President of the United States.

SARAH A. HASTE

Mr. WHEELER submitted the following resolution (S. Res. 231), which was referred to the Committee to Audit and Control the Contingent expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Sarah A. Haste, widow of Richard A. Haste, late the clerk to Hon. BURTON K. WHEELER, a Senator from the State of Montana, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE ORDER FOR PROHIBITION ENFORCEMENT

Mr. KING submitted the following resolution (S. Res. 232), which was ordered to lie on the table;

Whereas the President by an Executive order dated May 8 and published May 21, instant, authorized the Secretary of the Treasury to appoint county and municipal peace officers within the States as agents of the Treasury Department to enforce the provisions of the national prohibition act, thus undertaking to impose upon such State officers the duty imposed by acts of Congress upon Federal prohibition officers as such, and to charge the Treasury of the United States with an obligation to compensate such State peace officers for services rendered to the Federal Government; and

Whereas said order of the President has not been authorized by act of Congress and has not been assented to by the legislature of any State, and would appear to be of dubious legality: Now therefore be it

Resolved, That the Committee on the Judiciary be directed to inquire and advise the Senate as to whether said order is within the legal powers of the Executive.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 21, 1926:

S. 3958. An act to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quielute Indians.

On May 22, 1926:

S. 2475. An act to amend an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," approved June 7, 1924;

S. 3768. An act granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; and

S. 4073. An act to provide for the establishment of the Shenandoah National Park, in the State of Virginia, and the Great Smoky Mountain National Park, in the States of North Carolina and Tennessee, and for other purposes.

GROWTH OF SOVIET FOREIGN TRADE

Mr. BORAH. Mr. President, I ask unanimous consent to have inserted in the RECORD a very brief news item from the Washington Post of yesterday. It relates to the foreign trade of Russia.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET FOREIGN TRADE GROWS 48 PER CENT

The foreign trade turnover of the Soviet Union for the first six months of the Soviet fiscal year, October 1 to April 1, was $352,675,000, as compared with $238,973,000 for the same period last year, an increase of 48 per cent, according to preliminary customs figures received by the Russian information bureau. Exports were $158,730,000 and imports $194,302,000, giving a passive balance of $35,572,000.

Exports for March, the last month of the period, showed a big advance, 70 per cent over January and 33 per cent over February, and giving a favorable trade balance for the month of $212,000. Exports of wheat for March were $4,138,000, nearly triple the figure for February, and marked gains were shown in other foodstuffs, furs, and manganese ore.

THE PULLMAN-CAR SURCHARGE

Mr. CAMERON. Mr. President, I ask unanimous consent to have printed in the RECORD a brief submitted by the Traveling Men's Association of America, setting forth their position with respect to the so-called surcharge situation.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

THE PULLMAN SURCHARGE

In the hearings before the committee we discussed rather fully the right, and what we considered the high duty, of Congress to take action in this matter following the failure of its agent to remove this onerous charge on the public, although failing to find it reasonable by a majority vote.

The following matters not completely treated in our testimony before the committee may be advantageously considered in connection with the question of removing the Pullman surcharge.

I. LOSS OF REVENUE THROUGH DETERRENT EFFECT ON TRAVEL OF PULLMAN SURCHARGE [1]

We contended and substantiated with figures that in all probability the surcharge losses for the railroads through decreased travel, at least as much revenue as it produces because of the inability of people to pay it and because of its irritation value. In this connection we spoke of the enormous decreases in Pullman revenue passenger-miles following the surcharge, amounting in money to almost three times the amount derived from the surcharge. In the 16 years from 1890 to 1905 passenger-miles had increased from 11,800,000,000 to 23,800,000,000—that is, more than doubled—and again in the 16 years from 1905 to 1920, the year when passenger fares were increased to the present high level and the Pullman surcharge superimposed on them, they had again doubled by increasing from 23,800,000,000 to 47,300,000,000. Think of this, in comparison with the fact that passenger-miles are now many billions of miles below the charted trend; that in 1923, the last year for which figures were introduced in this case, revenue passenger-miles were nearly 2,000,000,000 less than in 1917, the year when the service of marked and steady advances in passenger rates, which reached their peak in 1920, began.

II. ALLEGATIONS OF CARRIERS AS TO THEIR NEED FOR REVENUE ARE NOT ESTABLISHED AND ARE IRRELEVANT [2]

We showed in the hearings before the committee how, despite the carriers' literally everlasting plea that they are not earning enough, their return on the valuation fixed by the commission, according to their own exhibit, No. 65, in the interchangeable mileage ticket investigation was 5.19 per cent in the year 1923 (the last for which figures were introduced before the commission).

1. Past returns of carriers would have been greater except for deferred maintenance. (Travelers' first Pullman brief (gray), p. 17; Travelers' mileage brief (white), p. 32.)

This was despite the fact, as stated by Commissioner Esch before the House committee on May 21, 1924, that—

"The statistical returns have presumably shown unmistakably that maintenance expenditures in 1923 were abnormally increased by the necessity of making up the deferred maintenance of the previous year. This fact is known to the commission, and if a general case were being heard, it unquestionably would be considered in judging the possible earnings under the existing rate and unit costs."

2. Accrued depreciation charged against return but not against valuation. (Travelers' first Pullman brief (gray), pp. 17, 18.)

We also pointed out in the hearings in the Pullman case before the commission that a large amount, representing accrued depreciation on road and equipment, although charged as an operating expense, had not been deducted from the valuation used to determine the return.

3. Increased returns and prosperous condition of carriers a matter of common knowledge.

Correction in these respects alone would probably have shown that on the evidence before the commission the carriers were at that time earning a substantial increase over 5.19 per cent. And it is common knowledge that their condition has materially improved in all respects since that date. In the hearings we showed, merely as an example, headlines in the New York Times for one day, April 21, 1926, as follows:

"Coast Line to pay extra on common. Total was $93,997,697 from all sources against $81,785,921 in 1924. Surplus gained also. Nickel Plate income increased in March; shows gain also in first quarter. Union Pacific and Kansas City Southern report advances. Illinois Central's net up $1,300,000; passenger traffic drops."

4. Carriers' testimony only on basis of exaggerated book value.

The carriers have introduced no evidence that they are not earning the allowed return; all their testimony before this committee has been on the basis of their book value instead of the commission's valuation, and it is commonly known that their book value is bloated and far exceeds the valuation of the commission.

5. General revenue conditions can not support a discriminatory charge, especially when the major portion of such charge, in any event, goes to lines that do not need it. (Commission's Report, p. 488; Travelers' first Pullman brief (gray), pp. 18–21; Travelers' mileage brief (white), pp. 33–38.)

Of course, even if revenues were any less than the required return there would be no excuse for trying to make it up from one class of passengers availing themselves of a necessary service. In addition, it is to be noted from Commissioner Campbell's opinion that $28,000,000 of the surcharge goes to but 17 roads, and these the 17 who reap the largest return from their contracts with the Pullman Co. From the same opinion it is to be noted that more than half the surcharge goes to roads who, as far back as 1923, were earning in excess of 5 per cent on their book values. Aside from all other considerations, "it is," as Commissioner Campbell said, "not reasonable or fair to the traveling public to permit a general charge of this character to stand when so much of it accrues to lines that do not need it." This consideration should be even more forceful to-day when a far greater proportion is accruing to such lines, and the carriers as a whole are probably earning more than the return allowed by law.

6. The carriers' position is especially untenable in view of the fact that a gain, rather than a loss, in revenue is to be expected from the removal of the surcharge.

Under I above it is shown that in any event the surcharge probably loses more revenue than it gains for the carriers, because of its effect in depleting travel.

III. IN COMPARING THE NET RETURNS TO THE CARRIERS FROM PULLMAN AND COACH SERVICE, THE THREE FACTORS OF GROSS REVENUE, EXPENSE, AND INVESTMENT MUST BE CONSIDERED

However, even the four members of the commission deciding with the carriers admitted, and the carriers themselves have been forced to admit at this very hearing, that the Pullman surcharge can not be justified in any event, unless without the sucharge the transportation

[1] Supplementing Senate Interstate Commerce Committee record, page 139; commission's report, page 487; Travelers' brief (white) in interchangeable mileage ticket investigation, pages 75–77; Travelers' first brief (gray) in Pullman surcharge matter, pages 5–15.

[2] Supplementing Senate Interstate Commerce Committee record, pages 155–156; Travelers' (mileage) brief (white), pages 30–38; Travelers' first Pullman brief (gray), pages 15–21.

of Pullman passengers yields less to the carriers, all things considered, than the coach traffic. For if this is not true, obtaining revenue by charging Pullman passengers a differential as against coach passengers is a totally unjustified discrimination. There are three factors to be considered—gross revenue derived from, expense of conducting, and property invested in Pullman travel as against coach.

IV. THE CARRIERS HAVE FAILED TO PROVE A GREATER GROSS REVENUE PER CAR-MILE FROM COACH THAN FROM PULLMAN SERVICE

1. The relative capacity of coach and Pullman cars is immaterial, since, due to the intensiveness of Pullman travel and the making of reservations for it, the relative capacity is not an index to the relative occupancy, which is the true gauge.

The gross revenue per car-mile obtained from the two services, coach and Pullman, depends on what is called the occupancy; that is, the average number of passengers occupying any car during any mile of its operation in passenger service. The carriers seek to sway the mind to a belief in a materially lower occupancy of Pullman cars by referring to the smaller capacity. Of course, it is the actual occupancy—the actual number of passengers carried—and not the capacity that results in revenue. Pullman cars can be and are used materially more nearly to capacity than coaches, for several reasons: In the first place, the making of reservations in advance allows the supplying of facilities in accordance with requirements to a much larger extent than in the case of coaches; in the second place, because, while Pullman traffic is almost entirely in the heavy lanes of travel, coach travel is, in very great part, in the light lanes, where very few passengers per car are carried.

2. Carriers ask tribute of $35,000,000 a year from public as premium for wasteful competition. (Travelers' first Pullman brief (gray), pp. 45–47.)

Now, even if the carriers' figures were correct, they would not be a justification for the surcharge. It was admitted by the carriers (pp. 45 and 46, Travelers' original brief) that Pullman occupancy, and consequently Pullman gross revenue per car-mile, would be very much greater were it not for their vying with one another in providing lower berths for all passengers. Surely the public should not be called upon to pay a tribute of $35,000,000 to $40,000,000 a year to allow a larger margin for wasteful competition. Business generally competes by cutting its prices. The railroads ask that the public pay them a premium therefor.

3. The carriers in the final analysis offer the effect of the surcharge itself in reducing the ratio of Pullman to coach travel as a reason for its continued existence. (Travelers' first Pullman brief (gray), pp. 44, 45; commissions' report, p. 487.)

Again, not only have we shown, we believe, that an immense amount of Pullman traffic is lost through the deterring effect of the surcharge on travel, but the carriers have themselves admitted that many passengers have been driven by it from the Pullman to the coach, tending to reduce Pullman occupancy as compared to coach. It will be seen that the carriers support the surcharge with a reason which the surcharge itself helps to create.

4. Carriers compelled to admit incorrectness of original data presented by them.

The southern carriers and the eastern carriers introduced special tests made in their respective territories which showed an immense difference in average occupancy in favor of the coach, and accordingly in revenue received from Pullman and coach traffic. Even the so-called majority of the commission rejected these tests as useless. (Commission's report, p. 473.)

The western carriers introduced figures for the country as a whole, showing the revenue per Pullman car-mile, excluding the surcharge, as 42.55 cents, and that per coach car-mile as 52.69 cents, a difference in favor of the coach of 10.14 cents. (Commission's report, p. 473.) These figures were abandoned by the railroads themselves when, following cross-examination, they were compelled by Commissioner Campbell, who was in charge of the hearings, to make a further test. This further test showed revenue per Pullman car-mile, excluding the surcharge, as 44.71 cents and per coach car-mile 53.52 cents, a difference of only 8.81 cents in favor of the coach. (Travelers' first Pullman brief (gray), pp. 36, 37; Travelers' second Pullman brief (blue), pp. 11, 12.) These are the figures also which the carriers have presented to this committee in an exhibit. ("Revenues and Expenses per Car-mile.")

5. Majority-minority of four is shown to have relied on original admittedly incorrect data, and not to have taken account of the controlling questions raised as to comparatively coach and Pullman gross revenue per car-mile. (Report of commission, pp. 473, 485, 486.)

Now, this compulsory relinquishing of their position by the carriers is interesting from two standpoints. Partly, it indicates, as do the eastern and southern tests mentioned above, the character of the information which the carriers furnished the commission throughout this case. But even more important, it indicates, difficult as it is to believe, that the so-called majority of four commissioners failed to consider the very admissions the carriers had been forced to make. For, as will be seen by examining page 473 of their report, the study upon which this minority-majority decided in favor of the surcharge was that showing a difference of 10.14 cents, abandoned by the carriers themselves. Their report evidences that they totally failed to consider the Travelers' showing, agreed to by Commissioner Campbell as next discussed, that the carriers' figures as to comparative gross revenues of coach and Pullman service were also worthless when revised.

6. The carriers are shown to have distorted the figures again when given a second opportunity to make an adequate study and to have failed entirely to satisfy their burden of proof. (Commission's Report, pp. 485–486; Travelers' second Pullman brief (blue), pp. 11–32.)

However, the study by which the carriers sought to prove to the commission that 8.81 cents gross revenue per car-mile less was derived from Pullman travel than coach had no basis in fact, because in eliminating commutation travel from the comparison, as all admitted should be done, the carriers entirely distorted the figures. In making their regular reports to the commission no separation is made between coach and commutation car-miles and passenger-miles; totals only are shown. It thus became necessary for the carriers to make a special study of commutation traffic. They agreed with Commissioner Campbell and Examiner Keeler upon a tentative plan for doing this. However, it was left to them to select the zones which were to be treated as "commutation zones."

In this test commutation revenue was computed only from commutation tickets and not from the actual revenue received from passengers riding in the so-called commutation trains. However, all car mileage made by all trains within the so-called commutation zones selected by the carriers was included in commutation car-miles. In fixing the zones the carriers so increased their length beyond any reasonable limits as to include in "commutation" thousands of car-miles made by regular coach traffic. Nevertheless, since commutation revenue was obtained only by counting commutation tickets, they credited coach traffic with the revenue from full-fare coach passengers who traveled these miles. Since the revenue per coach-mile is derived in such a test by dividing the total revenue accredited to coach traffic by the number of car-miles of coach traffic, it will be seen that by this method (by unduly decreasing the denominator, coach car-miles, while at the same time improperly increasing the numerator, coach passenger revenue) the carriers were able to exaggerate the coach revenue per car-mile in their comparison of it with the Pullman revenue per car-mile.

We showed in our brief not only how the carriers had disingeneously distorted the "commutation zones" selected by them (many of them ran from 50 to 92 miles) (Travelers' second Pullman brief (blue), pp. 79, 80), but how they further obtained the same effect by including in their so-called commutation zones important centers of full-fare traffic and by making no allowance for week-end and other full-fare coach traffic riding in the trains arbitrarily designated as "commutation" by them.

This is a matter somewhat difficult to explain, perhaps, but to substantiate our contention in this regard we need only quote Commissioner Campbell in his opinion:

"They (the carriers) were called upon to make a study of commutation travel, and a formula submitted by them for making the study was tentatively approved, but the manner in which the formula was applied so strongly indicates that the results produced are inaccurate that it renders them useless for the purpose for which they were submitted."

This statement of Commissioner Campbell (who directed the study and was the only commissioner familiar with it), and agreed in by Examiner Keeler (the only other representative of the commission familiar with the study), is in no wise negatived by the so-called majority of the commission in sustaining the surcharge; indeed, as we have shown, these four commissioners relied upon a previous and discarded exhibit of the carriers (that showing a gross revenue of 10.14 cents per car-mile in favor of the coach), and did not even take into account the study (that showing a gross revenue of 8.81 cents per car-mile in favor of the coach), in connection with which this controlling question arose.

The railroad, having thus failed to sustain their burden of proof (sec. 15, interstate commerce act), as to this vital point, their case must fall immediately on this ground alone.

7. Giving the carriers the benefit of doubts not resolved by their proof, the gross revenue per coach car-mile exceeds that per Pullman car-mile at most by 3.05 cents. This difference is far overbalanced by the lesser expense and investment necessary for Pullman passengers, as next discussed (V and VI Infra.).

However, if the carriers be given the benefit of the figures, without excluding commutation traffic as it was incumbent upon them to do, coach traffic, including commutation, yields 49.63 cents per car-mile, while Pullman yields 44.71 cents per car-mile, exclusive of the surcharge, a difference in favor of coach of 4.92 cents per car-mile. (Commission's report, p. 486; carrier's exhibit, "Revenues and expenses per car-mile," before Senate Interstate Commerce Committee.) In addition to the revenue received by the carriers from Pullman passengers, as just shown, they also receive 1.37 cents from the Pullman Co. per car-mile of Pullman traffic and 0.5 cent in extra fares per car-mile of Pullman traffic, reducing the spread between the two services in gross revenue per car-mile to 3.05 cents. (Commission's report,

p. 486.) We showed in our brief before the commission that it was likely that the difference in revenue per car-mile between the two services, if the carriers had not distorted the commutation study, would be even less than this. But let us proceed on the assumption that gross coach revenue per car-mile is 3.05 cents greater than Pullman revenue, stopping only to note how materially this differs from the 10.14 cents acted upon by the four commissioners favoring the surcharge and the 8.8 cents per car-mile, the figures adduced by the carriers in their revised exhibit.

V. COST OF PULLMAN SERVICE MATERIALLY LESS TO CARRIERS THAN COST OF COACH SERVICE

The carriers' next contention was that they furnish a more expensive service to the Pullman passenger than to the coach passenger. And they support this by reference to the comparative weight of Pullman cars and coaches. They also refer to miscellaneous extra expenses, such as switching, parking, and provision of extra conductors for Pullman passengers as against coach passengers.

1. Carriers' claim of miscellaneous extra expenses in Pullman as against coach service for switching, parking, conductors, etc., not sustained by them and shown to be unsound. (Travelers' first Pullman brief (gray), pp. 21–24.)

On the score of the miscellaneous extra expenses we quote the following (record before commission, pp. 1103, 1104):

"Q. (By counsel for Travelers'.) Confining my question to your road, you say the reason these figures are not supplied would be because the amount would be inappreciable?—A. I did not make any such statement.

"Q. I am asking you now.—A. I am not prepared to answer it, because we have nothing to do in our department with operating costs.

"Q. (By Examiner Keeler.) Well, you have something to do with the determination of what figures should be submitted, don't you?—A. Yes, sir; figures were submitted.

"Q. It seems to me it is a question for your department rather than for the operating department to answer.—A. It is the operating department.

"Q. Now, Mr. Burt, the question was, Why were not those figures submitted? You have charge of determining what figures should be prepared.—A. I can not answer why the operating department did not present them.

"Q. (By counsel for Travelers'.) Then I suppose your answer is 'I don't know.'—A. Absolutely.

"Q. Is there any witness for your road that would be prepared to answer that question?—A. (By Mr. Bkle.) Mr. Burrell, as all our witnesses, agreed to be back here for cross-examination. Mr. Burrell will be here this afternoon. I told him he would not be reached at the morning session."

Later the cross-examination proceeded with Mr. Burrell (record before commission, p. 1120):

"Q. There was some testimony in this hearing about switching facilities afforded to through Pullman cars. Are you in a position to testify to the expense incident to that switching for through Pullman cars?—A. No, sir; I did not prepare any figures on the cost of switching Pullman cars as against coaches.

"Q. Are you prepared to testify to any figures regarding the handling of Pullman cars by the carriers, any expenses at all?—A. No, sir; I can not testify."

Both Mr. Thom and Mr. Van Doren made much of the supposed necessity in order to accommodate Pullman passengers, of providing railroad conductors earlier in the evening than would otherwise be done, and Mr. Van Doren went so far as to suggest that counsel for the Travelers' had forgotten the record. Had Mr. Van Doren or Mr. Thom taken any part in the proceedings in this matter before the commission, as they did not, they might have known that Mr. Burrell, the carriers' witness on this score, testified that he could not explain why it was necessary to have both the Pullman and railroad conductor present in the instances mentioned, and why the work could not be left to the Pullman conductor, as in other instances. (Record before commission, pp. 574–575.)

These alleged expenses, even if they were not balanced by equivalent expenses in connection with coach traffic, it must be realized would be comparatively small in any event. They were used by the carriers throughout the case merely as a make weight.

In conclusion, we will quote the statement of Commissioner Campbell, to which no answer will be found in the opinions of the majority, of 4 out of 10, who found the surcharge reasonable:

"Coach runs generally are materially shorter than Pullman-car runs, and the switching of coaches at terminals and at division points may greatly offset or even totally eclipse the alleged extra switching of the Pullman cars. Parking space must be provided for coaches when not in use, and while they may not stand on tracks in immediate proximity to stations for as great periods of time as Pullman cars, they may contemporaneously be occupying space which has cost as much or more to create. Although as compared with the coach traffic there may be as to part of the Pullman traffic longer detention of cars at stations, and incidentally greater use of the facilities adjacent to the station by passengers using Pullman equipment, there is probably materially less use of the station proper by these passengers than by the coach passengers." (Report of Commission, pp. 484, 485; see also Travelers' second Pullman brief (blue), pp. 55, 56.)

2. Carriers attempted to mislead commission by showing alleged great discrepancy in weight between Pullman cars and coaches, coupled with false theory that expense of transportation is entirely controlled by weight of cars. (Travelers' first Pullman brief (gray), pp. 48–55; Travelers' second Pullman brief (blue), pp. 39–44.)

The main contention of the carriers was that Pullman cars, principally because they are of steel, weigh considerably more than coaches and thus cost more to haul. The carriers presented their whole case on the theory that cost of transportation and the revenue to be derived from different classes of passengers varied in direct proportion to weight of cars, as is shown by one typical extract of many that might be made from their testimony (record before commission, p. 1458):

"Q. (Mr. Loeb.) * * * If the traffic would bear it, the railroad companies should receive twice as much from the Pullman passenger as they do from the coach passenger, if they carry twice as much weight for the Pullman passenger as for the coach passenger; is that your belief?—A. Excepting as to the factor you used. If you take the ratio of the weights, it would be about 50 to 72; about 50 per cent greater, nearly 50 per cent greater."

The fallacy of such a contention becomes so palpable on examination that it may well be said that the carriers were guilty of presenting to the commission a theory of determination of this case in violation of their duty to present full and fair information to the commission. (Travelers' first Pullman brief (gray), pp. 48–55; Travelers' second Pullman brief (blue), pp. 39–44.)

A. Weight is a comparatively small factor in transportation expense, far overbalanced by other elements.

In the first place, the weights offered by the carriers were obtained in tests of only a small part of the traffic and were not at all representative. (Travelers' first Pullman brief (gray), pp. 24–40.) But admitting these weights for the sake of argument, it is clear that weight is not a controlling factor in expense of transportation. Even as to fuel costs, it is not governing, since the element known as "wheel resistance" must also be taken into account. Moreover, it is known that a very large part of expense connected with moving weight is involved in the starting and stopping of trains, and in this respect the moving of Pullman cars entails much less of such expense than coaches. (Travelers' first Pullman brief (gray), pp. 52, 65.) Finally, it may be said that the very weights suggested by the carriers were used in the cost study prepared by Mr. Elmore under the supervision of the commission, despite which he obtained a result markedly in favor of the Pullman traffic, because of the small influence of weight and the large influence of other factors, hereafter referred to, on the expense of transportation.

B. Modern steel cars, which cause the extra weight of Pullman traffic as against coach, are a decided advantage to the carriers as against any other type of car.

But in attempting to be paid for weight which arises chiefly out of the fact that Pullman cars are in the main made of steel, the carriers are in any event attempting to be paid for something that is to their decided advantage. The following are typical examples of dozens of answers of the same nature received from roads in the western district in reply to a questionnaire that was sent out (Travelers' first Pullman brief (gray), pp. 42–44, 39–40):

"Any purchase of new passenger equipment will be steel cars in line with recommendation of the Interstate Commerce Commission on account of reduction of hazard in accidents and also on account of cheaper maintenance."

And again:

"All-steel cars used, as they are best fitted from railroad point of view."

C. Modern steel coaches practically as heavy as Pullman cars; difference in weight between different classes of coaches as great as between coaches and Pullman cars. (Commission's Report, p. 484; Travelers' first Pullman brief (gray), pp. 40, 41.)

Again, since steel coaches have largely come into use and are more and more doing so every day, the contention of the carriers to sustain the Pullman surcharge is based on a condition which daily becomes more obsolete and will soon be largely eradicated. It is only necessary further to quote a line from Commissioner Campbell's report:

"In connection with the weight of the cars it was established that there is an increasing number of coaches that weigh practically as much as the steel Pullman cars, and more than the wooden Pullman cars, and that there is as great or greater difference in weight between the different classes of coaches as between the coaches and Pullman cars."

3. The majority of 4 out of 10 commissioners is shown to have relied on admittedly incorrect data that Pullman traffic was substantially more expensive to the carriers than coach, although the carriers themselves were forced to, and did, admit that it was not. (Report of Commission, pp. 472–473, 477, 481–482; 485.)

Now, it is to be noted that the commissioners favoring the retention of the surcharge nevertheless rely on the factor of weight, as showing that Pullman service is substantially more expensive for the carriers to conduct than coach service, and this despite the fact that the carriers themselves finally were forced to admit before the commission as they have before this committee (their exhibit "Revenues and expenses per car mile," in which they show the cost of conducting Pullman service as 43.56 cents per car mile and the cost of conducting coach service as 43.18 cents per car-mile) that the expenses of the two services were practically identical. As Commissioner Campbell says:

"The railroads did not materially object to the study (the Elmore study in its tentative form), which indicated that the relative expense to them of the two classes of service was about the same. But counsel for the interests opposing the surcharge took serious exception to certain allocations and apportionments, and certain of these exceptions were admitted by the analyst to be meritorious."

4. The only cost figures in the case, those of the commission's statistical analyst, Elmore, showing that the expense per car-mile to the carriers of conducting Pullman traffic is at least 3.75 per cent less than of coach traffic were ignored by the "majority" of four commissioners. (Report of Commission, pp. 485, 477–9; Travelers' second brief (blue), pp. 44–66.)

After applying the criticisms of both sides, Mr. Elmore came to the conclusion that it was 3.75 cents cheaper per car-mile to conduct Pullman traffic than coach traffic, despite his using the weights suggested by the carriers as to comparative weights of Pullman cars and coaches.

We learn from Commissioner Campbell's report that before the Elmore study was made there was grave doubt in his mind, "and in the minds of those associated with me in handling the case," as to whether, as a matter of fact, the railroad's operating expense per car-mile was any higher for the Pullman cars than for the coaches. Yet, despite this grave doubt, the four commissioners favoring the surcharge proceeded to discard the study the commission itself had had made to resolve the doubt, without even considering in particular its merits or demerits. Of course, any cost study can not be exact. But whatever may be said of the Elmore study, there is no question but that it was the only cost study in the case, and it was certainly better than the guess of four commissioners who had not heard the evidence and who were in grave doubt before it was made. These four commissioners themselves say:

"In this case we have no reliable cost figures."

And Commissioner Campbell states:

"But they (the carriers) submitted no reliable cost figures, and we were left to speculate as to the amount of the alleged extra expense."

It need only be added that Mr. Elmore stated that he had not given consideration to certain contentions of the Travelers' because he could not reduce them to figures. And, due to this caution on his part, it may be safely said that any inexactness in his results did not inure to the benefit of the public. As Commissioner Campbell said:

"An analysis of his final figures indicates that they also discriminate against the Pullman business, and that the average expense to the railroads of handling the Pullman cars is less than the average expense to them of handling the day coaches by an amount considerably in excess of 3.75 cents per car-mile."

5. The "majority" of four thus overlooked both the carriers' failure to sustain their burden of proof—theirs by the natural equities of the situation and also by the specific mandate of Congress—and the affirmative proof by the public that Pullman traffic is materially less expensive to the carriers than coach traffic.

It was natural to expect that in the inquiry made in this case the carriers were under, and would assume, the obligation to produce the essential facts for a proper determination of the matter by the commission. All of such knowledge was peculiarly within their jurisdiction and control, the practices under investigation inured to their benefit and, if justifiable, could be most advantageously defended by them. Moreover, section 15 of the interstate commerce act by the special mandate of Congress puts on them the burden of proof of the reasonableness of rates established since 1910 (report of commission, p. 482):

Interstate commerce act

"SEC. 15 (B). At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased after the passage of this act, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge is just and reasonable shall be upon the carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible." (24 Stat. L. 384, as amended by 34 Stat. L. 589; 36 Stat. L. 552.)

Yet the "majority" not only overlooked this omission, but disregarded the affirmative proof of the invalidity of the carriers' contentions, contained in the commission's own study and the facts brought out by the public.

6. The controlling factors making the conduct of Pullman traffic cheaper than that of coach are readily made apparent.

Aside from the formula worked out by Mr. Elmore, in which the criticisms of both sides were taken into account, the factors which make for the cheaper conduct of Pullman than of coach traffic can easily be made apparent. Increasing the cost of Pullman traffic as against coach is only the factor of weight, which has already been shown to effect only a comparatively small part of the expenses of transportation and these not in controlling measure.

A. More than eight times the terminal expense per mile of travel is incurred for the coach than for the Pullman passenger, whose average journey is more than eight times that of the coach passenger. (Travelers' first Pullman brief (gray), pp. 63–66; Travelers' second Pullman brief (blue), p. 53.)

On the other hand, there is the length of the Pullman passenger's journey, by the carriers' own showing more than eight times that of the coach-passenger's journey. As Mr. Elmore said in his study, and as the commission has said in another case (Southern Class Rate Investigation, Docket 13494), terminal expenses remain constant whatever the length of journey. A passenger uses only two terminals, no matter how long a single journey taken by him. In other words, more than eight times as much terminal expense is incurred for the coach passenger for every mile of travel by him than is incurred for the Pullman passenger. (A large additional saving of similar nature in "yard" expenses, because of the longer average run per unit of equipment in Pullman as against coach traffic, might be noted if space permitted.) (Travelers' second Pullman brief (blue), pp. 55–56.)

B. Greater intensiveness of use of facilities and labor (volume production) of Pullman transportation. (Travelers' first Pullman brief (gray), pp. 61–62, 53; Travelers' second Pullman brief (blue), pp. 46–49.)

Again, although some coach traffic moves in the heavy lanes, the mass of it moves in the comparatively light lanes of travel. Conversely, while some Pullman traffic moves in the light lanes of travel, the great mass of it moves in the heavy lanes of travel. Thus the Pullman traffic, as against the coach traffic, gives to the carriers all the great savings in expense known to be involved in volume production (not to speak here of like savings in investment, referred to below).

The two contentions advanced above could not be better confirmed than by Mr. Van Doren's statement before this committee that it was in the short and branch line passenger traffic that the carriers were losing money, and not in the heavy long-distance traffic. Mr. Elmore stated that he had not even given full consideration to these immense factors in arriving at his result.

C. The carriers' savings of miscellaneous operating expenses alone, maintenance, depreciation, car attendance, cleaning, laundry charges, taxes, insurance, all borne by the carriers in coach traffic, but by the Pullman Co. in Pullman traffic, show a favorable margin on the side of Pullman traffic. (Report of commission, pp. 486–487, 476; Travelers' first Pullman brief (gray), pp. 55–57.)

Finally, there is to be considered the fact that the Pullman Co. (paid by the Pullman passenger) bears the expense of maintenance and depreciation due to wear and obsolescence, provides necessary car attendants, cleans the inside of the cars, meets laundry expenses, pays the taxes on equipment, and insurance.

Even the "majority" found that these expenses, plus contract revenue and saving in investment, as admitted by the carriers, amounted to 5.6 cents per car-mile, or, excluding the contract revenue of 1.37 and the saving in investment of 1.10 cents per car-mile, a net saving to the carriers of 3.13 cents per car-mile in Pullman transportation as against coach. Commissioner Campbell, from evidence of the actual expenditures of the Pullman Co., found that these savings to the carriers amounted to 3.00 cents per car-mile. In either event, it will be noted, this furnishes another method in addition to that of the Elmore cost study for comparing Pullman and coach services in so far as railroad participation in those services is concerned. Thus, when these savings alone, admitted by the carriers and the "majority," are contrasted with the difference in the carriers' gross revenue from the two classes of service of 3.05 cents per car-mile, the balance is again seen to be in favor of the Pullman passenger by 0.08 cent if the majority's figures be taken, by 0.85 cent if Commissioner Campbell's be taken.

VI. CARRIERS AND "MAJORITY" OF FOUR IGNORED IMMENSELY SMALLER INVESTMENT CARRIERS DEVOTE TO PULLMAN THAN TO COACH SERVICE[8]

We spoke finally of the factor of investment. The railroads in presenting their case entirely ignored this and claimed that it should not be taken into consideration. They based their entire case on the false theory that the same net revenue must be derived from a car-mile of Pullman travel as from a car-mile of coach travel. But for this confident assumption it would hardly be necessary, to remark that this would follow only if the investment devoted to operation were employed equally for a Pullman car-mile and a coach car-mile, respectively. It is palpable that the comparative net revenue to be derived from two

[8] Travelers' second Pullman brief (blue), pp. 6–11.

classes of service can not be determined without regard to the respective investments devoted to those two services.

The Pullman Co. owns and provides the cars in which Pullman passengers are carried. The easiest way of accounting for the saving to the railroads from this source is to compute the interest which would be incurred if they themselves had to provide the capital for these facilities. This interest would amount to 1.10 cents per car-mile. The majority of four say as to this item:

"The annual saving in respect of capital investment can not, of course, be considered as an actual saving, for respondents would be entitled to a fair return on the capital investment if made by them."

So despite the fact that the capital investment is not made by the carriers, the four commissioners, for the reason just stated, "eliminate" this item "as a saving." Under this reasoning, if the railroads had no investment at all devoted to Pullman service, and on the other hand a great investment devoted to coach service, it should nevertheless not be taken into account in fixing the relative rates for the two services.

Now, as a matter of fact, the saving of investment in cars is perhaps one of the least savings in investment, although the most easily measured, which accrues to the railroads in Pullman service as against coach service. They are also saved the shop facility resources devoted to the maintenance of these Pullman cars; they are saved the vastly greater number of cars which would be required for the individual carrier's needs if the Pullman car pool was not available; they are saved an immense investment in station, terminal, motive power, roadway, and roadway facilities because of the smaller extent to which these properties are devoted to the service of the Pullman passenger, through his using (because of the much longer Pullman haul, both of cars and passengers) much less of terminal and station facilities than does the coach passenger; and through the fact that the Pullman passenger rides in the heavy lanes of travel where there is a much greater turnover on motive power and roadway investment.

VII. IN SUMMARY, THE PULLMAN PASSENGER RECEIVES FROM THE CARRIERS NOT MORE BUT SUBSTANTIALLY LESS TRANSPORTATION SERVICE PER MILE OF TRAVEL THAN THE COACH PASSENGER. WITH A VERY MUCH SMALLER INVESTMENT PER MILE IN PULLMAN SERVICE THAN IN COACH THE PULLMAN SERVICE YIELDS A GREATER NET REVENUE PER MILE THAN COACH

Now, to sum up. Granting the carriers a greater gross revenue per car-mile (which they have not proved) of 3.05 cents from coach traffic as against Pullman, and setting off against this the lesser cost of 3.75 cents per car-mile for Pullman service as against coach, as found by Mr. Elmore, the net revenue per car-mile derived from Pullman service is at this point already 0.70 cent per car-mile greater for Pullman than for coach service. If Pullman service then be credited with 1.10 cents per car-mile, the saving in interest on investment in cars alone (not taken into account by Mr. Elmore, because his study was concerned only with expense of transportation), we find the Pullman service yielding 1.80 cents per car-mile more than the coach in net revenue. This, without taking into account at all the fact that, as Commissioner Campbell said, Mr. Elmore's study, if anything, unduly favors the carriers, and without taking into account the other enormous savings in investment mentioned above.

The carriers, by taking isolated instances and attempting to confuse the service they furnish with that rendered by the Pullman Co., for which the passenger pays it, would have one believe that the Pullman passenger receives a greater transportation service from them than does the coach passenger. It is clear from the discussion above that when a comprehensive view of the elements involved is taken, the average Pullman passenger receives from the carriers not more, but substantially less, transportation service per mile of travel than does the average coach passenger.

VIII. GENERAL ADVANTAGES TO THE CARRIERS OF PULLMAN TRAFFIC

1. Pullman service induces large amounts of business for the railroads. (Travelers' first Pullman brief (gray), p. 61.)

We shall refer only briefly to two general considerations, which alone would be sufficient to show the injustice of such a charge as the present one. While the carriers complain of their Pullman traffic, they have themselves admitted that they use their Pullman facilities as an advertising medium. (Record before commission, p. 689.) Pullman service stimulates the desire for travel and accustoms the public to the idea of travel, which eventuates in increased coach and freight as well as Pullman traffic for the carriers.

2. The fact that Pullman traffic is preponderantly night traffic relieves carriers' daytime facilities and enables them to use their properties 24 hours a day. (Travelers' first Pullman brief (gray), pp. 59–61.)

And, perhaps more important still, is the fact that it is only the use by passengers of Pullman facilities that enables the carriers to make full use of their properties 24 hours a day. They wish to penalize the passenger who, by traveling at night, uses facilities which would otherwise be idle and refrains from using daytime facilities which would otherwise be overburdened. The preposterousness of such a theory could not be more forcibly and clearly pointed out and an analogy better drawn than in the words of the witness Fox for the Travelers (record before commission, p. 1688):

"While it is safe to assume that the service of the night letter has resulted in untold benefit to every line of business endeavor and has likewise offered an invaluable assurance of comfort in private affairs in all walks of life, I can not hazard figures as to the enormous increase in revenue to the telegraph companies giving this splendid service to the public. It has relieved any possible congestion that would ensue were telegraphic restricted to daytime uses.

"By the same token, were travel by rail limited to daytime only it would be a physical impossibility for the carriers to perform the services required of them and necessary to the business vitality of the country.

"Hence the logical deduction is that passenger travel by night is as vital to the very existence of the railroads and country's economical development as the telephone, the electric light, and the other devices that are so largely contributing factors to the welfare and progress of mankind.

"The use of the Pullman car should by no means, therefore, be cited as a 'luxury' or a means of providing 'comforts' to the traveling public, but as an absolute and indisputable adjunct in the economic conduct of the functions of the carriers."

IX. ONCE THE CARRIERS PAID THE PULLMAN CO. FOR ITS FACILITIES; WITH THE SURCHARGE AND THEIR GREATER SHARE OF PULLMAN REVENUES THEY HAVE INCREASED THE AMOUNT THEY RECEIVE FROM PULLMAN PASSENGERS ABOVE THE REGULAR TRANSPORTATION FARE TO 989 PER CENT OF THEIR RECEIPTS FROM THIS SOURCE IN 1915, 1916, AND 1917 [4]

For many years the carriers were satisfied with immensely less than they now receive without the surcharge from the Pullman Co., and at one time even paid the Pullman Co. for the privilege of using its facilities. The surcharge was the result of a precedent set during the war to discourage travel, not even proposed by the carriers at the outset of the hearings in Increased Rates, 1920, but instituted merely as an afterthought to meet a wage increase which has since then been wiped out. During all this time they have made and remade contracts with the Pullman Co. Is it conceivable that they would for all these years have forgotten this item of some $35,000,000 to $40,000,000 if they had been entitled to it?

Let us look for a moment at the history of the receipts of the carriers from Pullman travel. In 1900 they received nothing at all beyond the regular transportation fare from Pullman passengers and paid the Pullman Co. $1,990,707. In 1922 they were paying the Pullman Co. only $473,496, less than one-quarter of the amount paid in 1900.

During the same period the contract revenues paid the railroads by the Pullman Co. (and thus indirectly by the Pullman passenger) rose from zero in 1900 and $142,908 in 1905 to $11,616,866 in 1920, $8,241,813 in 1921, and $7,930,064 in 1922, without counting certain special payments of some three and one-quarter million dollars by the Pullman Co. to three eastern roads. Without reverting to the time when the railroads were content to receive no extra revenue from the Pullman passenger, but to pay the Pullman Co. for the privilege of using its cars, it appears that they received of the total Pullman revenues:

	Per cent		Per cent
In 1915	6.95	In 1920	13.68
In 1916	6.67	In 1921	11.61
In 1917	8.99	In 1922	10.90
Average	7.99	Average	12.06

Moreover, the Pullman revenues of which they received these higher percentages were themselves in these last three years 20 per cent greater for each passenger mile because of the increase in Pullman rates in 1920. Thus, in 1920, 1921, and 1922 the carriers reaped from every mile of Pullman travel, beyond the regular transportation fare, almost double the revenue, 192.19 per cent of the amount, derived by them and accepted without question in 1915, 1916, and 1917.

With the surcharge they have increased the amount received by them from Pullman passengers above the regular transportation fare nearly tenfold, to 989 per cent of their average receipts per passenger mile from this source in 1915, 1916, and 1917.

X. IF THE PUBLIC CAN NOT LOOK FOR RELIEF TO ITS REPRESENTATIVES IN CONGRESS ASSEMBLED, THEN THERE IS NO RELIEF

For years now the public has carried on this struggle against the most overwhelming odds, years in which the carriers have had every opportunity to produce evidence to sustain this charge. But, as even the so-called majority of four of the commission found, they have failed to produce any reliable cost study; they have failed to meet the burden of proof imposed upon them by the natural equities of the situation, and by the special mandate of Congress alike. Not only this, which should be enough to defeat this exaction, but they have been met by clear and inescapable affirmative proof that their contentions are false.

[4] Travelers' first Pullman brief (gray), pp. 3–5.

At the end of that struggle, devastating to the comparatively slender resources of those organizations shouldering the public's burden, the charge is left in operation, despite the fact that but 4 of the 10 commissioners participating in the decision consider it reasonable, despite the fact that on the very face of the report it appears that even these four commissioners have wholly misconceived the evidence in every vital respect.

This charge has been exacted for more than five years, although never sustained by proof. This charge remains saddled on the public and will remain except for the action of the Congress. Every year it continues means another $40,000,000 taken from the public without return; nor can the public, like the railroads who are assured of remuneration from the public itself, maintain an interminable contest. If it can not look for relief to its Representatives in Congress assembled, then there is no relief.

NATIONAL COUNCIL OF TRAVELING SALESMEN'S ASSOCIATIONS.
FRANK L. ARMSTRONG, *President.*

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 28) authorizing the appointment of a committee to represent Congress in celebrating the one hundred and fiftieth anniversary of the Battle of Fort Moultrie, at Charleston, S. C., June 28, 1926, was referred to the Committee on the Library.

BATTLE FIELD OF PEA RIDGE, ARK.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist on its amendment, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WADSWORTH, Mr. WARREN, and Mr. SHEPPARD conferees on the part of the Senate.

NORTHERN CHEYENNE INDIAN RESERVATION LANDS, MONTANA

Mr. WALSH. I move that the Senate insist upon its amendments to the bill (H. R 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes, and request the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. HARRELD, Mr. KENDRICK, and Mr. WHEELER conferees on the part of the Senate.

MIGRATORY-BIRD REFUGES

Mr. NORBECK. Mr. President, I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges, and so forth.

Mr. CARAWAY. Mr. President, I wish that the Senators who are interested in this bill would hold copies of it before them, as I desire to suggest certain amendments to it. Some of them have been favorably considered by those who are in charge of the bill; as to others they have reached no conclusion, and as to one at least I know they will oppose it.

The first amendment is one that I myself am not going to insist on with as much force as I am the others. It is to strike out the words "public-shooting grounds" wherever they may appear.

The next amendment I desire to suggest is on page 5, line 9, before the word "disturb," to insert the word "knowingly." I do not think it is a very material amendment, but at least it will require that a man shall intend to violate the law and shall know what he is doing, rather than to have the mere act itself constitute an offense.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. NORBECK. I wish to say that I have no objection whatever to that amendment of the Senator from Arkansas; in fact, I think it will improve the bill.

Mr. CARAWAY. I thank the Senator.

Mr. TYSON. Mr. President, will the Senator from Arkansas kindly state that amendment again; I do not catch it.

Mr. CARAWAY. It is on page 5, line 9, after the word "disturb." The provision relates to disturbing any sign, fence, building, or to burn any grass or bushes or anything of that kind on any of the proposed reservations and constitutes such an act an offense. I merely propose to insert the word "knowingly" before the word "disturb," so that it will qualify all the acts which are enumerated following it.

In line 12, on page 5, after the word "thereon," I suggest that there be stricken out all down to and including the word "make" in line 15 of the bill. I should like to call the attention of those who are interested in the measure to that amendment. The amendment proposes to strike out that provision of the bill, which reads:

or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make.

I wish to strike out that language, because I hardly think it is the intention of Congress to close the areas that may be acquired for public shooting grounds or for breeding purposes or for sanctuaries against people who may go there for an innocent purpose. If the provision be stricken out, it will not keep the Secretary of Agriculture from protecting wild life, for that authority is given in the language which precedes it. It prohibits by law anybody from going on one of these reservations at all, except by authority and under such rules and regulations as may be made by the Secretary of Agriculture. A man could not paddle his canoe on a lake or walk across one of these reserves unless he should do so in accordance with the regulations of the Secretary of Agriculture, and he would have to acquaint himself with those regulations. I do not think anybody wants to insist on that language.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. NORBECK. I think the Senator from Arkansas and myself are pretty well agreed on what the purpose should be, and I think we have also agreed that this wording is unnecessarily offensive. I should be perfectly willing to strike it out, except for the fact that there seems to be no other authority elsewhere in the bill to make regulations of this character, and I suggest to the Senator from Arkansas that we agree to strike it out and insert in lieu thereof the following:

Authority is hereby given the Secretary of Agriculture to make the necessary regulations for the administration of such areas.

Mr. CARAWAY. Mr. President, if the Senator thinks that is what it does, I have no quarrel with him, but before we accept either amendment suppose we consider the language further.

Mr. KING. Mr. President, does the amendment of the Senator from Arkansas propose to strike out the words "or shooting grounds" wherever they appear?

Mr. CARAWAY. Yes, sir; that was the first amendment I suggested.

Mr. KING. In section 8, as well as in all other sections?

Mr. CARAWAY. The amendment which I suggested provided that those words should be stricken out wherever they appear.

Then, on page 13, line 6, I desire to strike out all after the word "created" down to and including line 11.

I wish the Senator from South Dakota would turn to that page, as he is interested in the amendment. The proposed amendment seeks to strike out the provision which confers on the game wardens the authority to seize a hunter's gun and keep it until the hunter shall satisfy whatever judgment the court may render. It is a summary right of seizure, and I hardly believe anybody wants to incorporate such a provision in the law. Under the provision as it now stands a game warden could take away from a man the gun he was carrying and say to him, "This gun will be retained until the court shall have acted; and if the court decides that you are not violating the law, then you may have your gun back." It will not be necessary to enforce the act, and it is going to be unusually offensive if it should be enforced in that manner, and that is the proposed amendment.

Mr. NORBECK. Mr. President, if the Senator will yield, I think he and I are absolutely agreed on the thought he has expressed there and the purpose of the amendment.

Mr. CARAWAY. I am not at all particular about the language. Here is the most important amendment I wish to suggest, and I should like very much, if I may have the attention of those who feel at all interested in the measure.

After line 16, on page 14, I want to insert a new paragraph to read as follows:

Provided, When any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

Simply giving the Congress the right to prescribe the means necessary to preserve the wild life; and then, if the State wishes to enforce those regulations, it may take over the enforcement of the act, and get rid of what has always been to me the offensively thrusting of the Federal Government into the States.

Mr. BORAH. Mr. President, may I ask the Senator to reread the first line of his amendment?

Mr. CARAWAY. I will read it all:

Provided, When any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

Mr. BORAH. The thought I wish to suggest to the Senator is, who is to determine the adequacy of the provision?

Mr. CARAWAY. I am frank to say that the language of itself would leave it to the Secretary of Agriculture. I am not at all wedded to that view.

There is another proviso here:

Provided further, This shall not include the issuance of the licenses provided for in said act, nor the manner of their collection; but the said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement to that extent said services would have cost had the service been performed by the Federal Government.

Then I want to insert this other amendment:

No one shall be appointed as an agent to enforce any of the provisions of this act, or the regulations made in pursuance thereof, except a resident of the State where he is to serve, and has been commissioned or designated by said State as a game warden or agent of said State for the protection of game.

In other words, I want to get rid of turning loose on a State people who are out of sympathy with the people in that State, and require that the man who is appointed to enforce the provisions of this law must be a citizen of the State where he is to serve, and must be a citizen that the State is willing to clothe with that authority.

The Government can not designate an agent unless the State will accept him, and the State can not designate one unless the Federal Government is willing. It will give assurance then that we shall not be afflicted as the Senator from Missouri [Mr. REED] thought, by sending into the State a lot of spies and people—sneaks, as he called them—to harass the citizens. The man must be a citizen of the State where he is to serve, and he must be a man that the State itself is willing to clothe with this authority. He must be a dual agent—the agent of the Federal Government and the agent of the State.

Mr. TYSON. Mr. President, I should like to ask the Senator if he does not think it would be wise to provide that at least one agent may be sent into the State by the Secretary of Agriculture?

Mr. CARAWAY. This provision would not prevent the department having an inspector who shall go around and observe how the law is being enforced.

Mr. TYSON. That is what I wanted to be sure of.

Mr. CARAWAY. It would not do that. It simply does not clothe an agent of the Department of Agriculture with police powers to go into Tennessee and arrest citizens for violations of the law. He could report to the proper game wardens selected by the Federal Government and by the State, or he could report to the department here how the law was working; but he could not himself be a policeman and arrest people.

Mr. TYSON. I have no objection to that, provided the authority is not taken out of the hands of the Secretary of Agriculture to exercise general supervision in order to see how the game laws are being enforced and carried out.

Mr. CARAWAY. I discussed this matter with the gentleman in charge of promulgating the regulations and enforcing the law, and he and I and the Senator from Tennessee all have the same idea in view.

Mr. TYSON. It is satisfactory to him, then?

Mr. CARAWAY. I would not say that he is satisfied with it. I never saw a man in Washington who was satisfied with anything except what he did, and nobody else is satisfied with that.

Mr. FESS. Mr. President, is there any other limitation on the Federal Government's power of appointment except residence or location?

Mr. CARAWAY. And that the man shall be one that the State also is willing to designate. The State and the Federal Governments must agree upon the appointment of this agent. He must be designated by the State and by the Federal Government.

Mr. FESS. I think that is a rather serious requirement.

Mr. CARAWAY. I do not think so. I can think of no harm that could come to the enforcement of the law from that amendment. The agent must be a man that the State is willing to clothe with authority. He must be a man that the Federal Government is willing to accept as its agent.

Mr. FESS. Would not that be virtually leaving the appointment of that officer to the State?

Mr. CARAWAY. No; it would be leaving the State and the Federal Government to get together upon an agent. There is nothing in the bill that would require the Secretary of Agriculture to accept as the department's agent or the Federal Government's agent the man the State might name. They have to agree upon some one.

Mr. NORBECK. Mr. President, I want to say that I see no objection to the thought expressed by the Senator from Arkansas. The difficulty that occurred to me in talking it over with the department was this: They say, "We are limited now to a certain number of men on the civil-service list, and it happens that many States in the Union have none; and if you adopt this rule it is another way of saying that it will be necessary to go outside of the civil service for part of them"; and they say that that gives rise to too much political pressure, and they prefer that it shall not happen.

Mr. CARAWAY. Of course, it goes outside of the civil service. The Senator knows that to be able to spell correctly does not qualify a man to know anything about the habits of wild life; and I do not believe that the civil service, except in certain instances, produces the good effect that those who advocate it claim for it. There is not a Senator on this floor who would select his secretary or his clerks under the civil-service rules—not one of them.

Mr. COUZENS. Mr. President, I think the Senator is wrong. I am perfectly willing to do it.

Mr. CARAWAY. Well, I want to qualify that statement, and say that there never was but one Senator who was willing to do so; and he would not abide by it a week before he would be denouncing it as a great outrage. However, we are not going to argue that particular question.

Mr. COUZENS. I should like to ask the Senator just why he desires that these people shall be outside of the civil service?

Mr. CARAWAY. Here is the whole purpose: Senators are earnestly opposing this bill because they say the result would be that a lot of agents would be selected and sent into the various States to harass citizens; and we all know that when you clothe a man with Federal authority and he gets a thousand miles from Washington he has to be a pretty big man not to lose his head. The farther he travels the more offensive he grows, and by the time he gets down our way he is so offensive that everybody feels that there ought to be an open season for hunters. [Laughter.] The object of this amendment was to obviate that and to provide that no one except a citizen of the State shall be employed by the Government to enforce this law and regulations made in aid thereof, and that no one shall be appointed then unless he is a man whose character and standing is such that the State government is willing to commission him.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes; I yield.

Mr. COUZENS. I do not see anything inconsistent between that provision—and I am for it—and the civil service.

Mr. CARAWAY. Well, all right. I will not argue that.

There is one other provision. On page 5, after line 2, insert this paragraph:

Provided, That when and after any State shall make provision and be intrusted with the enforcement of the provisions of this act and the regulations made in pursuance thereof, then the Federal Government shall have no jurisdiction of any offense committed against the provisions of this act and any regulations made in pursuance thereof.

After the State shall take over the enforcement of this act it becomes the supreme agency for its enforcement. I do not like divided or concurrent jurisdiction. I do not want to see a man subject to be brought into two courts. Ordinarily where two jurisdictions exist or where there are concurrent jurisdictions neither feels very much inclined to enforce it. Each one passes it over to the other.

I read in the paper this morning of a Federal judge, whom I shall not name, who fell upon a prohibition agent with very scathing language because he brought into court a nigger who was found with a quart of whisky sticking in his coat pocket, and had forgotten to pull down his coat, and the agent saw

the liquor and arrested him. The judge said that was a case for the State court and dismissed the defendant, and would likewise have dismissed the prohibition agent if he had had the power. That is usually the result of having concurrent jurisdiction; and wherever the State is willing to enforce the law, I desire to confer upon it the exclusive right to enforce it.

Mr. KING. That is, to enforce its own law.

Mr. CARAWAY. Yes; so that the provisions of this act would be enforced.

Now, I want to say this, and then I shall yield the floor:

I believe that every Senator on the floor is in sympathy with some provision to protect migratory birds. No one wants to see them exterminated. All of us are willing to go as far as we think is necessary to accomplish that result, but many of us dislike to clothe the Federal Government with more authority than is necessary; and therefore I honestly believe that the amendments suggested, if agreed to, will remove the objections that heretofore have existed against the bill.

It strikes out the harsh and unnecessary provisions. It gives the State the right, whenever it desires, to take over the entire enforcement of the law, leaving to Congress the right—which it ought to have, and no more—of prescribing the necessary regulations to protect wild life, leaving the rest to the State.

In a conference Saturday one gentleman suggested that the States would not enforce such a law. Of course, to accept that doctrine would be to accept the doctrine that local authorities will not enforce any law.

Mr. BORAH. Mr. President, may I ask the Senator a question there?

Mr. CARAWAY. Certainly.

Mr. BORAH. The suggestion which the Senator has just made brings to my mind again the inquiry as to who is to determine when these provisions are adequate, because I venture to say that no State will ever be able to pass a set of regulations or statutory provisions which will be considered adequate here.

Mr. CARAWAY. I am very glad the Senator brought that question up, and I think we ought to determine that when an amendment relating to that point is before us, and fix the standard, not leaving it to the whim of any individual. I myself object very seriously to granting anyone arbitrary power. I have seen it used wisely but few times. I have seen but few men who, when they were clothed with it, did not lose all sense of proportion. That is the great objection we all have to life tenure for Federal judges. When a judge, who may have been a most acceptable man, and considerate of everybody's rights, finds himself clothed with authority that shall last out a lifetime, generally he becomes arbitrary, not consciously so, but unconsciously so.

I have found, in dealing with the agents of the departments, not so much here in Washington, but when the agents get out into the States, that they are the most arbitrary people with whom I have ever had to transact any business. They make the life of the citizen who comes in contact with them almost intolerable; and I dare say they are not conscious of it. They are animated by the natural desire to usurp authority which people have. They believe after a while that they know how to do things better than anybody else. They think the citizen does not know, and they want to exercise over him a kind of benevolent autocracy, which all of us hate. If people have lost the power of local self-government, if they no longer can be trusted to govern themselves locally, then they have lost the power to select wisely their agents to govern them.

I think if we could agree upon the amendments I have suggested we would eliminate practically every objectionable feature of the bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. KING. May I suggest to the Senator that in the States of New York and Pennsylvania, and indeed in all the States where there are laws for the protection of game—and most of them now have very effective laws—the administration of those laws and the enforcement of them are far more satisfactory and far more effective than the administration of the existing national game refuge law by the Federal Government. I believe that the game wardens of the States, taking them by and large, are men of finer character, certainly better executive officials, better administrative officials, than any who have been appointed by the Federal Government, or any the Federal Government might name.

Mr. NORBECK. Mr. President, will the Senator from Arkansas yield?

Mr. CARAWAY. I yield.

Mr. NORBECK. I want to ask the Senator from Utah whether, in his opinion, that grows out of the fact that they are not in the civil service?

Mr. KING. In part; yes. I agree with what the Senator from Arkansas has said, that the civil service is a sham and a delusion.

Mr. CARAWAY. I did not make it quite that strong.

Mr. KING. It has been wholly ineffective, and under it there are produced more irritation and annoyance and less efficiency than if we had the old spoils system.

Mr. CARAWAY. This is the point I want to make, that we can not intrust to the various States the protection of migratory birds unless every one of the States shall adopt practically the same rules. It would not do any good, for instance, for Virginia to have a strict regulation to preserve migratory birds if Maryland and Pennsylvania had none. This is a species of wild life that may be destroyed in many different jurisdictions. Migratory birds might be wiped out in Canada were it not for the treaty. They might be destroyed in any one of the border States if it were not for some kind of protection extended by an act of Congress. They might be destroyed in the Southern States if there were not some uniform rule for their protection.

We all agree that there ought to be some means of preserving wild life. If Congress may be permitted to lay down the rules and regulations, there should then be no objection to trusting to the States to see that those rules and regulations are carried out.

For one, I am willing to trust the people to enforce the law and to protect themselves against evils. The only thing against which they can not protect themselves is something that may occur in some other jurisdiction. If it were not for that I would not vote for the bill at all. But we have to have some general rule.

Mr. DILL. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. DILL. I approve of the Senator's amendments, but they do not go far enough, in this, that they still leave the postmasters of the various communities in the various States to collect the $1 fee.

Mr. CARAWAY. There should be no objection to letting the postmaster do something for his salary.

Mr. DILL. I agree that there is some merit in that statement. But it seems to me that, having gone as far as the Senator has gone in providing that when a State shall make a law to meet the requirements of the Federal provisions, then that the State shall take over the regulation, he might also provide that the State should take over the licensing of the hunters of migratory birds.

Mr. CARAWAY. This is the objection to that, as I see it, that wherever there is any discretion I want to leave the matter to the States, but where it is purely a ministerial act, and where it can be performed by an agency already in existence without any expense to anybody, I should like to see that agency employed. The postmaster has no discretion. He can not grant one and refuse another a license. He can not charge one $1.20 and another $1.05. He is purely a ministerial agent for the Government, without any discretion. All he can do is to sign a license when a man has paid his dollar; and, inasmuch as the service is to be performed without any compensation, I would like to have it left as it is. The Federal Government has to have charge of this fund, and let us leave it to collect the money and conserve it and pay it out under the prescribed rules and regulations and as the law directs.

Mr. BRATTON. Mr. President, I have a slight amendment I think the author of the bill, or the Senator in charge, will not object to. On page 5, line 2, before the word "is," I propose to insert the words "prescribed in this act."

The amendment is designed to make it certain that the only jurisdiction conferred upon the United States courts under this act is the enforcement of the punishment for offenses committed against the act. The provisions of the bill may carry that interpretation already; but in order to make it certain I propose to insert that language, so that it will read "except so far as the punishment of offenses against the United States prescribed in this act is concerned."

Mr. NORBECK. Mr. President, at the present time I see no objection to that amendment.

Mr. TRAMMELL. Mr. President, may I ask the Senator a question?

Mr. BRATTON. I yield.

Mr. TRAMMELL. It is contemplated under the proposed amendment that any penalties which may be prescribed by the

Secretary of Agriculture that are not prescribed by this act shall not be enforced by the courts. Is that the object?

Mr. BRATTON. No. The object is to confine the jurisdiction of the United States courts to the trial of criminal cases and the infliction of punishment in cases involving offenses committed against this act. The provision of section 7 of the bill, as I understand it, now is that the civil and criminal jurisdiction of the States over persons is not surrendered, except so far as the punishment of offenses against the United States is concerned. That is the effect of the original language. I would like to modify that by providing that the jurisdiction of the State authorities shall not be disturbed by this act except so far as the punishment of offenses against the United States as prescribed in this act is concerned. I want to make it definite that the jurisdiction conferred upon the United States courts under this act is limited to the trial of cases involving the provisions of this act.

Mr. TRAMMELL. I think that is a very wise amendment.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Arkansas [Mr. CARAWAY] whether he does not think it would simplify the situation if he would divide his suggestions so that we could pass on them singly. It may well be that some Member of the Senate is entirely favorable to one or two or more of his suggestions——

Mr. CARAWAY. Mr. President, they are not offered as one amendment. I just spoke on them as suggested amendments, which I intend to offer when I get the opportunity. I did that so that everybody would be acquainted with their provisions.

Mr. BRUCE. I think the course suggested will simplify their consideration.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. KING. Let it be reported.

The LEGISLATIVE CLERK. On page 2 line 2, before the word "Secretary," to insert the word "the," so as to read: "the Secretary of Commerce."

MIGRATORY-BIRD REFUGES

Mr. KING. Mr. President, the bill before us is of great importance and deserves the serious attention of the Senate. It is not a new bill. It has been before Congress in substantially the form in which it now appears for a number of years. It has met with opposition so formidable that the great lobby which has always been behind it has been unable to push it through Congress. The lobby is still here. Its representatives throng the corridors of the Capitol and sit in the galleries watching Congress and the fate of this measure. Perhaps no more aggressive, persistent, and all-pervasive lobby has ever been encountered than that which has backed this bill and other measures projected by the powder manufacturers of the United States. I make bold to state that if it had not been for the activities of the American Game Protective Association, which is the creature of the powder and gun manufacturers of the United States, this bill would not be before us; but I shall refer to the activities of this powerful lobby later in my remarks.

The Senator from Arkansas [Mr. CARAWAY] has just offered a number of amendments. Some of them possess merit and will, if adopted, relieve the bill of some of its objectionable features. The Senator stated if his amendments were agreed to he would support the bill.

Mr. President, even if they are adopted, I shall vote against the bill unless further changes in its structure are made. The Senator from Washington [Mr. DILL] called attention to an important amendment which he will offer. That amendment I shall support. If accepted, it will remove from the bill one of the provisions which to me is most obnoxious. The bill contains a broad licensing provision which requires every person who takes, and that includes shoots, any of the migratory birds mentioned in the bill to obtain a Federal license annually and to pay $1 therefor, 40 per cent of which is to be used to furnish jobs for additional Federal employees. The license fees are to be collected by the postmasters throughout the United States and placed in the Treasury in a special fund, known as the migratory-bird fund, 60 per cent of the same to be used for the purchase of or rental or necessary expenses incident to the acquisition of land and waters for use as migratory-bird refuges or public shooting grounds and 40 per cent for administration purposes, as I have stated. My recollection is that the postmasters receive payment for collecting the license fees.

Mr. CARAWAY. I do not think that is accurate. They will not get a cent of it.

Mr. KING. The Senator may be right. I was only speaking from recollection. Notwithstanding only 60 per cent of the fund collected is to be employed for the purchase of game refuges and shooting grounds and expenses involved in acquiring lands and waters for such purpose and 40 per cent for administrative purposes, the licensing provision is hateful to the American people and is opposed by most of those who are familiar with this bill. It certainly meets the opposition of those who believe in local self-government and are apprehensive of the growing power of the Federal Government.

As Senators know, the States are dealing in a comprehensive and satisfactory way with the questions involved in caring for game, whether migratory or domestic, and many of those who are giving intensive study to the subject of protecting migratory birds are opposed to the further extension of Federal authority and the giving over to bureaucrats in Washington the control of migratory birds and the refuges established for their protection.

Of course, the treaty with Great Britain dealing with migratory birds imposes obligations upon the United States, and many Americans who have given attention to the questions to which I have referred feel constrained to support the treaty, but at the same time believe that it is an unwarranted encroachment upon the States and will prove unsatisfactory in the preservation of the migratory birds embraced within the treaty to which I have referred.

I repeat that the feature of the bill calling for Federal licenses with penal provisions and punitive regulations, to be promulgated by bureaucrats, provokes just criticism and strong opposition in every part of the United States. Under the provisions of this bill it is believed by many that several million Federal licenses will be issued annually, which, of course, will furnish a large fund to supply more individuals with jobs and positions at the hands of the Federal Government. Bureaucracy is to be strengthened by this bill and its hold upon the States and the individuals within the State is to be strengthened and its invasion of the police powers of the States made more effective.

It is, of course, difficult to determine the number of licenses which will be granted if this bill becomes a law. The number issued by the States is increasing annually. More than 5,041,000 were issued in 1925, and it is believed that many persons engage in shooting without the formality of applying for or obtaining licenses, and in a number of States provisions are not made for the granting of licenses.

Mr. NORBECK. Mr. President, will the Senator yield for a question?

Mr. KING. Certainly.

Mr. NORBECK. That licenses are not for shooting migratory birds only. They are for upland birds and game of all kinds.

Mr. KING. My statement was that there were 5,041,000 licenses issued in the various States. I did not assert that they were granted for the purpose of shooting migratory birds.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. KING. Certainly.

Mr. CARAWAY. I want to ask the Senator to discuss this feature when he is discussing the subject of the licenses. Every penny of the license fund is to be used to preserve migratory birds. It is presumed that will increase the number of those birds. What hardship is there inflicted upon a man to ask him to pay a dollar for the privilege of hunting migratory birds when that dollar is used to increase the very thing for which he hunts? In other words, why ought he not to pay it and why should anybody else be required to pay a penny? If a man is not going to enjoy the sport of hunting migratory birds, why should he be taxed a nickel to promote and preserve them? Why should not the man who is to hunt them and to get the sport out of it be required to bear the expense that will make it possible for him to find that very thing for which he hunts?

It is not a tax. It is a voluntary contribution to be used as a common fund to promote the common sport of everyone who enjoys hunting migratory birds. Not a penny will come from any man unless he is to enjoy that particular kind of hunting and not a nickel that he pays goes for any other purpose except to promote his own sport, like the man who goes to the theater, who pays for a ticket. It is he who is going to see the show. None of us would be willing to tax everybody to put on a show for him to see free. Nobody thinks it is an imposition to require him to pay the price of admission. The price of hunting is a voluntary contribution of $1 to promote the possibility of finding something when he hunts.

I beg the Senator's pardon for the long interruption.

Mr. KING. The Senator has made a persuasive argument in my time. I shall not at this point in my remarks fully reply to the same but will attempt to meet the argument later. However, I will say that the Senator's argument is not convincing and does not have sufficient merit to justify a policy

which I regard as an invasion of the rights and the police powers of the States. The payment of a small tax or license in and of itself may not be offensive; indeed, it may be proper. But to have a tax or license fee imposed by a government or a power which has no right to impose it, makes its imposition not only oppressive but intolerable. Persons will submit gladly to heavy taxes and burdens where they are imposed by proper authority and are employed for proper purposes.

The principle is involved in the statement made by an early patriot of our Republic, "Millions for defense, but not a cent for tribute." The taxes, light as they were, imposed by Great Britain were offensive to our forefathers and provoked revolution. The States are sovereign and possess rights which are as important to the States as are the rights of the Federal Government to it. Our fathers were jealous of local self-government, of the police powers of the States. They had suffered from agents, employees, and officials sent from the parent government beyond the seas, and they determined to write into the Constitution provisions, clear and unmistakable, which would protect the States, the rights of local self-government, and the rights of individuals as citizens of the States. The National Government is endowed with powers, but its authority is limited. When it seeks to exercise the police powers of the States and to interfere with local self-government and to control the people in their domestic and local affairs, it strikes at the very foundations of our form of government; and it may not justify its course by the plea of benevolence or that it is acting in any altruistic or helpful manner.

Invasion of a right may not be condoned or defended by asserting that the offender seeks to benefit the person, whether individual or corporate, whose right has been invaded. Most of the States impose licenses for hunting and fishing and the residents within the States accept the situation because they recognize the right of the States to impose licenses. They are willing to pay for the privilege of shooting and fishing and submit to such regulations and surveillance as the States provide.

But the overwhelming majority of the American people are not willing to pay tribute to the Federal Government for the privilege of shooting or fishing within the States, nor do they look with approval upon penal statutes passed by the Federal Government or punitive rules and regulations adopted by bureaus and bureaucrats, applicable to citizens who hunt and fish within the States.

The important question is not as to whether a license should be paid to hunt and fish as it is to whom the license shall be paid and who shall promulgate rules and regulations and enforce them and what jurisdiction shall punish and protect. I do not object to a license, but I object to a Federal license and to Federal surveillance and to the flooding of the States with hundreds of additional Federal game wardens and agents and bureaucrats. I object to increasing the power of the Department of Agriculture and the Biological Survey. The officials of the latter have proven themselves autocratic, oppressive, arrogant, and offensive. To increase the power of the Biological Survey, to give it authority, to multiply indefinitely its personnel, to increase its power to promulgate more rules and regulations with penal provisions—this is something which to me, and I know to millions of American citizens, is most repugnant. We are cursed with bureaucracy to-day. There are thousands of Federal officials traversing the land, invading the States, affecting the morale of the people, and spreading propaganda in favor of further Federal usurpation and more extensive Federal activities.

The executive departments of the Federal Government to-day, take them by and large, are actively engaged in the unpatriotic task of weakening the States, undermining the faith of the people in themselves and in their capacity to govern themselves, and encouraging them to abdicate their responsibilities and transfer to the Federal Government the powers which belong to the States as well as the duties and responsibilities which rest upon the States.

The Senator from Arkansas a few moments ago, in tendering his amendments to the bill, with great force challenged our attention to the evils of bureaucracy and the evils which result from the arbitrary power which always follows the triumph of bureaucracy and the abuse of discretion which attends the activities of Federal officials. As I recall, his indictment was that these abuses of bureaucracy have become well-nigh intolerable to the people. Some of us who live in the public-land States where there are various reserves and public lands know more of the evils of bureaucracy and of the oppression of bureaucracy than do citizens in other parts of our country.

Those who are familiar with the bureaus and agencies and executive instrumentalities now existing in the Federal Government are alarmed at the growth of executive authority and the evil consequences which they perceive will inevitably follow. No bureaucracy was ever tolerant or liberal or democratic or just; and I have sometimes felt that executive agencies in democratic governments were more oppressive, exacting, capricious, and offensive than similar organizations in monarchical governments. And where a nation is large and powerful, where it extends from coast to coast and embraces a territory more than 3,000 miles in length by nearly 2,000 miles in width, the greater are the dangers from bureaucratic power.

Mr. President, I am opposed to the licensing feature of this bill. It puts, as I have stated, Federal officials into the States for the purpose of spying upon and watching the people and of expending the money which the people are compelled to pay into the Federal Treasury. They have no vote in the expenditure; they have no voice in the rules and regulations which will be promulgated; they have no control over the agents who enforce the law, agents sent from the central government 2,000 miles away; they are far remote from their government; they are distant from the source of power; and they are impotent to rectify abuses from which they suffer or the wrongs which are inflicted upon them.

Mr. NORBECK. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. KING. I yield.

Mr. NORBECK. As I understand, the Senator has two objections to the bill—one that it provides for a Federal license and the other that it permits the bureau to have a great deal of authority.

Mr. KING. Those are not the only objections which I have to the bill.

Mr. NORBECK. But those are the two so far called to the attention of the Senate.

Mr. KING. The Senator from Arkansas [Mr. CARAWAY] called attention to other features to which he objected, and I——

Mr. NORBECK. The Senator from Utah on Friday last proposed a substitute for the bill, did he not?

Mr. KING. I did. I offered an amendment and also two amendments intended as substitutes for the pending measure, the first of which I offered by request.

Mr. NORBECK. That substitute seems to have in it all the vicious features to which the Senator from Utah now objects, except with reference to the license. It gives all this authority to the bureau to make regulations and to send agents into the field to enforce them. I can not see any difference between the substitute which the Senator has offered and the bill which he condemns.

Mr. KING. There is a wide difference between the amendment which I offered and the substitutes to the bill under consideration. However, neither the amendment nor the substitutes which I offered fully meet my views. But the situation which confronted me did not permit the introduction of a measure which was entirely satisfactory.

There is a treaty and a migratory bird law and numerous rules and regulations promulgated by the Biological Survey. These measures have created a situation which has to be accepted and recognized if any additional legislation dealing with the subject of migratory birds and game refuges is projected.

I am not permitted to deal with the question de novo. I have to take the situation as I find it. The substitute which I offered by request is infinitely better than the bill which the Senator from South Dakota has championed. The measure which I offered recognizes the obligation created by the treaty with Great Britain and authorizes the President of the United States, upon recommendation of the Secretary of Agriculture, to establish, by public proclamation, specified areas on the public domain, or within the national forests, as migratory-bird refuges and game sanctuaries. However, such refuges and sanctuaries which are within the national forests shall continue to be parts of such national forests.

The substitute which I have offered also provides that it shall be an offense for any person to take any migratory bird or nest or egg of such bird on any area of the United States which heretofore has been or hereafter may be set apart or reserved as a migratory-bird refuge, game sanctuary, or preserve, or breeding ground for native birds, or disturb, injure, or destroy any notice, sign board, etc., property of the United States, thereon, or destroy the grass or timber growing upon the same.

It is provided that the measure is not to be construed to prevent a person from entering upon the area for the purpose of

fishing in accordance with the laws of the State in which the refuge or sanctuary is located.

The amendments which I offered contain further provisions for the protection of certain birds and restricts the number of birds of various kinds which may be captured or killed in any one day.

The last substitute which I offered authorizes the Secretary of Agriculture to acquire by purchase, gift, or lease such areas of land or of land and water not used for agricultural purposes and are suitable and advantageous for use as migratory-bird refuges. The land so acquired shall constitute Federal migratory-bird refuges and shall be maintained as such and for breeding places for migratory birds included in the terms of the convention between the United States and Great Britain.

It further provides that no area shall be acquired until the legislature of the State in which it is situated consents to its acquisition. The substitute further provides that the refuges acquired shall be subject to the provisions of sections 6, 7, 8, 9, and 11 of the act which establishes the Upper Mississippi River wild life and fish refuge.

The final provision of the bill calls for an appropriation of a million dollars to acquire the refuges referred to in the substitute.

It will be observed that the substitute which the Senator seems to think parallels the bill which he is defending is wholly different from the latter.

The bill before us, which was prepared by lobbyists representing the powder and gun manufacturers of the United States, establishes a Federal license system, creates more Federal officers, requires the United States to buy shooting grounds, and augments the authority of Federal bureaucrats. My substitute is a game-conservation measure. It recognizes the obligations assumed by the United States under the treaty and carries an appropriation of a million dollars to acquire Federal game refuges for migratory birds. The Senator's bill is interested only in extending the power of bureaucracy and finding shooting grounds for hunters. I want to preserve the migratory birds; I desire sanctuaries for them, not shooting grounds in which they can be slaughtered. Pitiful cries have come from the lobbyists supporting this bill that we must preserve the birds. My substitute seeks to preserve the birds. They would preserve them by having no restrictions upon the bag limits, and using game refuges as shooting grounds. The whole attitude of the lobbyists and of the Biological Survey and its officials, shows that they are interested more in finding buyers for powder, guns, and shells, and in getting shooting grounds for hunters than they are in establishing a sound and rational policy of game conservation.

The bill which the Senator is attempting to pilot through the Senate was prepared by Mr. Burnham, the president of the so-called American Game Protective and Propagation Association, which has its headquarters at the Woolworth Building, New York City, assisted by the gun men and shell men who are the real members of this association and the power by which it is governed.

Mr. Nelson, of the Biological Survey, and some of the officials of that bureau have been in conference, of course, with Mr. Burnham and the lobbyists, and have taken some part in the preparation of the bill. However, as I have stated, the bill is not a new one; it has, in practically the same form, been pressed by the Biological Survey and Mr. Burnham and his associates for a number of years past.

Mr. NORBECK. And Mr. Dilg, as the president of the Izaak Walton League.

Mr. KING. Mr. Dilg did not prepare any of these bills which Mr. Burnham and the powder manufacturers and the Biological Survey desire and which they have presented so often to Congress. Mr. Dilg never approved any of these bills, and the present bill he is opposing to the full extent of his physical ability. The Senator knows that Mr. Dilg is a very sick man, and has been for many months. He has wired, as I am told, to a number of Senators stating his opposition to the pending measure. I received a wire from him, which is as follows:

It is true the Izaak Walton League's Third National Convention unanimously voted against a $1 Federal tax for hunters of migratory birds. No attempt was made to repeal this mandate of the league at its fourth national convention, and its proponents did not dare submit it, knowing it would be defeated by an overwhelming majority. There is no law within the league giving power to its executive committee to repeal the edicts of its national conventions, notwithstanding deliberately misleading telegrams read before the Senate. I refused to permit my name to go before the convention as a candidate because for five months I have been incapacitated with cancer of larynx.

I am in Washington to do what I can to defeat this bill, believing its passage will throw back real conservation in our America a decade. I pray all Senators believing in the rights and, above all, the duties of our State governments to attend Wednesday's session and vote to save our country from such bureaucratic legislation; and I know I speak for a large majority of the 20,000,000 hunters and fishermen of the United States.

WILL H. DILG,
Founder of Izaak Walton League.

Mr. Dilg has rendered important service to the American people and to game and conservation movements and to the cause of outdoor life. He has visioned a greater America and has sought to inculcate a love in the hearts of the young for the beauties of this country. He knows our mountains and streams; he appreciates the majesty of this great Republic, stretching from ocean to ocean and from the Lakes to the Gulf. He has endeavored to inspire a love of nature and to create an impulse that would lead all Americans to a greater knowledge of our country and of its greatness and physical beauty.

He preaches the gospel of the outdoor life, the nearness of nature, and he has sought to mobilize the forces of our country into a superb and mighty movement that would carry forward his ideals and the ideals of such men as John Burroughs, Doctor Hornaday, Emerson Hough, and Theodore Roosevelt. Now that Mr. Dilg is afflicted—seriously afflicted—some jealous of his influence, his unparalleled success, and of his great achievements are trying to undermine his influence and destroy his prestige and power. I can not forbear because of these cowardly attacks made upon him from calling attention to a brief article by Zane Gray which has just appeared in the June number of Forest and Stream. This will aid the Senate to know the real heart and worth of Mr. William H. Dilg.

The article reads as follows:

ZANE GREY DECLARES FOR WILL H. DILG

I resigned from the Izaak Walton League and from the editorial staff of its magazine because of the injustice done to Bill Dilg.

The idea of this league to save our fish and game life originated in his brain. He talked of it to me many years ago, but it did not work out until he lost his little boy. Through this grief he conceived a plan to save something of our outdoor life for American boys. He sought my aid in enlisting the interest of sportsmen and lovers of nature. I pledged my support. He persuaded Emerson Hough to do the same. Dilg launched the plan, and we helped him.

He gathered round him a number of men who were interested, and they started the league and the magazine. The thing took hold with remarkable tenacity and made way with remarkable speed. It was a great idea. The Izaak Walton League grew by leaps and bounds. It became a power. It bade fair to become a magnificent force in the saving of that which I called Vanishing America.

Dilg gave his life and soul to this work. In his zeal he made mistakes. He made enemies. He was only human.

Men who saw the rise of Dilg, and who were envious and unscrupulous and who sought to commercialize the Izaak Walton League, left no stone unturned in their efforts to ruin him.

Through these men, against whom Emerson Hough and I repeatedly warned him, he lost his home and his position as editor of the magazine. They will force him from the presidency of the Izaak Walton League.

His tremendous exertions and his grief undermined his health, so that he nearly lost his life.

It is inconceivable to me that the league will stand for this. I can only believe that when the members learn the truth they will rise up in battle for the man who sacrificed so much.

Without Bill Dilg the Izaak Walton League at this stage will become prey to commercial interests, to the vanity and pandering of millionaires who degrade the name of sportsmanship. What do they care about Vanishing America?

I appeal to you; let this body of real Americans rise above the corrupt policies, the greed, that so dominates American life to-day.

ZANE GREY.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. NORBECK. I would suggest that the question of what the national convention of the Izaak Walton League did could best be proven by the resolutions that were adopted and which I understand are in the hands of the Senator from Utah. I have been unable to get them.

Mr. KING. The Senator is mistaken. I have not the resolutions. It is apparent that the propagandists who are in favor of the bill are trying to deceive the Senator from South Dakota. I have never seen the resolutions, they have never been in my hands, and it is evident that the Senator has received

that information, because the Senator is an honest man, from some of the lobbyists who have been here for years, drawing money from the powder companies of the United States, trying to force this bill through.

Mr. NORBECK. I want to tell the Senator from Utah that the man who has led me to believe that the Senator from Utah had the resolutions was Mr. Dilg himself, who promised me that he would give me the resolutions, and afterwards stated he had handed the papers to the Senator from Utah. I assumed the Senator had the resolutions. I do have section 3 of those resolutions and I will take care of that matter afterwards. But the question of what was Mr. Dilg's attitude I think would be best——

Mr. KING. The Senator may discuss that in his own time.

Mr. NORBECK. May I ask the Senator one question?

Mr. KING. I yield for a question, but not for a speech.

Mr. NORBECK. Was Mr. Dilg editor of Outdoor America in December, 1923?

Mr. KING. The Senator knows Mr. Dilg and his relation to that paper.

Mr. NORBECK. I expected that kind of an answer.

Mr. KING. I am glad I satisfied the Senator.

Mr. President, the Senator has referred to Mr. Dilg. Other persons who are lobbying for this bill have insisted that Mr. Dilg and the Izaak Walton League, which he founded, are supporting this measure. The Izaak Walton League in 1925 declared against the licensing feature and, as I understand, against any measure which sought to make refuges mere shooting grounds for hunters.

When the national convention of the Izaak Walton League met a few weeks ago at a time when Mr. Dilg was ill, suffering from a serious malady, efforts were being made to wrest the control of the organization from him. But those who were engaged in this unworthy plan dared not bring the question of the indorsement of this bill before the convention because they knew that it would be defeated overwhelmingly.

Mr. Dilg has endeavored to arouse the American people not only against the destruction of wild animals, but he is trying to prevent our streams from being polluted, knowing how serious would be the result to fish and game if our rivers and streams and lakes were much longer polluted by avaricious and unscrupulous interests who are more interested in dividends than they are in the health of the people and the preservation of the birds and the fish and in the protection of our country from the ruthless hands of the destroyer.

I might say in passing that Mr. Dilg organized the Izaak Walton League, and in five years since its organization he has brought to it honor and renown and made it the greatest and strongest and finest organization in the world which is devoted to outdoor life and to outdoor America. One of the members of the board of his organization refers to Mr. Dilg and to the attitude of the so-called American Game Protective Association. He also refers to the pending bill. His article appears in the September number of Outdoor America. Without reading, I ask to have the article inserted in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

ONE MAN'S OPINION

By Frank Stick

[Frank Stick, of Interlaken, N. J., is an artist whom every reader of Outdoor America knows. He is also an enthusiastic hunter, fisherman, and a real sportsman, as his opinion given herewith shows. He has been in close touch with the game refuge bill since it was first introduced in Congress and knows his subject. This opinion coming from the East is of special interest at this time.]

It is not necessary for me or for any other man to reply to the attacks made upon the president of the Izaak Walton League in the past few weeks by two magazines, the only sportsmen's publications which are at the present time supporting the American Game Protective Association. Will H. Dilg is perfectly able to defend himself. Yet as the attacks referred to have not only questioned the honor and the veracity of our president, but they have also questioned the judgment, the understanding, and the independence of thought and of action, of every individual member of this league, a reply to the allegations and inferences by one who has been closely allied with the affairs of the Izaak Walton League from the beginning, and one who has also been in a particularly advantageous position to view the development of the opposition, may not be uncalled for.

Both magazines in question publish glaring misstatements of facts, and many obtuse explanations, which explain nothing much but the fact that a certain bill has been presented to Congress, which calls for a Federal tax on duck hunters of a dollar per head. We are told that the bill will function in such and such a manner, and will do many wonderful things for the sportsmen of this country.

After studying the bill in question, thoroughly and conscientiously, I confess I find nothing in it to confirm the optimistic view of its backers excepting the aforesaid dollar tax. That it is a weak bill, an unworkable bill; that it has a peculiarly pork-barrelish tint; that even though it were to eventually pass both Houses and become a law through the passage of enabling acts by the various States this bill could never function justly and equably is a decision that must be arrived at by every sportsman who studies it carefully and forgets for the moment the highly colored and imaginary articles which have appeared in its favor.

It is my honest and sincere opinion, after following the progress of the bill from the beginning, and after talking with and corresponding with sportsmen from every section of the country, that 95 per cent of the sportsmen who have backed the bill in the past have done so, not with the belief that it was a perfect bill for the purpose intended, not even that it was a good bill, but that it was better than no bill at all. This was exactly the attitude of the delegates to our convention in 1924, when a resolution was passed in favor of the bill.

While the arguments presented by the advocates of the old public shooting grounds bill are usually identical in the articles published by the two magazines I have mentioned, there has been considerable confusion of testimony, which must be embarrassing to Mr. Burnham and to the other officers of the American Game Protective Association.

We are assured by one of the magazines that considerable friction exists between State laws and Federal laws relating to the protection of waterfowl, and this unsatisfactory condition is advanced as an argument why the public shooting grounds bill should be supported. The editor of the other magazine just as emphatically reminds us that there is no friction, "because the States long since willingly amended their laws to conform to the provisions of the Federal act." The latter statement is correct. It is also presumably an argument in favor of the old public shooting grounds bull—I should say bill—but why and wherefore not even the March hare himself could explain.

The question is frequently asked, "Just what is this American Game Protective Association, which we always hear mentioned in connection with the old public shooting grounds?" In a few words, it is a small organization founded some 15 or 20 years ago as the American Game Propagation and Protective Association, and which has been supported to the extent of several hundred thousand dollars by donations from gun and ammunition companies. Its paid membership is small. In fact, in the 1,700 or more chapters of the Izaak Walton League we have a single chapter with a paid membership almost equal to the total membership of the old association.

We do not mention this fact in any spirit of boastfulness or of bravado, but we mention it as an indication of the qualifications of the two presidents in the field of organization. Will H. Dilg has been the chief spirit back of the Izaak Walton League, which in three years has become, in the words of President Coolidge, "one of the great forces for good in America." And this growth, mind you, has been made without financial backing, excepting for donations from philanthropic members, with no personal ax to grind.

The fact that John B. Burnham, president of the American Game Protective Association, has for a number of years received a large salary from the organization he represents does not mean that Mr. Burnham has commercialized the business of attempting to conserve and restore the game birds of this country. It is my personal conviction that Mr. Burnham is sincere in his efforts, and doubtless he earns every cent of the salary paid him. Nevertheless, it is a fact that because Mr. Burnham is the recipient of this large salary his influence not only with the sportsmen of the Nation, but with the legislative bodies with which he makes contact is considerably restricted.

Whether justly or unjustly accused, when an individual or an organization whose purpose is supposedly altruistic is the recipient of compensation for services rendered, the taint of commercialism and subsidization is always present. It is also indubitably a fact that at the present day there are a lot of men whooping it up for conservation at so much per whoop who are in the game solely for the money they get out of it and who are looking into the future for still greater financial returns. That the passage of the old game refuge bill would offer to these gentlemen an unusual opportunity for dipping into the public coffers is another fact that the sportsmen of America will do well to consider.

Do not think from these statements that I believe the majority of the sportsmen who have voted for the bill in the past have been anything but sincere and honest in their beliefs and intentions. Ninety-nine per cent of these men are square shooters, but they have either accepted literally the glowing statements made in behalf of the measure, or they have, as I stated before, considered the bill as being better than no bill at all.

Also, do not think from my remarks that I believe either of the editors of the magazines which have published the manifestoes which I criticize are anything but real conservationists at heart. I like both these men personally. I consider both of them as really fine writers, and both of them as workers for the betterment of outdoor America. At times misinformed and unduly influenced workers, perhaps, but men who will in the course of time experience a change of heart and of

thought and perceiving wherein they have been at fault will do their share in the great battle which is before us.

From the time, four years ago, when the attempt was made to popularize the present game refuge bill by foisting it upon the public as a public shooting grounds measure a majority of the officers of the Izaak Walton League were opposed to it, for we recognized its weakness and we knew it could never accomplish the things which were promised for it. That some measure of popularity was achieved among those sportsmen who considered only the possible results and who did not consider the practicability of the bill there is no denying.

Notwithstanding the fact that, as I have said, we were almost unanimously opposed to the bill when our delegates in convention in 1924 adopted a resolution of confidence every officer of the league did everything in his power to assist its passage through Congress. And it was principally due to the efforts of this league that the bill showed some strength in the Sixty-eighth session of Congress.

The fact that—as has been claimed by Mr. Burnham and the editors mentioned—the president of the Izaak Walton League agreed to assist the passage of a certain bill in the year 1924 does not bind him to continue his efforts indefinitely, particularly when he knows that this particular measure has no chance of ever becoming a workable piece of legislation. Nor were he so inclined would he have the right to carry on in the name of the Izaak Walton League when this league in convention assembled has decided by the unanimous vote of its delegates to halt in the support of a bill which they, after thorough consideration and mature deliberation, conceived to be neither a workable nor an adequate measure. Also, if a reciprocal agreement was entered into with the American Game Protective Association, as claimed by Mr. Burnham, this agreement was automatically broken by the latter, for he failed utterly to aid the Izaak Walton League in the passage of our Upper Mississippi bill, and also in all the other legislative and educational measures we have put through in the interests of conservation.

In proof of this statement you have only to look through the pages of the bulletin published by that association and in the pages of the two magazines which have given the American Game Protective Association their support. This, notwithstanding the fact that our own magazine, Outdoor America, devoted more space to an advocacy of the public shooting grounds bill in the four months of the last session of Congress than any other magazine in America.

In addition to the space given in our magazine, our president wrote a personal letter to the officers of each and every chapter in the league, asking them to work for the passage of the bill. These facts are self-evident, and to the mind of every fair thinking man will answer the criticisms which have been directed against our president and the executive committee of this league.

But to return to the bill which has caused all this calamity howling and which, if we are to believe the statements we have read recently, is due to divide the great army of sportsmen into two factions.

This present game refuge and public shooting grounds bill calls for a Federal tax of $1 to be collected from each duck hunter, with which to furnish funds for the purchase of such tracts of water and marsh as are necessary for the reproduction of waterfowl and such resting and feeding grounds as shall be required for their maintenance. Just how or when or by what rule these funds are to be distributed and used is not pointed out, though it is naively suggested by some of the born optimists in the opposing camp that "Doubtless the details can be worked out by committees appointed for that purpose."

In general there are many excellent arguments against a Federal tax, and we are convinced that the Nation as a body is opposed to this type of legislation and in favor of State jurisdiction. Regardless of arguments presented by Mr. Burnham and others in the employ of the American Game Protective Association, wherever game refuges and public shooting grounds have been placed under State control, they have worked out entirely satisfactorily.

We point to Pennsylvania, with its 32 State game refuges and its thousands of acres of public shooting grounds, and there are a number of other States which have adopted and which are adopting similar systems of game maintenance. In every case these refuges and shooting grounds are patrolled by State wardens, and no man can show wherein a warden employed by the State is not fully as efficient, if not more efficient, than one employed by the Federal Government. Statements and suggestions to the contrary, made by sponsors of the present game refuge bill, are not only misleading but they are also an unjust reflection upon a worthy body of men who in most cases are receiving salaries nowhere commensurate with their ability and labors.

But it is not the purpose of this writer to extol the general principles of State rights as opposed to Federal rights, but rather to point to certain concrete examples which prove his contention that this bill is weak and can never become a workable piece of legislation.

From the recent articles which I have quoted the inference would be drawn that the Izaak Walton League stands alone in its opposition to this Federal tax bill, and that this league is responsible for all the adverse sentiment which has sprung up relative to the proposed measure.

This is far from the truth, for, as a matter of fact, only two among the sportsmen magazines of this country are supporting the bill at the present writing.

Forest and Stream, the magazine which did more than all others combined to make the migratory bird act into a law, has come out with several powerful editorials against the bill. Others among the outdoor press look upon the measure with disfavor, and still others are only mildly interested either way, for they know, as every thinking sportsman must know, after giving the question mature thought, that the bill can never function.

What support the bill possesses at the present time is centered mainly in four or five eastern States. And yet these eastern States, as I will show, supposing the bill were to ultimately become a law, would pay the most and benefit the least. The sportsmen of the West and of the South are at the present writing in the majority of cases opposed to the bill, as are the sportsmen's organizations in these sections.

It is pointed out by the backers of the present bill that "inasmuch as the duck hunter is the only one who profits by the bill he alone should be taxed for the cost of refuges to be established." There are, we are told, "one and a half million duck hunters in this country, comprising less than one-fourth the total number of licensed hunters, and less than one-fifteenth the total number of fishermen, campers, hikers, canoeists and boatmen, and others who go to the out of doors for their recreation." It is apparent that the statement that "The duck hunters alone would profit by a game refuge bill" is a fallacy.

As an example. For some years I have been in the habit of visiting, in the ducking season, a section famed for its shooting. Close by is a tract set apart by private owners as a breeding ground for waterfowl. Black ducks are raised here in considerable numbers, and later in the season the adjoining waters swarm with deep-water ducks and with geese which feed on the celery and eel grass. For a period of three months the surrounding waters and marshes are used by a small number of duck hunters. For at least six months of the year this same territory is enjoyed to the fullest by fishermen, boaters, and campers, and for 12 months of the year it yields a considerable revenue and a comfortable living to professional fishermen, crabbers, and clam diggers.

What the value of this same body of water is to agriculture I can not say, but I am assured by experts that the continuous evaporation is responsible for the great productiveness of the adjoining farm lands. Practically these same conditions exist in 90 per cent of all areas that might be taken over under the terms of the present bill. Would it be right and just then for the duck hunters to pay the entire cost of such a venture? And do you think for one minute, supposing these tracts were to be purchased by the duck hunter alone, any State in the Nation would be so shortsighted as to turn over to him any considerable tract for his exclusive privilege?

Several years ago, through the efforts of the local chapter of the Izaak Walton League, the meandering lake, on the banks of which my home is situated, was set aside as a wild-life sanctuary and all hunting forbidden within a radius of 500 feet. The results are, though we are in a fairly thickly settled community, ducks, herons, and other varieties of water birds breed here in considerable numbers. I can hear mallards quacking as I write these lines, and only yesterday a pair of great white herons came to roost in the cove near my studio, the first I have seen north of the everglades in a number of years.

Now, this lake and its borders constitute a valuable producing plant for the sportsmen, but this same tract is of ten times greater value to the fisherman and the recreationists who visit it 10 months out of the year. Nor does the fact that this lake is a rendezvous for devotees of other forms of recreation materially detract from its value as a sanctuary and a breeding ground for wild fowl.

There are, as most sportsmen know, four fairly well-defined lanes of water-fowl migration from north to south. Excepting under extreme conditions of water shortage there is little or no divergence from these lines of flight, or shall we say zones.

What numberless sportsmen throughout the country are desirous of knowing is just how their money is to be spent in relation to the zone they live in. There has been, for instance, a considerable increase in the number of ducks and geese in the extreme eastern zone within the last two years, due to excellent breeding conditions, following two unseasonable open seasons, which left an abundance of breeding stock. For this reason, and because our duck waters are mainly tidal water, and thus permanently established, the easterner has less to worry about than his brother duck hunter in the Middle West. Also, the eastern flight is absolutely distinct and does not converge.

Under the terms of the bill the sportsmen of the East will be asked to pay for and establish sanctuaries in sections from which they will never derive the slightest benefit. We are told by the backers of this bill that "out of the national fund refuges will be established in Western States," for, as they assure us, "it is a national question." This is true. But we also claim, what every thinking sportsman must know, that it is also and primarily a matter of zonal control.

Supposing, according to the terms of this bill, it should become a workable measure before certain States, particularly our Southern States, put through the legislation necessary for them to benefit under the act. Would it be right and just for the Northern States to purchase and establish refuges and feeding grounds from which all the States lying within their zone would derive benefit in an equal degree? Particularly as those States lying south of the Mason-Dixon line are unqualifiedly opposed to the bill and will fight it to the limit, which would mean years and years of unceasing labor to put it through.

I present this argument in the supposition that the statements made by the advocates of this bill, to the effect that "an enabling act from each and every State in the Union is not required to make the bill workable," is true. The belief of every disinterested lawyer and statesman of my acquaintance is that such an enabling act is required to make the bill effective. If this is the case, then no sportsman of this generation would live long enough to see this bill function, even though it were to pass both Houses at their next session.

During a talk with the editor of a magazine supporting the bill, I made mention of our upper Mississippi bill. The editor expressed the opinion that this was a needless piece of legislation, "because," as he pointed out, "the game refuge bill would have taken care of it in due course of time." The facts are, that if we had delayed action in this particular instance that entire region which was covered by the upper Mississippi bill would now be one vast drainage tract, with the fish and game gone forever and ruined for all time, so far as the sportsman is concerned. As every sportsman knows, this league put its bill through both Houses and it became a law within a few months of the time we started our battle. And it did pass both Houses, regardless of the fact that it carried a straight appropriation of one and a half million dollars.

The American Game Protective Association, in widely circulated propaganda, has repeatedly pointed out the futility of expecting Congress to grant a straight appropriation of $3,000,000 per year, even in the furtherance of a measure which will benefit the entire Nation. Yet, we have a concrete example of a bill passed unanimously, carrying a proportionately far greater appropriation, for the upper Mississippi bill, which particularly benefits one section of our country. Would it be a tremendous thing, or an unreasonable thing, to ask for this modest appropriation, when we have before us the example of the State of Pennsylvania appropriating $25,000,000 for the purchase of forest lands?

Modest and reasonable as such an appropriation would be, it is the opinion of officers of this league that a game refuge bill can be developed which will do all the things that such a measure should accomplish without diverting a single dollar from the public funds.

The American Game Protective Association has repeatedly presented the argument that "it required 16 years to put over the migratory bird act and we should not be discouraged over a few failures in the Senate and in the Congress." Now, I believe, considering the fact that the present game refuge bill carries a Federal tax, everyone will admit that it would be a still more difficult bill to make into a working law.

Every day we receive letters telling of some new drainage crime completed, or some drainage crime contemplated. Are we supposed to wait then the 16 or 26 years that may, and probably would, elapse before this Federal tax bill is passed through Congress and through the various States, or should we, too, have a new bill which will become a law before it is too late?

Mr. Burnham's contention that the system of State control of game and game refuges is unsatisfactory and is a breeder of discord is not only unjust, but it is not borne out by facts. In most of our States there is now in existence an excellent system of game and fish control and supervision, and where this system has been in existence for a term of years sufficient to work out a plan of administration, the results have proven its value. The State game commissions of most of the Eastern States, and many of the Western States, work without compensation. It is reasonable to suppose that these men must be honorable and altruistic in their supervision of the affairs of the sportsmen, excepting in the few instances where it has become a political issue.

The sportsmen of the Nation will do well to intrust the development and supervision of their shooting areas to these State commissions and State wardens, aided and abetted by Federal appropriations and under the advice and control of a Federal bureau, as in the past.

We do need a game refuge bill, but we need one that will give a square deal to the sportsmen of every section of this country. And we need one that will function, not in 16 or in 20 years, but now.

Just what the bill will be which may eventually be presented to the members of the league and to the sportsmen of the Nation, no man on this committee is prepared to state. But we can rest assured that our bill will be found to have overcome the weakness of the present bill. It will be a practical bill and a workable bill, and one that will be satisfactory to all, as our conservation measures of the past have been satisfactory to all.

In the end the sportsmen of this Nation will choose wisely. When the cobweb of fancy that has obscured the vision of a few is drawn aside the trail will be clean and straight, for the vision of the sportsman is clear.

The Izaak Walton League makes no claim, nor do we believe that we are all powerful, nor do we believe that we are always right. But this we do know. We know that every project and measure for the betterment of outdoor America which this league has undertaken has had the consideration and is voted upon by duly elected representatives from every section of the country and from every State in the Union. This system of popular government, we believe, is the only fair, sane, and practical method of solving the problems which confront the sportsmen of to-day.

This Izaak Walton League is an independent organization, owing allegiance to no political party, no religious creed, and neither is it subsidized by any commercial organizations, and we are answerable for our acts only to the sportsmen of the Nation, who are of us and with us. Our accomplishments in the field of conservation and the methods we employ are known to all men, and we intend to carry on.

Mr. KING. Mr. President, I shall a little later in my remarks discuss Mr. Burnham and the so-called American Game Protective Association and the propaganda which this organization and the powder manufacturers have carried on since 1911 in order to secure legislation which meets their wishes.

Mr. President, in my opinion no legislation is necessary now other than an authorization for the Department of Agriculture to purchase or acquire by gift such lands as may be necessary for game refuges for migratory birds and all classes of fowl embraced within the treaty negotiated between the United States and Great Britain. In my opinion we should defer legislative action until December, and in the meantime make such investigation as is necessary to enable Congress to deal with this question in a comprehensive and suitable manner. With that thought in view, I offered a resolution (S. Res. 228) on the 21st instant, which reads as follows:

Whereas the United States on August 16, 1926, concluded with Great Britain a convention for the protection of migratory birds which pass between the United States and Canada in regular seasonal flights; and

Whereas it is claimed that by said convention the United States become committed to the protection of such migratory birds during the period of their flight and presence in the United States; and

Whereas in order to discharge such alleged commitments upon the part of the United States Congress passed the migratory bird treaty act, approved July 3, 1918, and to further effectuate the purposes of said convention, Congress by the act entitled "An act to establish the upper Mississippi wild life and fish refuge," approved June 7, 1924, provided for the establishment of an extensive refuge and breeding place for such migratory birds in the upper Mississippi Valley and authorized an appropriation of $1,500,000 for the acquisition of the lands required for such refuge; and

Whereas it is claimed that additional refuges are necessary at suitable and advantageous localities for the further protection of migratory birds; and

Whereas it is reported that persons representing corporations and organizations interested in the killing of migratory birds have claimed that they had an agreement with the Biological Survey as to what lands should be purchased for public shooting grounds in the event that Congress should appropriate public funds for the purchase of shooting grounds, or should provide a Federal shooting license of $1 per annum for the purpose of raising funds to purchase such shooting grounds, as proposed in bills pending in Congress.

Whereas the protection of migratory birds under said treaty and the protection of the wild life of the country is a policy which concerns the whole country and not merely the small proportion of the people who desire to kill such wild life for sport or the corporations which manufacture guns, powder, and shells for the purpose of hunting and killing game; and

Whereas an extensive controversy has developed as to the proper measures which should be taken by Congress to discharge the obligations of the Government under said migratory bird treaty and as to the general policy of the Government with respect to the protection of wild life: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry is authorized and directed to make an investigation to determine what additional legislation, if any, is necessary or desirable for the enforcement of the migratory bird treaty with Great Britain; and particularly what additional bird refuges are required; the best localities for such refuges; the estimated cost of such refuges; the best means to develop such refuges; the extent to which the Government should cooperate with the several States with respect to the maintenance of such refuges; the most effective means to administer such refuges; whether the Department of Commerce should participate in the maintenance of such refuges; whether there should be an advisory committee to advise the Biological Survey of the Department of Agriculture with respect to the performance of its duties and functions with respect to the maintenance and administration of such refuges, and if so, how such advisory committee should be appointed and what compensation should

be allowed for it; how funds should be raised to purchase land for game refuges; and generally to make a comprehensive study of the whole subject of game refuges and report its findings and recommendations to the Senate.

The committee is authorized to hold public hearings, to send for persons and papers, to administer oaths, to sit during the session or during any recess of the Senate, and to sit at such places as it may deem advisable. Any subcommittee of such select committee duly authorized thereto may exercise the powers conferred upon the committee by this resolution.

Mr. President, in the discussion thus far no person favoring the bill before us has advised the Senate whether game refuges are needed, and, if so, the number, location, and probable cost. One would suppose that when Congress is called upon to legislate ostensibly to carry out the terms of a treaty with a friendly government, that full information should be obtained as to the subject matter of the treaty and the obligations imposed by the treaty upon the United States. How can we carry out the terms of the treaty without we know just what the United States is required to do and what steps must be taken in order to discharge the obligations of the Government?

The Senator from South Dakota put into the RECORD a day or two ago a statement showing that hundreds of game refuges were to be found in the United States. He did not advise us whether additional refuges were required, and, if so, the number, nor did he submit any information that would enable us to intelligently deal with the subject of migratory birds and our treaty obligations.

Mr. NORBECK. Mr. President, may I interrupt the Senator from Utah?

Mr. KING. I yield to the Senator.

Mr. NORBECK. I asked the question, how many, if any, of the game refuges had water on them, and nobody was able to answer me. Everyone knows that a bird refuge without water would not be much of a refuge.

Mr. KING. The Senator reported this bill from the committee to the Senate, and he is in charge of it and urging its passage. The question which he now suggests is important, and is one which the committee should have investigated.

Does the Senator know how many bird refuges there are in the United States? Does he know whether there are sufficient to meet obligations of the Federal Government under the treaty? Does he know whether the game refuges established by the States, together with those owned and controlled by the Federal Government, meet the needs of our country? Does he know whether the refuges which have been established by the Biological Survey, with its marvelous wisdom, its superior knowledge, its superhuman scientific knowledge of biological and zoological life were proper and suitable? Is it possible that Doctor Nelson of the Biological Survey and his assistants and the advisory committee of which Mr. Burnham is chairman, a committee which has no legal existence, have been derelict in the discharge of their duty and selected game refuges upon which there is no water and which are not suitable? The statement of the Senator would seem to indicate that there were reserves of this character.

Mr. NORBECK. The Senator from South Dakota did not say that the Biological Survey had selected the bird refuges.

Mr. KING. The Senator knows that the Department of Agriculture, acting through the Biological Survey, has made some selections.

Mr. NORBECK. Yes; it has made some selections.

Mr. KING. Exactly. Well, I supposed the Senator was speaking of those bird refuges that the Federal Government has taken charge of. I ask the Senator if it is not a fact that the refuges which have been established by the Federal Government are under the control of the Biological Survey directly and indirectly under the control of the Secretary of Agriculture?

Mr. NORBECK. The Senator from Utah realizes that technically we have bird refuges on some reservations. We have, for example, the Yellowstone National Park and the Rocky Mountain Park, but nobody claims them to be migratory-bird refuges. We have some national parks in the Southwest; I think one of them is called the "Petrified Forest," but the very name suggests that it is not a waterfowl refuge. However, technically by law it is a bird refuge, but it is not a breeding ground or a feeding ground for migratory birds.

Mr. KING. I assume, of course, that all the refuges referred to by the Senator, a list of which he put into the CONGRESSIONAL RECORD——

Mr. NORBECK. I beg the Senator's pardon. The Senator from South Dakota did not put into the CONGRESSIONAL RECORD any list of bird refuges. That was done by some other Senator.

Mr. KING. I understood the Senator had placed such a list in the RECORD.

Mr. NORBECK. No.

Mr. KING. I said I was advised that the Senator had put into the CONGRESSIONAL RECORD a report from the Biological Survey indicating the game refuges under the control of the Federal Government. If the Senator did not do it, I apologize for attributing to him a worthy act, because we should have a list, and I want to thank the Senator who did put it into the RECORD. I was giving the Senator credit which he did not deserve.

Mr. NORBECK. Exactly so.

Mr. KING. Mr. President, Senators are not familiar, in my opinion with all of the facts necessary to guide them in this important legislation. We now have a great number of Federal game refuges. Congress has authorized the acquisition of more refuges on the upper Mississippi River and has made an adequate appropriation. There is no crisis in the number of game refuges. This bill does not meet any game refuge crisis. It has other purposes entirely. Do we know how many more refuges should be acquired, where they should be located, under what conditions they should be acquired, or how they should be governed and regulated? Has the question been studied—and the amendments offered by the Senator from Arkansas [Mr. CARAWAY] suggest the imperative necessity of such a study—as to the relationship between the Federal Government and the States.

The resolution which I have just read will, if adopted, furnish us with full information and enable us to legislate intelligently upon this important matter. Senators will recall that $1,500,000 was appropriated in 1924 for the purpose of acquiring in the upper Mississippi lands for fish and game refuges and preserves. We do not know what part of this sum has been expended; what additional amounts will be needed for the purchase of additional lands; or whether there should be an advisory committee to aid in their purchase and in formulating and enforcing regulations, or the nature, character, and extent of such regulations.

The resolution suggests a multitude of questions, none of which have been answered by the proponents of this measure and many of which I insist they can not answer. How unwise it is to attempt legislation at this time when we are so much in the dark and when our footsteps are following such an uncertain path. If this resolution shall be adopted, the Committee on Agriculture during the summer can obtain all needed information and when we meet in December, as I have indicated, Congress will then have sufficient data to enable it to proceed intelligently and rationally. Now we are being driven by the lobbyists who, if they know of these matters to which I have referred, take most effective methods to conceal or withhold such knowledge.

Mr. President, the Senator from Arkansas and the Senator from South Dakota seem to make light of the proposition that this bill increases the power of the Biological Survey to promulgate rules and regulations, penal in character, and to cause the arrest of persons who may be violating such rules and regulations or penal provisions found in this bill and to have them taken hundreds of miles to Federal courts, indicted by Federal grand juries, tried in Federal courts, and subjected to fine and imprisonment under the judgments of Federal judges.

They seem to regard it as of no particular importance that a Federal bureau here in Washington shall have the authority to control large areas within the States, determine how they shall be controlled, formulate the rules for their control, send an army of Federal employees into the various States to interpret Federal statutes and rules and regulations promulgated by the Biological Survey, and enforce the same and take part in the arrest and in the prosecution of citizens whose conduct they regard as violative of the law or of such rules and regulations.

Mr. President, I can not believe that Senators approve of the Federal Government taking over the police powers of the States and sending a cloud of Federal employees and agents into the States, there to spy upon the people and initiate prosecutions for alleged infractions of bureaucratic regulations.

I repeat when I say that, with the tremendous increase in Federal bureaucracy and a continuation of its growth, within 25 years the States will be stripped of most of their powers. The Federal courts now are burdened with criminal cases. There are hundreds of Federal statutes with penal provisions, and literally thousands of rules and regulations which have been formulated by departments and bureaus and Federal agencies, the violation of which constitutes a crime and the greater portion of which are unknown to the people, or at least are not known until they are arrested for alleged violation of the same.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. BRUCE. I should like to ask the Senator from Utah whether that argument will apply to a State where the subject is of national concern and where the Federal Government has a clear right to appoint its own agents for the purpose of taking care of it? I think that every word the Senator says is applicable to a different situation which I might very readily state, but there certainly can be no question, at least I have not heard anybody raise the question, that the subject of the migratory bird bill is a matter of national concern. There is nothing national in character if a migratory bird is not; that is certain; and if so, why should any particular irritation be engendered within the limits of any State in the Union because the Federal Government may appoint Federal agents under the proposed act and they may exercise their duties within the limits of a particular State? I should not think there would be any more feeling against them on the part of the people of a State than there would be against so many customhouse officers or so many internal-revenue collectors or so many other Federal officials or servants.

Mr. KING. Mr. President, the Senator from Maryland has inveighed upon many occasions against Federal interference in the affairs of the States and the policies of the Federal Government which are undermining local self-government.

Mr. BRUCE. Mr. President, I may say to the Senator from Utah that I have always endeavored, however, to keep clearly in mind the partition of authority between the State governments and the Federal Government. I am just as strongly opposed to any trespass by the State governments upon the jurisdiction and domain of the Federal Government as I am to any trespass by the Federal Government upon the domain of State jurisdiction. I had occasion to express myself on that subject only three days ago when the President undertook to issue an extraordinary and, in my opinion, wholly unconstitutional and unwarranted Executive order attempting to empower State officers within the boundaries of the State to exercise Federal power superadded to their own State powers. It seems to me once it be settled that a thing is of national concern, such as interstate commerce or any other subject of national concern, then the Federal Government should be accorded all the powers that can be constitutionally accorded to it under the Federal Constitution to enforce its will.

So I do not think the Senator intended to impute any inconsistency to me; certainly in the light of this explanation I think he will not undertake to do so. If I did not believe that the pending bill dealt with a matter of national concern, I would never for one moment give my assent to the idea of the Federal Government interferring in any manner with the subject of the bill.

Mr. KING. Mr. President, I concede that under the interstate commerce clause of the Constitution as well as under other provisions the Federal Government may enter the States and perform various duties. The interstate commerce clause, in my opinion, is a most dangerous one, dangerous to the sovereignty of the States and to the rights of the people. It is being so interpreted as to weaken the States and to infringe upon the rights of individuals. It is invoked in support of legislation which is upon the border line, and also measures which, in my opinion, are unconstitutional. Many bills are passed which are constitutional—that is, they are within the letter of the interstate commerce clause, but beyond its spirit. There are many laws enacted by Congress which technically are constiutional but which nevertheless are injurious in their effects and constitute dangerous precedents. The tendency toward consolidation of all governmental powers is unmistakable and the tide toward a powerful and highly centralized Federal Government moves forward resistlessly. Even persons who are strong advocates of State rights and local self-government are yielding to this gravitational force, which is robbing the States and building up a deadly paternalism. The unitary system of government, which has so many devotees across the sea, is finding enthusiastic supporters in this Republic.

We constantly glorify the Federal Government and we see dimly in the distance the receding State governments, freighted as they are with the most precious cargoes of liberty. For myself I had rather have less government and have it local and within finger's touch of the people themselves. I am not attracted by great political power, by strong and puissant States. Good government is much like the Kingdom of Heaven. It is within the people themselves. When the spirit of Christianity and of justice and of liberty is taken from the hearts of the people, and an attempt made to concentrate it in a limited number, whether it be in church or State, the hour of evil, if not destruction, approaches.

Of course, the Federal Government must collect taxes and for that purpose must have customs officials and agents to collect corporation and income and other taxes. We submit to the exactions and activities of the Federal Government where they are constitutional because we have to.

We know that our fathers granted to this National Government certain authority which the sovereign States possessed. But they were careful to grant only such authority as was deemed indispensable for the maintenance and safety of the Federal Government. Beyond this they would not go. Further than that we should not go. And even if there be technically the authority for the Federal Government to perform acts which the States could perform, it were better, generally speaking, for the Federal Government to abstain from the assertion of such power.

I concede that under the migratory bird treaty with Great Britain, the Federal Government has the power to establish game refuges for the protection of migratory birds. Many eminent lawyers, until the treaty had been ratified, denied that the Federal Government had the right to provide game refuges or perform any of the acts which, under the game refuge law, it seems authorized to perform. The State of Missouri challenged an act of Congress before the treaty which sought to confer authority upon the Federal Government to deal with migratory birds. The wisdom of the treaty many question, and a considerable portion of the American people believe that the Government committed a great wrong in negotiating the treaty.

But certainly Congress should scrutinize every word of the treaty with a view to limiting the Federal Government to the strict letter of the treaty's terms. There should be no intendment, no presumptions drawn. Every presumption should be against the Federal Government and in favor of the States and the rights of the States. I submit, Mr. President, that the most important question before the American people to-day is the preservation of the States. If the Federal Government is to be preserved, the State governments must be preserved. In Lincoln's time the vital question was the preservation of the Union. The supreme question now is the preservation of the States and of local self-government.

But to return to the matter before us. The treaty, which is the justification for legislation dealing with migratory birds, and the treaty is the source of our authority, does not confer authority upon the Federal Government to purchase or acquire or control shooting grounds for the American people. It is no more right to furnish shooting grounds for Senators or for other American citizens than it is to furnish them golf links or tennis courts or race courses. Under the treaty the Federal Government may acquire game refuges and sanctuaries, not shooting grounds.

I shall concede for the purpose of this discussion that the treaty is valid and may not be successfully challenged. What, then, does the treaty require the Federal Government to do to protect certain migratory game and nongame birds and certain migratory insectivorous birds? It does not authorize the issuance of licenses nor the purchase of shooting grounds. I think a reasonable construction of the treaty would justify the Federal Government in acquiring sanctuaries or refuges for the birds covered by the treaty.

The treaty obviously was for the purpose of protecting the class of birds referred to. Sanctuaries are necessary for their protection, not shooting grounds, not the granting of licenses. I have therefore been willing to support appropriations for the acquisition of suitable sanctuaries for migratory, nonmigratory, and insectivorous birds.

But this bill is not framed for that purpose. It does not have that in view. It is framed for the purpose of furnishing jobs for hundreds of Federal officials and providing shooting grounds for hundreds and thousands of individuals. This bill smells of powder. It has the touch of the shell manufacturers and their lobbyists.

Mr. President, if we should strike from this bill the sections dealing with licenses and the shooting ground provision, the lobbyists who are thronging the capital would flee as if from a plague. If this provision were stricken out and we were to insert provisions carrying a million dollars appropriation annually for a number of years, the lobbyists would not return. They would not be satisfied. They would melt away; they would leave the Capital disheartened, disgusted, and filled with resentment.

Mr. NORBECK. Mr. President, I agree with the Senator that the lobby would melt away because they would get exactly what they want.

Mr. KING. Let us see if the Senator is correct. Will he vote with me for a bill that will appropriate during the next five years $1,000,000 annually to be expended by a commission appointed for that purpose in acquiring sanctuaries for the protection of migratory birds covered by the treaty with Canada?

Mr. NORBECK. That is easy. I will do that whether this bill passes or whether it fails, because even with the passage of this bill we will not have enough bird refuges.

Mr. KING. Will the Senator vote for that, and then vote with me for a provision such as that offered by the Senator from Arkansas, and then kill the bill that is before us?

Mr. NORBECK. I am not going to be gotten into any agreement that will kill the bill and leave us with nothing.

Mr. KING. The Senator need not be afraid of that. If he will support the suggestions which I have made, or the substitute bill which I have introduced, or any measure which he may draw himself carrying into effect the ideas that I have suggested and the ideas suggested by the Senator from Arkansas, I shall support it.

I am interested, and I know that my friend from South Dakota is interested, in the preservation of the migratory birds. I have talked with him, and I think I know his real views, and if he will agree to a proposition along the lines indicated we can pass a bill through the Senate of the United States, in my opinion, in 20 minutes after the bill has been formulated.

Now I come back to what I was suggesting to the Senator from Maryland [Mr. BRUCE].

I have not searchingly examined the migratory bird bill passed to carry the treaty into effect, but it is, I think, constitutional. I regret that Congress felt it necessary to enact all of the provisions found in the bill, and was unwilling to leave to the States, upon their adopting proper measures for the protection of migratory birds, the responsibility or duty incident to that undertaking. However, the comprehensive provisions of that act are all that are necessary for the carrying out of the obligations of the treaty if Congress will acquire such sanctuaries as may be necessary to afford adequate protection for such periods.

And that brings me back to the resolution which I offered; it must I submit compel Senators to ask themselves the question, whether we are prepared now to legislate upon this question. It is important to know what the States will do in the matter of protecting migratory birds, what they have done, whether there should be cooperation between the Federal and State Governments, and if so to what extent; whether the State governments could not in a more satisfactory and effective way deal with migratory birds.

The amendment offered by the Senator from Arkansas contemplates that the States will enact the necessary legislation and adopt all needed regulations to afford the fullest protection to migratory birds, and his amendments call for surrender by the Federal Government to the States the full control of migratory birds when they have taken the necessary steps by legislation or otherwise to afford such protection.

Mr. President, it is obvious that the bill before us is not necessary; that it will be provocative of controversy, lead to confusion, and create friction between the Federal and State Governments. Let us find out more in regard to this matter and learn what the State governments will do and what steps they will take, and where refuges are required and what their cost will be.

My resolution will enable us to obtain this information so essential to proper legislation.

Mr. President, just a word more in relation to Mr. Burnham and the Izaak Walton League. In a letter written by Mr. Burnham as president of the American Game Protective Association and dated August 14, 1924, he stated that in the last few years—

> the Izaak Walton League has demonstrated that by means of a magazine, enthusiasm, hustle, and organization ability it is possible to build up an association of large membership in this country.

Mr. Burnham then states that in his judgment—

> the success which this league has achieved has been due to the advertising genius of Will H. Dilg, its president, backed by the good judgment and money-raising ability of its chief backer and good angel, Mr. George E. Scott, of Chicago.

He states that the league has over 100 chapters in the State of Oklahoma alone, but he tries to belittle it by stating that its principal organizations are in the Mississippi Valley, in States which have never heretofore had much in the way of sportsmen's organizations. He speaks in regard to the Game Protective Association and its smaller membership. But he says that—

> We have utilized our smaller membership so far more successfully than the league has used its greater numbers, and aside from the temporary setback received last winter with the game refuge bill we have successfully accomplished every piece of work which we have undertaken.

He says that—

> the Izaak Walton League will never take the place of the American Game Protective Association and that in all likelihood, under the direction of Mr. Dilg, join with the ultrasentimentalists for the "verboten" policy and be lost as a practical organization for accomplishing the practical upbuilding of resources.

This letter shows the attitude of Mr. Burnham and his organization. It denominates as sentimentalists those who would preserve the game and secure sanctuaries to afford domestic breeding for wild fowl. Mr. Burnham's organization is the practical one and secures what it goes after. I concede that it is a compact and aggressive organization and has been quite successful in its propaganda activities.

It is to be observed, however, that one of the great constructive measures recently passed by Congress in the interest of true conservation was supported earnestly and enthusiastically by the Izaak Walton League, not Mr. Burnham and the powder men's organization. Mr. Burnham belittles the league and the upper Mississippi River wild life and fish refuge. The real attitude of Burnham toward game refuges and toward the Izaak Walton League is set out in the letter above noted, from which I quote:

> The league is now starting in on a program of constructive work, and while it is yet too early to say what will be accomplished, it already has to its credit the passage of the upper Mississippi bill through Congress. This, however, is not a matter of major importance, and the measure was not a difficult one to pass and in no way can be classed with the achievements of the American Game Protective Association.

Congress passed the act to establish an upper Mississippi River wild life and fish refuge. It provided for the administration of the refuge acquired and further that—

> no person except in accordance with regulations prescribed by the Secretary of Agriculture with respect to wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic animal life—
>
> (a) Enter the refuge for any purpose; or (b) disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish, or other aquatic animal life on the refuge; or
>
> (c) Remove from the refuge, or injure or destroy thereon, flower, plant, tree, or other natural growth, or the nest or egg of wild bird; or
>
> (d) Injure or destroy any notice, signboard, fence, building, or other property of the United States thereon.

Mr. President, an appropriation was made, as I recall, of $1,500,000. That was approved June 7, 1924. That was appropriated for the purpose of acquiring this land and meeting the incidental expenses incidental thereto.

Congress was responsive to the thought that game refuges should be established and was not niggardly in providing refuges. I assert that Congress will make adequate appropriations whenever the facts presented show that refuges are necessary in order to carry out the letter and the spirit of the treaty which we negotiated with Great Britain.

There is no necessity for this bill. There is no necessity of arming a horde of Federal officials with authority to go into the States and arrest boys and men who happen to shoot one bird more than some bureaucrat says they shall shoot and haul them off three or four hundred miles to a Federal court and have them indicted by a Federal grand jury and tried in the Federal courts and imprisoned in Federal penitentiaries.

Our treaty obligations are to acquire land and refuges for wild life. Congress has appropriated $1,500,000. When that has been expended, Congress will be willing to appropriate more, and will now appropriate whatever amount the facts presented show is required. I have offered a bill asking for a million dollars more, to be appropriated now, to be devoted toward the acquisition of national game refuges and sanctuaries for migratory birds pursuant to the treaty with Great Britain.

I might add that the Mississippi refuge act to which I have referred has ample provisions to secure its enforcement and afford full and complete protection to the migratory birds within the confines of the refuge authorized to be acquired. I repeat, there is no necessity for the bill now before us.

There are other acts upon the statute books dealing with the question of migratory birds and providing for their protection. An act was passed July 3, 1918, which carries many penal provisions against those violating the rules and regulations of the Department of Agriculture. The Biological Survey has promulgated many rules and regulations. It has, in a rather boastful way, referred to the number of persons who have been arrested and fined, and prosecuted by the agents and employees of the survey. But it seems to want more penal statutes and more authority.

One of the first things that a bureaucrat wants is a policeman and then a penitentiary. He must have authority to arrest and prosecute and imprison. Many Federal officials, and particularly minor and unimportant ones, armed with a little authority, become autocratic, capricious, arbitrary.

Mr. CARAWAY. Mr. President, in this bill there is no provision to send anybody to the penitentiary. It even makes forgery a misdemeanor, punishable by a fine alone.

Mr. KING. I am not commenting upon the pending bill, but the Senator must know that under the pending bill, if I read it correctly, the regulations which are violated are punishable——

Mr. CARAWAY. By fine.

Mr. KING. By fine or imprisonment, or both. I notice in section 17 the following language:

> That any person, association, partnership, or corporation who shall violate any of the provisions of sections 8, 13, or 14 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 8 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both.

So that they are guilty of a misdemeanor if they violate any regulation made pursuant to section 8, and they may be fined not less than $10 or more than $500 or be imprisoned ot more than six months, or both.

Mr. CARAWAY. A man can not be imprisoned for more han six months in the penitentiary. That was the thing I rose to say. There is no felony provided in this bill.

Mr. KING. I will employ the proper terminology, "in jail," then; that they may be imprisoned "in jail." May I say to my friend that in some States where there are not proper county jails, the authorities imprison people in the penitentiary even for misdemeanors.

Mr. CARAWAY. The Federal Government can not.

Mr. KING. The Federal Government has in some instances employed the State penitentiary, of course by comity, for the purpose of imprisoning those convicted of offenses. In some instances remote from Federal penitentiaries, such as Leavenworth, the Government has sought an arrangement with the States so as to utilize the State penitentiaries.

Mr. CARAWAY. I am sure the Senator is in error about that. You can not imprison a man in a penitentiary for a misdemeanor.

Mr. NORBECK. Mr. President, does the Senator from Utah feel that there is too much law enforcement in the land?

Mr. KING. That question is not before us.

Mr. BRUCE. Mr. President, I may say to the Senator from Utah that, so far as what he says applies to the prohibition act, the Government would have to employ a large force and herd prisoners under oak or other spreading trees if it could not avail itself of the State penal institutions.

Mr. KING. Mr. President, I am sure the Federal Government does avail itself of the State penal institutions for imprisoning persons who have violated Federal statutes.

As I was stating when interrupted, we have a treaty with Great Britain dealing with migratory birds, insectivorous birds, and nongame birds. Congress has passed the migratory bird law with drastic and comprehensive provisions. We have the Mississippi Game Refuge measure, containing comprehensive provisions, and other statutes for the protection and preservation of not only migratory birds but of wild animals throughout the United States.

I am insisting, with some repetition, that we do not need more laws. What we need, if anything, are appropriations from Congress in order that more marsh lands and swamp lands may be acquired by the Federal Government in order that the letter and spirit of the migratory bird treaty may be fully carried into effect.

The act of July 3, 1918, clearly indicates that the Government is exercising and can exercise ample power for the preservation of migratory birds.

It is there provided—

> That it shall be unlawful to ship, transport, or carry by any means whatever from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried.

Senators will perceive that this provision is comprehensive, and protects against shipment of birds, nests, or eggs where State laws protect them.

Section 5 of the act provides:

> That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place.

The next provision of the same section gives authority to judges and commissioners to issue warrants for the enforcement of the act.

Section 6 provides—

> That any persons, association, partnership, or corporation who shall violate any of the provisions of said convention—

That is, the treaty with Canada—

> or of this act, or who shall violate or fail to comply with any regulation made pursuant to this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

It will be observed that there are ample punitive provisions to reach any act violative of the treaty or of the migratory game law. In addition, as I have stated, there are regulations with penal provisions issued by the Biological Survey, and they supplement the penal statutes and cover every act or omission which one could imagine that in any manner might affect migratory birds adversely or offend against the letter or spirit of the treaty and the act referred to.

I inquire, what else is demanded? Why are more penal statutes needed? Why are more Federal officials required? Let us have more conservation, more facilities for the breeding of wild game even for food purposes. We need not more statutes, but more common sense, more cooperation with the States, more sanity in dealing with this problem, a greater regard for the rights of the people, and not so much solicitude for shooters and manufacturers of shells and shot and guns.

But a policy of this kind—one which encourages the breeding of wild fowl and birds covered by the treaty and the establishment of sanctuaries—is not desired by Mr. Burnham and his organization. They want shooting grounds. The Biological Survey wants to conform to the wishes of the shooters and to have Mr. Burnham as the chief adviser to direct the policies which it adopts. They want the 40 per cent provision of the pending bill to increase the number of Federal jobs and to build up more Federal machinery and to give the so-called Game Protective Association greater influence and power with the Biological Survey.

Mr. TYSON. Mr. President, an amendment has been offered requiring that no license shall be required of boys under 18 years of age.

Mr. KING. Mr. President, I have not seen that. That would seem to have some merit.

Mr. TYSON. The Senator from Colorado has offered such an amendment.

Mr. KING. There may be some question as to its constitutionality. It may be claimed that it is discriminatory and therefore the act is void. Some boys 17 or 18 years of age are better shooters than their seniors. Discriminatory legislation is often successfully challenged, but I express no opinion as to the amendment just mentioned by the Senator.

Mr. TYSON. As I understand it, many of the States have such laws, which do not require licenses of boys under 18 years of age.

Mr. KING. I would support such an amendment, because it attacks one of the obnoxious features of the bill.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. BRATTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Robinson, Ark.
Bayard	Ferris	La Follette	Schall
Bingham	Fess	McKellar	Sheppard
Blease	Frazier	McNary	Shipstead
Borah	Gillett	Mayfield	Simmons
Bratton	Glass	Means	Smoot
Broussard	Goff	Metcalf	Stanfield
Bruce	Hale	Moses	Stephens
Butler	Harreld	Norbeck	Swanson
Capper	Harris	Norris	Trammell
Caraway	Harrison	Nye	Tyson
Couzens	Heflin	Oddie	Underwood
Curtis	Howell	Overman	Wadsworth
Dale	Johnson	Pepper	Walsh
Deneen	Jones, N. Mex.	Phipps	Warren
Dill	Jones, Wash.	Pine	Watson
Edge	Kendrick	Ransdell	Weller
Edwards	Keyes	Reed, Pa.	Wheeler

Mr. FESS. I desire to announce that my colleague [Mr. WILLIS] is unavoidably absent this afternoon. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The Senator from Utah is entitled to the floor.

Mr. DILL. Mr. President, will the Senator from Utah yield to me a moment?

Mr. KING. Certainly.

Mr. DILL. I want to offer an amendment to the pending bill and ask that it be read so it may appear in the RECORD. The amendment proposes to strike out the authority to purchase public shooting grounds, to strike out those sections that provide for the buying of Federal licenses, and to strike out "$50,000" and insert in lieu thereof "$250,000." I shall not take the time now to discuss the amendment, but at a later time I shall discuss it. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read as requested.

The CHIEF CLERK. On page 3, line 9, after the word "or," strike out the words "public shooting grounds"; on pages 7, 8, and 9 strike out sections 10, 11, and 12; and on page 10, line 23, after the word "of," strike out $50,000" and insert in lieu thereof "$250,000."

Mr. KING. Mr. President, when a quorum was called I was discussing existing laws, which I insist are sufficient to protect migratory birds. I do not think anyone can successfully challenge the statement that we have all the laws that are now needed. If anything is required, it is further appropriations to acquire additional lands for game refuges. Before concluding my remarks I shall show who is back of this bill, the motive back of it, the lobby back of it, the sinister influences back of it, and why they are so insistent upon supplementing existing law and why they refuse to be satisfied with amendments such as those proposed by the Senator from Washington [Mr. DILL] or the amendments offered by the Senator from Arkansas [Mr. CARAWAY] or the amendments which I suggested on Thursday last.

I invite attention now to the migratory bird law enacted in 1918. It protects migratory birds. It has penal provisions attached to nearly every section. Yet the proponents of the measure now before us apparently are not satisfied with the penal provisions and the ample authority therein given for the protection of migratory birds. But in addition to the act I call attention to the regulations which have been adopted by the United States Department of Agriculture through the Bureau of the Biological Survey. I have here a pamphlet issued April 22, 1926, by the Biological Survey. It contains the text of the Federal laws and regulations relating to game and birds. Before going to the regulations, however, I call attention to the treaty to ascertain our obligations and to see whether we have complied with the same.

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

Migratory game birds.

Then ensues a description of those that come within that category.

Migratory insectivorous birds.

Then follows a list that come within that definition.

Other migratory nongame birds.

Then follows a description of those that come within that classification.

The high contracting powers agree that as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

The treaty defines close seasons and inhibits the shooting of the animals referred to therein during the close season.

The closed season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolæ or shorebirds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting parties may severally deem appropriate and define by law or regulation.

It will be apparent, first, that there is a closed season with respect to migratory birds between March 10 and September 1. Then the season for hunting is further restricted—that is, it may be further restricted by the United States—for a period not exceeding three and one-half months as may be defined by law or regulation. The Department of Agriculture has been given the authority by Congress to further restrict the period within which shooting may take place, so that it is now entirely within the power of our Government to interdict shooting between September and March, and three and one-half additional months. Shooting within these periods is penalized by the migratory act of July 3, 1918, to which I have called attention. The treaty further provides that—

The closed season on migratory insectivorous birds shall continue throughout the year.

I pause to inquire what further laws and regulations are required for the protection of migratory birds. It has been asserted by Mr. Burnham and the Biological Survey that we must have a large amount of money collected from the people to be supplied the Biological Survey in order to employ a horde of Federal wardens and agents. They want to collect five or six millions of dollars from the people of the United States, 40 per cent of which is to be expended by the Biological Survey for administration purposes and 60 per cent for game refuges and their administration. How much of the 40 per cent would be expended in the machinery incident to the acquisition of suitable waters or land and waters for the use of migratory birds and public shooting grounds for the administration, maintenance, and development of such refuges, and the construction of cabins and other necessary improvements no one knows.

Section 11 of the bill before us particularly states that no less than 60 per cent of the amount received from licenses may be devoted for the charges or rental or necessary expenses incident to the acquisition of suitable land and for the administration, maintenance, and development of such refuges and the construction of cabins and other necessary improvements.

Forty per cent of the entire fund goes for administrative purposes, and then in addition such part of the 60 per cent as the Biological Survey shall determine shall be used in acquiring lands and in the administration, maintenance, and development of the refuges and the construction of cabins and other necessary improvements.

It would seem that the greater part of the 100 per cent obtained from the sale of licenses will be consumed by an army of employees which the Biological Survey will furnish. One would suppose that the 40 per cent would be sufficient to meet all administrative charges, but the drafters of the bill were careful to see that the Biological Survey was not to be limited to 40 per cent of whatever the sum was, whether it was $1,000,000 or $5,000,000, but that it could utilize such part of the 60 per cent for the purposes enumerated as it deemed necessary.

Mr. CARAWAY. Mr. President, will the Senator from Utah permit an interruption?

Mr. KING. Certainly.

Mr. CARAWAY. The Secretary has no power to spend a dollar except that Congress shall authorize specifically. The fund is not a fund he can lay his hands on and use as he pleases.

Mr. KING. Perhaps that is true. However, the Senator knows that the fund established in the Treasury is to be expended, and the Biological Survey will determine how it will be expended. The bill authorizes the use of part of the 60 per cent to meet expenses in acquiring land and for administrative purposes, and in building and constructing cabins and improvements. The Senator certainly does not believe that the entire 100 per cent will not be expended.

Mr. CARAWAY. But they can not expend a dollar of it unless Congress shall authorize it.

Mr. KING. Whatever is collected will be expended, and experience should teach us that a very large part of the sum collected will be absorbed in the payment of salaries to Fed-

eral employees and in improvements, traveling expenses, administrative activities, and so forth.

I return to the treaty, which further provides:

The closed season on other migratory nongame birds shall continue throughout the year, except that Eskimo and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food, and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs): *Provided*, That during such 10 years the close seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

Mr. President, the comprehensive character of this treaty will be observed. It becomes itself a protection to migratory game birds, to migratory insectivorous birds, which may not be shot at all, and as to other birds the period within which they may be shot is limited to a very short time. It is further provided—

that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

The Secretary of Agriculture has full power to make such regulations now, and we may have a close season with respect to the birds that are mentioned in the section of the treaty which I have just read.

Article VI provides:

That the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited.

Mr. President, the section contains other provisions which are restrictive in character. Article VII provides:

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them, respectively, but such permits shall lapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

Article VIII provides:

The high contracting powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present convention.

I repeat, Mr. President, when I say that this treaty itself is a shield and a protection to migratory birds. We performed our contract obligation by passing the migratory bird law, under the penal provisions of which violations of the terms of the treaty and violations of the terms of the act bring punishment upon the offender.

Mr. President, the Department of Agriculture has promulgated a number of regulations for the purpose of more effectually carrying into effect the treaty and the migratory bird law. The first regulation defines migratory game birds, following the language of the treaty, as well as the insectivorous and the nongame birds.

Then follow various definitions. Regulation 3 specifies the means by which migratory game birds may be taken. It provides:

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a gun only, not larger than No. 10 gauge, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, from a blind or floating device (other than an airplane, power boat, sailboat, any boat under sail, or any floating device towed by power boat or sailboat), with the aid of a dog, and the use of decoys.

Section 4 relates to the open season on and the possession of certain migratory birds. Regulation 5 relates to the bag limits on certain migratory game birds.

May I say, Mr. President, there has been a great deal of controversy between those who insist that they are true and genuine conservationists, and the proponents of this bill—I am speaking of the lobby that is here, not of Senators—as to what would be a reasonable bag limit. Doctor Hornaday and other men who have given years to the study of migratory birds and bird life insist that the bag limit should be reduced on ducks and other wild fowl to 15, but when that is mentioned the lobby, of course, rises up in mock horror and indignation at the idea of limiting the number of birds which may be shot in a day to 15, and claims that would be destructive of the purposes of the pending bill. I am afraid, Mr. President, that their desire for the conservation of birds is not so great as they avow. If they were interested in the protection of migratory birds, I believe that they would accept the suggestion of Doctor Hornaday and men who insist that the bag limit for ducks per day should be 15; but they have fought that suggestion with as much insistence and bitterness as they have the proposition to abolish the licensing system provided in this bill or the effort to have stricken out the provision requiring the United States to buy shooting grounds.

Regulation 6 has to do with the shipment and transportation of certain migratory game birds. I shall not take the trouble to read it.

Regulation 8 provides for permits to propagate and sell migratory waterfowl.

I ought to say in passing that the Biological Survey has done all that it could to hamper persons from availing themselves of the provisions of the law permitting the breeding of game. Apparently the Biological Survey and the Game Protective Association are interested only in shooting, not in breeding wild fowl and the migratory birds classified in the treaty with Great Britain. I have letters before me which indicate that obstacles have been interposed by the Biological Survey to the breeding of wild fowl. I regard the conduct of this bureau as reprehensible and as violative of the spirit if not the letter of the treaty and the statute.

In my opinion the conduct of the bureau should be made the subject of a rigorous investigation. I have a resolution pending calling for certain information concerning the activities of the Biological Survey in connection with this and other legislation. The resolution refers to the conduct of officials of the Biological Survey and the report made by Mr. Williams, an inspector, concerning the acts and conduct of employees and agents of the Biological Survey. I shall press for the adoption of my resolution. The Department of Agriculture has not received the resolution with any favor and has, in my opinion, tried to prevent Congress from obtaining the Williams report and full information concerning the matters mentioned in my resolution.

I return to the regulations. Regulation No. 9 provides for the method of obtaining migratory birds for scientific purposes, and the tenth regulation relates to permits to kill migratory birds injurious to property.

Regulation 12 states:

Nothing in these regulations shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, their nests, and eggs contrary to the laws and regulations of any State, Territory, or District.

In other words, it recognizes the right of the States to legislate in respect to certain matters covered by the treaty and by the migratory game law.

In addition to the regulations, Congress passed the Lacey Act, which contains important provisions, and deals indirectly and in a modified way with the subject under consideration.

Section 1 of the act of May 25, 1900, reads in part as follows:

That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The act of March 4, 1909, as amended April 15, 1924, is of great importance, and worthy of attention.

Section 84 of the act is as follows:

Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the

eggs of any such bird on any lands of the United States, which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than $500, or imprisoned not more than six months.

Mr. President, this section affords protection for birds and wild animals of every kind and protects them upon lands of the United States which may be or are now refuges or breeding grounds for such birds or animals. The law throws its shield of protection over animals and birds of the character referred to upon all future refuges and reservations which may be established by the Federal Government.

One would suppose that with the treaty and the various regulations to which I have referred the appetite of those who love power and punitive statutes would be satiated, but such is not the case. The more power is given, the more is desired. The greater number of penal provisions enacted and penal regulations promulgated, the greater the desire for further regulations, statutes, and penal provisions. Some people suffer from an itch—a malady for more law. Humanity is to be saved by law, but, of course, by law promulgated and enforced by bureaucrats.

One of the evils in our country to-day is the excessive number of statutes, regulations, and ordinances. There are laws upon every conceivable subject. We are piling them up until they assume the proportions of the Himalayas. A few days ago I saw an impressive cartoon. It represented a huge mountain of laws which was lost in the skies. Resting at the base of the mountain were two tablets containing the ten commandments.

There is scarcely a department or bureau of the Federal Government that is not clamoring for more power, for larger personnel, for higher salaries, and for more administrative authority. As I have stated, the Biological Survey and Mr. Burnham and the powder associations, who constitute the Game Refuge Association, have for years backed measures similar to the one before us; they have rejected every proposition which has contemplated the preservation and conservation of game; they have insisted upon the establishment of shooting grounds, although the Federal Government has no power to purchase lands to furnish shooting grounds for private individuals; they have insisted upon licenses, perceiving that a large sum would be collected, the distribution of which they could control; they have given no support to the Izaac Walton measure, which secured $1,500,000 for genuine game refuges along the Mississippi River; they are not supporting measures to obtain appropriations to acquire game refuges and sanctuaries; and they have opposed every restriction of bag limits. Indeed, their whole purpose seems to be to fasten upon the country a hateful bureaucratic system which will be associated with the Game Protective Association.

Mr. President, I have stated that for a number of years Mr. Burnham and his associates and the Biological Survey have carried on an active propaganda for this and similar measures.

I charge that the powder manufacturers and the cartridge and shell loading companies and the gun manufacturers of the United States and Mr. Burnham and his organization, called the American Game Protection Association, have for many years, in season and out of season, carried on a skillful, subtle, persistent campaign for the purpose of increasing the sales of shot and shell and powder and guns manufactured by these corporations.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. KING. Yes.

Mr. CARAWAY. The way in which they have tried to increase the sales was by trying to increase the wild life, so that there would be an object in buying shot and shell and guns, was it not?

Mr. KING. My friend can draw his own deductions from the facts.

Mr. CARAWAY. Could they promote the sale of arms and shot by any other means than by having more game to hunt? So, whatever the method is, if it results in preserving and increasing wild life, it would not be a bad one.

Mr. KING. Mr. President, I shall give my friend, with his great ability, the opportunity to determine the motives which prompted the crusade and campaign for this shooting grounds bill. These corporations are not in this movement for their health or for the protection of the birds. They are in this movement for commercial purposes. They are not conservationists. They are interested only in shooting—in the profits of shooting.

We need have no misunderstanding as to the origin and the purposes of the American Game Protective Association. The objectives of this association, of which Mr. Burnham has been president since its inception, were laid down in a letter dated "New Haven, Conn., October 17, 1911," and addressed by the Winchester Repeating Arms Co. to the dealers in arms and ammunition throughout the country, of whom there are at least 120,000 in number. The letter is as follows:

NEW HAVEN, CONN., *October 17, 1911.*

To the dealers in arms and ammunition.

GENTLEMEN: We desire to call your attention to the American Game Protective and Propagation Association, a recently formed and incorporated organization which has undertaken the most comprehensive, practical, and businesslike plan of game protection and propagation that this country has ever seen. The manufacturers of arms, ammunition, and accessories long ago recognized that something must be done to protect the wild life of this country if sportsmen were to continue to enjoy the pleasures of field and forest. You will agree with us, we are sure, that no one can be more vitally interested in this subject than are the manufacturers of sporting goods and the jobbers and dealers in the trade handling sporting goods as a department of their business.

The following manufacturers were the joint organizers of this association, and have guaranteed to this association an income of $25,000 a year for the period of five years from October 1, 1911:

American Powder Mills, E. I. du Pont de Nemours Powder Co., Marlin Fire Arms Co., Peters Cartridge Co., Remington Arms-Union Metallic Cartridge Co., Selby Smelting & Lead Co., J. Stevens Arms & Tool Co., United Lead Co., United States Cartridge Co., and the Winchester Repeating Arms Co.

To carry out the work of the association properly will, of course, require a large sum of money and an annual income considerably in excess of that already guaranteed, and we confidently hope that we shall have the cooperation of all of our good friends in the trade and of individual sportsmen throughout the country as well. Briefly, the objects of this association are: [This part of the letter was omitted by employee of the company as being confidential information—writer.] We have endeavored briefly to show you what our objects are. If there are any points not covered or that are not explained in sufficient detail write us, and it will be a pleasure to answer your questions.

We assume that you are already convinced that this is the most practical, comprehensive movement for game protection and propagation this country has ever seen, and that it will be to your interest as well as your pleasure to assist us.

You undoubtedly recognize that this work will call for a large income and it is hoped that you will be generous. Therefore, kindly fill out the contribution form inclosed herewith for as liberal an amount as you feel that you can contribute annually as yearly members, or for an amount to be paid at one time for one of the other classes of membership enumerated below. Kindly draw checks payable to the order of the American Game Protective and Propagation Association, or, if that name be too long, to the order of William S. Haskell, treasurer, and mail to the signer at your earliest convenience.

Yours very truly,

H. S. LEONARD,

Second Vice President Winchester Repeating Arms Co.

But little comment is needed upon this letter. Its meaning is so obvious that comment is not necessary. The powder companies, the cartridge companies, the shell loading companies, and the gun manufacturers conspired to organize this American Game Protective Association which is the sponsor of the pending bill. This organization that operates under the pretense of being a game propagation organization was born of a conspiracy concerned only with the sordid purpose of making profits out of the slaughter of the wild life of the country which Congress has come to realize must be protected if it is to be perpetuated for the delight of the present and coming generations.

This conspiracy undertakes to subsidize Mr. Burnham's association in the sum of $25,000 a year. This subsidy was first offered to Dr. W. T. Hornaday, who has achieved a prominent position in the movement for the preservation and perpetuation of the wild life of the country. Doctor Hornaday is for the conservation of this wild life. He is not interested in its slaughter or destruction. Upon inquiry it developed that there was a string tied to this subsidy, and this string was that Doctor Hornaday should discontinue his opposition to the use of the destructive large-bore shotguns, pump guns, and automatic shotguns, shooting high-powered shells which made game hunting no longer a sport, but a mere means of satisfying the passion for the slaughter of innocent life. The purpose of these subsidizers was to buy off Doctor Hornaday from his support of legislation in the States for the effectual protection of this wild life. This situation was clearly explained in an article which appeared in the New York Herald, of Saturday, June 3, 1911, and to which I invite the attention of the Senators who are interested in this subject:

W. T. HORNADAY DENOUNCES $25,000 GIFT BY GUNMAKERS TO AUDUBON SOCIETY—SAYS DONATION FOLLOWS ATTEMPT TO END WAR ON AUTOMATIC GUN BY MANY OFFERS—SECRETARY EXPLAINS—T. G. PEARSON ANNOUNCES DONATION—SAW GREAT FALLING OFF IN BUSINESS IF GAME PROTECTION ENDED

Differences of opinion which have existed for a long time between some of the most prominent naturalists of the United States as to the propriety of the National Association of Audubon Societies of the United States accepting any donation from the gun manufacturers became acute. The board of directors of the association, in session at 141 Broadway, yesterday voted to accept a gift of $25,000 a year from gunmakers. It is stipulated that $1,000 of this sum shall go to the secretary of the association each year.

When the result of yesterday's meeting became known, William T. Hornaday, director of the New York Zoological Park and one of the best-known naturalists in this country, made the flat charge that the Winchester Arms Co. has for some time been endeavoring to get control of the National Association of Audubon Societies. He charged that the manufacturers of the automatic gun, through their agents, had offered him $10,000 to bring about peace with the zoological society and immunity for the automatic gun.

It is understood that there were nine members of the association's directorate at yesterday's meeting. Some of those who are said to have voted for the resolution are Professor Allen, acting president; T. G. Pearson, secretary; William Brewster, president Massachusetts Audubon Society; G. B. Grinnell, editor of Forest and Stream; and Mrs. Mabel Osgood Wright, an author of bird stories. Three of those who voted against the resolution are Dr. T. S. Palmer, of the Agricultural Department at Washington; W. W. Grant, of 140 Nassau Street; and Jonathan Dwight. Mrs. Dwight is a student of bird life.

Doctor Hornaday refused to touch this tainted lucre. The conspirators then turned to T. Gilbert Pearson, president of the National Audubon Society, and tendered him the $25,000 per annum. Mr. Pearson accepted the money, but the Audubon Society refused to accept it and ordered Mr. Pearson to return it to the hands of the donors. One of the prominent members and supporters of the Audubon Society was so shocked at this open attempt to control the society at its fountainhead that she addressed the following letter to Mr. Pearson:

990 CENTRAL AVENUE, PLAINFIELD, N. J.,
June 12, 1911.

MY DEAR MR. PEARSON: Mr. Dutcher wishes me to write to you regarding your acceptance of this $25,000 gift from the manufacturers of guns and ammunition. I can not, of course, say what he wishes me to say, but I do know if he could speak he would plainly give you to understand how he does not at all approve of what you have done and so taken advantage of his helplessness.

I am greatly disappointed in your friendship for Mr. Dutcher and now look upon you as one of his greatest enemies, inasmuch as you have taken the opportunity of doing him the greatest injury.

Yours respectfully,

CATHERINE O. DUTCHER.

I invite attention to this letter as an example of the real attitude of the sincere members of the Audubon Society toward this whole sordid business.

The conspirators, with this subsidy on their hands, then turned to Mr. John B. Burnham, who organized for them the American Game Protective Association, as clearly projected in the letter from the Winchester Repeating Arms Co. Mr. Burnham has been in the service of this conspiracy ever since that time. He has been active in season and out of season in promoting the interests of this conspiracy, and this is his chief occupation at the present time. He has obtained the support of coadjutors, among whom are T. Gilbert Pearson, George Bird Grinnell, and William C. Adams. It is through these men that this conspiracy has access to other organizations with altruistic titles, some of the officers of whom it seems are willing to lend aid to this scheme.

These men are all members of Mr. Burnham's national campaign committee on the migratory bird refuge and public shooting grounds bill. They present together a capital example of interlocking directors. They are a sort of a trust which assumes power to control the attitude of various societies toward this shooting ground measure.

I present to the Senate a statement showing the interlocking relations of these individuals, as follows:

THE INTERLOCKING CONSERVATIONISTS—ALL BOOSTING THE PUBLIC-SHOOTING GROUNDS GAME REFUGE BILL AND ALL OPPOSED TO THE BAG LIMIT REDUCTION BILL

JOHN B. BURNHAM

American Game Protective Association, president and director.
The advisory board to the Department of Agriculture and United States Biological Survey, chairman.
The National Game Conference, American Game Protective Association.
The International Association of Game, Fish, and Conservation Commissioners.
National Parks Association, trustee.
The Council on National Parks, Forests, and Wild Life.
Association for the Protection of the Adirondacks.
National Conference on Outdoor Recreation.
National campaign committee for the migratory bird refuge and public shooting grounds bill.

T. GILBERT PEARSON

National Association of Audubon Societies, president.
Advisory board to the Department of Agriculture.
National Game Conference, American Game Protective Association.
International Association of Game, Fish, and Conservation Commissioners.
Council on National Parks, Forests, and Wild Life.
National Conference on Outdoor Recreation.
National campaign committee for the migratory bird refuge and public shooting grounds bill.

GEORGE BIRD GRINNELL

American Game Protective Association, director.
Advisory board to the Department of Agriculture.
National Game Conference, American Game Protective Association.
Council on National Parks, Forests, and Wild Life.
National Parks Association.
National Conference on Outdoor Recreation.

WILLIAM C. ADAMS, BOSTON

Advisory board to the Department of Agriculture.
National Game Conference.
International Association of Game, Fish, and Conservation Commissioners.
National Conference on Outdoor Recreation.
National campaign committee on the migratory bird refuge and public shooting grounds bill.

These conspirators have made good on their promise to subsidize Mr. Burnham's American Game Protective Association. The proof of this is contained in the annual statements of income and expenses of the association. I present the important part of the statements for the years 1921 and 1923 in order that the Senate may know the character of the contributions made to propagate the pending legislation and the manner in which these contributions have been expended, and also that the Senate may know what influences and efforts have been back of the bill before us:

Net income and expenses, American Game Protective and Propagation Association, October 1, 1920, to September 30, 1921

NET INCOME

Subscriptions from active members:			
Winchester Repeating Arms Co		$5,000.00	
E. I. du Pont de Nemours & Co		5,000.00	
Remington Arms Co		5,000.00	
Peters Cartridge Co		1,800.00	
United States Cartridge Co		1,500.00	
Hercules Powder Co		1,000.00	
American Powder Mills		500.00	
Western Cartridge Co		1,000.00	
			$20,800.00
General subscriptions:			
Julius Forstmann		1,000.00	
General		5.00	
			1,005.00
Dues:			
Applied to membership		3,135.77	
Applied to Bulletin subscriptions		914.35	
			4,050.12
Game refuge bill:			
Receipts, including a subscription of $1,000 from former Game Commissioner George D. Pratt, of New York		2,030.50	
Disbursements—			
Printing, circulars and letters	$221.58		
Envelops	32.65		
Traveling expenses, R. P. Holland	85.75		
Clerical salaries	1,006.50		
		1,346.48	
			684.02
Profit on sale of temporary investments			195.34
Interest on permanent investment			100.25
Interest on bank balances			38.40
Sale of Bulletins			101.82
Sale of pheasant manuals			23.35
Sale of sportsmen's creeds			.50
Total net income			27,004.80

The report also shows that the seven national conferences cost $2,523.61, and the report also shows further expenses for propaganda, entertaining expenses and salaries of Mr. J. B. Burnham, president; Mr. R. P. Holland, vice president; and Mr. G. M. Fayles, secretary and treasurer, so that the aggregate is $27,380.09.

The report from October 1, 1922, to September 30, 1923, shows an income of $20,800, as follows:

Income

Subscriptions from active members:	
United States Cartridge Co.	$1,500
Remington Arms Co.	5,000
Winchester Repeating Arms Co.	5,000
E. I. du Pont de Nemours & Co.	5,000
Peters Cartridge Co.	1,800
Western Cartridge Co.	1,000
Hercules Powder Co.	1,000
American Powder Mills	500
Total	20,800

and general subscriptions amounting to $4,163.19. The report includes also the following contributions:

Robert O. Hardy	$1.00
Peters Cartridge Co.	432.72
American Powder Mills	120.20
Total	553.92

From dinners and the sale of various bulletins and membership dues, and so forth, various sums were received, making the total income $32,701.71.

There were paid as salaries to—

J. B. Burnham, president	$5,769.63
R. P. Holland, vice president	5,000.00
G. M. Fayles, secretary and treasurer	3,850.00
Total	14,619.63

making a total of $14,619.63. And for printing expenses of Mr. R. P. Holland, J. B. Burnham, and I. T. Quinn, and others, and for dinners, bulletins, and general expenses, several thousand dollars more, making a total of $34,189.35.

I now bring to the attention of the Senate excerpts from the official records and correspondence of the American Game Protective Association, which throw light upon the methods which have been pursued to promote this legislation and reveal the covert purposes of Mr. Burnham in its promotion. I say with regret that these methods, I fear, have been effectual to mislead Congress and the country upon the real animus behind this bill.

I now read from a report of the board of directors' meeting, May 16, 1921, to the Du Pont Powder Co. of Wilmington, Del. John B. Burnham, president of the association, states as follows in connection with the game refuge bill:

The American Game Protective Association has had the greatest demand in its history on its treasury this last winter. We will either have to have more money or lay down on the job. This association is the only agency in the country working in a national way for maintaining American shooting. We are an insurance for the future of your business. I am told that 800,000,000 shells are annually sold for game shooting. * * * I make this prediction, that in one or, at the most, two years, the peak of your production of both arms and ammunition will pass and be replaced by a downward curve unless the American Game Protective Association is more vigorously supported. * * * The American Game Protective Association secured the Federal migratory bird laws, which have doubled the number of wild fowl in this country. This increase will not benefit the public unless the public can have places to shoot the birds. It took $20,000 to put over the first law. It will require as much or more to get the public shooting grounds.

I now read from a letter from J. H. Head, district sales manager of the Remington Arms Co., to the Du Pont Powder Co., dated March 6, 1922:

Am glad that you have taken up with the American Game Protective Association the subject of our conversation relative to spreading propaganda in Missouri which would offset some of the antagonistic stuff now being circulated by reformers and conservationists, etc. There is only one tip I think the American Game Protective Association should have, and that is that the present fish and game department in Missouri is very antagonistic to the American Game Protective Association and they will undoubtedly fight any suggestions coming from New York. In fact will make capital of it.

Mr. President, I shall read further from the minutes of the meeting of the American Game Protective Association and letters from Mr. John B. Burnham:

[Letter from John B. Burnham to Du Pont Powder Co., July 10, 1922]

Our chief work recently has been in the House of Representatives. We have over 200 Congressmen checked up as favorable to this measure; and if nothing unforeseen arises when the bill can be brought to a vote, it will pass the House by 2 or 3 to 1 in its favor. The difficulty of course is to get a vote in the House of Representatives. * * * The generous action of the active members of the association in giving us $5,000 additional has enabled us to prosecute our work much more effectively than could have been done otherwise, and it is a fact that the present favorable position of the shooting grounds measure is due very largely to this action. When the House reconvenes it is going to be very difficult to get action on our bill, particularly if any filibustering takes place.

BURNHAM EXPLAINS DEFEAT

[Letter from John B. Burnham to the Du Pont Powder Co., February 15, 1923]

Our public shooting grounds game refuge bill was defeated in the House of Representatives on the 13th by a vote of 155 to 135. While we had a majority of the House of Representatives pledged in favor of the bill, both Majority Leader Mondell, of Wyoming, and Minority Leader GARRETT of Tennessee were against the bill. Mr. Mondell has fought every game measure that has ever come up in the House of Representatives during his 25 years in that body. He was defeated, as you know, for reelection and will not be in the next Congress. Mondell succeeded in defeating the bill in the following way: First, by carefully organizing the Democratic minority against it on the State-rights issue, working through Minority Leader GARRETT, and also by personally approaching individual Members he succeeded in whipping the Democrats into line by talking negro supremacy, antilynching bill, and all the well-known tricks. Next, he blocked a vote on the bill on days when he knew a majority for the bill was present, and he then brought it up suddenly at a time when many of the northern and eastern Congressmen were home for the Lincoln Birthday holiday. He defeated the bill with Democratic votes and a handful of Republicans. * * * Taking advantage of what we have learned, we will introduce a new bill, modifying it somewhat to meet certain requirements, at the beginning of the Sixty-eighth Congress.

THE SOUTH BEATS BILL

[Letter from John B. Burnham to Dupont Powder Co., February 26, 1923]

It seems to me that a great deal can be accomplished by getting all the ammunition retailers and jobbers interested. We can get up material to show them the benefits that the South would get from the passage of the measure. * * * It was the South that beat us, and this is the field where we shall have to work. * * * Relative to the Illinois situation, I would say that this association has aided in many ways. It has gotten up petitions which were circularized among sportsmen giving the arguments against closing the season on quail, and just now we are absolutely strapped for funds. We have spent every dollar and more, too, on the public shooting grounds game refuge bill.

GUNMAKERS SPREAD PUBLICITY

[Minutes of directors' meeting of the American Game Protective Association held on November 14, 1923]

President Burnham stated that the bill for game refuges and public shooting grounds would be reintroduced in the next Congress, and a discussion was had as to the best methods to be pursued in bringing the bill to the attention of the Congressmen in States where opposition to the bill still existed. On an analysis of the vote it was found that but one Congressman south of the Mason and Dixon line had voted for its passage, and that accordingly an extra effort should be made in the Southern States urging favorable consideration. It was decided that the officers of the association (the arms companies) should prepare the publicity they desired to be issued, and the manufacturing directors, on behalf of their companies, pledged their fullest support in seeing that a wide distribution would be given such a letter.

NEEDS SOUTHERN DEMOCRAT

[Letter from John B. Burnham to the arms and ammunition company directors of the American Game Protective Association dated January 2, 1924]

I hope you will find it possible to be present at this time, because we want to go over with the directors the situation with regard to the game refuge bill in Congress and get their advice and help. It is most important that we secure some strong southern Democrat to introduce the bill in the Senate. On account of the solidarity of the "solid South," we have been unable so far to secure the right man.

BURNHAM CRITICIZES CONGRESS

[Letter from John B. Burnham to the directors of the American Game Protective Association, the majority of which are the officers of the arms and powder companies; letter dated, April 10, 1924]

The game refuge bill is in better shape than it was at a corresponding time in the last Congress and we have a considerably larger number of votes pledged for it and a larger number of agencies assisting us in the campaign. On the other hand, this Congress is going to be a very hard one from which to secure constructive legislation.

MORE MONEY TO LOBBY

[Letter from John B. Burnham to the various powder and arms companies, dated May 14, 1924]

At the October meeting of the board of directors it was voted to take similar action to that taken two years ago so that each of the active members should contribute to this association their pro rata share of the sum of $5,000 in order to add this amount to a special fund for work in connection with the game refuge bill. Your pro rata is $1,202."

[Letter from John B. Burnham to Du Pont Powder Co., June 27, 1924]

* * * There are three of these letters touching on different phases of the question. I thought that they should be followed up by a fourth letter putting up to the directors squarely the necessity for doubling their subscriptions to this association. Free shooting in this country will be paralyzed mighty soon unless this association has more money.

PEARSON WANTS SHOOTING

[Letter from John B. Burnham to the arms and ammunition company, directors of the American Game Protective Association, July 16, 1924]

I should like to call the attention of the directors of this association to the fact that both the game and free shooting in this country are in a mighty precarious situation and that your business interests are to that extent at stake. * * *

The landowners, the women, and sentimentalists already constitute a formidable body, and their strength is growing to such an extent that T. Gilbert Pearson, president of the National Association of Audubon Societies, and other able men have come to the conclusion that the American system of free shooting is doomed * * * of course, if this happens the sale of firearms and ammunition will be seriously affected.

FELIX DU PONT CONTRIBUTES

[Letter from John B. Burnham to A. Felix du Pont, vice president of the Du Pont Powder Co., dated January 30, 1925]

Your personal check for $1,000 as a contribution for the work of this association came in this morning's mail, and in behalf of the association I sincerely thank you for your generosity. This will materially help in the work for the game refuge bill, and I think by to-night this money will be doing its work. For one thing, I shall immediately telegraph Mr. J. W. Stayton, editor of Hollands Monthly, at Dallas, Tex., that his expenses will be paid to Washington for working for the game refuge bill, and just as soon as I can check up on Mr. R. T'on Lownds at Atlanta, Ga., another volunteer for the work, I will authorize his coming on.

HOW SENTIMENT WAS CREATED FOR BIRD BILL

[Report of the directors' meeting of the American Game Protective Association, November 14, 1923]

The subject of the "Public Shooting Grounds" bill, to be introduced in the coming meeting of the legislative bodies of the United States, was gone over very thoroughly, and the ways and means of best presenting this bill was discussed from several angles. It was finally decided that a letter and petition should be sent to all dealers in the United States telling of the importance of this bill and urging the sportsmen to sign the petition and send it to their Congressman or Senator as we did in the case of the excise tax on small-arms ammunition.

It was finally concluded that the Remington Arms Co. will prepare and send out a list of approximately 90,000 letters on the American Game Protective and Propagation Association's stationery. This letter to be written by Mr. Burnham along with other necessary advertising matter. Mr. Drew (Winchester Repeating Arms Co.) is going to send a letter to all his jobbers and dealers urging them to fall into line with the association's ideas of passing this bill, as it will be very beneficial to dealers and sportsmen. I believe that we (Du Pont Co.) should follow this matter up and write our first and third class customers on this subject. Mr. Drew and Mr. Skelly (Hercules Powder Co.) withdrew from the meeting rather early, and afterwards we did quite some constructive work on the handling of this presenting of the bill to the general public. Mr. Burnham asked me if we would frame up a letter which he could send to all merchants, as he was rather green at this sort of business. (Report dated November 16, 1923, made to the Du Pont Co. by L. R. Lewis, assistant director of sales of the Du Pont Powder Co.)

Over 275,000 letters were sent out.

[Letter from John B. Burnham to L. R. Lewis, of the Du Pont Powder Co.]

FEBRUARY 15, 1924.

Won't you have a word with Mr. Simonton and ask him to have the Sportsmen's Association pass a special resolution at the meeting which, I understand, takes place to-morrow evening indorsing the game refuge bill? It would be of the greatest benefit if Mr. Mimonton would get as many men as possible to write to the two Delaware Senators and also the Congressman. It is particularly desirable that a number of letters be sent to Senator BAYARD.

JOHN B. BURNHAM.

This telegram was sent and charged to the selling expense of the sporting-powder division of the Du Pont Co. The president of the Sportsmen's Association referred to is W. A. Simmonton, of the Du Pont Co.; the secretary, H. D. Albaugh, of the Du Pont Co.; and another officer, J. T. Skelly, of the Hercules Powder Co.

DU PONT DISCOVERS OPPOSITION

In June, 1924, Mr. du Pont, as I am informed, believed that there was opposition to the bill. A questionnaire was prepared and sent broadcast to farmers and sportsmen with the result that figures showed that 90 per cent of farmers and sportsmen were opposed to this public shooting gr nds bill.

I am informed that on December 9, 1924, the Du Pont Co. wrote a letter to all the arms and ammunition companies which were contributors to the American Game Protective Association. With this was a circular attacking the game refuge bill in no uncertain terms. The letter follows, and was signed by E. R. Galvin, director of sales of the sporting-powder division:

GENTLEMEN: Efforts are being made to have Congress take action on the game refuge public shooting grounds bill. Although statements have been made that this bill was meeting with almost universal approval, it is now being brought home very forcibly to us that there is considerable opposition to the bill, and we are in receipt of letters from shooting clubs, sportsmen, and farmers and State game commissions. We feel that our interests are the interests of the sportsmen. We feel moreover that this bill, if passed, will so materially change conditions and have such a widespread effect on a multitude of sportsmen that it is of the highest importance to know if it meets with their approval. This approval, we believe, is essential to the success of such a measure. We are using the attached with our various mailing lists to determine the sentiment of those interested in the subject.

The enclosure was a statement against the bill, and it brought back thousands of letters protesting against the passage of the measure.

BURNHAM ASKS REPUDIATION

On December 15, 1924, John B. Burnham, as I am advised, requested a meeting with the Du Pont Co. officials in order to get them to rescind their action in opposing the bill. In the meantime the American Trap Shooters Association had passed a resolution against the passage of the bill. At that conference in Wilmington, Del., Mr. du Pont did not feel inclined to rescind its action in attacking the game refuge bill by sending thousands of this attack to its mailing list, for on December 16, 1924, the following telegram was sent:

FELIX DU PONT,

Du Pont Powder Co., Wilmington, Del.:

Telegrams and letters coming to this office make it imperative we should make statement, which we can not make until we know exactly your position, as it must be predicated on yours. As I understand, your company has always taken the position that you do not oppose or work for legislation. Therefore, on the same basis, you should publicly repudiate action against bill. If I am authorized to make such a statement, I am sure it will go a long way toward clearing the situation. Please advise.

JOHN B. BURNHAM.

My information is that Mr. Burnham then called a directors' meeting of the American Game Protective Association to be held December 17, 1924, for the purpose of determining what should be done about the du Pont attack. Finding it impossible to get the members of the arms and ammunition companies who were directors together on such short notice, he wrote as follows:

DECEMBER 16, 1924.

MR. FELIX DU PONT,

Du Pont Powder Co., Wilmington, Del.

DEAR MR. DU PONT: It looks now as if we would be unable to hold the directors' meeting of this association until a week from to-day, Tuesday, December 23, and as we are receiving a flood of telegrams, letters, and telephone calls, which all have to do with your company's attitude on the game re ge bill, I have wired you for information as to what kind of a statement to make. The general impression seems to be that Galvin's action will go a long way toward killing the game refuge public shooting grounds bill on the theory that it is

far easier to stop progress than to resume momentum in constructive movement, and there is much demand that some action be taken immediately to offset the damage which has been done.

JOHN B. BURNHAM.

My advices are that an attempt was then made to boycott Mr. du Pont's company. I am told that on December 18, 1924, the Massachusetts Fish and Game Protective Association, located at Boston, Mass., issued a virulent attack on the Du Pont Co. for opposing the game refuge bill. This circular was signed by Arthur Clark as secretary. He urged that all the members of the association immediately—

wire, or at least write, the president of the Du Pont Powder Co., condemning their action in opposing it and thereby trying to deliver the public rights of sportsmen to private ownership of game.

Within the next day or so the Peabody Sportsmen's Association, affiliated with the above organization, declared a boycott on Du Pont powder and urged its members not to use any shells loaded with Du Pont powder. This came to the attention of the Du Pont Co., which immediately wrote letters to various Senators and Congressmen telling them of the boycott and why it considered this boycott unfair. Maj. R. Sylvester, head of the Du Pont secret service, was delegated to investigate the Peabody Sportsmen's Association and its relative strength. I make these statements upon the authority of persons who have information concerning the matters herein referred to.

On December 13, 1924, John B. Burnham addressed a letter to the arms and ammunition companies calling attention to the attack made on the game refuge bill by the Du Pont Co. through its director of sales, E. R. Galvin, who replied as follows to the representatives of the arms and ammunition companies who were directors of the American Game Protective Association:

GALVIN SCORES BURNHAM

WILMINGTON, DEL., *December 20, 1924.*

GENTLEMEN: Referring to letter of December 13, 1924, from the American Game and Protective and Propagation Association.

The Du Pont Co. has contributed $60,000 or more to the American Game Protective and Propagation Association. This $60,000 or more has been charged to the "selling expense" of the division for which I am responsible as director of sales. Since 1921 the chief activity of the American Game Protective and Propagation Association has been to sponsor the game refuge public shooting grounds bill.

I have been led to assume that—

A. The bill was sponsored by sportsmen.

B. It would produce more game and more shooting.

C. It was practically without opposition.

To the best of my knowledge, belief, observation, and information I am led to believe these assumptions are not correct. Statement is made that the bill is really sponsored by a small group of paid professional game protectionists; that the bill can not and will not do what is claimed for it, and that there is a very decided opposition to it.

I have been keenly interested in the American Game Protective and Propagation Association. In 1919 I asked other important manufacturers who contributed to the American Game Protective and Propagation Association a construction plan of action.

In 1921, I believe it was, the first public shooting grounds bill was advocated.

In 1923 I frankly expressed by letter my candid criticism of the manner in which the American Game Protective Association conducted its affairs.

In the last seven or eight years the manufacturers have contributd $175,000 or more to the American Game Protective Association. A detailed statement showing what benefit has been accomplished by the expenditure of that amount would be interesting, no doubt, to the contributing manufacturers.

Although not fully satisfied with the American Game Protective Association's conduct of its affairs, I remained passive and watched with interest its activities in behalf of the game refuge—public shooting grounds bill.

Being led to believe, as previously stated, that there was no opposition to the bill, frankly I was surprised to see that there was emphatic opposition. This opposition has developed from sportsmen, farmers, sportsmen's associations, and fish and game commissions. With this opposition established, I sought a means of registering the viewpoint of those interested by sending out to our mailing list the attached letter and pamphlet, taking action at this time because we had been called upon for our annual assessment to the American Game Protective and Propagation Association, amounting to $5,000, and I wanted to know the truth.

Yours very truly,

E. R. GALVIN, *Director of Sales.*

During this time the boycott of the Massachusetts association had become pronounced and was spreading against the Du Pont Co. Although Mr. Burnham had urged the Du Ponts to rescind its action several times, it was not until December 27, 1924, that Felix du Pont issued a statement which said in part:

This company's position, as well as my own, is the same now as it has always been, namely, in favor of the bill.

But later in speaking of the matter Mr. Felix du Pont said, as I am advised:

Up to that time [meaning the time of the attack made by Galvin] I had never read the game refuge bill. I did not know that the American Game Protective and Propagation Association was the father of the bill, and it was news to me that our biggest customers and ourselves had paid out more than $30,000, which had been used almost entirely for the promotion of this bill. I had to make up my mind then and there whether I was for the bill or against it. Of course, I had been officially for the bill right along, because my department had been spending money to have it passed.

DU PONT REVERSES POSITION

With the repudiation by the Du Pont Co. of the stand it had taken against the game refuge bill, efforts were discussed with the end in view of getting the Massachusetts boycott called off.

Note this letter:

(Burnham to Du Pont)

JANUARY 30, 1925.

MR. FELIX DU PONT,
Wilmington, Del.

DEAR MR DU PONT: I got an opportunity yesterday to get in a word with Director Adams, of the Massachusetts Game Commission, on the subject about which we talked. To-day a good opportunity occurred to put the matter before Mr. Clark, the active man in the Massachusetts State Game and Fish Protective Association. I do not know whether the club you mention (Peabody Association) is a member of the State organization (it is), but as most of the clubs in Massachusetts belong to this organization I take it for granted that the Peabody Club is affiliated. Mr. Clark is an honest, straightforward chap, and I think he will take action to close this incident * * *.

JOHN B. BURNHAM.

Mr. Burnham then wrote to Mr. Clark, under date of January 30, 1925, as follows:

DEAR MR. CLARK: I thoroughly understand the matter between Commissioner Adams and Doctor Field. I inclose the association's check for $50 for your association to be used to defray Doctor Field's expense in the interim. * * * Commissioner Adams has the distinction of having raised the most money in Massachusetts of any State for work for the game refuge bill. * * * Relative to the Du Pont matter. * * * Under the circumstances I think it is a great mistake to continue an attack on the company which is now—and always has been—loyally for the measure. I understand that a sort of boycott is being carried on in Massachusetts by one of your constituent clubs. In the interest of fairness I think it should be called off.

JOHN B. BURNHAM.

In the meantime, however, Mr. Burnham and others had worked on the powder companies to an extent that the American Trap Shooters' Association were threatened with a loss of a $30,000 contribution from the powder companies unless this association repudiated the resolution it had passed against the game refuge bill.

On January 21, 1925, this is corroborated by the fact that all the arms and ammunition companies herein referred to received a wire from Otto M. Jones, of the Oregon Fish and Game Commission, a copy of which is as follows:

Members Portland Gun Club at meeting last night again went on record opposed to shooting grounds bill and as resenting position of certain manufacturers to threaten trap shooters of Pacific zone to withhold annual contribution to American Trap Shooting Association if members do not rescind former action in position to measure.

OTTO M. JONES.

On January 27, George McCarthy, president of the Trap Shooters' Association, wrote to John Burnham stating that his association would rescind its action and go on record as favoring the bill.

Mr. President, I am advised that on February 5, 1925, Mr. E. R. Galvin, who had been with the Du Pont Co. for 17 years, was discharged because of his opposition to the game refuge bill, and particularly because of the letter which I have referred to heretofore.

I am also told that Otto M. Jones and Mr. A. E. Burgduff, who were connected with the Oregon Fish and Game Commission, were relieved of their positions because they had opposed the shooting ground bill which Mr. Burnham and associates

were trying to force through Congress. The same forces which brought about these results were directed against Mr. William H. Dilg, the founder of the Izaak Walton League, because he was opposed to these shooting-ground measures sponsored by Mr. Burnham and associates in the Biological Survey.

One of the most active members of this league is Mr. Jack Cunningham, of Missouri. On the 13th of August, 1925, he wrote the following letter to Mr. Holthous, which I think will prove of interest to Senators:

IZAAK WALTON LEAGUE OF AMERICA,
Kansas City, August 13, 1925.

Mr. ARTHUR HOLTHOUS,
St. Louis, Mo.

DEAR MR. HOLTHOUS: On account of the way the bill is headed, "Game refuge and public shooting grounds bill," a lot of sportsmen have swallowed it, hook, line, and sinker. This bill was conceived in iniquity; is very unrighteous, in that it is not a game refuge public shooting grounds bill at all. It is a pork-barrel measure, with the spending of the money for game refuges delegated to professional conservationists and the money for the enforcement end of it delegated to the Biological Survey to spend as they see fit and call it enforcement. It is the most dangerous bill that has ever been up before the American public. Mr. Dilg has never liked the smell of this bill at any stage of the game. It has been suggested to us several times that the Izaak Walton League take over the American Game Protective Association, but we have declined with thanks for two reasons: First, the American Game Protective Association is not built on lines of the Izaak Walton League; second, the league has never accepted any gratuitous financial support from any commercial institution that is in any way interested in outdoor legislation and never will. Burnham and his crowd are desperate. Their success before has been in silencing opposition. Try to attend the Denver meeting. You will find Herbert Taylor, of St. Louis, lined up with his old employer, the Du Pont Powder Co. and the American Game Protective Association.

JACK CUNNINGHAM,
Chairman National Executive Committee Izaak Walton League.

I have here a letter by Mr. D. H. Madsen, fish and game commissioner of Utah, addressed to Mr. A. D. Holthous, of St. Louis, Mo., in which he states that funds were solicited—

for a lobby to secure the passage of the game refuge bill—

and that the matter came from Mr. Holland, who was secretary of the American Game Protective Association. He also refers to the fact that positions were promised in case the bill was passed.

I might add here that Mr. Will Dilg in five years has built up that organization until to-day it has three or four times as great a membership as all of these so-called outdoor and recreational organizations combined. I continue reading:

"MORE GAIN," NOT "MORE GAME"

The main trouble with us is not more that we have lacked courage than that we have lacked sincerity and plain honesty, along with a lack of plain horse sense. We all ought to know the truth by this time. Yet continually we keep trying to pull ourselves over the fence by our boot straps. Continually we put out our propaganda, which is eaten up by a public which wants to be fooled. I have no more admiration for the "More game!" cry—it should be called "More gain!"—than I have for that phase of philanthropy which advertises a liquid which will take the kink out of a negro's hair. One is just as sincere and honest as the other, and just as practical. That sort of thing is not good enough to-day. Time we should abandon all these old insincere methods by which we undertake to fool ourselves and realize that only a great departure—a great honest and sincere departure—is ever going to bring any success to the movement which seeks to retain some field sports for Americans.

I have before me the original letter written by the district sales manager of the Remington Arms Co., March 6, 1922, to Mr. E. R. Galvin, Du Pont Powder Co., Wilmington, Del.:

DEAR BUCK: Many thanks for yours of March 1, and am glad you have taken up with the American Game Protective Association the subject of our conversation relative to spreading propaganda in Missouri which would offset some of the antagonistic stuff now being circulated by reformers and conservationists, etc.

"Conservationists!" They did not like the propaganda which was circulated by conservationists, so they say, in Missouri.

There is only one tip I think the American Game Protective Association should have and that is that the present fish and game department in Missouri is very antagonistic to the American Game Protective Association and they will undoubtedly fight any suggestions coming from New York, in fact, will make capital of it.

That is signed by Mr. Head, district sales manager.

I read next from a letter written by Mr. Burnham July 10, 1922, to Mr. E. R. Galvin, E. I. du Pont de Nemours Co., Wilmington, Del.

MY DEAR MR. GALVIN: Thinking that you may be interested in receiving a confidential report on progress accomplished in securing the public shooting grounds law, I am writing to say that while Senator New's defeat for renomination in Indiana has to some extent unfavorably affected the passage of the bill in the United States Senate, I do not believe Senator New's popularity and prestige have been greatly decreased—

And so forth. Then he says:

Our chief work recently has been in the House of Representatives. We have over 200 Congressmen checked up as favorable to this measure, and if nothing unforeseen arises, when the bill can be brought to a vote it will pass the House by 2 or 3 to 1 in its favor. The difficulty, of course, is to get a vote in the House of Representatives.

This further statement appears in the letter:

The generous action of the active members of the association in giving us $5,000 additional had enabled us to prosecute our work much more effectively than could have been done otherwise, and it is a fact that the present favorable position of the shooting grounds measure—

Not a conservation, not a game-refuge measure but a shooting-grounds measure; that is what Mr. Burnham denominates his bill, his own child. He labels it. This is not a game preserve or refuge bill; it is a "shooting grounds" bill.

Mr. NORBECK. Mr. President, may I ask the Senator to whom he refers?

Mr. KING. Mr. John B. Burnham, president of the American Game Protective and Propagation Association.

I repeat what I was reading:

The generous action of the active members of the association in giving us $5,000 additional had enabled us to prosecute our work much more effectively than could have been done otherwise, and it is a fact that the present favorable position of the shooting grounds measure is due very largely to this action.

Five thousand dollars more

When the House reconvenes, it is going to be very difficult to get action on our bill, particularly if any filibustering takes place. There will again be tremendous pressure to force other measures through which the average Congressman is inclined to think of greater importance. Our expenditures are almost entirely for traveling expenses; we have to bring other men to Washington and pay their expenses. We are in close touch with the situation and are doing everything in our power to get a vote on the bill during the present session, because in the short session, which terminates the Sixty-seventh Congress, appropriation matters and the like are considered almost exclusively.

Yours very truly,

JOHN B. BURNHAM, *President.*

On February 15, 1923, Mr. Burnham, as president of the American Game Protective and Propagation Association, with headquarters at Woolworth Building, 233 Broadway, New York, writes to Mr. E. R. Galvin, who, I may say, was the sales agent of E. I. du Pont de Nemours & Co., Wilmington, Del., as follows:

DEAR MR. GALVIN: Our public shooting ground—

Now he adds to it—

game refuge bill was defeated in the House of Representatives on the 13th by a vote of 155 to 135.

While we had a majority of the House of Representatives pledged in favor of the bill, both Majority Leader Mondell, of Wyoming, and Minority Leader GARRETT of Tennessee were against the bill.

Then he refers to Mr. Mondell, the then Republican leader of the House, who has vigorously opposed the bill. His words are not commendatory.

Taking advantage of what we have learned, we will introduce a new bill, modifying it somewhat to meet certain requirements, at the beginning of the Sixty-eighth Congress.

Very truly yours,

JOHN B. BURNHAM, *President.*

So another bill was introduced. Mr. Burnham wrote again to Mr. Galvin on February 26, 1923:

DEAR MR. GALVIN: Thank you for your letters of the 23d relative to the public shooting ground game refuge bill, and to the Illinois situation with reference to putting quail on the song-bird list.

Speaking of the bill:

In the South, however, there are not many organized sportsmen. It seems to me that a great deal can be accomplished by getting all the ammunition retailers and jobbers interested. We can get up the material to show them the benefits that the South would get from the

passage of the measure, and if we can send this out during the early winter I think it will help very much. * * * It was the South that beat us, and this is the field where we shall have to work.

I am glad to say that southern Congressmen exhibited a proper regard for local self-government and for the rights of the States. They were unwilling—and voted unanimously, as I am advised in support of their views—they were unwilling to establish a Federal licensing system, and commit the National Government to a policy of supplying shooting grounds for the hunters of the United States. They were not opposing appropriations for migratory-game sanctuaries, but they did oppose the extension of bureaucracy.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Utah yield to the Senator from South Dakota?

Mr. KING. I yield.

Mr. NORBECK. I am sure the Senator from Utah does not want to leave any impression that is not exactly correct. One would be led to believe from what has been said that Mr. Burnham was not a conservationist and that he did not favor bird refuges. I will ask the Senator if he would not be willing to put all of Mr. Burnham's letters in the RECORD, instead of just excerpts from them?

Mr. KING. No, Mr. President; I would not be willing to, for the reason that they relate to matters that are not relevant. Anything in the letters showing that he is in favor of genuine conservation or pertinent to the matter under consideration I shall be glad to have inserted in the RECORD.

Mr. Burnham further states:

Relative to the Illinois situation, I would say that this association has aided in many ways. It has gotten up the petitions which were circularized among sportsmen in that State, and also prepared and sent out for general distribution an article, copy of which I inclose herewith, giving the arguments against closing the season on quail, and just now we are absolutely strapped for funds. We have spent every dollar and more, too, on the public shooting ground game refuge bill.

Mr. President, I have here a letter written by George M. Fayles, secretary of the American Game Protective and Propagation Association, dated November 28, 1923, to Mr. Galvin, in which he says:

I am inclosing for your consideration copy of the minutes of the board of directors of this association held on November 14, 1923.

The minutes show that there were present President Burnham (in the chair), Mr. J. T. Skelly, Dr. George B. Grinnell, F. J. Kahrs, F. G. Drew, W. S. Haskell, W. B. Greeley, A. S. Houghton, Lloyd R. Lewis, and R. P. Holland. The following appears in the minutes:

President Burnham stated that there were several matters to bring to the attention of the directors, including action on legislation before Congress, a request for an appropriation for funds to be used in the State of Ohio, and a request that mention be made of subject of the 10 per cent tax on arms and ammunition and action to try and have the tax taken off.

Here was this so-called conservation organization planning to secure a repeal of the Federal law taxing the manufacturers of arms and ammunition. I might add that there was a lobby in Washington when the revenue bill was under consideration, and this excise tax was repealed. Continuing, the minutes declare:

President Burnham stated the bill for game refuges and public shooting grounds would be reintroduced in the next Congress, and a discussion was had as to the best methods to be pursued in bringing the bill to the attention of the Congressmen in States where opposition to the former bill existed. On an analysis of the vote taken it was found that but one Congressman south of the Mason and Dixon line had voted for its passage. * * *

I want to congratulate the Congressmen south of Mason and Dixon's line for their devotion to the rights of the States and to local self-government.

It was decided that the officers of the association should prepare the publicity they desired to be issued, and the manufacturing directors—

That is, of the arms companies—

on behalf of their companies, pledged their fullest support in seeing that a wide distribution would be given such a letter. * * *

GEORGE M. FAYLES, *Secretary.*

Mr. Burnham writes to Mr. Galvin on January 2, 1924, and Mr. Galvin, as I have stated, is the director of sales of the E. I. du Pont de Nemours Co., Wilmington, Del.:

The writer personally believes that conditions in Ohio warrant support from this association.

What were they doing in Ohio? The legislature was considering bills for a closed season on quail. Of course, it is apparent, when we know the character of this organization, that it is an organization sponsored and supported by the arms manufacturers of the United States.

I hope you will find it possible to be present at this time, because we want to go over with the directors the situation in regard to the game refuge bill in Congress and get their advice and help. It is most important that we secure some strong southern Democrat to introduce the bill in the Senate. On account of the solidarity of the "Solid South" we have been unable so far to secure the right man.

They seem to think that New Englanders, and other people north of the Mason and Dixon line, have no interest in the rights of States and in local self-government, and that they are perfectly willing to be governed by a lot of Federal officials roaming throughout the country. They pay tribute, however, to the devotion of the South to Democratic principles; I shall not say Democratic principles, but to American principles, to the right of local self-government and of individual rights. I hope that men north of Mason and Dixon's line will exhibit the same regard for the rights of the States and for the right of local self-government that evidently was exhibited by the Representatives in the House of Representatives from south of the Mason and Dixon's line.

In another letter dated April 10, 1924, to Mr. Galvin, Mr. John B. Burnham, president of the so-called Game Protective and Propagation Association, wrote:

The game refuge bill is in better shape than it was at a corresponding time in the last Congress, and we have a considerably larger number of votes pledged for it and a larger number of agencies assisting us in the campaign. On the other hand, this Congress is going to be a very hard one from which to secure constructive legislation.

It would be interesting to know what Mr. Burnham regards as constructive legislation. Of course, it is constructive legislation to give more power to Federal officials, and to establish a license system and shooting grounds in order that the manufacturers of arms might sell more shells and more powder and more shot and more guns to kill game!

I might add at this point that Doctor Hornaday has been contending for a long time against the character of guns used for the killing of game; but he has at every step encountered the opposition of the corporations which have subsidized Mr. Burnham and his American Game Protective Association. They would have the repeating shotguns that did not give the game a chance. This letter says further:

In my judgment it would not be wise to attempt to secure a vote in either Senate or House before the short term or until after election. In the meanwhile we are using every effort to build up strength for the bill.

Yours very truly,

JOHN B. BURNHAM, *President.*

May 14, 1924, Mr. John B. Burnham, president, again writes Mr. Galvin, director of sales of the E. I. du Pont de Nemours Co., as follows:

MY DEAR MR. GALVIN: At the October meeting of the board of directors it was voted to take similar action to that taken two years ago so that each of the active members should contribute to this association their pro rata share of the sum of $5,000 in order to add this amount to a special fund for work in connection with the game refuge bill. Your pro rata is $1,202.

At your convenience we shall very much appreciate receiving this sum.

Yours very truly,

JOHN B. BURNHAM, *President.*

In lead pencil, with the initials of Mr. Galvin, I find "charge construction." Also the following: "This is additional contribution for 1924." Then it is checked or O.K'd at the top by the proper official.

So the books of the Du Pont Co. will show that this contribution, in addition to another which they made, was charged to "construction"; the construction of this bill, evidently. The books will not show, however, that it was for the "construction" of this bill.

Mr. Burnham, on June 27, 1924, wrote Mr. Galvin again:

MY DEAR MR. GALVIN: I am inclosing you some rather rough form letters which I had not the time as yet to properly correct along the lines we discussed. There are three of these letters touching on different phases of the question. I thought that they should be followed up by a fourth letter, putting up to the directors squarely the

necessity for doubling their subscription to this association. Free shooting in this country will be paralyzed mighty quickly unless this association has more money.

It is shooting, not conservation!

After we get the game refuge bill through Congress we must get to work at once in a lot of the States and get them committed to a policy for State game refuges, propagation, and other constructive things, and at the same time we must be fighting every minute to defeat the policy of those who wish to stop all shooting, whether they be farmers, with too drastic trespass legislation, or the Hornaday crowd. The sentimentalists, led by Doctor Hornaday, are demanding cuts in bag limits and seasons.

Doctor Hornaday did not urge the absolute abstention from shooting, but he wanted to cut the bag limit. If people were interested in conservation and the preservation of the migratory birds, they would cut the bag limit. For making that recommendation this organization, that claims to be 100 per cent in favor of conservation of migratory birds, denominates Doctor Hornaday a sentimentalist.

The war produced an effect on the women of the country which Doctor Hornaday has skillfully guided into a resentment against killing for sport any living creature. The landowners, the women, and sentimentalists already constitute a formidable body, and their strength is growing to such an extent that T. Gilbert Pearson—

He was one of the lobbyists, and he was in Washington for days and weeks, and perhaps is here now—

president of the National Association of Audubon Societies, and other able men have come to the conclusion that the American system of free shooting is doomed and that we must immediately go upon the European basis, with sport denied to all who are not landowners or wealthy enough to join shooting clubs. Of course, if this happens the sale of firearms and ammunition—

This is the crucial part, this is the important point in this circular which he was sending to the directors—

will be seriously affected, not to mention the loss to the welfare of our country. I shall have more to say on this subject later on.

I have another letter, written by Mr. Burnham, dated July 6, 1924, to Mr. Galvin, of the Du Pont Powder Co., as follows:

DEAR MR. GALVIN: I should like to call the attention of the directors of this association to the fact that both the game and free shooting in this country are in a mighty precarious situation, and that your business interests are to that extent at stake.

He is telling the sales manager of the powder company that their interests are involved in furnishing shooting grounds.

Mr. NORBECK. Mr. President, may I interrupt the Senator once more?

Mr. KING. Certainly.

Mr. NORBECK. If a farmer should write to a packing house and say, "We wish you would contribute to a fund for the extermination of hog cholera," the packing house would be benefited by such a contribution, just as the arms people are benefited by the preservation of the game supply.

Mr. KING. Mr. President, the Senator may make such deductions as he pleases and get any comfort he can extract out of the comparison or parallel which he has suggested. But I submit that when the powder companies of the United States contribute, as they have contributed, tens of thousands of dollars to carry on a campaign for years, and when, in obedience to their representative, Mr. Burnham, measures are offered from time to time, we may indulge in certain deductions not very favorable to the altruistic purposes of Mr. Burnham's organization. Of course, they are selfish. There is no doubt they want to sell, as they are selling, more than $50,000,000 worth of guns and ammunition annually to the American people. I suppose if I were Mr. du Pont I should want to sell as much powder as possible, because there is an enormous profit in the manufacture and in the sale of the products of these great plants to the people of the United States. They have selected this so-called Game Protective and Propagation Association as the medium through which to carry on their propaganda and it is obedient to their will and effective in its operations.

The balance of this letter contains the same statements that were found in the leaflet which was sent out and which I read, so I shall not read the letter.

In a letter of the same date Mr. Burnham stated:

I have a plan to present to the directors which, I believe, will meet the situation. To make it effective, however, the association will need more money. If 50 per cent of the amount contributed to the American Trap Shooting Association could be added to the funds of this association, I believe it would not only solve the present situation, but also return to the manufacturers of arms and ammunition a most substantial percentage on the investment.

Trusting you will be able to attend, I am

Very sincerely yours,

JOHN B. BURNHAM, *President.*

He wanted them to get returns in dividends upon the investment for propaganda purposes. On January 30, 1925, Mr. Burnham wrote the following letter:

DEAR MR. DU PONT: I got an opportunity yesterday to get in a word with Director Adams, of the Massachusetts Game Commission, on the subject about which we talked. To-day a good opportunity occurred to put the matter before Mr. Clark, the active man in the Massachusetts State Game and Fish Protective Association. I do not know whether the club you mention is a member of the State organization, but as most of the clubs in Massachusetts belong to this organization, I take it for granted that the Peabody Club is affiliated. Mr. Clark is an honest, straightforward chap, and I think he will take action to close this incident.

I want to say, though I shall advert to it later, that Mr. du Pont was not satisfied with the bill, though he contributed annually to the Burnham organization. He wrote letters for the purpose of ascertaining whether the public were against it or for it. He found that the public were against it, and he so stated, and some of the organizations began to boycott the Du Pont Co. I think the evidence will show that some of the members of the organization which had been created by the arms manufacturers were not quite true to Mr. du Pont and did not object to this effort to boycott his company; but later, when he discovered the boycott was becoming effective and injurious, he supported the bill. Mr. Clark and some of those who had been instrumental in organizing the boycott were called off, and Mr. Burnham spoke to Mr. Clark about calling off the boycott. That is the significance of this letter:

Your personal check for $1,000 as a contribution for the work of the association came in this morning's mail, and in behalf of the association I sincerely thank you for your generosity. This will materially help in the work for the game refuge bill, and I think by to-night this money will be doing its work. For one thing, I shall immediately telegraph Mr. J. W. Stayton, editor of Holland's Monthly at Dallas, Tex., that his expenses will be paid to Washington for working for the game refuge bill, and just as soon as I can check up on Mr. R. I'on Lownds at Atlanta, Ga., another volunteer for the work, I will authorize his coming on.

It is for the payment of expenses of volunteer workers; the money will be used most effectively. These men are deeply interested in the success of the game refuge bill and are willing to give their time, but can not afford to pay their expenses. They are personally acquainted with Members of Congress and can sit down with them and thoroughly discuss the merits of legislation.

We employ no professional lobbyists, as we do not consider this ethical.

Very sincerely yours,

JOHN B. BURNHAM, *President.*

P. S.: I just wanted to add that I, personally, very deeply appreciate your gift.

Mr. President, I have here a letter from the secretary of the American Game Protective and Propagation Association to Mr. Galvin, in which he said:

I am attaching copy of the minutes of the meeting of the board of directors held on May 11, 1921.

I want to read an excerpt or two from the minutes, which are rather long:

President Burnham stated that recently he had received a letter from Mr. Henry Brewer, president of the Society of American Manufacturers of Small Arms and Ammunition, to the effect that at a meeting several months ago some of the members of their society had suggested that some action should be taken by them in regard to game protection, and that their attention had been called to the fact that the American Game Protective and Propagation Association was organized for that very purpose and was carrying on a very beneficial work. In Mr. Brewer's letter an invitation was extended to the association to address their meeting on May 9 to outline the work which our association was doing.

The minutes contain the paper which had been presented by Mr. Burnham and which was submitted as a part of the minutes. I call attention to this paragraph:

But, beside all this, there is a great movement already begun to provide free shooting grounds by State and Federal action. New York has an area twice the size of the State of Rhode Island set aside for all time for free shooting.

From this statement it would appear that the States are taking care of the question of game refuges and the protection of

birds and other game. It is not the duty of the Federal Government to provide free shooting grounds for individuals. That is for the States to do if they desire and if they have no constitutional restrictions. The Federal Government has no right constitutionally to tax the people to furnish shooting grounds any more than it has a right to tax the people to furnish golf grounds for some of the Senators who love to go out and play golf, or for people who organize baseball teams. If the Federal Government may furnish free shooting grounds, it can furnish golf links and tennis grounds and race courses.

Referring again to what Rhode Island and New York have done, I read further:

This will provide all the big-game shooting required, but in a State of 10,000,000 inhabitants free duck-shooting marshes or upland game grounds should exist in every county. Pennsylvania has done better than New York in scattering such shooting grounds all over the State.

I ought to add that Pennsylvania authorized a bond issue of $25,000,000 for the acquisition of lands for game purposes; this State has set a fine example and is successfully protecting and preserving birds and all other forms of wild life indigenous to that section. I am advised that there is more game in Pennsylvania to-day than there was 5 or 10 years ago. The States will, if let alone by the Federal Government, take care of the situation and will discharge their full duty to the inhabitants within their borders. Mr. Burnham adds further:

The American Game Protective Association has had the greatest demand in its history on its treasury this last winter.

This was in the paper which he read at the Association of Arms Manufacturers.

We will either have to have more money or lie down on the job. This association is the only agency in the country working in a national way for maintaining American shooting. We are an insurance for the future of your business.

That is, "we are to insure you manufacturers of shot and shell and gun a continuance of your business and your prosperity and your large earnings."

I am told that 800,000,000 shells are annually sold for game shooting against 4,000,000 or 5,000,000 for trap shooting. I suppose the percentage of difference as regards the sale of guns is less, but still very greatly in favor of the game gun. And yet you men appropriate more money to promote trap shooting than to promote field shooting. Some of you spend nothing at all on field shooting.

I make this prediction, that in one or at the most two years the peak of your production of both arms and ammunition will pass and be replaced by a downward curve unless the American Game Protective Association is more vigorously supported.

Senators will see the significance of that statement. The American Game Protective Association must be supported by the manufacturers of shells and guns or the peak of their production will soon be reached and the curve will have a downward tendency.

The American Game Protective Association secured the Federal migratory bird laws—

Think of their arrogance. Probably they did. Probably it was their propaganda and their lobby that secured it. I shall not say.

The American Game Protective Association secured the Federal migratory bird laws, which have doubled the number of wild fowl in this country. This increase will not benefit the public unless the public can have places to shoot the birds. The Federal hunting license bill will provide necessary public shooting grounds. It took $20,000 to put over the first law. It will require as much or more to get the public shooting grounds.

I have here a letter signed by Mr. Leonard, second vice president of the Winchester Repeating Arms Co., addressed to Mr. Spencer, of St. Louis, inclosing literature pertaining to the American Game Protective and Propagation Association, and also "a copy of a letter we are mailing to all of our trade. It is our wish that you thoroughly familiarize yourself with the objects of this association, and that you lose no opportunity to boom its cause and secure contributing members."

Then he goes on to state that they can make contributions of from $3 to $50 per annum. He sends cards for them to sign. Then I have some of the propaganda that accompanied the letter or some of the pamphlets accompanying the letter. He said further:

The manufacturers of arms, ammunition, and accessories long ago recognized that something must be done to protect the wild life of this country if sportsmen were to continue to enjoy the pleasures of field and forest. You will agree with us, we are sure, that no one can be more vitally interested in this subject than are the manufacturers of sporting goods and the jobbers and dealers in the trade handling sporting goods as a department of their business.

The following manufacturers were the joint organizers of this association—

That is the American Game Protective and Propagation Association, so called.

The following manufacturers were the joint organizers of this association and have guaranteed to this association an income of $25,000 a year for the period of five years from October 1, 1911:

American Powder Mills.
E. I. du Pont de Nemours Powder Co.
Marlin Fire Arms Co.
Peters Cartridge Co.
Remington Arms-Union Metallic Cartridge Co.
Selby Smelting & Lead Co.
J. Stevens Arms & Tool Co.
United Lead Co.
United States Cartridge Co.
Western Cartridge Co.
Winchester Repeating Arms Co.

To carry out the work of the association properly will, of course, require a large sum of money and an annual income considerably in excess of that already guaranteed, and we confidently hope that we shall have the cooperation of all of our good friends in the trade, and of individual sportsmen throughout the country as well.

We have endeavored briefly to show you what our objects are. If there are any points not covered or that are not explained in sufficient detail, write us, and it will be a pleasure to answer your questions.

We assume that you are already convinced that this is the most practical, comprehensive movement for game protection and propagation this country has ever seen, and that it will be to your interest as well as your pleasure to assist us.

You undoubtedly recognize that this work will call for a large income, and it is hoped that you will be generous. Therefore, kindly fill out the contribution form inclosed herewith, for as liberal an amount as you feel that you can contribute annually, as yearly members, or for an amount to be paid at one time for one of the other classes of membership enumerated below. Kindly draw checks payable to the order of the American Game Protective and Propagation Association, or if that name be too long, to the order of Wm. S. Haskell, treasurer, and mail to the signer at your earliest convenience.

Yours very truly,

H. S. LEONARD,
Second Vice President Winchester Repeating Arms Co.

I have here more of the leaflets which they sent out by way of propaganda, also a number of letters—originals—showing the character of propaganda and the method of lobbying, and in some instances the promises made if legislation of this kind should be enacted.

On the 14th of November, 1923, there was a meeting of the directors of the American Game Protective Association when the subject of the public shooting grounds bill was under consideration. The following is an excerpt from a report of the meeting:

The subject of the public shooting grounds bill to be introduced in the coming meeting of the legislative bodies of the United States was gone over very thoroughly and the ways and means of best presenting the bill was discussed from several angles. It was finally decided that a letter and petition should be sent to all dealers in the United States, telling of the importance of this bill and urging the sportsmen to sign a petition and send it to their Congressman or Senator, as we did in the case of the excise tax on small-arms ammunition. It was finally concluded that the Remington Arms Co. will prepare and send out a list of approximately 90,000 letters on the American Game Protective and Propagation Association's stationery, this letter to be written by Mr. Burnham, along with other necessary advertising matter.

Mr. Drew, of the Winchester Repeating Arms Co., is going to send a letter to all his jobbers and dealers, urging them to fall into line with the association's ideas of passing this bill, as it will be very beneficial to dealers and sportsmen. I believe that we [Du Pont Co.] should follow this matter up and write our first and third class customers on this subject. Mr. Drew and Mr. Skelly [of the Hercules Powder Co.] withdrew from the meeting rather early and afterwards we did quite some constructive work on the handling of this presenting of the bill to the general public. Mr. Burnham asked me if we would frame up a letter which he could send to different merchants, as he was rather green at this sort of business.

That was a report made of the meeting of the Du Pont Co. by L. R. Lewis, assistant director of sales of the E. I. du Pont de Nemours Co. It appears in their minutes.

About 275,000 letters were mailed out by the gunmakers to create "sentiment" for the public shooting grounds bill.

Mr. Burnham on February 15, 1924, wrote to Mr. Lewis, of the Du Pont Powder Co., as follows:

Will not you have a word with Mr. Simonton and ask him to have the Sportsmen's Association pass a special resolution at the meeting, which I understand takes place to-morrow evening, indorsing the game refuge bill? It would be of the greatest benefit if Mr. Simonton would get as many of the men as possible to write to the two Delaware Senators and also the Congressmen. It is very desirable that a number of letters be sent to Senator BAYARD.

JOHN B. BURNHAM.

That telegram, Mr. President, was sent and charged to the selling expenses of the sporting powder division of the Du Pont Co. The president of the Sportsmen's Association referred to is W. A. Simonton, of the Du Pont Co.; the secretary is Mr. H. D. Albaugh, of the Du Pont Co.; and another officer is J. T. Skelly, of the Hercules Powder Co. In June, 1924, Mr. du Pont came to understand that there was much opposition to the bill which the Game Protective Association, so called, was trying to get through. So he framed a questionnaire and sent it to farmers and sportsmen, with the result that the figures showed 90 per cent of the farmers and sportsmen to be violently opposed to this bill. I say "this bill," for the pending bill is practically the same as the one that was before us at the last session.

On December 9, 1924, the Du Pont Co. wrote a letter to all of the arms and ammunition companies which were contributors to the American Game Protective Association. With this was a circular letter attacking the game refuge bill. After he had received answers to his questionnaires, Mr. du Pont attacked the bill in no uncertain terms. The letter follows. It was signed by E. R. Galvin, director of sales of the Du Pont sporting powder division. It reads as follows:

GENTLEMEN: Efforts are being made to have Congress take action on the game refuge public shooting grounds bill. Although statements have been made that this bill was meeting with almost universal approval, it is now being brought home very forcibly to us that there is considerable opposition to the bill, and we are in receipt of letters from shooting clubs, sportsmen and farmers, and State game commissions. We feel that our interests are the interests of the sportsmen. We feel, moreover, that this bill, if passed, will so materially change conditions and have such a widespread effect on a multitude of sportsmen that it is of the highest importance to know if it meets with their approval. This approval, we believe, is essential to the success of such a measure. We are using the attached with our various mailing lists to determine the sentiment of those interested in the subject.

That is a letter which was signed by Mr. Galvin and sent to the other arms and ammunition companies, including John B. Burnham, at an early date in December. I shall not read what follows. It shows, however, the way in which politics was used to aid in accomplishing the passage of this bill and the methods employed by certain persons to push its consideration.

On December 15, 1924, Mr. Burnham requested a meeting with the Du Pont Co. officials in order to get them to rescind their action in opposing the bill. In the meantime the American Trap Shooters' Association had passed a resolution against the passage of the bill.

Mr. du Pont did not feel inclined to rescind the action of his company in attacking the game refuge bill when he sent out thousands of such attacks to those on his mailing list, and on December 16, 1924, Mr. Burnham sent the following telegram:

FELIX DU PONT,

Du Pont Powder Co., Wilmington, Del.

Telegrams and letters coming to this office make it imperative we should make a statement, which we can not make until we know exactly your position, as it must be predicated on yours. As I understand, your company has always taken the position that you do not oppose or work for legislation. Therefore on the same basis you should publicly repudiate action against the bill. If I am authorized to make such a statement, I am sure it will go a long way toward clearing the situation. Please advise.

JOHN B. BURNHAM.

The letter of Du Pont to Mr. Galvin attacking the game refuge bill, which elicited hundreds if not thousands of replies against the bill, led, as I have said, to the boycott of the company. Now, Mr. Burnham tells Mr. du Pont that if he will retract—that is the effect of it—it would go a long way toward clearing the situation. The situation was that the sales of the Du Pont Co. of shooting materials used in the killing of birds were diminishing.

Mr. Burnham called a directors' meeting of the American Game Protective Association, to be held on December 17, 1924, according to information which I have, for the purpose of determining what should be done about the Du Pont attack. Finding it impossible to get the members of the arms and ammunition companies who were directors together on such short notice he wrote as follows on December 16, 1924:

MR. FELIX DU PONT,

Du Pont Powder Co., Wilmington, Del.

DEAR MR. DU PONT: It looks now as if we would be unable to hold a directors' meeting of this association until a week from to-day, Tuesday, December 23, and as we are receiving a flood of telegrams, letters, and telephone calls, which all have to do with your company's attitude on the game refuge bill—

An attitude which was then antagonistic—

I have wired you for information as to what kind of a statement to make. The general impression seems to be that Galvin's action will go a long ways toward killing the game refuge public shooting grounds bill on the theory that it is far easier to stop Congress than it is to resume momentum in constructive movement. There is much demand that some action be taken immediately to offset the damage which has been done.

JOHN B. BURNHAM.

On December 18, 1924, the Massachusetts Fish and Game Protective Association, which was located at Boston, Mass., issued a virulent attack on the Du Pont Powder Co. for opposing the game refuge bill. This circular was signed by Mr. Arthur Clark as secretary. He urged all members of the association immediately—

Also wire, or at least write, the president of the Du Pont Powder Co., condemning their action in opposing it and thereby trying to deliver the public rights of sportsmen to private ownership of game.

Within the next day or so the Peabody Sportsman's Association, affiliated with the Game Protective Association, declared a boycott on the Du Pont Powder Co. and urged its members not to use any shells loaded with Du Pont powder. This came to the attention of the Du Pont Co., which immediately wrote letters to various Senators and Congressmen telling them of the boycott and why it considered this boycott unfair. Major Sylvester, the head of the secret service of the Du Pont Co., as I am advised, was delegated to investigate the Peabody Sportsman's Association and its relative strength.

On December 13, 1924, Mr. Burnham addressed a letter to the arms and ammunition companies calling attention to the attack made on the game refuge bill by the Du Pont Co. through its director of sales, Mr. Galvin. The following reply was made to Mr. Burnham:

WILMINGTON, DEL., *December 20, 1924.*

GENTLEMEN: Referring to letter of December 13, 1924, from the American Game Protective and Propagation Association.

The Du Pont Co. has contributed $60,000 or more to the American Game Protective and Propagation Association. This $60,000 or more has been charged to the "selling expense"—

Senators will recall that I exhibited one of the letters showing where $1,200 was ordered charged to "construction expenses"—

of the division for which I am responsible as director of sales. Since 1921 the chief activity of the American Game Protective and Propagation Association has been to sponsor the game refuge public shooting grounds bill.

This letter comes from a company that had put up more than $60,000, and it declares that the chief sponsor of this bill is this so-called Game Protective Association; that its chief work since 1921 had been to push this bill.

I have been led to assume that—

A. The bill was sponsored by sportsmen.

B. It would produce more game and more shooting.

C. It was practically without opposition. To the best of my knowledge, belief, observation, and information I am led to believe these assumptions are not correct. Statement is made that the bill is really sponsored by a small group of paid professional game protectionists; that the bill can not and will not do what is claimed for it and that there is a very decided opposition to it.

This statement as to opposition to the bill is absolutely correct.

I have been keenly interested in the American Game Protective and Propagation Association. In 1919 I asked other important manufacturers who contributed to the American Game Protective and Propagation Association for a constructive plan of action.

In 1921, I believe it was, the first public shooting grounds bill was advocated.

In 1923 I frankly expressed by letter my candid criticism of the manner in which the American Game Protective Association conducted its affairs.

In the last seven or eight years the manufacturers have contributed $175,000 or more to the American Game Protective Association.

That is no small sum for lobbying, Mr. President—$175,000, contributed by the powder manufacturers to this one organization headed by Mr. Burnham, who draws a salary paid by the manufacturers of arms and ammunition and powder and shot and shell.

A detailed statement showing what benefit has been accomplished by the expenditure of that amount would be interesting, no doubt, to the contributing manufacturers.

Although not fully satisfied with the American Game Protective Association's conduct of its affairs, I remained passive and watched with interest its activities in behalf of the game refuge public shooting grounds bill.

Being led to believe, as previously stated, that there was no opposition to the bill, frankly I was surprised to see that there was emphatic opposition. This opposition has developed from sportsmen, farmers, sportsmen's associations, and fish and game commissions. With this opposition established, I sought a means of registering the viewpoint of those interested, by sending out to our mailing list the attached letter and pamphlet, taking action at this time because we had been called upon for our annual assessment to the American Game Protective and Propagation Association, amounting to $5,000—

The annual assessment of this corporation was $5,000, and yet they had contributed $60,000 during a number of years preceding the date when this letter was written—

and I wanted to know the truth.

Yours very truly,

E. R. GALVIN,

Director of Sales of the E. I. du Pont de Nemours Co.

During this time the boycott of the Massachusetts association had become pronounced, and was spreading against this company. Although Mr. Burnham had urged the Du Ponts to rescind their action upon a number of occasions, it was not until December 27, 1924, that Mr. Felix du Pont issued a statement which said, in part:

This company's position as well as my own is the same now as it has always been, namely, in favor of the bill.

Senators can see the power of propaganda, the power of boycott; and the Du Pont Co., powerful as it is, was compelled to change its position and send out another statement.

Later, in speaking of the matter, Mr. du Pont said:

Up to that time—

Meaning the time of the attack made by Mr. Galvin, the sales manager, on the bill—

I had never read the game refuge bill. I did not know that the American Game Protective and Propagation Association was the father of the bill, and it was news to me that our biggest customers and ourselves had paid out more than $30,000, which had been used almost entirely for the promotion of this bill.

I presume this $30,000 constitutes a part of the $175,000 referred to in Mr. Galvin's letter, which had been contributed by the powder manufacturers to this organization.

I had to make up my mind then and there whether I was for the bill or against it. Of course, I had been officially for the bill right along, because my department had been spending money to have it passed.

With the repudiation thus secured through the boycott, the boycott was called off. Thereupon Mr. Burnham wrote to Mr. du Pont as follows on January 30, 1925:

Mr. FELIX DU PONT,

Wilmington, Del.

DEAR MR. DU PONT: I got an opportunity yesterday—

This is the same matter that I referred to some time ago, but it shows the connection of the letter, and presents it in chronological order—

I got an opportunity yesterday to get in a word with Director Adams, of the Massachusetts Game Commission, on the subject about which we talked.

That was the rescinding of the order, and the withdrawal of the boycott.

To-day a good opportunity occurred to put the matter before Mr. Clark, the active man in the Massachusetts State Game and Fish Protective Association. I do not know whether the club you mention (Peabody Association) is a member of the State organization; but, as most of the clubs in Massachusetts belong to this organization, I take it for granted that the Peabody Club is affiliated. Mr. Clark is an honest, straightforward chap, and I think he will take action to close this incident—

That is, to call off the boycott—

(Signed) JOHN B. BURNHAM.

On the same date Mr. Burnham wrote to Mr. Clark:

DEAR MR. CLARK: I thoroughly understand the matter between Commissioner Adams and Doctor Field. I inclose the association's check for $50 for your association, to be used to defray Doctor's Field's expenses in the interregnum. * * * Commissioner Adams has the distinction of having raised the most money in Massachusetts of any State for work for the game refuge bill. * * * Relative to the Du Pont matter, * * * under the circumstances I think it is a great mistake to continue an attack on the company, which is now and always has been loyally for the measure. I understand that a sort of boycott is being carried on in Massachusetts by one of your constituent clubs. In the interest of fairness I think it should be called off.

JOHN B. BURNHAM.

And, as stated, the boycott was immediately declared off.

In the meantime, however, the officers of this protective association had worked with powder companies to such an extent that the American Trap Shooters' Association was threatened with a loss of $30,000 contribution from the powder companies unless that association repudiated the resolution which it had passed against the game refuge bill. The sinister hand of this Burnham organization is found everywhere in connection with this legislation. It organizes boycotts and calls them off. It attacked the trap-shooters' organization because it had declared against the shooting ground bill, and brought about a situation by which the Trap Shooters' Association was to lose $30,000 which it was receiving from the powder manufacturers of the United States.

I may recall, Mr. President, that Mr. Otto M. Jones, of the Oregon Fish and Game Commission, had wired to certain of the arms and ammunition companies as follows:

Members Portland Gun Club at meeting last night again went on record opposed to shooting grounds bill and as resenting position of certain manufacturers to threaten trap shooters of Pacific zone to withhold annual contributions to American Trap Shooting Association if members do not rescind former action in opposition to measure.

OTTO M. JONES.

On January 27, George McCarthy, president of the Trap Shooters' Association, wrote to Mr. Burnham stating that his association would rescind action and go on record favoring the bill.

This shows the methods adopted by this organization to secure lip service in support of this bill. Terrorization, threats, boycotts, all are employed to force support of this measure, which I denominate iniquitous.

Mr. President, I might say that Mr. Galvin, after 17 years of service, has been separated from the Du Pont Co. in punishment for writing that frank and earnest and truthful letter.

Mr. President, I have here many letters, perhaps 500, written by various persons, showing the conduct of this organization and the methods employed by it in prosecuting the campaign which it has carried on to force the passage of this bill. I shall not take the time to read them.

Before concluding I want to call the attention of the Senate to a statement made by a great writer, now deceased, in which he challenges attention to this bill and expresses disapproval of the same. It is unnecessary to tell any audience in the United States who Emerson Hough was. His writings, his sterling integrity, his virile manhood, his noble qualities made his name a household word. He knew more about outdoor life, about genuine sportsmanship, than all of the bands of lobbyists that have infested Washington for years in behalf of this measure or similar ones. Burnham, Pearson, and the crowd of them that have fluttered in and out of the corridors of the Capitol and visited the offices of Senators—their knowledge is as the knowledge of a child measured by the knowledge of Emerson Hough.

I read a statement from an unpublished manuscript, written only a short time before his untimely death. He said:

For 40 years I have been trying, groping, often under the old, selfish, and silly guidance of so-called sporting journalism, to do something for sport in America. I can't see that it has come to much. I am quite willing to lie down and be forgotten on the march toward a better day, and I do think that better day is on ahead and that it will dawn. When this magazine [Outdoor America], the only unselfish publication in the world so far as I know, shall attain a million, two

million, three million circulation, then we surely will see all these problems solved, not by sportsmen alone but by citizens.

Of course, foolish propaganda always will have a certain force. All the bureaus and all the commercial propaganda bureaus and with them a great many high class, intelligent men, for instance, went behind the late measure which looked toward a national license fee for all gunners wishing to pursue wild fowl. The theory was very plausible. The argument used was that in this way a great fund would be developed annually which could be applied toward hiring more game wardens to enforce the provisions of the migratory-bird treaty. As a matter of fact, while I don't think many of us would begrudge that $1 a year to go duck shooting, the net result would be an enormous bureau fund which would make our bureau friends in Washington even more powerful than they are to-day, but not one whit more intelligent, more sincere, or more honest. What the enforcing body back of that migratory bird law needs is not more money but more intelligence, more sincerity, and more honor.

Mr. President, some time ago the Biological Survey ordered Mr. Williams, one of its inspectors, to make an investigation of the Biological Survey, and particularly of Mr. Lawyer, who was the head of one of the organizations. The report was made, but we can not get to see it. I have offered two resolutions asking for the report, but have not yet gotten the report. I shall insist upon the Senate passing one of those resolutions.

I want to know what the Biological Survey has been doing to promote this bill and the extent of the propaganda which it has carried on.

I want to know why Doctor Nelson visited the Du Ponts at Wilmington in connection with this legislation, and why he aided in drafting this bill and has opposed any modification of its provisions.

I want to know why Lawyer was separated from the service.

I want copies of communications sent out by the Biological Survey in favor of this bill, or of similar measures, and information concerning efforts made by the survey and its agents to secure aid in behalf of the extension of their authority.

I want to know why it is that the Biological Survey has exhibited the deep interest which it has in this measure.

My resolution calls for all this information.

I think the statement made by Emerson Hough that what the Biological Survey needs is not more money but more intelligence and sincerity and more honor is a not inaccurate characterization of the situation.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. I want to ask the Senator a question. Was any showing made in the committee, when this bill was under consideration, of the need for public shooting grounds, and the need of all this legislation, because the birds were being destroyed, as is asserted on this floor so often?

Mr. KING. Mr. President, my advice is that no hearings were had by the Senate committee. The House committee had short hearings, but they do not furnish reasons justifying this proposed legislation.

As the Senator knows, if he was here when I opened my remarks, Congress has signified its willingness to make all needed appropriations for game refuges. A million and a half dollars has been appropriated. The Senator from Washington has a bill pending here asking for a further sum. I have a measure pending asking for an appropriation of a million dollars for game refuges. If Senators are in favor of game sanctuaries, and of protecting the birds, let them join with the Senator from Washington and myself, and enact a law that will furnish all the game refuges necessary for the protection of migratory birds.

That is not what is wanted, however. This Burnham Game Protective Association wants the Federal Government to buy shooting grounds, an unconstitutional act, and to put 40 per cent of three or four or five million dollars annually into the hands of the Biological Survey, to be used to hire more employees, more Federal officials, and doubtless some of the members of this organization would be employed.

Mr. President, I will not say it is hypocrisy, but it is inaccurate to say that this bill before us is needed in order to protect migratory birds. I repeat what I said some time ago, that if we should appropriate two or three or four or five or ten million dollars for sanctuaries for migratory birds, the Burnham organization would leave the halls of Congress in disgust. They do not want that kind of a bill. They want shooting grounds, and they want Federal licenses to build up the Biological Survey, because Mr. Burnham believes that he can control the survey. They do not want game sanctuaries, such as there are in Pennsylvania. Those who have been in Pennsylvania know that the game comes to those sanctuaries, and is free from assault. They rest and nest and breed without fear of molestation. That is what we need for the protection of the migratory bird life of the United States, not more Federal officials, and not more Federal licenses, and not more Federal regulations and Federal penal provisions.

Many thinking patriotic Americans are alarmed at the eagerness with which Congress passes measures to cripple the States and to augment the Federal Government's authority; but we are deaf to the appeals made against this unwise and dangerous procedure, and almost daily create new bureaus and agencies, and provide jobs for scores of additional employees.

Mr. NORBECK. Mr. President, may I ask the Senator what new offenses are created under this bill?

Mr. KING. We do not know. More authority is asked in order that new offenses may be defined by rules and regulations.

Mr. NORBECK. That is the answer—you do not know. I do not, either.

Mr. KING. But I know some will be. Why do you want the bill if it is not for the purpose of creating more public offenses?

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. DILL. The reason we do not know what crimes will be created is because we do not know what regulations will be made by the commission or by the Secretary of Agriculture, or whoever will have the power. They will provide that certain acts are crimes. Nobody can know what they will be. That is the vice of such legislation.

Mr. NORBECK. The regulations that will be promulgated under this act will be applicable to the areas purchased under the act.

Mr. DILL. Certainly they will refer to the areas purchased.

Mr. NORBECK. Very small specks on the map of the United States.

Mr. KING. Not only to the areas purchased, but they will relate to the game refuge law and to the treaty. I am sure the Senator from South Dakota would be unable to answer if I were to ask him how many penal regulations have been promulgated by the various departments of the Government. Nor does he know the number of acts or omissions which under this bill, if enacted into law, would constitute crimes.

Mr. NORBECK. We are speaking about the pending measure.

Mr. KING. I understand. Does the Senator know, when we give a department authority to pass regulations with penal provisions, what they will do, what regulations will be formulated?

Mr. NORBECK. No; but I do know that the Senator from Utah on Friday introduced a bill which he is offering as a substitute, which provides that regulations may be made and may be criminally enforced; and only two days have passed since that occurred.

Mr. KING. I would prefer to take my bill to the Senator's bill. If I could defeat the Senator's bill—I beg the Senator's pardon, the Burham-Arms Ammunition Co.'s bill—without offering a substitute, I should do so. I may not be able to defeat it anyway, but I think, in fairness to the Senator and to those who believe in proper conservation, and in sanctuaries, that I ought to submit a bill that would provide for sanctuaries and game refuges. So I offered the bill.

I am sure the Senator ought to welcome that measure, because the Senator abhors bureaucracy, as I do.

But I have been diverted from this printed article written by this great man. I refer to the article by Emerson Hough from which I was reading:

> What the enforcing body back of that migratory bird law needs is not more money, but more intelligence, more sincerity, and more honor. They can get these things only by the grace of God—certainly you and I can not give it to them by paying in $1 a year to a slush fund.
>
> I am of the impression, if memory serves correctly, that this national license bill passed in the Senate but was killed in the House. It had attached to it a sort of secondary clause, which many backers of this bill admitted was put on simply as bait to the voters. I have reference to that phase of the bill which promised to create a great many public shooting grounds where wild fowl could be pursued by the plain people of America. This looks good on paper and we, all of us, so much wish and hope that such places can be found, that we are disposed to go along with anybody who will promise them to us. Promising a thing and doing it are two different propositions.
>
> Setting aside the injustice of any measure which makes a man in Maine pay for a shooting ground in Texas, or vice versa, this public shooting grounds proposition resolves itself to a question of real estate

and geography. I have been studying this question of getting a shooting place for wild fowl, not in a club, but some open shooting ground. I am here to say that you simply can not do it to an appreciable extent. If you want duck shooting to-day, you have got to get the law of private trespass back of you and to pay for the privilege of sticking your hip boots in the mud. This is not absolutely true, but in general it is terribly true. Of course, this makes the public shooting-grounds promise sound awfully good. There is very little to it.

A million dollars a year would not be a drop in the bucket toward meeting the demand for public shooting grounds, in one month's time; if we had a billion and not a million dollars to spend, we could exhaust all the remaining good duck country which is not already owned.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. Is it not a fact that the real reason for the Federal license of $1 per year for all hunters of migratory birds is to raise a fund for public shooting grounds rather than the game-refuge proposition?

Mr. KING. Mr. President, I believe the Senator is correct with this supplementary observation—that it is to furnish jobs for hundreds of Federal officials who will roam throughout the country.

Mr. DILL. Undoubtedly.

Mr. KING. I continue reading from Mr. Hough's article:

I may be wrong, but as I figure it out, about all that the public shooting ground proposition would do would be to rate the price of shares in the best ducking clubs. It would if we spent a million dollars a year in getting open shooting; that open shooting would last about one day if everybody got to shoot. And if it is not an even break, one man being just as good as the other under the United States law, then why should we go in for it?

The human probability is that, if this measure actually had become a law, it would have benefited very few of us, although it would have benefited a good many new Federal game wardens who would like a Government job. I think it was opposed by a good many of the biggest and most intelligent State game commissioners of the Western and Southern country. I can not see much actual benefit it would have been to the country except in the way of advertising the fact that there is mightly little open-shooting country left.

Of course, a great many men still hanging on honestly to the old theory of conservation of sport, will not agree with my own feeling in this matter. It is no absolute cinch that I am right, of course, but it is a cinch that I am honest and sincere, and am covering up nothing, and that is a great deal more than can be said of 90 per cent of the support which this unfortunate measure had. When I was younger I used to take great delight in fooling myself, counting my chickens before they were hatched, beginning to spend my money as soon as I thought I was going to make it. I don't do that sort of thing now. There is nothing to it. But that is just about what all of us have been doing who have been hanging on to the old ways of saving outdoor sport in America.

Those old ways are not good enough now. They do not have back of them enough of intelligence, sincerity, and honesty. They have not got brains enough back of them. They have not got business horse sense back of them. What earthly use, what earthly sense is there in kidding ourselves any more about so plain a proposition? Of course, if we are running a sporting paper (Outdoor America) which depends on trade advertising, or if we are holding a job of any sort that depends on "going along" that is an entirely different proposition. I wish all those folk well and have not the slightest quarrel with them in the world, but I can not countenance them until they recognize and support the principles of the Izaak Walton League of America.

In fact, as nearly as I can get at the truth in the closing years of a life-long fight for outdoor America, I think the whole thing resolves itself to one honest-to-God question: Do you and I really want field sports in America? If we want them, we can have them.

You now know the obvious impossibility of "public shooting grounds." Our new bill must provide only for game sanctuaries where game animals and game birds may rest and propagate so that the Nation's water-fowl hunters may derive their proportionate share of benefit from this natural increase which must follow the national establishment of such successful game refuges as Pennsylvania has already proved to be practical.

Mr. President, the bill before us contains a provision which, as stated in the outset, to me is more obnoxious than any other, and that is the Federal license provision. I desire to insert in the RECORD statements made by the Biological Survey showing arrests and convictions under the present rules and regulations. The Biological Survey for the fiscal year 1923 makes the following report on prosecutions under its direction:

At the beginning of the fiscal year, migratory bird treaty act cases to the number of 722 were pending before the courts, and during the year there were 693 new cases reported for prosecution. Of these 1,415 cases, 472 were disposed of by convictions, 28 were nolle prossed, in 2 the grand jury did not return true bills, 99 were dismissed, 3 were terminated by the death of the accused, and in 8 the jury returned a verdict of not guilty; the remainder are pending.

For the fiscal year 1924 the Biological Survey reports:

Eight hundred and three migratory bird treaty act cases were pending before the courts at the beginning of the fiscal year, and during the year 573 new cases were submitted for prosecution. Of these 1,376 cases, 596 prosecutions resulted in convictions, 26 were nolle prossed, in 2 the grand jury did not return true bills, 132 were dismissed, in 61 the jury returned a verdict of not guilty, in 27 prosecution was barred by the statute of limitations, leave to file an information was denied in 35 cases, 4 were closed by reason of the death of the accused, 3 were stricken from the dockets with leave to reinstate, and in 1 case a demurrer to an information was sustained. In addition, 1 libel proceeding against 31 strands of aigrettes that had been offered for sale and 2 against swans unlawfully possessed were decided favorably to the Government. The remaining cases are still pending.

For the fiscal year 1925 the Biological Survey reports:

There were 489 cases of violation of the migratory bird treaty act pending on July 1, 1924, and during the fiscal year, 570 more cases were transmitted for prosecution. Of the total of 1,059 cases, 530 were terminated by convictions, 26 were nolle prossed, 69 were dismissed, in 7 juries returned verdicts of not guilty, 1 was stricken from the docket, in 3 prosecution was abandoned, leave to file information was denied in 5 cases, in 1 a demurrer to an information was sustained, and 2 were closed by reason of the death of the accused.

If the Biological Survey arrests every man and boy who shoots at a duck without having a Federal license, as is proposed in the pending bill, these prosecutions will be multiplied a thousandfold.

In Montana they found a taxidermist who had a wild bird set up in proper form, and he was arrested. Boys were arrested and men were arrested on alleged violations of unimportant regulations and statutes. If the bill be passed in this form, with 40 per cent of the $2,000,000 or $3,000,000 which will be received annually from Federal licenses to be expended by the Biological Survey, I warn Senators that the reaction which will follow the appointment of these Federal agents and the issuance of these Federal licenses will not be welcomed by those who vote for the bill. The American people, in my opinion, will not welcome more Federal officials coming into their States. They will not welcome the arrest of a man who happens to violate, according to the views of some petty official, the rule as to the number of birds to be shot or who may kill a bird one minute after the time which the Federal official says is the time when shooting should have ceased.

Mr. CARAWAY. Mr. President, if the Senator will pardon me, that is true under the present law.

Mr. KING. Exactly.

Mr. CARAWAY. There is no proposition to do anything with that provision.

Mr. KING. I am speaking about supplementing the present laws and the appointment of officers by the hundreds that will follow when we put into the hands of the Biological Survey from $500,000 to $1,000,000 or more a year to be employed in hiring additional Federal officials.

Mr. President, I stated to the Senator from Maryland [Mr. BRUCE] that in my opinion there was no constitutional authority for Congress to appropriate money or to collect money from private individuals and then to expend it for public shooting grounds. That is not a national purpose.

That is not within the power of Congress. A treaty, though it may be the supreme law of the land, must be within the Constitution, and a treaty which authorizes Congress to go out and acquire millions of acres of land for shooting purposes would not, in my opinion, stand the test of constitutional challenge. Congress does have the power, undoubtedly, under the treaty which we negotiated with Great Britain, to acquire lands for refuges. I shall gladly vote for such appropriations as are necessary. Congress does not have the power to purchase lands for shooting grounds, and that is one of the principal objects of the bill.

The question before us is just this: Is Congress willing to establish public shooting grounds upon which the migratory birds, under the protection of the treaty with Canada, may be slaughtered at the command of the shotgun and shotgun-shell manufacturers? And for this object is Congress willing to lay an offensive nuisance tax upon a considerable portion of the people? The duty of Congress is to protect the birds, not to

aid in their slaughter. The duty of the Biological Survey is to carry out the mandates of Congress for game protection, not to reach out to get bureaucratic control of every man who uses a gun, or to abdicate its powers to an extra legal committee of which John B. Burnham, appointee of the powder manufacturers and gunmakers, is chairman. There are but two objectives in the bill—to afford shooting grounds to promote the sale of shotgun shells, and to increase the bureaucratic power of the Biological Survey, not over the birds, but over the people of the country. This is not a public bill. This is a private bill. The gunmakers must get out of the conservation situation. One way to get them out of the way is to defeat this bill. Let Congress protect the birds. Let the gunmakers take care of themselves.

Mr. President, I shall at the appropriate time offer the measure which I have proposed as an amendment or substitute for the pending bill, and later I shall ask consideration of the resolution which I have offered for investigation before this bill is passed, and the resolution in regard to the Biological Survey and the Williams report.

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article from Outdoor America, by Will H. Dilg, entitled "Back up the Federal migratory bird refuge and Federal shooting grounds bill." Mr. Dilg is editor of Outdoor America, which is the organ of the Izaak Walton League. I also ask unanimous consent to have printed in the RECORD an article entitled "Our game," by Mr. John B. Burnham, appearing in the same publication, of the November issue of 1924, and an editorial likewise appearing in Outdoor America entitled "The public shooting grounds game refuge bill."

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From Outdoor America]

BACK UP THE FEDERAL MIGRATORY BIRD REFUGE AND FEDERAL SHOOTING GROUNDS BILL

By Will H. Dilg

The Izaak Walton League is whole-heartedly back of this bill, and here at headquarters we will urge our chapters to appeal to their Congressmen and Senators and ask them to vote for this measure. We are asking in addition that all of our chapters hold meetings to study and explain to their membership the game refuge and public shooting grounds bill. This bill was unfortunately defeated in the last Congress, and this great national organization of sportsmen in supporting it has no doubt that with our help it will become a law before the present Congress adjourns.

We believe here at headquarters that the public shooting grounds bill is a step in the right direction. It is not to be expected that it will be an immediate panacea and fulfill at once all of the hopes of the American hunter. It will, however, provide facilities to in time purchase acreage for the operation of Federal controlled game refuges and public shooting grounds. It will also provide refuges where game may multiply and save themselves from extermination. It provides the machinery for accepting the gift of tracts of lands when public-spirited citizens may wish to turn them over to the Nation. There can be no doubt that this bill also establishes a precedent and will, we think, make it somewhat easier to appeal in the future to our National Congress for liberal appropriations to finance public ownership of a worthwhile part of our out of doors, and it is principally for this reason that every man of us in this national organization should get busy and tell his Congressmen and Senators that he expects their votes to be found on the side of the public shooting grounds bill.

There is not a great deal of wild-fowl country left in America, and it is high time that something be done if our millions of hunters are to have any migratory bird shooting. The 20,000,000 hunters and fishermen in this country have been fooling themselves, and it is necessary that they get wise, do a little thinking and acting, and this, too, quickly. We sportsmen have been hanging on too long to the old ways of saving outdoor sport in America. The Izaak Walton League has brought home to the American sportsman that those old ways are not good enough now.

We have brought home the truth of Emerson Hough's editorial, "Time to call a halt." Here follows one sentence from that now famous document (written for this magazine): "Now for the first time a sudden consternation comes to the soul of every thinking man who ever has loved this America of ours."

The American sportsman, whether he likes it or not, has got to face the truth, and the hunter even more than the fisherman—the game of this country is in greater danger of extermination than fish are or ever will be.

We have almost no open shooting grounds for wild fowl. Now, who is to blame? The answer is simple—I am to blame; you are to blame; every mother's son of us is to blame; all equally to blame. We hunters and fishermen—there are 20,000,000 of us—have failed to let our State governments and our National Government know that we want a reasonable part of the public money used for the purchase of wild-game preserves.

Our failure in this direction is so marked that the last Congress failed to pass the public shooting grounds bill, which in simple language means that every migratory-bird hunter be permitted by law to pay the National Government a license fee of $1. These hunter dollars are to be spent as follows: 55 per cent to be used for the purchase or lease of wild acreage, 35 per cent to be used for Federal game wardens, and 10 per cent to be used for administration purposes.

Now, we ask you sportsmen of sober judgment, What does the defeat of this bill in the last Congress mean? Does it not indubitably mean that the voice of the 20,000,000 sportsmen in this country is no more than the whisp of a whisper? Does it not mean that we have been on the wrong track; that the old way of saving sports in this country is a failure; and that we must find a new way?

Emerson Hough, after 50 years of devotion to outdoor America, believed with all his heart and soul that the Izaak Walton League had found the new way, and his last written words read as follows:

"Meantime, if you really wish to save a little shooting and fishing for yourself and your boys, go out and do what you can to put 2,000,000 members in the Izaak Walton League.

"When that thing is true you will have won your fight. You then will see, safe forever, a great part of the most wonderful out-of-doors country that ever was put down on any part of the earth's surface."

Herbert Hoover told the writer on March 4 (this year): "Official Washington has but little evidence going to prove that the people give a damn about their outdoor land, and until the people care and let their State governments and the National Government know that they do care it is useless to try to get anywhere with outdoor America legislation."

The whole question narrows itself down to one honest-to-God question, Do you and I really want field sports in America? If we do want them, we can have them by letting our State and Federal Governments know it, and we can get them in no other way.

It was to accomplish the above that this league was organized, and we have proved that we have found the winning way. Our well-coordinated chapters in the various States have yet to fail to put over anything to which they have put their shoulders. The league being a national organization, backed up by local chapters and State organizations vigorously acting as a unit on national programs, it is on its way to a point where it will write its own ticket in county, State, and Nation. We have not the space here to recite our many successes. Among these is a brand-new fish and game bill for Illinois and a large appropriation for fish hatcheries and wild-game farms. Our Iowa chapters have written and will pass a model fish and game bill for that State, and a tremendous appropriation goes with it. For 50 years the fish and game laws of Iowa and Illinois have been nationally notorious for being everything that they should not be.

The American sportsmen can be heard if he will act intelligently, sincerely, and honestly. The American sportsman and his sons and daughters are the backbone of this great Republic. You never see sportsmen taking up with all sorts of jim-crack "isms"; the only "ism" he knows is Americanism, and for that he is willing to fight. The Izaak Walton League is an American movement. It serves notice here and now that sportsmen have the right to be heard, and that they will be heard. Having "no commercial or personal gain under it as its real basis," it is moving forward to new victories. It was the most important factor in having the Superior National Forest from ruin. It will save 300 miles of upper Mississippi River bottom lands from desolation and will hand over to posterity forever the heart and soul of wild life in the Mississippi Valley. It is big enough, great enough, and strong enough to put over the public shooting grounds bill, and it will.

[Reprinted from November issue, 1924, Outdoor America]

OUR GAME

By John B. Burnham, president American Game Protective Association

When we worked out a new system of game protection in America and decided that the wild game which heretofore had been private property belonged to the people and not just to the landowners we then and there assumed the responsibility of looking after our game. As every Tom, Dick, and Harry of us owns his equal share in the game so it is up to Thomas, Richard, and Henry and all the other names in the city directories and on the poll lists to do our share to properly administer this our incalculably valuable property. If we fail in this our American system will collapse. If game is exterminated on public shooting grounds or if public shooting grounds cease to exist, then the Old World system will have full sway and the ordinary fellow can throw away his gun and play pinochle. This is self-evident. The only question is, Do you love your game animals and birds and fish enough to give your time and effort to preserve them—do you love shooting and fishing sufficiently to translate this sentiment into action?

There are in this country different schools of thought in game protection, but in a broad way all can be classed under two headings, the pessimistic and the optimistic. The first can see nothing beyond taking the talent which has been given us and wrapping it in a napkin and

burying it in the ground. The other believes in taking the talent and making it produce more. One believes in prohibitions, the other in constructive work. Against closed seasons is advocated more game and a better America.

Right at the start of this article I want to emphasize the fact that if we are to continue our American plan we must align ourselves with the constructive workers. Prohibitions alone never saved anything. One prohibition breeds another until finally everything that is not verboten is gone. This is particularly true with regard to our American system of game and shooting. We have been imposing closed seasons that were not enforced and cutting bag limits that were disregarded since the days of our great-grandfathers, but it was not until we did something more that game began holding its own and coming back. We must get on the constructive side, or the only sport left will be that enjoyed in the private club or preserve. No patriotic American, whether rich or poor, wants to see the end of free game and free shooting, which mean so much for our national health and independence.

GAME ADMINISTRATION

The means necessary to preserve and increase our public game are no secret. They are basically identical with those practiced by private interests. Where the public game is concerned all that is necessary is to have State and Federal Governments put the principles into effect. It is where these administrative principles are least understood and practiced that game is going most rapidly. In the older sections of the country where they are effective game is in no danger of extermination. We can have the game we want if we will take the necessary trouble.

In a recent number of Outdoor America Charles Sheldon described the principles of game administration so well that I shall not attempt here to go further than say that his statements are all substantiated by human experience. Due to game administration game in England and Scotland is practically as abundant to-day as it was 500 years ago, although, as Dr. T. Gilbert Pearson points out, "men were busy killing birds there long before the eyes of the white men ever sighted the shores of America." Germany and France and most of Europe can, or could, show similar results. It is true that in addition to the inborn love of sport the incentive of private ownership and potential gain was the reason the Old World developed game administration, but no one can study the basic principles and not find them generally adaptable to public shooting with the State substituted for the private owner.

Where propagation is not a factor game administration is always founded on the preservation from year to year of ample breeding stocks. The private owner through his game keepers knows the amounts of various kinds of game in his coverts and decides how much can be safely taken without impairing the future supply. Using this idea, the States have begun taking censuses not only of the game killed each year but of the stock left for breeding purposes. The private owner is governed in his program by self-interest and therefore does not kill beyond the limits of reproduction. Under free shooting conditions, wherever intelligent restraint to observe the imposed limitations does not exist or can not be enforced, the game supply is maintained by the creation of sanctuaries. Different conditions of course require different treatments. Where disregard to law exists it is a practical impossibility to put enough game wardens into the field to watch and apprehend the law violators; the expense is prohibitive; but it is a comparatively simple matter to guard a game sanctuary. Experience has also shown that the public, knowing what these sanctuaries mean, will respect them.

Pennsylvania has demonstrated this fact in a way that can not be gainsaid. This Commonwealth in 25 years has increased its game until its value equals the value of all the domestic livestock in the State. As a result, more people get pleasure and health in the outdoors than in similar communities elsewhere in America. Just about one man in every four of the able-bodied population of Pennsylvania enjoys shooting.

GET SUPPORT FOR THE GAME REFUGE BILL

No doubt practically everyone who reads this article is familiar with the facts that have been given, believes in sanctuaries and public shooting grounds, and is heartily in favor of forward-looking game administration; therefore in advocating the passage of the game refuge-public shooting ground bill now before Congress all that is necessary is to ask that you follow out your own interest in caring for your own game and to make this effective secure the support of your Senators and Congressmen for the measure. This is the day of cooperative effort, and information must be pooled, so when you learn the attitude of your Senators and Congressmen send along the information to President Will H. Dilg, of the Izaak Walton League. The game refuge bill was defeated a year ago. This year many of the misunderstandings have been clarified, and the situation has greatly improved; and if we all do our share, the bill will pass without question.

WHAT THE BILL WILL ACCOMPLISH

The bill will not only save migratory birds but it will also save America's sport. It will have its effect on all kinds of game. "The Federal law concerns itself with only a part of the wild life—the part that has no permanent abiding place in any State. That other equally important part, localized game, must be similarly provided for. Does anyone for a moment think that when the Federal measure becomes law the various States can fail to follow suit with similar action? We venture the prediction that once the Government sets the example all the States will begin providing refuges and shooting grounds for localized game on a scale never before thought possible and that thus free shooting, which is one of our most valuable national assets, will be preserved to our country."

There are many pressing reasons for this legislation. Doctor Nelson, Chief United States Biological Survey, and in many ways our greatest naturalist, was first to show that at this time there exists a shortage of suitable wintering grounds for ducks in the United States. In dry seasons ducks are concentrated in such limited areas, particularly in the South, that they are in danger of actual starvation. An area of duck marshes has been drained 50 per cent greater than the surface of all the New England States, and drainage propositions, many of them poorly advised, are going ahead at a rate that will soon swallow up another block of States.

THE CRIME OF DRAINAGE

In the Department of Agriculture report No. 781 the Chief of Drainage Investigation makes this statement: "Among the great undeveloped natural resources of the United States are its 102,000,000 acres or more of swamp and wet lands. These lands are found in every State in tracts varying in size from a few acres to several million acres, and their soils vary greatly in character and agricultural value." The total area of the United States is something less than 2,000,000,000 acres of land, so that the possibilities for drainage take in about one-twentieth of our entire country; but when we consider that possibly one-half our total area is deficient in annual rainfall and that a very considerable part of this drier area is practically desert and requires irrigation rather than drainage, the ratios become more significant and alarming to those who wish to preserve as much as possible of the water areas in their natural condition.

The same report shows that the State of Minnesota, where the wild fowl taken by sportsmen has decreased 20 per cent in four years, had in 1921, 9,364,869 acres in organized drainage enterprises, or 18.1 per cent of all the land in the State. In Indiana more than 9,000,000 acres are in organized drainage enterprises, comprising 40.7 per cent of all the land in the State. In Michigan there were nearly 10,000,000 acres; in Ohio, 8,000,000; in Iowa, 5,000,000; in Arkansas, 4,000,000; in Missouri, 3,000,000; in Illinois, 4,000,000; in Mississippi, nearly 2,000,000; and so on down the list of States. What is to become of the millions of birds which have been using these areas and the fur-bearing animals and fish? What is to become of our sport and where again will we ever find the charm of the quiet outings on marshy lakes and meandering streams if the water is to be taken away? Will it not all lead to abominable concentration of pollution, floods, and pestilence?

We all know that a large percentage of these drainage projects benefit no one except possibly the promoters, and even they are often stung. When the game refuge bill passes we shall have the means to combat the crime of unwise drainage.

CAN AMERICA DO AS MUCH AS RUSSIA?

While this article was being written news reached this country that Carl Akeley's proposal for a gorilla refuge had received the sanction of the Belgian Government and that a tract of 250 square miles of sanctuary had been dedicated in the geographic center of Africa. Over in the Malay state at the back door of our friend Theodore Hubback, an area has been set aside where protection is given the pigmy rhinoceros. Around the world from Rhodesia to New Zealand and back again to Canada and the United States our congeners of the wild are being provided for with places where they can increase and multiply in safety. Even in Soviet Russia sanctuaries are being established, and the red government has gone further than we have in making attractive for wild fowl waters not previously utilized.

The Federal migratory bird committee and the Biological Survey believe in equalization of opportunity. When the game refuge bill passes funds will be available, and with the expert advice of the botanists connected with the Biological Survey thousands of acres of ponds, lakes, bays, and rivers now barren of duck foods can be made to support millions of wild fowl, but we must pass the bill if we are to keep pace with the rest of the world.

REFUGES

The game refuge bill which was introduced in the House by Congressman ANTHONY, of Kansas, No. 745, and in the Senate by Senator Brookhart, of Iowa, 2913, provides for, in its preamble, "The establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas and the furnishing of adequate protection for migratory birds." Some misunderstanding exists as to the relationship of game refuges and public shooting grounds, and some people think that a refuge will only be a refuge during the closed season and that it will be open to shooting during the shooting season. While it is a fact that the shooting grounds will furnish a refuge for game species for about three-fourths of the year, including the breeding seasons, the

refuges themselves will not be open to any shooting at any time of the year. It is specifically stated that the refuges are to furnish "in perpetuity homes for migratory birds," and the men interested in the success of the measure as well as the officials who will administer the law have no other thought than that the refuges shall be inviolate.

God knows refuges are needed! President Pearson, of the National Association of Audubon Societies, speaks of the voice of conservation, "drowned by the roar of automobiles passing through the country as they take into the field an annual army of 6,000,000 hunters." Under present conditions for more than a quarter of the year on their path of migration the wild fowl run a gauntlet of fire. On the main routes of migration there must be established at suitable intervals places where they can rest and feed free from molestation.

In Utah and other parts of the alkaline West there is a duck disease which Fish and Game Commissioner Madsen estimated killed 10,000,000 birds in a few years. He stated "Bear River Bay marsh, instead of an asset, a nesting ground, a resting ground, a haven of refuge for moulting birds which come there by thousands for that purpose, is becoming a morgue, a graveyard where a continent is sending its birds year after year and from which they never return."

Ducks banded in Utah have been killed from the Mississippi Valley west to the Pacific Coast, and from Canada to Mexico, so that Mr. Madsen's statement that a continent is sending its birds to a graveyard in Utah is substantiated. When funds are available through the passage of the game refuge bill a practical method for eliminating the appalling loss can be promptly put in effect.

PUBLIC SHOOTING GROUNDS

The New Mexico Game Protective Association in a recent issue of their publication quoted the old Greek, Xenophon, who 30 centuries ago said: "Men who love sport will not break down; they are accustomed to go a hunting. They will be competent both to attack and obey, for it is thus that wild animals are taken. They will stick to their posts, for they have learned steadfastness. Men like these, even when their army has been routed, have rallied and won by their courage and their endurance."

The Democratic Party at its last national convention in the party's platform favored: "The conservation of migratory birds, the establishment of game preserves, and the protection and conservation of wild life," which the platform states are of importance to agriculturists as well as sportsmen.

In his address this spring to the delegates in attendance at the national conference on recreation President Coolidge spoke of hunting and fishing as a form of recreation which has a peculiar hold on that which is elemental in human nature—sports in the highest sense, which "must be pursued in a way that develops the energy, perseverance, skill, and courage of the individual. They call for personal direction and can not be taken up vicariously. There is a great wealth of life and experience in this field, which is never exhausted but is always fresh and new. It is accompanied by traits of character which make a universal appeal. A knowledge of these arts may well be cultivated and cherished like a knowledge of the humanities and the sciences. Around hunting and fishing is gathered a great wealth of prose and poetry, which testifies to the endearing interests which these sports have held all through the development of the race."

We must not forget the nobility of sport and the stimulus it gives to the finer and stronger qualities in man's nature and we must not forget that nearly all the advance in conservation in this country has come from the initiative of men who fish and shoot, and that their efforts have been unstintedly given in preserving the species which benefit agriculture and which give more joy to life as well as to the preservation of the game species. In England skylark eggs are still sold for food. The American sportsmen have seen that no similar condition exists in this country.

Theodore Roosevelt once pointed out that the game laws are of most importance to the ordinary man, the average of our citizens. He said that the continuance of the game supply offered no problem to the rich man, as to him sport meant merely the matter of building up a stock on a private shooting preserve or a question of the distance to be traveled in a private car. He said, however, that the poor man must get his game close at hand or not at all, and Roosevelt believed in creating opportunity for all.

The game refuge bill will do this under the part devoted to public shooting grounds. With the knowledge we now have of planting wild fowl foods and otherwise developing barren sections there is nothing to stand in the way of having conveniently accessible shooting grounds in every State in the Union. It is simply a question of money and authority to go ahead. The dollar Federal license fee contributed by several million migratory game bird hunters each year will supply the wherewithal, and the provisions of the bill will give the necessary authority, contingent of course upon the acceptance by State legislatures, which will not be withheld.

That these shooting grounds can be successfully managed so as to give abundant opportunities for real sport has been proved by Canada with its Point Pelee public shooting ground which is so successful that the authorities in charge are actively going ahead "selecting first-class shooting marshes through Canada to serve solely as public shooting grounds and water-fowl refuges."

The above quotation is taken from a report by Hoyes Lloyd, supervisor of wild life protection, Canadian national parks, who goes on to say: "It is hoped and believed that a splendid series of these areas, including duck marshes which are not excelled anywhere, will soon be established throughout western Canada, and, needless to say, such areas will be set aside wherever available in the older Provinces, thus insuring the perpetuation of some of the finest duck marshes on the continent as breeding grounds and as public shooting grounds."

Besides the great Sage and Rockefeller Foundation refuges in Louisiana and the more recent Audubon-Rainey refuge that State has established at Pass-a-l'Outre a 60,000-acre public shooting ground. Other States have followed suit, and all these shooting grounds are being successfully administered as will the Winneshiek bottoms be successfully administered when the final steps are taken to preserve this splendid and unequaled territory.

The sole requirement for membership in these public clubs is the presentation of the license. How elsewhere could a man get so much health and honest enjoyment at so small a cost!

ELIMINATE THE CHUKCHEES

Several years ago a Canadian official asked advice for preserving the few remaining musk ox and the caribou of the Arctic coast and islands of Canada. My suggestion was to prohibit the importation of rifles and limit the ammunition to the exact needs of the natives. I had just been talking gith Captain Munn, a Baffin Island trader, who said that the musk ox were all gone from this great island, and that the Eskimos had begun the extermination of ovibos on North Devon. Scotty Smith, who was present, said he knew of none on the mainland of North America. But the low ebb has probably been reached, for the Canadian Government not only prohibits the sale of musk ox skins but is also taking administrative steps to enforce restraint in killing.

The country which has the least game of any I have ever visited is the Chukotsk Peninsula in northeastern Siberia, which is inhabited by a mongol race called Chukchees. The reason is that the Chukchees have never shown any mercy toward the wild life and have not the common sense or the decency to curb their killing instinct. They are further back as times goes than the teachings of Deuteronomy which prohibited killing during the breeding season. In 1921 a Chukchee brought to a trader the skin of a white fox, taken in its brown summer coat, killed at the expense of a 15-cent rifle cartridge. If it had been prime, the fur would have brought goods to the amount of $15, but the native was refused even a stick of chewing gum in exchange. To the question, "Why did you not let the fox go until winter when it would have been valuable"? the Chukchee replied that the fox might be far away when winter came and that someone else might get it, and he clinched the argument with the statement "Me got him!" No wonder there is no game in his country.

"Me got him!" It was for the Chukchees of the United States that the migratory bird law was passed, and not the least of the benefits of the game refuge bill will be the means it will afford to further eliminate those who know no restraint. The men who will not see that when they exceed bag limits and disregard closed seasons they are robbing their fellow citizens of the share which belongs to them must be educated by the strong arm of Uncle Sam. When the bill passes there will be funds available for a much more vigorous enforcement of the laws.

Jack Miner, the reformed market hunter, has demonstrated what a simple matter it is to teach the wild fowl to find places where they are safe. No other birds are smarter than are our prolific friends of the marshes. At Fort Worth, Fla., ducks are fed from hand in the sanctuary there immediately after they have dodged the hunters of a dozen States on their southward migration. In the heart of Oakland, Calif., sprigs, mallards, and canvasbacks drop into Lake Merritt by the thousands. Some of the ducks are easily propagated. The offspring of wild mallards become as tame as domestic fowl. Give these creatures the sanctuaries and their future continuance is insured.

We know what must be done in order to preserve our wild life. There are enough right thinkers in America if we all get together to give our knowledge practical application. Cooperative effort has ushered in the renaissance period in conservation. And this is our answer to the materialism which would turn all the earth not already occupied by factories and stores and houses into one grand clean cultivated field, with the rivers canalized for traffic and power and sewers, and the swamps and lakes drained and the deserts irrigated, and not so much as a ragweed left to furnish a meal for a quail!

[From Outdoor America]

THE PUBLIC SHOOTING GROUNDS-GAME REFUGE BILL

The public shooting grounds-game refuge bill will come up before Congress early this winter for action.

Twice this bill, which asks no more than that the hunters of the country be given the right to pay a dollar each for the purchase and

administration of public shooting grounds and game refuges all over the United States, has failed to pass Congress.

Why it has failed to pass is not easily understood. The hunters are for it, and the initial funds and the cost of maintenance comes from them. On its fact it is entitled to pass. With the unified support of the sportsmen behind it it is inconceivable that it should fail once more.

The proposition is a simple one. Hunters will pay a dollar Federal license in addition to the usual State fee. Of this dollar, 45 cents will go toward the acquisition of lands and marshes suitable for shooting grounds and game refuges. Forty-five cents will go toward enforcement of the Federal game laws—specifically, the migratory bird law. The remaining 10 cents goes for administration.

The bill is in sympathy with the new order of things in conservation: The idea of starting at the bottom, striking at the fundamentals of the problem of more game and more shooting. During the past years it has been the custom for organized sportsmen to try to administer game by introducing more regulative laws—cutting down seasons and bag limits. This is important, but it has not contributed enough to the matter of permanently solving the problem of disappearing wild life.

It is a fundamental proposition that if the habitat of our wild life is to be destroyed, all restrictive laws, such as daily bag limits, shooting seasons and other regulations, will not be worth a fig. A law providing for the shooting of even one duck a day would be a farce if there were no ducks. The Lord provided us with wild fowl. But we are approaching the point where the original supply is threatened, and we must soon wipe the slate clean and start all over, this time not only restricting shooting but providing for something to shoot at.

The main thing about administration of game and fish is to have some place for these things to breed, to feed, and to live. So long as we have these we can, in most cases, bring back wild life when it is endangered by simply ceasing to shoot and fish, letting nature take its course until the supply is replenished.

But we can not do this unless we maintain the natural places for wild game to live. No man can make so simple a thing as a swamp. All of our alleged genius has found no substitute for these simple things. They are easy to destroy, impossible to replace by our own hands. A marsh once drained is no longer a marsh, and the tears of all the sportsmen in America could not make another.

The drainage of swamps, of marshes, of lakes, of river bottoms, is going on all over America. It is a movement that is striking at the very existence of our wild life. Bag limits, shooting seasons, single-shot guns, are relatively unimportant. The habitat is everything. Shooting picks the leaves. Drainage strikes at the roots of the whole tree.

Therefore it is of the utmost importance that we set aside, just as rapidly as we can, the remaining breeding and feeding places of our wild life.

The proposed bill provides for the setting aside of such areas.

The Izaak Walton League recognized the necessity of preserving the habitat of game and fish when it successfully introduced and carried through Congress the upper Mississippi wild life and fish refuge bill. This was an important stride. It did more to save the fish and game of the upper Mississippi Valley than 10 volumes full of game laws could have done.

The Walton League's program for conservation consists largely of three things: Stop forest fires and reforest, eradicate pollution, stop drainage. These are fundamental. They are things that must be done before the possibilities of the next step, the propagation of more game and fish, can be fully realized.

The drainage of marshes continues. The Izaak Walton League is forming public opinion, the most effective weapon against this practice. But it continues because public opinion, the most deadly weapon, is slow to form. Of course, the marshes that are drained are usually those to which the public has access. Marshes used by private shooting clubs are not drained. Thus it becomes more difficult each year to find a place to hunt unless you belong to a private club, and at the same time it becomes harder for a duck to find a place to breed and feed unless he, too, belong to a private club.

What is the result? Ducks are plentiful in some places. Other places are being destroyed. Thus some people say that ducks are increasing. This is true where the natural habitat is not disturbed.

The idea of game refuges adjoining shooting grounds is not a new one. It has been tried and found true. The refuges act as reservoirs. The idea is sound. It works.

We must save the remaining wild life habitats of America. The Izaak Walton League has blazed the way with the upper Mississippi legislation. It has brought home to the whole Nation the utter necessity of saving the remnants of our wild places, thus saving the remnants of our wild life and opening the way for increased wild life. It has awakened the people to a new understanding of the importance of doing this. With this before them it is certain that all sportsmen will urge the passage of the game refuge bill, important not only in itself but in the policy it represents.

EXECUTIVE ORDER FOR PROHIBITION ENFORCEMENT

Mr. ROBINSON of Arkansas. Mr. President, I had intended to submit a discussion on the order issued by the President a few days ago respecting the appointment of State officers as officers of the Federal Government for the enforcement of prohibition.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON of Arkansas. I yield.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Frazier	McMaster	Sheppard
Borah	George	McNary	Shipstead
Bratton	Goff	Means	Shortridge
Broussard	Gooding	Metcalf	Simmons
Bruce	Hale	Moses	Smoot
Butler	Harris	Norbeck	Steck
Cameron	Harrison	Norris	Stephens
Capper	Howell	Nye	Swanson
Caraway	Johnson	Oddie	Trammell
Curtis	Jones, N. Mex.	Overman	Tyson
Deneen	Jones, Wash.	Phipps	Wadsworth
Dill	Kendrick	Pine	Walsh
Edge	Keyes	Pittman	Warren
Edwards	King	Ransdell	Wheeler
Ferris	La Follette	Reed, Pa.	
Fess	McKellar	Robinson, Ark.	

Mr. HOWELL. I wish to announce that the Senator from Maine [Mr. FERNALD] is detained from the Chamber at a meeting of the Interstate Commerce Committee.

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. ROBINSON of Arkansas. Mr. President, the Executive order which President Coolidge assumed to issue a few days ago authorizing the appointment of all or any State, county, and municipal officers of the various States as agents of the Treasury Department for the enforcement of the prohibition act is, in my opinion, the worst blow, though undoubtedly not intended as such, that has been struck against the cause of prohibition. There has been considerable discussion in the Senate, coming from both sides of the Chamber, as to whether the enforcement of the prohibition law has so completely failed as to justify radical measures, either amendment of the Constitution itself or modification of the Volstead Act, so as to bring the statute into harmony with alleged public opinion.

There has been a movement inaugurated to bring about a referendum on the subject. Passing over the question as to the right and power of the Congress to provide by law for the expression of public opinion in aid of the exercise of its legislative powers, the course of events is tending to compel those who favor prohibition to resort to a referendum. Already some of the States in which so-called "wet" sentiment is believed to predominate have taken steps toward a popular vote on some phases of the question, and other States similarly situated are proceeding to do the same thing. There are probably five or six States in the Union where a referendum would indicate a preponderating sentiment in favor of modification and the remainder would probably, in my judgment, overwhelmingly vote "dry." It follows that in the early future there is not going to be a modification of the Volstead Act in material particulars. It follows also that there is little likelihood of the Constitution being amended.

I believe it is the duty of all citizens to support, in good faith, the Executive in the enforcement of all laws, but I think the President made a colossal blunder when he issued the Executive order to which reference has already been made in the Senate.

Let it be understood that I do not attempt to express any party viewpoint but solely my own personal opinion in the remarks that I am now submitting to the Senate, for the reason that I have no authority to do anything else.

In the first place, I have been unable to find the authority for the Executive order. The Constitution does not confer any such power, nor is it to be found in the provisions of the Volstead Act. No power exists in the Executive to create offices. Agents under the Federal prohibition act, not deriving their authority from the Constitution directly but from the terms of the statute which authorizes their appointment, must be selected in conformity with the statute itself.

The Constitution, in Article II, section 2, among other things, provides that the President—

Shall have power, by and with the advice and consent of the Senate—

Omitting irrelevant portions of the section—to appoint—

all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

This provision of the Constitution does not give the President the power to create offices. It gives him the power to fill offices established by law when other provisions for filling them are not made in the statutes creating the offices. So the President's power to appoint prohibition officers can not be derived directly from the Constitution unless the statute relating to the subject fails to define the manner in which the agents to enforce prohibition shall be selected.

By reference to the Volstead Act the conclusion seems to me to be clear that no authority exists in the President to make the order to which I am referring. Section 2 of Title I, relative to the enforcement of war prohibition, provides:

The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the war prohibition act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors, may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury.

And section 2 of Title II of the Volstead Act, prohibiting intoxicating beverages, provides:

The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the war prohibition act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States, and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury.

Section 38 in part provides:

The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the civil service act.

And so forth.

Mr. President, it is clear from the Volstead Act that the power to appoint agents is vested, under the clause of the Constitution that I read, in the heads of certain departments. I can not see how the President has the power of appointment at all in relation to prohibition agents, laying aside for the time being the question of the propriety of undertaking to commission all State officers as officers of the Federal Government.

Mr. BRUCE. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. BRUCE. Just a moment. I have listened with a great deal of pleasure to the trend of reasoning that the Senator from Arkansas has been pursuing. In my judgment, his observations are absolutely sound; but may I not suggest this to him:

Even though the Volstead Act attempted to authorize the President to confer authority upon the State officers to aid in the enforcement of the Volstead Act, would not such a provision be absolutely unconstitutional, nugatory, and void, for the reason that nothing can be better settled—and settled ever since Seventh Wheaton, in the famous case of McCulloch against the State of Maryland, in which the decision was rendered by Chief Justice Marshall—than the fact that the Federal Government has no power to tax or to burden in any manner any governmental instrumentality or agency employed by the State for the purpose of performing its peculiar functions, and the State governments have no power whatsoever to tax or burden any instrumentality or agency employed by the National Government for the purpose of performing its functions?

If the Senator will pardon me just one moment longer——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me to discuss that phase of the matter a little later?

Mr. BRUCE. I will. I inferred from the tenor of the Senator's remarks, the fact that he seemed to be passing to another topic altogether, that that might have escaped his attention.

Mr. ROBINSON of Arkansas. No; I am reserving the question as to the right of the Chief Executive of the Nation to define and control the duties of State officers and the propriety of such a course, and limiting myself now to the authority of the President to appoint prohibition agents and to make such an Executive order as was in fact made.

Since the Congress has given the power to appoint these enforcement agents to the Attorney General and to the Commissioner of Internal Revenue, heads of departments as provided in section 2 of Article II of the Constitution, it follows that any attempt on the part of the President to appoint such agents is essentially an act of usurpation.

The second aspect of the question, as to the effect on State authority of such a proceeding on the part of the Executive, is that to which I now direct briefly your attention.

Of course everyone here is familiar with the fundamental principle underlying our Constitution, that the States are independent in their respective spheres, and that the Federal Government itself, in the exercise of the powers delegated to it, is independent of the States. Aside from any question of power, I believe that it is desirable and essential to preserve and to perpetuate that distinction. But, Mr. President, as pointed out in the case referred to by the Senator from Maryland—the McCulloch against Maryland case, in Fourth Wheaton—if the Federal Government can define the powers and duties of State officers, if it can control their activities, in the end the State authority will completely be nullified. The conclusion is inevitable.

It makes not the slightest difference that in this order dollar-a-year men were contemplated. The question of compensation has no relationship, in my judgment, to a proper consideration of the subject. The President, in most extraordinary language, has indicated a purpose to make every State officer eligible as a Federal officer. I read the Executive order:

In order that they may more efficiently function in the enforcement of the national prohibition act, any State, county, or municipal officer may be appointed, at a nominal rate of compensation, as prohibition officer of the Treasury Department, to enforce the provisions of the national prohibition act and acts supplemental thereto in States and Territories, except in those States having constitutional or statutory provision against State officers holding office under the Federal Government.

It is thus apparent that if the order be given effect the entire enforcement force, in so far as it may consist of State agents, will be taken out of the classified service, because the statute directs that they shall be selected from within the civil service, so that in the enforcement of the order the civil service law will be nullified. If that be not considered a controlling consideration, let it be remembered that these State officers have their powers and duties defined by the constitutions and the statutes of the States which they are chosen to serve; and it would interfere with them in the performance of their general duties, it would occasion clashes and conflicts, and it would break down the last remaining distinction between local and centralized authority to make all State officers Federal officers.

What is the object of such a proceeding? It is to give the Federal Government, the Attorney General, and the district attorneys, as provided in the Volstead Act, control of the State officers. When you analyze the provision, you will realize that it is the most far-reaching disregard of what we have come to know as State rights that has occurred during the present century.

The Richmond Times-Dispatch published an editorial under date of May 23, 1926, which is short, and I am going to read it. It is entitled—

COOLIDGE'S ASTOUNDING ORDER

Within one week of the day he stood at Williamsburg and pleaded for State rights—not, as this newspaper observed then, because they were inherent rights of the States, but because the Federal Government was being overburdened—President Coolidge has put into execution the unveiled threat he then made that if the States did not as-

sume enforcement of laws satisfactory to the Federal Government the latter perforce would step in and assume authority. Mr. Coolidge did not voice his threat in those words, but no other intelligent construction could be placed upon them. The Williamsburg address was hailed in many quarters as a real defense of State rights, a defense worthy of being voiced in the place where liberty was cradled; in view of developments of the past 48 hours it stands wholly revealed as a stern threat of further centralization, a further gathering of power in Washington to be exerted when the States fail to obey the crack of the administration's whip.

It is no wonder that President Coolidge's order authorizing the placing of State, county, or municipal officers on the Federal pay roll for the better enforcement of the Federal prohibition statutes has raised a storm of indignant protest. It is the most ruthless invasion of the powers reserved to the States of which any centralizationist has been guilty in a generation. Even the most ardent of the drys stand aghast at the temerity the President has shown in this overriding the sovereignty of the States in encroaching upon their police powers. He has deliberately invited a conflict in which, at least in the South and certainly in some of the Northern States, the wet and dry cleavage will be lost in the greater issue of how far the Federal Government can go in denuding the States of their rights under the Constitution. The cloak of charity can hardly be spread wide enough to make it appear that the President has acted hastily or in ignorance, as some of his supporters incline to believe; it must be, as others aver, he has definitely decided to be a candidate for reelection in 1928 and is willing to ride roughshod over the States in order to bring to his side the united support of the drys.

If that be the President's thought, then he is likely to be hoist on his own petard, for even the Republicans are amazed by the boldness of his order, which is said to have been requested by Gen. Lincoln Andrews, in charge of prohibition enforcement. Even the constitutionality of his action seems not to have been taken into consideration by the President, and constitutional authorities can find no ground for it in that document. Congress never has issued such an authorization, and Mr. Coolidge will stand practically alone if he seeks to carry out his threat of coercing the States. If he stands to his resolution he will plunge into greater complexity than has existed since the days of slavery the whole question of the relation between Federal and State powers and give the lie to the brave words he uttered at Williamsburg when he talked of the powers and duties of statehood.

I have before me the address delivered by the President at Williamsburg. In that address he used this language:

While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away to be informed of local needs, too inaccessible to be responsive to local conditions. The States should not be induced by coercion or by favor to surrender the management of their own affairs.

Mr. President, how can a State manage its own affairs if all of its officers are made Federal officers and subject to the control and direction of Federal agencies?

The Federal Government ought to resist the tendency to be loaded up with duties which the States should perform. It does not follow that because something ought to be done the National Government ought to do it. But, on the other hand, when the great body of public opinion of the Nation requires action the States ought to understand that unless they are responsive to such sentiment the national authority will be compelled to intervene. The doctrine of State rights is not a privilege to continue in wrongdoing but a privilege to be free from interference in well-doing. This Nation is bent on progress. It has determined on the policy of meting out justice between man and man. It has decided to extend the blessings of an enlightened humanity. Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense. I want to see the policy adopted by the States of discharging their public functions so faithfully that instead of an extension on the part of the Federal Government there can be a contraction.

Unless the States meet these requirements, the National Government reluctantly will be crowded into the position of enlarging its own authority at their expense.

Mr. President, I do not controvert—on the contrary, I assert—that it is the right and duty of those intrusted with the enforcement of prohibition to select agents and a sufficient number of agents, if possible, to enforce this law. But it is an entirely different proposition to say that the Federal authority may absorb all the State agencies and the entire State authority on the subject.

Unquestionably, if the President had the power to make such an order as this in connection with prohibition, he could make it in connection with any other Federal law which operates or which is effective in all the States, so that State officers are diverted from performing the functions which they are directed to perform under the constitutions and laws which give them authority and become subject to the control of the Federal authority.

A similar view is taken regarding this matter in other editorials which have been called to my attention. The unfortunate aspect of the case is that it arises in connection with a subject about which there is already great feeling, about which feeling is growing more intense day by day—the subject of prohibition. It is more important for safeguarding and promoting the cause of prohibition that those who are charged with the responsibility shall act within their authority and not usurp authority.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. ROBINSON of Arkansas. I yield to the Senator from Idaho.

Mr. BORAH. Suppose the President had not issued this order at all, but the proper authorities had appointed a sheriff or a deputy sheriff a prohibition officer in a State. What provision of the Constitution or law would have been violated?

Mr. ROBINSON of Arkansas. I think under the doctrine of the case cited by the Senator from Maryland, McCulloch against Maryland, 4 Wheaton, decided over a hundred years ago, the Federal law can not define the duties of State officers.

Mr. BORAH. What I am accentuating is the fact that the President's order did not change the situation at all. They had just the same power to appoint before, in my judgment, that they have now.

Mr. ROBINSON of Arkansas. The Senator thinks that the President's order is void, and I am of opinion that the Senator's view is accurate. I think that if the President gave a sheriff or the clerk of a court, in the State of Arkansas, for instance, a commission as a Federal agent, and the question were properly raised in court, the officer would be held either to have vacated or abandoned his authority under the State commission, or to have no authority under the Federal commission.

That, Mr. President, brings me to the statement I made in the beginning—that this order constitutes a blow at prohibition. Suppose Mr. Andrews proceeded to carry out the order and names practically every municipal and county and State officer a Federal prohibition agent. Is there any human mind that can conceive the difficulties that will grow out of that situation, making those State officers subject to the direction and control of the Attorney General and of the various district attorneys, giving them the power to make arrests under Federal law, as well as the power to make arrests under State law? It would result in far more confusion than now exists. As to the point made by the Senator from Idaho, in the end it would result in discrediting the law which it was designed to enforce.

I read now an editorial appearing in the New York Times this morning, as follows:

AN EXTRAORDINARY EXECUTIVE ORDER

Mr. Coolidge's Executive order "amending" by reversing President Grant's salutary Executive order of 1873, forbidding holders of Federal civil office other than judicial to accept State, Territorial, or municipal office, is one of the queerest illustrations of the vicious effects of prohibition. It authorizes the appointment of any State, county, or municipal officer, "at a nominal rate of compensation, as a prohibition officer of the Treasury." States that have prohibited this dual service are graciously excepted. No precedent has been found for this order. Certain provisions of the draft act, cited by Senator WALSH, are not a precedent. They were authorized by Congress. Mr. Coolidge has no such authorization; and the Senate Judiciary Committee lately refused to allow in the District of Columbia that exercise of authority which the President's order so liberally bestows over all the States not protected from it.

If the President can lay hands on State, county, and municipal officers to execute one Federal statute, he can do the same in regard to any other Federal statute under the Constitution. They are all bound to take notice of and prevent such violations of the law of the land, as well as of the State or locality, as come to their notice. What more can and will they do, provided they may legally accept the "nominal compensation" offered them? The only object of that compensation and appointment must be to put them under Federal direction. As Senator GOFF asks, Can they serve two masters? He is a cool-headed dry, who has studied more carefully than any other Senator the perplexed question of the discordance between State and Federal office. He does "not see how the order can be carried out under the law."

The Federal Government as the payer of even nominal salaries to State and local officers is not a conception which one would have ex-

pected from the author of the Williamsburg address. General Andrews is not happy in his innocent explanation that he supposed everybody knew the rights of the States to have been wiped out by the eighteenth amendment. That the whole scheme would probably be nugatory does not affect the principle; but perhaps we should be amused rather than irritated by these floppings of Volsteadism on its last legs. Some amiable sumph in the prohibition force seems to have suggested this curious order which Mr. Coolidge, in the pressure of duties and campaigns, must have signed mechanically. Though Attorney General Sargent's body is in Washington, his heart is in Ludlow, Vt., with his old comrade, candidate for Senator, Stickney. Otherwise, one might have imagined that his place was temporarily filled by Mr. Wayne B. Wheeler.

In that connection let me say that I think the statement contained in the editorial from the Richmond Times-Dispatch, which I read, was justified. Although it was not given prominence in the press, and was not mentioned here, the President said in his Williamsburg address, in substance, that if the States fail properly to exercise their powers, the Federal Government will extend its authority so as to perform the acts which the States fail to perform under their jurisdiction.

That has always been the justification for the centralization of power, and if such an order as this can be made to stand, if it can be justified merely because there is a demand for the enforcement of prohibition, it means the taking away of the last vestige of authority remaining in the local governments—State, county, and municipal.

An afternoon paper, the Washington Times, of to-day contains a statement under the headline, "Coolidge's dry edict doomed." The first paragraph reads:

> The Federal Government, it was reliably reported to-day, is going to back track on its ambitious project of giving Federal prohibition badges to thousands of county and municipal officers even before the plan is put into active operation on a national scale.

Mr. President, I ask to have the entire article in the Washington Times printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COOLIDGE'S DRY EDICT DOOMED

By George R. Holmes

The Federal Government, it was reliably reported to-day, is going to back track on its ambitious project of giving Federal prohibition badges to thousands of county and municipal officers even before the plan is put into active operation on a national scale.

Aghast at the storm of controversy which has been kicked up by President Coolidge's drastic Executive order, and seriously concerned over the fact that some of the country's leading legal authorities have denounced it as unconstitutional, prohibition officials, it was learned to-day, are prepared to abandon the whole undertaking.

WILL BE NEGLECTED

There probably will be no formal announcement of the Government's retreat in the matter. Rather, it was said, the experiment with it will not be allowed to get outside the borders of California, where it is receiving its baptism, and it probably will be "neglected to death" rather than killed outright.

The Department of Justice thus far has preserved an eloquent silence in the matter, and there was considerable speculation to-day as to whether it ever will be called upon to render an opinion as to the constitutionality and legality of making Federal agents out of rural constables and deputy sheriffs.

COOLIDGE NETTLED

Some of the department's recognized legal experts, however, have not been silent. While chary of officially saying that the White House exceeded its authority, a number of experts have privately expressed the opinion that the plan can not be made to hold water in a court test.

President Coolidge was represented to-day as being nettled over the situation. The order came to him, it is understood, in a routine way, and was signed without the Attorney General having been consulted. It laid around the Treasury for 10 days before it was promulgated—so innocuous did officials there consider it.

It was said on good authority to-day, with the legal "best minds" of the administration at variance over the legality of the move, the Government's only recourse will be to abandon the plan aborning.

Mr. ROBINSON of Arkansas. Mr. President, I do not know whether it is true or not that the President has seen the unwisdom of his act in issuing this Executive order. I assume he was prompted to issue the order by some one who is zealous in the enforcement of the prohibition law. I do not believe he had any authority to make such an order. I do not believe it can be carried out. If an attempt is made in good faith to carry it out, it will result in still greater confusion and in still more difficulties, enough of which have already been encountered in the enforcement of the prohibition law.

If the President has the power to appoint as prohibition-enforcement agents State, county, and municipal officers, without any provision of statute, he can create an unlimited number of Federal offices. The truth is that it will result, if the order be executed, in the creation of an almost unlimited number of Federal offices.

I do not know how many State, county, and municipal officers there are in all of the States, but assuming that policy were to be carried out fully, it would multiply beyond the power of the imagination to comprehend the number of Federal agents.

The enforcement of prohibition, like any other subject, is embarrassed by opposition in some localities growing out of the state of public sentiment. I do not know of any law that is universally regarded, or that is never violated. I do not believe there has been a breakdown in the enforcement of prohibtion; and let those who are trying in every possible way to discredit the cause of prohibition and to bring about a modification of existing prohibition laws understand that it is well known and fully comprehended that the purpose of the drive is to discredit in public opinion the act known as the Volstead Act, which the Government is seeking to enforce.

Let me say for myself that I have no objection to a modification of the Volstead Act if a fair trial shows that its provisions, or any of them, are inconsistent with sound, mature public opinion. This Government and all of its institutions are the outgrowth of popular sentiment, and however much one may favor a law which the public generally does not approve, he must recognize the fact that the people have the right to repeal that law if it is objectionable to them.

I would not vote for a repeal or a far-reaching modification of the Volstead Act, and I do not believe that if there were a national referendum the people of this Nation would vote for a material modification or for repeal of the Volstead Act. I know that in some of the great centers of population the act is exceedingly unpopular, and in those centers the vote against prohibition would be overwhelming. But I know, too, that out in the great stretches of the country, where millions of people live and toil, where millions of them have seen the benefits and the advantages of prohibition, they would vote to sustain a reasonable statute.

So far as I am concerned, I am ready, under proper conditions and provisions, to subscribe to an effort which will obtain an expression of public opinion on the subject. If a referendum is taken only in wet communities, and there is no expression in dry communities, the conditions with respect to enforcement will grow worse. If it appears by a fair referendum, after years of experimentation on the subject, that the people of the United States do object to prohibition in its material particulars, then the law ought to be amended and the Constitution ought to be changed.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. Certainly.

Mr. EDGE. Following the line of reasoning that the Senator has put forth very emphatically—and convincingly, as I think—does not the Senator believe that we would get that opinion or that information in a way to enable us at least to repair damages, if they can be repaired, if the same question were propounded throughout the United States in every one of the 48 States rather than in 4 or 5 of the States where referendums are provided by the State legislatures?

Mr. ROBINSON of Arkansas. I certainly do; but I will say that I would not want the Senator from New Jersey alone to prepare the questions. [Laughter.] I know his bias in the matter as he knows mine. I would want very careful consideration given. I would want representatives of both sides of the controversy to feel that the issue was being fairly submitted. I would want to know that a fair expression would be secured to the end that the referendum, if made, would reflect itself in legislation. The prohibitionists can not justify the position that a statute shall be kept unchanged if public sentiment is overwhelmingly opposed to that statute.

Mr. EDGE. I subscribe entirely to that statement.

Mr. ROBINSON of Arkansas. Neither can the wets justify a repeal of the Volstead law or a change of the Constitution merely because there are some centers of population in the United States where that sentiment prevails.

Mr. EDGE. I entirely subscribe to that sentiment. If I may reply further to the Senator's suggestion that such a series of questions, if a series be necessary, should be prepared mutually by those who had counterviews on the question, I

remind him that any questions prepared for a national referendum provided by the Congress would necessarily have to receive the approval of the Senate, so we never can get to the position where such questions will be presented to the country unless we consider a national referendum on the floor of the Senate and on the floor of the House and have the approval of both.

Mr. ROBINSON of Arkansas. I do not know that the time is ripe for a referendum. I do not know, as I stated in the beginning, touching all phases of the subject, that our Constitution authorizes a referendum, but in view of the conditions as they exist throughout the country, in view of the claim that prohibition has broken down and that it is now and will continue to be impossible to enforce it, I think it would be helpful to have a referendum on the question, and that it would aid Congress in intelligently disposing of the subject, provided, of course, that the referendum be fair and conducted under such terms and conditions as will be satisfactory to those who are really trying to find out what the status of public opinion is on the question.

Mr. President, I have no disposition to censure the Executive or to criticize him here where he can not speak for himself, but I do repeat that this Executive order is objectionable from every standpoint. It is the worst blow that has been aimed at the civil service in the last half century. It is a blow at prohibition in that it will result in added confusion and in conflicts of authority that we might well avoid in view of the conditions which we all recognize to exist.

Mr. NYE and Mr. BRUCE addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

FARM RELIEF

Mr. NYE. Mr. President, I should like to relate the many things which have come to my attention with regard to the agricultural situation, in the hope that I might thereby help to impress upon the Senate the seriousness of the farm problem. But I know the Senate is in no mood to hear more in this respect than has already been said upon this floor. Senators have heard it all time and again. They are filled up on it, so much so that but few Senators will remain in the Chamber when agricultural matters are discussed. Therefore I am not going to dwell upon this phase of the question. Instead, I am going to assume that every Senator knows and admits that the agricultural situation is a most serious one.

Without a doubt the farm problem is the most serious one this Nation has ever faced. It is not a State problem, not a sectional problem in any sense of those terms, but a national problem of such magnitude that in its consideration one would naturally assume that Congress could easily rise above petty partisan and political influences.

It is a problem that ought to have had the first consideration given questions by Congress this past winter. But, instead, it has been shuffled about and so played with that it is found now to be virtually the last of the big questions to be considered. And what is the result of its consideration?

One branch of Congress has defeated the only proposal of merit for relief offered during this session. It has defeated that idea which to the farmers has come to be known as the Dickinson bill, a bill which would permit agriculture to come under the protective wing of the Government just as successful industry has come under that wing; a bill which would have provided the way to take care of the surplus of agricultural products and permit the farmer to enjoy what has come to be known as the American standard of living; a bill which would have positively helped the farmer to help himself. The House has defeated that bill. Now the Senate proposes to carry on and strive to pass one like it in this body regardless of what may happen after it may have done so.

It is my candid opinion that if this agricultural bill passes the Senate in its present form, declared to be acceptable by the farm organizations, it will be because of the certainty that it will not be accepted by the House, which already has voted down the idea incorporated in the bill.

Perhaps a bill to be known as farm-relief legislation will be passed this late in the session, but it is certain that it will not be a bill which can and will come near to solving this most serious national problem—only something behind which one may hide through the next elections—sham farm legislation, in other words.

Why am I so confident that nothing worth while will be done by this session of Congress for the farmer? My answer to that needs be only a brief recitation of what this Congress has done. Its record discloses it to be not representative of the masses of people, but of the few and the favored. This Congress has had opportunity after opportunity to help the farmer; but each time it has elected to favor the few instead of the many, and as a result new burdens have been piled upon the backs of the people, including the farmer. A review of the work of Congress this past winter will better show my thought.

The farm problem was at the opening of Congress admittedly a problem of national worry and concern and one demanding immediate solution. But instead of giving it our time and attention here in Congress at once we were urged to hustle into the World Court and take a hand in Europe's troubles, as though we did not have enough trouble of our own here at home and as if we were capable of settling European problems when we had been wholly unable to settle our own. The farmer has not asked our entry into the World Court. The international banker wanted us in, however, and we went in, though only, thank fate, up to our ankles as yet.

Then the few asked for immediate passage of the Mellon tax-reduction plan as a bit of legislation in the interest of lessening the burdens of the American people, including the farmer. I am only surprised that the title of this legislation has not yet been amended to read: "An act to bring relief to stricken American agriculture." The Senate should know how helpful this tax bill is to North Dakota. Basing figures upon the tax returns of 1923, the surtax reductions in this new bill brought savings to 10 people in North Dakota, and the reductions in income taxes brought to North Dakota as a whole—all of the people of that State, mind you—savings that amount to very nearly one-twentieth of the savings enjoyed under the same bill by John D. Rockefeller, jr., alone. In other words, Rockefeller saves twenty times more under the 1926 tax bill than do all the people of North Dakota combined. By this tax legislation Congress added to the weight upon the economic scales which the farmer has been trying so long to overcome. It provides great reductions in taxes to those who can best afford to pay taxes and causes the masses of the people to pay a greater proportion of the whole tax to be collected than was the case under the old bill.

Then there was another matter which must be disposed of before farm problems could be considered. There were European nations owing the United States billions of dollars. Among them was Italy, owing us a little more than two billion dollars, and wanting to borrow more, not from our Government, but from the international banking crowd, which was already holding the bag for six or seven or more billion they had already loaned to Europe. Italy had to have more money to prepare for the next war, but the bankers advised Italy that they would loan them no money until they made some sort of a settlement to reduce their liabilities. So, with the aid of those bankers Italy scurried about and got the agents of the Government of the United States to consent to a settlement. The agreement reached between Italy and our Debt Funding Commission called for the exchange of promissory notes, which called for two billion or more from Italy for another promissory note from Italy to us, an agreement to pay in 62 years less than one-fourth of what the old notes called for. Thereupon the House of Morgan loaned Italy another hundred million dollars at 6 or 7 per cent interest. It should be understood that the House of Morgan made no such one-for-four-dollar settlement for the billions it has loaned Europe, including Italy. Any settlement which these international bankers have made call for the dollar-for-dollar-plus-interest kind of settlement.

Yet I expect there are those who will call these debt settlements, which the Senate has been persuaded to ratify, "farm legislation." The part of her debt that Italy does not pay us the people of America must pay, since the money loaned Italy is money our Government owes to the international banking crowd. If the cost to the United States under the debt settlement is distributed equally among all the people, North Dakota's share to be made good by the people of that State will be approximately $50,000,000. Farm legislation! I introduced in the Senate a resolution paving the way for the granting of the same treatment to the farmer, who borrowed money through governmental agencies for the same purpose which had made Italy a borrower from us, namely, for the purpose of prosecuting the war—the same kind of a settlement that we gave Italy. But that resolution has gone into a committee room to rot.

What is good for Italy is not good for the farmer. The American farmer, in the estimation of this Congress, had better go through bankruptcy than enjoy any such treatment at the hands of Uncle Sam, who has become Europe's Santa Claus. Thus we took care of the European debt settlements

before considering the needs of American agriculture, which eventually will resolve themselves into the needs of all America.

Then along came an opportunity to do something for the farmer by enacting the Gooding bill into a law. The farmer, along with all other taxpayers in America, had paid taxes to construct the great Panama Canal. This canal is taking so much shipping between American points that the railroads lost some revenue, and, with the aid of the Interstate Commerce Commission, the roads established rates in competition with shippers over the canal water route. The result of these rates is that freight can be shipped from Chicago, for instance, to San Francisco for about the same money that it costs to ship the same freight over the same route into North Dakota, less than half the distance. So the inland farmer now pays the bill for having helped to build the Panama Canal. The Gooding long and short haul bill would have ended this discrimination and caused all sections of the country to share equally the burden of freight rates caused by the canal. Here was a chance to help the farmer, but the railroads did not want such a bill, so this "farmer Congress" defeated it.

There have been other opportunities this winter for Congress to help the farmer. There is the Interstate Commerce Commission personnel, for instance. This commission is expected to represent the interests of the people in its contact with railroads and other carriers. It should be made up of men who have the public interest at heart. But along comes the nomination of Mr. Woodlock for confirmation by the Senate—Mr. Woodlock, who edited the Wall Street Journal, and has breathed the atmosphere of the railroad bosses and financiers ever since coming to this country from Britain. There were no lengthy petitions praying for his confirmation by the Senate from growers and shippers of wheat, flax, corn, cotton, potatoes, hogs, sheep, and cattle. But the Senate confirmed the appointment, nevertheless, not however, without taking the precaution to make it impossible for the people to know which of us voted for and which of us voted against Mr. Woodlock's confirmation. Some more farm relief, no doubt!

Another thing which might have been done by Congress to help the farmer would have been the enactment of such legislation as would alleviate the danger of a repetition of that criminal act back in 1920 by a mere handful of men who met secretly and determined upon the deflation program, which program is the prime cause of the present plight of agriculture. But the chance for success of such remedy or punishment as might be provided was so slim this session that no one undertook it.

And with the farm problem, admittedly serious as it is, was it unreasonable to expect that we might this winter have secured favorable action upon the Great Lakes-St. Lawrence waterways project, to the end that the farmers might find relief from excessive freight rates? But nothing has been done. It is not a part of the set program of the leaders that this project shall be seriously considered.

Such is the record of this Congress. More might be added to it by relating the progress of the French spoliation claims, and so forth. This is the record of the Sixty-ninth Congress in the interests of the farmer. It is capped by the refusal of the House to pass the farm bill asked for by the farmers. A wonderful winter in Congress for agriculture this last one has been!

When we get back to our home States we will be asked just what it is that makes possible such a record as the one this Congress has written. I shall say to those who inquire of me on this score that it is a matter of leadership in political affairs. I will say it is caused by blind partisanship.

Mr. NORBECK. Mr. President, will the Senator from North Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. NYE. I yield.

Mr. NORBECK. I think the record in the House shows that leading Democrats as well as leading Republicans, and congressional leaders who have spoken so vigorously for the laboring man, all voted against the Haugen bill.

Mr. NYE. Mr. President, the record which has been written is here with us primarily because so many representatives of the people came here with the pledge to stand by certain leadership.

The time was when statesmen, Senators and Representatives, believed as did Rutherford B. Hayes, that "he serves his party best who serves his country best." Now the belief seems to have changed to this: "He serves his party best who follows party leaders faithfully." I think it an extremely unfortunate situation and hope and pray that the end of this day and belief may be at hand.

This leadership which has been so faithfully followed has built up a great dream of prosperity—a bogus prosperity, shared in by some, but certainly not by the farmer. Just what this brand of prosperity is can best be related by telling the story of the idler who went into the cemetery for a stroll one afternoon. He discovered upon one of the tombstones this inscription:

> Here lies Mary Ann,
> Resting on the bosom of Abraham.

With a bit of chalk the idler wrote under the inscription the lines:

> This may be all right for Mary Ann,
> But it's all-fired hard on Abraham.

[Laughter.]

So it is with agriculture. The present prosperity may be all right for some interests in this country, but it is "all-fired" hard on the farmer. Such prosperity may continue for a time; it can continue so long as there is blood left to squeeze out of the farmer; but the supply is not inexhaustible. Indeed, the flow grows less and less daily. Sooner or later this prosperity bubble will burst—is bound to burst.

Nothing, to my mind, indicates the approach of this bursting point more than the statement of the trend of bankruptcy proceedings in the United States prepared by the National Industrial Conference Board. This statement discloses that in 1910 there were 9 failures for every 1,000 business enterprises in the country, compared with about the same number of failures for every 100,000 farms in the country. Now, see what the situation was in 1925. In that year the proportion of business failures was almost identical with the proportion of failures in 1910, but during the same stretch of time farm failures per 100,000 increased from 10 to 125. The line of business failures remains steady through 15 years, but farm failures mount with steady strides, especially after the aggravation suffered in 1920 as a result of the man-made panic of that year.

The record of Congress this winter has been most discouraging; I might say disgusting. I had hoped earnestly for some positive farm help by the Government, at least as much help as was accorded the great industries of the Nation by our Government, but it has not come, and I see no promise of its being given in these closing hours of the session. The farmer is left out in the middle of the vicious economic stream without oars and in a boat that is admitting water faster than it can be baled out.

Favors have been granted by Congress to the railroads, the bankers, and great industries time and again. Congress considers what it has done for them "good business"; but when the same measure of aid is asked for the farmer, it immediately becomes paternalism and class legislation. Admitting that the farm legislation urged is in the form of class legislation, is it not high time that legislation be provided of a favorable nature for all classes and not alone for the favored few? Either that must be admitted or there must be instituted a program repealing all class legislation, so that all classes may strive for success with advantages on a par, at least in so far as Government aid is concerned.

It is apparent that agriculture has not a chance to win from this Congress the consideration it deserves. The craving to follow lines established by leaders makes Congress a mere tool and has established a system which shows the greatest outstanding sin of Congress to be its cowardice, its fear of displeasing party leaders and bosses, and cowardice will cheat the farmer of what he wants and needs. I hope I am mistaken in my prophecy of farm-relief failure at this session.

The experience thus far has been discouraging and disgusting, yet I still entertain hope that the Government will come to the rescue of the farmer before it is too late to save our entire economic structure in America. I see hope for results after the approaching elections. The people are awake to the situation, and I hope, first, that the new Congress will come back next December without any pledges to "stump" the leader tied to them, but free to vote the wishes of their constituents; and, second, that the kind needed will be here in such numbers as to make possible a program which will decline to permit one iota of legislation to pass Congress before the farm situation has been coped with in so far as Congress can cope with it.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 25, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 24, 1926*

The House met at 12 o'clock noon.

The Chaplain, James Shera Montgomery, D. D., offered the following prayer:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures; He leadeth me beside the still waters.

He restoreth my soul; He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil; for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; Thou annointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever.

The Journal of the proceedings of Saturday, May 22, 1926, was read and approved.

FARM LEGISLATION

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to have read from the Clerk's desk a joint resolution of the Hamilton Club, of Chicago, upon the importance of passing farm-relief legislation before the present session of Congress adjourns.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Clerk may read a resolution of the Hamilton Club, of Chicago, with reference to farm legislation. Is there objection?

There was no objection.

The Clerk read as follows:

As a result of the report of the agricultural and political action committees of the Hamilton Club, the board of directors, on April 26, 1926, unanimously adopted the following resolution:

Resolution

Whereas the Hamilton Club, of Chicago, located in the commercial metropolis of the great agricultural Middle West, is in a position to realize the importance of agricultural prosperity and stability to the Nation as a whole; and

Whereas we believe that the same Republican statesmanship which has been so successful in solving other problems of national importance can devise a satisfactory solution of the farm problem if it addresses itself seriously to that task: Therefore be it

Resolved by the Hamilton Club, of Chicago, That the greatest present challenge to statesmanship is the adoption of a national agricultural policy that will minimize the price-depressing effect of seasonal surpluses of farm commodities and that will bring about a reasonable degree of stability in prices of farm products in the interests of both producer and consumer; and be it further

Resolved, That Congress and the administration be reminded of that portion of the 1924 platform of the Republican Party which reads:

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry, to insure its prosperity and success"; be it further

Resolved, That the adoption of a national agricultural policy in line with this pronouncement is one of the major issues before the present Congress, and that Congress should not adjourn without taking adequate steps to redeem the promises which were made to the farmers of the Nation in 1924.

HAMILTON CLUB, OF CHICAGO,
GEO. A. BERRY, JR., *Secretary*.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *May 22, 1926*.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

SIR: Please present my resignation as a member of the Committee on Interstate and Foreign Commerce of the House.

Respectfully,

HARRY B. HAWES.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

Mr. BEGG. Upon what subject?

Mr. CELLER. Upon the recent Executive order of the President.

Mr. BEGG. I object.

Mr. CELLER. Will the gentleman reserve his objection for a moment until I explain?

Mr. BEGG. No; I am opposed to it.

DISTRICT LEGISLATION

The SPEAKER. This is District Day, and the Chair recognizes the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District legislation. Pending that motion I ask unanimous consent that the general debate be confined to the subject matters of the bills to be considered, and that the time be controlled, one-half by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, to part of that request I shall object. Let the debate be confined to District matters, because this is District Day. In that event I shall not object to the request.

Mr. ZIHLMAN. Mr. Speaker, I shall make that modification, with the understanding that we limit general debate to one hour upon any one bill.

Mr. BLANTON. Mr. Speaker, I have never taken advantage of the gentleman upon that. We have been getting along mighty well here together. I am not going to take much time this afternoon.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman if he intends to confine the use of the time to uncontroverted bills?

Mr. ZIHLMAN. So far as I am able.

Mr. MOORE of Virginia. Then I think if the bills are to be uncontroverted that the gentleman's suggestion is a reasonable one that debate should not stray beyond the bills themselves, and I hope the gentleman will insist upon that. Some of us have gotten pretty weary of hearing all sorts of discussion about District matters when there are specific bills before the committee.

Mr. ZIHLMAN. I entirely agree with the gentleman from Virginia. It seems to me that debate should be confined to the bills before the committee.

Mr. BLANTON. Mr. Speaker, that could be done only by unanimous consent, because under the rules of the House general debate is not confined at all. If the gentleman will ask that it be limited to District business, I shall have no objection to it.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that debate be confined to the subject matters of the bills to be considered by the committee.

Mr. BLANTON. Mr. Speaker, I object to that.

Mr. ZIHLMAN. Then, Mr. Speaker, I renew my motion that the House resolve itself into the committee of the Whole House on the state of the Union for the consideration of District business.

Mr. BEGG. Mr. Speaker, will the gentleman yield for a moment in order that I may ask a question of the floor leader?

Mr. ZIHLMAN. Certainly.

Mr. BEGG. Is it the intention of the House to go on with any other business to-day than District business?

Mr. TILSON. It appears to me from an examination of the bills the District Committee has presented that the business is of such character that it will require the entire day to consider it.

Mr. SNELL. We will adjourn when we finish.

Mr. BLANTON. We ought to get through by 3 o'clock if we do not take up the public utilities bill.

Mr. TILSON. I have been informed that there are some bills to be called up by the committee that require some debate, not necessarily extended, but the considerable number of bills will be sufficient to require the entire day in my judgment.

Mr. MOORE of Virginia. May I ask the gentleman whether there is any substantial reason why we should not take up the public utilities bill without any regard to the merits or demerits? Is not the committee in favor of doing that?

Mr. ZIHLMAN. My understanding is the committee is unanimous with the exception of the gentleman from Texas.

Mr. BLANTON. No; some members of the committee have objections——

Mr. BEGG. If I may ask the floor leader—what is coming up from the District Committee is up to that committee—but the question I would like to ask the floor leader, and to which I would like to have definite answer, is, Will he move to adjourn when the District Committee is through?

Mr. TILSON. I am quite certain that the District Committee will not be through when we get ready to adjourn.

Mr. SNELL. But the gentleman will take up no other business. I am frank to say——

Mr. TILSON. I am quite certain that we shall not be able to transact any other business after the District Committee is through, so that, consequently, we would adjourn.

Mr. BEGG. Now, the floor leader will ease my mind, and I know others—I am not concerned about their getting through—if he will tell me whether he will call up some other business. Can the floor leader give me a definite statement?

Mr. TILSON. It is not my intention to call up any other business after the District Committee concludes to-day.

Mr. CELLER. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their name:

[Roll No. 99]

Adkins	Esterly	Lineberger	Sears, Fla.
Aldrich	Fish	Luce	Sears, Nebr.
Auf der Heide	Flaherty	McLeod	Smithwick
Ayres	Fredericks	Magee, Pa.	Steagall
Bailey	Funk	Manlove	Stevenson
Bankhead	Garner, Tex.	Mead	Sullivan
Barkley	Garrett, Tenn.	Mills	Swartz
Bloom	Gasque	Morin	Swing
Buchanan	Gibson	Nelson, Wis.	Swoope
Bulwinkle	Golder	Newton, Minn.	Taylor, Colo.
Burdick	Griffin	O'Connell, N. Y.	Thompson
Butler	Hawes	O'Connor, N. Y.	Tinkham
Canfield	Houston	Oldfield	Tucker
Carpenter	Hudspeth	Oliver, N. Y.	Vare
Cleary	Hull, Tenn.	Patterson	Wainwright
Corning	Hull, Morton D.	Peavey	Watres
Cox	Jenkins	Perkins	Weaver
Cullen	Johnson, Ky.	Perlman	Wefald
Curry	Kelly	Phillips	Weller
Dickstein	Kindred	Purnell	Wolverton
Doughton	LaGuardia	Quayle	Wood
Doyle	Larsen	Ransley	Wurzbach
Drewry	Lee, Ga.	Rouse	Yates
Eaton	Lindsay	Sanders, N. Y.	

The SPEAKER. Three hundred and thirty-eight Members have answered to their names; a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated as follows:

S. 741. An act for the relief of Lincoln County, Oreg.; to the Committee on War Claims.

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy; to the Committee on Naval Affairs.

S. 1818. An act for the relief of Lillie F. Evans; to the Committee on Claims.

S. 1919. An act for the relief of Portland Iron Works; to the Committee on Claims.

S. 2059. An act to provide for regulating traffic in certain clinical thermometers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2337. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

S. 2521. An act for the relief of J. W. Braxton; to the Committee on Claims.

S. 2587. An act to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

S. 3064. An act for the relief of the Capital Paper Co.; to the Committee on Claims.

S. 3200. An act to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands;

S. 3655. An act to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

S. 3770. An act establishing additional land offices in the State of Montana; and

S. 3875. An act to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution; to the Committee on Public Lands.

S. 3884. An act authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington; to the Committee on Indian Affairs.

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims; to the Committee on the Public Lands.

S. J. Res. 96. Joint resolution extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma; to the Committee on the Public Lands.

AVIATION FIELD, YUMA, ARIZ.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7911, and agree to the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

The Senate amendment was read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate amendment was agreed to.

FARM RELIEF

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article in the Chicago Daily Tribune of Thursday, May 20, 1926, entitled "Equalization fee asked by farmers likened to dues."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BEGG. Mr. Speaker, reserving the right to object, I understand this is a statement on the equalization fee out of a Chicago newspaper. One statement has gone in and I was wondering if they are going to put the whole edition of Chicago newspapers into the CONGRESSIONAL RECORD?

Mr. DICKINSON of Missouri. I do not know whether there has been one printed or not.

Mr. BEGG. It is not the same one, it is another.

Mr. DICKINSON of Missouri. I am asking this, it is a very short article, and I hope there will be no objection.

Mr. BEGG. It seems to me there ought to be a definite understanding about whether or not we are going to print a replica of every newspaper containing such articles or not?

Mr. DICKINSON of Missouri. This is the first time I have ever asked to print anything, and I hope there will be no objection.

Mr. BEGG. I will not object this time, but we have to do it soon.

Mr. SABATH. It contains a good deal of light and information.

Mr. BEGG. Coming from Chicago?

Mr. SABATH. Yes, sir.

Mr. BEGG. Has it got beer in it?

Mr. SABATH. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON of Missouri. Mr. Speaker, under leave granted I submit the following extract:

EQUALIZATION FEE ASKED BY FARMER LIKENED TO DUES

By Harper Leech

After reading several yards of the congressional debate on the Haugen bill this writer is convinced anew that Philip Kinsley said it all in one sentence of his analysis of the Stamp-Peck correspondence. "The farmer is asking for a raise—shall we grant it?"

The confusing amendments offered and debated are purely matters of political tactics—either efforts to line up as many divergent farm groups as possible or efforts to defeat the bill by creating dissension.

We may rest assured that similar differences would appear in the board to be set up representing 12 different farm regions. That board would therefore have to act by compromise, rather than drastically, in declaring an emergency in the market for any farm product and in beginning market operations to stabilize its price.

The "equalization fee" is new, but nothing radical in technique. It should prove as simple to collect as a sales tax—not so easy of collection as cigarette taxes, much easier than tariff duties.

It would be paid by the farmer. It would be collected at some point on the route from the farm seller to the consumer. The staple crops move through well-defined channels after they leave the hands of the agricultural classes and move toward the general commodity markets.

The world is not now and never was glutted with food. Surpluses are temporary. Control the time factor in the movement of commodities and you control both panic and boom psychology. If farmers now had the cash reserves and the foresight of the United States Steel Corporation, they would automatically do for themselves everything that could be done for them under the Haugen bill. But they haven't got the liquid capital—that's why there is such a bill.

If former mistaken friends of the farmer had not hampered the growth of a speculative interest, it is not improbable that under modern conditions of easy credit there would be a class of men wealthy enough to carry surpluses from fat to lean years. But there is no such class apparently.

The farmer asks a Government appropriation to start his own market-control machine; he wants an electric starter installed in his obsolete hand-cranked car. Against objections to Government aid he can cite Government favors to other classes. The classic economics, lawyers would say, is met by estoppel, not a plea in bar. But estoppel is good equity; good enough to win many a case.

"Equalization fees" are in principle identical with dues paid under a check-off system by members of labor unions who seek higher wages by controlling the labor market. They are not so dissimilar to dues paid to trade associations or the contributions of manufacturers to export associations.

GENERAL EXTENSION OF REMARKS—FARM RELIEF

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days in which to extend their own remarks on the agricultural bill considered last week. I do this for the reason the chairman had intended to do that but it was overlooked, and I do this to accommodate those Members who have not had the privilege of extension.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that all Members may have the privilege of extending their own remarks on the agricultural bill for five legislative days. Is there objection?

Mr. FULMER. Mr. Speaker, I ask unanimous consent to speak out of order for two minutes.

The SPEAKER. Does the gentleman object to the request of the gentleman from Nebraska [Mr. McLAUGHLIN]?

Mr. FULMER. No.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TINCHER. Mr. Speaker, the other day on the floor I used a chart which was in the following words and figures:

World crop normal

	Per bushel
Canadian farmer, cost of production	$0.90
American farmer, cost of production	1.32
World price	1.00
American domestic price (world price + tariff)	1.42
Sale of wheat to American mills	1.42
Canadian farmer profit (after tariff paid) net	.10
American farmer profit (less equalization fee)	.10
Equalization fee necessary to take 200,000,000 bushels off market at world price	.23
American farmer's net loss (each bushel produced)	.13
Canadian farmer's profit	.10
Canadian farmer's advantage over American farmer	.23

At any rate, whatever equalization fee is, the foreign wheat producer will have just that advantage over American producer. Same proposition will apply to cattle, corn, hogs, and butter.

Canada claims to still have enough virgin soil to raise sufficient wheat for North America.

I used this table to explain the effect that the Haugen bill would have upon the wheat producer of America. It will be remembered that the gentleman from North Dakota [Mr. BURTNESS] attempted to answer my presentation of this matter and that he spent all of his time questioning the accuracy of the amount of the equalization fee, which is 23 cents a bushel, as shown by the table. It will be remembered that in my explanation of the table I did not contend that the exact amount of the equalization fee was material. He simply uses an equalization fee of 15 cents a bushel without allowing anything at all for handling the surplus. I have been told that you could not handle it for the difference between 15 cents and 23 cents in the way this would be handled, and I think my figure of 23 cents is too low. However, admitting his figure of 15 cents to be accurate, the principle involved in the Haugen bill is not changed. The American farmer would by this legislation simply be placed at a disadvantage with respect to the Canadian farmer. According to the figures shown in the table, he would be placed at a disadvantage with respect to the Canadian farmer of 23 cents a bushel; according to the reduced figure of Mr. BURTNESS he would be placed at a disadvantage of 15 cents a bushel in comparison with the Canadian farmer. So the table speaks the truth when it says that he would be at a disadvantage amounting to whatever the equalization fee is.

It will be well in thinking of this to remember that the theory of the Haugen bill was that we would have an American price for the American-consumed wheat. I think it would be well for people to stop and think a little. The object of the 42-cent tariff on wheat is that it costs 42 cents a bushel more to produce the wheat in the United States than it does in Canada; so the American wheat producer and the Canadian wheat grower are, with the tariff in effect, on an absolute equality.

The Haugen bill proposed to put a tax on the American farmer's wheat for the purpose of giving the American farmer a domestic market for his wheat. The Canadian farmer can get the advantage of that American price without paying any tax. In fact, any wheat grower outside of the United States would have an advantage over the American farmer of whatever that tax was.

Another thing, the greater the American crop that would have to be exported, or dumped, the greater the equalization fee would be; so the greater the Canadian crop that is imported, the larger the American crop that must be exported and the higher the equalization fee must be. This statement is made for the purpose of simply bringing you around to the proposition that, under the terms of the Haugen bill as voted upon, the American farmer was placed at a disadvantage.

I mention Canadian wheat instead of other foreign wheat because it is so handy and easy to import that wheat into the United States. I am not surprised that some English economists would be in favor of the Haugen bill, but I should like to know just what interests those economists have in Canadian raw lands and farms before placing too much dependence in their estimates. It has been suggested that the defect in the last Haugen bill in this respect could be cured by an embargo; but we have an example to-day of Germany trying to dump a surplus of steel products, and the country in which they propose to dump their steel products is putting on an embargo. No doubt, if we put on an embargo in the United States against other countries shipping in wheat, they would put into effect an embargo excluding our surplus, or at least would retaliate in some way.

As I understand the theory of the protective tariff, if the tariff is to protect, it is based entirely upon the cost of production at home and the cost abroad. That enables us to have an American standard of living and an American scale of wages. It is true that no commodity receives the full benefit of the tariff rate, but since the passage of the present tariff law, the cold figures, as given by the Department of Agriculture, show that the average price of wheat in 1920–21 at Winnipeg was $1.89, at Minneapolis, $2.01—12 cents protection; 1921–22, Winnipeg price, $1.30, Minneapolis, $1.48—18 cents protection; 1922–23, Winnipeg price, $1.12, Minneapolis, $1.26—14 cents protection; 1923–24, Winnipeg price, $1, Minneapolis, $1.24—24 cents protection; 1924–25, Winnipeg price, $1.58, Minneapolis, $1.66—8 cents protection; 1925–26—42 weeks—Winnipeg price, $1.51, Minneapolis, $1.68—17 cents higher. These figures show that the price at Minneapolis has been an average of 16 cents higher than at Winnipeg during the six years for which quotations are given. While, during any period in which we did not have a tariff on wheat, any six-year period of free trade on wheat, the difference has been from 5 to 8 cents a bushel in favor of the Winnipeg market over the Minneapolis market; so it is claimed that we have had the benefit of 23 cents a bushel over this six-year period by reason of the tariff. Of course, that does not cover the full difference between the cost of producing wheat in the United States and in Canada, but it helps that much, and that, perhaps, is as large a percentage of the amount of the duty on any commodity as the producer of any commodity gets in the way of an advantage in a customs duty.

I shall not spend any more time on this bill, and should not have encumbered the RECORD with this except for the fact that I had no opportunity after Mr. BURTNESS spoke to speak on the matter before the vote was taken.

The gentleman from South Carolina [Mr. FULMER] spoke the other morning—I was not on the floor at the time—and made the assertion that there were only two or three men on the Committee on Agriculture for my bill. I know the rule prohibits the disclosing of the happenings in executive session of committee, and these bills were all voted out in executive ses-

sion. The same members of the committee voted to report my bill that voted to report any other bill; they were all voted out in the same motion. To speculate upon the mental attitude of the different members of the committee toward the particular measures is hardly fair. I do not know what the members tell Mr. FULMER. I suppose they try to make him feel good, as he has been such an ardent supporter of the Haugen proposal. I have had a good many members of the committee suggest to me that there were not to exceed three members of the committee but what had stated in private conversation that they knew the Haugen bill would not work, and that they would not vote for it if it were to become a law. In fact, we all know that that has been the common expression in private conversation in cloakrooms during the entire time this bill was being considered.

There is one thing that can be said to the credit of us that did not support the Haugen bill, and that is that we did not amend it. During a considerable portion of the time the Haugen bill was being considered, with a little organization it could probably have been amended by its enemies, but there was not a single amendment adopted to the Haugen bill in committee, except those that Mr. FULMER and Mr. HAUGEN mutually agreed to. Its opponents did not amend it.

It was suggested by some that a serious attempt be made to amend it; then it was thought by others that were opposed to the bill that it would be impossible to amend the bill without helping it. In fact, one man that voted for the bill was heard to say in a goodly crowd in the cloakroom that no one could amend the Haugen bill without helping it, and that anything you took out of it would help it, and that anything you added to it would help it. At any rate it must be conceded that its opponents did not amend it. I voted for one amendment to the bill that Mr. FULMER voted against, but it did not prevail; that was the amendment offered by Mr. CONNALLY of Texas, which I thought was meritorious, if the bill were to become a law. It simply provided that cotton should have the advantage of the price raising that the other commodities had. There was no answer made to Mr. CONNALLY'S statement that the amendment was just and fair, and, following my usual policy of leaving it to the boys from the cotton-growing sections, so long as the Federal Treasury is not involved, I vote for the bills that are supposed to be helpful to the cotton growers, but I noticed on this vote, particularly, that Mr. FULMER voted against the Connally amendment, which no one will have the audacity to claim would have hurt the bill, and it was a legitimate amendment in the interests of the cotton grower. However, the amendment did not prevail. The first time that Mr. JONES offered his amendment proposing to levy the same equalization fee on meat that was held by the packer that was levied on meat that was held by the farmer I voted for the amendment. In that instance the amendment was offered by Mr. JONES, who explained it fully, and there was absolutely no answer to his argument upon it, and I knew the amendment was meritorious and ought to prevail, and I voted for it, even though Mr. FULMER and the others at that time did not vote for it.

It lost on that occasion, but some days later the Haugen army marched back up the hill and adopted the Jones amendment by their own votes. I did not vote any differently on amendments to the Haugen bill, outside of these two instances, than Mr. FULMER and Mr. HAUGEN voted, and, as I said before, no amendment was put in the bill except those sanctioned by its proponents.

The defeated bill is a published document. It will not stand the light of day. The Peek plan of a tax on production will not work in the interests of agriculture. The longer you study it and the more you know about it and think about it, the more you know it will not work. There are those that say, "We will have this Peek plan, or tax on production, or we will have no farm legislation." A relative of Mr. Peek's is quoted in the newspapers as having wired the chairman that they do not want any legislation, unless they have this plan. That is an unfair position to take with agriculture. The plan has been defeated twice by Congress, both times by a majority of both political parties. The plan is not as popular in conversation among Members of Congress as it was when it was first proposed. It is a safe estimate to say that there were at least 100 of those that voted for the bill the last time that would not have voted for it if they had believed that the bill was to become a law. Some may dispute this statement, but I make it, and am willing for my colleagues to use their own judgment as to its accuracy. There is not a newspaper man around the press gallery but what knows that the statement is true.

In view of the facts, I do not think that the real friends of agriculture will have much patience or sympathy with the doctrine, "We will have this Peek plan, or we will have nothing!"

Mr. OLIVER of Alabama. Mr. Speaker, I am still hopeful that this Congress will not adjourn until it has passed an effective bill for the relief of agriculture.

No intelligent man denies that we have a farm problem. Both national parties gave public recognition of it in their platforms adopted before the last election and promised, in a very definite way, remedial relief. No Member of this Congress, whether Republican or Democrat, can escape individual responsibility for carrying out his party's pledge.

As this long session rapidly draws to a close each Member will have recorded what he has done or has tried to do in the discharge of that responsibility.

Facts presented to this House reveal the losses and hardships of farmers in all parts of the country. The charts and tables presented by the gentleman from New York [Mr. JACOBSTEIN], and which are based upon official reports, show the appalling sum of $13,000,000,000 lost by American farmers during the last seven years as a result of the decreased purchasing power of the farmer's dollar as expressed in terms of things he buys. Other reports show that not only is the average cash income of American farmers below the average income of city laborers, but agriculture's share of the national income is steadily declining.

These facts show that despite his industry and his thrift the American farmer is steadily losing his once proud place, and many are being slowly pushed down the scale toward peasantry.

Recent votes in Congress show that American agriculture is losing its influence in the national lawmaking body, as the influence of the great industrial regions of the North and East increases in this body. These latter districts vote almost solidly against all relief legislation for agriculture and for legislation that will benefit the already highly protected industries of the Nation.

FARMERS OF SOUTH AND WEST UNITE

The agricultural South has had an exceptional opportunity to secure beneficial legislation in this Congress. The Republican farmers of the West have been suffering from the same causes that have brought hardship to their Democratic brethren in the South. The farmers of these two great agricultural regions, under the leadership of their cooperative associations and farm organizations, have come together and worked out plans for their mutual relief. These plans were embodied in the Haugen bill as amended, and have received the indorsement of the best minds and ablest farm leaders in these two sections. In addition, they have been pronounced sound and workable by many of the ablest statesmen, economists, and publicists in the Nation, including such men as former Governor Lowden, a large cotton farmer in the South, a grain and livestock farmer in the West, and a business man of established reputation; Vice President Charles G. Dawes, chairman of the Dawes Commission, and a distinguished banker and business man; Hon. Clarence Ousley, a leading economist and publicist of the South; Dr. B. W. Kilgore, one of the South's foremost students of agricultural problems; and many other men of equal rank and standing.

But a strange thing has happened. The industrial region of the North and New England under the leadership of the Republican administration have lined up solidly against this united demand of the farmers of the South and West. The Republican Party in Congress has been split into two parts. One part headed by the President, his Secretary of Agriculture, and the leaders of his party in this House, have stood solidly with the highly protected industrial regions, who want cheap food for its highly paid laborers and cheap raw materials for its factories. The other part composed in the main of Members of Congress from the Middle West and the Northwest have broken away from the official leadership of their party, and have actively supported the legislation asked for by agriculture.

The South has a special interest in this situation. This section has long suffered at the hands of the industrial East, and has paid staggering sums in tribute to its highly protected industries, which have enjoyed special favors from the Government.

At last the farmers of the West revolted and have joined hands with the farmers of the South. Republican Congressmen from the agricultural districts of the Middle West and Northwest are standing almost solidly against their own party leaders and for a farm-relief program. Unfortunately for the South, as I view it, many Democratic Congressmen from the Southern cotton States have voted with the industrial wing of the Republican Party and against this farm relief bill, the passage of which I believe will do more for cotton farmers than any measure offered in Congress in a generation. If only 23 more southern Members had voted for this measure, it would have been passed, instead of having been defeated.

PROTECTION AGAINST COLLAPSE OF COTTON MARKET

By the failure of so many of our southern Members of Congress to fully realize and appreciate what this measure would have done for our cotton farmers, the South, I fear, has lost an opportunity which may not come again.

We remember painfully the days of the "buy a bale" movement, brought about by a bountiful crop, which we gave to the world at prices which brought ruin and suffering to our people. We have no assurance that these conditions will not return. The acreage now planted may produce a crop which will drive the price below 15 cents—in fact, the temporary oversupply of low grades is now selling below 10 cents.

If the revised and amended Haugen bill had been passed and those conditions had come upon us again, we would have had the use of a $75,000,000 revolving fund to take the surplus off the market, carry it until it was needed, and stabilize the market at fair and profitable prices, without loss or harm to any legitimate interest, and at the end of two years we would have a plan whereby the farmers could have permanently protected themselves against market demoralization.

In my opinion, this is the only opportunity the South has ever had to get legislation which would enable our cotton farmers to permanently enjoy a fair share of the benefits and business which this crop yields to every class that handles or uses it except the one class that produces it.

I am interested in American agriculture in all of its branches, in all sections of the country, and desire to serve the interest and the welfare of all our farmers.

It is my opinion, however, that cotton is the most important single crop grown out of the ground, if we are to measure importance by the hardship and denial involved in doing without it. There are substitutes for wheat and corn and pork and beef. There is no substitute for cotton. Let me illustrate: If all the wheat and its products were to disappear from the earth at midnight to-night, the people could eat breakfast to-morrow morning. Probably not their accustomed breakfast, but at least it would be an acceptable breakfast. If all the cotton and its products should disappear from the earth to-night at midnight, not many of us would sleep any more during the night, and few of us would be able to go to breakfast to-morrow morning, because we would not be clothed. This comparison might be continued indefinitely. Therefore, the continuance of the cotton industry and the welfare of the farmers engaged in it are matters of national concern and should be of interest to Representatives in this Chamber from all parts of the country, and not the special concern of southern Members only.

Cotton farmers have not prospered in fair proportion to the service they have rendered to mankind, and are to-day the least prosperous class that has to do with the production, marketing, and manufacture of cotton.

FIXED COSTS AND FLUCTUATING PRICES

Some consideration of the causes of the disparity in the prosperity of this important class of producers and other classes in the cotton trade is necessary to an understanding of the interest of cotton farmers in this legislation.

Prices received by farmers for cotton are based on the supply and demand for cotton year by year. The costs of production of cotton remain fairly uniform from year to year, but the price varies from par to 75 per cent or more, frequently falling below the cost of production. These are conditions which farmers, acting as individuals or as small groups can not prevent or cure. Acreage is only one factor and has a weight of less than 45 per cent, we are told, in determining the total yield. It thus happens and will continue to happen, in spite of all that farmers can do, that in some years production will be larger than consumption for that particular year, and that will always mean low prices, bankruptcy, and hardship for farmers.

Yet over a period of five or six years reliable Government statistics show that southern cotton farmers produce no more cotton than the world wants and consumes.

The so-called carry over from year to year is not a real surplus. If it was, the accumulated yearly surpluses of cotton would now amount to multiplied millions, whereas, as a matter of fact, excluding the temporary surplus of low grades, much of which is of little value, there is in existence to-day only a few months' supply.

The annual carry over is only the temporarily unneeded part of the crop, and it is always needed and used later on; but from year to year this unneeded part of the crop is heralded and widely published as "surplus" and breaks the price so low as to break the farmers.

In like manner temporarily unneeded supplies of cotton glut the market at times during the year and have a similar depressing influence on price. This happens because most cotton farmers sell at harvest time or shortly thereafter, and they can not individually put on the market throughout the year just the amount when and as needed and hold the balance until it is needed.

The cotton cooperatives have tried to solve this problem by orderly marketing, and have done great good. But they control only a part of the crop, and while they have been an important stabilizing influence they have not been able and will never be able without some substantial aid, such as this legislation offers, to effect complete stabilization, because they can not carry over the unneeded part of the crop from one year to the next. Even if they should become much stronger, as I hope they will and should control 50 to 75 per cent of the crop, they will still not be able to carry over large temporary surpluses or unneeded parts of the crop from season to season and from year to year, because the costs and risks would be too large to be borne by the members of the cooperatives unaided, while the benefits are to be shared equally by all producers.

PLAN TO CONTROL SURPLUS COTTON

The Haugen bill as amended aims to make it possible for all cotton farmers to share equally in the benefits and costs of managing seasonal and yearly surpluses and not permit a small temporary surplus to break the price of the entire crop.

Two operating periods are declared in the bill. One is for two years, in which the Government will test out and demonstrate the plan, and the other is to begin at the expiration of two years, after which time the cotton farmers will furnish the money to operate the plan, but only on petitions and requests, clearly indicating that a majority of the producers of cotton desire it.

During the two-year period there will be advanced out of the revolving fund of $75,000,000 provided in this bill such sums as may be necessary to remove unneeded parts of the crop from the market and carry it over to times when they are needed. This will be done by contracts and agreements to be entered into by the Federal farm board and the cooperative associations representing the producers.

In order to centralize operations, the right is given cotton producers, through their cooperatives, to organize a subsidiary agency to contract with the national board for buying, storing, and finally selling the temporary surplus. This agency will, under agreement with the national board, buy from the cooperatives such portion of the temporary surplus as they may be carrying and as they may want to sell. It will also have power to buy from producers in the open market.

This centralized buying of the surplus will tend to draw up the market price of cotton to levels, determined by supply and demand, operating in a market in which the volume of supply and the volume of demand are fairly balanced.

The operating agency will buy this cotton from the cooperatives and in the open market in this way: It will borrow, say, 65 per cent of the price from commercial banks and the intermediate credit banks; the remaining 35 per cent will be obtained from the revolving fund of $75,000,000 provided in this bill.

EQUALIZING SUPPLY AND DEMAND

This will make it possible for more than 2,000,000 bales of cotton to be withdrawn from the market with the funds provided in this bill. No man familiar with the cotton trade will contend that this much of the surplus withheld from the market will not cause the price to rise to levels to which it would rise, if the production in that year had exactly equaled consumptive demand.

But the bill contemplates more than mere buying of cotton. It provides also for selling, and as rapidly as the market needs this cotton it will be and should be fed back into the market in an orderly way to meet consumptive demand. The peaks and valleys of cotton prices, under the plan as proposed, will thus be leveled out, and we will have what every legitimate interest in the cotton trade desires—stable prices which are good alike for producers, manufacturer, and consumer.

As sales are made funds will be paid back to the revolving fund and may be used over and over again during the two-year period.

At the end of the two-year period, all advances, less possible losses, will be returned to the revolving fund.

It is the belief of the friends of this legislation that the entire fund will be repaid; and I submit that is a perfectly reasonable expectation and one supported by an opinion recently expressed by Secretary Jardine before the Committee on Agriculture. Cotton will be bought only when the price is below normal, and by this operation the market will be drawn up to normal, and held there by the time and volume of sales made out of surplus stocks. Thus the security of the Government will be protected and conditions created in which certainly the probabilities of gain will be greater than the probabilities of loss.

Beginning at the expiration of two years, cotton farmers may assume full responsibility for the plan if willing to share ratably in its costs and benefits.

But the plan will be operative after two years only if the cotton farmers ask for it and a majority want it.

PUTTING THE PLAN INTO OPERATION

The first step will be for a substantial number of cotton cooperatives and farm organizations to petition the national board to put the law into operation. When this petition is received the national board will carefully consider conditions in the industry, supply and demand at home and abroad, stocks on hand, and probable crop in prospect, and so forth. If it appears that there is likely to be a surplus above requirements for orderly marketing in the ensuing year, the board will estimate the size of the fund necessary to handle the surplus and calculate the amount of equalization fee necessary to provide such a fund, which can not in any case exceed $2 per bale.

When these steps have been taken the national board will publish all the facts, including the amount of equalization fee estimated to be necessary.

Forty days will then be allowed for cotton farmers to study and consider the whole matter and make their views known to the national board. This may be done through their cooperative associations or through farm organizations, through public meetings, petitions, or in any way they may desire. If at the end of 40 days the sentiment of a majority of cotton farmers is, in the judgment of the board, for an operative period, the law will go into effect, provided an operation period is also favored by the members of the national board, representing the land-bank districts in which a majority of the cotton crop is produced.

Thereafter operations will be conducted as during the two-year period, except that funds for purchase of the surplus will be drawn from the equalization fund, provided by the equalization fee to be paid by farmers themselves.

The bill provides that when any equalization fee has been established, the revolving fund provided in the bill may make advances to the equalization fund in anticipation of collection of the equalization fee, all such advances to be repaid out of later collections of the equalization fee. This is merely a banking feature put in the bill to enable the board to begin operations in a given year, before the crop has been sold by farmers and the equalization fee collected. This anticipation of the collection of the equalization fee applies to all commodities mentioned in the bill.

What I have stated above is a simple common-sense statement of the way the plan will work with cotton. I submit it is sound from a business and economic standpoint, and can be successfully defended anywhere.

THE EQUALIZATION FEE

Now, a few words about the equalization fund and fee. This feature of the bill will work a little differently with cotton than with wheat and some other commodities named in the bill.

The equalization fund for wheat contributed by the growers of wheat only will be used to absorb losses on the export surplus, the purpose being to make the domestic price higher than the world price, measured by the duty on wheat.

Cotton is in a different situation. There is no tariff on cotton and the domestic and the world prices are on a parity. Therefore, the aim of this bill, so far as cotton is concerned, is to enable producers of cotton to hold off the market temporary surpluses above consumptive needs, and to distribute the costs and benefits ratably to all producers.

This is to be done by the building up of a fund, known as the equalization fund, by the collection of a small fee, not exceeding $2 per bale, on each bale of cotton produced if cotton farmers two years hence should so elect. Several years will be required for this fund to reach the desired size, but in the meantime it will be temporarily supplemented by advances from the revolving fund.

Since an equalization fee will be paid on all cotton produced, all producers will share ratably in the ownership of this fund, and through it will collectively own and carry their surplus cotton until it is needed.

Stated in another way, this bill aims at making it possible for cotton farmers by small annual payments, not to exceed $2 per bale, to build up a reserve fund which will enable them to own and carry their surplus cotton until the consuming world wants it, just as manufacturers own their products, until there is a demand for them.

In effect, this bill provides an insurance fund to be contributed by farmers themselves to protect them against ruinous collapse of prices at times and in years when more cotton comes on the market than the market can absorb at that time. It thus becomes an insurance fund against bankruptcy, hardship, and disaster.

As far as I know, this is the only plan ever proposed to give all the producers of a given agricultural commodity complete control of the marketing of their crops.

NO COMPULSION IN THE PLAN

Let me emphasize, however, that there is no compulsion in the bill. Three safeguards are provided against imposing it upon farmers against their wishes: (1) A substantial number of cooperatives or farm organizations representing the producers must petition for it; (2) it is then referred to the farmers interested and 40 days allowed for a referendum on the subject; (3) it must, in addition, be approved by members of the national board representing land bank districts in which is produced a majority of the commodity being dealt with.

The gentleman from Texas [Mr. JONES], a member of the committee that reported the bill, well said this is not a price-fixing measure. No fixed or definite price is named in the bill and no fixed or definite price can be established by any agency named in the bill.

In the case of wheat and other crops on which there is a tariff the bill aims at adding the amount of the tariff to a moving world price.

In the case of cotton the bill aims at freeing moving world prices from the influence of temporarily unneeded surpluses of cotton. Moving prices can not be fixed prices. To charge that this bill is a price-fixing bill is abuse and not argument.

SUBSIDY AND THE TARIFF

Now, a few words as to a subsidy for cotton. The grant to the cotton farmers of a right to use a $75,000,000 revolving fund for two years is not a subsidy in any true meaning of that word. Such a grant merely puts cotton farmers on a temporary equality with the producers of other agricultural commodities on which under existing law there is a tariff. The tariff on wheat, when made effective, will be much more nearly a subsidy to wheat growers than the two-year use of this fund will be a subsidy to cotton growers.

If large crops and low prices are beneficial to consumers, then the Government has been subsidizing consumers of cotton for half a century by spending millions to stimulate production. And none of this subsidy has been returned to the Treasury.

The cry of "subsidy for farmers" comes with poor grace from those who have voted subsidies amounting to billions of dollars to other favored classes. Was it subsidy to give hundreds of millions to build railroads across the country? Was it subsidy to spend other hundreds of millions to build irrigation dams in the West, so that agricultural production would be increased? Was it subsidy to labor to put up the immigration bars? Was it subsidy to the railroads to give them an assured income and loan them hundreds of millions of dollars of taxpayers' money? Is the bill now pending in this House to reduce the rate of interest on these railroad loans a subsidy?

We all know that the high protective tariff is a subsidy; we know that it has cost American farmers billions of dollars which have gone into the pockets of the interests that are now in Washington fighting this bill to help American agriculture.

I appreciate and share the desire of my Democratic colleagues not to do anything which would have the appearance of giving approval to the principle of a high protective tariff, and I can indorse all that my friend from Texas [Mr. BLACK] has said about the evils of the protective-tariff system. But we must recognize stubborn facts. There is a tariff on wheat and livestock products, and these duties will probably remain in the law for some years to come. It seems to me that it is poor logic for southern Democrats to vote against relief for cotton farmers because, forsooth, wheat farmers may get some benefit from the present duty on wheat.

The amended Haugen bill is not a tariff measure, and there is nothing in it which will prevent Congress from raising or lowering the tariff on any commodity whenever it desires to do so. While I voted for and wish that the amendment, striking out all reference to the tariff on wheat and livestock products, offered by my friend from Kentucky, Mr. BARKLEY, had been adopted, I do not feel that failure to eliminate those provisions should embarrass Democrats who may vote for the bill, because I respectfully submit that no nonpartisan, important controversial legislation can or ever will pass Congress, without containing some provisions which many of its supporters do not approve.

If our party in Congress would support a measure that would bring relief to corn belt and southern farmers, we would strengthen our party's claims upon the support of western farmers, and increase our representation in Congress from those States. But if we join the eastern and industrial wing of the Republican Party in defeating much-needed agricultural

legislation, we will not only deny our own farmers sorely needed aid, but will blight our party's chances in the great Central West and postpone the time when, by wise and effective tax and tariff reform, our party will be able to reduce the heavy tribute which all the rest of the country is now paying to the entrenched and high protected industrial interests of the Nation.

COTTON TREATED FAIRLY

The plan of selecting one member of the Federal Farm Board that would administer the law would give the South and other agricultural regions generous representation on the board, because the farm loan districts were laid out according to agricultural population and not city population.

Of the total sum of $150,000,000 proposed for a revolving fund for all crops, one-half was specifically set apart to stabilize the price of cotton, leaving only $75,000,000 for wheat, corn, butter, hogs, and cattle. The $25,000,000 special fund provided for loans for purchase of facilities by cooperatives was made available for all crops and for all sections of the country alike.

The bill also provided that the producers of wheat, corn, butter, hogs, and cattle should, or rather could, begin the payment of the equalization fee on these crops, as soon as the law was put into operation with respect to them, while the fee on cotton was postponed for two years and operation in cotton was to be carried on during that period out of the revolving fund supplied by the Government. Western Representatives like Mr. DICKINSON, of Iowa, and others declared this special treatment for cotton was justified by the fact that there is a tariff on grains and livestock, while there is no tariff on cotton, and by the further fact that the sum proposed to be advanced for cotton would in all probability be returned with little, if any, loss to the Treasury.

I mention these things to show the fairness of western farmers in dealing with southern farmers in preparing this bill and the fairness of western Republicans and Democrats in supporting it. If opportunity shall come during this session of Congress for another vote on this or a similar bill, I trust that many of my southern colleagues can and will, as a result of more careful examination and study, give it their support.

I wish now to submit to my friends, who are concerned in this legislation from wheat, corn, and livestock sections a special reason why all of us should favor the provision, which grants to cotton farmers the use of a revolving fund for two years.

This legislation will have to be approved by the courts before many portions of the bill can be put into operation. We all know that the Federal farm loan bill and all other important legislation of this character has had to await approval by the United States Supreme Court before being put into full operation.

Just as soon as an equalization fee is established on wheat or corn or livestock and collection is begun, some commercial interest will likely file a suit to enjoin the board from collecting the fee, and the case will drag through the courts for many weary years; and if these were the only commodities named in the bill, the operation of the whole system would be seriously interfered with awaiting the outcome of such litigation. In the meantime there would be as many differences of opinion concerning the benefits of these provisions of the legislation as there are now. Since the equalization fee can not apply to cotton for a period of two years, no rights or liabilities are created which will permit this portion of the bill to be brought into court, and we will thus have an opportunity during that two-year period to test out the law, to demonstrate its workability, and to gather experience and information which may be useful in winning the lawsuit certain to come in the case of other products and in establishing a body of information which may be utilized in the operation of the law with respect to these commodities in future.

MEMBERS AND NONMEMBERS OF COOPERATIVES TREATED ALIKE

What will be the benefit of this legislation to the cotton cooperatives? It will relieve them of bearing the entire burden of trying to stabilize the cotton market and will save them from carrying over the surplus from year to year and thus deferring settlement with their members. If this law is passed the cooperatives will be able to sell their surplus to the agency provided in this bill and to make prompt settlement with their members. They will continue to serve their members by giving them the benefit of accurate grading, cheap storage and insurance, full staple value by selling in large lots direct to spinners, by eliminating the profits of needless dealers and speculators, and in numerous other ways.

This bill does not discriminate against nonmembers of the cooperatives. It does not force them to become members. A cotton farmer who joins a cooperative will get the benefits of his cooperative and bear his share of the costs of his association. While I hope that the cooperatives will grow, increase their membership, and enlarge their usefulness, yet no provision of this bill is so drawn as to in any way discriminate against nonmembers of cooperatives.

Members of cooperatives and nonmembers will be on equal terms, so far as the payment of the equalization fee is concerned. All will pay ratably into the equalization fund—if such fund should later be established in accordance with the provisions of the bill—which will be used to take the surplus cotton off the market, and all will share in the benefits of better prices secured thereby. This bill will simply relieve the cooperatives from trying to carry the whole burden of managing the surplus.

I respectfully submit to my colleagues from the South that the only opportunity for this Congress to enact effective farm relief legislation will be to pass the amended Haugen bill, or some other measure modeled upon the plan embodied in that bill.

TINCHER AND ASWELL BILLS UNSATISFACTORY

The Tincher bill, which has been officially declared to be the Coolidge, or administration, bill, is not only valueless but contains harmful provisions for agriculture. The utmost that it proposes to do is to loan money to cooperatives, and the leaders of the cooperatives tell us that they do not need loans of this kind. It is apparent to any thoughtful man that no cooperative marketing association can afford to borrow money with which to buy and carry over temporary surplus of products. That would impose upon the members of the cooperative the entire risk and cost of stabilizing the market, while the benefits would go to all producers of the commodity.

This bill would have no curative value for the ills of agriculture. If it did no harm, it would leave the farm problem unsolved. Its only distinguishing feature is a loan fund of $100,000,000, and that is offered in a lump sum for all crops and all purposes. The amount is wholly inadequate to handle surpluses of all crops, even if it could be used for that purpose; and when all the other crops, including wheat, corn, hogs, and cattle had been taken care of there would, I fear, be very little, if any, left for cotton.

Another serious objection to the Tincher bill is that its $100,000,000 loan provision opens a way to the promotion of unsound pseudo cooperatives, and to the purchase, through them, of warehouses, mills, elevators, and the like, with the cost to be assessed against all commodities handled by the cooperatives for a period as long as 33 years.

It amazes me to hear men who talk loudly for "economy" and against "subsidies" advocate the Tincher bill, which proposes to loan $100,000,000 without security for periods as long as 33 years. It is also a matter of common knowledge in this Chamber that it has been whispered around that if $100,000,000 was not enough, the administration would support larger appropriations later in the year to make "unsecured" loans to cooperatives. That would be unblushing subsidy. And be it said to the credit of farmers, they have vehemently protested against any such schemes, and have asked only for a sound plan whereby they may work out their own salvation.

The Aswell bill has been before Congress for several years. In its original form it was not offered as a farm relief bill, but as a measure to encourage cooperative marketing. My very high regard for my friend from Louisiana [Doctor ASWELL] causes me to look with favor upon any measure sponsored by him, but a more careful examination of his amended bill convinces me that it will not deal adequately with the present situation. Cooperative leaders tell me that existing Federal and State cooperative laws are adequate to permit farmers to organize cooperative marketing associations, and that no additional legislation along this line is needed. I am also informed that cooperative associations throughout the country are practically unanimous in opposing it. In its amended form, the Aswell bill is also subject to the objection that it confers authority upon a board of seven men, sitting at Washington, to impose "commodity assessments" upon the products handled by cooperatives, which may be brought within this system. There appears to be no limitation upon the amount of these assessments, or the uses to which they may be put. This amounts to a tax or fee, which certainly is much more to be feared than an equalization fee, as proposed in the amended Haugen bill, carefully safeguarded.

THE BATTLE CRY OF FARMERS FOR EQUALITY

While the Haugen farm relief bill has been voted down in this House, the cause for which it stands and the principles which it embodies are not dead.

"Equality for agriculture" is the battle cry of millions of farmers in the North, East, South, and West, and is going to continue to echo throughout the land until real equality with other industries is obtained for this great basic industry.

And let us remember that this is not a contest between farmers and the balance of the people; it is a battle between the people and the great protected interests of the country, which have long received special favors from the Government, and would now deny simple justice to agricultural producers. Business men—bankers, merchants, and others—are deeply and vitally concerned in this legislation.

The business men of the West are keenly alive to the prosperity of their farmers and have vigorously supported this bill. The governors of 12 Western States called a conference of business men, merchants, and bankers at Des Moines last winter, and this conference voted to stand squarely behind their farmers in their demand for this legislation. I believe the business men of the South will be just as loyal to the interests of their farmers when opportunity is offered.

Our southern business men know that when the price of cotton drops below the cost of production, as it has done so many times in the past, that they suffer with their farmer customers. And these business men know that a normal cotton acreage may, under favorable weather conditions, produce a crop that will drive the price below the cost of production. And they know also that over any period of five or six years the production and consumption of cotton will fairly balance, and they can be depended on to support legislation, I believe, which seeks to offer a plan whereby the farmers may themselves establish a reserve fund to take the temporarily unneeded surplus off the market during years of large production and carry it over to years of bad crops and small production; and they are just as anxious to put an end to the tragic paradox of a smaller total return for a 16,000,000-bale crop than for a 13,000,000-bale crop.

May we not hope that this House will have another opportunity to pass a farm relief bill at this session? I am distressed to think of what will happen in the South if the large cotton acreage already planted brings forth another 16,000,000-bale crop. Certainly the price will fall below 15 cents, and might go much lower. If such a calamity should come, this year or some other year in the future, it would be small comfort to recall that we had in this legislation an opportunity to avert it and did not take it.

I fear to let this opportunity pass. The price of hogs is satisfactory and will probably continue so for a year or two. A corn crop slightly below normal would restore the price to normal this fall. If, then, there should be, as predicted, a short wheat crop, the immediate distress in the Corn Belt would be temporarily relieved. Then if cotton farmers should have trouble with low prices, they would be helpless and without the aid of the West, which they now have.

I do not believe it is possible for the agricultural problem to solve itself. It is too deep seated and fundamental for that. Nor can it be settled by any one group or section acting alone. What I fear is that when in the future the South needs help the West will be temporarily enjoying better prices, and when the next slump comes in the West the South may have another periodical small crop and be lulled into inactivity, with the result that both sections will wait and suffer alternately, until another time shall come like the present, when common difficulties bring them together in an effort to find relief.

TWO QUESTIONS—TO WHICH ANSWERS FROM ALL ARE INVITED

If it is a wise and sound policy for the Government to establish the great United States Department of Agriculture, 48 great agricultural colleges, more than that number of agricultural experiment stations, and a vast agricultural extension service, all for the purpose of teaching farmers how to produce crops, and to make for these purposes annual appropriations exceeding $125,000,000, then is it not equally sound and wise for the Government to give some aid in marketing crops and in preventing increased production from becoming a curse instead of a blessing to farmers?

May we not hope that the entire Nation will realize the seriousness of the agricultural problem and take timely action to restore this ancient and honorable industry to the proud position of dignity and respect it once occupied in our country?

Mr. BRAND of Ohio. Mr. Speaker and gentlemen of the House, there is no occasion to repeal the laws supporting these people on the platform raised above the agricultural people of the Nation. These artificial supports have produced a prosperity unknown in the world before, and we purpose in the Haugen bill to put a similar support under the people who till the soil and bring them all up on a level, so that all the people of the United States may be alike prosperous.

There are a number of Members of this House who have suggested to me that the thing they want to see is this bill in actual operation brought vividly before their minds, and they claim that has not been done. If I can be helpful I shall be glad to make the effort to do that very thing.

Imagine if you will the Haugen bill in operation and we are about to handle corn. We will have on the committee that is to handle corn at least one of the big business minds of the country. For the purpose of this picture I wish to say that I would call such a man as Mr. Mellon to this work. He knows about controlling articles of commerce; he knows about aluminum; he knows that the price of steel is controlled, that the price of lumber is controlled, that the price of coal is controlled, and he knows that the elements that make control possible are just two—money and brains.

Now, we will say to the chairman of the corn committee: "We want the surplus corn controlled and the price raised to the level of the tariff plus the cost of bringing foreign corn into the United States." The committee takes $25,000,000 and invests in corn. That amount is estimated now to be the amount to give absolute control on the price of corn, because there is so little on the market at one time.

Now, after you get the surplus corn in your hands, what are you going to do with it? Are you going to take it out and dump it into the sea? That is something absolutely unnecessary. Are you going to take it abroad and try to teach the foreign people to use more corn? Members of the House, neither of these alternatives is at all necessary or advisable. The thing to do with this corn is make sugar of it. You know we are importing $400,000,000 worth of sugar every year and that is not very sensible when we can take the surplus corn and supply a part of that sugar. The ice-cream factories in the United States can not get enough of this corn sugar, and there are other manufactories that want it badly. The supply is inadequate.

You see, this would be doing exactly what they do in Europe, in Greece, with their surplus currants—change them from currants into another product, change them into wine, and just so in America we shall be able to use our surplus corn by changing it into sugar.

There will be no equalization fee on corn, because there will be no loss in changing corn into sugar; in fact, there will be a most satisfactory profit in the transaction, at least under present conditions. We are producing about 90 per cent of all the corn grown in the world, and it is indefensible to produce it at a loss. If by the process of the Haugen bill we add the tariff and the freight to the price of corn it will amount to 25 cents a bushel, and on a 3,000,000,000-bushel corn crop this will equal $750,000,000 to the corn growers of this country, or about $250 apiece.

Now, as to the handling of cotton, I would like to have a man as big as Mr. Hoover on this job. You will remember in 1920 the Government drove down the price of cotton from 34 cents a pound to 9 cents by means of withdrawing credits. All other agricultural products were likewise deflated. Ruin and bankruptcy followed.

In 1921 the Congress of the United States voted the War Finance Corporation $300,000,000 to use in stabilizing these prices on a higher level. I was appointed by President Harding to take part in this work. In three months' time we were able, with the use of $41,000,000 invested in cotton, to double the price. Corn likewise was doubled in price in a little longer period. Sheep were brought back 50 per cent and cattle 50 per cent. All that was done by the United States Government intentionally, just as deflation had been intentional.

There are $75,000,000 in the Haugen bill for the handling of cotton. We did this work for $41,000,000 in 1921 and every cent was returned to the Treasury of the United States.

When this board, under the Haugen bill, authorized by the Congress of the United States, takes the position that cotton is not to be sold for less than the cost of production, plus a reasonable profit, half the battle is won, because the United States Government indirectly is sanctioning the position and the power of the United States Government is unlimited. Eleven little nations of the world are to-day controlling their surplus and securing for their producers fair prices; and all those 11 nations put together will not compare with the financial power of the United States.

Then, when it comes to wheat: I would like to see such a man as Julius Barnes on the committee, a man thoroughly acquainted with the world distribution of wheat, and he should be authorized to buy the surplus wheat until the market rises here to the extent of the tariff. The surplus wheat shipped out of this country this year amounts to 70,000,000 bushels.

Then, what is he to do with this surplus wheat after it is purchased? The answer is, Feed it out to the world, just as the world has always taken it, at the world price, sustaining a loss probably amounting to 42 cents a bushel.

This loss this year would have amounted to about $28,000,000; and spread over the entire product of the United States would have amounted to about 4 cents a bushel. That is the amount the American farmer would be glad to pay when he sells his

wheat. He would receive an advance of 42 cents a bushel and this year would have paid an equalization fee of 4 cents a bushel, leaving him a net profit of 38 cents a bushel above what he otherwise would have received, a net gain on the crop of $300,000,000.

Is there any farmer who would not be willing to trade 4 cents for 42 cents on a bushel of wheat?

The Haugen bill in operation should increase the receipts of each farmer of corn about $250 and each raiser of wheat about $100 each year, or a total of $350 each year.

What does this mean.

Farmers' total returns annually amount now to about $750, which includes the value of shelter, food, and fuel, which he receives from the farm.

Workers in factories receive about $1,250; school teachers, $1,300; railroad workers, $1,606; Government employees, $2,000. Is it unfair to raise the farmer from $750 per annum to $1,100?

But the consumers in the cities say: If these prices of farm products are raised to the extent of the tariff, would not we have the bill to pay? I will admit that it seems a natural conclusion that such should be the case. But my own conviction is that the consumers will not have this bill to pay. Wheat has gone from 80 cents to $1.83 in the last five years and I have known no change in the price of bread. Oats have changed from 30 cents to 80 cents and I have seen no change in the retail price of a package of oats. Hides have changed in value many hundreds of per cent, and I have not seen the price of shoes affected by the price of hides.

The fact of the matter is that the consumer is paying now about three times for farm products what the farmer gets for those products, and the prices the consumer pays are not based so much on what the farmer receives as on what the traffic will bear. If the consumer would go on buying bread at an increased price, I believe the price would be higher to-day; but the fact of the matter is that the consumer goes to baking bread when the price goes beyond the price asked to-day.

This debate has gone on for three weeks and we have come to some conclusions. I think every man in this House is convinced that agriculture is in an unfavorable situation; that agriculture is losing around two billions a year by exchanging her products for the products of industry which agriculture must buy; that the effect of this has reduced land values and all agricultural assets around $20,000,000,000 during the last five years, because the money invested in agriculture will not produce a profit.

I think, too, that the Haugen bill has been sold to the Members of the House as a measure which is sound, workable, and practical. I think opposition comes from those who are so convinced, and that the cause of the opposition to this bill is the fear of higher food values.

How much longer can cities prosper with their chief customers reaching the bankrupt stage?

Now, I want to take you to a farm and let you see an actual condition. I want you to go to a farm with me early in the morning at sunup. I want you to see the children come out with the farm clothes on and go to work just as the sun is rising. One of the boys goes out and attends to the hogs. That is what he likes. Two of the girls stay in the house to get breakfast. The father and mother and the rest of the children go to the dairy barn, and there they milk 25 or 30 cows and take their buckets of white, foaming milk to cool in the milk house, and it is sent off to the city.

Then they go back to the house and get breakfast, the children change their clothes and go down to the farm gate and get into a truck and go off to school. At 3.30 in the afternoon the truck comes back and unloads, and you see those children go straight to the house and change their clothes and come out ready for work. Each one of them has something to do. Those who are big enough go out to the alfalfa field and help their father and brother get in the alfalfa before it rains; and at just 6 they get in the last load and father says, "John, put the horses away; it will be dark when we get through." Then the boy who takes care of the hogs goes and takes care of his hogs and the rest of them go to the dairy barn and milk the cows. At just 8 in the evening they are through. And as father starts for the house the oldest boy, who graduated last year from the high school—he is 19—walks up to his father and says, "Dad, you know there was a fellow down here at the railway station yesterday and he asked me if I graduated last year, and I told him I did, and I told him I was 19, and he said, "Do you want a job? I can give you $5 a day on the railroad." And you know, Dad, you only give me a dollar once in a while, and you know Mary—now some other fellow may get her if I don't get started."

The father says, "Well, I stayed with my father until I was 21. You know how much work there is to do here, and you know your brother has to stop school and not graduate next year if you leave. I'd give you more money if I could. You know the grocery keeper down here threatened to sue me this month. You kids eat me out of house and home, and I went to the landlord and told him I had to have some money, and the landlord said the partnership money was all divided, but he said, 'All right, send the bill and I'll pay it; you can pay me back some time, maybe.'"

Just then the lights on our auto threw the light upon the garden back of the house and father said to John, "Look up there—that's mother still working and it's almost dark. You don't know how pretty she was when she was a girl. Look at her now with her bent back and her flesh gone, all worked down. She was pretty then, but now she is just lovely. John, can't you tell Mary about her and that she needs you for the sake of the other children for another year."

You know when a fellow goes away from a scene of that kind and knows all about it and knows the remedy, and he is a Member of Congress and he does not come down here and fight to change that situation in a country that is the most prosperous that it has ever been in the history of the Nation—the man who does not fight to help those people is a coward, regardless of what party leaders say.

Now, friends, down South. I like the South. There was something in the debate that made you think maybe I was the other way the other day; but you know I know your hospitality, I know your friendship, I know your attractiveness. I can see friends down South who helped me when I was a young man. Senator MAYFIELD'S father is one of them. We are joined together now—do you know it—the people I am talking for and you southern people. We are joined together and keeping this Nation sober. If it were not for us, this Nation would be wet. And we have not changed our politics or our parties a particle by standing together for temperance.

Can we not stand together to help the people who feed the world and clothe the world?

Mr. GOODWIN. Mr. Speaker and Members of the House, it is not my purpose at this time to enter upon an extended discussion of the farm relief bills now pending in this body for consideration, but I do feel it my duty to this House and to the agricultural constituents of my district to express my views on this legislation and shall be as brief as I possibly can.

A great deal of criticism has been directed toward the members of the great Agricultural Committee of this House in resorting to the unusual expedient of presenting three farm relief bills at the same time and without any direct recommendation for any of the three. However, my own opinion is that the committee is to be complimented for the sincerity of its purpose in taking this action and placing before the Members of this House the result of its diligent labors, and giving to the House the opportunity to discuss and adopt such of these measures as will be of the greatest benefit to agriculture.

It appears conclusive that everyone realizes that agriculture is in a serious situation. We who live in the agricultural districts of the great Northwest do not need to speculate on that condition, because we know its desperate situation from our own immediate contact with the agricultural producers in our section.

Every other industry in this country is prosperous. The wheels of industry are humming and labor is employed at remunerative wages. The men engaged in transportation, men engaged in skilled labor, and common laborers, the clerk, and every other employee is not only at work at a fair rate of compensation, but at the end of the week or the month he knows exactly what his pay envelope will contain. The farmer, on the other hand, lives in a condition of uncertainty all the time; he does not know when he sows what he will reap, or if he will reap at all. The farmer is exposed to the uncertainties of weather and climate; to the ravages of insects and pests; to drought and flood; and at the end of the crop season he does not know whether his investment and labor will yield him either an adequate or any return for his days of strenuous labor. The farmer is entitled to something more than this.

The farmer to-day must require in the operation of his farm skill and training just as much as the bricklayer or the carpenter or any other skilled mechanic, and it is evident that when the unskilled man becomes a skillful and a better productive agent he must know when and how to sow and plant; he must know what machinery is best adapted to his needs and how to use that machinery; he must know how to select his seed and in what particular manner his industry must be operated so as to yield those results which nature and his intelligently directed toil will produce his crops. He is therefore entitled to a proper and an adequate return for his time, labor, and skill just as well as his city brother who engages in other enterprises.

I represent both an urban and a rural district, and I live and have lived in a rural community for 30 years, and I know that I know the problem of the farmer, his disadvantages and his grief as thoroughly as he himself.

I think in my county the average farm contains 80 acres. The average farm in my district, equipped with buildings, represents an investment, together with farm machinery, horses, and cattle, of at least $15,000. His investment is the result, in most instances, of years of hard toil of the farmer, his wife, and several children. On the basis of any other investment he is entitled to a return of at least $900 upon that investment alone. The farmer himself, skilled as he must be, is entitled to at least the average wage of a skilled worker and not less than $6 per day. We will not consider the farmer's wife as entitled to any compensation for her work in this exposition of the facts in order that we may not be charged with too much partiality for the farmer's need, but at the rate of $6 per day for 300 working days, and his investment, the farmer is entitled to a return annually of $2,700. In many instances the farmer's boys and girls are employed in the development of the crop, and we will not take them into consideration for the purpose of this exposition, but both the farmer's wife and children, if engaged in any other occupation or business, would be earning a stated return for their labor.

I doubt if the average farmer in my county or in my district, in the last four years, except possibly the last year, has realized even one-third of the amount above stated. In many instances within my own knowledge, the farmer has received, after deducting a proper amount for his living expenses and that of his family, less than $300 per annum. He has been unable to accumulate any savings, and it is useless and shows a woeful lack of information for any man to say that the farmer is improvident and that he himself is to blame because he does not base his plans correctly. I have heard it stated that the farmer is improvident, and that he is lazy, and that he does not plan his work as he should; that the wheat farmer works but 40 days in the year, and the inference is that he is idle the other 325 days. This statement is absolutely incorrect and indicates the woeful lack of knowledge of the activity of the farmers of this country. Most if not all of them work not like the city brother, 8 or 10 hours a day, but he works from sunrise until long after sunset in doing his field work, milking his cows, and doing his chores, when his city brother is either improving his mind, resting, or enjoying the society of his family, or some form of amusement. Is not the man who produces the food upon which the rest us live entitled to the most sincere consideration of this Congress for such relief as may be within our power to extend to him?

I say most emphatically that he is, and that we are entirely negligent of our duties and disregardful of our responsibilities if we do not make good our pledge in passing some measure at this session of Congress which will give him that relief to which he is entitled and within our power to extend.

A great deal has been said about the unconstitutionality of the subsidy feature in the Haugen bill. Like most of the Members of this House I am opposed to the granting of any subsidy favoring one class at the expense of others, but we have been so prodigal with our revenues in aiding other industry and in extending help in other directions, and no doubt for worthy causes, that it comes with but poor grace to withold such aid as we can render to those who are engaged in the most basic of all industry. The 6,500,000 farmers actively engaged in producing the crops which are necessary for our existence surely are entitled to such consideration as will restore that industry and make farm life attractive and remunerative. Statistics indicate clearly that for years farmers have left their farms either through stress of adverse economic conditions or because city life is more attractive and much more remunerative.

In order to keep our farmers engaged in the production of the necessities of life provision must be made so that he can not only exist but obtain a fair return for his work, labor, and toil, and in order that the teeming millions in our cities may be fed I am willing to forego my objections to a subsidy and support the Haugen bill as the one best calculated, in my judgment, to afford some degree of relief. Agriculture is even more necessary and more important than that the American flag shall float over American bottoms in the revival and in the support of our shipping industry.

In addition to this wheat was the only product that was required to be sold at a price fixed by the Government during the war. The wheat-growing farmers of our country by that act were deprived of the benefits of the law of supply and demand and were millions of dollars out of pocket. There is now in the Treasury of the United States more than $60,000,000 that was earned as profits in the operation of the United States Grain Corporation. It was considered entirely appropriate and proper to take from the wheat-growing farmers these millions and deposit them in the United States Treasury, but it is now argued that it is entirely improper and unconstitutional to provide a fund by and through which assistance may be rendered to the farmer in order that his industry may be rehabilitated.

I do not apprehend that any portion of this fund covered by this subsidy will be either wasted or lost. It is my firm belief that return of this advance included in the subsidy will eventually be repaid, but if it is not, this great and wealthy Nation can well afford to advance the amount of the subsidy in an honest and intelligent effort to rebuild the waning fortunes and cover the disaster of agriculture in an effort to place it upon a sound footing and a solid base.

I can not conceive that the city dweller will entertain any serious objection to the expenditure of the money involved in a subsidy. His future and his existence are, in a large measure, dependent upon the prosperity of the farmer, and in the proportion that the farmer is prospering his city brother will benefit accordingly. If the farmer has no purchasing power he can not buy what the merchant has to sell, nor can our transportation system carry on. If the merchant has no market for his products, he must curtail the number of his employees and idleness of many will follow.

In my own district our farmers have for years diversified their crops. They are not, nor have they been for some time, dependent upon any one crop, and when one crop has been a failure, either in quantity or in price, he has been able to maintain himself by the production of other items of agriculture, but the return which has rightfully been his has been denied him because of the general depression in all agriculture.

The purchasing power of the farmer's dollar must be restored to him and carry the same purchasing ability as every other dollar.

I do not consider the Haugen bill either the acme of perfection or approaching thereto, but as experience indicates its weaknesses corrective legislation can be enacted and a more perfect scheme devised. I have had no great demand from the people of my district for farm legislation, undoubtedly because of their knowledge of the value of diversification and the use of that knowledge, but I am willing to do what I can to extend aid to other farmers in other sections of our country who are not so fortunately situated as those in my own district, and from all the information I have assembled I believe that the Haugen bill is the one most acceptable to agriculture and the one that will yield the greatest amount of benefit thereto.

We can not leave Washington for our homes and tell our people that we have legislated favorably to other industry and other interests and tell them we have neglected entirely to enact any legislation for the relief of agriculture. We must not do so. Let us not do so. Let us forget sectional differences and differences of interest and pass this legislation, and if its results do not bear out our predictions this bill, if enacted into law, can either be repealed or modified and amended so as to meet the conditions which will develop hereafter.

Mr. McSWAIN. Mr. Speaker, I am venturing a brief discussion of the agricultural problem so far as it presents a duty for Congress, acting under the Constitution, a government of limited powers. I was reared and educated in an atmosphere of strict State rights. I imbibed into my intellectual composition, along with the milk of life, the Jeffersonian philosophy of government. Under that view no government, either State or Federal, should undertake to do for the people what the people can do for themselves.

Under our view of the functions of government, and we believe it to be the very essence of Americanism, society is a great training school whereby the individuals of one generation slowly accumulate knowledge and experience which does and must pass to the next generation. Our conception of the State is very different from the European, and especially the German conception. We believe that the State exists for the purpose of developing a large number of able and individualistic persons, though incidentally a considerable number of persons may prove a disappointment. On the contrary, the European view is that the individual exists for the State and that the individual may be and should be sacrificed in order that the mass action may be advanced.

FEDERAL ASPECTS OF FARM PROBLEM

It is generally conceded that the limit of possible legislative relief for agricultural difficulties is to promote the orderly and businesslike and economical marketing of farm products. Of course, there should be such a modification of the tariff law and such a reduction of railroad rates and such cheap facilities of credit as to enable the farmer to produce and to sell at a reasonable profit. Therefore the marketing problem is essentially a Federal problem and can be properly solved only by Congress itself. Due to the numerous facilities for transpor-

tation by land and water, and perhaps soon by air, practically all the marketing of farm products, such as the basic products of cotton, corn, wheat, and cattle, becomes a Federal question, because the transaction is an interstate transaction, due to the fact that the commodity in passing from the farm to the ultimate consumer passes over at least one State line, and in most cases several State lines. Especially is this true of cotton where the marketing problem rests upon an international transaction due to the fact that the price of cotton is fixed by the price paid for the surplus on the Liverpool exchange. Therefore we must rest the proposition upon Federal action and see what can be done consistent with the limited powers of the Federal Government and consistent with that view of local self-government and of individual liberty just mentioned to promote and encourage the wise and orderly marketing of farm products.

STATE ACTION DESIRED

All that can be done under the laws of the several and separate States to promote and encourage the organization of cooperative markets and marketing associations amongst the farmers should be done. Every legislative convenience should be offered to the farmers to band themselves together so that they may bargain collectively for the highest reasonable price for the productions of their toil. Hence I am opposed and have ever been opposed to any federalization of the cooperative marketing associations of the country. I am opposed to nation-wide Federal pools. I am opposed to building up a mighty Federal bureaucratic board that shall have the power of financial life or death over the farmers of the country or of any section of the country. Therefore I would leave the cooperative marketing associations free and independent as they now are, being State corporations, with entire independence amongst themselves; and yet I would furnish by the Federal machinery proposed to be set up under H. R. 12418 an agency whereby any one or all of these State corporations may avail themselves of a Federal nation-wide agency to market farm products either in any part of the United States or in any foreign country. Therefore no one need fear that this bill contemplates the creation or erection of a giant monopolistic monster Federal bureaucracy. It will not be the master of the farmers, but will be their agent. It will not compel the farmers nor the State associations to submit to its dictatorship. The Federal farm marketing board proposed to be created by H. R. 12418 can be used only when the State cooperative associations voluntarily avail themselves of its power.

HOW CAN HELP BE RENDERED

The Federal farm marketing board can do the following services for the cooperative associations of farmers:

1. The board will be constantly informed on all questions of world supply and world demand, both present and of the probable future, and will publish this information broadcast and will render advice as to the production and the manner of preparing for the market and the numerous details entering into the merchandising of crops.

2. The board can and will advise the farmers when to hold their crops and when to sell, and will thus feed gradually, in an orderly manner, the crops of each year into the domestic and foreign markets, and thus tend to stabilize prices due to bringing about a uniformity of supply; and stabilization, as hereinafter shown, is one of the great means of insuring a permanent and substantial prosperity for all classes of the people, including farmers, merchants, manufacturers, bankers, professional people, and all their numerous employees.

3. The board can and will search for and point the way to new markets and suggest to the consuming people new uses to be made of old commodities, thus helping to stimulate as well as stabilize prices.

4. The board can make loans to cooperative associations in order to enable them to make cash advances to their farm members and thus encourage other farmers to join the cooperative associations.

5. By means of making loans and of helping to find the best markets, and by advising when to sell, the board will enable the members of cooperative associations to obtain better prices for their particular commodities than do farmers who are not members of such associations, and thus other farmers will be encouraged and induced to join the cooperative associations.

6. By the agencies above outlined the board will be enabled to strengthen and increase the membership of the various cooperative associations, and this is desirable, because the more farmers that belong to these associations, the stronger will be their position in controlling the markets and in stabilizing the prices and in obtaining such prices as insure a reasonable reward for toil and investment.

STABILIZATION VERSUS SPECULATION

Mr. Speaker, I respectfully submit that the crying need of all American business life, including industries of all kinds, is stabilization. Fluctuations and variations in prices introduce too much chance and uncertainty into every business transaction. Hence we have a multitude of failures and bankruptcies in all lines of business, including farming, merchandising, banking, and so forth, due not to any lack of industry and ability on the part of the individual but to some general shrinking of values, to stagnation, deflation, and panic, to hard times and low prices, such as the individual can not control and can not overcome, but finds himself swept under as if by a torrential flood. Therefore the orderly marketing of the crops, the great basic industry and the foundation for the vast wealth of this Nation, in fact the source of the life of the Nation itself, will tend to bring about the all-to-be-desired stabilization in prices, which will mean stabilization in prosperity.

PRICE FLUCTUATION VERSUS HONEST BUSINESS

The inevitable variation of supply and demand in farm products will under normal conditions produce some necessary price fluctuations. But through any given period of 10 years the supply and demand for any farm product, even cotton itself, about equalize each other. If speculation and artificial causes due to arbitrary legislation and unfair economic forces were eliminated, the natural price changes would be represented by a low, flat curved line, like the sky line of a series of low, flat hills. But under conditions as we now find them, conditions that have kept the cotton market in a state of feverish excitement since I was a boy, artificial and unnatural and unwise forces, such as unbridled speculation, have kept the price of cotton shooting up and tumbling down in almost vertical lines. But the upward curve usually occurs after the producing farmer has sold his cotton. So the curve of price changes in cotton that we see about us in the business world resembles the sky line of a chain of high, steep mountain peaks.

FLUCTUATION IN PRICES HARMFUL TO ALL FORMS OF BUSINESS

These sudden and frequent price changes are good neither for the farmer nor the banker, nor the cotton manufacturer, nor the general merchant, nor the mill worker, nor the professional man, nor anybody else save the speculator alone. But such fickle, unstable, uncertain price conditions make up the speculator's heaven.

DO COTTON EXCHANGES HELP THE FARMER?

Manifestly the bulls and bears of the great exchanges fatten and grow rich on price changes. Without change there would be no exchange. Both the bulls and the bears play safe. While superficially it might be argued that they stimulate the price as much as they depress it, the truth is that the speculation on the exchange is all about what the low price will be, rather than what the high price will be. In other words, the contest, the struggle, the game, is not over how high cotton may go, but how low cotton may go. The proof of this is plain. Take the quotations of futures, year in and year out, and, generally speaking, you will find that future quotations are lower than spot quotations and that the further in the future the quotations are, the lower will be the price. To illustrate by the New Orleans Cotton Exchange, the quotations for May 24, 1926, the newspaper that happens to lie on the table in front of me shows that cotton is quoted as follows: May, 18; July, 17.55; October, 17.06; December, 17.07; January—1927—17.05. This example chosen at random is illustrative of the general proposition that the more uncertain, due to the remote future, the price may be, the lower it is, which shows that both the bulls and the bears play safe.

BULLS AND BEARS ARE GOOD FRIENDS

The bulls and bears on the cotton exchange are not real enemies. They are only simulated professional enemies. They fight only a mimic warfare. They know that the money that makes them millionaires does not come out of each other, though it may superficially appear to do so. They know that in fact the money that they pocket comes from the cotton producer himself, who is getting yearly poorer and poorer and continues to produce cotton for two reasons only—first, because he knows nothing else to do and, second, because he hopes that some time he individually may make a big yield when there is a shortage, and that he may reap a good reward in price. I fully realize that many highly intelligent farmers now believe that conditions would be worse for them if the great speculative cotton exchanges were abolished. These farmers regard the bulls as their friends, as tending to drive the price up above what would be its normal, natural level without the activity of the bulls. There may be some truth in this as conditions now are without and before the introduction of the necessary sta-

bilizing forces into the cotton market. But the fundamental economic truth is that the bull in the cotton market merely keeps the bear from driving the price below its natural, normal bottom line. It may be argued that this is at least a good service; that if the bulls do not feed us, if they do not help us, then they at least protect us and prevent the bears from completely devouring us. There is some plausible truth in this argument under existing conditions. But fundamentally we must remember that if there were no bears there would be no bulls. And if there were no speculation there would be neither, and if there were price stabilization there would be no speculation. In other words the bulls and bears are players, are actors in a great game where the farmers are the pawns of both.

SPECULATION VERSUS MANUFACTURING

I know that some highly intelligent farmers oppose the abolition of the cotton exchange on the ground that to do so would leave the producer of cotton at the mercy of the spinner, who would then buy cotton at his own price. As already stated, there may be merit in this argument under existing conditions, but, as will be shown, it is to the best interest of the farmer and the manufacturer, and the merchant and the banker, and everybody else that speculation should cease, and speculation will cease when price variations and fluctuations cease, and the object of this bill is to tend to abolish certain price changes.

THE MANUFACTURER IS THE FARMER'S FRIEND

I believe that the cotton manufacturer as a general proposition would be glad to see the farmer obtain a reasonably high uniform price for his cotton, sufficient to insure a reasonable profit on the investment and reward for the labor and toil necessary to produce cotton. This reason is something more than mere human sympathy and is based on sound economic grounds. The manufacturer would like to see the price of cotton continue uniform. In such case he would not hesitate to buy large quantities of cotton and store the same until manufactured and to pile up the manufactured product in reasonable quantities. In this way the manufacturer would be spared the expense of hedging against cotton bought to convert. Hedging is the manufacturer's form of insurance against price slumps. So from every reasonable angle the manufacturer is deeply interested in seeing the price of cotton stabilized and stabilized at a figure high enough to insure a reasonable profit to insure continuous production.

THE BANKER INTERESTED IN PRICE STABILIZATION

The banker is also financially concerned in a reasonably uniform, steady price for cotton. The banker prospers most when business conditions generally are good. One or two failures or bankruptcies among his customers may wipe out one whole year's profits of the bank. If the banker knew that the price of cotton in the fall of the year would be approximately the same as it is in the spring, then he could finance the farmer to produce cotton more liberally and more economically. At the same time the banker could deal more generously with the manufacturer and with the merchant.

MERCHANTS AND LABORERS AND PROFESSIONAL PEOPLE

In like manner and for the same manifest reasons merchants of all kinds are interested in price stabilization. Deflations in value, business stagnation, and frequent bankruptcies demoralize the merchants. Consequently they feel compelled to ask higher prices for their commodity, so that they may have a margin to take care of those accounts that may prove bad. They feel that they must make good profits in a prosperous season to tide over the dull seasons of the future. The result is that the laborer and the professional people must pay higher prices for what they buy, and the pyramiding of prices goes on until the artificial structure finally crumbles and falls like a house of cards, and the people must set about once more restoring the framework of prosperity. During the inevitable times of panic and deflation the laborer is out of employment and has no means to buy even at low prices. The professional people find collections difficult and suffer along with others the ill consequences of price fluctuations. So that all classes of people, all kinds of business, are vitally interested in seeing a reasonably uniform price for cotton.

We know that cotton is the basic commodity of value in the southern part of the United States, and one of the greatest sources of the Nation's wealth. To a large extent, cotton is the yardstick of the Nation's prosperity. Frequently Herbert Hoover, a business man of international experience and outlook, thoroughly informed on all big questions of commerce and finance, has said that the cotton crop of the United States is the great international medium of exchange between this country and other countries.

PRICE STABILIZATION THE FARMER'S HOPE

Farming is beset with uncertainties and chances at best. There are perils of flood, drought, cold, heat, storm, fire, pests, and plant and animal diseases that render very uncertain how much crops he may produce any year. If in addition he is afflicted with extreme uncertainty of price, then the farmer's lot is indeed sad. Especially in cotton, it too often happens that a short crop in one section, say South Carolina, is offset by a bumper crop in another section, say Texas, and the South Carolina farmer must take, as he did in 1925, a low price for a small crop. If the surplus of one year were held over by cooperative associations, enabled to finance the surplus by the Federal Farm Marketing Board, and such surplus gradually fed into the world market, the supply being thus made uniform, the tendency would be to stabilize and render uniform the price of cotton. Finally useless, wasteful, harmful speculation will cease, and business conditions generally will become steady, sound, and secure. Then young men can commence a life of cotton farming with some assurance of a fair and reasonable chance at success, with some conveniences and comforts for the family, some chance at education for the children, with some reserve for age and sickness, and thus the life of the whole Nation be strengthened by resting upon and drawing vitality from a contented, prosperous farm population.

FUNDAMENTAL IMPORTANCE OF FARM PROBLEM

Nowhere can one find a fairer, more impartial, scientific, and philosophical statement of the importance to the national life of solving correctly the farm problem than in the following extract from the foreword to the book issued by the National Industrial Conference Board in April, 1926:

> The position of American agriculture is of vital concern to all the people of the United States, not only for to-day but for the future as well. Our farmers are more than a class of our population. Farming is more than an industry. The significance of agriculture in the life of the Nation is far deeper than this. It touches something vital and fundamental in the national existence. It involves the national security, the racial character, the economic welfare, and the social progress of our people.
>
> The development of sound, far-sighted national policies in respect to agriculture is, therefore, one of the most important problems before the country to-day. Our agriculture is now going through a crucial transition in its character and in its relationship to our national economic life. The success or failure of this readjustment will be of the greatest significance for our future. We have as a people to determine deliberately and wisely the rôle which we wish to have agriculture play in our national economic life, in the light of full knowledge as to whether and in what respects its position is weak and why, and on the basis of sound judgment as to how it can best be strengthened.

Mr. TINCHER. Mr. Speaker, with apologies for the disconnected statements that must appear, I am going to publish in pamphlet form the speeches I made in the House of Representatives concerning the so-called farm-relief legislation. I began this debate on March 19, 1926, long before the Committee on Agriculture reported out any bills. Subsequent to that time, as the speeches will disclose, I introduced a bill of my own, which was reported out of committee, and the Haugen bill was debated for more than three weeks and finally defeated.

At the time I am compiling these speeches into pamphlet form my bill is still on the calendar. The speeches themselves show the dates upon which they were delivered, and, as stated before, they will appear rather disconnected by reason of the debate which was intermingled with them. However, some good friends have been kind enough to say that each speech was entertaining, and perhaps instructive, in itself, and I have decided to perpetuate them in this form.

I am not going to index the pamphlet in any way. Most of my speeches were made in reply to other speeches, but here is hoping that some little information may be gleaned by the reading of the same. I am so unalterably opposed to the policy of price fixing or a tax on the farmer's production that I propose to give all the information I can to the public concerning these two proposed evils.

FARM RELIEF

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for two minutes out of order. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker and gentlemen of the House, on last Friday when the House had under consideration the Haugen bill, my colleague from South Carolina [Mr. STEVEN-

SON] read from a telegram, stating that a resolution had been offered in the Democratic State Convention of South Carolina asking the convention to go on record indorsing the Haugen bill, but the resolution was voted down. Mr. STEVENSON did not state to the committee that a resolution was also offered by a gentleman from his district asking the convention to go on record opposing the Haugen bill, which was voted down. I just want to get before the House all of the facts in this matter. I congratulate the convention on voting both of these resolutions down, because certainly it could not tell just what kind of bill we would have when the time came for a vote. The bill could have been so amended as to cause me to have voted against it. Therefore the convention displayed wisdom in leaving this matter in the hands of the Representatives from South Carolina, so far as the people of the State were concerned.

I would also like to state for the information of the House that on Friday the bankers' group meeting of the first district of South Carolina indorsed a resolution favoring the Haugen bill. Also that the State Parent-Teachers' Association in Columbia (S. C.) last week indorsed the Haugen bill after it had been duly explained to the association.

Mr. STEVENSON arose.

Mr. MOORE of Virginia. Will the gentleman yield there?

Mr. FULMER. Yes.

Mr. MOORE of Virginia. Does the Committee on Agriculture propose to meet and consider the advisability of reporting some bill that will afford agricultural relief?

Mr. FULMER. I will say to the gentleman that if the Committee on Agriculture should get together it will no doubt report out practically the same bill. I am sorry that the bill came before the House as it did. I will say further that it was no fault of Democratic members or the chairman of the committee [Mr. HAUGEN]. I made a fight on the floor of the committee to report only one bill, but, because of the chicanery on the part of one Member no doubt to bring about disaster to the bill, pulled the wool over his Republican colleagues' eyes and rode his bill out on the back of the Haugen bill.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. FULMER. Mr. Speaker, I ask unanimous consent for one minute more.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Behind the Haugen bill we had 15 members of the committee, 3 behind the Tincher bill, and only 1 behind the Aswell bill. [Applause.]

Mr. PARKS. Did I understand the gentleman to say would report the same bill or the same bills?

Mr. FULMER. The same bill. I do not think my colleagues on the Republican side serving on the Agricultural Committee will again allow my friend TINCHER to so impress them with the fact that if they do not vote out his bill along with the Haugen bill that perhaps some of them would go the way certain other Members went two years ago who claimed to be Republicans, yet voted against the administration. [Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House for five minutes. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, can not the gentleman defer his remarks to some other day? To-day is for District business.

Mr. LINTHICUM. It would not apply very well to some other day.

Mr. TILSON. Will the gentleman state what he wishes to speak about? I do not wish a serious controversy to arise before we begin the business of the day. Will the gentleman say on what subject he desires to speak?

Mr. LINTHICUM. I want five minutes in which to address the House on the Executive order of the President on Friday last.

Mr. TILSON. I think that we had better not do that, Mr. Speaker.

The SPEAKER. Objection is heard.

DISTRICT OF COLUMBIA BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District legislation on the Union and House Calendars. Pending that motion, I ask unanimous consent that the general debate be confined to District matters, one half the time to be controlled by the gentleman from Texas [Mr. BLANTON] and the other half to be controlled by myself.

Mr. MOORE of Virginia. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Maryland whether that contemplates, when any kind of bill is brought forward, that any kind of a District matter can be discussed?

Mr. BLANTON. Without that restriction anything can be discussed.

Mr. MOORE of Virginia. I am asking the gentleman whether it is contemplated that there shall be any restriction on debate, or whether the debate can range unrestricted on any bill, as, for example, when we have the utilities bill under consideration?

Mr. BLANTON. The debate should be confined to District matters.

Mr. MOORE of Virginia. I understand. "District matters" is a very general term. It does not mean a particular District bill.

Mr. BLANTON. Otherwise it would mean debate on any subject. That is what we are trying to avoid.

Mr. MOORE of Virginia. No. The gentleman would make it apply, as he attempted to do a moment ago, to any District bill.

Mr. BLANTON. The rule provides that on this day it is general debate, unless changed by unanimous consent. But the gentleman is trying to restrict it.

Mr. MOORE of Virginia. No. I understand the gentleman is trying to make it wide open.

Mr. BLANTON. No; I am trying to restrict it to District matters.

Mr. MOORE of Virginia. We will see a demonstration when the bills are considered. I predict that there is going to be the widest discussion possible of all District matters and the time frittered away.

Mr. BLANTON. It has not been frittered away heretofore.

The SPEAKER. The gentleman from Maryland [Mr. ZIHLMAN] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District matters; and pending that, he asks unanimous consent that the general debate be confined to District matters, one half the time to be controlled by the gentleman from Texas [Mr. BLANTON] and the other half by himself.

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Maryland whether he will allow me as much as 10 minutes to speak out of order on the Executive order issued by the President on Friday last.

Mr. ZIHLMAN. I will say to the gentleman it is not my understanding that I could do that under the terms of the unanimous-consent agreement.

Mr. LINTHICUM. The gentleman could change the unanimous-consent request and ask that I be allowed 10 minutes to speak out of order. If the gentleman from Maryland will not do that, then I object to his unanimous-consent request, and I oppose the motion to go into the Committee of the Whole.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] objects.

Mr. TILSON. Mr. Speaker, may I proceed for two minutes in regard to the business of the House?

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for two minutes. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Maryland [Mr. ZIHLMAN] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar relating to District matters.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 210, noes 15.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar relating to District matters, with Mr. KETCHAM in the chair.

ADDITIONAL BUILDING FOR POLICE COURT OF THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I call up H. R. 11943, a bill on the Union Calendar providing for an additional building for the use of the police court of the District of Columbia.

The CHAIRMAN. The gentleman from Maryland calls up H. R. 11943, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the District Commissioners be authorized and instructed to enter into contracts for the erection of a building for the use of the police court of the District of Columbia.

SEC. 2. That there is authorized to be an appropriation for the erection of said building, to be appropriated in like manner as other expenses of the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Commissioners of the District of Columbia be authorized and instructed to enter into contracts for the erection of a building for the use of the police court of the District of Columbia: *Provided*, That the location, plans, and specifications for such building shall be approved by the Fine Arts Commission and by the chief justices of said police courts and Supreme Court of the District of Columbia.

"SEC. 2. That there is hereby authorized an appropriation for the erection of said building to be appropriated in like manner as other expenses of the District of Columbia."

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9558) entitled "An act to provide for allotting in severalty agricultural lands within the Tongue River, or northern Cheyenne Indian Reservation, in Montana, and for other purposes."

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 9636) entitled "An act to provide for the inspection of the battle field of Pea Ridge, Ark.," disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. WADSWORTH, Mr. WARREN, and Mr. SHEPPARD act as conferees on the part of the Senate.

ADDITIONAL BUILDING FOR POLICE COURT OF THE DISTRICT OF COLUMBIA

The committee resumed its session.

Mr. ZIHLMAN. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I wish to say a few words in regard to District business. Having reached the stage of the session at which we have now arrived, it is quite probable that this may be the last full day upon which business relating strictly to the District of Columbia may be considered. There are a number of important bills on the calendar, some of them—in fact, most of them—not of a controversial character. These bills ought to be passed with very brief consideration. I hope that the Members of the House will see fit to stay here to-day and attend to matters relating to the welfare of the District, and that they will see to it that the time is not frittered away or devoted to outside matters. Let us in good faith devote this day to the consideration of the affairs of this District, in which we, as representing the people of the entire country, are so much interested.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. TILSON. I will.

Mr. LINTHICUM. Does not the gentleman think that this bill, which is for the erection of a new jail, comes within the Executive order issued by the President on Friday last?

Mr. TILSON. Whether it does or not, I hope that Members of the House will restrain themselves from going afield into all sorts of things more or less remotely connected with the District of Columbia and confine themselves to the consideration of District of Columbia business. If any are inclined to take the other course, I hope they may realize that they are taking the responsibility for defeating necessary legislation for the District of Columbia.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLACK of New York. Does not the gentleman think the President should not go afield and invade State lines?

Mr. TILSON. The President will attend to his duties and we should attend to ours. [Applause.]

Mr. BLACK of New York. That is what we want to do.

Mr. TILSON. A part of our duties is to attend to the business of the District of Columbia, and this day is now to be set apart for that purpose. It may be the last day in this session on which we may devote ourselves to District business. I hope that Members will not fritter the day away with all sorts of irrelevant matters that are of no direct concern to the District of Columbia. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I reserve the balance of my time.

Mr. BLANTON. Mr. Chairman, I ask recognition in my own right.

The CHAIRMAN. The gentleman from Texas is recognized for one hour.

Mr. BLANTON. Mr. Chairman, I quite agree with the majority leader [Mr. TILSON], who is the leader of this House. This day and these hours should be devoted conscientiously to District business, and every moment of the time I shall use myself will be upon important, serious District business.

But the majority leader is familiar with the rules, better, I guess, than any other man in the House, and he knows that unless it is restricted by unanimous consent all debate on this day is general debate and covers every subject under the sun.

Now, knowing that, when the gentleman from Maryland [Mr. LINTHICUM] asked for a few minutes to speak out of order, I thought he ought to be given that time, because if he had given the gentleman from Maryland those few minutes out of order we then could have had unanimous consent, in response to the request made by the other gentleman from Maryland [Mr. ZIHLMAN], to confine this debate to District matters; but when he was denied the few minutes to speak out of order objection was made by the gentleman from Maryland [Mr. LINTHICUM] to the request to confine debate to District matters, he standing on his rights.

Now he has the right to demand time either from this side or the other side in general debate, and he accomplishes his purpose after all, even though I disagree with all he is going to say. So you see it would have been wise leadership in this House to have permitted the gentleman to have had a few minutes out of order, and then we could have restricted the debate to-day to District matters. This is a bill to build a new police courthouse.

Mr. BERGER. A new jail.

Mr. BLANTON. No; the gentleman is mistaken. It is a courthouse; but I want to tell the gentleman from Wisconsin that the approximately 100 defendants you will find locked up in two small cells in the so-called courthouse used now every Monday morning are worse off than they would be in jail, while they are held for trial in the present courthouse. There are two little, old cells down there, not capacious enough to hold one-fifth of the people who are put into them. If you will go down there on any Monday morning, you will find men stacked up there so thick that they have not a place to even sit down on the floor, and white and blacks all huddled up together. They are kept there from 8 o'clock in the morning until 4 o'clock in the evening without a bite of food, if you please. It is an awful condition. Our subcommittee went down there and inspected the building and came to the unanimous conclusion it was outrageous and that this Congress ought to provide a proper courthouse before we adjourned. There was not a vote against this bill in our committee.

I now want to discuss action in another court in this District.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Wait just a few minutes and then I will yield.

Last Saturday there came up for consideration in the Supreme Court of the District of Columbia an order that had been made by the auditor of the Supreme Court, wherein the auditor held that one of your present commissioners of the District of Columbia, Mr. Frederick A. Fenning, had deceived the auditor and the court in not divulging the fact that 25 per cent of the money he had been receiving from his wards' estates, on fiduciary bond premiums, was retained by himself as agent of the bonding company. He had been taking these bond premiums out of the estates of his fiduciary wards for several years and not making it known to the auditor or to the court, and under the law of this District, the auditor honestly administered the law and in effect ruled that he had perpetrated a fraud upon the court, and he denied him the bond premium and he further punished him by disallowing any commission whatever out of that ward's estate.

When Commissioner Fenning testified before our Gibson subcommittee, as a basis for all of his charges he cited a very prominent and important case from the Court of Appeals of the District of Columbia, that the Magruder against Drury, but he did not tell us that such holding had been reversed by the Supreme Court of the United States on appeal, and our distinguished colleague, Mr. GILBERT of Kentucky, who sits in this House, a distinguished lawyer and a distinguished ex-judge from Kentucky, will tell you that he greatly embarrassed Commissioner Fenning by producing before him

in the final decision in the case, decided by the Supreme Court of the United States, which final decision held just the opposite to that which Commissioner Fenning placed before us as the decision.

He thus sought to have us accept a decision which had been overruled and tried to justify his acts by this decision, which was an erroneous one. If it had not been for the fact that our colleague from Kentucky knew of the Supreme Court decision on appeal, we might not have known any better to-day; but our colleague from Kentucky called him down and said:

Oh, but that case was reversed by the Supreme Court of the United States, and here is the final decision which holds against you.

Mr. SCHAFER. Will the gentleman yield for a question right there?

Mr. BLANTON. In just a few moments.

Mr. SCHAFER. Right on that decision.

Mr. BLANTON. I want to use a few minutes, and then I will yield.

That decision of the auditor, Hon. Herbert L. Davis, came before the court last Saturday for confirmation. There appeared before the court two very distinguished lawyers of the bar of the District of Columbia, who sought to have said auditor's decision set aside. One happens to be at the head of your Board of Children's Guardians, Mr. W. W. Millan, and I want you to read in the press of last Saturday evening the report of his attack upon the Congress for causing investigations and upon myself because I have seen fit to prefer charges against Commissioner Fenning.

I would have the right to rise in the House to a question of privilege. This is in the nature of a question of personal privilege.

Mr. MONTAGUE. If the gentleman will pardon me, I wish to see how far along we can get with District business in this way. [Applause.]

Mr. BLANTON. We are going to get along pretty fast.

Mr. MONTAGUE. I do not see how we can do it by proceeding in this way.

Mr. BLANTON. I have here what Mr. Millan said. A distinguished reporter of one of the papers, who is thoroughly reliable and who was present, took this down and sent it to me, as what Mr. Millan said before that court. I am assured that every word in here is correct. I quote:

I am glad that I am here to-day. I am glad to be in a court of justice to discuss a legal question before a lawyer, clothed with judicial authority and charged with the duty and responsibility of deciding a question of law. I am glad to have at the other end of the discussion a lawyer and a gentleman like Major Arnold.

I am glad that here we are in a forum where the question to be determined will be measured by no other tapeline than law and evidence and weighed in no other balance than the conscience and oath of the court.

I am glad that when we crossed yonder threshold, whether we physically closed the door or not, we shut out the roar of congressional investigations, the rattle of newspaper comment, the snarls of scandal, and the whines of slander, and shut ourselves in with our oaths and consciences as court and counselors in the presence of the law.

I am glad from a personal standpoint that I can come here in the absolute confidence that so far as this court is concerned I can present the case of my client without being myself placed upon trial. I have no fear, so far as this court is concerned, that a character built upon 40 years of sacrifice and service will be lightly blown aside by the breath of slander or destroyed by the voice of calumny or falsehood. I have no fear that I shall here be butchered to make a Texas holiday.

That is the statement of Mr. Millan. His cocounsel is another one of the most distinguished lawyers of this District, Mr. Frank J. Hogan. Do you remember what Mr. Frank Hogan said at the real estate banquet that was given to the President about a year ago? I have here the press report of what was said by Mr. Frank J. Hogan at said banquet, and this is the same Frank J. Hogan who appeared for Mr. Fenning in this court last Saturday with Mr. Millan. Here is the press report of what he said:

Congress menaces the country, is the charge. F. J. Hogan tells realtors "fools" are sent here to make laws.

They are the headlines. I now quote excerpts from his speech as reported:

Warning that the country is drifting into a condition more serious than the insidious propaganda of the reds and other anarchistic movements was sounded last night by Frank J. Hogan, local attorney, before prominent realtors of the country attending the President's dinner tendered by the Washington Real Estate Board at the New Willard Hotel.

He charged that Congress was abusing and gradually taking away the constitutional rights of the citizens, and in a vitriolic attack on that body indicted the realtors and other citizens of the States for not paying more attention to their suffrage. He told them directly that they were too busy to see who was being sent to Congress, adding that they keep their wise men with brains at home and send their "fools" to Washington.

* * * * * * *

"You are responsible for these conditions," he said, pointing an accusing finger over his audience, "because you are so busy with your affairs at home that you send your radicals to Congress. You keep your common-sense men at home and send your fools to Congress.

"In the District of Columbia we come in close contact with these men, and here we think that a Congressman is the lowest form of animal life.

"Men," he said, "are hauled before the bar of Congress for contempt, but when you go there it is with difficulty that you try to conceal your contempt, for there is no trouble in showing it."

* * * * * * *

"The men you send to Congress to-day," he continued, "do not consider what is good for the people, but what will be good for the candidate in November; they do not consider whether it is wise to spend money from the standpoint of the Budget, but whether it will bring more votes."

He does not indict one Congressman; this is an indictment of all 435 Members of this House and the Members of the Senate. This great lawyer of Washington, Mr. Frank J. Hogan, says that he "comes in close contact with Congressmen, and thinks that a Congressman is the lowest form of animal life."

Now, Frank J. Hogan, the distinguished lawyer, probably makes as large fees and retainers as almost usually well-known lawyers in the United States. That is what I have been told, but I may be mistaken. He is a very successful lawyer, but he does not seem to like investigations by Congress because they are against his fat-purse clients.

Mr. McSWAIN. He ought to like them, because they brought him these rich clients in California. If it had not been stirred up, he would not have got them.

Mr. BLANTON. Does the gentleman know how large a fee he got?

Mr. McSWAIN. I have been told he got a million.

Mr. BLANTON. He surely did not get that much, but he got a big fee. He said:

Men here are haled before the bar of Congress for contempt, and when you go there it is difficult to try to conceal your contempt, for there is no trouble in showing it.

He thus has a contempt for Congress. Now, this is a reputable paper that reports this speech, and he has never made a denial of it, hence we may assume that such report of his speech is authentic.

He says the men you send to Congress to-day do not consider what is good for the people, but what will be good for a candidate in November; that Congressmen do not consider whether it is wise to spend money from the standpoint of the Budget, but whether it will bring more votes.

That is Mr. Frank J. Hogan, my distinguished friend from the bar of the District of Columbia, than whom there is no more successful lawyer I presume in the District.

Mr. WEFALD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WEFALD. The gentleman has delivered a very strong argument for a new jail in the District of Columbia. [Laughter.]

Mr. BLANTON. I also want to show you about his colleague in that case. Mr. Millan, the head of the Board of Children's Guardians here, who made such a castigation of Congress when he appeared before the Supreme Court of this District last Saturday. I want to show you that before the Supreme Court of the United States, in another case, Mr. Millan took the very opposite position from that which he took last Saturday before one of the supreme court judges of the District of Columbia.

I want to show you the case of Jackson, receiver, against Smith & Wilson reported in the Two hundred and fifty-fourth United States Reports, page 586. Here is a case where the receiver for an estate caused the trustee to sell a note and to foreclose a lien against real estate. The receiver and his attorney and a third person agreed that if the attorney saw fit he could buy in the property, if the price did not go too high and they would hold it jointly together, the three of them. The property was put up at sale and only $300 was bid. The trustee would not sell it but he readvertised it and put it up again and about $500 was bid and the attorney bid it in for the three persons, one of whom was the receiver.

There was no claim that there was any fraud as to competitive bidding. It was admitted that there was open competitive bidding. There was no fraud in that respect. But this attor-

ney bought it in for the three persons—one an outsider and one the receiver. They sold it for a profit of about $760.

Then a new receiver was appointed, and that new receiver sued the said attorney and outsider for said profits of $760.

Mr. Millan was representing the new receiver who was suing to recover the $760 profits and claimed it was in violation of the fiduciary trust and cited this same case of Magruder against Drury, upon which Auditor Herbert L. Davis so honestly and justly based his decision.

Let me read you from the Millan brief. He argued the case and filed this brief:

A receiver or other fiduciary can not lawfully traffic to his own profit, in interests and assets committed to his custody and control, nor can his counsel or third parties lawfully participate with him in the profits of such trafficking. (Magruder v. Drury, 235 U. S. 106, 59 L. Ed. 151, 35 Sup. Ct. Rep. 77; Woodell v. Bruffy, 25 W. Va. 465; Hayes v. Hall, 188 Mass. 510, 74 N. E. 935; Ensign v. Allen, 160 Ala. 529, 49 So. 430; Johnston v. Little, 141 Ala. 382, 37 So. 592.)

That is Mr. Millan's own brief on the other side of this question when he was before the Supreme Court of the United States. Let me show you further from his own brief:

In a suit in equity for the administration of an insolvent concern by a receiver, the receiver may so conduct himself as to justify his being made a party defendant, and those who unite with him in the violation of his duties toward the trust estate may be brought in as defendants and required to account in that suit.

He first tried that case in the Supreme Court of the District of Columbia and won it against the parties who had committed the constructive fraud on the estate. There was no actual fraud; it was only constructive. That case was appealed to the court of appeals and reversed, and in a suit involving only $760 Mr. Millan carried it to the Supreme Court of the United States and had the decision of the court of appeals reversed and won it there.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MOORE of Virginia. As I understand the gentleman, he is now stating that Mr. Millan, a lawyer, took a certain position in one case and an inconsistent position in another case. The gentleman has known a great many lawyers to do that, has he not?

Mr. BLANTON. I never knew the gentleman from Virginia [Mr. MOORE] in all of his practice to do that.

Mr. MOORE of Virginia. Well, the gentleman has not seen me practice and I have not seen him practice. Mr. Millan is from Virginia and from my own county. He is equal to any of us here in character, and I think I may say in ability.

Mr. BLANTON. I am not attacking his ability or his character.

Mr. MOORE of Virginia. And I would say the same about Mr. E. Hilton Jackson.

Mr. BLANTON. I am only attacking the position that he is now taking before the Supreme Court of the District of Columbia, which, I say, is inconsistent with the United States Supreme Court decision in a case he won there himself.

Mr. MOORE of Virginia. Thousands of lawyers have taken a certain position in one case and then have taken an opposite position in another case. And so have courts.

Mr. BLANTON. Yes; that is the fact; but just now, since last Saturday he lambasted Congress in general and myself in particular, I have a right to come back and show that his argument before the Supreme Court of the District is inconsistent with his argument before and the rulings of the Supreme Court of the United States in a case he appealed there himself.

Mr. MOORE of Virginia. I do not at all contest the gentleman's rights; I was only contesting his reasonableness and perhaps his good taste.

Mr. BLANTON. I am not attacking Mr. Millan's integrity. I am not attacking his standing at the bar. His standing as a man and a lawyer is high; but I do attack the position that he takes over here in chambers somewhere when he attacked the Members of Congress and Congressmen for holding investigations when they could not answer him, and where he makes legal contentions which are not in accordance with the law handed down in his own case by the Supreme Court of the United States.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BLACK of New York. Why attack a mere lawyer for inconsistency when the great gem of inconsistency was the President's speech in Virginia and his Executive order issued on Friday last.

Mr. BLANTON. Oh, I am not bringing in any partisan politics.

Mr. GARBER. Is not the decision just read but an expression of the elementary principles of law that have been merged in all of the several jurisdictions throughout the United States for the last 50 years?

Mr. BLANTON. Certainly.

Mr. SCHAFER. The gentleman can not condemn Attorney Millan for being inconsistent when he realizes that Mr. Millan really has not got a case. He has got to make a showing, and he has got to get away from the real facts, because he has not got a case to defend on its merits. With reference to the jail, does the gentleman think——

Mr. BLANTON. Please wait a moment. I want to read what the Supreme Court of the United States held in Mr. Millan's case he appealed. The Supreme Court says:

Ambrose had, as receiver, the affirmative duty to endeavor to realize the largest possible amount from the Schwab note. (Baker v. Schofield, 243 U. S. 114, 61 L. Ed. 626, 37 Sup. Ct. Rep. 333; Robertson v. Chapman, 152 U. S. 673, 681, 38 L. Ed. 592, 595, 14 Sup. Ct. Rep. 741.) To this end it was his duty to endeavor to have the land, when sold under the trust deed, bring the largest possible price. (J. H. Lane & Co. v. Maple Cotton Mill, 146 C. C. A. 415, 232 Fed. 421.) When he agreed with Smith and Wilson to join in the purchase if Wilson should become the successful bidder, he placed himself in a position in which his personal interests were, or might be, antagonistic to those of his trust. (Michoud v. Girod, 4 How. 503, 552, 11 L. Ed. 1076, 1098.) It became to his personal interest that the purchase should be made by Wilson for the lowest possible price. The course taken was one which a fiduciary could not legally pursue. (Magruder v. Drury, 235 U. S. 106, 119, 120, 59 L. Ed. 151, 156, 35 Sup. Ct. Rep. 77.) Since he did pursue it and profits resulted, the law made him accountable to the trust estate for all the profits obtained by him and those who were associated with him in the matter, although the estate may not have been injured thereby. (Magruder v. Drury, 235 U. S. 106, 59 L. Ed. 151, 35 Sup. Ct. Rep. 77.) And others who knowingly join a fiduciary in such an enterprise likewise become jointly and severally liable with him for such profits. (Emery v. Parrott, 107 Mass. 95, 103; Zinc Carbonate Co. v. First National Bank, 103 Wis. 125, 134, 74 Am. St. Rep. 845, 79 N. W. 229; Lomita Land & Water Co. v. Robinson, 154 Cal. 36, 18 L. R. A. (N. S.) 1106, 97 Pac. 10.) Wilson and Smith are therefore jointly and severally liable for all profits resulting from the purchase; the former, although he had no other relation to the estate; the latter, without regard to the fact that he was also counsel for the receiver.

It holds that the outsiders who were associated with this receiver in an implied fraud upon this estate were responsible to the estate for the amount.

Mr. Chairman, I would not have called attention to this, but I can not afford to allow Mr. Millan and Mr. Frank Hogan, reputable citizens, reputable lawyers of high standing, admittedly, to go before a court without any provocation whatever and make this attack without being answered. I tried to bring in this decision somewhere else this morning and was precluded, and therefore I bring it in now.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. I want to say to the gentleman from Texas that when he had got his net out and when he has got Frank J. Hogan in it, he has got the biggest fish he could catch in the District of Columbia. I understand this man employs 50 operatives in his law office; that he makes anywhere from $350,000 to $400,000 a year; that he defends every crook; that he defended the Harness case grafters in all of the Government graft cases——

Mr. BLANTON. Oh, I hope the gentleman will not put that in my speech, because Frank Hogan and I are friends, as lawyers. He is a high-standing lawyer, and he has a right to represent crooks, if they employ him and pay his fees; and they have a right to get big lawyers to represent them.

Mr. CELLER. Will the gentleman yield at that point?

Mr. BLANTON. I will.

Mr. CELLER. Since the name of Frank J. Hogan has been brought in here it happens that he is a good constituent of mine and I know something about his practice.

Mr. BLANTON. I have cut the last statement made against him, and now do not put something else in.

Mr. CELLER. I believe that I should make a defense of a man whose name has been attacked.

Mr. BLANTON. I have been defending him.

Mr. CELLER. I will say that he has not the staff which the gentleman says he has. He has a small office and a small staff of men, and he is not the man, I am sure, which it is said he is.

Frank J. Hogan has practiced before this bar for years. He came from my home town and had the finest reputation of

any man in this country, and is probably one of the ablest men practicing law, and I would not let an attack on Frank J. Hogan go unchallenged.

Mr. BLANTON. I agree that any lawyer here would probably take the cases Frank Hogan has taken if he could get them. If I were in the practice I would do it probably; but when he attacks the Congress at a public dinner and says Congress is a set of brainless men I have a right to call attention of Congress to it when he comes before some of our committees——

Mr. CELLER. We are not so thin skinned we can not stand criticism.

Mr. BLANTON. No; Frank Hogan has not hurt any of us. It is no reflection on our people that he has that opinion of us; but when he makes that statement here publicly in the presence of the President of the United States we have a right to know about it.

Mr. UPSHAW. I think the gentleman from Texas has the right to call down such an indictment.

Mr. KING. Will the gentleman yield? He can withdraw this.

Mr. BLANTON. I will yield, but the gentleman will not make any further attack on Frank.

Mr. KING. I am not going to make any attack upon him. I say he is a great lawyer and has great law offices and has every department in the District of Columbia organized for his own interest against Congress. That is why he speaks against Congress and Congressmen. It is part of the organization. He controls every bank in the city and every newspaper. He writes the articles for the Star and Post both——

Mr. BLANTON. I do not want that put in my speech.

Mr. KING. The gentleman can cut it out of the RECORD. I am giving the gentleman something to work on.

Mr. BLANTON. I do not want to go that far. Probably if I were in the practice I would be glad to get the cases which now come to Frank J. Hogan.

Mr. BERGER. I do not doubt it for a moment.

Mr. BLANTON. I do not think, however, that I would make a statement that Members of Congress were "a set of brainless fools," and that the people who sent them here sent brainless fools to Congress. I do not think I would go that far.

Mr. SCHAFER. Will the gentleman yield on that proposition?

Mr. BLANTON. Yes.

Mr. SCHAFER. Does that statement which Hogan delivered at the real estate board square with the gentleman's assertion that this man was an outstanding man and a man of high character? I think if the statement squared with the statement of his being a fine, outstanding man and of high character he would not have delivered the address such as has been quoted here.

Mr. BLANTON. When I meet counsel across the table in cases either in court or somewhere else, I try to get along with them, and I am now appearing across the table from Frank J. Hogan before committees for the benefit of the country just now, and being across the table with Mr. Frank J. Hogan, I am very glad to treat him with proper consideration and respect. He is a distinguished lawyer. No one will doubt that. He is a man of high-standing character in this community. No one will doubt that. He has a right to accuse Congress if he wants to, but we have a right to know it and to answer back.

I have the right to refer to public statements made by Mr. Hogan. I have the right to answer. I could not answer it anywhere else. I have had no opportunity to answer it elsewhere. This is the only forum I have. He made an attack on Congress, and I am in my Representative capacity here and I have the right to answer it, and I have done it.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I can not yield.

Mr. ROBSION of Kentucky. Mr. Chairman, I make the point of no quorum. I thought we had met here to consider District business.

The CHAIRMAN. The gentleman from Kentucky makes the point that there is no quorum present. The Chair will count.

Mr. BLANTON. Mr. Chairman, I have been discussing District matters. I am through with my speech. That is the reason why I stopped. If I had not been through I would not have stopped. I would have waited for a quorum.

Mr. ROBSION of Kentucky. Mr. Chairman, I withdraw the point of no quorum.

Mr. BLANTON. I reserve the balance of my time, Mr. Chairman, and I yield to the gentleman from Maryland [Mr. LINTHICUM] 10 minutes.

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. LINTHICUM. Mr. Chairman, we read in Holy Writ that after Pharaoh and all of Egypt had been visited with a terrible hailstorm and fire, destroying near all vegetation, that the locusts were turned loose on them to complete destruction. According to Exodus, tenth chapter and fourteenth verse, we read as follows:

> And the locusts went up over all the land of Egypt and rested in a all the coasts of Egypt. Very grievous were they; before them there were no such locusts as they, neither after them shall be such.

Congress has appropriated for prohibition officers and the construction and rehabilitation of ships to the Treasury Department some $33,000,000 for the enforcement of the eighteenth amendment and the Volstead Act. Yet, on Friday last, May 21, an Executive order is issued which, according to the press, makes it possible to turn loose some 10,000 officials throughout the United States, which would be destructive of the last vestige of State rights. According to my reading of the Constitution, I am firmly convinced that the order is unconstitutional; that the President has no more power, even at the price of $1 per year, to invest power upon these officials throughout the country than has any ordinary citizen.

Mr. HUDSON. Mr. Chairman, I make a point of order that there is no quorum present.

The CHAIRMAN (Mr. KETCHAM). The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count.

Mr. HUDSON. Mr. Chairman, I very much regret to make a point of order like this, but here we are in the very last days of this session, and the District of Columbia has heretofore received very little attention, and it was given to-day in order that it might have attention rather than to go into dialogues on these other questions. Having called the attention of gentlemen to the fact that they are blocking the workings of Congress by doing these things, I withdraw my point of order.

Mr. CAREW. Regular order, Mr. Chairman.

Mr. HUDSON. I withdraw my point of order.

Mr. BLACK of New York. Mr. Chairman, a point of order. Inasmuch as the President can call in the village policemen as Federal officials——

Mr. SNELL. Mr. Chairman, I make the point of order that those things have nothing to do with a parliamentary inquiry. The gentleman is not in order.

The CHAIRMAN. The gentleman from New York [Mr. BLACK] is out of order.

Mr. SNELL. I renew the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan withdraws his point of order, and it is renewed by the gentleman from New York [Mr. SNELL]. The Chair will count. [After counting.] One hundred and twelve gentlemen are present, a quorum.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. BLACK of New York. Does not the gentleman think that under the existing condition of the scope of the Federal Government we might call in the board of aldermen of New York City and your Baltimore City council to make a quorum here?

Mr. LINTHICUM. Well, I do not know that I would go that far, but I think that under the Executive order, if constitutional, they could call upon them to enforce the Volstead Act and the eighteenth amendment.

Mr. UNDERHILL. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. UNDERHILL. The gentleman is interested in District of Columbia matters?

Mr. LINTHICUM. I do not yield for that question. I have the right to this time.

Mr. UNDERHILL. Very well, if the gentleman wants to take the responsibility.

Mr. LINTHICUM. I usually take all the responsibility that is coming to me, as the gentleman well knows.

Mr. CELLER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. CELLER. Would not the gentleman consider it a very splendid commentary on the Williamsburg speech by the President that that order was framed and signed before the Williamsburg speech but not published before it?

Mr. LINTHICUM. To be very frank with the gentleman from New York, I may say it is quite impossible for me to discern how the President can square his Executive order of

Friday with his Williamsburg speech. Certainly they are not consistent. No Republican, however, can stand long upon the pedestal of State rights; it was never built for a Republican statue.

Mr. Chairman, the President of the United States, by Executive order, proposes to turn loose on the 115,000,000 people of our country a vast horde of Federal officials for the purpose of enforcing a law which has been clearly demonstrated can not be enforced. According to my reading of the Constitution, as I said before interruption, I am firmly of the conviction that the order is unconstitutional, and that the President has no more power even at $1 a year to confer upon State officials Federal authority to enforce this iniquitous measure any more than any individual of our country. The eighteenth amendment reads as follows:

SECTION I. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. II. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The words "appropriate legislation," I take it, mean not alone by Congress, but by States which have "concurrent power" to enforce the amendment. But here is an Executive order which proposes to give power and authority to sheriffs, deputy sheriffs, police officials, and policemen in the various States and cities of our country to become employees of the National Government and to carry out its will without legislative power from the States, which was certainly contemplated under the eighteenth amendment. Why, the very idea seems preposterous to those believing in State sovereignty and integrity.

Why, Mr. Chairman, this order would break down the last vestage of State sovereignty. The President in his Williamsburg, Va., speech, came out strongly for State rights, and we were on the verge of believing he had become a follower of the Jeffersonian policy of State rights rather than that of the Hamiltonian centralization, but before his speech at Williamsburg can have died away, we find him indorsing the policy of the most centralized power in the National Government by his Executive order of Friday last.

It has been well said one can not serve two masters. Certainly if our State officials are to become officers for the enforcement of the prohibition laws, then they must necessarily cease in their activity of the enforcement of State laws against the spread of criminality which is endangering the welfare, peace, and prosperity of our people.

We note that General Andrews in his testimony before the Senate committee said that last year there were 172,000 stills seized in the United States, and he further stated this was not one-tenth of the stills existing. If it be one-tenth, then there are 1,720,000 stills in the country. He furthermore said that they were not aiming at the little stills, but at the commercial stills; that is, those who make liquor for sale. How many stills must there be when we realize that there are myriads of little stills for family use in addition to the 1,720,000 or more stills for commercial purposes.

If there be such numbers of commercial stills, there must be more than 3,000,000, including commercial and private. If this Executive order prevails, will it not be about all officers of the States can attend to in their attempt to break up these stills and bring their operators to court? How can they possibly perform the work for which they are employed—to keep the peace of the community and to protect property when they are under Executive order to enforce the eighteenth amendment and the Volstead Act? It has been well said, "You can not indict a whole nation." Certainly the owners of 3,000,000 stills is quite a nation.

I certainly hope the President will not persist in putting this order in force through his Assistant Secretary of the Treasury in charge of prohibition enforcement, Gen. Lincoln C. Andrews. It will certainly end in disaster and make confusion more confounded. It will be the starting point and first precedent for the eventual centralization of all power in Washington, lessen State initiative, and break down the sovereignty and independence of the States, which has been described as the bulwark of the Nation.

On the part of my people I protest against any such usurpation of power. Maryland during her earliest existence promulgated the doctrine of freedom. This was followed by the enunciation of religious freedom.

Life, liberty, and the pursuit of happiness are the basic principles of my people, and any infringement upon them is viewed with awe and despair. Let us hope, therefore, that the President will withdraw this dangerous precedent inimical to the welfare of the Nation. [Applause.]

Mr. CELLER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. CELLER. I hold in my hand a copy of the Washington Times, which states that "Coolidge is to drop dry edict."

Mr. LINTHICUM. I certainly hope he will.

Mr. BLANTON. I hope he will not.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be now read for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the District Commissioners be authorized and instructed to enter into contracts for the erection of a building for the use of the police court of the District of Columbia.

SEC. 2. That there is authorized to be an appropriation for the erection of said building, to be appropriated in like manner as other expenses of the District of Columbia.

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert in lieu thereof the following:

"That the Commissioners of the District of Columbia be authorized and instructed to enter into contracts for the erection of a building for the use of the police court of the District of Columbia: *Provided*, That the location, plans, and specifications for such building shall be approved by the Fine Arts Commission and by the chief justices of said police courts and Supreme Court of the District of Columbia.

"SEC. 2. That there is hereby authorized an appropriation for the erection of said building, to be appropriated in like manner as other expenses of the District of Columbia."

Mr. MOORE of Virginia. May I ask the gentleman from Maryland a question?

Mr. ZIHLMAN. Yes.

Mr. MOORE of Virginia. Is there any estimate as to what the cost will be?

Mr. ZIHLMAN. We have no estimate as yet. This simply authorizes it, and my understanding of that language is that the estimates will be submitted to the Appropriations Committee, which will be called upon to make the appropriation. I will say to the gentleman that ordinarily the committee—and in most cases—secures an estimate as to the probable cost, but the subcommittee which investigated this matter having just made its report, and owing to the lateness of the session, we are trying to get this legislation started without having the usual estimates submitted to the committee, believing that the Appropriations Committee will safeguard the taxpayers of the District.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman this question: Does this come out of the $50,000,000 building fund that is already appropriated for the District of Columbia?

Mr. ZIHLMAN. It does not.

Mr. McKEOWN. How is this to be paid?

Mr. ZIHLMAN. In like manner as other expenses of the District of Columbia.

Mr. McKEOWN. On the ratio of 60–40?

Mr. ZIHLMAN. No. It is left entirely to the Congress to determine the fiscal relationship. If the present plan of fiscal relationship is adhered to, it will come entirely out of the revenues of the District of Columbia.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be laid aside with a favorable recommendation. Is there objection?

There was no objection.

RETIREMENT OF PUBLIC SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I call up H. R. 12266, a bill to amend the act entitled "An act for the retirement of public school-teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

The CHAIRMAN. The gentleman from Maryland calls up H. R. 12266, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, be, and is hereby, amended to read as follows:

"SECTION 1. That there shall be deducted and withheld from the annual salary of every teacher in the public schools of the District of Columbia an amount computed to the nearest tenth of a dollar that will be sufficient, with interest thereon at 4 per cent per annum, compounded annually, to purchase, under the provisions of this act, an annuity equal to 1 per cent of his average annual salary received during the 10 years immediately preceding retirement for each year of his whole term of service rendered after June 30, 1926, payable monthly throughout life, for every such teacher who shall be retired, as herein provided.

"The deductions herein provided for shall be based on such annuity table or tables as the Commissioners of the District of Columbia shall direct: *Provided, however,* That said deductions shall in no case exceed 8 per cent of his annual salary: *And provided further,* That when the annual salary exceeds $2,000 the deductions and benefits shall be made as on an annual salary of $2,000.

"The Commissioners of the District of Columbia shall cause to be filed with the Board of Education on September 10 of each year a certificate showing the amount of deduction to be made from the salary of each teacher during the year, said deduction to be made in equal amounts, one to be deducted for each school month. A similar certificate shall be filed not later than the 15th day of each calendar month to cover cases of new entrants. No deduction shall be made from less than an entire month's salary.

"SEC. 2. That the amount so deducted and withheld from the annual salary of every teacher shall be deposited in the Treasury of the United States and shall be credited, together with interest at 4 per cent per annum, compounded annually, to an individual account of the teacher from whose salary the deduction is made, which account shall be kept by the auditor of the District of Columbia. The fund thus created shall be held and invested by the Treasurer of the United States until paid out as hereinafter provided, and the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of this act.

"SEC. 3. That any teacher who shall have reached the age of 62 may be retired by the Board of Education on its own motion, or shall be retired if application is made by the teacher. Any teacher who shall have reached the age of 70 shall be retired, unless, in the judgment of two-thirds of the Board of Education, such teacher should be longer retained for the good of the service: *Provided,* That no sum shall be paid to any teacher upon his retirement under the provisions of this section unless he shall have been continuously employed as a teacher in the public schools of the District of Columbia from the time of his attainment of the age of 52 years.

"SEC. 4. That any teacher who shall have reached the age of 45, and who shall have been continuously employed in the public schools of the District of Columbia for not less than 10 years immediately prior to his retirement, or who shall have been continuously employed for not less than 15 years prior to his retirement and who by reason of accident or illness not due to vicious habits has become physically or mentally disabled and incapable of satisfactorily performing the duties of his position, may be retired by the Board of Education under the provisions hereinafter stated: *Provided,* That absence of any teacher on authorized leave of absence without pay for a period not in excess of two years shall not constitute a break in continuous employment: *Provided further,* That no teacher shall be retired by the Board of Education under the provisions of this section until said teacher shall have been examined under the direction of the health officer of the District of Columbia, and as a result of said examination, in his judgment, or in the judgment of two-thirds of the members of the Board of Education, shall have been found to be physically or mentally incapacitated for efficient service.

"SEC. 5. That following the passage of this act, every teacher who shall be retired under the provisions of section 3 or section 4 hereof shall receive during the remainder of his life a combined annuity composed of (1) an annuity equal to 1 per cent of his average annual salary received during the 10 years immediately preceding retirement for each year of his whole term of service after June 30, 1926; (2) a sum equal to 1 per cent of his average annual salary received during the 10 years immediately preceding retirement for each year of his whole term of service prior to July 1, 1926, but not to exceed 40 years; and (3) an additional sum of $15 for each year of said service, but in neither case to exceed 40 years, such annuity to be fixed at the nearest multiple of 12 cents and to be payable monthly and to cease and determine at his death.

"SEC. 6. That in calculating, as provided in section 5, the third part of the annuity of a teacher retired under the provisions of section 4 hereof, a minimum credit of 20 years shall be used in determining the sum allowable to a teacher with less than 20 years of service.

"SEC. 7. That the second and third parts of the annuity provided for by section 5 hereof shall be paid by appropriations from the same fund as the current expenses of the District of Columbia are now paid or may hereafter be paid. The amount of each year's appropriation shall be calculated, on an actuarial basis, as a level percentage of the pay roll of all participants which shall be adequate to cover the liability normally accrued plus a further level percentage of the pay roll computed to be sufficient to liquidate, within a period of approximately 30 years after July 1, 1926, the amount of the accrued liability as of that date. The amount of the necessary appropriations shall be certified each year by the Commissioners of the District of Columbia to the Bureau of the Budget, and shall be transmitted by it to Congress.

"The reserves created as the result of such annual appropriations shall be held by the Treasurer of the United States separate from the fund created by the contributions of the teachers, and the fund shall be credited with interest at 4 per cent per annum, compounded annually. The fund thus created shall be held and invested by the Treasurer of the United States until paid out as hereinafter provided, and the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of this act.

"SEC. 8. That in computing length of service of retiring teachers credit may be given, year for year, but not to exceed 10 years, for public-school service or its equivalent outside the District of Columbia: *Provided,* That no credit for service outside of the public schools of the District of Columbia shall be given to any teacher entering the said public schools after June 30, 1926, until he shall have deposited to the credit of the teachers' retirement fund of the District of Columbia a sum equal to the contributions that would have been required of the teacher if such service had been rendered in the public schools of the District of Columbia, with interest thereon at 4 per cent per annum, compounded annually, said contributions to be based on the average annual salary of the class to which the teacher is appointed: *Provided further,* That when the average annual salary of the class exceeds $2,000 the contributions shall be based on a salary of $2,000: *Provided further,* That if the teacher so elects he may deposit the required sum in the fund in any number of monthly installments not exceeding 100, with interest at 4 per cent per annum, compounded annually: *And provided further,* That nothing contained herein shall be construed to repeal section 19 of said act of January 15, 1920, nor to allow any teacher more than one year's credit for all services rendered in any one fiscal year.

"SEC. 9. That upon separation of any teacher from the service of the public schools of the District of Columbia, except for retirement under section 3 or section 4, he shall receive the amount of his deductions, together with the interest then credited thereon.

"No teacher who shall withdraw the amount of his deductions under this section shall, after reinstatement, be entitled to credit for previous service unless he shall deposit in the fund the amount so withdrawn by him: *Provided,* That the amount required to be so deposited may be paid by the teacher, if he so elects, in any number of monthly installments, not exceeding 100, with interest at 4 per cent, compounded annually, but no credit for previous service shall be given in any case of reinstatement where the teacher has been separated from teaching service in any public-school system for more than five years.

"SEC. 10. That in case of the death of a teacher while in the service the amount of his deductions, together with the interest then credited thereon, as provided in section 2 hereof, shall be paid to his legal representatives.

"In the case of the death of an annuitant no part of the deductions made from his salary, with the interest thereon to the credit of his account, shall be returned to his estate unless prior to his retirement he shall have selected, under the provisions of such rules and regulations as the Commissioners of the District of Columbia shall prescribe, an annuity which shall carry with it a provision for the return of the unpaid principal or for the continuance of all or part of the annuity as a survivorship annuity.

"SEC. 11. That every teacher who shall continue in the service of the public schools of the District of Columbia after the passage of this act, as well as every person who hereafter may be appointed to a position as teacher in the public schools of the District of Columbia, shall be deemed to consent and agree to the deductions made and provided for herein; and the salary, pay, or compensation, which may be paid monthly or at any other time, shall be full and complete discharge and acquittance of all claims and demands whatsoever for all services rendered by such teacher during the period covered by such payment, except his claim for the benefits to which he may be entitled under the provisions of this act, notwithstanding the provisions of said Public Act No. 254, approved June 20, 1906, and of any other

law, rule, or regulation affecting the salary, pay, or compensation of the teachers employed in the service of the public schools of the District of Columbia.

"SEC. 12. That nothing in this act shall be construed to prevent the discharge of any teacher at any time in the discretion of the Board of Education of the District of Columbia under the provisions of law.

"SEC. 13. That the term 'teacher,' under this act, shall include all teachers permanently employed by the Board of Education in the public day schools of the District of Columbia, including other educational employees whose salaries are established in the act approved June 20, 1906, and acts amendatory thereof, except the employees of the community center department and the department of school attendance and work permits; the term 'annual salary' shall be construed to mean the total annual income received during the fiscal year for services rendered in the public day schools of the District of Columbia, including basic salary, longevity allowance, session room allowance, and increase of compensation (bonus); and whenever the pronoun 'his' occurs in this act it shall be construed to mean both male and female teachers.

"SEC. 14. That the Commissioners of the District of Columbia shall prepare and keep all needful tables, records, and accounts required for carrying out the provisions of this act. The records to be kept shall include data showing the mortality experience of the teachers in the service of the public schools of the District of Columbia and the rate of withdrawal from such service and any other information pertaining to such service that may be of value and may serve as a guide for future valuations and adjustments of the plan for the retirement of teachers. The Commissioners of the District of Columbia shall make a detailed comparative report annually to Congress showing all receipts and disbursements under the provisions of this act, together with the total number of persons receiving annuities and the amounts paid them. And the Commissioners of the District of Columbia shall have made each year after the passage of this act an actuarial valuation of this retirement fund and the operation thereof, which shall show the financial condition of the fund, and shall report the findings of such investigations to Congress at the opening of the following session.

"SEC. 15. That the Commissioners of the District of Columbia shall include in their annual estimates of appropriations a sum sufficient to carry out the provisions of this act and acts amendatory thereof. No officer or employee receiving a regular salary or compensation from the Government shall receive any additional salary or compensation for any service rendered in connection with the system of retiring teachers provided for by this act.

"SEC. 16. That the Commissioners of the District of Columbia are hereby authorized to perform, or cause to be performed, any or all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

"SEC. 17. That none of the money mentioned in this act shall be assignable, either in law or equity, or be subject to execution or levy by attachment, garnishment, or other legal process.

"SEC. 18. That the provisions of this act shall not apply to any teacher who receives an annuity from any State or municipality other than the District of Columbia.

"SEC. 19. That the provisions of 'An act for the retirement of public-school teachers in the District of Columbia,' approved January 15, 1920, and acts amendatory thereof, shall apply to (A) all teachers who were on the rolls of the public schools of the District of Columbia for the month of June, 1926, if otherwise eligible; and (B) all teachers who, on June 30, 1926, were receiving an annuity under the provisions of said act of January 15, 1920, and acts amendatory thereof, the annuity to be paid each such teacher after June 30, 1926, to be computed in the manner provided herein: *Provided*, That nothing in this act shall be construed to require a reduction in the amount of the annuity being paid to any teacher at the time this act becomes effective."

SEC. 20. The amendments herein provided to "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, shall take effect July 1, 1926.

Mr. UPDIKE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question in regard to this bill. How much do the teachers pay into this fund from their salaries?

Mr. ZIHLMAN. Under existing law they pay from 4 to 8 per cent on a basic salary up to $1,500; this bill will increase it up to a basic salary of $2,000. Under the existing law the annuity is $750, $450, or 60 per cent of which is paid by the teachers, and $300, or 40 per cent, paid by the District of Columbia. Under the pending bill the annuity will be increased to $1,050, $600, or 57 per cent of which will be paid by the teachers, and $450, or 43 per cent of which will be paid by the District Government.

Mr. UPDIKE. I want to say that I am in favor of the bill, but I think that percentage is too high on the teachers.

Mr. ZIHLMAN. I will say to the gentleman that the teachers unanimously agreed to these provisions and they have been approved by the Director of the Budget.

The CHAIRMAN. Without objection the Clerk will correct the misspelling of the word "eligible" on page 12, line 1.

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be laid aside with a favorable recommendation. Is there objection?

There was no objection.

REGULATION OF TRAFFIC IN MILK BOTTLES, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 6728) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be now read for amendment.

Mr. BLANTON. Mr. Chairman, this is a bill there is no contest over and I ask unanimous consent that it be considered as read for amendment. I am sure there will be no amendments offered.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that there are several committee amendments.

Mr. BLANTON. Then I ask unanimous consent that the bill be considered as read and the committee amendment be reported.

Mr. TREADWAY. Mr. Chairman, reserving the right to object, is this a procedure that is at all customary—to consider amendments as having been read and agreed to? I think that is making rather undue haste. We have not been making a great deal of haste around here for some days and I do not exactly see the object of a request of that sort. I think the bill should be read for amendment and the usual procedure followed.

Mr. BLANTON. I withdraw the request, Mr. Chairman.

The Clerk read as follows:

That 30 days from and after the passage of this act all bottles, cans, crates, or other containers in which milk or cream is sold or offered for sale within the District of Columbia shall have plainly and legibly branded, blown, cut, carved, embossed, or impressed thereon the name of the distributer of said milk or cream.

With the following committee amendment:

On page 1, after the enacting clause, strike out lines 3 to 8, inclusive.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I rise in support of or in opposition to the committee amendment. I wish to ask the chairman of the committee if any progress is being made in the drafting of a bill which may become the law to vest the Commissioners of the District of Columbia with more authority, with sufficient authority to take care of trivial matters which consume so much of the valuable time of the Congress.

The bill now before us relates to milk bottles, an example of more or less insignificant bills which consume our time. A hole in a pavement can not be filled without action by Congress. A street or an alley can not be opened or closed or paved or widened, nor can a tree be cut down without our favorable action. It certainly seems advisable to have a law by which the commission will have authority to take care of such matters, in any matters of smaller importance. Many cities of the country are operating under the commission form of government, by which commissioners are vested with considerable authority, no more than they should have, but as much as they should have to take care of matters of this kind, whereas under the plan by which we operate in the District too many matters of this kind require congressional action.

The attention of the Committee on the District of Columbia has been called to this matter a great many times and suggestions similar to mine have often been made. I was moved to ask the chairman of the committee if any effort is being

made or if any progress is being made by his committee to the end so much to be desired.

Mr. MOORE of Virginia. Before the gentleman from Maryland answers, may I supplement what the gentleman from Michigan has said? There are all manner of bills that in the nature of ordinances that are enacted here with reference to the District, which could properly be remitted to the Commissioners of the District for consideration and for final action. For instance, we have here now a bill which is to be called up pretty soon authorizing the construction of a conduit across Twelfth Street. In any other city that matter would be taken care of by the municipal authorities, and I join in propounding the question which has been asked by the gentleman from Michigan.

Mr. JOHNSON of Washington. Will the gentleman yield to me a moment?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. JOHNSON of Washington. Is it not quite possible that the District Committee is so busy holding meetings pro and con on such bills as the one just mentioned that it can not find the time to write a new, substantive organic act for the District of Columbia?

Mr. McLAUGHLIN of Michigan. I realize that the government of the District—the city of Washington—can not in all respects be like the government of other cities. This is the city of the Nation. It is not the city simply of those who live here and claim citizenship here. This ought not to be a local government; perhaps entire control of the city should not be turned over to a commission, but the law ought to be modified. It must be modified in such a way as to permit and require the Commissioners of the District to do more of the business of the District than is now done by them in order to relieve the Congress of the immense work and prevent the waste of so much time in the consideration of ordinary and trifling matters.

Mr. UNDERHILL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. UNDERHILL. A good deal of the time of the commission is taken up now in appearing before various investigating committees, so they do not have as much time as they might for District business.

Mr. ZIHLMAN. If the gentleman will permit, I would like to answer the gentleman from Michigan. I will say to the gentleman that the gentleman from Massachusetts [Mr. UNDERHILL] has repeatedly called attention to the necessity or to the expediency of vesting additional powers in the District Commissioners to take care of matters of this sort of a minor character.

Mr. McLAUGHLIN of Michigan. What has your committee done about it?

Mr. ZIHLMAN. And at the request of the District Committee there was submitted at the beginning of this session of Congress a bill giving certain enlarged powers to the District Commissioners.

Mr. McLAUGHLIN of Michigan. What has become of that bill?

Mr. ZIHLMAN. The committee has held several hearings upon the bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. The committee could not agree upon the specific powers that should be delegated to the District Commissioners. We have reported at this session of Congress and have on the calendar a bill which will give the District Commissioners authority to widen or open a street and to assess benefits, and if the benefits are not equal to the damages the difference can be paid out of the General Treasury, which is not the law at the present time. However, the bill granting enlarged powers to the District Commissioners was of such a nature, so broad in its scope, that the committee could not agree upon the powers which should be delegated to the commissioners and the powers which should be retained by the Congress.

Let me say that at every session at which District legislation is considered we have greatly broadened the powers of the District Commissioners.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. I want to make the observation that probably the Congress for the last 30 years has been debating the matter of local government in the District of Columbia and has not yet concluded it. Whenever a bill is introduced in the District Committee proposing anything in that direction you are in for a two-years' struggle. In my opinion the only way to reform this matter of legislative control and give more power to the commissioners, which should be enlarged and with better pay, will be by a resolution authorizing the appointment of a select committee to consider the subject. At the beginning of every Congress the Committee on the District of Columbia, one of the hardest-worked committees in the House, is so busy with minor matters that it can never take the three or four months necessary to formulate a plan for the District government. I hope the chairman himself will introduce such a resolution for the appointment of a committee.

Mr. McKEOWN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. McKEOWN. It seems to me that a simple method could be worked out whereby four District Commissioners could be elected and three appointed by the President—give them all the power—and reserve to Congress the power to repeal any ordnance or anything that is obnoxious.

Mr. JOHNSON of Washington. I would like to see the gentleman from Oklahoma on the joint committee.

Mr. MOORE of Virginia. Mr. Chairman, I would like to suggest to the gentleman while he is on his feet that I agree that one way to do what he has in mind—and I am in thorough sympathy with it—is to create a small joint committee that can take up this matter when Congress is not in session and work out a comprehensive plan. Unless we do something in that line 30 years more may be occupied in such performances as we have now.

Mr. JOHNSON of Washington. I would like to say that the District is a great sufferer from the fact that matters have to be settled on the floor of the House, and Members insist on voting for or against the District in accordance with the ideas of their voters in their own district, which may be 2,000 miles away.

Mr. MOORE of Virginia. It should be realized that the District Committee can not do the work because they sit all day and usually and very often a part of the night, and while there is no excessive talk in that committee, nevertheless they are not able to attend to this matter.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to say to the gentleman from Michigan, the gentleman from Washington, and the gentleman from Virginia that this matter that we have been discussing presents a very difficult question. It is by reason of the fact of the two classes of government here. If this was a city simply for the citizens of the city, it would be easier. If it was merely the home of the Government, it would be easier. The bill that was presented at that time to the committee seemed to be very simple on its face, but we would take up one phase and find that it was almost impossible to prevent the local government from having the upper hand over the United States Government, and vice versa.

I call attention to the fact that when Congress was in a city where there was more or less local control, Congress was chased through the streets by a mob. I want to say to the gentleman that I gave two months' hard work in an effort to devise such a plan when Congress was not in session and miserably failed. I want to say that the gentleman from Oklahoma [Mr. McKEOWN] promised that he would work out such a plan, and in the few remarks he made a moment ago he did not say that after his effort he failed.

Mr. JOHNSON of Washington. While it may be true that Congress in another city was chased by the mob, after we get through with the heroics on certain matters you will find that Congress and not the mob was doing the chasing.

Mr. GILBERT. There are two sides to that question, and it makes the matter very difficult of solution. My purpose in rising at this time is to explain to two or three Members who are opposed to the milk bill why I am in favor of the bill. It will be noticed that a great deal of the bill is stricken out. There has been before Congress for four or five years a milk bottle bill, which compelled everybody distributing milk by retail in the District to have a branded bottle or a branded container. In my opinion, and in the opinion of many, that gave an undue opportunity to monopolize the milk situation and was an interference with the rights of small dealers. I fought that bill, but gentlemen will observe that this bill merely gives the privilege to anyone who wants to go to that trouble to have registered his mark, and then when it is registered he is protected in its use. No one under this bill is forced to comply with it, and anybody who desires to comply with it is protected when he has done so. I make this statement so that certain Members who have been opposing the bill on the same grounds that I have will not feel that I have abused their confidence in agreeing to this bill.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the last two words. I think this is an opportune moment to once more call the attention of the House to certain things with reference to self-government in the District of Columbia. I do this because those who have this idea in mind may benefit somewhat by my experience. For five years I have endeavored to bring that about in the most simple manner. I have suggested, and, in fact, have introduced, legislation that the naming of streets, the removal of a body from a cemetery, the putting of sewers through certain streets, and the widening of streets—all those little matters now come to the District of Columbia Committee and from that committee to Congress—may be taken care of by the commissioners; but I have arrived nowhere with it.

Mr. JOHNSON of Washington. The gentleman might go further and include among the items the branding of milk bottles.

Mr. UNDERHILL. I suggest to the gentleman, as long as he has taken such an interest and thinks it is such a simple matter, that I shall cooperate with him if he will introduce some bill, and then we will see how far we will get. We will not get anywhere until the District Committee takes an arbitrary stand and refuses to pass any legislation with regard to the District of Columbia, and the people demand with one voice that they shall have the attention to which they are entitled. The District Committee can not by any stretch of the imagination or by working day and night do the work that is really necessary to make this city the best Capital City in the world. It must have the cooperation of Congress, and they do not get that.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GILBERT. The gentleman cites many very simple things, such as the widening of a street. When you think of it, you could not think of granting any greater power to three men or six men than the right to widen a street. Suppose we take Pennsylvania Avenue, and the commissioners are given the right to condemn or take any amount of the street they desire, to any distance back, or under any circumstances; it might interfere with the avenues that lead to the public buildings, the departments of the Government, and while you may mention a thing which seems very simple upon its face, yet when you think of where it may lead you will find that you have granted very great powers.

Mr. UNDERHILL. The fears of the gentleman are unfounded. I do not believe the District of Columbia government through its commissioners would do anything which would hurt the National Government in its functions. Every city government in the United States to-day has the power to widen streets, if the necessities of the people and of the city require it, excepting the government of the District of Columbia, and yet when we bring up a proposition before the District Committee all sorts of complicated questions are raised, and most of the objections are merely in the minds of the objectors and are not real ones at all.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. I was interested in an observation of the gentleman that the District Committee does not have the cooperation of Congress.

Mr. UNDERHILL. I do not think it has.

Mr. MONTAGUE. I agree very largely with the gentleman, I ask his opinion on this phase of that. We had an exhibition this morning that indicates the reason of my question. Are not the rules of the House to blame, which permit general debate on District day? We may have the most vital question up, and yet gentlemen in general debate can talk of anything else except the pending motion or the bill before the committee.

Mr. UNDERHILL. Not to reflect too seriously upon Congress, Congress makes a joke of the District Committee, and of District affairs. That is a fact, whether we like it or not. We do not treat the District fairly, and when we have general debate on District day, and we have this day only every other Monday, we are not doing the fair thing by the District of Columbia or by the citizens or by the Nation itself, when we allow extraneous matters of any kind to be introduced in general debate. I hope it will be stopped.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that debate upon this paragraph and all amendments thereto now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. All persons, firms, partnerships, or corporations engaged in the bottling, selling, or distributing of milk or cream in bottles, cans, crates, or other containers within the District of Columbia, on which the name, trade-mark, or other device designating the owner is branded, blown, cut, carved, embossed, or impressed, shall file with the clerk of the Supreme Court of the District of Columbia a description of the name or names, marks, or devices so used by them, the said description to be a statement under oath by the owner of said name, mark, or device. The said owner of said name, mark, or device shall, after filing the description as above required, cause the same to be published at least once a week for two consecutive weeks in a newspaper of general circulation in the District of Columbia. The said owner of said name, mark, or device shall thereafter file with the clerk of the Supreme Court of the District of Columbia an affidavit made by himself or any other competent person stating that said description has been published as herein provided, and shall file in the office of the health department of the District of Columbia a copy of said registration and said affidavit of publication, both duly certified as true copies by the clerk of the Supreme Court of the District of Columbia. The registration of any such name, mark, or device shall be complete on the filing of said certified copies in the health office of the District of Columbia, and thereafter the name, mark, or device shall be considered as registered in accordance with this act, and any bottle, can, crate, or other container on which said name, mark, or device shall be or shall be placed shall be considered as registered in accordance with this act.

With the following committee amendments:

Page 2, line 1, strike out "SEC. 2," and in line 6, page 2, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word. The preceding speakers have talked about different District problems and their possible solution in the interest of the Government and the District. I believe that the people of the District should have a voice in their own government. If they had a form of government similar to the municipal form of government in my State, I know that the sovereign voters of the District would elect officials of the District of a different caliber than some of those who are now holding District offices. I know that if in my State the newspapers had carried great articles, day after day, setting forth facts as presented to the two committees of this House which have been investigating District conditions, our prosecuting attorney would have impaneled a grand jury and have presented these matters to that grand jury without any delay. I do not think any municipal officers should be entangled with business institutions which receive District contracts amounting to thousands of dollars. Corporations in which Commissioners of the District of Columbia are financially interested should not receive District contracts.

The District Commissioners annually direct the spending of millions of dollars of the people's money. Certainly any person who is a public official should not benefit financially from sales by his person or corporation to the municipality.

I do not think that if we had a municipal form of Government that we would have here to-day the sorry spectacle of an official, a commissioner of the Government, receiving stupendous fees while acting as guardian for hundreds of disabled incompetent veterans and raking off commissions amounting to thousands of dollars on fiduciary bonds, and at the same time acting in the capacity of District Commissioner, a part of whose duty is to regulate bonding companies, thereby receiving salary as a District commissioner, compensation as guardian and commissions as a bond agent. Some argue against enfranchisement of the citizens of the District on account of the large colored population. I state that to me a man is a man and a citizen and should have a voice in the Government no matter what his color may be, no matter what his religion may be, no matter what his native origin may be. There are many thousands of citizens in the District who are not of my color, but who have hearts whiter than some of the present District officials.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 3. Whoever shall by himself or his agent fill, use, sell, offer for sale, give, buy, traffic in, or shall have in his possession with intent to fill, use, sell, offer for sale, give, buy, or traffic in any registered milk bottle or bottles, can or cans, crate or crates, or other containers on which appears the name, mark, or device, registered by another person, shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

The committee amendments were read as follows:

In line 5, page 3, strike out the figure "3" and insert the figure "2." In line 12, after the word "act," strike out the colon and the proviso ending in line 16.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 4. Whoever shall by himself or his agent willfully deface, erase, alter, obliterate, cover up, or otherwise remove or conceal any registered name, mark, or device registered by another and being on any milk bottle, can, crate, or other contajner, or shall willfully break, destroy, or otherwise injure any registered milk bottle, can, crate, or other container which has been registered by another shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties prescribed in this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person whose registered name, mark, or device shall have been in or upon said bottles, cans, crates, or other containers.

The committee amendments were read as follows:

Page 3, line 17, strike out the figure "4" and insert the figure "3." In line 25, after the word "act," strike out the colon and the remainder of the proviso ending in line 3 on page 4.

The question was taken, and the amendments were agreed to.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word of the paragraph. Mr. Chairman, I think a bill of this character having to do solely with the kind of bottles that are used for milk in the District of Columbia is a very good commentary on the attitude here of laws whereby Congress is called upon to legislate in such detailed matter as contained in this bill. My colleague [Mr. UNDERHILL], who is very familiar with District affairs, made some very pertinent suggestions a few moments ago to which I would like to add. My thought is this: The District of Columbia, as well as the business of Congress, have outgrown Congress being a board of aldermen for the city of Washington and the District of Columbia. I think the day has come when another form of government ought to be brought forward for the District. It does not seem to me that we as Congressmen, brought here from all parts of the country to legislate for the country, should be called upon to legislate, for instance, upon the size and kind of milk bottles that may or may not be distributed in the District of Columbia. [Applause.] Most of us are also ignorant of and have little interest in the small matters pertaining to the District.

The details that we have brought before us every two weeks by the District Committee are too petty to take up the time of Congress. It seems to me, Mr. Chairman, that my colleague [Mr. UNDERHILL], or the distinguished chairman of the District of Columbia Committee, the gentleman from Maryland [Mr. ZIHLMAN], could very well bring to the attention of the Congress the suggestion of the appointment of a commission to study a method properly to govern the District of Columbia. It would be a much better use of our time in considering such a measure as that, of course, within the bounds of the Constitution, and avoid the continuous performance in the House of Representatives, possibly not even having a quorum on the floor, as very likely does not exist here to-day, of bringing up measures of this kind. We could use our time to much better advantage by having some police power given to somebody to regulate, for instance, the size of milk bottles to be distributed throughout the city.

Mr. RANKIN. Will the gentleman yield?

Mr. TREADWAY. In just a moment. Possibly constructive legislation that the District Committee could suggest would result in the appointment of a disinterested commission to take up the subject of the government of the District of Columbia. A study could be made whether the District should be governed by the exercise of the right of franchise of the people or by a managerial system, which has proven successful in many of our cities. I offer that suggestion in the most humble frame of mind to the chairman of the District Committee and his distinguished associates on that committee. [Applause.]

Upon further inquiry into the subject I find that a resolution was introduced in the last Congress but not adopted embodying this idea. It should be again brought up and pressed for passage. Various inquiries are now under way along special lines, but I think a study of the general subject of District government would produce valuable results. If no member of the District Committee cares to present a resolution, I will be glad to prepare one for the consideration of the Committee on Rules.

The CHAIRMAN. Without objection the proforma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 5. In any prosecution under this act, the refusal of any person having possession of any registered milk bottle, can, crate, or other container to surrender possession of the same to the registrant of the name, mark, or device appearing thereon, after notice and demand by said registrant or his agent, shall be prima facie evidence of the unlawful use or traffic in the same contrary to the provisions of this act: *Provided*, That the provisions of this section shall not apply to any person having the written consent of the person by whom said bottles, cans, crates, or other containers were registered.

With the following committee amendments:

Page 4, line 4, strike out the figure "5" and insert in lieu thereof the figure "4."

In line 11, after the word "act" strike out the colon and the proviso ending in line 14.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. Whenever any person who has registered milk bottles, cans, crates, or other containers in accordance with the provisions of this act shall by himself or his agent make oath before the clerk of the police court of the District of Columbia that he has reason to believe, and does believe, that any of his registered milk bottles, cans, crates, or other containers, are being filled, used, bought, trafficked in, held, sold, offered for sale, broken, injured, or destroyed within the District of Columbia contrary to the provisions of this act by any person without the written consent of the registrant, the judge of the police court to whom said complaint under oath is made may forthwith issue a search warrant directed to any police officer or other proper officer to search the premises whereon or wherein said registered milk bottles, cans, crates, or other containers are unlawfully held and may issue a warrant for the arrest of the person complained against; and if any one or more of such registered milk bottles, cans, crates, or other containers, or any parts of the same, shall be found upon the premises by the officer executing the said search warrant, he shall seize and take possession of all such registered milk bottles, cans, crates, or other containers, or parts thereof, and shall cause the same to be brought before the judge of the police court, who shall award the said registered milk bottles, cans, crates, and other containers to the person entitled to the same.

With the following committee amendment:

On page 4, line 15, strike out the figure "6" and insert in lieu thereof the figure "5."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Chairman, a few minutes ago the gentleman from Massachusetts [Mr. TREADWAY] talked about the expediency of action that has been recognized for a long time as desirable—that is, intrusting the local authorities of the District of Columbia with the power to enact and enforce what may properly be called municipal ordinances or regulations. That has been discussed for many, many years, as has been suggested, and yet this Congress is about to adjourn, I think I may say without contest, with the governmental affairs of the District of Columbia in about as unsatisfactory and uncertain condition as they ever have been.

I agree with both of the gentlemen from Massachusetts [Mr. UNDERHILL and Mr. TREADWAY]. Efforts have been made to create joint committees to take up this subject and deal with it. It seems it is hopeless to attempt to do anything of that sort now. Therefore I would respectfully suggest to the chairman of the able Committee on the District of Columbia that he appoint a subcommittee of members who are willing to do some work during the vacation of Congress for the purpose of taking up this matter and be prepared to make a report to Congress at its next session. That, I think, is entirely feasible, and I think it might produce good results.

Now, so far as some of the other remarks are concerned, relative to the form of government in the District of Columbia—I think by the gentleman from Massachusetts [Mr. TREADWAY]—in my own opinion and from long observation I believe it is the best form that can be devised—the commission form of government—but I do think this: That Washington, having grown now to a city of a half million people, and with a great and growing variety and diversity of interests, the commission ought to be reconstituted. We can not get along now satisfactorily with a commission of three as was possible years and years ago.

In my own judgment, Congress would take a wise step to increase the membership of the commission to, say, five, with one of the members drawn from the Engineer Corps, and intrust that commission with all the work, including the supervision of public utilities, which is contemplated to be put in other hands by one of the bills to be called up here to-day. My belief is that these commissioners ought to be selected without any particular regard to locality, so as to enable the President to draw into the service of the District the very strongest men he can find. When the commissioners are thus appointed, they should be paid adequate salaries, sufficient to disconnect them from any private business. [Applause.]

One of the subjects we have heard discussed here has relation to that last point; and I believe the commissioners, whether they are four or five or remain as three—and I would prefer to see them five—ought to be paid salaries at least equal to the salaries paid to Members of Congress, and that it ought to be understood that they shall confine themselves to District business and not mingle that work with private work.

Mr. BEGG. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BEGG. Does the gentleman think that for $10,000 a year he could get a man with business experience sufficient to qualify him to take for a temporary period of time, like the job of commissioner is as a rule, one of these offices?

Mr. MOORE of Virginia. I should think it might to be done for $10,000 or $12,000 a year. It is found possible in other places. It is certainly found possible in the other agencies of the Government, and the District, in a way, is a governmental agency.

Mr. BEGG. Will the gentleman permit me to question one of his statements, if I understood it correctly?

Mr. MOORE of Virginia. Yes.

Mr. BEGG. The gentleman said it was found possible in other places. I do not know of another city in the United States where a commissioner has to separate himself from his private business. The city manager is a different proposition, and that is a profession in itself.

Mr. MOORE of Virginia. Yes.

Mr. BEGG. And I take it the gentleman is not referring to a city manager.

Mr. MOORE of Virginia. After all, I may say to my friend, the commissioners in the District are very much in the same attitude as city managers.

Mr. BEGG. Oh, I do not think so.

Mr. MOORE of Virginia. And the salaries of city managers vary greatly throughout the country.

Mr. BEGG. I do not wish to interrupt the gentleman's argument, but I think this is a vital question. I think a city commissioner is just as different from a city manager as a doctor is different from a lawyer.

Mr. MOORE of Virginia. I think my friend will agree that the commissioners in Washington really do the work that is done by the city manager in other places.

Mr. BEGG. To a certain extent, I grant that; but with our frame-up of government as it is, suppose four years from now the Democratic Party should come into power, the chances are 100 to 1 that every commissioner would be changed.

Mr. MOORE of Virginia. No; the commissioners are appointed under the statute for a given period.

Mr. BEGG. I understand that.

Mr. MOORE of Virginia. Gentlemen who are members of the committee can correct me, but I think the appointments run for six years.

Mr. ZIHLMAN. No; four years.

Mr. MOORE of Virginia. It would be entirely possible to make the appointments extend over a longer period. Since the gentleman and I have been in Congress we have seen officials provided for whose appointments are extended way beyond the term of any one presidential term.

Mr. KELLER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes. I think this discussion is worth while if it does nothing more than to start people thinking about the matter.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLER. Is it the gentleman's judgment that if his plan was followed out it would remedy the condition of which he is complaining in the District of Columbia entirely? And before the gentleman answers that question I want to point out that my judgment is the fault does not lie entirely with the commissioners, but the way they are appointed. They are not under any responsibility to anybody, and therefore after they have their appointments they can do practically anything they like, although, of course, coming under the control of the law as it is now on the statute books. In my opinion, the only way you will ever get any real service out of men holding public office is to have them at stated times—two or three or four years—go back to the people who gave them the power to function in order to get their approval. [Applause.] If we do what the gentleman suggests and increase the membership to five we will still have the conditions we have now, because they would not be responsible to anybody, and could do just as they like in reference to matters in the District of Columbia.

Mr. MOORE of Virginia. I am not undertaking to criticize the present commissioners. I would like the gentleman to understand that in the first place. In the second place, I am not such an idealist as to think a perfect government anywhere can be brought about. It never has been done so far as I know. However, I do think if the duty is placed upon the President to appoint the very best men that can be found; and if they are adequately paid, so as to detach them, at least as far as possible, from the discharge of other duties or from attention to other business, the situation in the District will be materially improved.

Mr. KELLER. There is no question but what that point is well taken; but I want to say to my friend that in almost all cities where the commission form of government is in force every member is elected by the people and must divorce himself from private business, and that is the exact point I want to make. In other cities, when these men are elected by the people, it is only for a short period of two or three or four years, and they are going to conduct themselves in such a manner that the people will reelect them, because they have responsibility and must answer to the people; but in the District of Columbia they do not have to answer to anybody, not even to the President, when you come down to the fine point of responsibility.

Mr. MOORE of Virginia. But my friend can take great cities of this country, which I might mention, and I challenge him to compare the men who are elected to office in those cities, where there is domination of an organization often controlled by one man, with the men who get into office in the District of Columbia.

Mr. KELLER. No matter what kind of an organization you have, no matter what kind of laws you have, it depends entirely on the men elected who are to carry out the work they were elected for. It depends entirely upon the personnel. In every city in the United States where we have officials elected they have to go back to the people, and, therefore, they will function in a manner that will commend them to the people for reelection. You do not have that here.

Mr. MOORE of Virginia. I only differ from my friend in this respect, that I believe in the present form of government; and if I had the final word, I would not change to popular election of officials. [Applause.]

Mr. KELLER. If that is the gentleman's conviction, my experience and observation is such that I would not commend it to the Committee on the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHAFER. I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. BEGG. In order to overcome the charge that officials favor their friends, in Ohio an effort has been made under city management in Cleveland and Cincinnati not to take local men but to go outside——

Mr. MOORE of Virginia. They ordinarily do that.

Mr. BEGG. To go outside for commissioners, and you might overcome that in that way here. I do not see where increasing the number will correct any of the evils complained of to-day.

Mr. SCHAFER. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SCHAFER. The gentleman drew a comparison between the head of a municipality elected by the people and members appointed as they are in the District. In the city of Milwaukee, a city of over 500,000 population, we have a mayor in charge of the city government elected by the people every four years. The present mayor is not of my political party or my political faith in many respects, but in the city of Milwaukee we would not have the spectacle where the mayor would be in partnership in the hardware business and the firm selling to the city of Milwaukee $90,000 worth of hardware as we have had in the District of Columbia in the case of Commissioner Rudolph.

Mr. MOORE of Virginia. I do not care to talk about Commissioner Rudolph. I never have discussed persons on the floor of the House where there is no opportunity for them to be heard in answer. Of course, I do not know anything about the suffrage elements in Milwaukee or conditions there. I am ready to assume that everything is in a sort of millennium condition in Milwaukee. [Laughter.]

Mr. SCHAFER. But there was presented to the committee evidence showing that the firm of Rudolph & West sold to the District of Columbia approximately $90,000 worth of hardware, seven or eight times the amount that any other hardware firm in the District of Columbia sold the city.

Mr. MOORE of Virginia. I saw something about that in the newspapers, but I believe that Commissioner Rudolph is a very honest man.

Mr. ZIHLMAN. Mr. Chairman, I would like to state for the benefit of the gentleman from Virginia that one of the members of the Committee on the District of Columbia, the gentleman from Vermont, has pending before the Rules Committee a resolution providing for the appointment of a joint commission to make a survey and study of the government of the District of Columbia with a view of recommending changes in the existing organic law and correcting some conditions that have been complained of here to-day.

Mr. TREADWAY. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. TREADWAY. The remarks the gentleman has just made in relation to the possibility of a survey leads me to inquire as to the scope of the survey. Does it mean a change of the present system, enlarging it along the lines of a complete reorganization?

Mr. ZIHLMAN. The complete study and investigation of the existing laws of the government of the District of Columbia with a view of recommending to Congress such remedial legislation as the committee thinks necessary.

Mr. TREADWAY. If such a resolution is pending, it should have wide powers as to the nature of the investigation, but what I am getting at is, Would it have sufficient power to study the problem of whether or not Congress shall continue to be a board of aldermen for the city of Washington?

Mr. ZIHLMAN. I should think so under the language. The Senator from Utah [Mr. KING] has introduced a resolution of a similar purport.

Mr. TREADWAY. Here is an illustration that my colleague [Mr. UNDERHILL] brought in a few minutes ago of the point I am making as to this type of legislation. He said that this legislation provided by the bill that we are considering was regulated by a city ordnance in his city. I do not think that Congress should be required to make ordinances for the city of Washington. I think such a commission should be appointed provided its scope is broad enough to take up the whole question of government of the District.

Mr. COOPER of Wisconsin. Mr. Chairman, I have only a word to say in reply to the gentleman from Massachusetts [Mr. TREADWAY]. Evidently the gentleman is in favor of having executive officers more and more secure control of the Government not only in executing the laws, but also in making the laws. Now, that sort of thing has, in my judgment, already gone too far. The District Commissioners, being not elective but only appointive officers, ought not to make ordinances, the violation of which is equivalent to the violation of law. The laws governing the District of Columbia should be the work of Congress and the President. The commissioners should merely help to execute the laws. But more and more Congress is neglecting its duties by turning over to the District Commissioners and to department officials generally the right to make rules and regulations which in their effect and in the results attending their violation are very important laws. All of these ought to be enacted by Congress and the President and appear on the statute books, and not be left to the mere discretion of appointive officials. Lawmakers should be elected by the people, not appointed by the Executive.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. UNDERHILL. When the machinery devised by Congress falls down what are we going to do?

Mr. COOPER of Wisconsin. But the machinery is not, in fact, devised by Congress; it is devised by the commissioners. Congress neglects its duty by failing to make the laws and to devise the machinery to carry them out.

Mr. UNDERHILL. Well, put it in whatever way you wish.

Mr. COOPER of Wisconsin. That is the only way in which to put it and tell the truth.

Mr. UNDERHILL. If Congress neglects its duty in looking after these various laws, what are we going to do?

Mr. COOPER of Wisconsin. Congress should not yield to the persuasive eloquence of the gentleman from Massachusetts [Mr. TREADWAY], and of other similarly minded gentlemen and keep neglecting its duty. We should put on the statute books the laws and the machinery necessary to carry them into effect and not leave these important matters to the discretion of the commissioners.

Mr. TREADWAY. Mr. Chairman, if the gentleman will yield, I think he has entirely misconceived my intended statement. I do not advocate giving our powers to some other board or some other authority. I do say that this body has too much great business to see to to be using its time in petty things like marking milk bottles.

Mr. COOPER of Wisconsin. I do not think that it is the duty of Congress to mark milk bottles, as the gentleman says; but Congress can very well help to pass laws which will secure pure milk and only pure milk for the families of this District, and not leave these vastly important things to the discretion of the commissioners. All rules and regulations—everything—essential to the securing of pure milk in this District ought to be upon the statute books in the form of law, and any person who willfully violates these laws ought, in my judgment, to be imprisoned.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, I have an amendment to offer to strike out the section, and I want five minutes upon that, although that will not interfere with the gentleman's request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I move to strike out the pending section, and if the Chair will permit, I will let the gentleman from Louisiana [Mr. O'CONNOR] use his five minutes first.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I do not know that I can contribute to the information before the House in a discussion of the affairs of the District of Columbia, except that I rise to express the astonishment that I have felt since I have come to Congress, which was about seven years ago, at the apparent inability of Congress to determine upon some form by which the District of Columbia and the city of Washington could administer their own affairs upon as large a scale as possible under a national charter. I would not have taken the floor to-day to express that astonishment, because a great many others have expressed their disappointment at the inability of Congress up to this time to successfully cope with the problem, but the gentleman from Ohio [Mr. BEGG], who I think has specialized largely upon municipal functions, has thrown out the suggestion that this discussion may not be without value. Of course, it is upon the anvil of discussion that the spark of truth will fly, and I shall take the chance of saying something that may be of interest to the committee.

In the city of New Orleans which has approximately about the population of the city of Washington—about 425,000 or 450,000 people, divided along racial lines in about the same proportion as in the city of Washington—we had for years the aldermanic system; but as a result of the crusade that swept over the land in behalf of city commissioners and city managers some years ago, lagging behind as we did, and finally obtaining some compensation as the laggard often does, we picked out the good that was in all of the commission forms of government, framed along these lines a charter, went to the State capitol and secured its passage. Through that charter as thus confected we enjoy as full and as complete powers with regard to municipal functions as any city in the United States of America. We have five commissioners, one of whom is a mayor. He has to do with law, order, and allied matters. The others are the commissioners of public utilities, of finance, of public property, and of public order.

The charter is a radical departure from what are considered the fundamentals and safeguards of liberty and freedom in this country, because in these five commissioners repose the power—

and they exercise it—of passing ordinances, administering ordinances, and judicially enforcing them. They legislate by passing ordinances and administer them and select the recorders of the municipal court to enforce the ordinances. The charter is as broad as possible. We pass ordinances for the purpose of regulating traffic, ordinances of a police nature and of every character imaginable to secure the public welfare, and the system has worked out very well. The population of New Orleans is made up of those who claim a Spanish and French ancestry and many who are proud of their Scotch, Scotch-Irish, Irish, and English origin and forbears, all being welded and fused into American blood, with a thorough American attitude, except that we are possibly, as a result of our composition, a little more optimistic and enthusiastic than the average of our American countrymen. It is a population that is sometimes volatile and mercurial and when occasion necessitates it very likely to fly off from the center and raise a good deal of ruction about controversial matters that soon pass off and our differences are forgotten, as they are really but nine-day wonders.

I mention these characteristics to show you that there must be some extraordinary virtue in a charter of full and complete power, or a people not difficult to move to emotionalism would never tolerate it. It has rendered, through its administrators, such efficient, effective, and satisfactory results that when any stickler for representative and democratic forms offers the criticism that it is an instrumentality that might make for tyranny and oppression some one will respond good-naturedly, though he is not unmindful of the necessity from a State and national standpoint of preserving democratic institutions and forms of government:

> For forms of government let fools contest;
> That which is best administered is best.

That extraordinary charter has withstood every attempt to change it. There was quite a demonstration made a short while ago by highly intellectual journalists and publicists and civic leaders, backed by a considerable number of people, to go back to the aldermanic system, and that demand was fortified and reenforced with the argument that it was a movement for liberty, to preserve freedom and secure the citizen against tyranny and to maintain a thoroughly representative government whereby all parts of the city and all citizens would have representation. All the changes were rung upon liberty and freedom, and I do not say this by way of criticism, but the people by an overwhelming disposition and manifestation of opposition to the proposed return to the aldermanic system prevented the attempt to change that charter, which is, as I say, complete and as full in its powers as possible for any sovereign State to legislatively give a political subdivision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that the gentleman have two additional minutes.

The CHAIRMAN. The time has been fixed by order of the committee, the Chair is sorry to say.

Mr. COOPER of Wisconsin. How are those commissioners chosen?

Mr. O'CONNOR of Louisiana. Elected by the people. But while for diplomatic and political reasons the factions usually make up their tickets on local geographical lines, there is no reason, legal or otherwise, to prevent their being selected and elected from one neighborhood. I may add that there is nothing to preclude a commissioner from taking private employment or attending to some business of his own, except the unwritten law, which no one would substantially offend violate. Gentlemen, that old city is as well governed as city in the world. The great power reposed in our commissioners is never abused. On the contrary, it is always sedulously used for the public interest and good. Auxiliary to the charter and perhaps amendatory of it—for an act may be really an amendment to an original chart, though it does not read so—are the commissioners for the port of New Orleans, for while ostensibly a State board, its functions are those of a municipal nature and are concerned almost exclusively with the development of the port of New Orleans; and the Orleans Levee Board, whose duty is to protect New Orleans by levees from the flood waters which all of the States of the Mississippi Valley relentlessly year after year pour down upon us. We have a public beet railroad commission, one of the great assets of our city. In addition to the vast commercial requirements it so ably meets and solves day after day, it is now building—for it has almost accomplished the necessary preliminaries—the last bridge on the Father of Waters, a bridge that will facilitate the movement of commerce east and west of the Mississippi River and that destined for export but will also, with the bridges that will soon give a close connection with the east Gulf coast, make for an automobile travel so great as to excite the imagination of the most phlegmatic. Millions then will travel over the famous Spanish Trail.

But to return to the subject. Our five commissioners have authority, and they intelligently exercise it, to establish a fire department, create a police establishment, pave streets, regulate traffic, to pass ordinances, to maintain "law and order," and to penalize and punish those who infract or violate them. They have the right to grant franchises and privileges, to open streets, and, in fact, to do everything that a prosperous and growing city may have to do for the comfort and convenience of our people. Why can not we grant the commissioners for Washington similar powers?

The CHAIRMAN. The time has been fixed by the committee. The question is on agreeing to the amendment offered by the gentleman from Arkansas to strike out the section.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WINGO. I believe I will ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 16, noes 28.

So the amendment was rejected.

The CHAIRMAN. All pro forma amendments are withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 7. No title may be acquired to any mark, name, or device, or any milk bottle, can, crate, or other container registered in accordance with this act except by the consent in writing of the person who registered the same.

With a committee amendment, as follows:

Page 5, line 16, strike out the figure "7" and insert in lieu thereof the figure "6."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. All persons who have heretofore registered any milk bottles, cans, crates, or other containers in accordance with the laws existing at the time of said registration shall be exempted from filing a new description in accordance with the terms of this act and shall be entitled to the rights and benefits accruing under this act in the same manner as if said registration was made after the passage of and in accordance with this act: *Provided*, That a copy of said registration duly certified by the clerk of the Supreme Court of the District of Columbia is within 30 days from and after the passage of this act filed in the health office of the District of Columbia.

With a committee amendment, as follows:

Page 5, line 20, strike out the figure "8" and insert in lieu thereof the figure "7."

The CHAIRMAN. Without objection, the numbering will be changed, and also the numbering of the preceding section.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. The provisions of this act shall apply to all bottles, cans, crates, and other containers in which milk or cream of any grade, quality, or character is sold or offered for sale, and shall include bottles, cans, crates, and other containers in which skimmed milk, buttermilk, double cream, and sour milk are sold.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. GILBERT. I am sorry to say anything further along the line we have been discussing all afternoon, but I do just want to put in these few observations for good and all. There are certain able Members of the House of Representatives like my friend from Arkansas [Mr. WINGO], who admits that he has not read the bill, and my friend from Massachusetts [Mr. TREADWAY], who come over on District day for the sole purpose of ridiculing legislation.

Now, the gentleman from Massachusetts says that he is told that in other cities these things are contained in town ordinances. Of course they are. But it so happens that under the Constitution of the United States the only town ordinances passed for the District of Columbia have to be acts of Congress. I was like that gentleman and others in an effort to shirk this responsibility and delegate it to some board. I went into that matter, as I stated, fully with that view, but after giving it thought I have now the same opinion that Con-

gress has entertained for 30 years whenever this matter has come up. It has found that the only thing it can do is to do nothing. When you mention "the small things" we have to deal with, which could be transferred to somebody else, and examine them, you find they are not small things at all. The gentleman from Massachusetts said "a small thing like widening a street." There is nothing that would be more radical and possess more arbitrary power than that. And after mature thought, I am opposed to giving the District Commissioners, whether they be 3 or 5 or 10, the power even to name a street, and for this reason: Congress may want to honor some national hero, some great leader in peace or in war, and have a street named for him. We now have streets named for States—Pennsylvania Avenue, Maryland Avenue—and streets named for statesmen—Clay Street and Webster Street, and so forth. But if we transferred that power to the commissioners we would have a "Rudolph Street" and a "Fenning Street." I want Congress to retain the power to legislate for the District even to naming streets in the Government's home in the District of Columbia. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHAFER. Mr. Chairman, I shall vote against this legislation because of the provisions in section 5. I think the homes of the citizens of this Republic must be protected from search and seizure.

With this section in the bill, what will we find? That any person who has registered milk bottles, cans, crates, or other containers can go before a police court and state what? State that he has definite knowledge that there has been a violation of the law? No. He can state that he has reason to believe, and does believe, that a housewife has a milk container or other container in her home in violation of this law. Thereupon a search warrant will be issued, and the law-enforcement branch of the Government will send an officer to search the home.

The time has come when we must protect the homes of citizens from unreasonable searches by law-enforcement officers.

Section 5 does not require the party making the oath to have definite knowledge that a milk bottle or other container is in the home for which the search warrant is to be issued under this act. This section violates the letter and the spirit of the Constitution.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk concluded the reading of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to say just one word. I had not noticed until a minute ago the language in section 10, which provision strikes me as extraordinary:

Upon conviction of a violation of the provisions of this act the penalty shall be a fine of not more than $50 for the first offense—

"Not more than $50" means that it might be $1, $2, or $3, or any sum less than $50—

and a fine of not more than $100 for the second and each subsequent offense.

"Not more than $100" means that it might be $1 or $2. So a man might be convicted, if this bill should become a law, twenty times in a year and never pay a fine of more than $2 or $1 and not be subject to imprisonment at all.

Mr. ZIHLMAN. Does not the gentleman think that is a matter that could be left to the discretion of the court, the court having latitude up to the sum of $100?

Mr. COOPER of Wisconsin. No. A minimum fine should be definitely fixed by law. The discretion of the court ought to be limited. The law should provide that the fine shall not be less than a certain sum nor more than a certain other sum, and especially should it provide the alternative of imprisonment in the case of second or third or still later offenses. It is too late now to make an objection, possibly, but in my judgment this saying "not more than $50" and "not more than $100" is very ill advised.

Mr. GLYNN. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GLYNN. I call the gentleman's attention to section 11, which provides that after the third conviction they may go to the Supreme Court of the District of Columbia and procure an injunction against the further use of the bottles.

DISTRICT LEGISLATION

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bills H. R. 11943, H. R. 12266, and H. R. 6728 back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. SNELL, the Speaker pro tempore, having assumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11943) providing for an additional building for the use of the police court of the District of Columbia and the bill (H. R. 6728) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass; and the bill (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes, and had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. The question is on the amendment to the bill H. R. 11943.

The amendment was agreed to.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill H. R. 12266.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The question is now on agreeing to the amendments to the bill H. R. 6728. Without objection, the amendments will be agreed to, and, without objection, the bill will be ordered engrossed, read a third time, and passed.

Mr. SCHAFER. Mr. Speaker, I object to the passage of the last bill, H. R. 6728, and raise the question of no quorum.

Mr. ZIHLMAN. Mr. Speaker, I make the point of order that the gentleman's objection comes too late, as the Chair stated that without objection the bill would be engrossed, read a third time, and passed, and the gentleman did not object.

Mr. SCHAFER. Mr. Speaker, perhaps every Member of the House can not express himself inside of 10 seconds or 5 seconds. If a Member is on his feet endeavoring to object, I think he should be permitted to do so, and I was on my feet.

The SPEAKER pro tempore. The Chair will rule that the gentleman is within his rights in objecting.

Mr. ZIHLMAN. Will the gentleman consent to have the bill laid aside and take up other District bills, and then have a roll call on this bill later?

Mr. SCHAFER. Yes. I think this search and seizure proposition is an important one, and I think the House should have an opportunity to be recorded on it.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that that bill be laid aside and that we proceed with the consideration of other District legislation on the calendar.

The SPEAKER pro tempore. The Chair thinks it would be well to first move the previous question.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. Without objection, the previous question will be considered as ordered.

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be laid aside without prejudice.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the bill be laid aside without prejudice. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 815. An act for the relief of O. H. Lipps;

H. R. 965. An act for the relief of C. B. Wells;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 2635. An act for the relief of Mrs. W. H. ReMine;

H. R. 3796. An act to establish a national military park at the battle field of Moores Creek, N. C.;

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4902. An act for the relief of Washington County, Ohio, S. C. Kile estate, and Malinda Frye estate;

H. R. 6615. An act for the relief of Nohle-Gilbertson Co., a corporation, of Buford, N. Dak.;

H. R. 6696. An act for the relief of Edward J. O'Rourke, as guardian of Katie I. O'Rourke;

H. R. 6729. An act to amend section 18 of the irrigation act of March 3, 1891, as amended by the act of March 4, 1917;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 7403. An act for the relief of John E. Luby, of New Bedford, Mass.;

H. R. 7429. An act for the relief of Joseph L. Rahm;

H. R. 8486. An act for the relief of Gagnon & Co. (Inc.);

H. R. 8657. An act to amend sections 226 and 228 of the Judicial Code, and for other purposes;

H. R. 8794. An act to credit the accounts of W. W. House, special disbursing agent, Department of Labor;

H. R. 8916. An act granting public lands to the county of Kern, Calif., for public park purposes;

H. R. 9178. An act to amend section 12 of the act approved June 10, 1922, so as to authorize payment of actual expenses for travel under orders in Alaska;

H. R. 9218. An act to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

H. R. 9938. An act for the relief of Frank A. Bartling;

H. R. 10126. An act to revise the boundary of the Mount Rainier National Park, in the State of Washington, and for other purposes;

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota;*

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes;

H. R. 11202. An act to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter;

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899;

H. R. 11511. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

H. R. 11927. An act to authorize the Secretary of War to sell a portion of the Fort Ringgold Military Reservation, Tex., to Rio Grande City Railway Co.;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance;

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.; and

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

RIGHTS OF MARRIED WOMEN IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 2730) to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia." This bill is on the House Calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1155 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended by striking out the following words contained in said section 1155:

"*Provided*, That no married woman shall have power to make any contract as surety or guarantor or as accommodation drawer, acceptor, maker, or indorser."

Mr. ZIHLMAN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. GILBERT], who wishes to offer an amendment.

Mr. GILBERT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: At the end of line 9 add the following words: "And in lieu of the proviso so stricken out, the following proviso be inserted: *Provided*, That no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability, upon a contract made after marriage, to answer for the debt, default, or misdoing of another, including her husband, unless such estate shall have been set apart for that purpose by deed of mortgage or other conveyance, acknowledged and recorded as provided by law."

Mr. GILBERT. Mr. Speaker and gentlemen of the House, I hope you will give me careful attention on this amendment for just a moment. I do not care to take time except to point out the existing law, the amendment as offered by the bill, and the amendment that I propose.

Under the laws of the District of Columbia a married woman can execute any contract that a single woman can, with the exception of acting as surety or guarantor or as accommodation drawer, acceptor, maker, or indorser.

A situation has arisen in the District of Columbia that necessitates a change in this regard because the courts have held that a husband and wife can not even go together and mortgage property so as to bind the wife if, as a matter of fact, it later develops the debt was the debt of the husband. Rather than to take a chance, the trust companies of the District have refused to advance money on property. You may own a piece of property here and with your wife want to mortgage it, but if you go to them they will not lend you the money, because it may afterwards develop that the debt was solely the debt of the husband, and the wife under those circumstances will not be bound.

So the real estate men of the District of Columbia, as well as the bankers, came before our committee and sought relief from this condition. The committee has offered the relief provided in this bill, which says that there shall be stricken from the law the restraint that she shall not go as surety or guarantor or as accommodation drawer, acceptor, maker, or indorser. In other words, if this bill is passed as suggested by the committee, then all protection will be swept away from a married woman. She will be placed upon exactly the same footing as a single woman. Some of you may ask, Is not that right? Many States of the Union so provide. If that is your view, of course the bill is all right, but I still stick to the view, as maintained by most of the States of the Union, that there should be some protection yet retained for married women against suretyship.

Mr. STEPHENS. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. STEPHENS. Does the gentleman mean to say that if a married man mortgages his property and his wife signs the mortgage that she is not held liable?

Mr. GILBERT. Provided it develops that the debt was the debt of the husband and she was merely the surety; yes.

Mr. STEPHENS. If she signs the mortgage, she is a cosigner and signs her dower rights away, and so on, just as much as the husband; it makes no difference what they do with the money or whether the husband uses the money or the wife uses the money.

Mr. GILBERT. I will say to the gentleman from Ohio that should be the law, but under certain decisions of the District courts she can come back, after having signed the mortgage and after the transaction is closed, and file an affidavit and be heard that the debt was the debt of the husband originally, and the courts of the District go so far as to hold that then she is not bound upon that instrument.

Mr. STEPHENS. Will the gentleman tell us upon what law that is based?

Mr. GILBERT. It is based on a decision of the Court of Appeals of the District of Columbia.

Mr. BLACK of New York. What about a married woman going surety on a bail bond?

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. GILBERT. Mr. Speaker, this is a matter that is so important that I will ask for five additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BLACK of New York. Will the gentleman yield?

Mr. GILBERT. I yield.

Mr. BLACK of New York. I want to know just what is the situation under the law to-day and what would be the situation under your amendment with respect to the matter of a married woman going surety on a bail bond for her husband or for her son?

Mr. GILBERT. I will come to that question in a moment.

Mr. GARDNER of Indiana. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. GARDNER of Indiana. I would like to ask the gentleman if it does not depend largely on how the title is held, whether his statement is true or not?

Mr. GILBERT. Absolutely not, because if she is not bound by reason of its being a debt of her husband, then her dower in the land would not be subject to the debt under the decisions of the Supreme Court of the District of Columbia.

In lieu of the amendment offered by the committee, I offer an amendment in which some gentlemen of the committee concur, that the wife still have the protection from suretyship and accommodation indorser, except where she by voluntary instrument, acknowledged and recorded according to law, binds herself. I would not be presumptous enough on a delicate matter of this kind——

Mr. STEPHENS. That is the exception, then, is it?

Mr. GILBERT. That is the amendment I am offering. I would not be presumptious enough to invade any new field. The section I am offering is the identical law of Kentucky, and I use Kentucky because I am more familiar with that than I am with other States of the Union.

Mr. STEPHENS. But when she signs a mortgage, she does that voluntarily, of course.

Mr. GILBERT. When she does that she should not be permitted to come back and claim that she is not liable.

Mr. STEPHENS. There is no doubt about that; but I can not see where there can be such a law as the gentleman has stated.

Mr. GILBERT. I did not believe there was such a law until they showed me the decision. Now, I offer this, that a married woman may be liable as a single woman, except that no part of the married woman's estate shall be subjected to the payment or satisfaction of any liability upon a contract made after marriage to answer for the debts, default, or misdoing of another, including the husband, unless such estate shall have been set apart for that purpose by deed or mortgage or other conveyance acknowledged and recorded as provided by law.

In other words, she is left free as to her own contracts and her own property to answer for her own debts as a single woman. But when her property is to be taken for the debt of somebody else, then I think the confidence that married women have, and should have, in their husbands should be protected to the extent that she be furnished the protection that the formalities of the law require to go before some constituted authority and acknowledge that she understood that such was her purpose.

If you will excuse me a moment and pardon me for a personal reference, I know of a married woman, a very intelligent woman, in my opinion, that signed a paper for me not long ago, and on the way out she said, "What was that I signed?" That paper that she signed might involve everything that that particular husband and wife had.

There are some people in this country that think the Lord made a mistake when he made man and woman different. I never have arrived at that conclusion. The woman is much superior to man, but, naturally and properly, has that confidence in man's superior business ability that I think this Congress will make a mistake if it deprives her of the protection that this amendment offers, and that is simply that when her individual property is to be taken for the debt of somebody else that she at least acknowledge before an officer of the law that she understood what she was doing, and when that is done she can do so.

Mr. COOPER of Wisconsin. Does the gentleman say that the amendment he offers is in the language of the Kentucky statute?

Mr. GILBERT. I would not have the presumption to invade this delicate feature of the law by anything new. My amendment is the exact wording of the Kentucky law on that subject, and also I find in a majority of the States.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. REID].

Mr. REID of Illinois. Mr. Speaker and gentlemen, there is a peculiar condition of the law in the District of Columbia at the present time. No married woman has any control over her estate so that she can do business effectively on account of the decision of the court of appeals in this District. After a woman has signed a note or signed a mortgage and has gotten the money and the money has been used by the husband she can come in at any time, at any place, and set aside the whole transaction and get her money back on the grounds that it was an accommodation loan for her husband.

Mr. STEPHENS. That is a funny decision and a funny law.

Mr. REID of Illinois. The funny part is it comes right back to Congress here. That decision of the court is based upon this provision of the District Code, section 1165, page 377. It gives the power to the wife to trade, to sue, and be sued, and then it contains this proviso, which we are trying to strike out:

Provided, That no married woman shall have power to make any contract as surety or guarantor or as accommodation drawer, acceptor, maker, or indorser.

If she had her estate in stocks or bonds, she would not be able to sign a note for a son or a daughter, as the amendment offered now stands.

Mr. THATCHER. Was that a decision by a court of last resort?

Mr. REID of Illinois. The court of appeals, and not only one decision but other decisions; but the amendment of the gentleman from Kentucky would prohibit a married woman from borrowing any money for the son or the daughter, as well as for the husband, as her estate would have to be set apart for the purpose by appropriate deed.

Mr. STEPHENS. That is, the amendment of the gentleman from Kentucky?

Mr. REID of Illinois. Yes.

Mr. GILBERT. Oh, the gentleman misstates the position. It would not be that, but when she was going to answer for the bond of somebody else then she would have to acknowledge it like she would a mortgage.

Mr. REID of Illinois. She would have to acknowledge it like a mortgage when she went down to the bank to get money to go bail for her son, and that process would defeat the purpose of allowing a married woman to have her own estate to deal with.

Mr. GILBERT. Yes.

Mr. REID of Illinois. And she would have to put it in a trust estate and thus it would be impossible for a married woman to transact business in the District of Columbia.

Mr. WINGO. Mr. Chairman, there are other States besides Kentucky that have such a provision. Women do not have any trouble in making bonds for their sons.

Mr. REID of Illinois. What States?

Mr. WINGO. Take Arkansas, for instance.

Mr. REID of Illinois. Very well. Arkansas is not in the list of giving women their full rights.

Mr. WINGO. I know something about the laws of the State of Arkansas. You can not hold my wife's property, whatever she signs, unless she does it with formality. We adopted the Kentucky act absolutely when we were admitted to the Union.

Mr. GILBERT. I think that is the law in some 17 States.

Mr. WINGO. There is a distinction in respect to giving bond. Here is the point, and I think the gentleman overlooked it. Where a woman has a son, she will always stand by him when he gets into trouble, and the meaner the boy is the more she will stand by him.

Mr. REID of Illinois. That holds true in the case of husbands sometimes.

Mr. WINGO. The boy gets into trouble, and she can be made the victim of that trouble, because she will sign anything they stick under her fingers, and I know that the formality of having to go before a disinterested notary public before she ties up her property has saved more than one women everything that she had in the world. It has many times saved her her home, because her trifling boy was in trouble.

Mr. STEPHENS. And she would just have to go before a notary public?

Mr. WINGO. Yes. She would have to undergo the same formality as if she were making complete alienation of her property. That is the protection that a woman in distress ought to have, and she ought to have it against her own husband sometimes.

Mr. REID of Illinois. Yes; but in this particular District it is impossible for a married woman to do any business with banks in regard to the property, unless this amendment is done away with. The banks now refuse to loan married women a cent, even in her own business, where she has a husband, because of the decisions of the courts. Another peculiar thing in

the District of Columbia is that the husband and the wife own the property together in estates by entirety, so that it is impossible to levy an execution upon that property for either one's debts, and when the husband and the wife sign the note, as they did in one case, the woman can afterwards come into court and set aside the mortgage and sale of the property on the ground the money was used for the payment of obligations of the husband.

Mr. MANLOVE. Did the husband die in the meantime?

Mr. REID of Illinois. No; he was alive. She came in and set it aside, because it was void under the section we are now amending. I hope the amendment will be defeated and the bill pass as reported by the committee.

The SPEAKER pro tempore (Mr. SNELL). The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chair being in doubt, the House divided; and there were—ayes 17, noes 21.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of District business on the Union Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. KETCHAM in the chair.

PUBLIC UTILITIES COMMISSION

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read for amendment.

The CHAIRMAN. Without objection, the bill will be read a second time for amendment.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the first paragraph of paragraph 97 of section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, is amended to read as follows:

"PAR. 97. (a) The Public Utilities Commission of the District of Columbia shall be composed of three commissioners, to be appointed by the President, by and with the advice and consent of the Senate. Of the three commissioners first appointed after the passage of this amendatory act, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, commencing July 1, 1926. The terms of office of all successors shall expire three years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Each commissioner shall receive a salary at the rate of $7,500 a year. The commission shall at least biennially elect a chairman by a majority vote of its members. No commissioner shall during his term of office hold any other public office. The Commissioners of the District of Columbia shall furnish the commission with suitable offices and quarters.

"(b) A majority of the commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commissioner, whose acts and orders, when approved by the commission, shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules and regulations for the administration of the provisions of this section, including the conduct of its investigations, inquiries, hearings, and other proceedings."

SEC. 2. The second paragraph of paragraph 97 of section 8 of such act of March 4, 1913, is hereby amended by inserting "(c)" at the beginning of such paragraph.

SEC. 3. The commissioners of the Public Utilities Commission of the District of Columbia in office upon the date of the enactment of this act shall continue to hold office and exercise the powers of the commission until at least two commissioners are appointed to take office under the provisions of this act. This act shall not be construed (1) to invalidate any subpœna, valuation, order, rule, regulation, or revocation, or any recision, alteration, modification, amendment, or suspension thereof issued by the commission prior to the date on which the commissioners first appointed under this act take office; or (2) to invalidate any complaint served, or any investigation, inquiry, or hearing held or commenced, or any determination or decision rendered by the commission prior to such date; or (3) to invalidate, abate, or discontinue any action, suit, trial, or proceeding commenced by or against such commission prior to such date.

SEC. 4. Such act of March 4, 1913, is amended by inserting after paragraph 91 thereof a new paragraph to read as follows:

"PAR. 91A. (a) There shall be appointed by the President, by and with the advice and consent of the Senate, an additional counsel of the commission to be known as the people's counsel, who—

"(1) Shall represent and appear for the people of the District of Columbia at all hearings of the commission and in all judicial proceedings involving the interests of users of the products of or service furnished by public utilities under the jurisdiction of the commission;

"(2) Shall represent and appear for petitioners appearing before the commission for the purpose of securing lower rates or improved public service; and"

With the following committee amendment:

Page 4, line 13, after the word "commission," strike out "for the purpose of securing lower rates or improved public service" and insert "for the purpose of complaining in matters of rates or service."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(3) May investigate the service given by, the rates charged by, and the valuation of the properties of, the public utilities under the jurisdiction of the commission.

(b) The term of office of the people's counsel shall be four years, and he shall receive a salary at the rate of $7,500 a year. No person shall be appointed as people's counsel who has not been a bona fide resident of the District of Columbia continuously for a period of at least five years immediately preceding the effective date of his appointment, or who has not been engaged in the actual practice of law before the Supreme Court of the District of Columbia for a period of at least five years.

SEC. 5. It is hereby declared to be the sense of the Congress that the Public Utilities Commission of the District of Columbia should, after investigation, make such recommendations to the Congress as it may deem advisable and take such other action as may be appropriate, with the purposes in view of securing improved service, establishing lower rates of fare, and establishing a half fare for school children, in connection with the transportation of persons by electric railway and motor bus in the District of Columbia, and their recommendations as to improved service and lower rates in connection with the various utilities of the District of Columbia which are regulated by the Public Utilities Commission.

With the following committee amendment:

Page 5, strike out all of section 5.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

CONDUIT ACROSS TWELFTH STREET SW.

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 12172) permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection the Clerk will read the bill for amendment.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to issue a permit to the Washington Market Co., its successors or assigns, for the laying of an underground conduit and pipes from square 328 across and under Twelfth Street SW., to and into square 300 for refrigerating purposes, under the following conditions, namely: The conduit and pipes therein shall be laid in a straight direction at right angles to the building line of said Twelfth Street; they shall be located as directed by the Commissioners of the District of Columbia and be laid under their inspection, and the cost of such inspection and the replacing of pavements, curbs, and sidewalks disturbed shall be paid by the parties to whom the permit

shall be granted: *Provided*, That such conduit and pipes shall be used for no purpose other than refrigeration.

SEC. 2. That Congress reserves the right to amend, alter, or repeal this act.

The bill was ordered to be laid aside with a favorable recommendation.

TO REPEAL BRIDGE TAXES

Mr. ZIHLMAN. Mr. Chairman, I desire to call up the bill H. R. 7380, on the Union Calendar.

The CHAIRMAN. The gentleman from Maryland calls up the bill H. R. 7380, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7380) to repeal a part of section 12, chapter 353, Thirty-first United States Statutes at Large, as heretofore amended.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none. Without objection, the bill will be read the second time for amendment.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That that portion of section 12, chapter 353, Thirty-first United States Statutes at Large (as heretofore amended by an act approved July 1, 1902, and again amended by an act approved February 9, 1909), which is as follows: "Each street railway company using said bridge shall pay, in addition to other taxes as by its charter provided, one-half of 1 cent for each and every passenger carried across said bridge," be, and the same hereby is, repealed.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That so much of section 5 of the act entitled 'An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof,' approved May 18, 1916, as requires all electric railways using the new bridge provided for by such act to pay into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over such bridge, is hereby repealed. This section shall take effect (but in no event before 30 days after the enactment of this act) upon the revocation of that part of Order No. 482 of the Public Utilities Commission of the District of Columbia, dated July 7, 1922, authorizing the Capital Traction Co. to charge and collect from each passenger carried across such bridge an additional fare of one-half of 1 cent per trip.

"SEC. 2. So much of section 12 of the act entitled 'An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co., in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes,' approved February 12, 1901, as amended, as reads as follows: 'Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided one-half of 1 cent for each and every passenger carried across said bridge' is hereby repealed. This section shall take effect upon the reduction of each rate now in force in respect of the carriage of any person by electric railway from or to a point in the city of Washington to or from a point in Virginia beyond South End station, in an amount not less than one-half of 1 cent."

Mr. GILBERT. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. This bill was not submitted to me as one to be considered to-day, and I do not know anything about it. I do not know anyone on the subcommittee on our side who knows anything about it.

Mr. ZIHLMAN. I will say to the gentleman the floor leader announced that this was probably the last day we would get, and I hoped to clean up a few matters about which there was no controversy. If there is any objection to the bill, I will have it laid aside and remain on the calendar. I will state to the gentleman it is a bill introduced by the gentleman from Virginia [Mr. MOORE].

Mr. GILBERT. I would like for the gentleman from Virginia [Mr. MOORE] to explain the bill.

Mr. ZIHLMAN. It is a bill of the gentleman from Virginia [Mr. MOORE], and I should be very glad to have him explain it.

Mr. GILBERT. I would like to ask unanimous consent that the gentleman from Virginia be given five minutes or such time as he desires to explain the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. Mr. Chairman, the report with the bill sets out the facts so fully that I need say little. The law under which the Francis Scott Key Bridge was constructed provided that a tax of one-half of 1 cent per passenger should be paid by any railroad company that might build over that bridge—be paid into the Treasury. That payment has continued to be made up to this time. The total amount is not large, but subjects a great many people, including school children, to the inconvenience of having to pay one-half of a cent in addition to the normal railway charge applicable in the District of Columbia proper. The proposal here is that that tax shall be remitted and that the Capital Traction Co., which operates over the bridge, shall give the traveling public the benefit of free service on the bridge, at least service without anything in addition to the charge that is made in the District. The report that accompanies the bill indicates how small is the amount that is involved. Of course, the automobile travel over the bridge pays nothing. The foot passenger travel over the bridge pays nothing, and the only special charge is the charge that I have mentioned, one-half of a cent per passenger where the street cars carry the passengers, which the company collects and pays into the Treasury.

There is a corresponding tax that applies to the Highway Bridge. Ever since the bridge was constructed the one-half cent per passenger has been paid into the Treasury by the trolley company using this bridge. The amount is small. That company has been for years in the hands of a receiver. It is not in a very hopeful condition now, but the company agrees that if the tax is canceled that it will reduce its fares to the same extent, so that the traveling public will get the benefit of the cancellation. And, of course, in this case also automobiles and motor trucks and the foot passengers using the bridge pay no such tax. Not only would it be to the advantage of the traveling public to abate the tax, but it would be of advantage to the trolley company, which will probably be able by reducing its fares in the way stated to increase the volume of travel so as to stand a chance of surviving. I may say as to the Highway Bridge, and the Key Bridge as well, that not only are people living on the other side of the river affected by the existing situation, but likewise many, many hundreds of people, thousands of people, I think I can say, who live on this side of the river and who go to their work from Washington over to the south bank of the Potomac, and it seems to me that it is altogether in the interest of the public that the bill should be passed.

Mr. GILBERT. Mr. Chairman, I will say, in view of the statement of the gentleman from Virginia, I have no objection to the further consideration of the bill.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. ZIHLMAN. I ask that the title be changed to conform to the text of the bill.

The CHAIRMAN. Without objection, the title will be changed to conform to the text of the bill.

There was no objection.

The bill was ordered to be laid aside with a favorable recommendation.

CONDEMNATION OF LAND FOR OPENING STREETS, ETC.

Mr. ZIHLMAN. Mr. Chairman, I now call up Senate bill 2537, providing for the condemnation of land for opening streets.

The CHAIRMAN. The gentleman from Maryland calls up the bill S. 2537, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2537) to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The bill will be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That in all condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia for the acquisition of land for the opening, extension, widening, or straightening of Piney Branch Road between Thirteenth and Butternut Streets; Thirteenth Street extended, except through the Walter Reed Hospital Reservation, Concord Avenue, Nicholson Street, or any street, avenue, road, or highway, or a part of any street, avenue, road, or highway in accordance with the plan of the permanent system of highways for the District of Columbia, all or any part of the entire amount found to be due and awarded by the jury in said proceedings as damages for, and in respect of, the land condemned

for such streets, avenues, roads, or highways, or parts of streets, roads, avenues, or highways plus all or any part of the costs and expenses of said proceedings, may be assessed by the jury as benefits: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceedings, plus the costs and expenses of said proceedings, be in excess of the total amount of benefits, it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

SEC. 2. That there is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary from time to time to pay the costs and expenses of the condemnation proceedings instituted under the authority of this act and for the payment of the amounts awarded as damages, the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceeding, plus the costs and expenses of said proceedings, be in excess of the total amount of assessments for benefits, such excess shall be paid out of the appropriation herein authorized.

The CHAIRMAN. Without objection, the bill will be laid aside with favorable recommendation.

There was no objection.

PIPE LINES FOR PETROLEUM

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 10082) to permit construction, maintenance, and use of certain pipe lines for petroleum and its products.

The CHAIRMAN. The chairman of the committee calls up the bill H. R. 10082, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10082) to permit construction, maintenance, and use of certain pipe lines for petroleum and its products.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The bill will be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the owner of square No. 704, in the city of Washington, said square being bounded by South Capitol Street, P Street south, One-half Street east, and O Street south, or his representative duly authorized in writing, be, and is hereby, permitted to lay down, construct, maintain, and use pipe lines for the carriage of petroleum and its products from points in said square No. 704 in and through the following streets, namely: One-half Street east between O and R Streets south, and in P, Q, or R Streets south, to the Eastern Branch of the Potomac River, as may be prescribed by the Commissioners of the District of Columbia.

With a committee amendment, as follows:

Page 1, line 10, after the word "namely," strike out "One-half Street east between O and R Streets south, and in P, Q, or R Streets south, to the Eastern Branch of the Potomac River," and insert: "One-half Street east between O and R Streets south, and in R Street south to the Eastern Branch of the Potomac River, or in P Street south to First Street east, thence in First Street east to the Eastern Branch of the Potomac River."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all the construction and use provided for herein shall be under such regulations and rentals as the Commissioners of the District of Columbia may make in connection therewith: *Provided,* That the permission herein granted shall be exercised so as not to conflict or interfere with any pipe line or lines for the carriage of petroleum and its products now permitted to occupy either of the streets hereinbefore mentioned.

SEC. 3. That the Congress reserves the right to amend, alter, or repeal this act at any time.

The CHAIRMAN. Without objection, the bill will be laid aside with favorable recommendation.

There was no objection.

WIDENING OF HARVARD STREET

Mr. ZIHLMAN. Mr. Chairman, I now call up the bill (H. R. 11118) to authorize the widening of Harvard Street, in the District of Columbia, and for other purposes.

The CHAIRMAN. The gentleman from Maryland calls up the bill H. R. 11118, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11118) to authorize the widening of Harvard Street, in the District of Columbia, and for other purposes.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the bill will be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening of those portions of Harvard Street NW. and Adams Mill Road, described as follows: A strip of land 30 feet wide lying immediately southerly of the northerly line of square 2589, between Lanier Place and Eighteenth Street, and a strip of land 30 feet wide lying immediately southerly of the northerly line of square 2587, between Quarry Road and Adams Mill Road; all of lot 1 and parts of lot 807, square 2588, parts of lots 802, 803, and 804, square west of square 2588; all of the above-described property being in accordance with may No. 1209 on file in the office of the surveyor of the District of Columbia, upon such lines as the said commissioners may deem to be in the public interests. If the entire amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for such widening, plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings hereunder, and for the amount awarded as damages; and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be laid aside with favorable recommendation. Is there objection?

There was no objection.

BOARD OF CHIROPRACTIC EXAMINERS

Mr. ZIHLMAN. Mr. Chairman, I call up House bill 9055, to regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof.

The CHAIRMAN. The gentleman from Maryland calls up the bill H. R. 9055, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9055) to regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with. Is there objection?

Mr. MADDEN. Why not read it and see what it says?

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created a board of chiropractic examiners for the District of Columbia, consisting of three members selected by the Commissioners of the District of Columbia from chiropractors of the different schools of chiropractic practicing within the District of Columbia, no two members of which shall be from the same school.

SEC. 2. That within 30 days after receipt of notice from the Commissioners of the District of Columbia of their selection, each chiropractor so selected shall make oath or affirmation before an officer authorized to acknowledge oaths in the District of Columbia to faithfully perform all the duties appertaining to his office, after which time the commissioners shall issue a certificate of appointment.

SEC. 3. That the members of said board of chiropractic examiners of the District of Columbia shall serve for a term of three years and until their successors are appointed and qualified: *Provided,* That of the first members of said board one shall be appointed for one year, one for two years, and one for three years. A vacancy occurring from any cause shall be filled by appointment as provided in sections 1 and 2 of this act.

SEC. 4. That members of said board of chiropractic examiners shall be practitioners of chiropractic who have practiced for at least two years in the District of Columbia, of moral standing, graduates of a legally established school or college of chiropractic, and hold a degree of doctor of chiropractic.

SEC. 5. That said board shall, within 30 days after its appointment, organize by electing a president, a secretary, and a treasurer, who shall hold their offices until their successors are appointed and

qualified. The treasurer shall be a bonded officer in such an amount as the board may determine. The secretary shall have custody of the seal of the board and shall affix the same at the direction of said board.

SEC. 6. The said board shall convene for the purpose of examining applicants for license at least once every six months, and the dates for such examinations shall be determined by the board. Special meetings may be called at the discretion of the president of said board, the secretary, or the treasurer. All three members of the board shall be present to constitute a quorum.

SEC. 7. The said board shall adopt an official seal, keep a record of all of its proceedings, and a register of all applicants for license to practice chiropractic within the District of Columbia, and shall make regulations governing the operation of this act, subject to the approval of the Commissioners of the District of Columbia. The record and register shall be prima facie evidence of all matters recorded therein, and such record and register shall be kept by the said board of chiropractic examiners.

SEC. 8. Applicants for a license under this act shall have had a high-school education or its equivalent; and applications for license shall be accompanied by a certificate of moral standing, photograph of applicant, and evidence of graduation from a legally established school or college teaching a resident chiropractic course of not less than three academic years of six months each, totaling two thousand 60-minute hours or its equivalent of study; and a fee of $25.

SEC. 9. That to any person actively engaged in the practice of chiropractic in the District of Columbia at the time of the approval of this act the board of chiropractic examiners shall grant a license and registration upon the presentation of a diploma or other evidence of graduation from a legally established school or college conferring the degree of doctor of chiropractic and upon a payment of a fee of $10: *Provided*, That all applicants for such licensure shall have attended a resident school or college or chiropractic for at least three years or more of not less than six calendar months each, or shall have been actively engaged in the practice of chiropractic in the District of Columbia for at least two years prior to the approval of this act.

SEC. 10. That upon complying with the requirements of section 8 of this act, said board of chiropractic examiners shall form their questions and admit all applicants to examination, except as provided in section 9, oral or written, or both, to include subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, symptomatology, hygiene, diagnosis, and the principles and practice of chiropractic. To each applicant making an average of 75 per cent or more and not falling below 60 per cent in any one subject shall be granted a license to practice chiropractic in the District of Columbia.

SEC. 11. Any applicant failing to make the required grades in an examination shall be allowed to take the next succeeding examination without additional fee and shall be reexamined only in those subjects upon which he failed in the preceding examination.

SEC. 12. That the said board of chiropractic examiners of the District of Columbia may, upon due cause shown, refuse to grant a license to any person convicted of a felony or any immoral or unbecoming conduct and may, after due notice and hearing, revoke a license for a like cause, and that said board shall notify immediately, in writing, the clerk of the Supreme Court of the District of Columbia concerning the revocation of a license: *Provided*, That after two years have expired next succeeding the date of revocation of license said person so unlicensed may apply for a reissue of license and shall receive a license, subject to proper conduct during a period of one year, after which time, if it shall be shown that said person is entitled to a permanent license under the provisions of this act, such license shall be granted on payment of a fee of $10.

SEC. 13. That any person who shall fraudulently practice, or pretend to practice, chiropractic, as defined in this act, in the District of Columbia shall be deemed guilty of a misdemeanor and may be fined in a sum not to exceed $500 or by imprisonment in the District Jail for a period of not more than 90 days, or by both such imprisonment and fine: *Provided*, That this act shall not apply to legally practicing chiropractors of any State or Territory of the United States, who may be called to the District of Columbia in special cases. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of this act.

SEC. 14. Nothing in this act shall be construed to prevent the registration and record of any chiropractor removing from any State or Territory in the United States to the District of Columbia, upon presentation of evidence of his or her licensure in said State or Territory, and who has practiced at least two years prior to the passage of this act or to the date of application for such registration and record, upon payment of the required fee: *Provided*, That the requirements in such State or Territory for reciprocity are of the standard prescribed above: *Provided further*, That a fee of $50 for reciprocity shall be paid.

SEC. 15. Each examiner shall be allowed to receive $15 per day for each day of actual service in conducting the examination, to be paid from fees received as above stipulated, and all surplus moneys received under the provisions of this act shall revert to the Treasury of the United States, and the treasurer of said board of chiropractic examiners shall account semiannually to the auditor for the District of Columbia.

SEC. 16. That for the purpose of this act chiropractic shall be understood to be that branch of science which teaches the laws of animation and health, the cause of disease, and a method of restoring health by the application of corrective measures to the body, principally adjusting to remove vertebral and other subluxations. Nothing in this act shall be so construed as to prevent or in any way interfere with any other system or practice of the treatment of disease as taught by any other school or science.

SEC. 17. That the license provided for and granted by this act shall authorize the holder thereof to practice chiropractic in accordance with the terms of this act, and extends rights and privileges accorded physicians of other schools of healing. Nothing in this act shall be construed to authorize the prescribing of medicine or the practice of surgery.

SEC. 18. All licenses, permanent or temporary, shall be recorded in the office of the clerk of the Supreme Court of the District of Columbia and a fee of $1 shall be paid for such recording, and the clerk of said court shall keep a record of the licenses so recorded as well as the licenses revoked in accordance with section 12.

SEC. 19. All acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

Mr. GILBERT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, I think this bill ought to be voted down, for the following reasons: The fourth section just read provides that the "members of the Board of Examiners shall be practitioners of chiropractic who have practiced," and so forth. Now, whether the school is osteopathy, or chiropractic, or the so-called regular school, or the homeopathic school, the human body is the same. The nerves and bones and different organs occupy the same relation, regardless of what kind of a doctor it is who examines the patient. The fundamentals of the practice of medicine, under whatever school it may be, are the same, and the practitioners of any school should be examined by a board not confined to their own profession, but a board composed of the representatives of the different medical schools. For the osteopath to practice his profession in the District of Columbia he must be examined not by a board of osteopaths alone but by a board on which there are or may be osteopaths and on which there may be representatives of the so-called regular school; that is, the allopathic, and representatives of the homeopathic school.

If a person wants to practice medicine in the District of any one school he passes an examination before a board so composed. Now, by this bill you set up for chiropractic a different board entirely. It is to be composed only of chiropractors. I think that is a false step to take, and nobody can deny but what it is a departure from the existing situation.

Mr. REID of Illinois. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. REID of Illinois. Does not the gentleman think we ought to have some regulation? Does he not think some board ought to regulate when we have no regulation at all now?

Mr. GILBERT. Absolutely.

Mr. REID of Illinois. And we have no bill other than this to regulate them, have we?

Mr. GILBERT. That is true. They need to be regulated, but they should be permitted to practice only upon an examination by a board such as other doctors are compelled to be examined by and not simply by a board of chiropractors. I think this bill should be defeated and a new bill in its entirety be drawn to regulate the practice of the chiropractors.

Mr. MADDEN. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. MADDEN. In other words, if they can pass a regular medical examination nobody would care just exactly what methods of practice were followed, if they lived within the regulations?

Mr. GILBERT. The gentleman from Illinois has caught my thought exactly.

Mr. MADDEN. The examination ought to be uniform and there ought not to be five or six different kinds of boards and we ought not to go outside of the regular board established for such purpose?

Mr. GILBERT. That is my idea exactly.

Mr. REID of Illinois. If the gentleman will yield further, he would not put a plumber on the present board, would he?

There is as much difference between a doctor and a chiropractor as there is between night and day.

Mr. FORT. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. FORT. In New Jersey our law puts them under the same board except as to the detail of practice.

Mr. GILBERT. Absolutely.

Mr. FORT. They have to pass all other examinations exactly alike.

Mr. GILBERT. And that should be done here.

Mr. FORT. Doctors of medicine, doctors of osteopathy, and so on; but for their particular methods of treatment they have a member of their own to give them the examination.

Mr. GILBERT. As I say, that should be the practice followed here. The gentleman from Illinois [Mr. REID] asked me whether I would put a plumber on the present board. Let me say to the gentleman from Illinois that a plumber only works on water pipes, while a doctor works on the human body. All of these are to work on the same human body. The human brain, whoever is to operate on it, is just the same; the heart has the same functions, and the liver has the same functions. While I do not pretend to say that this board should designate how they should operate, they should first be qualified upon the fundamentals of anatomy, and they should first be passed upon by a general board.

Mr. ZIHLMAN. May I ask the gentleman a question?

Mr. GILBERT. Yes.

Mr. ZIHLMAN. Is it not a fact that under existing conditions there is absolutely no protection of the public against unscrupulous men who pretend to be chiropractors and who practice that profession? There is no regulation, no examination, and no license necessary, and the public is absolutely at the mercy of men who are not sufficiently trained and who are not experienced in this art at the present time?

Mr. GILBERT. That is true, and that ought to be corrected how? By putting them before the board that passes on all doctors. Now, this bill, in my opinion, while giving some protection, would not give the public the protection it is entitled to.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GILBERT. Mr. Chairman, I ask for two more minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. GILBERT. Because permission to practice would still be passed upon by their own school exclusively. I do not care to take any more time, because you gentlemen have gotten my point. I think chiropractors ought to come to the same board that the osteopaths must come to, that the allopaths and the homeopaths must come to, and then practice according to their own teachings.

Mr. LOWREY. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LOWREY. Did I understand the gentleman to say there is a general board in the District on which there are osteopaths as well as allopaths and homeopaths?

Mr. GILBERT. There is a general board in the District that passes on all of them and to which an osteopath may or may not be appointed, to which an allopath may or may not be appointed, and to which a homeopath may or may not be appointed. On that board chiropractors should be recognized, but they should be compelled to pass an examination given by a board composed of the different schools.

Mr. LOWREY. Is it not true that each school should have a member on that board?

Mr. GILBERT. I do not think that is necessary, but I do think that chiropractors ought to go to the same board that an osteopath goes to, or anybody else.

Mr. LOWREY. Well, does not the gentleman think that we should pass this until something better can be provided?

Mr. GILBERT. That would be its only excuse.

Mr. LOWREY. I think it ought to be passed for the present and until something general can be provided. I believe the general board ought to have representatives of the different schools of medicine on it and have one board, but I think this ought to be provided now.

Mr. HAMMER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. HAMMER. I note in the report it is stated that the legislation sought in this bill is in accordance with legislation now in existence in 35 States of the Union. I can not think that is true as to the provisions of this bill. It is not true in the State in which I live and probably not in the State in which the gentleman lives.

Mr. GILBERT. It is not true in the State in which I live. In my State they must all appear before one board.

Mr. HAMMER. I think the gentleman is correct in his position that all of these applications should be passed on by one board, and I wanted to ask the gentleman whether or not he thinks the statement is correct that 35 States in the Union have legislation of this kind.

Mr. GILBERT. I have not the information. I do not know.

The Clerk concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. If the committee will indulge the Chair a moment, referring to H. R. 11118, on page 2, line 7, the word "may" very evidently should be the word "map."

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the spelling of the word "map" may be corrected in the manner indicated.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

ELECTION OF BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 58) to provide for the election of the Board of Education of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. UNDERHILL. Mr. Chairman, owing to the lateness of the hour and the importance of this bill, I shall be obliged to raise the question of the absence of a quorum unless the gentleman withdraws the bill.

Mr. ZIHLMAN. Of course, Mr. Chairman, I realize that at this late hour, if any of the Members on the floor are opposed to the provisions of this bill, which is a very lengthy one, they can prevent the completion of it.

Mr. GILBERT. I will say to the gentleman, I am opposed to it.

Mr. ZIHLMAN. Mr. Chairman, in view of the statements made, I ask unanimous consent to withdraw the bill from consideration at this time in the hope we will have ample time to consider it later in the session.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISTRICT LEGISLATION

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the several bills back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration H. R. 12172, S. 2537, H. R. 11118, and H. R. 9055 and had directed him to report the same back to the House without amendment with the recommendation that they do pass; also that the committee had had under consideration H. R. 11119, H. R. 7380, and H. R. 10082 and had directed him to report the same back to the House with amendments with the recommendation that the amendments be agreed to and as amended the bills do pass.

The bills H. R. 11119, H. R. 7380, and H. R. 10082, with amendments, were severally reported; the amendments were severally agreed to; and the bills as amended were ordered to be engrossed and read a third time, were read the third time, and passed.

The title of the bill H. R. 7380 was amended.

The bill S. 2537 was ordered to be read a third time, was read the third time, and passed.

The bills H. R. 12172 and H. R. 11118 were ordered to be engrossed and read a third time, were read the third time, and passed.

Mr. GILBERT. Mr. Speaker, I demand a separate vote on the bill H. R. 9055.

The SPEAKER. The gentleman from Kentucky asks a separate vote on the recommendation of the committee with regard to the bill H. R. 9055. The question is on the engrossment and third reading of the bill H. R. 9055.

The bill was ordered to be engrossed, read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. GILBERT) there were—ayes 23, noes 5.

So the bill was passed.

Mr. ZIHLMAN. Mr. Speaker, I call the Chair's attention to the bill H. R. 6728, which was laid aside by unanimous consent and pending which the previous question has been ordered. The gentleman from Wisconsin [Mr. SCHAFER] wants to insist on the engrossed copy of the bill being read.

Mr. SCHAFER. In order that the House may have an opportunity to consider the entire bill before voting on it I ask unanimous consent that the engrossed copy of the bill be read.

The SPEAKER. Of course that is impossible.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted:

To Mr. DENISON, indefinitely, on account of illness of his mother.

To Mr. APPLEBY, indefinitely, on account of business.

MORONGO INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I call up the conference report on the bill (S. 702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation.

The Clerk read the conference report.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

J. W. HARRELD,
SAM G. BRATTON,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.

The conference report was agreed to.

SANTA YSABEL INDIAN RESERVATION

Mr. LEAVITT. Mr. Speaker, I call up the conference report on the bill (S. 2702) to provide for the setting apart of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation, and authorizing an appropriation of funds therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,
Managers on the part of the House.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The Senate recedes from its amendment providing for the disposition of royalties from oil wells in the Red River and leaves the bill in the same form that it passed the House.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

The conference report was agreed to.

NORTHERN CHEYENNE INDIAN RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9558) to provide for allotting in severalty agricultural land within the Tongue River or Northern Cheyenne Indian Reservation, Mont., and for other purposes, and concur in the amendment of the Senate with an amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table the bill H. R. 9558 and concur with the amendment of the Senate with an amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

Strike out section 4 of said amendment and insert in lieu thereof the following:

"SEC. 4. That authority is hereby vested in the Secretary of the Interior to cause to be reserved so long as they are needed and used for the benefit of the Northern Cheyennes, suitable lands for the following purposes: For school, agency, and other administrative purposes, including not to exceed 1,280 acres for the boarding school at Busby, Mont., and not to exceed 160 acres for the Birney Day School, in all not exceeding 2,780 acres; for tribal cemeteries, where needed, not to exceed in all 160 acres: *Provided*, That with the consent of the tribal council, lands may be reserved for religious and educational purposes including parsonage, church cemetery, and garden sites, not to exceed 40 acres at any one point; for recreational purposes having an educational feature, not to exceed 10 acres at any one point; for public school purposes, not to exceed 2½ acres at any one point: *Provided further*, That such tracts excepting only the tribal cemeteries shall remain reserved only so long as they are used for the purposes for which they are set apart: *And provided further*, That the organizations now engaged in educational and religious work on the reservation shall not be disturbed in their occupancy of the sites heretofore set apart under authority of the Secretary of the Interior so long as they continue to be used solely in the advancement of religious and welfare work for the benefit of the Northern Cheyenne Indians: *And provided further*, That the Secretary of the Interior is hereby authorized to reserve and set aside for town site purposes not more than 80 acres at Lame Deer, Mont., and not to exceed 40 acres at some other suitable location, and to survey and plat said tracts in blocks, lots, streets, alleys, parks, and school sites: *Provided further*, That the area reserved for park and school sites shall not exceed 10 acres in any one town site, and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the Revised Statutes: *Provided further*, That all the income of said tribe from rents, royalties, or other profits accruing from the sale of any timber, coal, or other minerals, including oil, gas, and other natural deposits herein reserved for the benefit of the said Indians, including proceeds from sales of town lots shall be deposited in the Treasury of the United States to the credit of the Northern Cheyenne Indians and be subject to expenditure for their benefit in such manner as Congress may direct. An area not exceeding 60 feet on either side of every section line within the said reservation is hereby dedicated as public highways whenever and so far as the same may be so declared by the county commissioners of the county in which the same may be situated, and all allotments and patents hereby authorized shall be subject to the easement hereby created. In addition to reservations heretofore herein authorized the Secretary of the Interior shall withhold from allotment any tracts in legal subdivisions in which are springs or other like sources of water supply to which cattle have been accustomed to repair for drink, together with so much land contiguous thereto as may be necessary to permit access by stock to such water supply from the highways herein provided for."

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The motion of Mr. LEAVITT was agreed to.

Mr. LEAVITT. Mr. Speaker, this is a very important bill to these Indians and I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker and Members, early in the session I introduced this bill (H. R. 9558) to provide for allotting lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana to members of that tribe. During the summer of 1925 and the previous year I met delegations of Indians from the Tongue River Reservation to discuss the problems confronting them and I became convinced that one of the things required was to allot land to the members of the tribe so that they would be able to have permanent homes and develop their own farms and livestock activities.

This matter was later discussed with the Bureau of Indian Affairs. Members of the tribe informed me that they had been trying for some 15 years to secure allotments of land. The bill as I introduced it was discussed here in Washington with members of the tribe who came here for that purpose, and out of that discussion it became apparent that there should be certain amendments to take care of the situation more adequately. It was agreed with them that my bill should pass in the House as it was introduced, so that it could be advanced on the calendar and gotten on its way early enough to allow full consideration by the Senate committee, the superintendent, and the delegates from the reservation, John Standsintimber and Eugene Fisher. Through consultation in which the representatives of the tribe have taken part, and for which Mr. Fisher has remained in Washington for a considerable time, the bill was first amended in the Senate committee and reported out by Senator KENDRICK, of Wyoming, who has lived for many years adjoining this reservation and who is very familiar with the situation there. Senator WALSH has also given a good deal of consideration to the measure, and these amendments added in the Senate were the result of conferences between him, Senator KENDRICK, and Mr. Fisher. The Senator from Montana and the Senator from Wyoming have been in conference with the representatives of the Indians, as I have been continually myself.

This is a very important bill to the Indians, because it not only provides an allotment of 160 acres to each member of the tribe but it also preserves tribal grazing and timberlands for the benefit of the entire tribe, and offers a means for the development of any mineral resources, such as oil, which may be discovered on the reservation, for the benefit of the tribe. In other words, it finally and fully confirms the title of these reservation lands to the individual Indians and to the tribe in such a way as to develop their homes and to give the Indians the fullest possible benefit of their natural resources. I was very glad to have the opportunity of introducing the measure originally and am now pleased to ask the House to accept the constructive amendments which have been worked out in conference with the Senators, with the representatives of the Indians, and with the Government, all of whom have agreed that it is to the best interests of the Indians that this bill do now pass and become law.

By having the bill passed now, rather than waiting until a later time, the necessary surveys and field work toward making the allotments can be started a year sooner than if there was delay until next winter. The allotment roll can now be made up and the work of the Geological Survey to determine the mineral character of any lands can be gotten under way very soon. All questions as to the title of the Indians to their lands will now be settled.

Mr. Speaker, this measure embodies that kind of constructive legislation so necessary to advance the Indians of this country to the position of being self-supporting home owners, thus taking their full place in the citizenship of our country. I greatly appreciate the action of Congress in passing this measure, and the Northern Cheyenne Indians will also appreciate it very sincerely. They are my constituents and I thank you in their name.

A BOOK THAT EVERY VOTER SHOULD READ

Mr. WEFALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WEFALD. Mr. Speaker, under leave to extend my remarks, which is about the only way an unbossed Congressman can get a vital message to the American people, I desire to invite the attention of my colleagues and citizens generally to a new book—a volume, in my opinion, the most remarkable and timely of this generation.

This book is called "Your Servants in the Senate," with a subtitle "The Story of Their Stewardship and that of the Harding-Coolidge Régime." It is an intimate history of the period since 1920.

The author is Lynn Haines, who probably knows Congress better than any man in the country. He understands the forces that dominate politics and government. He is completely free to tell the truth, and does.

Almost before it had come from the press the most discriminating observers recognized its unusual significance as a constructive factor in our public life. A few of these estimates will describe it better than any words of mine:

FACTS, FACTS, FACTS

Frederick M. Kerby, editor of the Newspaper Information Service, writes about this book as follows:

The first thing that strikes me about it is the fact that you have here presented the first comprehensive, detailed, and painstaking analysis of the real forces of modern capitalism and their method of work that has ever been done in modern times.

The second thing that strikes me and arouses admiration is the thorough and workman-like way in which you have gone at the job. Every page and indeed every paragraph bears internal evidence of the care and thoroughness that has evidently been put into the preliminary work on this book of yours, and consequently it is above all things convincing.

The third thing that strikes me is the cold, clear logic of the thing; its absence of ranting and demagoguery, its avoidance of generalizations and its specific and deadly presentation of facts, facts, facts. It literally lifts one out of his chair, and it does it not by means of mere language, but by its marshaling of fact, and the logical presentation of its argument.

Furthermore, I am charmed by the form and method of presentation, the sequence and arrangement, and the method of allowing one thing to lead to and introduce another. It has the readableness of an exciting novel, the thrill of a mystery play.

My unstinted admiration goes out to a man who can assemble and handle facts in this surgical manner.

NORMAN HAPGOOD'S OPINION

Under the caption "Book imperils G. O. P. control." Norman Hapgood says in the Washington Herald:

In the present vagueness of political divisions only one line can be drawn distinctly. It is between those who are satisfied to have big money run the affairs of the country, including politics, and those who are not. For simplicity we may call these two groups conservatives and radicals.

The supertax differences, such as they are, draw this line; so do controversies about the Tariff Board, the tariff itself, and the Federal Trade Commission, Muscle Shoals, and the Aluminum Co.

It looks more every week as if these divisions might count in next fall's elections. The Republicans are genuinely afraid of losing the Senate.

A book published this week, called Your Servants in the Senate, by Lynn Haines, editor of The Searchlight on Congress, brings out sharply and clearly the radical point of view in relation to the principal Republican Senators up for reelection.

It will be a powerful campaign weapon.

TONS OF POLITICAL T. N. T.

Labor, the organ of the railroad employees, says that—

Mr. Haines has put a few tons of political T. N. T. together and called it a book. Which is right, for a book is the highest kind of high explosive.

The review in this paper, by Elliot Harrison, follows:

Books are among the great forces of the modern world. They have righted wrongs, freed the slave, opened vistas of progress. A book can be more dangerous to the established order, especially to established evils, than a charge of dynamite.

The books of Voltaire, an exile in Switzerland, stripped the old régime in France of its high pretentions, lashed it naked through every printing press in Christendom, and made it reverse its own sentence and eat its own words.

Uncle Tom's Cabin did more to abolish American slavery than all the orations of Sumner and Wendell Phillips or all the raids of John Brown.

Dickens wiped out the worst schools of England with Oliver Twist, and Charles Reade reformed the prison system of the same country with Never Too Late to Mend.

In the nineties in our own country Seven Financial Conspiracies and Coin's Financial School started a prairie fire that swept to the very doors of the White House before it was stayed.

A book has just come from the press in Washington which, in the judgment of shrewd observers, is destined to have a tremendous effect on the political fortunes of the next few years and the economic development, which depends on politics.

It is entitled, "Your Servants in the Senate," and is the work of Lynn Haines, who has done a deal of public good already with his magazine The Searchlight. His specialty is gathering up and print-

ing the facts behind the day's political news, the truth as to what men in public really do and why they do it. Years of experience in that work have fitted him perfectly for his new task.

* * * * * * *

The table of contents comes pretty near telling the story of the book. It is therefore presented in full as follows:

THE CONTENTS

Introducing them to you: A quick characterization of those Senators next up for reelection, followed by—

Introducing the master mind: Which presents Mr. Andrew W. Mellon, whose industrial power is paralleled only by his supergovernmental influences; analyzing the amazing results of his administration—an illuminating and necessary background for the subserviency of certain Senators to the Mellon program, in—

CHAPTER I. THEY APPROVE THE MELLON PLAN—

With X rays and roll calls.

Introducing "the mother of monopoly": Takes us into the field of indirect taxes, the form of privilege most prevalent, most expensive to the people, and most dependent upon the favors of Government, illustrated with facts and figures, in—

CHAPTER II. THEY TILT THE TARIFF

Relating, of course, to the Fordney-McCumber bill, which broke the record for "protection to infant industries."

Introducing "A Debauch"—as BORAH characterized it, is a brief prologue to the astonishing story of the Newberry scandal, in—

CHAPTER III. THEY APPRAISE THEMSELVES

Introducing forces higher up: Reveals the Senate machine in its relation to the powers that be; with illustrations of this dominant "administration influence" in—

CHAPTER IV. THEY SUPPORT THE PRESIDENT

With the official facts concerning—

Ladd walks the plank: Wherein they discipline the Independents and disclose the standards, tests, and character of the pro-Coolidge Senate machine.

Trying to save Denby, and opposing the WALSH report: Significant "sitting on the lid" episodes in connection with oil and other scandals.

They O. K. appointments: Shows their record on confirmations, with some outstanding derelictions of duty, all this coming to a climax in the controversy over—

"Sugar Charley" Warren: Which is emphasized for two reasons—the President's unconstitutional insistence that the Senate perfunctorily approve the nomination and because this episode reveals precisely how Senators are "lined up" at the present time.

Introducing the composite picture: Is just that, followed finally by the constructive part—

CHAPTER V. WHOSE SENATE SHALL IT BE?

* * * * * * *

Mr. Haines charges flatly that Andrew Mellon has no right to hold the office of Secretary of the Treasury. The original act creating the Treasury Department provides:

"That no person appointed to any office instituted by this act shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce or be the owner, wholly or in part, of any sea vessel, etc."

This law is still in force. It blocked the appointment of A. T. Stewart, the New York merchant prince, as Secretary of the Treasury during Grant's administration, but it has been ignored in order that Mellon might be chief of the Treasury.

Mr. Haines shows that Mr. Mellon is "engaged in trade and commerce" from his partnership in the Overholt Whisky Co. to his dominating interest in the Aluminum Trust, which from an original investment of $20,000 has come, through reinvestment of profits, to have a capital and surplus of some $110,000,000, and which owns mining, manufacturing, rail, and utility properties scattered over half the world.

Mr. Mellon is likewise the dominant figure in the Gulf Oil Corporation, which has a fleet of 30 of those "sea vessels" which no appointee to the Treasury Department is permitted by law to own. Mr. Haines sums up the case as follows:

"First, that Mr. Mellon holds the office of Secretary of the Treasury in violation of the spirit, if not the letter, of the law.

"Second, that he is undoubtedly the outstanding world-wide exponent of modern industrialism, having practiced every device that monopolies may employ for purely private purposes; and

"Third, that his official positions are such as to constitute a supergovernmental influence which can be utilized to advance his own enterprises and those of the industrial class to which he belongs at the expense of the public welfare."

As to how Mr. Mellon has used his opportunities, Mr. Haines says:

"To-day, after four years of Mellonism, the corporations of America are evading surtaxes on a total of undivided profits that probably exceeds $30,000,000,000."

It would seem that "Andy" had not forgotten himself while granting indulgences to his fellow corporationists. His Gulf Oil Corporation has a surplus and depreciation reserve of $205,000,000, nearly twice its total capitalization—all profits which have dodged the high surtaxes of the income tax law.

Perhaps the most startling part of Mr. Haines's Mellon chapter is that dealing with "refunds and abatements." A refund is money that Uncle Sam pays back after collecting it. An abatement is a credit that he gives the favored individual or corporation before payment.

Rich men and companies, of course, employ the best lawyers they can find to figure out their income tax returns and keep their contributions down as low as possible. Yet Mr. Haines shows that in the four years of Mellon's administration there have been refunds and abatements to the amount of $1,567,658,077!

Small wonder he considers Mellon the real head of the administration.

The story of the Newberry scandal is intensely interesting. So is that of the tariff, and of the way the Senate has "supported the President," with roll calls giving the names of Senators who voted for and against the people's interests.

Mr. Haines has put a few tons of political T. N. T. together and called it a book. Which is right, for a book is the highest kind of high explosive.

This is a work which no one who wants to know the truth about affairs in Washington can afford to fail to read.

I agree with that last conclusion. Because this book deals so fairly and fearlessly with public issues of far-reaching fundamental importance, every voter should be informed of its character, its purposes, and, above all else, be told where to get it.

Therefore, I regard it as a duty to urge all my fellow citizens everywhere to write the Searchlight Publishing Co., Lenox Building, Washington, D. C., for a copy. Its price is only $1 in paper and $1.75 in cloth binding. This book is so timely and revealing as to be worth many ordinary volumes.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker——

Mr. MAPES. Will the gentleman yield for a question?

Mr. TILSON. I will yield.

Mr. MAPES. Before the gentleman makes his motion a great many Members of the House are interested in the rivers and harbors bill, so much so that I would like to ask the gentleman a question. I understand that the legislative situation is such that the rivers and harbors bill can not or will not be called up before Thursday morning. I would like to ask the gentleman if my understanding is correct and if the membership of the House can rest assured that the rivers and harbors bill will not be taken up before Thursday?

Mr. TILSON. The situation is that to-morrow a conference report from the Committee on Banking and Currency will probably take something like two hours. It is then expected that a rule from the Rules Committee for taking up certain bills reported by the Committee on the Judiciary will occupy the remainder of the day. Calendar Wednesday will be occupied by the Committee on the Post Office and Post Roads, and if business from that committee is completed the Committee on the Public Lands will be ready to go on with such business as that Committee has reported.

On Thursday it is hoped and expected that the rivers and harbors bill will be taken up, but not before that time.

Mr. MAPES. Then the House can rest assured that it will not be brought up before Thursday.

Mr. TILSON. That is correct; there is no expectation of taking up the rivers and harbors bill before Thursday.

Mr. O'CONNOR of Louisiana. Will the gentleman from Connecticut permit me to ask the gentleman from Michigan a question?

Mr. TILSON. I will.

Mr. O'CONNOR of Louisiana. I would like to ask the gentleman from Michigan if his inquiry is prompted by the desire to have his forces all here for the filibuster against the bill?

Mr. MAPES. That question will have to be answered when the time comes; I wanted the membership of the House to know when the bill would be brought up.

Mr. KETCHAM. Before the gentleman from Connecticut makes his motion I would like to inquire whether we will have a session on Saturday and Monday, Monday being Memorial Day.

Mr. TILSON. The business of the House is not usually suspended for a day except on occasions when the entire membership of the House is willing to suspend. There will probably be no disposition to adjourn over Saturday or Monday unless the situation clears from what it is at the present time.

Mr. HILL of Maryland. I would like to ask the gentleman if the rule to which the gentleman referred will provide for taking up the judges salary bill.

CELEBRATION OF BOSTON EVACUATION DAY

[*Omitted from Record of March 8*]

Pursuant to the act of March 3, 1926, the Speaker appointed Mr. HADLEY and Mr. GALLIVAN to represent the House of Representatives at the ceremonies in Boston incident to the celebration of Evacuation Day.

ADJOURNMENT

Mr. TILSON. Yes; that is the rule I have in mind. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 25, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 25, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish standard weights for loaves of bread, to prevent deception in respect thereto, to prevent contamination thereof (H. R. 9096).

To prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all produce received by them (H. R. 10510).

To facilitate and simplify the work of the Department of Agriculture in certain cases (H. R. 11423).

For the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army (H. R. 11432).

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

To provide for the use and expenditure of the taxes levied and collected upon articles, goods, wares, and merchandise coming into the United States from the Philippine Islands (H. R. 11490).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12208. A bill granting the consent of Congress to Aurora, Elgin & Fox River Electric Co., an Illinois corporation, to construct a bridge across Fox River in Dundee Township, Kane County, and State of Illinois; with amendment (Rept. No. 1297). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12316. A bill to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes; with amendment (Rept. No. 1298). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. S. 3997. An act to amend section 301 of the World War veterans' act, 1924; with amendment (Rept. No. 1299). Referred to the Committee of the Whole House on the state of the Union.

Mr. RATHBONE: Committee on the District of Columbia. S. 2042. An act relating to the office of public buildings and public parks of the National Capital; without amendment (Rept. No. 1300). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 7686. A bill for the relief of Willis B. Cross; with amendment (Rept. No. 1295). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 1257. A bill for the relief of Silas Overmire; without amendment (Rept. No. 1296). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11146) granting an increase of pension to Albert Boardman, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 12389) to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground; to the Committee on Indian Affairs.

By Mr. SWANK: A bill (H. R. 12390) to authorize the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md.; to the Committee on Military Affairs.

By Mr. ARENTZ: A bill (H. R. 12392) to amend section 26 of an act approved April 21, 1904, being "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 12393) to amend section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920"; to the Committee on Indian Affairs.

By Mr. BLACK of New York: A bill (H. R. 12394) to amend section 26 of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the municipal government of Borongan, Province of Samar, P. I., favoring the independence of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ESTERLY: A bill (H. R. 12395) granting an increase of pension to Mary A. Yoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12396) granting an increase of pension to Susie E. Risheil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12397) granting an increase of pension to Margaret S. Beyler; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 12398) for the relief of James Moffitt; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 12399) granting a pension to Margaret Kegerries; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12400) granting an increase of pension to Mary A. Hock; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 12401) granting an increase of pension to Delila Duff; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 12402) granting an increase of pension to Georgie A. Wallace; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12403) granting an increase of pension to Susan Herbert; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12404) for the relief of Shadyside Bank; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 12405) granting an increase of pension to Dortha E. Kennoch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12406) granting an increase of pension to Malvina Ritch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12407) granting a pension to Mary E. Garrison; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12408) granting an increase of pension to Rebecca S. Reeve; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12409) granting an increase of pension to Sarah A. B. Callahan; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12410) granting an increase of pension to Julia E. Kenyon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2268. By Mr. DARROW: Resolution of the Philadelphia Board of Trade, in favor of House bill 9598, to amend section 25 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

2269. By Mr. COOPER of Wisconsin: Petition of residents of the first district of Wisconsin urging passage of Senate bill 2841, to create a department of public education and provide for its maintenance; to the Committee on Education.

2270. By Mr. ROY G. FITZGERALD: Protest by the Eaton (Ohio) Branch of the National Council of Catholic Men, against the expulsion from Mexico of an American citizen, Archbishop George J. Caruana, apostolic delegate, by the Mexican Government; to the Committee on Foreign Affairs.

2271. By Mr. GALLIVAN: Petition of the American Legion, J. R. McQuigg, national commander, urging early and favorable consideration of the Fitzgerald bill (H. R. 4548) to provide the retirement for the disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

2272. Also, petition of the American Legion, J. R. McQuigg, national commander, urging early and favorable consideration of the Green bill (H. R. 10277) to amend the adjusted compensation act; to the Committee on Ways and Means.

2273. By Mr. LINEBERGER: Petition of Mrs. Lou Clark and about 20 others, of Santa Monica, Calif., protesting against compulsory religious legislation; to the Committee on the District of Columbia.

2274. Also, petition of Dr. Paul A. Opp and many others, of Ocean Park, Calif., protesting against all pending compulsory religious legislation; to the Committee on the District of Columbia.

2275. Also, petition of Mr. Charles A. Johnson and others, of Sawtelle, Calif., protesting against all pending compulsory religious legislation; to the Committee on the District of Columbia.

2276. Also, petition of Mr. Archer T. Shearer and others, of Los Angeles, protesting against passage of House bill 7179 and all other pending compulsory religious legislation; to the Committee on the District of Columbia.

2277. Also, petition of Mr. O. L. Benedict, of Maywood, Calif., and approximately 175 other residents of California, protesting against passage of House bill 7179 and similar measures now pending before Congress; to the Committee on the District of Columbia.

2278. By Mr. SINNOTT: Petition of numerous citizens of Boardman, Oreg., protesting against the following compulsory Sunday observance bills: House bills 10311, 10123, 7179, and 7822; to the Committee on the District of Columbia.

2279. By Mr. YATES: Petition of Illinois Agricultural Association, 608 South Dearborn Street, Chicago, Ill.; Fulton County Farm Bureau, Canton, Ill.; David Hagans, Sterling, Ill.; Grundy County Bankers' Association, Morris, Ill.; Ford County Farm Bureau, Gibson City, Ill.; the First National Bank, Beardstown, Ill.; C. E. Canterbury, Cantrall, Ill.; George Stamberger, jr., director of farm bureau, Clarion Township, Bureau County, R. F. D. No. 1, Lamoille, Ill.; C. J. Gross, chairman State-Wide Legislative Committee, Atwood, Ill., urging support of the Haugen agricultural bill (H. R. 11606); to the Committee on Agriculture.

SENATE

TUESDAY, *May 25, 1926*

(Legislative day of Friday, May 21, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Butler	Deneen	George
Bayard	Cameron	Dill	Gerry
Bingham	Capper	Edge	Gillett
Blease	Caraway	Edwards	Glass
Borah	Couzens	Fernald	Goff
Bratton	Cummins	Ferris	Gooding
Broussard	Curtis	Fess	Greene
Bruce	Dale	Frazier	Hale
Harreld	McLean	Pittman	Steck
Harris	McMaster	Ransdell	Stephens
Harrison	McNary	Reed, Pa.	Swanson
Heflin	Means	Robinson, Ark.	Trammell
Howell	Metcalf	Robinson, Ind.	Tyson
Johnson	Moses	Sackett	Underwood
Jones, N. Mex.	Norbeck	Schall	Wadsworth
Jones, Wash.	Norris	Sheppard	Walsh
Kendrick	Nye	Shipstead	Warren
Keyes	Oddie	Shortridge	Watson
King	Overman	Simmons	Weller
La Follette	Phipps	Smoot	Wheeler
McKellar	Pine	Stanfield	Willis

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is necessarily detained by illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; and

S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 7380. An act to amend section 5 of the act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, and section 12 of the act entitled "An act to provide for eliminating certain grade crossings, etc.," approved February 12, 1901, as amended:

H. R. 9055. An act to regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 11118. An act to authorize the widening of Harvard Street in the District of Columbia, and for other purposes;

H. R. 11119. An act to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes; and

H. R. 12172. An act permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10859) to provide for the transfer of certain records of the General Land Office to States, and for other purposes, and it was thereupon signed by the Vice President.

REPORT ON NATIONAL WEALTH AND INCOME

The VICE PRESIDENT. The Chair lays before the Senate a report of the Federal Trade Commission on national wealth and income, made pursuant to Senate Resolution 451, Sixty-seventh Congress, fourth session, which will be referred to the Committee on Finance.

PETITIONS AND MEMORIALS

Mr. SHEPPARD. I have here a telegram from the Conference of State and Provincial Health Authorities of North America in recent session at Atlantic City and a communication from the women's committee for the extension of the maternity and infancy act, both favoring the passage of the bill extending the operation of the maternity act. I ask that they be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the matter referred to was ordered to be printed in the RECORD and referred to the Committee on Education and Labor, as follows:

ATLANTIC CITY, N. J., *May 22, 1926.*

Senator SHEPPARD,
Senate Office Building, Washington, D. C.:

State and provincial health authorities of North America at their annual meeting held to-day at Atlantic City passed the following resolution:

"Whereas detailed reports from the 43 States which are jointly operating with the Children's Bureau in the care of mothers and babies under the Sheppard-Towner law show definite improvement in maternal and child health, and that the recognition of the importance of this movement by the Federal Government has been effective in the same way that it has been for so many years in agricultural and vocational education, in road building, and in the eradication of tuberculosis in cattle: Now, therefore, be it

"Resolved by the Conference of State and Provincial Health Authorities of North America, That it sincerely approves the proposed extension of the appropriation under the Sheppard-Towner Act by the Congress, that it records its appreciation of the attitude of the Children's Bureau of the Department of Labor in its effective cooperation with the several States in the approval of individual and differing programs which are prepared by the State health authorities, and that it pledges its continued efforts to the further reduction of maternal and child morbidity and mortality rates in cooperation with the Federal Government."

R. M. OLIN, *Secretary.*

WOMEN'S COMMITTEE FOR THE EXTENSION
OF THE MATERNITY AND INFANCY ACT,
Washington, D. C., May 7, 1926.

Hon. MORRIS SHEPPARD,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR SHEPPARD: The Senate Committee on Education and Labor has reported favorably H. R. 7555, a bill providing an extension of time for the authorization of an appropriation for the maternity and infancy act. This measure, as it passed the House of Representatives by a vote of 218 to 44, assures cooperation of the Federal Government with the States accepting the benefits of the act for the fiscal year of 1928–29, two years additional to the five-year period during which Federal funds were made available in the original act. The Senate committee in reporting the bill has proposed an amendment which would limit the extension to one year instead of two years, as was recommended by the Director of the Bureau of the Budget, with the approval of the President. On behalf of the organizations of women supporting the measure we urge you to reject the proposed amendment and to support the bill as it passed the House.

In our opinion the need for an extension of at least two years has been clearly demonstrated, and we believe that it would be disastrous to the success of many State programs now under way if State legislatures meeting next January could not be assured of Federal funds for the two-year period for which they will appropriate State funds to match.

Forty-three States are now accepting the benefits of the maternity and infancy act and are undertaking programs of educational effort and preventive measures to reduce the unnecessarily high infant and maternal death rate. Results have already been shown, but much remains to be accomplished. Therefore it is important that this session of the Congress authorize the extension of the time limit upon the appropriation so that the work so well begun may be continued.

We earnestly hope that you will give your active support to H. R. 7555, and we trust that the committee amendment may be defeated and the bill as passed by the House may be speedily passed by the Senate.

Sincerely yours,

Elizabeth Eastman, national board Young Women's Christian Association; H. B. Lansburgh, National Council of Jewish Women; Mabel C. Costigan, National Consumers' League; Mary F. Thompson, National Association of Colored Women; Emma Bain Swiggett, National Council of Women; Kate Trenholm Abrams, General Federation of Women's Clubs; Maud Wood Park, National League of Women Voters; Harleon James, American Association of University Women; Ethel M. Smith, National Women's Trade Union League; Florence V. Watkins, National Congress of Parent-Teachers; Lenna Lowe Yost, Women's Christian Temperance Union.

Mr. WARREN presented resolutions adopted by Lodge No. 571 of the Slovene National Benefit Society, of Poposia, Wyo., protesting against the enactment of any legislation providing for the registration of aliens, which were referred to the Committee on Immigration.

Mr. WILLIS presented a resolution adopted by Bridgeport Post, No. 227, the American Legion, of Bridgeport, Ohio, favoring a just and equitable differential on the freight rates between the southern and Ohio coal fields, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
BRIDGEPORT POST, No. 227,
Bridgeport, Ohio.

Senator FRANK B. WILLIS,
Washington, D. C.:

Whereas Ohio and Pennsylvania coal operators have, in order to secure a market for their coal and to furnish a fuel suitable to the Northwest section of the country, expended large sums of money in construction of docks and equipment for the proper handling and storage of coal on the upper Lakes; and

Whereas eastern Ohio coal fields have in the past shipped under normal conditions 5,000,000 tons of coal annually, to be transported to the Northwest; and

Whereas on account of existing freight rates, by which the coal fields of southern West Virginia, Kentucky, and Tennessee are favored by a differential that gives such coal fields a great advantage in shipping, the large tonnage of coal formerly shipped from Ohio and Pennsylvania, to be reloaded at the lake front on vessels, has been lost to the Ohio and Pennsylvania coal operators; and

Whereas this large volume of tonnage shipped via lake cargo, which business rightfully belongs to the Ohio and Pennsylvania coal fields, has, through discrimination in freight rates, been diverted to southern coal fields, resulting in throwing thousands of miners idle, creating a loss of millions in wages for the miners, as well as a vast sum to the operators; also producing a depression and heavy financial loss to all business in the districts: Therefore, be it

Resolved, That we, Bridgeport Post, No. 227, the American Legion, of Bridgeport, Ohio, as an organization interested in the welfare of the State of Ohio, do hereby request that our Senators and Members of Congress use their good offices to bring about a just and equitable differential on freight rates between the southern coal fields and the Ohio coal fields, and we urge that you use all your honorable means to secure favorable action on the petitions now pending of the Ohio and Pennsylvania coal operators before the Interstate Commerce Commission, which petitions provides for a fair differential in rates for the territories named in the foregoing.

Sincerely yours,

THE AMERICAN LEGION, BRIDGEPORT POST, No. 227.

Adopted at the regular meeting of the post May 14, 1926.

WM. A. OFTERDINGER, *Commander.*
R. J. WYLIE, *Adjutant.*

Mr. TYSON presented a petition of sundry citizens of Knox County, Tenn., praying for the passage of the bill (H. R. 8998) creating a bureau of customs and a bureau of prohibition in the Treasury Department, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Knox County, Tenn., praying for the passage of the so-called Means bill, being the bill (S. 2841) creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Knox County, Tenn., praying for the passage of legislation requiring the registration of all aliens in the United States, which was referred to the Committee on Immigration.

Mr. McLEAN presented a telegram in the nature of a memorial from the Stamford (Conn.) Unit of the Connecticut Council of Catholic Women, protesting against the expulsion of the apostolic delegate to Mexico, Archbishop Caruana, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the New Haven Master Painters' Association, of New Haven, Conn., remonstrating against the inclusion of naval stores, turpentine, and rosin in the so-called McNary-Haugen cooperative marketing measure, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Capitol City Branch No. 86, National Association of Letter Carriers, of Hartford, Conn., praying for the passage of legislation providing for the retirement of employees in the classified civil service, which was referred to the Committee on Civil Service.

He also presented petitions of sundry citizens of Hartford, Windsor, Glastonbury, and South Glastonbury, all in the State of Connecticut, praying for the enactment of legislation providing increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a memorial of the Manufacturers' Association, of Bridgeport, Conn., remonstrating against the passage of

the so-called Fitzgerald bill, being House bill 487, providing for workingmens' compensation in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Manufacturers' Association, of Bridgeport, Conn., remonstrating against the enactment of Senate bill 2808, providing for an increase in the membership of the Interstate Commerce Commission, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of Corporal Coyle Post, No. 1, the American Legion, of Waterbury, Conn., praying for the passage of the so-called Johnson bill, being House bill 10240, to amend the World War veterans' act; the so-called Fitzgerald bill, being House bill 4548, to retire disabled emergency Army officers; and the so-called Green bill, being House bill 10277, to provide adjusted compensation benefits to the dependent mothers of the men killed in action, which was referred to the Committee on Finance.

He also presented telegrams and a letter in the nature of petitions from the Greenwich League of Women Voters; officers of the Salisbury League of Women Voters, of Lakeville; the executive board of the New Haven League of Women Voters, of New Haven; the Board of Connecticut Child Welfare Association of New Haven; and the Connecticut League of Women Voters (Inc.), of Hartford, all in the State of Connecticut, favoring the extension of the so-called Sheppard-Towner maternity and infancy act for a period of two years, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. CUMMINS, from the Committee on Interstate Commerce, to which were referred the following resolution and bill, reported them each without amendment and submitted reports thereon:

A resolution (S. Res. 152) to rescind the order of the Senate requiring the Interstate Commerce Commission to submit monthly reports on the condition of railroad equipment (Rept. No. 922); and

A bill (S. 1871) to punish the transportation of stolen property in interstate or foreign commerce (Rept. No. 923).

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 1487) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement, reported it without amendment and submitted a report (No. 924) thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4585) for the relief of Andrew Cullin, reported it without amendment and submitted a report (No. 925) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2255) for the relief of Thomas Jefferson Shropshire, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. ROBINSON of Arkansas, from the Committee on Military Affairs, to which was referred the bill (H. R. 680) for the relief of John A. Douglas, reported it without amendment and submitted a report (No. 929) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9019) for the relief of Ailing R. Maish, reported it with an amendment and submited a report (No. 930) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment:

A bill (S. 4111) providing for public notice relative to the selection of proposed sites and locations for post offices;

A bill (H. R. 92) fixing postage rates on hotel room keys and tags;

A bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

A bill (H. R. 3842) authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

A bill (H. R. 11084) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; and

A bill (H. R. 11841) to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

APPEALS IN THE DISTRICT FROM INTERLOCUTORY ORDERS IN CRIMINAL ACTIONS

Mr. CUMMINS. Mr. President, from the Committee on the Judiciary I report back favorably without amendment the bill (S. 4331) prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action, and I submit a report (No. 926) thereon. I call the attention of the Senator from Montana [Mr. WALSH] to the bill.

Mr. WALSH. Mr. President, as this is a matter of some urgency I ask unanimous consent for the immediate consideration of the bill.

Mr. CURTIS. Was it a unanimous report from the committee?

Mr. WALSH. It was.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That nothing contained in any act of Congress shall be construed to empower the Court of Appeals of the District of Columbia to allow an appeal from any interlocutory order entered in any criminal action or proceeding or to entertain any such appeal heretofore or hereafter allowed or taken.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALSH. I ask unanimous consent to have printed in the RECORD the brief report made by the chairman of the Committee on the Judiciary in connection with the bill just passed.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 926, 69th Cong., 1st sess.]

PROHIBITING AN APPEAL TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA FROM ANY INTERLOCUTORY ORDER IN A CRIMINAL ACTION

Mr. CUMMINS, from the Committee on the Judiciary, submitted the following report (to accompany S. 4331):

This bill is rendered necessary by reason of the construction given to section 226 of the Code of the District of Columbia, as follows:

"Any party aggrieved by any final order, judgment, or decree of the Supreme Court of the District of Columbia, or of any justice thereof, including any final order or judgment in any case heard on appeal from a justice of the peace, may appeal therefrom to the said court of appeals; and upon such appeal the court of appeals shall review such order, judgment, or decree and affirm, reverse, or modify the same as shall be just, except as provided in the following sections. Appeals shall also be allowed to the said court of appeals from all interlocutory orders of the Supreme Court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting injunctions, dissolving writs of attachment, and the like; and also from any other interlocutory order, in the discretion of the said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal."

It will be noticed that by the concluding clause the court of appeals may, in its discretion, allow an appeal from any interlocutory order. It seems quite likely that in the enactment of section 226 civil proceedings alone were contemplated, as an appeal from an interlocutory order in a criminal case is an anomaly. No such procedure is authorized or tolerated in the Federal system generally; it is believed that it is sanctioned in few, if in any, of the States; it was unknown at the common law, and no reason appears why it should obtain in the District of Columbia. Promptness in the dispatch of the criminal business of the courts is by all recognized as in the highest degree desirable. Greater expedition is demanded by a wholesome public opinion. If there is error in the action of the court in any interlocutory order, it may be reviewed on appeal from the final judgment. The law should be made, and it is intended to be, applicable to pending appeals. No doubt can be raised of the power of Congress to make the law contemplated by the bill so retrospective in its operation.

EAGLE LAKE, LA.-MISS.

Mr. STEPHENS. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9724) declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream, and I submit a report (No. 927) thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 11718) granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 11, after the figures "1906," to insert a comma and "and subject to the conditions and limitations contained in this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ST. MARYS RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (S. 4138) granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River, and I submit a report (No. 928) thereon.

Mr. HARRIS. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State highway department of Georgia to construct, maintain, and operate a bridge and approaches thereto across the St. Marys River, at a point suitable to the interests of navigation about 4 miles southeast of Folkston, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10089) granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington.

Mr. JONES of Washington. I ask for the immediate consideration of the bill.

Mr. McNARY. May I inquire the location of the bridge?

Mr. JONES of Washington. One mile downstream from the mouth of the Entiat River.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in section 2, on page 2, line 16, before the word "years," to strike out "15" and insert "25"; in line 24, after the word "financing," to insert "and promotion"; in section 3, on page 3, line 6, after the word "section," to strike out "2" and insert "3"; and at the beginning of line 13, before the word "years," to strike out "15" and insert "25."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SARAH A. HASTE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the following resolution (S. Res. 231, submitted by Mr. WHEELER May 24, 1926) reported it favorably without amendment and it was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Sarah A. Haste, widow of Richard A. Haste, late the clerk to Hon. BURTON K. WHEELER, a Senator from the State of Montana, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOODING:

A bill (S. 4342) for the relief of desert-land entrymen under the Crystal Lake Irrigated Lands Co., Jefferson County, Idaho; to the Committee on Irrigation and Reclamation.

By Mr. McLEAN:

A bill (S. 4343) granting an increase of pension to Mary A. Hughes (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD (by request):

A bill (S. 4344) to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4345) for the relief of Emerson E. Hunt and C. N. McMillan (with accompanying papers); to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 4346) to amend the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. ODDIE:

A bill (S. 4347) to amend section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920"; to the Committee on Indian Affairs.

By Mr. KENDRICK:

A bill (S. 4348) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 4349) for the relief of Franklin M. Jones (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4350) for the relief of A. C. Wells; and

A bill (S. 4351) for the relief of Louie W. Shevling; to the Committee on Civil Service.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 111) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China; to the Committee on Military Affairs.

By Mr. BUTLER:

A joint resolution (S. J. Res. 112) authorizing the expenditure of certain funds paid to the United States by the Persian Government; to the Committee on Foreign Relations.

LANDS IN ROCKY MOUNTAIN NATIONAL PARK

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 3176) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo., which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

The message also announced that the House had passed the bill (S. 3997) to amend section 301 of the World War veterans' act, 1924, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred to the Committee on the District of Columbia:

H. R. 7380. An act to amend section 5 of the act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, and section 12 of the act entitled "An act to provide for eliminating certain grade crossings, etc.," approved February 12, 1901, as amended;

H. R. 9055. An act to regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof;

H. R. 11943. An act providing for an additional building for the use of the police court of the District of Columbia;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 11118. An act to authorize the widening of Harvard Street, in the District of Columbia, and for other purposes;

H. R. 11119. An act to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes;

H. R. 12172. An act permitting the Washington Market Co. to lay a conduit across Twelfth Street SW.; and

H. R. 12266. An act to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

AMENDMENT TO WORLD WAR VETERANS' ACT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3997) to amend section 301 of the World War veterans' act, 1924, which were, on page 1, line 7, to strike out "December 31, 1926," and insert "July 2, 1927"; on the same page, line 8, after "term," to insert "yearly renewable"; on page 2, line 12, to strike out "December 31, 1926," and insert "July 2, 1927"; on the same page, in line 13, to strike out "December 31, 1926," and insert "July 2, 1927"; and on the same page, line 17, to strike out "1926" and insert "1927."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NORTHERN CHEYENNE INDIAN RESERVATION LANDS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives concurring in the amendments of the Senate to the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation, Mont., and for other purposes, with an amendment, as follows:

SEC. 4. That authority is hereby vested in the Secretary of the Interior to cause to be reserved so long as they are needed and used for the benefit of the Northern Cheyennes, suitable lands for the following purposes: For school, agency, and other administrative purposes, including not to exceed 1,280 acres for the boarding school at Busby, Mont., and not to exceed 160 acres for the Birney Day School, in all not exceeding 2,780 acres; for tribal cemeteries, where needed, not to exceed in all 160 acres: *Provided*, That with the consent of the tribal council, lands may be reserved for religious and educational purposes, including parsonage, church, cemetery, and garden sites, not to exceed 40 acres at any one point; for recreational purposes having an educational feature, not to exceed 10 acres at any one point; for public-school purposes, not to exceed 2½ acres at any one point: *Provided further*, That such tracts, excepting only the tribal cemeteries, shall remain reserved only so long as they are used for the purposes for which they are set apart: *And provided further*, That the organizations now engaged in educational and religious work on the reservation shall not be disturbed in their occupancy of the sites heretofore set apart under authority of the Secretary of the Interior so long as they continue to be used solely in the advancement of religious and welfare work for the benefit of the Northern Cheyenne Indians: *And provided further*, That the Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than 80 acres at Lame Deer, Mont., and not to exceed 40 acres at some other suitable location, and to survey and plat said tracts in blocks, lots, streets, alleys, parks, and school sites: *Provided further*, That the area reserved for park and school sites shall not exceed 10 acres in any one town site, and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the Revised Statutes: *Provided further*, That all the income of said tribe from rents, royalties, or other profits accruing from the sale of any timber, coal, or other minerals, including oil, gas, and other natural deposits herein reserved for the benefit of the said Indians, including proceeds from sales of town lots, shall be deposited in the Treasury of the United States to the credit of the Northern Cheyenne Indians and be subject to expenditure for their benefit in such manner as Congress may direct. An area not exceeding 60 feet on either side of every section line within the said reservation is hereby dedicated as public highways whenever and so far as the same may be so declared by the county commissioners of the county in which the same may be situated, and all allotments and patents hereby authorized shall be subject to the easement hereby created. In addition to reservations heretofore herein authorized the Secretary of the Interior shall withhold from allotment any tracts in legal subdivisions in which are springs or other like sources of water supply to which cattle have been accustomed to repair for drink, together with so much land contiguous thereto as may be necessary to permit access by stock to such water supply from the highways herein provided for.

Mr. WALSH. I ask unanimous consent to reconsider the vote by which the Senate insisted upon its amendments and requested a conference with the House.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH. I ask unanimous consent that the vote by which a conference was ordered to be appointed be reconsidered.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. WALSH. I now ask that the motion for the appointment of conferees be nonconcurred in.

The VICE PRESIDENT. The Senator from Montana moves that the order for appointing conferees be nonconcurred in.

The motion was agreed to.

Mr. WALSH. I now move that the amendment proposed by the House to the amendments of the Senate be concurred in.

The motion was agreed to.

PRODUCTION OF PEANUTS, SOY BEANS, AND COTTONSEED

Mr. GEORGE. Mr. President, on yesterday I introduced Senate Resolution 230. I did not then ask for its consideration, but I now ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia?

Mr. CURTIS. I have talked with the chairman of the Committee on Finance, the Senator from Utah [Mr. SMOOT], and there is no objection to the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas for about two years the United States Tariff Commission has been conducting an investigation into the cost of production of certain vegetable oils in the United States and other countries; and

Whereas American farmers are in direct competition with the oriental producers of the raw materials from which these oils are extracted; and

Whereas the same general reasons for the investigation of vegetable oils apply with equal force to a like investigation of the costs of producing peanuts, soy beans, and cottonseed: Therefore be it

Resolved, That the United States Tariff Commission be, and it is hereby, requested forthwith, under the provisions of section 315 of the United States tariff act approved September 21, 1922, to make an inquiry into the cost of the production of peanuts, soy beans, and cottonseed in the United States and in those countries which may be deemed by the commission to be the principal countries of competition, and to report its findings to the President of the United States.

OBSERVANCE OF ARMISTICE DAY

Mr. MEANS. Mr. President, I desire to call up the concurrent resolution (S. Con. Res. 18) submitted by me on yesterday. I understand that the Senator from Washington [Mr. JONES] has no objection to the concurrent resolution. I ask unanimous consent that the same may be considered at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the concurrent resolution (S. Con. Res. 18) was read, considered, and agreed to as follows:

Whereas the 11th of November, 1918, marked the cessation of the most destructive, sanguinary, and far-reaching war in human annals and the resumption by the people of the United States of peaceful relations with other nations, which we hope may never again be severed; and

Whereas it is fitting that the recurring anniversary of this date should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations; and

Whereas the legislatures of 27 of our States have already declared November 11 to be a legal holiday: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or

other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples.

SPEECH OF THE LATE SENATOR LADD

Mr. NYE. Mr. President, there have come to my attention a number of manuscripts of addresses prepared by the late Senator Edwin F. Ladd, of North Dakota, especially one relating to the agricultural situation. This speech, which he had intended to deliver here in the Senate, I ask unanimous consent to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The speech referred to is as follows:

AGRICULTURAL BUNK

Mr. President, nothing in our national history is more significant of a changing order than the concentration of official attention upon the condition and problems of agriculture at this time. The evidence that some form of reorganization is necessary and inevitable are overwhelming.

It is also evident that any reorganization that shall be of real and lasting advantage to the industry and interests of agriculture must at the same time affect all other interests and industries. This will be admitted by all who regard agriculture as the foundation of all industry.

Mr. President, the Washington Post of February 5 in a news item under the caption "Agricultural 'bunk' is decried by REED," has the following to say:

"'More sheer bunk is put before Congress in regard to agricultural problems than on any other subject,' Senator DAVID A. REED, of Pennsylvania declared last night before the National Farm Bureau Federation meeting at its headquarters, 1731 I Street NW. 'Heaven knows,' he said, 'we get a lot of it; and that's one reason why the people who, with the best intentions, want to do the square thing sometimes hesitate. Senators who know nothing about agriculture and want to learn are deafened by a clamor that has nothing to recommend it but an appeal for funds,' he said."

The "bunk" so expressively referred to by the Senator from Pennsylvania flows from the solicitude expressed for agriculture by those who, in order to help agriculture, would sacrifice any interest except their own. As the Senator is reported as saying, "We get a lot of it."

Mr. President, for decades commissions, boards, committees, associations, bureaus without number have moved, resolved, petitioned, memorialized, remonstrated, declared with manifold gestures and vehement and vociferous language that somebody must do something to keep in motion the supplies of food and raw materials that are the finished products of agriculture, while during all this period this basic industry has passed from bad to worse, as measured by any standard of comparison.

When the Department of Agriculture officially shows that the compensation of the American farm family for the years 1922–23 averaged between 60 and 70 cents a day, including as cash the market value of his own products consumed by the farmer, it would appear that there is a maladjustment somewhere in the industrial scheme.

When also it appears that hundreds of thousands of farms have been abandoned by their nominal owners during the same periods, and that literally millions of people have forsaken the industry of agriculture to which they were born and in which they have their only skill and training for a livelihood it demonstrates the desperate character of the situation.

There has been, quite naturally, during this period of growing distress for agriculture a growing intensity in the study of conditions and causes as developed in the industry. As a result certain conclusions have been reached that throw a great responsibility upon the legislative branch of our Government, as well as for action or failure to act in the past, as for action on which future conditions must depend.

It will be willingly conceded that legislation in the past, and reaching back to the middle of the last century, has been, for the most part, enacted sincerely for the promotion of the common good, although it somewhat strains one's confidence in the supreme wisdom of the honorable gentlemen and publicists who stand before the world as responsible for legislation that is now known to have been the causes of present conditions.

A brief review of certain principles will make clear my understanding of our problem as relates to agriculture and incidentally to our entire industrial situation.

Mr. President, it is, or should be, elementary that the primary function of politics is the distribution of wealth just as the production of wealth is the primary function of industry. Under any theory of social order where the apportionment of the proceeds of general industry is such that some of the people are enabled to enjoy a larger share of the total production that their own contribution thereto, whereby all others must live upon a share of production that is less than their contribution, inevitably the people are divided into classes, graded, primarily, according to economic status; and secondarily and consequentially according to intellectual and moral qualities. When this gradation is arrived at classes become castes with all the rigidity of an ancient caste system.

Now politics from ancient times is known to be only the struggle for economic advantage or supremacy between classes. The antagonism of politics, therefore, reflect only the economic struggle and are intense and bitter in proportion to the degree of economic disparity and breadth of class distinctions that prevail.

The solicitude for agriculture that is finding such general expression is admission that readjustment of our economic relations to agriculture is imperative.

Effective readjustment will depend upon comprehension of the methods and processes that have brought about the great and inequitable and increasing disparity in the distribution of wealth that has reduced American agriculture to a condition of economic slavery.

It will be urged as an offset to the demand for action that will relieve agriculture as a whole that many farmers are wealthy; that those who are in distress have only their own ignorance and sloth to blame for their conditions.

In reply to this I undertake to say that of all the American farmers who may be considered as wealthy only a negligible number have acquired riches as farmers; i. e., cultivators of the soil. They have become rich because of the increased value of their holdings, while as cultivators of the soil they suffer in common with their own tenants from the grievances that are complained of as a whole by all agriculture.

The fountain source of the great disparity in the distribution of wealth, with the natural sequence of discontent, fear, suspicion, and unrest that have come to pervade the public mind, lies in the functions and powers of government.

Governments are instituted among men to promote the common good, not for the honor, profit, or reward of any man, family, or group of men, and no man, family, or group of men are entitled to honor, profit, or reward except as measured by service to the common good. It is only where the powers of government become the instruments of private interest that disparity in the distribution of wealth begins to develop classes and political conflict.

The power to use a public right (a right that belongs equally and in common to all the people) for a private benefit constitutes monopoly.

I speak the language of the common man and am trying to express his and my own understanding of what we see and feel.

Mr. President, we have been told that private monopoly is indefensible and intolerable. The abstract justice of this declaration appeals to us with compelling logic and ethics. Yet we perceive that the power to use a public right for a private benefit, and which we conceive to be the fountain source of our grievances, is a creation of political power, and we further conceive that the chief, if not the only concern of politics, pivots on problems growing out of the operations of monopolies. Monopoly is the law-made power to exercise a public function or to use public property for a private benefit.

The public function is that of taxation, the public property consists in some one or more of the natural resources of the earth.

A monopoly is valuable or desirable only as it conveys to its possessor the power to levy tribute in the form of supercharges, taxes, upon the general public for services or commodities.

The reciprocal entanglements of politics and economics are notorious. Political power is exerted to create and fortify economic power through monopoly privileges and economic power is exerted to maintain and augment political power. Both center upon monopoly that is both parent and offspring. Unmindful of the experience of all the past, we have entered and far advanced upon the course that has brought destruction to every earlier civilization and which it is vain to expect our civilization can escape unless we abandon our present policy.

It is my purpose to indicate the forms of monopoly that are the most clearly in evidence as responsible for the present conditions in our country, all of which, while oppressive to every citizen except the few who are direct and immediate beneficiaries of the monopoly system, bear their cumulative weight upon agriculture as the primary industry.

Mr. President, there is no one to whom the farmer can pass on the burdens that more highly organized industries are able to throw upon him. The farmer has no monopoly, and he is practically the only worker in industry who has not some form of monopoly to protect him from competition or nullify the operation of natural law in the domain of economics. Nor has the farmer been able to develop any form of official service to stand between him and the organized monopolies that prey upon him. The organized public utilities, the organized boards of trade, chambers of commerce, the organized manufacturers and credit dealers enjoy the protection of official agencies' service against the wrath of their victims and are thereby removed from the reach of local public opinion.

The forms of monopoly responsible for present conditions are few in number, and may be classified as follows:

1. Natural resources.
2. Public utilities.
3. Tariff taxation.
4. Middlemen, illustrated by the "packers."

5. The monopoly of credit control under the Federal reserve bank system.

While these five groups are few in number they are so related to each other that the menace of an attack on any, even the least of their organizations, is the signal for a mass movement of the entire list to the defense of the system of monopolism. To attack one is to attack all, and concentrate defensives on a single point of attack.

The earliest development of the principle and power of monopoly in our history was that of the private control of credit and the money functions of the Government. While the earliest, it is, in its present form, the latest and most powerful example of the private use of a public power.

In the course of its development it has become the sovereign of all industry and the monarch of exchange. It controls the development and operation of all other forms of monopoly, and dictates in accordance with its own interest the course of public policy in every branch of government.

Its motives and methods are illuminated by the events connected with the transformation that gave to it its present form and power and by the use it has made of that power.

In 1910 the complaint of abuses by credit monopoly became so insistent that a congressional committee was formed to investigate the charges that there was an unlawful money trust in operation in America. The committee, called the Pujo Committee, proceeded to investigate. After about two years of labor the committee reported that there was such a trust—an unlawful combination operating in violation of the law; and it named the men who were its organizing and directing forces.

It does not appear in any record that these men were ever made defendants in any legal proceedings as a consequence of the Pujo report; nor does it anywhere appear that their criminal operations were in any way affected or interfered with.

Mr. President, the money and credit monopoly is only one of the forms of monopoly that, pressing down upon the highest development of the industrial and economic life of the people, is reflected through every level of the people's life, finds its ultimate base on the bowed back of agriculture.

The men and interests behind the administration of the Federal reserve system are the same men and interests that were officially denounced by a committee of Congress as unlawfully operating a criminal money trust in violation of the laws of the United States.

Never was their power or motives or methods more adequately shown than when, instead of making their conduct conform to the law, they made the law conform to their conduct. And these men and interests pretend such great anxiety as to the proper solution of the farmers' problems, on whom the whole weight of their impositions and exemptions ultimately falls!

If we consider the monopolies that center on the natural resources of the country, we find this same power operating in precisely the same way—the coal, lumber, water power, oil, and metals. Capital and organization have developed such monopoly control that the very necessities of life are practically beyond the reach of masses of our people.

Thirty years ago the cost of the highest grade anthracite coal in Chicago was less than $5 a ton in the bins of the householder. Chicago is three times as far from the mines as is Washington. It took about three times as much human labor to mine the coal then as it does now. It took three times the human labor to transport coal then than it does now, even for the same distances. But it costs more than three times as much to buy the same coal now in the city of Washington than it did then in the city of Chicago.

The same general rule applies to practically all the products derived from natural resources. Lumber for fencing, barn buildings, and country homes that then cost from $12 to $14 per M, now costs from $52 to $60 per M, with higher grades in proportion. The thousands of little towns and villages scattered abroad through the land are supported by and dependent upon agriculture as fully and completely as though their inhabitants were cultivators of the soil. Their homes and furnishings are paid for with funds derived from the farmers, and the excessive cost of monopoly prices paid by the dweller in the town for necessaries of life that are controlled by monopoly, is taken from the price the farmer would receive if the monopoly did not exist or the goods could be bought in a free market.

I have an opinion that while the tariff policy continues to be a part of our national practice, the interest of agriculture is fully as well entitled to the advantages it gives as any other, and even the more so, because agriculture has been and now is the most important victim of the system.

I distinctly recall the period when tariff principles were justified by its most fervid advocates as a temporary program that might enable our country to become independent of foreign production, to develop domestic industries, and release the country from the domination of foreign combinations.

I recall the plea that was made time and again on this floor and in another body, that when our industries were sufficiently developed, competition between them would reduce prices for their products to a level that would automatically prevent importations of foreign goods.

I distinctly recall what happened when our production reached the competitive stage. Domestic combinations. Trusts were created to control both volume and price of products. The great trusts relied upon the power of tariff taxation to valorize the billions of pure water that was poured into a capital. This aspect of the tariff system I consider as vicious.

Mr. President, in close alliance with these interests stand the middlemen. It has been shown repeatedly that the vicious industrial trusts of the country found their original foundation in discriminations corruptly administered by railroads. The oil trust, the beef trust, lumber trust, coal trust, controlling markets and supplies, destroying competition, monopolizing their special industries, transferred the center of authority from railroad domination to that of credit control which now wields the scepter.

The economic philosophy of the middleman is probably better shown by the practice of the great packers than by any other example, and of these the Armour establishment is perhaps the best known. Originally organized as a corporation on an investment of $160,000, it now floats on a nominal capital of $200,000,000. We are not—the public is not—taken into the confidence of the Armour management, and, therefore, can not state what part of this monstrous sum consists of actual property and what part is merely a capitalization of privilege, expectations, prospects of return from monopoly.

Mr. President, in times of natural, normal conditions there is a constant stream of wealth flowing from the farm area to the city and town; wealth in the form of commodities or services necessary to sustain life in health and comfort among the people. This outgoing stream of wealth must in the nature of things be balanced or compensated by a corresponding stream flowing from the city and the town back to the farm areas. Whatsoever checks or disturbs the balance in the flow of either one of these streams of flowing wealth, disturbs both, interrupts the normal flow of both, and brings about distresses at both ends of the line.

It is the practice of the middleman to stand between these points of consumption and supply, like some medieval baron, on a bridge which both must cross, to levy a toll that both must pay.

Of the alleged $200,000,000 of capital of the Armour enterprise, all but the original $160,000 represents only a small part of the plunder (that is called "profits") abstracted from the farmers on the one hand, and the American consumer on the other, and for which they receive no equivalent.

To call the mass of wealth so abstracted "profits" is to juggle terms and ideas. It represents the difference between compensation and blackmail. Every penny absorbed by monopoly beyond equitable compensation for commodities or services is blackmail. Every penny taken from industry beyond the point where free competition has effect is blackmail, and where the necessities of life are the instruments of blackmail, established or permitted by law, it is fruitless for eminent citizens, judges, publicists, clergy, or editors to preach "respect for law" as the crying need of the period. Is it to be expected that laws and practices that are not respectable, that violate the elemental principles of every instinct of law and shock the conscience of the average man will be respected or obeyed except under compulsions of necessity?

If gentlemen are desirous to aid agriculture, they will address themselves to the removal of the taxes imposed upon the industry by private monopoly. They will find ways to remove the penalties with which it is handicapped in the struggle for existence.

The unearned tribute levied by private monopoly upon agriculture by the railroads and other public utilities, by the natural resource interests, by the middlemen, by the money trust now operating as the Federal Reserve Board, by this vast conspiracy of private monopoly, is responsible for the position of agriculture, and all the "bunk" about agriculture that does not consider this feature of the problem is a waste of time and breath as well as vexation of spirit.

But, it is said, the farmer is not the only victim of private monopoly. And that is quite true. Such is the nature of the case that other interests must be set free as well as agriculture by the overthrow of private monopoly.

It is said this abolition of monopoly is a destruction of capital. Not so. It is a very proper abolition of the so-called property rights that have been merely a capitalization of political privileges, the amount of which is fixed by a maximum estimate of what the traffic will bear, how much the public will submit to in the way of taxes imposed for private enrichment under the sanction of public laws—more than a thousand millions for the Steel Trust alone—of fictitious, fraudulent, spurious, capital certificates representing nothing but a power to impose private taxes on American industries, the estimated value of a political privilege when cashed in as a property right.

Mr. President, between September 14, 1901, and March 4, 1909, there were more than thirty thousand millions of watered stock imposed upon the American people. A shameless sale of fictitious values, exceeded only in the creation of the credit monopoly engineered by the agents of the Money Trust.

In this connection it might be well for us to review a little of the history of our present banking system.

What were the influences that brought about the enactment of the Federal reserve act? What were the promises and assurances given the people as to how it would operate? If we were to go back to the original source of this legislation, we would have to trace its birthplace the original of the central-bank idea. This would be too tedious and would serve no great purpose in this present discussion. What more directly concerns us is, Who brought the idea to America? Who led the fight to forge the shackles of this economic bill of slavery upon the freedom-loving American people?

According to that eminent authority on big financiers, Mr. B. C. Forbes, in his book Men Who Are Making America, at page 403, it was in the home of Edwin R. A. Seligman where the decision was made that Paul M. Warburg should publish his views on the central-bank idea and that the propaganda should be started for the purpose of writing into our laws a financial system based upon the central-bank idea as the ideal cornerstone. This decision was made at a time when the country was in the throes of the financial stringency of 1907 and when the people were declaiming against the money power centralized in Wall Street, and whose ideas were to satisfy their demands for monetary reform the monetary commission was authorized and sent abroad to investigate European systems and report to Congress a monetary plan. The commission went abroad and proceeded to interview bankers and financiers and investigate European banking systems, but they did not investigate the economic conditions of the peoples who lived under the domination of these banking systems; neither did they report to Congress a monetary measure, but a bank-credit measure.

They found ideal banking systems, from the bankers' viewpoint and from the standpoint of banking prosperity, but they failed to show the pauperizing effects of those systems upon the peoples who endured them.

The next step was the Aldrich report, which was secretly written on Jekyll Island, and in which Mr. Warburg had such a prominent part. The Aldrich bill followed, and the Democrats arose in arms and defeated it. They deservedly received the plaudits of the Nation for their fight against the Aldrich bill and for the magnificent stand they took against the central-bank idea. The people rewarded them by placing them in power, with the mandate to effect financial reform, and that mandate was clearly against any such idea as embraced in the Aldrich bill.

They conducted the Pujo investigation and exposed in part the Money Trust, and that disclosure showed that the firm of Paul M. Warburg (Kuhn, Loeb & Co.) was declared to be a member of that Money Trust. Notwithstanding that fact, they immediately nestled to their bosoms this self-same Warburg that had been the directing hand behind the Aldrich bill. The Aldrich bill was worked over, camouflaged, and disguised and placed before the people as a great achievement and as the means of emancipation of the people from financial slavery. The Republicans could not, had they desired, fight the measure effectually, because they were compelled to recognize the fact that it was the same proposition they had sponsored in the Aldrich bill. The result was that the voices of opposition were silenced, and the international bankers had captured both of the big political parties.

I do not know that the throwing over of George Harvey, with sympathies for the house of Morgan, and the taking on the ship of Paul M. Warburg, of the house of Kuhn, Loeb & Co., by the Wilson forces had anything to do with the capture of both parties, but I have long had my suspicions that it did have a great deal to do with it. It has long been rumored that there are two groups of the big international bankers who are continually battling silently against each other for financial domination, and there are many indications that such is true. However, that does not mean to say that they are at variance as to the system to be used, or that there is difference of opinion when it comes to the necessary legislation for their operations. In these matters they usually present a solid front, save where it obviously would be prudent to adopt a different method of procedure. Obtaining authorization for their system through legislative channels is entirely different from a fight between themselves for control of the system.

Mr. President, the fact is, whether or not it falls with pleasing cadence upon all of our ears, that the outlawed Money Trust, as established by the Pujo money investigation, has been legalized by the Federal reserve system.

Those mighty voices which once rose up in the Halls of Congress protesting against the monopoly of money and credit in this great Nation have been stilled. There is nothing that will so completely silence a man as the absolute evidence of his stupidity and assininity.

It is hard to believe, Mr. President, that those who sponsored the Federal reserve system realized what they were doing. It would be a terrible thing to charge to an American citizen that he had betrayed the vital economic interests of the people of this land into the hands of a legalized money trust, and such a money trust that operates for its own private gain and fortune regardless of the welfare of the people who have to toil and sweat to produce.

However, it is hard to see that the Federal reserve system has accomplished anything but that. In fairness to some of those who were connected with the passage of this measure through Congress, let us see what their opinion was at that time as to what it was expected to accomplish.

The great war President, Woodrow Wilson, evidently did not believe that it would result as it has. The record evidences that he was misled and that some of those who were close in his councils were seeking private ends instead of national good, and that Wilson reposed confidence in them and urged this measure upon the American Congress. Why, he went to Congress with it, urging its early passage and leaving the impression that the committees of Congress had made a sufficient study of the matter, when, as a matter of fact, it was soon disclosed that they were woefully ignorant of its provisions.

No, Mr. President, the Federal reserve act did not originate in the brains of the Members of Congress. It originated out of the plans and ideas of those who had been outlawed by public opinion as being members of an unholy and outrageous money trust.

What did Woodrow Wilson think the Federal reserve act would accomplish? Let me quote from his message to Congress on June 23, 1913, page 2132 of the CONGRESSIONAL RECORD:

"It is absolutely imperative that we should give the business men of this country a banking and currency system by means of which they can make use of the freedom of enterprise and of individual initiative which we are about to bestow upon them. We are about to set them free; we must not leave them without the tools of action when they are free. * * * The principles upon which we should act are also clear. * * * We must have a currency, not rigid, as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of everyday transactions, the normal ebb and flow of personal and corporate dealings. Our banking laws must mobilize reserves; must not permit the concentration anywhere in a few hands of the monetary resources of the country, or their use for speculative purposes in such volume as to hinder or impede our stand in the way of other more legitimate, more fruitful uses. And the control of this system of banking and of issue which our new laws are to set up must be public, not private; must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative."

Mr. President, doubtless Woodrow Wilson, when he uttered this last-quoted sentence, had in mind the speech of John C. Calhoun made in this Senate, when Calhoun said:

"Place the money power in the hands of a combination of a few individuals and they, by expanding and contracting the currency, may raise or sink prices at pleasure, and by purchasing when at the greatest depression and selling at the greatest elevation may command the whole property and industry of the community and control its fiscal operations."

Woodrow Wilson knew that this country had already suppressed in a small way the oppressive power of the central bank system and of Thomas Jefferson's stand in relation thereto when he declared: "Bank paper must be suppressed and the circulating medium must be restored to the Nation, to whom it belongs." And doubtless Woodrow Wilson believed that the Federal reserve system would place the control and issuance of money and credit in the hands of the Federal Government, where it rightfully belonged under the Constitution, and he doubtless stood with Jefferson against permitting private banking institutions to exercise its sovereign function.

But, Mr. President, Woodrow Wilson was evidently misled in this vital question, and the Federal reserve act has resulted in something strangely different from that which he spoke of to Congress.

It is a strange thing the way the driving power of the White House was used to force this measure through Congress. In this same message of Woodrow Wilson to Congress on June 13, 1913, he further stated:

"The committees of the Congress to which legislation of this character is referred have devoted careful and dispassionate study to the means of accomplishing these objects. They have honored me by consulting me. They are ready to suggest action."

Thus, we had this solemn pronouncement from the President of the United States that the committees of Congress had investigated this matter, and that they were ready to act and pass the legislation; but lo and behold! just three days later a strange thing happens upon the floor of the House of Representatives when the distinguished Senator from Virginia, Mr. GLASS, who was then in the House and chairman of the House Committee on Banking and Currency, arose and asked unanimous consent for the consideration of House Resolution 191, which was as follows:

"Banking and currency to make full investigation of the banking and currency measure which may be reported?

"Mr. GLASS. The purpose of it is to confine any investigation to the banking and currency measure to be reported.

"Mr. MANN. This resolution as now presented is not for the purpose of reopening the investigation that was being carried on in the last Congress?

"Mr. GLASS. Not at all.

"Mr. MANN. I take it that the committee needs considerable help, probably expert help and otherwise?

"Mr. GLASS. That is true.

"Mr. Mann. I noticed the other day that the distinguished Chief Magistrate of the country, when he did us the honor to appear in the Hall of the House and deliver his message to the joint assembly of the House and Senate, stated that the Committees on Banking and Currency of the two Houses had been at work on a banking and currency bill. I got the impression from what he said that not only the distinguished gentleman from Virginia [Mr. GLASS], in whom we all have confidence and whom we all honor, had been called upon by the Chief Magistrate, but that the balance of the House Committee on Banking and Currency had also been in consultation with the President.

"I did not know but that the Committee on Banking and Currency had been at work for some time and had made all this investigation. But with the understanding, from the information furnished to me, that the information conveyed by the President was erroneous, and that the Committee on Banking and Currency has not had any meeting and has made no investigation, I shall not object to the resolution.

"Mr. GLASS. I will say to the gentleman that I assume that the President meant to say that the members of the Banking and Currency Committee of the other House, and the chairman of the Committee on Banking and Currency of this House had given some consideration to the matters referred to, but not full consideration by any manner of means.

"Mr. MANN. I do not know what the President meant. The President has an unusual command of clear English. I know of no one who can state that which he knows more clearly than the President. The President's statement to the House and to the Congress was that the Committees on Banking and Currency of both Houses had been at work preparing the bill. Sometimes those who can use English most readily are least careful about their facts. In this case, the President was not careful about his facts.

"Mr. GLASS. I may say, Mr. Speaker, that the President was not so far wrong about his facts in that regard. The House Committee on Banking and Currency of the Sixty-second Congress had very exhaustive hearings upon this proposition, and we considered this proposition, and the bill introduced here to-day had, as its basis, largely the hearings held then.

"Mr. MANN. Well, that was not the statement of the President. The President's statement to the House and to the country was, in effect, that the Committees on Banking and Currency of the two Houses had prepared a bill. Now, I have the highest regard for the distinguished gentleman from Virginia [Mr. GLASS], but I recall the fact that the Committee on Banking and Currency of the House consists of majority and minority Members, and that it is erroneous for the President or anyone else to say that the House Committee on Banking and Currency has been considering matters simply because our distinguished colleague from Virginia has been using his gray matter on the subject."

Mr. President, to my mind this is quite a clear indication that the committees of Congress were not fully advised and informed notwithstanding that the bill was read for passage and that they had to come in following this emphatic declaration by the President of the United States and in direct contradiction to what he had said, they had to request authority of the House for additional time to take hearings and authorizing the expenditures necessary to conduct those hearings.

What is the answer to it all? Back behind the scenes, Mr. President, was the directing mind of Paul M. Warburg, the representative of the international bankers who had been condemned in the money trust investigations, who had been defeated in the Aldrich measure, and who were now putting across their plans in the Federal reserve act.

But, you inquire, what evidence do we have that Paul M. Warburg had anything to do with the passage of this act?

Let us now consult another record, which was made a little bit later before that important Senate Committee on Banking and Currency, when in August, 1914, after passage of the Federal reserve act, Paul M. Warburg was testifying before this committee in the hearings on his nomination to the Federal Reserve Board. He made this important and significant statement:

"I have, as you know, taken a keen interest in this monetary reform since I have been in this country. I have had the success which comes to few people of starting an idea and starting it so that the whole country has taken it up and it has taken some tangible form."

Mr. President, this statement was made by Paul M. Warburg before the Senate Committee on Banking and Currency, which committee was one of the committees President Wilson stated had been in conference with him on the preparation of the Federal reserve act, and this committee evidently knew that Paul M. Warburg was the fathering genius of the Federal reserve act, because there was no one on that committee, according to the hearings, who took issue with him on this emphatic and positive statement as to his authorship of this important measure. Furthermore, Mr. President, this committee was fully advised that the act they had passed and were now preparing to put into operation was the very same thing they had fought and defeated in the Aldrich proposition as a "monstrous thing" not to be sanctioned, not to be allowed to exist in a free America.

Why do I say that this committee was fully advised that the Federal reserve act was veritably the same thing as the Aldrich plan? For the simple reason that Mr. Warburg was asked to explain to the committee the fundamental differences between the Aldrich plan and the Federal reserve act, and he explained in language as follows:

"The Aldrich bill brings the whole system into one unit, while this deals with 12 units and unites them again into the Federal Reserve Board. It is a little complicated, which objection, however, can be overcome in an administrative way."

It is again significant, Mr. President, that Mr. Warburg was chosen the administrator to overcome the objections and make it conform to the possibilities of the central-bank idea. Our experience in the past 10 years shows how well he has succeeded.

But, Mr. President, Woodrow Wilson was not the only one who was misled and fooled as to the purposes of the Federal reserve act. After many days and even weeks of anxious consideration that noblest Roman of them all, William Jennings Bryan, finally accepted the explanation of its provisions and issued a statement, which was published in The Commoner for June 27, 1913, in which he said, "I am glad to indorse most earnestly and unreservedly the currency bill, which has been prepared by the chairman of the two congressional committees in conjunction with the President and Mr. McAdoo. It is a much better bill than I supposed it to be. The plan which the President now urges confers great advantages upon all banks while it preserves to the people, acting through the Government, all that is essential for the protection of the public. The notes are to be Treasury notes issued by the Government and loaned to the original reserve banks. This is in harmony with the Democratic contention. "There is no surrender of the Government's right to issue money. The Board of Control is appointed by the President. Thus, the people, acting through the Government, are in entire control."

I wish to emphasize these two points in this statement that Mr. Bryan evidently had no knowledge of the influence of Mr. Warburg in the preparation of the Federal reserve act and that he thought, "There is no surrender of the Government's right to issue money. The Board of Control is appointed by the President; thus the people, acting through the Government, are in entire control." I will discuss this phase of the question more in detail a little later on.

The distinguished Senator from Oklahoma [Mr. Owen] on the 24th day of November, 1913, page 5992 of the CONGRESSIONAL RECORD, said:

"This bill is probably the most important measure that has been presented to the country since the Civil War. The American banking system has had some very serious defects. The principal defect of our system has been that the country has had no adequate protection against panics, so that from time to time the country has been shaken to its foundations by the severest financial panics, throwing into chaos our commerce, our manufactures, and our industries, from which the recovery in some cases has taken as much as four or five years. This bill is intended to correct the chief defects in our system. * * *

"The responsibility of the authorities then in charge of the Government for the panic of 1907, I pointed out on the floor of the Senate on Tuesday, February 25, 1908, showing that they had rejected a plan as an amendment to the act amending the national bank act of 1900, known as the Aldrich bill of that date. * * * His (Senator James K. Jones) refusal to accept it made him and his party associates directly responsible for the panic of 1907, or at least for the sin of omission which permitted this panic to occur. * * *

"I shall not pretend to believe for one moment that the panic of 1907 was an accident. * * * I can not at this time go into that history, but I profoundly believe that the result in October, 1907, was a part of a concerted plan by which a few men did two things—first, enriched themselves on the one hand at the expense of the Nation, and administered what they conceived to be a terrifying political rebuke to the administration then in power. * * *

"PURPOSES OF THE MEASURE

"First. To insure the stability of our commerce, of our manufacturing enterprises, of our industries, and the safety of our merchants and manufacturers and business men generally.

"Second. To make available effective commercial credit for individuals engaged in manufacture, in commerce, in finance, and in business to the extent of their just deserts.

"Third. To put an end to the pyramiding of the bank reserves of the country and the use of such reserves for gambling purposes on the stock exchange.

"Fourth. To keep constantly employed the productive energies of the Nation. And this consideration is of vital importance to the laboring men of the country who are dependent for their daily bread upon constant, regular employment. Our crimes, our vices, our chief social evils come from lack of regular remunerative employment.

"In order to accomplish these purposes of the bill there are certain great fundamentals recognized by the best experts as essential and necessary:

"1. The proper concentration and mobilization of the bank reserves of the country under the control of the banks themselves, safeguarded by a strong governmental supervision.

"2. A suitable banking capital, with a double liability as a margin of safety of the reserves of the Nation, as a margin of safety of the Government deposits which are expected to be placed in the Federal reserve banks.

"3. The authorising of the issuance of elastic currency against liquid commercial bills under proper safeguards.

"4. The establishment of an open market for liquid commercial bills by providing through the reserve banks a constant and unfailing market for such bills at a steady rate of interest.

"And, finally, for the protection of the gold reserve of the United States by the ability, through the Federal Reserve Board, to raise the rate of interest through the Federal reserve banks and to require them, if necessary, to provide against the contingency of gold shipments by buying foreign bills in advance (when rates are low and credits expanding) which can be sold to avoid gold shipments, and in that way stabilize the gold reserves of this country and prevent them from being withdrawn. I remind you our great credit system, which has now 25,000 independent banks and approximately $20,000,000,000 of deposits, rests at last upon certain reserves of actual money; and if that money, which is fundamentally gold or its equivalent, be withdrawn from this country our commercial fabric would crumble, because every dollar of lawful money is the basis of over $12 of credit. Therefore, it is of supreme importance that we should be able to protect the gold of this country against being drawn away from the banks, where it now operates as a reserve upon which credits are built up. The withdrawal of reserve money means compulsory contraction of twelve times as much credit, loans, and deposits. This consideration is of supreme importance in dealing with our national-banking system and in affording it adequate protection."

Mr. President, great stress was laid upon the fact that this act was to prevent panics and that the control of money and credit was to be left to the Government. In other words, the people of this country were led to believe that the Government had been moved out of Wall Street and back into Washington, and that the Government was going to gain control over the banking interests of this country and to see that the money and credit was so regulated as to serve the best interests of all the people, instead of being permitted to unite into one gigantic monopoly to crush the productive interests of the Nation.

The people were led to believe that at last we were having a banking act that was of the people, by the people, and for the people, and now we come down to face the stubborn fact that instead of the Money Trust being destroyed, it has been legalized, and that the banking system is absolutely in the hands of private bankers, operated for private gain, and that the control of the volume of money and credit which Woodrow Wilson and William Jennings Bryan seemed to think important to remain in the Government, is not in the Government, but is in the hands of private bankers; that the Government is practically helpless in the matter regardless of what kind of an economic situation may arise. But, you inquire, what is your proof that this is a private banking system? What is your proof that the volume of currency and credit is controlled by private banks?

May I submit that I have tried to carefully gather my facts from authentic sources in this respect, and I wish to direct your attention to certain correspondence which I have recently had with the governor of the Federal Reserve Board and with the Secretary of the Treasury, which, I think, notwithstanding the noted uneasiness and confusion with which they replied to my queries, clearly evidences the correctness of my position in this matter.

On November 22, 1924, I addressed Hon. D. R. Crissinger, governor of the Federal Reserve Board, as follows:

"DEAR SIR: I will appreciate it if you will advise me as soon as possible how much of the original stock did the Government own in the 12 Federal reserve banks, respectively. When did the Government become owner of the stock? When and how much of said stock has been retired and no longer owned by the Government, and what amount of said stock, if any, does the Government now own? Further, what dividends, profits, interest, or any moneys have been paid to the Government by virtue of ownership of such stock? Further, in what respect are the said Federal reserve banks now subject to taxation, State or Federal?

"Yours very truly,

"E. F. LADD."

Seven days later, I received the following reply:

NOVEMBER 29, 1924.

MY DEAR SENATOR: In reply to your letter of November 22, I beg to advise that the Government has never owned any of the capital stock of the Federal reserve banks, the entire amount having always been owned by banks which are members of the Federal reserve system.

The Federal reserve act provided that in case subscriptions to the stock of any of the Federal reserve banks should in the judgment of the organization committee be insufficient to provide the amount of required capital, the organization committee might offer stock for public subscription at par, and in the event that the public did not subscribe to the stock in sufficient amount any balance necessary in the judgment of the organization committee to provide a sufficient amount of capital was to be alloted to the United States. The banks, however, in each district subscribed to a sufficient amount of stock in the judgment of the organization committee to permit the Federal reserve banks to begin operations and no stock was ever offered to the public or allotted to the United States.

While no dividends have therefore been paid to the United States by Federal reserve banks, they have under the provisions of section 7 of the Federal reserve act paid the Government $139,000,997 as franchise taxes. The amount paid during each year since the organization of the reserve banks was as follows:

1917	$1,134,284	1922	$10,850,605
1919	2,703,894	1923	3,613,056
1920	60,724,742		
1921	59,974,466	Total	139,000,997

In addition to paying this franchise tax the Federal reserve banks act as fiscal agents of the United States Government, and in this capacity perform a large number of services for the United States Treasury for which no reimbursement is received. Expenses connected with the flotation of new loans by the Treasury Department are reimbursable to the Federal reserve banks, but such operations as redeeming Government securities, cashing Government coupons, handling the Government deposit account, and the coin and currency operations formerly performed by the subtreasuries are now handled by the Federal reserve banks without expense to the Treasury Department.

Federal reserve banks are exempt from Federal, State, and local taxation except taxes on real estate.

Very truly yours,

D. R. CRISSINGER, *Governor.*

Hon. E. F. LADD,
United States Senate, Washington, D. C.

Mr. President, it will be noted by this letter of November 29 that the governor of the Federal Reserve Board calls attention to the fact that "the Federal reserve act provides that in case subscription to the stock of any of the Federal reserve banks should in the judgment of the organization committee be insufficient to provide the amount of required capital, the organization committee might offer stock for public subscription at par, and in the event that the public did not subscribe to the stock in sufficient amount any balance necessary in the judgment of the organization committee to provide a sufficient amount of capital was to be allotted to the United States."

The banks, however, in each district subscribed to a sufficient amount of stock in the judgment of the organization committee to permit the Federal reserve banks to begin operation, and no stock was ever offered to the public or allotted to the United States. Thus it will be seen, Mr. President, that the Government of the United States has never been a partner in this proposition, but that the Federal reserve banks have been private institutions from their inception, notwithstanding the belief among the people generally at the time of the passage of the Federal reserve act that the Federal reserve banks were to at least be quasi governmental institutions.

Following up this idea, I further addressed the Governor of the Federal Reserve Board on December 1, 1924, as follows:

WASHINGTON, D. C., *December 1, 1924.*

Hon. D. R. CRISSINGER,
Chairman Federal Reserve Board, Washington, D. C.

DEAR SIR: In response to your letter of November 29, which was in reply to my letter of November 22 and referred to the stock ownership of the Federal reserve banks, I gather from your said letter, as well as the testimony given last summer before the Joint Commission on Agricultural Inquiry, that said 12 Federal reserve banks have been from the time of their organization and are private banking institutions, and that the only existent relationship between them and the Government is that they act as fiscal agents of the Government.

I will appreciate it very much if you will advise me whether or not my deductions in this respect are correct. If I am incorrect, please advise me in what respect and just what the relationship is between said 12 Federal reserve banks and the United States Government.

Yours very truly,

E. F. LADD.

And directed his attention to my belief that "said 12 Federal reserve banks have been from the time of their organization and are private banking institutions," to which he responded on December 11, 1924, as follows:

WASHINGTON, D. C., *December 11, 1924.*

Hon. E. F. LADD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Answering your letter of December 1, you are advised that your deductions as to the nature of the banks of the Federal reserve system are not warranted from the letter written you on November 29, 1924; that is, that the Federal reserve banks are private banking institutions. The capital alone in the Federal reserve banks is private capital, and that is the only interest the corporate member banks have in the system. All surplus and all property of every kind accumulated by the Federal reserve banks belongs to the Government in case of dissolution, except the lien of the stockholders for the amount of money contributed to the system with accumulated dividends, which

the stockholders are entitled to recover, provided the resources of the bank have not been dissipated by losses on loans made to member banks.

Very truly yours,

D. R. CRISSINGER, *Governor.*

Please note the ingenuity with which this letter is written. He admits that the capital in the Federal reserve banks is private capital, and says that "that is the only interest the corporate member banks have in the system." Then he further states, "All surplus and all property of every kind accumulated by the Federal reserve banks belongs to the Government in case of dissolution except the lien of stockholders for the amount of money contributed to the system with accumulated dividends which the stockholders are entitled to recover provided the resources of the bank have not been dissipated on losses on loans made to member banks."

Is not that an ingenious reply? I wonder what the Governor of the Federal Reserve Board thinks there will be left "in case of dissolution" for the Government to realize on after the stockholders or member banks have thus been taken care of. Of course, this letter can mean only one thing; that is, that these Federal reserve banks are private banking institutions and owned entirely by the member banks.

My interest having been quickened in this phase of the matter from this correspondence and from certain inquiries I had had in connection with this feature of the operation of the Federal reserve act, I then tried to find out whether or not the Government of the United States had any other means of meeting any financial or economic conditions that might arise in this country save using the machinery provided for these private banks and which machinery could not be used save upon the initiative of the banks, and I wanted to demonstrate clearly from authentic sources that the money and credit resources of this Nation could not be called into use regardless of any condition that might arise unless upon the initiative of the private banking institutions, therefore on December 12, 1924, I again addressed Mr. Crissinger as follows:

WASHINGTON, D. C., *December 12, 1924.*

Hon. D. R. CRISSINGER,

Governor Federal Reserve Board, Washington, D. C.

MY DEAR GOVERNOR: In response to your favor of December 11, in reference to the Federal reserve banks, I have some further inquiries I wish to make. I regret to have to trouble you again in regard to this matter, but I have had some inquiries that I am anxious to answer and with correctness and authority. Therefore I feel constrained to address you further in regard to this matter.

First. In the event a situation should arise in this country that demanded that more money be put into circulation and the Federal reserve banks should adopt a policy of refusal to put more money into circulation, what authority has the Government, and in whom is that authority reposed, to put more money in circulation without regard to the wish or policy of the Federal reserve banks? And what would be the machinery for putting it in circulation?

Again, I would like to know just how much unpledged gold or free gold is owned by the United States Government to-day?

Further, in what respect can the United States Government control the gold behind the reserves in the Federal reserve system without reference to the wish or policy of the Federal reserve banks?

Very truly yours,

E. F. LADD.

Please note the second paragraph of this letter, Mr. President, which is as follows:

"First. In the event a situation should arise in this country that demanded that more money be put into circulation, and the Federal reserve banks should adopt a policy of refusal to put more money into circulation, what authority has the Government, and in whom is that authority reposed, to put more money in circulation, without regard to the wish or policy of the Federal reserve banks? And what would be the machinery for putting it in circulation?"

Mr. President, this must have been a very hard question to answer. I waited for over two weeks for a reply to this letter, and finally had to again address Mr. Crissinger on December 29, and call his attention to it. My letter of December 29, was as follows:

WASHINGTON, D. C., *December 29, 1925.*

Mr. D. R. CRISSINGER,

Governor Federal Reserve Board, Washington, D. C.

DEAR SIR: May I call your attention to my letter of December 12, addressed to yourself and would kindly request that you make an early reply thereto.

Very truly yours,

E. F. LADD.

This finally elicited a reply and the governor of the Federal Reserve Board covered up one important admission of fact in an extremely long paragraph of words when he virtually admitted that this great Government of ours had no other machinery for extending credit or putting money into circulation (save a few currency acts which are inconsequential in their extent and which I will discuss later which the governor of the Federal Reserve Board did not refer to) and his letter disclosed that about the only thing the Federal Reserve Board could do and that, in its discretion, would be to destroy the machinery as it applied to any particular bank and start up more machinery for another bank along the same lines, but there was no power in the Government to extend credit or issue currency. And, in this same letter, Mr. President, the figures of the governor of the Federal Reserve Board indicated that there was less than $25,000,000 of unpledged gold in the United States Treasury to which I will refer later.

Mr. Crissinger for some reason did not seem to exactly understand the information I desired, or else he felt a reluctance in giving it, and, therefore, I felt compelled to again address him the specific question as to whether or not the Federal Reserve Board did have any authority or machinery for extending credit or issuing money save upon the initiative of banks, and I also wanted to know of him whether or not the gold deposited in the Treasury by the reserve banks or their agents, is held and administered as a trust fund of the banks, or whether or not absolute ownership of the gold was in the Government of the United States.

I wanted to know to whom this gold belonged upon which credit for the business needs of this country is based, and I further wanted to know in the event the Federal Reserve Board should see fit to exercise its discretion under section 4 of the Federal reserve act and take over one of these Federal reserve banks whether or not it would be acting in the nature of a trustee in the administering of the affairs of that government, or whether or not they would be acting solely for the Government.

Of course, Governor Crissinger had already indicated that all he could take over one of these banks for was for the purpose of dissolution, and it was hard for me to understand how they could be acting in any other capacity than that of trustee. It was doubtless a rather hard question for Mr. Crissinger to answer because I waited for 15 days before receiving a reply, and finally, on January 20, I again addressed him as follows:

WASHINGTON, D. C., *January 20, 1925.*

Mr. D. R. CRISSINGER,

Governor Federal Reserve Board, Washington, D. C.

DEAR SIR: Inclosed herewith please find copy of my letter of January 5, addressed to you. May I invite your attention to it and respectfully request an immediate reply? I am very anxious to have the information requested not later than Friday of this week.

Very truly yours,

E. F. LADD.

The governor evidently thought it was now time to answer, because on January 21 he replied as follows:

WASHINGTON, D. C., *January 21, 1925.*

MY DEAR SENATOR: Your letter of January 20 following up your letter of January 5 has been received.

Your letter of January 5, among other things, asks in substance for a legal interpretation of a portion of section 11 of the Federal reserve act. No judicial interpretation has been made of this section so far as I know.

Answering the questions propounded in your first and second paragraphs, I beg to say that in the event of the Federal Reserve Board taking over any Federal reserve bank or taking over all of the Federal reserve banks for violation of section 4, is such a remote possibility as to hardly be worthy of consideration.

Currency and the extension of credit is initiated by member banks. If member banks want to rediscount or want to secure currency by rediscounting, the act provides that they shall initiate the transaction, and the Federal Reserve Board has no part in initiating the transaction but, through the Federal reserve agents, supplies currency when properly applied for by the Federal reserve banks. In the event of a bank being taken over by the Federal Reserve Board for violation of the Federal reserve act, it would either be liquidated or reorganized under the statute.

What you mean by "free gold" is not very clear. The fact is that the Treasurer had on December 12, $23,518,525 of gold. This is the amount of gold held in the general fund of the Treasurer in excess of the Treasurer's liability to the Federal reserve banks for gold deposited in the gold redemption funds against Federal reserve notes.

The United States Government has power to issue United States notes, gold and silver certificates, and the various denominations of coins. The authority for such issue is found in the Federal statutes governing Treasury operations. As to whether the Treasurer holds in trust the gold deposited in the Treasury by the reserve agents or reserve banks, I suggest that you take it up with the Undersecretary of the Treasury and he will advise you of the manner in which he carries this gold fund. Of course, it is held for the redemption of all Federal reserve notes. They are obligations of the United States.

Answering your last paragraph, there is placed on the Federal Reserve Board by the Federal reserve act, in the event of the board's taking possession of any bank, the duty of liquidating it or reorganizing it is prescribed in section 11 of the Federal reserve act, which you no doubt have in your possession.

Very truly yours,

D. R. CRISSINGER, *Governor.*

Hon. E. F. LADD,

United States Senate, Washington, D. C.

In my letter of January 5 I specifically requested information as to whether or not the Government of the United States has any other machinery for placing money in circulation or extending credit save by the Federal reserve act. In his reply of January 21, please note the governor says that my letter of January 5 "asks, in substance, for a legal interpretation of a portion of section 11 of the Federal reserve act. No judicial interpretation has been made of this section so far as I know."

The governor doesn't seem to know what his position would be if he were called upon to take a position in connection with this question. However, he hastens to assure us that "it is, indeed, such a remote possibility as to be hardly worthy of consideration" to even think of the Federal Reserve Board taking over another Federal reserve bank, and then comes this important admission:

"Currency and the extension of credit is initiated by member banks." And he further states: "The Federal Reserve Board has no part in initiating the transaction."

Now, what does the Federal Reserve Board do? Why, it simply "through the Federal reserve agents supplies currency when properly applied for by the Federal reserve banks." Thus, we see absolutely and undeniably that the Federal reserve act has turned over to private banking institutions the absolute and unqualified authority for the issuance and control of credit, except the many small and inconsequential amounts that are issued under such authority as referred to by the governor in this same letter, all of which I will discuss in detail a little later on in connection with certain correspondence I have had with Hon. Andrew W. Mellon, Secretary of the Treasury.

Mr. President, on January 22, 1925, I wrote Hon. Andrew W. Mellon as follows:

WASHINGTON, D. C., *January 22, 1925.*

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: Exclusive of the Federal reserve system, what power and authority has the United States Government to issue United States notes, gold and silver certificates, and the various denominations of coins? Will you please give me reference to the Federal statutes governing the Treasury's operations in this respect?

I will thank you to advise me as to the total amount issued and outstanding, the various United States notes, gold and silver certificates, and the various denominations of coins outside of such notes that originate through the Federal reserve system.

What is the total amount of United States notes, gold and silver certificates, and various denominations of coins that can be issued, irrespective and exclusive of the Federal reserve system? Does the Treasurer hold in trust the gold deposited in the Treasury by reserve agents or reserve banks, or is absolute title and ownership of this gold in the United States Government? If neither, will you please advise of the manner in which this gold fund is carried in the Treasury?

I understand, of course, that this gold is held for redemption of Federal reserve notes, and these notes are obligations of the United States, and that the Government is liable to the redemption of all of such notes. However, the point I am making is whether or not the gold deposited by the reserve banks or reserve agents and held by the Government in the nature of a trustee or whether or not such gold is owned absolutely by the Government.

I will thank you to advise me definitely as to the status of such gold.

Very truly yours, E. F. LADD.

This letter must have been as hard for the Secretary of the Treasury to answer as some of my queries to the governor of the Federal Reserve Board were for him to answer. Not receiving a reply, on February 6, I further addressed him as follows:

WASHINGTON, D. C., *February 6, 1925.*

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I have been anxiously awaiting an answer to my letter of January 22, 1925. I would like to use this information in the near future, and I would appreciate it very much if you would favor me with a reply not later than Monday morning, February 9.

Inclosed is a copy of my letter to you of January 22.

Very truly yours,

E. F. LADD.

This finally brought a reply on February 10 from Hon. Garrard B. Winston, Undersecretary of the Treasury, as follows:

WASHINGTON, D. C., *February 10, 1925.*

MY DEAR SENATOR: For the Secretary of the Treasury, receipt is acknowledged of your letter of January 22, 1925, requesting references to the Federal statutes governing the issue of the various kinds of United States money, statistics on the amount of each kind outstanding, and information as to the ownership of the gold deposited in the Treasury by the Federal reserve banks.

Gold coins: The coinage of gold was first authorized by the act of April 2, 1792, creating the mint (1 Stat. L. 246). This act set no limit to the amount that might be coined, and this has not been changed by any later law. Free and unlimited gold coinage has existed in this country since that time. The present weight and fineness of gold coins are governed by the act of January 18, 1837 (5 Stat. L. 136), confirmed by the acts of February 12, 1873 (17 Stat. L. 421), and March 14, 1900 (31 Stat. L. 45). The eagle and half eagle were authorized by the act of April 2, 1792; the double eagle by the act of March 3, 1849 (9 Stat. L. 397).

Silver dollars: The coinage of the silver dollar also was first authorized by the act of April 2, 1792, but its present weight and fineness were established by the act of January 18, 1837. (5 Stat. L. 136.) Its coinage was discontinued by the act of February 12, 1873. (17 Stat. L. 427.) Congress has, however, from time to time since then authorized its coinage in certain limited amounts. (Act of February 28, 1878—20 Stat. L. 25; act of July 14, 1890—26 Stat. L. 289; act of March 3, 1891—26 Stat. L. 966; and the Pittman Act of April 23, 1918—40 Stat. L. 535.) All of these acts have been repealed or have expired except that a small amount of silver purchased under the provisions of the Pittman Act remains to be coined. Aside from this, there is no authorization for the further coinage of silver dollars.

Subsidiary silver: The coinage of fractional parts of the silver dollar was authorized by the act of April 2, 1792, but the weight and fineness of such coins were changed by later acts, the act of February 12, 1873 (17 Stat. L. 427), being now in force. Silver for subsidiary coins may still be purchased under section 27 of that act. The amount that may be coined is within the discretion of the Secretary of the Treasury.

United States notes: The issue of United States notes to the amount of $450,000,000 was authorized by the acts of February 25 and July 11, 1862, and March 3, 1863. (12 Stats. L. 345, 532, and 710, respectively.) The highest amount outstanding at any time was $449,338,902 on January 30, 1864. This amount was gradually reduced until the passage of the act of May 31, 1878 (20 Stat. L. 87), which required that the notes be reissued when redeemed. Since then the amount outstanding has remained fixed at $346,681,016.

Gold certificates: Gold certificates were first authorized under the act of March 3, 1863. (12 Stat. L. 711.) They are issued only against an equivalent amount of gold bullion or gold coin (United States or foreign) held in the United States Treasury, and not over two-thirds of this gold may be in the form of bullion and foreign coin. (Act of June 12, 1916; 39 Stat. L. 225.) It is also provided that their issue shall be suspended if at any time the amount of gold coin and bullion in the Treasury reserved for the redemption of United States notes and Treasury notes may fall below $100,000,000. (Acts of July 12, 1882—22 Stat. L. 165; March 14, 1900—31 Stat. L. 47; March 4, 1907—34 Stat. L. 1289.) Moreover, the act of March 14, 1900, also provided that the Secretary of the Treasury may in his discretion suspend their issue whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000.

Silver certificates: The act of February 28, 1878 (20 Stat. L. 26), authorizing the standard silver dollar, also provided for the issue of silver certificates against an equivalent amount of silver dollars held in the Treasury. Aside from the limitation implied by that provision, their issue is not limited. Further provisions relating to the denominations of silver certificates are contained in the act of March 3, 1887 (24 Stat. L. 515), and the act of March 14, 1900 (31 Stat. L. 47).

Treasury notes of 1890: These notes were authorized by the so-called Sherman Act (act of July 14, 1890, 26 Stat. L. 289). The Secretary of the Treasury was directed to purchase each month 4,500,000 ounces of fine silver and pay therefor with Treasury notes. No greater or less amount of these notes was to be "outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom, then held in the Treasury purchased by such notes." The authority for the purchase of silver bullion under this act was repealed by the act of November 1, 1893 (28 Stat. L. 4). All but $1,404,877 of these notes had been retired up to January 1, 1925.

I have referred above to the principal acts concerning the issue of coinage and the currency (other than national bank and Federal reserve bank currency). Further statutes now in force will be found in the United States Compiled Statutes of 1916, under "Title XXXVII, Coinage," "Title XXXVIII, The Currency," and "Title XXXIX, Legal Tender."

National-bank notes: The issue of circulating notes by national banks was first authorized by the act of February 25, 1863 (12 Stat. L. 669), which, however, was superseded by the act of June 3, 1864 (13 Stat. L. 105), the basic act for the national-banking system. The legal provisions now in force that will interest you in this connection are most readily accessible, perhaps, in the national bank act, paragraph 323 (p. 48 of the 1923 edition). As the national banks, in order to secure notes, must deposit with the Treasurer of the United States an equal amount (par value) of United States bonds bearing the circulating privilege, the amount of such bonds outstanding limits the issue of national-bank notes. On January 1, 1925, the total amount of such bonds outstanding was $792,863,630; but of these, all

bonds of the loan of 1925, aggregating $118,238,000 on that date, have been called for redemption on February 2, 1925.

After that date, therefore, national bank notes can not be issued in excess of $674,625,630. Furthermore, the amount of notes issued by any national bank can not exceed the amount of its capital stock actually paid in. In this connection I am inclosing a copy of an extract from the last annual report of the Secretary of the Treasury, entitled "Program for retiring national-bank circulation."

The amounts of the various kinds of money outstanding are shown on the inclosed copy of the Circulation Statement for January 1, 1925, which gives the total stock of money, the amount held in the Treasury, and the amount outside the Treasury.

As to the status of the gold deposited by the Federal reserve banks and Federal reserve agents with the Treasury, I am inclosing a copy of Circular No. 86, quoting the statute making provision for deposits in the gold fund and giving the Treasury's regulations relating thereto. You will note that these deposits constitute a specific gold liability against the Treasury. They are held subject to the orders of the Federal Reserve Board and are payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent. The inclosed copy of the Daily Treasury Statement shows on page 1 how the specific liability is set up in the Treasury's accounts.

The Federal reserve note gold redemption fund likewise constitutes a specific gold liability against the Treasury. I am inclosing a copy of the Federal reserve act, and call your attention to section 16, which provides for the redemption fund as well as the gold fund referred to in the previous paragraph.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

Hon. E. F. LADD,
United States Senate.

Please note in this letter, Mr. President, that under the paragraph designated "Gold coins" the statement is made that "free and unlimited gold coinage has existed in this country since the act of April 2, 1792." I again direct your attention to the letter that I have already inserted from the governor of the Federal Reserve Board in which the figures indicate that there is less than $25,000,000 of unpledged gold in the United States Treasury. The Treasury statement of ———, 192—, shows that on this date there was only $——— of unpledged gold. So, then, it is quite evident that the Government not having the gold to coin that they are limited to practically nothing in so far as the placing of more gold coins into circulation is concerned.

Under the paragraph headed "Silver dollars" I direct your attention to the closing part of the paragraph in which the statement is made that there remains just a small amount of silver purchased under the provisions of the Pittman Act that can be coined and that there is no authorization for the further coinage of silver dollars.

Under the paragraph "Subsidiary silver," which, of course, means the smaller coins in fractions of the dollar may be coined within the discretion of the Secretary of the Treasury. Naturally, the demand for subsidiary silver would not be sufficient to warrant the coinage of it in sufficient quantity to amount to a great deal.

Under the paragraph "United States notes," note the closing sentence, "Since then the amount outstanding has remained fixed at $346,681,016."

Under the paragraph "Gold certificates," the Undersecretary of the Treasury has made it sufficiently plain that no national emergency could be relieved out of the issuance of these certificates.

Under the paragraph headed "Silver certificates," it will be observed that there is no provision therein whereby the volume of currency could be increased as the silver dollar has to be tied up in the Treasury in order to issue a silver certificate of like amount.

Under the paragraph "Treasury notes of 1890" it will be noted that all the currency authorized by this act, save one and a half billion dollars, has been retired and the authority for the purchase of silver bullion under this act has been repealed.

Under the paragraph headed "National bank notes," please note that this money is gradually being retired and is giving way to Federal reserve money. However, national bank notes have always been in that class of money which could be issued only upon the initiative of banks.

This whole letter, Mr. President, is a startling admission that the Government of the United States has virtually no means for placing in circulation additional credit or currency save upon the initiative and approval of private banking institutions. In other words, that if the Government were called upon to face a great economic crisis and the Federal reserve system was to dictate a policy that the administration of the Government that was contrary to what was the past policy for the country, and the Government desired to place more money or credit in circulation, it would be absolutely impossible for them to do so. They have no machinery whereby they could effectively fight or offset the effects of this gigantic legalized Money Trust.

The correspondence that I have inserted in the RECORD, to my mind, shows conclusively that we have surrendered the sovereign governmental function of the control of the issuance of money and credit over into the hands of private banking institutions, and that we have so joined and welded these private banking institutions together as to constitute the most menacing trust and monopoly in the history of the world.

In my opinion, Mr. President, I do not think Congress ever had the right to delegate these sovereign governmental functions to private corporations. I believe the right to issue and coin money and regulate the value thereof rests in Congress alone, and that they have no constitutional right to surrender this power to private banking institutions as they have done under the Federal reserve act.

Of course, I can not expect to find many men in public life who will agree with me on this question, as the most of them have been too busy defending the other side. Neither could I expect many courts to hold with me, because most of the judges owe their appointment to the same kind of influence that has placed these monetary laws upon our statute books.

After receiving this letter of February 10 from the Undersecretary of the Treasury, on the 14th of February, I addressed him as follows, to which he replied on February 17:

WASHINGTON, D. C., *February 14, 1925.*

Hon. ANDREW W. MELLON,
Secretary of the Treasury, Washington, D. C.
Attention: Mr. Garrard B. Winston, Undersecretary.

DEAR SIR: In response to your letter of February 10, I note that you made no reference to the acts of July 17, 1861, and February 12, 1862, authorizing the issue of $60,000,000 of Treasury notes. Please advise whether or not these two acts are still in force and if there is any money issued and outstanding under their provisions, or if any money could be issued and put into circulation under their provisions.

Thanking you for this information at the earliest possible date, I am,

Yours very truly,

E. F. LADD.

WASHINGTON, *D. C., February 17, 1925.*

Hon. E. F. LADD,
United States Senate.

MY DEAR SENATOR: Receipt is acknowledged of your letter of February 14, 1925, regarding the acts of July 17, 1861, and February 12, 1862, authorizing the issue of $60,000,000 of Treasury notes. The notes provided for by these acts were called demand notes because they were payable on demand at certain designated subtreasuries. The act of February 25, 1862, however, provided for the substitution of United States notes in place of the demand notes and the cancellation of the latter when received. By July 1, 1864, there were less than $1,000,000 of them still outstanding. At the present time, there are outstanding about $53,000 of these old demand notes and they are carried on the public-debt statement as debt bearing no interest. The acts referred to are no longer in force, and no further issues can be made under them.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

The acts referred to in this letter, Mr. President, are related to some very significant history in connection with the financing of the Civil War and with this whole scheme of a central bank idea which has been built up in this country.

Salmon P. Chase, the great Civil War Secretary of the Treasury, considered the great mistake of his life to be his activity in procuring the passage of the national bank act, and declared that "it has built up a monopoly that affects every interest in the country. It should be repealed. But before that can be accomplished the people will be arrayed on one side and the banks on the other in a conflict such as we have never seen in this country."

How prophetic his words appear to be! The Federal reserve system is but a considerable extension of those powers of monopoly which Mr. Chase beheld in the national bank act with a great deal of solicitude. Truly the people are gradually becoming arrayed against the tyrannical and oppressive, though "refined," banking institutions that so effectually dominate our country to-day. It is only a matter of time when the people will become informed as to the exact situation and then Mr. Chase's prophecy will become true. The people of this great country will not tamely submit to economic servitude and the conflict between the banking interests and the people is inevitable. Let us hope that it will be waged intelligently and peaceably.

WALL STREET AND THE CIVIL WAR

Mr. Chase had unusual experience with the money power and knew whereof he spoke. Among the many burdens that the Lincoln administration had to bear, that of raising the money to finance the war proved to be one of the most difficult. It was practically impossible to negotiate foreign loans because the safety of the Government was threatened. Wall Street, who clamored for the war and was loud in denunciating slavery, was appealed to. The banks were perfectly willing to loan their notes on Government bonds, payable in gold, at a 20 per cent discount. We learn from Appleton's Cyclopedia for 1861, page

296, that Wall Street, with a swell of patriotism, tendered loans to its Government, fighting for existence, loans at a rate of interest at from 24 to 36 per cent. The money barons retired all the gold and silver to their vaults and it looked as if the Government was at their mercy. However, Mr. Chase came forth with a constitutional idea, and that was that "Congress shall have the power to coin money."

The enactments of July 17, 1861, and February 12, 1862, followed, authorizing the issue of $60,000,000 of Treasury notes, noninterest bearing, payable for all debts, public and private. This issue of money had not one ounce of gold behind them and have always remained at par with gold.

However, the money barons were thwarted in their scheme to rob the people. They did not propose to quietly submit to this process of shearing them of their power. Only four days after the passage of the legal tender act a bankers' convention was held in Washington. This legal tender act would transfer the monopoly of money from the hands of the money dealer into the hands of the people. It meant the destruction of Shylock's system. The bankers' convention was called. Mrs. Emery tells us that:

"There is left no room to doubt but that the conspiracy perfected at that convention resulted in that infamous exception clause on the greenback, and was consummated by act of Congress February 25, 1862, wherein it was stipulated that the greenback should be legal tender for all debts, public and private, except duties on imports and interest on the public debt, which from that time forward should be paid in coin."

Wall Street had won a great victory. All the greenbacks that were issued with that exception clause qualifying its value subsequently rapidly decreased in value. So, then, Mr. Chase knew whereof he spoke. If the money he proposed had not been qualified by such an exception, its value would always have remained at par with gold, because it would have had not only all the gold in the United States but all of the wealth, the Army, and the Navy behind it. It would have been worth par just so long as the United States remained a Nation and exercised her governmental prerogatives in behalf of her people, because the people would have accepted it willingly, showing their confidence in the honesty of their representatives.

SHYLOCK'S POUND OF FLESH

When Congress passed this act refusing to accept its own notes in payment of obligations due to it in the way of import duties, depreciation of this paper money was inevitable. But the other provision which excepted the payment of interest on public debt made a twofold victory for the bankers. The bankers had hoarded all the gold. When imports reached this country the importers had to have gold to pay the duties, because this provision of the act kept the Government from accepting its own money in payment of these duties. The result was that the importers had to go to the bankers to get the gold to pay the duties. This placed gold at a premium, and the premium advanced as high as 185 per cent. In other words, $100 in gold would buy $285 of the Government's money.

The bankers would sell $100 in gold for $285 of Government bonds bearing interest. These bonds were payable in gold, and the Government's money could not be used to pay interest on the public debt, so the interest on these bonds bought with $285 of Government money had to be paid in gold and paid in advance. What a harvest for the bankers while the Union soldiers were facing death on the battle field for $16 per month. If these exceptions had not been written into the law and the money had not been so conditioned, the money would have remained at par with gold for all time. To be sure, the bankers would not have realized their conscienceless profit but the people would not have suffered from such high prices and burdensome taxes.

But, we are told, why all this argument for fiat money? Such a proposition, as just stated, is a declaration for fiat money and is dangerous in the extreme. In return let me ask: "What is fiat money?" When it is desired to divert our course from financial reform that will really mean something for the people the cry of fiatism and greenbackism is raised.

The New York Times under date of April 12, 1922, publishes an article headed "Gold standard does not exist," and then adds, "but should be created," thus admitting there is no gold standard and demonstrating what every thoughtful student knew to be true, namely, that the gold standard plays but a small part in the transactions of business, which is largely done on "credit notes" made possible through a system of most ingenious bookkeeping evolved by the Federal reserve system.

FIAT MONEY DEFINED

The truth about the matter is that all money is fiat money. Brice—and where is there a better authority—in his Financial Catechism says:

"Whatever a nation chooses to select upon which to stamp its device and so stamp and declare it money, it is money to all intents and purposes, within the limits of such government, and none can go further than that as money."

He also says:

"Fiat is a command to do something; and when issued by a recognized lawmaking power it carries with it all the force of the nation whose lawmakers issue it. In national affairs it is the command of the government. In the collection of taxes it says how much shall be collected, upon what the levy shall be made, and what shall be exempt. In providing money for commerce it says how much shall be made, what material shall be used, and what value shall be set on each piece. Every mandatory law on the statute books of any nation is simply the fiat of the nation placed upon record."

One of our great constitutional authorities, Judge Tiffany, at page 221 of his Constitutional Law, says:

"To coin money and regulate its value as an act of sovereignty involves the right to determine what shall be taken and received as money; at what measure or price it shall be taken; and what shall be its effect when passed or tendered in payment or satisfaction of legal obligations. Government can give to its stamp on leather the same money value as it puts upon gold or silver or any other material. There is no such thing legally as gold or silver or paper money. Money is the sovereign authority impressed upon and attached to that which is capable of taking and retaining the impress of that authority. The act of coining money consists in affixing to that which is to constitute money the stamp or seal of sovereign authority by which it may be known and recognized in market as being authority entitled to be received at the price or value stamped thereon. The authority which coins or stamps itself upon the article can select such substance as it may deem suitable to receive the stamp and pass as money; and it can fix what value it deems proper, independent of the intrinsic value of the material upon which it is affixed. The currency value is in the stamp when used as money, and not in the material independent of the stamp. In other words, the money quality is the authority which makes it current and gives it the power to accomplish the purpose for which it was created—the power to pay debts."

And again the United States Supreme Court says:

"Whatever power there is over the currency is vested in Congress. If the power to declare what is money is not in Congress, it is annihilated. * * * No one ever doubted that a debt of $1,000, contracted before 1834, could be paid by 100 eagles coined after that year, though they contained no more gold than 94 eagles such as were coined when the contract was made, and this not because of the intrinsic value of the coin, but because of its legal value; the eagles coined after 1834 were not money until they were authorized by law, and had they been coined before without a law fixing their legal value, they could not more have paid a debt than uncoined bullion or cotton or wheat. * * * The coinage act fixes its unit as a dollar, but the gold or silver thing we call a dollar is in no sense a standard of a dollar. It is a representative of it. * * * We repeat, money is a printed legal decree."

In spite of all the cry about fiat money, all money is fiat money. In spite of the cry against greenbackism, unless there is some discrimination in the law authorizing such paper money, which will prevent it from passing as currency for all domestic purposes, such paper money will always remain at a par with the gold money of the country.

As a matter of fact, there has been no money in the history of our country that more completely illustrated the use of fiat money than the money issued under the provisions of the Federal reserve act. Under the Federal reserve act practically all of the money that has been in circulation has been paper money. About July 30, 1921, over 77 per cent of the general stock of gold in the United States was held by the Federal reserve banks. June 30, 1920, when we were in the midst of inflation and gradually reaching the peak, there was only $34,216,000 gold coin and $41,928,000 gold certificates in all of the reporting national and State banks. During that period the test of the purchasing power of the dollar was not the percentage of gold that was in the gold reserves, but, rather, the volume of money that was in circulation plus the condition of bank credits.

BANK CREDIT VERSUS MONEY

That leads me to say something else. The great majority of business that has been conducted since the inauguration of the Federal reserve system has not been done with money but has been done with bank credit. The big bankers have been able to easily fool the people in making a distinction between the two. Very few men who created debts and made bank loans during the war actually borrowed money. They paid interest just the same, but the banker did not actually loan them money. When we pick up the papers and read the various bank statements and look at the statement of deposits and see that the statement says that so many dollars are on deposit, that does not mean that those deposits represent cash. They do not. To a large extent they represent credit.

Let me illustrate: Mr. A walks into a bank and says to the cashier "I wish to borrow $10,000, here is my note properly indorsed, and it is such a note as comes within the provisions of the Federal reserve act." The cashier says to Mr. A: "Well, Mr. A do you wish this in cash or do you simply wish a checking account?" Mr. A replies that he simply wants the note discounted and placed to his credit

on his checking account. The loan is granted. The note is discounted, Mr. A is credited on the books with the amount, and he pays his bills by check. His checks are deposited by his payees in their various banks, who are engaged in the same kind of loan transactions. These checks are then passed through the clearing house and there "washed out" by matching, or checking, them against each other, and the banks adjusting their differences in cash. The banks have not loaned money. They have simply loaned a book transaction, credit, and are drawing interest on their system of bookkeeping.

It is hardly probable that more than 5 per cent of cash is required to adjust the differences of the banks in the clearing-house association. An interest-bearing debt has been created solely on the ability of the banks to keep books, coupled with an unjust privilege allowed them under the provisions of the Federal reserve act, which permits them to extend or contract such credit almost at will. It has been the arbitrary exercise of this sovereign function placed in the hands of private bankers that has wrought so much havoc during the recent deflation period of the Federal Reserve Board.

As further evidence of Paul M. Warburg's continued influence in the Federal reserve system, I want to call attention to the fact that an article in the Washington Star, on February 17, 1925, stated that Paul M. Warburg was elected president of the Federal reserve advisory council on February 16, 1925. This was at their regular quarterly session. The article further stated that they talked over problems of the Federal reserve system and that an official statement issued after the meeting announcing that "General business conditions in the country and in the open-market operations of the Federal reserve banks were the main topics discussed." The article further stated: "It was known, however, that the council also considered the recent increases of loans by banks which are members of the system. The loans are now about as high as they ever have been, and there is a possibility that the banks soon will be making greater use than recently of the rediscounting facilities of reserve banks. Although members declined to go into detail, it was understood that few of them felt that the calls on the reserve banks would be sufficient to warrant any change in the rediscount rates. The council has nothing to do with the rates, but its discussions in the past have served to outline the general policy to some extent and have been reflected in the conditions of the Federal reserve banks.

"The council also discussed the efforts being made by Great Britain to restore the gold standard in England. Some of the members believed that Great Britain would accomplish the desired result without too great difficulty, although conditions in the next few months are likely to have an important bearing on the plans."

PUJO REPORT

Mr. President, some time previous to the election of 1912, while President Wilson was still Governor of New Jersey, he startled the country in one of his many public utterances by declaring that the paramount issue before the country at that time was the question of the Money Trust. Because of his advanced stand on that subject the public mind was first focused upon him as a presidential possibility. Later the same subject was the golden thread that ran through nearly every chapter of his book entitled "The New Freedom." Still later on, when he appeared before Congress in joint session in June, 1913, to address them on the question of monetary reform, his utterances showed that the matter of a money trust was still uppermost in his mind.

Mr. President, I have already quoted from the speech that the President delivered before Congress on that occasion. I have also referred to the position of many of the Democratic leaders on the question of finance. I wish to quote from the plank of the Democratic platform which was indorsed by the national convention at Baltimore in 1912 dealing with the monetary reform. It will be remembered that this was the Democratic national convention that nominated Woodrow Wilson for President.

DEMOCRATIC PLANK

"We oppose the so-called Aldrich bill for the establishment of a central bank, and we believe our country will be largely freed from panics and consequent unemployment and business depression by such a systematic revision of our banking laws as will render temporary relief in localities where such relief is needed, with protection from control or domination by what is known as the 'Money Trust.'

"Banks exist for the accommodation of the public and not for the control of business. All legislation on the subject of banking and currency should have for its purpose the securing of the accommodations on terms of absolute security to the public and of complete protection from the misuse of the power that wealth gives to those who possess it.

"We condemn the present methods of depositing Government funds in a few favored banks, largely situated in or controlled by Wall Street, in return for political favors, and we pledge our party to provide by law for their deposit by competitive bidding in the banking institutions of the country, National and State, without discrimination as to locality, upon approved securities, and subject to call by the Government.

"Rural credits: Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore, we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real-estate security."

I also wish to quote from the committee that was named by Congress to investigate as to whether or not there was a money trust existing. This committee was known as the Pujo committee. On page 130 of the report submitted by Mr. Pujo February 28, 1913, the following statement appears:

"If, therefore, by a 'money trust' is meant an established and well-defined identity and community of interest between a few leaders of finance which has been created and is held together through stock holdings, interlocking directorates, and other forms of domination over banks, trust companies, railroads, public-service, and industrial corporations, and which has resulted in a vast and growing concentration of control of money and credit in the hands of a comparatively few men, your committee, as before stated, has no hesitation in asserting as the result of its investigation up to this time that the condition thus described exists in this country to-day. * * *

"The parties to this combination or understanding or community of interest, by whatever name it may be called, may be conveniently classified, for the purpose of differentiation, into four separate groups:

"First. The first, which for convenience of statement we will call the inner group, consists of J. P. Morgan & Co., the recognized leaders, and George F. Baker, and James Stillman in their individual capacities and in their joint administration and control of the First National Bank, the National City Bank, the National Bank of Commerce, the Chase National Bank, the Guaranty Trust Co., and the Bankers Trust Co., with total known resources in these corporations alone in excess of $1,300,000,000, and of a number of smaller but important financial institutions. This takes no account of the personal fortunes of these gentlemen.

"Second. Closely allied with this inner or primary group, and indeed related to them practically as partners in many of their larger financial enterprises, are the powerful international banking houses of Lee, Higginson & Co., and Kidder, Peabody & Co., with three affiliated banks in Boston—the National Shawmut Bank, the First National Bank, and the Old Colony Trust Co.—having at least more than half of the total resources of all the Boston banks, also with interests and representation in other important New England financial institutions.

"Third. In New York City the international banking house of Messrs. Kuhn, Loeb & Co. with its large foreign clientele and connections, while only qualifiedly allied with the inner group, and only in isolated transactions, yet through its close relations with the National City Bank and the National Bank of Commerce and other financial institutions with which it has recently allied itself has many interests in common, conducting large joint-account transactions with them, especially in recent years, and having what virtually amounts to an understanding not to compete, which is defended as a principle of 'banking ethics.' Together they have with a few exceptions preempted the banking business of the important railways of the country.

"Fourth. In Chicago this inner group associates with and makes issues of securities in joint account or through underwriting participations primarily with the First National Bank and the Illinois Trust & Savings Bank, and has more or less friendly business relations with the Continental & Commercial National Bank, which participates at times in the underwriting of security issues by the inner group."

HOW THE BANKERS GOT "THE NEXT BEST THING"

This is part of the story of one representative big banker and how he gave the House Banking and Currency Committee some of his ideas as to what they should do in the way of effecting "Banking and currency reform." Revived as a result of the panic of 1907, when the people were thrown into the vortex of one of the periodical depressions that destroyed billions of dollars in property values, the question of banking and currency reform was foremost in the minds of the people. The "best thing," to wit, the Aldrich bill, had been weighed in the balance and found wanting. The central-bank idea, as proposed by Senator Aldrich, had been rejected. Even the Hon. CARTER GLASS, in the House of Representatives, had chided House Republicans about their committee bringing in a measure that was so iniquitious that even a Republican House had to repudiate it.

Mr. GLASS (now the junior Senator from Virginia and formerly Secretary of the Treasury) not only paid his respects to the Aldrich bill but he also had something to say about the emergency currency act. He referred to it as "this masterpiece of legislative legerdemain," and said that it was the same old Aldrich bill "with a gauze curtain erected before it." (CONGRESSIONAL RECORD, May 27, 1908, p. 7070, 60th Cong., 1st sess.)

Four years and eight months later Mr. GLASS was to occupy an entirely different position in the House of Representatives. On January 7, 1913, we find him as chairman of that important Committee on Banking and Currency, charged with the responsibility of conducting hearings on "banking and currency reform," and piloting through the House a measure that would conform to the pledge made to the people to accomplish real currency reform and wrest from the hands of the Money Trust the power they exercised over the Nation.

The Democratic platform for 1912 contained this plank, and Mr. GLASS, as one of the outstanding figures of his party in the lower branch of Congress, was fully cognizant of it:

"We oppose the so-called Aldrich bill for the establishment of a central bank; and we believe our country will be largely freed from panics and consequent unemployment and business depression by such a systematic revision of our banking laws as will render temporary relief in localities where such relief is needed, with protection from control or domination by what is known as the Money Trust.

"Banks exist for the accommodation of the public and not for the control of business. All legislation on the subject of banking and currency should have for its purpose the securing of the accommodations on terms of absolute security to the public and of complete protection from the misuse of the power that wealth gives to those who possess it."

This plank was about as general as could be desired. It sounded well and bound but little. Almost any banker could see that the Democrats had left great big loopholes for themselves. However, there was one specific declaration, "We oppose the so-called Aldrich bill for the establishment of a central bank." A citizen would be justified in construing that to mean that the Democratic Party was not only opposed to the Aldrich bill in particular but was also opposed to the principles of the Aldrich bill; that they opposed it not because it was fathered by Aldrich and supported by the Republican Party but because it was bad in principle. A citizen had a right to further expect that if Democratic opposition to the Aldrich bill was based upon it being wrong in principle that the Democratic Party would not propose a measure that, for all practical purposes, was fundamentally the same thing as the Aldrich bill.

The voice of the people had been heard, and they were positive in their opposition to the Aldrich bill. The Democrats had fought it valiantly and merited the thanks of the country for its defeat. Smarting from the effect of 1907, the people thought that the Democratic Party would prove their salvation, and they rewarded them in their fight against the Aldrich bill by placing the House in Democratic control in 1910. The Pujo investigation was held and the Money Trust exposed to the public eye. The issues were being clarified. Reposing great faith in the Democratic Party, the reins of government were turned over into their control in 1912, with the expectation that they would establish the "new freedom" and wrest the financial power out of the dominating control of the Money Trust and place it back into the hands of a people's government, where it rightfully belongs under the Constitution.

How were they to measure up? Surely the Aldrich idea was doomed! Certainly Wall Street would not exert much influence in the framing of our new monetary legislation! The people's party was in control, and the people's party would liberate the people from the shackles of economic servitude! Did they do it? Did the people get the legislation they expected? Was the Aldrich idea rejected, or were its fundamental principles written upon our statute books? Let the facts answer.

When Mr. GLASS opened the hearings on currency reform on January 7, 1913, the first witness examined was Mr. A. Barton Hepburn, chairman of the board of directors of the Chase National Bank, New York City. Mr. Hepburn let it be known that "I appear before you at your request as an individual solely." Mr. Hepburn was a member of the currency commission created by the American Bankers' Association, "which commission approved the measure (Aldrich bill) reported by the National Monetary Commission, headed by Aldrich, as did also the American Bankers' Association itself in open convention, after debate, at New Orleans." He was thoroughly committed to the Aldrich plan, and, according to his own statement, had "nothing to modify or retract in relation to same." He made this perfectly clear to the committee.

The chairman assumed that Mr. Hepburn considered the Aldrich bill as "the best thing to be had"; but since the Democratic Party was committed against it it was desired that he give the committee his ideas as to "the next best thing to get." Mr. GLASS paved the way for Mr. Hepburn's testimony by a few preliminary remarks, in which he said:

"Perhaps I might say without impropriety that, speaking for the majority members of the committee, while we do not propose to restrict the gentlemen who appear in anything that they may desire to say, it is nevertheless a fact that we must recognize and deal with that the party of the majority members has specifically declared against what is known as the Aldrich bill. * * * We would like to find out from you, though, assuming that you think the Aldrich bill, so called, is the best thing to be had, what is the next best thing to get."

This statement, however, did not change the views of Mr. Hepburn. Very diplomatically he suggested that he supposed the Democratic opposition to the Aldrich measure was "because of some special features." One of the most outstanding of those "special features" was the proposal to allow the issuance of currency based upon railroad bonds.

The 45 pages of testimony given by Mr. Hepburn show that he did not abandon the fundamental principles of the Aldrich bill, but, furthermore, that the bill as passed by Congress contained a great many of the features which he discussed, and leads one to think he was right when he told the committee that "the Aldrich plan can be varied in many ways, you know" (p. 13).

Let us now take the statement of that excellent authority, Paul M. Warburg, when he appeared before the Senate committee upon the confirmation of his own nomination as a member of the Federal Reserve Board. In response to the request to state the fundamental difference between the Aldrich plan and the Federal reserve plan, Mr. Warburg said:

"Well, the Aldrich bill brings the whole system into one unit, while this deals with 12 units, and unites them again into the Federal Reserve Board. It is a little bit complicated, which objection, however, can be overcome in an administrative way."

So according to this testimony of Mr. Warburg the thing the Democratic Party succeeded in doing was to simply complicate the Aldrich plan and leave it in such way that by administration it could be made to work as the Aldrich plan. This clearly shows the commitment of both great parties to the same fundamental plan, and that the bankers succeeded in enacting into law that which the people generally condemned.

Now let us again consider Mr. Hepburn's testimony with a view of comparing the Aldrich plan with that of the Federal reserve.

In speaking of the issuance of notes or money Mr. Hepburn was asked the question:

"Mr. GLASS. Would you have the Government issue the notes?

"Mr. HEPBURN. No; I would not; and for this reason: You can not have anything better than the Government under which you live. You can not have any credit better than the credit of the Government under which you live, and crises will occur, and when they do occur, then let the banks come in for criticism and let the Government stand one side. * * * The Government should not issue the notes, because the Government can never redeem a note except from the proceeds of taxation. The only way the Government has of realizing money is through taxation and the sale of bonds, and the sale of bonds is simply taxation deferred; whereas the bank has something they can sell in the markets that people want, something that is in demand day by day."

Here we have the declaration that the Government should not issue its own money; that it should be turned over to private banking institutions; and that the provision of the Constitution which says that Congress shall have power "to coin money, regulate the value thereof" should be interpreted to mean that Congress should redelegate that delegation of power to private banking corporations and let them perform the governmental functions that were intended for Congress.

This same proposition was included in the Aldrich bill. Let us see if Congress followed the suggestion of Mr. Hepburn and took the step toward obtaining "the next best thing." Congress passed the Federal reserve act and created the Federal Reserve Board and the 12 Federal reserve banks, giving to the board and these 12 private banking institutions the right to issue money upon a certain gold reserve deposit plus commercial collateral. They not only stopped at that, but now the National City Bank tells us that "although the Federal reserve act provides for the issuance of currency by the Federal reserve banks (secured by either Government bonds or by other collateral), there is nothing in the act as it now stands which would abrogate the right of the national banks to issue currency secured by Government bonds. It appears that the purpose of those who drafted the Federal reserve act was that the Federal reserve banks should ultimately share with the Government the sole right of currency issue, but up to the present there has been only one official step to bring about this situation. Under section 18 of the Federal reserve act the volume of 2 per cent gold bonds eligible for national-bank circulation has been reduced by $56,256,500. Bonds to this amount have been acquired by the Federal reserve banks and converted into 3 per cent bonds and 3 per cent one-year notes, without the circulation privilege."

Thus we see that Congress has not only turned over to these 12 private banking institutions the right to issue currency, but that it appears that the purpose of Congress was, ultimately, to take away from all other institutions that right and leave the control in the hands of these 12. Not only was that the intention, but these Federal reserve banks have taken an official step in that direction by retiring in excess of $56,000,000 of bonds that have the circulating privilege and upon which the thousands of national banks throughout the country can issue money up to the amount of their paid-in capital. They are gradually being eliminated.

The 2 per cent consols of 1930, the 2 per cent Panama Canal bonds, and the 4 per cent bonds of 1925 are the three classes of Government securities that have the circulating privilege. It will be only a short time until they become due and are retired, and then, unless some provision is made to take care of the situation, the national banks will no longer have a means of issuing their own notes, and that power will be left entirely in the hands of the 12 private reserve banks. Then, should a proposed bill, creating a central bank and abolishing the 12 reserve banks, become a law, that power will be further centralized in the hands of one private institution.

What is the objection to that? The answer is, What is the value of the heart to the body—the heart that circulates the blood from the tips of the fingers to the tips of the toes? Let that heart refuse to function properly, systematically, and something goes wrong. Let it refuse to send blood to the head, or to send too much blood there, and see what happens.

Mr. Hepburn said that—

"A central controlling influence is as essential to a proper monetary currency system as a central heartbeat is to the physical system."

The period of "drastic deflation" through which we have just passed is a fair illustration of the power this gives to a few private bankers—a power that enabled them to destroy in excess of $15,000,000,000 in property values within a single year.

In reference to the objection raised to the Aldrich bill—that it proposed to issue money upon railroad securities—the Federal reserve system has allowed business that is even looser. It allows the issuance of money upon the assets of the Federal reserve banks. An illustration of what these assets might be is given at page 39, volume 2, hearings before the Joint Commission of Agricultural Inquiry, Sixty-seventh Congress, first session, in a speech by John Skelton Williams, delivered before the Augusta Board of Commerce and Georgia Press Association July 14, 1921, and inserted in the hearings when Williams was testifying. He said:

"The prodigality with which certain big banks disposed of the funds so unstintingly loaned them by certain reserve banks may be illustrated by a loan of $500,000 to a fisheries company made by a big northern bank, which came to my notice. When I inquired what the security for the loan was, I was informed that the collateral was fish. And when I asked where the fish were, I was informed officially that the fish had not been caught at the time the loan was made, but that they were supposed to be swimming in the ocean thousands of miles away; but that the corporation had promised to go fishing, and if they caught any fish, pack them and can them and then put them in warehouses and then deposit the warehouse receipts as security for their loan, which, when I last heard from it, had not been paid or reduced."

Also at page 149 is given an illustration of interest:

"I also took some pains to analyze for the board's information certain conditions which were revealed in an examination of that institution by State banking authorities, and I have brought to the board's notice certain loans amounting to millions of dollars secured largely on speculative stocks which were obtained by the president of that member bank to which the New York reserve bank's accommodations had been so particularly heavy, from banks under my supervision, and I also called your attention to a particular loan of about $7,000,000 made by three member banks, including the institution of which that borrowing official is president, to a syndicate in which he is heavily interested. Reports in possession of the board show that this particular banking institution was lending many millions of dollars in slow and doubtful loans to its own officers or to syndicates or corporations in which the officers of the banking institution were interested at the same time that huge advances were being gotten from the New York reserve bank." (From a letter written by Williams to W. P. G. Harding on January 17, 1921, and incorporated in the testimony of Williams in above-mentioned hearings.)

This is a pretty clear illustration of part of the assets of some of the member banks of the Federal reserve system, and which might be duly certified and, with proper pro rata of gold—or that which was substituted for gold—have money issued upon it. It is hard to imagine that even watered railroad securities would constitute less of a desirable basis for the issuance of money. Yet the beneficiaries of this system are constantly warning the people against "unsound money."

While the Aldrich bill proposed the issuance of money upon railroad securities, which would probably have constituted a mortgage upon the properties of the companies, there appears to be nothing in the Federal reserve act that would prevent three or four of the officials of any railroad from making their personal note and negotiating a loan through the Federal reserve system for their road, and that note would then become an asset of the bank and upon it money could probably be issued.

Illustrations might be carried on, but this is sufficient to indicate that instead of removing the objections to the Aldrich bill as to the issuance of money, they have probably been intensified in the Federal reserve system. The Democrats were "specifically" committed against the Aldrich bill, and this is what they gave the people in the way of currency reform. Reference has heretofore been made about the Federal reserve system taking away from the national banks the right to issue currency. It is acknowledged in the report of Mr. GLASS on the Federal reserve bill that such was the intention of the bill.

MIGRATORY BIRD REFUGES

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges, etc.

EXECUTIVE ORDER FOR PROHIBITION ENFORCEMENT

Mr. WALSH. Mr. President, the President of the United States has recently been subjected to some severe criticism in this Chamber in connection with what is referred to as the Executive order concerning the enforcement of the prohibition law. I have refrained from expressing my views on the subject, awaiting some defense from the other side of the Chamber of the action of the President in this regard. It need not be said that I have no warrant for speaking for the President, either here or elsewhere, but lest some erroneous conclusion might be drawn from the fact that I have remained silent while it is asserted from this floor that the President has been guilty of something in the nature of a usurpation of power in the action taken to which reference has been made, and that there is something violative of the Constitution in the course which has been pursued, I desire to say that I have after reflection been unable to find justification for any such attitude concerning this so-called order. Our attention has not been called to any specific provision of the Constitution which has been violated. Indeed, Mr. President, I am unable to conclude that the President was not wholly within his rights in taking the action which he did.

What was it the President did? His order has been quoted a number of times in this Chamber, but it will stand repetition. It is as follows:

In order that they may more efficiently function in the enforcement of the national prohibition act, any State, county, or municipal officer may be appointed, at a nominal rate of compensation, a prohibition officer of the Treasury Department, to enforce the provisions of the national prohibition act and acts supplemental thereto in States and Territories, except in those States having constitutional or statutory provision against State officers holding office under the Federal Government.

That is all the President has done. He has not appointed anybody. He has not made any sweeping order appointing every State officer charged with the enforcement of law as a national prohibition officer. He has simply declared that such officers may be appointed Federal prohibition officers at a nominal compensation.

Mr. BORAH. Mr. President——

Mr. WALSH. I yield to the Senator from Idaho.

Mr. BORAH. Does the President's order do anything except announce a policy?

Mr. WALSH. That is all. The Commissioner of Internal Revenue is authorized by the provisions of section 38 of the Volstead Act to appoint inspectors and other agents for the purpose of aiding in the enforcement of the prohibition law. That section in part reads as follows:

The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the civil service act.

The charge that this Executive order is violative of the civil service act I shall refer to later.

Mr. SIMMONS. Mr. President, no State officer to whom such an appointment should be tendered would be compelled to accept it?

Mr. WALSH. Certainly not; an office can not be imposed upon a man, and particularly a Federal office can not be imposed upon a State officer. However, let us understand what this means. The law authorizes the Commissioner of Internal Revenue and the Attorney General to make these appointments, and the President has simply said, "You may appoint State officers." That is all the order says.

Mr. HEFLIN. Mr. President, will the Senator from Montana yield to me for a moment just there?

Mr. WALSH. I yield.

Mr. HEFLIN. The Senator from Montana means, then, that if the State officer is agreeable to the appointment and gets the additional salary, he may accept it?

Mr. WALSH. He may.

Mr. SIMMONS. Provided that the State law does not prohibit his doing so.

Mr. WALSH. The order expressly provides that it shall not be applicable to any of those States which prohibit a State officer from holding a State office and a Federal office at one and the same time.

Mr. BORAH and Mr. OVERMAN addressed the Chair.

Mr. WALSH. I yield first to the Senator from Idaho.

Mr. BORAH. I wish to ask the same question of the Senator from Montana which I asked on yesterday of the Senator from Arkansas [Mr. ROBINSON]. Speaking of the constitutional proposition, what was the necessity of the President making this order at all?

Mr. WALSH. There was not any necessity of his doing so that I can see, except that it seems quite likely that the Assistant Secretary charged with the enforcement of the prohibition law desired to know whether it would be quite agreeable to the President if he made these appointments, as he desired to do, and this was undoubtedly the answer of the President of the United States that it would be quite agreeable to him that this course should be pursued. That is all there is to it.

Mr. GEORGE. Mr. President——

Mr. WALSH. I yield to the Senator from Georgia.

Mr. GEORGE. I should like to ask the Senator from Montana if he does not think of course that the Executive order contemplates that State officers will be taken into the Federal service or at least some of them?

Mr. WALSH. Undoubtedly, although I do not know that it should be expressed in that way. They will be invested with a Federal commission in addition to the State commission which they have.

Mr. GEORGE. I should like to direct the Senator's attention to this thought: There is undoubtedly no express constitutional provision for the order, but, recalling the decision in the case of Maryland against McCulloch and the principle upon which that decision is based, does it not occur to the Senator that the holding of an office by the same man under two different sovereigns necessarily imposes a restriction, and an undue restriction upon the sovereign first appointing such officer?

Mr. WALSH. I will say to the Senator that I have not been able to accept that view at all. I had intended to canvass the question directly of the right of one and the same person to hold an office under the State government and under the Federal Government.

Mr. GEORGE. Does it not occur to the Senator that necessarily conflicting obligations would thereby be imposed upon the officeholder?

Mr. WALSH. I do not think so. I do not think the two offices are incompatible at all.

Mr. GEORGE. But suppose they should turn out to be incompatible in that the State law is radically different from the Federal law, who would control the officer?

Mr. WALSH. If the officer were invested with a writ issuing from a Federal court he would be obliged to respond to the order of the Federal court; if he were executing a writ issued from a State court he would be obliged, as a matter of course, to respond to the State court.

Mr. GEORGE. But suppose the two writs should conflict?

Mr. WALSH. Of course, if the two writs should conflict he would be obliged to elect which he would choose to observe.

Mr. GEORGE. Then, if the President's order should be actually carried into effect as contemplated, we would have a situation where the State officer might elect to become a Federal officer.

Mr. BORAH. Mr. President——

Mr. WALSH. Wait a moment. Under what circumstances can it be conceived that the offices will conflict?

Mr. GEORGE. I am not discussing that question now. I am merely suggesting to the Senator that if they should conflict——

Mr. WALSH. Yes; but it is necessary to assume that the two places are incompatible in order to assume that they are going to conflict.

Mr. GEORGE. That, to my mind, is no very difficult task. Not only can they conflict, but ultimately they will conflict. It is a matter of history that wherever one man undertakes to serve two masters his duty always does conflict.

Mr. WALSH. If the Senator will pardon me, I was going to discuss the subject of the incompatibility of the offices a little later.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH. I yield to the Senator from Maryland.

Mr. BRUCE. The Senator from Montana asked under what circumstances could there be a conflict. Suppose it became the duty of a policeman in the city of Baltimore to arrest a murderer, to arrest him red-handed without procrastination or delay of any sort, and the same time he was to receive an order from the Federal prohibition director to arrest a violator of the Volstead Act. In such a case there would arise a conflict.

Mr. WALSH. But it would be very unwise for the prohibition director to put that kind of a writ in the policeman's hands when he had the other duty to discharge.

Mr. BRUCE. Some of us think that those charged with the enforcement of prohibition have done very few things that are wise.

Mr. WALSH. I understand the Senator's position on that question.

Mr. BRUCE. I trust the Senator will answer the question.

Mr. WALSH. Mr. President, I shall await any information that can be afforded by any Senator concerning that particular provision of the Constitution which is violated by this order. I was going to say simply this with respect to it:

The law empowers the Commissioner of Internal Revenue and the Attorney General to make these appointments. Seeing that those officers are removable at any time by the order of the President of the United States, they must as a matter of course conform their policy to his wishes, so far as he expresses them. He has indicated that he has no objection whatever to their making these particular appointments, so it would seem as though the constitutional warrant was complete.

But it is said that the order is violative of the civil service act. I supposed it was perfectly well understood that it is entirely beyond the power of the Congress of the United States to control the appointive power of the President so far as he is vested with appointment, or to take away from him the power of appointment. Efforts have been made from time to time to deprive the President of the United States of the power to remove officers holding commissions under the Government of the United States, but the Supreme Court of the United States says that he is vested with that power as incidental to his power to make appointments; so that even if a statute is enacted giving a definite term to an officer, notwithstanding the President is at liberty at any time he sees fit to discharge him from office. And so it is with respect to making appointments. There is no constitutional objection to the President appointing anyone to office, and it is beyond the power of the Congress of the United States to control him in that respect at all.

Of course, he makes every effort and ought to make every effort to conform to the wishes of Congress as expressed in the civil service act, and he may be open to criticism if he does not do so; but he is in no sense whatever violating his oath if he does so, because the Constitution gives him the full power to make appointments as he sees fit.

But it is said that there is something incompatible in holding at one and the same time a Federal office and a State office. If so, Mr. President, the incompatibility has been disregarded time out of mind. Undoubtedly there are some Federal officers that are incompatible with some State officers and there are some State officers that are incompatible with other State officers; but it seems to me a little attenuated to contend that there is anything incompatible between an officer charged with the duty of enforcing the Federal prohibition law and an officer charged with the duty of enforcing a State prohibition law.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I yield to the Senator from Idaho.

Mr. BORAH. That incompatibility arises out of service in the office and not by reason of the fact that it may be under two different sovereigns.

Mr. WALSH. Of course.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH. I yield to the Senator from Alabama.

Mr. HEFLIN. Suppose this State officer, being designated by the President as a Federal officer, should go out on a raid, and during the raid should kill two or three citizens in the State; in what court would he be tried for murder?

Mr. WALSH. He would be tried in the State court.

Mr. HEFLIN. I should like the Senator to discuss that question. I have talked to other Senators about that, and they say he would be tried in a Federal court because he is a Federal officer.

Mr. WALSH. This, as it seems to me, is the significance of this order, and the only significance that it has. It has been the custom, sanctioned by usage running away back through the centuries, for the State and the Federal authorities to cooperate in the detection of crime and the arrest of criminals. Everybody hopes that they will continue to cooperate. Sometimes, to my mind, the cooperation is subject to no little criticism; but the practice of conducting raids upon places where it is believed that crime is being committed is now a well-established practice in our Federal procedure. Again and again, Federal authorities desiring to make a raid for some

purpose or other call upon the local authorities, the police of the city, to aid them in doing so, and the aid is quite generally accorded. So, likewise, the State authorities not infrequently call upon the Federal authorities for aid, and the aid is extended. Now, if a State officer goes out to make a raid and asks the aid of a Federal officer, and in attempting to make the arrest the Federal officer inflicts injury upon some one, or possibly kills him, he has no warrant or other authority which will enable him to make a proper defense in that case. So if the State officers are called to aid the Federal officers in making arrests or in conducting a search, they, are without any justification in a court of law such as they would have if they were acting under Federal authority. So it is simply for the protection of the State officers who join with the Federal officers in an effort to make an arrest or to make a search that this commission is desired.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. SMOOT. I understood the Senator from Alabama to ask, if the President appointed a person to cooperate with State officials, and a murder was committed, where the person committing it would be tried. I do not understand that under the order of the President he is going to appoint any man to any office. Does the Senator think he is?

Mr. HEFLIN. Mr. President, the Senator from Utah did not get my question. If the Senator from Montana will permit me, if the President should name an officer already a State officer, and that man should kill a citizen in a State, I contend that he would be tried for murder in the Federal court, if he is a Federal officer.

Mr. WALSH. I do not see that that question need disturb us very much, anyway. Whether the man is tried in the Federal court for murder or tried in the State court for murder is a matter of no great consequence, so far as I can see. If the State officer accepts a Federal commission, and he commits an act that is charged as criminal in the execution of a duty imposed upon him by his character as a Federal officer, he may possibly be entitled to have the case tried in the Federal court under the doctrine of the Nagel case. That is neither here nor there. That is a matter for the State officer to look out for himself. As I understand, he would probably have an election; but however that may be, it is, as it seems to me, a matter of no great consequence.

As I understand, however, the proposition is laid down that there is some kind of incompatibility between the acceptance of any office under the State government and an office under the United States. I can not subscribe to that doctrine at all. What particular objection is there to electing a postmaster in your town also a member of the school board? What particular objection, for the matter of that, is there, in a small town, to electing the postmaster mayor of the town?

Mr. GLASS. Mr. President——

Mr. WALSH. If the Senator will pardon me just a moment, there are a multitude of State offices that can easily be filled by persons holding Federal positions without the slightest embarrassment to the discharge of the duties of either of those offices.

I yield to the Senator from Virginia.

Mr. GLASS. Of course, that is a matter of individual opinion. The fact is that the objections do exist and that many of the States, including Virginia among others, by constitutional provision prohibit a State officer from accepting any appointment whatsoever under the Federal Government.

Mr. WALSH. Quite so.

Mr. GLASS. Therefore the objection does exist, notwithstanding the fact that the Senator from Montana can see no possible reason for an objection.

Mr. WALSH. I am speaking now about the assault upon this action of the President as violative of the Constitution of the United States in some way or other.

Mr. GOFF. Mr. President——

Mr. WALSH. If the Senator will pardon me, I was going to refer to the fact that a number of States have constitutional provisions such as that now suggested by the Senator from Virginia. Why did they put that in the Virginia constitution? Simply because in the absence of it there would be no objection under the Federal Constitution to such an appointment.

I now yield to the Senator from West Virginia.

Mr. GOFF. Mr. President, I understood the Senator from Montana to say that there was no incompatibility in appointing a postmaster the mayor of a community.

Mr. WALSH. Yes.

Mr. GOFF. Suppose there should be a conflict in time, making it a physical impossibility for one person to discharge the functions of both offices. Suppose we vary the Senator's illustration and ask if there is no objection to electing a postmaster mayor why should there be any objection to electing a postmaster the sheriff of the county?

Mr. WALSH. There is not.

Mr. GOFF. Clearly there would be a conflict of duties.

Mr. WALSH. I am speaking now about the power.

Mr. GOFF. I am addressing myself to the Senator's argument of incompatibility. I quite agree with the Senator that there is no constitutional objection to this Executive order. I do not say that it violates the Constitution of the United States. It may violate the constitutions of some of our States, but I do not see that it violates the Constitution of the United States.

Mr. WALSH. No; because the order, if it may be so called, expressly declares that no one shall be appointed in any of those States which forbid, by statute or constitution, the appointment of a State officer to a Federal position.

Mr. GOFF. I am going further, however, and suggesting to the Senator from Montana that it might constructively violate the constitutions of some of our States that have not expressly prohibited State officials holding Federal positions. I would agree with the Senator further to this extent, that in some cases there might not be a conflict between the functions of a State officer and the similar functions of a Federal officer. Some such cases are readily imaginable, but there are others just as readily imaginable where the discharge of the duties intimately connected with each office would clearly bring about a conflict, and wherever that conflict arose I think the Senator will admit that there would be incompatibility as that term is used in the law.

Mr. WALSH. The trouble about that is this: I can very readily understand that in many cities, and in all cities of any considerable population, it would be practically physically impossible for a man to discharge at one and the same time the duties of postmaster of the city and of mayor of the city; but that is a subject to be addressed to the good sense of the electorate in selecting their mayor. If you have a town of 500 people, you can readily understand that there would not be the slightest incompatibility between the two. Incompatibility exists only where the duties of the two offices are entirely inconsistent, not as a matter of time, not as a matter of the actual discharge of the duties of the office; as, for instance, a judge of a court at one and the same time could not be the sheriff. Those two offices are entirely incompatible, because the sheriff is to carry out the orders of the court.

Mr. GOFF. One is executive and the other is judicial; and, of course, clearly one man could not discharge the functions of both.

Mr. WALSH. Exactly.

Mr. GOFF. But that is not the test of incompatibility, as I understand the law. The test is, is there a conflict not only in duty, but is there a conflict in the physical inability of the occupants to discharge the duties of both offices?

Mr. WALSH. This is the test of incompatibility announced in Throop's Officers and Sureties in Official Bonds:

> The question whether two offices are or are not incompatible is often difficult of solution, and the principles upon which its solution depends can not always be stated with perfect exactness. "The general questions concerning incompatibility of offices are a large field indeed," and in many instances each case must be judged by its own peculiar circumstances. A learned American judge, discussing this question, has forcibly said that it has been erroneously supposed, from the remarks of Lord Tenterden in Rex *v.* Jones (1 B. & Adol. 677), that in order to render two offices incompatible there must me some such relation between them as that of master and servant; that one must have "controlment" of the other; or that one must be charged with the duty of auditing or supervising the accounts of the other; or that one must be chosen by or have the power of removal of the other. But these are only instances of incompatible offices, not definitions; and therefore it does not follow that these are all the instances in which offices are incompatible. Thus a judicial office and a ministerial office are incompatible. And in Rex *v.* Tizzard (9 B. & C. 418), Bayley, J., gave another instance of incompatibility when he said, "I think that the two offices are incompatible when the holder can not in every instance discharge the duties of each."

Mr. GOFF. Mr. President, I think the latter phrase which the Senator from Montana read is the applicable portion of that authority to the question now under discussion. The imaginable conflicts are not always clearly stated. I was reflecting, when the Senator was debating a moment ago with the Senator from Alabama, as to which court would have jurisdiction in the event of a homicide; it would seem to me the answer to that question depends entirely upon which sovereignty the dual official was exercising at the time the homicide occurred. If you take a deputy sheriff or a sheriff of a State and clothe him with the Federal power of a prohibition officer, and he is exercising a dual capacity, the question of jurisdic-

tion over a homicide would turn clearly upon which sovereignty's jurisdiction he was attempting to exercise at the time the homicide occurred.

Let us take that illustration and go one step further. A deputy sheriff might, if he were also clothed with the power of a Federal prohibition officer, have the responsibility of determining which sovereign law it was his duty to exercise if he came in contact with a violation of the prohibition law without a warrant from either sovereign government to serve. He would have then a dual conflict of judgment: "Shall I, in the exercise of the authority of a peace officer, serve the State government, or shall I serve the Federal Government?"

Assuming that he is in possession of the law of each sovereignty, he would have there arise a conflict of judicial duty as to which sovereign power he should serve in either enforcing the State or the Federal law. He would then make his report as to which sovereign power he had assumed to act under in that given illustration.

In that very connection, I submit to my distinguished friend from Montana, you have a conflict of duty which expresses itself in incompatibility.

Mr. GEORGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I yield.

Mr. GEORGE. This question, it seems to me, is not one of incompatibility. The authorities relating to that doctrine very clearly refer to the duties of officers under one and the same sovereign.

Mr. BORAH. No, Mr. President; there are plenty of authorities to the contrary.

Mr. GEORGE. I refer to the authorities just read. There could be no question of incompatibility. We are dealing here with officers who may be called into the Federal service under this Executive order. Those officers have to perform, not a limited or specific duty, but under their terms of appointment or election in the several States or municipalities in the States they have to perform a general duty, and it seems to me to be fundamental that no sovereign can superimpose any additional obligation or duty upon an officer who is charged with a general duty and not merely a particular and limited duty.

It was not held in the McCulloch bank case that the tax imposed actually destroyed a Federal agency. It was held broadly that the State could not impose upon the agency of the Federal Government—and of course the contrary is true—any restriction, because it is one of the inherent powers of a sovereign to have and to control its own agency and similarly to have and to control and to direct at all times and under all circumstances its own officer.

It is not a question of incompatibility; it is not a question of conflict in duty between two officers, but it is plainly, it seems to me, resolved into this: That where the sovereign selects its officer and charges that officer with a general duty it does not lie within the power either of the State or of the Federal Government to undertake to impose any other obligation or duty or responsibility upon that officer, because if it can and does, it can destroy the officer of the opposite sovereign, just as in the bank case you could destroy the agency of the Federal Government.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. WALSH. In just a moment. I think no one will controvert the proposition that the Federal authority has no power to impose additional duties upon State officers. The doctrine of the McCulloch case was that the Federal Government could not impose burdens upon the State government; that is to say, they could not interfere with the operations of the State. So, Mr. President, it is a matter not of consent at all but of imposing something against the will of the party. Under this order no one can be appointed unless he is quite willing to accept the appointment.

I now yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, in replying to the Senator from Georgia, if a State did not have a law upon the same subject, which the officer was charged by authority from the State with executing, how would there be any incompatibility, so that the authority from the Federal Government in executing a law foreign to a law of the State would conflict with or abridge or contract the control and authority of the State over its agent relating to subjects entirely foreign to the subjects covered by the order?

Mr. GEORGE. I am glad to answer the Senator. In my judgment, it is not a question of incompatibility at all. It does not arise upon that theory, and it does not stand upon that basis.

The State can function only through officers. I think that will be conceded; of course, it is elemental. It can operate only through its chosen officers. When it selects its officers and imposes upon those officers a general duty, not a specific and limited responsibility, then those officers can not have imposed upon them by any other sovereign any additional responsibility or obligation, else the first sovereign has completely lost its sovereignty.

Mr. BRATTON. Would the Senator contend that a notary public in the State of Georgia could not become a Federal prohibition officer under an appointment by the Federal authorities? A notary public under the laws of Georgia would be clothed with certain authority.

Mr. GEORGE. With certain specific and limited powers?

Mr. BRATTON. Yes.

Mr. GEORGE. I limited my statement a while ago. This Executive order contemplates the bringing into the Federal service of any State officer. It is true, I presume, that it would not be illogically and extremely applied. It would probably be confined to those officers whose duties were somewhat, or generally, it might be said, in line with the duties they would perform as Federal officers.

Mr. BRATTON. But that conflicts with the theory the Senator is advancing, because that rests upon the doctrine of incompatibility.

Mr. GEORGE. Oh, no——

Mr. BRATTON. Not an abridgement of authority.

Mr. GEORGE. I am not invoking that doctrine at all. It does not, in my judgment, but it rests upon the power of the sovereign to select its own officers, by and through whom alone it can exercise sovereignty, and it grows out of the inherent power of the sovereignty to prevent anyone else imposing upon those officers any additional duty.

Mr. WALSH. Mr. President, let us understand the position of the Senator from Georgia. Does he assert that there is anything either in our system of government or in the Constitution of the United States which prohibits a man from at one and the same time being a postmaster under a commission from the Government of the United States and a notary public under a State commission?

Mr. GEORGE. There is in many of the States.

Mr. WALSH. Undoubtedly. As indicated, the States for some reason or other have deemed it wise not to allow their officers to accept commissions under the United States. Everybody agrees to that. But in the absence of such a constitutional provision of the State, what objection is there to having a man who is a notary public appointed a postmaster?

Mr. GEORGE. I can see a great many objections. The Senator asks if there is any constitutional inhibition. There are inhibitions in the constitutions of many States. There are not in others. But wherever it is found in any State, it but reflects the basic idea I have just asserted, that the sovereign is undertaking to control its own officer and its own agent.

Mr. WALSH. Is it not true that these constitutional provisions were adopted by the various States because, if they did not have them, there would be no constitutional objection to it?

Mr. GEORGE. Oh, no; I admit no such statement as that. They were adopted by the several States, where adopted, because the States wished to put in express form a policy that grows inherently out of the fact that they possess sovereignty at all. They could by express consent, of course, as a man may, consent to a dual agency. But I think the principle that is violated in this order is one that depends upon the consideration, first, that the State within its sphere is sovereign, and that the Federal Government, of course, is sovereign within its sphere.

Mr. WALSH. Let me understand the Senator. Does the Senator mean to say that as a matter of policy this ought not to be done, or as a matter of Constitution it can not be done?

Mr. GEORGE. I mean to say that as a matter of constitutional power it is open to most serious doubts as to whether it can be done, because one sovereignty would thus be enabled to impose an obligation or responsibility or duty upon the agent of the other sovereignty, and you may have the case arising where there is a necessary conflict between the two sovereigns. But whether it arises or not, it does not affect the principle, and I mean to say that in many States this principle has been written expressly either into the constitution or the law of the State. But whether they have written it at all or not, it seems to me it would have been the ultimate and necessary decision, as in the case of McCulloch against Maryland, though that case rests upon no express inhibition of the Constitution, but upon the considerations that grow out of the nature and character of the United States on the one hand and the several States on the other hand.

Now, as a mere matter of public policy—and here is the test of the question, not legalistic reasoning—I undertake to say that if the Executive order stands, it will not be accepted by

the common sense of the American people. It is not a question of incompatibility in my view of it, if the Senator will pardon me for repeating, but it is a question of one sovereign's right not to permit the other sovereign to impose any restriction upon his necessary agents through whom he acts.

Mr. WALSH. We agree about that view. We quite fully agree that it does enforce no restriction.

Mr. GEORGE. I do not have to point out that it may impose restrictions, because it seems to be as old as morality itself that no man can go at the dictate of one master and at the same time come at the command of the other.

Mr. WALSH. That would be all right if we admit he had a perfect right to do anything.

Mr. GEORGE. If he is an officer of the United States he is an officer of the United States.

Mr. WALSH. He is obliged to carry out the law of the United States whenever he is charged with that duty.

Mr. GEORGE. Exactly, and he is charged not with a specific duty, but he is charged with a general duty of giving his whole time to the State in all matters within the scope of his duties.

Mr. BORAH. Mr. President, does not that go solely to the question of the policy of it?

Mr. GEORGE. I am discussing the policy now.

Mr. BORAH. If we could eliminate the proposition of the constitutionality or legality, and come to the question of the policy, I think a wholly different proposition might be presented. I am unable to see any constitutional inhibition against an order which is from a legal point a nudum pactum on the face of it. It does not change the law and does not change anything except the policy. When General Grant issued his order, they had been appointing State officers for years. It had been the policy of his predecessors. He changed the policy. He thought it unwise. He made certain exceptions. He excepted marshals and deputy marshals, and so forth. Now, Mr. Coolidge has changed the policy and that is all, and it is to my mind solely a question of policy.

Mr. GEORGE. If it is a question of policy I will say to the Senator from Idaho it is a most important question of policy.

Mr. BORAH. I admit that. But that it is, and no more.

Mr. GEORGE. If we admit the premise upon which we sustain the validity of the order, it is quite possible to bring within the Federal Government every State officer, because this order is not at all limited in its terms. It may be limited in actual practice.

Mr. BORAH. I take the position that the appointing power, without the issuing of this order, could have made the same appointments that they make now. The only result would have been that they might have offended the President as challenging his policy; but if the Attorney General and the revenue officers had seen fit to make the appointments which they may make now, there was no legal inhibition against their doing so, and it was not necessary, as a legal proposition or as a constitutional proposition, for the President of the United States to issue this order at all.

Mr. GEORGE. No; and his issuing the order does not give it any validity at all.

Mr. BORAH. Exactly. Whatever validity the appointment has it would have without the order.

Mr. GEORGE. There is no express inhibition in the statute against it. There is no disagreement between us on that point. If there is any infirmity in the order or in the power of the President to issue the order, it grows out of the consideration of the essential right of the States as against the right of the Federal Government. I do not think that depends upon mere compatibility of obligations imposed by the two sovereigns upon the common officer.

Mr. BORAH. The incompatibility is purely a legal question as we have been discussing it, but when we come to discuss the question of policy then I think it is wise to take into consideration that we are dealing with separate sovereigns.

Mr. GEORGE. I think so undoubtedly. I think there is no disagreement about it. I do not assert that it is not possible to sustain the exercise of a power such as the President has indicated that he was not averse to having his responsible agent use in this case, but I do say that the power is properly questioned and if pushed to the extreme must be accepted, it seems to me, as opening a very big and important question.

Mr. WALSH. Mr. President, I had no purpose whatever to discuss the wisdom of the policy of the order. I think the possible evils that are anticipated are rather fanciful, but I do not care to go into that phase. I merely rose to express my view that the President has not transgressed in the slightest degree his duties in the matter in the issuance of the so-called order.

Mr. HARRELD. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH. I will yield to the Senator from Oklahoma in just a moment.

I want to say that I do not regard as persuasive at all the appeal to the scriptural rule that no man can serve two masters. We get misled very often by resort to epigrams of that character. Of course, every day men serve two masters. Some of them serve 20 or more. A man can not serve two masters only when the duty to one is inconsistent with the duty to the other. He must then choose between the two. That is the one case in which a man can not serve two masters. Of course, the declaration that no man can serve two masters necessarily implies that the duty to one conflicts with the duty to the other.

So here, Mr. President, the simple question is as to whether the duty which will devolve upon the State officer who takes a Federal commission will be such that there will be any conflict in his duty to the State with the duty which he owes to the Federal Government under his Federal commission. It may be that at some time such a conflict may arise. I do not think it will arise often enough to make the two offices incompatible as a matter of law.

I now yield to the Senator from Oklahoma.

Mr. HARRELD. Mr. President, it may shed some light on the question to call attention to the fact that this Government in numerous instances has conferred jurisdiction or the power to act upon State officers in civil affairs. For instance, nobody disputes that Congress has plenary powers in Indian affairs, yet years ago an act was passed by Congress which provided that probate judges in the State of Oklahoma should have the power to approve leases and deeds made by Indians. This act has been upheld by the highest courts. They were probate officers under the State law, yet the courts upheld the power of Congress to confer upon them the power to act in administrative matters like that as Federal officers.

Mr. WALSH. The Senator will recall that until very recently every State court of record was authorized to issue naturalization papers.

Mr. HARRELD. Exactly so, and I call attention to the further fact that the Supreme Court of the United States has held in the case of Railroad Commission of Wisconsin against Chicago, Burlington & Quincy Railroad Co. that the Insterstate Commerce Commission is authorized to act in unison and conjunctively with the State corporation commission in railroad matters. They refer to the State commission's power to hold hearings on matters pending before the Insterstate Commerce Commission, and the Supreme Court has recognized that authority. I want to read for the RECORD just a brief excerpt from the holding of the Supreme Court in that case, as follows:

> It is said that our conclusion gives the commission unified control of interstate and intrastate commerce. It is only unified to the extent of maintaining efficient regulation of interstate commerce under the paramount power of Congress. It does not involve general regulation of interstate commerce. Action of the Interstate Commerce Commission in this regard should be directed to substantial disparity, which operates as a real discrimination against and obstruction to interstate commerce and must leave appropriate discretion to the State authorities to deal with intrastate rates as between themselves on the general level which the Interstate Commerce Commission has found to be fair to interstate commerce.
>
> It may well turn out that the effect of a general order in increasing all rates, like the one at bar, will, in particular localities, reduce income instead of increasing it by discouraging patronage. Such cases would be within the saving clause of the order herein and make proper an application to the Interstate Commerce Commission for appropriate exception. So, too, in practice when the State commissions shall recognize their obligation to maintain a proportionate and equitable share of the income of the carriers from intrastate rates, conference between the Interstate Commerce Commission and the State commissions may dispense with the necessity for any rigid Federal order as to the intrastate rates and leave to the State commissions power to deal with them and increase or reduce them in their discretion.

That is the language of the Supreme Court of the United States upholding an order which created unity of action between the Interstate Commerce Commission and the various State commissions.

Mr. GEORGE. I understand that. There can be no dispute about it. But let me direct the Senator's attention to the fact that there is a vast deal of difference between conferring certain duties upon a State officer or upon a man who happens to hold a State office and the making of a State officer who is charged with no specific duty but with general responsibility, a general officer of the United States. There is a vast deal of difference.

Mr. WALSH. Mr. President, I want to remark in this connection, while we are talking about the general subject, that

we will all recall that the war legislation by one general sweep invested State officers with all manner of powers in connection with the draft. Thousands of State officers were invested with power to perform duties in connection with the enforcement of the entlistment and enrollment of soldiers.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. GOFF. Am I to understand the Senator from Montana to contend that the sovereign powers of the Government used when the Nation was at war are to be resorted to in the ordinary times of peace to enforce the domestic law of the country?

Mr. WALSH. No; I have not any idea that they would be.

Mr. GOFF. The Senator's suggestion involved the war powers of the Government as a mere synonym of the peace powers of the Government in the jurisdiction that could be conferred upon State and Federal officials, and I fail to see the application of a resort to that power, not only of the Federal Constitution but of the State constitutions, when the Nation was fighting for its very existence.

Mr. WALSH. It does not make any difference whether it was fighting for its existence or not, the question is, can the Congress utilize State officers for the discharge of certain Federal functions?

Mr. GEORGE. Why does the Senator make that statement just in that form? Why does not he say the question is whether or not a general officer of a State may become a general officer of the United States?

Mr. WALSH. I do not perceive that there is the slightest distinction between the two. I am wholly unable to understand the difference. The general officer is charged with certain general duties. The officer, it seems to me, is exactly in the same category when he is charged with certain specific duties.

Mr. GOFF. Mr. President, is it not true that when the Constitution of the United States was adopted the States surrendered their power to declare war to the General Government, but they reserved inherently the power to protect and defend themselves by every means open to them in the event of a declaration of war by the General Government? When this Nation declared war it not only exercised the broad, affirmative, general power ceded to it by the States but the States had aroused and revived in them that inherent power which they had reserved to defend themselves. When the Federal Government under a declaration of war conferred upon State officers a certain power incident to the carrying on of the war the General Government was merely arousing and recognizing in the States the very rights which they had inherently reserved to themselves ultimately when they ceded the direct power to the Federal Government.

Now, if the Senator from Montana will permit me, I wish merely to make this suggestion relative to his remark as to the scriptural application, "You can not serve two masters; you love one and hate the other." I quite agree with the Senator that general mottoes and general epigrams do not have application specifically unless they fit the case to which they may be applied. In the instant matter which we are discussing, suppose the Federal prohibition director should appoint the sheriff of one of the counties of Virginia across the Potomac a Federal prohibition officer, and should then call upon that Federal prohibition agent to proceed to a jurisdiction outside of the State of Virginia to discharge the duties connected with the position of a Federal prohibition agent, would not a conflict in duty instantly arise? Would there not be in that dual capacity the obligation on that sheriff or that Federal prohibition agent, whichever you may see fit to call him, to determine whether he would remain in Virginia and discharge the functions of sheriff or whether he would assume to deputize one of his officials to perform that duty?

Mr. WALSH. The duty would be immediately imposed upon him either to do that or to resign, and if he did that and left the jurisdiction of Virginia, of course he could not be appointed in Virginia, because he would immediately vacate his State office under the State constitution; but assuming that the constitutional provision did not exist, of course, if he left the jurisdiction and abandoned his State duties he would be subject, as a matter of course, to removal and he would be removed, and if he refused to go he would be subject to removal under the Federal authority and he would be obliged to resign.

Mr. GOFF. Then does not the scriptural maxim that one can not serve two masters apply in that case?

Mr. WALSH. Of course it does; and such a Federal prohibition agent would be obliged, then, to abandon one of them.

Mr. GOFF. Exactly. Then, why does not the general dual obligation to sovereign governments arise in certain cases under such appointments; and if that is inherent—and, if the Senator will permit me, it is extreme cases that test the soundness of principles—if that is inherent in such appointments, then there is a defect that, as I have said to the Senator, expresses itself in incompatability of official positions.

Mr. WALSH. But, of course, the Senator can reason in the same way with respect to any offices. There may be exactly the same incompatibility between the office of postmaster and school director. There may be a most important meeting of the school board at the time when the mail comes in. Of course, we can assume even that situation of affairs.

Mr. GOFF. I think that is very incidental.

Mr. WALSH. So is the other. It is scarcely to be assumed that the Federal authority would direct the sheriff of Virginia to go beyond the bounds of Virginia when he had duties to perform there. The probability of conflict is greater, of course, than in the case of which I speak; but, as the Senator from West Virginia has stated, the test of the soundness of a proposition is in the extreme cases, and, if we put it in that way, then there is an entire incompatibility between the office of school director and postmaster.

Mr. GOFF. That is a mere incident, I would say to the Senator, involving the discharge always of reasonable duties. There is nothing in the case of a postmaster being a school director that would call the postmaster out of the jurisdiction over which he presides.

Mr. WALSH. Why not?

Mr. GOFF. I assume he would be a school director in the county or the town or the city or the village of which he is postmaster, and he could very readily discharge the functions of those positions without exercising a sovereign capacity over one of the offices.

Mr. WALSH. But one can conceive of a conflict in the one case just as well as he can conceive of a conflict in the other.

Mr. GOFF. My imagination does not carry me to the extent of conceiving a conflict there such as it does between the official position of a sheriff and an officer under the Volstead law.

Mr. GEORGE. Mr. President, I wish to say to the Senator from Montana that in all I have said I have distinguished in my own mind—whether or not I have been at pains to do so in my spoken word—between an officer and a mere employee. I know that the two are quite confused in all the States; but I always think of an officer as one who exercises some part of the sovereign power of the State as distinguished from a mere agent. That is the test I always make, whether it is a correct test or a wrong test, and I think that a very serious question of the existence of such power is raised when it is undertaken to permit one sovereign to constitute as its general officer the officers of the other sovereign.

Mr. WALSH. Mr. President, that subject has been followed as far as I care to speak about it; but there is another matter that has been spoken of in this same connection to which I desire to address myself very briefly.

Reference was made by the Senator from Arkansas [Mr. ROBINSON] yesterday to the demand for a referendum on the question of prohibition—the repeal or modification of the eighteenth amendment or of the Volstead Act. The Senator from New Jersey [Mr. EDGE] has pending a bill looking to such a referendum. We had a referendum on this subject in 1919, and all but three States decided one way; they decided in favor of the constitutional amendment. We are to have another referendum next fall. In every section of the country in which this question is at all rife the people will have an opportunity to express themselves about the matter in the choice of Senators and Representatives. In many districts I have no doubt every question of national or international moment will simply be overwhelmed in the face of the question whether the candidate is "wet" or "dry." So there will be a referendum on that subject.

I have not discovered, Mr. President, any such sentiment in the country as reflected in either House of Congress that calls for a general referendum upon this subject.

Mr. GLASS. Mr. President——

Mr. WALSH. I will yield in just a moment. I have not learned of many Members of either body who, having voted in favor of submitting the amendment to the Constitution or who are generally known as "dry," have changed and become "wet"; in fact, the votes in both Houses, so far as they have been significent at all, have not indicated to my mind a very general change in sentiment or, in reality, any change at all.

We are all charged with being cowards, with never expressing our own convictions in our votes but merely reflecting the views of our own constituents, at least having in mind how the votes are going to be cast. If that criticism of the Congress is to any material extent just, then we must easily reach the conclusion that there is no demand in the country for a referendum of this character.

But, Mr. President, just exactly what is the referendum that is suggested? I wonder how deeply the country will be impressed by this demand for a referendum? The slightest reflection will indicate to anyone who thinks about the matter that this is a game of heads I win and tails you lose. If the referendum shall result as hoped by the "wets," obviously some change in the present policy of the Government as represented in the Constitution and in the statutes will necessarily follow. But, suppose, Mr. President, the result shall be otherwise, and that the present policy shall be confirmed, then what? Does anyone imagine that the gentlemen who tell us that the Volstead law and the constitutional amendment are violative of the fundamentals of liberty, and thus encourage violators of the law in their conduct, will thereupon desist from so arguing? Can anyone imagine that the State of New York, should the verdict be in favor of the retention of the present policy, that State having repealed its enforcement law, will upon such a verdict reconsider its action and reenact its enforcement law? Are we at liberty to believe that the State of Maryland will promptly enact an enforcement law and seek to have it enforced strictly?

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH. I yield.

Mr. BRUCE. I suppose I am just a little entitled to speak for the State of Maryland. I think if there were a referendum in the State of Maryland such as is suggested by the Senator from Montana, and the popular verdict were in favor of prohibition, the Legislature of the State of Maryland would promptly pass a State enforcement law.

Mr. WALSH. I have no doubt that if the people of the State of Maryland by a majority vote voted in favor of it, the State of Maryland would pass the law. That is not the point I am speaking about. I am speaking about a national referendum. Let us suppose that in the national referendum the "drys" win, then what change will come about? In other words, the proposition is to have a referendum that will effect no change whatever in case it goes one way, but will effect a change in case it goes the other way. That is the situation. How do you improve the situation in any respect?

I yield now to the Senator from Virginia.

Mr. GLASS. Mr. President, let me ask the Senator from Montana how it is possible to have a national referendum except by the two processes that he mentioned a while ago—the submission of a constitutional amendment or the election of a Congress?

Mr. WALSH. In my judgment there is no other way under the Constitution of the United States.

Mr. GLASS. Could the Congress constitutionally make an appropriation for a national referendum as it is proposed?

Mr. WALSH. I should say not.

Mr. GLASS. Of course it could not.

Mr. GEORGE. Mr. President, on that point—I hope the Senator from Montana will pardon me—I agree thoroughly with him. I do not think there is any authority for a national referendum.

Mr. WALSH. But, aside from that question, how naïve it is in these people to propose a national referendum when they can not possibly lose, because if it should go "dry" the situation will remain unchanged, and the country will hear just exactly the same kind of argument that is now being made.

Mr. BRUCE. Mr. President——

Mr. WALSH. I yield to the Senator from Maryland.

Mr. BRUCE. I will ask the Senator from Montana whether he is willing to submit an amendment to the Constitution either repealing or modifying the eighteenth amendment?

Mr. WALSH. I see no occasion to submit any amendment.

Mr. BRUCE. Then the Senator opposes, of course, the submission of this question in any form?

Mr. WALSH. I see no occasion to submit an amendment to the Constitution. I can not find in this Chamber any such change of sentiment, as expressed when the eighteenth amendment to the Constitution was adopted in 1919, as would justify the resubmission of the question.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. Why do not those who want the change submit the proposal for an amendment to the Constitution?

Mr. BRUCE. Mr. President, so far as I am concerned—I have had to remind the Senator from Idaho of that once before, but it gives me pleasure to remind him again—he well knows that I have submitted to the Senate Judiciary Committee a proposition looking to the amendment of the eighteenth amendment; that is to say, a proposition which contemplates ushering in, in the place of the present eighteenth amendment, a system of Government supervision and control which would permit at the same time the full right of local option to every city and county in the United States to determine for itself whether it would or would not have prohibition.

Mr. BORAH. Mr. President, I knew that the Senator had submitted that proposition in the sense that he had introduced it and it had gone to the committee, but I had not observed any support of it anywhere.

Mr. BRUCE. I do not suppose the Senator means by that that there is no popular support of it.

Mr. BORAH. Yes; I do not think there is any popular support of the amendment which the Senator has offered.

Mr. BRUCE. I recall that the Senator himself said on one occasion when I was present before the Judiciary Committee that while he was opposed to any modification of the Volstead Act he thought if the question had to be handled at all it should be handled in the form of an amendment to the Federal Constitution; and that is not all. The Senator will recollect—I am not violating any confidence, because he is a man who never says anything privately that he is not prepared to stand by publicly; that is to say, in the field of intellectual conviction and conscientious motive—that he stated that he was perfectly willing to leave to the people of the United States at the present time the question as to whether they will or will not repeal the eighteenth amendment.

Mr. BORAH. Mr. President, if the matter could be submitted in the manner pointed out by the Constitution for a change of the eighteenth amendment or the elimination of it, I would not have any objection at all to that proposition and I have not any doubt about what the result would be after the election was over.

Mr. BRUCE. We can not take the first step in that direction unless the Senator from Idaho and other Members of the United States Senate will agree to a vote submitting the proposition to the people.

Mr. GLASS. Mr. President, if they do not agree, of what is that indicative?

Mr. BRUCE. It is indicative of the fact that they do not think there is a sufficiently insistent popular demand for a change in the Constitution to justify them in taking a risk on reelection.

Mr. GLASS. Precisely——

Mr. BRUCE. A risk on reelection; that is all it means.

Mr. GLASS. And therefore why does not the Senator from Maryland get a report from the Judiciary Committee submitting his amendment?

Mr. BRUCE. The Senator knows that there is no process by which I can wrest or wrench a report from the committee.

Mr. GLASS. What is the conjecture of the Senator with reference to the refusal or failure of the Judiciary Committee to report his amendment?

Mr. BRUCE. Of course, I would have to grow too personal if I answered that question. I should have to answer that question in one way with reference to some members of the committee and in a different way with regard to other members of the committee; and, of course, I am not going to enter into any field of criticism like that. Good feeling, if nothing else, would keep me from hazarding any opinions on that subject.

Mr. GLASS. My conjecture is that the members of the Judiciary Committee do not think there is a sufficient popular demand for the submission of an amendment to the Constitution modifying the eighteenth amendment.

Mr. BRUCE. I do not know. Of course, the Senator knows as well as I do that all members of legislative bodies are just a little slow to risk the disapproval, not necessarily of the majority of the voters, but of any considerable body of voters. They, like most human beings, are disposed to "play safe"; and that is the case with this body, with due respect to it. In my honest opinion—it may be entirely wrong—with the exception of 8 or 10 Members of the Senate, there is not a real, genuine prohibitionist in it.

Mr. WALSH. Mr. President I feel like saying, in entire justice to the Senator from Maryland, that he has been prosecuting with all diligence his proposed amendment to the Constitution; and I think the Senator from Virginia is quite right in saying that the committee has not been more prompt in reporting on the matter because it is not felt that there is any great popular demand for, nor any demand in this body. Nevertheless, I am quite sure that before the conclusion of the session it is the purpose of the committee to report specifically upon the amendment.

Mr. BRUCE. Mr. President, may I interrupt the Senator just one minute more?

Mr. WALSH. I yield.

Mr. BRUCE. I want to suggest this thought to the Senator from Montana: It would be perfectly possible, by submitting an amendment to the eighteenth amendment which provided for conventions, to accomplish all the objects that are proposed to be accomplished by this nation-wide referendum. Take the amendment I have offered to the eighteenth amendment to the Federal Constitution, which is the combination of Government supervision and control and local option: If that proposition embodied a submission of the proposed amendment, not to the State legislatures but to popular conventions in the different States, unquestionably in a lawful and constitutional manner all the purposes of a nation-wide referendum would be subserved.

Mr. WALSH. Let me remark that the trouble about that is that the Senator in his amendment provides a specific substitute for the existing system. That is the matter to which I desire to advert for a moment.

I think everybody will concede that the hearings disclosed in detail what was known throughout the country generally; namely, that the prohibition law is being notoriously and flagrantly violated in most of the large cities of the country, if not all of them, and to a greater or less extent throughout the country; but the question is, What substitute for the existing system shall be adopted, if any shall be adopted? Light wines and beer are opposed. The question immediately addresses itself to us, Will we get rid of the bootleg nuisance if we have light wines and beer? The Senator from Maryland suggests Government control——

Mr. BRUCE. And local option.

Mr. WALSH. Or to a large extent Government control, a system that is in vogue in some of the Canadian Provinces. A referendum, then, would be a question as to whether that particular system should be substituted for the existing one, and there might be a very great difference of opinion about that. There is a very great difference among the Canadians themselves.

There came before the committee a gentleman from Quebec, where the system is in vogue, and another from the Province of Manitoba. The gentleman from Quebec is a member of the board charged under their law with the duty of administering their government-control statute. So, likewise, was the gentleman from Manitoba. They extolled the system most eloquently and ardently. Another gentleman from the neighboring Province of Ontario came before us and gave us the information, reliable or otherwise, that the system is a total and a dismal failure wherever it has been tried. There would be a question, then, as to whether that particular system would be adopted in lieu of it; so that it would not by any means be a determinative referendum if that amendment should be substituted.

Mr. BRUCE. Mr. President——

Mr. WALSH. I yield to the Senator.

Mr. BRUCE. The Senator knows, of course, that that testimony developed the fact that there are very great differences between the different systems of government supervision and control in Canada.

Mr. WALSH. Yes; they differ in detail.

Mr. BRUCE. They are different in detail, and, while the Senator may be surprised to hear me say so, many of them do not begin to be as strict as I would make them. The best of them all is the Quebec system; and that is the system I would submit, if I could have my way, to the popular approval or disapproval, and I would make that in the United States stricter than it is in Quebec. I have always predicted that the time will come, when we win our victory—which we are certain to do—when I am going to be an object of probably a very high degree of disapproval with many of the companions who have accompanied me on my political journey in this matter, because once the eighteenth amendment is altered there is no man in the land who will be more studious than I will be to see that the strictest measures and methods of every kind are adopted for the purpose of safeguarding temperance.

Mr. WALSH. The Senator is very much in favor of the Quebec system, but close observers in the neighboring Province of Ontario do not regard it quite so highly as does the Senator from Maryland; and while the committee was at work on the subject the proposal to substitute in the Province of Quebec for the qualified prohibition that they have there was voted down by a very large majority in the Ontario Parliament.

Mr. BRUCE. The Senator will recollect—I do not recall the figures exactly—that a few years ago the liberal proposition relating to the liquor traffic was voted down in Ontario, as I recollect, by some 200,000 majority. At the last election, when the same question was submitted to the electorate in Quebec, it was defeated by 30,000 majority, if my memory is not at fault; and I am informed—I do not know how trustworthily—that the universal expectation in the Province of Ontario is that when the question is again submitted this fall a majority of the people of the Province of Ontario will be found favoring government supervision and control.

Mr. WALSH. I yield the floor, Mr. President.

Mr. BRUCE. Mr. President, since I have been a Member of this body I have listened not only with instruction, but with pleasure, to the legal arguments made from time to time by the Senator from Montana [Mr. WALSH]. Without the slightest inclination to disparage him, I can truly say that never have I heard any train of professional reasoning from his lips so wholly unsatisfactory, to me, at any rate, as the one we have heard from him this morning. I can not but think that if his mind has been directed solely to the constitutional question underlying the Executive order of the President, and had not also been directed to this idea of a popular referendum on the subject of prohibition his legal conclusions might have been entirely different.

We all know that the Senator feels very strongly on the subject of prohibition. I do not feel more strongly in my way on that subject than he does in his way, and of course I respect his convictions fully as much as I could possibly ask anyone to respect mine.

I will also say that while I have a high opinion of his abilities as a lawyer, too, I have found myself entirely unable to follow the course of legal reasoning pursued by the Senator from West Virginia [Mr. GOFF]. He pointed out as clearly as anyone could possibly point out the inevitable conflict between State and national authority, which would follow in case force were given to this order. Yet, at the same time, for some reason or other, he seemed to shrink from the natural conclusions of his own lucid words.

Did it ever occur to the Senator from West Virginia that it is the possibility of that very conflict, I had almost said the inevitability of that very conflict, which renders this order of the President absolutely unconstitutional, nugatory, and void?

This case, to turn to a saying to which resort has been had in this discussion, is not simply a case which involves the serving of two masters. Rather, is it one which falls within the scope of Shakespeare's question:

> Under which king, Bezonian? speak or die!

If the President can issue any such Executive order as this, and that order is to be given authoritative force, then, so far as the field of that order is concerned, State sovereignty is not merely crippled, is not merely mangled, it is destroyed, it is at an end.

The Senator from Montana very truly said that there is no express, specific provision in the Federal Constitution which stamps this Executive order with constitutional invalidity. That, of course, can not be denied. But the Senator knows that it is provided by the tenth amendment to the Federal Constitution, first of all, that such powers as are not delegated by the Federal Constitution to the General Government, or prohibited by it to the States, are reserved to the States and the people.

He also knows that ever since the famous case of McCulloch against the State of Maryland, reported in 4 Wheaton, over and over again the courts of this land have had occasion to say that some legislative or other act of a State imposed an unconstitutional burden upon the administrative powers of the Federal Government; that some legislative or other act of the Federal Government imposed an unconstitutional burden upon the administrative powers of the States.

What was the McCulloch case? That was a case in which the State of Maryland undertook to impose a tax on a branch of the national bank of that day; and the Supreme Court of the United States reached the conclusion that the burden imposed by its act was wholly unconstitutional and void. What did it say? Mind you, the person who penned the words that I am about to read was no less a man than the justice who has come to be known from one end of this land to the other as the "great Chief Justice" John Marshall. He said:

> The States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the Federal Government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared.

In other words, Chief Justice Marshall said, "No; there is no express, specific power in the Federal Constitution which invalidates this act of the State of Maryland, but the Government of the United States is a dual Government. It is compounded partly of the State governments and partly of the

Federal Government. Each of those governments, State and Federal, have their own peculiar, distinct spheres of sovereignty and authority. Within its own sphere each form of government is clothed with just as ample and efficacious powers for the purpose of accomplishing its objects as the other is within its sphere. Generally speaking, they must sustain relations of independence to each other. Otherwise they will be unable to discharge their respective duties. One must not trespass upon the domain of the other in any manner, and one does trespass upon the domain of the other when in any manner it retards, impedes, burdens, or in any way controls the constitutional operations of the other. For, of course, the reasoning of the court in that case was as inconsistent with the idea that the Federal Government could control the constitutional operations of the States as with the idea that the States could control in any way the operations of the Federal Government.

From the duality of our political system, from the distinct and respective powers with which the State governments and the National Government are clothed by the Federal Constitution, the Supreme Court therefore deduced, just as certainly as it might have deduced from specific, express language in the Constitution, the fact that the States could not lawfully and constitutionally invade the province of the Federal Government. In other words, the States must impose no tax, no burden, of any kind, upon any instrumentality or agency by which the Federal Government performs its functions; and from that fact it follows as a matter of course, as has been often judicially held, that the Federal Government must impose no tax, no burden, of any kind, upon any agency or instrumentality by which the State governments perform their functions.

Just as soon as either government does that it deserts its own field of sovereignty and power to encroach upon that of the other.

The same kind of reasoning pursued by the Chief Justice in the McCulloch case has been over and over again pursued by the Supreme Court in connection with the provisions of the Constitution which give to Congress the power to regulate interstate commerce. Repeatedly, though there was no particular provision upon the subject in the Constitution or any Federal statute covering the point, the Supreme Court of the United States has held some act of Congress or some State statute to be unconstitutional and void because it imposed a burden upon interstate commerce.

For instance, the Supreme Court of the United States has decided that a State can not impose a license tax on some person who is selling goods from another State within the limits of the former State when it does not impose a similar license tax upon persons selling domestic products of the same nature produced within its limits. Why did it hold that? Because such an act, in the very language of the McCulloch case, would impose a burden upon interstate commerce.

So it is held that where a man is simply selling by sample goods ordered from another State, no act of the State legislature can impose any license tax upon him for making the sales, because the effect would be to impose a burden upon interstate commerce.

So it is also held that an act of Congress which seeks to place a per capita imposition upon every passenger brought into the United States is unconstitutional and void because it imposes such a burden.

A legislative attempt to impose a stamp duty on goods being shipped from the United States has likewise been held to be unconstitutional and void, as imposing a burden upon interstate commerce.

All that was deduced by inferential trains of reasoning from the general power conferred upon Congress by the Federal Constitution to regulate interstate commerce. All those decisions are directly applicable to this Executive order. Even assuming that the President was not stepping entirely outside of the province of his peculiar office, he had no right by an Executive order to attempt to superimpose Federal duties upon State duties discharged by a State officer. Just as soon as he endeavored to do that, he was endeavoring to impose a burden upon one of the instrumentalities or agencies by which the State performs its functions, just as much as the State of Maryland was doing that when it attempted to impose a tax upon a branch of the national bank.

Now, of course some little argument is based by the Senator from Montana on the peculiar wording of the order. He said that the order provides that—

> In order that they may more efficiently function in the enforcement of the national prohibition act, any State, county, or municipal officer may be appointed, at a nominal rate of compensation, as prohibition officer of the Treasury Department.

Now, what is the effect of those words, essentially? What do they come to but an Executive order which, in perfectly direct language, authorizes the director of the prohibition force to appoint, at a nominal rate of compensation, any State, county, or municipal officer as a prohibition officer? In other words, the language is the same in effect as if the President had said in perfectly direct phraseology, "I hereby authorize the director of the prohibition forces to appoint any State, county, or municipal officer at a nominal rate of compensation as a prohibition officer of the Treasury Department."

The President had no constitutional right to say that in an Executive order. He had no right to issue such an order, because the immediate, direct, inevitable effect of the order was to impose a burden upon State agencies and instrumentalities; and, to use further the words of the court in the McCulloch case, to retard, impede, and control the operation of the constitution and laws of the States. How can any man contend with any real force that the effect of such an order carried into effect would not be to work such results?

Take the State of Maryland, for instance, as an illustration. We have no constitutional provision in that State forbidding a State officer to hold a Federal office, except the provision in the Maryland Constitution which forbids a senator or delegate in the Maryland General Assembly to hold a Federal office. There is another provision in the Maryland Constitution, as I pointed out a day or two ago, forbidding any one person to hold two offices of profit, but that constitutional provision says two offices of profit under the constitution and laws of the State of Maryland; so if the Executive order is a valid order it applies with full force to the State of Maryland.

Now, what is the situation in the State of Maryland with respect to it? I take that State as my example because, of course, it is largely typical of the other States in the Union. Twice has the State of Maryland formally and deliberately, in response to the manifest convictions of her people, declined to enact a State prohibition enforcement law. That she will not do so she has affirmed to every officer or official in the State of Maryland, to the governor, to the secretary of state, to the sheriff of every county, to every policeman in the city of Baltimore, and to every member of the State roads constabulary force. To all of them the State of Maryland has said, "Whatever may be the policy of the Federal Government with regard to the enforcement of prohibition, this is my policy which I have a right to adopt for myself under the powers conferred upon me by the Federal Constitution. The Federal Government is welcome to its notions of public policy with respect to prohibition, but I insist in that matter upon my right to have my own ideas and conceptions as to what is best for my people."

Run the thing out to its consequences. Here is a policeman in Baltimore city. The prohibition chief approaches him and says to him, "I have made you a prohibition officer. In addition to your municipal or State duties you are to discharge the duties of a prohibition officer." That man, of course, as the Senator from Montana argued, could reply, "I refuse to discharge the duties of a prohibition agent." I venture to say that if he were compelled to make that reply it would be the reply of 75 or 80 per cent of the police officers in the city of Baltimore. I further venture to say that there are but few of them who do not entertain precisely the same convictions that I do with respect to the injustice and the oppression and hardship of prohibition.

But, says the Senator from Montana, if such a policeman does not care to have these additional duties imposed upon him he can resign, give up his office, give up his living, give up the honorable distinction that he enjoys because of having been selected as a policeman in a great city like Baltimore. But even if he were willing to do this, what would the State say? Its answer would be, "The Federal Government seeks to deprive me of one of the instrumentalities, one of the agencies, by which I perform my powers. It is retarding my governmental operations. It is impeding my governmental operations. It is obstructing those operations. It is burdening them. It is controlling them—and all this notwithstanding the fact that I am supposed under the Federal Constitution to be just as free to exercise my own peculiar powers of sovereignty as the Federal Government is to exercise its powers of sovereignty."

Suppose the policeman did not resign and was not removed by the governor, but retained his office, and had knowledge brought to his attention that if he would just be a little alert he could probably lay his hands on some deep-dyed criminal right around the corner, who was supposed——

[At this point a message was received from the House of Representatives.]

Mr. BRUCE. Mr. President, I hope you will excuse me for hesitating just as that message came in from the House. I

thought that perhaps the President might be sending us another Executive order, and I think that the present one is as much as our patience can be expected to tolerate.

Suppose, I say, that the policeman in Baltimore city of whom I have been speaking had an urgent call to go around the corner to arrest some murderous villain like Whittemore, who has figured so conspicuously in the press recently, and that at that very moment his prohibition chief—mind you, it might be after the policeman had been imperatively directed by his own city chief, the police commissioner of Baltimore city, to arrest that criminal—should bring to his attention the fact that some big bootlegger was violating the Volstead Act on some other street, and order him to arrest the culprit. Then, of course, the policeman might well say, "Yes, but I was appointed by the police commissioner of Baltimore to arrest murderers, to arrest rapists, to arrest incendiaries, to arrest flagitious criminals of every sort, and I feel that my first duty is to obey the mandate of my city or State." Suppose, however, the prohibition chief should say, "Not so. I am endowed with all the insignia of Federal authority. Murderer or no murderer, criminal or no criminal, State law or no State law, I order you, I command you, to obey the laws of the United States, and to arrest that violator of the Volstead Act." These are possible consequences of an attempt on the part of the President of the United States to superadd Federal duties to the duties even of an humble State officer like a policeman.

Mr. President, can anything be clearer than that when the State of Maryland or the city of Baltimore appoints a police officer, that State or city is entitled to all of his time and to the very fullest measure of his fidelity and efficiency; indeed, to use a material argument, it is fair to assume that the salary which a State or municipal police officer receives is adjusted to the idea that he is to discharge no duties except State or municipal duties.

It will be remembered, Mr. President, that it is only for a nominal consideration that these State officers are to serve as Federal servants. The illustration which I have employed is but a single illustration of the dozens or more that I might employ. In other words, from such an unhappy, such an ill-timed, such a reckless Executive order as this nothing but antagonism could be created between the State governments and the Federal Government; nothing but grave impairment if not paralysis of the powers of the State governments, nothing but confusion, discord, and perhaps, in occasional instances, bloodshed.

Senators know that it has been said humorously that the life of a policeman "is not a happy one." In the city of Baltimore there is quite enough for policemen to do in the way of searching out and arresting persons who are denominated criminals by the general laws of the State of Maryland. What time, think you, would such a policeman have to perform the duties of a municipal policeman if he were also required to keep a watch upon all the violators of the Volstead Act along his beat?

One of the newspapers of Baltimore city has recently stated—I know not how true the statement is—that one out of every 332 individuals in the city of Baltimore has been arrested for some violation of the Volstead Act. Of course, the practical result would be that if a Baltimore policeman really devoted himself to his official duties as a prohibition agent, he would have no time to concern himself about murder or rape or arson or any of the really base, flagitious crimes created by the laws of Maryland, to say nothing of violations of the many municipal ordinances of Baltimore. His whole time might be taken up in arresting offenders for violations of the artificial and unreal criminal offenses created by the Volstead Act.

Ah, and if any time were left to that hapless Baltimore city policeman within which to arrest general criminal offenders the public feeling that his assumption of the duties of a prohibition agent would create would render him a highly inefficient instrument for the arrest of ordinary criminal offenders. Instead of being regarded as an object of respect, as a policeman usually is by everybody except the lawless and reckless, he would find himself in Baltimore, so far as the overwhelming majority of its people were concerned, an object of suspicion, of distrust, of animosity.

The words that have left my lips have been nothing but mere vapor if they have not been sufficient to establish the fact that under the decision of the Supreme Court of the United States in the McCulloch case, and the decisions in the other Supreme Court cases which have followed that case, the effect of this Executive order is to impose upon the administrative machinery of the State of Maryland and the city of Baltimore a burden that might not only enfeeble but destroy the ability of the city or the State to discharge its own peculiar functions.

As I see it, as the junior Senator from Utah [Mr. KING] so well said the other day, this Executive order so far as legality goes is nothing but a ukase—the ukase of a Russian Czar or the firman—I believe that that is the term, though I am not very familiar with the language of tyranny—of a Turkish divan. Certainly no legal authority for that order can be found in the Volstead Act, because, as the Senator from Arkansas [Mr. ROBINSON] has pointed out with irresistible logic, the description in the Volstead Act of the kind of officers who can be appointed under that act is repugnant to the terms of the office.

I do not rest my case against this Executive order upon any mere technical peculiarities. I say that if Congress had in the Volstead Act itself authorized the director of the prohibition force to appoint a State officer as a prohibition agent such a provision would have been unconstitutional, null, and void.

Mr. GLASS. Mr. President——

Mr. BRUCE. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, there has, as it seems to a layman, been a singular omission from this discussion so far as I have heard the discussion. The tenth amendment to the Constitution explicitly provides that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Department of Justice seems to stress the point that there is nothing in the Constitution which expressly prohibits the President of the United States from utilizing the services of State officers as Federal officers jointly. The Senator from Montana also stressed the point that there was nothing in the Constitution to prohibit this, as did also the distinguished Senator from Idaho. While it is true that there is nothing in the Constitution which prohibits it, it is equally true that there is no express sanction of the Constitution for the exercise of this power by the President. I should like to know what is the opinion of the Senator from Maryland as to that.

Mr. BORAH. Mr. President——

Mr. BRUCE. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, if my statement was understood as the Senator from Virginia seems to have understood it, then, I was misunderstood. I do not claim that because the Constitution of the United States is silent on the subject that we may exercise the authority, simply because it is not forbidden.

Mr. KING. In other words, there is no implied power.

Mr. BORAH. I would not want it understood that I am contending that because the Constitution does not prohibit a thing, therefore, it may be done.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Certainly.

Mr. ROBINSON of Arkansas. I agree with the implications of the statement and the question of the Senator from Virginia [Mr. GLASS]. I tried to make clear on yesterday that all the power the President has is derived either from the Constitution or the statute of Congress enacted pursuant to the Constitution, and that, since the Constitution does not give the President the power, and since the language of the statute which empowers the Congress to authorize the President to appoint officers is not executed by the Volstead Act, the President has no power whatever to appoint or to fix the eligibility of officers to enforce the prohibition act. It is perfectly clear to me that, under the Constitution of the United States that power not being delegated to the Federal Government, the President has no power to impose duties on State officers, and, if that power is not delegated under the Constitution, neither the President nor any other department of the Federal Government can impose such duty. Congress could not have enacted a statute authorizing the President to impose powers or obligations or duties on State officers, and the Constitution does not give the President the power to create offices. It follows that the attempted exercise of the power, whether it be construed as being the power of appointment or the power of fixing eligibility to appointment, fails.

In addition to that, the statute expressly provides how prohibition officers may be selected; and the Executive order is in violation of the statute as well as of the Constitution.

Mr. BRUCE. I think that the argument of the Senator from Arkansas on that point is absolutely unanswerable. The Senator from Virginia did not happen to be in the Chamber when I referred to the tenth amendment as supporting just the idea which he seems to have formed.

Mr. GLASS. I have heard to-day the entire speech of the Senator from Maryland.

Mr. BRUCE. Then, it was my lack of ability to make myself understood.

Mr. GLASS. Unhappily, I was absent and did not hear the speech of the Senator from Arkansas, or I should not have drawn attention to this matter.

Mr. ROBINSON of Arkansas. Mr. President, I will say that the Senator has made clear a proposition which I think, among others, is conclusive of the invalidity of the order. Of course, the question of validity has no intimate relationship to the question of propriety or advantage or compatibility, but I have not the slightest doubt that the Executive order is invalid, and, notwithstanding the opinion of the Attorney General, I should like to have an expression of opinion from the Judiciary Committee of the Senate on the subject.

The Senator from Utah [Mr. KING] has offered a resolution directing the Judiciary Committee to advise the Senate. Of course, our right to take that advice grows out of the necessity or the possible necessity for legislation on this subject. I omitted to say a few moments ago that while I think the Executive order is in violation of both the letter and the spirit of the Constitution and of both the letter and the spirit of the Volstead Act, I think it is also in violation of the spirit of the civil service laws.

We have a case where the President, by what is termed an Executive order, is nullifying the civil service laws of the United States. I know it has been customary for the Executive to issue orders exempting certain individuals in some cases from the application of the civil service laws; but here is a case where apparently the President has sought to authorize the appointment of an almost unlimited number of officers who are not required under his order to possess eligibility under the civil service laws, but some of whom under the law must be selected from the classified service.

Mr. BRUCE. May I say at this point, and not simply State police officers, but any State officer—governor, secretary of state, secretary of the Commonwealth, and so on.

Mr. ROBINSON of Arkansas. Any officer. It is certainly a violation of the spirit of the civil service laws. Now, I wonder if the Senator or other Senators would object to the Senate having the advice of the Judiciary Committee on this question?

Mr. BRUCE. We know now what the advice of several of them will be. The Senator from Idaho [Mr. BORAH], of course, has expressed his opinion on the subject, and the Senator from Montana [Mr. WALSH].

Mr. BORAH. Mr. President, I have no objection at all to the committee passing upon the subject, but I want to say this in that connection:

I view this matter first in its legal or constitutional aspect, and secondly, from that of policy. I do not want to have confusion, either in my mind or in the minds of those who may hear me, my position with reference to its legality and my position with reference to it as expressing a policy. I do not think the order has any legal attributes whatever. I think that the President might just as well have made a speech and said: "I should not object to having State officers appointed"; but when it comes to announcing it as a policy, that presents a wholly different proposition.

Mr. BRUCE. But still the President has no right to announce unconstitutional policies.

Mr. BORAH. I say, it is not an unconstitutional policy, in my judgment. It might be an unwise policy and yet not be an unconstitutional policy. Policies are not tested by constitutional principles.

Mr. BRUCE. Of course, the Senator has noted the fact that I have had nothing to say about the policy or expediency of this order, except that I think that its gross impolicy, its monstrous inexpediency, as I see it, gives support to the claim that it is unconstitutional.

Mr. BORAH. This proposition has been put into execution from time to time ever since we have been a government.

Mr. BRUCE. The Senator is mistaken about that, if I may say so with great respect to him.

Mr. BORAH. No; I am not mistaken about it. General Grant himself called attention to the fact that the reason why he issued his order was because the practice prevailed so generally that he thought it unwise that it should continue. It had prevailed, and it has been in the courts, but the courts have only passed upon the question as to whether the two services were incompatible.

Mr. BRUCE. Just think of that able and generous general, who could say of himself at Appomattox, as Pompey said of himself in the hour of his triumph, that he preferred the glory that lasted forever to the glory of a day, immediately after the Civil War, when passions were running high, when there was such a degree of partisan excitement as has hardly ever existed in our history as a nation, saying that State officers should not be clothed with Federal powers, because it was contrary to the genius of our institutions; and yet the present Executive of the United States, in this hour of peace, of concord, proposing to clothe State officers with powers which, as regards my State, at any rate, are regarded as grossly oppressive and tyrannical!

Mr. BORAH. Does the Senator contend that Grant's order had the legal effect of preventing these appointments?

Mr. BRUCE. I do not think that Grant, military man as he was, had any more power to impose Federal duties on State officers than the present President of the United States.

Mr. BORAH. Exactly.

Mr. BRUCE. But I think that it was a fine, generous thing for him to say what he did at that time.

Mr. BORAH. I do not think the Senator and I disagree about that.

Mr. BRUCE. No; I am sure we do not.

Mr. BORAH. I do not think that Grant's order had any legality whatever. It simply announced a policy; and so with the order of the President; it simply announces a policy. If Grant could make the order, and make it effective, his successor certainly could counteract it.

Mr. BRUCE. Yes; but the President, I beg to say to the Senator from Idaho, has no power to announce any policy that is not a constitutional policy.

Mr. BORAH. Of course he has not, in the sense the Senator I presume is speaking.

Mr. BRUCE. That is no policy at all. The President must deduce legal authority for everything that he does from the Constitution and laws of the land.

Mr. BORAH. Mr. President, so far as the question of legality is concerned, I have no doubt at all but that the Attorney General and the internal revenue collector under this act could appoint a deputy sheriff to be a prohibition officer.

Mr. ROBINSON of Arkansas. Mr. President, what power has the President under the Constitution or the statutes to fix the eligibility of a prohibition enforcement officer?

Mr. BORAH. I do not think the President has any, and he did not undertake to do it.

Mr. ROBINSON of Arkansas. What power has the President to set aside the operation of either the Volstead Act or the civil service law?

Mr. BORAH. He has not any power, and I do not think he did it.

Mr. ROBINSON of Arkansas. Of course, if he has not the power to do it, he did not succeed in doing it.

Mr. BRUCE. That is the point. In other words, as I understand the argument of the Senator from Idaho, it is that this Executive order of the President has no constitutional validity, but that the policy evidenced by it has.

Mr. BORAH. No; the policy evidenced by it has not any constitutionality either; it is not a constitutional question.

Mr. BRUCE. Then the Senator and I come to the same conclusion, that the thing is a nullity that scarcely deserves serious examination.

Mr. BORAH. Exactly. That is my position exactly.

Mr. BRUCE. Then, are you going to found reality on a nullity? Are you going to base reality on a nullity?

Mr. BORAH. No; I am not going to base any reality upon a nullity. The legality of these appointments was the same before as after the order.

Mr. BRUCE. I think that the Senator's whole argument is unreal.

Mr. BORAH. But I say that these people could be appointed just the same whether this order had ever been made or not, and the legal question would have been not the question of serving two sovereigns, but whether or not the services in the two offices were incompatible.

Mr. BRUCE. Then I will ask the Senator, Under what authority could they have been appointed?

Mr. BORAH. Under the authority which is given in the Volstead Act that they may appoint agents, and there is no limitation upon their selection of State officers as those agents.

Mr. BRUCE. But all those Federal agents, the Volstead Act provides, are to be selected in accordance with the civil service laws of the United States.

Mr. BORAH. No; not all of them.

Mr. BRUCE. All the field agents.

Mr. BORAH. No; that is a mistake.

Mr. BRUCE. Why, of course, it is. The Senator has not read the Volstead Act. I thought if there was anything he had read it was the Volstead Act.

Mr. BORAH. I know, Mr. President, that the prohibition officers, the head men in the different districts, are not appointed under the civil service.

Mr. BRUCE. Oh, no; the chiefs may not be, and the clerks are not; but the prohibition field agents are, and they constitute the backbone of the whole prohibitory system.

Mr. BORAH. No; the prohibition field agents are not.

Mr. COUZENS. Mr. President, that is not correct.

Mr. BRUCE. I believe I am wrong.

Mr. COUZENS. The Senator is wrong.

Mr. BRUCE. Yes; I admit that I am wrong. It is the clerical force, after all, is it not, that is selected in accordance with the civil service laws?

Mr. BORAH. Yes; simply the clerical force.

Mr. BRUCE. That is a pretty considerable force.

Mr. BORAH. And a very limited portion of the force is under civil service.

Mr. BRUCE. No; I recollect now that the prohibition field agents are not, because Wayne B. Wheeler and his Anti-Saloon League associates desired to use them as patronage with which to bribe Congressmen.

Mr. BORAH. With which to do what?

Mr. BRUCE. To bribe Congressmen. I say, Wayne B. Wheeler and his associates kept those prohibition officers that the Senator is speaking of from coming within the scope of the Volstead Act because they desired to use them as bribes with which to bribe Congressmen to pass the act.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield at that point?

Mr. BRUCE. Yes; I will.

Mr. ROBINSON of Arkansas. The language applicable to this phase of the controversy I read yesterday; but, with the indulgence of the Senator, I will read it again.

Mr. BRUCE. Yes; I am glad to have the Senator do so.

Mr. ROBINSON of Arkansas (reading)—

> The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the civil service act.

Mr. BRUCE. In other words, some of them are appointed in accordance with the rules and regulations of the civil service law and others are not. Of course, that is true.

Mr. COUZENS. The Senator will observe that the agents are excepted.

Mr. BRUCE. Of course. It was nothing but a momentary confusion on that point, as the Senator well knows, which led me to make that statement. I have had a hand, of course, in framing the corrective measure which brings those prohibition agents under the civil service laws.

Mr. BORAH. Mr. President, the Senator will concede, I presume, that outside of the control which is imposed by reason of the civil service law, those who have the power to appoint these agents, and so forth, might appoint any one that they chose to appoint.

Mr. BRUCE. I most assuredly do not, and the Senator could not possibly have done me the honor to listen to my argument if he supposed that that is so. My argument is that the appointment of any State police officer as a prohibition agent imposes an unconstitutional burden upon a State governmental instrumentality and agency, and that therefore the appointment is wholly unconstitutional, null, and void.

Mr. BORAH. Mr. President, I have examined a great number of authorities where the question was in court as to whether a Federal officer could be at the same time a State officer, and the only question which has ever been decided by the courts that I have been able to find was whether or not the services imposed were incompatible; not whether the appointing power came from two different sources and the officers were serving two sovereigns, but whether the service undertaken to be performed was incompatible or such that it would not be presumed that they could perform it with fidelity.

Mr. BRUCE. Yes.

Mr. BORAH. So far as the question of the constitutional authority to appoint is concerned, I have never yet been able to find where the question has ever been raised either by the lawyers or by the court.

Mr. BRUCE. The Senator knows that it is perfectly possible for Federal officers and State officers within certain limits to cooperate for a common object. There is no objection to that, because that sort of cooperation does not impose any burden on the State instrumentality or agency or upon the Federal instrumentality or agency. The two sovereignties—the State sovereignty and the national sovereignty—are not brought into relations of collision, of inconsistency, of repugnancy. Then there are cases, as all of us well know, in which the several jurisdictions of the Nation and the States can be exercised concurrently; and that, of course, is again because there is no collision, no conflict. But the effect of imposing upon a State police officer, charged with the arrest of general criminal offenders, the duty of enforcing the criminal provisions of the Volstead Act is, of course, to impose a burden upon the operations of the State government or the city government, or, in other words, to retard, to impede, to control, in the language of the Supreme Court in the McCulloch case, the operations of the State or municipal government.

Mr. BORAH. Mr. President, the Senator is stating the principle of incompatability, with which I agree, but it does not arise by reason of the fact that their appointments came from two different sources of sovereignty. It arises out of the incompatability of service. That same incompatability might arise with reference to two State officers, or it might arise with reference to two Federal officers. The question is whether there is an incompatability in service, not whether they come from two different sources.

Mr. BRUCE. Mr. President, the Senator gets back there to the illustrations that I brought forward with respect to the workings of the interstate commerce law. The courts do not declare every burden on interstate commerce to be unconstitutional. If the burden is a merely indirect one, a merely immaterial one, they do not declare it to be unconstitutional, but just as soon as that burden becomes a grievous one, or even a material one, then the Supreme Court strikes down the act that creates the burden.

In the same way I do not doubt that if you go back over the whole history of the United States, you will find cases at times in which Federal duties, but always to a limited extent, have been superadded to the duties of State officers, but you will find, also, that the circumstances were such that the effect was not really to burden the State instrumentality or agency, but under this Executive order, as has been so often said to-day, the State police officer would be asked to serve two masters, to recognize two entirely different sovereignties. That can not be.

It has been said that during the World War mayors of cities and other State officers were occasionally clothed with Federal duties. Everybody knows why that was. In time of war nobody looks very nicely into legal subtleties. As the old Latin phrase says, "When swords are clashing, the law is silent." During the World War there was hardly a man to be found in the United States, except some one who was more or less traitorous at heart, to make any objection to any instrumentality of any kind, State or Federal, being employed for the purpose of bringing a glorious victory to our arms.

Mr. BORAH. But that was tested in the courts, and the decisions turned upon the question of whether the service imposed was such that the officer could not perform it by reason of the other service.

Mr. BRUCE. The Senator is getting right back to the principle I have just laid down—that if no burden of any kind is imposed, if the thing does not sensibly retard or impede or burden or control the State instrumentality or agency, then it need not be stricken down.

Mr. BORAH. But then the Senator admits the proposition that it is not by reason of the fact that they hold a National and State office, but it turns on whether the burden is one which they can perform in harmony with their State office.

Mr. BRUCE. That comes to the same thing. The burden to a man receiving an appointment for the same purpose from two different sovereignties is to be found in the fact that the duties that are superadded to the State duties may be such, to repeat myself again, as to burden, to impede, to retard, to control the exercise of the State duties.

I certainly have expended my breath in vain if I have not shown, with some degree of force at any rate, that the inevitable effect of making a prohibition agent of a municipal police officer would be to prevent that police officer from giving to the State or the city by which he is appointed the full measure of efficient and faithful service to which the State or the city is entitled. If that is so, what can be clearer than that the effect of the dual tenure is materially, if not wholly, to diminish the ability of the State officer to properly discharge his State duties?

If that is the natural effect, then, plainly, under the decisions of the Supreme Court of the United States in the McCulloch case and kindred cases, any Executive order, any act of Congress, any Federal official act of any kind that tends to bring about that result is a lawless, a vain, a nugatory, a void, an

unconstitutional thing. How can it be admitted, as it must be, that the Federal Government can not impose an income tax on the salary of a State officer and yet be contended that it can superadd Federal duties to the duties of a State officer that might absorb much, or even all, of his time and gravely abridge his ability to render the full measure of faithful and efficient service that the State has the right to expect of him?

Just one word in conclusion about this matter of the referendum. As I said a little while ago, it seems to me that the best referendum that could be submitted to the people of the United States on the subject of prohibition would be an amendment repealing or amending—I prefer amendment—the eighteenth amendment to the Federal Constitution, which would be submitted, under the provisions of the Federal Constitution, to popular conventions in the different States of the Union. I care, however, very little whether the constitutional amendment is submitted to a popular convention in each of the States of the Union or to each of the legislatures in the Union.

As I have already said, I have brought in an amendment to the eighteenth amendment which contemplates a system for the regulation of the liquor traffic, compounded partly of Government supervision and control and partly of local option. Under that amendment any city or county in the United States that desired to establish prohibition within its limits could do so, if the majority of the people in that county or city so decided.

It is conceivable that under the operation of the local option provided for by my amendment the whole territory of the United States, every inch of it, could be converted into prohibition territory by the exercise of the privilege of local option. But so far as local option does not go into effect under my amendment, the liquor traffic remains under the supervision and control of the Federal Government.

I repeat, therefore, that, after all, perhaps the best form that a referendum could assume would be that of a submission of my amendment to State conventions; but personally I am willing that the referendum shall be submitted in any lawful form. I was glad to hear the Senator from Arkansas [Mr. ROBINSON], our leader, say yesterday that, as far as he was concerned, he thought that the people had just as much right to change their laws as to make them, and that if there is any real, urgent desire on the part of the people of this country for a referendum, he, for one, was entirely willing to give his assent to that desire.

Congress might just as well give its assent, because many of the States, successively, are going to provide for referenda on the subject of prohibition. Perhaps I am speaking a little too strongly. Certainly a considerable number of them are going to provide for such referenda. The reference of this question of prohibition to the people will have to be faced by everybody sooner or later.

For my part I am willing, strong as my views about prohibition are, to acquiesce in the popular verdict in relation to prohibition, provided always that each city or county in the land shall, in accordance with its special conditions, in point of historic background, social habits, usages, and manners, have an opportunity to say for itself whether it will or will not have prohibition.

I believe that the tide of public sentiment against prohibition is steadily rising. It never has been as powerful since I have been a Member of this body as it is to-day. When I first came to the Senate interest in the subject was nothing like as eager and as general as it is at present. One of the great States of the Union, Pennsylvania, has already, in a decisive manner, rendered its verdict against prohibition, notwithstanding the fact that the chief contestant in that election, the senior Senator from Pennsylvania [Mr. PEPPER], was, as we all know, a most able lawyer, a conspicuous Member of this body, a blamelessly honorable man, and a highly accomplished gentleman.

This fall there will be a referendum in New York. Do not forget that. And if the information that has come to me is trustworthy, the popular verdict in that State will be registered by a majority against prohibition of anywhere between 500,000 and 1,000,000 votes.

The junior Senator from Pennsylvania [Mr. REED] has already declared his intention of asking the legislature of his State to submit a referendum on the subject of prohibition to the people of that State.

Mr. BORAH. Did they not have a referendum on that?

Mr. BRUCE. Yes; they did at the election the other day, a referendum in everything except form.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. ROBINSON of Arkansas. I do not desire to enter into any controversy about the effect of the Pennsylvania primary, but I think it proper to point out that it is currently stated that there were two dry candidates, the Senator from Pennsylvania [Mr. PEPPER] and Governor Pinchot, and one wet candidate, Mr. VARE.

I do not care to enter into a discussion as to just how wet or how dry these various candidates are or were, but it has been said that the dry vote was divided between the Senator from Pennsylvania, Mr. PEPPER, and the governor, Mr. Pinchot, and that Mr. VARE, being the only wet candidate, was nominated by a plurality vote; that if the votes of the two dry candidates be added together, the result of the so-called referendum in Pennsylvania might be construed as a victory for the drys. I do not care to argue the matter.

Mr. BRUCE. I do.

Mr. ROBINSON of Arkansas. I myself rather believe that Pennsylvania is one of the few States in the Union that would vote wet on a referendum on that subject.

Mr. BRUCE. If the Senator makes that admission, I am not going to say something that I was about to say.

Mr. ROBINSON of Arkansas. That is my opinion.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. BORAH. I understand that the Senator from Arkansas is correct, that there were two drys, so considered by the voters, and one wet. But we have the sum total vote. We have the vote for Pinchot and the vote for Senator PEPPER, which, added together, ought to show the dry vote, and then we have the VARE vote, which was the wet vote. It was, after all, an expression of the views of the people upon the wet and dry question.

Mr. BRUCE. The Senator can not reason that way. I talked to the most conspicuous figure in the Republican politics of Pennsylvania a few days ago, a most ardent supporter of Senator PEPPER, and he told me that there was not the slightest doubt that if Senator PEPPER could conscientiously have come out as a wet, he would have been nominated by a majority of anywhere from 150,000 to 250,000 votes. That was one of Senator PEPPER'S most earnest, most active, and most enthusiastic adherents, and a man who is not at all classed with us wets, if I may use that slang expression, which I always hesitate just a little to use.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. GLASS. Mr. President, allow me to ask the Senator from Maryland why Beidleman, who was a wet, was not nominated for governor, and why Fisher, who was a dry, was nominated?

Mr. BRUCE. Because there are many issues, as the Senator knows, that come into play in connection with an election involving a State administration. That is an entirely different affair.

Mr. ROBINSON of Arkansas. Mr. President, all I desired to say was that I do not think the result of that particular primary establishes the sentiment of the Republican voters in Pennsylvania as being wet, for the reason that the combined vote of the two other dry candidates exceeds the vote of the one wet candidate.

Mr. BRUCE. Yes; but every Member of this body knows that whenever there is a contest between a wet candidate and a dry candidate——

Mr. ROBINSON of Arkansas. Will the Senator yield right there? All the wets voted for the wet candidate, and the drys split between the dry candidates.

Mr. BRUCE. But they did not. Thousands of wets must have voted for the dry candidates and thousands of drys must have voted for the wet candidate.

Mr. EDWARDS. Mr. President, will the Senator yield to me?

Mr. BRUCE. I will allow the Senator to interrupt me in just a moment.

Let us take this case. Here is a Senator from Pennsylvania who is held in universal esteem in his own State and throughout the land as a lawyer of great ability, a man of spotless reputation in all of the private relations of life and who is, as I said a few moments ago, an accomplished gentleman in every sense of the word. He was backed by the great business interests of the State of Pennsylvania; I mean by that the representatives of great business interests who were drawn to him by his high standing in every regard. He was supported by them utterly without reference, in the main, to the prohibition issue. Anybody who knows the public sentiment of Philadelphia knows that thousands of men there, to whom Senator PEPPER was known either personally or by reputation, voted for him though they did not have the slightest sympathy with his ideas about prohibition.

Then when we come to Pinchot everybody knows that he got a very large vote in the mining regions of Pennsylvania, which comprise the wettest portion of the State, because of

the manner in which he had commended himself to the favor of the miners of Pennsylvania. Of course, he had other elements of strength besides. But I do say that the fact that such a man as Senator PEPPER, a man with such a remarkable standing for ability and character and all that, should have gone down to defeat as a candidate for the United States Senate makes it absolutely impossible for us to believe that Mr. VARE could have been chosen except because he was the avowed champion of the wet cause. Then remember this——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield at that point?

Mr. BRUCE. Yes; I yield.

Mr. ROBINSON of Arkansas. The Senator has forgotten that Senator PEPPER was supported by the President and Secretary Mellon.

Mr. BRUCE. No; I have not forgotten it; and the Senator knows enough about politics during Wilson's time to know that the support of the President counts for something. One of the most admirable members of the Senate—though his seat has passed to a successor eminently worthy of it in every respect—when I came here, Senator Shields, of Tennessee, was defeated largely because some of his views met with the condemnation of President Wilson.

Then another thing: Everybody who knows anything about Pennsylvania politics or politics in any great populous community knows that there were special reasons why there should be a very strong opposition to the nomination to the United States Senate of Mr. VARE. Without having the slightest disposition to cast any reflection upon him, I am warranted in saying that he had been for years closely associated with the Pennsylvania Republican machine and that at the recent election he paid the penalty that everybody who is intimately connected with one of those great political machines in any of our great cities has to pay. Thousands and thousands of wets in the State of Pennsylvania refused to support VARE. One of the wettest cities in the United States is Pittsburgh, yet even it, I believe, gave a majority to Senator PEPPER.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. BRUCE. I gladly yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not mean to contradict anything the Senator has been saying, but it occurred to me that just a word about that election might help to clarify things.

Mr. BRUCE. The Senator knows all the ins and outs of it, I have no doubt.

Mr. REED of Pennsylvania. I know a good deal about the outs of it. [Laughter.] If we take the vote for the governorship, Mr. Fisher, who was a dry, was opposed by three wets, and the aggregate of the vote for the three wets was larger than the vote for Fisher. On the other hand, if we take the Senatorship, Mr. VARE was wet and his two opponents were dry, and the aggregate of the votes for the two drys was very much larger than the vote for the wet. So, study it as we may, I can not see that the result is in any sense informative about the sentiment of Pennsylvania on the prohibition question, because the vote on the governorship leads to a conclusion exactly opposite to that reached when we consider the vote on the Senatorship. I know of my own knowledge a very large number of wets who voted for Senator PEPPER, as one of the dry candidates, and I know of a very large number of drys in Philadelphia whose organization loyalty, if I may use that term, was so great that they voted for Mr. VARE, whose only issue was the wet question.

Mr. BRUCE. There were a great many cross currents involved, of course.

Mr. REED of Pennsylvania. So we can not get an intelligible opinion from the result.

Mr. BRUCE. All the same we know that the vote which Pinchot received can be accounted for, of course, largely on many other grounds than his views on the prohibition question. He was very popular in the mining regions. The Senator knows that that is the wettest part of the State of Pennsylvania. He had been governor of the State, and thousands and thousands of people in the State of Pennsylvania thought he had been a most admirable governor and were disposed to vote for him even where they disagreed with him as respects the issue of prohibition.

Mr. REED of Pennsylvania. Probably that is so, but the one person who above all is responsible for the election of Mr. VARE to the United States Senate is Governor Pinchot.

Mr. BRUCE. That may be, but the Senator must recollect, too, that it was not upon the governorship that the attention of the voter was mainly concentrated during that struggle. There were all sorts of reasons why a wet might vote for a dry candidate for governor in a State which had a State prohibition enforcement law and many general State issues to deal with, but none why he might vote for a dry candidate who was seeking a seat in the United States Senate, the body which, with the other House, was ultimately to hold in the hollow of its hands the fate of prohibition. I care very little who is the Democratic Governor of Maryland—no; I will not say that either, because we do not want any break in our lines, great or small. We have none and we do not propose to have any; but in another State, where the feeling against prohibition was not quite so strong as it is in Maryland, I can imagine very easily a wet voting for a dry candidate for the governorship who would not for a moment dream of voting for a dry candidate for the United States Senate, the body which, as I have said, together with the House, was ultimately to determine the question as to whether prohibition was or was not to continue in the land.

The reason why it was that on Senator PEPPER's head that the full force of the Pennsylvania storm came down was because he pronounced himself a dry. I never had the slightest doubt, with my knowledge of Pennsylvania conditions, that he was a doomed man from that moment, though I honor any man for being faithful to his political convictions, whatever they are, under any and all circumstances. The candidacy of Fisher, so far as the outside world was concerned, sank out of sight.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me again?

Mr. BRUCE. Certainly.

Mr. REED of Pennsylvania. I do not think that is a fair conclusion to draw from the situation. Senator PEPPER would have been elected by a very large majority over Mr. VARE if it had not been for the inclusion of Governor Pinchot in the situation, flying the supposedly dry banner. As a matter of fact, no one ever did prohibition a worse service than did Governor Pinchot in running in this primary election in Pennsylvania.

Mr. BRUCE. I will ask the Senator a question, and I want him to be absolutely honest with me. He is a frank, candid, honest man. It is whether he does not think that Senator PEPPER would have been nominated at that primary election if he could have conscientiously announced that he was wet?

Mr. REED of Pennsylvania. No; I do not think so. I am only speculating, of course, when I say that.

Mr. BRUCE. I will ask the Senator whether his mind has undergone any fluctuations of conviction on that subject since the primary election?

Mr. REED of Pennsylvania. Senator PEPPER could not have said that because he believes exactly what he did say.

Mr. BRUCE. I do not say that he does not. I can not believe for a moment that he does not.

Mr. BORAH. Mr. President, may I ask a question which I was going to ask a little while ago and which I think will be pleasing to the Senator from Maryland?

Mr. BRUCE. I yield to the Senator from Idaho.

Mr. BORAH. Is it not a fact, I will ask the Senator from Pennsylvania, that VARE could not have been elected under any circumstances if he had not been notoriously wet?

Mr. REED of Pennsylvania. Yes; I think that is a fact.

Mr. BRUCE. I suppose, perhaps, that if Senator PEPPER had come out as a wet, VARE would not have been a candidate at all.

Mr. REED of Pennsylvania. That is a matter of speculation.

Mr. BRUCE. I have propounded a question to the Senator and I know he is going to give me a candid reply.

Mr. REED of Pennsylvania. I would like to state, if the Senator from Maryland will indulge me, that the question of prohibition or antiprohibition did obscure all other issues in the State. We did our best to subordinate that question to its proper place in the scheme of things, but as far as I could discover a very large number of voters of Pennsylvania did not care whether the man for whom they voted knew anything about foreign affairs, or about banking and currency, or about taxation and finance, or about military or naval affairs, or about railroads, or about shipping. They just shut their eyes and voted for a wet or a dry, and as long as the voters of Pennsylvania continue to vote like a lot of dunderheads in that way, they deserve what they got.

Mr. BRUCE. Oh, they were not dunderheads! [Laughter.] They asked, in the language of Emerson, "Of what avail is land or life if freedom fail?" It is the same way in my State. It is a lamentable condition of things that the line of demarcation should be drawn so rigidly, so sternly as it is with reference to a single political issue. I know more than one man in the State of Maryland who committed himself to the dry cause some years ago and who could not possibly be elected to any high office in the State of Maryland to-day, though his

character and his ability are held in the highest degree of public esteem. That is a lamentable state of things, I think. I was very glad, indeed, to see the other day that the Senator from Pennsylvania [Mr. REED] has come out and said that so far as he is concerned he would like to see a popular referendum in the State of Pennsylvania on the subject of prohibition. I believe that that feeling is growing throughout the whole length and breadth of our land.

Mr. WALSH. Mr. President——

Mr. BRUCE. I yield to the Senator from Montana.

Mr. WALSH. If that referendum were taken and should show a majority of the people of the United States or a majority of the States in favor of the present policy, would the situation be changed?

Mr. BRUCE. It would show, of course, that a majority of the American people were in favor of or against that policy. It would at least develop the fact that there are the profoundest and most widespread differences of opinion as between American communities on that subject. Of course, as I look at it the cardinal infirmity of national prohibition is that it did not take duly into account the differences that exist between the various historic backgrounds, social usages, customs, and manners in the different States of the Union.

Mr. WALSH. What I wanted to know was whether if that were the result there would be any change?

Mr. BRUCE. I think so.

Mr. WALSH. What change would the Senator think would result if the majority voted in favor of a continuance of prohibition?

Mr. BRUCE. I think the Congress would see just what portions of the United States were in a state of mind to maintain prohibition effectively and what portions of the United States were not in such a state of mind, and would put an end to the scandals and abuses which have flowed from prohibition.

Mr. WALSH. But suppose the result were the other way, and it were shown by the referendum that a majority were against the present policy; then what would the Senator expect?

Mr. BRUCE. Then I would want to do, and I hope the American people would do exactly what my amendment to the Constitution proposes to do—allow the people of every city and every county in the land to say through the agency of local option whether they would or would not have prohibition within their limits.

Mr. WALSH. Exactly; so that under the referendum the "wets," if we may so call them, would have everything to gain and nothing to lose?

Mr. BRUCE. I do not agree with the Senator in that respect. I think they would have very much to gain; but when Congress became aware that the majority of the people in any particular community of the United States were in favor of the continuance of prohibition I think Congress would take due cognizance of that fact and would so shape its course as to adjust it to the situation.

What I desire my colleagues in this body to realize is that there is not a single one of them who is any firmer friend of temperance than am I, and that every proposition which I have made to this body looking to a modification or repeal of prohibition has been, as I see it, in the interest of true temperance.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. BRUCE. Yes; I do.

Mr. GLASS. I should like to ask the Senator from Maryland if it would not require two-thirds of the Members of the Senate and two-thirds of the Members of the House of Representatives to submit his proposed amendment to the people of the States and three-fourths of the States to ratify the amendment?

Mr. BRUCE. That is true.

Mr. GLASS. Does the Senator from Maryland seriously think that he can get two-thirds of the Members of either House of Congress to agree to submit his amendment, and, if submitted, that he can get three-fourths of the States of the Union to ratify it?

Mr. BRUCE. The Senator from Virginia knows perfectly well that every pear has to ripen; it has to pass through the blossoming stage; it has to pass through the crude stage.

Mr. GLASS. But some pears fall before they ripen, do they not?

Mr. BRUCE. Yes; some of them do, but not those that have such a principle of inextinguishable vitality in them as has the cause against prohibition.

Mr. GLASS. Will the Senator from Maryland not answer my question frankly?

Mr. BRUCE. I will answer it if the Senator from Virginia will only give me a chance to do so. The trouble with the Senator is that he sometimes monopolizes not only the questions but the answers in my colloquies with him.

Mr. GLASS. I ask very few questions, and the one I have just asked is susceptible of a direct answer.

Mr. BRUCE. I do not mean any reflection on the Senator, and my mind should have retained what he has said within such a short time, but I will ask him again to state just what the question was.

Mr. GLASS. I asked if the Senator from Maryland seriously thought that he had any prospect of getting two-thirds of the Senate and two-thirds of the House of Representatives to agree to submit his proposed amendment; and if they should agree to do so, did he think there was any earthly prospect of getting three-fourths of the States to ratify it?

Mr. BRUCE. Yes; in process of time. I have not the slightest doubt that the Volstead Act is going to be modified; and I have not the slightest doubt that the eighteenth amendment is also going to be repealed or modified.

Mr. GLASS. It is competent for Congress to modify the Volstead Act to-morrow or to-day if it will do it. I am not talking about that.

Mr. BRUCE. Yes; and the next Congress, in all probability, in my judgment, will do it.

Mr. GLASS. I am not talking about the Volstead Act. Some of us who are intensely "dry" might concede that the Volstead Act overshoots the eighteenth amendment. What I am asking is, what prospect the Senator from Maryland has of getting his proposed modification of the eighteenth amendment enacted into law?

Mr. BRUCE. As time goes on, I will say to the Senator from Virginia, I have not the slightest doubt that the eighteenth amendment will be repealed or modified.

Mr. GLASS. Does the Senator from Maryland think that either he or I in our lifetime will live to see it done?

Mr. BRUCE. I do not like to speculate either on the chances of my own life or that of the Senator from Virginia; my friend has too valuable a life for me to hazard conjectures about that too freely, but I entertain no doubt in the world that the Volstead Act and the eighteenth constitutional amendment will be modified or repealed, and that when that shall be done the good results of all kinds that have resulted from the long struggle for temperance in this country will be conserved, and that the liquor traffic will be so safeguarded as to shut out just as far as it is humanly possible to do the scandals and abuses which attended the old liquor traffic, and which to even a more conspicuous degree attend the practical workings of prohibition. I may be mistaken, but really think that the time is coming when good men, both among the prohibitionists and the antiprohibitionists, are going to find some common ground on which to meet. I am not speaking of fanatics or extremists on either side—not at all—but when I speak of good men and worthy men, who are connected with the prohibition cause, I am speaking of such men as are strikingly typified in the moral worth of some of the prohibitionists in this body.

I think that the time will come when moderate men in both camps will be able to get together and to agree on some change in the Federal Constitution by which all the benefits of the prohibition movement in the past, as I have said, will be duly conserved, and yet, at the same time, the scandals and abuses that have resulted from the attempt utterly to disregard the primal dictates of human nature will be terminated. I hope that that day will come soon. I do not see why it should not come soon. The Senator from Arkansas, our leader, is as closely in touch with the trend of public sentiment as anyone in this body, and here he is giving his assent to the idea that, after all, a nation-wide referendum might not be so unreasonable; and I venture to say that a very large number of other Senators who have not taken any position on this subject as yet may feel exactly as he does.

I think that it would be a mistake, if I may be allowed to say so, for the Senate Judiciary Committee not to report to the Senate some kind of constructive suggestion. I hope that they will not come in with a mere negative conclusion that nothing can be done to bring to an end the present social conditions in this country bred by prohibition, but that they will either give their approval to a proper referendum, such as has been suggested by the Senator from New Jersey, or to my proposed amendment to the Federal Constitution, or to some other proposition that does not surrender the principle of temperance at all, but tends to do away with the grievances begotten by the attempt to enforce a restraint on human conduct at all times and at all places and under all circumstances that, in my humble judgment, can never be effectively enforced.

Mr. ROBINSON of Arkansas. Mr. President, with the approval of the author of the resolution, I ask unanimous consent

for the present consideration, out of order, of Senate Resolution 232, which has been submitted by the Senator from Utah [Mr. KING] and which seeks to take the advice of the Judiciary Committee of the Senate as to whether the Executive order which has been the subject matter of discussion in the Senate for several hours is within the legal powers of the Executive.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. JONES of Washington. Let the resolution be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 232) submitted by Mr. KING on May 21 (calendar day of May 24), 1926, as follows:

Whereas the President, by an Executive order dated May 8 and published on May 21 instant, authorized the Secretary of the Treasury to appoint county and municipal peace officers within the State as agents of the Treasury Department to enforce the provisions of the national prohibition act, thus undertaking to impose upon such State officers the duty imposed by acts of Congress upon Federal prohibition officers as such, and to charge the Treasury of the United States with an obligation to compensate such State peace officers for services rendered to the Federal Government; and

Whereas said order of the President has not been authorized by act of Congress and has not been assented to by the legislature of any State, and would appear to be of dubious legality: Now therefore be it

Resolved, That the Committee on the Judiciary be directed to inquire and advise the Senate as to whether said order is within the legal powers of the Executive.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BORAH. Mr. President, I have no objection to the present consideration of the resolution, but I desire to make a suggestion as to the whereases.

Mr. ROBINSON of Arkansas. I have no objection to the elimination of the preamble, and I think the author of the resolution has none.

Mr. NORBECK. Mr. President, I object.

The VICE PRESIDENT. Objection is made, and the resolution will go over.

Mr. ROBINSON of Arkansas. I may say to the Senator from South Dakota that I think he will proceed faster with the bill which he has in charge if he will allow the resolution to be acted upon.

Mr. NORBECK. I withdraw the objection, then, Mr. President.

The VICE PRESIDENT. The Senator from South Dakota withdraws his objection to the present consideration of the resolution.

Mr. WALSH. Mr. President, let me suggest to the Senator from Arkansas that if the whereas shall be eliminated the resolution itself will need re-formation. It will be unintelligible without the whereases.

Mr. ROBINSON of Arkansas. Yes; it would be necessary to describe the Executive order more definitely in the resolution.

Mr. BORAH. I do not object to the last whereas.

Mr. KING. Mr. President, I think the purpose of the Senator from Idaho would be accomplished by striking out the second whereas. The first one is necessary unless there is a re-formation of the resolution, as a basis for the resolution itself.

Mr. ROBINSON of Arkansas. One Senator objects to the first clause in the preamble and another Senator objects to the second clause. We know it is not necessary to discuss that at length, for the preamble is merely explanatory. So, unless the author of the resolution objects, I suggest that the resolution be modified in line 2, after the word "whether," by striking out the words "said order" and inserting the words "the Executive order dated May 8, and published on May 21, relating to the appointment of State officers as officers or agents of the Federal Government."

Mr. KING. Where would the Senator insert the words?

Mr. ROBINSON of Arkansas. They would be inserted after the word "whether," so as to read:

That the Committee on the Judiciary be directed to inquire and advise the Senate as to whether the Executive order dated May 8, and published on May 21, relating to the appointment of State officers as officers or agents of the Federal Government is within the legal powers of the Executive.

That will make the correction suggested by the Senator from Montana and relieve any possible objection to the preamble by striking it out.

Mr. KING. Mr. President, by assenting to the elimination of the preamble, with the amendment offered by the Senator from Arkansas, I do not concede that the recitations in the preamble are not warranted and accurate statements of fact. However, the important thing is to obtain the opinion of the Judiciary Committee as to the legality of the Executive act. Therefore, I have no objection to striking out the whereases of the resolution and accepting the amendment offered by my friend from Arkansas.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, it is my understanding that the object of the resolution is to enable the Senate to determine whether legislation is advisable and necessary under the circumstances. Accordingly, I should like to offer an amendment to the resolution, as follows: After the word "That" insert the words "to enable the Senate to determine whether legislation is advisable or necessary," so that that part of the resolution will read:

Resolved, That to enable the Senate to determine whether legislation is advisable or necessary the Committee on the Judiciary be directed—

And so forth.

Mr. KING. Mr. President, I do not think that is the sole purpose of the resolution, but I have no objection to that amendment.

Mr. ROBINSON of Arkansas. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. I ask that the resolution as it now stands be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

Resolved, That to enable the Senate to determine whether legislation is advisable or necessary the Committee on the Judiciary be directed to inquire and advise the Senate as to whether the Executive order dated May 8, and published on May 21, relating to the appointment of State officers as officers or agents of the Federal Government is within the legal powers of the Executive.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The preamble was stricken out.

EVENING SESSION ON THURSDAY

Mr. CURTIS. Mr. President, I submit a request for unanimous consent, which I ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that at not later than 5.30 p. m. on Thursday, May 27, 1926, the Senate take a recess until 8 p. m., and that an evening session of the Senate be held until not later than 11 p. m., and at the evening session the following bills now on the Senate Calendar be considered under Rule VIII:

Subject	Calendar No.	Bill No.
Omnibus pension bill	230	H. R. 7006.
Do	737	H. R. 8815.
Do	824	H. R. 9066.
Pension bill	720	S. 4059.
To provide home care for dependent children	495	H. R. 7669.
District of Columbia traffic act	569	H. R. 3802.
New bridge over Rock Creek	901	S. 3453.
To change the name of the American Social Science Association.	902	S. 4094.
Changing assessment in the District of Columbia	904	S. 3053.
Method of drawing grand jury in the District of Columbia	905	H. R. 3833.
Jurisdiction of Juvenile Court	906	H. R. 4812.

Mr. ROBINSON of Arkansas. Mr. President, I presume this program for a night session has been formulated by the majority steering committee, or with its approval.

Mr. CURTIS. No; I have not consulted the steering committee about it. I talked with the chairman of the committee and the chairman of the Committee on Pensions and the chairman of the Committee on the District of Columbia, and they asked me if I would not try to get a night session to consider these bills. I understand that only about three of them will provoke any controversy. The others are bills which probably will be passed without any discussion whatever.

Mr. ROBINSON of Arkansas. Mr. President, I was just about to state that I have not had an opportunity to examine the provisions of the various bills relating to the District of Columbia. It is a fact that comparatively little time has been devoted by the Senate to the consideration of District bills. I do not wish to be understood as committing myself or as seeking to commit anyone else to the passage of all of these various measures, but it will be noted that the first four bills on the proposed program are pension bills and that the remainder all relate to the District of Columbia, with the possible exception of the bill changing the name of the American Social Science Association, which I do not understand to be a bill that affects vitally the interests of the District of Columbia.

I do not make any objection to the request of the Senator from Kansas. At the same time I take the privilege of calling attention to the fact that he has found it necessary to select these bills out of a very large number of measures on the calendar, a great number of which can not receive consideration during the present session of Congress unless some arrangement is made for their consideration.

Mr. CURTIS. Mr. President, it is my intention later on to ask for night sessions for the consideration of other bills on the calendar, but because of the interest in these measures and the fact that the District had had no day I thought I had better ask for the consideration of these bills now and take up the others later.

Mr. KING. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON of Arkansas. I have concluded. I do not object to the request for unanimous consent.

Mr. KING. Mr. President, I shall object unless the Senator from Kansas will place the bills that relate to the District of Columbia in advance of the other bills. In my opinion the District of Columbia has not had sufficient consideration in regard to a number of the measures which are before the committee, and I think they ought to have precedence over the first bills mentioned upon the list suggested by the Senator.

Mr. CURTIS. Mr. President, with the consent of the chairman of the committee I shall not object to changing the list so that the District bills will come first. I do want to say, however, that I think these pension bills ought to be acted upon. They have been on the calendar a long while, and the men and the women affected are very old. We should have those bills acted upon, and I hope there will be no objection to them on Thursday night.

Mr. KING. I understand that the Senator has assented to my suggestion.

Mr. CURTIS. I consent to the change.

Mr. NORBECK. Mr. President, I agree to it just because there seems to be no other way to get at the pension bills quickly. I hope the evening will not be spent filibustering on the other bills, so as to keep us from reaching the pension bills.

Mr. BRUCE. Mr. President, I am going to ask my fellow Senators to excuse me for bringing myself so soon again to their attention; but I am bound to do so in connection with this proposition.

I think the time has come when bills that are objected to by some Member of the Senate ought to receive preference over bills that it is known are not objected to.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. CURTIS. The object of the last night session was to go through the calendar with unobjected bills. We went through all but two pages. Then the intention on this side was—or, at least, my intention was—to ask the Senate to consent to some night sessions to take up measures under Rule VIII, which would enable any Senator to move to take them up, as in the case of these measures here.

Mr. BRUCE. In the meantime, of course, there is a great accumulation of bills that are unobjected to; and there is no assurance in the world that some measures that some of us are interested in, and that for one reason or another have been opposed, will ever come up for consideration. To use a concrete illustration, if the Senator will pardon me for a moment, there is the French spoliation claims bill, which was introduced in this body at the last session.

Mr. CURTIS. Mr. President, at the request of the Senator I had the steering committee put that bill upon the list of bills to be taken up by motion.

Mr. BRUCE. I do not see any use in having it brought to the attention of the steering committee if the steering apparatus does not work.

Mr. CURTIS. Of the bills which the steering committee selected, four have passed; one is now being considered; there are two others to be taken up, and then I think the French spoliation claims bill will come up.

Mr. BRUCE. If the Senator from Kansas will pardon me, I recall an old English adage on that subject. It says: "We row ourselves; we are steered by fate"; and I am beginning to think that so far as the steering committee is concerned, it is steered by fate, not by desire.

I may, of course, agree to the Senator's suggestion; but I just want to state the situation in that regard. So far as the French spoliations claims bill is concerned, whatever the Senate's decision with regard to it may be, of course, it will be acquiesced in by me with entire cheerfulness. I am willing to abide by the action of the Senate; but I do think I am entitled to have that bill considered, to have that bill disposed of, and that another session of Congress should not pass without its being taken up for consideration and disposed of, either adversely or otherwise.

Mr. SMOOT. Mr. President, I simply want to call the Senator's attention to the fact that it is 23 years since that bill was referred to me as chairman of a Senate subcommittee, and it has been before Congress for 23 years to my knowledge.

Mr. BRUCE. Those are 23 good reasons why it should be taken up now, in my humble judgment.

Mr. ROBINSON of Arkansas. It has always been favorably reported. There has never been any unfavorable action.

Mr. BRUCE. Never. I thank the Senator from Arkansas for making that suggestion. It has always been favorably reported year after year. Other amounts in exactly the same situation as the amounts carried by that bill have been appropriated and paid to the claimants, and yet it seems to be almost impossible to get this bill up for consideration.

It came up at the last session of the Senate under circumstances which some Senators will recall, after having been most fully considered by the Committee on Claims and having been favorably reported; and after having been taken up for consideration on the vote of the majority of the Members of the Senate, the Senator from Nebraska [Mr. HOWELL]—of course, I have no quarrel with him; I am not trying to impose my conceptions of public duty on him in any respect—felt that it was incumbent on him to demand the reading in full of the bill. The bill is a very voluminous one, as the Senator from Utah knows; it is a very long bill, and the consequence was that the bill was defeated.

When the bill was introduced at this session of Congress obstructive tactics—I will not say from what quarter—were again pursued; and that bill, introduced at the very beginning of this session of Congress, has never been taken up for consideration. I feel now that the time has come when some of the bills that are objected to, rather than bills that are not objected to, should be taken up and disposed of; and I am just a little loath to give my consent to another unanimous-consent agreement for the consideration of bills in which other Senators are interested as against the consideration and passage of a bill in which I am interested.

Mr. NORBECK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Dakota rises to a parliamentary inquiry. The Senator will state it.

Mr. NORBECK. Having in mind the fact that we have a regular order before the Senate, the bird refuge bill, which has not been mentioned since we convened here at 12 o'clock, I am prompted to ask whether the question before the Senate at this time is a debatable question.

Mr. CURTIS. Mr. President, I hope the Senator from Maryland will not object to this proposed order at this time. We will do the best we can to get his measure up.

Mr. BRUCE. I should like to ask the Senator from Kansas and the Senator from Arkansas and the Senator from Michigan whether they will not do what they can to obtain early consideration of a bill that has been as long delayed in receiving the consideration of the Senate as the bill to which I have referred.

Mr. CURTIS. I stated to the Senator a moment ago that I brought this matter to the attention of the steering committee at the request of the Senator from Maryland, and I shall do everything I can to help him get his bill up at this session of Congress.

Mr. ROBINSON of Arkansas. Mr. President, at many previous sessions I have favored action on the French spoliation claims. I think the fact that this bill has not been disposed of is a reflection on the efficiency of the Congress. I do not care to make any further pledge.

Mr. BRUCE. I do not ask the Senator to do so. I will make no objection.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas? The Chair hears none, and the agreement is entered into.

FARM RELIEF

Mr. WATSON obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fess	King	Sheppard
Bingham	Frazier	La Follette	Shipstead
Blease	George	McKellar	Shortridge
Borah	Gerry	McMaster	Simmons
Bratton	Gillett	McNary	Smoot
Broussard	Glass	Means	Stanfield
Bruce	Goff	Metcalf	Steck
Butler	Gooding	Moses	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Cummins	Heflin	Phipps	Walsh
Curtis	Howell	Pine	Warren
Dale	Johnson	Ransdell	Watson
Deneen	Jones, N. Mex.	Reed, Pa.	Wheeler
Dill	Jones, Wash.	Robinson, Ark.	Willis
Edwards	Kendrick	Sackett	
Ferris	Keyes	Schall	

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

Mr. WATSON. Mr. President, if apology be needed for thrusting myself upon the Senate at this time to discuss farm legislation, it is in the fact that I am compelled to leave the city, and shall be absent for several days. I understand that the Senator from Oregon [Mr. McNARY] is to move to take up farm legislation to-morrow, if possible, and therefore the remarks I shall make will not, I trust, be altogether inappropriate at this time.

I shall not enter upon a detailed discussion of any of the proposed measures, reserving that for later debate. I desire at this time, as briefly as I may, to take up and discuss only the economic phases of farm legislation. I am impelled to do this very largely because of what I conceive to be a widespread misapprehension of the real fundamentals which underlie legislation of this character.

I proceed upon two assumptions: First, that the Members of the Senate are familiar with the bills that have been proposed in both House and Senate. Secondly, that there is a real farm problem in the United States, one that must in some way be dealt with, evidenced by the fact that farm bodies throughout the country have passed resolutions upon the subject; that boards of trade and commercial clubs and business organizations everywhere have voiced the all-prevailing sentiment in this direction; that the Chamber of Commerce of the United States at its last gathering passed a resolution on the subject; that the Tincher bill in the House, the Curtis-Aswell bill, and the Haugen bill are all evidence of the fact that the Members of the House of Representatives consider that there is a real farm problem which must be dealt with, the author of each measure approaching the solution of the problem along a different avenue.

Therefore it is safe to assume that there is a real agricultural problem, one with which the Senate of the United States must deal if it faithfully discharge its obligations to the people of the land.

About a year ago a correspondence was instituted between and among the Vice President of the United States, the honored presiding officer of this body, and various economists of note here and elsewhere, in regard to the fundamentals of the economics underlying this legislation. The Vice President is here, and therefore I can not express myself as I otherwise would as to his competency to deal with problems of that character. His experience as Comptroller of the Currency, as Director of the Budget, and afterwards as the chairman of the great commission that set Europe on the right way to rehabilitation, is testimony to his ability to deal with this problem.

I shall ask to have printed as an appendix to my remarks certain correspondence which passed on the subject. But the last statement made by the Vice President in regard to this legislation reads as follows:

> The confusion incident to the debate upon the pending measures for agricultural relief results somewhat from the concurrent consideration of four factors:
>
> First. The economic principles involved in the fundamental device proposed by the agriculturalists;
>
> Second. The condition of agriculture;
>
> Third. The proposed form of practical legislation; and
>
> Fourth. Partisan and political reaction.
>
> Unquestionably, at this time, a consensus of intelligent opinion upon the first factor—the economic validity of any scheme—is the first requisite to real progress. If doubt as to the economic principles involved can be resolved, the discussion of the facts of agriculture and upon the practicability of proposed legislation will be much simplified.
>
> Discussion of the fourth factor at this time is only an obstacle.
>
> Our manufacturers are able to decrease their unit cost by an increased output, the surplus of which they can sell abroad at less than their American price. Their sales at the world price do not fix their American price, as is the case with agriculture. This is made possible by the tariff, which within certain limits prevents foreign competition in the home market. While the tariff does not interfere with the free operation of the law of supply and demand within our country it does limit the supply from abroad below a certain price level determined by the import duty. This is not considered "price fixing," nor is it attacked as such.
>
> The agricultural economists are proposing a device which will enable agriculture, at its own expense, to sell its surplus abroad at the lower world price in order that, as with manufacturing industry, the laws of supply and demand will operate in its larger home market behind the tariff wall which Congress has already erected for its theoretical benefit. This theoretical benefit they wish to be made practical.
>
> As I understand, the agricultural proponents of this plan have never suggested a governmental subsidy. This proposal has emanated from other sources. They have sought fair discussion as to the economic soundness of their underlying proposition. A debate, suggested by myself, has been carried on for the past year between them and one of the highest economic authorities of the world, Sir Josiah Stamp, of England. For many years he has been intrusted by the British Government with many of its most important economic negotiations, including his service as its representative on the first committee of experts, Reparations Commission. He is now the chief executive of the London, Midland & Scottish Railway, the largest in England.

As the result of this correspondence the economic professors, if you please, agricultural and all other kinds, including professors of economics in some of the colleges, put their minds upon this question and upon the validity and upon the soundness of the device set up as described in the letter of the Vice President.

Not long after this time Sir Josiah Stamp, whom Lloyd-George recently pronounced the leading economist of all Europe, came to this country to attend the United States Chamber of Commerce gathering recently held in this city. When here he became a center about which were gathered many economists, and among the questions discussed was the one relating to agriculture. Of course, he could volunteer no suggestion. Being a foreigner he answered these problems just as he would solve one in mathematics, in algebra, or in geometry, presented to him for his consideration, without any regard to any application that might be made of the solution. The result of all these conferences was that he made a statement with regard to this proposition, and I want to call the attention of the Senate to it, because if we can substantiate the various steps of the argument by which he reaches the conclusion, then we are absolutely warranted in the assertion that this device is not a fly-by-night, that it is not something ephemeral set up for temporary purposes, but that it is economically sound and grounded upon the eternal verities that underlie all just legislation. It is for that purpose that I shall for a brief time crave the indulgence of the Senate.

This communication is addressed to General Dawes and is dated Washington, D. C., May 13, 1926:

> I have been giving further consideration to the economic aspect of the scheme that has been outlined to me, which I understand to be as follows:
>
> First—

Follow me, if you please, Senators, and as we go along let us analyze these statements and see whether or not they will stand the closest scrutiny and the most expert investigation and examination that may be put upon them.

> A competent expert authority estimates the normal quantity of wheat required for home consumption, the total home production, and therefore the amount "available" for export. The export balance tends to be the fluctuating amount, the home consumption the steady amount.

I shall not argue that because we all know it to be true.

> Second. Centralized purchasing in a comparatively few hands for export draws up the price in the home market beyond the normal level.

That is a truism that is so plain as to be axiomatic and requires no verbal demonstration.

> Third. The export sales result in a deficiency—

That is, in a financial deficiency—

being the excess of the price so stimulated above the world price.

That, too, is susceptible of demonstration, if demonstration were needed, but the mere statement carries with it its own conclusion.

Fourth. That deficiency is made good by a levy over all wheat production.

In other words, based upon those statements as to the plan that was in the mind of the proponents of these various measures, this man sets them forth seriatum—first, second, third, and fourth—and, of course, they are absolutely incontrovertible. Then he proceeds upon them to draw his conclusions. He handles them as he would handle a mathematical problem:

Suppose the ordinary home and world price to be X and the increased price at home so stimulated to be X plus 30 cents; also, that out of every 100 bushels 20 are exported—

Which is about the normal export.

Then the position is as follows:

Present yield to the farmer 100 X.

That is, 100 bushels at the X price.

New yield to farmer 100 X plus 3,000 cents first sale.

Loss to export authority at least (20 X plus 600 cents)—20 X world price equals 600 cents, or rather more if world price is diminished, say e. g., 2 cents by extra supply equals 640 cents in all.

This loss is raised by a levy on farmer who therefore finally nets 100 X plus 3,000 cents minus 640 cents equals 100 X plus 2,360 cents.

In other words, the farmer tends to retain a net advantage equal to four-fifths of the increase in price.

I maintain that this is absolutely sound, and that from it of course there is no escape. Now let me proceed to an elucidation of this basic theorem as stated by this very great economist, backed by others in our own country of great ability and wide experience.

I am given the following as statements of fact:

A. The agricultural industry is substantially below other industries in the United States in its yield on capital.

Mark you now, these are the successive steps by which he proposes to prove his theorem that he places at the base of all of his argument.

The agricultural industry is substantially below other industries in the United States in its yield on capital. Therefore it must undergo a very considerable improvement before better conditions attract more capital and before it passes the stage of making up serious leeway in comparative position.

Senators, the agricultural problem in the United States was recently set forth, as it has never been set forth before in the history of our country, in a volume issued by the National Industrial Conference Board. This Board is composed of industrialists in the city of New York. They manage it; they officer it; they pay its expenses. Certainly this organization can not be said to be any too sympathetic with agriculture or with those engaged in agriculture in the United States. But let me proceed, if I may, to show the situation based upon the facts set forth in this volume—and I call it a perfect compendium of information on this subject, because for over one year their experts and their statisticians devoted their time and their energy and their thought to the preparation of this book on the agricultural problem in the United States. I have examined it with the greatest care and with the closest scrutiny, and I have no hesitancy in saying that there is not one line in it that can not be verified by the facts and justified by the truth. Therefore the problem first to be determined is as to whether or not this first statement or, if you please, this first rung in the ladder is well placed:

The agricultural industry is substantially below other industries in the United States in its yield on capital.

According to this book there has always been in all decades, if you please, a lagging behind in the income of agriculture as compared with other branches of industry. But from 1919 and 1920 there was a more rapid decline in the relative share of agricultural workers which brought it in 1920 below the level of 1870. This report of the National Industrial Conference Board shows that the relative per capita share in the national income of persons engaged in agriculture compared with all other occupations in the United States was in 1900, 46 cents; in 1910, 41 cents; and in 1920, 39 cents; in other words, in 1900, while the people engaged in all other occupations received $1, the farmer received 46 cents; in 1910, 41 cents; and in 1920, 39 cents.

Not only that, but the book shows by indisputable figures that, while the average income for wage earners in manufacturing institutions amounted to $1,250, for transportation workers $1,570, for ministers $1,700, for teachers $1,300, and for Government employees $1,650, the farmer in contrast received a yearly wage of $736. This contrast is further emphasized by the mere statement of the fact that of that $736, $630 was estimated as the value of the food, fuel, and housing furnished by the farm, thus leaving but $100 cash balance as the yearly return to the farmers of the land. This is proven by statistics gathered by competent statisticians from every portion of the country under the most favorable possible conditions. The first assumption, therefore, requires but little research.

Senators, the unfavorable position of capital invested in agriculture under existing conditions compared with that invested in other lines is strikingly reflected in farm-bankruptcy statistics. The rate of farm bankruptcies from 1910 to 1924 shows an increase of over 1,000 per cent in contrast to that of commercial failures, which remained practically the same throughout the period. The tremendous increase from 10.7 per 100,000 in 1910 to 123.2 per 100,000 in 1924–25, as shown by the annual report of the United States Attorney General, is significant as showing the increasing spread of bankruptcies among farmers, but by no means indicates the absolute number of failures during the period, since very few cases of farm insolvency reach the bankruptcy courts. The overwhelming majority of farm enterprises that fail are simply abandoned, foreclosed, or sold for delinquent taxes. Such cases are not reflected in these bankruptcy proceedings.

The conditions that caused this epidemic of farm failures is reflected in the decline in the value of farm operators' investment from $47,223,000,000 to $32,720,000,000 in the five years 1920–1925, representing a yearly loss in capital of nearly $3,000,000,000.

The National Industrial Conference Board, commenting upon this situation, says:

It was only in this way that the industry was able to continue to pay overhead charges, taxes, and operation costs after 1919. This is emphatic testimony upon the discrepancy between farm prices and capital and labor operating costs which has been in evidence since 1900.

The report of the conference board, which has just reached my desk, is as direct support of the first assumption as to the economic basis for this proposed agricultural legislation as could be written. Further on the report says:

An analysis of the long-time trends of the basic economic factors in the industry suggests that, since the beginning of the century, conditions have arisen which have tended unfavorably to affect the relative position of the industry as a whole. This trend in evidence before the war was emphasized during and after the war period, with exception of a few war years. It is reflected in the decrease in real agricultural wealth, in the comparatively low rates of return for investment, in the disparity between the labor rewards and per capita income of those engaged in agriculture and other groups, and in the steady and rapid growth of farm bankruptcies since the pre-war period, particularly in the sections where the grain and livestock branches of the industry are concentrated.

There has been a distinct and rapid improvement in the economic position of the average farmer since 1921; but in the latest year for which information is available there still remains a wide disparity in the position of workers and investors in the industry and other groups, which has been in evidence for a long period. It remains to be seen whether the great deflation which agricultural values have suffered since 1920, the abandonment, foreclosure, and bankruptcy of farms, the exodus of the farm population, and the general contraction of the industry that have taken place in the past five years are merely the passing consequences of the war or are a phase of a transition through which the agricultural industry has been passing during the past generation in the readjustment to the new economic system that had developed since 1900.

The available information indicates the strong probability that for a considerable period before the war, and at least as early as the beginning of the present century, there have been in operation forces which have tended to create a progressive inequity and maladjustment between the position of agriculture and that of other branches of our economic life.

There is a statement of fact which nobody can deny and none can gainsay. If there be such an inequity, it is our business to attempt to equalize the respective returns. If there be such maladjustment, we are unworthy of the places we hold if we do not attempt at least to readjust the differences and to bring agriculture up to the level of other forms of industry in the United States. If we are to have a well-rounded and fairly developed and symmetrical nationality, that must be done.

The importance of this assumption is that, if true, it will require a sharp and enduring improvement in the relative position of agriculture if the long-continued disadvantage of this

industry, compared with other groups, is to be checked and offset, and before any stimulus to production can be effective.

According to the Department of Agriculture as set forth in the Monthly Supplement, Crops and Markets, July, 1925 (Tables 6 and 8, p. 237), owners who operated their farms received 1.6 per cent on capital in 1923 and 2.9 per cent on capital in 1924. A true comparison is afforded by the rate of interest which farmers paid on mortgage and other indebtedness, which the same authority estimates at 6.6 per cent in the years 1923–24 and 6.4 per cent in the years 1924–25.

Direct comparisons with the rate of capital earnings in other industries are not so readily available as is the comparison with the return on farm-mortgage investments. That the capital returns have been greater in industries other than agriculture is evident from the startling decline in the real value of agricultural investments which has taken place side by side with a considerable increase in the real value of capital invested in other pursuits.

The February, 1926, Bulletin of the National City Bank, of New York, compares the wealth of agricultural implements, livestock, and products with the wealth of manufacturing machinery, tools, implements, and manufactured products for the years 1912 and 1922 in the United States. In dollars of the current year these forms of agricultural wealth in 1912 totaled $12,864,000,000; in 1922, $13,878,000,000, an increase of 8 per cent. The manufacturing wealth in the forms enumerated was $20,785,000,000 in 1912 and $44,206,000,000 in 1922, an increase of 112.7 per cent. Expressed in dollars of 1912 purchasing power, agriculture's wealth in these forms was but 72 per cent as great in 1922 as in 1912, whereas the manufacturing wealth on a comparable basis in 1922 was 142 per cent of that of 1912.

The Monthly Review of the Federal Reserve Bank of New York, March 1, 1925, sets forth the net profits in millions of dollars of three groups of corporations. The first group, including 102 corporations dealing in steel, oils, food products, clothing, tobacco, stores, and miscellaneous industrials; the second group, including 97 public utilities; and the third group, including 192 class 1 railroads, had net profits in 1924 aggregating $1,680,000,000 as compared with $1,706,000,000 in 1917, $1,230,000,000 in 1918, $1,063,000,000 in 1919, and the 1925 profits were larger than those of 1924. In other words, the capital earnings of these three great groups of corporations have for the last two years been practically equal to their earnings in the war year, 1917—which was the peak year—and have been very much larger than their earnings in 1918 and 1919 even without allowing for the fact that the dollars earned in 1924 and 1925 had a larger purchasing power than the dollars of the war years and the earlier postwar years. This condition is certainly more attractive to capital than is agriculture, which in 1924 and 1925, according to the Department of Agriculture, earned on its capital invested only one-third to one-half as much as was earned in 1919.

Dr. George F. Warren, of Cornell University, certainly one of the foremost agricultural economists of the United States, recently declared his belief that if an improvement should occur in the agricultural situation at the present time, at first it would merely check the rate of decline in agriculture. He states he believes that it would be some years before any actual increase in total production would occur, by which time the increased production would probably be needed in the United States.

In a letter on May 1, 1926, to a member of the House of Representatives, Doctor Warren said:

> It takes a considerable period of time to increase yields per acre and a considerable period of time to decrease them. The long period of agricultural distress ending in 1897 resulted in reduced yields per acre. This was inevitably followed by a long period of rising costs of living because farmers could not at once increase yields. The present agricultural depression has been so drastic that the impetus to decrease production will undoubtedly occur for some time even should the conditions improve. In other words, if conditions for farmers should at once be decidedly improved, we would still expect production to continue to decline for some years. This is particularly true of such products as cattle, hogs, horses, apples, where the product is not ready for market for a long time after the farmer has begun to produce it. You will note the rapid decline in numbers of apple trees, the decline in horses, the decline in hogs, and the decline in dairy cattle. In each case the shortage of young animals means that even if agriculture became more profitable it would be some time before increased production would occur. By that time we would probably need the increased production.
>
> For six crop years farming has been going through a period of agricultural distress. An ultimate period of shortage of farm products is inevitable. The longer the period of distress the longer and more violent the period of shortage will be.
>
> In short I believe that if an improvement should occur in the agricultural situation at the present time that at first it would merely check the rate of decline in agriculture. It would be, I believe, some years before any actual increase in total production would occur. If the agricultural depression continues a very serious period of high living costs is inevitable.

There are other facts to which I might advert to prove the first assumption; but I regard it as certain that nobody will dispute the fact that in yield on capital the agricultural industry is substantially below other industries in the United States.

What, then, is the second statement in the arguments of this learned economist? It is this—

> 2(b). The industry is for the most part in an economic position of decreasing returns; that is—

Follow me, Senators—

> stimulus does not bring in new supply at lower average costs.

Now, Senators, let me argue that proposition, and I shall do so much more briefly than I did the last subject. The study of the National Industrial Conference Board, to which I refer over and over again in this discussion, supplies one comprehensive chart and table, to which I shall not take the time to refer now, which shows clearly how agricultural prices have fallen steadily behind composite cost of agricultural products for the last 45 years, slowly at first, but to a startling degree during the last decade—1913 to 1923. Chart 7, on page 38 of the document, entitled "The Agricultural Problem in the United States," shows graphically the trend of capital costs, labor costs, material costs, and prices per unit of agricultural products from 1879 to 1923. Table A, page 155, gives the index figures upon which the chart is based.

This study compares wholesale prices of farm products, capital charges, labor costs, material costs, and composite costs of agriculture by index numbers for five-year periods, starting with the period 1879 to 1883 as 100. On this basis the index of wholesale prices of farm products for 1919–1923 was 214. In other words, the wholesale prices of farm products in the five years ending 1923 were 214 per cent of the wholesale prices in the decade ending 1883. But at the same time the capital charges of agriculture were 403 per cent of the capital charges 40 years before; material costs were 238 per cent of the material costs of the period 1879–1883, and the index of the composite costs was 282.

There could be no better evidence to establish the assumption that the agricultural industry is in an economic position of decreasing returns than the statement made by the National Industrial Conference Board in explaining the chart to which I have referred. This is what the board says:

> This chart compares the changes in capital, labor, and material costs per unit of product with the changes in wholesale prices per unit of product. If, in the period 1879–1883, the wholesale price per unit of product was sufficient to pay for the materials required for the production of each unit, the cost of hired labor per unit, a return for labor at hired-labor rates for operators per unit, total taxes per unit, and a return for all invested capital per unit at prevailing interest rates, it is clear that the divergence of prices per unit from these costs per unit indicates to what extent the price fails to cover all these charges and implies a sacrifice of labor or investment return per unit for the operator.

In other words, agriculture suffered a capital loss all the way through as compared with other branches of American industry.

At this point I ask that the table to which I have referred may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The table referred to is as follows:

TABLE A.—*Index numbers of prices and elements of cost per unit of agricultural production, 1879–1923*

[1879–1883 = 100]

Period	Wholesale prices of farm products	Capital charges	Labor costs	Material costs	Composite costs
1879–1883	100	100	100	100	100
1889–1893	88	109	102	101	105
1899–1903	92	105	95	104	99
1909–1913	124	152	137	147	143
1919–1923	214	403	207	238	282

(Page 155, "The Agricultural Problem in the United States," National Industrial Conference Board.)

Mr. WATSON. Mr. President, in the light of this showing an improved farm price must first make up for the capital loss and low labor rewards of agriculture's present economic position of decreasing returns before the stimulus operates to bring in new supplies. As to this feature a great many people are alarmed; that is to say, all the other industries are on this level [indicating by pencil]; but farming is on a declining level, and, therefore, if a stimulus shall be afforded it must begin on this level [indicating] and not on this level [indicating], because agriculture is not on that level; it is on the decline and the stimulus must first operate on the decline to draw it up to the level of other industries before there is any danger of a great surplus that will produce excess prices in the United States. I perhaps shall advert to that later on if I have time.

So, Mr. President, I assume beyond peradventure that the second statement or the second premise toward this inevitable conclusion has been indisputably proven; that is, that the industry for the most part is in an economic position of diminishing returns, and that stimulus does not bring in new supply at lower average costs.

What does that mean? There are but two ways in which stimulus could bring in new supply at lower costs or at any costs: First, that there be an increase per acre in the ground already cultivated. I use this illustration for wheat alone, as he used it for wheat alone—not that this device is to be confined to wheat, but simply as showing the principle involved—and if it applies to wheat it will apply to other American industries save cotton; and, if necessary, I shall discuss cotton before I close these remarks.

Therefore, if there be an additional supply of wheat by raising more wheat on the acres already cultivated, or by bringing in uncultivated acres or marginal acres hitherto not producing wheat, if we are satisfied as to the truth of 2(a), which we are, then we will agree that the added price possible under the plan would not attract capital to bring new acres into production. It is obvious that if it did to any extent, the new production would be at a higher rather than a lower average cost per unit, since as a general truth it must be admitted that it is the poorer, less productive land that now remains outside the margin of cultivation.

The question involved in 2(b) seems to be this: (1) Would the added price secured if the tariff were effective stimulate farmers to apply more labor, more fertilizer, and more cultivation to their acres already in production; and (2) would this added expenditure increase production per acre to the extent that the average cost per bushel would be lower than at present?

Quantitative figures on this subject are hard to find, but agricultural economists in this country are agreed that added production through more intensive cultivation, increased use of fertilizer, and so forth, would be secured only at a higher rather than a lower average cost of production; and therefore I assume that we may without doubt accept the second statement made by this economist.

What is the next step? The next step is this—

> 2(c). The comparative costs of the wheat industry as against the nearest competitor abroad are not more than 42 cents higher, because if by any process of suction or stimulus we raise the price here above the 42 cents, outside wheat comes in and lowers the price.

What is the argument on that proposition? I shall make it brief.

The outstanding comparison of wheat production costs in the United States with the costs in competing countries abroad is embodied in the findings of the United States Tariff Commission as to comparative costs of wheat production in the United States and Canada. It was upon this investigation that the President used the authority vested in him by section 315 of the tariff act of 1922 to increase the duty upon wheat from 30 to 42 cents per bushel. This order was effective on April 6, 1924.

Canada without doubt is the most important competitor of the United States in the wheat market. Although it is probably true that some other foreign countries have lower producing costs than Canada, no record of their costs is available. In any event Canada probably must be considered the "nearest competitor abroad."

The late Secretary of Agriculture, Henry C. Wallace, said in his report to the President on The Wheat Situation, November 30, 1923:

> The Canadian wheat farmer enjoys substantial advantages over the American producer in the matter of yields, land values, the quality of wheat he produces, and lower freight rates from points equally distant from markets. * * * While satisfactory comparisons between the cost of producing wheat in Canada and the United States can not be made on the basis of available studies, it is quite apparent that the Canadian farmer has advantages which enable him to produce wheat at materially lower costs per bushel than the American farmer.

From the facts made available to him by the investigation of the Tariff Commission, the President fixed the 42 cents duty as measuring the difference between the average cost of producing a bushel of wheat in Canada and the cost of production in the United States. The investigation is based upon the crop season 1923—the year in which Canada's production was unusually large, and the production in the United States was slightly less than normal. The United States produced that year 797,381,000 bushels of wheat from 59,659,000 acres, an average of 13.4 bushels per acre. Canada produced 474,199,000 bushels from 21,886,000 acres, an average of 21.2 bushels per acre. Agricultural economists will probably agree that if 42 cents a bushel measured the difference in the cost of production of an average bushel of wheat in the United States and in Canada in 1923, the normal average difference when other years were taken into consideration will be somewhat lower than 42 cents, which establishes the truth of the assumption that the comparative costs of the wheat industry as against the nearest competitor abroad are not more than 42 cents higher.

As other countries having lower living standards than Canada become important competitive factors this situation may be changed, and the difference between the costs of producing wheat in the United States and in such countries may not be fully protected by the 42 cents duty. It is clear, however, that the price in this country can be maintained well up to the 42 cents limit above the price prevailing outside the United States without opening our domestic markets to such competition. Therefore, beyond any doubt, the next step in his argument we may take for granted.

Second. The elasticity of demand for wheat by the people is very small. Changes in price make little difference in quantities consumed.

Records are available in the Bureau of Agricultural Economics of the Department of Agriculture which establish very clearly that the elasticity of demand for wheat is very small. That is, consumption does not increase with lowered prices, nor does it fall off when prices rise.

In the intermediate steps between the sale of wheat by the farmer and the purchasing of bread by the consumer much of the variation in wheat prices is absorbed, so that the price the consumer pays does not fluctuate in parallel lines. Every consumer who has given thought to the situation knows that this is true. Within a little over two years prices of wheat have varied from below $1 to as high as $2 per bushel, but the price of bread in the cities has remained fairly constant.

The prices of cotton have fallen within the last two years from 30 cents a pound to below 17 cents a pound. The consumer probably has not noticed an equivalent reduction in the retail prices of cotton he buys.

Neither does the increased purchasing power of the urban consumer appear to increase the consumption of the basic food commodities. A study of the trends even seems to indicate that the reverse is true; that when wages are high and the city consumer has a larger family budget the diet is varied by the purchase of other products that tend to replace wheat to a certain extent on the table.

These and other factors account for the fact that the per capita consumption of wheat in the United States from 1879 to 1925 has steadily declined, and the rate of decrease has not varied whether wheat happened to be high or low in the meantime.

In 1879 the per capita disappearance of wheat flour in the United States was 5.6 bushels; in 1889, 5.48; 1899, 5.37; 1904, 5.38; 1909, 5.04; 1914, 5.03; 1919, 4.7; 1921, 4.19; 1923, 4.2; 1925, 4.3.

In the decade ending 1879 the farm prices of wheat of December 1 averaged 98 cents per bushel. In the following decade the December 1 average price was 87.5 cents. If the demand for wheat were elastic, the per capita consumption should have increased. Instead it dropped perceptibly. The following decade the average December 1 price was only 66 cents per bushel; but, instead of increasing, the per capita consumption again dropped. The average price rose slightly from 1900 to 1913, and the average consumption held to its rate of decline. During the war years, in the period 1914 to 1920, the December 1 average price was $1.57 per bushel. Per capita consumption dropped to 4.7 bushels, but the Government interference with the consumption of wheat must be taken into account. In the five years following, 1920 to 1925, the December 1 average price was $1.13 a bushel, a drop of nearly 50 cents a bushel. Instead of increasing under the stimulus of reduced prices, the per capita wheat consumption dropped to its low point, at which it now remains. Therefore unquestionably nobody can dispute

the statement that the elasticity of demand for wheat by the people is very small and that changes in price make little difference in quantities consumed.

The next and last step is this:

2(e). Wheat costs do not figure prominently in the "cost of living" scale or index and are not an important proportion of working-class wages.

The grower of wheat receives approximately 2.4 per cent of the average expenditure per city family for the wheat consumed on its table, according to figures worked out by the economists of the Bureau of Agricultural Economics, United States Department of Agriculture. On the same basis, any increase in price of wheat that is possible under the proposed legislation would amount to but slightly more than one-half of 1 per cent of the average expenditure per family in the cities. Wheat costs do not figure prominently in the "cost of living" scale or index, and are not an important proportion of working-class wages.

Bulletin 357 of the Bureau of Labor Statistics, page 5, sets forth the average expenditure per urban family, based upon studies in 92 cities, for the year 1919. The total average expenditure amounted to $1,434.37 per family. Of this amount $548.51, or 38 per cent, was expended for food.

The per capita consumption of wheat for all purposes in 1919 amounted to 4.7 bushels. The average farm price of wheat was $2.06 a bushel in 1919.

The cost of wheat in the budget of a family of four, at 1919 prices, amounted to 6.8 per cent of the amount expended that year for food, and 2.4 per cent of the total expenditures per family.

Applying the Bureau of Labor Statistics index on food and cost-of-living prices to translate these figures to a 1923–24 base, and allowing for the decreased per capita consumption of wheat to 4.3 bushels in the year 1924–25, as well as the lower farm price of wheat, which was $1.30 a bushel in the year 1924–25, it is estimated by the Bureau of Agricultural Economics that the farmer received for the wheat consumed by the average urban family only 5.6 per cent of the family's expenditures for food and only 1.6 per cent of the total family expenditure.

An increase of 25 per cent in the price of wheat, therefore, would be equivalent to only four-tenths of 1 per cent of the total expenditures of the urban family for one year. Such an increase is so slight as clearly to establish the truth of the assumption that wheat growers' earnings are not an important proportion of working-class wages.

In his report on "The wheat situation," above mentioned, on page 43, Secretary Wallace set forth graphically the share of wheat costs in the price which the consumers paid for a loaf of bread in Washington, D. C., in 1913 and 1923. In 1913 a 16-ounce loaf of bread sold at retail for 5.45 cents and the wheat grower's portion for the flour in the loaf amounted to approximately one-fifth of the selling price. In 1923 the price of a 16-ounce loaf had advanced to 9 cents, but the wheat grower's portion amounted to less than one-sixth of that selling price.

On the same basis an increase of 25 per cent in the price at which wheat is selling would amount to considerably less than one-half of 1 cent per loaf in the price to the consumer of his bread.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. SMOOT. I have had the pleasure of reading the letter of Sir Josiah Stamp and giving it some consideration. I would like to have the Senator at this point have inserted in the RECORD this letter, which was written to the Vice President.

Mr. WATSON. I intend to do that.

Mr. SMOOT. I think the letter should be inserted at this point, following the explanation of each one of the recommendations made by Sir Josiah, so that every Senator can see the picture. It is a remarkable picture and put into as concise and succinct form as it is possible for any human being to put a proposition so vast as that. I really think Senators should look the letter over and see just exactly what the picture is, and then if they want to study each recommendation or statement made by Sir Josiah they can very easily do that by following the full statement made by the Senator from Indiana.

Mr. WATSON. I thank the Senator from Utah for his very helpful suggestion. I ask that the discussion by George N. Peek, Chester C. Davis, and Sir Josiah C. Stamp of "The agricultural problem of the export surplus" be printed as an exhibit to my remarks, and that the letter of Sir Josiah Stamp be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

WASHINGTON, D. C., *May 13, 1926.*

DEAR GENERAL DAWES: I have been giving some further consideration to the economic aspect of the scheme that has been outlined to me, which I understand to be as follows:

1. A competent authority estimates the normal quantity of wheat required for home consumption, the total home production, and therefore the amount "available" for export. The export balance tends to be the fluctuating amount, the home consumption the steady amount.

2. Centralized purchasing in a comparatively few hands for export draws up the price in the home market beyond the normal level.

3. The export sales result in a deficiency, being the excess of the price so stimulated above the world price.

4. That deficiency is made good by a levy over all wheat production.

Suppose the ordinary home and world price to be X, and the increased price at home so stimulated to be X plus 30 cents; also, that out of every 100 bushels produced 20 are exported, then the position is as follows:

Present yield to farmer, 100 X.

Now yield to farmer, 100 X plus 3,000 cents first sale.

Loss to export authority at least (20 X plus 600 cents) minus 20 X world price, equals 600 cents, or rather more if world price is diminished, say, e. g., 2 cents by extra supply equals 640 cents in all.

This loss is raised by a levy on farmers which therefore finally nets: 100 X plus 3,000 cents minus 640 cents equals 100 X plus 2,360 cents.

In other words, the farmer tends to retain a net advantage equal to four-fifths of the increase in price.

2. I am given the following as statements of fact:

(a) The agricultural industry is substantially below other industries in the United States in its yield on capital. It must undergo a very considerable improvement before better conditions attract more capital, and before it passes the stage of making up serious leeway in comparative position.

(b) The industry is for the most part in an economic condition of decreasing returns; i. e., stimulus does not bring in new supply at lower average costs.

(c) The comparative costs of the wheat industry as against the nearest competitor abroad are not more than 42 cents higher.

(d) The elasticity of demand for wheat by the people is very small—changes in price make little difference in quantities consumed.

(e) Wheat costs do not figure prominently in the "cost of living" scale or index, and are not an important proportion of working class wages.

The object, I understand, is to "make the tariff effective." Obviously prices can not be forced more than 42 cents (the duty) above world prices, otherwise foreign wheat comes in. (2(c) above.) If United States average, say 20 cents higher at present, then the difference between 20 cents and 42 cents, or 22 cents represents the limit of added price. The question is, can such addition to price, if secured, be maintained or will it be defeated on:

(1) The supply side; (2) The demand side.

Assumptions 2(a) and 2(b) indicate that no stimulus to supply to make lower price comes from domestic sources, and 2(c) none from outside sources.

Assumptions 2(d) and 2(e) indicate that no diminution in demand to bring about lower prices will result. The increase in the amount of the purchase money, which must be devoted to buying wheat will mean a decrease in purchasing power spread over a wide range of products. This will tend to be made good by the increased purchasing power of farmers devoted to the same range.

The scheme is thus not a price-fixing one, for it merely creates an addition to a moving world price. This, on the assumption given above, is economically feasible and not fallacious.

The degree to which the price is likely to be raised in practice (up to the limits discussed in No. 3) depends partly on the completeness and efficiency of the export buying cooperatives and partly on the proportion which the quantity normally demanded bears to the normal total supply under present acreage. If this export balance is small, I anticipate the price can only be slightly raised; if it is large, then the price might be forced to the limit. But the net advantage to the farmer is proportionately less as the proportion rises. The equation between retaining a small fraction of a high increase or a large fraction of a small increase is of course indeterminate.

Under the stimulus of the scheme I anticipate assumption 2(b) would slowly change and the scheme tend to be less effective (and less necessary) with the lapse of time.

I express no opinion (a) as to whether your political conditions allow in practice of the requisite "price suction" through cooperative purchasing for export, or (b) as to the efficiency of the maintenance of price if any of the assumptions given me are in fact incorrect. Of course, if this arrangement were made for wheat alone the position will be affected by transitions from other farm products, and it is therefore assumed that some analogous arrangements are available for those products to prevent such transitions. These arrangements would naturally not be identical in detail, but directed to a similar

object on like principles. The efficiency of each arrangement will economically depend on how far the assumptions are similar for the product in question.

Obviously this letter is an economic judgment scientifically in vacuo, as I have not examined any of the bills or documents intended to embody these principles or schemes which may be before you for consideration. So I am passing no judgment upon any legislative interpretations of the idea involved.

Yours very truly,

J. C. STAMP.

Mr. SHIPSTEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. WATSON. I yield.

Mr. SHIPSTEAD. The Senator brought out the fall in agricultural prices from 1921 to 1925.

Mr. WATSON. I wonder if the Senator will not let me conclude my comments on this letter. Senators will probably want to be leaving in a little while, and what I am about to take up is just as important as what I have gone over.

Mr. SHIPSTEAD. Will the Senator yield for just a moment?

Mr. WATSON. Certainly; I yield.

Mr. SHIPSTEAD. I simply wanted to call attention to the propaganda that was spread all over the country at that time to the effect that the falling agricultural prices were due to the fact that we had no export market and that we were not exporting anything. As long as the Senator has not referred to it, I want to say that the Department of Commerce has shown that agricultural products averaged three times during those years what they averaged before the war. In the year 1920, when the wheat price fell so tremendously, we exported more than we ever had before in the history of agriculture. We exported 360,000,000 bushels of wheat, including flour.

Mr. WATSON. That is true.

Mr. SHIPSTEAD. So it is not true that the market fell because we were not exporting.

Mr. WATSON. Sir Josiah proceeds:

The object, I understand, is to make the tariff effective—

Then he proceeds upon the theory of the portion saved as to cotton. I shall not at this late time of the day discuss cotton, which is upon an entirely different basis.

I read:

The object, I understand, is to "make the tariff effective." Obviously prices can not be forced more than 42 cents (the duty) above world prices, otherwise foreign wheat comes in. (2(c) above). If United States average, say, 20 cents higher at present, then the difference between 20 cents and 42 cents, or 22 cents, represents the limit of added price. The question is, Can such addition to price, if secured, be maintained or will it be defeated on:

(1) The supply side; (2) the demand side.

If there be a great supply, will that defeat this project? Certainly not, because the object is to withdraw from the market such a quantity as will raise the price to the top of the tariff wall. I say "tariff wall." Those who are protectionists do not like to use that expression, but it is most appropriate in the discussion of this problem.

Secondly, will it be defeated on the demand side? No; because if the demand be sufficiently great to bring the domestic price to the top of the tariff wall, this device will not be called into play. In such an event it would not be necessary and would never be used.

Therefore, so far as that argument is concerned, if it be once established it will not be defeated by either supply on the one hand or by demand on the other. I continue the reading:

Assumptions 2(a) and 2(b) indicate that no stimulus to supply to make lower price comes from domestic sources, and 2(c) none from outside sources.

When Senators come to study 2(a) and 2(b) consecutively they will see that that statement is economically sound, based on indisputable facts.

2(c) indicates that none comes from outside sources to disturb the effectiveness of this device when in operation.

Assumptions 2(d) and 2(e) indicate that no diminution in demand to bring about lower prices will result.

Senators will see that when they come to study it. I can not go into it.

The increase in the amount of the purchase money which must be devoted to buying wheat will mean a decrease in purchasing power spread over a wide range of products. This will tend to be made good by the increased purchasing power of farmers devoted to the same range.

The scheme is thus not a price-fixing one, for it merely creates an addition to a moving world price. This, on the assumption given above, is economically feasible and not fallacious.

It is no more price fixing than the tariff is price fixing.

It is not more a price-fixing device than our restriction of immigration is a wage-fixing proposition, because when we restrict immigration, naturally the demand for labor in the United States sends to a higher level the wages of those already here and already employed. These are not price-fixing devices. This is a proposition I believe to be economically sound, based on fundamental truth. I wish I had longer to go into that.

I continue reading:

The degree to which the price is likely to be raised in practice (up to the limits discussed in No. 3) depends partly on the completeness and efficiency of the export buying cooperatives and partly on the proportion which the quantity normally demanded bears to the normal total supply under present acreage. If this export balance is small, I anticipate the price can only be slightly raised; if it is large, then the price might be forced to the limit.

In other words, if there is a tremendous supply in the United States, and the price is low, and this device works, it would bring it clear up to the top, but if there be a very small supply, and if the home demand brings the price to the top of the tariff wall in the beginning, then, as a matter of course, this device need not be applied.

But the net advantage to the farmer is proportionately less as the proportion rises.

Listen to this. Here is a statement he uses, and I want to take the time to explain it:

The equation between retaining a small fraction of a high increase or a large fraction of a small increase is of course indeterminate.

A "small fraction of a large increase" would be such gain as the farmers would retain under this plan if there were in any year a large export surplus, say 300,000,000 bushels, which, if not segregated and sold as proposed in this bill, would certainly render the tariff wholly ineffective, but which might be so handled under the plan as to bring about the "high increase" of approximately 42 cents a bushel, or the full tariff duty. But the "equalization fee" would be correspondingly large—in this case about one-third of the 42-cent difference between prices inside and outside the United States, with the plan in operation—and the fraction of the gain retained by the farmer correspondingly small. If, on the other hand, the export surplus is small, say 50,000,000 bushels, then the demand within the United States would tend to force prices part way up the tariff wall and the opportunity for added increase until the limit of 42 cents is reached would be correspondingly lessened. But the losses on export sales because of the small amount exported compared with the total amount produced would be small, and so would be the "equalization fee," so the farmer would retain "a large fraction of the small increase."

I read again from Sir Josiah Stamp's letter:

Under the stimulus of the scheme I anticipate assumption 2b would slowly change and the scheme tend to be less effective (and less necessary) with the lapse of time.

I express no opinion (a) as to whether your political conditions allow in practice of the requisite "price suction" through cooperative purchasing for export, or (b) as to the efficiency of the maintenance of price if any of the assumptions given me are in fact incorrect. Of course, if this arrangement were made for wheat alone, the position will be affected by transitions from other farm products, and it is therefore assumed that some analogous arrangements are available for those products to prevent such transitions.

These arrangements would naturally not be identical in detail but directed to a similar object on like principles. The efficiency of each arrangement will economically depend on how far the assumptions are similar for the product in question.

Obviously this letter is an economic judgment scientifically "in vacuo," as I have not examined any of the bills or documents intended to embody these principles or schemes which may be before you for consideration. So, I am passing no judgment upon any legislative interpretations of the idea involved.

Yours very truly,

J. C. STAMP.

That, I may say, is the position of our honored Vice President. He is not standing sponsor for any bill. He is not supporting any measure. He is simply advocating what he believes to be an economic principle, soundly based upon fundamentals.

Mr. CURTIS. Mr. President, if the Senator does not desire to go on further this evening, I will move an executive session.

Mr. GOODING. Will not the Senator discuss cotton?

Mr. WATSON. Inasmuch as there is no protective tariff on cotton, it presents a different problem. That is simply a question of withdrawing a certain amount of a heavy crop and selling it when there is a light crop. That is to say, it is doing just what Joseph did down in Egypt, taking the surplus in seven fat years, and scattering it over seven lean years. There is no question but that that is just as economically sound as this proposition, except that it is differently applied.

I want to read a paragraph from the New York Times of three or four days ago:

The action taken by German steel interests in granting a bounty to exporters of rolling-mill products and manufacturers thereof, as a result of which they would be able to make shipments to this country at prices lower than those in effect at home, was met to-day by the Treasury Department with an order directing collectors of customs to hold up such importations and assess countervailing duties equal to the amount of the bounty.

The ruling becomes effective 30 days after publication of this order.

What did those German manufacturers do? They simply used this device, precisely this device, to sell abroad their surplus of steel products at prices lower than those at home and spreading on the losses among all the steel producers. While we may put up our tariff walls against them by countervailing duties, all the countries of South America, which have not these tariff duties or have no steel manufacturing, are delighted, indeed, to have these lower prices. That action was taken by the German steel manufacturers.

So that precisely this device has been put in operation by these great industrialists over in that great industrial country.

Therefore, Senators, I conclude that every step taken by these men was on solid ground. I believe that this device is economically sound. I do not believe that it is price fixing; I do not believe it is fallacious. I do believe that it will work, and if it does not work who is injured? Here is the situation of agriculture in the United States, and it is our duty to meet it as courageous Americans, to face it and undertake righteously and sanely to solve it. If we succeed it will be a boon to the agricultural interests of the country and the whole of our civilization. If we fail, then we may be brought to a position where our country will be industrialized as is England, and we will develop alone the industries of the country and permit agriculture to take care of itself. That would be a calamity, a menace to succeeding civilization. All I claim is that these great economists have put their minds and their thought on the various steps set forth in this letter, saying that they are all sound, fundamentally grounded and based, and therefore I ask Senators to dismiss any prejudice they have, such as I had when I first approached the problem, and look at it wholly from the scientific or economic standpoint. I know when it was first broached to me I shied off from it and said I would not have anything to do with anything of that kind, that it is price fixing, that it is a paternalistic proposition. But the more I studied it, the more thoroughly I investigated it, the more profoundly was I convinced that it is fundamentally sound and economically wise.

EXHIBIT A

THE AGRICULTURAL PROBLEM OF THE EXPORT SURPLUS

(Discussion of George N. Peek and Chester C. Davis with Sir Josiah C. Stamp)

(This correspondence, which has extended over the period of a year, is a contribution to the economic discussion of the problem.)

The following correspondence has been carried on between the proponents of certain measures for agricultural relief and Sir Josiah Stamp, of England. The gentlemen who state the American agricultural case are George N. Peek and Chester C. Davis. It is a contribution to the economic discussion of the problem.

The following cables and letter are printed as explaining the reason for publication and the conditions attached thereto.

WASHINGTON, D. C., *December 18, 1925.*

Sir JOSIAH STAMP,
Noble House, Buckingham Gate,
London, S. W. 1, England:

To my surprise, one of the agricultural leaders of the West in a speech yesterday referred to the debate being carried on by agricultural economists and yourself through me as an intermediary. As a result to-day I am besieged from all quarters for your comments and theirs. I have stated to the press I am cabling you for your permission to have them published. Sincerely trust you will authorize this. Answer Washington.

CHARLES G. DAWES.

LONDON, *December 21, 1925.*

General DAWES,
Vice President's Chamber, Washington:

Agree if whole documents published including your letter January 5 showing how I came into it.

STAMP.

MR. DAWES'S LETTER OF TRANSMITTAL

JANUARY 5, 1925.

Sir JOSIAH C. STAMP,
Tantallon, Park Hill Road, Shortlands, Kent, England.

MY DEAR FRIEND: As I sign my letter of January 3, written before I had commenced reading your book, I find that I must write you another, in order, first: To let you know something of the interest and admiration which it excites in me; and, second, to ask a little help in clearing my mind upon an economic question. I am sure you will be willing to give just a little thought to the matter for my sake.

I am inclosing you a typewritten document which a very energetic group of farm associations throughout the country has prepared. In order that you may understand my own attitude, I inclose a copy of an address on agriculture which I delivered at Lincoln, Nebr., in August of last year, a portion of it extemporary but the bulk of it carefully prepared.

Putting to one side the question of the practicability of the plan for an export corporation as one of the means of giving an American market to American agriculture, as outlined in the paper inclosed, let me ask you this: If the Government should pay an export bounty of say 40 cents a bushel on wheat, reimbursing itself by an excise tax upon wheat production equivalent to the bounty paid, would this tend to solve the problem of the exportable surplus, and the present necessity, where a surplus exists, of supplying local demand for wheat at a price based upon the world's price?

Again if the plan would work temporarily, what would be the ultimate effect in stimulating production?

I realize that an increase in production with the farmer means an increase in the number of producing units with no decrease in the cost of production; and this fact differentiates him from the manufacturer. The latter can operate at less than capacity production and would be less liable, after having had a profitable season, to immediately increase his output irrespective of the prospects of profitably disposing of it. Is or is not the regulation of production the only solution of the farmer's problem in the United States in the long run?

Personally, I do want to be constructive and helpful but realize that nothing is such in this problem that is not based upon sound economic principles and the lessons of experience. As a friend I want the benefit of your incomparable economic thought on this question. I fully realize how much I am asking but something tells me you will give me a little help.

Most of my speeches were extempore, but I inclose you one or two others on other subjects which possibly may interest you.

With best regards,

Your friend, CHARLES G. DAWES.

MEMORANDUM FROM SIR JOSIAH C. STAMP

APRIL 3, 1925.

If 1 in every 5 bushels is exported, the excise tax upon the whole production would need to be 8 cents per bushel to square the Government account. Now if we assumed that one in five of every individual farmer is exported then the effect upon his account is, of course, that he pays a tax of 40 cents for every 5 bushels he produces and gets 40 cents as bounty for the one exported. On balance, his marginal expenses of production are not altered. There is no incentive to him to produce either more or less. He may think for a moment of the bounty and desire to produce more in order that the surplus available for export shall be greater and he shall get a larger bounty. Let him produce 6 bushels instead of 5 at no increased average cost, i. e., natural cost. Now he expects a bounty receipt of 80 cents but the Government immediately put up the excise tax to 13⅓ cents per bushel, and once again his account is square.

A similar tendency in the reverse direction sets in if he decides to reduce his production to save excise tax; there is less available for export and the bounty is smaller, and his profit and loss account is again all square. This simple calculation is, of course, affected if, by a reduction in production, he can have smaller expenses of production per bushel or get a higher price on the world market. I am not quite sure what, on balance, is the position of the American agriculturist in regard to an increase or decrease of expenses of the marginal bushel. You merely tell me that he can not increase his producing unit and decrease his cost. I would want to know whether it is not possible that this marginal cost may even increase instead of decreasing.

Now, let us look at the operation of the excise tax by itself first. In the ordinary way it would raise the price of wheat by 8 cents, but when this gets into the world's market against untaxed production, only a slight part of the price due to the increased tax can be upheld, according to the proportion which the United States surplus for export

bears to the whole untaxed supply. The tendency must be for the new world price to be slightly higher than the old, but nowhere near the full 8 cents. This would throw back the burden of the tax upon the producer, and cause him to diminish his production and confine it to the most profitable land in order that the new world price would give him his expenses plus the tax. But now bring in the effect of the bounty. This encourages him to produce and exactly counterbalances the other tendency. I do not see that the situation is sensibly altered either way. I would not deny that it is altered to some small amount. Now, if our original assumption is wrong, and some farmers are constantly producing more than the one in five for export and others more for home, a different state of affairs may come in altogether. But I imagine that farmers supply a common wheat pool which then sells within and outside the States at world prices, with the net effect that one in five of every farmer's would, technically, be exported. But if farmers were managing their own personal export some would be more favorably situated for export than others; their accounts would show a surplus under this arrangement, and the accounts of others would show a deficit. You would tend to emphasize the differential advantage for export not by any means as a whole amount of the bounty but to some small extent. If, therefore, American export of wheat is dealt with as a whole, I find it difficult to make much difference in the world market unless I know whether the American farmer is working on a basis of increasing costs; i. e., incurs a higher ratio of cost on each additional bushel. If American export of wheat is not dealt with as a whole, I imagine that the proposal would set up very important changes as between different areas.

COMMENTS OF GEORGE N. PEEK AND CHESTER C. DAVIS UPON THE FOREGOING STATEMENT OF SIR JOSIAH C. STAMP

MAY 7, 1925.

The foregoing discussion of an export bounty in its relation to wheat production in the United States is illuminating, and the conclusions incontrovertible, upon a premise that there is no tariff or other trade barrier against imports to permit maintenance of a domestic price above the world level when a shortage exists or is artificially created.

The problem in this particular instance, however, must be considered upon the premises:

1. That the United States has provided an import duty of 42 cents per bushel on wheat, which is now inoperative on the wheat price in the United States because of the fact that a normal surplus above domestic requirements is produced annually which, thrown into the market, holds the domestic price to world levels; and

2. This is a nation in which general price and cost levels are maintained artificially by a system of protection partly legislative (as by tariffs, restriction of immigration, the transportation act authorizing rail rates sufficient to earn a fixed return, the Adamson Railroad Labor Act, etc.), and partly by combinations in the fields of industry and labor made possible under our laws, and by their own organization.

The illustration used, i. e., a 40-cent bounty on the 1 bushel exported out of 5 produced, equalized by an 8-cent excise tax on the entire 5 bushels, thus establishing a balance, with no effect on marginal production, is perfect where a state of free trade in wheat obtains. But this case is different. There is a 42-cent duty on wheat imported into the United States.

The essence of the plan is to dispose of the surplus available for export under the direction of an agency whose buying power in the domestic market, aided by the efforts of cooperative marketing associations, will raise the domestic price for wheat toward the top of the tariff wall above the world price level. This is made possible because this agency, through buyers and exporters commissioned to act for it can buy for export at a high, protected price, and sell at the lower world price abroad, and its losses on the 1 exported bushel out of 5 marketed will be met by the excise tax on all 5.

Thus, in effect, the Government, with funds secured from the excise tax, would add 40 cents to the world price secured for the 1 bushel exported, while the domestic consumer, out of his earning power increased by the American protective system, would pay approximately an added 40 cents on each bushel of the 4 consumed at home.

This, you see, is something entirely different from the state of balance that would result from an attempt to operate such a plan without the protective tariff or an embargo on imports. In effect it is an extension of the principle of the protective tariff to include those crops of which, like wheat, a normal surplus is produced. The proponents of the plan contend that such a surplus is inevitable under the present agricultural organization in this country; that it nullifies the attempt to equalize by a tariff differences in production costs in this and competing foreign countries where labor and other costs are lower, and that thus there has resulted an unfair division of the rewards of labor between agriculture and those industries and interests on whose behalf protection is effective.

Obviously such a plan would not be considered except under conditions where the weakening of agriculture constituted a grave national menace. The question naturally arises whether it is equitable thus to raise the costs to the domestic consumer in order to restore a state of balance to agriculture. In answer to that it is pointed out that the labor wage index in this country stands now at above 200 compared with the pre-war 100, and that the index of the National Industrial Conference Board gives wheat, beef cattle, corn, and hogs an average of 53 for the four years 1920–1923 compared with 1914 as 100.

You very properly question the effect such a plan would have upon marginal production. We know that post-war prices for farm crops have been so seriously out of line that the farm population has been forced from the country to the cities at an alarming rate. It is true that this process, if its cause continued, would in time correct the malady. But the United States is witnessing the steady gain of population on production, and the wisdom of such a policy of wearing down the farm population, then facing the necessity of building it up again, might well be questioned.

Thus a considerable price gain for agriculture in relation to other prices would be possible before the actual pre-war buying power of farm products is restored. It can be kept in mind that it was this pre-war price relationship or buying power that resulted in the pre-war acreage; its restoration should do no more. Then, too, it is argued that if this plan of extended protection covered other major crops besides wheat, there would be no incentive to shift from one line of production to another.

That is one view of the problem. On the other hand, we think it very likely that there would be a tendency toward increase in certain crops like wheat upon which the plan would prove most simple in operation. The fact that an increase in the size of the surplus would result in a corresponding increase in the excise tax without any gain in the domestic price would tend to act as a brake on this tendency toward increased production.

It is important to consider all this in the light of the knowledge that the United States is a highly protected country. The farmers have been studying the tariff and wondering why it was that it did not seem to help much in the case of their major crops. The plan of which this is written constitutes their most important effort to get in under the operation of this system of protection.

EXTRACT FROM LETTER OF MR. STAMP UNDER DATE OF JULY 14, 1925, ANSWERING THE ABOVE

I now send you a brief comment, somewhat hurriedly made, upon your inclosure. To form a more definite idea I need specific information upon the question of relative costs, the question of the relative profitability of agriculture compared with other industries, and the question whether agriculture is on a basis of diminishing returns.

MR. STAMP'S COMMENT FOLLOWS

The import duty is in operation because marginal costs abroad are either higher than American costs; or if lower, not lower by more than 42 cents. (If they were lower by 42 cents, then imports would come into the States despite the duty.)

Let us suppose they are lower by 30 cents. No imports take place. Now let an increased supply come into the non-American market from America, no matter for what cause. The outside price must fall slightly by equation of demand; marginal cultivation will shrink (outside America); marginal costs will slightly fall on a less supply, and outsiders accommodate themselves by a reduced output. The total output used outside America is probably more than before, but not more by as much as the increase in the American export. Let the outside world price be reduced 2 cents. This change added to the 30 cents alone still makes only 32 cents, and the addition of a 42-cent import tax makes wheat too dear to enter into the United States of America. If the outside costs had been lower by 41 cents (and no imports) and the increased exports lowered price by 3 cents, the total would now be 44 cents. Add the duty and outside wheat is 2 cents below and begins to flow into America, the actual price outside goes up and price inside goes down enough to make a margin of less than 42 cents. But I imagine this condition of marginal costs does not really exist, and outside costs may be as high or higher than America already without the duty. If so, then the lowering of world prices by increasing the American export to the outside countries could not conceivably be enough to bring about imports into the United States of America.

Let it now be supposed that the total American supply is at first unaltered. More exports entail decreased domestic supply. But domestic prices rise to meet the old demand. This rise is checked by the increased lands brought into cultivation and increased supply to meet improved price. On assumption of marginal increased costs on such supply, the rise will be checked at some point higher in price than the original domestic price. (But the original assumption that 1 in 5 was exported on which the bounty is paid for by the excise fails if more than 1 in 5 is exported—there is a deficit on this account.)

So we might get an equilibrium again on 1 to 5 export on a somewhat higher level of home price and a somewhat lower level of world price. If the original difference between costs was 30 cents a bushel, this is cut into in both directions.

It seems to me that the whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries. If they are well below then they can be improved by having a higher domestic price of wheat forced on the country behind a tariff wall, and if such improvements will not be sufficient to bring into cultivation a lot more land and an increased supply which will lower price.

If, however, the improved profits flowing from a higher domestic price do more than restore a negative position, but make agriculture positively attractive compared with other industries, then, of course, nothing can stop more land being farmed, and the supply being greater the new price can not be wholly maintained. It will settle at a point at which the positive advantages of agriculture cease, compared with other industries.

I see no reason why these effects should not have been already brought about. Agriculture is hardly capable of complete trustification to eliminate competition. American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents.

PART I

REPLY FROM MR. PEEK AND MR. DAVIS

SEPTEMBER, 1925.

Two things are necessary before this subject can be discussed satisfactorily in correspondence:

(a) A simple statement of the problem of the American farmer which both correspondents will accept;

(b) A clear statement of the plan which American farmers are discussing as an answer to the problem.

We hope to make clear that the plan discussed does not provide for an export bounty, such as students of English history are familiar with through the corn bounty laws of the early nineteenth century. An agency is proposed to handle the normal volume of exports so as to keep the surplus from pressing on the domestic price. Exponents of this plan contend that, with the surplus kept out of the way, the price of wheat in the United States would tend to rise back of the tariff wall toward its upper price limit, which would be the point at which imports would commence to flow into the United States. The bounty plan would stimulate an unusual flow of wheat out of the country. The export agency proposed would, on the other hand, go into the market to buy for export whenever a surplus of supply above domestic demand tended to depress domestic prices toward world levels and would export no more than the amount which would be exported without such an agency.

THE PROBLEM

American farmers produce an annual surplus of their chief crops in excess of the consumptive capacity of the domestic market (wheat, pork, cotton). Protective tariffs may bar out imports, but the farmer is not always helped by that, since he is compelled to sell in the domestic market the bulk of his crop at the price which his surplus commands when it is sold for export.

The protective principle in America has been extended considerably beyond the original protective tariff. It now includes special acts for labor regulating immigration, hours, and even compensation for some classes; special acts for transportation, banking, and industry of various sorts; and less direct legislation which these groups and classes have been able to turn to their price advantage through organization. Farmers are unable to follow this example because their business is essentially decentralized and because nonmembers profit unreasonably from any organized attempt to dispose of a surplus.

Farmers, therefore, find themselves producing in a country where costs are fixed high by protection. What they receive for their main crops, however, is not determined by what it cost to produce them; or what the domestic consumer can afford to pay for them, but by what the foreign buyer of the American surplus is willing to pay in this country. Certainly it will be no higher than the price at which the foreign buyer can satisfy his demand elsewhere.

The American farmers may have a tariff on their wheat, for example, but when they have a substantial surplus over what their own market can absorb, they are compelled to sell their entire crop on a basis of the Liverpool price then prevailing, less the delivery costs.

When they complain that the protective tariff is not effective, they do not mean that it fails to shut out imports, but that they have no advantage in their domestic price because of this tariff.

THE REMEDY

As stated in the opening paragraphs, there has been practically no demand among the farmers of America for an export bounty. It is generally recognized that such a bounty would stimulate exports, and unless they were subject to regulation as to volume, the flow out would exceed the quantity which the current relation between domestic supply and demand would normally free for export.

There is a strong demand, on the other hand, for an export corporation or some similar agency duly authorized by law, which would have the following powers:

"(a) To buy for export, or to contract for the purchase and export, of any surplus above domestic needs whenever there is evidence that such a surplus exists, and is bearing down the domestic price to a point that erases, or considerably lessens, the effect of the protective tariff on the domestic price.

"(b) If it becomes necessary to sell such surplus abroad at a lower price than the one prevailing at which the purchase was made, such loss to the exporting agency should be repaired from an equalization fund, made up of an equalization fee or excise tax collected upon all the units of the special commodity dealt with as it moved in trade."

This might be accomplished by cooperative associations handling the export surplus, if the Government would assist by levying a tax or equalization fee to compel all producers alike to contribute to such losses as may be experienced in handling the exports sales at world prices, in order to maintain a domestic price in this country that reflects the advantage of the protective tariff. If voluntary cooperative societies attempt to handle the export surplus in this manner by assessing their export losses against their own members, they would be conferring an undue advantage on nonmembers, a course which would speedily destroy the cooperative itself.

There would be no direct bounty. Profit to the producer would result from an increased domestic price level. The loss sustained on the relatively small portion which it might become necessary to buy at this protected level and sell at a lower world level would be distributed over the entire crop and would be small as compared with the gain in price on that part of the crop sold and consumed at home.

The late Henry C. Wallace, Secretary of Agriculture from March 4, 1921, until his death in October, 1924, described this proposed remedy favorably in his special report on the wheat situation in the United States, sent to President Coolidge on November 30, 1923, in which he said:

"Inasmuch as the first step looking toward increasing the domestic price requires the disposition of the surplus over and above the domestic needs * * * the suggestion that the Government set up an export corporation to aid in the disposition of this surplus is worthy of the most careful consideration. Such a corporation necessarily would need rather broad powers. It would not be necessary that it should undertake to handle the entire crop, and it could probably carry on its activities in cooperation with existing private agencies. If it should be found necessary to arrange for the sale of the surplus exported at a price much lower than the domestic price, the loss so incurred would properly be distributed over the entire crop."

In his general report to President Coolidge, made at about the same time, referring to the same project, Secretary Wallace said:

"While the plan proposed could be applied more easily to wheat than to some other agricultural products, obviously, if favorably considered, it should not be confined to dealing in wheat alone. It should include all agricultural products of which we have a considerable exportable surplus and the prices of which are substantially out of line. Especially should provision be made for handling pork products, of which we export large quantities, and which also were brought under Government control during the war."

PART II

DIRECT DISCUSSION OF J. C. S. MEMORANDUM

For convenience sake the memorandum may be subdivided and considered as three lines of reasoning:

"1. American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents.

"2. Increased American supply will move to the world markets, with certain described effects upon world prices and marginal costs in competing countries.

"3. The whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries."

(1)

"American prices can only be independent of world prices behind a tariff wall if the margin of difference between American costs and non-American is kept within 42 cents."

Perhaps it is better not to say "independent of world prices" but rather to say that American prices can be maintained above world prices by a tariff and a device to dispose of the surplus, but in no case can the American price be maintained more than the height of the tariff above world prices, since at that point imports commence, and the rise is checked.

The import duty will be effective in barring out imports as long as the foreign price level on which competing wheat-growing nations sell is more attractive to them than the American market after they have paid the 42-cent duty.

If these points are conceded, then the correspondents are in substantial agreement that it can be done. The question of its desirability or necessity from the national standpoint is discussed under Three (3).

An American student of farm affairs would probably suggest that the English correspondent attaches too much importance, from the American standpoint, to the nice adjustment by which, he reasons, production volume results from the relation of price to costs of production. Costs of production alone do not determine wheat prices, nor do wheat prices alone determine acreage or volume of production. There are many other factors in the problem.

For example, in the United States the present wheat acreage and volume of production have resulted from many things. There has

been the rapid development of new lands stimulated by other considerations than a compensatory price, for that was usually lacking.

Such social and industrial changes as prohibition, with its effect on demand for barley and rye, and the substitution of motor for horse power, with its accompanying decrease in demand for oats, have forced farmers to adopt wheat in their crop rotations regardless of whether its price is of itself profitable or not. Then the war saw every national force concentrated to increase wheat production from the farms. We have been in an era of the exploitation of natural soil wealth, along with other natural resources.

Farmers can not go in and out of business as readily as labor can shift occupations. Nor can shifts be made easily from one line of farm production to another as price relations change. The wheat grower can not grow wheat one year and become a dairy farmer the next, and repeat these shifts as prices change again in relation to each other. If his land and equipment are adapted to one sort of production, experience shows that he makes adjustments slowly, and as a rule the changes are toward greater efficiency in his line rather than radically away from it.

In this connection, the following may prove interesting, "The agricultural situation," by Doctors Warren and Pearson, Cornell University:

"When a manufacturer is unable to sell his products at a price sufficient to keep the plant going, he closes the plant. The distress in such a period is in part shared by the unemployed laborers, and is in part shared by the owners of the plant, but much of the difficulty is passed back to the producers of materials that the plant uses. The plant remains idle until the stocks on hand and in the channels of trade are disposed of and new orders appear. It does not open until the products are wanted badly enough so that they will sell at a price somewhere near the price that existed before the plant closed. Laborers come back at wages that are somewhere near the previous wage level. The price of the product and the wages paid the workers are very much higher than would have been the case if the plant had continued to operate.

"Agriculture is a personal industry. Less than one-fourth of the labor is hired. In a period of depression the farmer may drop the hired labor, but he can not close his shop, for he is both owner and laborer. His family must live, and his taxes and interest must be paid. If wheat brings little per bushel, he must try to produce more bushels. He works longer hours. His wife helps more with field work. If there are old people in the family, too old to do much, they work more than they normally would. Children work more than usual, and many of them stop attending school at an earlier age than was anticipated. By these means it is possible to maintain agricultural production for a time with a greatly decreased labor force.

"In 1922 the net movement of population from farms to cities was 1,120,000. Various estimates place the movement in 1923 at another million persons. Since farm families are larger than city families, there are more persons raised on farms than are needed on farms, so that some net movement to cities is normal. The movement in 1922 and 1923 was, however, more than normal.

"Many persons have wondered how such a movement could take place and have the acreage of farm crops decline so little. Yet this is just what would be expected. It is a result of the combined influence of three factors: (1) The long hours and increased family labor on farms; (2) the neglect of farm maintenance and farm improvements; and (3) the increased efficiency with which farm work is done."

Agricultural production in the United States has been speedily falling behind population. It is a matter of two decades only until, if present tendencies continue, some of the important crops now exported will have no surplus. The question is what to do about the normal or occasional surplus in the meantime.

(2)

"Increased American supply will move to world markets with certain described effects upon world prices and marginal costs in competing countries."

The plan discussed here differs from the export bounty plan in that while the purpose of the latter is to increase the volume of exports, the object of the present plan is to regulate exports in order to free the domestic market from the depressing effect of the export surplus. Since no increase in the volume of exports would take place, the illustration used in the memorandum under consideration can probably be overlooked, even though it is perfectly sound reasoning as applied to the premise of increased export flow.

An increase in exports would only result from an increase in the total American wheat production, and not from an increase in the relative volume of exports compared with domestic consumption. Such an increase in total production would follow only, as the correspondent points out, when wheat became unduly profitable in relation to other branches of agriculture, or agriculture in general became unduly profitable in relation to other industry. Since the plan would be operated on the other main surplus crops as well as wheat, the tendency to shift to wheat would be minimized. There is probably little danger of overbalancing in favor of agriculture, in view of the long-time trends discussed under the heading Three (3).

(3)

"The whole question turns upon whether agricultural pursuits are in the long run at present markedly below the general average return (for capital risk and ability) for other industries."

Agricultural labor has never been other than at a disadvantage in the division of the annual total product of labor in the world. Long ago this was very plainly stated by an English political scientist with whom both correspondents are familiar, when Adam Smith, in the Wealth of Nations, wrote:

"The superiority which the industry of the towns has everywhere in Europe over that of the country, is not altogether owing to corporations and corporation laws. It is supported by many other regulations. The high duties upon foreign manufactures and upon all goods imported by alien merchants, all tend to the same purpose. Corporation laws enable inhabitants of towns to raise their prices, without fearing to be undersold by the free competition of their own countrymen. Those other regulations secure them equally against that of foreigners. The enhancement of price occasioned by both is everywhere finally paid by the landlords, farmers, and laborers of the country, who have seldom opposed the establishment of such monopolies. They have commonly neither inclination nor fitness to enter into combinations, and the clamor and sophistry of merchants and manufacturers easily persuade them that the private interest of a part and of a subordinate part of the society is the general interest of the whole.

"The whole annual produce of the labor of the society is annually divided between those two different sets of people (farmers and townsmen). By means of those regulations a greater share of it is given to the inhabitants of the town than would otherwise fall to them; and less to the country.

"Scarce any nation has dealt equally and impartially with every sort of industry. Since the downfall of the Roman Empire the policy of Europe has been more favorable to arts, manufactures, and commerce, the industry of towns, than to agriculture, the industry of the country."

One can well imagine that the economist quoted would feel that he had sadly understated the case if he might be given an opportunity to view the intricate protective system which society has granted residents of the cities of the United States at this time.

The same condition—that farmers do not receive an equitable share of the national dividend—is dwelt on at length by the late Henry C. Wallace, Secretary of Agriculture for the United States, March, 1921, to October, 1924, in his book, Our Debt and Duty to the Farmer:

"From all evidence it is clear that the farmers as a group have not been receiving an adequate return for their labor and capital nor a fair share of the national income. This has been especially true since the depression began in 1920. * * *

"The farmer is clearly not receiving his fair share of the national income. This is plain for the years of the depression. It is not so well known that it was true also before the war. With an investment of over one-fourth of the total capital of the Nation and a labor force employed equal to almost one-third of all people gainfully employed, agriculture, according to recent estimates, received in 1909 only 18 per cent of the national income. This condition must be corrected. If we are to have a prosperous Nation we must have a profitable and satisfied agriculture. Farmers must have a sufficient income to pay off debts assumed at war prices to help win the war and to establish and keep the standard of living that American ideals demand. To build a profitable, stable, and attractive agriculture calls for sympathetic help from the Nation as a whole, as well as for the individual and collective efforts of farmers themselves.

"During the period of land exploitation and development, increase in the value of the farm made a substantial addition to the income from annual production. In the future the income from enhanced land values will be small, and the farmer must depend for his income on average annual production. His income from this source must therefore be very much greater than in the past."

These authorities might be reinforced by quotations from many others, but it is probable that the conclusions they express are accepted without substantial difference by both correspondents.

Having in mind this fundamental distinction between farm and urban industry, then, it is illuminating to consider its tragic exaggeration during the postwar years of depression.

The National Industrial Conference Board (247 Park Avenue, New York) has recently made known the results of its statistical study showing exchange value per acre to the farmer at the farm of the principal farm commodities for the years 1920, 1921, 1922, and 1923. This study differs from most others measuring the purchasing power of the farm products, in that it uses retail prices of selected articles required by farmers instead of the more easily quoted wholesale prices; it figures crop value by the acre production rather than the bushel standard; and the price of farm products used is the price to the farmer, rather than terminal market price which includes relatively high freight rates and other factors that have increased rather than diminished since pre-war years.

The following table, taken from those figures, shows the exchange value for the last four years, compared with 1914, on four principal food products, wheat, corn, beef cattle, and hogs:

	1914	1920	1921	1922	1923	Average
Wheat	100	54	41	46	41	45
Corn	100	56	43	63	69	57
Beef cattle	100	60	50	49	48	51
Hogs	100	76	59	62	51	62

Four-year average, 53.

Agriculture can not long survive such a condition, nor can industry expect anything like a normal business permanently when a large proportion of our population has its purchasing power so seriously reduced.

There has been improvement in the relative position of agriculture in the United States during the past two years, due, however, to abnormal conditions affecting production. The short world wheat crop of 1924 lifted the world price to a point that practically restored the prewar purchasing power of wheat; the short domestic crop this year tends to keep prices up. The shortage in the 1924 corn crop with its resultant effect on the hog supply has worked a change in the Corn Belt price ratios. But thoughtful farmers are concerned over what will happen to them when a normal wheat crop returns at home and abroad, and when the hog population increases to normal.

Much of the foregoing discussion has been in terms of wheat. During the past two years the growers of corn and pork have shown an interest fully equal to that of the producers of wheat. At the present moment the interest in some Government assistance to complement the cooperative efforts of the growers of cotton and tobacco seems to be spreading.

Accompanying the following statement commenting on the above, Mr. Stamp writes November 27, 1925:

"I inclose a memorandum which comments on the statement accompanying your letter. You will see that the question of comparative costs still creeps into every consideration and that I am throwing doubt upon the possibility of keeping up the domestic prices without very large and conflicting losses on the export trade. I would draw particular attention to the hint that by considerably raising the price of wheat you will introduce economic reactions into the rest of American life which may possibly go far to reduce the value of what you have done at the first step."

SIR JOSIAH STAMP'S MEMORANDUM

THE PROBLEM OF THE AMERICAN FARMER

The further memorandum (inclosed with the letter of September 29, 1925) elucidates the matter under discussion very considerably, and, as stated therein, there is a considerable amount of substantial agreement between the correspondents. There are, however, still certain aspects of the matter which will bear further discussion.

1. In the first place, one feels that one must ask how is the domestic price of wheat fixed. It is assumed that the answer to this question is that it is determined by the total domestic and foreign demand in relation to the supply available at the particular time in question.

In the peculiar circumstances of the United States as a very large producer of wheat, and particularly of the situation described in this correspondence, it may not be far wrong to suggest that the price which the farmer receives is largely determined by the saturation point of the domestic demand and that the amount exported is the excess over the demand at that price. It may perhaps be assumed that the same conditions obtain in other wheat-exporting countries and that the world export price is, therefore, largely determined by the surplus so available, on the one hand, and the demand of the wheat-importing countries, on the other. Support to this view is offered by the statement that an export bounty "would stimulate exports and, unless they were subject to regulation as to volume, the flow cut would exceed the quantity which the current relation between domestic supply and demand would normally free for export."

The problem under consideration is how to remove from the domestic price the pressure of the surplus above domestic needs. For this purpose the export corporation or some other similar agency duly authorized by law is proposed. Now, it seems to be assumed that the object of the scheme can be achieved without any increase in the volume of exports, because it is stated that the plan under discussion "differs from the export plan in that while the purpose of the latter is to increase the volume of exports, the object of the present plan is to regulate exports in order to free the domestic market from the depressing effect of the export surplus." It is added that "no increase in the volume of exports would take place." It seems extremely unlikely that the farmer will be able to secure a larger domestic price for the domestic consumption if the volume of supply is left entirely untouched.

The price is almost entirely determined by the flow of demand and supply. Should the supply be left entirely unaffected in each particular season, how can one expect to secure a higher price? The problem can not be discussed on this basis. To get a higher price supply must be restricted; a larger quantity than would otherwise be the case must be exported by the export corporation. With the smaller domestic supply prices will tend to rise, the demand will tend to fall, and these forces will cause the export corporation to export still more. There seems no reason why this process should not be carried on until the domestic price is pushed up to the point at which the return to the farmer will bring his economic position into favorable comparison with that of other producers. It has already been recognized that limits are set to this process by the comparative marginal costs of American farmers and other wheat-producing companies (which comparisons we do not exactly know) taken in conjunction with the United States tariff on wheat imports.

2. The next point to be considered is that the export corporation will tend to be the sole exporter. The additional exports proposed will surely have some effect on export prices in a downward direction, and that loss, under the scheme, is to be recovered by the proposed excise tax. It is assumed that the aggregate excise to be raised will be determined by the loss of the export corporation. It follows, therefore, that any loss sustained by private exporters—i. e., the difference between the price as it would have existed before this scheme and as it will exist after the scheme—can not be recovered by them in the form of the excise. In these circumstances it seems certain that the private exporter will be put out of business unless arrangements are made to incorporate him in the scheme, as agent or employee of the export corporation.

The export corporation will have to buy at the new domestic price; i. e., it seems certain that the farmer will not quote a differential price according to whether the wheat is to be sold at home or exported. At the same time, there is a double loss on the export price, which depends on the ultimate relations between the two movements of price; i. e., (a) the upward movement internally and, (b) the downward movement externally. If the downward movement is very large, then the loss on exports, especially in a "bumper" year, may conceivably be so great as to exceed the gain from the increase in the domestic price, though such a result is clearly improbable. It seems very difficult to forecast the relations between these two price movements. It will depend upon the relations between the demand of the wheat-importing countries and the total surplus which the wheat-exporting countries can offer. In addition, the position will also be influenced by the relative marginal costs of the wheat-exporting countries. If those of the United States are low, it would seem to follow that the scheme can be carried easily; but if they are high relatively to other wheat-producing countries, then the movement of the internal price will be limited by the United States import tariff. (I am sorry to keep harping on this comparative cost, but it crops up at every stage in the argument.)

3. Prima facie, the cause of the low price of wheat is that the total world supply is large in relation to the total demand and the present movement in the United States from the land to the town, and the abandonment of farms, etc., is the normal economic way in which this disparity will be corrected.

On the other hand, if the United States authorities view this movement with alarm and desire to maintain the existing rate of supply and, at the same time, raise the domestic price, then it would seem to follow that the export price may fall considerably, so that the farmer's ultimate position, when account is taken of the excise, will not be improved and may even be worse. It has to be remembered, as is emphasized by the extracts from "The agricultural situation," by Doctor Warren, quoted in the memorandum under discussion, that the farmer has a considerable elasticity in his costs by way of longer hours, extension of the family activities in the field, and so on. It may even be that a farmer will be unwilling to have his position improved. He may fix his eyes entirely on the rising price, and, forgetting that the excise demand will come along later, he may push his production a little further and increase the total supply on the market. So far as he does this he will jeopardize all attempts to improve his economic position.

4. The preceding discussion has, however, taken no account of the general economic effects of a scheme of this character. If the price of wheat is to go up considerably in the United States, then there seems a very fair possibility that it will have reactions on the whole economic condition of the country. The cost of living may be considerably enhanced and may lead to a wide circle of demands for increased wages. If this should be so, all costs of production will ultimately tend to rise slightly, and there would follow, probably after many struggles or at least protracted negotiations, a new division of the product of industry. Such a movement would set up many new political forces, and it is very difficult for an observer on this side even to begin to formulate the ultimate outcome. It is not necessary here to do more than call attention to this aspect of the proposal. It is possible, also, that the scheme might have international reactions. There is always a considerable amount of feeling on the question of dumping, and it might be alleged that, in effect, the scheme constitutes the dumping of wheat on a very large scale. This aspect of the matter, again, is very difficult to discuss, but it may be desirable just to bear it in mind. (For instance, Mr. Hoover's recent denunciation of restriction schemes for rubber and coffee.)

5. As has already been emphasized in previous correspondence, the ultimate test of the scheme is whether the return on the capital and labor of the farmer is fair and reasonable in comparison with that secured by capital and labor in other economic spheres. The late Henry C. Wallace, according to the views quoted from his book entitled "Our Debt and Duty to the Farmer" holds that it is not. A judgment on this matter can only be formed by those on the spot. In doing so, much weight must be given to the other utilities which the farmer's life yields. It is the total economic return which must be considered, in addition to the money income derived from the raising and sale of produce. There is no doubt still something to be added in respect to anticipated increases in land values. While this may be a diminishing factor in fact, an unjustifiable expectation of its continuance may still influence the farmer's view. There are other returns in respect of a farmer's life which he no doubt values—for instance, the mere life itself, with all its benefits of health and interest, not only for himself but for his family. It may very well be that he is and will be, content with a smaller money return on his capital and his interest, simply because of these other utilities.

COMMENT ON THE ABOVE BY GEORGE N. PEEK AND CHESTER C. DAVIS

DECEMBER 26, 1925.

We find ourselves in essential agreement with the conclusions expressed by Sir Josiah Stamp in his last memorandum (November 27, 1925). The essence of these conclusions appears in two statements which are of utmost importance, and which we quote:

"There seems to be no reason why this process should not be carried on until the domestic price is pushed to the point at which the return to the farmer will bring his economic position into favorable comparison with that of other producers." (Pt. 1, Nov. 27 memorandum.)

"As has already been emphasized in previous correspondence, the ultimate test of the scheme is whether the return on the capital and labor of the farmer is fair and reasonable in comparison with that secured by capital and labor in other economic spheres." (Pt. 5, Nov. 27 memorandum.)

At the risk of drawing out this correspondence beyond the limits of propriety in view of the demands which it has already made upon Sir Josiah Stamp's attention, we feel that there are certain points on which we must dwell further if our position is to be made entirely clear. These points arise in statements contained in his last memorandum setting forth results which, he suggests, may flow from the operation of the plan under discussion. They are summarized, for convenience, as follows:

1. That in operation the plan must appreciably increase the volume of exports if the domestic price is to be raised. (Pt. 1.)
2. That the domestic-price increase will result in decreased demand, thus increasing further the volume that must be exported. (Pt. 1.)
3. That the new method of handling exports will result in a downward tendency in the world price. (Pts. 2 and 3.)
4. That, influenced by a rising price, farmers will push production further and increase the total supply on the market.
5. That cost of living would be enhanced, leading to a wide circle of demands for increased wages. (Pt. 4.)
6. That unfavorable international reactions may result. (Pt. 4.)

The foregoing points should very properly be considered in weighing the advantages against the disadvantages and probable difficulties of the plan. Some of them Sir Josiah Stamp merely raises without implying his belief that they actually will result. Others are set forth as his estimate of probable consequences. In either case they express questions upon which differences of opinion exist in this country. We wish to set forth our views of them, following the order in which they are stated.

1. THAT IN OPERATION THE PLAN MUST APPRECIABLY INCREASE THE VOLUME OF EXPORTS IF DOMESTIC PRICE IS TO BE RAISED

If the percentage of exports were considerably increased above what would normally be exported, the result would be either (a) reimportation of the commodity when the quantity left in this country had been exhausted, or (b) reduction in the quantity consumed at home. Neither result is desirable, but with the control of the surplus in strong hands neither would be necessary.

The plan presupposes two factors supporting the domestic market to the point that producers would receive the American price, which would be approximately the world price plus the amount of the duty. One of these is the corporation or board functioning through trading agencies, the other is composed of cooperative associations of producers which would be able to adjust domestic supply to demand, if provision for segregating and disposing of the surplus is made. The price in this country would fluctuate generally parallel with the world price level for the commodity, but above it within a limit fixed by the height of the tariff wall. Cooperatives or agents of the corporation could withhold part of the commodity held or purchased by them and stabilize the domestic market without materially increasing the volume exported.

2. THAT THE DOMESTIC PRICE INCREASE WILL RESULT IN DECREASED DEMAND, THUS INCREASING FURTHER THE VOLUME THAT MUST BE EXPORTED

This question arises in connection with the one first discussed. In the United States the demand for staple foods is relatively inelastic and does not go up or down inversely with price. If this rule governed, the per capita consumption of wheat, for example, would be double now what it was before the war, because the wage of labor in this country is more than twice that of the pre-war period but the consumption per capita is not increased. Within reasonable limits which would not be exceeded under the plan considered, the price adjustment in favor of agriculture would take place with no material reduction of effective demand.

There are many causes of the inelasticity of demand for foodstuffs which need not be gone into at length here, except to suggest that the need for food can not be met by postponement to a later date, as can the need for other goods.

3. THAT THE NEW METHODS OF HANDLING EXPORTS WILL RESULT IN A DOWNWARD TENDENCY IN THE WORLD PRICE

This statement also is closely related to the first one discussed, since its validity depends upon a materially increased flow of exports. If no material increase took place, then there would be no tendency toward world price depression. As a matter of fact, control of export sales would be in strong hands, and it may be asked if that in itself might not result in a tendency toward stabilization of the world price, limited by the proportion which the American exportable surplus bears to the total of available exports from all countries.

4. THAT, INFLUENCED BY A RISING PRICE, FARMERS WILL PUSH THE PRODUCTION FURTHER AND INCREASE THE TOTAL SUPPLY ON THE MARKET.

Any conclusive discussion of this point would require space far beyond present limits. We believe it unsafe to assume the correctness of the view stated, and suggest certain reasons.

It is impossible to present this argument without admitting at the same time that it is an argument against any increase in farm price no matter from what cause it is brought about. Early in this interchange of views, the alternative of regulated production was suggested. Using that for an illustration, it must be recognized that if a price increase is secured by reduced production, the response of the producers to that price would be identical to their response to the same price, secured by means of the export corporation. If the latter results in increased production, then any of the counter suggestions to solve the problem by doing away with the surplus would result in increased production. If correction is to be secured by the wearing down of agriculture and the abandonment of farms until a satisfactory adjustment of supply and demand factors results in an increased price, does not that price then set in motion exactly the same forces bearing on production that would be inspired by the same price secured by another method?

It should be very clearly understood that the result of increased production can not be used as an argument against the export corporation or surplus handling proposals exclusively. It is equally valid if applied to any move to secure for agriculture a fair price in the domestic market.

High fixed charges and costs that must be met whether much or little is produced are forcing farmers in the United States to overwork their land, deplete its fertility, and to work themselves, and to make their families, work much longer hours than do other groups. The lower the price, the more units of any commodity must the farmer grow if he is to stay in business. Low prices force producers to strain every nerve to produce a maximum quantity of the available cash crops to meet costs that must be paid in cash. Higher prices would not necessarily cause any speeding up of the productive effort which farmers are forced to make. In fact, it may be very properly asked if a better price level for the things the farmers grow would not promote soil conservation and a better standard of life for the farmer and his family more certainly than it would promote an increase in the sum total of production.

If one crop should be singled out and made more attractive in price than the others, undoubtedly there would be shifts to the better-paying enterprise. But if the major farm crops were given protection from the effect of the surplus on the domestic prices, there would be no incentive to shift from one to the other, and the increase in production would, in the main, have to come from new farms and new farmers.

Any decided change in the relationship between general farm prices and costs would produce effects upon the total acreage employed in farm production. But notwithstanding the heavy losses that have been written off, farm exchange values are still far below those of pre-war, and there is room for great improvement in the price relationship if the wearing-down process on American farms is to be checked and before any widespread movement to increase farm acreage would take place. Before this time the effect of an increasing population would be felt.

5. THAT COST OF LIVING WOULD BE ENHANCED, LEADING TO A WIDE CIRCLE OF DEMANDS FOR INCREASED WAGES

Factory wages in the United States are well over 100 per cent above pre-war scales. Other indices of consumer's purchasing power indicate not only the equity of bringing up agricultural exchange value but the ability of other groups to absorb such an equitable increase without setting in motion the vicious circle of wage and price increases.

6. THAT UNFAVORABLE INTERNATIONAL REACTIONS MAY RESULT

This point is merely touched on in the memorandum, and is not brought up for extended discussion. It may be remarked in passing, however, that the surplus farm products of the United States go to nations which themselves are deficient in the production of those crops. These nations would continue to buy our surplus at the world price as they have been doing. It is difficult to see why there would be any clash of economic interests since this movement aims only to take care of our home consumption at a fair price within the United States. The buyers of our surplus might conceivably be helped rather than harmed by the operation of the plan. Certainly, it would be less objectionable to foreign countries than an attack by our Government upon their methods of selling certain of their exportable commodities to us.

Having touched on these points which seemed to invite further comment, we wish to revert to our original expression of agreement with the major conclusions in the memorandum of November 27. From our standpoint we believe the interchange of views has been of great value.

While the foregoing discussion has centered to some extent around an export corporation, it is realized by us that possibly the principles herein upheld may find constructive and practical interpretation through other legislative means.

It should be remembered that the farmer is not demanding special privilege; he is demanding only an extension of the protective system to place him upon a basis of economic equality with industry and labor, or, in the words of Sir Josiah Stamp, to "bring his economic position into favorable comparison with that of other producers."

In conclusion it is interesting to note that in this discussion extending over about a year with Sir Josiah Stamp, whom Lloyd George calls the "world's greatest practical economist," there is no mention of the shibboleth of "price fixing." The comments of Sir Josiah may be well considered as defining the boundary line beyond which much alleged economic discussion of the question becomes an appeal to economic prejudice. The proponents of these economic principles involved in the agricultural situation have endeavored to keep the basis of debate strictly economic, as Sir Josiah Stamp has done. They have realized from the first that to obtain a satisfactory step in advance partisan politics must not creep into the discussion. Appeals both to prejudice of the business men (by reference to price fixing) and to the prejudice of the agriculturalists (by the injection of irrelevant subjects) should be avoided.

ORDER OF BUSINESS

Mr. BRUCE. Mr. President, I ask unanimous consent for the immediate consideration of order of business——

Mr. CURTIS. Mr. President, I hope the Senator will not present any request for unanimous consent at this time. I must say to the Senator that I would have to object. A Senator who is not now in the Chamber said that he would desire to object to any private bills being taken up to-night, and I promised him that I would object in his absence.

Mr. BRUCE. I am sure there will be no objection to the bill.

Mr. CURTIS. Will not the Senator let it come up to-morrow morning, and I shall then ask the other Senator, who is now absent, not to object.

Mr. BRUCE. Very well.

Mr. MOSES. Mr. President, may I have the attention of the Senator from Kansas [Mr. CURTIS]? I would like to ask at what time we may resume adjournments in order to take up the calendar daily? I ask that because this morning I submitted a series of reports from the Committee on Post Offices and Post Roads comprising, among other things, four measures that came over from the House of Representatives and which are very important with reference to the administration of the Postal Service. I should ask unanimous consent for their present consideration but for the fact that the Senator from Kansas just indicated that he could not grant unanimous consent this evening for that purpose.

Mr. CURTIS. I shall move to-night to take an adjournment so that we shall have two hours to-morrow morning in which to consider such measures as have been referred to by the Senator from New Hampshire and the Senator from Maryland [Mr. BRUCE].

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCFADDEN, Mr. KING, and Mr. WINGO were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 554. An act for the relief of Frank Grygla;

S. 1920. An act for the relief of the devisees of William Rusch, deceased;

S. 3330. An act for the relief of Thomas G. Peyton; and

S. 3555. An act for the relief of the Rochester Merchandise Co.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 29) requesting the President to return to the House of Representatives House bill 8513, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; and

H. R. 7911. An act to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

MONONGAHELA RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 29) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 8513) entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa."; that upon the return of said bill to the House of Representatives the action of the Speaker and of the Vice President in signing said bill be rescinded; and that in the reenrollment of said bill the word "thereof" in the last line of section 1 of the enrolled bill be stricken out and the word "hereof" be inserted in lieu thereof.

Mr. BINGHAM. I ask that the resolution may be concurred in.

The concurrent resolution was considered by unanimous consent and agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn, the adjournment being until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 12 minutes p. m.) adjourned until to-morrow, Wednesday, May 26, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 25 (legislative day of May 21), 1926

FOREIGN SERVICE

The following-named persons to be Foreign Service officers, unclassified, of the United States of America:

Lawrence Higgins, of Massachusetts.
Gordon P. Merriam, of Massachusetts.
Samuel Reber, jr., of New York.
William M. Gwynn, of California.
John B. Faust, of South Carolina.
Cabot Coville, of California.
Henry A. W. Beck, of Indiana.
Thomas F. Sherman, of Massachusetts.
S. Walter Washington, of West Virginia.
Walton C. Ferris, of Wisconsin.

J. Ernest Black, of Pennsylvania.
John B. Ketcham, of New York.

The following-named persons to be vice consuls of career of the United States of America:

Lawrence Higgins, of Massachusetts.
Gordon P. Merriam, of Massachusetts.
Samuel Reber, jr., of New York.
William M. Gwynn, of California.
John B. Faust, of South Carolina.
Cabot Coville, of California.
Henry A. W. Beck, of Indiana.
Thomas F. Sherman, of Massachusetts.
S. Walter Washington, of West Virginia.
Walton C. Ferris, of Wisconsin.
J. Ernest Black, of Pennsylvania.
John B. Ketcham, of New York.
Eugene M. Hinkle, of New York.
Edward P. Lawton, jr., of Georgia.

COLLECTOR OF CUSTOMS

Lewis H. Schwaebe, of Los Angeles, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif. Reappointment.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be brigadier generals, Medical Reserve

Brig. Gen. Lewis Atterbury Conner, Medical Corps Reserve, from November 4, 1926.

Brig. Gen. William Holland Wilmer, Medical Corps Reserve, from November 4, 1926.

PROMOTIONS IN THE NAVY

Lieut. Commander Timothy J. Keleher to be a commander in the Navy from the 17th day of December, 1925.

Lieut. Commander Howard B. Mecleary to be a commander in the Navy from the 13th day of January, 1926.

Lieut. Donald M. Dalton to be a lieutenant commander in the Navy from the 1st day of December, 1925.

Lieut. William S. Popham, jr., to be a lieutenant commander in the Navy from the 13th day of January, 1926.

Lieut. (Junior Grade) John E. Canoose to be a lieutenant in the Navy from the 31st day of December, 1924.

Lieut. (Junior Grade) Joseph P. Tomelty to be a lieutenant in the Navy from the 22d day of October, 1925.

Lieut. (Junior Grade) Felix L. Johnson to be a lieutenant in the Navy from the 7th day of June, 1925.

Lieut. (Junior Grade) David A. Hughes to be a lieutenant in the Navy from the 27th day of January, 1926.

Lieut. (Junior Grade) Jesse G. Johnson to be a lieutenant in the Navy from the 6th day of February, 1926.

Lieut. (Junior Grade) Andrew T. Lamore to be a lieutenant in the Navy from the 18th day of February, 1926.

Lieut. (Junior Grade) Ralph P. Noisat to be a lieutenant in the Navy from the 21st day of February, 1926.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 4th day of June, 1925:

William S. Leavenworth.
William D. Davis.

Machinist Ralph M. Jeffries to be a chief machinist in the Navy, to rank with but after ensign, from the 16th day of January, 1926.

Pay Clerk Howard N. Walling to be a chief pay clerk in the Navy, to rank with but after ensign, from the 20th day of February, 1926.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 13th day of March, 1926:

John Ermerins.
John G. Connolly.

POSTMASTERS

ALABAMA

John H. McEniry to be postmaster at Bessemer, Ala., in place of J. H. McEniry. Incumbent's commission expired May 23, 1926.

Leonard F. Underwood to be postmaster at Shawmut, Ala., in place of A. W. Smith, removed.

ALASKA

John W. Stedman to be postmaster at Wrangell, Alaska, in place of J. W. Stedman. Incumbent's commission expired March 22, 1926.

CALIFORNIA

Stella L. Vincent to be postmaster at Carmel, Calif., in place of S. L. Vincent. Incumbent's commission expired May 24, 1926.

Jessie McGregor to be postmaster at Merced Falls, Calif., in place of Jessie McGregor. Incumbent's commission expired February 10, 1926.

James E. Power to be postmaster at San Francisco, Calif., in place of J. E. Power. Incumbent's commission expires May 29, 1926.

John B. Horner to be postmaster at Fullerton, Calif., in place of W. M. Irwin, deceased.

COLORADO

Fred J. Dyer to be postmaster at Crested Butte, Colo., in place of F. J. Dyer. Incumbent's commission expired April 10, 1926.

GEORGIA

Olivia F. Anderson to be postmaster at Chipley, Ga., in place of O. F. Anderson. Incumbent's commission expired April 18, 1926.

John S. Lunsford to be postmaster at Elberton, Ga., in place of Nicholas Oglesby. Incumbent's commission expired March 10, 1926.

Kate Harris to be postmaster at Leesburg, Ga., in place of Kate Harris. Incumbent's commission expired January 17, 1926.

James F. Morgan to be postmaster at Waycross, Ga., in place of H. M. Wilson, resigned.

IDAHO

George F. Clark to be postmaster at Paul, Idaho, in place of G. F. Clark. Incumbent's commission expired April 29, 1926.

ILLINOIS

Helen N. Haugh to be postmaster at Atkinson, Ill., in place of E. A. Catour, resigned.

INDIANA

Fred McNutt to be postmaster at Waveland, Ind., in place of Fred McNutt. Incumbent's commission expired November 9, 1925.

Fred Dunn to be postmaster at Windfall, Ind., in place of Fred Dunn. Incumbent's commission expired April 25, 1926.

IOWA

Oswell Z. Wellman to be postmaster at Arlington, Iowa., in place of O. Z. Wellman. Incumbent's commission expired May 24, 1926.

Homer G. Games to be postmaster at Calamus, Iowa, in place of H. G. Games. Incumbent's commission expired May 24, 1926.

Raymond W. Ellis to be postmaster at Norwalk, Iowa, in place of R. W. Ellis. Incumbent's commission expired May 24, 1926.

Elsie Sierck to be postmaster at Everly, Iowa, in place of A. F. Wunn, removed.

William W. Sturdivant to be postmaster at Wesley, Iowa, in place of E. J. Sturdivant, resigned.

KANSAS

William E. Ferguson to be postmaster at Latham, Kans., in place of W. E. Ferguson. Incumbent's commission expired March 13, 1926.

Benson L. Mickel to be postmaster at Soldier, Kans., in place of B. L. Mickel. Incumbent's commission expired May 24, 1926.

LOUISIANA

Victor E. Green to be postmaster at De Ridder, La., in place of V. E. Green. Incumbent's commission expired May 24, 1926.

MAINE

George H. Rounds to be postmaster at Naples, Me., in place of G. H. Rounds. Incumbent's commission expired April 28, 1926.

MARYLAND

Mary Stevens to be postmaster at Hurlock, Md., in place of Mary Stevens. Incumbent's commission expired April 29, 1926.

Charles R. Day to be postmaster at Marion Station, Md., in place of C. R. Day. Incumbent's commission expired May 6, 1926.

Ernest G. Willard to be postmaster at Poolesville, Md., in place of E. G. Willard. Incumbent's commission expired May 24, 1926.

MASSACHUSETTS

Richard C. Taft to be postmaster at Oxford, Mass., in place of J. T. Toomey. Incumbent's commission expired December 21, 1925.

D. Anthony Sheehan to be postmaster at Weston, Mass., in place of D. A. Sheehan. Incumbent's commission expired April 13, 1926.

MICHIGAN

Selma O'Neill to be postmaster at Rockford, Mich., in place of Selma O'Neill. Incumbent's commission expired May 24, 1926.

Walter H. Nesbitt to be postmaster at Schoolcraft, Mich., in place of W. H. Nesbitt. Incumbent's commission expired May 24, 1926.

George K. Hoyt to be postmaster at Suttons Bay, Mich., in place of G. K. Hoyt. Incumbent's commission expired May 24, 1926.

Benton H. Miller to be postmaster at Cement City, Mich., in place of E. E. Parker, deceased.

MINNESOTA

Jason Weatherhead to be postmaster at Ada, Minn., in place of Jason Weatherhead. Incumbent's commission expires May 26, 1926.

Joseph Huelskamp to be postmaster at Gaylord, Minn., in place of Joseph Huelskamp. Incumbent's commission expired March 18, 1926.

William Perbix to be postmaster at Hopkins, Minn., in place of William Perbix. Incumbent's commission expires May 26, 1926.

Ervin L. Benjamin to be postmaster at Lester Prairie, Minn., in place of E. H. Magaw. Incumbent's commission expired March 18, 1926.

John P. Keohen to be postmaster at Montgomery, Minn., in place of E. J. Factor. Incumbent's commission expired November 17, 1925.

Gustave A. Krueger to be postmaster at Plummer, Minn., in place of G. A. Krueger. Incumbent's commission expired May 3, 1926.

Hans C. Pedersen to be postmaster at Ruthton, Minn., in place of H. C. Pedersen. Incumbent's commission expires May 26, 1926.

MISSISSIPPI

Ira I. Massey to be postmaster at Ethel, Miss., in place of I. I. Massey. Incumbent's commission expires May 26, 1926.

Herbert B. Miller to be postmaster at Gloster, Miss., in place of H. B. Miller. Incumbent's commission expires May 26, 1926.

Herbert O. Roberts to be postmaster at Holly Springs, Miss., in place of H. O. Roberts. Incumbent's commission expires May 26, 1926.

Earl E. Royals to be postmaster at Mize, Miss., in place of E. E. Royals. Incumbent's commission expires May 26, 1926.

Joseph R. Weathersby to be postmaster at Taylorsville, Miss., in place of J. R. Weathersby. Incumbent's commission expires May 26, 1926.

Julia Magee to be postmaster at Braxton, Miss., in place of Matt Sheppard, removed.

William O. Thompson to be postmaster at Lexington, Miss., in place of Elizabeth Connelly, resigned.

MISSOURI

Arthur Rice to be postmaster at Alton, Mo., in place of Arthur Rice. Incumbent's commission expired March 8, 1926.

Berry Crow to be postmaster at Licking, Mo., in place of Berry Crow. Incumbent's commission expires May 26, 1926.

Mary E. Blackburn to be postmaster at Malta Bend, Mo., in place of M. E. Blackburn. Incumbent's commission expired March 29, 1926.

Philip G. Wild to be postmaster at Spickard, Mo., in place of P. G. Wild. Incumbent's commission expired May 24, 1926.

MONTANA

Chauncey R. Fowler to be postmaster at Lewistown, Mont., in place of J. C. Bebb. Incumbent's commission expired May 18, 1926.

Burr A. Davison to be postmaster at Roundup, Mont., in place of B. A. Davison. Incumbent's commission expires May 26, 1926.

NEBRASKA

James E. Schoonover to be postmaster at Aurora, Nebr., in place of J. E. Schoonover. Incumbent's commission expired May 24, 1926.

Carroll C. Colbert to be postmaster at Wauneta, Nebr., in place of C. C. Colbert. Incumbent's commission expired May 24, 1926.

NEW JERSEY

Selina L. Caruth to be postmaster at East Paterson, N. J., in place of S. L. Caruth. Incumbent's commission expired May 24, 1926.

Erwin K. Kenworthy to be postmaster at Millington, N. J., in place of W. A. Tripp. Incumbent's commission expired February 21, 1926.

William J. Caswell to be postmaster at Washington, N. J., in place of W. J. Caswell. Incumbent's commission expired May 24, 1926.

NEW MEXICO

Ernest A. Hannah to be postmaster at Artesia, N. Mex., in place of E. A. Hannah. Incumbent's commission expired April 25, 1926.

Morgan P. Harvey to be postmaster at Clayton, N. Mex., in place of M. P. Harvey. Incumbent's commission expired May 4, 1926.

John C. Luikart to be postmaster at Clovis, N. Mex., in place of J. C. Luikart. Incumbent's commission expired February 6, 1926.

Florence E. Knight to be postmaster at Dexter, N. Mex., in place of F. E. Knight. Incumbent's commission expired December 21, 1925.

Joseph H. Gentry to be postmaster at Fort Stanton, N. Mex., in place of J. H. Gentry. Incumbent's commission expired November 21, 1925.

Nora A. Keithly to be postmaster at Hot Springs, N. Mex., in place of N. A. Keithly. Incumbent's commission expired November 23, 1925.

Roy H. Smith to be postmaster at Tucumcari, N. Mex., in place of R. H. Smith. Incumbent's commission expired April 14, 1926.

Annie C. Garcia to be postmaster at Gibson, N. Mex., in place of F. F. Pittman, resigned.

NEW YORK

May L. McLaughlin to be postmaster at Blue Mountain Lake, N. Y., in place of M. L. McLaughlin. Incumbent's commission expired March 20, 1926.

C. Blaine Persons to be postmaster at Delevan, N. Y., in place of C. B. Persons. Incumbent's commission expired March 24, 1926.

Frank D. Gardner to be postmaster at DeRuyter, N. Y., in place of F. D. Gardner. Incumbent's commission expired May 24, 1926.

Denton D. Lake to be postmaster at Gloversville, N. Y., in place of F. B. King. Incumbent's commission expired January 30, 1926.

John C. Jubin to be postmaster at Lake Placid Club, N. Y., in place of J. C. Jubin. Incumbent's commission expired May 24, 1926.

Vernon E. Bowler to be postmaster at Savannah, N. Y., in place of H. L. Burghdurf. Incumbent's commission expired January 21, 1926.

Louise E. Wells to be postmaster at Stony Brook, N. Y., in place of L. E. Wells. Incumbent's commission expired April 29, 1926.

Joseph A. Colin to be postmaster at Johnstown, N. Y., in place of G. M. Durey, deceased.

OHIO

Edgar L. Taylor to be postmaster at Crooksville, Ohio, in place of E. L. Taylor. Incumbent's commission expired May 24, 1926.

Leo Mutach to be postmaster at Marblehead, Ohio, in place of Leo Mutach. Incumbent's commission expired April 25, 1926.

PENNSYLVANIA

Ellis D. Keyes to be postmaster at Ariel, Pa., in place of E. D. Keyes. Incumbent's commission expired April 3, 1926.

Henry W. Redfoot to be postmaster at Fredonia, Pa., in place of H. W. Redfoot. Incumbent's commission expired November 17, 1925.

Inez B. Rex to be postmaster at Irvona, Pa., in place of I. B. Rex. Incumbent's commission expired March 2, 1926.

Alex L. Carlier to be postmaster at Point Marion, Pa., in place of A. L. Carlier. Incumbent's commission expires May 26, 1926.

William D. Ghrist to be postmaster at Uniontown, Pa., in place of W. D. Ghrist. Incumbent's commission expired November 9, 1925.

Johanna Priester to be postmaster at Wheatland, Pa., in place of Johanna Priester. Incumbent's commission expired November 21, 1925.

George Wetmiller to be postmaster at Berlin, Pa., in place of C. W. Saylor, resigned.

RHODE ISLAND

Jonathan Bateman to be postmaster at Manville, R. I., in place of Jonathan Bateman. Incumbent's commission expired May 24, 1926.

SOUTH DAKOTA

Robert C. Gibson to be postmaster at Geddes, S. Dak., in place of R. C. Gibson. Incumbent's commission expired May 24, 1926.

Theresa R. Harrington to be postmaster at Montrose, S. Dak., in place of T. R. Harrington. Incumbent's commission expired May 24, 1926.

TEXAS

Edmund W. Tarrence to be postmaster at Llano, Tex., in place of E. W. Tarrence. Incumbent's commission expired April 13, 1926.

James L. Hunter to be postmaster at Austin, Tex., in place of G. H. Sparenberg, deceased.

VIRGINIA

Jessie R. Fox to be postmaster at Greenwood, Va., in place of J. R. Fox. Incumbent's commission expired May 24, 1926.

WASHINGTON

Sylvester G. Buell to be postmaster at Arlington, Wash., in place of S. G. Buell. Incumbent's commission expires May 26, 1926.

Charles O. Merideth to be postmaster at Kent, Wash., in place of C. O. Merideth. Incumbent's commission expires May 26, 1926.

WISCONSIN

Annie Jordan to be postmaster at Barneveld, Wis., in place of Annie Jordan. Incumbent's commission expired March 7, 1926.

Emma Thompson to be postmaster at Deer Park, Wis., in place of Emma Thompson. Incumbent's commission expired March 29, 1926.

Henry E. Johnson to be postmaster at Frederic, Wis., in place of H. E. Johnson. Incumbent's commission expired March 7, 1926.

Frank H. Colburn to be postmaster at Shiocton, Wis., in place of F. H. Colburn. Incumbent's commission expired March 31, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25 (legislative day of May 21), 1926

PROMOTIONS IN THE ARMY

Joel Ernest Goldthwait to be brigadier general, Medical Reserve.

Orva Earl Beezley to be major, Field Artillery.

APPOINTMENT IN THE ARMY

Curtis Loyd Stafford to be captain, Cavalry.

POSTMASTERS

GEORGIA

Jefferson B. Hatchett, Greenville.
Charles H. Travis, Senoia.
Emmett D. Dial, Woodstock.

MINNESOTA

Otto Rakness, Alpha.
Arlie R. Wilder, Amboy.
Oliver A. Matson, Kiester.

PENNSYLVANIA

Charles W. Schlosser, Waterford.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 25, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, O God, that we can lift our faces upward and call Thee "Our Father." Thus we are assured of Thy love and care. In our needs, in our sorrows, and in our sins we may come to Thee and receive Thy help and blessing. Lead us into the secrets of that peace which quiets fear and anxiety. Bless us with a childlike trust that lovingly follows where Thou dost direct. Do Thou overrule our ignorance and our mistakes. Stay our unlawful thoughts; chasten our tempers, and reign in our hearts in the fullness of Thy Grace. In all things may we seek the truth and assimilate it. May it fortify us in life and be our shield when we fail. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INSURANCE OF WORLD WAR VETERANS

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3997) to amend section 301 of the World War veterans' act, 1924, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, will the gentleman give us some idea of what this bill is?

Mr. JOHNSON of South Dakota. Mr. Speaker, the term insurance given to World War veterans expires on July 2 of this year. There are many ex-service men in the United States who do not feel that they have sufficient funds to convert their term insurance to other forms of insurance provided, such as 20-payment life, 20-payment endowment, ordinary life, or the more expensive forms of insurance. This extends the time for conversion one year for these men.

Mr. HUDDLESTON. The gentleman means that it extends the time in which they may convert that insurance?

Mr. JOHNSON of South Dakota. Yes.

Mr. DOWELL. Mr. Speaker, reserving the right to object, may I inquire of the gentleman if this also permits those who have dropped the insurance to reinsure during this year?

Mr. JOHNSON of South Dakota. It does.

Mr. BROWNING. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BROWNING. Does the gentleman understand they would have the same right to renew that they have now?

Mr. JOHNSON of South Dakota. Exactly the same right.

Mr. BROWNING. If they are in good physical condition. They would have that for one year.

Mr. JOHNSON of South Dakota. Yes. It does not change existing law.

Mr. DOWELL. That is the point that I was trying to get at—whether this also left the same provision in the law that now exists up to the 1st of July.

Mr. JOHNSON of South Dakota. There is no change in existing law.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. I would be very glad to yield, but other committees have the right of way, and if I start in to debate under my agreement I shall have to withdraw the bill. I yield to the gentleman.

Mr. WINGO. As I understand the gentleman's first statement, it was that it gave an additional year from July 2 to convert the insurance. Did the gentleman also say that it extended the time for a year to reinstating insurance that had lapsed?

Mr. JOHNSON of South Dakota. That is my judgment, the same as existing law.

Mr. RANKIN. Of course, the gentleman understands that we do not all agree that the law would shut us off after July 2. Our contention is that we have until next March, the date fixed by law and by the proclamation of the President closing the war. I did not want that to go into the record without this explanation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 301 of the World War veterans' act, 1924, approved June 7, 1924, as amended March 4, 1925, is hereby amended to read as follows:

"SEC. 301. Except as provided in the second paragraph of this section, not later than December 31, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, 20-payment life, endowment maturing at age 62, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate in accordance with regulations to be issued by the director, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

"All yearly renewable term insurance shall cease on December 31, 1926, except when death or total permanent disability shall have occurred before December 1, 1926: *Provided, however*, That the director may by regulation extend the time for the continuing of yearly renewable term insurance and the conversion thereof in any case where on July 2, 1926, conversion of such yearly renewable term

insurance is impracticable or impossible due to the mental condition or disappearance of the insured.

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided: *Provided*, That where the time for conversion has been extended under the second paragraph of this section because of the mental condition or disappearance of the insured, there shall be allowed to the insured an additional period of two years from the date on which he recovers from his mental disability or reappears in which to convert.

"The insurance except as provided herein shall be payable in 240 equal monthly installments: *Provided*, That when the amount of an individual monthly payment is less than $5, such amount may in the discretion of the director be allowed to accumulate without interest and be disbursed annually. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per cent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than 240 months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.

"If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the war risk insurance act, or Title III of this act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: *Provided*, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life insurance fund.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924."

With the following committee amendments:

Page 1, line 7, strike out "December 31, 1926," and insert "July 2, 1927."

Page 1, line 8, after the word "term," insert the words "yearly renewable."

Page 2, line 13, strike out "December 31, 1926," and insert "July 2, 1927."

Page 2, line 14, strike out "December 31, 1926," and insert "July 2, 1927."

Page 2, line 18, strike out "1926" and insert "1927."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11719. An act entitled "An act granting the consent of Congress to Kansas-Nebraska-Dakota Highway Association to construct a bridge across the Missouri River between the States of Nebraska and South Dakota."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3802. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Little Falls, in the State of Minnesota; and

S. 3803. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort, on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America;

H. R. 7911. An act to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.;

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; and

S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia."

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3802. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Little Falls, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 3803. An act granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

BRIDGE ACROSS THE MONONGAHELA RIVER, ALLEGHENY COUNTY, PA.

Mr. BURTNESS. Mr. Speaker, I present House Concurrent Resolution 29, and ask unanimous consent for its imm[illegible]e consideration.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of a House concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 29

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 8513) entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa."; that upon the return of said bill to the House of Representatives the action of the Speaker and of the Vice President in signing said bill be rescinded, and that in the reenrollment of said bill the word "thereof" in the last line of section 1 of the enrolled bill be stricken out and the word "hereof" be inserted in lieu thereof.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COAL SITUATION

Mr. WYANT. Mr. Speaker, I ask unanimous consent to extend my remarks on the coal situation in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the coal situation. Is there objection? [After a pause.] The Chair hears none.

Mr. WYANT. Mr. Speaker, the excessive zeal shown by some Members of this body and some Members of the Senate to jam coal legislation through in the crowded hours of a session of Congress drawing to its close has aroused so much curiosity on my part that I have been searching diligently for an explanation of their insistence. I do not believe that any

Member of this honorable body is inspired by any motives except those which relate to conscientious public service, but I am constrained to express the belief that in their zeal to protect their constituents from a repetition of the slight inconveniences experienced in the past they would unconsciously and unwittingly precipitate a condition fraught with extreme danger to all business, be it coal or otherwise. Not only do I want you to consider the length of the step which these zealots urge us to take, but also I call your attention to the fact that the step urged to be taken is in the direction of governmental control of industry.

Except from the North Atlantic seaboard, where the recent anthracite strike may have caused a slight amount of inconvenience, and from certain bureaus and offices in Washington whose importance would be greatly magnified by the enactment of the legislation that has been proposed, I find little disposition on the part of the public or on the part of Members of this House to jam through with such unseemly haste revolutionary legislation affecting an industry of the magnitude of the one under attack. I want to enter my protest in the strongest terms against this attempt to make the bituminous coal industry the football of personal or party politics.

As I have listened from day to day to those who have appeared before the Committee on Interstate and Foreign Commerce, I have reached a number of well-founded conclusions with respect to this legislation. I may sum them up in a few brief sentences: Nobody, excepting the relatively small number of person referred to above, takes any interest in it; neither of the factors engaged in the production of coal—capital, as represented by operators; or labor, as represented by its organization—desires it or believes that its effect would be beneficial to the industry or the public; there is nothing about the recent performance of the bituminous coal industry or about the prospect for the future which calls for such unprecedented action on our part; if conditions in the industry were as bad as the most ardent advocates of this legislation have painted them, the measures under consideration do not hold any promise of improvement; finally, it is certainly our duty as Representatives of the people to take long and careful thought before we adopt legislation involving such radical and unprecedented treatment of private industry, and above all not to be stampeded into such hasty action by those who believe that the political interests of individuals or party may be advanced thereby. I will take a few minutes to justify each of these statements.

With respect to my first claim that this whole anticoal agitation has its origin and source in a small section of the country, and that on the part of only a few legislators and without sound warrant I need only call your attention to the fact that the sponsors for the two bills most prominently before the Congress—the Copeland bill in the Senate and the Parker bill in the House—are from the section of the country just referred to. One hales from New York City and the other, our able chairman, from Salem, N. Y. May I not at this point fittingly take occasion to pay a deserved compliment to the distinguished Member of this body who heads the Interstate and Foreign Commerce Committee. His characteristic desire to be eminently fair on all subjects which come within his jurisdiction has been evidenced in our consideration of this question. Regardless of his personal viewpoints he has pressed unflinchingly for a complete exposition of the entire matter, this so-called "coal problem," which I contend is not a problem any more than meat, clothing, shoes, and numerous other commodities. But the point I desire to stress here is that because contention has been made that coal was a "problem," Chairman PARKER, as a faithful public servant, proceeded to bring the facts to light. It is on the basis of the facts which were brought to light that I contend to-day there is no problem, and on the basis of those cold, uncontrovertible facts I make this statement.

What is the reason for this local agitation? I need not tell you that it is an aftermath of the recent anthracite strike. I have yet to hear of any hardship or distress occasioned by that strike which would justify calling it an emergency, although I have been fed up with absurd tales of explosions and suffocations resulting from the domestic use of bituminous coal and with fanciful attempts to connect most of the ailments of the season, such as influenza, pneumonia, and the like, with the burning of that coal. In view of the fact that at least three-fourths of the country in area is dependent entirely upon bituminous coal for its domestic heating and has managed to escape the dire consequences which some of our antibituminous zealots have discovered or anticipated, I have little patience with absurd stories of this nature.

I have no doubt that a few conservative New Englanders were terribly shocked at the necessity of having to change a habit of a lifetime and burn an unaccustomed fuel. I can well believe that to people of their disposition such a necessity appeared as nothing less than a moral and political upheaval. To the rest of us it seems like a small matter to become excited about. Certainly it furnishes no justification for the attempt of the representatives of these people to force upon us legislation involving radical departures from our traditional attitude toward purely private business.

In support of my statement that neither of the parties most directly interested in this measure is in favor of it, I need only refer briefly to statements made by representatives of the two parties who appeared before the Committee on Interstate and Foreign Commerce. You have doubtless all read, and if you have not, I recommend to your special consideration the thoughtful paper presented by Mr. Harry L. Gandy on behalf of the bituminous operators' national organization, the National Coal Association. The main part of his argument was directed toward the question of the constitutionality of the provisions of the proposed bill. Incidentally, however, he made it very clear that the operators did not believe that there was anything in the bituminous coal situation that justified such radical innovations as this bill involves, or that the adoption of the plan elaborated in the bill would in any way improve the situation. Every other operator who appeared before the committee expressed approval of Mr. Gandy's position and submitted further evidence in its support. The only dissenting opinion came from a man operating railroad mines, whose attitude and sympathies may well be assumed to have been influenced by his railroad connections.

It may not seem strange that bituminous operators are unwilling to have their industry branded as especially in need of governmental supervision or should object to opening their private business records to the inspection of representatives of the Federal Government. It is interesting to find that the representatives of the mine workers held substantially the same view, and their position came as a surprise to many members of the committee. I am going to quote at some length from the evidence submitted by them in order that there may be no lingering feeling on the part of any Members of this body that legislation of this sort is desired by the powerful mine workers' union or by organized labor in general as represented by the American Federation of Labor.

As you all know, the ostensible purpose of the bills now before Congress is to minimize the danger of strikes in the coal industry and to protect the country from the direful consequences of a general coal shortage. The former purpose it seeks to accomplish by setting up a new method of conciliation and arbitration. How does that proposal appeal to representatives of the United Mine Workers?

When Mr. Phillip Murray, international vice president of the United Mine Workers of America, was on the stand, he was asked by Mr. Newton the following question:

> Now, with reference to this question of arbitration, are you opposed to any legislation in connection with the question of arbitration of these disputes?

Mr. Murray replied:

> Yes, sir; we are. We stand unalterably opposed to any legislation that has for its purpose arbitration.

Later on Mr. Thomas Kennedy, international secretary-treasurer of the same organization, in discussing this provision for preventing strikes, used the following language:

> The thought occurred to me that we have a department to-day under the Government that has that statutory duty imposed upon it, namely, the Department of Labor; and I want to inform the committee that from 1916 to 1920 the Department of Labor mediating in the anthracite industry was able to adjust every difficulty that arose at the expiration of the contracts from 1916 to 1920. On one occasion the Department of Labor induced both sides to agree to arbitration.
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> Now, I do not know whether the Department of Labor has ceased to function in these matters or not, but the thought occurred to me that the department was created for that very purpose, and it seems that to go beyond that—to go beyond the functions of the department—is within itself creating some form of compulsion.

With respect to the second provision of the bill, that intended to ward off suffering or hardship at the time of a coal strike, Vice President Murray expressed equally positive objection. He was asked by Mr. Newton:

> What is your position in reference to legislation to meet a possible future emergency as to powers to be given to the President?

And Mr. Murray replied:

> We do not favor that; we are opposed to it.

The general position of organized labor, outside the bituminous industry itself, was ably presented by Mr. Edgar Wallace,

representing the American Federation of Labor. His discussion of the need of this kind of legislation and of the way in which it would work is so keen and his views have so much significance because of his representative position that I am quoting from them at some length. I recommend especially to your consideration the first quotation in which Mr. Wallace points out that the setting up of a board of conciliation or arbitration by outside agencies will diminish rather than increase the probability that the representatives of the operators and the miners will be able to work out an agreement for themselves. His testimony reads as follows:

Let me say in passing that there has been no general coal strike from 1897—and then it was not complete; the country was not affected—until 1919, and I can distinctly trace the emergency at that time, or the strike at that time, to Government interference during the war emergency. There would have been no strike then, in my opinion, if the industry had not been interrupted by the necessities of the war.

Men meet in conventions. The workers meet in their conferences, ex parte among themselves, and there we frame certain demands. Now, we do not expect to achieve all of our demands, neither do the operators expect to achieve all of their demands. We bring our demands together; and if unhampered, we gradually drop one demand, then another demand, until we compromise and get together. That is the case when there is no danger of a tribunal anywhere on the horizon.

If, however, a law should be framed that under certain conditions there shall be a tribunal; that the President can declare an emergency, and then some certain set of men, a governmental body, if you will, shall take over the adjustment or the adjudication of our demands, of our controversies, every case that comes up, every agreement that expires, and we have to meet a form of new agreement, eventually will go to that arbitration board, however it may be fixed.

Men can not compromise when there is a final court of adjudication in sight. Their minimum demands will become their maximum demands before this board, and so I want the committee to understand because this is the premise of anything else I might say, that if there is an arbitration board anywhere, and I do not care how far distant you might put it, every case that may come up will go before that arbitration board. Men can not compromise when they have to go before a tribunal eventually and present their case.

That organized labor, as represented by Mr. Wallace, opposes all the provisions of this bill because of their conviction that in the long run they would not work out to the advantage of labor or of the country may be seen from the following quotations taken from other parts of Mr. Wallace's testimony. In one place he says:

Now, gentlemen, there is not such an emergency as might seem to the minds of some of the members of this committee. Since 1902 in the anthracite region, when we had a fight in order to accomplish joint negotiations to make the operators see that it is fair and equitable that the men should have some word to say with reference to their conditions of employment, there had been no strike until 1919. I doubt if the last strike would have happened if it had not been for the fear or the hope—and I rather believe it was fear—that eventually this would be brought before a Government body, and the same is true in the bituminous industry.

I believe the men in the bituminous industry and in the anthracite industry, the representatives of the workers and the representatives of the companies, can come nearer to bringing about an equitable settlement than any other body of men, even though it be in the case of voluntary arbitration.

That Mr. Wallace's objection to the bill extends even to its so-called fact-finding provisions may be seen from the last quotation that I shall make from his interesting testimony. He states specifically:

Now, Mr. Chairman, we deny that there is any necessity for legislation. We claim that, in so far as the courts will permit you, you now have the power to demand facts. The operators have men capable of presenting alleged facts. They will compile them for you. I do not know how near true it is, but I understand that they will refuse to let you look into their books, and in their refusal they have been supported by the courts of the country.

I am sure I have brought forward sufficient evidence to prove that neither the operators nor the mine workers are in favor of the legislation embodied in the bills now before Congress. I am not one of those who believe that the statements of men occupying responsible positions in such dignified organizations as the National Coal Association or the American Federation of Labor are shaped entirely by what may be called the selfish interests of their own groups. They are opposed to this legislation because they believe—and they surely have reason to know if anyone has—that no good can result from this attempt of the Federal Government, through the bungling agency of bureaucratic employees, to determine or even officially influence the course of negotiations between them on the occasion of wage conferences. On the contrary, they both believe, and both express their belief in unmistakable terms, that more harm than good would be brought about by such intereference.

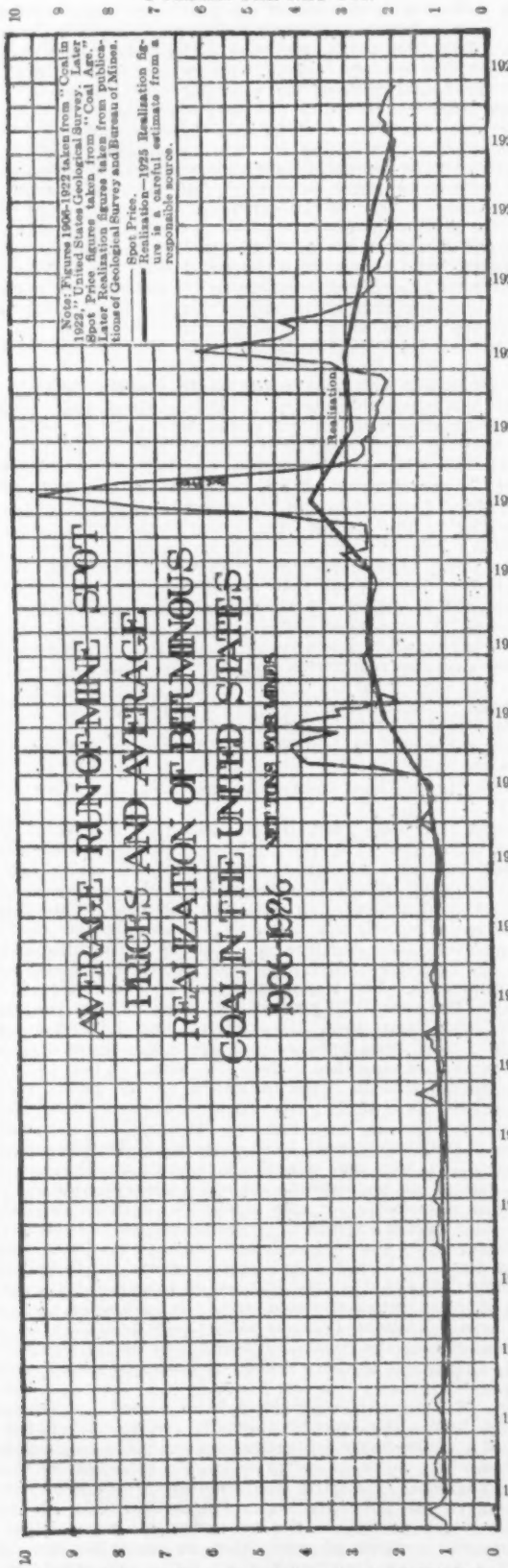
If it is true that neither of the parties to wage conferences in the coal industry see any hope in the proposals contained in these bills, but on the contrary regard the as worse than useless, where are the people who believe in the legislation, and what sound reasons do they advance for their belief? Judging from the record of the hearings before the Committee on Interstate and Foreign Commerce there are only three classes of people actively working for this legislation; namely, Members of Congress representing districts where the effects of the recent anthracite strike were most felt, persons in and out of Congress who believe in the extension of governmental participation in private business even to the point of governmental operation of industry, and agencies of the Government in Washington who see in the inauguration of the elaborate and expensive fact-finding and emergency machinery provided for in this bill, opportunity to secure larger appropriations and greatly augmented staffs of employees. What are the facts as to the need of such legislation and the benefits to be expected from it?

The statement has been made so frequently that the bituminous coal-mining industry is disorganized and inefficient that the average man on the street has come to believe that there must be something in it. I am here to maintain that from all essential points of view the bituminous coal-mining industry is one of the most efficiently functioning industries in the country. I come from an important bituminous coal-producing district in the largest bituminous coal-producing State in the Union. I have had unexcelled opportunities to observe the way in which that industry functions. I maintain and propose to show that in the long run no industry is more stable, the seasonal character of the demand for its product being considered. I have here a chart which shows over a long period of years the average spot price charged by mine operators and the average realization obtained by mine operators for coal at the mouth of the mine. These figures are taken from the official publication of the United States Geological Survey entitled "Coal in 1922," and from Coal Age, a reputable and disinterested coal-trade publication. I want to call your attention to the fact that for decades before the outbreak of the war those price lines showed an astonishing degree of uniformity:

Between the years 1880, the earliest year for which figures are available, and 1915, the highest realization recorded was $1.25 per ton, and its lowest figure was 80 cents. Because bituminous coal was a war essential and one needed for a great variety of ultimate purposes, the operation of the industry was particularly seriously upset by war conditions. After the war was over labor disturbances both in the mining industry and in the railroad industry brought about short-lived periods of car shortages. But if you will look at the course of these lines since the year 1920 you will see how rapidly the fluctuations in price have been disappearing and how steadily the price lines have been approaching again the horizontal condition that they maintained before the war. What caused the violent fluctuations in price indicated by the peaks recorded between 1916 and 1923? Superficially it was labor disturbances; at bottom it was Federal intervention. It was the attempt of the Government to exercise an influence, sometimes in an organized way and sometimes through unofficial contacts, on the course of negotiations between miners and operators which was responsible for this condition. I maintain that the sort of interference exercised by the Government in 1920, 1922, and 1923—exactly the sort of interference proposed by the conciliation and emergency provisions of these bills—instead of shortening the period of disturbance or alleviating its severity worked in exactly the opposite way. But whatever may have been the case in 1920, 1922, or 1923, there is to-day no emergency confronting the Nation on account of any interruption in its coal supply, nor is there reason to anticipate such an interruption in the future.

Let me back up this claim by a brief account of the course of events during the recent anthracite strike. When the possibility of a strike became practically a certainty in midsummer 1925 there was a slight advance in the price of bituminous coal at the mine. I regard this advance in price under such circumstances as not only natural but desirable. It is the incentive which brings to the consumer in the shortest possible time the supplies of coal which he needs for the future. In such a so-called emergency what the public wants is coal and not necessarily coal at a particular price, and the bituminous mining industry is so absolutely free from any taint of monopoly and so adequately equipped to meet sudden de-

mands for its product that the loss of anthracite output caused by the strike was made up, and more than made up, by an enlarged output of bituminous coal. Whereas the output of



anthracite coal in 1925 declined by about 26,000,000 tons, the output of bituminous coal increased by no less than 39,000,000 tons, and the country as a whole, provided it was willing to use available fuel, experienced no industrial hardship or personal privation on account of the strike.

This is the most significant phase of the history of the strike. The spot price of bituminous coal at the mine in midsummer 1925 reached the lowest point touched since 1916, namely, $1.93 a net ton. Upon the outbreak of the anthracite strike consumers began to bid against one another for bituminous coal as a substitute, with the natural result that the mine price slowly rose. On November 23 it had reached $2.32 a net ton. A considerable part of this 40-cent increase was only the usual seasonal advance with the approach of winter. But I want to call your attention to the way in which the industry responded to the shortage caused by the lack of anthracite. So rapidly did the output of bituminous coal increase that, although no end of the strike was in sight in the middle of November, so much coal was offered on the market that the price again began to decline, and in spite of the growing scarcity of anthracite during the remaining 12 weeks of the strike bituminous coal was selling during the last week before the signing of the agreement at only $2.14 a net ton.

I ask you in all seriousness how many industries there are in the country that could have met a similar demand upon it for unusual service with as complete satisfaction? Surely the complete stoppage of anthracite production ought to create the kind of an emergency contemplated by this bill, and yet we have just passed through such a period—the longest interruption known in the history of the country—and only the imagination of popularity-seeking legislators can find in the history of that period any such interruption of the service of the industry to the country as could properly be called an emergency.

We have been told over and over again by advocates of coal legislation that we are face to face with a possible interruption in our supply of bituminous coal with the termination of the existing wage contract in the union field. Let us consider for a moment how great an emergency would be created by the total closing down of union mines. I am reliably informed that at the present time not over 30 per cent of the output of bituminous coal week by week is coming from mines operating under an agreement with the union. Moreover, the record of time worked and mines operating on part time in nonunion fields is clear evidence of the fact that the output of those fields could be largely increased should occasion demand. What then would the closing down of union mines producing 30 per cent of our weekly output of 10,000,000 tons impose as an added burden upon nonunion mines? Obviously it would be approximately 3,000,000 tons a week, if it is assumed that the full average weekly production must be kept up during the strike. We all know that that is not necessary; that the country always enters such a period with large stocks of coal in consumers' hands; and that a considerable deficit in weekly production can be taken care of for many weeks out of existing stocks.

During the anthracite strike the bituminous industry took care of a weekly deficit of 2,000,000 tons caused by the anthracite suspension and took care of it so superabundantly that before the strike was half over bituminous coal was offered in such large quantities that the price at the mine began to fall. Does anyone doubt that if the anthracite industry was in full operation and the union bituminous mines ceased running, nonunion mines of the country, now producing 70 per cent of the weekly output, could expand their production sufficiently to care for the 3,000,000 tons that would be lost by the suspension of union operation?

In my opinion this emergency talk is about 50 per cent bunk, resorted to for political purposes, and about 50 per cent honest timidity, engendered by our experience during the troubles five years following the war. There is no emergency confronting the industry either to-day or in the future which can not be taken care of through the ordinary processes of industrial activity, and which would not be more quickly terminated through those agencies than through any attempt on the part of the Government to substitute its dictation for the voluntary action of the industry.

We have on our statute books already laws requiring that reports be made by various industries to Federal agencies, and it may be asked why there is any particular innovation in inaugurating the same system for the bituminous coal industry. Those who ask that question fail to appreciate the seriousness of the step which it is here proposed to take. In all other instances in which such powers have been bestowed upon the agencies of the Government, it has been justified on the ground of an attempt more or less successful to establish a monopoly in the industry or on account of the public utility character of the industry. We are now asked to extend this system for

the first time to an industry which we are assured on the authority of Chief Justice Taft himself is a purely private industry and one in which no intelligent man suggests that there is even a hint of monopoly.

Monopoly in the mining of bituminous coal is unthinkable. Coal deposits are so abundant and so widely scattered, coal-mine operators are so many in number, undeveloped coal lands are so easy of access and low in price that the slightest tendency toward the exaction of monopoly profit in the industry would see an expansion of output that would break down monopoly control in short order. In fact, what further evidence of the unrestrictedly competitive character of the industry is needed than the fact cited above in my analysis of the effect of the anthracite-coal strike? If there was ever a time when a monopoly might hope to profit through a sudden expansion in the demand for its product it was during that time, and yet, as I have pointed out, so rapidly did the bituminous output increase that from the middle to the end of the strike was a period of falling prices and not of rising prices.

If we impose this system of compulsory reporting to a Federal agency and of elaborate governmental machinery for handling wage disputes and coal distribution during wage negotiations, we are inaugurating a new practice and one to whose extension it will be impossible to set any limit. It is new, because for the first time it is extending the punitive, not the paternal, hand of Government over people engaged in purely private business affairs. The arguments that justify the imposition of this system upon the coal industry to-day will justify extending it to the boot and shoe industry, the iron and steel industry, the cotton industry, or the paper industry to-morrow.

In view of the seriousness of the step that we are urged to take, it is surely not too much to ask that time should be given to study the question from all sides. The most timid advocate of this legislation can not foresee any emergency in the industry before April, 1927. I have attempted to show that facts do not justify any anxiety over the condition that will then arise; but even if such fears had any basis in fact, why is it necessary to insist upon embarking on this uncharted legislative sea during the closing hours of a long session of Congress, when so many questions of the first magnitude remain to be settled that time for adequate discussion of the questions involved in this legislation is absolutely lacking. Is it not obvious that the motive is not the social or economic well-being of the people, but the political fortunes of certain Members of Congress? For no other reason is there need of such haste in a matter of this great importance.

This whole outcry for emergency legislation is based on the assumption that the bituminous mining industry is particularly liable to interruption by labor difficulties. If we were legislating during the strike of 1922 with the serious coal shortage of 1920 but two years behind us, it might well be that we would lack the perspective to see that that condition was not characteristic of the industry. On the contrary, during its whole history from the first inauguration of the United Mine Workers to the outbreak of the war, there was not a single strike in the bituminous fields that even approached a national emergency and only one sufficiently widespread to cause even local difficulty. Why is it assumed that the history of the industry in the future will differ so much from its past experience?

I believe with Mr. Wallace that in the future as in the past the attempt of the Government to take a hand in wage negotiations or in the handling of coal during such negotiations will protract the period of suspension of operation, and I also believe that the knowledge on the part of operators and mine workers that a tribunal is in existence or will be set up where they can make final appeal will lead both sides to make more sweeping demands and to be more obstinate and less conciliatory in their dealings with each other. Considering these facts, considering that in the past the industry has been singularly free from labor disturbances and that the situation in the industry to-day makes it reasonable to expect that such disturbances will be infrequent in the future and the further fact that in the past and I believe in the future governmental interference will do more harm than good I ask why this excessive haste in attempting to push revolutionary legislation of this kind in the closing days of our session.

I want to amplify the point to which I have several times referred, that if the outlook for the industry and for the people dependent upon an uninterrupted supply of coal is as serious as the advocates of this bill portray there would still be no advantage in adopting the plans outlined in the bill. Fortunately we are not dependent upon abstract considerations for our justification of this position. We have in the history of the relation of the Government to the mining industry in Great Britain an example that should serve as a warning to Members of Congress who do not belong to that class that can learn only from their own experience.

It is very significant that all those who favor the extension of governmental control of American business enterprise, even to the point of governmental operation of industry, are active in urging the inauguration of fact-finding activities by the Federal Government. They realize that fact finding is a prelude to governmental interference, though many misguided people have been persuaded to fall in with the demand for a Federal fact-finding agency for the coal industry because they fail to realize that fact, and sincerely believe that the system may be used as an aid to those engaged in the industry in solving their own problems.

To those short-sighted advocates of Federal activity along this line the record of the relation between the Government and the coal industry in Great Britain and the lamentable condition in which the industry is now placed, may be recommended for consideration. Fact finding in England has led to more and more governmental meddling, and has finally landed the industry in the almost hopeless condition in which it is found to-day.

Governmental watchfulness over the coal industry in Great Britain began early in the nineteenth century, but was for some decades confined to measures calculated to promote safety or to restrict the employment of women and children in the mines. As long ago as 1887, however, when the first general act dealing with the industry was enacted known as the coal mines regulation act, the Government began to participate in the regulation of wages in the industry and to require such reports as would enable it to perform that function.

From that time to this there has been a gradual increase in the amount of interference with the industry by the Government and a corresponding increase in the volume of statistical reporting required from the operators. A mere enumeration of the general acts of Parliament dealing with the industry will show what governmental interference involves:

Coal mines regulation act, 1887.
Coal mines regulation act, 1908.
Coal mines act, 1911.
Coal mines (minimum wage) act, 1912.
Coal mines act, 1914.
Coal mines regulation (amendment) act, 1917.
Coal mines act, 1919.
Mining industry act, 1920.

The number and frequency of acts of Parliament dealing with the industry indicate how visionary is the hope that a solution for the problems of such an industry can be found by legislation. Between the years 1908, when the modern system of regulation began, and 1920, the date of the last general act, no less than seven acts of a general nature were adopted, an average of more than one for every two years.

The act of 1920 calls for information from the operators covering nearly as many subjects as the active imagination of Senator ODDIE brought together in his proposed fact finding bill. Among the subjects on which they must report are included output, shipments, number of days of operation and causes of lost time, quantity and kind of explosives, number of machines, horses and ponies, total and average value per ton of salable coal, prices, costs and profits per ton, number of wage earners by age and sex, shifts worked by each employee, earnings of each employee per shift, per month, and per quarter, accidents with severity and duration of lost time, and, finally, deaths of horses and ponies, with causes.

Certainly the disorganized condition of the British coal-mining industry can not be attributed to lack of information about it. On the contrary, it is due in the last analysis to the interference of the Government with the business, first under the pretext of seeking information, but later as a natural and almost inevitable outcome by attempting to regulate other phases of the industry. In addition to the systematic statistical material furnished the Government by the industry, there has been a large amount of information gathered by two special committees appointed for the purpose of diagnosing the ills of the industry and suggesting remedies. The first of these commissions was appointed in 1919 and made its report in 1920. This report, commonly known as the Sankey report, tabulated a tremendous amount of statistical material obtained from the operators. The second report is that of the Royal Commission on the coal industry, appointed and making its report in 1925, which again worked up a large volume of statistical material.

If so-called fact finding by a governmental agency contains any virtue as a cure for the ills of the coal industry, the British industry should show the beneficial effects of that treatment. What we find, on the contrary, is, in brief, the more fact finding the more interference, and the more inter-

ference the greater amount of unrest and disturbance and the greater cost to the taxpayers of the country. The total amount of subvention given the industry by the British taxpayer has amounted to well over $300,000,000. Both operator and miner have shared in this bounty. It has been endured by the British public because they are conscious that it has been made necessary to offset the losses endured by the industry as a result of governmental interference.

"Fact finding" has an innocent sound. In itself it would do neither good nor harm beyond imposing very substantial costs upon those making the reports. But fact finding is not an end in itself. It will inevitably lead, and in the minds of many of those actively urging it, is intended to lead to regulatory measures dealing with the industry. The British experience demonstrated that fact and demonstrates further that such interference will mean more rather than less disorganization, higher rather than lower costs, and in the end doles from the public treasury to offset the losses caused by the action of the Government.

In view of this British experience how are we to account for the simple-mindedness of those who can see in systematic fact finding of a Federal agency or in sporadic investigations by special commissions any hope of improvement in the general situation. Does not this history clearly corroborate what common sense itself ought to teach us, that in any ordinary so-called emergency created by failure of employers and workers to get together, governmental interference only protracts the disturbance and postpones the final settlement of the difficulty. In the light of this experience why are we being urged to embark so hastily and light-heartedly upon a course which has worked such disaster to the same industry in Great Britain?

Here then are the facts in the situation. From the point of view of public service; that is, of furnishing consumers with an adequate supply of its product at rock-bottom prices, the bituminous coal-mining industry stands out as a particularly shining success. There is nothing about the way in which the industry performs that justifies the ready assumption that it is in a chaotic condition and that interruptions of supply are to be both frequent and extensive.

Those engaged in the industry, both operators and mine workers, agree that they can arrive at compromises and settlements of their disputes more promptly if they are let alone than under any system of Federal interference, and they base that belief on the fact that in the past such interference has only served to protract and render more bitter wage conflicts between them. Why then, I repeat, should the attempt be made to rush us into the adoption of a plan of action open to the following criticisms:

First. It is revolutionary in character as being an attempt to impose upon a purely private and absolutely nonmonopolistic industry the obligation to report on its private business affairs to a Federal agency.

Second. It is of at least doubtful constitutional validity, supported by no judicial decisions and condemned by all the decisions of the Supreme Court which have any bearing on the question.

Third. It is unnecessary because there is not now and does not threaten to be in the future any such serious hardship imposed upon the American people through stoppages of work as might properly be characterized as a public emergency.

Fourth. Even if such emergency were to be anticipated in the future it is agreed by all who are familiar with the psychology of wage negotiations or with the history of recent wage negotiations in the coal industry that the sort of interference contemplated by this bill would make the settlement of the strike more difficult and more remote.

Fifth. It is advocated solely in the interest of the consumers of a minute fraction of the entire output of the industry. The immediate occasion of this agitation was the anthracite strike recently terminated. It is domestic consumers of anthracite and they alone who have succeeded in convincing certain Members of Congress that their political future requires the enactment of this legislation. Of the entire 500,000,000-ton annual output of bituminous coal, 70,000,000 tons may be used by domestic consumers, but from those habitual consumers no protest has been heard. The people who have started this agitation are those who were subject to the dire necessity of substituting for their favorite anthracite coal a different fuel already used by the great majority of their fellow citizens for domestic heating. I ask you in all seriousness whether it seems reasonable or just that because of the dissatisfaction of the consumers of less than 1 per cent of the output of bituminous coal, this great industry should be subjected to the opprobrium of being branded as a public nuisance and to the trouble, expense, and unfair discrimination involved in requiring those engaged in it to report their private business affairs to a public agency.

If the facts that I have been citing are true and if the arguments that I have been advancing are sound, then I am justified in demanding that we be given sufficient time to examine the question from all sides, and that we do not allow ourselves to be stampeded into hasty action either by Members of Congress, whose constituents constitute an almost infinitesimal minority of the consumers of bituminous coal, who have neglected no opportunity in the past to stigmatize the bituminous industry as unorganized and inefficient, and who are now seeking to capitalize the sentiment thus worked up in the form of increased appropriations and enlarged powers for their own departments.

Secretary Hoover, who is, in my judgment, by reason of his profound study of the question, qualified to speak on this subject, made the following statement at a hearing before the Interstate and Foreign Commerce Committee:

> The anthracite industry has taken the first steps of substantial peace in the industry over a term of years. * * * Our major interest must be the bituminous industry. If the unionized section of that industry could set up its own mediation board in the same terms as the anthracite industry, I believe Congress would be well justified in suspending any legislative action. * * *
>
> Most of our great industries upon the continuous functioning of which the public is entirely dependent—and there are a half dozen of them—have managed over a course of years to find a solution of their labor relationships. * * * The bituminous coal industry is practically the only one that has not found some such solution. * * * My own feeling is that it might be quite well to give these folks an opportunity to see whether they can set up some sort of machinery of their own.

The railroads and their employees have devised a plan for settling all their industrial disputes and with but slight modifications that plan was written into law; the anthracite operators and their employees have devised a plan assuring industrial peace in that industry for a long period of time; and I now urge the Congress of the United States to follow the dictates of sound judgment and give the bituminous coal industry an opportunity to solve its own problems.

PRESERVATION OF THE INDEPENDENCE OF THE FEDERAL AND STATE JUDICIAL AND POLICE SYSTEMS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to address the House for one-half a minute on House Joint Resolution 262, which I have just introduced.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House for one-half minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend these remarks by printing herewith for information House Joint Resolution 262.

In view of the statements contained in the second Republican platform, and in view of the declaration of local self-government and separation of the powers of the judiciary of the Federal Government and of the States, repeatedly enunciated by the leaders of the Republican Party; and in further view of the statement of local self-government made by President Coolidge at Williamsburg, Va., I feel that the recent order authorizing the appointment of State policemen, sheriffs, and deputy sheriffs as Federal prohibition enforcement officers was issued without due consideration, and undoubtedly will be revoked within the next few days.

If such order is not revoked within the next few days, I shall ask for immediate consideration of the resolution (H. J. Res. 262) I have just introduced, which I consider to be a privileged resolution, since it deals with a matter relating to the fundamental rights of the Federal Government and of the States under the Constitution, and thus presents a constitutional question of the highest privilege.

The SPEAKER. The gentleman from Maryland asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object——

Mr. HILL of Maryland. It is done.

Mr. JOHNSON of Washington. I would like to know what right the gentleman has to read the remarks in such a low tone that nobody could understand what he was saying, and who now states that "it is done," and he asks unanimous consent of the House to extend his remarks?

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. I object.

Mr. HILL of Maryland. I thought I had unanimous consent to address the House for a half minute.

The SPEAKER. Yes; but not to extend remarks. The gentleman from Maryland asks permission to extend his remarks.

Mr. HILL of Maryland. The reason I can not speak louder is because I have a very bad sore throat.

Mr. JOHNSON of Washington. I recognize that; but I think the gentleman's resolution had better go over to another day.

The SPEAKER. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, I object.

TO REGULATE TRAFFIC IN MILK BOTTLES, ETC., DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the unfinished business on the Speaker's table.

The SPEAKER. The unfinished business before the House is the bill H. R. 6728, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6728) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes.

The SPEAKER. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRANCH BANKING

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2, with the amendments of the Senate, to disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 2, to disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. MORTON D. HULL. Mr. Speaker, reserving the right to object, I would like to address some questions to the gentleman from Pennsylvania, chairman of this committee. The House went on record twice in favor of certain provisions in the banking bill in reference to branch banking. Now, I do not want to make a personal issue with the chairman of the committee or anybody else members of the committee, but I would welcome from the chairman of the committee some declaration as to what his attitude would be in the conference committee with reference to the branch-banking provisions of the bill.

Mr. GOLDSBOROUGH. Of the House bill.

Mr. McFADDEN. Mr. Speaker, in answer to the gentleman's question, of course the conferees have not been appointed, and it would not be becoming for me at this stage of the proceedings to state what the conferees might do. I can state what I would do if I were appointed a conferee. As to the Hull amendments, it is this: As I stated upon two occasions, when the matter was considered by the House at prior dates, that the Hull amendments was a plan that was worked out in the American Bankers' Association by the bankers who were opposed to branch banking and those who were in favor of branch banking.

It was the best thing at that time that could be arrived at, and hence such an agreement, which resulted in the form of the Hull amendments. That is substantially what I stated to the House at the time the bill was under consideration and was passed by the House in conformity with this understanding. There was very little discussion on the Hull amendments because the situation was generally understood. Now, what do the Hull amendments propose? The Hull amendments propose to put a restriction upon the extension of branch banking in the United States. Those of us who rode along with those so-called Hull amendments voted for them because they felt they were a restriction upon branch banking. We did not then consider whether it was the best way to accomplish the purpose or not, but took the agreement of the bankers, supposing that they had worked out the best plan possible to restrict the further spread of branch banking in the United States. The Senate, however, not believing that this was the best plan in considering this matter have stricken out a portion of the Hull amendments.

Mr. MORTON D. HULL. They have stricken out all of it.

Mr. McFADDEN. And they have retained a good deal that was in section 9 of the House bill. The contention of the Representative from Illinois, however, who is sponsor of these resolutions, is that the Senate bill will permit an extension of branch banking, but I would remind him that it would only permit it in States that permit branch banking to State banks and not otherwise.

It is a delicate situation. I can appreciate, which the conferees have to deal with. This is an important banking measure. It is important to the very existence of the national banks of the United States that they have some legislation at this time that will permit them to compete with the State banks which are operating under the laws of the several States of the Union.

Now, the question is, Is the House more interested in the so-called Hull amendments, or is it more interested in a restriction, or a better restriction, on branch banking that the Hull amendments provide? If I am appointed as one of the conferees here, I am going to abide by the decision of the House in that respect. I am going to stand for what the House wants in that respect. I believe the House wants a more and better restriction upon branch banking than the Hull amendments provide.

I will say further to the gentleman from Illinois that if in the consideration of this matter in conference this question of a change in the restrictions on branch banking comes up it will be my purpose to insist that the House shall have a chance to vote on whatever provision may be deemed necessary in conference. I make that statement clear and distinct to the House, that it shall have an opportunity to vote before the House provisions are liberalized.

I think it would be a great mistake to instruct the conferees in this instance. It is an unusual thing to do. Personally I should consider it almost as an affront on the chairman of the committee. I am hoping that the House will not instruct the conferees, but will permit a free conference, as I believe fully that an agreement can be reached in conference that will be satisfactory to the antibranch bankers of the country and in accordance with what the House wants in that connection.

Have I answered the gentleman fully?

Mr. MORTON D. HULL. Not fully; but I will yield the floor to the gentleman.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. RAMSEYER. The gentleman from Pennsylvania has referred to the situation as delicate. I regret he has made it personal. The House has gone on record here most emphatically respecting the Hull amendments. The opposition to branch banking, which has twice passed the House heretofore, has come not from those who favor branch banking, but from those who oppose extending branch banking further than the Hull amendments permit. Is not that it?

Mr. McFADDEN. I will say to the gentleman that both the House and the Senate bills restrict branch banking. The so-called Hull amendments permit branch banking in 199 cities in the United States. I think it is possible to restrict it to a lower number. But I am not going to argue that question with you. I will state to the House and to the gentleman from Illinois [Mr. MORTON D. HULL] if any changes have to be made, in the Hull amendments in the way of enlarging or increasing branch banking that the House shall have an opportunity to vote on the Hull amendments, or the new provisions that the conferees work out.

Mr. RAMSEYER. As to the details of what the Hull amendments provide, I shall leave that to the gentleman from Illinois [Mr. MORTON D. HULL]. The parliamentary situation it seems to me is this, that the House having twice gone on record in favor of the Hull amendments, and if it is opposed to anything more than the Hull amendments and the Congress, facing adjournment—I do not know whether it is two weeks or a month from now, but we are now in the closing days or weeks before adjournment—in view of the attitude of the House heretofore, would it not be advantageous, not only to the conferees, but to the body at the other end of the Capitol that it be understood not only by the conferees on the other side but by the country, that the House intends to insist on its attitude heretofore taken on the question of branch banking? [Applause.]

Mr. BEEDY. Mr. Speaker, will the gentleman yield to me?

Mr. RAMSEYER. Yes.

Mr. BEEDY. The gentleman from Iowa is always fair and always gives an intelligent expression of his views whenever he chooses to speak in the House. As one member of the committee, I think I owe it to him, as well as to the House, to say that the issue of branch banking is not involved in the disagreement as to whether we ought or ought not to adopt the Hull amendments. Whether the Hull amendments are in or out of the McFadden bill, that bill as a national policy would restrict state-wide branch banking and permit branches to Federal reserve member State banks and national banks only in cities. Whether the Hull amendments are in or out of the

bill, no branch banking would be permitted to city banks in any rural community.

The advocates of the Hull amendments have, I think, innocently confused the issue and led the House to misunderstand what is and what is not involved in the Hull amendments.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield to me?

Mr. McFADDEN. I will.

Mr. McLAUGHLIN of Nebraska. I wish to say that I talked this matter over with the chairman a few days ago, and the statement then was about what it is to-day. I understand the chairman desires freedom to work out this situation perhaps in a better way than the Hull amendments provide. I, for one, do not feel at the very beginning like instructing the conferees, when we have the promise that when the proper time comes the House will have the right to vote on the very question at issue.

Mr. JACOBSTEIN. What would be the attitude of the Senate, in the gentleman's opinion, in this matter if the House should instruct you?

Mr. McFADDEN. I can not say as to that.

Mr. JACOBSTEIN. What is the probability?

Mr. McFADDEN. The precedents show that the Senate in the past has refused to go into conference.

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BEEDY. I will say to the gentleman from New York [Mr. JACOBSTEIN] that I have heard it rumored that inasmuch as instructions to the conferees would be inconsistent with the purpose of a conference, the Senate is said to be unwilling to enter a conference if we insist upon instructing our conferees.

Mr. CRISP. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. CRISP. I always favor a free conference, and if I understand the gentleman's position, it is this: That if he is one of the conferees he will seek to maintain the position of the House as to the restriction of branch banking; but if, in the consideration of the amendments, it is necessary for him to yield some or make some compromise in order to get legislation, that before he, as a conferee, will consent to that he will come back to the House and ask instructions as to whether or not he should agree to those provisions.

Mr. McFADDEN. I will say to the gentleman that is my position.

Mr. HASTINGS. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. HASTINGS. Am I correct in this interpretation of the so-called Hull amendments: Do not the Hull amendments restrict branch banking to those States where the present law permits it and does not the Senate amendment extend it?

Mr. McFADDEN. No; it does not restrict it in the State where the law now permits it, except to confine it to the city in which the parent bank is located.

Mr. HASTINGS. But in States where branch banking is permitted by State laws at the present time? Is not that correct?

Mr. BEEDY. If the gentleman from Pennsylvania will permit, I will answer the gentleman's question in this way: The McFadden bank bill, without the Hull amendments, recognizes the question of branch banking as a purely local question to be passed upon by State legislatures. Wherever State legislatures now prohibit branch banking, there the McFadden bill prohibits branch-banking privileges, even in cities. Wherever the State laws permit branch banking, there the McFadden bill permits it, but only in cities. The Hull amendments in no way affect that situation except as they would use the coercive power of the Federal Government over State legislatures respecting future action relative to the establishment of branch banks.

Mr. HASTINGS. That is the question I wanted to ask. Suppose the Hull amendments are retained in the bill——

Mr. MORTON D. HULL. Mr. Speaker, who has the floor?

Mr. HASTINGS. Do they not limit branch banks to those States where the present laws of the States permit branch banking?

Mr. RAMSEYER. The Hull amendments limit branch banking for national banks to States that now permit branch banking for State banks and prohibit its extension to other States absolutely.

Mr. HASTINGS. That is exactly the question I am trying to develop.

Mr. BEEDY. I did not get the gentleman's question.

Mr. HASTINGS. The gentleman from Iowa has answered it, and it embodies my idea of the effect of the Hull amendments.

Mr. BEEDY. What was the gentleman's question? So that we may have it clearly before us will the gentleman give it to us again?

Mr. HASTINGS. What I wanted to know in plain English was this: If the Hull amendments are retained, then branch banking is not extended in those States where the present State law does not permit branch banking? In other words, if any State that does not have such a law at present should in two years, five years, or at any time hereafter, enact a law providing for branch banking, then the Hull amendments would not permit branch banking without some other legislation by Congress? Is that right?

Mr. BEEDY. Yes; and then we would face the same situation which we now face. The national banks, in those States where they change their policy and permit branch banking, would have to come back to Congress and ask Congress to repeal the Hull amendments as to them. In other words, if we adopt the Hull amendments, and subsequently an antibranch banking State wishes to permit branch banking, the Federal Congress would be in honor bound to wipe out the effect of the Hull amendments and put the national banks on an equal competitive basis with State banks.

Mr. HASTINGS. I am not asking what we would be in honor bound to do, but I am asking what would be the present state of the law?

Mr. BEEDY. The Hull amendments do not have anything to do with restricting or extending the branch-banking privilege.

Mr. HASTINGS. I understand from the gentleman from Iowa that they do.

Mr. RAMSEYER. Does not the gentleman from Maine understand that under the Senate amendments, in States where the law prohibits branch banking now, if a law is passed permitting it in the future that the national banks automatically have the same rights as the State banks? In other words, that if the Senate amendments go through you will at once have a bankers' lobby in every legislature of States that now prohibit branch banking in order to bring about legislation to permit branch banking, and in that way you will in a few years extend that system all over the country and thus tend further to monopolize the credit system of the country.

Mr. BEEDY. I think the gentleman is wrong about that. Nothing in the past would justify any such fear. For instance, the Illinois Legislature in 1924, while the possibilities of the branch-banking privilege in the cities were dangling before it, and while this McFadden bill was in the making, passed an antibranch banking bill. The national banks, with whatever lobby they may have had there, were unable to prevent action; but now if you adopt the Hull amendments, if you freeze this present situation, you put a premium upon State-bank charters. The State banks many times outnumber all the national banks in the States. Under the Hull amendments you offer every inducement for State banks to constitute themselves into a powerful lobby to induce their State legislatures to permit branch banking, because the moment such a law is obtained their branch-banking privilege is exclusive and becomes a monopoly.

Mr. RAMSEYER. Under the Hull amendments in States where branch banking is not now permitted, of course, you might have a lobby by the State banks, but you would have a powerful lobby from the national banks opposing the passage of such a law in those State in order to keep the State banks out of the privilege of branch banking.

Mr. WINGO. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. McFADDEN. I yield.

Mr. WINGO. Would the gentleman from Pennsylvania object if I asked unanimous consent to proceed for five minutes without interruption?

Mr. McFADDEN. I will raise no objection.

Mr. WINGO. I ask unanimous consent, Mr. Speaker, to proceed for five minutes without interruption.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman from Pennsylvania [Mr. McFADDEN] a question.

Mr. WINGO. I do not yield to the gentleman from Illinois. My request was to proceed for five minutes without interruption.

Mr. MORTON D. HULL. Mr. Speaker, I have a reservation of objection pending.

Mr. MADDEN. I beg the gentleman's pardon. I did not know the gentleman from Arkansas had the floor.

Mr. WINGO. I thought the gentleman wanted to ask me a question. I did not mean to be discourteous to the gentleman.

Mr. MADDEN. I wanted to ask the gentleman from Pennsylvania a question.

Mr. WINGO. That is all right. I yield.

Mr. MADDEN. The gentleman from Illinois, my colleague [Mr. MORTON D. HULL], asked the gentleman from Pennsylvania, the chairman of the Committee on Banking and Currency, to make a statement as to what his attitude would be in case he went to conference as one of the conferees in respect to the Hull amendments, so called.

I understood the gentleman from Pennsylvania to say that if the bill was sent to conference by unanimous consent, he would have in mind the attitude of the House when it passed the Hull amendments—I want to see whether I got this statement correct or not, because I do not want to make a misstatement—and that any compromise that might be reached in the conference before being agreed to by the conferees would be brought back to the House for a vote. I think what the gentleman from Illinois, my colleague, would like to know, as well as myself, is whether the gentleman from Pennsylvania, as one of the conferees, would agree that before any compromise is finally reached in the conference he will bring the original House provision back and let the House say what it wants to do in respect of the determination of that question in the conference.

Mr. FAIRCHILD. In advance of any compromise?

Mr. MADDEN. Yes.

Mr. BEEDY. The gentleman would not want us to upset the regular procedure of the conference. In other words, I do not understand that anybody expects the conferees on the part of the House to pledge beforehand that they will or will not do anything definitely; and if they will state they will honestly endeavor to secure such legislation as is compatible with the views of the House, that is all we ought to expect of them. Otherwise, what is the purpose of a conference?

Mr. MADDEN. I think there is a good deal of feeling in the House that there ought not to be any compromise until the question comes back, although they may have a tentative outline of a compromise that might be entered into; but before they finally enter into it they should come back to the House for further instructions.

Mr. BEEDY. The chairman always brings back the agreement and asks the House to vote on it.

Mr. McFADDEN. If the gentleman from Arkansas will permit, I would like to answer the question which the gentleman from Illinois [Mr. MADDEN] has propounded. I think I have quite clearly stated to the House already that they shall have an opportunity to vote on any restrictions of branch banking other than the so-called Hull amendments. I will repeat. When the House voted on the so-called Hull amendments they were voting on what they considered to be restrictions on branch banking. If the hands of the conferees are to be absolutely tied, I am fearful of a deadlock in conference. If you have not confidence in the conferees or in me to work out something that will reflect what the House has in mind and which they thought they were voting for when they voted for the Hull amendments, you should choose conferees that will carry out your bidding. I am confident the conferees will work out the intent of the House on the limitation of branch banking, and I am agreeable to submitting to the House and letting them vote on any proposition other than Hull amendments that may be worked out in conference.

Mr. FAIRCHILD. In advance of a definite agreement?

Mr. McFADDEN. In advance of an agreement.

Mr. WINGO. Mr. Speaker, I do not know whether I shall be a conferee, because the branch-bankers' lobby has threatened that they would prevent my appointment as conferee unless I surrendered on the branch-banking question and betrayed the House by agreeing to the Senate amendment; but assuming that I shall be a conferee, I have no objection whatever to stating my position to the House.

In order that you may understand the situation I shall, with your permission, give you a short history of this proposal. A few years ago when this legislation was first suggested there was so much opposition to the proposal that there was little hope of its passage through the House. The proposition then was, so far as this branch-bank question is concerned, to authorize branches by national banks in the city where they are located, provided the State in which they are located permits State banks to have branches. The American Bankers' Association had gone on record more than once against branch banking, and all efforts to get the association to indorse the McFadden bill failed until it was suggested as a compromise that if in addition to authorizing these intercity branches the bill also provide that such authority should be limited to banks in States which authorized branch banking at the time the bill becomes a law. With that understanding the American Bankers' Association agreed to support the bill.

So the bill passed the Sixty-eighth Congress containing the compromise provision, or, in other words, the so-called Hull amendment, but it died in the Senate on account of the opposition of the branch bankers.

This provision became known as the Hull amendment, because at that time the gentleman from Illinois [Mr. MORTON D. HULL] was a member of the Banking and Currency Committee and offered the compromise provision as an amendment to the original proposal.

When the Sixty-ninth Congress convened the gentleman from Pennsylvania [Mr. MCFADDEN] again introduced the bill, and as introduced, and as it passed this House, the bill carried the same provision, which is still referred to as the Hull amendment, although it is a part of the original bill and not an amendment.

Now what is the Hull amendment? The crux of the Hull amendment is the phrase: "At the time of the approval of this act." The theory of those who supported the Hull amendment is this: They are willing that in the States that now authorize branch banking that the national banks in those States shall have branches in the city in which they are located. In other words, their theory is that they are willing to grant this extension of branch banking in the States, provided at the same time you put a check upon the further spread of branch banking.

Now, what does the Senate amendment do? The Senate amendment authorizes the establishment of branches by national banks not only in those States where State banks are now permitted to have branches, but in any other State which may hereafter authorize its State banks to have branches. Now, what is the difference between the House provision and the Senate provision? The House provision, which includes the so-called Hull amendment, frankly intends to check and discourage the further spread of branch banking, or, as the gentleman from Maine [Mr. BEEDY] said, "freeze" the present situation, or "scotch" branch banking where it is now.

Upon the other hand, the Senate amendment frankly is intended to encourage the further spread of branch banking, doing this by insuring that national banks who favor branch banking will join State banks who want branches and encourage the changing of State laws in those States which now prohibit branch banking. I say this is frankly conceded, because the Senate amendment was conceived and dictated by the branch-bank lobby. Their theory is that they can overcome the restraint which has heretofore existed and which has defeated their efforts in 26 States. As the law stands now in 26 States which prohibit branch banking, whenever those who favor branch banking seek to have the State legislature change the law, national banks have no incentive to aid them in their efforts, and the so-called Hull amendment will insure a continuation of the present situation.

On the other hand, the Senate provision just reverses the situation and encourages the national banks who desire branch banking to join State banks who desire branch banking in lobbying through the legislatures of their States laws to authorize them to establish branches.

Now, gentlemen, I think that is a fair and accurate statement of the major difference between the House and the Senate. There are many other provisions in the McFadden bill other than the branch-bank provision which national bankers are very anxious to see enacted into law, and they are fearful that in the contest over the branch-bank question the bill will be defeated. I have frankly told them what I say to you, because I think I know the judgment of the House, that if the Senate insists upon its amendments the bill is dead, but I do not think the Senate will insist when it once understands the situation.

I think the Senators were misled. If you want to read an interesting as well as an amusing debate read some of the discussion in the Senate on this bill. I will point out to you some of the contradictory remarks made. Let us take page 9339, of the CONGRESSIONAL RECORD dated May 13. We find two statements by two gentlemen who are Senate conferees. In the first column here you have a statement by one of the conferees, which I will read:

> Mr. EDGE. Mr. President, if we adopt the Hull amendment, we practically state to 26 States in the Union that they can do as they please; that they can have state-wide branches if they please; but if we eliminate the Hull amendment, we announce to those 26 States that, so far as the Federal Government is concerned, they must confine their branches to municipalities.

Now, I do not accuse the Senator of deliberately misstating the facts, because there is no doubt in my mind but that he honestly believed what he said. He said that the Hull amendment would allow the States to do as they please, and not only said that, but in addition thereto he said they could have state-

wide branches under the Hull amendment. Of course, he was in error, because under neither the House nor Senate provision can a State bank, as a general rule, remain a member of the Federal reserve system and have state-wide branches.

In addition to this erroneous statement, you notice that he said if the Senate eliminated the Hull amendment—that is, adopted the Senate amendment—that it would be an announcement to these 26 States that so far as the Federal Government is concerned they must confine their branches to municipalities. This is an erroneous statement of fact, as will obviously appear to anyone who reads the provisions of both the House and Senate bill. The Senate and the House bills both limit whatever branches are authorized by their amendment to the municipalities in which the bank is located.

Now, an amusing thing is that in the very next column one of the other Senate conferees, Mr. GLASS, makes this interesting statement:

> Mr. GLASS. That is the Hull amendment. The Hull amendment serves notice upon the State of Missouri that the State shall never change its banking system, no matter how much it may desire to do so, with respect to branch banks, under penalty of the exclusion of its State banks from the Federal reserve system.

Now, Mr. Speaker, that is a misstatement of fact. Do not misunderstand me. I want to be courteous and in addition thereto I know that the Senator did not intentionally misstate the facts. He himself not only admits, but vociferously proclaims to the world, and has for over two years, that he does not understand the McFadden bill. He has repeatedly said that he had three experts to help him go over the bill, and he could not learn its meaning. Therefore, Mr. Speaker, I am willing to concede gladly that neither of these two able Senators deliberately misstated the facts, but are simply mistaken themselves. But the Senators who heard them, especially Senator GLASS, relied upon these erroneous statements. The Senate was plainly confused and misled, because, as the old story goes, here was one of the Senate conferees teaching the "round system," and the other Senate conferee, a distinguished authority on banking, was proclaiming with fervent zeal the "flat system."

With these misleading remarks and misstatement as to the bill I am not surprised, and know you are not surprised, at the outcome in the Senate. Some of the gentlemen at the other end of the Capitol have admitted the facts frankly, stating that they knew nothing about the bill and relied upon Senator GLASS.

Another thing that influenced the Senate was that word was whispered around that body that the gentleman from Pennsylvania and myself and the Deputy Comptroller of the Currency were at work on a compromise proposition that we were going to be able to agree to in conference, and that the thing to do was to simply pass the bill as the Senate committee reported it and let it go to conference, where this compromise could be worked out. All three of us gentlemen had been on the floor in conference, and I can naturally understand how under the circumstances they voted as they did.

But I am convinced that when they know the facts and fully understand the Hull amendment that they will rather than defeat the entire bill recede.

Now, there was another argument that was used with a great deal of zeal and vociferation, and that is that the Hull amendment seeks to coerce the States. Why, Mr. Speaker, my friend from Maine, even with his wisdom, talks about the coercion of the States. I was surprised, because I have always had the greatest respect for the gentleman from Maine [Mr. BEEDY], and regarding him as one of the ablest men in the House, I was surprised that he had been fooled by such a specious argument. State rights has a reciprocal proposition of Federal rights. The Federal Government has just as much right to fix the powers of a Federal agency, like a national bank or a Federal reserve member bank, as has the State legislature the exclusive right to fix the charter powers of State banks. National banks are agencies and creatures of the Federal Government. The Federal reserve system is a Federal system, and both, by Federal law, are fiscal agents of the Federal Government, and it is both ridiculous and absurd to suggest that because Congress exercises its power in fixing the charter rights of national banks and in providing terms of membership to the Federal reserve system it is violating any right of the State or coercing the State in any exercise of its rights. Membership in the Federal reserve system is not a right. Such membership is not authorized, granted, or springs from any State authority. The Federal reserve system is a creature of the Federal Government, a fiscal agent of the National Government, and the National Government certainly has an unquestioned moral as well as legal right to prescribe the terms upon which the privilege, not the right, but the privilege, of membership in that system may be enjoyed by a State institution.

But if it be coercion of the States, if it be such a violation of the rights of the States as to cause some of these gentlemen to rant and rave as they do, I am unable to understand why they do not follow their theory to its logical conclusion and permit state-wide branch banking as well as intercity branches. It is just as much a violation of State rights, it is just as much a coercion upon the State legislatures to say that you shall not have state-wide branches, but confine your branches to the city, as it is to say to what particular cities these branches shall be confined.

Why speak of coercion? If it be coercion to thus limit the privilege of membership in the Federal reserve system of State banks, then what about the coercion of State legislatures which have yielded to the branch-bank group and set up State banks with branches not only city but county and state-wide in competition with national banks? Why, it is a result of that coercion that we are legislating upon this question to-day. The States are coercing the national banks in coming to Congress and insisting that they be relieved of the unfair competition which the States have put upon them by giving their State bank competitors greater power than the national bank law gives to the national banks.

But some gentlemen at the other end of the Capitol say we are unduly alarmed, and that even though the Senate amendment permits the further spread of branch banking that none of the other remaining 26 States will take advantage of the opportunity thus afforded. If that be true, why are they so anxious and why do they oppose the Hull amendment so strenuously? Oh, gentlemen, when you see how bitter is the fight—and you have been bombarded with telegrams from both sides—you know this is the crucial fight, and you can very well understand the force of my statement when I declare that if you kill the Hull amendment independent unit banking can not be saved from the coercion and blighting effect of branch banking, which will ultimately lead to a complete bank monopoly, as it is in England and Canada. [Applause.]

If the Hull amendments are not so important, then why this vicious fight by the branch bankers? Why did they build up such an expensive organization to kill the Hull amendments? Why, gentlemen, one witness before the Senate committee, realizing that the facts were known, volunteered the admission that he had been paid $45,000 to $50,000 by a little coterie of bankers. Do you suppose a little coterie of bankers would pay one man $50,000 to work, as he claimed, for months gathering up data which he used as a basis for his fight upon our efforts to check branch banking, if they did not think the situation vital? Did you ever meet Mr. Giannini, head of the Bank of Italy? Have you met some of those other great bankers who sincerely and honestly believe in branch banking, and are using all of their power and influence to check our efforts to restrict what we regard as an evil but which they deem a virtue? Gentlemen, do you think that they are fools? Do you think they oppose this proposition knowing it to be an immaterial one of no consequences for the future? Oh, gentlemen, you had better wake up and not be fooled by these misleading arguments.

Do you know Paul Warburg? Do you know W. P. G. Harding? Do you know Julius Barnes? They are able and powerful men who, no doubt, honestly believe branch banking is a virtue; but, gentlemen, whoever may be the friends of the branch bankers, however wise and influential may be those with whom I differ upon this question, I think I know of the heart of this House, and I know the heart of a majority of the Senators. By conviction they are against branch banking and want to preserve independent unit banking in America. Knowing this, I say to you that this bill is dead unless the Senate recedes from its amendments. [Applause.]

But another misleading argument made against the House bill is that we never had any hearings upon it. Why, gentlemen, look at this volume, which represents the hearings of the House Committee on Banking and Currency on this question.

Again, the Senate was told that the comptroller was never consulted about this proposition. Why, gentlemen, that was a surprising statement to me, because the first time I ever heard of the McFadden bill being seriously considered was when the Comptroller of the Currency talked to me about it, and, gentlemen, here is his testimony in the hearings. As a matter of fact, he was the first witness before our committee, and while I may be mistaken I had always understood that Comptroller Dawes either prepared the bill or had it prepared under his direction.

Then again the Senate was told that the House committee never consulted the Federal Reserve Board. That was a surprising statement to me, because members of the Federal Re-

serve Board were repeatedly in the committee room during the hearings and three members of the Federal Reserve Board appeared before our committee and testified on this question. In addition to that they gave us a written statement just before we reported the bill out from the committee, covering the provisions of the bill, but expressly refrained from giving any opinion upon the branch-bank provisions, because they said they were in disagreement on that question.

I repeat that I was under the impression that the comptroller wrote the bill.

Mr. BEEDY. The gentleman says that the comptroller wrote the McFadden bill.

Mr. WINGO. That is my understanding.

Mr. BEEDY. And in referring to the Comptroller of the Currency, the gentleman refers to the ex-comptroller, and he was opposed to branch banking?

Mr. WINGO. Yes.

Mr. BEEDY. And he did not write in the Hull amendment? They have not anything to do with the branch-banking problem?

Mr. WINGO. They are the heart of it.

Mr. BEEDY. Then why did not he write them in?

Mr. MORTON D. HULL. I will say he did.

Mr. WINGO. The first time I ever heard of the Hull amendment—the comptroller sent for me and said they could get an agreement if we would agree to the Hull amendment. I never knew until the statement was made at the other end of the Capitol, and I challenge the statement, that the present comptroller is against the Hull amendment. Stand up here any man who is authorized to speak for him and say that he is against it. I believe he has not yet stated his view one way or the other on the Hull amendment, but is keeping out of the fight. But it is absurd to say, as well as incorrect, that the present comptroller was not consulted.

But, gentlemen, whoever may have been consulted, whatever may be the views of the different gentlemen, the issue between the House and Senate is clear. I think I know how you stand. You are in favor of independent unit banking and against the further spread of branch banking. So far as I am concerned I leave the matter with you. I should not have made this statement had not the gentleman from Illinois asked for an expression by the conferees as to what their intentions are. You can take me off the conference if you like, but I state to you that I will never surrender to the Senate on this question, and if the Senate conferees insist upon it that kills the bill, because, by the eternal gods, I will never by any act of mine encourage the further spread of branch banking. [Applause.]

Mr. MORTON D. HULL rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. McFADDEN] has the floor.

Mr. MORTON D. HULL. Mr. Speaker, I reserved the right to object, and under that reservation I assumed that I had some right to be heard. If I have not any right to be heard, I want to know it. I would like to proceed for a few minutes.

Mr. McFADDEN. Mr. Speaker, I yield to the gentleman.

Mr. MORTON D. HULL. I would like to get a few minutes' time to speak to the House, especially as my name has been taken in vain in the discussion of this bill.

The SPEAKER. The Chair does not understand whether the gentleman is speaking under the reservation of objection or not.

Mr. McFADDEN. If I have control of the time, I am perfectly willing to yield.

The SPEAKER. The Chair does not understand whether the gentleman is proceeding under the reservation of objection or not.

Mr. McFADDEN. If I have control of the time, I am perfectly willing to yield.

The SPEAKER. This is a proceeding by unanimous consent, and under the reservation of the right to object.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MORTON D. HULL] be given 15 minutes if he desires it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague, Mr. MORTON D. HULL, may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Mr. Speaker, let me say at the start that I do not for a minute desire to make a personal issue out of anything of this kind. It is too important to be treated in any sense as a personal issue, either by the chairman of the committee or any other Member of this House. However, I do want to make a statement with reference to the facts of the situation and the history of the legislation, and I shall try to be very brief.

This bill is an old friend. It has been here before. It was before us in the last Congress. It finds its genesis in the recommendations of the former Comptroller of the Currency, Mr. Henry M. Dawes, in his report of December, 1923, and in the belief aggressively urged among the banking fraternity that something should be done to enable national banks to compete on more nearly even terms with State banks operating under more liberal charter powers. The more liberal charter powers granted to State banks and occasioning the most of the discussion are those having to do with branch banking. In some 22 States, State banks are permitted to have branch banks, while national banks save in anomalous cases are not permitted to have branches. The anomalous cases referred to are about 100 in number. Out of over 8,000 national banks about 100 have branches. These cases grew out of consolidations of State banks with national banks, where the State banks had branches, and where the corporate survivor has continued the branches. Broadly speaking, however, they may be overlooked in stating the general problem. If there are 22 States permitting branch banking to State banks, then it should be noticed that there are 26 States not permitting branch banking to their State banking institutions. It is in the 22 States that the problem arises. How might the national banks in those 22 States be put on a more merely competitive basis with the State banks doing a branch banking business? This was the problem before the Banking and Currency Committee. It might have provided one of three ways:

(1) The committee might have provided that national banks in whatever States they might be located and without reference to State banking law should be permitted to do a branch banking business. This would be treating all national banks alike.

(2) It might provide that the law of the State where the national bank was located should at all times be the law for the national bank so far as determining whether or not branch banking should be permitted. If the law of the State at any time, now or hereafter, permitted branch banking to State banks, national banks should have the same privilege. If it did not, national banks should not have that privilege. This was the position which the Banking and Currency Committee of the Sixty-eighth Congress took when it reported the bill out. It left the whole initiative to the States. They should determine the policy of branch banks or no branch banks. This position is a partial abdication of power by Congress. It is a position which encourages the change of law by States not now permitting branch banking.

(3) Or it might provide that national banks now suffering from the competition of State banks operating under charter powers that permitted a branch-banking business should have branch-banking rights, and stop right there, reserving for the Congress the right to determine for the future how much further it might wish to go in the extension of branch banking. This would extend branch banking in the national banking system throughout the 22 States permitting branch banking to their State banks. This was not the policy of the Banking Committee of the last Congress but it was the policy of the House itself, for when the bill came before the House it adopted certain amendments to the effect that national banks should be permitted to do a branch-banking business only in States where at the time of the passage of the bill State laws permitted State banks to do a branch-banking business. In order that State banks which were members of the Federal reserve system and which were domiciled in any State which did not permit branch banking might not be permitted to gain an advantage over national banks in their own States, it was further provided that should any such State change its laws so as to permit branch banking the State-bank member of the Federal reserve system could not acquire branch banks and remain a member of the Federal reserve system. This was the way the bill of the last session passed the House, and it remained undisposed-of business in the Senate at the time of the adjournment.

At this session the amendments adopted on the floor of the House at the last session were adopted by the Banking and Currency Committee of the House as part of the bill when reported out, and in that form the House passed the bill. The Senate has struck them out and has adopted the course of the Banking Committee of a year ago. In other words, it has surrendered to the States the determination of policy of branch banking so far as affects national banks.

Another change to be noted is that of the geographical area in which branch banking may be practiced. In California it is a state-wide system so far as State banks are concerned. In the House bill it was proposed that it should be confined to the municipal limits of the city in which the parent bank is located. In the Senate bill it is extended to the metropolitan

area where the parent bank is located. That is, where there are two or more municipalities adjacent to each other the parent bank may be in one and the branches in the other.

These, in brief, are the differences between the House and Senate bills, so far as they affect branch banking.

Now, the whole question in issue is as to how far you wish to go with respect to branch banking. For myself I hold a distrust of the whole policy of branch banking. I dislike its monopolistic tendency. I dislike to encourage the concentration into the hands of a few of control of credits in a community. It means power with all the temptations of power. It means putting into the hands of the demagogue the possible justification for his hue and cry about Wall Street and the money power. It means the gradual development of a political issue that will rise to plague us later. Do you think I am dealing with imaginary fears? Listen, then, to the former Comptroller of the Currency, Mr. Henry M. Dawes, in his report of December, 1923. Mr. Dawes says:

> Branch banking is, in its essence, monopolistic. The financial resources of a number of communities are put under the control of a single group of individuals. Funds liquidated in one community may be used to develop other communities at the discretion of the officers of the central bank. The economic development, therefore, of a given territory under the control of a branch bank would depend upon the policy of the bank. The bank would have the power to retard or to encourage the development of a given community or individual enterprise. * * *
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> If any lessons are to be drawn from the development of large industrial enterprises in the United States it is that the principle of centralization when once inaugurated will proceed unless interfered with by governmental action to a point of complete concentration in an individual or a group dominated by an individual. Should a situation of this kind develop in any Federal reserve district the Federal reserve bank would either be eliminated as a factor in the financial community or be virtually under the control of such a group.
>
> From time to time efforts have been made to substitute for the old machinery a system which might seem to be theoretically and technically more perfect. The frontal attacks of the proponents of foreign banking systems have invariably broken down without in any substantial manner permanently modifying or affecting the general principles of American banking. The genius of the American people for independence in matters of local self-government is thoroughly ingrained and will never succumb in any clean-cut issue where the choice rests between centralized control and personal and community independence.

Yet Mr. Henry M. Dawes was the godfather of the McFadden bill. It was he who inspired its provisions at the last session.

A remark was made here about the approval of the Comptroller of the Currency. The amendments have my name, and were inserted in the bill by my suggestion at the last session, but they were drafted after discussion with the comptroller, and they were drafted in the final form in the office of the former Comptroller of the Currency, Mr. Henry M. Dawes; and I believe his chief deputy, Mr. Collins, also had a hand in the drafting of those particular proposals.

Now I, for one, am willing to go just as far as may be necessary to put national banks now subject to the competition of State banks doing a branch-banking business on an even competitive basis with such State banks. But I am not willing to go one step farther. For this reason I oppose the adoption of the Senate amendments. The question may be asked, and has been asked, What will happen should the bill in the form in which it passed the House become the law, limiting branch banking on the part of national banks to those States which at the time of the approval of this act permit State banks to do a branch-banking business if a State not now permitting branch banking hereafter changes its laws to permit branch banking? Will you not have an unbalanced situation so far as branch banking is concerned? Yes; you will. But I maintain that is a hypothetical possibility rather than a reasonable probability. With National banks and State member banks in any such State not interested in a change of State laws, the strong probabilities are there will be no such change. The chances are that you can stabilize the whole branch-banking situation till we shall at least have had more experience with it. But with the situation left as the Senate has left it, you are only inviting National banks and State banks to go to their State legislatures and change their laws.

Now, Mr. Speaker, I know it has been argued that the bill in the form it passed the House is an attempt to interfere with State rights. That is a sham objection. No State right is interfered with. The States have still the right to legislate as they please. All that has been done is to remove the motives for such legislation on the part of some of the banks located in such States. To call it an attempt to coerce the States is pure buncombe.

The collective personality which we call "the people" never operates for itself in enacting economic legislation. It is the group having an economic interest which initiates and pushes economic legislation. When that economic group finds the motives no longer present the pressure for the legislation is gone. In the pending legislation that group consists of the big State banks and the national banks. With the opportunity of gaining anything in States not now permitting branch banking no longer present, the move to change State laws will cease.

It is also said that the provisions struck out by the Senate do not treat the States all alike—that there is discrimination in these provisions. But we are legislating for banks, not for States. And if there be a discrimination between national banks in the bill as it passed the House, there is discrimination between national banks as the bill comes back from the Senate. In both bills it is provided that some national banks may have branches and some may not. The only way you can avoid discrimination is to provide that national banks, wherever located and without reference to State laws, shall be permitted to do a branch-banking business. But this you will shrink from doing, though in ultimate effect this is what you are doing in the Senate revision of the bill.

It is said also as a justification for branch banking that it is perfectly natural economic development. I respectfully submit this is no justification at all. Naturalness is not a sufficient criterion of desirability. Weeds are a natural development in a garden. But the gardener plows them out. Branch banking as a perfectly natural development leads to monopoly, which is undesirable. The whole history of civilization is one long story of restraints and inhibitions on certain perfectly natural developments for the purpose of permitting more desirable developments.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield there?

Mr. MORTON D. HULL. Yes.

Mr. CARTER of Oklahoma. If I understand the gentleman's amendment, it provides that national banks shall be prohibited from establishing branch banks in all States except those where States have branch banks at the time of the passage of the act.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may have one minute more.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTER of Oklahoma. The Senate provision, as I understand, provides that the national banks shall be permitted to have branch banks in any State that may hereafter establish branch banking for State banks. Is that the difference?

Mr. MORTON D. HULL. That is the fundamental difference.

Now, Mr. Speaker, I reserved the right to object to the request of the gentleman from Pennsylvania [Mr. MCFADDEN]. However, in view of the statement which the gentleman has made, that he will submit to the House any proposals that he may wish to make to the conference committee before the conference agreement, I am inclined to withdraw my objection, but on that condition only. Is that the gentleman's statement?

Mr. McFADDEN. I stated it two or three times. I think it is fully covered.

The SPEAKER. The question is, Is there objection to the request of the gentleman from Pennsylvania?

Mr. BEEDY. Reserving the right to object, Mr. Speaker, I would like to ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Maine asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BEEDY. Mr. Speaker, I am opposed to the proposal of the gentleman from Illinois [Mr. MORTON D. HULL] to instruct the conferees for three reasons. In the first place, his proposal to instruct conferees is wholly inconsistent with every conception and purpose of a conference. If we were to instruct conferees, it is to be assumed they would honorably adhere to their instructions. However, if they were to adhere to instructions such as are proposed by the gentleman from Illinois [Mr. MORTON D. HULL], we might as well refuse to appoint conferees, because there will be nothing left to confer about. If the course which the gentleman Mr. HULL proposes were to be followed, it would negative the necessity of any conference. Indeed, it is rumored

that if the House conferees are to be instructed the Senate will refuse to enter a conference.

It is my understanding that conferees are appointed here in all cases in order that the views of both Senate and House may be reconciled by compromise or adjustment, to the end that reasonably satisfactory legislation may result. When the House appoints conferees it is to be assumed that it has confidence in the integrity and good judgment of its appointees. I am confident that any conferees to be appointed by the House on the McFadden bank bill may be trusted to secure the best legislation practical and compatible with the views of the House. To insist upon instructing conferees is not only hostile to the spirit of the conference; it is a reflection upon the integrity of the conferees. For this first and fundamental reason I, therefore, oppose the resolution.

But I am opposed to the instruction of the conferees for a second reason. These instructions seek to bind the conferees to support the Hull amendments. Those amendments are inconsistent with the original intent and purpose of the McFadden bank bill. The branch-banking policy of the McFadden bill is to restrict state-wide branch banking and to permit city branch banking by national banks in States whose laws permit it. Thus, the McFadden bill seeks to place national banks upon an equal competitive basis with State banks. The Hull amendments would defeat this object.

Under the McFadden bank bill home city branch banking is recognized as a local question under the control of the various State legislatures. Wherever the States prohibit home city branch banking it is also prohibited by the bill. Where States permit home city branch banking the bill permits it. This was the policy of the McFadden bill without the Hull amendments. But those amendments introduce a new and antagonistic element which puts upon Congress the responsibility of condemning home city branch banking in certain States, even though their State legislatures might wish to approve it.

The Hull amendments for all time would deprive national banks of the right to establish city branches in those States which do not now permit branch banking, but which may wish to do so in the future. In other words, the Hull amendments would freeze the present situation. They would permit national banks to maintain city branches in 22 States where branch banking is now permitted by State law. They would, however, for all time deny this right to national banks in 26 States of the Union, regardless of future action by their State legislatures.

Let us assume for a moment that the Hull amendments are written into the McFadden bill and the whole becomes law. What would be the practical situation confronting us? National banks would be permitted by act of Congress to enjoy the branch-banking privilege in the cities of New York, Boston, Los Angeles, and New Orleans. Yet that same act of Congress—assuming always the adoption of the Hull amendments—would prohibit branches to national banks doing business in St. Louis, Chicago, Minneapolis, and Seattle. The only difference would be that the States of New York, Massachusetts, California, and Mississippi permitted branch banking in their cities prior to the adoption of the McFadden bank bill with Hull amendments, while the States of Missouri, Illinois, Minnesota, and Washington might permit branch banking in their cities subsequent to the passage of the McFadden bill with Hull amendments.

Let us state it another way. Assume again the passage of the McFadden bill with Hull amendments. The States of Illinois, Missouri, Minnesota, and Washington are among those which do not now permit branch banking. Suppose they should desire in the near future to give State banks the right to establish and maintain branches in Chicago, St. Louis, Minneapolis, and Seattle. Suppose in pursuance of that desire they pass State laws permitting such branches. In such event national banks in those cities would have no right to establish or maintain any branches. What would be the result? We should then face precisely the same situation which caused the demand for the McFadden bill without the Hull amendments. The national banks in Illinois, Missouri, Minnesota, and Washington, in the face of State branch-bank competition, would be forced to come again to the Federal Congress and ask for more Federal legislation. They would ask to place their national banks on an equal competitive basis with their State banks. There is no question that such a situation would result. Such would be the inevitable logic of events.

Indeed the proponents of the Hull amendments—who, by the way, are confined principally to the outlying State banks in the city of Chicago—admit that if any of the antibranch banking States should enact laws permitting home city branches the national banks would be placed at a serious disadvantage in competition with State banks and must come to Congress for legislation to remove the handicap. Such a situation in itself is a most convincing answer to the Hull amendments.

The question naturally arises if it would be necessary for Congress to repeal the Hull amendments whenever an antibranch-banking State changes its laws; why enact them in the first place? Why put Congress in the position of creating a condition which it would be in duty bound to correct periodically? The Hull amendments will not stand the light of logical analysis. They must fall as inconsistent with the home-city branch-banking policy of the McFadden bill. They must fall by reason of their own senseless provisions.

At this point I desire to call your attention to the fact that the Hull amendments are not only contradictory to the spirit and purpose of the McFadden bank bill but they are a serious reflection upon the sound sense and integrity of the people of Illinois. By insisting upon the Hull amendments the gentleman from Illinois [Mr. MORTON D. HULL], in effect, says, "I do not trust my own people. True, my State legislature in 1924 passed an antibranch banking law. True, this law was submitted to my people and passed by an overwhelming majority, but I do not trust them. I fear their shifting opinions. I want a Federal law to thwart their future acts. Pass these Hull amendments and so make it impossible for my people in Illinois to change their own banking laws." This is the real plea of the gentleman from Illinois [Mr. MORTON D. HULL].

He tells you that unless you pass his amendments the national banks will be tempted to lobby State legislatures for city branch banking laws. He is fearful of the powers of such a lobby. Yet past events furnish no ground for such fear. The national banks in his own State certainly present no horrible example of a powerful lobby. The Illinois legislature passed its antibranch banking bill in 1924 with little difficulty. One of two things was true. Either the national banks of Illinois were then indifferent, or else they were powerless to control the action of their State legislature. And this was true even under the impelling urge of the city branch-banking privilege in the McFadden bill then in the making.

The real truth of this situation is that were the Hull amendments to pass, a premium would be put upon State-bank charters. Every incentive of the State banks in 26 States would be to lobby for a branch banking law. Upon the procurement of such a law their rights to branch banking, under the Hull amendments, would be exclusive—a veritable monopoly. Furthermore, State banks many times outnumber national banks in every State, and the lobby which they could muster as compared with that of national banks would be as Hercules to Hecuba.

Let us strip the proposition of the gentleman from Illinois [Mr. MORTON D. HULL] naked. Let us see it for what it is. Frankly, his amendments are designed to use the coercive power of our Federal Government over future State legislation relating to branch banking within city limits. And, mark you, this coercive power is proposed to be exercised not upon the ground that home city branch banking is wrong, for the gentleman supports the McFadden bill, which itself recognizes and approves city branch banking in 22 States of the Union.

At this point let me caution gentlemen not to confuse this issue, as have the advocates of the Hull amendments. The question of state-wide branch banking is not involved in these Hull amendments. The McFadden bill, as a matter of national policy, prohibits city banks in the Federal reserve system, both national and State, from having branches in rural communities. The question of branch banking, therefore, is no ways involved in any disagreement over the Hull amendments. With those amendments stricken from the bill banks in small towns would have precisely the same protection as they would with the Hull amendments included. In either event branches by city banks in the small towns would be prohibited. Advocates of the Hull amendments in their extreme fear of branch banking have unquestionably confused the issue.

But I am opposed to the gentleman's [Mr. MORTON D. HULL] amendments for yet a third reason. It is the aim of the McFadden bill, whatever other consequences might attach to its provisions, to do nothing which would weaken the Federal reserve system. Indeed, by equalizing competitive opportunities as between national and State banks, it aims to strengthen the Federal reserve system. Yet the Hull amendments would freeze the city branch-banking privilege not only of national banks but also of Federal reserve member State banks. It would confine the city branch-banking privilege for all time to those reserve member State banks located in States now permitting branch banking. In 26 States in the Union which may at some future time desire to permit city branches the Hull amendments would force these State member banks forever outside the Federal reserve system. Thus, the strong tendency of the Hull amendments would be to force large numbers of

State and national banks to withdraw from the Federal reserve system. In no other way could they ever enjoy the city branch-banking privilege.

Friends of the Federal reserve system must, perforce, view these Hull amendments with gravest concern.

The position of the gentleman from Illinois [Mr. MORTON D. HULL] is untenable from every angle. His proposal to instruct conferees would render a conference nugatory. The Hull amendments themselves are without merit. Their adoption is undesirable if we are to preserve equal opportunities in our banking world. The Hull amendments should be voted down by those who are genuinely interested in conservative, sane, and impartial bank legislation by the Federal Congress.

The SPEAKER. Is there objection to the preceding request of the gentleman from Pennsylvania [Mr. MCFADDEN]?

There was no objection; and the Speaker appointed as the conferees on the part of the House Mr. MCFADDEN, Mr. KING, and Mr. WINGO.

PROHIBITION OFFICERS

Mr. CURRY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is recognized for five minutes.

Mr. CURRY. Mr. Speaker, we have heard a great deal recently in reference to an Executive order of the President of the United States that is to be applied exclusively to the State of California.

The question involved in the enforcement of the Executive order to enable the appointment of State, county, and municipal officers as Federal officers is far greater than the prohibition question. It involves the sovereignty of States. It is a direct repudiation of a vital and fundamental principle of the American Government.

We are informed in the press that the order is not to be applied throughout the country, but is to be exclusively applied to the State of California.

No authority exists in the executive branch of the Government to issue any such Executive order. Certainly no authority exists in the executive branch of the Government to impose a law, regulation, or restriction exclusively upon one selected State. The rights of the people of no State take precedence over the rights of the people of the State of California. We are jealous of our sovereignty, and will guard and preserve it.

California is not a half-caste child of the Nation, but a full-fledged State, enjoying equal rights with all of her sister States under the Constitution, and performing the same duties to the Nation.

The constitution of California provides, article 4, section 20:

> No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State: *Provided*, That officers in the militia who receive no annual salary, local officers, or postmasters whose compensation would not exceed $500 per annum, shall not be deemed to hold lucrative offices.

In People *v.* Leonard (73 Calif. 235) it has been held that "local office" refers to "local Federal officers."

A prohibition officer is not a local Federal officer. He has the right to cross city, county, and State lines and make arrests in the name of the Federal Government.

In the case of deputy sheriffs of California counties, who, we are to presume from press dispatches, are to be placed under the control of a bureau of the Federal Government—they are appointed by the sheriffs of their respective counties. The sheriffs are elected by the people. They serve papers issued by the courts of California and not by the Federal courts.

We have in California a very strict State prohibition enforcement act. Our State officers diligently perform their duties in this respect, but they work within the confines of their own jurisdictions. They have other duties beside the enforcement of prohibition to perform, and they perform their duties efficiently and well. Our California peace officers are second in efficiency and courtesy to none in the country. We are getting along very well, thank you, without the interference or exercise of unsolicited, unconstitutional supervisory power by a smug bureaucrat from the State of New York. It might be less objectionable to Californians if General Andrews would impose this militaristic bureaucratic order on his own State of New York, Mr. Mellon's State of Pennsylvania, and the President's State of Massachusetts. We object to being pointed out as the particular bad-boy State of the Union and made to stand in the corner with our face to the wall.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield right there?

Mr. CURRY. After a while.

The SPEAKER. The time of the gentleman from California has expired.

Mr. CURRY. Mr. Speaker, may I have one minute more?

Mr. SABATH. Mr. Speaker, I ask unanimous consent that the gentleman from California may have one minute more.

Mr. SCHAFER. Mr. Speaker, I ask that the gentleman may have three minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the gentleman from California may have three minutes more?

There was no objection.

Mr. CURRY. The tree of liberty has long endured in the United States. Its strength has been in the enduring strength of its States, independent and equally sovereign, welded together by the strong band of the Union. Of late years vandals have been driving into the sturdy tree a vicious wedge of interference with the rights of the States. This last is a hard blow that sends the wedge hilt deep into the tree.

The order is as unconstitutional as it is unjust, as vicious as it is wrong. It is utterly contrary to the fundamental principles of the American Government, and it must not be permitted to stand.

If it is not repealed by the Executive branch of the Government, steps must be taken to throw it out, hook, line, and sinker.

I do not believe for a minute that the President had been informed that he had placed before him anything more than a routine paper when he was induced to sign the document. Certainly it is a complete contradiction of his statesmanlike Williamsburg speech. [Applause.]

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. CELLER. Does the gentleman know who wrote the Executive order?

Mr. CURRY. The only thing I know is that the President signed it. It is supposed to have been written by General Andrews or Secretary of the Treasury Mellon.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. O'CONNOR of New York. It is intimated in the newspapers that the request came from California. Does the gentleman know whether anybody in California made the request?

Mr. CURRY. I tried to obtain information if there had been a request from California, and there was no request from any State official, so far as I have been able to learn. It is presumed to have been requested by Colonel Green, an itinerant soldier of fortune, who at present happens to be Federal prohibition enforcement officer for northern California.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. SCHAFER. Is it not possible that this order was to be offered to California in appreciation of the great majority vote that Mr. Coolidge received in the last election?

Mr. CURRY. Of course, this is not a question of politics, but of fundamental American principles. I supported Mr. Coolidge for President, and I am for him now when he is right. And California is not the only State that gave him a great majority. [Applause.]

THE PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House, as in Committee of the Whole, may proceed to the consideration of unobjected bills on the Private Calendar, beginning where the last call left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House, as in Committee of the Whole, may proceed with the consideration of bills on the Private Calendar that are unobjected to, beginning where the last call left off.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, which I shall not do, will not the gentleman give us 5 or 10 minutes in which to get to our office reports?

Mr. TILSON. If unanimous consent is given to proceed, I shall ask unanimous consent that the House may stand in recess until 2 o'clock.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield a moment before he goes into that?

Mr. TILSON. Yes.

Mr. McLAUGHLIN of Michigan. I read in the papers a statement that the judges' salary bill would be taken up. Other Members, as well as I, have arranged our business in keeping with that program. Is that abandoned; and if so, why?

Mr. TILSON. Answering the gentleman's inquiry, I have to say that for reasons deemed good and sufficient it has been thought best to change the program in one respect and not call up the judges' bills to-day. It seems best to postpone these bills to some later date and go on to-day with the Private Calendar, in which so many Members of the House are vitally interested.

Mr. McLAUGHLIN of Michigan. It is understood that the river and harbor bill will not be brought up until Friday?

Mr. TILSON. Not until Thursday. That was the original agreement.

Mr. MOORE of Virginia. Can the gentleman tell us when the bills from the Judiciary Committee will be taken up?

Mr. TILSON. That has not been definitely settled.

Mr. NEWTON of Minnesota. This judicial salary bill is only postponed for a brief period?

Mr. TILSON. Yes; that is all.

Mr. HASTINGS. Bills on the Private Calendar will be taken up to-day?

Mr. TILSON. Unobjected bills on the Private Calendar.

Mr. McLAUGHLIN of Michigan. Is there any possibility of the judicial salary bill coming up this week?

Mr. TILSON. I do not believe it will come up this week.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it shall now be in order to take up bills on the Private Calendar unobjected to. Is there objection?

There was no objection.

"THE KING CAN DO NO WRONG"

Mr. CELLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the subject of the Federal tort claims bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of the Federal tort claims bill. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, there is pending on the Union Calendar (No. 68) H. R. 8651, a bill to provide for the settlement of claims against the United States on account of property damage, personal injury, or death. It is called the Federal tort claims act, and is named for Mr. UNDERHILL, chairman of the Committee on Claims, of which I am a member.

It is a much belated attempt to give redress to citizens and others wronged and damaged by the Government. The bill probably will not pass this session of the House and that is unfortunate. However, it will cause attention to be focussed upon the havoc and injustice caused by the threadbare theory that the "king can do no wrong."

The Senate, March 15, passed S. 1912, which provided a method of settlement of claims in tort against the Government in sums not exceeding $3,000. That bill is really an extension of the small claims act extending jurisdiction of the heads of the departments to settle claims in tort upwards of $3,000; the jurisdiction now is $1,000.

The Underwood bill is much more comprehensive and is much preferable. I made a study of the later bill. In order that said study might be properly set forth and properly understood I herewith insert a copy of said H. R. 8651:

IN THE HOUSE OF REPRESENTATIVES,
January 30, 1926.

Mr. UNDERHILL introduced the following bill; which was referred to the Committee on Claims and ordered to be printed. February 5, 1926, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A bill (H. R. 8651) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death

Be it enacted, etc.—

TITLE I.—PROPERTY DAMAGE CLAIMS

SECTION 1. The Government of the United States hereby grants authority, as hereinafter provided, for the payment of claims on account of damage to or loss of privately owned property, if caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment; except that contributory negligence shall be a bar to liability for any such damage or loss and except that no liability shall be had for any such damage or loss if the claim therefor accrued prior to April 6, 1920.

SEC. 2. (a) Authority is hereby conferred upon the head of each department or establishment to consider, ascertain, adjust, and determine, on behalf of the Government of the United States, any claim under section 1 if the amount claimed does not exceed $5,000.

(b) Such amount as may be found to be due any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed. Upon the presentation to the Secretary of the Treasury of any such claim for payment, there shall be set off in accordance with the act of March 3, 1875 (18 Stat. L., p. 481), any claim, whether liquidated or unliquidated, on the part of the United States against the claimant. Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of every claim on account of such damage or loss against the Government of the United States or such officer or employee.

(c) No such claim shall be considered unless presented to the department or establishment within six months from the date of accrual of such claim, except that any such claim in an amount in excess of $1,000, accrued after April 6, 1920, but prior to the passage of this act, may be presented within six months after the passage of this act.

(d) No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same, shall be considered under this title.

SEC. 3. Section 145 of the Judicial Code, as amended, is amended by adding after paragraph third thereof a new paragraph to read as follows:

"Fourth. All claims liability for which is recognized under section 1 of the Federal tort claims act, if the amount claimed exceeds $5,000."

SEC. 4. Paragraph twentieth of section 24 of the Judicial Code, as amended, is amended by adding after the first subdivision thereof a new subdivision to read as follows:

"Concurrent with the Court of Claims, of all claims liability for which is recognized under section 1 of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

SEC. 5. Suit under section 24 or 145 of the Judicial Code, as amended by this act, upon a claim accruing on or after April 6, 1920, and prior to the passage of this act, shall be brought within six months after the passage of this act or within six years after the accrual of the claim.

SEC. 6. Nothing in this title shall be construed to affect any right of the United States to reimbursement from an officer or employee of the Government willfully causing the damage or loss giving rise to any claim against the United States under this title. No claim by an insurer by subrogation or otherwise shall be instituted or allowed against the United States under this title.

SEC. 7. No suit upon any claim shall be brought under this title if the claim has been determined by the head of any department or establishment under section 2; and no claim shall be presented for consideration to the head of any department or establishment under section 2 if final judgment thereon has been rendered in a suit upon such claim brought under this title.

SEC. 8. (a) The provisions of this title shall not apply to—

(1) Any claim arising out of the loss or miscarriage or negligent transmission of letters or postal matters;

(2) Any claim arising in respect of the assessment or collection of any tax or customs duty; nor

(3) Any claim for which liability of the Government is recognized by the act of October 6, 1917 (40 Stat. L. p. 389), relating to loss or destruction of or damage to personal property and effects of officers and enlisted men and others in the naval service or the Coast Guard; act of March 3, 1885 (23 Stat. L. p. 350), as amended, relating to loss, damage, or destruction in the military service of private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army; or act of March 9, 1920 (41 Stat. L. p. 525), and the act of March 3, 1925 (43 Stat. L. p. 1112), relating to claims against merchant and public vessels of the United States or of corporations the entire stock of which is owned by the United States.

(b) The act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, is hereby repealed, except that any claim accruing prior to such repeal may be considered, ascertained, adjusted, determined, and certified in the same manner and to the same extent as if this act were not law.

(c) The provisions of any act, in so far as inconsistent with the provisions of this title, are hereby repealed to the extent of such inconsistency.

TITLE II.—PERSONAL INJURY AND DEATH CLAIMS

SEC. 201. (a) The Government of the United States hereby grants authority, as hereinafter provided, for the payment of claims for compensation for personal injury or death caused by injury (1) if caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or (2) if attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials and such defects or insufficiency is due to the negligence or wrongful omission of an officer or employee of the Government.

(b) No compensation shall be paid for any such injury or death which results from the claimant being intoxicated or under the influence of drugs, or if the injury or death is caused, in whole or in part,

by contributory negligence, or by the willful misconduct of the claimant, or by the claimant's intention to bring about injury or death to himself or another.

(c) No compensation shall be paid for any such injury or death to the extent that the injury is continued or aggravated or that the death is caused by an unreasonable refusal or negligent failure to submit to or procure medical or surgical treatment, the risk of which is, in the judgment of the United States Employees' Compensation Commission (hereinafter referred to as the commission) based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

(d) No compensation shall be paid for any such injury or death if the claim therefor accrued prior to April 6, 1920.

SEC. 202. (a) Authority is hereby conferred upon the commission to award and pay compensation on behalf of the Government of the United States for any claim under section 201.

(b) Acceptance by any claimant of the award determined under this title shall be deemed to be in full settlement of the claim against the Government of the United States and the officer or employee. Payments of awards under this title shall be made from such appropriations as the Congress may from time to time provide for the purpose.

(c) The commission shall by regulation provide for the form and manner in which claims under this title shall be filed and prosecuted before the commission. No claim shall be considered by the commission unless filed within 60 days after the injury or six months after death caused by the injury; except that, for any reasonable cause shown, the commission may allow claims for compensation for personal injury to be filed at any time within six months after the injury; and except that any claim accruing after April 6, 1920, but prior to the passage of this act, may be filed within six months after the passage of this act.

SEC. 203. The commission and the head of each department or establishment shall jointly provide rules, including penalties for the violation thereof, for the reporting to the commission both by officers or employees of such department or establishment and by their immediate superiors of injuries or death which may become the basis of a claim under this title.

SEC. 204. (a) Compensation for personal injury shall be awarded and paid by the commission as follows:

(1) Permanent total disability: In the case of disability adjudged to be total and permanent in nature, compensation shall be at the rate of $18 a week.

(2) Permanent partial disability: In the case of disability adjudged to be partial and permanent in nature, compensation shall be at a rate not in excess of $18 a week. The commission shall prepare and by regulation provide a schedule declaring the classes of disability covered by this paragraph, the weekly rate of compensation for each such class, such rates to be proportionate to the degree of permanent disability, and the total amount of compensation which shall be awarded for each such class. If the total amount of any award under this paragraph does not exceed $300, the compensation may be paid as a lump sum without deduction on account of immediate payment.

(3) Temporary total disability: In the case of disability adjudged to be total but temporary in nature compensation shall be awarded, for such period as the disability continues, at the weekly rate of two-thirds of the weekly earnings of the injured individual averaged during the six months immediately preceding the date of injury; except that the weekly rate of compensation shall not exceed $18 nor be less than $9 unless such two-thirds of such weekly earnings is less than $9. In such case the injured individual shall be awarded and paid compensation equal to his weekly earnings thus averaged, but not in excess of $9. If the injured individual is a housewife, minor, or other individual not employed, or having only irregular or casual employment, the compensation shall be at the rate of $9 a week.

(4) Temporary partial disability: In case of disability adjudged to be partial but temporary in nature, compensation shall be paid, so long as the disability continues, at weekly rates proportionate to the degree of temporary disability, as adjudged by the commission.

(5) The total compensation which may be paid in any one case for permanent disability, whether total or partial, shall not exceed $5,000, and for temporary disability, whether total or partial, shall not exceed $3,750.

(6) If an injured individual awarded compensation for temporary disability, whether total or partial, is subsequently adjudged by the commission to be suffering from a disability permanent in character, whether total or partial, he shall be awarded and paid the appropriate compensation provided for such permanent disability from such date as the commission shall in its judgment determine; but in no case shall the maximum compensation received by such individual for both permanent and temporary disability exceed $5,000.

(7) The compensation shall be paid to the injured individual, except that if the individual dies before the entire amount of compensation awarded to him has been paid, the portion of such compensation remaining unpaid shall be awarded and paid as in the case of compensation for death.

(b) Compensation for death shall be awarded and paid by the commission as follows:

(1) Compensation shall be awarded only for death caused by injury and occurring within three years after the injury; except that no compensation shall be awarded where the death takes place more than one year after the cessation of disability resulting from such injury, or (in the absence of any such disability preceding death) more than one year after the injury.

(2) The compensation shall be paid to the following beneficiaries at the rate of $18 a week (except as hereinafter provided):

(A) To the widow or widower, or if there is no widow or widower, then to the children, share and share alike. Compensation to a child shall not be paid unless the child is unmarried and is either under 18 years of age or, having reached the age of 18, is physically or mentally incapable of self-support. Compensation for a child under 18 years of age shall be paid to the legal guardian;

(B) To any parent or grandparent who was totally dependent for support upon the deceased at the time of his death. In case of the partial dependency of a parent or grandparent such part of such compensation shall be paid, and in case of the total or partial dependency of two or more parents or grandparents the whole or such part of such compensation shall be apportioned and paid, as the commission shall in its judgment determine to be appropriate, having due regard for the extent of the dependency. Compensation paid to parents or grandparents shall cease upon the marriage or termination of dependency; and

(C) If compensation is payable under paragraph (A) to a widow, widower, or child, and in addition under paragraph (B) to a parent or grandparent, compensation at the rate of $18 a week shall be apportioned to the beneficiaries in such amounts as the commission shall, in its judgment, determine to be necessary to meet the equities in the case.

(3) The total compensation which may be paid on account of any one death shall not exceed $5,000.

(4) The right of a beneficiary to compensation for death shall not survive the death of such beneficiary. Upon the cessation of payment of compensation to any beneficiary by reason of death, marriage, age of such beneficiary, or the termination of his dependency or his incapacity for self-support, the remainder of the compensation shall thereafter be paid to such beneficiaries as would have been entitled thereto had they been the only beneficiaries entitled to compensation at the time of death.

(d) The compensation provided in this title shall be payable biweekly, but the commission may, in its discretion, having regard to the welfare of the beneficiary and to public convenience, authorize such compensation to be paid monthly or quarterly. The first payment of such compensation shall include such sums as have accrued to the claimant under the award between the date of the injury or death and the date of such payment.

(e) In addition to the money compensation provided under this title—

(1) In the case of personal injury, the injured individual shall be allowed such expenses for any medical, surgical, and hospital services and supplies (including artificial members and other prosthetic appliances) as the commission adjudges necessary and reasonable for cure of or relief from the results of an injury, to an amount not to exceed $300, subject to such regulations as the commission may prescribe with respect to the procurement of such services and supplies.

(2) In the case of death, the personal representatives of the decedent shall be allowed such funeral and burial expenses of the decedent as the commission adjudges to be necessary reasonable, in an amount not to exceed $200.

(f) If a beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interest of the beneficiary, liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to the compensation shall be computed according to the American Experience Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 205. As used in this title—

(a) The term "child" means (1) a legitimate child, (2) a child legally adopted prior to the death of the deceased, (3) a stepchild, if a member of the deceased's household at the time of his death, (4) a posthumous child, and (5) an illegitimate child, but as to the father only, if acknowledged in writing by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child.

(b) The term "widow" means the deceased's wife living with or dependent for support upon him at the time of his death, or living apart from him at such time because of his desertion.

(c) The term "widower" means the deceased's husband, but only if dependent in whole or in part for support upon the deceased at the time of her death.

(d) The term "parent" means a father, mother, father or mother through adoption, stepfather, stepmother, and persons who have stood

in loco parentis to the deceased for a period of not less than two years just prior to his death.

(c) The term "grandparent" means a grandfather or grandmother.

SEC. 206. Payments of compensation for personal injury to any claimant under this title may be denied or suspended, to such extent as the commission deems necessary, unless such claimant has, as frequently and at such times and places as may be reasonably required by the commission, submitted himself to examination by a medical officer of the United States or by a duly qualified physician, designated or approved by the commission. The individual injured may have a duly qualified physician designated and paid by him present to participate in such examination. In case of any disagreement between the physician making an examination on the part of the United States and the physician designated by the individual injured, the commission shall appoint a third physician duly qualified who shall make an examination. For all examinations after the first required under this title, the claimant shall, in the discretion of the commission, be paid his reasonable traveling and other expenses. Fees for examination made on the part of the United States under this title by physicians who are not already in the services of the United States shall be fixed by the commission. Such fees and traveling and other expenses shall be paid out of the appropriations for the administration of this title.

SEC. 207. (a) Any assignment of a claim of compensation under this title shall be void, and all compensation and claims therefor shall be exempt from all claims of creditors.

(b) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

(c) If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this act.

(d) The cause of action when assigned to the United States may be prosecuted by the commission, and if the commission realizes upon such cause of action it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary, including any payments made under such subdivision (e) of section 204, and the expenses of such realization, which sum shall be paid into the Treasury, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

(e) If an injury or death for which compensation is payable under this title is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(1) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States, including any payments made under subdivision (e) of section 204, and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded shall be paid into the Treasury.

(2) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.

SEC. 208. If the original claim for compensation has been made within the time required by this title, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 209. That if any compensation is paid under a mistake of law or fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be paid into the Treasury.

SEC. 210. There is hereby authorized to be appropriated the sum of $25,000, to be available until the expiration of the fiscal year ending June 30, 1927, for the payment of the compensation provided by this title, including expenses for medical, surgical, hospital services, and supplies, and for funeral and burial expenses as provided by section 204, and the physician fees and traveling and other expenses provided by section 206.

SEC. 211. If any person entitled to compensation under this title, but whose compensation ceases upon marriage, accepts any payments of compensation after such marriage, he shall upon conviction be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both.

SEC. 212. The provisions of this title shall not apply to—

(a) Any claim for which compensation is provided by the Federal employees' compensation act, as amended, or by the World War veterans' act of 1924, as amended.

(b) Any claim for injury or death incurred in line of duty by any member of the military or naval forces of the United States in cases where relief is provided by other law.

SEC. 213. The act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 43. That this act may be cited as the Federal employees' compensation act."

TITLE III.—MISCELLANEOUS

SEC. 301. When used in this act—

(a) The term "department or establishment" means any executive department or independent establishment not in the legislative or judicial branches of the Government, or any corporation acting as a governmental instrumentality or agency in which the United States owns or controls 51 per centum or more of the voting securities;

(b) The term "officer or employee of the Government" means any officer or employee of any department or establishment as above defined, any member of the military or naval forces of the United States, or any other person acting on behalf of the United States in any official capacity under or by authority of any such department or establishment; and

(c) The term "acting in the scope of his employment," in the case of any member of the military and naval forces of the United States, means acting in line of duty, and in the case of an officer or employee of any corporation acting as a governmental instrumentality or agency means acting in the execution of a governmental activity.

SEC. 302. In any claim brought under this act the head of the executive department or other independent establishment or governmental instrumentality or the court shall, as a part of the award or judgment, determine and allow reasonable attorneys' fees not to exceed 15 per centum of the amount recovered, if recovery be had, to be paid to the attorneys of the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount other than that allowed under this section, if recovery be had, shall upon conviction thereof be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

SEC. 303. Section 173 of the Judicial Code is amended to read as follows:

"SEC. 173. No claim shall be allowed by the accounting officers or the head of any executive department or other independent establishment or governmental instrumentality, or by any court of the United States, or by the Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department, establishment, instrumentality, or court in support thereof."

SEC. 304. No claim for loss, damage, injury, or death, liability for which is recognized under this act, shall be settled, adjusted, or reviewed under section 236 of the Revised Statutes, as amended, nor shall jurisdiction of any such claim be had except as provided in this act.

SEC. 305. No period of limitation for presenting or filing the claim of any individual under 18 years of age or mentally incompetent shall run so long as such individual is without a guardian, trustee, or committee.

SEC. 306. This act may be cited as the "Federal tort claims act."

At the outset I wish to state that I am in favor of this bill; it probably is the utmost that we can get at the present time. It does not, however, go far enough.

Title I of the bill involves property damage claims against the Government to any amount.

Title II involves personal injury and death claims but limits recovery to $5,000. It is difficult to understand why injury to person should be deemed less valuable and less susceptible of remedy than injury to property. The death of an individual can result in no greater damage than $5,000, yet judgment could be obtained, under Title I in this act, for injury to property in the Court of Claims far beyond a million dollars. If there is to be limitation as to the jurisdiction of the amount of claim, that limitation should bear more heavily against property damage rather than personal-injury damage. It seems quite illogical to place a greater value upon chattels or contracts than upon life and limb.

Recognition of recourse against the State by the individual for wrongs done him is a comparative new innovation in American political life. It may, therefore, be too early for me to ad-

vocate the proposition that the United States district court should open its doors for the purpose of redressing wrongs involved in negligence and other torts resulting in personal injury or death with no limitation as to the amount of recovery. That is the goal toward which we are inevitably tending.

Title I, section 4, endows the United States district court with jurisdiction concurrent with the Court of Claims in property-damage torts where the amount claimed is over $5,000, but does not exceed $10,000, then proceeds to tie the hands of the court by providing that the trial shall be by the court without a jury. I see no reason for this limitation, except the fear, imaginary and not real, that juries might be prone to give excessive verdicts against the Government. From personal experience in the trial of cases, I am of the opinion that this is not true and does not square with the facts. However, under existing law great latitude is given to the Federal district judge in his conduct of the case, and his instructions to a jury can amount in most cases to a direction of a verdict. He is given the greatest amount of power in characterizing the testimony of the witnesses and can tell the jury what to believe and what not to believe. Under such conditions there should be no dread of a jury giving disproportionate verdicts. Nevertheless, I am willing to accept the provision there shall be trial without jury, as I do not want to voice any objection which might impair the passage of this bill. It had been argued that such trial without jury in the district court might be deemed violative of the seventh amendment of the Constitution, which states that in suits at common law the right of trial by jury shall be preserved. Of course, suits made possible by this bill are not suits at common law in the first place, and when the Government accords a right of action it has the power to circumscribe that right with any condition. It was held in the case of McElrath *v.* United States (102 U. S. 440) that when the Government permitted a claim or suit to be prosecuted in the Court of Claims that was not to be deemed a suit at common law. See also the case of the Mountain Timber Co. *v.* Washington (243 U. S. 219). In Schillinger *v.* United States (155 U. S. 166) the Supreme Court held that—

> the Government, in granting consent that suit be brought against it, has absolute discretion to specify the contingencies in which the liability of the Government is submitted to the courts for judicial determination, from which it is manifest that Congress can, as one of the contingencies, say there shall be no trial by jury.

I also direct attention to U. S. *v.* Lee (106 U. S. 227), whereby it is stated that the sovereignty "may prescribe the terms and conditions on which it consents to be sued, and the manner in which the suit shall be conducted. (See Beers *v.* Arkansas, 20 How. 527, 529. See also Nichols *v.* U. S., 7 Wall. 122, 126. See also other cases cited in the United States against Lee, 106 U. S. 227, supra.)

As to the bill generally, it is most praiseworthy and should pass without delay. We should put ourselves upon a par with many foreign governments which for many years have allowed suits in tort by its subjects to be brought against these governments. Only Anglo-Saxon countries have been derelict in this regard. It is unfair that we allow the individual no redress against the negligent, unlawful, arbitrary, and capricious administration of the State's functions. It is unfair to let the individual bear his burdens in this regard without help from the government that injured him. The State and Federal Governments are daily inserting themselves, more and more, into the affairs of the individual. The danger, therefore, to the individual by negligent and perverse action of Government officials becomes all the greater. All the more need, therefore, is there for governmental responsibility for such tort. The Government should not go unwhipped of justice. It seems anomalous that in Great Britain and in the United States, where the individual is supposed to have the greatest amount of political freedom and the greatest amount of individual right, there is no redress for the individual when he is wronged by the Government. That seems a denial of our prided liberty and personal prerogatives. Continental countries, however, where there can be no such boast of individual rights, have long since recognized government liability in tort. These European countries, ruled by kings, redress the wrongs of their subjects as the result of misfeasance or malfeasance of their agents and officers, yet the United State Republic has always refused remedy in such cases and has stubbornly adhered to the fiction that "the Government can do no wrong."

It was always the medieval Anglo-Saxon theory that "The King can do no wrong." That fiction became so ingrained in English common law that when we became a Republic and took over the English common law we likewise embraced with fulsome devotion the fiction, "the King can do no wrong," but changed it to "the sovereignty can do no wrong."

We now know, however, that the maxim "The King can do no wrong" was a prerogative of royalty. Chitty, in his The Law of Prerogatives of the Crown, page 5, indicates that this maxim meant that the law merely supposed that it was impossible for the King to act unlawfully or improperly. The law could not distrust him, since it invested him with supreme power. He might have been capable of wrong, but since he was supreme there could be no redress, no suit or action could be brought against him because no court could have jurisdiction over him. A careful reading of Chitty indicates that this dispunishment of the King was purely personal. It is difficult, therefore, to understand how such a prerogative was made to apply to the United States of America where there is no prerogative. The Supreme Court has held in the case of Langford *v.* United States (101 U. S. 341), Mr. Justice Miller said that it is not true that the maxim of England's constitutional law that the King can do no wrong is one that our courts must apply to the Government of the United States. He made these very signal remarks:

> We have no king to whom it can be applied. The President, in the exercise of the executive functions, bears a nearer resemblance to the limited monarch of the English Government than any other branch of our Government, and is the only individual to whom it could possibly have any relation. It can not apply to him, because the Constitution admits that he may do wrong, and has provided, by the proceeding of impeachment, for his trial for wrongdoing and his removal from office if found guilty. None of the eminent counsel who defended President Johnson on his impeachment trial asserted that by law he was incapable of doing wrong, or that, if done, it could not, as in the case of the king, be imputed to him, but must be laid to the charge of the ministers who advised him.
>
> It is to be observed that the English maxim does not declare that the Government, or those who administer it, can do no wrong; for it is a part of the principle itself that wrong may be done by the governing power, for which the ministry, for the time being, is held responsible; and the ministers personally, like our President, may be impeached; or, if the wrong amounts to a crime, they may be indicted and tried at law for the offense.
>
> We do not understand that either in reference to the Government of the United States or of the several States, or of any of their officers, the English maxim has an existence in this country.

The courts, however, have recognized the infusion of the English doctrine in our law and have justified the State's immunity from suit on the ground of public policy. See Langford *v.* United States, supra.) Professor Burgess, from whom the writer took courses in constitutional law at Columbia University, comes to the conclusion that purely on the grounds of expediency and general public policy "the State can do no wrong." See his book on Political Science and Constitutional Law (1891), page 57. Yet the practice does not jibe with the theory because we permit States to be sued. There are many instances where one State sues another in the Federal Supreme Court. We also permit the United States to sue a State in the United States Supreme Court. Furthermore, many States make a distinction between corporate and government functions of a city or municipality and allow the city or municipality to be sued where its employees or agents have been negligent in the discharge of purely "corporate" functions. For example, suit can be brought against New York City for the negligence or torts of the employees of the street-cleaning department because that is deemed a corporate function. But suit can not be brought for the negligent acts of a policeman or fireman because they discharge purely governmental functions. I admit that these distinctions are worthless and silly. Such inconsistencies and many others which I could point out, if time and space would permit, only emphasize that there is always a straining by State governments to give the right to the individual to sue, but that straining is always coupled with a fear that the State might go too far. The result has been a mass of inconsistencies in our law; inconsistencies that obtain in almost every State, as well as in the Federal Government.

Prof. Edwin M. Borchard, Yale University, in his Government Liability in Tort, part 1, page 9, very aptly shows the perversity of our State courts in adhering to the worn-out maxim, "The King can do no wrong," at the same time shows that the legislatures are trying to get away from the maxim:

> So strongly intrenched in the judicial mind is the principle of immunity in tort that legislative consent to suit, though granted in the broadest language, has been deemed to exclude liability for tort. Thus, under a Washington statute providing that "any person * * * having any claim against the State of Washington shall have the right to begin an action against the State in the superior court," it was held that "claim" was synonymous with "cause of action," and as there never had been any cause of action arising out of the torts of officers, the statute was construed merely to provide a remedy against the State

by suit in existing causes of action, but not to create any new grounds of liability nor waive any former defense. In New York the court of appeals has gone even further. By section 264 of the Code of Civil Procedure the court of claims has jurisdiction "to hear and determine a private claim against the State, including a claim of an executor or administrator of a decedent who left him or her surviving a husband, wife, or next of kin, for damages for a wrongful act, neglect, or default on the part of the State by which the decedent's death was caused * * * and the State hereby consents, in all such claims, to have its liability determined." Several courts had held that this statute expressly permitted liability for a "wrongful act, neglect, or default" of an agent or officer of the State to be charged against the State. Not so the court of appeals. While admitting that this statute conferred "jurisdiction of the broadest character," Justice McLaughlin, speaking for the court, said that though the State "must be treated as having waived its immunity against actions as to all private claims," still, by waiving its immunity from action it did not thereby concede liability for the torts of its officers. "Immunity from action is one thing. Immunity from liability for the torts of its officers and agents is another." The Illinois Court of Claims act of June 25, 1917, empowers that court "to hear and determine all claims and demands, legal and equitable, ex contractu and ex delicto which the State, as a sovereign Commonwealth, should, in equity and good conscience, discharge and pay." This provision was likewise held not to enlarge the liability of the State, but "simply provides a remedy by which claims may be heard, and this court has no power to make an award in any case unless the facts show a legal or equitable claim against the State." While torts of officers have not been held to create a legal or equitable claim, the court has in a considerable number of cases recommended to the legislature an appropriation as a matter of "social justice."

It is interesting to note that the States of California and Wisconsin allow compensation for the individual up to $5,000 in the case of errors in the administration of criminal law. This is on the theory that the State, in pursuit of its public functions, should be responsible for the errors and misfeasance and malfeasance of its officers who take away the liberty of the private individual in the supposed interest of the public. It is interesting, in this connection, to note that similar statutes are in force in France, Germany, Norway, Sweden, Denmark, Austria, Spain, Portugal, and Switzerland. See Senate Document 974, Sixty-second Congress, third session, which contains an editorial by Dean Wigmore, of Northwestern University School of Law, and an article by Professor Borchard on "European systems of State indemnity for errors of criminal justice."

The United States has, nevertheless, allowed itself to be sued many times. We have allowed contract claims to be recovered in the Court of Claims since 1865. England for centuries has allowed what is known as the "petition of right," but this has never been construed to cover torts. Our Court of Claims has from time to time had its jurisdiction widened to include many classes of cases. December 28, 1922, we passed a Federal tort claims act, Public Act 375, Sixty-seventh Congress, which allowed tort claims to be settled by the heads of departments up to $1,000. We have also allowed the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels. This act was approved December 28, 1922, and permits settlement up to $3,000. March 3, 1925, we approved the act authorizing suits against the United States in admiralty for damages caused by the salvage services rendered to public vessels belonging to the United States. Thus we have, by innumerable provisions, allowed the Government to be sued on claims pending in tort against it to be settled and paid. The instant bill simply extends the practice.

A number of our Federal justices have written me concerning the bill, and I am pleased to submit communications from Chief Justice Taft, Associate Justice Sutherland, as well as United States District Court Justice Knox, Southern District of New York.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., January 11, 1926.

MY DEAR MR. CELLER: I have your note of January 8, but I hesitate to express an opinion on the bill which you transmit. It has evidently been prepared with much labor, and I would not like to express an opinion without a much fuller consideration than I can now give. I should think that the chief justice of the Court of Claims would be a better man to consult than I. I have always felt that the immunity of governments has worked a good deal of injustice from the first time I read a case in the Ohio Reports, in which one who had been injured by an elevator in a county courthouse was thrown out of court on the ground that the county could not be held for such damages. I should think it would be better to call in the accounting officers and the members of the Court of Claims to express some opinion as to how large a mass of litigation this would create as against the Government. I hope you will excuse me from not giving you a more satisfactory answer, but I am right in the midst of very heavy judicial work.

As ever,

Sincerely yours,

WM. H. TAFT.

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., January 11, 1926.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I have your letter of the 8th instant, inclosing a copy of H. R. 6716, proposing to give a remedy in damages against the United States for injuries arising out of the negligence, wrongful act, or omission of any officer or employee of the Government, etc.

I have not had time to examine the bill in detail and am doubtful as to just how far I might go with propriety in expressing any opinion about it in view of the probability that, if it becomes law, questions may arise under it calling for judicial action. I think, however, I may venture to say that it proposes a great departure from long recognized policies of both State and Federal Governments and therefore calls for very serious consideration. Where the Government undertakes a business operation, as it did, for example in the case of the Alaskan Railroad, I have always thought that it should be responsible precisely as a private operator would be. But where the Government is discharging its normal governmental functions, I should think that to make it liable for the negligence or wrongful acts of any of its officers or employees would be to take a step of rather doubtful wisdom.

Very sincerely,

GEO. SUTHERLAND.

UNITED STATES DISTRICT COURT,
New York, January 23, 1926.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN CELLER: Your letter of January 8, inclosing a copy of H. R. 6716, now pending before the Committee on Claims in the House, has been received.

I appreciate your thought of me in asking what I think of this proposed measure. I have gone over the bill, and, while I have not given it enough thought to pass judgment upon the mechanics provided for the assertion and proof of claims against the Government, I am in much sympathy with the purpose and object of the proposed legislation. It seems to me that the country has been very slow to recognize the justice of claims that may be made against it for its wrongs or that of its officers and agents acting within the scope of their authority. Is it not remarkable how slowly it is that a civilized and progressive country gets away from the so-called divine right that hedges about a sovereign? I am in favor of increasing the speed with which we will get away from the idea that the United States is not liable to persons who suffer as a result of its wrongs. In the last few years I have had occasion to do a great deal of reading relative to the immunity of a sovereign power from suit at the instance of one of its citizens, and it is with a sense of satisfaction that I see such legislation as Mr. UNDERHILL's bill and a slight tendency upon the part of some courts to bring the question of governmental liability up to date.

With my kind regards, I am,

Sincerely yours,

JNO. C. KNOX.

The Committee on Claims, to which all private relief bills are referred, is a part of a very wretched, cumbersome, and unsatisfactory system of affording remedy to those persons possessed of claims against the Government.

If an innocent child is run down by a mail truck and is crippled for life, with an amputated leg as a result of the negligence of the driver, then surely the sovereignty, the Government, through its truck driver has really done a grievous wrong.

In the case of a private employee suit may be instituted in a court and damages recovered. There is no such remedy against the Government. It can do no wrong. This legal fiction persists as a relic of a bygone age. The child's father must get some Congressman or Senator to introduce a bill and have the Committee on Claims of either House pass upon and refer it to the House or the Senate.

Myriads of such private claim bills are annually before the Committee on Claims. They date back years and years. This committee could sit for a century and would still be behind in its work. The committee meets once a week on a Friday and each member of the committee reports one, and at most two, bills which he has under consideration. The committee then takes favorable or unfavorable action.

If favorable the bill is reported to the House and is placed upon the Private Calendar. The Private Calendar is usually

taken up during night sessions, and there are very few of these night sessions. Under a very hackneyed rule one objecting Member of the House can strike the bill off the calendar and he need give no reason therefor. He may not like the Member who introduced the bill because he wears a red necktie. His objection may be most fanciful and capricious. It is readily discernible that under such a system little or no justice can be done to the thousands of claims that await adjustment.

Furthermore, this busy Committee on Claims has no facilities, nor have the members time or inclination to pass upon questions of negligence and contributory negligence, to sift evidence, and determine a host of matters which only a court and jury or a specially devised body like the Federal Tort Claims Commission set up by this bill can adequately consider.

It is difficult, if not impossible, to enlist the sympathy, if not the interest, of Members of Congress from, say, the far West or the South in the case of a man of my district whose arm is crushed in an explosion in the Brooklyn Navy Yard. It is just as difficult for me to become anxious about the case of a woman in Portland, Oreg., who was injured by the negligence of an elevator operator in a Government building.

Only the passage of this bill can remedy this intolerable situation.

The passage of this bill will serve another very important purpose. It will blaze the way and influence States and political subdivisions thereof, like counties and cities, to throw aside the foolish and unjustifiable notion that the "State can do no wrong."

Before closing I desire to point out some defects in the Underhill bill. It continues as a defense contributory negligence. More enlightened States have long since discarded as most unjust the defense of contributory negligence and have substituted the more advanced theory of comparative negligence. Furthermore the Underhill bill is retroactive. This is unfair, as it makes the Government defend actions of which it may not have suitable and proper records. The Government, not being aware that it would have to defend, at the time of accidents some years back very likely did not preserve records, could not get the testimony of witnesses in deposition form, or could not keep track of witnesses. The Government may now be called upon to defend cases that arose several years back, and might find itself seriously embarrassed in its defense because of lack of such witnesses and records.

RECESS

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that the House may stand in recess until 2 o'clock p. m.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the House may stand in recess until 2 o'clock p. m. Is there objection?

There was no objection.

Accordingly (at 1 o'clock and 30 minutes p. m.) the House took a recess until 2 o'clock p. m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker.

PRIVATE CALENDAR

JOHN P. DALEY

The first business on the Private Calendar was the bill (H. R. 10226) to correct the military record of John P. Daley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That John P. Daley, late of Battery B, Seventh Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery B, Seventh Artillery, on the 3d day of August, 1900: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FRANK GRYGLA

The next business on the Private Calendar was the bill (S. 554) for the relief of Frank Grygla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Mr. Speaker, reserving the right to object, I would like to have the bill read and explained, so that we may know what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Frank Grygla, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $669.71, for salary as special agent of the General Land Office for the period October 15, 1901, to May 3, 1902, being at the rate of $1,200 per annum, such salary having been withheld on account of his suspension from duty by an order of the department to investigate charges against him which were not sustained and from which he was entirely exonerated.

Mr. STEPHENS. Mr. Speaker, I withdraw my reservation.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ROCHESTER MERCHANDISE CO.

The next business on the Private Calendar was the bill (H. R. 4193) for the relief of the Rochester Merchandise Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, there is an identical Senate bill, Senate 3555.

The SPEAKER. Without objection the Senate bill will be considered instead of the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to effect reimbursement out of any proceeds of sales of surplus War Department property not covered into the Treasury as miscellaneous receipts to the Rochester Merchandise Co., of Rochester, N. Y., in the sum of $780, being the amount paid by that company for truck bodies sold to it at public auction, but not delivered.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill, H. R. 4193, was laid on the table.

WILLIAM KNABE

The next business on the Private Calendar was the bill (H. R. 10020) for the relief of William Knabe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated the sum of $50 as reimbursement for the loss of a farm truck which was loaned to the Shawnee Sanatorium and was burned in a fire of unknown origin that destroyed the barns at the Shawnee Sanatorium on July 13, 1925.

With the following committee amendments:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 1, line 6, after "$50," insert the words "to William Knabe, of Shawnee, Okla."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRIVATE CALENDAR

JAMES C. SIMMONS

The next business on the Private Calendar was the bill (H. R. 819) for the relief of James C. Simmons, alias James C. Whitlock.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, who has this bill in charge?

Mr. BLANTON. This is one of the few bills of this character that The Adjutant General of the War Department recommends.

Mr. ARENTZ. Well, if the gentleman from Texas will just wait a moment, I think on page 1, in line 10, after the word "to," there should be inserted the words "or after."

In view of the very short time that this man was in the service and the circumstances surrounding his detachment from the service, it is my opinion that he should not have any pension and that his widow should not have any pension.

Mr. BLANTON. I think that is a wise amendment, and the gentleman ought to introduce it.

Mr. ARENTZ. If the following amendment which I shall offer is accepted, I will withdraw any objection: On line 10, after the word "to," insert "or after." The last line then will read "that no pension shall accrue prior to or after the passage of this act."

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James C. Simmons, alias James C. Whitlock, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Thirty-fifth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. ARENTZ. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: In line 10, after the word "to," insert the words "or after."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH W. JONES

The next business on the Private Calendar was the bill (H. R. 7712) for the relief of Joseph W. Jones.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I desire to call the attention of my colleagues to what The Adjutant General says about this bill. I quote from The Adjutant General's letter as follows:

Nothing whatever has been found of record to show that this man was suffering from any disability at the time of his desertion; and upon this presentation of the case the application was denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and that it has not been established that he was prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, the only law now in force governing the subject of removal of charges of desertion.

Therefore I object, Mr. Speaker.

AMERICAN REGISTRY FOR THE NORWEGIAN SAILING VESSEL "DERWENT"

The next business on the Private Calendar was the bill (H. R. 7973) to provide American registry for the Norwegian sailing vessel *Derwent*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built sailing vessel *Derwent*, purchased and wholly owned by American citizens and repaired and changed by them into a barge, to be enrolled and licensed as a vessel of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE DAVIS VEDDER

The next business on the Private Calendar was the bill (H. R. 5074) for the relief of George D. Vedder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George D. Vedder shall hereafter be held and considered to have been honorably discharged from Company A, Thirty-first Regiment New York Volunteer Infantry, Civil War, September 8, 1863: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LESTER COOLEY

The next business on the Private Calendar was the bill (H. R. 7352) for the relief of Lester Cooley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman from Ohio a question if he is present. The gentleman has probably stepped into the cloakroom and I ask that the bill be passed over without prejudice.

Mr. ARENTZ. Will the gentleman withhold that for a moment?

Mr. BLANTON. Yes.

Mr. ARENTZ. I think it is as much within my province to pass the bills I think favorably of as to hold up those that appear to me unfavorably.

Mr. BLANTON. That is granted.

Mr. ARENTZ. Has the gentleman looked into the record of this man to ascertain what kind of a military record he has?

Mr. BLANTON. I wanted to ask the gentleman from Ohio why it was that all the report of The Adjutant General was not put in the report of the committee, but just a part of it was put in.

Mr. ARENTZ. Where a man has enlisted and reenlisted for three years more during the heat of the battles of the Civil War, surely such a man is entitled to an honorable discharge.

Mr. BLANTON. But I have found in inspecting these bills for the last nine years that whenever a part of a department report on a bill is left out, you had better be careful; you had better look that part up and see what is in it. There is always a reason for leaving it out.

Mr. ARENTZ. If the gentleman has a full history of this man's military record, he will know that he had a wonderful record.

Mr. BLANTON. Has the gentleman the entire report here?

Mr. ARENTZ. No; just the report as given by the committee, and I think that is enough. I do not know anything about this man outside of the report.

Mr. BLANTON. Then let us look up the report. I ask, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

HERMAN WAGNER, ALIAS HENRY BURNETT

The next business on the Private Calendar was the bill (H. R. 8552) for the relief of Herman Wagner, alias Henry Burnett.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Herman Wagner, alias Henry Burnett, shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company C, Eighth Regiment Maine Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS DOWLING, ALIAS JAMES MURPHY

The next business on the Private Calendar was the bill (H. R. 9234) to change the military record of Thomas Dowling, alias James Murphy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, Thomas Dowling, alias James Murphy, shall hereafter be held and considered to have been honorably discharged as a private in Troop D, Fifteenth United States Cavalry, January 12, 1903: *Provided*, That no back pay, back pension, or other back allowances shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLUMBUS P. PIERCE

The next business on the Private Calendar was the bill (H. R. 9667) for the relief of Columbus P. Pierce.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, this is an adverse report and it does not appeal to me. Is the gentleman from Maine going to let this bill go by? The Adjutant General reports unfavorably on it. He says that Pierce was absent from the regiment at the time it was mustered out by leave of Colonel Miller and could not therefore be regularly discharged.

Mr. BEEDY. But he offered testimony from other members of the company who said he was actually present in the regiment, and we thought we would give him the benefit of the doubt.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, benefits, and privileges upon honorably discharged soldiers Columbus P. Pierce shall be held and considered to have been mustered into the military service of the United States as a private in Company G, Thirteenth Tennessee Volunteer Cavalry, on November 11, 1864, and to have been honorably discharged from same organization on April 12, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN HEBNES

The next business on the Private Calendar was the bill (H. R. 10489) to perfect the homestead entry of John Hebnes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the additional entry under the stock-raising homestead act of December 29, 1916 (39 Stat. L. p. 862), made by John Hebnes, on March 3, 1925, for east half of east half of section 22, township 7 north, range 9 east, Montana principal meridian, Montana, may be perfected without residence upon the land embraced in said entry or upon the land embraced in said Hebnes's original homestead entry: *Provided*, That the final proof show that entryman owned and occupied the land embraced in his original entry at the date the additional entry was allowed.

With the following committee amendment:

Line 7, strike out all after the word "Montana" and insert "is hereby validated."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LESTER COOLEY

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent that we return to H. R. 7352, reported while I was absent attending a conference committee meeting.

The SPEAKER. The gentleman from Ohio asks unanimous consent to return to Calendar No. 283, H. R. 7352. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lester Cooley, who was a member of Company D, Fifth Battalion, and Company F, Thirteenth Regiment, Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of August, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMOS DAHUFF

The next business on the Private Calendar was the bill (H. R. 2313) for the relief of Amos Dahuff.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN CLARK

The next business on the Private Calendar was the bill (H. R. 2316) for the relief of John Clark.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John Clark, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of January, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment, which I send to the desk.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Strike out the proviso on page 1, lines 9 and 10, and insert in lieu thereof the following: "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES PERRY WHITLOW

The next business on the Private Calendar was the bill (H. R. 6921) to correct the military record of James Perry Whitlow.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Perry Whitlow, who enlisted in Company E, Second Regiment Nebraska Volunteer Cavalry, on the 15th day of November, 1862, and who served under his father's name of Peter Whitlow, shall hereafter be held and considered to have been discharged honorably from the military service as a member of said company and regiment on the 11th day of December, 1863: *Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word for the purpose of asking a question. Why was it that the Military Affairs Committee did not have a report from the War Department on this case? Does anyone know? I ask the gentleman from Illinois [Mr. WHEELER]. This is one of the few cases of this character where there appears in the report of the committee no report whatever from the War Department. Was there an adverse report by the War Department?

Mr. WHEELER. There was not, so far as I know.

Mr. BLANTON. I know that in every one of a number of bills which the gentleman himself has reported from the committee there has been a report from The Adjutant General on the case, but in this report of the committee there is no report whatever from the War Department.

Mr. WHEELER. There was no report from the War Department on this case at all.

Mr. BLANTON. Why was it not submitted to the War Department? The only evidence whatever that is presented in this committee report is the ex parte affidavit of the man himself.

Mr. WHEELER. It was reported out by a subcommittee.

Mr. BLANTON. I did not object, but I think it a little strange that the two gentlemen who are watching these bills are letting bills of this character go by unobjected to.

Mr. WHEELER. There were so many of these private bills that the subcommittee was subdivided into other committees.

Mr. BLANTON. There ought to be a report from the War Department on every bill of this character.

Mr. WHEELER. I do not know who it was that made the report to the subcommittee on this particular bill.

Mr. BLANTON. It was the gentleman himself.

Mr. WHEELER. I do not think so.

Mr. BLANTON. Yes; the gentleman filed the committee report——

Mr. WHEELER, from the Committee on Military Affairs, submitted the following report.

Mr. WHEELER. It might have been given to me to make the report, but I do not know to whom the bill was originally referred. I went over all of the bills referred to me very carefully.

Mr. BLANTON. Of course, we have passed the objection point.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES B. DICKSON

The next business on the Private Calendar was the bill (H. R. 9318) authorizing the President to appoint James B. Dickson a second lieutenant of the Air Service in the Regular Army of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. ARENTZ. Mr. Speaker, I reserve the right to object.

Mr. BLACK of Texas. Mr. Speaker, I object.

THOMAS G. PEYTON

The next business on the Private Calendar was the bill (H. R. 8447) for the relief of Thomas G. Peyton.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. There is a report from the Secretary of War wherein he says that the Director of the Bureau of the Budget has been consulted and advises that the proposed legislation is in conflict with the financial program of the President, but that if amendments provide that no back pay, allowances, or emoluments shall become due because of the passage of such legislation it would not be in conflict with the President's financial program. Is a little pension for a few years back of such importance that it is in conflict with the financial program of the President?

Mr. UNDERHILL. I would say that it is of vast consequence, because this House has adopted this very phraseology in connection with all of these bills; and it is not one bill, but scores of bills, hundreds of bills, thousands of bills, which come under the objection.

Mr. BLANTON. This was the peculiar attitude that I found the department in.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Just a moment. I want to answer the gentleman who is the chairman of the committee.

Mr. UNDERHILL. Not of this committee.

Mr. BLANTON. No; but he is chairman of the big Claims Committee. If this man is entitled to have the War Department, through act of Congress, correct his military record so that he could be put on the pension rolls in such a way that the War Department would approve of it, then he ought to have it from all the way back.

Mr. UNDERHILL. Not necessarily.

Mr. BLANTON. But whatever the cause, wherever the War Department comes in and says, "We pay nothing, we can not correct it, we leave it up to Congress," that is where we pass bills with such an amendment as the gentleman mentions.

Mr. UNDERHILL. But does not the gentleman think it is a very good policy that this House has adopted to insist that the words which he has quoted be placed upon every bill.

Mr. BLANTON. I am glad to know that the financial policy of the President takes into consideration so small an item as this bill.

Mr. UNDERHILL. Many a mickle makes a muckle.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WAINWRIGHT. I think in view of what the gentleman has said that I ought to say that this is not a pension bill at all.

Mr. BLANTON. Wait a minute, let us see.

Mr. WAINWRIGHT. I am not yielding.

Mr. BLANTON. But I have the floor; the gentleman unfortunately has to yield to me.

Mr. WAINWRIGHT. I assumed the gentleman has yielded the floor and the Speaker had recognized me.

Mr. BLANTON. No; I yielded for a question.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask for the regular order.

Mr. BLANTON. The regular order is this, Mr. Speaker, that the amendment says, "No back pay or allowance shall be held to have accrued prior to the passage of this act," and back pay and allowance in a case of this kind has the same status and standing as a pension, exactly.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair is informed a similar Senate bill is on the calendar, and without objection the Senate bill will be considered in lieu of the House bill. [After a pause.] The Chair hears no objection. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3330) for the relief of Thomas G. Peyton

Be it enacted, etc., That for all the purposes of computing pay the appointment of Thomas G. Peyton on September 20, 1913, to the United States Military Academy, under the authority of Joint Resolution No. 8, approved September 3, 1913 (38 Stat. L., pt. 2, p. 1230), shall be taken and considered as a reappointment and reinstatement under his original appointment made on March 1, 1910: *Provided*, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was ordered to lie on the table.

THOMAS DURNFORD

The next business on the Private Calendar was the bill (H. R. 8489) to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to section 42, all in township 5 south, range 2 east of St. Stephens meridian, Baldwin County, Ala., containing 202.65 acres, as shown on a plat of survey made by James Dowell, deputy surveyor, approved on February 25, 1830, by William Brown, principal deputy surveyor of public lands, and segregated thereon as the claim of Thomas Durnford be, and the same is hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided*, That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be constructed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever; the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the equitable owners of said lands, by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of Alabama, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

Mr. McDUFFIE. Mr. Speaker, I notice that in line 8, page 2, instead of the word "constructed," it should be "construed," and I ask that that change be made.

The SPEAKER. Without objection, the change will be made. There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DEVISEES OF WILLIAM RUSCH, DECEASED

The next business on the Private Calendar was the bill (S. 1920) for the relief of the devisees of William Rusch, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying all the right, title, and interest of the United States to the east half of the northeast quarter, and the northeast quarter of the southeast quarter of section 6, township 13 north, range 9 east fourth principal meridian, in Columbia County, Wis., to William Rusch, upon payment in his behalf to the United States of the sum of $1.25 per acre therefor.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. KELLY

The next business on the Private Calendar was the bill (H. R. 6422) to correct the military record of George W. Kelly.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Kelly shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Second Regiment Michigan Volunteer Infantry, on the 26th day of August, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso and insert, "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, strike out lines 10 and 11 and insert in lieu thereof the following: "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN T. WILSON

The next business on the Private Calendar was the bill (S. 3077) for the relief of John T. Wilson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, in this case the Comptroller General makes a statement that is not quite in accord with the recommendation made by the Director of the United States Veterans' Bureau. It should be held in abeyance until we may examine it.

The SPEAKER. Objection is heard.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 10859. An act to provide for the transfer of certain records of the General Land Office to States, and for other purposes.

PRIVATE CALENDAR

L. J. HOUGHTALING

The next business on the Private Calendar was the bill (H. R. 9606) for the relief of L. J. Houghtaling.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to L. J. Houghtaling, who suffered injuries on or about June 8, 1913, while in the employ of the United States Forest Service, the application of the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation to be provided hereunder as if the provisions of the act approved September 7, 1916, had been operative on the date the injuries occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN T. WILSON

Mr. BLANTON. Mr. Speaker, my colleague from Alabama has called my attention to the facts, which cause me to withdraw my objection to the last bill that was reported. He assures me that it is a meritorious claim.

Mr. BLACK of Texas. Mr. Speaker, I shall be compelled to renew the objection. I will state with perfect frankness that I did not think the Private Calendar was coming up to-day, and this is one claim about which I wanted to make some investigation. It may be when I have made that investigation I shall make no objection at all.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. UNDERHILL. I have no objection to the matter going over on the request of the gentleman from Texas. My action in not signing the report was not influenced by any doubt as to the justice of the report, but it has been my experience that on Private Calendar days, in order not to consume time or to prevent other Members from getting their bills up on a controversial matter, it is best to let them go on without prejudice.

Mr. BLACK of Texas. I will state with perfect frankness that I have not had time to read the report, and I want to have time to do so carefully.

Mr. UNDERHILL. I could make an explanation of it that would satisfy the gentleman, but I prefer not to take the time.

Mr. BLACK of Texas. We shall have another claims day, I suppose?

Mr. UNDERHILL. Yes.

The SPEAKER. The Clerk will report the next bill.

LIDGERWOOD MANUFACTURING CO.

The next business on the Private Calendar was the bill (H. R. 10623) for the relief of the Lidgerwood Manufacturing Co.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to the Lidgerwood Manufacturing Co., in compensation for a cableway skidder model lost while in the custody of the commission of the United States to the Brazilian Centennial Exposition of 1922–23.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

E. D. MACREADY

The next business on the Private Calendar was the bill (H. R. 2882) to remove the charge of desertion from the name of E. D. Macready.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the War Department against E. D. Macready, late of Company E, Eleventh Regiment United States Infantry, and grant to said E. D. Macready an honorable discharge from the service of the Government of the United States.

With a committee amendment as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, E. D. Macready, who was a member of Company E, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 19th day of May, 1865: *Provided,* That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill for the relief of E. D. Macready."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN JAKES

The next business on the Private Calendar was the bill (H. R. 830) for the relief of John Jakes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, there is no report from the War Department on this bill, and I ask unanimous consent that it go over without prejudice.

Mr. GAMBRILL. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. GAMBRILL. There is no adverse report on the bill.

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Jakes, who was private of Company G, Second Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as private of said company and regiment on or about the 27th day of June, 1865: *Provided,* That no pay, pension, nor bounty shall accrue prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

THOMAS M. ROSS

The next business on the Private Calendar was the bill (H. R. 5071) for the relief of Thomas M. Ross.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice. There is no report here; nothing but the affidavit of the claimant himself.

The SPEAKER. It is not necessary to state why a bill is objected to. This is not a Consent Calendar. There is no use to argue the merits.

Mr. BLANTON. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

GEORGE PATTERSON

The next business on the Private Calendar was the bill (S. 1895) to correct the military record of George Patterson, deceased.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws George Patterson shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, Eleventh Regiment New York Volunteer Cavalry, Civil War: *Provided,* That no pension, pay, bounty, or allowance shall accrue prior to the passage of this act.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, George Patterson, formerly a private of Company H, Eleventh Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of April, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. ARENTZ. Mr. Speaker, on behalf of the gentleman from Maryland [Mr. HILL] I ask unanimous consent that he may be permitten to extend his remarks on Senate bill 1895.

The SPEAKER pro tempore. The gentleman from Nevada asks unanimous consent that the gentleman from Maryland [Mr. HILL] may be permitted to extend his remarks on Senate bill 1895. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, I reported for the Committee on Military Affairs the bill of the gentleman from Maryland [Mr. ZIHLMAN] which has just passed the House.

I feel that the record in this case should appear in the CONGRESSIONAL RECORD for the use of the Senate when the bill reaches there. These facts are all contained in my report, which is as follows:

[H. Rept. No. 801, 69th Cong., 1st sess.]

GEORGE PATTERSON

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report to accompany S. 1895:

The Committee on Military Affairs, to which was referred the bill (S. 1895) to correct the military record of George Patterson, deceased, having considered the same, report thereon with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, George Patterson, formerly a private of Company H, Eleventh Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of April, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

A similar bill (H. R. 3704) was introduced by Mr. ZIHLMAN; but the Senate bill having been passed, it is reported herewith.

George Patterson, while drilling with his company near Washington, D. C., fell, in charging across a gully, and broke his left leg. He was treated in various hospitals until partially recovered, and then endeavored to rejoin his organization but was unable to do so, as his company had gone South and his leg was still too weak. He was not again fit for military service until after the close of the war, and he never fully recovered from this injury.

A full record of the evidence available in this case is embodied in a report from the War Department submitted by the Secretary of War under date of January 22, 1926, which is as follows:

"Under date of February 28, 1922, in connection with H. R. 10515, Sixty-seventh Congress, second session, the chairman Committee on Military Affairs, House of Representatives, was furnished with a report in the case of George Patterson, deceased, formerly a private of Company H, Eleventh Regiment New York Volunteer Cavalry, Civil War. Following is a copy of that report:

"'The records show that George Patterson was enrolled September 4, 1862, at Washington, D. C., and was mustered into service on the same day as a private, Company H, Scott's Nine hundred New York Cavalry

Volunteers, to serve three years. He was admitted to St. Aloysius General Hospital, Washington, D. C., October 24, 1862, with fracture of both bones of leg, lower third; was transferred to general hospital at Chester, Pa., December 20, 1862, and deserted therefrom April 4, 1863, never thereafter returning to military control nor reporting his whereabouts or the cause of his absence to the military authorities, although his regiment remained in service until September 30, 1865. After this soldier deserted the designation of the organization was changed to Company H, Eleventh New York Cavalry Volunteers.'

"Applying to this department for removal of the charge of desertion and for an honorable discharge under the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), the only law in force governing the subject of removal of charges of desertion, in an affidavit executed October 26, 1901, the former soldier, a resident of Rockville, Md., testified as follows:

"'That while at drill in charging across a gully near Washington, D. C., he had his left ankle broken, and was sent to hospital in Washington, D. C., and treated by a Doctor Thompson, then sent to Chester (Pa.) Hospital, ward No. 1, some time in the latter part of December, 1862, where he remained some time, and then given a furlough to go home; while at home his furlough ran out, and my company being then stationed near Darnestown, Md., near my home, I went to the captain and reported for duty, and he told me I was unfit for duty, being unable to mount on left leg, and had better stay home until able for duty. The company was then called South and went into battle, and was cut up and mustered out before I could find out where they were, so never received a discharge.'

"In an affidavit executed July 3, 1911, Patterson again testified as follows:

"'That he served under the name of George Patterson, in Company H, Eleventh New York Volunteer Cavalry, having enlisted on the 4th day of September, 1862, and that he served faithfully until the 21st day of May, 1863, when he deserted from the general hospital, Philadelphia, Pa.; that he left said hospital and went to Washington, D. C., with the intention of joining his regiment. On reaching said city he learned that his regiment had moved to Darnestown, Md., to which place he walked, and on arrival there learned that the regiment had crossed the Potomac River and gone South. On account of the condition of his leg he could go no farther, and being sick with the measles and pleurisy, which had been contracted from exposure after operation in hospital, he stopped at the house of Mrs. Hawkins, 2 miles from Darnestown, where he remained three or four months, during which time he was attended by Dr. Brooke Beall, now dead. Upon recovering he went to Washington, hoping to reenlist and join command, but enlisting officer refused application on account of broken leg. He then returned to Rockville, Md., where he has since resided. That he has not been in the military or naval service of the United States other than stated above. This declaration is made for the purpose of securing the removal of the charge of desertion which stands against his name on the records.'

"In an affidavit executed September 5, 1911, William H. Holley, aged 74 years, of Germantown, Md., testified as follows:

"'In the spring of 1863 I was a servant living on the farm of Mrs. Hawkins, about 3 miles from Darnestown, in Montgomery County, Md. George Patterson, whom I had known from his boyhood, came to the farm of Mrs. Hawkins one evening suffering from a broken ankle. My mother (who is now dead) treated and dressed his leg. Next morning his leg was swollen very much, so much so that he was unable to walk upon it for a long time. I know he wasn't able to go to the stable. A short time before George Patterson came to Mrs. Hawkins's farm there was a regiment of United States soldiers, called Scott's Nine hundred, which passed through Darnestown, crossed over the Potomac River, and went south. George Patterson remained in a crippled condition for about 18 months, during all of which time he suffered more or less with his crippled leg. He had also an attack of measles and pleurisy and a severe bone felon. I don't know what caused these latter troubles, except that George told me that it was due to exposure and his crippled leg. After George Patterson went to Washington, as he says, for the purpose of reenlisting, he returned to Darnestown and remained there until the close of the war. His condition, resulting from his broken leg, was such that he was physically unable to perform soldier's duty or to reach his regiment. I remember very well that whenever he wanted to mount a horse he had to get on the wagon tongue to get on. Old Doctor Beall (who is now dead) treated him for all of his troubles while living with me on the farm of Mrs. Hawkins.'

"In an affidavit executed September 5, 1911, the soldier again testified as follows:

"'I have never performed any other military service, except in the organization named in my application.'

"In an affidavit executed in September, 1911, Warren Johnson, aged 77 years, of 58 G Street NE., Washington, D. C., testified as follows:

"'Affiant has known George Patterson ever since he was a boy. In spring of 1863 affiant was living with Capt. John L. Dufief, 3 miles from Darnestown, in Montgomery County, Md., and George Patterson came back from the war with a broken leg. He was living on the farm of Mrs. Lizzie Hawkins, near Darnestown, and I saw him frequently. He was very lame, and I remember that his associates called him "hippety-hop" on account of his way of walking. His condition, resulting from his broken ankle, was such that he was unable to mount a horse or walk any distance without great difficulty. He was totally unfit to perform soldier's duty or to rejoin his regiment if he had to go any distance. He couldn't get about or do a man's full work on the farm. This condition remained until the close of the war.'

"In an affidavit executed August 28, 1916, the applicant again testified as follows:

"'That he is the same George Patterson who was enrolled in Washington, D. C., on or about September 4, 1862, as a private in Company H, Scott's Nine hundred New York Cavalry Volunteers, and who is an applicant for an honorable discharge at the hands of the proper authorities of the United States.

"'Affiant says that he can not read or write, and therefore fears that some confusion has resulted in respect to the merits of his claim to discharge.

"'Affiant further says that there has never been any intent on his part to desert, but that, on the contrary, the facts and circumstances connected with his service in the separation from the United States Army show conclusively that he had no such intent.

"'Affiant further says that the facts are that affiant was enlisted in a company which was then assigned to duty as the bodyguard of President Lincoln, and the captain of the company was boyhood playmate, for whom affiant had the highest regard and to whom affiant naturally looked for advice and direction; that, having been under hospital control and treatment from October, 1862, to about April, 1863, by reason of a fractured leg, broken in the line of duty, affiant was impatient to return to duty, but was unable to do so by reason of the decision of the medical authorities at the Chester (Pa.) General Hospital, to the effect that affiant never would again be fit for service; and Doctor McGowan, the physician in charge of the ward of this affiant, told him that he would be discharged upon the presentation of the necessary detail required in the issuance of the discharge papers, which data was not on file in the hospital at Chester, Pa.

"'Affiant further says that he did not leave the said hospital for the purpose of desertion; but, on the contrary, he received a pass from Doctor McGowan with the purpose and understanding that he would go and see his captain and, if it could not be so arranged as to let affiant stay in the service, the data could be gotten which Doctor McGowan said was necessary to have in making out the discharge papers, it being the purpose of this affiant to either return to the hospital or to get the captain to make the necessary arrangements to relieve him from so returning within the time specified by Doctor McGowan.

"'Affiant further says that when he arrived in Washington he found that his company had moved west and was some 23 miles from Washington, at or near Darnestown, Montgomery County; that affiant proceeded to endeavor on foot to reach his captain and company, but had to stop for the night about 2 miles from Darnestown, and the next morning his leg was so swollen that he could not proceed; that he, however, promptly sent word on said next day of his whereabouts and desire to get to the company, expecting some of the soldiers to come for him, but the company had moved forward and it was impossible for affiant to get in touch with the company or his captain; and being unable to read or write, affiant could not communicate by mail either with his captain or Doctor McGowan at the hospital.

"'Affiant further says that in addition to his leg rendering him helpless, for some time affiant was stricken with the measles and other maladies, including a severe bone felon on the left hand, which kept him in the neighborhood of Darnestown for many months.

"'Affiant further says that he has never to this day entirely recovered from the effects of the broken leg, suffered in the line of duty, although the discomfort therefrom has been more severe or noticeable at some times than others.

"'Affiant further says that as soon as he felt at all able to return to the service, and before the conclusion of the war, he sought in every practicable way to locate his company, but being unable to do this, he appeared before a recruiting officer of the United States Army in Washington, D. C., and sought the privilege of reenlistment, informing the enlistment officer of the facts relative to his previous enlistment; that this officer then made a physical examination of this affiant, with the result that he was refused the privilege of enlistment, the conclusion being that, by reason of the condition of the leg, so theretofore injured in the line of duty, he was neither fit for service in the Cavalry nor in the Infantry, this being the decision of the officers or employees of the United States Government who made the medical examination on his application for reenlistment, as aforesaid.'

"Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and that it has not been established that he was prevented from completing his term of enlistment by reason of physical disability incurred in the line of duty."

Since the date of that report the status of the case has not been changed either by the introduction of new testimony or by legislation.

Ordinarily, I am against bills "to correct military records," but this is a very proper case for such action.

SAMUEL PELFREY

The next business on the Private Calendar was the bill (H. R. 4716) for the relief of Samuel Pelfrey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, I reserve the right to object.

Mr. VINSON of Kentucky. Mr. Speaker, would the gentleman reserve his objection so that I may learn the ground of the objection?

Mr. ARENTZ. I reserve my objection. This man enlisted on May 18, 1898, and deserted on September 11, 1898.

Mr. VINSON of Kentucky. After he had served through the Cuban campaign, had malarial fever and dysentery, and had been returned to the States in a very weakened physical condition. He was then stationed at Montauk Point, N. Y., when he came home. After he had been home some time his company was mustered out, and consequently he did not rejoin it.

Mr. ARENTZ. He enlisted and then went to Montauk Point?

Mr. VINSON of Kentucky. No; the gentleman is mistaken. He served in Cuba throughout the war, and after the emergency had ceased he was returned to the States and was at Montauk Point with malarial fever and dysentery. He went home for better medical treatment, as he thought. I would like to assure the gentleman that Mr. Pelfrey is a man of high standing in his community. The record will disclose that he made an excellent soldier while the national emergency existed and that he has lived an upright life as a citizen since this happened. This fact is established in the record in the affidavit of Mr. Levi Arthur, circuit clerk, Boyd County, Ky., a most honored and respected gentleman. I certainly hope the gentleman will withdraw his objection.

Mr. ARENTZ. There was no intention on this man's part to separate himself from the service whatsoever?

Mr. VINSON of Kentucky. I could not say that.

Mr. ARENTZ. He did not go to the hospital, however?

Mr. VINSON of Kentucky. He was a very sick man, and he went home. While he was home receiving what he thought was better medical treatment, his company was mustered out, and he could not rejoin it.

Mr. ARENTZ. He has been trying to get this honorable discharge since 1900?

Mr. VINSON of Kentucky. So far as I know, this is the first effort ever made to secure it.

Mr. ARENTZ. My impression was that he had tried since 1900 to secure this relief.

Mr. VINSON of Kentucky. I think not. So far as I know, this is the first effort to secure this action.

Mr. ARENTZ. In view of those circumstances I withdraw my objection.

Mr. VINSON of Kentucky. I thank the gentleman.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers of the volunteer Army, Samuel Pelfrey, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRIVATE CALENDAR

SEYMOUR BUCKLEY

The next business on the Private Calendar was the bill (H. R. 6139) for the relief of Seymour Buckley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Seymour Buckley, who served as corporal in Company C, Thirteenth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal in said company and regiment in May, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSEPH M. BLACK

The next business on the Private Calendar was the bill (H. R. 6834) for the relief of Joseph M. Black.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws conferring rights upon honorably discharged soldiers, their widows, and dependent relatives, Joseph M. Black shall hereafter be held and considered to have been in the military service of the United States as a private, in Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, from December 3, 1861, and to have been honorably discharged October 24, 1862: *Provided*, That no back pay, back pension, or other allowance shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM M. MURPHY

The next business on the Private Calendar was the bill (H. R. 7228) correcting the military record of William M. Murphy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. I object, Mr. Speaker.

TURPIN G. HOVAS

The next business on the Private Calendar was the bill (H. R. 8941) for the relief of Turpin G. Hovas.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Turpin G. Hovas, who was a member of Company A, Sixth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 8th day of May, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SAMUEL WEMMER

The next business on the Private Calendar was the bill (H. R. 9787) to correct the military record of Samuel Wemmer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. I object, Mr. Speaker.

MYRON J. CONWAY AND OTHERS

The next business on the Private Calendar was the bill (H. R. 10078) for the relief of Myron J. Conway, Frank W. Halsey, and others.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-named first lieutenants be promoted to the grade of captain and placed on the single list in their relative places as if they had been commissioned as second lieutenants in the Army of the United States August 15, 1917, instead of October 25, 1917, to wit: Myron J. Conway, Frank W. Halsey, L. L. Kotzebue, Samuel L. Metcalfe, John A. Otto, and George A. Woody.

With the following committee amendment:

Page 1, line 3, strike out the words "first lieutenants be promoted to the grade of captain and," and insert the words "officers shall occupy positions on the promotion list and hold grade and rank and be."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

KELLY SPRINGFIELD MOTOR TRUCK CO.

The next business on the Private Calendar was the bill (H. R. 1105) for the relief of the Kelly Springfield Motor Truck Co., of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Kelly Springfield Motor Truck Co., of California, J. L. Stone, president, the sum of ———, as full compensation for supplies furnished to the camp quartermaster at Camp Kearney, May 17, 1918, and receipted for May 20, 1918, being a delivery under emergency request.

With the following committee amendment:

Page 1, line 7, after the word "of," insert the figures "$434.45."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DELMORE A. TELLER

The next business on the Private Calendar was the bill (H. R. 2320) for the relief of Delmore A. Teller.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, why is not the report of the War Department signed as it appears in the committee report? There is no name signed to it. Was there such a report?

Mr. STRONG of Kansas. Yes; there was one signed by the Secretary of War. The clerk of the committee suggests that the carbon copy was probably sent over so the printer did not get the name. The report was signed, however.

Mr. BLANTON. And the War Department recommended just as appears in the committee report?

Mr. STRONG of Kansas. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow and credit in the accounts of Delmore A. Teller (formerly captain, Quartermaster Corps, United States Army) the sum of $770, representing public funds for which he was accountable and which were stolen on or about January 31, 1919, and to reimburse him in such amount as he has refunded to the United States to make good the theft of these public funds.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. T. WHITWORTH

The next business on the Private Calendar was the bill (S. 588) for the relief of A. T. Whitworth.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $73.50 to A. T. Whitworth, for the loss of personal effects possessed by his son, Lester R. Whitworth, private, serial No. 3024–033, Medical Department, United States Army, upon his death in the service, and which personal effects passed into the custody of proper department of the Army for transmission to said A. T. Whitworth.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

R. CLYDE BENNETT

The next business on the Private Calendar was the bill (S. 1059) for the relief of R. Clyde Bennett.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. I do not find anywhere in the record any report of a physician subsequent to 1917. What is the condition of this man now after these years?

Mr. BACHMANN. His arm is absolutely paralyzed. I might say to the gentleman that the Committee on War Claims sent for Bennett to come before the committee, and he came here in person and was examined by the members of the committee, although the report of the committee does not show that fact.

Mr. ARENTZ. No; the report does not show that. The gentleman has seen this man and knows that he is now in this condition?

Mr. BACHMANN. That is true. I was there myself, and I know that this man has absolutely no use of that arm whatever.

Mr. ARENTZ. I withdraw my objection.

Mr. BLANTON. I renew the objection for the purpose of asking a question or two. Is this man permamently disabled?

Mr. BACHMANN. He is permanently injured; yes. He has no use of that arm at all.

Mr. BLANTON. No use of one arm?

Mr. BACHMANN. Yes; the right arm.

Mr. BLANTON. Is he disabled in any other way beside the loss of an arm?

Mr. BACHMANN. No; that is all.

Mr. BLANTON. The Committee on Claims has established a policy here of allowing $5,000 for loss of life or not over $3,500 for loss of a limb or an eye. This has been their policy even in extreme cases. This man has lost the use of one arm or one limb, and under the policy of the Committee on Claims he would be entitled to a maximum of $3,500. Why have these two different policies? Would the gentleman mind an amendment reducing it so that we will have some consistency about these bills?

Mr. BOX. Mr. Chairman, will the gentleman yield to me just a moment, so that I may make an explanation in this connection?

Mr. BACHMANN. Yes.

Mr. BOX. The gentleman from Texas [Mr. BLANTON] called attention to the fact during the last time this calendar was under consideration that the Claims Committee is not always consistent in following the policy which the gentleman marked out. We have allowed in one or two cases $5,000 for the loss of a leg or an arm.

Mr. BLANTON. Your committee has allowed that?

Mr. BOX. Yes; and the gentleman from Texas [Mr. BLANTON] called attention to that departure when the matter was under consideration.

Mr. BLANTON. Is the gentleman in favor of that departure?

Mr. BOX. In certain cases. We have had some cases in which I could not say that $5,000 was too much for the loss of a leg or an arm.

Mr. UNDERHILL. Will the gentleman yield to me, please?

Mr. BLANTON. What does the chairman of the Committee on Claims say about this bill?

Mr. UNDERHILL. As a rule, in the case of a temporary disability from the loss of an arm or a leg, where it does not preclude the earning of a living, the policy of the committee has ranged from $2,500 to $3,500, but in several cases where the case involved a boy of 15 or 16 years who was going to be permanently disabled all the rest of his life and where he needed money to rehabilitate himself, mentally as well as physically, the committee has taken those things into consideration and after a consultation with the Compensation Board has declared that $5,000 is not excessive.

Mr. BLANTON. But that has only been in such cases as the gentleman has mentioned.

Mr. UNDERHILL. That has only been where the man was practically totally and permanently disabled.

Mr. BLANTON. Is there anything about this case to bring it within that category?

Mr. BACHMANN. I will answer the gentleman. This bill was introduced in the Senate by Senator NEELY at the last session and passed the Senate in the sum of $15,000. It did not go through the House. This session it was introduced again and passed by the Senate at $10,000. They thought it was serious enough to set the amount at that figure.

Mr. BLANTON. I am not going to object, but I think we ought to have a consistent policy here and not have one committee allow one sum and another committee a different sum. There ought to be some consistency about the amount we allow for the loss of a limb and the amount we allow for loss of life.

Mr. BACHMANN. If the gentleman please, this man was receiving a salary from the railroad company as a brakeman and has been unable, of course, to follow out those duties.

Mr. STRONG of Kansas. And may I add that he has spent about half this amount in medical bills since he was injured.

Mr. BLANTON. Mr. Speaker, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. Clyde Bennett the sum of $10,000, in full satisfaction of all his claims against the United States on account of permanent bodily injuries sustained by him as a result of his having been accidentally shot by a soldier who, at the time of the accidental shooting, was in the service of the United States, guarding Baltimore & Ohio Railroad property in the State of West Virginia.

With the following committee amendment:

Line 6, page 1, strike out "$10,000" and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN T. WILSON

Mr. OLIVER of Alabama. Mr. Speaker, the bill S. 3077 was temporarily passed over in order that the gentleman from Texas [Mr. BLACK] might have an opportunity to examine the report. I understand he will not offer any objection to it. I ask unanimous consent to return to S. 3077.

The SPEAKER. The gentleman from Alabama asks unanimous consent to return to Calendar No. 296 [S. 3077]. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I wish to make this statement: When the bill was called on the calendar I did object, because I had not had time to carefully read the report. Since the bill was first called on the calendar I have read the report, and I find the Veterans' Bureau leased these premises for a period of four years at a rental of $12,153 per annum, and after three years the property was given up, and the lease was not fully carried out, on account of Congress amending the law with reference to vocational training. The work at San Antonio had to be curtailed, and the Veterans' Bureau had no further use for the premises and turned back the lease. In view of the fact that it appears to be undisputed that the Government was under contract for four years and only fulfilled three years, and that on account of technical reasons only the Government can not be held to its contract, I withdraw my objection.

Mr. MOORE of Virginia. Were the premises unoccupied during that term?

Mr. BLACK of Texas. They were unoccupied; but while it is admitted that an officer of the Government has no right to legally bind the Government for more than one year, nevertheless a written contract was entered into for a term of four years in good faith by the owner of the premises and on the part of the Veterans' Bureau.

Mr. BLANTON. And the claimant lost $40,000.

Mr. BLACK of Texas. Well, to be perfectly frank, I think the claimant was well paid for the time the premises were actually used. It is not under the belief that the Government did not pay a good rental for the premises for the time they were used that I withdraw the objection. I withdraw the objection for the simple reason that the Government leased the premises for four years and the contract was entered into in good faith, and I think the Government should carry out its obligations, even though legally it could not be compelled to do so.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to John T. Wilson the sum of $12,153 in full settlement for damage suffered by him on account of the failure of the United States Government to pay him rent in accordance with the understanding between him and the Government.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. OLIVER of Alabama, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGNES M. HARRISON

The next business on the Private Calendar was the bill (H. R. 5507) for the relief of Agnes M. Harrison, postmaster at Wheeler, Miss.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STEPHENS. I would like to have the gentleman who introduced the bill explain it. I will ask to have the bill read.

The Clerk read the bill as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of Agnes M. Harrison, postmistress at Wheeler, Miss., the sum of $28, being the amount paid on a forged money order for which she was in no way responsible and without fault or negligence on her part and for which amount her account was debited.

Mr. STEPHENS. I withdraw my reservation of an objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES O. SCHMIDT

The next business on the Private Calendar was the bill (H. R. 6584) for the relief of Charles O. Schmidt.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, I see that the report says:

The board recommended that Mr. Schmidt be reimbursed in the sum of $300, which amount was based upon a report of an investigator to the effect that the car could be repaired for $250. However, upon review by second board of officers which obtained estimates as to the amount of damages to the car and also considered the damage to the clothing of passengers in the Schmidt car, it was recommended that the amount of $1,317.37 be allowed. Complete proceedings of both boards are inclosed.

I merely read the report to call attention to the wide discrepancy on the part of one board that investigated on the part of the War Department and the second board. I really think that large discrepancy would have justified the Committee on Claims for calling for an explanation.

Mr. UNDERHILL. Which the Committee on Claims did call for, as a matter of fact. There was no claim made for personal injuries. There were personal injuries and medical expenses which do not show in the report, not being a part of the report of the Secretary of War, and we have been trying to cut down the reports in the Committee on Claims.

The clothing of these people was destroyed; not only the clothing they had on but some that they were carrying, and the second board that really made the investigation—as the other was a guess—based their finding on the value of the property which was destroyed and the repair of the car.

Mr. BLACK of Texas. I do not wish to criticize the committee.

Mr. UNDERHILL. I appreciate the gentleman's suggestion, but, on the other hand, we have criticisms galore not only from Members of Congress but from members of the committee, that our reports are too voluminous.

Mr. BLACK of Texas. Mr. Speaker, I do not think that criticism would hold, because the House is entitled to the facts.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles O. Schmidt, the sum of $1,317.37, the same being for losses sustained by him resulting from an accident caused by an Army vehicle near Farmingdale, Long Island, N. Y., on or about November 11, 1919.

With the following committee amendment:

Line 5, after the word "appropriate," insert "and in full settlement against the Government."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BARGE "M'ILVAINE NO. 1"

The next business on the Private Calendar was the bill (H. R. 10161) for the relief of the owners of the barge *McIlvaine*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,343.29 to Ella M. Fay and John F. Clinton, owners of the barge *McIlvaine No. 1*, sunk by collision with the United States submarine *D–1*, on November 11, 1918.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMERCIAL UNION ASSURANCE CO. (LTD.) ET AL.

The next business on the Private Calendar was the bill (S. 108) for the relief of the Commercial Union Assurance Co. (Ltd.), the Automobile Insurance Co. of Hartford, Conn., American & Foreign Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Merchants & Shippers Insurance Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, will the gentleman give us a brief explanation of this bill?

Mr. UNDERHILL. Mr. Speaker, in taking on mail at certain stations the mail pouch was thrown under the wheels of the train. It was ground into bits, and the suction caused by the rapid motion of the train scattered the contents along the track for half or three-quarters of a mile. There is no doubt that these bonds and securities were destroyed. They never have been presented for payment, and the usual bond which accompanies all of these cases has been filed by those in interest for double the amount of the bonds in question.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem without interest 4½ per cent United States Treasury certificates of indebtedness No. 8981 in the denomination of $10,000, and No. 8483 in the denomination of $5,000, series V–A, dated December 5, 1918, matured May 6, 1919, payable to bearer without presentation of the said certificate of indebtedness, which have been lost, stolen, or destroyed; and to pay from the proceeds of such redemption to the following companies the respective sums set after their names: Commercial Union Assurance Co. (Ltd.), $3,000; the Automobile Insurance Co., of Hartford, Conn., $3,000; American & Foreign Insurance Co., $2,250; Queen Insurance Co. of America, $2,250; Fireman's Fund Insurance Co., $2,100; St. Paul Fire & Marine Insurance Co., $600; and United States Merchants & Shippers Insurance Co., $1,800; a total sum of $15,000: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *And provided further*, That the said Commercial Union Assurance Co. (Ltd.), the Automobile Insurance Co., of Hartford, Conn., American & Foreign Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and United States Merchants & Shippers Insurance Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN PLUMLEE

The next business on the Private Calendar was the bill (S. 1341) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object unless the gentleman from Tennessee [Mr. MCREYNOLDS] wishes me to reserve the objection.

Mr. MCREYNOLDS. Mr. Speaker, I wish the gentleman would reserve the objection.

Mr. BEEDY. Very well, Mr. Speaker, I reserve my objection.

Mr. MCREYNOLDS. Mr. Speaker, this is a claim filed by the administrator of the estate of G. W. Plumlee, deceased. Plumlee bought in the property sold by the Government, supposed to be owned by Cunningham and he paid $1,275 for it, but no title has come to him because of that, and his heirs are out this amount. He could not get the title for three reasons, as shown. This bill provides that the heirs give a quit-claim deed to the Government for whatever right they might have. In the first place, the bank took a deed of trust on this property and had this deed at the time of sale; in the second place, it belonged to the husband and wife jointly; and in the third place, the question of homestead rights arises. It seems that certain real estate supposed to be owned by Cunningham has been seized under warrant of distraint issued for the collection of taxes, because of some liquor dealings. A forced sale was had and the property was sold to G. W. Plumlee. The Secretary of the Treasury, Mr. Mellon, is in sympathy with this bill, according to his statement or report. Mr. Blair, it is true, says that he thinks the doctrine of caveat emptor should apply, but I think that is rather severe in a case of this kind. I call the attention of the gentleman from Maine to the report of the Secretary of the Treasury in respect to this matter. This bill has passed the Senate twice, and this is the only time that I have had a chance to have it considered. I trust the gentleman will withhold his objection. These people got nothing, and the Government has the money.

Mr. BEEDY. Instead of the Senate having passed this bill twice being a recommendation to me, I am always a little suspicious of such things.

Mr. MCREYNOLDS. I appreciate the gentleman's position, because I was on the Claims Committee of this House for some time, but I do not go that far.

Mr. BEEDY. This Private Calendar was jammed on me today. I have not had an opportunity to investigate this with as much care as I should like, and my present temporary opinion is that under the statute and the law the purchaser ought to abide by what he took. Upon further examination I may change my opinion, but I shall object to it for the present.

The SPEAKER. Objection is heard.

REIMBURSEMENT FOR PROPERTY DESTROYED IN BUBONIC PLAGUE, HAWAII

The next business on the Private Calendar was the bill (S. 3019) to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object.

Mr. BEEDY. I object.

Mr. UNDERHILL. Mr. Speaker, will the gentleman reserve his objection?

Mr. BEEDY. Certainly.

Mr. UNDERHILL. I would follow my usual procedure in this case and allow the objection to stand without saying anything if it were not for the following facts: This bill has been before five different Congresses. It has been passed at various times without objection in the Senate and at other times in the House, but never in any one single Congress has it been fortunate enough to get by the jam and pass both branches of Congress.

I referred to this bill here or to this fact in a recent speech which I made upon the way and manner in which Congress dealt with these cases. The House has found on two or three occasions that the bill is eminently fair, just, and equitable. The Senate has found on other occasions that the bill is just, fair, and equitable, and yet it has not passed both Houses of Congress in any one year. These people have been deprived of their just due of money which the United States owes them for a period running over 10 years. It is not right or fair, and I hope the gentleman will withdraw his objection, not because it is for the benefit of a corporation or insurance company, but because it is justice, and the United States ought to pay its debts, whether it owes it to an insurance company, a great corporation, or poor individuals. It has been the effort of the

Committee on Claims and the chairman of that committee to make the reports along the lines of equity and justice, irrespective of whoever may have introduced the bill or might be the claimant.

Mr. BEEDY. Mr. Speaker, I will say to the gentleman it does not make the slightest bit of difference to me whether it is a corporation or an individual, and it never ought to make any difference, but I would like to make objection at this time because I want to investigate one or two phases that I have not had an opportunity to do. I do not know any reason why it should not be passed, but at the present moment there are one or two questions which I desire to study.

Mr. UNDERHILL. It is a very fair proposition, and I am willing to acquiesce in it.

Mr. BEEDY. It is quite a complicated question.

J. L. FLYNN

The next business on the Private Calendar was the bill (S. 1223) for the relief of J. L. Flynn.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. STEPHENS. Reserving the right to object, I ask that the bill be read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Former Acting Collector of Internal Revenue J. L. Flynn, first California district, in the sum of $1,144.18 to cover disallowance due to overpayments of subsistence to certain gaugers and storekeeper-gaugers which were incurred in the months of August, September, October, and November, 1921.

Mr. STEPHENS. I have no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. M'LAUGHLIN

The next business on the Private Calendar was the bill (S. 1224) for the relief of John P. McLaughlin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Reserving the right to object until the bill is read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Collector of Internal Revenue John P. McLaughlin, first California district, in the sum of $2,204.78 to cover disallowance due to overpayments of subsistence to certain gaugers and storekeeper-gaugers which were incurred in the months of December, 1921, January, February, March, April, May, and June, 1922.

Mr. STEPHENS. I withdraw the objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES E. SIMPSON

The next business on the Private Calendar was the bill (S. 2215) for the relief of James E. Simpson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object. I want to say for the benefit of the Members I want to object in order to look into this matter. We appropriate $13,000, and it is a more or less exhaustive report, and I want to go over it very carefully.

The SPEAKER pro tempore. Objection is heard.

HELENE M. HUBRICH

The next business on the Private Calendar was the bill (H. R. 1330) for the relief of Helene M. Hubrich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. I will ask that the bill be read, reserving the right to object.

The Clerk read as follows:

Be it enacted, etc., That the sum of $546 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment to Helene M. Hubrich for hospitalization of Elmer M. Murname.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $546 to Helene M. Hubrich for hospitalization of Elmer M. Murnane, civilian clerk, Quartermaster Corps, United States Army."

Mr. STEPHENS. Mr. Speaker, I withdraw the reservation.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SIMON R. CURTIS

The next business on the Private Calendar was the bill (H. R. 2207) for the relief of Simon R. Curtis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Mr. Speaker, reserving the right to object, I will ask that the bill be read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Simon R. Curtis, of Warwick County, Va., the sum of $1,125, in full settlement of his claim against the United States for rolling land at the aviation field, navy mine depot, Yorktown, Va., the said services so rendered by the said Simon R. Curtis to the United States having been rendered at the request of the United States, upon terms agreeable to the United States, and in a manner satisfactory to, and accepted by, the United States, but payment therefor having not been made solely because of the absence of a formal written contract, as required by section 3744 of the United States Revised Statutes.

The SPEAKER pro tempore. Is there objection?

Mr. STEPHENS. Mr. Speaker, I withdraw the reservation.

The committee amendment was read, as follows:

On page 1, line 9, after the word "Virginia," insert "as contemplated by item 4 of requisition 168, Bureau of Yards and Docks, dated May 14, 1920."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES O. DUNBAR

The next business on the Private Calendar was the bill (H. R. 3069) for the relief of Charles O. Dunbar.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Reserving the right to object, Mr. Speaker, I ask that the bill be read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to credit the account of Charles O. Dunbar, former postmaster, Santa Rosa, Calif., in the sum of $2,049.11, due the United States on account of the loss of postal funds and war-savings stamps.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

KATE T. RILEY

The next business on the Private Calendar was the bill (H. R. 3231) for the relief of Kate T. Riley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Mr. Speaker, I reserve the right to object until the bill is reported.

Mr. McDUFFIE. Mr. Speaker, there is a Senate bill, No. 2674, similar to this, and I ask that it be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that Senate bill 2674 be substituted for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Kate T. Riley, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $481, which said sum represents the amount paid to the United States by the said Kate T. Riley to cover the loss of public funds stolen from the money-order division of the post office at Mobile, Ala., on January 12, 1924.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. I reserve the right to object.

Mr. McDUFFIE. Mr. Speaker, I will say to the gentleman from Ohio that this bill is one that addresses itself to the humanity of Congress. The Post Office Department does not recommend against it, and General Lord's action is in keeping with the President's Budget. This elderly lady has spent the greater part of her life in the service. She has a most excellent record. She has had to mortgage her home to pay this money that was lost through no fault on her part. I appreciate the position of the gentleman from Ohio. I know he has a bill that was objected to.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. UNDERHILL. Does the gentleman from Ohio think it is fair to the committee and to the House that a gentleman who has been turned down on one proposition should interfere with the business of the Congress and interfere with a committee that has shown him every courtesy and kindness by objecting to bills on which the committee has spent weeks of time in the preparation?

Mr. STEPHENS. I have not interfered with the work of the gentleman's committee in the least. I have not done a thing here to interfere with or hinder the work of the committee. I will say that the Claims Committee has performed its duty, and I have no words of criticism of the Claims Committee.

This bill is exactly like the bill I had put up in the case of the robbery of the Cincinnati post office. That bill was reported out by your Claims Committee, and up to the present time I have not been able to get an opportunity to even explain fully the merits and the conditions under which the robbery of one of the clerks took place in the Cincinnati post office, and I am asking that all cases similar to mine be placed in the same class until we can have a hearing on it.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield to me right there?

Mr. STEPHENS. I yield.

Mr. UNDERHILL. Does the gentleman realize what he is doing? He is establishing a precedent which he will find very difficult to deal with at another session of Congress should he see fit to introduce this same bill. If under his leadership and at his insistence the House takes unfavorable action on bills of this kind which the committee has reported on favorably, I can assure the gentleman that the Committee on Claims hereafter is not going to spend its time and waste its effort with the prospect that it is going to be defeated on the floor of the House. As a consequence when these matters come up before the committee they will all be thrown into the wastebasket.

Mr. STEPHENS. I will say to the gentleman who has just spoken that so far I have not objected to a bill, and I think the gentleman is going a little too far afield to insert in his remarks the statement that I am hindering legislation, which I have not done to-day.

Mr. UNDERHILL. No; I did not say that.

Mr. STEPHENS. The gentleman's other remarks are a little bit out of the real pathway, and I have not objected yet to a bill.

Mr. UNDERHILL. The gentleman is setting a precedent which the committee will have to follow in the future.

Mr. STEPHENS. What action will be established as a precedent?

Mr. UNDERHILL. The gentleman's objection to these bills.

Mr. STEPHENS. I have not objected.

Mr. SWING. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. SWING. I think the gentleman has a perfect right to object to any bill, and the reasons are in his own conscience. But in a case like this, where an elderly woman has such a good record and asks us to pay what is not a legal obligation, but where it is a case where she will lose her home unless she is reimbursed, under such circumstances can not the gentleman wait for some other time?

Mr. STEPHENS. This case is exactly in the same line as the case I have.

Mr. SWING. But two wrongs do not make one right.

Mr. BEEDY. I think I am morally responsible for this situation and I take full responsibility for objecting to the case to which the gentleman refers, but I do not think he is fair to the person concerned in this bill, to the gentleman from Alabama, to the committee, or to those of us who are working on this Private Calendar—a thankless task—when he says this case is along the same line or in any way similar to the case to which I have objected. In that case my suspicion was first aroused by the fact that the postmaster was delinquent in his accounts.

Mr. STEPHENS. The postmaster was not delinquent in his accounts.

Mr. BEEDY. Well, I do not know that of my personal knowledge, but we have to take most of our knowledge in this world from hearsay, and that is what the report says.

Mr. STEPHENS. The report does not say that.

Mr. BEEDY. It says they could not get him to make his quarterly reports, that he was short in his war-savings accounts, his stamp accounts, and that there were many other lapses.

Mr. STEPHENS. The gentleman has the wrong case in mind. There was no such circumstance in this Cincinnati case. There was no criticism of the postmaster, none whatever.

Mr. BEEDY. At any rate, the cases are not on a par. Why does not the gentleman—and he has been here all the afternoon—ask unanimous consent to return to that case if he wants an opportunity to talk about it?

Mr. STEPHENS. If I asked unanimous consent to return to my case and have a hearing on it, the gentleman would object to it.

Mr. BEEDY. No; I would not. I am sure that every red-blooded man here this afternoon would rather have the gentleman take up all the rest of the time to-day rather than deprive this poor woman of the money she is entitled to.

Mr. STEPHENS. I will say this: The gentleman says I am not fair.

Mr. BEEDY. I will not make that statement.

Mr. STEPHENS. Well, the gentleman intimated that I was not fair.

Mr. BEEDY. Well, I think the gentleman's statements would hardly justify the belief that these cases are similar.

Mr. STEPHENS. I will say to the gentleman that every step I have taken has been taken with the idea of being fair not only to the House but to myself and to the bill I introduced. When it was brought up on one of the days the Private Calendar was being considered, I did not even get an opportunity to explain it.

Mr. BEEDY. Why does not the gentleman ask the right to return to it and not take the time of the committee in objecting to this bill?

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. STEPHENS. I will yield.

Mr. SCHAFER. The gentleman was not trying to be unfair, as I take it. But I agree that his bill, which was objected to, is a good bill, and along the same line as the one to which he has reserved the right to object. As I understand the gentleman is merely bringing to the attention of the House the merits of his bill under his reservation and was not doing that for an obstructive purpose.

Mr. STEPHENS. I have not obstructed it at all.

Mr. UNDERHILL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. STEPHENS. I will reserve the right to object.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

LOUIS A. HOGUE

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of Louis A. Hogue.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Louis A. Hogue, of Crittenden, Va., owner and master of the auxiliary sloop *Ivy*, on behalf of himself and the crew thereof and as bailee of the cargo laden on board said sloop at the time of the occurrences hereinafter mentioned, against the United States for damages alleged to have been caused by collision between the said auxiliary sloop *Ivy* and the United States steam tug *S. T. Co. No. 2*, in Norfolk Harbor, on the 8th day of April, 1919, may be sued for by the said Louis A. Hogue in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Louis A. Hogue, on behalf of himself and the crew thereof and as bailee of the cargo then laden on board said auxiliary sloop *Ivy*, or against Louis A. Hogue, suing on behalf of himself and the crew thereof and as bailee of the cargo then laden on board said auxiliary sloop *Ivy*, in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend said United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOEL C. CLORE

Mr. STEPHENS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. STEPHENS. I will now ask unanimous consent to return to bill H. R. 3432, No. 106 on the Private Calendar.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to return to bill H. R. 3432, No. 106 on the Private Calendar. Is there objection?

Mr. BEEDY. Mr. Speaker, I reserve my right to object in order that the gentleman may make his statement.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve my right to object in order that the gentleman may make his statement.

Mr. STEPHENS. Mr. Speaker, this bill is for the relief of Joel C. Clore, postmaster at Cincinnati, Ohio. In 1921 the post office was robbed. A clerk had charge of a booth in the post office, where he sold stamps and perhaps something else. While he went out to luncheon—and he was gone about 19 minutes, according to the report—some one entered the booth and stole money and stamps valued at $8,500 or $8,600. I do not know the exact amount, but it is in the report. A report on that robbery was made by a post-office inspector. He examined all of the details of that robbery, and reported that the stamps should have been placed in a safe and the safe locked before the clerk left the booth. Upon this technicality the clerk is charged with the payment of this amount. Naturally, if the clerk can not pay it, it is charged against the postmaster. The postmaster has been out of office since 1923—in fact, he died about three months ago—but they will hold his estate for this amount, whether they could ever collect it from the clerk or not. It is a question of a technicality. This booth is part of the post office, and under the law if you close your post office you must put everything in the safe and lock it up.

Mr. UNDERHILL. At night.

Mr. STEPHENS. At night; yes. This post office was opened, doing business, with hundreds of people passing by the booth in the post office; and the custom of the clerk was to leave his booth perhaps half a dozen times a day, or maybe oftener, to run into the cashier's department, and it was customary to close the booth and run in and attend to the business and come back again, instead of taking everything and putting it in the safe and locking it up; that is, turning the combination. This was the custom from the time the booths were inaugurated.

The whole thing devolved upon this technical question, and the clerk naturally would be held for this amount.

Mr. SWING. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. SWING. As I understand it, it is not the misconduct of the postmaster at all, although the postmaster is held responsible.

Mr. STEPHENS. Yes.

Mr. SWING. Now, the question is whether the postmaster in good morals ought to be held responsible for the misconduct of this employee. Was the postmaster at liberty to hire this man or not hire him, or was this person some one who was vouched for to the postmaster by the United States Civil Service Commission, and was the postmaster obligated to employ him?

Mr. STEPHENS. I will say that this clerk was an old employee, having been in the service about 36 years, I believe.

Mr. SWING. He was under the civil service?

Mr. STEPHENS. Absolutely, and passed from one administration to another.

Mr. SWING. The point I make is the United States Civil Service Commission selects these clerks for the postmasters, and the postmasters do not go out and select them for themselves.

Mr. STEPHENS. Well, the gentleman's statement is all right, but I am saying that even the clerk is not guilty of negligence. He was performing his duty, and I want to say that the statement was made when this matter was up before, I think by the gentleman from Maine, that the clerk left the door unlocked or that he did not know whether he left the door unlocked or not. The clerk specifically states that he shut and locked the door when he went out.

This is all based upon the report of an inspector, and it was on this technicality that the Post Office Department naturally thought it was better for Congress to settle the question rather than the department. It is purely a technicality, and the bill has just as much merit as the one that the gentleman from Alabama [Mr. McDUFFIE] had up here a moment ago when I reserved the right to object. It is just as meritorious in every way.

Mr. BEEDY. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. BEEDY. I want the gentleman to have time to state his views, as he ought to have had in the first place. The gentleman knows I have apologized for objecting and not reserving my right to object, so I am glad for him to have this opportunity. The point raised by my friend the gentleman from California is not pertinent in this case and is not related to the grounds of my objection.

Mr. STEPHENS. I am not using his argument.

Mr. BEEDY. No; but I thought perhaps Members of the House might like to know what my position is, and I can state it in a moment. The clerk in question furnished a bond. There is evidence in this report that the clerk was negligent. This is a question that ought to be decided in a court of competent jurisdiction.

Demand was made on the surety of this clerk, a big surety company, to make good, and the surety filed an answer, and the report is from the inspector and from the department that the answer of the surety company has no merit in it. My question was, Why did not the Government proceed then against this company, a perfectly good surety company, and try out this question of negligence and see whether there was liability or not before they attempt to come on the postmaster. When that issue is settled, if it is decided by a court of law that this clerk has not been negligent, then such legislation as this is in order, but in my humble opinion not until then.

Mr. UNDERHILL. May I ask the gentleman a question? I want to get this right. Would the passage of this bill preclude the Government from collecting from the surety company, if they could show in court that this clerk was liable or negligent or careless or fraudulent in handling United States money?

Mr. BEEDY. Certainly, if recovery can be had—and it ought to be ascertained whether it can be or not—there is no necessity for this bill or for such legislation. Why hitch the cart before the horse?

Mr. UNDERHILL. I do not think it is right to keep a man or his family out of certain moneys that belong to them simply because the United States has not attended to its duty as it should have attended to it a year or two years ago.

Mr. BEEDY. The department informs me it was ready to proceed with this case, but they were informed some legislation was going to be introduced here.

Mr. UNDERHILL. That is an excuse.

Mr. STEPHENS. I will say to the gentleman that the gentleman states the evidence shows carelessness. Gentlemen, I stated that the only thing that showed carelessness is the report by the inspector, and he naturally reported there was some carelessness because these stamps and moneys were not put in the safe.

Now, the gentleman can not show any evidence of carelessness outside of the statement made by the inspectors. I told you clearly that this was in the post office, it was not a post office by itself. There are many booths in the post office, and the question is whether the law applies to a booth in a post office—I refer to the law providing that the safe shall be locked every time the clerk leaves. I do not think the law applies to a booth requiring him to lock the safe, turn the combination every time he goes out for two or three minutes.

Mr. UNDERHILL. Mr. Speaker, the gentleman has had a chance to present his case, and I ask for the regular order.

The SPEAKER pro tempore (Mr. SNELL). The regular order is. Is there objection?

Mr. BEEDY. I object.

Mr. CAREW. Mr. Speaker, I ask unanimous consent to return to Calendar No. 316.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to return to Calendar No. 316. Is there objection?

Mr. BEEDY. I object.

ARTHUR H. BAGSHAW

The next business on the Private Calendar was the bill (H. R. 4664) for the relief of Arthur H. Bagshaw.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I see that the Postmaster General has a report on this bill, and I read from it on page 3:

While the statements contained in the postmaster's letter and in the affidavits of the carrier and his physician would indicate that there is merit in the case, I find myself unable to recommend the passage of the bill, as to do so would establish a precedent which would inevitably result in applications to Congress for private legislation on behalf of a large number of employees or their heirs who were injured in the service prior to the enactment of the United States employees' compensation act.

Mr. UNDERHILL. I think if the Postmaster General is entirely correct the committee might have hesitated in reporting the bill, but the Postmaster General was unaware of the fact that for a long time it has been the practice of the committee in many instances antedating the 1916 act, where it has been conclusively shown that the employee who did not come under the classification of the 1918 act, was given by the House committee a year's salary in lieu of compensation for injury. In this case we only gave the man what he asked for the amount it cost him during the time he was laid up. It is not a new policy; it has not established a new precedent. It is one that we have followed for five years.

Mr. BLACK of Texas. Mr. Speaker, in view of the statement the gentleman has made, I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur H. Bagshaw, of Lowell, Mass., the sum of $268.80, out of any money in the Treasury not otherwise appropriated, for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., in November, 1912.

With the following committee amendment:

After the word "appropriated" in line 6 add the following: "and in full settlement against the Government."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RUSSELL W. SIMPSON

The next business on the Private Calendar was the bill (H. R. 6586) for the relief of Russell W. Simpson.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Russell W. Simpson the sum of $5,833.11, being the amount of damages suffered by him as the result of a collision caused by an Army Air Service airplane with an airplane piloted by the said Russell W. Simpson at Langin Field, Moundsville, W. Va., on or about October 2, 1924.

With the following committee amendments:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

In line 6, strike out the figures "$5,833.11" and insert "$2,500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CAPT. H. BERT KNOWLES

The next business on the Private Calendar was the bill (H. R. 7674) for the relief of Capt. H. Bert Knowles.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk, by unanimous consent, read the committee amendment, which strikes out all after the enacting clause and inserts the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. H. Bert Knowles, Quartermaster Corps, United States Army, such amount as he may have refunded to the United States on account of the loss of public funds, amounting to $2,000, for which he was responsible and which were stolen from him on or about April 6, 1925; and that he be relieved from further financial responsibility therefor.

SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of Maj. Herbert E. Pace, Finance Department, United States Army, in a sum equal to the unrefunded portion of public funds, not exceeding $2,000, which were stolen from the office of his agent officer, Capt. H. Bert Knowles, Quartermaster Corps, United States Army, on or about April 6, 1925.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MABEL BLANCHE ROCKWELL

The next business on the Private Calendar was the bill (H. R. 9089) for the relief of Mabel Blanche Rockwell.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Mabel Blanche Rockwell, of San Diego, Calif., the sum of $6,471.80, in full settlement of her claim against the Government of the United States for injuries sustained and for reimbursement of expenses incurred as a result of being negligently shot and serious injured on January 4, 1925, by a regularly enlisted soldier of the United States Army then and there on duty as a sentry at Fort Rosecrans, San Diego, Calif.

With the following committee amendment:

In line 7, strike out the figures "$6,471.80" and insert in lieu thereof "$2,189.80."

The SPEAKER. The question is on the committee amendment.

Mr. SWING. Mr. Speaker, I am unwilling to let the committee amendment pass without saying that the committee report while it does allow for reimbursement to Mrs. Rockwell of the actual money paid out by her for doctors, nurses, hospital, and incidental expenses, it does not include anything in the way of compensation for her permanent injury. Here was this woman who was in a place where she had a perfect right to be, shot by a soldier who had no right to or excuse for shooting her, and the result is shown by the affidavit of her doctor, which will be found on the last page of the report.

The doctor says:

Since she was shot Mrs. Rockwell has lost more than 30 pounds in weight. She still suffers pain at times and does not sleep well. Her right shoulder has sagged and she has not the full use of her right hand and arm.

The bullet virtually passed clear through her body, entering through the right shoulder from the back, pierced her lung, and lodged just under the skin at the front. The doctor also says that a further operation will be necessary before the open wound in her back will heal. While the committee did include the estimated cost of another operation, it is a fact that her shoulder has sagged and she has a hole in her lung and will never enjoy the use of that arm and shoulder as she used it before. Here is a permanent injury and she ought to have

adequate compensation for this unwarranted and inexcusable injury by an agent of the United States Government.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE J. COVERT

The next business on the Private Calendar was the bill (H. R. 726) for the relief of George J. Covert.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, George J. Covert, who served as a private in Company A, Fifty-sixth Regiment New York Volunteer Infantry, from July 31, 1861, to August 6, 1861, and reenlisted in Company D, Nineteenth Regiment New York State Militia Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of the first-named company and regiment on the 6th day of August, 1861.

With the following committee amendment:

Page 2, line 1, after the figures "1861," insert a colon and the following: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALBERT O. TUCKER

The next business on the Private Calendar was the bill (H. R. 1597) for the relief of Albert O. Tucker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, Albert O. Tucker, alias Charles M. Healey, late of Company D, First Battalion Maine Sharpshooters, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment from February 13, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to amend by striking out the proviso at the end of the bill and inserting:

Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 1, line 10, strike out the proviso and insert in lieu thereof: "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LUCIUS BELL

The next business on the Private Calendar was the bill (H. R. 1720) for the relief of Lucius Bell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, I object.

PATRICK J. LANGAN

The next business on the Private Calendar was the bill (H. R. 2160) for the relief of Patrick J. Langan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc, That Patrick J. Langan, formerly of Company A, Seventeenth United States Regular Infantry, shall hereafter be held to have been honorably discharged from service in the military forces of the United States, November 1, 1865.

Patrick J. Langan shall be further eligible to enjoy all rights, privileges, and benefits conferred upon enlisted men honorably discharged from such service: *Provided*, That no pay or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

G. W. GILKISON

The next business on the Private Calendar was the bill (H. R. 3663) to correct the military record of G. W. Gilkison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, G. W. Gilkison shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, on the 7th day of March, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to amend by striking out the proviso and inserting the proviso which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, lines 10 and 11, strike out the proviso and insert in lieu thereof: "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ARENTZ. Mr. Speaker, may I ask the gentleman from Texas why this wording is not used in every case?

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLACK of Texas. I wish the committee that reports the bill will do that, but I think in order to safeguard the Government the language that I have offered ought to go into every bill.

Mr. ARENTZ. I think it ought to go into every bill of this nature, and it seems to me that the Committee on Military Affairs should see that it is put in.

Mr. BLACK of Texas. I hope we will in the future.

ANTHONY SCHARTZENBERGER

The next business on the Private Calendar was the bill (H. R. 3703) for the relief of Anthony Schartzenberger.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. I object.

WILLIAM A. HYNES

The next business on the Private Calendar was the bill (H. R. 6655) for the relief of William A. Hynes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, William A. Hynes, late of Company K, First Regiment Georgia Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the —— day of ——, A. D. 1898: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendments:

Line 9, insert at the end of the line the word "nineteenth"; and in line 10, after the word "of," insert the word "September."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN R. BUTLER

The next business on the Private Calendar was the bill (H. R. 8292) to correct the military record of John R. Butler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John R. Butler, who was a member of Company I, Seventh Regiment Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of December, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MILTON LONGSDORF

The next business on the Private Calendar was the bill (H. R. 8293) to correct the military record of Milton Longsdorf.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Without objection, the Clerk will report the amendment in lieu of the bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Milton C. Longsdorf, who was a private of Company I, Eighteenth Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on September 19, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM E. JONES

The next business on the Private Calendar was the bill (H. R. 8961) for the relief of William E. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEEDY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Minnesota a question. If this bill passes, what does this give to the representatives of the deceased, anything in the way of insurance or benefits——

Mr. ANDRESEN. It only gives about $100 in wages due the soldier at the time of his death.

Mr. BEEDY. Covering the period of his enlistment?

Mr. ANDRESEN. Yes.

Mr. BEEDY. That is all?

Mr. ANDRESEN. Yes.

Mr. BEEDY. I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That William E. Jones, father of George E. Jones, late sergeant of Company B, Second Regiment Minnesota Volunteer Infantry, National Guard, shall be regarded as the duly designated beneficiary of the late Sergeant Jones under the act approved May 11, 1908, as amended by the act approved March 8, 1909.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE A. M'KENZIE, ALIAS WILLIAM A. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 9324) removing the charge of desertion from the name of George A. McKenzie, alias William A. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George A. McKenzie, alias William A. Williams, who was a member of Company H, Thirteenth Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of July, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MOLLIE VAN HOOSER

The next business on the Private Calendar was the bill (H. R. 7025) for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to substitute the bill S. 3880.

The SPEAKER pro tempore. Without objection the Senate bill will be substituted for the House bill. The Chair hears no objection. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3880) for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, the sum of $2,500 as compensation for the death of said Myrtle Van Hooser, caused by the reckless, careless, and unlawful operation of an automobile truck of the United States Army, driven by Corpl. Rudolph Brooks on the 8th day of October, 1920.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

W. T. MURRAY

The next business on the Private Calendar was the bill (H. R. 7026) for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read as follows:

An act (S. 3879) for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to W. T. Murray, administrator of the estate of Florence Martin, the sum of $5,000 as compensation for the death of said Florence Martin, caused by the reckless, careless, and unlawful operation of an automobile truck of the United States Army, driven by Corpl. Rudolph Brooks, on the 8th day of October, 1920.

Mr. BLACK of Texas. Mr. Speaker, I notice that the committee amendment to the bill amends this bill by striking out "$5,000" and inserting "$2,500." Now we are about to pass the Senate bill in double that amount.

Mr. UNDERHILL. Which one?

Mr. BLACK of Texas. Three hundred and forty-six.

Mr. UNDERHILL. No; 346 has been passed, as I understand. This is 347.

The SPEAKER pro tempore. We are now on Private Calendar No. 346.

Mr. BLACK of Texas. Yes; No. 346; I so understood.

Mr. UNDERHILL. The committee has not offered an amendment to No. 346.

The SPEAKER pro tempore. The House has passed a bill for $5,000.

Mr. BLACK of Texas. I have a bill here for the relief of W. T. Murray, administrator of Florence Martin, deceased.

The SPEAKER pro tempore. Has the gentleman a bill that has a star printed at the bottom?

Mr. UNDERHILL. The gentleman has an old print of the bill.

Mr. BLACK of Texas. Is there an error in the print?

Mr. UNDERHILL. The old bill has an error in it, and in the new bill it is corrected.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. Without objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOSÉ LOUZAU

The next business on the Private Calendar was the bill (S. 2820) for the relief of José Louzau.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to José Louzau the sum of $5,000 for personal injuries caused by being struck by a United States Army truck in San Juan, P. R., August 27, 1920.

With committee amendments as follows:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 1, line 6, strike out "$5,000" and insert "$2,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PIRTLE HANDLEY

The next business on the Private Calendar was the bill (H. R. 1565) for the relief of Pirtle Handley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $20,000 to Pirtle Handley, of Louisville, Ky., as compensation for injuries sustained on April 6, 1918, at Elizabethtown, Ky., during a Liberty loan demonstration, when a machine gun, while being manipulated by Army officers, was accidentally fired, the bullet striking Handley's leg and so mangling the same as to require its amputation at the hip joint.

With committee amendments as follows:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 1, line 6, strike out "$20,000" and insert in lieu thereof "$5,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker and Members of the House, the bill under consideration (H. R. 1565) is in every respect a highly meritorious one. As you know, it is designed to give a measure of relief to a young man, Pirtle Handley, who lives in my district in Louisville, Ky., and in whose behalf I introduced the bill.

On April 6, 1918, during the progress of the World War, there was held a large Liberty Loan meeting or demonstration at Elizabethtown, Ky. This meeting was held at the instance of United States officials who sought in this way to interest the people of that section in buying Third Liberty loan bonds. A tremendous drive was then being carried on in Kentucky for this purpose. As one of the major features offered by War Department officials for attracting people of that region to this meeting, machine guns, in charge of officers of the United States Army, were sent to Elizabethtown from Camp Zachary Taylor, at Louisville, Ky., some 50 miles away.

The meeting was held in the public square at Elizabethtown, and a large crowd had gathered there, and among the number was Pirtle Handley, the beneficiary under this bill. Patriotic services were conducted, and everything possible was done by those having charge of the meeting for the purpose of enlisting interest on the part of the gathered multitude in the purchase of Liberty bonds. The machine guns were under the immediate charge of a couple of Army officers who had come from Camp Zachary Taylor. At this time Handley was a handsome, statwart youth, 15 years of age. After the general demonstration of the machine guns had been conducted without ammunition these two Army officers undertook to make a further demonstration with loaded cartridges, but through negligence failed to eject all of the cartridges from one of the guns. Thereupon one of the officers snapped the gun and the cartridge was discharged and Handley, who, with the crowd, was standing a short distance away, was shot in the left knee and his leg was horribly mangled. He was rushed to the Camp Taylor Hospital at Louisville and his leg was amputated near the knee. The stump not healing, he was forced to remain in the hospital for something like 18 months, and four other amputations followed, the last one leaving him a short stump just below the hip joint.

These amputations were considered necessary by the Army surgeons in order to save Handley's life. His struggle was a desperate one and left him a permanent cripple, and in what appears to be a permanently helpless condition. After his discharge from the hospital, through the kind offices of the Red Cross an artificial limb was purchased for him, but he has been unable to wear it because the end of the remaining portion of his amputated leg has been left in a permanently sore and raw condition, which makes any sort of friction on its surface unendurable. Handley has to go about, with great difficulty, on two crutches. He is in a very nervous condition and is unable to secure employment because of his condition, or to make any satisfactory progress at school, although normally he was a boy of fine mental and physical vigor. He is now about 23 years of age, and has grown to be more than 6 feet tall, yet he weighs no more than 135 pounds. His injuries have left him altogether without earning power.

The Committee on Claims of the House made a favorable report on this bill for his relief, fixing the relief sum at $5,000. The bill as introduced called for $20,000, but under the practice now being followed by the Committee on Claims in the House in such cases it was considered that $5,000 would be the appropriate sum to be granted the beneficiary. Upon the facts of the case the United States Employees' Compensation Commission has indicated its opinion that $5,000 would be an appropriate sum for this relief. That commission, however, has no authority under the law to grant such relief.

Since the accident occurred Handley's parents moved from Elizabethtown to Louisville, Ky. His mother recently died, and

his father, who is now something like 67 years of age, earns but small wages as a laborer, and the beneficiary is in the greatest need of this relief. The accident, which caused his great injuries was occasioned through no fault whatsoever of his own. It occurred purely through the gross negligence and carelessness of the officers in question. As there is no other method of relief except that which the Congress may grant, this measure has been presented to Congress for its consideration. The sum of $5,000 can, of course, in no wise compensate young Handley for the wrecked condition in which he has thus been left, but it will measurably compensate him, and this sum judiciously used will be of great benefit to him.

In conclusion I may say that no more worthy cause for relief can be presented to the Congress than that presented in the present bill.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHANNA B. WEINBERG

The next business on the Private Calendar was the bill (H. R. 3592) for the relief of Johanna B. Weinberg.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This is the third or fourth case we have passed on this afternoon making the policy to pay $5,000 as a maximum for the loss of a limb. We have just passed a bill for $5,000 for the loss of a limb at the hip joint. Here is an injury to the hip where four thousand and some odd dollars is to be allowed.

Mr. UNDERHILL. If the gentleman will read the report on the previous bill he will see that the claimant has sustained permanent total disability.

Mr. BLANTON. It is not merely the loss of a limb?

Mr. UNDERHILL. No; it is a permanent disability. The committee would like to have given him more.

Mr. BLANTON. Are we or are we not to have some kind of a definite policy as a basis?

Mr. UNDERHILL. Yes; $5,000 is the basis.

Mr. BLANTON. That is for loss of life. But is not a definite policy to be followed as a basis, that the maximum shall be $5,000?

Mr. UNDERHILL. That is the policy.

Mr. BLANTON. And for the loss of a limb it shall range from $2,500 to $3,500, except in some extraordinary cases?

Mr. UNDERHILL. Yes; up to $5,000.

Mr. BLANTON. And that is the policy?

Mr. UNDERHILL. Yes.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Johanna B. Weinberg the sum of $7,500 in full compensation for permanent injury to her left hip on February 21, 1924, caused by the revolving door (which had been condemned) at the front entrance of the post office in Staunton, Va.

With committee amendments, as follows:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government." And on line 7 strike out "$7,500" and insert "$4,008.80."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF OWNERS OF CARGO ABOARD THE LIGHTER "LINWOOD"

The next business on the Private Calendar was the bill (S. 511) for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the lighter *Linwood*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the said vessel and the U. S. S. *Absecon*, on or about the 23d day of November, 1918, at or near the end of Pier 2, Bush Terminal Docks, Brooklyn, N. Y., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

OWNERS OF CARGO ABOARD THE STEAMSHIP "OCONEE"

The next business on the Private Calendar was the bill (S. 2898) for the relief of all owners of cargo laden aboard the steamship *Oconee*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MORTON D. HULL. Mr. Speaker, reserving the right to object, I am curious to know how much money is being appropriated in these bills?

Mr. UNDERHILL. There is no money being appropriated in any of these bills. These are admiralty cases, which are referred to the admiralty court under a law which was passed last year, but these various accidents occurred previous to or antedated the retroactive features of that bill.

Mr. MORTON D. HULL. This simply refers them to the admiralty court?

Mr. UNDERHILL. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Oconee*, formerly known as steamship *Maia*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the said vessel and the steamship *Constantia*, later known as steamship *Maximo Gomez*, on the 16th day of July, 1918, off Sewells Point, in Hampton Roads, Va., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine said suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of said owners of cargo, or against said owners of cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

INTERNATIONAL CONFERENCE ON TRAFFIC IN HABIT-FORMING NARCOTIC DRUGS

The next business on the Private Calendar was the bill (H. R. 7532) to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be authorized to pay from the appropriation "International conferences—traffic in habit-

forming drugs, 1925," the sum of $1,950 to Mrs. E. W. Wright for services rendered to the Department of State during the period from December 1, 1923, to June 15, 1924, in preparing and assembling data for the use of the American delegates to the international conferences on the traffic in habit-forming drugs.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BROAD BROOK BANK & TRUST CO.

The next business on the Private Calendar was the bill (H. R. 7930) for the relief of the Broad Brook Bank & Trust Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Broad Brook Bank & Trust Co., Broad Brook, Conn., United States coupon note No. H-1728011 in the denomination of $1,000 of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, with coupons due December 15, 1922, and May 20, 1923, without presentation of the said note or the coupons, the note with the coupons attached having been lost or destroyed while being held as collateral by the said the Broad Brook Bank & Trust Co.: *Provided*, That the said note shall not have been previously presented and paid and that payment shall not be made hereunder for any coupon which shall have been previously presented and paid: *Provided further*, That the said the Broad Brook Bank & Trust Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the interest which had accrued when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost or destroyed note and coupons hereinbefore described.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ISAAC A. CHANDLER

The next business on the Private Calendar was the bill (H. R. 9232) for the relief of Isaac A. Chandler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Isaac A. Chandler, who was a private in Troop A, Fourth United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said troop and regiment on the 7th day of December, 1875: *Provided*, That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

Mr. GARDNER of Indiana. Mr. Speaker, I offer an amendment. Page 1, line 9, after the word "the," strike out the figure "7th" and insert in lieu thereof "17th." That is in accordance with instructions from the War Department.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARDNER of Indiana: Page 1, line 9, after the word "the," strike out the figure "7th" and insert in lieu thereof "17th."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MYRTLE SULLINGER

The next business on the Private Calendar was the bill (H. R. 10446) validating the application for and entry of certain public lands by Myrtle Sullinger.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent upon the entry hereinafter named upon which proof of compliance with law has been filed, upon payment of all moneys due thereon: Additional homestead entry Lewistown, Mont., No. 045762, made by Myrtle Sullinger on June 22, 1921, for lots 2 and 3, section 2, township 16 north, range 27 east, and the east half of the southeast quarter of section 23, township 17 north, range 27 east, Montana principal meridian.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Interior be, and he is hereby, authorized to allow Lewistown homestead application 045762, filed by Myrtle Sullinger, on June 22, 1921, for lots 2 and 3, section 2, township 16 north, range 27 east and east half southeast quarter section 33, township 17 north, range 27 east, principal meridian, provided she makes payment of all sums due and that patent issue to her if after due publication she makes satisfactory proof of her compliance with the requirements of the homestead laws as to her residence on, cultivation and improvement of the land subject to the provisions, reservations, conditions, and limitations of the act of July 17, 1914 (38 Stat. p. 509), as to the oil and gas in the land and to a waiver of claim to damages in accordance with section 29 of the act of February 25, 1920 (41 Stat. p. 437), against any prior existing oil and gas permittee or lessee."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES MURRAY, SR.

The next business on the Private Calendar was the bill (S. 1415) authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak, drawn by W. J. Vankirk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk, the same being those certain lots the title to which was conveyed to the United States of America by the said Charles Murray, sr., and Sarah A. Murray, his wife, by deed executed on the 28th day of December, A. D. 1916, on which to construct a Government building in the city of De Funiak Springs, Fla., and on which a Government building has not been constructed.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MARYLAND CASUALTY CO.

The next business on the Private Calendar was the bill (S. 1361) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection?

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one 5½ per cent United States certificate of indebtedness, series B-1922, issued August 1, 1921, and maturing August 1, 1922, serial No. 21492, of the denomination of $1,000, payable to bearer, and the coupon for $27.50, representing six months' interest, due August 1, 1922, in favor of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md., without presentation of the said certificate or the coupon therefrom, which have been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for the coupon if it shall have been previously presented and paid: *Provided further*, That the said Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the

United States Fidelity & Guaranty Co., of Baltimore, Md., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and interest of said certificate of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon herein described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ALVIN H. TINKER

The next business on the Private Calendar was the bill (H. R. 8663) for the relief of Alvin H. Tinker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alvin H. Tinker, who was a member of Company D, Forty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal of that organization on the 15th day of January, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HILBERT EDISON AND RALPH R. WALTON

The next business on the Private Calendar was the bill (S. 726) for the relief of Hilbert Edison and Ralph R. Walton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hilbert Edison, of Astoria, Oreg., the sum of $231, and to Ralph R. Walton, of Portland, Oreg., the sum of $238.70, for loss of personal effects in the sinking of the United States concrete ship *Captain French*, the said Hilbert Edison and Ralph R. Walton having been seamen on the *Captain French*, and reimbursement for their loss of personal effects as aforesaid having been refused by the War Department because of their alleged failure to sign shipping articles prior to the voyage.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. M. LACALLE

The next business on the Private Calendar was the bill (S. 1208) providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, why is this old, antiquated bill now brought up for passage?

Mr. UNDERHILL. Because Congress has not attended to its duty previously and paid this money which the United States owes this man. He gave his services for the time indicated in the bill.

Mr. BLANTON. There have been several Congresses in session since 1914.

Mr. UNDERHILL. Very true; but there are a lot of bills the Congresses have not acted upon.

Mr. BLANTON. The amount is so small I should not object; but it does seem to me that these antiquated, out-of-date claims ought to be thrown in the wastebasket.

Mr. UNDERHILL. They ought to have been paid.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $95 to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914, both dates inclusive.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM ALEXANDER ET AL.

The next business on the Private Calendar was the bill (S. 1792) for the relief of William Alexander, Frank M. Clark, George V. Welch, Grant W. Newton, William T. Hughes, Lucy V. Nelson, Frank A. Gummer, Charles E. Mulliken, Leo M. Rusk, Fred Falkenburg, Meary E. Kelly, William C. Hall, Rufus L. Stewart, Hugo H. Ahlff, Paul J. Linster, Ruida Daniel, Faye F. Mitchell, Dollie Miller, Alfred Anderson, Gustavus M. Rhoden, Marie L. Dumbauld, estate of Fred Moody, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

Mr. UNDERHILL. Will the gentleman reserve his objection?

Mr. BLANTON. Yes.

Mr. UNDERHILL. This is merely a matter of bookkeeping. These men kept the funds in banks as authorized and directed by the Post Office Department. The banks failed and there was no money to pay. These matters stand against the accounts on the books and have to be carried as an expense to the Government.

Mr. BLANTON. Were all these bank failures?

Mr. UNDERHILL. Every one of them.

Mr. BLANTON. In view of that statement, I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William Alexander, late postmaster at Hayward, Wis., in the sum of $584.34; due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Hayward, Wis.; Frank M. Clark, late postmaster at Wells, Minn., in the sum of $2,012.12, due the United States on account of loss of postal funds resulting from the failure of the First National Bank of Wells, Minn.; George V. Welch, late postmaster at Phillip, S. Dak., in the sum of $970.59, due the United States on account of the loss of postal funds resulting from the failure of the First State Bank of Phillip, S. Dak.; Grant W. Newton, late postmaster at Canadian, Okla., in the sum of $253.56, due the United States on account of loss of postal funds resulting from the failure of the Fidelity National Bank, Oklahoma City, Okla.; William T. Hughes, late postmaster at Fort Cobb, Okla., in the sum of $119.13, due the United States on account of the loss of postal funds resulting from the failure of the Caddo County Bank of Fort Cobb, Okla.; Lucy V. Nelson, late postmaster at Joplin, Mont., in the sum of $278.79, due the United States on account of the loss of postal funds resulting from the failure of the First State Bank of Joplin, Mont.; Frank A. Gummer, late postmaster at Gildford, Mont., in the sum of $392.76, due the United States on account of the loss of postal funds resulting from the failure of the Gildford State Bank of Gildford, Mont.; Charles E. Mulliken, late postmaster at Hingham, Mont., in the sum of $850, due the United States on account of loss of postal funds resulting from the failure of the Farmers State Bank of Hingham, Mont.; Leo M. Rusk, late postmaster at Pocatello, Idaho, in the sum of $2,985.63, due the United States on account of loss of postal funds resulting from the failure of the Bannock National Bank, Pocatello, Idaho; Fred Falkenburg, late postmaster at Scotland, S. Dak., in the sum of $126, due the United States on account of the loss of postal funds resulting from the failure of the Scotland, S. Dak., State Bank; Meary E. Kelly, late postmaster at Keller, Okla., in the sum of $45.70, due the United States on account of loss of postal funds resulting from the failure of the State National Bank of Ardmore, Okla.; William C. Hall, late postmaster at Murtaugh, Idaho, in the sum of $151, due the United States on account of the loss of postal funds resulting from the failure of the Bank of Murtaugh, Murtaugh, Idaho; Rufus L. Stewart, late postmaster at Jennings, Okla., in the sum of $476.64, due the United States on account of the loss of postal funds resulting from the failure of the Oklahoma State Bank of Jennings, Okla.; Hugo H. Ahlff, late postmaster at Grandmound, Iowa, in the sum of $40.99, due the United States on account of the loss of postal funds resulting from failure of the Peoples Savings Bank, Grandmound, Iowa; Paul J. Linster, late postmaster at Sisseton, S. Dak., in the sum of $531, due the United States on account of loss of postal funds resulting from the failure of the Guaranty State Bank of Sisseton, S. Dak.; Ruida Daniel, late postmaster at Moore Haven, Fla., in the sum of $153, due the

United States on account of the loss of postal funds resulting from the failure of the Everglades State Bank, Moore Haven, Fla.; Faye F. Mitchell, late postmaster at Wanette, Okla., in the sum of $670.29, due the United States on account of the loss of postal funds resulting from the failure of the Security State Bank of Wanette, Okla.; Dollie Miller, late postmaster at Booker, Tex., in the sum of $357.61, due the United States on account of loss of postal funds resulting from the failure of the Edwards National Bank of Booker, Tex.; Alfred Anderson, late postmaster at Manchester, S. Dak., in the sum of $52.54, due the United States on account of loss of postal funds resulting from the failure of the Farmers State Bank, De Smet, S. Dak.; Gustavus M. Rhoden, late postmaster at Macclenny, Fla., in the sum of $984.70, due the United States on account of the loss of postal funds resulting from the failure of the Baker County State Bank, Macclenny, Fla.; Marie L. Dumbauld, late postmaster at Shaw, Colo., in the sum of $191.36, due the United States on account of the loss of postal funds resulting from the failure of the Farmers State Bank, Bovina, Colo.; estate of Fred Moody, deceased, late postmaster at Warroad, Minn., in the sum of $641.14, due the United States on account of loss of postal funds resulting from the failure of the First National Bank of Warrond, Minn.: *Provided*, That the said late postmasters shall assign to the United States any and all claims they may have to dividends arising from the liquidation of said banks.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN DISBURSING OFFICERS

The next business on the Private Calendar was the bill (S. 2158) for the relief of certain disbursing officers of the Office of Superintendent State, War, and Navy Department Buildings.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

R. P. RUETH

The next business on the Private Calendar was the bill (S. 2533) for the relief of R. P. Rueth, of Chamita, N. Mex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. P. Rueth, of Chamita, N. Mex., the sum of $350, to reimburse him for money advanced in the year 1922 to repair a bridge over the Rio Grande River near Chamita, N. Mex., at a point where said river traverses Indian lands, and said bridge being primarily for travel and use by Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. MURPHY

The next business on the Private Calendar was the bill (S. 3015) for the relief of William J. Murphy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask that this bill be passed.

There was no objection.

M. BARDE & SONS

The next business on the Private Calendar was the bill (H. R. 9064) for the relief of M. Barde & Sons.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. This bill involves $32,000, and I shall have to object.

Mr. CRUMPACKER. I trust the gentleman will not object.

Mr. BLANTON. If the gentleman desires to make some remarks I will withhold my objection, but the bill ought not to pass under unanimous consent. It carries too large an amount. A bill of this kind ought to come up where it could be considered in an orderly process.

Mr. UNDERHILL. This was to all intents and purposes a fine collected from the people for a noncompletion of a contract which did not really affect the Government and was entirely unnecessary.

Mr. BLANTON. When a channel is stopped up it is worth something to shipping to have the channel opened up. This was a penalty under their contract, and if we do not pursue the Government rights and ask for penalties there is no use in having penalties provided for in any contract. I hope the gentleman will not insist on this coming up now, for, as I say, it carries too large an amount. I object.

The SPEAKER. Objection is heard and the Clerk will report the next bill.

FRANK FLAHERTY

The next business on the Private Calendar was the bill (H. R. 9755) for the relief of Frank Flaherty.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, I would like to hear some justification for making an exception of this kind contrary to the recommendation of the Secretary of the Navy.

Mr. WATRES. Mr. Speaker, it is true the Secretary of the Navy did make an adverse report. I think, however, that report, not intentionally, was misleading. The Committee on Naval Affairs considered the case thoroughly and recommended a favorable action. The facts are that Frank Flaherty was injured while at sea on October 31, 1921, in the course of the discharge of his duty. His first, second, and third fingers of the left hand were torn off.

Mr. BEEDY. I think it will save time if the gentleman will come directly to the point and show me why he thinks this man should be retired on a higher rank contrary to the policy of the Navy Department.

Mr. WATRES. I will say in reply to the gentleman that one reason why he was not retired regularly within the law was that he was at Pearl Harbor. If he had not been there he would have been retired under the recommendation of the board. He was at Pearl Harbor, and due to the accident of his being there and being recalled to this country it prevented his being retired within the time required by law. After he was actually retired he reverted to his prior rank. He is permanently disabled.

There are three other cases that have been favorably acted upon by the House of the same nature, notwithstanding the recommendation of the Secretary of the Navy. The House has taken action on these three cases exactly the same as this.

Mr. BEEDY. Has any medical board found this man to be permanently disabled?

Mr. WATRES. He was recommended for discharge.

Mr. BEEDY. All I have here is that he was examined on January 21 and found not physically qualified for appointment to the rank of lieutenant.

Mr. WATRES. The facts are that his first, second, and third fingers of the left hand were severed.

Mr. BEEDY. I think unless the gentleman can show me some other cases exactly in point——

Mr. WATRES. I can cite the gentleman to three cases, and I will give him the names. There was Robert B. Sanford, Sixty-eighth Congress, the bill H. R. 1034. Another case was Arthur Casey, which was passed in this House February 5, 1926. Another case was Harold G. Billings.

Mr. BEEDY. Will the gentleman pardon me if I object and let the case go over until we again consider the Private Calendar, and in the meantime I will look these cases up. Mr. Speaker, I object.

ELIAS FIELD

The next business on the Private Calendar was the bill (H. R. 10641) for the relief of Elias Field.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Will somebody give me some information about this?

Mr. SCHAFER. Yes. Mr. Elias Field is a reputable Boston attorney and was engaged by the Government in a case of Miller, Alien Property Custodian, against Richard Mayer and others. While conducting that case he found that the Richard Mayer Co. had collected from the United States Government on a war risk insurance policy the sum of $62,595.03. Mr. Field reported to the Attorney General's office that it was questionable whether or not the claim which was paid was valid, and submitted the reasons for his opinion. Mr. A. R. Johnson, Esq., who was in charge of trading with enemy act work, advised him to commence suit. Suit was instituted and Mr. Field prepared the case. A compromise was submitted by the Mayer Co., which was accepted by the Treasury Department, and the Government received $31,297.51. The Attorney General's office found that they could not pay Mr. Field his counsel fee, although he had rendered the services at the direction of A. R. Johnson, Esq. The Attorney General has recommended the passage of this bill, and the committee report is very complete.

Mr. BLACK of Texas. Mr. Speaker, I have not had time to read the report, but was this attorney representing the Government in the case where the money was actually recovered?

Mr. SCHAFER. This attorney, Elias Field, was representing the Government in the case of the Alien Property Custodian against Richard Mayer and others. While working on said case he found that the Richard Mayer Co. had collected war risk insurance from the United States to the amount of $62,595.03, and that they had collected it under false pretenses.

Mr. BLACK of Texas. Is the gentleman undertaking to pay this amount of $5,000 for furnishing the Government this information?

Mr. SCHAFER. No. He furnished the Government this information, and upon the direction of A. R. Johnson, Esq., then in charge of the trading with the enemy act work, instituted suit and prepared the case. The Treasury Department accepted a compromise offer and the Government received $31,297.51.

Mr. BLACK of Texas. That is the information that I wanted to get. Did he actually represent the Government as an attorney in bringing the suit?

Mr. SCHAFER. Absolutely.

Mr. BLANTON. Did he have any help.

Mr. ARENTZ. The suit was never brought, but the compromise was $31,000.

Mr. BLACK of Texas. This man was actually a representative of the Government?

Mr. ARENTZ. Yes.

Mr. UNDERHILL. He did all of the work?

Mr. ARENTZ. He represented the Attorney General, who appointed him to prosecute this case, and did bring the suit and he compromised it for $31,000 and collected that amount for the Treasury.

Mr. BEEDY. He prepared the brief and the pleading and did all of the services?

Mr. BLACK of Texas. If he rendered legal services and recovered that much money, I have no objection to the bill.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. We did not have any attorneys in the Department of Justice, and an outsider had to volunteer and find some information? Is that the case?

Mr. SCHAFER. No; that is not the case.

Mr. BLANTON. We have an army of attorneys in the employ of the Department of Justice. Why did they not attend to it?

Mr. UNDERHILL. They did not happen to run across it.

Mr. BEEDY. Here is a fact that had escaped the department. This attorney did other work and stumbled upon this case.

Mr. BLANTON. Yes; and what kind of war-risk insurance policy is issued of $62,000?

Mr. BEEDY. I do not know.

Mr. UNDERHILL. An insurance on cargo.

Mr. BLANTON. War-risk insurance?

Mr. UNDERHILL. Yes; on cargo.

Mr. BLANTON. It is a different kind of insurance from the kind of war-risk insurance that you usually think of?

Mr. UNDERHILL. Yes.

Mr. BEEDY. When this matter was brought to the attention of the department the Government said, "You have all these facts; you have prepared the pleadings in this case; you will go ahead with it," and he did. They did not stand trial and they compromised.

Mr. BLANTON. What I am getting at is that this man seems to have lost the Government $31,000 as well as gaining that much for it.

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. Well, let us see whether he did or not. It is admitted that this firm collected fraudulently from the Government $62,000 of war-risk insurance and this man recovered back $31,000. Therefore the Government stands a loser to the tune of $31,000.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. This man did not make that compromise offer. The Secretary of the Treasury accepted the compromise.

Mr. BLANTON. And it is a fact that the Government stands loser to the extent of $31,000, is it not?

Mr. SCHAFER. I do not think so.

Mr. BLANTON. Is not that the fact?

Mr. SCHAFER. No; it is a gainer by over $31,000.

Mr. BLANTON. Is it not a fact the Government paid out $62,000 war-risk insurance fraudulently on a fraudulent claim and got back $31,000?

Mr. SCHAFER. Well——

Mr. BLANTON. Then it lost $31,000; did it not?

Mr. SCHAFER. No. Well, in one way it did.

Mr. BLANTON. Yes.

Mr. SCHAFER. But they would have lost $31,000 on the compromise if it was not for this attorney's work. If the case was an open-and-shut case, I do not think the Treasury Department——

Mr. BLANTON. Mr. Speaker, on account of the frankness of the gentleman from Wisconsin in his admission I will not object.

Mr. STEPHENS. Mr. Speaker, reserving the right to object, why did not the Government pay the attorney?

Mr. SCHAFER. This bill was introduced because the Government can not pay the attorney. This attorney, Elias Field, was attorney for the Department of Justice and performing its regular work under the direction of an attorney named Johnson, and the Department of Justice found they could not pay this attorney, Field, out of their present appropriation, and the Department of Justice has recommended the passage of this bill.

Mr. STEPHENS. Because they can not pay their attorney?

Mr. SCHAFER. On account of a technicality.

Mr. O'CONNOR of Louisiana. Mr. Speaker, reserving the right to object, in view of the fact brought or suggested in connection with this claim, may I ask the chairman of the Committee on Claims [Mr. UNDERHILL] if the Department of Justice resorted to criminal proceedings in order to bring these parties to the bar of justice?

Mr. UNDERHILL. The case was prepared by this man, and it took about a year, and he accidentally stumbled upon this fraud, and later the Treasury Department, I understand, compromised the case rather than risk going into court on it.

Mr. O'CONNOR of Louisiana. And the parties alleged to have committed this fraud or stolen this money have gone scot free?

Mr. UNDERHILL. No; they paid back $31,000.

Mr. O'CONNOR of Louisiana. They paid back part of the money they looted from the Treasury, but escaped a criminal prosecution?

Mr. UNDERHILL. The gentleman is an attorney and he knows that sometimes it is difficult to prove things that he knows.

Mr. O'CONNOR of Louisiana. It may be difficult, but it seems to me some attempt should have been made by the Department of Justice, and it occurs to me that the effect probably of this man's employment by the Department of Justice has permitted those who committed the fraud to escape criminal proceedings——

Mr. SCHAFER. No. [Cries of "Regular order!"]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Elias Field, of Boston, Mass., as compensation for legal services rendered the United States in the case of United States v. the Richard Mayer Co., in which case said Elias Field had not been retained by the Attorney General, but in which his services were rendered in good faith at the request and under the supposed authority of a subordinate officer of the Department of Justice.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BAGDASAR JACKSON

The next business on the Private Calendar was the bill (H. R. 595) for the relief of B. Jackson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the amendment be read in lieu of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Bagdasar Jackson United States coupon note No. E-1010362 in the denomination of $1,000 of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922-23, called for payment December 15, 1922, with coupons due December 15, 1919, to December 15, 1922, inclusive, without presentation of said note or the coupons, the note with the said coupons and coupon due May 20, 1923, attached, having been lost by the said Bagdasar Jackson: *Provided*, That said note shall not have been previously presented and paid and that payment shall not be made hereunder for any coupons that shall have been previously presented and paid: *And provided further*, That the said Bagdasar Jackson shall first file in the

Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the interest which had accrued when the note was called for payment, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the loss of the note and coupons hereinbefore described."

Mr. BLAND. Mr. Speaker, I offer an amendment. Page 2, line 25, before the word "shall," insert "or some one for him."

The SPEAKER. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLAND: Page 2, line 25, before the word "shall," insert "or some one for him."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH F. M'KNIGHT

The next business on the Private Calendar was the bill (H. R. 6267) for the relief of Joseph F. MacKnight.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the amendment be read in lieu of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph F. MacKnight, postmaster at Price, Utah, the sum of $311.94, being the amount embezzled by a subordinate in the post office at Price, Utah."

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I see from the report that a stamp clerk in the office by the name of Harold Wilson was checked up short to the amount of $218.36, which was replaced by him. Did he embezzle these other funds?

Mr. COLTON. Yes; and the postmaster sought at several times during this period to have this clerk discharged.

Mr. BLACK of Texas. It seems to me inconceivable that the Post Office Department should be keeping in the service a man who is checked up $218 short, and that the department is now seeking to have Congress pass a bill to replace the loss. And yet I understand the gentleman to say that he is still in the service.

Mr. COLTON. No; I did not mean to say that. He is not in the service now. He is out.

Mr. BLACK of Texas. Is he under bond?

Mr. COLTON. I understand he is not under any bond.

Mr. BLACK of Texas. All the postal employees that I know anything about are under bond.

Mr. COLTON. I made a personal investigation of this matter, and I was informed by the department that there is no other way by which this postmaster can be reimbursed.

Mr. BLACK of Texas. I object, and ask that the bill go over without prejudice.

The SPEAKER. The objection stage is past.

Mr. BLACK of Texas. The Chair asked if there was objection, and I was about to reserve the right to object when my colleague [Mr. BLANTON] asked that the amendment be read in lieu of the bill.

The SPEAKER. The Chair asked if there was objection to the bill. The Chair thinks it is too late now.

Mr. BLACK of Texas. The Chair may be correct. It certainly was my intention to reserve the right to object, and when my colleague asked that the amendment be read I refrained from objecting until the amendment was read.

Mr. COLTON. I think I can satisfy the gentleman on that point. I shall not take the time, however.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield to me?

Mr. COLTON. Yes.

Mr. UNDERHILL. As a matter of fact, the department says they were unable to find sufficient evidence to prove this man guilty of a criminal act. They could not collect from him, and simply had to discharge him on suspicion.

Mr. BLACK of Texas. I think the gentleman states the rule of law incorrectly. You might not have enough evidence to warrant a grand jury in indicting him, but you might have strong enough evidence to establish the claim by a suit. If the department came to the conclusion that they did not have sufficient evidence to make the bondsmen of the postal employee reimburse the Government, then I guess in that case this bill ought to pass.

Mr. COLTON. That is the case; and more than that, the postmaster, instead of waiting to submit his accounts, feeling that the responsibility was upon him, advanced the money. If he had waited and permitted the department to have credited his accounts, it could have been settled in the department.

Mr. BLACK of Texas. If the gentleman can assure us that he has made an investigation and that it is the opinion of the department that they could not recover on the bond of this employee, I concede that the postmaster has a claim for the refund of the money.

Mr. COLTON. That is the case.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. No; I withdraw the point.

The SPEAKER. The Clerk will report the next bill.

JAMES F. M'CARTHY

The next business on the Private Calendar was the bill (H. R. 7703) for the relief of James F. McCarthy.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $194 to compensate James F. McCarthy, of Bangor, Me., for a judgment which he paid by reason of damage caused by him while driving a United States mail truck in the performance of his duty.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next one.

Mr. TILSON. Mr. Speaker, the hour of 5 o'clock has arrived.

LEAVE OF ABSENCE

Mr. BAILEY, by unanimous consent, was granted leave of absence until May 27.

ADJOURNMENT

Mr. TILSON. We shall have another day for these bills, I am quite sure. It is 5 o'clock. We shall have to stop somewhere. I am sorry to prevent anybody's bill from coming up. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 26, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 26, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all produce received by them (H. R. 10510).

To facilitate and simplify the work of the Department of Agriculture in certain cases (H. R. 11423).

For the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army (H. R. 11432).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Authorizing the Secretary of the Interior to call a Pan-Pacific conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii (H. J. Res. 240).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend section 4 of the public buildings act of March 4, 1913 (H. R. 8954).

SPECIAL JOINT COMMITTEE

(10.30 a. m., Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium of coca leaves, their salts, derivatives, or preparations, and for other purposes," as amended (H. R. 11612).

EXECUTIVE COMMUNICATIONS, ETC.

531. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a proposed draft of legislation making the appropriations which have been provided for the United States Railroad Labor Board for the fiscal year 1927 available for carrying out the provisions of the act entitled "An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," approved May 20, 1926 (Public, No. 257, 69th Cong.), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Insular Affairs. H. R. 4789. A bill providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; with amendment (Rept. No. 1301). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 8377. A bill authorizing the Postmaster General to establish a uniform system of registration of mail matter; with amendment (Rept. No. 1302). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 10132. A bill to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks; without amendment (Rept. No. 1303). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Irrigation and Reclamation. H. R. 11713. A bill to provide for an examination and report on the condition and possible development and reclamation of the swamp lands on the Yazoo, Tallahatchie, and Coldwater Rivers in Mississippi; without amendment (Rept. No. 1304). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 12211. A bill to amend section 4009 of the Revised Statutes; without amendment (Rept. No. 1305). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG: Committee on the Post Office and Post Roads. H. R. 12369. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended; without amendment (Rept. No. 1306). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 12411) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. MORIN: A bill (H. R. 12412) to authorize the licensing of patents owned by the United States; to the Committee on Patents.

By Mr. VINCENT of Michigan: A bill (H. R. 12413) to supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WEFALD: A bill (H. R. 12414) for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota; to the Committee on the Public Lands.

By Mr. HICKEY: A bill (H. R. 12415) to amend and supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. BERGER: A bill (H. R. 12416) to establish a national-forest reserve and a national park in each of the several States, to promote reforestation, and for other purposes; to the Committee on the Public Lands.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 12417) to provide for maintaining, promoting, and advertising the International Trade Exhibition; to the Committee on Industrial Arts and Expositions.

By Mr. McSWAIN: A bill (H. R. 12418) to regulate interstate and foreign commerce by encouraging the orderly marketing of basic agricultural commodities and to stabilize all industries, including agriculture, and thus to promote and secure the national defense, etc.; to the Committee on Agriculture.

By Mr. HILL of Maryland: Joint resolution (H. J. Res. 262) for the preservation of the independence of the Federal and State judicial and police systems; to the Committee on the Judiciary.

By Mr. MORIN: Joint resolution (H. J. Res. 263) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China; to the Committee on Military Affairs.

By Mr. THATCHER: Joint resolution (H. J. Res. 264) for the creation of a commission to investigate crime; to the Committee on Rules.

By Mr. BRITTEN: Joint resolution (H. J. Res. 265) to place under the civil service act the personnel of the Treasury Department, authorized by section 38 of the national prohibition act, and to prohibit the enrollment of State, county, and city officials; to the Committee on the Judiciary.

By Mr. HILL of Maryland: Concurrent resolution (H. Con. Res. 30) requesting submission to the several States the question of the modification of the so-called Volstead Act; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 12419) granting a pension to Jennie Brett; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 12420) granting an increase of pension to Prudence R. Stafford; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12421) for the relief of George F. Newhart, Clyde Hahn, and David McCormick; to the Committee on Naval Affairs.

By Mr. CRUMPACKER: A bill (H. R. 12422) granting an increase of pension to Sarah C. Gardner; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12423) granting an increase of pension to Catharine Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12424) granting an increase of pension to Harriett Wertz; Committee on Invalid Pensions.

Also, a bill (H. R. 12425) granting an increase of pension to Sarah Shell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12426) granting an increase of pension to Susan Dry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12427) granting an increase of pension to Sarah Ulrich; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 12428) granting an increase of pension to Clara E. Kalstrom; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12429) granting a pension to Ezra E. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12430) to authorize the Caxton Printers (Ltd.) to make application to the Commissioner of Patents for the extension of Letters Patent No. 921467; to the Committee on Patents.

By Mr. HARDY: A bill (H. R. 12431) granting an increase of pension to Ellen Cannon; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 12432) granting an increase of pension to Jennie Paniska; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12433) for the relief of James Walsh; to the Committee on Naval Affairs.

Also, a bill (H. R. 12434) to make an award of $10,000 and grant a pension to Michael A. Donaldson; to the Committee on Military Affairs.

Also, a bill (H. R. 12435) to provide for the advancement on the retired list of the Army of Maj. Andrew Summers Rowan; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 12436) granting relief to David Homer Bates, of the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 12437) granting relief to Wm. R. Plum, of the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 12438) granting an increase of pension to Annie C. Jarvis; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12439) granting an increase of pension to Carrie Hosack; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12440) granting an increase of pension to Thurza C. Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12441) granting an increase of pension to Mary J. Bowman; to the Committee on Invalid Pensions.

By Mr. PARKER: Resolution (H. Res. 273) authorizing additional compensation for the clerk of the Committee on Interstate and Foreign Commerce; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2280. Petition adopted at the Ninth Annual Convention of the National Retail Coal Merchants' Association, favoring the approval by Congress of House Joint Resolution 208 and Senate Joint Resolution 7; to the Committee on the Judiciary.

2281. By Mr. CHALMERS: Petition of the Toledo Council of Catholic Women, numbering 4,000, protesting against the expulsion of Archbishop Coruana from Mexico on the grounds of American citizenship; also urging influence to have the Mexican Government respect religious freedom and withdraw its program of persecution; to the Committee on Foreign Affairs.

2282. By Mr. GALLIVAN: Petition of Mrs. F. B. Tracy, 58 Armandine Street, Dorchester, Mass., vigorously protesting against the passage of House bill 7826, the purpose of which is to extend the civil and criminal laws of the United States to Indians; to the Committee on Indian Affairs.

2283. By Mr. GRAHAM: Preamble and resolution of Philadelphia Board of Trade, favoring the enactment of House Joint Resolution 15, to prevent further amendment of the Constitution of the United States; to the Committee on the Judiciary.

2284. Also, preambles and resolutions of Philadelphia Board of Trade, favoring the enactment of House bill 9594, re appointment of additional Federal judges; to the Committee on the Judiciary.

2285. By Mr. HADLEY: Petition of a number of residents of Skagit County, Wash., protesting against pending compulsory Sunday observance bills; to the Committee on the District of Columbia.

2286. By Mr. HUDSPETH: Resolution of executive committee of the Sheep and Goat Raisers' Association of Texas, indorsing Senate bill 1618; to the Committee on Interstate and Foreign Commerce.

2287. By Mr. KINDRED: Petition of the Queensboro Chamber of Commerce of the Borough of Queens, city of New York, to the United States Congress, approving and recommending the passage of House bill 3991, prohibiting the sending of unsolicited merchandise through the mails; to the Committee on Interstate and Foreign Commerce.

2288. By Mr. McCLINTIC: Petition of sundry citizens of Shattuck, Chaney, and Gage, Okla., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2289. By Mr. MOONEY: Petition of certain citizens of Cleveland, protesting against various provisions of House bill 11250; to the Committee on Immigration and Naturalization.

2290. By Mr. O'CONNELL of New York: Petition of Metal Trades Council, of Brooklyn, N. Y., opposing the passage of House bill 8902, a bill which would prevent work from going to the navy yards and arsenals; to the Committee on the Judiciary.

2291. Also, petition of the William Wrigley, jr., Co., Brooklyn, N. Y., favoring the passage of House bill 12065, a bill to amend the interstate commerce act and transportation act of 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2292. By Mr. SWING: Petition of certain residents of Los Angeles, Calif., protesting against the passage of House bills 10311, 10123, 7179, or 7822, for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *May 26, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, that Thou dost take care of us day after day is evidence to us of Thy mercies unfolding in great consideration of our needs. We do thank Thee this morning for the brightness of the day and humbly ask that in our heart of hearts there may be realized the consciousness of dependence upon Thee. Help us to order our steps aright and to be governed continually by the high and holy influence of glorifying Thy name in every act of duty. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, May 21, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co., of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.;

S. 588. An act for the relief of A. T. Whitworth;

S. 726. An act for the relief of Hilbert Edison and Ralph R. Walton;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914;

S. 1223. An act for the relief of J. L. Flynn;

S. 1224. An act for the relief of John P. McLaughlin;

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Fidelity & Deposit Co. of Maryland;

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk;

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased;

S. 1792. An act for the relief of William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly; William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred Moody, deceased;

S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.;

S. 2674. An act for the relief of Kate T. Riley;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee;*

S. 3077. An act for the relief of John T. Wilson;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased; and

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1059. An act for the relief of R. Clyde Bennett; and

S. 1895. An act to correct the military record of George Patterson.

The message further announced that the House had passed the bill (S. 2820) for the relief of Jose Louzau, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 595. An act for the relief of B. Jackson;

H. R. 726. An act for the relief of George J. Covert;

H. R. 819. An act for the relief of James C. Simmons, alias James C. Whitlock;

H. R. 830. An act for the relief of John Jakes;

H. R. 1105. An act for the relief of the Kelly Springfield Motor Truck Co., of California;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 1597. An act for the relief of Albert O. Tucker;

H. R. 2160. An act for the relief of Patrick J. Langan;

H. R. 2207. An act for the relief of Simon R. Curtis;

H. R. 2313. An act for the relief of Amos Dahuff;

H. R. 2316. An act for the relief of John Clark;

H. R. 2320. An act for the relief of Delmore A. Teller;

H. R. 2882. An act for the relief of E. D. Macrendy;

H. R. 3069. An act for the relief of Charles O. Dunbar;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 3663. An act to correct the military record of G. W. Gilkison;

H. R. 4125. An act for the relief of Louis A. Hogue;

H. R. 4664. An act for the relief of Arthur H. Bagshaw;

H. R. 4716. An act for the relief of Samuel Pelfrey;

H. R. 5074. An act for the relief of George D. Vedder;

H. R. 5507. An act for the relief of Agnes M. Harrison, postmistress at Wheeler, Miss.;

H. R. 6139. An act for the relief of Seymour Buckley;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 6422. An act to correct the military record of George W. Kelly;

H. R. 6584. An act for the relief of Charles O. Schmidt;

H. R. 6586. An act for the relief of Russell W. Simpson;

H. R. 6655. An act for the relief of William A. Hynes;

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes;

H. R. 6834. An act for the relief of Joseph M. Black;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7352. An act for the relief of Lester Cooley;

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 7703. An act for the relief of James F. McCarthy;

H. R. 7930. An act for the relief of the Broad Brook Bank & Trust Co.;

H. R. 7973. An act to provide American registry for the Norwegian sailing vessel *Derwent*;

H. R. 8292. An act to correct the military record of John R. Butler;

H. R. 8293. An act to correct the military record of Milton Longsdorf;

H. R. 8489. An act to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama;

H. R. 8552. An act for the relief of Herman Wagner, alias Henry Burnett;

H. R. 8663. An act for the relief of Alvin H. Tinker;

H. R. 8941. An act for the relief of Turpin G. Hovas;

H. R. 8961. An act for the relief of William E. Jones;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 9232. An act for the relief of Isaac A. Chandler;

H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;

H. R. 9324. An act for the relief of desertion from the name of George A. McKenzie, alias William A. Williams;

H. R. 9606. An act for the relief of L. J. Houghtaling;

H. R. 9667. An act for the relief of Columbus P. Pierce;

H. R. 10020. An act for the relief of William Knabe;

H. R. 10078. An act for the relief of Myron J. Conway, Frank W. Halsey, and others;

H. R. 10161. An act for the relief of the owners of the barge *McIlvaine No. 1;*

H. R. 10226. An act to correct the military record of John P. Daley;

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger;

H. R. 10489. An act to perfect the homestead entry of John Hebnes;

H. R. 10623. An act for the relief of the Lidgerwood Manufacturing Co.; and

H. R. 10641. An act for the relief of Elias Field.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; and

S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia."

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Robinson, Ark.
Bayard	Ferris	King	Sackett
Bingham	Fess	La Follette	Schall
Blease	Frazier	McKellar	Sheppard
Borah	George	McLean	Shipstead
Bratton	Gerry	McMaster	Shortridge
Broussard	Gillett	McNary	Simmons
Bruce	Glass	Mayfield	Smoot
Butler	Goff	Means	Steck
Cameron	Gooding	Metcalf	Stephens
Capper	Greene	Moses	Swanson
Caraway	Hale	Norbeck	Trammell
Couzens	Harreld	Norris	Tyson
Cummins	Harris	Oddie	Underwood
Curtis	Harrison	Overman	Wadsworth
Dale	Heflin	Pepper	Walsh
Deneen	Howell	Phipps	Warren
Dill	Johnson	Pine	Wheeler
Edge	Jones, N. Mex.	Pittman	Willis
Edwards	Jones, Wash.	Ransdell	
Ernst	Kendrick	Reed, Pa.	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

AID TO RURAL POST ROADS

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. CURTIS. Mr. President, have we had the presentation of petitions and memorials?

The VICE PRESIDENT. That has been called for. Petitions and memorials are now in order.

Mr. ODDIE. I ask permission to have H. R. 9504 taken up. It is the bill amending the act providing for Federal aid to rural post roads.

Mr. MOSES. Let us have the regular order.

Mr. BORAH. I call for the regular order.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS

Mr. FERNALD presented a petition signed by 58 citizens of Waterville and vicinity in the State of Maine, praying for the passage of legislation granting increased pensions to veterans of the Civil War and their dependents, which was ordered to lie on the table.

Mr. WILLIS presented a resolution adopted by the executive committee of the council of the American Association for the Advancement of Science protesting against the alienation of public lands and national forests to private individuals, groups, or corporations, and opposing particularly the provisions of the so-called Stanfield bill, which was referred to the Committee on Public Lands and Surveys.

Mr. TYSON presented a telegraphic memorial from the president of the Southern Appalachian Coal Operators' Association and one from coal operators of the southern Appalachian region in meeting assembled at Knoxville, Tenn., in opposition to proposed coal legislation, which were ordered to lie on the table and to be printed in the RECORD, as follows:

KNOXVILLE, TENN., *May 25, 1926.*

Senator L. D. TYSON,
Washington, D. C.:

The coal-operating interests of our section deplore the energetic efforts of Members of Congress, particularly Representatives from nonproducing coal States, to press legislation to regulate or interfere on part of Government, which means unquestionably the utter destruction of initiative on part of operators to work out their own problems. The desperate effort now being made, even though apparently limited in its scope, when once a foothold is gained will draw further legislation in future until final disaster overtakes us. Our people depending on you to stand firm and energetically, through your entire resource, oppose any measure of any kind along these lines.

C. W. HENDERSON,
President Southern Appalachian Coal Operators' Association.

KNOXVILLE, TENN., *May 24, 1926.*

Hon. L. D. TYSON,
Senate Office Building, Washington, D. C.:

Coal operators of the southern Appalachian region in meeting here this morning unanimously passed resolution and appointed us committee to communicate same to you, it being resolved that, in their opinion, any legislation by Congress regarding coal industry is an opening wedge for later and more legislation, any of which legislation in regard to coal industry will prove to be worst thing imaginable for industry itself, both from standpoint of owners and workers, and will result finally in complete demoralization of the industry and finally bound to bring a situation which Great Britain is now facing in the same industry. Having studied the matter from all angles, operators are firmly of opinion that unquestionably the best thing for the coal industry is that the Government permit it to work out its own problems, and we urge upon you to use your best efforts to prevent such legislation. We understand that Parker bill is now before the Interstate Commerce Committee of House, and we urge you to use your influence with that committee against favorable report. Any legislation, Government control, or interference by the Government will with absolute certainty increase the cost of coal to the consumer.

C. W. HENDERSON. ROBERT S. YOUNG.
G. M. CAMP. L. I. COLEMAN.
JOHN L. BOYD. V. N. HACKER.
E. C. MAHAN. R. E. HOWE.

CIVIL WAR PENSIONS

Mr. NORBECK. Mr. President, I present and ask to have printed in the RECORD and lie on the table a letter from the Department of the Interior. It is a report in reference to the Civil War pension bill that will be taken up to-morrow night.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 24, 1926.

Hon. PETER NORBECK,
Chairman Committee on Pensions,
United States Senate.

MY DEAR SENATOR NORBECK: I am in receipt of your communication inclosing copies of the bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows of said soldiers, sailors, and marines and the widows of the War of 1812 and Army nurses, and for other purposes, concerning which you ask certain information and an estimate of the cost of the bill by classes.

Section 1 of the bill benefits survivors of the Civil War. On April 30, 1926, there were 52,392 Civil War survivors on the roll at $50 per month. Allowing for a loss of 7,300 in this class on account of death during the year, the net additional cost of increasing them to $72 per month, as provided in this section, would be approximately $12,867,888.

On April 30, 1926, there were 56,295 Civil War survivors pensioned at $72 per month; and estimating roughly—it being impracticable to do otherwise—that 20 per cent of these would be entitled to the rate of $90 per month provided for in the section, the approximate cost would be, after allowing for a loss on account of death of 3,300, $2,105,544.

If all of the 56,295 Civil War survivors on the roll at the rate of $72 per month should prove entitled to the rate of $90 provided for in this section of the bill, the estimated additional cost would be approximately $10,943,856.

On the basis that but 20 per cent of the pensioners receiving the $72 rate would be entitled to the $90 rate provided for in this section, the entire additional annual cost of this section would be $14,973,432; but on the theory that all of those survivors on the roll at $72 per month would prove themselves entitled to the $90 rate, the entire additional cost of this section would be $23,811,744.

Section 2 refers to widows and remarried widows of the Civil War. There were on April 30, 1926, the number of 222,932 Civil War widows pensioned at the rate of $30 per month. It is estimated that 64 per cent of them are 75 years of age or over. To increase this number (142,600) to $40 per month, allowing for loss by death of 24,000 per year, would involve an additional expenditure of approximately $15,672,000.

The estimated additional annual cost for the beneficiaries of the War of 1812 and Mexican War widows provided for in section 3 of the bill is estimated at $126,000, and for the Army nurses provided for in section 4, $12,000.

Section 6 extends the provisions, limitations, and benefits of the act of May 1, 1920, to the classes of persons enumerated in paragraphs 1 and 3 of section 4693, Revised Statutes of the United States, who served during the Civil War. The persons mostly to be benefited by the provisions of this section are the militiamen of the several States who served during the Civil War. There is no way to even approximate the additional cost by reason of the provisions of this section, because it is not known how many can be benefited.

On the basis that but 20 per cent of the Civil War survivors now pensioned at $72 per month would be entitled to the $90 rate provided in the bill, the total approximate additional cost of the bill is $30,783,432; but on the theory that substantially all of the Civil War survivors now pensioned at $72 per month would be entitled to the $90 rate provided for, the total additional cost of the entire bill would be $39,621,744.

A copy of this report was submitted to the Director of the Bureau of the Budget, who, under date of the 14th instant, advises "that the proposed legislation is in conflict with the financial program of the President."

Very truly yours,

HUBERT WORK.

REPORTS OF COMMITTEES

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment and submitted a report as indicated:

A bill (S. 4221) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia (Rept. No. 931);

A bill (H. R. 252) to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land;

A bill (H. R. 431) providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

A bill (H. R. 5359) authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master-track scale and test-car depot, and for other purposes;

A bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building; and

A bill (H. R. 11353) to convey to the city of Oshkosh, Wis., certain Government property.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 11308) authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921, reported it without amendment and submitted a report (No. 932) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes, reported it without amendment and submitted a report (No. 933) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5026) to provide for the construction of 10 vessels for the Coast Guard, reported it with an amendment and submitted a report (No. 934) thereon.

Mr. PEPPER, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted a report as indicated:

A bill (S. 1641) for the relief of Mary H. Dougherty (Rept. No. 935); and

A bill (H. R. 7181) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2808) for the relief of Paymaster Herbert Elliott Stevens, United States Navy, reported it without amendment and submitted a report (No. 936) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8763) to prevent delay in the promotion of officers of the Navy and Marine Corps (Rept. No. 937);

A bill (H. R. 3952) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Gustavo Tegera Guevara, a citizen of Venezuela (Rept. No. 938);

A bill (H. R. 6015) to correct the Marine Corps record of Roy W. Saam (Rept. No. 939);

A bill (H. R. 7217) to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog" (Rept. No. 940);

A bill (H. R. 8725) to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps (Rept. No. 941); and

A joint resolution (H. J. Res. 9) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador (Rept. No. 942).

Mr. HALE, also from the Committee on Naval Affairs, to which was referred the bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class, reported it with an amendment, and submitted a report (No. 943) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes, reported it with an amendment and submitted a report (No. 944) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3462) for the relief of Homer H. Hacker (Rept. No. 945); and

A bill (H. R. 9775) for the relief of Sherman Miles (Rept. No. 946).

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Mr. TRAMMELL, from the Committee on Claims, reported the following resolution (S. Res. 233), with accompanying papers:

Resolved, That the bill entitled "A bill (S. 3366) for the relief of the Passaic Valley Sewerage Commissioners," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; and

S. 2730. An act to amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia."

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4352) granting a pension to Agnes O'Neil; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 4353) for the relief of the widow of Warren V. Howard; to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 4354) granting a pension to Julia I. H. Dilworth (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4355) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md.; to the Committee on Military Affairs.

AIR CORPS OF THE ARMY

Mr. BINGHAM submitted two amendments intended to be proposed by him to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, which were ordered to lie on the table and to be printed.

COOPERATIVE MARKETING

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 6728. An act to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes; to the Committee on the District of Columbia.

H. R. 7532. An act to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs; to the Committee on Foreign Relations.

H. R. 7973. An act to provide American registry for the Norwegian sailing vessel *Derwent;* to the Committee on Commerce.

H. R. 10446. An act validating the application for and entry of certain public lands by Myrtle Sullinger; and

H. R. 10489. An act to perfect the homestead entry of John Hebnes; to the Committee on Public Lands and Surveys.

H. R. 595. An act for the relief of B. Jackson;

H. R. 1105. An act for the relief of the Kelly Springfield Motor Truck Co., of California;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 1565. An act for the relief of Pirtle Handley;

H. R. 2207. An act for the relief of Simon R. Curtis;

H. R. 2320. An act for the relief of Delmore A. Teller;

H. R. 3069. An act for the relief of Charles O. Dunbar;

H. R. 3592. An act for the relief of Johanna B. Weinberg;

H. R. 4125. An act for the relief of Louis A. Hogue;

H. R. 4664. An act for the relief of Arthur H. Bagshaw;

H. R. 6267. An act for the relief of Joseph F. MacKnight;

H. R. 6584. An act for the relief of Charles O. Schmidt;

H. R. 6586. An act for the relief of Russell W. Simpson;

H. R. 7674. An act for the relief of Capt. H. Bert Knowles;

H. R. 7703. An act for the relief of James F. McCarthy;

H. R. 7930. An act for the relief of the Broad Brook Bank & Trust Co.;

H. R. 9089. An act for the relief of Mabel Blanche Rockwell;

H. R. 9606. An act for the relief of L. J. Houghtaling;

H. R. 10020. An act for the relief of William Knabe;

H. R. 10161. An act for the relief of the owners of the barge *McIlvaine No. 1*;

H. R. 10623. An act for the relief of the Lidgerwood Manufacturing Co.; and

H. R. 10641. An act for the relief of Elias Field; to the Committee on Claims.

H. R. 726. An act for the relief of George J. Covert;

H. R. 819. An act for the relief of James C. Simmons, alias James C. Whitlock;

H. R. 830. An act for the relief of John Jakes;

H. R. 1597. An act for the relief of Albert O. Tucker;

H. R. 2160. An act for the relief of Patrick J. Langan;

H. R. 2313. An act for the relief of Amos Dahuff;

H. R. 2316. An act for the relief of John Clark;

H. R. 2882. An act for the relief of E. D. Macready;

H. R. 3663. An act to correct the military record of G. W. Gilkison;

H. R. 4716. An act for the relief of Samuel Pelfrey;

H. R. 5074. An act for the relief of George D. Vedder;

H. R. 6139. An act for the relief of Seymour Buckley;

H. R. 6422. An act to correct the military record of George W. Kelly;

H. R. 6655. An act for the relief of William A. Hynes;

H. R. 6834. An act for the relief of Joseph M. Black;

H. R. 6921. An act to correct the military record of James Perry Whitlow;

H. R. 7352. An act for the relief of Lester Cooley;

H. R. 8292. An act to correct the military record of John R. Butler;

H. R. 8293. An act to correct the military record of Milton Longsdorf;

H. R. 8552. An act for the relief of Herman Wagner, alias Henry Burnett;

H. R. 8663. An act for the relief of Alvin H. Tinker;
H. R. 8941. An act for the relief of Turpin G. Hovas;
H. R. 8961. An act for the relief of William E Jones;
H. R. 9232. An act for the relief of Isaac A. Chandler;
H. R. 9234. An act to change the military record of Thomas Dowling, alias James Murphy;
H. R. 9324. An act for the relief of desertion from the name of George A. McKenzie, alias William A. Williams;
H. R. 9667. An act for the relief of Columbus P. Pierce;
H. R. 10078. An act for the relief of Myron J. Conway, Frank W. Halsey, and others; and
H. R. 10226. An act to correct the military record of John P. Daley; to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate Nos. 1, 2, and 4 to the bill (H. R. 10089) granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington, and that the House had disagreed to the amendment of the Senate No. 3 to the said bill.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 24, 1926:

S. 2606. An act to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes.

On May 25, 1926:

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood;*

S. 1731. An act to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair;*

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Brittania;*

S. 1733. An act to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the U. S. Army tug *No. 21*, at St. Nazaire, France; and

S. 4209. An act to provide for the establishment of the Mammoth Cave National Park, in the State of Kentucky, and for other purposes.

On May 26, 1926:

S. 3115. An act to amend section 220 of the Criminal Code.

COLUMBIA RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate Nos. 1, 2, and 4 to the bill (H. R. 10089) granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington, and disagreeing to the amendment of the Senate No. 3 to the said bill.

Mr. JONES of Washington. Amendment No. 3 has reference to a section which was evidently a mistake, so I move that the Senate recede from the amendment.

The motion was agreed to.

MORONGO INDIAN RESERVATION LANDS, CALIFORNIA

Mr. HARRELD. I ask unanimous consent that the Senate proceed to the consideration of the conference report on Senate bill 2702, submitted by me on the 19th instant.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2702) to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. W. HARRELD,
SAM G. BRATTON,
ROBERT M. LA FOLLETTE, JR.,
Managers on the part of the Senate.

SCOTT LEAVITT,
W. H. SPROUL,
CARL HAYDEN,
Managers on the part of the House.

SANTA YSABEL INDIAN RESERVATION LANDS, CALIFORNIA

Mr. HARRELD. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 8186, submitted by me on the 19th instant.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

J. W. HARRELD,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.

SCOTT LEAVITT,
CARL HAYDEN,
W. H. SPROUL,
Managers on the part of the House.

ADDRESSES ON BIRTHDAY OF JOHN HAYS HAMMOND

Mr. ROBINSON of Arkansas. Mr. President, on Monday evening, May 3, 1926, the seventy-first anniversary of the birth of a very distinguished American, one of the greatest mining engineers of the period, Mr. John Hays Hammond, was celebrated in the city of New York by a convention of his friends. On that occasion addresses were delivered by the toastmaster, the Hon. Charles S. Thomas, formerly a Member of this body; the Senator from Nevada [Mr. PITTMAN]; and Bishop Freeman, of Washington. Those addresses relate to an interesting and important phase of American life and industry and reveal the fact that the figure to which the addresses relate, Mr. Hammond, has had an exceptionally interesting and useful career. I ask unanimous consent to have the addresses referred to, with the accompanying matter, inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The addresses are as follows:

ADDRESS OF HON. KEY PITTMAN, UNITED STATES SENATOR FROM NEVADA

Hon. Charles S. Thomas presiding.

The TOASTMASTER. The career of the next speaker runs largely along parallel lines to that of Mr. Hammond. Mr. Hammond went to Germany and found the treasure of his life. Senator PITTMAN went to Alaska and had a similar delightful experience. There he and his bride traveled in dog sleds for about 2,500 miles as their honeymoon journey, took the boat, went to San Francisco, and from thence to Nevada. Senator PITTMAN has ever since then had the courage of his wife's convictions. [Laughter and applause.] And those convictions were all right; therefore he became, before he entered public life, a celebrated lawyer, and is one of the most prominent and valuable Senators in that great legislative body at Washington. Senator PITTMAN. [Applause.]

Hon. KEY PITTMAN, United States Senator from Nevada. Mr. Toastmaster, Mrs. Hammond, Mr. Hammond, and friends, I am very glad to be in the same company with the distinguished toastmaster and our distinguished guest. I doubt if any of us would be standing here to-night if it were not for our wives.

Nothing gives me more possible pleasure than being called on to-night to participate in paying tribute to my friend, John Hammond. My surprise, however, at being called on to-night is equal to the pleasure that I experience, because when I saw my dear friend, Charlie Thomas, and asked him why it was that he did not notify me that I was to be called on to-night, so that I might make some preparation, he said, "That is the exact reason why I didn't call on you." He said, "While the Vice President has not yet succeeded in placing the rule of cloture on the United States Senate, it will be placed upon you to-night at this meeting. [Laughter.]

As the chairman, I have a very fond and sympathetic feeling for our distinguished guest. While not a member of his profession, like

our distinguished chairman, I have been a mining lawyer, and for years both of us have made our living out of proving to the courts and to the juries the mistakes of distinguished mining engineers. [Laughter.]

In coming here to-night, and in trying to think of something that I might say in five minutes, because we have a custom in the United States Senate of taking 30 minutes to converse with ourselves before we decide upon the topic which we will discuss [laughter], I thought possibly that I might hearken back to twenty-odd years ago, when I sat in a little office building in a little office in a little mining camp then and listened to Mr. Hammond discuss the days of his past and the principles that surround his profession. He was then, as he is now, the foremost defender of the mining industry throughout the world. As has been so ably stated, he looks on it beyond a technical occupation; he looks on it as the very foundation of the production and utilization of metals.

I remember that he went back; he stated that in the very dawn of history man was a weak animal who ran from the larger and fiercer animals and hid in caves, who preyed upon the smaller animals and eked out a miserable existence, until there dawned upon his mind and imagination the use of metals. And then, by a rough-hewn flint that was attached to his hammer and to his arrow and to his spear, he became the dominant animal in all the world. And that discovery of metal went on until through it he overcame the forests and hewed them into boats; he overcame the land and made agriculture produce. And as he moved on in the use and the utilization of metals he performed the great feat of manufacturing something that would utilize the tremendous power of steam. And on and on he went until the wooden canoe became the great steel ship of to-day. On he went until copper poured from out of our mountains and made the great wire connections that made the whole world neighbors. And further on and on he went in the use and discovery of metals until it became apparent that the fundamental advance of civilization in the last few hundred years has marched parallel with the production and the utilization of metals.

He has done more—more than any man that I know of—to move aside the fog that surrounds the mining industry and give it a dignity among the industries of the world.

Those were iron and copper and other metals of utilization. But it became apparent, if not in ancient times certainly in modern times, that gold and silver, though not subject to the utilization of the other metals, were the very foundation of all prosperity, of all buildings—yes; the very foundation of every government. Why, looking back through history we find that that country, that government, that possessed the most gold and silver during that period of time was dominant in peace and in war. And as we come down through history we find that in 1849, away back in 1849, when the miners in the hills of California, in those mountain streams took from out of the gravel the gold and wealth that poured through the arteries of trade in this country, then began a prosperity in trade and commerce in the United States that never has stopped.

And then the Civil War came on, with its blight, and it was over and the period of deflation was forced upon us, when even the credit of this great Government was shaken to its foundations, as the credit of foreign countries after this last Great War; it was the discovery and opening up of the great Comstock mine in the State of Nevada that poured its six hundred-odd millions of gold and silver into the trade marts of our country and restored the credit of this country and placed it upon a basis from which it has never yet fallen.

And then we come down to this last great world struggle, when, in March, the Germans were making that drive that seemed almost impossible to stop, when the British had thrown in every man that they had, when Foch was crying for but a single reserve, there was a revolution threatened in India, a revolution that some of the great statesmen of England had said would have come had it not been for the aid that this Government could give in silver at that time. Silver was essential, yet in all the world silver had been held so lowly, it had been so despised, that no government had seen fit to hold a reserve of it, except the United States. In the Treasury of the United States there were four to five hundred millions of silver dollars that might be used, and they had been used once, but by legislation they were used again, and that threatened revolution in India was stopped, and possibly the whole course of the war was changed.

And when the war was over, as we look now at the deflation which followed, we have found out that there is no such thing as Government credit. We have found out that there is nothing except solid metal, gold and silver, that is the basis of credit throughout the world. And if the rehabilitation of credit and the reconstruction of Europe ever takes place, it must be dependent upon the reserves of gold and silver of this country. That is the very foundation of all credit, the foundation of all government.

And so, sirs, our prospectors have been sent out into the hills; they have gone out with their burros, with their slab of bacon and little sack of flour; they have gone through the desert's heat and through the wintry blasts into the barren, desolate wastes to hunt for the gold and silver that makes wealth for our Nation and makes sound the governments of all countries. And in their tracks have followed along that hard, bitter train the engineers. Jack Hammond has followed them from the barren wastes of South Africa to the ice-bound mountains of Alaska. He has followed them through the deserts of the West, from the Rocky Mountains down through Mexico and down into the jungles of South America. He has followed them, and following him have been that great class of mining men, term them speculators, if you please, but men whose spirit looked out toward the vision of a stronger and better empire backed by gold and silver.

I say to you that Jack Hammond represents the very spirit of metallism. Jack Hammond represents the soul of metallism, which inspires the prospector, which inspires the mining engineer, which inspires the mining man, no matter what part of the world he may be in. He has raised and dignified that occupation. He is inspiring the young engineers of the country, the young mining men of the country, the college boys of the country, to see that there is something more than obtaining interest on money; that the great pleasure and glory of production, of placing in the world something new, of placing a foundation under all industries and all governments, is better than any other accomplishment.

And it is for these reasons, among the other reasons, that we love and admire Jack Hammond. [Applause.]

ADDRESS OF BISHOP FREEMAN

The TOASTMASTER. Ladies and gentlemen, the next speaker is also a Washington institution. I have heard many sincere compliments paid to him, not the least of which was paid by a somewhat liberally inclined friend of mine within the last six months. He said, "Senator, do you know Bishop Freeman?" I said, "Yes; but not as well as I wish I could." "You are right," he said, "a great man, a good man. He is a man who is really better than his religion."

I refrain, I am rather hesitant, to say anything in addition to that story, but I will introduce the bishop. [Applause.]

Bishop FREEMAN. Mr. Toastmaster, ladies and gentlemen, and my very dear friends and former parishoners, Mr. and Mrs. Hammond, there are no limitations in my speech, either in time or subject matter. The chairman had specific instructions given to him as to what he could say and could not say. Mr. Hammond, it is a dangerous business for a rector to be turned loose on this crowd to tell them what he thinks of you. To sit through such an ordeal as this and to hear that which a man rarely hears, the estimate of his friends while in life, is not only a trial to a man but it certainly ought to be a source of infinite joy to him.

I was thinking, as the toastmaster alluded to Mr. Cecil Rhodes, of the observation that is accredited to him as his last words. It is said that when Cecil Rhodes was dying, that with his last breath he said, "So much to do; so little done!"

I can not but reflect as I think about this man, this great man, dying in the prime of his years, that his distinguished colleague, who is here with us to-night, certainly could hardly echo such a sentiment, for in this presence he has disclosed to his vision a wealth of friendship that any man might highly esteem.

After all, the accumulation of honors or the accumulation of riches are the common property of almost any man who seeks them, but the accumulation of friends, that is an end and a consummation devoutly to be wished.

Charles Kingsley was once asked by an inquisitive woman, when he was at the height of his fame both as a preacher and as a literateur, "What, Doctor Kingsley, do you regard as the secret of your genius?" He was an exceedingly modest man and he hesitated for a moment and then very quietly and very modestly he responded, "Madam, I had a friend." That was all. Somewheres in the background of that man's great life resided a supreme personality, and from that personality he had caught fire, and the enthusiasms of his life had been seized and he had gone forward upon his great quest.

Chivalrously, shall I not say it, John Hays Hammond had a friend that constituted in his life one of the contributing factors to his greatness and to his genius, and it would be highly improper for us to assemble in such a gathering as this and not record the fact that the friend that has stood by him in all seasons and in all weathers and in all and in every very grave crisis, has been the mother of his children and the wife of his bosom. [Applause.]

We have heard from his own modest lips something of the story of that extraordinary experience he had in South Africa. I have begged him to keep his pen busy in writing for succeeding generations the graphic and colorful and fascinating story of his life. But if he writes, and I am confident he will, as his chivalrous nature dictates, he will allot to her a very conspicuous place in that very tragic incident that might have terminated his earthly career.

I think of him to-night and I have followed the speeches as his friends have uttered them here—I think of him to-night not only in terms of friendship, for I have known him in very close and intimate terms, and his rector, Doctor Townsend, who knew him years before I did, would certify to what I say. I have known him rather closely and intimately in many ways, but it may not be known to the mining fraternity or to those who are engaged in the great enterprises here in this great metropolitan center that the latest distinction that has come to Mr. Hammond—and I confess is quite a unique one in the

light of his career—is that of a cathedral builder. When I attempted to dragoon him in his delightful Gloucester home into service as my colleague, it was very interesting to watch the play of his features as he listened to my story. And again I must pay tribute to his wife, for it was only by a conspiracy that existed between Mrs. Hammond and myself that we ultimately delivered John Hays Hammond as a cathedral builder. [Laughter and applause.]

You have been talking about him to-night in many ways and many phases. You have been thinking about him in connection with those outstanding things that have distinguished his professional career. You have been thinking about him as a great empire builder. We used to use that term in Minnesota concerning the late James J. Hill. I think we may with perfect propriety apply it also to Mr. Hammond.

I recognize the utter value of all that has been said here concerning the distinction of his professional career, and I hail with delight every honor that has been given him on this auspicious occasion. But I like to think of him in another rôle. For, after all, quite apart from this distinction we may acquire by reason of our inherent genius or by our application to a given calling, there is a distinction that every right-minded American citizen ought to seek at least, and that is to be a useful and valuable member, not merely of society, for that may mean a limited sphere of occupation, but a useful, efficient, self-effacing, consecrated citizen of the State and of the Nation. [Applause.]

And so to-night, coming from Washington, I hail him not merely as a great engineer, and in that capacity I do not know him quite as well. I know him in those closer intimacies of his own home, in those closer ties of friendship. But I do rejoice on such an occasion as this to see a group of distinguished New Yorkers come together not only for the purpose of passing words of affection and of kindly compliment to a distinguished engineer and a great financier and an outstanding business man and a loyal friend, but if I rightly define the real purpose of this occasion, it is to pay tribute to John Hays Hammond, eminent citizen of the United States. [Applause.]

You remember, do you not, that on one occasion Mr. Emerson was attempting to define what constituted the greatness of a country, and as he went on to tell of what was really the right kind of evaluation of a country, he said: "You can not judge a country by its extent of territory, nor again can you judge it by the value of its crops, nor even can you estimate its worth by its known or unknown resources, but the thing that determines the efficiency and the worth of a country is the kind of men it turns out."

And my friends, never has there been a time when it was more important to recognize that method of evaluating life and the values of national life. Taking that as a standard, I rejoice to think as a citizen of no mean country, as a citizen of the imperial capital of this western world, than which no capital is more dominant in the world, I rejoice to think that in private life, without either the distinctions or the emoluments of public office, this man pursuing his own daily task along the cool, sequestered vales, has nevertheless rendered conspicuous and valiant service, selfless service, to his country and to his time and to his generation. [Applause.]

There is no need for the emulation of these virtues in public and private life to-day. For, after all, we may boast that we are the creditor Nation of the world, we may boast that we have greater resources, known and unknown, than any nation in the world, we may boast of our man power, our money power, our producing power, our mechanical genius, but the ultimate test of a nation's greatness resides in its citizens. And it is the citizen John Hays Hammond that I lift my hat to to-night and rejoice on this occasion to bring my tribute to him, reflecting, as I believe I do in this imperfect word and tribute, not a personal judgment but the judgment of men who occupy the loftiest places in the gift of this great Republic.

And so, Mr. Hammond, I bring you as your bishop, as your former rector, as your beloved friend, the cordial greetings of the great diocese of Washington; and I bring to you, as I venture to think I do, not my own greetings, they might seem poor and mean to you; not my own felicitations, they might seem inconsequential to you; but I bring to you the greetings of all your neighbors and your friends who know and love you best for your true worth, who esteem you not only because you occupy a commanding place in your chosen profession, but because you are a great citizen of a very great republic. [Applause.]

May I close with just these lines that somehow or other have a striking significance as applied to Mr. Hammond, the lines known as "The Bridge Builder"—

"An old man going along a highway
Came at the evening cold and gray
To a chasm vast and deep and wide
And the old man crossed in the twilight dim;
The sullen stream had no fear for him.
But he turned when safe on the other side
And built a bridge to span the tide.
'Old man,' said a fellow pilgrim, 'why
Are you wasting your strength with building here?
Your journey will end with the ending day;
You never again will pass this way.
You have crossed the chasm deep and wide,
Why build this bridge at eventide?'
The builder lifted his old gray head:
'Good friend, in the path I've come,' he said,
'There followeth after me to-day a youth
Whose feet must pass this way.
This chasm that has been as naught to me
To that fair-haired youth may a pitfall be.
He, too, must pass in the twilight dim;
Good friend, I'm building a bridge for him.'"

[Applause.]

CLOSING ADDRESS OF HON. CHARLES S. THOMAS, FORMER SENATOR FROM COLORADO

Ladies and gentlemen, it is out of the question to attempt to do more than briefly refer to the many letters and telegrams of congratulation that have come to this meeting. There are two or three, however, which I think should be made a part of the record. The others will appear in book form as soon as they can be properly prepared for publication, and then you will be acquainted with their contents.

There is a letter here from the White House:

"It gives me pleasure to have the privilege of joining your many friends in heartiest congratulations on this your seventy-first birthday. It is good to know that, while you have passed the Biblical 'three score and ten,' you are still in the enjoyment of good health and able to continue those public services which have so distinguished your career.

"May the future years hold for you peace and happiness."

Luther Burbank wrote—and this is addressed to Mr. Wall:

"Yours of March 5 came in due season, but since then I have received more than 4,000 letters, several thousand of which I have not had time to answer, and they are still waiting on my desk.

"I have great appreciation for Mr. John Hays Hammond. And here are my most hearty kind regards and admiration for a very charming and efficient man—Mr. John Hays Hammond."

The Vice President wrote:

"May I be included among those who desire to congratulate and extend best wishes to Mr. John Hays Hammond on the seventy-first anniversary of his birth?"

From Cardinal Hayes:

"On my return to the city after an absence of several weeks, I find your invitation to the dinner of affectionate regard for John Hays Hammond. I regret exceedingly that I am unable to be present, but I hope to be considered as one of the company of friends who honor him to-night. His career of actual achievement with unfailing loyalty to his ideals of service and country and fellowmen is a notable contribution to the life and history of America."

From the mayor of your great city:

"On the occasion of your seventy-first birthday, permit me to offer you my most sincere congratulations. Not only have you every cause to be proud of the active and extraordinary life that you have led, but it must mean much to you to know that your fellow Americans have reason to congratulate themselves over your valued accomplishments. Rarely have scholarships and science been so successfully combined with the romance of achievement, adventure, and high purpose. Gladly do I join with your many friends in ardently wishing you many birthdays in the years to come."

There is a letter here from Mr. Hammond's old classmate, one of the most eminent of our citizens of any generation, Chief Justice Taft, and I must read it. I will only trespass upon your patience a little longer:

"I greatly regret that my court duties make it impossible for me to join the throng of Jack Hammond's friends in evidencing by this dinner their affectionate regard for him and their high appreciation of his qualities as a friend, and man, and a citizen. Few men have had such a world-wide experience as Mr. Hammond. A leader in the most important field of mining engineering, he has been brought in touch with prominent men and leaders in many countries and especially in that of his own. Offered many offices, he has declined to give up the freedom and independence of private life. Broad and liberal and catholic in his appreciation of organized effort to help the community, active in many groups of men, he has devoted much of the wealth which he has earned by his professional skill and foresight for the benefit of others. He rendered a great national service as chairman of the national coal investigation, and the report which he signed is the best review of the defects of our present coal situation and the soundest suggestion for its improvement that we have had. Few men are better known the world around than the guest whom you honor.

"I am especially disappointed not to be present to pay in person to Mr. Hammond my tributes of love and admiration, based on more than 50 years of close friendship beginning 'neath the elms of dear old Yale.

"WILLIAM H. TAFT."

[Applause.]

A word or two in conclusion. Reference has been made to one of the most tragic moments in Mr. Hammond's life. I watched the pro-

ceedings in South Africa, although I did not then know Mr. Hammond, with the great peculiar and anxious interest and apprehension, knowing, as I did, the danger in which he stood. He stood under sentence of death and under the very shadow of the gallows. His life seemed to have been forfeit beyond all hope of human interference, when Mrs. Hammond marshaled in his behalf and mobilized the sympathy and the moral force of the civilized world. [Applause.] It was she whose constant efforts in his behalf with those in power and those out of power that brought home to every nation having an interest in justice and the moral determination to secure it, that so actively and so energetically bestirred themselves in behalf of this innocent man convicted unjustly, after a most degrading and unjust trial—it was these influences combined and brought to bear in all their power and majesty upon the dull-witted and determined and ignorant ruler of the Boers, that finally lifted this shadow and caused the sunshine to take its place away over in the wilds of South Africa.

Let me, therefore, before we adjourn, ask you to drink to the health of one of the finest women, one of the most devoted and exemplary wives that man was ever blessed with.

(The toast was responded to amid great applause.)

The TOASTMASTER. Time is fleeting, and we must bring this meeting to a close some time, so I will ask Father Walsh to pronounce the benediction.

The Very Rev. EDMUND A. WALSH. We give Thee thanks, Almighty God, for this, the journey's end, and we do beseech Thee that as Thou hast guided us and him whom we love and honor into this year's end, so mayest Thou guide him and all that love him into the true harbor of eternity, that we may all with him know Thee and love Thee forevermore. Amen!

MAY 20, 1926.

[From Herbert Wall, 42 Broadway, New York City, chairman, company of friends throughout the world who paid tribute to John Hays Hammond on the occasion of his seventy-first birthday]

It gives me pleasure to transmit to you copies of a few messages of affectionate regard and respect for Mr. Hammond from overseas:

COL. E. M. HOUSE, HOTEL RITZ, PLACE VENDOME, PARIS

It is a pleasure and a privilege to be given an opportunity to pay homage to so vital and distinguished an American as John Hays Hammond. He is one of the world's outstanding figures and there clings around his name a romance that fascinates and intrigues. Adventurous, courageous, and loyal to friends and country, he has played a great part worthily. I make obeisance to him and his kind, for if the United States is to endure, our leaders of the future must have within them something of the heroic uber of John Hays Hammond.

SIR ROBERT S. HORNE, 50 PALL MALL, LONDON

To JOHN HAYS HAMMOND:

From a country in which you have long been admired and have hosts of affectionate friends I send you sincere and cordial greetings on the attainment of your seventy-first birthday. I venture to offer you also warm congratulations upon the health and vigor with which you still confront the future, and on the splendid work and shining achievements of the years that lie behind.

ARTHUR M. GRENFELL, 9 CONNAUGHT PLACE, LONDON

I need hardly tell you how sorry I am that I can't span the 3,000 miles that divide us in time to be present at the dinner to Hays Hammond. * * * We Britishers owe a deep debt of gratitude to Hays Hammond. If he hadn't openly and bravely allied himself to our cause in South Africa—"Equal rights for all white men"—the world to-day would still judge our actions in South Africa as though we had been influenced by selfish and ulterior motives, and again, where should we be to-day if he hadn't persuaded South African engineers as to the value of the deep levels in mines? We get forty millions of gold to-day from his brain waive, and on that foundation our present economic position entirely rests.

LIEUT. COL. L. C. S. M. AMERY, SECRETARY OF STATE FOR THE COLONIES, LONDON

May I join your many friends in this country who appreciate the great services which you have rendered to mining industry throughout the world in sending you my congratulations and best wishes. Your labors have added another link to the chain which binds British Commonwealth and the United States together.

(This cable was transmitted by Hon. H. G. Chilton, G. M. G., minister plenipotentiary, Washington, D. C.)

JOHN HAYS HAMMOND'S SPEECH OF ACCEPTANCE OF THE TRIBUTES OF HIS FRIENDS THROUGHOUT THE WORLD

MY FRIENDS: I should feel lacking in the finer sensibilities if I were not overcome by this tribute of affection. Deprecation arms a man; all the energies of his nature rise in protest against assault. But kindness, kindness that goes far beyond one's deserts, bends one's spirit in humility. I feel more helpless than ever in trying to express my gratitude for this demonstration.

When I accepted an invitation to be the birthday guest of a few friends, I had no idea that the occasion would develop such magnitude. I reckoned, however, without the energy and organizing genius of my friend, Herbert Wall, although long experience should have taught me that whatever undertaking he sets his hand to becomes noteworthy.

I suppose there is no use in denying that I have attained the towering height of 71 years. But in these days of increasing longevity, with the marvelous advance of efficiency in creature comforts, I decline to admit that three-score and eleven have any terrors for me. Yet I have not the temerity, recently attributed to me by the press, to aspire to the rôle of a centenarian. Indeed, but a few days ago, when congratulating Chauncey Depew—that dean of well-preserved faculties—upon the occasion of his ninety-second birthday anniversary, I told him I felt like a piker.

No; I will not interpret this evening of good cheer as a sort of sympathetic demonstration that I have held on so long. I choose to see in it only cause for rejoicing that I have lived long enough to make such friends and through them to acquire some understanding of the real values of life. Whatever good there is in me they have brought out. Whatever I have accomplished has been through their encouragement.

Thus to me the real essence of a birthday gathering has far deeper significance than mere good wishes. It seems to say that the great purpose, the real business of life, is to build up and maintain human contacts, and in so far as one has done this one merits felicitation.

"Not marble nor the gilded monuments
Of princes"—

shall outlive this.

I have been to an unusual degree blessed with the loyalty of friendship. There are some of you here to-night who will recall a certain grave crisis in my life when far away from my own country and my own people I stood in imminent danger. There was scarcely time to appeal for aid, but appeal was not needed. Far and wide throughout this land and other countries my friends bestirred themselves, seconded by the indomitable efforts of my devoted wife. To their tireless energy I owe my life. It is fitting and proper, therefore, to confess to them to-night that a long career dedicated to the development of the earth's resources has proved to me conclusively that no wealth ever came out of a mine comparable to that loyal comradeship which makes life worth living. It is this divine gift which makes the poor man rich and without which the master of a world were poor indeed.

Of course, I would not deprecate ambition nor success, honestly achieved. Life is not to be regarded merely as a season of pleasure-giving incidents planned for the individual's delight. Life is the real test of a man. I like the motto of the plucky cowboy: "Life ain't in holding a good hand, but in playing a poor hand well." And it follows logically that if there be joy in the struggle, it arises from the consciousness that the laborer is worthy of his hire.

Bernard Shaw says somewhere: "This is the true joy of life: To be used for a purpose recognized by yourself as a mighty one; to be thoroughly worn out before you are thrown on the scrapheap; to be a force of nature instead of a feverish, selfish little clod of ailments and grievances complaining that life will not devote itself to making you happy."

After a full and active career I am convinced that there is no service so mighty as the service of one's fellow men; no reward so gratifying as that friendship which begets friendship. You will not blame me, therefore, for a sense of solemn pride as I gaze about this room and see so many men, strong and wise in their generation, who call me their friend.

The memories of bygone years, recalled by these faces and by all the kindly messages which have reached me merge into a prayer of heartfelt gratitude:

Thank God I have lived and toiled with men!

DETROIT, TOLEDO & IRONTON RAILROAD CO.

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD the story of the railroad of Henry Ford, which was printed in the Washington Herald. It is such an illuminating story of how a defunct railroad was made to pay, while good wages were paid, that I think it ought to be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

[From the Great To-day, the Greater To-morrow, by Henry Ford]

BANKRUPT RAILROAD MADE TO PAY MILLIONS BY APPLICATION OF FORD PRINCIPLES OF MANAGEMENT TO DETROIT, TOLEDO, AND IRONTON

CHAPTER XVII—MAKING A RAILROAD PAY

We have owned the Detroit, Toledo & Ironton Railroad for about five years. A great deal has been written and said about this road,

because, until we took it over, it had been through more than a dozen receiverships and reorganizations. We have no record that it ever earned any money before we bought it—that is, earned money for the stockholders. It has earned fairly well for the bankers who, from time to time, have reorganized it.

The road has earned money for us and would earn more were it not that an act of Congress limits the return on our investment to 6 per cent. We are limited in our service by laws conceived in part by ill-informed theorists who can not understand the real function of profits, and in part by those who see in regulated business the inevitable necessity for banker finance.

CONDITIONS AT START

These are the advantages under which we took the road:

1. A complete freedom from banker control.

2. A large traffic originating in our own industries, which the former road might have had and repeatedly had offered it, but which it would not satisfactorily handle. Our own traffic amounts now to about 50 per cent of the total traffic; but after deducting our own freight we still handle a far larger volume than the old road ever did.

3. Direct connections with all of the big trunk lines of the country. The old road had these connections also, but it took small advantage of them.

These were our disadvantages at the beginning:

1. A thoroughly demoralized working force.

2. The bad will of the public and the shippers.

3. A ramshackle road that started nowhere and ended nowhere.

4. A roadbed hardly fit for use, rolling stock and motive power which were all but junk.

Out of the chaos which existed when we took it over we have now a railroad which, while not first class in other than men and management, earned in 1925 more than $2,500,000, or about half of what we paid for it.

This result has not been brought about by magic. We have not yet put the new electrical short line between Flat Rock and Detroit into operation. This short line represents the highest type we know of concrete construction with the wires carried on concrete arches. This cut-off road is owned by the Detroit & Ironton Railroad Co., the stock of which is owned by us.

We have not made the short cuts which we intend to make on the road and for which we have bought the right of way. We have not laid all the heavy rail we intend to put down, and we have not touched many of the worst grades. We shall make over the road, but we have not yet done it.

The earnings have been made with only a small addition to the equipment which was already in use when we bought the road.

We have simply brought in management. That is to say, we have:

1. Cleaned up the road and everything about it.

2. Put all the equipment in good condition.

3. Put in what we think are proper wage scales, and have demanded work for pay.

4. Abolished all red tape and division of duties.

5. Played square with the public and the people who work for us.

6. Made all our improvements with our own money.

The point in the management of this railway is not the money it has earned, or where or how it gets its traffic. The point is that this railway has utterly discarded many of the precedents of railroad operation and is doing its job with the utmost directness at much lower than the former average operating ratio and at the same time paying the highest railway wages in the country. The railroad is really more remarkable for the time-honored formula it neglects to observe than it is for the profits it earns.

FORCED TO BUY ROAD

We did not buy the railroad because we wanted to own a railroad. We did not want to go into the railroad business. It was simply that the right of way interfered with some extensions of our River Rouge plants. The railroad wanted so much money for a small portion of its land that we thought it would be cheaper to buy the whole railroad.

Once we bought the railroad we had to run it according to our own principles of management. Of course, we did not know whether our principles would apply to the management of a railway, but we thought they would. We found that they did. We have not been able to do much yet. When we get the road in the shape we want, perhaps it will amount to something.

Our factories were in Detroit long before we bought this railroad, and the railroad was here, too. It would seem that the railroad should have had as much business from us then as it has now. We have spent more money than the old railroad could have spent, for it had no credit, but it could easily enough have used what facilities it already had in such a way as to get more business and build itself up. We really have spent very little money, except out of earnings.

HIGH OPERATING RATIO

For the fiscal year ending in June, 1914, the old Detroit, Toledo & Ironton reached an operating ratio of 154 per cent—that is, it spent 3 cents to earn 2 cents. It was capitalized in 1913 at $105,000 a mile. Nobody knows how many millions have been raised on the strength of this railroad.

In the reorganization of 1914, the bondholders paid around $5,000,000 in assessments. That is what we paid for the road and we could have paid less. We paid what we thought to be a fair price, which is the only price we ever pay. Our price happened to be above the market price. We paid 60 cents on the dollar for the bonds, although they were being offered between 30 and 40 cents without takers.

The bonds were in default. In fact, no security ever issued by this railroad had, up to the time of our purchase, made a return to any investor. We paid a dollar a share for the common stock and $5 a share for the preferred stock. These stocks did not have a market price, because there were no buyers. We made our bid for the securities on the basis of giving fair value as nearly as we could estimate it.

DID NOT GET A BARGAIN

We did not get a bargain. We did not want a bargain. We think our management experience has been sufficiently large to permit us to turn a profit on any investment we may make. Every transaction must have at least two sides, and so we are just as much opposed to paying too little as we are to paying too much.

The road taken over, the first step was to put in the Ford principles of management. The principles are extremely simple. They may be compressed into three statements:

(1) Do the job in the most direct fashion, without bothering with red tape or any of the ordinary divisions of authority.

(2) Pay every man well—not less than $6 a day—and see that he is employed all the time through 48 hours a week, and no longer.

(3) Put all machinery in the best possible condition, keep it that way, and insist upon absolute cleanliness everywhere, in order that a man may learn to respect his tools, his surroundings, and himself.

Railroad management, because of long usage, the demands of legislation, and for a dozen other reasons, has become exceedingly complex. A big railroad divides up into numerous circles of authority; so do many manufacturing corporations.

The Ford Motor Co. has only two divisions—office and shop. It has no rigid lines of authority and therefore no buck passing. The people are supposed to get through the work. This same system went into force on the railway.

The divisions of work among the men were abolished; an engineer may be cleaning an engine or a car or even working in the repair shop. The crossing tenders act as track walkers for their districts, the station agents sometimes paint and repair their own stations. The idea is that a group of men have been assigned to run a railroad, and among them they can, if they are willing, do all the work. If a specialist has some of his special work on hand he does it; if he has no such work, he does laborer's work or whatever may be at hand.

We abolished the legal department and all the divisions in the clerical department. We wiped out the Detroit office and all the freight solicitors and a considerable line of executive officers. The legal department was costing the old road $18,000 a year. It now costs $1,200 a year. The new principle is to settle all claims for damages at once on a fair basis according to the facts and not to let any cases go to court.

STAFF OF 90

The whole clerical force—which includes the administrative officers—consists of 90 persons. The executive officers are in two rooms; the whole accounting force is in one small building. The traveling auditor makes reports on any conditions he finds. It is no one's business to spy on anyone else, because no one has any exclusive business to spy on. The job, not convention, rules.

The old railway had 2,700 employees for a freight business running to 5,010,000 tons. The force was at once reduced to around 1,500. Now, handling twice the old tonnage, the road has 2,390 employees, and these include the mechanics in a large repair shop where the old engines are being made over.

The railway unions have made no objection of any kind, for all the men are being paid well above the highest union scale. The management of the road does not know whether a man is union or nonunion; the unions do not seem to care either, for the road has been exempted from all wage negotiations and also from all strike orders.

CLEANLINESS FIRST

Cleanliness is an integral part of our plan. The first thing we did was to clean the railway from end to end and to paint every building. New ties are being laid at the rate of about 300,000 a year, and the 60-pound rails are being replaced by 80 and 90 pound rails. The new stone ballast has to be as exact and to be kept exact as a straightedge can make it. No employee may smoke on the premises.

The engines are being made over at an average cost of around $40,000 each; they are being practically rebuilt, and when they come out of the shop they are show engines. They have to be kept that way. No hammer of a size to damage an engine is allowed in a cab.

An engine must be cleaned after every trip and must always look as though it had never been used.

Give a man a good tool—a fancy polished tool—and he will learn to take care of it. Good work is not possible excepting with good tools used in good, clean surroundings.

These are not unimportant points; they are fundamental. They make for the working spirit. They are as important as the wages. The work would not be returned for the wages were not the conditions so arranged that the work is possible.

ALL STANDARDIZED

Section sheds are all standard and have cement floors, every tool and piece of material is in a standard rack, and a supply car goes over the stock once a month. These houses, as well as the stations, have to be kept painted and absolutely clean; stations and platforms have to be swept at least three times a day.

Locomotives are now cleaned by a machine which was designed at the River Rouge and which saves three men and does the work in two and a half hours less than before. The locomotives and all the machinery in the repair shops are enameled to an automobile finish. Cabooses are kept clean and they are comfortable; often the brakemen come in before time to scrub the floors.

It is said that a Detroit, Toledo & Ironton man always carries in his hand a bunch of cotton waste. It is the insignia of the road. But that cotton waste is not thrown away once it is used. It goes back to a cleaning plant at the Rouge and comes out as new. No scrap is thrown away. It all goes back to our reclamation plants. (Copyright, 1926, by Doubleday, Page & Co.)

FORD RAILROAD, THROUGH EFFICIENT METHODS, PAYS BETTER WAGES TO LOWEST PAID EMPLOYEES THAN HIGHEST-CLASS LINES IN THE COUNTRY

(By Henry Ford, written in collaboration with Samuel Crowther)

One hears a great deal about railroad wages. No dispute on wages ever takes place in the Ford industries; the wages are always somewhat ahead of what the workman reasonably expects. When an ordinary laborer goes on the railway he is paid, according to our rule, $5 a day for 60 days; then he goes on to the $6 a day minimum.

Excepting in a few instances, the men running the road to-day are the men who were with the old company. We do not like to discharge men. Whenever we take over a property, we keep all of the old employees who are willing to work and to fall in with our ideas of management. Very few fail to fall in step with our policies. Those few we let go, because invariably they are the men who want jobs and not work.

The trainmaster of one of the most important divisions of the road began as a section hand when he was 16 years old. He got 10 cents an hour, and often was not paid for three months. His father was a road supervisor of the same section, along with three other supervisors and numerous foremen. Now this trainmaster has charge of the whole division, and there are no road supervisors. Instead, we have a few maintenance foremen, who work on their own initiative instead of being directed from above.

NEW WAY TO WORK

As this trainmaster put it to the foreman when the new plan went into effect:

"Wouldn't you fellows rather put in a bolt or a tie when you see it is needed than wait around for me to come along and tell you to do it?"

The foreman have their pay raised on their work. Everyone on the road has his pay raised according to his work. All the foremen are workers—not one of them stands around just bossing. If you come upon a gang you can not tell who is the boss.

We judge the men solely by results. For instance, a section in charge of one young man was always in first-class shape—the rails were always right, the ties good, the ballast straight lined, and the buildings fresh with paint. We raised the young man without telling him. When his first check under the new scale came to him he took it to the superintendent.

"There is a mistake in my check," he said.

Then he was told that he had been raised, and why. The section next to him was in bad condition, but the moment its foreman heard of the pay raise that section began to get better.

We find it good business to pay solely on ability, and when two men are doing the same job and one is getting more than the other, to let it be known why. Thus we rarely have a request for an increase in pay; the men know they will get more when they are worth more and that asking will not help.

PAYING ON ABILITY

And we have no grievance committee or committees of any kind other than safety committees. Any man may go direct to headquarters, and he knows it.

One of the big fights on a railroad has to do with derailments, and under the old methods the trackmen always got the blame. Now they have a chance, and we can place the real blame, and we find that it is seldom with the trackmen.

We had some trouble with the track gangs in the beginning. They were nearly all foreigners, and we found that being related to the foreman was the best credential for a job. Now relatives are not allowed in the same gang.

We are having an increasing number of young high-school graduates coming into the section gangs. They are no longer taking the white collar. They see that manual labor can be performed under decent and self-respecting conditions.

This is particularly noticeable in the bridge gangs. Formerly these gangs were made up without regard to the residence of the members, and the men slept in dirty camp cars, reaching home only on Sundays and sometimes not then. Now we have the road divided into 50-mile stretches; the gangs are chosen from men who live along the stretch, and with fast motor cars we see that each man reaches home every night. The morale of these gangs used to be low; now it is high. Incidentally we save the pay of seven cooks and the keep of the men. The saving has been transferred to the pay of the men, and they can have real homes.

We have no seniority rules. Such rules are not fair to the community. If a man has been in service a long time, he ought to be better than a newcomer; if his experience has only taught him to dodge work, then the new man, in the public interest, ought to go ahead of him.

The engineers on most of the railroads are, because of the rules, usually old men. We have quite a number of young men. We care nothing about age anywhere in our industries. We are after the best man, regardless of age.

ABSENCE OF RULES

The absence of rules helps in many ways. As a yardmaster who has been on the railroad for 30 years—he is 68 years old—said:

"Say a car comes in marked 'Rush' and no yard engine is around. In the old days if I asked a regular engineer and crew to shift that car they would just tell me to chase myself—that moving cars around the yard was not in their working agreement. Now any engineer available will shift the car. The men are paid to work, not to debate rules."

One of the big tasks ahead of the country is to break up the old idea that a man has to work at a certain job and no other—that he is a bricklayer or a machinist. That notion puts him out of work if there are no bricks to lay or machines to build. If only men would turn their hands to whatever there is to be done, we should not have unemployment.

The wages are paid for a strictly 48-hour week, with no overtime, and also there is no piecework at all. The lowest paid man on the Detroit, Toledo & Ironton receives $1,872 for a year of 2,496 hours. According to statistics of the Interstate Commerce Commission for Class I railroads, the average compensation for railroad employees, excluding general division officers in 1923, was $1,588 for a year of 2,584 hours—that is, the Detroit, Toledo & Ironton men receiving the lowest pay get $25 a month more than the general average of railroad pay for the highest-class roads.

Take some specific wages. The Detroit, Toledo & Ironton freight conductors get from $3,600 to $4,500 a year, as against from $3,089 to $3,247 on other lines; the brakemen get from $2,100 to $2,820 a year, against from $2,368 to $2,523; and the engineers from $3,500 to $4,500, as against the general average of from $3,248 to $3,758. The average pay of office employees on the Detroit, Toledo & Ironton is $8.11 and of operating men $7.26.

PROFIT-SHARING PLAN

In addition to the wages the road has an investment plan. The impulse to invest is right, and it is a thousand criticisms upon our civilization that a man can not invest where he works, so that not only may he have an additional income but that his work may take on added interest. If there were more opportunities for solid industrial investment in business with which men are acquainted, there would be far less of appeal in the false bonanza schemes that are exploited.

The plan has been in operation only since October, 1923, but up to date employees have subscribed for certificates to the amount of $600,000, and more than one-half of the men are investors. They pay for the certificates out of wages, and are permitted to buy up to an amount the installment payment on which will not exceed one-third of the wage. No interest is guaranteed, but the men are paid 6 per cent if they find it necessary to withdraw. It is essentially a profit-sharing plan, drawn in accordance with the railroad laws and rulings.

The earnings are in part due to the business of the Ford Motor Co. and in part to the better division of rates with connecting roads. The old Detroit, Toledo & Ironton did not have enough traffic to make a fight on the division it received for its part of a through haul, and it received divisions which were often below the actual cost of transportation. It took what it could get; under our management all those rate divisions have been revised upon a fair and just basis.

The operating ratios tell the really important story. In 1920, under the old management, it had an operating ratio of 125.4 per cent; in

the first year of the new management and with practically the same equipment it had a ratio of 83.8 per cent. In 1922 it spent a great deal of money on repairs, and the ratio was 83.3 per cent, as compared with the operating average of 70.31. The present operating ratio is around 60, which is much less than the average of the country for far better equipped roads.

Another point we make and carry through all our industries: No man may work on Sunday. Canvassing some of the old men about a year ago to see how they liked the change brought these answers:

Conductor: It permits a man to attend church and keep in touch with the religious education of his children.

Brakeman: It is a privilege and experience which the railroad man never even dreamed of having. One man described it as "the most wonderful thing on earth."

Engine cleaner: A Sunday off leads to contentment and dispels that feeling of discontent which very often comes to a man when he is never free from work.

LEADS TO CONTENTMENT

Engineer: Not only does it bring happiness to the home, but it has the advantage of letting one's friends get together and renew old times.

Bridge gang: One man said, "If you saw the welcome from my children you would see the real advantage."

Roadmaster: It develops the efficiency of the railroad. Every man returns rested and with new ideas how to overcome that difficulty that loomed so big last week.

Roundhouse foreman: Some described it as the greatest event in the history of railroading, because so many experts said it was impossible.

Section man: Even the railroad itself needs a rest.

Agent: It gives a man a real chance to sit down with his wife and family with the set purpose of helping them with their problems.

Machinist: It makes one proud to belong to an organization which can accomplish such things.

Fireman: It makes Sunday what it was meant to be—"A day of rest."

The experiment is not unimportant. For a long time the country's railways have been at war with their employees or with the public—and sometimes with both. The war has been so long drawn out that the purpose of the railways seems sometimes to be forgotten.

I believe in private ownership. I think time does not hallow the practice of business. Under private ownership it is possible to conduct any business so that it will pay high wages and yet give cheap service.

THE PROHIBITION LAW

Mr. EDWARDS. Mr. President, I send to the desk an article appearing in yesterday's New York World, which I ask may be read.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

[From the New York World, May 25, 1926]

CUT FROM THE SAME CLOTH

On May 8 the President signed the famous Executive order permitting the appointment of State officials as Federal prohibition agents.

On May 15 Mr. Coolidge made an address at Williamsburg, Va., saying that "the States should not be induced by coercion or by favor to surrender the management of their own affairs."

On May 18 there were the Pennsylvania primaries.

On May 21 the Treasury made public the order signed on May 8.

Thus within two weeks Mr. Coolidge made a drastic attack on State rights, delivered an eloquent speech in defense of State rights, and his Treasury officials accidentally, or accidentally on purpose, kept the attack secret until after an election that interested the head of the Treasury was over. This is not the noblest or the most competent thing that Calvin Coolidge has done. If he knew what he was signing when he approved the Executive order, then all his utterances about the rights of the States are empty talk. If he did not know what he was signing, then he will do well to find a few advisers to read the documents presented to him.

By this time Mr. Coolidge must be very sick of the whole affair. It has given him just the kind of trouble which he will do anything to avoid and stirred up the kind of excitement which he detests. It can't be helped. Popular resentment against Volsteadism has reached a point where not even Mr. Coolidge and Mr. Mellon are politically safe. Mr. Mellon had his lesson in the Pennsylvania primaries. Now Mr. Coolidge has his lesson. The outburst against Mr. Coolidge over this order can be interpreted only as showing that the public temper about prohibition is getting out of hand. The public has been apathetic for some years. Now it is sensitive and inflammable on any and every point connected with the miserable business.

Mr. Coolidge's Executive order is attacked throughout the country as an invasion of the rights of the States and as a violation of the spirit of the American constitutional system. It is all of that. But it is no more a violation of the rights of the States and it is no more contrary to the spirit of our constitutional system than the eighteenth amendment itself, the Volstead Act, the padlock proceedings, the searches and seizures, the injunctions, and the denials of trial by jury. General Andrews is perfectly right in saying that the Executive order is the logical development of prohibition. The whole Federal prohibition policy is a violation of State rights. The Volstead Act is rotten with violations of the spirit of our constitutional system. To object to this one new invasion of rights and yet to approve the greater invasion of which it is a part is illogical.

The eighteenth amendment, as interpreted in the Volstead Act, happens to be unenforceable in America. The attempt to enforce it necessarily involves not only the corruption of officials engaged in enforcement but the abandonment of all kinds of legal and constitutional guaranties. The eighteenth amendment and the Volstead Act, though legally enacted, are so inconsistent with the rest of the American system of law that there is no way to reconcile them. Either they must be abandoned or vital parts of our legal system must be abandoned.

Mr. Coolidge's order, whether a deliberate act or an innocent blunder, makes this plain. The outcry about it shows that at last public opinion has awakened to a realization that if Volsteadism is pursued much further the outlines of the American system of government will be blotted out.

Mr. CARAWAY. Mr. President, I hope to be indulged for a few moments while I prove that all the poverty, all the misery, all the crime, and all the unrest in this country is due to sobriety. Men are deserted by their wives because they insist on being sober and making an honest living. People are turned out of their places of employment because they are industrious and sober instead of drunk and loafing. No one can mention law enforcement in the Senate unless some Senator rises and demands a referendum upon it. From the talk which is indulged in here it would be thought to be believed that there was not any poverty in this world; that there was not any crime in this world; that there was not any unrest in this world until people got to be sober; that immediately they became sober they became criminal; that they deserted their wives and their children and let them go in rags to beg on the streets; that industrial systems turned them out of their places because they insisted on being sober. It is the common custom to denounce everybody in this country who contends that sobriety is to be desired.

Why, the distinguished Senator from Maryland [Mr. BRUCE] yesterday thought that the policemen might be thrust out of their high social places if they were thought to be in favor of enforcing the law. I am conscious of this—and I do not want to be offensive about it—that what is being done here is done in an effort to propagandize the country. That is what it is intended for. The hearings before the Senate committee had that object in view and nothing else. I know, and every other Senator on this floor knows, that government itself may be discredited; that every law on the statute books may be made obnoxious if men in high places will rise every day and denounce such laws as being an invasion of men's rights and tell them to resist law; that if they do not want their liberties taken away from them they must have liquor and lawlessness. This talk has that one object in view, with one other; that is, it is thought in some jurisdictions it will aid some to be returned to office. I do not know. There is not anything in our Constitution to provide for a referendum, and there is no one who honestly believes in law enforcement who wants a referendum.

Mr. BRUCE. Mr. President——

Mr. CARAWAY. I yield to the Senator from Maryland.

Mr. BRUCE. Of course, it is a new question, an incidental question as to whether or not Congress has the power to order a referendum in relation to the prohibition question or any other question within its jurisdiction; but does not the Senator from Arkansas think that if Congress has the power to submit to the people an amendment to the Federal Constitution relating to prohibition it has the power and authority by a nation-wide referendum to elicit the existing state of public opinion with reference to such a proposition?

Mr. CARAWAY. No; I do not.

Mr. BRUCE. Why?

Mr. CARAWAY. A constitutional amendment may be submitted in a certain manner pointed out and designated by the Constitution. It may be ratified or rejected by those methods, but neither of those methods provides for a popular referendum.

Mr. BRUCE. Mr. President——

Mr. CARAWAY. Pardon me for just one second, and then I will yield to the Senator. The Senator from Maryland knows that the people who would participate in a referendum of that kind are of two classes: First, those people who would rather

have beer than law, those folks who are willing to trade off the Constitution for strong drink would vote two or three times; and, second, some of the extremists on the other side would vote; but the great majority of the American people know that there is not any constitutional warrant for such a procedure and they would not waste their time in voting in a referendum. It would not give us the American sentiment, except in so far as it would give us the opinion of those people who think there is nothing sacred under the sun except beer. It would give us their opinion, and we already have it. It would give us the opinion of those people who think that all other laws ought to be disregarded as secondary, except the prohibition law, and we already have their opinion.

The great mass of the American people, I dare say 90 per cent of them, are satisfied with what the law is, and would not participate in what I think would be a farce in the form of a national referendum. Now I yield to the Senator from Maryland.

Mr. BRUCE. Mr. President, I will ask the Senator from Arkansas whether he is not aware of the fact that only a very small percentage of the voters of most of the States vote on any proposition of any kind?

Mr. CARAWAY. I am conscious of that fact.

Mr. BRUCE. Would the Senator, then, advise the complete cessation of the submission of propositions of one sort or another to the American electorate?

Mr. CARAWAY. No, sir. The Senator from Maryland holds his position in the Senate by public confidence in his character and intelligence, and I would not want to withdraw the authority from the people to return the Senator.

Mr. BRUCE. As compared with my purpose to maintain my strongest convictions at all costs, it is a matter of perfect indifference to me whether I am returned or not.

Mr. CARAWAY. I do not share that view.

Mr. BRUCE. If the Senator will let me recall a classic story on that subject, one of the ancient Greeks was asked on one occasion why his conduct was so fearless with regard to something, and his laconic answer was, "Old age." Perhaps that is the reason for my attitude. Not to say anything more, I am arriving at that point when the vicissitudes of politics have comparatively little significance to me. All I want to do before I die is to accomplish all that I can possibly accomplish to bring this monstrous, imbecile, iniquitous system of prohibition tyranny to an end.

Mr. CARAWAY. If the Senator shall hold office until prohibition ceases to be the law of this land, Methuselah would have died in early youth as compared to the Senator when he shall retire.

Mr. BRUCE. No; I think, short as may be the span of my life, it will see the end of that system of tyranny.

Mr. CARAWAY. If that is the Senator's expectation, the Senator is going to live under it for a thousand years. This world is not going back to the old days when we had to have guards on the trains to keep the drunks from throwing the sober people off. That time has passed.

Mr. BRUCE. If that time has passed, it is only because people get drunk now in their homes and do not get drunk on the streets.

Mr. CARAWAY. Then, it is more decent to get drunk in one's own home and stay there than it is to go out on the streets and interfere with everybody else who is sober.

Mr. BRUCE. I do not know. I think I would rather have my bad example exert a demoralizing influence on the general public than on my wife and children.

Mr. CARAWAY. The Senator is certainly not so selfish as to want to inflict upon other people's families what he would not want to inflict on his own. If drunkenness is such an abhorrent thing, the Senator ought not to want to inflict it on anybody.

Mr. BRUCE. I want to put into effect a rational system by which drunkenness, so far as it is humanly possible to bring it to an end, will be brought to an end both on the streets and in the home.

Mr. CARAWAY. The only way to do that is to keep people from drinking.

Mr. BRUCE. Let me ask the Senator another question.

Mr. CARAWAY. Yes, sir.

Mr. WALSH. Mr. President, I rise to a point of order.

Mr. BRUCE. Mr. President, I understand the Senator from Arkansas has yielded the floor to me.

Mr. CARAWAY. I did not yield the floor to the Senator. I yielded to the Senator for the purpose of asking a question.

Mr. BRUCE. Very well.

Mr. WALSH. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. BRUCE. Mr. President, I think I have the floor under the ruling of the Chair.

The VICE PRESIDENT. The Senator from Montana rises to a point of order. The Senator will state it.

Mr. WALSH. There is disorder in the Chamber.

Mr. BRUCE. The Senator has a way, as we all know, of construing everything that he does himself as being highly orderly and everything that everybody else does as being disorderly, just as he has a way of construing every request for information——

Mr. CARAWAY. I hope the Senator will ask me the question.

Mr. BRUCE. That anybody else makes as mere propaganda—wet or otherwise—and every bit of information that he seeks as instructive and valuable knowledge. Now, I want to ask the Senator from Arkansas a question, if he will pardon me, and then I will be content. The Senator referred to the fact that only a small percentage of the voters probably would vote in a prohibition referendum. I should like to ask the Senator what percentage of the voters of the State of Arkansas are in the habit of voting at the primary elections in that State?

Mr. CARAWAY. Well, sir, all the white people vote.

Mr. BRUCE. Oh, no; the Senator is mistaken if he means that they actually cast their votes.

Mr. CARAWAY. The highest possible vote is not registered, but a very large percentage of the people vote in the primary elections. I have always thought that those who voted against me were unusually active in coming out upon such occasions.

Mr. BRUCE. A very large percentage of the voters of Pennsylvania came out the other day when the question of the modification of the Volstead Act was submitted to the voters of that State, did they not?

Mr. CARAWAY. Yes, sir; and the Senator is as conscious as I am that they never changed or helped or hurt the cause of prohibition in the United States. I have heard the Senator from Pennsylvania [Mr. REED] call attention that a dry candidate for governor won and a wet candidate for Senator received a plurality. If the Senator from Maryland can figure out that that was a wet victory I do not know how he can do so.

Mr. BRUCE. I can figure it out without the slightest difficulty. There is a State prohibition enforcement law in the State of Pennsylvania——

Mr. CARAWAY. And Mr. Mellon is at the head of it.

Mr. BRUCE. And therefore the issue of prohibition or no prohibition is not an acute issue in that State so far as State politics is concerned and so far as the election of a governor or of any other State officer is concerned; but, of course, the controversy becomes acute at once when the question is submitted to the people of Pennsylvania whether they will nominate a dry, such as Senator PEPPER, or a wet, such as Mr. VARE, to the United States Senate where the fate of prohibition will in part be determined.

Mr. CARAWAY. Let me say to the Senator then that Mr. VARE never got a majority of the votes in Pennsylvania, and, therefore, if that was the issue, Pennsylvania is dry in sentiment however wet it may be under the present administration; I do not know as to that.

Mr. BRUCE. The Senator from Arkansas knows too much about politics not to know that all kinds of influences apart from the predominant influence that operates at an election also come into play. For instance, take the great city of Pittsburgh. Can anybody deny that that is a wet city? There are few cities in the Union in which the annual arrests for drunkenness have increased more of late than in the city of Pittsburgh. There is no city in the Union in which the sentiment against prohibition is stronger than it is in that city. Yet, as I understand it, Senator PEPPER received a majority of the votes in that city.

Mr. CURTIS. Mr. President, I do not wish to interrupt the Senator, but we adjourned last night so that we might have a morning hour to-day and might possibly consider some bills on the calendar. I wonder if the Senator from Arkansas and the Senator from Maryland are aware of that fact?

Mr. CARAWAY. In three minutes I shall be through.

Mr. BRUCE. I will not trespass further on the time of the Senator from Arkansas.

Mr. CARAWAY. I do not want to take the Senator from Maryland off the floor.

Mr. BRUCE. No, indeed; the Senator has given me quite as much time as I had a right to ask.

Mr. McKELLAR. Mr. President, will the Senator from Arkansas suffer an interruption?

Mr. CARAWAY. I will if the Senator will make it brief, because I wish to conclude and yield the floor. I was not aware that the calendar was to be considered this morning.

Mr. McKELLAR. There is just one point about the Pennsylvania situation to which I wish to call the attention of the

Senate. I am informed that there are 67 counties in Pennsylvania; that Senator PEPPER carried 42 of those counties; that Governor Pinchot, another "dry," carried 23 of those counties, and that Mr. VARE carried 2, and only 2, counties in the State of Pennsylvania.

Mr. CARAWAY. I should not like to hold up Pennsylvania as an example for other States to follow, anyway. If you want immortality on this earth, get on the roll of Republican voters in Pennsylvania and you will be voting a hundred years from now, although you may have been buried 75 years. [Laughter.] Therefore I am not holding up Pennsylvania as an example to other States.

This propaganda against prohibition, spring from whatever motive it may, has but one result, and that is to discredit law enforcement. There is no doubt on earth but that there are men in jail to-day who otherwise would be at liberty, who are criminals under the law to-day, who would not have been if it had not been for propaganda in high places. There is not a Senator on this floor who had rather have a drunken secretary than a sober one. There is not a Senator on this floor who would employ in his office as a clerk some one who was addicted to the use of intoxicating liquor. Therefore we know that you are in favor of sobriety. If you are, you must have prohibition. You can not have a country half wet and half dry, half drunk and half sober.

If you will pardon me for just one personal reference. I have tried to enforce prohibition laws in a country where some of the counties were wet and some were dry, and I know that as long as you can sell a substitute, as long as you can sell what they call light wines and beer, which I understand is beer with about 46 per cent of alcohol, in the case of every man who got drunk on it, they would prove that he mixed Jamaica ginger or something else with his temperance drink, and therefore he did not get drunk on what he bought of the dealer.

You can not enforce the law unless you have prohibition. Unless there is a law against selling any intoxicating liquors the whole system is a farce, and everybody knows it. Therefore all this talk in the Senate about not wanting the old saloon, but wanting everybody to have beer and wine, is not quite candid. You have to have what you had before, or have what you have now; and nobody in America, except these Senators, is fooled by that propaganda.

MISSISSIPPI RIVER BRIDGE AT LITTLE FALLS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments House bill 10771, granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn. At the request of the Senator from Minnesota [Mr. SCHALL], I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, on page 2, after line 2, to insert an additional section, as follows:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Northern Pacific Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

And on the same page, line 3, after "Sec.," to strike out "2" and insert "3."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE AT MINNEAPOLIS, MINN.

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments House bill 10895, granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota. At the request of the Senator from Minnesota [Mr. SCHALL] I request unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, on page 1, line 8, after the word "navigation," to strike out "in the northeast quarter of section 15, township 29 north, range 24 west of the fourth principal meridian"; on page 2, line 1, after the word "at," to insert "or near"; on the same page, after line 5, to insert an additional section, as follows:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Northern Pacific Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

And on the same page, in line 6, to change the section number from 2 to 3.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River at or near Minneapolis, in the State of Minnesota."

RED RIVER BRIDGE AT OR NEAR COUSHATTA, LA.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment House bill 11607, granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana.

Mr. RANSDELL. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AID FOR RURAL POST ROADS

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. ODDIE. Mr. President, I ask unanimous consent that House bill 9504 be taken up.

Mr. MOSES. What is the calendar number?

Mr. ODDIE. Seven hundred and fifty-six.

Mr. KING. Let the title of the bill be stated.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. BORAH. Mr. President, is this a request for unanimous consent?

Mr. ODDIE. Yes; I ask unanimous consent for the consideration of the bill at this time.

Mr. BORAH. Under the five-minute rule?

Mr. ODDIE. No.

Mr. BRUCE. Mr. President, I object. I am opposed to that bill.

Mr. ODDIE. Mr. President, I move that the bill be taken up.

Mr. BINGHAM. Mr. President, I hope the Senator will not press that motion at this time.

The VICE PRESIDENT. The motion is not debatable. The Senator from Nevada moves——

Mr. NORRIS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. This bill was not reached on the calendar. The Chair had announced that the calendar under Rule VIII was in order, and hence it is out of order to make a motion to take up the bill except when it is reached on the calendar.

The VICE PRESIDENT. The Senator from Nevada asked unanimous consent for the present consideration of the bill.

Mr. BRUCE. I objected. I am opposed to that bill, and therefore I object, not on captious grounds, but because I am opposed to the bill.

The VICE PRESIDENT. The Chair holds the point of order well taken. The bill has not been reached on the calendar, and therefore it can not come up now except by unanimous consent.

CONSIDERATION OF POSTAL BILLS

Mr. MOSES. Mr. President, I wish to call the attention of the Senate to certain bills on the calendar, beginning with Order of Business 937. There are five bills in order there upon the calendar which are House bills and deal wholly with certain details of the Postal Service. It is somewhat essential that these bills shall be speedily disposed of, inasmuch as the Post Office Department is pressing for their consideration.

I ask unanimous consent that those bills may be taken up.

Mr. ROBINSON of Arkansas. What are the numbers?

Mr. MOSES. Beginning with Order of Business 937, the next five bills to Order of Business 941, inclusive. I will say to the Senator from Arkansas that they are House bills.

Mr. ROBINSON of Arkansas. Are they on the calendar?

Mr. MOSES. They are on the calendar; yes. They have just come over from the House, were considered by the Post Office Committee yesterday, and the department is very desirous that they may be speedily enacted, because they will affect the activities of the department, beginning with the first of the next fiscal year under the new appropriations.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator making the request whether the reports from the Post Office Committee are unanimous?

Mr. MOSES. Yes.

Mr. ROBINSON of Arkansas. Were the bills considered at a meeting of the committee?

Mr. MOSES. At a meeting of the committee, very fully attended; yes.

Mr. ROBINSON of Arkansas. In view of that I shall not object, although copies of the bills have just been made available for my examination.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. KING. Has the Senator asked for consideration of Order of Business 940?

Mr. MOSES. Yes; but I will explain that to the Senator when it comes along. I am just asking that these bills may be laid before the Senate. Of course, as I undertake to make the explanation regarding each of the bills——

Mr. ROBINSON of Arkansas. I suggest that the Senator take them up one at a time.

Mr. MOSES. Very well, if that may be done.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

POSTAGE RATES ON HOTEL ROOM KEYS AND TAGS

Mr. MOSES. I now ask that Order of Business 937, H. R. 92, be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 92) fixing postage rates on hotel room keys and tags.

Mr. JOHNSON. Mr. President, I move as an amendment, after the word "hotels," that the words "and steamship" be inserted.

Mr. MOSES. That amendment should be made on two lines, I may say to the Senator from California. On page 1, line 3, the words "and steamship" should be inserted, and on line 6 the words "or steamship" should be inserted.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "hotel," it is proposed to insert the words "and steamship"; and on page 1, line 6, after the word "hotel," it is proposed to insert the words "or steamship."

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill fixing postal rates on hotel and steamship room keys and tags."

RENT OF QUARTERS FOR POSTAL PURPOSES

The bill (H. R. 3837) authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases, was considered as in Committee of the Whole.

Mr. MOSES. Mr. President, I will say that the passage of this bill is desired in order to free the department from the ruling of the Comptroller General with reference to making leases. The department estimates that it will save $500,000 a year in the operating expenses of the department.

Mr. ROBINSON of Arkansas. To what extent is the requirement for formal contract relaxed? Where is the bill? I should like to be furnished with a copy of this bill.

Mr. MOSES. What is it that the Senator desires to know?

Mr. ROBINSON of Arkansas. Is the department or its head given authority to make all contracts for rent informally?

Mr. MOSES. That has been the case hitherto, but under a ruling of the Comptroller General that has not been permitted. This bill, I will say to the Senator, particularly affects premises which have to be taken for special uses or for limited times, and particularly applies to those sections of the country where the resort business brings about a very great extension of the Postal Service for a limited time only. Under the ruling of the Comptroller General which requires the department to make these formal contracts much time is lost and higher rates of rental are demanded. The department estimates that if it could act as it used to it would save $500,000 a year.

Mr. ROBINSON of Arkansas. I observe it is limited to cases where the amount of the annual rental does not exceed $1,000.

Mr. MOSES. Yes; but that figure, under the liberty of the department, can be set as a limit, whereas when they had to make a formal contract, and it ran over a longer period than that for which the premises were actually required, almost invariably the landlord demanded a higher rental.

Mr. ROBINSON of Arkansas. I do not object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMINAL RAILWAY POST OFFICES

The bill (H. R. 3842) authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease was considered as in Committee of the Whole.

Mr. MOSES. Mr. President, the purpose of this bill is to apply the same general practice which the department now observes to terminal railway post offices as well as to ordinary post offices.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. MOSES. Yes.

Mr. KING. Does the provision found on page 2 legalize contracts if there are any running for a period of 20 years?

Mr. MOSES. Oh, yes; it would; but that has been the case in the Post Office Department except as to the more recent contracts, which have been made on the basis of 10 years. That may be done now. There is no change in substantive law.

Mr. KING. As I understand this provision, the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid monthly, for a term not exceeding 20 years.

Mr. MOSES. My understanding is that that is exactly what the statute is now; and the only difference is that he may pay this monthly instead of quarterly in order to bring the practice of paying rent to a uniformity.

Mr. KING. While we are on the subject, does the evidence before the Senator's committee warrant the belief that it is wise to make such long contracts? I have no opinion on the subject.

Mr. MOSES. Mr. President, I can not enter into a discussion of the whole question of post-office construction in this country; but we have discovered that these railway terminal post-office stations are in the large cities, and require considerable initial investment for their construction; and inasmuch as we are not appropriating money for the construction of postal buildings anywhere, the department has been compelled to have them constructed under lease and with a contract. In order to enable the owners to finance the thing properly, it was found necessary to make the long-term lease.

There is a practice developing in the department, I will say further to the Senator from Utah, in connection with the construction of post-office buildings in communities, to limit the term to 10 years, with the privilege of purchase during that period.

Mr. KING. Why should monthly payments be made instead of quarterly or semiannual payments? I should think a quarterly payment would be sufficient, and that would save a vast amount of bookkeeping and considerable expense.

Mr. MOSES. Quite the other way, because the clerk having the payments in hand is making monthly payments on everything except these matters. It is just putting a few more items in his monthly entry, and he would have to keep a separate quarterly account if the payments were quarterly. As a matter of fact, this would facilitate the work of the department.

Mr. KING. I do not object to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPENSATION OF FOURTH-CLASS POSTMASTERS

The bill (H. R. 11084) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters, was considered as in Committee of the Whole.

Mr. MOSES. Mr. President, that is the bill to which the Senator from Utah particularly called attention.

Mr. KING. I reserved the right to object to its consideration.

Mr. MOSES. I will make an explanation of it. The Senator will remember that there have been frequent attempts to increase the salaries of fourth-class postmasters, also frequent attempts to make them allowances for rent, light, and fuel. None of those attempts have been successful. Fourth-class postmasters are still paid as they always have been paid, on the basis of cancellations in their offices—that is, upon the business done and the actual receipts of the offices.

The Comptroller General has held that the postmasters may not account for certain receipts of their offices as being receipts applicable to the computation of salary, because in the postal salaries act of 1925 there were certain increases in fees for special services in the department, C. O. D. fees, return registration card fees, special-delivery fees, and money-order fees. Such services require stamps, just the same as any other kind of mail matter, but the Comptroller General has held that the cancellation of those stamps may not be computed for the purpose of fixing the salaries of the postmasters. The cancellation of those stamps requires the same amount of work as does the cancellation of all other stamps, what is paid for them constitutes receipts of the office, and without question it was the intention, certainly of the committee drawing the bill, that those receipts should be computed as all other receipts are.

Mr. KING. Is that the only change made in existing law?

Mr. MOSES. That is the only change.

Mr. KING. Does it make any change in the matter of light, heat, and quarters?

Mr. MOSES. None.

Mr. KING. It is merely to meet the two cases to which the Senator refers?

Mr. MOSES. That is all.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RATES FOR CARRIAGE OF MAIL BY AIR

The bill (H. R. 11841) to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, what change does this make in the present law?

Mr. MOSES. It gives the Postmaster General the right to put a pound rate upon air mail. I will say to the Senator from Arkansas that the purpose of the bill is to facilitate the transmission of the air mail. This is under the contract system, the Senator will recall, and if the mail can be carried at the pound rate, the mail can go through without having to be separated into each one of its component units, and it will save about 40 minutes at each transfer point in the schedule of all air-mail transmission.

This will make no difference with reference to the revenue. It simply changes the method by which the revenue shall be computed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AID FOR RURAL POST ROADS

Mr. ODDIE. Mr. President, I renew my motion that the Senate proceed to the consideration of House bill 9504, the Federal aid road bill.

The VICE PRESIDENT. The Senator's motion is in order.

Mr. TRAMMELL. Mr. President, I am in favor of the bill, but——

The VICE PRESIDENT. The question is not debatable. Such a motion is in order during the morning hour on any day except Monday.

Mr. ASHURST. What is the bill?

Mr. ODDIE. It is the Federal aid road bill.

The VICE PRESIDENT. The clerk will report the bill by title.

The CHIEF CLERK. A bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada to proceed to the consideration of the bill.

Mr. BRUCE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Sackett
Bayard	Ferris	McKellar	Schall
Bingham	Fess	McLean	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gerry	Mayfield	Simmons
Broussard	Goff	Means	Smoot
Bruce	Gooding	Metcalf	Steck
Butler	Hale	Moses	Stephens
Cameron	Harreld	Norbeck	Swanson
Capper	Harris	Norris	Trammell
Caraway	Harrison	Oddie	Tyson
Couzens	Heflin	Overman	Underwood
Curtis	Howell	Pepper	Wadsworth
Dale	Johnson	Phipps	Walsh
Deneen	Jones, N. Mex.	Pine	Warren
Dill	Jones, Wash.	Pittman	Wheeler
Edge	Kendrick	Ransdell	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	King	Robinson, Ark.	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Nevada to proceed to the consideration of House bill No. 9504.

Mr. ODDIE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the necessary absence of my colleague [Mr. FLETCHER].

Mr. MAYFIELD (when Mr. NEELY's name was called). The senior Senator from West Virginia [Mr. NEELY] is necessarily detained from the Senate. If he were present, he would vote "yea."

Mr. UNDERWOOD (when his name was called). Has the junior Senator from Massachusetts [Mr. GILLETT] voted?

The VICE PRESIDENT. He has not voted.

Mr. UNDERWOOD. I have a pair with that Senator, and in his absence I transfer the pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Illinois [Mr. MCKINLEY], the Senator from Indiana [Mr. ROBINSON], the Senator from Maryland [Mr. WELLER], the Senator from Missouri [Mr. WILLIAMS], the Senator from Indiana [Mr. WATSON], and the Senator from Wisconsin [Mr. LENROOT]. If present, all these Senators would vote "yea."

I also desire to announce that the junior Senator from Delaware [Mr. DU PONT] has a general pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the junior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. SWANSON. I wish to announce that my colleague [Mr. GLASS] is necessarily absent on business of the Senate.

The result was announced—yeas 64, nays 12, as follows:

YEAS—64

Ashurst	Fess	La Follette	Schall
Blease	Frazier	McKellar	Sheppard
Bratton	George	McMaster	Shipstead
Broussard	Goff	McNary	Shortridge
Cameron	Gooding	Mayfield	Simmons
Capper	Hale	Means	Smoot
Caraway	Harreld	Norbeck	Steck
Couzens	Harris	Norris	Stephens
Curtis	Harrison	Oddie	Swanson
Dale	Heflin	Overman	Trammell
Deneen	Howell	Phipps	Tyson
Dill	Johnson	Pine	Underwood
Edge	Jones, N. Mex.	Pittman	Walsh
Ernst	Jones, Wash.	Ransdell	Warren
Fernald	Kendrick	Robinson, Ark.	Wheeler
Ferris	Keyes	Sackett	Willis

NAYS—12

Bayard	Bruce	Gerry	Pepper
Bingham	Butler	McLean	Reed, Pa.
Borah	Edwards	Metcalf	Wadsworth

NOT VOTING—20

Copeland	Glass	Moses	Smith
Cummins	Greene	Neely	Stanfield
du Pont	King	Nye	Watson
Fletcher	Lenroot	Reed, Mo.	Weller
Gillett	McKinley	Robinson, Ind.	Williams

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9504) to

amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. ODDIE. Mr. President, on Friday last, May 21, I made quite an exhaustive statement on the question of Federal aid highway legislation. I presented a number of tables containing facts and figures pertaining to the question of Federal aid of public roads. I discussed some of the constitutional problems involved, and believe made a clear case. I hope so. I am not going to debate the question at length at this time. It is well understood by the Members of the Senate. The House has passed this bill. I reported it favorably from our Committee on Post Offices and Post Roads without amendment. This question is so well known and of such vital interest to every State in the Union that I hope the bill will pass.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. ODDIE. Certainly.

Mr. REED of Pennsylvania. Is there any time in the Senator's mind when the Federal Government is to get out of this business of subsidizing the States?

Mr. ODDIE. I can not agree with the Senator's statement that it is a subsidy. I consider that it is an obligation on the part of the Federal Government to do certain things, and that the Federal Government has an arrangement with the States whereby the States cooperate with the Federal Government in carrying out a governmental obligation and duty. The Federal-aid system comprises about 200,000 miles. The Government is using over 1,200,000 miles of roads to-day on which it is carrying the mails. The program is only partially completed. It will take a number of years to complete it. I can not say just how many years it will take.

Mr. REED of Pennsylvania. The Government uses no highway in the country as much as it does Broadway, New York City. Would the Senator favor contributing money to help pave Broadway?

Mr. ODDIE. That is too far-fetched an illustration. I can not agree with the Senator from Pennsylvania that that is an argument at all, because Broadway, New York City, represents a very small number of miles compared to the whole Federal-aid system.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nevada yield to the Senator from Idaho?

Mr. ODDIE. I yield.

Mr. GOODING. I asked the Senator to yield to allow me to submit a question to the Senator from Pennsylvania. I would like to ask the Senator from Pennsylvania if he knows when the Federal Government is going to stop appropriating money for the improvement and maintenance of the Monongahela River, a factor in the building up of the city of Pittsburgh?

Mr. REED of Pennsylvania. The Government has already stopped doing that.

Mr. GOODING. It is still paying money for the maintenance of the Monongahela River, and altogether it has paid out over $10,000,000 for that purpose.

Mr. REED of Pennsylvania. As a result it is beneficial to the whole United States, of course.

Mr. GOODING. What does the Senator think about the highways? Are they not beneficial to the development of the Nation?

Mr. REED of Pennsylvania. I do not think the highways were included by the constitutional clause in the object for which the Federal Government was intended to spend money.

Mr. GOODING. I think one of the first efforts of the country was to develop the post roads in Pennsylvania, and all of the Eastern States, so far as that is concerned. I did not know the Government had ever abandoned that policy.

Mr. REED of Pennsylvania. The Senator knows that the post-roads clause in the Constitution is the only excuse for this great subsidy. It has nothing to do really with the development of post roads. Those roads are automobile roads, roads for use by the local people for local purposes. It is a fine system for the construction of western roads with taxes raised out of the Eastern States.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I yield.

Mr. WALSH. The constitutional question which the Senator raises is pretty old. It was debated with great earnestness in this country 100 years ago——

Mr. REED of Pennsylvania. That was before I came into the Senate.

Mr. WALSH. In connection with the Cumberland Road enterprise, which was earnestly advocated in those days by residents of that section of the country from which the Senator comes, and which was then on the frontier.

Mr. REED of Pennsylvania. We have no frontier in the United States to-day. We have, thanks to the great constitutional compromise, a balance of power in the Senate in the States of smaller population, and it seems to me that that balance of power is being used to draw from the Federal Treasury money for local purposes which ought in common honesty to be raised by taxation from the communities which are benefited.

Mr. DILL. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. The Senator from Nevada has the floor.

Mr. ODDIE. I yield to the Senator from Washington.

Mr. DILL. I want to suggest to the Senator from Pennsylvania that the balance of power, which is based on population in the House of Representatives, led to the passage of the bill.

Mr. REED of Pennsylvania. I think it was rather inattention on the part of Representatives from the Eastern States than power on the part of others.

Mr. DILL. The Senator is rather unkind to his colleagues in the House.

Mr. REED of Pennsylvania. No; I think that is a fair criticism. The Congressman to whom I suggested that an amendment ought to be offered progressively getting the United States out of the business admitted to me afterwards that he forgot to offer the amendment.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. ODDIE. Certainly.

Mr. WARREN. May I say to the Senator from Pennsylvania that unfortunately the Government withholds very largely its public lands and other possessions in certain States and pays no taxes thereon, and the only way to build roads in that section of the country is for those who obtain taxes from a very small amount of mileage to pay the entire bill or to have a contribution from the Government in the way of Federal aid. Hence the Government in those States, because of that condition, surely ought either to submit to taxation for roads or to contribute in some other way for the building of roads.

Mr. REED of Pennsylvania. The Senator from Wyoming raises a very interesting point, which has often been urged in favor of these appropriations, that the large area of public lands in those States which bear no taxes somehow justifies the Federal-aid system. All of the exponents of that argument seem to forget to tell us that the system of oil and timber royalties is such that 37½ per cent, my recollection is, of the royalties on the gross value of the oil produced in those domains is paid over to the States in which the public lands lie and 25 per cent, I think it is, of the timber royalties on those public lands go to the States. If I am wrong about that, I hope the Senator will correct me. It is obvious that the yield from those royalties to the States, which include these public lands, is much greater in tax yield than they could obtain from them if they were subject to State taxation.

Mr. WARREN. But the Senator must remember how much they are taking away from those States in all the oil, and so forth, and how little they are paying in return for it.

Mr. REED of Pennsylvania. That is the situation in all the States. I put in the CONGRESSIONAL RECORD on January 6, at pages 1573 and 1574, two tables which show the amount of the payments to the States in Federal aid and by the States in taxation. It furnishes some very interesting contrasts. For example, I find that the State of New Mexico, which pays into the Federal Treasury in every form of taxation $854,000, takes out in Federal aid $3,022,000. In other words, the bread it casts upon the water comes back at the rate of three and one-half loaves for each loaf that is cast.

Mr. BRATTON. Mr. President——

Mr. ODDIE. I yield to the Senator from New Mexico.

Mr. BRATTON. Does the Senator bear in mind in making the comparison he is now engaged in making the fact that the Federal Government retains unto itself approximately 43 per cent of the entire area of the State of New Mexico, which is not subject to taxation in any form whatsoever?

Mr. REED of Pennsylvania. Does not the State of New Mexico get royalties from that source?

Mr. BRATTON. It gets a part of the royalties. The Senator comes from a State that is rich in oil. Would he be willing to have his State surrender to the Federal Govern-

ment 43 per cent of its taxable values, or 43 per cent of its area, in exchange for 37½ per cent of the royalties upon the oil produced in that State?

Mr. REED of Pennsylvania. No; because under those circumstances the concession would be much greater than the royalty which would be received.

Mr. BRATTON. Exactly. The Senator from Pennsylvania entertains the view that is entertained by certain people—that is, that it is entirely fair, wholly just, and even right that his State should have every acre of its land producing taxes, should have every industry in his State contributing its just share to the welfare of the State, and at the same time that it is just to have these Western States shorn of the right or power to tax a great part of their area, their real estate, because it is owned by the Federal Government.

Mr. REED of Pennsylvania. Ah, but that is another question entirely. If the Senator is asking me whether it is fair for the United States to retain those public lands, that is another question which I am not competent to answer.

Mr. BRATTON. In my judgment the Senator is competent to answer any question relating to the affairs of the Government.

Mr. REED of Pennsylvania. I doubt very much whether it is for the best interests of the United States that we should withhold from the State authorities those great tracts of land in the Western States. I do not know a sufficient reason to justify it, although Senators who have studied the question can enlighten me on that point.

Mr. BRATTON. But so long as that is true, is it quite fair to say that those States pay into the Treasury a small sum and take out a large sum. The comparison upon which the Senator's criticism of the administration of the Federal aid highway fund is based upon a fallacy that is patent.

Mr. REED of Pennsylvania. I do not believe that factor ought to be ignored, but surely if the State of New Mexico had the 47 per cent of its area which is now withheld, it would then practically double its source of taxation. We will assume that all acres are the same. In that case its payment into the Federal Treasury would be $1,700,000. It still would be getting back much more than it paid in.

Mr. BRATTON. But the Senator fails to bear in mind that instead of getting 37½ per cent of the royalties from its minerals the State would own the entire volume of such minerals and would receive income from the entire volume, instead of receiving, at the hands of the Federal Government, 37½ per cent of the usual royalty of one-eighth; so that the comparison the Senator now makes is inaccurate in that respect.

Mr. REED of Pennsylvania. I will admit that the retention of those public lands is an important factor and that in justice it ought to be considered, but I do think the payment of royalties ought to be considered in the other side of the balance. However it is considered, I see nothing that would justify such a contrast as this.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. ODDIE. I yield to the Senator.

Mr. PHIPPS. I would like to ask the Senator from Pennsylvania if his figures of $854,000 of revenue paid into the Federal Treasury from New Mexico represent all that goes into the Federal Treasury from New Mexico.

Mr. REED of Pennsylvania. It represents all the figures reported by the Internal Revenue Bureau.

Mr. PHIPPS. Yes; collected by the Internal Revenue Bureau in New Mexico, but far and away above that are the revenues of the Federal Government from the resources of New Mexico which are collected in New York and Pennsylvania and other States, because they come from the production of oil, the production of minerals, and even the production of coal. In other words, the people, the citizens, the corporations who pay their Federal taxes in New Mexico pay only a small portion of the amount which the Federal Government receives by reason of profits derived from the industries of the State of New Mexico; and to say that $854,000 represents what the Federal Government receives from the assets and the business, the development of New Mexico certainly can not be defended.

Mr. BRATTON. Mr. President, I thank the Senator from Colorado for the suggestion. I want to say in behalf of New Mexico that if the Congress will give to that State the public domain lying within its borders and put the State on a par with the State of Pennsylvania, which the junior Senator from that State [Mr. REED] so ably represents, we shall be glad to take care of our own public-highway activities and other public activities, including the reclamation projects within the State; but so long as the Government holds 43 per cent of the lands of that State and denies to the State the right to receive any substantial income from them, I think the argument the Senator is now advancing can not be justified.

I think it borders closely upon a violation of the constitutional doctrine of equality of the States for the State of Pennsylvania, in common with the other States of the Union, to own 43 per cent of the lands in New Mexico, in Colorado, and in the other western States, while other States own the entire area within their respective borders. When a State is admitted into the Union upon the very doctrine of equality of rights as between the States, I think it comes perilously near violating that constitutional prerogative of that State to say that the Government as a whole—meaning the several States of the Union—shall own practically one-half of the real estate of the State and deny to that State the power to tax and otherwise exercise sovereignty over them, whereas other States, including the one from which the Senator from Pennsylvania comes, enjoy additional rights and prerogatives beyond those of my State. Consequently the criticism which the Senator now makes would seem to inhere in a fallacy that can not be sustained when we come to consider the fundamental inequality that now exists between the western or so-called public-land States and the States of the East.

Mr. REED of Pennsylvania. Mr. President, the Senator from New Mexico, with his usual fairness, has made my point for me as clearly as anyone could. He has stated that if it were not for the large area of public lands in his State he thinks that in all fairness the State should then build its own highways.

Mr. BRATTON. Oh, no; the Senator misunderstood me. I said that if the Government would turn that land over to the State we would undertake to finance our reclamation projects, our highways, and so on, in common with other States.

Mr. REED of Pennsylvania. That is exactly what I mean: That if New Mexico were given the title which the United States now has in the public lands, comprising 43 per cent of her area, then, in fairness, New Mexico should take care of her own highways.

Mr. BRATTON. I did not say quite that.

Mr. REED of Pennsylvania. I agree with the Senator that it does seem wrong and paradoxical that a sovereign State should have 43 per cent of its area, or, as in the case of Nevada, about 93 per cent, I understand, of its area, owned by the other 47 States. It presents something of the same problem that would be presented if the State of New Mexico were to buy a large area in New York, let us say, and then ask that it be held nontaxable. It is not fair to the State within whose boundaries these tracts of land lie. I agree with the Senator from New Mexico as to that, at least, in the present state of the meager information that I have; but now that we have reached that understanding, let us pass to some other States on the list.

We come to the States of North and South Dakota. North Dakota got back from the United States Government 117 per cent of all that was collected from it in taxes. South Dakota got back 167 per cent in the last fiscal year of all that it paid in all kinds of Federal taxes.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. ODDIE. I yield to the Senator.

Mr. McMASTER. Mr. President, with reference to South Dakota receiving in return a larger proportion than it has paid into the Federal Treasury by way of taxation, I wish to call the attention of the distinguished Senator from Pennsylvania to the fact that he has not yet answered the statement made by the Senator from Colorado [Mr. PHIPPS] to the effect that railroads draw profits from South Dakota; that the Steel Trust draws profits from South Dakota in proportion to its population; that the Aluminum Trust draws profits from the State of South Dakota in proportion to population; and so the fact that the stockholders of the Aluminum Trust and of the Steel Trust and of some of the railroad companies happen to live in the State of Pennsylvania does not mean that the profits were derived wholly from that State. Therefore I would ask the Senator from Pennsylvania to answer the statement which was made by the Senator from Colorado.

Mr. PHIPPS. Mr. President, if the Senator from Pennsylvania [Mr. REED] will permit me before he makes answer to the question, I desire to say that what I said was not really put as an interrogation, but, rather, as a statement. Here, however, is the way in which the Treasury Department has placed itself on record. I desire to read it for the information of the Senator from Pennsylvania and other Senators who may be interested. Speaking of income-tax returns, the statement reads:

The amounts do not represent, however, what may be called the geographical distribution of income. The figures are compiled from the returns filed in each State. An individual files his income-tax return in the collection district in which his legal residence or principal place of business is located, and a corporation files its income-tax return in the collection district in which its principal place of business or the principal office or agency is located. Consequently, income reported by an individual or corporation in one State may have been derived from sources in other States. From the foregoing it will be clear that there is no way of ascertaining from the income-tax returns the amount of income earned in the respective States or the amount of tax paid on that basis.

I quoted that in my speech on April 29 last, and followed it with illustrations showing that railroad lines located a thousand miles away from New York paid their income taxes, amounting, perhaps, to five or six million dollars, in the State of New York. I also gave many other illustrations.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. ODDIE. I yield.

Mr. GOODING. Mr. President, I wish to say also, for the information of the Senator from Pennsylvania, who is usually fair in all matters, that I am rather surprised, in view of his broad vision, that he should now take the position that he does as to the pending bill.

Eastern corporations own practically all of the timber in my State; eastern corporations conduct all the fire-insurance business and practically all other businesses which serve the people there in the shape of corporation activities; they are practically all owned by people who live in the East. They are not taxable in the State at all.

Mr. REED of Pennsylvania. They are taxable by the State.

Mr. GOODING. They are taxable by the State, yes; but, so far as the Federal Government is concerned, Idaho is not represented in the Federal taxes. The taxes are paid in Pennsylvania and New York. I may also say that great power plants in my State are owned by the General Electric Co. or the Bond & Share Co., which is a subsidiary of the General Electric Co. Thirty-seven per cent of the area of my State is tied up in forest reserves on which homesteaders can not even settle—all in the interest of the people of Pennsylvania and of other Eastern States.

We can not build an empire there. We have not the control of our great resources as the people in the Eastern States have of their resources, for they have been largely taken away from us.

As the Senator from New Mexico [Mr. BRATTON] has said, just give us back the forest reserves, turn over the public lands to us, turn over to us what other States in the Union had with which to build an empire, and get out of the State, and we will take care of the situation; the Federal Government need not appropriate a dollar for Idaho for public roads or anything else; but until that shall be done, until we shall have a people out there who can build roads in order to develop not only Idaho but America, it seems to me that it comes with poor grace for an eastern Senator and for the Eastern States, who have accumulated so much wealth largely by the exploitation of the West, to deny an opportunity of development to the West.

Mr. REED of Pennsylvania. Mr. President, the Senator's statement that if Idaho had its own public lands it ought then in fairness to build its own public roads is exactly the point I was trying to make, because in colloquy with the Senator from New Mexico I admitted that the possession of those public lands does introduce a factor that is worth carrying in mind, but when we come to the Dakotas I understand that there are no public lands of any great extent in those States. It is true, as the Senator from Colorado [Mr. PHIPPS] has said, that there are industries in those States owned by corporations that make their tax returns in the East; but the converse is true, that there are inhabitants of those States who own stock in eastern corporations, so that their income tax is paid in the State of their domicile.

Mr. ODDIE. Mr. President, let me ask the Senator from Pennsylvania to yield to me for a moment.

Mr. REED of Pennsylvania. Certainly.

Mr. ODDIE. Mr. President, on March 10 of this year I placed in the RECORD two very interesting articles, one entitled "A billion for highways! Who pays the bills?" by A. J. Brosseau, director of the National Automobile Chamber of Commerce, and another article, entitled "Who pays Uncle Sam's bills?" prepared by the Association of State Highway Officials. Those two articles are particularly interesting at this point. They answer the argument made by the Senator from Pennsylvania I think very completely. His arguments are based on the assumption that the sources of Federal taxes are circumscribed by State lines and that a Federal function to be properly fulfilled should benefit all the States in direct proportion to the tax revenue received through them. He overlooks entirely certain basic facts that are fundamental to our Government. Our States are political and not economic units, and our system of Federal taxation is such that the revenues collected from any State are in no way a true indication of the creation of wealth or use or consumption of the products taxed within the particular State.

Mr. SIMMONS. Mr. President, I should like to say just a word or two on this subject. The Senator from Pennsylvania [Mr. REED] has said that the roads to which the Government is contributing are local in their character; that is, that the contributions made by the Government are of local importance. That is not true, as I understand. The Government does not contribute anything to purely local roads; the Government only contributes to roads that are interstate in their character. I ask the chairman of the committee if I am not correct as to that?

Mr. ODDIE. Mr. President, the present Federal-aid highway system is based on 7 per cent of the mileage of all the roads of the country. Under the law three-sevenths of the 7 per cent may be used on primary or interstate roads and four-sevenths on intrastate roads; but, as a matter of fact, most of the work has been done on the primary or interstate roads.

Mr. HEFLIN. Mr. President, if the Senator will permit me to interrupt him just there, the aid that is given to the States in building the intrastate roads is for such roads as connect with the interstate roads.

Mr. ODDIE. Yes; so as to make one complete system.

Mr. SIMMONS. So, Mr. President, it is not a local matter, as the Senator from Pennsylvania would have the Senate believe. The most of this money spent in the States, as the Senator says, is for interstate roads. It is very well understood, where these great national highways have been constructed, that the travel over those roads originates to a very large extent in States other than the State in which the road is located. The contribution by the Government, therefore, is for the purpose of aiding interstate transportation through the various States of the Union. The roads, therefore, have the same relation to the public interest that the waterways of this country have to the public interest. Some of the waterways that are improved by the Federal Government are local in their character, but all connect with interstate highways. In the main the waterways that are improved by the Government are of interstate importance. The two things are upon a parity. If the Government has authority, and if the Government is justified as a matter of policy in aiding in the improvement of our interior waterways, it likewise has an interest in and should aid in the construction of our interstate roads.

Another suggestion with reference to the use of these roads: The States are not the only users of these roads. The Federal Government has become in recent years a great user of our highways. Years ago, before we introduced the rural mail system, and before we adopted the parcel-post system, the Government used these roads only to a very limited extent for postal purposes, but now there is not a road of any importance—certainly there is not an interstate road in the United States—that is not used extensively by the Government for the purpose of distributing its rural mail and for the purpose of distributing parcel post throughout the rural districts of the country. The Government therefore not only contributes to the use to which these roads are put, but the Government contributes to wearing out these roads. It makes it necessary for the local authorities to spend more money for the maintenance of these roads after they have been constructed. The Government contributes to the construction of the roads, but the Government does not contribute to their maintenance. The Government is in part responsible for the necessity of the heavy expenditures for maintenance.

When the recent tax reduction bill was under consideration in the House of Representatives it was said that if the tax imposed by the Federal Government upon automobiles should be removed there would be opposition to the continuance of Government contribution to these roads, meaning thereby that the tax imposed by the Government upon automobiles was not necessary to meet the expenditures of the Government, but it was levied largely for the purpose of offsetting the expense to the Government incurred in aid of good roads. In the State of North Carolina we are building our roads and paying for their construction by a tax levied upon automobiles. The Government is doing identically the same thing. The tax that we are levying upon automobiles that use these roads, and for

which these roads have been constructed, is nearly enough to pay the annual contribution of the Federal Government to those roads.

Again, Mr. President, the Senator says that some States pay more taxes than other States pay in proportion to what they get from the Government. My State last year paid $173,000,000 of taxes to the Federal Government. It received in aid of road building not exceeding $2,000,000. My State paid proportionately as much as any State in the Union in taxes for these roads, and so did the State of the Senator from Pennsylvania. The State of the Senator from Pennsylvania paid a large tax and received but very little direct financial aid from the Federal Government, but the Senator forgets that his State is in the same situation as my State. While my State has contributed this enormous amount in taxation the people of my State did not pay those taxes. One hundred and forty-seven million dollars of $166,000,000 internal-revenue taxes collected in North Carolina was collected in the first instance upon manufactured tobacco from consumers throughout the United States. Not more than 2½ per cent of the tax on that manufactured tobacco was paid by the people of North Carolina. Ninety-seven and one-half per cent of it was paid by the citizenship of the United States outside of North Carolina.

I have just been making a calculation with reference to that matter, and that is the conclusion which I reached. In the Senator's State the tax upon the things from which these taxes arise is not paid by the people of the State of Pennsylvania. The great steel corporation there, making its immense net corporate profits, sells the products upon which those profits are made from one end of the United States to the other. The Senator knows that the Steel Trust, like the other great corporations of this country, treats the income tax as a part of the operating expenses of its business. It adds it to the price of the product, and charges it to the consumer, so that the manufacturers of these steel products produced in the State of Pennsylvania made a profit, and that profit was paid by the people of Pennsylvania only in proportion to the population of that State as compared to the population of the whole United States.

I have been making an investigation as to the State of New York. I find that more than one-half of the enormous taxes paid by the State of New York are paid not by the people of that State but by the people of the country outside of New York. That is true of all these States.

Mr. President, the opposition to this good-roads project comes from a section of this country that has largely finished its good-road construction—finished it why, Mr. President, so early, so much in advance of the rest of the country? Because in that section were located the great manufacturing industries of the United States in the past. They practically monopolized American manufacturing, and through those industries they grew enormously rich, not out of the resources of their State, not merely by operating those factories, but by the contributions of the people of the whole United States who purchased their manufactured products. Their immense wealth which made them able to construct their roads in advance of the rest of the country was due to the fact that they, enjoying certain privileges under the Government, including the advantages of a protective tariff, built up their manufacturing largely through these governmental levies upon the rest of the country. Now, since they have finished their program in advance of the rest of us, to which the rest of us contributed so largely, they come to us when we ask this little pittance of the Government and say: "You shall not have it because we have finished our road program, and we will not get much of it."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. SIMMONS. Yes.

Mr. REED of Pennsylvania. Assuming the perfect equality of all citizens of the United States——

Mr. SIMMONS. That perfect equality under the law has not existed at any time in the past, and it does not exist to-day.

Mr. REED of Pennsylvania. Very well, then. Assuming the inequality of the people of the United States, will the Senator explain to me how it comes that New Mexico, with a population of 360,000 people, gets $2,900,000 per year for its roads, while Maryland, with a population four times as great, gets only $621,000? Why should the people of New Mexico get sixteen times as much per person as the people of Maryland? Is that because great trusts have been built up in Pennsylvania, or is that because we have had a protective tariff on steel, or is that because the dividends are paid by these great corporations in New York?

I am surprised to hear an apostle of State rights, like my friend from North Carolina, and an advocate of equality in taxation—he is distinguished for that—and a representative of a State which gets so small a pittance as does North Carolina out of this subsidy system, take the position he takes in regard to this bill.

Mr. SIMMONS. Mr. President, I am perfectly willing that North Carolina shall aid the other sections of the country as much as it can in acquiring those public-road facilities that we have ourselves. North Carolina, as I have just explained, pays this heavy tax and gets this small amount, just as Pennsylvania does.

The reason why New Mexico gets such a large percentage from the Federal Government, as compared with the amount of taxes paid, is because New Mexico is still a new and a poor State. It is probably chiefly an agricultural and a mining State. Its incomes are small; its profits are small; its taxes to the Federal Government are small. It does not manufacture any of those things upon which the Federal Government imposes these high taxes, and which bring to a manufacturing State streams of gold from the outside, because it is purely an agricultural State, and its taxes are therefore small. It is doing things on which the profits are small, and it has no factories manufacturing goods of nation-wide demand and consumption that the Federal Government taxes and that bring such enormous profits into the coffers of the manufacturers. That is the reason why New Mexico is in this situation, taken together with the fact that the Government of the United States itself owns nearly one-half of all the landed property in that little State.

Mr. ODDIE. Mr. President, it should be understood that the apportionment for Federal aid on the highways is based on three factors—population, area, and mileage of the States.

Mr. REED of Pennsylvania. Mr. President, I think some more of these contrasts ought to be brought to the attention of the Senate. We find, as I started to explain about South Dakota, which contains no public lands——

Mr. McMASTER. Mr. President, is the Senator sure of that statement? I think South Dakota does contain public lands. We have our Indian lands in South Dakota that are exempt from taxation, and these lands come under the jurisdiction of the Interior Department.

Mr. REED of Pennsylvania. I thank the Senator. Of course, he is right in that. That is true equally of Pennsylvania and New York and the other Eastern States. I should have said it does not contain any great percentage of its area withdrawn from the taxing power of the State of South Dakota.

The State gets back 167 per cent of all the taxes it pays to the Federal Government in appropriations from the Federal Government for roads, cooperative agricultural work, vocational education, vocational rehabilitation, maternity and infancy work. In other words, the State of South Dakota, which, as a part of this Union, took a highly creditable part in the fighting of the war, not only gets all its current Federal Government for nothing, not only gets its war paid for by its sister States, but it gets a bonus, or subsidy, of 167 per cent of its contributions to the Federal Treasury in taxes.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. PHIPPS. I just wanted to ask the Senator from Pennsylvania whether or not the statement I made, the facts to which I called his attention, and the statement of the Treasury Department, made any impression whatever on him, when he goes on continuing an argument based on a false hypothesis?

Mr. REED of Pennsylvania. It made so deep an impression on me, Mr. President, that I answered it at the first opportunity; but evidently the answer fell on deaf ears.

Mr. PHIPPS. If the Senator is satisfied with that answer, I confess that I did not consider it as a complete answer.

While I am on my feet I would like to ask the Senator from Pennsylvania a question. In giving his figures, can the Senator from Pennsylvania tell us how many million dollars have been spent for river and harbor improvements in the State of Pennsylvania to which no contribution was made by the State itself, entirely out of the Federal Treasury?

Mr. REED of Pennsylvania. That would be difficult to answer.

Mr. PHIPPS. It would, indeed; but the information would be illuminating.

Mr. SIMMONS. And what benefit did New Mexico and South Dakota get from that?

Mr. PHIPPS. None whatever. What benefit does New Mexico or North or South Dakota get from the Panama Canal? Did we object to contributing for that development?

Mr. REED of Pennsylvania. I suppose the Senator feels generous in taking a share in the maintenance of the Navy?

Mr. PHIPPS. I do not feel generous.

Mr. REED of Pennsylvania. The Navy seldom visits Colorado.

Mr. PHIPPS. I do not feel generous when I stand here and call the Senator's attention to the fact that the State of Colorado, on his basis, is paying more into the Federal Treasury than it is receiving in the way of Federal aid. Yet I am advocating the adoption of this bill as it stands.

Mr. SIMMONS. Mr. President, the Senator is now picking out some agricultural States and showing that they get some relief from the Government through this good roads contribution, but pay very little in the way of taxes to the Government. Agriculture is not making much now, so as to be able to pay taxes to the Government. The people who are paying taxes to the Government now are people whose price levels are far different from the price levels of the farmers of South and North Dakota.

I want to ask the Senator this question: Suppose Ford's great automobile manufacturing establishments were all located in the State of North Dakota. Would not the Federal Government then receive from North Dakota the taxes collected in that State, paid by Mr. Ford in the first instance, many, many millions of dollars, probably thirty or forty million dollars?

I do not know how much it would amount to. I know Mr. Ford pays a tremendous automobile tax to the Government. But does not the Senator realize the fact that if Mr. Ford should pay an automobile tax alone of, say twenty or twenty-five million dollars, the people of North Dakota would probably not pay 2 per cent of that? It would be collected out of the balance of the country. Yet North Dakota would be entitled to the credit upon the books of the Treasury of that enormous tax.

Mr. REED of Pennsylvania. A little while ago the Senator denied that the inhabitants of the United States ought to be treated equally, and has defended a system that gives each inhabitant of New Mexico 16 times as much as each inhabitant of Maryland. Now, I understand he is demolishing my contrast, made on the basis of taxes paid into the Federal Treasury.

Mr. SIMMONS. I have defended nothing; I have simply stated facts. All I have been defending in this argument was the wisdom and the propriety and the justice of the contributions by the Government of a small fraction of the expense for the construction of these roads.

Mr. REED of Pennsylvania. It seems to me the Senator's arguments all lead to the conclusion that the State-rights policy ought to be observed here, because when we get away from that, we are on an uncharted sea. But let me answer one of the Senator's suggestions.

Mr. SIMMONS. I have not discussed State rights.

Mr. REED of Pennsylvania. We have heard a great deal about expenditures for river and harbor improvements. Let me take a seacoast State, if you will. Let me take one in which there are no public lands owned by the United States. Let me take one where the money that is paid into river and harbor improvement does not go to Pennsylvania this time. Let us take the State of Massachusetts.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. It is very vital to the measure. This morning, by a vote of 64 to 12, we took this bill up, showing that the Senate desires to pass the bill. It is now 9 minutes of 2 o'clock, and unless the bill is voted on before 2 o'clock the Senator realizes that it can not be voted on to-day. I am wondering whether the Senator would not——

Mr. REED of Pennsylvania. That had occurred to me.

Mr. McKELLAR. I wondered if the Senator would not be willing to let us have a vote before 2 o'clock.

Mr. REED of Pennsylvania. No, Mr. President; in all seriousness——

Mr. McKELLAR. The vote was only 12, against 64, and that desire of the Senate has just been expressed.

Mr. REED of Pennsylvania. Ah, but that was the vote before the debate.

Mr. GOODING and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield; and if so, to whom?

Mr. ODDIE. I yield to the Senator from Idaho.

Mr. GOODING. Mr. President, I would like to ask the Senator from Pennsylvania whether this is a filibuster on this bill.

Mr. REED of Pennsylvania. Not at all. This is an attempt to get reasonable consideration of a very important matter which the Senate has been in the habit of railroading through. I think the people of the United States ought to have their attention drawn to the peril that lies in this policy, and as long as my voice holds out I mean to call their attention to it. This bill has been before us for less than an hour, yet the Senator asks if this is a filibuster. It appropriates $82,500,000, and its proponents grudge us an hour of debate on it. I say that this bill is not going to pass until all the people my voice can reach know what is in it.

Mr. PHIPPS. Mr. President, the Senator may have been absent from the Chamber; but at least four hours have been spent in the discussion of this bill so far.

Mr. REED of Pennsylvania. The Senate voted at 1 o'clock to take this bill up.

Mr. PHIPPS. It was brought up then; but previous to that the Senator from Nevada [Mr. ODDIE] spoke at length on the measure, and I made a talk on it of at least half an hour some three weeks ago. Others have also spoken on the measure. The bill has been on the calendar for quite a length of time.

Mr. FRAZIER and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. ODDIE. I yield to the Senator from North Dakota.

Mr. FRAZIER. Mr. President, I want to call the attention of the Senator from Pennsylvania to the fact that his State and other Eastern States were getting Federal aid for a hundred years before many of the Western States became States, and if we could have this Federal aid continued for at least another hundred years we would not get as much as Pennsylvania and some of the other Eastern States have gotten.

Mr. REED of Pennsylvania. The Senator does not mean to say that North Dakota has been contributing to our support for a hundred years?

Mr. FRAZIER. Perhaps not just that length of time; but the people out there and their ancestors have been contributing to the support of Pennsylvania for a long time.

Mr. REED of Pennsylvania. The only people out there a hundred years ago caused us a good deal of expense.

Mr. FRAZIER. It has been more than repaid by what Pennsylvania gets from the Government, at that.

Mr. McMASTER. Mr. President, I would like to ask the distinguished Senator from Pennsylvania a question. What does he consider of more fundamental importance to the general welfare of the country—the construction of national through highways or the rebating of $150,000,000 in taxes to dead men's estates, and making the law retroactive, and rebating $90,000,000 additional? What would redound to the greater benefit or welfare of the country—the construction of those highways or the rebating of dead men's taxes?

Mr. REED of Pennsylvania. That is a good question. I would like to expand on it. Gentlemen talk about these refunds of taxes as if somebody were getting something out of the Treasury that belonged to the Treasury. The plain truth is that those refunds represent money illegally taken from taxpayers, and tardily and reluctantly, and in a rather surly way, paid back to the poor people from whom it was taken.

Mr. McMASTER. That is, the inheritance tax was an illegal tax and an unjust tax?

Mr. REED of Pennsylvania. The Senator spoke of the tax refunds of $150,000,000.

Mr. McMASTER. No; the Senate adopted an amendment to the revenue bill repealing entirely the inheritance tax.

Mr. REED of Pennsylvania. I beg the Senator's pardon; they reduced the rate.

Mr. McMASTER. The conference committee reduced the rate, but as the bill passed the Senate did it not repeal those taxes?

Mr. REED of Pennsylvania. The Senate repealed the inheritance tax, but the bill, as it went to the President, reduced the rate.

I have only a few minutes left of the time I have apportioned to myself. I believe that the people of this country do not realize the extent to which the rights of the several States are being encroached upon. When we think that the Federal Government is now spending nearly a million dollars a year on maternity work, which is all a part of this paternalistic program, which includes the road appropriation we are now discussing; when we think that we are teaching vocational training and doing vocational rehabilitation for civilians, not soldiers; when we realize the extent to which we are in the business of cooperative agricultural work—and I begrudge that least of all, because I think the value to the whole country is very plain—it is perfectly obvious that more and more we are dwarfing the power of the States and expanding the power of the Central Government, and it is equally obvious that as it expands its efficiency diminishes.

The very arguments we have been hearing in the last few days set forth with such eloquence about the President's Executive order show that the question of State rights is not always neglected. But when it comes to an appropriation, when it comes to getting money out of the Federal Treasury, then it

is "the Constitution be hanged," and the balance of power established by the Constitution is to be ignored. It is anything for an appropriation. Every governmental theory on which we have been successful so far is to give way if there is a pork barrel to be shared in here in Washington.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. BRATTON. May I inquire of the distinguished Senator from Pennsylvania what proportion of the 7 per cent highways in his State have already been constructed under the Federal aid highway act?

Mr. REED of Pennsylvania. I do not know.

Mr. BRATTON. I am told that practically the full 7 per cent of those roads has already been constructed.

Mr. WADSWORTH. How much?

Mr. BRATTON. The full 7 per cent, in the State of Pennsylvania, has already been constructed, I am told. I do not vouch for the statement. If that is true, surely the Senator is too fair to desire to have his State get its full benefit under the law, and then terminate the program before the other States receive their just share.

Mr. BINGHAM. Mr. President, I am sure the Senator from New Mexico does not desire to do any injustice to the Senator from Pennsylvania.

Mr. BRATTON. Not at all.

Mr. BINGHAM. One of the tables printed in the RECORD the other day at the request of the Senator from Nevada, in charge of the bill, shows, on page 9768 of the RECORD, that Pennsylvania has constructed only 59 per cent of the mileage on the 7 per cent system.

Mr. BRATTON. Even so, that is far more than the Western States have received, and if that table is as inaccurate as the table the Senator from Pennsylvania relies upon, with reference to the amount of money contributed by the Western States and the amount received, it is not dependable.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2607, the migratory bird bill.

Mr. ODDIE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BRUCE. Mr. President, I object.

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Nevada is objected to.

COOPERATIVE MARKETING

Mr. McNARY. Mr. President, the Senator from Iowa [Mr. CUMMINS] desires to discuss the farm problem at this hour. Therefore I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Chair lay before the Senate House bill 7893——

Mr. DILL. Why does not the Senator move to take up House bill 7893?

Mr. McNARY. And at the conclusion of the speech of the Senator from Iowa I ask that House bill 7893 be returned to the calendar and that the unfinished business be laid before the Senate for further consideration.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily laid aside and that there be laid before the Senate House bill 7893, and that at the end of the address of the Senator from Iowa [Mr. CUMMINS] that bill be returned to the calendar and the unfinished business be laid before the Senate. Is there objection? The Chair hears none, and it is so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. CUMMINS obtained the floor.

Mr. GOODING. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. GOODING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bratton	Capper	Dale
Bayard	Broussard	Caraway	Deneen
Bingham	Bruce	Couzens	Dill
Blease	Butler	Cummins	Edge
Borah	Cameron	Curtis	Ernst
Fernald	Howell	Norris	Smoot
Ferris	Johnson	Oddie	Steck
Fess	Jones, Wash.	Overman	Stephens
Frazier	Kendrick	Pepper	Swanson
George	Keyes	Phipps	Trammell
Gerry	King	Pine	Tyson
Glass	La Follette	Ransdell	Underwood
Goff	McKellar	Reed, Pa.	Wadsworth
Gooding	McLean	Robinson, Ark.	Walsh
Greene	McMaster	Sackett	Warren
Hale	McNary	Schall	Wheeler
Harreld	Mayfield	Sheppard	Willis
Harris	Metcalf	Shipstead	
Harrison	Moses	Shortridge	
Heflin	Norbeck	Simmons	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. CUMMINS. Mr. President, I listened with the deepest interest to the discussion of this subject yesterday by the able and distinguished Senator from Indiana [Mr. WATSON]. I desire to continue that discussion for a brief time. The treatment of the subject by the Senator from Indiana was founded upon a letter written by an eminent British economist to the Vice President. That discussion must have been not only illuminating but convincing to those who had the opportunity to hear it.

I approach the subject as an ordinary mind, a mind that is fairly familiar with the principles, the policies, and the history of the Government of the United States, a mind that reveres our Constitution and our institutions. It is from this standpoint that I desire for a short while to discuss this vastly important subject.

I shall institute no invidious comparisons, but I think I can say without any invidious comparison that I come from one of the greatest agricultural States of the Union, a State that has suffered more, a great deal more, since 1920 by reason of the depression in agriculture than any other State in the Union. It is not strange, therefore, that I should betray some interest in the matter now before the Senate.

Mr. President, in the observations I am about to make it is my purpose to deal with certain fundamental phases of the legislation proposed for the relief of agriculture. To be more specific, I intend to consider the essential features of the legislation urged upon Congress by a committee created at a conference of 11 Western States, held at Des Moines, Iowa, on January 28, 1926. This legislation is represented in what is known as the Haugen bill, which was recently under consideration in the House of Representatives, and in the amendment to the so-called "cooperative bill" reported by the Senate Committee on Agriculture and Forestry. These measures are identical in principle, but differ in two important respects. First, in the Haugen bill the surplus, whether removed from the market for export or stored for orderly marketing, is to be purchased by cooperative associations or other agencies at the foreign price plus the tariff duty and the cost of transportation; whereas in the amendment to the "cooperative bill" before the Senate, it is to be removed by these agencies at a fair and reasonable price. Inasmuch as there is no import duty on cotton, the Haugen bill proposes that, if there be a surplus above the requirements for the orderly marketing of that commodity, the surplus shall be removed at a fair and reasonable price.

Second, in the Haugen bill, the equalization fee is laid from the beginning on butter, wheat, corn, cattle, and hogs, and the food products of the four last named, and upon cotton after two years from the passage of the act not exceeding $2 per bale; whereas in the amendment to which I have referred it is not to be laid upon cotton and corn for three years after the passage of the act, and then only if authorized by a further act of Congress.

I do not mean to be understood as saying that the "Committee of Twenty-two" from the 11 Western States is insistent upon every detail of these measures. They have, of course, undergone changes made by the Committees on Agriculture in the two Houses.

Mr. President, I must be permitted, first, to say a word with regard to the personnel of the committee from the 11 Western States. I am personally acquainted with most of them, and intimately acquainted with many of them, and it gives me great pleasure to say that they are men of the highest character. They have as great a stake in maintaining the sound principles of good government as any body of men who could be gathered together for a common purpose. They have studied the problems of agriculture for years. They know the needs and necessities of this dominant industry as well, I venture to say, as they can be known. They are profound students of economics. They understand the relation between agriculture and the banker, the manufacturer, the merchant, and the distributer. It would be utterly impossible for these men to agree upon and propose to the Congress of the United States a plan for farm

relief that would violate the essential principles of sound government. Whatever may be our differences, the plan which they have proposed deserves the most serious consideration by all thoughtful and patriotic men and women.

Mr. President, I am both shocked and indignant when I read the utterances of the eastern press and the speeches of some of our public men, insisting that the plan urged by these representatives of a great agricultural region is simply a raid upon the Treasury or is based upon the selfishness of a class. I shall attempt to show that this plan is bottomed upon the highest conception of the general welfare and that the acknowledged powers of the Government were never invoked for a more important purpose than to sustain and support a paramount, though unfortunately at this moment a declining, industry.

That agriculture needs the aid which the Government alone can give it is agreed upon everywhere and by every person. The President sees it and the Secretary of Agriculture admits it. Every civic and commercial association of which I know has resolved for the restoration of prosperity to the agricultural population of the United States. There may be—indeed, there is—wide difference of opinion with respect to the measures that ought to be employed; but all thinking men and women agree upon one thing. It is that the Government should do something to arrest the decline in farm prices and farm values. The two chief political parties have time and again recognized the situation and have declared that in some way the Government must bring about economic equality between the products of agriculture and other commodities. These parties may not have had in mind the same measures of relief, but they must have had the same object in view; and before I close I intend to prove, if I can, that the plan presented by these representatives of the farmers is just as applicable to the Democratic platform as it is to the Republican platform. I want to divorce this question from partisan politics, and I shall appeal with equal confidence to both sides of this Chamber. I shall try to examine it from the economic standpoint and test it by principles that are deeply cherished by Republicans and by Democrats alike, principles acknowledged by all shades of political belief and by all degrees in economic thought from ultraconservatism to extreme radicalism.

The Haugen bill and the proposed amendment to the Senate bill, in the final form agreed upon by their friends, propose a farm board of 12 members, appointed by the President upon the recommendation of a farm council, gathered together for that purpose in each of the 12 land-bank districts. I do not intend to dwell upon the various and valuable powers of this board with respect to the collection and dissemination of helpful information save only to remark that it can be—and I believe will be—tremendously useful in this regard to the cooperative associations and farm organizations upon which the farmers must place their initial reliance for the betterment of the distressing conditions under which agriculture has been struggling for the last six years.

Mr. President, I come immediately to the vital things which the board is authorized to do. Cotton, butter, wheat, corn, cattle, and swine, including the food products of the last four, are named as basic agricultural commodities. I will refer more particularly a little later to cotton, for it is separately and differently dealt with. Whenever the board finds that the price of any such commodity or food products in the markets of the United States is materially lower than its foreign price plus the tariff duty and transportation charges to the United States and that there is a surplus in the United States which renders the import duty wholly or partially inoperative, as proposed in the Haugen bill, or below a fair and reasonable price as proposed in the amendment, then the board is authorized to commence its operations with respect to that commodity or food product. These are the conditions precedent for the action of the board concerning which such vehement complaints have been made by those who, as it seems to me, have given but superficial study to the actual economic question involved.

Having found the conditions above described to exist, it is made the duty of the board to assist in removing or withholding the surplus of such commodity or food product in a way that will maintain or tend to maintain a domestic price for that commodity or food product which will yield the maximum benefits of the tariff duty which has been provided by law or maintain a stable, fair, and reasonable price. In what way is the board to accomplish this object, which every American who loves his own country better than any other country must applaud?

The object is to be attained by the board entering into agreements with cooperative associations or, if necessary, with persons engaged in processing that particular commodity or its food products, and to pay to such association or agency the losses they may sustain from the purchase, storage, sale, or other disposition of that commodity. The losses are to be paid from an equalization fund collected by the imposition of what is known in the bills as an "equalization fee." It is further provided:

> No payment of losses shall be made unless the purchase or contract of purchase is made at a price which, in the opinion of the board, is not in excess of a fair and reasonable price.

Mr. President, I pause at this point to consider the first and the most persistent objection made to this authority given to the board, having stated the proposal with sufficient particularity to enable us to judge fairly the merits of the objection.

It is asserted that this operation constitutes "Government price fixing." This objection has been promulgated by men of high station in the official, political, and business world; by men whose sincerity I would not for a moment question; by men in whose judgment in most matters I have implicit confidence. I must, however, be permitted to dissent completely and emphatically from their conclusion and their terminology upon this subject. They have been misled by a mere "catch" word into a train of reasoning which will not bear the analysis of a student.

Let us take one of the great agricultural commodities, wheat, for example. Let us assume that we have raised a surplus of 20 per cent which must either be exported or stored for another year. The wheat cooperative association buys this 20 per cent at the foreign price plus the duty and cost of transportation, or at a fair and reasonable price, as the case may be, and thus removes it from the domestic market. We would then have a situation in which 80 per cent of the production is being disposed of by our wheat producers in our own markets. Under such conditions it is obvious there would remain a full opportunity for competition and prices would vary from time to time and from place to place precisely as the prices of iron or steel will vary even though there are no importations unless the combination of steel makers or iron makers is sufficiently strong to control the entire field. If, of course, the wheat association shall be strong enough to prevent the sale of any wheat for domestic consumption for less than a fair price it would not be "Government price fixing" but "voluntary association price fixing," a practice that at this time can be observed everywhere except in agriculture. The maker of iron and steel products has the opportunity to raise his price to the foreign price with the duty and the cost of transportation added. That opportunity, which the Government has created, and in my judgment wisely created, is exactly the opportunity which I desire to see extended to the farmer.

What I have said about wheat is equally true of each of the basic agricultural commodities with the exception of cotton and in respect to that commodity the United States ought to be able, and if this measure passes will be able, to fix the world price. If we find through experience that combinations of agricultural producers are restraining trade and commerce and are exacting unreasonably high prices, we will be compelled to deal with them exactly as we have tried to deal with combinations and monopolies in other fields of industry. I submit, with supreme confidence, that a little sane reflection upon the operation I have pointed out will convince any open-minded man that this is not a "Government price-fixing" operation.

Mr. President, the second prominent objection constantly heard is that it puts the Government into business. From my standpoint those who make this objection have no just conception of what this bill means nor what the proper functions of government are. There is not a single important industry in the United States with which the Government does not interfere, sometimes to build up, sometimes to destroy. The powers of the proposed farm board over agriculture do not approach even the powers of the Federal Reserve Board and its various agencies over business and commerce; and they are insignificant as compared with the authority of the Interstate Commerce Commission over rail transportation. We are maintaining a Shipping Board and an Emergency Fleet Corporation which, in their effect upon privately owned ships, far transcend the powers conferred upon the farm board. We have a Federal Farm Loan Bureau, which was created for the very purpose of competing with private enterprise.

I could easily enumerate a half dozen more governmental agencies which have been organized to aid or restrain business. Understand, I am not criticizing these various boards and bureaus. On the contrary, I think they are essential instrumentalities of the Government and I have instanced them for no other purpose than to bring to your minds the extent to

which the Government has entered business. It is scarcely necessary to recall the indirect interferences with free commerce. I suggest the tariff law. Let it be understood that I am a thorough-going advocate of a protective tariff. I think it has contributed more to the development of our country than any other economic policy. Some of the duties in our present tariff law may be too high. I think there are some. Some of them may be too low. I think there are some. But the policy, properly applied, is the defender of our standard of civilization and of our independent institutions.

When I remember the passage of what is known as the Underwood-Simmons tariff law, or the Simmons-Underwood tariff law, and recall the declarations that were made by, I believe, both the authors of that bill, I find it very hard to discover any difference in principle between the policy of the Republican Party upon that question and the policy of the Democratic Party. So far as I am concerned, I believe that our tariff duty should measure the difference between the cost of production at home and abroad. The competitive tariff law of 1913, as described by the distinguished Senator from Alabama [Mr. UNDERWOOD], would do exactly the same thing—introduce and preserve competitive conditions as between production abroad and at home.

The one thing accomplished in the provisions of the Haugen bill or the amendment to the Senate bill, is to give the farmer the same protection against foreign prices, foreign markets, and foreign costs that we have given in the tariff law to other producers. I need not, however, have cited these instances of governmental interference in business to justify and vindicate the power given to the farm board. The farm board is not, under this proposal, to buy anything nor to sell anything. It has no other authority than to agree with buying agencies that it will pay, from a fund contributed by the agricultural producers themselves, the losses sustained in making purchases of surpluses according to a standard specifically stated in the law itself. The power of the farm board is limited to the ascertainment of an emergency and the power to make good losses to purchases made at a fair and reasonable price. It seems to me clear, therefore, that if we enact this measure, we are not putting the Government into business in any such sense as to contravene the acknowledged and well-founded principles of good government.

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I yield.

Mr. SIMMONS. The Senator undoubtedly recognizes the fact that a competitive tariff would produce revenue, and a prohibitive tariff never can produce revenue.

Mr. CUMMINS. Yes. I am not sure, Mr. President, whether we have not now a competitive tariff, even under Republican auspices. I am told that the importation of many manufactured commodities is increasing so rapidly that it may be doubted whether as to some of them or as to many of them the rate is not below the competitive point; but I do not disagree with the Senator from North Carolina about that. I am simply trying to show that the bill I am discussing will be just as applicable to a Democratic tariff as to a Republican tariff.

Mr. SIMMONS. I am not going to get into a tariff argument with the Senator; but I think that a great many of the duties in the present law are prohibitive, and there are practically no importations as the result of the prohibitive rates.

Mr. CUMMINS. I shall not enter upon a discussion of the tariff, of course.

Mr. SIMMONS. If the Senator will pardon me, however, I desire to say that the rates that are prohibitive are, of course, very high as compared with the rates that allow some importations.

Mr. CUMMINS. Precisely.

Mr. SIMMONS. The Senator speaks of the fact that we are not now receiving a great many imports in this country. I call the Senator's attention to the fact that by far the largest part of those imports is upon the free list under the present law—very largely raw materials of factories. In the other instances where there is a duty that is not too high to make some importations possible there is coming into this country at this time an unusual amount of importations because we maintain in this country an artificial market that is so high that the producers of these products in other industrial countries can pay the tariff rate and then have a greater profit than they would have if they sold those products in a free-trade market, especially the free-trade market of Great Britain.

Mr. CUMMINS. Mr. President, I do not perceive any difference between a rule which declares that tariff duties shall measure the difference between the cost of production at home and abroad and the rule upon which the Underwood-Simmons bill was attempted to be framed, namely, that we must be put on even terms with our foreign competitors. Now, I realize the difficulty just as well as the Senator from North Carolina does. The difficulty is that in Republican hands those who are thoroughly wedded to the principle or policy of protection, when they come to apply that rule, are apt to attach a higher duty than may be necessary to fulfill the rule; and when our Democratic friends come to apply the competitive rule they may be inclined sometimes, I think, by tradition, to attach lower duties than will completely fill the competitive rule.

Mr. SIMMONS. In our anxiety to have a tariff that will produce revenue; but I wanted to ask the Senator this question: Does he believe that the Fordney-McCumber tariff bill is based upon the difference in the cost of production at home and abroad?

Mr. CUMMINS. My best answer to that question is that I voted against that bill on its passage through the Senate. I voted for the adoption of the conference report; but my view of certain duties that may be found in it will be discovered by the expression I have just made, that I voted against the law. In fact, I have never had the privilege of voting for any tariff law during the 18 years I have been in Congress. I thought the duties in the Payne-Aldrich bill were too high, and I voted against that bill. I thought the duties in the Underwood-Simmons bill were too low, and I voted against that bill; and when we came to the McCumber-Fordney bill, I thought a great many duties there were too high, and I voted against that bill.

Mr. SIMMONS. I want to say to the Senator that in my judgment these very high rates have been availed of by the manufacturers of this country; and the benefits that they have been able to derive through that, together with the monopolistic combinations suppressing domestic competition and enabling them to fix their price up to the level of the tariff wall and maintain them in this country at that high level, have made prices in this country so high as compared with the prices in other countries that they constitute an absolute invitation to importations.

Mr. CUMMINS. Mr. President, I do not intend to be drawn into a tariff discussion. When we enter upon that field we must take up each individual article and ascertain whether the duty upon that particular article or commodity is too high or too low, tested by the rule I have suggested. All that I say is that in the consideration of the farm relief bill, if we should finally adopt the plan proposed in the Haugen bill—namely, the foreign price plus the duty, plus the cost of transportation—if that should be the end of our consideration of the bill in the Senate, I wanted to leave the thought in the minds of my Democratic friends that that is just as applicable to the Democratic view of the tariff as it is to the Republican view of the tariff. You might not give the farmer as great relief, but you would give him proportionately the same relief, and I assume that you would reconcile yourselves by the thought that in lowering the duties upon manufactured products you were lessening the price he would have to pay for the things that he must buy.

Mr. President, I now pass to the second chief feature of this measure. It is the proposed equalization fee through which all the producers of the agricultural commodity or food product upon which the board is operating are made to contribute a sum which, in the aggregate, will pay the losses sustained by the agencies which buy and sell or store the surplus production in order that it may not destroy domestic prices or prevent orderly and efficient marketing.

I want to be understood as saying, although I may not enlarge upon the subject, that if this feature of the proposed farm relief is adopted there will be no contribution from the Treasury. If we levy an equalization fee upon the entire field in which the board is operating, then that field pays the expense and the losses incident to the work which the board is authorized to do.

This brings me to the foundation stone of this whole structure. If all the agricultural producers in the United States could be welded into a single association, or if the many classes of agricultural producers could organize an effective association, each operating in its own field, and if the unfair competition from foreign countries could be shut out, our farmers would long ago have solved their own problem. But we have 6,000,000 or more of these farmers, and in the very nature of things they can not effectively organize for their own protection without the aid of the Government. The whole purpose of the measure which the farmers are urging upon Congress is to enable the cooperative associations to do just what every other considerable industry has done. I have no hesitation in saying that unless these cooperative associations are successful in bringing about a condition, after this measure is enacted, in which the farmers can enjoy the benefits of collective bargain-

ing, a principle recognized everywhere in the present civilized world, and unless they can control, within reasonable limits, the prices of the things they produce sold in domestic markets, the legislation I am urging will fail as a remedy for the evils we all recognize.

One of the hitherto insurmountable difficulties which these cooperative associations have encountered is that there is no way of making all the producers of a given commodity contribute to the losses sustained in removing a surplus or to the costs incident to proper and orderly marketing. This measure initiates a system through which all who enjoy the benefits of removing a surplus or the benefits of orderly marketing, must contribute to the expense of bringing this condition into existence. It is absolutely necessary that we do this thing if we mean to give the farmers of the country the relief which they have a right to demand at our hands. It is not only necessary to do it but it is fair and just to do it. Moreover, it is essential in any plan that we meet and overcome the temptation toward overproduction of a particular commodity. I am not afraid of general overproduction of any commodity, and particularly of any agricultural commodity. I will not enter that subject, although it well deserves discussion; and I remark only that the danger of the future will come from underproduction—not overproduction—and we may well be taking measures to guard against that approaching disaster.

As already mentioned, Mr. President, the chief difference between the Haugen bill, as it has been amended and the amendment reported by the Senate Committee on Agriculture and Forestry with respect to the equalization fee, is that the Haugen bill provides that there will be no equalization fee paid on cotton for two years after the passage of the act, whereas the Senate amendment to the "cooperative bill" provides that no equalization fee shall be paid in respect to cotton or corn prior to three years from the date of the act, and that no fee shall then be paid unless and until specifically authorized by a further act of Congress.

I digress here to say that I am opposed to that provision of the amendment that we have under consideration. I am not going to take up the case of cotton with regard to equalization, but it is unfair to relieve corn from the operation of the equalization fee. So far as the northern farmers are concerned, we are willing to bear the expense of bringing our domestic prices up to a fair and reasonable standard.

Mr. SHIPSTEAD. Mr. President, can we export corn?

Mr. CUMMINS. We export so little corn as to be negligible. We export a great many products into which corn enters.

Mr. SHIPSTEAD. Does the Senator think this bill could be applied to corn to take care of the exportable surplus?

Mr. CUMMINS. If we had the Haugen principle applied to corn, we would buy the surplus, whatever it might be, whether it is casual or whether it is permanent, at the farm price plus 15 cents a bushel and the cost of transportation. I had not intended to enter upon a discussion of just how this bill would affect any particular commodity, but during the past year, if this measure had been in operation, we would have raised corn in my State up to somewhere near the cost of production, whereas those who have sold their corn in my State during the last year have sold it for from 15 to 20 cents below the cost of production.

Mr. SHIPSTEAD. I asked the question simply to get information. I was under the impression that, due to the quality of corn, due to the fact that it absorbs moisture, we could not export it successfully.

Mr. CUMMINS. We do not export any corn as corn. We export some foods into which corn enters, and we export a great deal of cattle products and hog products into which corn very largely enters.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, in view of the fact that we do not export or import corn to any considerable extent, it has never seemed to me that the principle of surplus, so far as foreign markets is concerned, entered into the corn problem. But I can see very readily why corn would be benefited to the same extent as wheat would be benefited in this way: In some years we have an excess in the supply of corn. In some years we have a great shortage in the supply of corn. If we want to maintain the price of corn in this country, when the production far exceeds the consumption, then it is necessary, to affect that object in the domestic market, to withdraw a part of that corn from the market, so that the remainder will measure the demand. In that way I can see it would benefit corn very much.

Mr. CUMMINS. I think the Senator from North Carolina has stated one of the operations in which corn would be benefited. The word "surplus" is a very misleading word. What is a surplus? We may have a surplus in one county. We may have a surplus in one State. We may have a surplus in the Nation at large. In the latter case we will export. In the former case we must transfer from one part of the country to another.

One of the great benefits of this bill, apart from using a yardstick for determining the losses that the board shall pay, is that it is hoped it will bring about sane, orderly marketing. That means that the farmer will not be compelled to send his corn, if it be corn we are considering, to market at a time when he would depress an already depressed market by putting it upon the market. If the corn grower could say to the corn buyer what he is willing to take for his corn, instead of having to accept the offer of the corn buyer, no matter what it might be, he would be able to take care of himself, and we would be able to get a fair price for his corn. I think that is the idea in the mind of the Senator from North Carolina.

Mr. SIMMONS. That is the idea I have. When we raise a little below the demand in this country corn goes up to four, five, six, or seven dollars a barrel. When we raise an excess of corn over the demand in this country corn goes down to three or four dollars a barrel. If in the fat year it could be estimated—and it can be—how much the crop will exceed the demand of the American market, and we could take that amount off of the market, we would put the corn price up to the price of the lean years.

Mr. CUMMINS. Exactly; and that is one of the things to be accomplished by this legislation. I look upon it as the main thing to be worked out. We have never attempted to do anything of that kind. That is, the Government has never lent a particle of aid or even a willing ear to the efforts of those who are trying to do that exact thing. As I look upon this legislation, it is simply putting the cooperative association in a position in which it can deal with agricultural products in a sane, safe way. I can not understand the opposition which has been aroused to this bill.

Mr. GOODING. I would like to ask the Senator if he does not think that it would stabilize production as well as prices if we were to have rather a sane effort on the part of the farmers as to production; that is, instead of going into corn one year when it is high or wheat one year when it is high, if he would use the average price paid on different farm commodities and if he would plant something like the same acreage he would know something about what his crop was going to bring him, and the acreage in the different farm crops would not fluctuate as it does at the present time.

Mr. CUMMINS. I have no doubt the measure would be very beneficial in respect to the matters stated by the Senator from Idaho. The farmer, however, must deal with a great many elements which he can not control and which no human being can control so far as his outcome is concerned, so far as the volume of his production is concerned.

As I just said, the chief difference between the Haugen bill, as it has been amended, and the amendment reported by the Senate Committee on Agriculture and Forestry with respect to the equalization fee is that the Haugen bill provides that there will be no equalization fee paid on cotton for two years after the passage of the act, whereas the Senate amendment to the "cooperative bill" provides that no equalization fee shall be paid in respect to cotton or corn prior to three years from the date of the act and that no fee shall then be paid unless and until specifically authorized by a further act of Congress.

So far as I am concerned I have no hesitation in saying that I believe the equalization fee should be laid upon every commodity in which the board operates from the time of the beginning of that operation.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. SHIPSTEAD. I do not know whether I was correctly informed, but I was informed that that provision was inserted in the bill on the assumption that the cotton growers of the South might not be willing to have an equalization fee applied; that possibly there might be some objection to collecting the equalization fee. I am wondering if a provision can not be inserted, if the bill shall pass, to provide, in case the cotton producers should want to avail themselves of the equalization provision of the bill before two years have expired, that they may be permitted to do so.

Mr. CUMMINS. I am not in charge of the bill. It is in charge of the Senator from Oregon [Mr. McNARY]. The view just expressed by the Senator from Minnesota, it seems to me, is leading along the right line. I have no doubt we can agree upon some provision of that character.

Mr. McKELLAR. Mr. President, I will say to the Senator from Minnesota that the junior Senator from Arkansas [Mr.

CARAWAY] has offered an amendment, which will deal with that situation and will no doubt be worked out upon lines that will be satisfactory.

Mr. SIMMONS. Mr. President, are we to understand that the Senator from Iowa is in favor of the amended Haugen bill proposition, but not in favor of the Haugen bill amendment in the Senate bill?

Mr. CUMMINS. Mr. President, there are two essential things in the bill that I think must remain in it. With respect to everything else I am willing to yield to any reasonable proposal that will secure the passage of the bill. That matter is one of them. If Senators from the South insist upon a postponement of the equalization fee for some reasonable period and if their aid is necessary to the passage of the bill—I am talking now with perfect frankness—I am going to be in favor of that proposition. I want the bill passed. In the first place, I want adequate power given to the board, and, secondly, I want the industry in so far as it is possible to pay the expense of the operation of the board. The Senator from North Carolina is an infinitely better judge of the effect of the bill upon cotton than I could be. If the Senator from North Carolina or any other Senator representing a cotton State makes a proposal, even though I may not think it is absolutely just, yet if it does not contravene some essential in the bill, I am going to agree to it.

Mr. SIMMONS. I want to say to the Senator that I think the reason why the representatives of the cotton-growing States who participated in the framing of the legislation insisted upon a different arrangement with respect to cotton from that with respect to corn and wheat was because of the fact that while only a very small fraction of the corn crop and a very small fraction of the wheat crop was exported more than one-half of the entire output of cotton was exported. If we had to raise this fund by a levy upon each bale of cotton, it would be a sum so great that the cotton growers of the South would probably not be willing to pay it.

I realize, however, the correctness of what the Senator from Iowa has said, that this legislation is so essential to the prosperity of the farmers of the country, whose prosperity is so essential to the continued prosperity of the whole country, that the two sections must come together; that is, the agricultural interests of the two sections must cooperate through their representatives in the Senate and in the House. Otherwise we can not pass the bill, because we must realize that there are certain interests in the country which are very much opposed to the legislation primarily because they do not want farm prices increased. They want cheap food products. They do not sympathize with the demand of the farmers that their prices shall be raised up to the level of the other prices at all, because they have a selfish interest in keeping them down.

We have got to combine in order to make the legislation possible. In order to do that, so far as I am concerned, representing in part one of the cotton-growing States, I am willing to make any reasonable concession that I think will be accepted by the cotton growers of the South. Of course I would not be willing to agree to something that I know the cotton growers of the South would rebel against, but as to any adjustment that can be made that would meet the situation, while it might not be acceptable to me, yet I am so much interested in the legislation that I would agree to it. I think it means much to the people of the country, not only to the farmer, but to all the people of the country, because if this condition continues of one half of the population upon a high level of domestic prices and the other half of the population upon a level of prices below the cost of production we may have prosperity or what appears to be prosperity for a time, but as sure as fate the country financially, economically, and industrially is riding for a fall, because the thing can not continue indefinitely. It may continue awhile, but it can not continue indefinitely.

Mr. CUMMINS. The Senator from North Carolina exhibits a most admirable spirit and attitude toward the legislation, and I join him heartily and whole-heartedly in the suggestion he has just made. He has a view with regard to the way in which complete justice could be done to the cotton grower, and I may have my view, but I am going to yield everything except the essentials in order that we may pass this legislation. It is absolutely necessary that we shall pass it if we are, in the first place, to restore or begin to restore prosperity to the great body of men and women engaged in agriculture, the most important class of all our people, who believe—and I am not testing now the soundness of their belief—that our Government has done something for every other industry save agriculture. That is a belief that will destroy the institutions of the United States unless it is removed.

Mr. McKELLAR. Does not the Senator believe that is true?

Mr. CUMMINS. No; I do not believe it is entirely true. We have done a great deal for many industries, but I know of some industries for which we have done nothing at all.

Mr. McKELLAR. They are inconsequential. All of the great industries except the farmer have received benefits from the Government.

Mr. CUMMINS. They are not vital and fundamental industries like agriculture.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CUMMINS. Certainly.

Mr. WHEELER. The Senator remarked a moment ago that he was anxious to see the bill passed. Does he think for one moment the President would sign the bill if it were passed?

Mr. CUMMINS. I do not care. I never inquire, when I am in favor of a bill and think that it ought to pass, whether the President would sign it or not. If he does not sign it, it is his responsibility.

Mr. WHEELER. Why should we not inquire as to whether or not the President would sign it before we pass it? Why do a useless thing?

Mr. SIMMONS. Let me propound the other inquiry, to wit, why should we inquire of the President?

Mr. CUMMINS. I have never inquired and never will inquire whether or not the President will sign a bill which I believe to be right and for which I stand. We have our own responsibilities to discharge. I am not going to surrender that responsibility to any Executive, however much I may admire him and respect him. I can hardly believe that the Senate will make an inquiry of that kind before we pass the bill. I should think the passage of the bill itself would influence the Chief Executive to some extent when he comes to consider the matter of signing it.

There may be a sharp conflict of opinion with respect to this difference between the two proposals. I am speaking now about the cotton and corn. At the present moment I do not intend to discuss this difference, for it does not involve a question of principle. It is simply a matter of expediency, and I do not intend to consider at this time just how either of these provisions will affect any particular commodity. I am confining myself to the fundamentals of the proposals for farm relief, and the fundamental thought with regard to the so-called equalization fee is that the industry to be benefited by removing the surplus and the industry to be benefited by bringing about orderly and economic marketing shall bear the cost involved in the operation. While I have heard and read many disparaging and critical references to the equalization fee, it has never been assailed, in so far as I know, as unsound or unfair, save as coupled with the previous provisions which I have already considered relating to the manner of removing the surplus or the manner of establishing timely and orderly marketing.

Mr. President, I have it in mind to make at this point some suggestions with regard to the alleged immutable "law of supply and demand." When the critic of either or both of these proposals has exhausted his vocabulary with specific denunciations concerning the economic unsoundness of dealing with a surplus, or attempting to bring about sane marketing methods, he always closes his observations with a glowing eulogy upon the "law of supply and demand" and the futility of any attempt to disturb the effects of this invariable regulator of sale, barter, and exchange.

I sincerely hope that no one who favors either of the proposals I am discussing will deny that if any commodity is offered for sale when nobody wants to buy it or nobody wants it or nobody has the money with which to buy it and nothing to exchange for it or if it is offered for sale in quantities exceeding the needs of buyers who are accessible these conditions will seriously affect the prices at which the commodity can be sold. But to assert that sound legislation can not interfere with the fantastic conception of the "law of supply and demand," held by many distinguished writers and speakers, or that the concert of individuals can not accomplish a like result seems to me absurd. It will not be questioned that the tariff law limits the supply in many fields of industry to the products of our own country. It is not to be doubted that our immigration law does exactly the same thing in the domain of labor. Agreements between manufacturers—sometimes lawful and sometimes unlawful—may limit the supply of the commodities which they produce. We have all known of many instances in which agreements have limited the demand for particular articles. The conclusion to be drawn from these suggestions is that if when we speak of the "law of supply and demand" we are thinking of a condition in which there is universal freedom of production or of universal liberty of sale or exchange, we are attaching to this so-called "law" a mean-

ing which it never has had and never can have. When we insist that a surplus production in any agricultural commodity should be withdrawn permanently or temporarily from the domestic markets, we are demanding precisely the same thing that the tariff law accomplishes for many commodities by preventing their entrance to our markets. When we contend that the surplus agricultural production must be taken care of, whether that surplus must be exported or is due to untimely marketing, and are granted this relief, we are surrounding the farmer with the same protection that we have so long extended to nearly all other industries and to all workingmen. Moreover, if we expand our understanding of the "law of supply and demand" to meet the views of the opponents of this measure, upon what theory is the law limited in its application to a single year? Why not consider two, three, four, or five years? And if we were to survey conditions over a period of five years it might be discovered that the problem of a surplus would largely disappear, and this is the very office of the cooperative associations which we ordinarily term orderly, timely marketing.

It is, of course, well understood that the object of all the measures which have been offered in Congress for farm relief is, first, to raise the prices received by the farmer, if the prices are below a fair and reasonable level, and to keep them there, avoiding the fluctuations through which the necessities of the farmer and the skill of the speculator and manipulator have so often wrought disaster to the agricultural interests.

It has been said that if we help the farmer, in the same degree we hurt the consumer. My first answer to this objection is that the consumer can not afford to insist upon a policy that will pay to the producer a less than a fair price for the things he produces. But it may be further said that if we are wise in our legislation, and if we advance, as it is believed we will, in cooperative marketing, we can diminish the spread between the producer and the consumer and give the producer a fair price without increasing the cost to the consumer.

Mr. WHEELER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WHEELER. If this bill should become a law it would stop, would it not, a great deal of speculation in farm products, and thereby tend to lessen the cost to the consumer?

Mr. CUMMINS. One of the hopes is that it will. There is nothing so destructive to the farmer as the speculator, and, although I suppose he is a necessary element in the commerce of the country, there is no greater enemy to the consumer than the speculator. If we can establish what I call orderly and timely marketing through agricultural cooperative associations we will eliminate the speculator to a great degree if not entirely, and I think in that way we can at once confer a benefit upon the producer without in any wise inflicting any injury upon the consumer.

Mr. WHEELER. Let me ask the Senator another question: Is it not a fact that if the farmers of the Middle West and the West can sell their products at a reasonable price they are going to be able to buy more manufactured articles and thereby give employment to many more people in the East who work in factories and elsewhere?

Mr. CUMMINS. I think that will be the inevitable effect of the proposed law.

Mr. WHEELER. Let me ask another question: Is it not the Senator's opinion that the reason why some of the manufacturers in the East have had poor business is because of the fact that they can not find a market for their products in the Middle West and in the West?

Mr. CUMMINS. Certainly. The people who must sell what they produce at less than it costs them to produce it can not in the very nature of things be good buyers of the products of other industries; that is impossible.

Mr. President, some very good people have been frightened with the charge that we are proposing a subsidy for one industry and that this aspect of the matter condemns the legislation as unsound and uneconomic. The term "subsidy," broadly speaking, includes, I suppose, either a contribution from the Treasury or legislation which compels one man or a class of men to contribute something for the benefit or advantage of another man or class of men. If Congress would do exactly what it ought to do, the bill I am urging would not take from the Treasury permanently a single penny. I mean that if a proper equalization fee were laid upon the particular agricultural commodity upon which the board operates, the Government would simply advance a reasonable sum to cover the period between the time of beginning operation and the collection of the equalization fee. From the equalization fund so accumulated there would be repaid to the Treasury every dollar so advanced. In effect, the loan would be simply an advance, just as we have advanced or loaned Government funds in a score of instances in the past, and no one has ever had the temerity to denominate these advances as subsidies. If, however, it be determined that the equalization fee upon any of these basic agricultural commodities be deferred for two years or three years, then there might be, and probably would be, an actual contribution from the Treasury to aid the agricultural industry, and there is a sense in which the contribution could be fairly called a subsidy, if that should be the form in which the bill shall finally be passed.

It somewhat astonishes me, however, to see many men holding up their hands in horror when the word "subsidy" is mentioned when I recall the policies of past legislation. Every time a man pays more for a manufactured article than he would have paid if an import duty had not been laid upon it, he pays a subsidy. Every time an employer of labor pays higher wages to his employee than he would have paid had not the immigration law been in existence, he pays a subsidy. But our legislation is not confined to indirect subsidies. I understand perfectly that there are many respects in which general industry, like agriculture or like manufacturing, is not parallel with a public utility. But inasmuch as our authority to enact the legislation under consideration rests in our power to regulate commerce among the States and with foreign nations, it is pertinent to inquire what we have done with respect to public utilities which are no more important—oftentimes less important—to the public welfare than is the agricultural industry.

The Government took over the railroads on the 1st of January, 1918, and operated them until the 1st of March, 1920—a year and four months after the close of the war. For the privilege of trying Government operation, we paid from the Treasury, in round numbers, $1,100,000,000. We continued the standard contracts, made during the war, until September 1, 1920, and that cost us six hundred millions more. So that the total contribution from the Treasury was substantially $1,700,000,000.

Mr. SHIPSTEAD. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I desire to ask the Senator a question, but in doing so I do not wish it to be understood that I am asking it in a controversial spirit.

Mr. CUMMINS. I understand.

Mr. SHIPSTEAD. The Senator expressed the opinion, as I understood him, that for the purpose of trying the experiment of Government operation of the railroads we paid a certain large sum of money. I thought we paid that as a matter of necessity, due to war conditions; that the railroads under private ownership and management were unable expeditiously to transport goods to the terminals and it was absolutely necessary for the Government to take over the railroads in order to open up the channels of transportation in order that food supplies and other commodities might be distributed.

Mr. CUMMINS. That is the view held by a great many people, and that is the view upon which the legislation of March, 1918, was passed. For one, I did not hold that view. I believe that if the operation of the railroads had been left in the hands of private management we would have accomplished just the same results or even better results and saved something like a billion dollars or more.

I am not going to discuss that question, because there is a great difference of opinion about it. Many people believe that it was absolutely necessary for President Wilson to take over the railroads; but remember he took them over without any authority from Congress except the authority that was given in an appropriation act in 1916.

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I yield.

Mr. SIMMONS. Of course, I do not agree with the Senator about the reason for taking over the railroads. I thought the railroads were taken over as a result of a war emergency; but I do not want to discuss that. I wanted to ask the Senator if he had the figures there to show how much of this money invested by the Government in the operation of railroads was returned or will be returned to the Government?

Mr. CUMMINS. Not a cent. I am giving you the net results. After the books of the Railroad Administration are all closed, and after everything has been paid to the Government by the railroads that is owing to the Government by the railroads, and everything has been paid to the railroads which the Government owes them, there will be still a net final loss of $1,700,000,000 or more which has been paid from the Treasury and which came from the general sources of taxation.

Mr. SIMMONS. That is a net loss?

Mr. CUMMINS. Yes.

Mr. WHEELER. Mr. President——

Mr. CUMMINS. I yield.

Mr. WHEELER. Does the Senator think the Government was justified in paying that $1,700,000,000 to the railroads?

Mr. CUMMINS. The Senator will remember that I voted against the act of March, 1918. We are getting into a subject that is foreign to this discussion; but I think the Government undertook to pay certain railroads a great deal more than they ought to have received. It will be remembered that the President said to the railroads when they were taken over, "We will see that you do not lose anything by this operation, and your property shall be returned to you in as good condition as when it was taken," and then when we came to frame the law we provided that to each railroad—not to the railroads as a whole, but to each railroad—there should be given as compensation for the use of the property of that railroad the average net operating income of the railroad for the three preceding years. That resulted in paying to some of the railroads of the country a great deal more than they should have received, and it resulted in paying to some of the railroads a great deal less than they should have received. I was opposed to that method of ascertaining compensation, and for that reason I voted against the bill that confirmed the authority of the President to take over the railroads.

Mr. GOODING. Mr. President, will the Senator put into the RECORD the three test years?

Mr. CUMMINS. The years were the three years preceding the 1st of July, 1917.

Mr. SIMMONS. Mr. President, I recognize that the discussion that is now going on is rather collateral.

Mr. CUMMINS. Entirely.

Mr. SIMMONS. But the question has been raised, and the Senator has expressed his views about it. They are contrary to mine. I think we might just as well ask the question whether we were justified in spending all the money that we did spend in order to win the war as to ask whether we were justified in the expenditure that was involved in our taking over the roads, because I believe now and I believed then that unless the Government did take over the roads our whole war program would break down.

Mr. CUMMINS. That was the theory upon which the roads were taken over.

Mr. SIMMONS. I believe now that if we had not done that we could not have gotten across the water with our boys in time to have made the victory possible.

Mr. CUMMINS. I do not concur in that view.

Mr. SIMMONS. I know the Senator does not. I simply wanted to express my view of the matter.

Mr. CUMMINS. I think the railroads would have delivered the war material even more speedily and more regularly than the material was delivered after the roads went into the hands of the Government.

Mr. WHEELER. Mr. President, was it not a notorious fact that the terminals were filled up with freight that they could not deliver?

Mr. CUMMINS. Certainly.

Mr. WHEELER. As a matter of fact, the railroads themselves in many instances simply said that they could not handle it with their facilities.

Mr. CUMMINS. It was perfectly easy to clear out the terminals, so far as authority was concerned, without putting the railroads into the hands of the Government. Our powers of regulation and control are comprehensive and complete. I believe that we could have regulated the movement of trains in the terminals, and especially in the New York terminal, where the great congestion existed, and in the Pittsburgh terminal, which was hardly less difficult, and that it could have been done better if it had not involved the turning over of the railroads to the Government and the payment of what I have always looked upon as excess compensation.

I want to say for this argument, Mr. President, that I am not criticizing this expenditure. I did not intend to be led into a discussion of it. It was absolutely necessary from the standpoint of those who were then in power. But why was it necessary, viewed from that standpoint? Now, mark you, it was necessary simply to keep the railroads running. That is the view that has just been expressed by the Senator from North Carolina and the Senator from Montana, and I have no inclination to dispute that view; but we paid out this money simply to keep the railroads running. If it now appears that a comparatively small contribution is necessary to keep the farms running, why should it be considered uneconomic or unsound to make it? That is the inquiry that I think every Senator must answer not only to the country, but to his own conscience.

We have appropriated, using round numbers, $1,375,000,000 for the improvement of rivers and harbors—why? To enable private enterprise to reap a profit in ocean and river transportation, and, of course, for the additional reason that we need the service which ocean transportation and river transportation can render the people. Some of these appropriations may have been improvident; but there is no man who ventures to say that the object in view was not wise, patriotic, sound, and economic.

In operating Government-owned ships during the last five years we have lost $225,000,000, and this without reckoning losses in capital invested. I am not complaining about these losses. I am simply instancing that contributions from the Treasury are not infrequent, and many of them are not more closely allied to the common welfare than the contribution now proposed to initiate a system that will maintain agriculture, the success of which is inseparably bound up with the prosperity and endurance of the Nation.

We have spent more than $200,000,000 in the reclamation and irrigation of arid and semiarid lands. All this for the purpose of increasing the production of agricultural commodities about which the opponents of this measure seem to feel so keenly. There have been and will continue to be sums paid by the owners of these lands into the Treasury; but it is estimated that upon the basis of the present projects the Government has definitely lost somewhat more than $27,000,000.

Mr. GOODING. Mr. President——

Mr. CUMMINS. I yield.

Mr. GOODING. That is not the fault of settlers, however. That was found by an investigation on the part of the Government to be due to incompetent engineering and lack of proper investigation of the projects. Under the act of December 5, 1925, all reclamation projects in the future will be investigated, and a complete investigation or survey made of the marketing conditions and soil and everything that goes to make a successful irrigation project.

I merely wanted to make it plain to the Senator that the settlers, the pioneers, are in no way responsible for the losses to the Government itself.

Mr. CUMMINS. I hope I have not, even by inference, suggested anything to the contrary. I am simply saying that the Government undertook to do this for the people of the United States.

Mr. GOODING. Yes. I have in mind a project in my own State in which it was estimated that there were available 23,000 acres of good lands that could be reclaimed. The construction was based on 23,000 acres, and finally it was found that there were only 11,000 acres in that project that were practicable for home building or for cultivation. The settler was not to blame for that.

Mr. CUMMINS. Oh, no. I am saying that the Government undertook to do these things.

If we have a right, and if it is sound policy, to expend Treasury money to enlarge the cultivable area of the country, it is certainly sound to expend a reasonable sum in entering upon a plan that will create and maintain economic equality between agriculture and other forms of industry and which will stabilize agricultural prices so that farm values will regain their proper place and farmers will be able to carry on their activities with an even opportunity for ultimate success.

At some future time in the discussion upon which we are entering I may take up the details of these measures and examine what the effect of the proposed legislation will be upon particular commodities. But for the present I content myself with the effort to establish the fundamental soundness of the legislation; and I close with this appeal: The Government alone can give the farmer an even chance. Let us give it to him, and give it to him quickly.

MIGRATORY-BIRD REFUGES

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement, this bill will go back to the calendar, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges, etc.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Fess	Harreld
Bingham	Caraway	Frazier	Harris
Blease	Cummins	George	Heflin
Borah	Curtis	Gerry	Howell
Bratton	Deneen	Gillett	Johnson
Broussard	Dill	Glass	Jones, N. Mex.
Bruce	Edge	Goff	Jones, Wash.
Butler	Ernst	Gooding	Kendrick
Cameron	Ferris	Hale	Keyes

King	Norris	Sackett	Stephens
La Follette	Oddie	Schall	Swanson
McKellar	Overman	Sheppard	Trammell
McMaster	Pepper	Shipstead	Tyson
McNary	Phipps	Shortridge	Walsh
Mayfield	Pittman	Simmons	Warren
Metcalf	Ransdell	Smoot	Wheeler
Moses	Reed, Pa.	Stanfield	Willis
Norbeck	Robinson, Ark.	Steck	

Mr. GERRY. I desire to announce that the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. JONES], and the Senator from Delaware [Mr. BAYARD] are unavoidably detained at a meeting of the Committee on Finance.

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

SUBSISTENCE EXPENSES OF CIVILIAN EMPLOYEES

Mr. WARREN. Mr. President, with the consent of the Senator in charge of the pending bill, I ask that the Senate proceed to the consideration of House bill 7889, a bill to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business. I am sure it will lead to no extended debate.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let the bill be reported.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the bill, as follows:

Be it be enacted, etc., That this act may be cited as the "Subsistence expense act of 1926."

SEC. 2. When used in this act—

The term "departments and establishments" means any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia.

The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

The term "actual expenses" means the actual amounts necessarily expended by the traveler for subsistence and itemized in accounts for reimbursement.

The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses.

SEC. 3. Civilian officers and employees of the departments and establishments while traveling on official business and away from their designated posts of duty shall be allowed their actual necessary expenses in an amount not to exceed $7 each for any one calendar day.

SEC. 4. The heads of departments and establishments, in lieu of the actual expenses authorized by section 3, may prescribe a per diem allowance not to exceed $6 for any one calendar day or portions thereof for absences of less than 24 hours.

SEC. 5. Civilian officers and employees of the departments and establishments while traveling on official business beyond the limits of the continental United States shall be allowed their actual expenses in an amount to be prescribed by the heads of departments and establishments not to exceed an average of $8 per day during the travel, exclusive of absence on leave.

Actual expenses and per diem allowance under this section for any travel performed within the limits of continental United States shall be in accordance with the rates prescribed in sections 3 and 4 of this act.

SEC. 6. The heads of departments and establishments may prescribe a per diem allowance of not to exceed $7, in lieu of the actual expenses authorized by section 5.

SEC. 7. The allowance and payment of actual expenses and the fixing and payment of per diem allowance, or portions thereof, shall be in accordance with regulations which shall be promulgated by the heads of departments and establishments, and which shall be standardized as far as practicable, and shall not be effective until approved by the President of the United States.

SEC. 8. The heads of departments and establishments, under regulations which shall be prescribed by the Secretary of the Treasury for the protection of the United States, may advance through the proper disbursing officers from applicable appropriations to any person entitled to actual expenses or per diem allowance under this act such sums as may be deemed advisable considering the character and probable duration of the travel to be performed. Any sums so advanced shall be recovered from the person to whom advanced, or his estate, by deduction from any amount due from the United States or by such other legal method of recovery as may be necessary.

SEC. 9. All laws or parts of laws which are inconsistent with or in conflict with the provisions of this act, except such laws or parts of law as specially fix rates higher than the maximum rates established in this act, are hereby repealed or modified only to the extent of such inconsistency or conflict.

SEC. 10. This act shall not be construed to modify or repeal the act providing for the traveling expenses of the President of the United States or any acts (including appropriations for the fiscal year 1927) specifically fixing or permitting mileage rates for travel and/or subsistence expenses.

SEC. 11. This act shall not be construed to modify or repeal the per diem travel allowances granted railway postal clerks, acting railway postal clerks, and substitute railway postal clerks in section 7, Title I, of the act approved February 28, 1925 (43 Stat. p. 1062).

SEC. 12. Appropriations for the fiscal year 1927 which contain specific rates of actual expenses or per diem allowance inconsistent with the rates permitted by this act are hereby modified to the extent required to permit the application of the provisions of this act to such appropriations.

SEC. 13. This act shall take effect on July 1, 1926, but any increases deemed necessary to be made in the rates of actual expenses or per diem allowance under the authority of this act shall not be authorized by heads of departments and establishments to the extent of incurring a deficiency in appropriations available for the payment thereof during the fiscal year 1927.

SEC. 14. Civilian officers and employees of the several executive departments and independent establishments of the Government, including their field services, under such regulations as may be prescribed by the heads of such departments or establishments, may use their own vehicles for transportation when performing necessary official travel on duty away from their official stations. When such vehicles are used for such purposes, the person so using his own vehicle may be allowed and paid not to exceed 7 cents per mile for distance actually and necessarily traveled on official business in such vehicle, for vehicles other than motor cycles, and for motor cycles 3 cents per mile, and necessary tolls, ferriage, and storage charges, such allowance to be in lieu of any and all other allowances for transportation. Such allowances, however, in any case of travel when absent from official station between points where transportation by the most economical usually traveled route may be had by common carrier, shall not exceed the amount of the cheapest first-class fare by such common carrier: *Provided*, That the time consumed in travel between such points in excess of the time required for such travel by common carrier shall be charged to the traveler: *And provided further*, That when loss would ensue to the Government by awaiting transportation by common carrier allowance may be made in full for the actual distance traveled and for the time necessarily consumed.

Mr. KING. Mr. President, I would like to have some explanation of this bill, and as to what the cost will be, and as to what department it will apply to.

Mr. WARREN. Mr. President, it will apply to Government workers in all departments, civil-service employees and others, excepting the Post Office Department, the Army, the Navy, and the other military branches, which are provided for otherwise. It fixes a standard rate of $6 a day in place of other expense allowances, which may run up to $7 a day actual expenses, instead of regular per diem. In other words, this is to take the place of the $4 and $5 old allowances, which it raises to $6 and $7.

The bill also provides a maximum of $8 a day for those in foreign service, whereas there have been various rates existing. So that the measure would raise the rates at one place and lower them to some extent in another.

The idea is to have some measure that may apply to all alike, and not make it necessary, as it has seemed to be lately, when we have been providing for the expenses of any member of a commission, or anyone who has to travel, to provide $8 or $10 or $12 a day. All must take $6 or $7, as the case may be, or, in the Foreign Service, $8.

Mr. KING. Let us take, for instance, employees in the Forest Service; employees in the Agricultural Department, of whom there is an army perambulating throughout the country; employees in the Internal Revenue Department, of whom there are literally hundreds throughout the country; employees in the Prohibition Unit, of whom there are many hundreds; and hundreds of men in the accounting divisions going throughout the country. Are all of them to get a maximum of $7 a day?

Mr. WARREN. I hardly think the figures would be as large as the Senator has indicated, although there are quite a good many such employees. Under the present practice many of those employees are receiving more than they would receive under this bill. This is to fix a standard, that all may be treated the same. Where the present rate is higher, as in the case of certain commissions, the rate will be made uniform in the future. For instance, those who have been sent to the Vienna meeting will draw $15 a day. That is recognized and will be allowed to stand just for the time being. But beyond that, $7 a day or $8 a day will be the maximum.

Mr. KING. What would be the maximum allowed to employees of the Agricultural Department, of whom there are hundreds perambulating through the country?

Mr. WARREN. Six dollars.

Mr. KING. Under this bill?

Mr. WARREN. Yes.

Mr. KING. What is the maximum allowed to employees of the Interior Department, Land Office officials, officials of the Forest Service, and of the Geological Survey?

Mr. WARREN. To some of the services, like the Railway Mail Service, this does not apply. We have my amendment cut out what the House provided in the way of a mileage charge in connection with motor travel, because the Committee on Appropriations of the Senate wanted to get into conference with the House and try to modify that particular item.

Mr. KING. This is just for lodging; it is not for mileage?

Mr. WARREN. Oh, no.

Mr. KING. Does the Senator know how much per annum this will add to the expenses of the Government?

Mr. WARREN. The Members of the House who have had the matter under consideration state that it is no considerable amount. It will relieve us of the constant pressure made from day to day to raise the salaries of those in this, that, or the other department of the Government.

Mr. KING. I think the Senator has minimized the importance of this bill. Perhaps 300 employees of the Government have been to see me about the measure. I suppose they thought I might object. Some were in the Veterans' Bureau. That bureau, as the Senator knows, has a great many employees traveling throughout the country, some in the legal division, some doctors, some inspectors. Then the Treasury Department has perhaps 5,000 employees of all kinds traveling throughout the country, as auditors and inspectors, and as agents in internal-revenue work. I believe that with the multitude of employees—and there must be many, many thousands—including those engaged in the Internal Revenue Department, because in that department alone, as the Senator knows, there are nearly 30,000——

Mr. WARREN. Very few are traveling.

Mr. KING. The Senator is in error about that. In the Senator's own State there are quite a number in the Internal Revenue Department. Many live in the State and have their headquarters in Cheyenne. In my State they have their headquarters in Salt Lake City. But they travel around the States, and I am wondering if they would draw the same expense rates.

Mr. WARREN. Not when they are in hotels or when they are home. Mr. McCarl, the Comptroller General, has been very careful in his rulings. The allowance must be for full days, and it must be while they are traveling. It is not applicable as it was under the old system.

Mr. KING. I know that any effort to cut down the expenses of the Government or to prevent an increase in the expenses of the Government is absolutely futile. The expenses this year will be very much more than those of last year, and next year will be much more than those of this year. The number of employees will be increased, their salaries will be increased, the number of bureaus will be increased, and we are on the highway to increasing expenses and of course increasing taxes.

Mr. WARREN. The bill is to prevent that very thing of raising salaries. When these positions were reclassified, there was more or less of a promise with reference to those to whom the classification brought only a slight advance. The bill cures that defect, whatever it is.

Mr. KING. Of course I can not object to its consideration, but I think it is a very untimely proposition.

The Senate as in Committee of the Whole proceeded to consider the bill.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. In section 9, page 4, line 3, after the word "fix" and before the word "rates," insert the words "or now permit."

The amendment was agreed to.

The CHIEF CLERK. On page 5, after line 3, strike out section 14.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS DURNFORD

The VICE PRESIDENT laid before the Senate a bill from the House of Representatives (H. R. 8489) to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama, which was read twice by its title.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the measure. It is a local bill. It is indorsed by Secretary Work.

Mr. CURTIS. Has the bill been referred to a committee?

Mr. HEFLIN. No; I just called it up from the clerk's desk this minute.

Mr. CURTIS. I think it ought to go to a committee. We have been objecting to the consideration of bills and joint resolutions without their reference to a committee.

Mr. HEFLIN. I have the report of the Secretary of the Interior. I should like to read what he said.

Mr. CURTIS. I shall have to object, although I have no objection to the Senator's bill in and of itself.

Mr. HEFLIN. I hope the Senator will not object. These people down there want to sell the land, and I fear we will have to hold it up for days and days if the bill has to go to a committee.

Mr. CURTIS. I shall have to object, much as I dislike to do so.

Mr. HEFLIN. Well, then, Mr. President, I have the floor, and I have been wanting to make a speech for some days. [Laughter.] However, I have no desire to establish a precedent that would disturb the standing rules and regulations of this body. The bill for which I have endeavored to get present consideration, of course, has not been referred to a committee. It passed the House on yesterday. No one would object to the measure. The reason why I want to get it passed at the earliest possible moment is because I had intended introducing the bill in the Senate and having it passed here, so that a Member of the House could have it passed over there. That is why I wanted to get it passed this afternoon if I could.

I am not going to speak this afternoon. I know the Senator from Kansas will regret to hear that. [Laughter.] I ask the Chair, however, to refer the bill to the Committee on Public Lands and Surveys, and I hope to get them to act upon it to-morrow so I can call it up for passage.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands and Surveys.

NATIONAL PROHIBITION REFERENDUM

Mr. EDGE. Mr. President, for several days there has been considerable discussion as to the legality or constitutionality of the suggested national prohibition referendum. I ask consent of the Senate to have printed in the RECORD a brief prepared by the Senate legislative counsel, Mr. Frederick P. Lee, expressing as his opinion the entire legality and constitutionality of Congress providing for a national prohibition referendum.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,
OFFICE OF THE LEGISLATIVE COUNSEL.

MEMORANDUM IN RE POWER OF CONGRESS TO PROVIDE FOR A NATIONAL REFERENDUM

The opinion of this office has been requested as to the power of the Congress under the Constitution to enact Senate Joint Resolution No. 81, Sixty-ninth Congress, first session, as introduced March 26, 1926. The resolution provides for the holding of a national referendum "in order that the Congress may obtain information necessary for the appropriate exercise of its legislative powers under the eighteenth amendment." Under the resolution as introduced the question upon which the referendum is to be held is as follows:

"Shall the Congress amend the national prohibition act (commonly known as the Volstead Act) so as to allow the manufacture, sale, transportation, and possession of beverages containing as great an amount of alcohol as is lawful under the Constitution, provided that such amendments shall not interfere with the constitutional powers of the several States to legislate with respect to intoxicating liquors as each State may deem proper?"

Provision is made authorizing the several States to conduct the referendum in accordance with such election and referendum laws, not in conflict with the provisions of the resolution, as the State legislatures may provide. In the event of any State failing to make adequate provisions for the holding of the referendum, the Postmaster General and the Secretary of Commerce are required to conduct the referendum through the post offices, the Bureau of the Census, or such other agencies within their respective jurisdictions and control as they may jointly select. Finally, provision is made for reimbursing each State for the cost of the referendum if held by it, and for the payment of the expenditures of the Postmaster General and the Secretary of Commerce for the conduct of the referendum whenever held by them in the absence of State action.

It will be noted from the above outline of the provisions of the resolution that no attempt is made to compel any individual to furnish information through compelling him to vote in the referendum. Further, no compulsion is placed upon the States to make their election machinery available nor to control the conduct of the referendum if held by the State, except that if the State voluntarily determines to conduct the referendum the resolution imposes the following limitations: First, the referendum is to be conducted at the general election held by the State for Representatives in the Seventy-first Congress of

the United States; second, the question shall be stated upon the ballots without alteration or explanation; third, any individual qualified by law as an elector for a Representative in Congress, and none other, shall be qualified to vote upon the question; and fourth, the governor of the State shall certify the referendum results to the Senate and the House of Representatives on the first day of the first regular session of the Congress commencing after the referendum. These mandatory provisions, however, come into effect only if the State voluntarily provides for the conduct of the referendum. It is therefore clear that the referendum, so far as the individual or the State is concerned, is purely a voluntary matter.

The constitutional problems presented by the resolution are those relating to the power of Congress to acquire without compulsion information in aid of or as a basis for legislation, and to that end to avail itself of the services of State officials and instrumentalities with the consent of the State, the State to be reimbursed for expenses incurred. Such problems are general in their nature. Their solution is not peculiar to a referendum relating to the eighteenth amendment or the national prohibition act. Their solution as a matter of law is not in any way affected by the merits of the proposed referendum as a matter of policy, nor is their solution as a matter of law affected by the merits of the pending controversy over the modification of the national prohibition act.

The constitutional problems presented by the resolution are discussed in connection with the four following questions:

I. Can Congress under the Constitution provide by law for the acquisition without compulsion of information in aid of or as basis for legislation?

II. In case the first question is answered affirmatively, has the Congress under the Constitution the discretion to determine by law the appropriate method for acquiring such information?

III. In case the second question is answered affirmatively, would an act of Congress providing for a national referendum to be conducted by the States with their consent be open to constitutional objection as—

(A) An interference with the rights of the several States reserved to them under the tenth amendment?

(B) An invalid delegation of Federal legislative power?

(C) A denial to the States of a republican form of government?

IV. Is an appropriation for expenses incurred in the conduct of the referendum either by the States or by Federal agencies a constitutional appropriation?

I. Can Congress under the Constitution provide by law for the acquisition without compulsion of information in aid of or as a basis for legislation?

Article I, section 1, of the Constitution provides that "the legislative powers herein granted shall be vested in a Congress of the United States * * *."

Article I, section 8, of the Constitution provides that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The Constitution does not mention any power of Congress to acquire information in aid of or as a basis for legislation by a national referendum or otherwise. A glance at Article I of the Constitution will reveal, however, that no attempt was made by that instrument to enumerate all the things which Congress might do by law. The framers of the Constitution intended to create a legislative body such as they were familiar with from experience or history, and which would have the same plenary authority, within the limited field of the powers vested in it by the people, as such legislative bodies had exercised in the past. Therefore it was provided in the Constitution that the Congress should have, in addition to its enumerated powers, certain unenumerated or implied powers. These are either implied in the grants of the enumerated powers or are conferred by the "necessary and proper" clause above quoted. These unenumerated powers include the power of Congress to provide by law for the acquisition of information in aid of or as a basis for legislation.

Under the resolution the power to acquire such information would be exercised as necessary and proper to carry into execution the "power to enforce" the eighteenth amendment "by appropriate legislation." (See sec. 2 of the eighteenth amendment.) In fact, the resolution states on its face that the referendum is authorized to be held "in order that the Congress may obtain information necessary for the appropriate exercise of its legislative powers under the eighteenth amendment."

The existence of the power to acquire information in aid of or as a basis for legislation has always been assumed in the many decisions of the courts as to whether the Congress can compel such information to be furnished it, whether power to acquire such information for the Congress may be delegated, whether the acquisition of the information was asserted to be for a legislative purpose, or whether the legislative purpose, if asserted, did in fact exist in the particular instance. (Kilbourn v. Thompson, 103 U. S. 168; Interstate Commerce Commission v. Brimson, 154 U. S. 447, 474; Henry v. Henkel, 207 Fed. 805, 235 U. S. 219; Harriman v. Interstate Commerce Commission, 211 U. S. 407; United States v. Mitchell, 58 Fed. 993, 999; United States v. Moriarity, 106 Fed. 886; Federal Trade Commission v. Claire Furnace Co., 285 Fed. 936, 943, 948; Ex parte Daugherty, 299 Fed. 620, 633, 637–638, 640; United States v. Sinclair, 52 Wash. L. Rep. 451.) In the Kilbourn case in 1881 and in the Henry case in 1914 the Supreme Court in explicit language distinctly declined at those two widely separated dates to pass upon the question as to whether Congress could compel the testimony of witnesses in aid of or as a basis for legislation. It seems reasonable to conclude, therefore, that the only doubt confronting the Supreme Court was not the power of Congress to acquire information in aid of or as a basis for legislation, but to compel the furnishing of such information by contumacious witnesses.

The power of Congress under the Constitution to acquire by compulsory methods information in aid of or as a basis for legislation is now pending before the Supreme Court in cases of Daugherty v. McGrain, argued during the October term, 1924, and Federal Trade Commission v. Claire Furnace Co., argued during the October term, 1923, and reargued during the present term. The same question is also pending before the Court of Appeals of the District of Columbia in the case of the United States v. Sinclair. But the decisions of these cases in the lower courts assumed the authority of Congress to acquire information in aid of and as a basis for legislation unless compulsory methods were employed. (Ex parte Daugherty, 299 Fed. 620; Federal Trade Commission v. Claire Furnace Co., 285 Fed. 936; United States v. Sinclair, 52 Wash. L. Rep. 451.) While admittedly doubt will continue to exist as to the power of Congress to compel the furnishing of information until such time as the question left open by the Kilbourn and Henry cases is finally decided by the Supreme Court, the past decisions of the Supreme Court have in nowise cast doubt upon the power of Congress to acquire such information by voluntary methods.

Congress having the power to acquire information in aid of or as a basis for legislation, the resolution then presents the following question: Is it necessary and proper to the exercise of the power of Congress to enforce the eighteenth amendment by appropriate legislation, that the Congress provide by law for the acquisition of information as to whether a majority of the people of the United States favor the amendment of the national prohibition act so as to allow the manufacture, sale, transportation, and possession of beverages containing as great an amount of alcohol as is lawful under the Constitution?

Once the existence of the power to acquire information in aid of or as a basis for legislation is admitted, the wisdom of its exercise in the particular case, and the necessity for the particular information to be acquired, is a matter which Congress alone can determine.

"No principle of our constitutional law is more firmly established than that this court may not, in passing upon the validity of a statute, inquire into the motives of Congress. * * * Nor may the court inquire into the wisdom of the legislation. * * * Nor may it pass upon the necessity for the exercise of a power possessed, since the possible abuse of a power is not an argument against its existence." (Hamilton v. Kentucky Distilleries Co., 251 U. S. 146, 161.)

The only question for the courts is whether Congress, in finding it necessary to acquire the particular information, has gone beyond the constitutional limits upon its legislative discretion. Unless the law providing for the acquisition of the information is an arbitrary and unreasonable exercise of the power vested in Congress by the necessary and proper clause, and the information to be acquired can not reasonably be conceived as being in aid of or a basis for legislation to enforce the eighteenth amendment within the constitutional limits, the determination of Congress as to the necessity is final, and the court will not substitute its judgment for the legislative discretion. (Cf. Everard's Breweries v. Day, 265 U. S. 545, 559, 563.)

II. Has the Congress, under the Constitution, the discretion to determine by law the appropriate method for acquiring information in aid of or as a basis for legislation?

The ordinary methods by which the Congress obtains information in aid of or as a basis for legislation, aside from the personal inquiries and experiences of individual Members, is by the delegation of the power to either House of the Congress, or committees thereof, or to Federal agencies, such as the Interstate Commerce Commission or the Federal Trade Commission acting on behalf of the Congress. Such methods may involve personal appearance of witnesses before Members of Congress with the opportunity for cross-examination, or may involve only the transmission of written information to the Members of Congress in the form of depositions, briefs, reports, answers to questionnaires, and the like, which do not afford such opportunity for cross-examination by the Members. Senate Joint Resolution No. 81 presents the question, Can the Congress provide for the acquisition of the information by means of a referendum conducted by the legislatures of the several States through State officials? Omitting from consideration for the moment the constitutional question of delegation of legislative power, there remains for determination the question as to the extent of the discretion of the Congress in selecting the instrumentalities by which information in aid of or as a basis for legislation may be acquired for the use of the Congress.

Under the "necessary and proper" clause the Congress has power to make all laws which shall be necessary and proper for carrying into execution its power to acquire information in aid of or as a basis for legislation. In the case of McCulloch v. Maryland (4 Wheat. 316) the Supreme Court held that the Congress might employ any means appropriate for the execution of its powers. This doctrine has been repeatedly affirmed. In the Legal Tender case (110 U. S. 421, 440) the Supreme Court said:

"By the settled construction and the only reasonable interpretation of this clause the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution; but they include all appropriate means which are conducive or adapted to the end to be accomplished, and which in the judgment of Congress will most advantageously effect it."

And again in the Legal Tender cases (12 Wall. 457, 536) the court said:

"Indeed the whole history of the Government and of congressional legislation has exhibited the use of a very wide discretion, even in times of peace and in the absence of any trying emergency, in the selection of the necessary and proper means to carry into effect the great objects for which the Government was framed, and this discretion has generally been unquestioned, or, if questioned, sanctioned by this court * * *. Happily the true meaning of the clause authorizing the enactment of all laws necessary and proper for carrying into execution the express powers conferred upon Congress, and all other powers vested in the Government of the United States, or in any of its departments or officers, has long since been settled. In Fisher v. Blight (2 Cranch 358) this court, speaking by Chief Justice Marshall, said that in construing it 'it would be incorrect and would produce endless difficulties if the opinion should be maintained that no law was authorized which was not indispensably necessary to give effect to a specified power. Where various systems might be adopted for that purpose it might be said with respect to each that it was not necessary because the end might be obtained by other means.' 'Congress,' said this court, 'must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution.' * * *"

It is submitted that choice of the referendum upon the question provided in the resolution is reasonably conducive or adapted to the end of furnishing Congress information in aid of or as a basis for appropriate legislation to enforce the eighteenth amendment. In any case it is not for the courts to determine whether the method chosen by the Congress is the best possible choice to be made or to require that the method be indispensably necessary to execute the congressional power.

"It is likewise well settled that where the means adopted by Congress are not prohibited and are calculated to effect the object intrusted to it, this court may not inquire into the degree of their necessity, as this would be to pass the line which circumscribes the judicial department and to tread upon legislative ground." (McCulloch v. Maryland, 4 Wheat. 316, 423; Legal Tender case, 110 U. S. 421, 450; Fong Yue Ting v. United States, 149 U. S. 698, 713; Everard's Breweries v. Day, 265 U. S. 545, 559.)

III. Would an act of Congress providing for a national referendum to be conducted by the States with their consent be open to constitutional objection as an interference of the rights reserved to the States by the tenth amendment, as an invalid delegation of Federal legislative power, or as a denial to the States of a republican form of government?

Senate Joint Resolution No. 81, in authorizing the conduct of the referendum by the States in accordance with such election and referendum laws of the States as the legislatures thereof may provide, assumes that the State legislatures, in pursuance of the congressional authorization, will provide for the conduct of the referendum through the use of State election and referendum machinery. This will necessarily involve State officials carrying out the referendum. Furthermore, in the event the State determines to conduct the referendum, the resolution specifically places upon the governor thereof the duty of certifying the referendum results to the Senate and the House of Representatives. Such use of State legislative and executive officials in executing the Federal function of acquiring information in aid of or as a basis for legislation will be with the consent of the States. Such consent will not be implied from the absence of any action by the States prohibiting State officials from serving pro hac vice as Federal officials in executing the Federal law. The consent will be expressly given through enactments of the State legislature authorizing the conduct of the referendum in the State by the State and providing for its conduct through the State election and referendum machinery. The question then arises, Has Congress the constitutional power by law to avail itself, with the expressed consent of the State, of the services of the State officials and instrumentalities in carrying out a national referendum?

The basis for any possible constitutional doubt as to the power of the Federal Government to confer Federal authority upon State officials and instrumentalities has been variously expressed. In case the power is a judicial power the objection seems to rest upon Mr. Justice Story's observation in Martin v. Hunter's Lessee (1 Wheat. 304, 330), to the effect that "Congress can not vest any portion of the judicial power of the United States, except in courts ordained or established by itself." (Prigg v. Pennsylvania, 16 Peters 539, 582; Robertson v. Baldwin, 165 U. S. 275, 278.) In case of the power of condemnation, it is urged that the power is in its nature exclusive and its exercise by State instrumentalities is therefore prohibited as completely as though the prohibition were expressed in the Constitution in terms. (United States v. Jones, 109 U. S. 513, 518.) In case the power is an executive power, the basis of the objection seems to be that the Federal legislation will infringe the rights reserved to the States under the tenth amendment. (See briefs for the plaintiff in error in Nos. 663, 664, 665, and 666, of the Selective Draft Law cases, 245 U. S. 366.) Following the analogy of the above objections, it is conceivable that the objection to the delegations of legislative and executive power under the resolution would be based on the theory that the enactment of the resolution would infringe the powers preserved to the States under the tenth amendment. However, despite the above objections it is a settled law under the decisions of the Supreme Court that Congress may confer Federal authority upon State officials and instrumentalities and State executive and judicial officers may act thereunder unless prohibited by State legislation. It is even unnecessary that the State affirmatively consent to the delegation of Federal authority as is provided in the resolution; all that constitutionally is necessary for State executive or judicial officers to act under the Federal grant is that the State shall not have prohibited such action.

Consideration of this problem first arose in connection with the fugitive slave act of February 12, 1793. (1 Stat. 302.) Section 3 of the act provided that fugitives from labor might be arrested by the person to whom such labor was due and taken before a State magistrate in the county, city, or town, or a Federal circuit or district judge within the State wherein the arrest was made. Upon proof to the satisfaction of such magistrate or judge that the person arrested owed labor to the person claiming the fugitive, it became the duty of the magistrate or judge to give a certificate to such effect to the claimant, and such certificate was sufficient warrant for removing the fugitive to the State from which he fled.

In Prigg v. Pennsylvania (16 Peters, 536) the United States Supreme Court decided the question whether State magistrates were bound to exercise the Federal authority conferred by the fugitive slave act. Differences in the opinion of the court arose not as to whether the magistrates might act, but as to whether they were bound to act, under the Federal authority. Mr. Justice Story, in delivering the opinion of the court, said:

"We hold the act to be clearly constitutional in all its leading provisions, and, indeed, with the exception of that part which confers authority upon State magistrates, to be free from reasonable doubt and difficulty, upon the grounds already stated. As to the authority so conferred upon the State magistrates, while a difference of opinion has existed, and may exist still, on the point, in different States, whether State magistrates are bound to act under it, none is entertained by this court, that State magistrates may, if they choose, exercise that authority, unless prohibited by State legislation" (p. 622).

It will be observed that the opinion of the court asserts that the State officials may exercise the Federal authority without expressed permission from the State so long as the State does not by legislation prohibit such exercise. The resolution does not go even this far, for its use of State officials and instrumentalities is contingent upon affirmative legislative action by the State authorizing the State officials to execute the Federal functions under such election or referendum laws as the State may provide. The decision of the Supreme Court therefore seems, a fortiori, both to permit the State officials to execute the Federal authority with the expressed consent of the State and to sustain the constitutionality of the Federal legislation conferring such authority upon State officials subject to the consent of the State legislature. Chief Justice Taney in a concurring opinion admitted that the State legislature had the power, if it thought proper, to prohibit State officials from exercising the Federal authority, while Justice McLean dissenting on this point urged that the State official "was bound to perform the duty required of him by a law paramount to any act, on the same subject, in his own State" (p. 672). Following the decision of the court and the concurring opinion of Chief Justice Taney, many States enacted so-called personal liberty acts forbidding any State magistrate from taking cognizance of any certificate to be issued under the fugitive slave act and forbidding any executive officer from arresting or detaining any person claimed as a fugitive slave. In order to remedy this practical difficulty, the Congress passed the act of September 18, 1850 (9 Stat. 462), supplementing the original fugitive slave act by providing, in addition, for Federal commissioners who would be authorized to issue the proper certificates. However, the authority of the State magistrates to issue such certificates, in the absence of prohibitory State legislation, remained unchanged by the supplemental act of 1850 and continued in force until the repeal of section 3 of the fugitive slave act by the act of June 28, 1864. (13 Stat. 200.)

It thus becomes evident that almost from the adoption of the Constitution up to the Civil War the Federal Government had in effect

legislation under which it availed itself of the services of State officers and instrumentalities in executing Federal authority. Such legislation was recognized by many of the States in the enactment of the so-called personal liberty acts and was held constitutional by the Supreme Court of the United States. Further, the court found that State officials might exercise the authority conferred by such legislation in the absence of any prohibition by State law and the States need not even affirmatively consent to their officials exercising the Federal authority—a holding, the logic of which goes much beyond that necessary to sustain the provisions of Senate Joint Resolution No. 18, which specifically requires State enabling legislation.

The rule laid down in Prigg v. Pennsylvania in the case of the fugitive slave act has become settled law. The theory that the consent of the State is not required has at times been restated by saying that, in the absence of an expressed prohibition in the State law, the consent of the State to the use of its officers and instrumentalities as Federal instrumentalities will be presumed. (Fort Leavenworth Railroad Co. v. Lowe, 114 U. S. 525, 532.) The result, however, is the same in either case and the rule of Prigg v. Pennsylvania has been subsequently applied and sustained by the courts in connection with Federal legislation providing for the use of State tribunals and other agencies carrying out the Federal authority to condemn property (United States v. Jones, 109 U. S. 513, 519–521); providing for the use of State courts in carrying out Federal authority to arrest seamen offending against Federal law (Robertson v. Baldwin, 165 U. S. 275, 278–280, and Dallemagne v. Moisan, 197 U. S. 169, 173–174); providing for the use of State courts in carrying out the Federal naturalization laws (Levin v. United States, 128 Fed. 826); and providing for the use of State executive officers in carrying out the provisions of the selective draft act (Selective Draft Law cases, 245 U. S. 366, 389).

The extent and constitutional validity of the practice of Federal use of State officers and instrumentalities is well set forth in the following quotation from an opinion of Mr. Justice Field:

"The proceeding for the ascertainment of the value of the property and consequent compensation to be made is merely an inquisition to establish a particular fact as a preliminary to the actual taking; and it may be prosecuted before commissioners or special boards or the courts, with or without the intervention of a jury, as the legislative power may designate. All that is required is that it shall be conducted in some fair and just manner, with opportunity to the owners of the property to present evidence as to its value, and to be heard thereon. Whether the tribunal shall be created directly by an act of Congress, or one already established by the States shall be adopted for the occasion, is a mere matter of legislative discretion. Undoubtedly it was the purpose of the Constitution to establish a general government independent of, and in some respects superior to, that of the State governments—one which could enforce its own laws through its own officers and tribunals; and this purpose was accomplished. That Government can create all the officers and tribunals required for the execution of its powers. Upon this point there can be no question. (Kohl v. United States, 91 U. S. 367.) Yet from the time of its establishment that Government has been in the habit of using, with the consent of the States, their officers, tribunals, and institutions as its agents. Their use has not been deemed violative of any principle or as in any manner derogating from the sovereign authority of the Federal Government, but as a matter of convenience and as tending to a great saving of expense.

The use of the courts of the State in applying the rules of naturalization prescribed by Congress, the exercise at one time by State justices of the peace of the power of committing magistrates for violations of Federal law, and the use of State penitentiaries for the confinement of convicts under such laws are instances of the employment of State tribunals and State institutions in the execution of powers of the General Government. At different times various duties have been imposed by acts of Congress on State tribunals; they have been invested with jurisdiction in civil suits and over complaints and prosecutions for fines, penalties, and forfeitures arising under laws of the United States. (1 Kent. 400.) And though the jurisdiction thus conferred could not be enforced against the consent of the States, yet when its exercise was not incompatible with State duties, and the States made no objection to it, the decisions rendered by the State tribunals were upheld. (United States v. Jones, 109 U. S. 513, 519–520.)

The objections to provision by law for the Federal use of State executive officials was apparently first assigned a definite constitutional origin in the Selective Draft Law cases (245 U. S. 366).

Section 6 of the selective draft act (40 Stat. 76, 80–81) provides as follows:

"SEC. 6. That the President is hereby authorized to utilize the services of any or all departments and any or all officers or agents of * * * the several States * * * and subdivisions thereof, in the execution of this act, and all officers and agents of the * * * several States * * * and subdivisions thereof, * * * and all persons designated or appointed under regulations prescribed by the President, whether such appointments are made by the President himself or by the governor or other officer of any State * * * to perform any duty in the execution of this act, are hereby required to perform such duty as the President shall order or direct, and all such officers and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this act by the direction of the President. * * * Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given thereunder who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act or of said regulations, or who in any manner shall fail or neglect fully to perform any duty required of him in the execution of this act, shall, if not subject to military law, be guilty of a misdemeanor and upon conviction in the district court of the United States having jurisdiction thereof be punished by imprisonment for not more than one year * * *."

Counsel for the plaintiff in the Selective Draft Law cases urged that the above-quoted section (A) infringed the rights reserved to the States, in violation of the tenth amendment, (B) delegated Federal legislative power to State administrative officers, in violation of section 1 of Article I of the Constitution, vesting in the Congress all legislative power granted by the Constitution, and (C) denied to the States a republican form of government, in violation of section 4 of Article IV of the Constitution.

(A) Infringement of rights reserved to the States: Chief Justice White ignored in his opinion in the Selective Draft Law cases the objection of counsel for the plaintiff that the act infringed the rights reserved to the States under the tenth amendment. If, however, it is well settled, as heretofore stated, that the Congress may by law avail itself of the services of State officials and instrumentalities in executing a Federal authority and State officials may act under such authority in the absence of State prohibitory legislation, it follows without further argument that the congressional enactment does not infringe the rights reserved to the States under the tenth amendment. It can not be held constitutional for the Congress to exercise a power by appropriate means and at the same time be held that the exercise of such power infringes State rights, for the tenth amendment reserves to the States only those powers not delegated to the Federal Government.

(B) Delegation of the Federal legislative power: Chief Justice White, in his opinion in the Selective Draft Law cases, dismissed the objection of counsel for the plaintiff that the act delegated Federal legislative power to State administrative officers, with the following brief comment:

"First, we are of opinion that the contention that the act is void as a delegation of Federal power to State officials because of some of its administrative features, is too wanting in merit to require further notice. Second, we think that the contention that the statute is void because vesting administrative officers with legislative discretion has been so completely adversely settled as to require reference only to some of the decided cases." (Field v. Clark, 143 U. S. 649; Buttfield v. Stranahan, 192 U. S. 470; Intermountain Rate cases, 234 U. S. 476; First National Bank v. Union Trust Co., 244 U. S. 416.)

As to the delegation of the Federal legislative power, Senate Joint Resolution No. 81 provides that "Such referendum shall be held * * * in accordance with such election and referendum laws of the State not in conflict with the provisions of this resolution, as the legislature thereof may provide." The authority conferred upon the State legislatures goes merely to the procedure for conducting the referendum. The resolution provides specifically that the referendum question may not be altered by the States and further provides definite restrictions as to the individuals entitled to vote in the referendum. There remains then only the problem, does the granting of authority to the State legislatures to provide the necessary procedural requirements for the conduct of the referendum result in an unconstitutional delegation of the congressional legislative power?

Senate Joint Resolution No. 81 differs from the selective draft act in that the delegated power in question is delegated directly to State legislatures and only indirectly to State executive officers save in case of the duty of the governor to certify the results. Under the resolution the Congress adopts as its law future State procedural legislation. The Federal law is that the referendum shall be conducted, with certain limitations, either in accordance with State law subsequently to be enacted, or in accordance with State law already in existence for other purposes but yet to be extended by the States to the government of the national referendum.

Not all delegations of legislative power are unconstitutional. The Supreme Court has come frankly to admit that the inevitable progress and exigencies of government and the utter inability of the Congress to give the time and attention indispensable to the exercise in detail of many of its powers has forced upon the courts the modification of the oft-asserted rule that no legislative power can be delegated. (257 U. S. xxv.) The Supreme Court, through Chief Justice Taft, has stated that it is only a "pure" delegation of legislative power that is

invalid and unconstitutional. A delegation of legislative power becomes invalid only when it does not enjoin upon the subordinate authority "a certain course of procedure and certain rules of decision" in the performance of the delegated function. (Wichita Railroad & Light Co. *v.* Public Utilities Commission, 260 U. S. 48, 59, and Mahler *v.* Eby, 264 U. S. 32, 44.)

It must then be determined whether the delegation of power by the resolution to the State legislatures is a pure delegation of legislative power and therefore unconstitutional. The delegation of legislative power provided by the resolution is undoubtedly subject to a "certain course of procedure." The delegated power must be exercised through the ordinary legislative processes of the State. This necessarily involves a familiar detailed procedure comprised of committee hearings and debates on the floor of either house of the State legislature by representatives of the people of the State, together with subsequent approval or disapproval of the measure by the governor of the State. The reasonableness of the procedure so far as the rights of the people of the State and of the United States are concerned seems self-evident. Further, the resolution not only provides for a "certain course of procedure" but for "certain rules of decision." Numerous guiding standards are laid down. The referendum must be held at the time of the election of Representatives of the State for the Seventy-first Congress of the United States.

The referendum would therefore almost invariably be conducted in a manner similar to that in which the election was conducted or in which any State legislative referendum held at the same time was conducted. Further, the referendum question must be placed upon the ballots without alteration or explanation and only individuals qualified by law as electors for a Representative in Congress of the United States in such year, and none other, shall be qualified to vote. Finally, the governor of the State is required to certify the referendum results to the Senate and the House of Representatives of the United States at a time specified. It is submitted that the resolution enjoins certain rules of decision for the performance of the delegated function that are far more definite than many delegations of legislative power that have been made by the Congress and sustained by the Supreme Court. (See, for example, Ex parte Boyd, 105 U. S. 647, 652; Hanover National Bank *v.* Moyses, 186 U. S. 181, 190; Butte City Water Co. *v.* Baker, 196 U. S. 119, 125–127; Clark Distilling Co. *v.* Western Maryland R. R. Co., 242 U. S. 311, 326; Buttfield *v.* Stranahan, 192 U. S. 470; United States *v.* Grimaud, 220 U. S. 506; Intermountain Rate cases, 234 U. S. 476; First National Bank *v.* Union Trust Co., 244 U. S. 416; Avent *v.* United States, 266 U. S. 127, 130.)

There is nothing novel in congressional delegation of Federal legislative power through the adoption of existing or future State procedural or other legislation. For instance, section 914 of the Revised Statutes provides that the practice in the Federal district courts shall conform as near as may be to the practice existing at the time in like causes in courts of record of the State in which the district court is held. This statute has been held binding in Amy *v.* Watertown (130 U. S. 301). Section 916 of the Revised Statutes provides that a judgment in a common law cause in a Federal district court shall be entitled to similar remedies upon the same as are now provided in like causes by the laws of the State in which the court is held or as may be provided by any such laws hereafter enacted. This statute has been held constitutional in Ex parte Boyd (105 U. S. 647), the court saying, at page 652, that—

"It is the settled doctrine of this court * * * that the power of Congress under the Constitution * * * extends to the adoption of the laws of the several States, not only as to the nature and form of writs of execution for the enforcement of judgments, but also as to all proceedings thereupon."

The Federal bankruptcy act, in recognizing exemptions made by State law as to dower, priority of payments, and the like, was held a lawful delegation by the Congress of its legislative powers. (Hanover National Bank *v.* Moyses, 186 U. S. 181, 190.) The Federal mining laws (see, for instance, sections 2322, 2324, 2332, 2338, and 2339 of the Revised Statutes) adopt State legislation governing the location, manner of recording, and work necessary to hold possession of mining claims, and similar matters. These sections of the Revised Statutes have been held within the power of Congress. (Butte City Water Co. *v.* Baker, 196 U. S. 119.) The Webb-Kenyon Act forbade the shipment of intoxicating liquor into a State in violation of any law of such State and was held constitutional as involving no delegation of legislative power to the States. (Clark Distilling Co. *v.* Western Maryland R. R. Co., 242 U. S. 311, 326.) The only example of a rule contrary to that above stated is in the field of the maritime law. Decisions of the Supreme Court hold that the Constitution itself requires the maritime law to be uniform in certain instances and that the adoption of State law by the Congress would destroy such uniformity. (Knickerbocker Ice Co. *v.* Stewart, 253 U. S. 149, and State of Washington *v.* Dawson & Co., 264 U. S. 219.) The rule of these cases is peculiar and limited to the maritime law.

(C) Denial of a republican form of government: Chief Justice White, in his opinion in the Selective Draft Law cases, ignored the objection of counsel for the plaintiff that the act denied to the States a republican form of government.

Section 4 of Article IV of the Constitution provides that "the United States shall guarantee to every State in this Union a republican form of government * * *." Whether or not Senate Joint Resolution No. 81 would deny to States a republican form of government presents a constitutional question, but not one for decision by the Federal courts. Under the constitutional provision the discretion rests solely in the Congress as to whether a State has a republican form of government under any given set of circumstances. The congressional discretion is not subject to judicial review. (Pacific Telephone Co. *v.* Oregon, 223 U. S. 118, and Davis *v.* Ohio, 241 U. S. 565.) In the two cases just cited the Supreme Court refused to determine whether or not a binding legislative referendum, as provided by the constitutions of Oregon and Ohio, resulted in those States losing their republican form of government.

Congress has recognized a legislative referendum of binding effect under State law (1) through the seating of Senators and Representatives from States in which such referendum laws prevail, and (2) by admitting the new States of Oklahoma and Arizona when the constitutions of those States provided for such referenda, and (3) by not objecting to the modification of the constitutions of several States in order to provide for such referenda. It would therefore seem that the Congress would not be justified at this late date in holding that the advisory referendum provided in the resolution denied to any State a republican form of government.

IV. Is an appropriation for the expenses incurred in the conduct of the referendum either by the States or by Federal agencies a constitutional appropriation?

Senate Joint Resolution No. 81 makes no appropriation. The resolution itself therefore is not open to any constitutional objection in respect of an appropriation. The resolution, however, authorizes an appropriation to be made to reimburse each State with the actual cost incurred by it in conducting the referendum and to pay expenditures of the Postmaster General and the Secretary of Commerce in conducting the referendum in the absence of State action. The authorization would normally be followed with an appropriating item to give effect to the authorization. Any constitutional objection that may be raised to the appropriation made by any such item, should, therefore, be here considered.

In United States ex rel. Miles Planting Co. *v.* Carlisle (5 App. D. C. 138) the Court of Appeals of the District of Columbia refused to issue a writ of mandamus to compel the payment of the sugar bounty under the provisions of the McKinley Tariff Act. The decision is based on the theory that the appropriation was for a private purpose; that moneys for the appropriation must be raised by taxation; that any tax to raise the necessary moneys would therefore be for a private purpose; and that taxation for private purpose is beyond the constitutional powers of Congress.

The Supreme Court has long held that States may not tax for private purposes and has recently rested this restriction upon State legislation upon the due-process clause of the fourteenth amendment. (Green *v.* Frazier, 253 U. S. 233.) The Supreme Court has, however, never applied to Federal legislation the doctrine of unconstitutionality of taxation for private purpose. It would seem logical that the due-process clause of the fifth amendment, which is applicable to Federal legislation, would impose the same restriction upon Federal taxation as the due-process clause of the fourteenth amendment has upon State taxation. However, the Supreme Court has held in a considerable array of cases that the fifth amendment is in nowise a restriction upon the Federal power to tax. (See, for example, McCray *v.* United States, 195 U. S. 27, 63; Brushaber *v.* Union Pacific Railroad Co., 240 U. S. 1, 24; Billings *v.* United States, 232 U. S. 261, 282; and LaBelle Iron Works *v.* United States, 256 U. S. 377, 392.) In consequence, the only remaining logical foundation for any limitation upon the power of Congress would seem to be section 8 of Article I of the Constitution. The first clause provides—

"The Congress shall have power to lay and collect taxes * * * to pay the debts and provide for the * * * general welfare * * *."

Under the above-quoted constitutional provision the test of the validity of the appropriation would be whether the tax necessary to raise the money to be appropriated would be a tax "to provide for the general welfare." There would seem to be little argument possible that an appropriation for expenditures incurred in the acquisition of information for legislative purposes of the Congress was not an appropriation for the general welfare. Certain it is that Congress must have information as a basis for legislation, and the method of acquiring such information, as already shown, is within the discretion of the Congress. In United States *v.* Realty Co. (163 U. S. 427) the Supreme Court upheld an appropriation to pay certain accrued sugar bounty claims against the United States under the McKinley Tariff Act. The court said (p. 444):

"In regard to the question as to whether the facts existing in any given case bring it within the description of that class of claims that Congress can and ought to recognize founded upon equitable and

moral consideration and grounded upon principles of right and justice, we think that generally such question must in its nature be one for Congress to decide for itself. Its decision recognizing such a claim and appropriating money for its payment can rarely, if ever, be the subject of review by the judicial branch of the Government."

If it is "for Congress to decide for itself" whether an appropriation is "to pay the debts" as specified in the first clause of section 8 of Article I, it must be also for Congress to decide (except in a rare case, at least), whether an appropriation is "to provide for the general welfare," as stated in the same clause of the Constitution.

Although it would not seem necessary in order to support the appropriation in question, there is good authority for the position that the question as to whether an appropriation is for the general welfare is a political question and one that will not be reviewed by the courts. (Burdick, Federal Aid Legislation, 8 Cornell Law Quarterly, 324; Corwin, Spending Powers of Congress, 36 Harvard Law Review, 548; and note in 9 Cornell Law Quarterly, 50.) It is also true that neither an individual taxpayer nor a State has ordinarily sufficient interest to permit it to contest the constitutionality of a congressional appropriation. (Frothingham v. Mellon, 262 U. S. 447.)

CONCLUSION

The enactment of Senate Joint Resolution No. 81 would be within the power of the Congress.

Whether or not there exist inhibitions in the State constitutions which would prevent the States from exercising the Federal function permitted by the resolution, and whether or not the authority conferred by the resolution or by the eighteenth amendment would supersede any such inhibitions and enable the State legislatures and officials to act as Federal instrumentalities in carrying out the resolution, are not questions as to the power of Congress to enact the resolution. They are questions as to the validity of the legislation of the State, enacted to carry out the authority granted the States by the resolution. Such questions are, therefore, not considered in this memorandum and no opinion is expressed thereon.

Respectfully submitted.

FREDERIC P. LEE, *Legislative Counsel.*

Hon. WALTER E. EDGE,
United States Senate, April 19, 1926.

COOPERATIVE MARKETING

Mr. McKELLAR. Mr. President, I desire to give notice that I shall address the Senate on the subject of the Haugen bill to-morrow as soon as I can obtain the floor.

EMMA E. L. PULLIAM

Mr. SIMMONS. Mr. President, I ask unanimous consent for the consideration of House bill 7776, a small private bill. It will not provoke any discussion.

Mr. NORBECK. Mr. President, reserving the right to object, I want to be as courteous as I can be, but the bill before the Senate, the migratory bird bill, has not been mentioned since last Friday. However, if the Senator's bill will take only a short time, I have no objection; but some time or other we have got to get back to the unfinished business.

Mr. SIMMONS. The Senator from Kansas [Mr. CURTIS] and the Senator from Alabama [Mr. HEFLIN] apparently have a great deal of time at their disposal for which they have no use this evening, and I thought I might take a little of it and pass this small bill.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill (H. R. 7776) for the reimbursement of Emma Pulliam. Is there objection?

Mr. JONES of Washington. I ask the Senator from North Carolina if the bill has been reported by a Senate committee?

Mr. SIMMONS. Yes; it was unanimously reported by a Senate committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Emma E. L. Pulliam, formerly postmaster at West End, N. C., in the sum of $175 due the United States on account of money-order funds lost in transit to her designated depository at Raleigh, N. C., on November 3, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the reimbursement of Emma E. L. Pulliam."

REPLY TO THE COMMISSIONER OF INDIAN AFFAIRS

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD a brief statement by the General Federation of Women's Clubs with reference to some statements or charges that were made about them before the Committee on Indian Affairs of the House of Representatives. Mr. Burke, Commissioner of Indian Affairs, appeared before the House committee and made some charges which they feel reflected upon their character, and they requested an opportunity to be heard in reply. This was denied to them. The request was made by Mrs. Kate Trenholm Abrams, vice president of the General Federation of Women's Clubs, and by the Chamber of Commerce of Los Angeles.

Mr. CURTIS. Mr. President, may I ask the Senator from Montana if the statement in any way reflects upon a committee of the House or any Member of the House?

Mr. WHEELER. No; upon no Member of the House.

Mr. CURTIS. Or upon a committee of the House?

Mr. WHEELER. Not at all upon a committee.

Mr. CURTIS. It is simply their defense?

Mr. WHEELER. It simply answers statements that were made by Mr. Burke before the Committee on Indian Affairs of the House, but the statement does not reflect in any way upon any Member of the House or any committee of the House.

Mr. JONES of Washington. May I ask the Senator if there has been any objection in the House to the printing of this matter in the RECORD in the House proceedings?

Mr. WHEELER. I do not know that that has been requested.

Mr. JONES of Washington. It occurred to me, inasmuch as these proceedings took place in connection with House business that it would be better for them to submit their request to the House.

Mr. WHEELER. I will state that practically the same thing was gone into before a Senate committee, and similar statements were made there. There has been a controversy over certain bills.

Mr. JONES of Washington. There has been a hearing before a Senate committee, too?

Mr. WHEELER. Yes; concerning practically the same matters.

Mr. JONES of Washington. Of course that is different. I have no objection.

The VICE PRESIDENT. Without objection, the request of the Senator from Montana is granted.

The statement is as follows:

REPLY TO COMMISSIONER BURKE'S ACCUSATIONS OF MISREPRESENTATION AND FALSE PROPAGANDA

By Mrs. Stella M. Atwood, chairman of the Indian welfare division of the General Federation of Women's Clubs, and Dr. Haven Emerson, president of the American Indian Defense Association, professor of public health administration, Columbia University

For the past three or four years the General Federation of Women's Clubs, through its Indian welfare committee, and the American Indian Defense Association have been active in arousing the American people to the true status of affairs upon Indian reservations.

Each organization has, independently, charged the Bureau of Indian Affairs at Washington with gross neglect of health conditions among the tribes, with maladministration of Indian property, and with sponsoring legislation in Congress which amounts to confiscation of Indian lands and of tribal funds for the benefit of white men. We have produced facts to prove these assertions. Three examples are here given.

In 1922 the General Federation took the field against the Bursum bill, favored by the Indian Bureau, on the ground that it was an indefensible attempt in the interest of white settlers to confiscate lands belonging to the Pueblos of New Mexico in plain violation of promises made with these peaceful Indians by President Abraham Lincoln. Mrs. Atwood, chairman of the Indian welfare committee, was at that time charged by Commissioner Burke and Secretary of the Interior Albert B. Fall with spreading false propaganda. Her charges, however, were substantiated, and the Bursum bill was defeated.

In recent months, and especially at the present session of Congress, both the federation and the Indian Defense Association (organized in 1923) have given wide publicity to the fact that the Pima Indians, of Arizona, are now rapidly dying because of slow starvation due to long-continued bureau neglect to protect their water supply and to build promptly an irrigation dam ordered by Congress in 1924 to meet their acute necessities.

Also, we have protested against the oil leasing bill introduced in this Congress with the indorsement of Commissioner Burke, on the ground that it placed an outrageous tax of 87½ per cent on all royalties received by certain Indians and exempted oil operators from production taxes. More important still, it would destroy the rights of Indians in unallotted lands in Executive-order reservations, totaling two-thirds of all Indian lands. In a telegram of protest to President Coolidge on March 27, 1926, Mrs. Atwood said: "No more unjust or destructive measure against Indians ever appeared in Congress." Out of many charges against bureau policy, we cite these for the reason that they were especially dealt with by Commissioner Burke in a carefully prepared defense of his official conduct before the House Committee on Indian Affairs April 10 last.

Mr. Burke made wholesale denial of all charges and the claim that his bureau had been misrepresented by the speeches of Representative FREAR; also that he was the victim of false propaganda of Mr. John Collier, executive secretary of the American Indian Defense Association, and, by inference this time, of the Indian welfare committee of the General Federation, since this organization has on its own account made the same charges. Mr. Burke went further and charged Mr. Collier with venal, unworthy motives as the real inspiration of this propaganda.

An issue of veracity and of honorable dealing with the public has thus squarely been raised by the commissioner as between himself, a responsible officer of the Government, and the representatives of two responsible organizations of citizens.

Mr. Burke's statements were carried by the press to the entire Nation. All efforts for opportunity of rebuttal before the House Committee on Indian Affairs, where this attack occurred, have been denied by Mr. LEAVITT, and Mr. Burke's assertions stand unanswered in the official record.

EXHIBIT A

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D. C., April 15, 1926.

Hon. SCOTT LEAVITT,
Chairman Indian Affairs Committee, Washington, D. C.

MY DEAR MR. LEAVITT: I have just learned that an executive session of the committee is to be held and that a decision probably will be reached as to whether the committee will permit a reply to be made to the attack delivered by Commissioner Burke on the 10th. This attack was nominally directed against Congressman FREAR and Mr. John Collier, but the statements of fact which Mr. Commissioner Burke denounces have been independently made by the Indian welfare chairman of the General Federation of Women's Clubs, and she likewise is a member both of the California and the national directorate of the American Indian Defense Association.

Mrs. Atwood informs me that she has telegraphed you direct, and, further, she has asked me personally to urge a complete hearing on Commissioner Burke's charges. By a complete hearing we, of course, would understand a hearing in which sufficient time would be given to deal with the subject, and likewise a hearing whose record would be incorporated with the charges Commissioner Burke has made.

I do not feel that I would be carrying out the wishes and instructions of Mrs. Atwood if I did not emphasize the importance of this procedure, and, of course, I shall rely on you, as chairman of the committee, to see that the General Federation of Women's Clubs is protected in this matter.

Very truly yours, KATE TRENHOLM ABRAMS,
Vice Chairman.

We desire, therefore, to set out the evidence on which our charges are based.

THE PIMA DEATH RATE AND THE INDIAN BUREAU'S RESPONSIBILITY

Mrs. Atwood, of the General Federation, took the initiative in the Pima matter. Since 1923 her articles and interviews have appeared in the Sunset Magazine, the Los Angeles Times, and the General Federation News, official organ of her organization, revealing shocking conditions on this reservation. Her findings have been confirmed and supplemented by investigations of the American Red Cross and by the testimony of the Rev. Dr. Dirk Lay before congressional committees as well as by official statistics of the Indian Bureau. A part of this data was set forth in a circular issued by the Indian Defense Association in April, this year. The circular incidentally carried an appeal for contributions, and stated in part, under the heading—

"A SAMPLE OF INDIAN BUREAU GUARDIANSHIP

"The death rate among the Pima Indians is appalling. An acute crisis exists. No accurate vital statistics of the tribe as a whole are available. But recent investigations reported by Rev. Dirk Lay, for 16 years resident Presbyterian missionary on the Pima Reservation, show that in one township, which contains a third of the tribe, one-fourth of the Indians have died in the past 4½ years. This means an annual death rate of 59 per thousand as against an average annual death rate among white people of 12 per thousand for Arizona and the whole United States.

"This fatality is not caused by sudden epidemic, but by slow starvation over a period of years plus an acute condition of utter hopelessness and heartbreak, during the past 18 months, due to the failure of the Indian Bureau to execute the relief Congress ordered."

NOTE.—Here followed Doctor Lay's "death chart" of township 3 south, range 4 east, Pinal County, Ariz.

COMMISSIONER BURKE ON STARVATION

Replying to this statement, Mr. Burke said:

"In the appeal for funds is a statement appealing about starving Pimas, misleading, because Dirk Lay, a missionary whom he (Mr. Collier) quotes, in a hearing before the Senate Committee on Appropriations, made the statement that there is no actual starvation, but not enough food; and yet they make representations to the effect that those Indians are dying of starvation." (Hearings, p. 36.)

It is patent that the commissioner confuses the distinction made by us between starvation and slow starvation, and totally ignores the vital element of hopelessness and heartbreak as a prime factor in the death rate of a primitive, conquered people, a scientific fact too well established to be side stepped. He answers Doctor Lay's assertion of a death rate of 59 per thousand as the annual death rate in one township for the past four and one-half years by quoting figures furnished by Assistant Commissioner Meritt to a Senate Subcommittee on Appropriations that "The apparently excessive death rate among the Pima Indians during the fiscal year ending June 30, 1925, is not real, but due to corrections of former census rolls * * * and these figures indicate that there were 83 deaths during this fiscal year."

Thus Mr. Burke denies the truth of one thing by making assertions about another thing. Senator ASHURST, relying on Doctor Lay's figures, said: "In 1921 the Government allotted 4,890 Pima Indians; 1,103 have since died." Mr. Meritt or Mr. Burke did not dispute these figures, but discovered extenuating mistakes in the census. We suggest that if the allotment figures were false some one is guilty of fraud.

DOCTOR LAY STANDS FIRM

Apprised by wire of the commissioner's attack upon his statement, Doctor Lay telegraphed on April 12 a rejoinder, which reads, in part:

"My statements made before the Senate subcommittee [as to the Pima deaths] are absolutely true, and we can easily prove them * * * there are not 75 homes with wooden floors. This can also be easily proved by check of reservation. Indications are that reports for this year will show a larger death rate than last year."

(Mr. Meritt had stated that "1,020 families have permanent homes with wooden floors.")

OFFICIAL DELAY ON THE COOLIDGE DAM

As to delay in building the Coolidge Dam, Mr. Burke said:

"I say to you and Rev. Dirk Lay knew it, that the Secretary (Mr. Work) and everybody connected with the department is doing everything that is humanly possible to * * * complete this dam at the earliest possible moment."

The truth is that Doctor Lay knew the exact opposite. He spent nearly three months in Washington to force action on the Coolidge Dam, and left for home on March 26 in the belief that he had succeeded. After his departure further delays occurred, added bureau incompetency was disclosed, the necessary appropriation was killed, and now no uninterrupted action can be insured until February of 1927, if then.

Doctor Lay adds in the above telegram:

"My narrative about construing law [S. 966 of 1924, authorizing the dam] is true. Meritt told me that conditions pertaining to white lands must be met before construction on Coolidge Dam could be started, and on February 15, 1926, the bill was referred to the solicitor of the Interior Department for an opinion, or nearly two years after the bill became a law. Lewis C. Hill, builder of the Roosevelt Dam, and Fred A. Noetzli, one of the leading engineers and the greatest authority on arch dams in the world, deemed inadequate."

Doctor Lay is too modest to state that it is only because of his forceful insistence while in Washington that the bill was referred by Meritt to the solicitor at all. The solicitor took less than a week to decide. No real question of construction was involved. The bureau was and had been at liberty to go ahead.

Then what happened? After allowing this opinion to lie dormant for nearly six weeks Secretary Work referred the matter to the Solicitor General of the United States for his opinion. In 24 hours the opinion came back sustaining the opinion of the department solicitor.

The department engineers are competent. The eminent consulting engineers, Hill and Noetzli, referred to in Doctor Lay's telegram, who had approved their work, are admittedly disinterested; but Secretary Work, on the amazing plea that these consultants had served for only $20 a day, delayed all engineering processes while a law was obtained authorizing more money for other specialists, and we understand that these promptly approved the work of Hill and Noetzli. Finally, after Doctor Lay had departed, the delay of the Indian Bureau in negotiating with the Southern Pacific Railway a change in a right of way for a sidetrack, provided an excuse for throwing out the appropriation at this session of Congress.

We stand ready to substantiate and extend these facts before any court or investigating committee and we submit that our charges of bureau neglect and delay are true despite the commissioner's assertion, "We (the bureau) are expediting in every way the construction of the Coolidge Dam."

THE OIL LEASING BILL

In his speech before the House Indian Affairs Committee on April 10 Commissioner Burke said:

"I hold in my hand a document issued by this Indian Defense Society headed 'The Indian Crisis in Congress,' and containing false, untrue, and misleading statements."

DEFENSE ASSOCIATION STATEMENT

The document had this to say about the oil leasing bill under the heading "Destructive Indian Bureau statesmanship":

"The Indian Bureau is sponsoring and attempting to jam through this Congress a bill (H. R. 9133) which would destroy any Indian title or claim to any vested right or interest in unallotted lands in Executive order reservations. It affects 23,000,000 acres, in 10 States, comprising two-thirds of the undivided lands remaining to American Indians in the entire United States.

"If enacted, the Indians, by Executive order, can be hurtled from the homes like trespassers, and by another Executive order leases may be granted to oil, coal, timber, water-power, grazing land, and other promoters.

"It is manifest that no Indian problem is comparable with the immediate necessity of defeating this attempt at wholesale dispossession. For two generations—and in some instances for centuries—the Indians have in good faith occupied these lands as theirs at the hands of the United States Government.

"A hard fight is imminent. The bureau, a powerful oil lobby, and Secretary Work is back of this effort to accomplish by law what Albert B. Fall, Work's predecessor, failed to do by departmental order."

GENERAL FEDERATION STATEMENT

A news release issued from Washington on March 27 by Mrs. Kate Trenholm Abrams, vice chairman of the legislative department of the General Federation of Women's Clubs, contained the following:

"The General Federation, through its chairman on Indian welfare, Mrs. Stella M. Atwood, is taking very great interest in the measures that are now before Congress in regard to Indian affairs. The bill especially attracting the attention of the women is H. R. 9133, and Mrs. Atwood is voicing her objection to this bill in a telegram to President Coolidge to-day.

"'General Federation, through its Indian welfare division, protests absolutely against House bill 9133. No more unjust, destructive measure against Indians ever appeared in Congress. Protests specifically against taxing Indians 37½ per cent of oil income and making Indians pay all the taxes of white oil companies. Protests against treating Indian Executive order reservations as not being Indian property at all, thus prejudicing Indian case before Supreme Court. The title-cancellation feature of this bill will prepare way for wholesale confiscation of Indian lands, ultimately making 85,000 Indians homeless and meantime concentrating huge absolute power in Indian Bureau to dispossess Indians in favor of oil companies, timber companies, and white settlers. How is it possible that Indian Bureau indorses and promotes this ruinous measure, based on Albert B. Fall's initiative of four years ago?'

"The other bill which is receiving the support of the General Federation is H. R. 9315, which was introduced by Mr. FREAR. This bill prescribes the application of the civil and criminal laws of the United States and several States to Indians.

"Mrs. Atwood has brought to her aid in the opposition of the first and support of the latter the influence of the vice president Mrs. Franklin White, of Indiana, and the chairman of legislation, Mrs. Gilbert Davis, of Vermont.

"The General Federation of Women's Clubs has always taken a very active interest in all matters pertaining to the administration of Indian Bureau affairs."

Authorized by—

Mrs. KATE TRENHOLM ABRAMS,
Vice Chairman Legislative Department,
General Federation of Women's Clubs.

It is noteworthy that these two statements, issued independently, assert the same facts of record and take the same general attitude upon the oil leasing bill. It is also to be noted that although Mr. Burke in his reply caustically charges the Indian Defense Association with circulating falsehoods, he discreetly refrains from criticizing the General Federation officials for making essentially the same statements.

Our charges are not exaggerations. The subject is complicated but we shall endeavor to make clear the governing points at issue.

HISTORICAL AND LEGAL BACKGROUND

Indian reservations are of two kinds. First, those established by treaty before 1871 and, second, those established by presidential decree or act of Congress since 1871. The underlying title to both classes is in the United States Government. Always until 1922, Congress, the Executive, and the courts have acted on the principle that Indian property rights in both kinds of reservations was identical. Congress has legislated scores of times in accord with the policy of recognizing that the holding of the underlying title in United States was no reason for confiscating Indian holdings or expropriating them from their lands.

The courts have enunciated with utmost clearness that the entire subject rests with Congress and that, in construing Indian property rights to undivided reservation areas, they will follow the will of Congress as revealed by its acts.

All this is stated by former Attorney General Stone in an opinion rendered in 1924 which blocked the effort of Albert B. Fall to destroy the Indian right of ownership in Executive-order lands.

ATTORNEY GENERAL STONE STOPS FALL

In 1922 Albert B. Fall, then Secretary of the Interior, arbitrarily "ruled" that Executive-order Indian lands and the values contained therein were simply public domain, were subject to the general leasing law for public lands, and that the wealth—in this case specifically the oil wealth—belonged exclusively to the United States, and should therefore, under the terms of the general leasing law, be divided between the Government and the States, with nothing for the Indians. Fall received over 400 applications for leases, each of 4 square miles, 20 of which he actually granted.

Then came the ruling of Attorney General Stone completely reversing Fall, as above stated.

The significance of Commissioner Burke sponsoring and urging the passage of an oil leasing bill the purport of which was to allow the development of oil fields in Executive-order reservations on the same basis as that proposed by Fall can now be understood.

The Indian Defense Association and the General Federation of Women's Clubs do not oppose but are actually supporting legislation permitting oil development fair to producer and Indian alike, such as the Cameron bill. Precedent for such a law exists in the statute of 1924 affecting trenty-reservation lands. The Indians receive from 12½ per cent up in royalty. The producers pay a State production tax, usually about 3 per cent, and the Indians pay a like tax percentage on their royalty share. It would have been simple to extend this law to Executive-order reservations, thus automatically providing that oil royalties be exclusively vested in Indians.

BURKE FOLLOWS FALL'S POLICY

But the bills as introduced and as indorsed by Mr. Burke took 37½ per cent of the Indians' royalty and gave it to the States, with provision, which everyone acquainted with such matters knows would be ineffective, that the money be expended in certain ways for the benefit of the Indians. These bills left the producers exempt from all taxation. The crucial thing, however, is that they imply that Executive-order reservations are on the same legal basis as ordinary public lands, and the Indians possess no vested interest in them. The Indians then would simply be recipients of a bounty from Congress and be allowed to keep 62½ per cent of their oil royalties, at the expense of having their "sacred right of occupancy and use" torn up as a scrap of paper.

If this principle were established, any President could, of course, turn the Indians as trespassers off from any coveted area of unallotted Executive-order lands. These features of Mr. Burke's bill necessarily brought instant opposition from our organizations and others and from Representative FREAR and other Members of Congress.

The above recital is fully sustained in the printed hearings of both Senate and House committees that had these bills in charge. Both of our organizations were represented, also the Indian Rights Association and the National Council of American Indians. They were attended by Assistant Secretary Edwards, of the Interior Department, and at all times by Commissioner Burke. These printed hearings constitute the basic indictment of Commissioner Burke in this matter.

COMMISSIONER BURKE'S REPLY

In reply the commissioner cries out to Congress and the Nation that he has been grossly misrepresented; that he is the friend of the Indians, not the oil companies, and is trying to give something to the Indians, not take from them. His reasoning is extraordinary. In reply to the charge that the Indians by his bill would be taxed 37½ per cent and white producers go free of production taxes, Mr. Burke says:

"The gentleman [Mr. FREAR] has repeated and so has his friend Collier, that because there was language in the bill that 37½ per cent was to be in lieu of taxes that we were proposing to exempt from taxation all production and therefore we were favoring the oil operators. * * * On the 10th day of March a letter was written by the Secretary of the Interior * * * and an amendment was suggested to clear up the matter so that there could not be any possibility of uncertainty about it. * * * That amendment has been incorporated in the bill pending before the Senate Committee on Indian Affairs. It is preposterous to suggest for a moment that we were concerned about exempting oil operators from being taxed under the law of 1924, which would have become effective the moment section 1 of your bill became a law."

The plain inference is that Mr. Burke's amendment to the oil leasing bill empowers the States to levy production taxes against operators. But if the reader will examine Secretary Work's letter referred to and inserted later in the record, page 22, he would find the Secretary speaking of the words "in lieu of taxes" as being used "in section 2, line 2, of the printed bill H. R. 9133," and explains that it means "in lieu of all taxes against Indians."

It is not section 2 but section 1 of the bill that exempts white operators by specifically failing to give the States power to tax their production. This construction was discussed at length in the Indian Affairs Committees of both Houses. Mr. Burke was present and did not dissent. The introducers of the bill, Senator Bratton and Representative Hayden, both used the following language concerning the construction that should be placed upon it:

"Mr. COLLIER. The Government must extend to the State the privilege of taxation before the State can act.

"Senator BRATTON. There can be no doubt as to that.

"Mr. COLLIER. So that if the measure should stand as it is now, no matter what the change of wording in section 2, your producer would be tax exempt; whether the words 'in lieu of taxation' were left in or taken out it would not affect the status of the producer."

In the House hearings quoted on page 77, Senate hearings:

"Mr. HAYDEN. The Supreme Court has passed on the taxation question specifically and directly in the Oklahoma case, that a State can not levy a tax on oil from Indian lands without the consent of the United States."

Thus Mr. Burke "cleared the matter" of section 1 by making a perfectly safe statement about section 2. And his effort at self-acquittal falls to the ground. The change of language in section 2 in no way affects the status of section 1, and the implied inference that it does so is unwarranted.

AS TO THE DESTRUCTION OF INDIAN LAND RIGHTS

The reasoning followed by Mr. Burke for urging this exorbitant 37½ per cent tax is more amazing than the tax itself. "We were trying to give the Indians something they did not have instead of taking from them." This is the keynote of an argument which runs from pages 15 to 23 of his speech, too long and involved for reproduction here. Summarized and clarified, it is this—

1. "For four years I have been doing everything that I could to get legislation that would permit Executive-order lands to be developed."

2. Mr. Fall's permits were stopped by an opinion of the Department of Justice (Attorney General Stone) "that the general leasing law did not apply to Executive order Indian reservations."

3. But a Federal judge in Utah has since ruled that the general leasing law did apply to Executive order Indian reservations and the case, "apparently a very close question," is now pending in the United States Supreme Court.

4. "Now, if the decision of the United States District Court of Utah be sustained by the Supreme Court * * * the general leasing law would apply to Executive-order reservations, and no part of the proceeds from oil and gas leases would go to the Indians directly or indirectly."

5. Members of Congress, for political reasons, would then refuse to pass a law giving the Indians anything.

6. Therefore, by getting H. R. 9133 passed now, before the Supreme Court hands down its possible—yes, probable—decision, I can be sure of getting a royalty for the Indians. Sixty-two and one-half per cent would be put in the Treasury to their credit; 37½ per cent would be given to the States, directing them to spend the money on roads and schools for Indians, which directing power I would not have under the general leasing law.

7. The general conclusion: "So I think you can see, gentlemen, that under this proposition the Indians are very fortunate if we can get the legislation enacted as proposed."

But Mr. Burke curiously fails to discuss the greatest service he has given to bring about this "very important result."

He knows from Attorney General Stone's opinion that the question whether the general leasing law applies to Executive-order reservations turns upon the greater question as to whether the Indians have the right of continued occupancy and ownership of latent values found therein.

He knows Stone strongly inclines to the view that they do, as the law and the decisions now stand, and that the Utah judge is likely to be reversed by the Supreme Court.

He knows that an act of Congress based on the premise that the Indians have no such rights would have a strong bearing on the case, if, indeed, it would not determine the decision, since he knows all parties agree that the final power is in Congress.

Now, every intelligent person knows that by introducing a bill of this character and urging its passage Mr. Burke was doing the most effective thing he could to sweep from under the feet of some 85,000 Indians their legal right to remain upon these lands.

Furthermore, when Messrs. FREAR and CAMERON introduced bills perfecting the Indians' right so to remain, Mr. Burke and the Department of the Interior promptly opposed them.

We submit that in this matter we have not misrepresented the commissioner; that our charges are not untrue; but that he stands condemned by the official record.

THE CHARGES MR. BURKE IGNORED

It is regrettable that the commissioner has chosen to remain silent upon many other important charges which one or the other of our organizations have made concerning bureau administration. We have space here to indicate but a few and in the briefest manner. We assert:

1. That he has suppressed and upon request of Members of both the Senate and the House refused inspection of an elaborate report on health conditions among Indians made by his own request in 1923 by the American Red Cross. We affirm that it sustains our charges concerning the Pima Indians, as well as revealing atrocious conditions in many other places.

2. That the suppression of a report made on the business methods of his bureau by the National Municipal Research Bureau at the request of the President has been continued.

3. That the Indian Bureau, given $300,000 through successive years to this date by Congress to purchase lands for homeless Indians in California, has bought land, 80 per cent of which is worthless for farming or grazing.

4. That 24,000 Indian children are herded into boarding schools which have a capacity for only 14,500 (bureau figures), and that this overcrowding, attended with medical neglect, makes these schools breeding places for infectious diseases, which are carried to the tribes and the white population.

5. That the bureau controls, subject to no court review, Indian property of more than $1,600,000,000; that it can and does declare Indians incompetent and incapable; and that it frequently exercises its power unjustly to put Indians off their lands and lease them to the advantage of white men without appraisal, publicity, or public bidding.

6. That the bureau maintains itself, in part, out of the principal—not the income—of Indian property without the consent of Indians.

7. That throughout the United States the Indians are denied by the bureau the rights of citizenship and due process of law; are jailed without law or published codes of offenses with no bail or appeal to the courts permitted.

8. That the bureau has caused to be introduced at this session of Congress a bill which would legalize and perpetuate these and similar practices, as charged in paragraph 7, and will endeavor to force this bill through Congress at the next session.

9. That the bureau has engaged, since 1923 and to the present time, in a persecution directed against the religious customs and life of the Indians and has coupled with this persecution a nation-wide and libelous propaganda of defamation against the Indians in these matters.

At the outset of this statement we said that Commissioner Burke in his address before the House Indian Affairs Committee on April 10 had squarely raised the question of veracity and honorable dealing with the public as between himself and our organizations.

We submit the above as partial evidence that the commissioner has not been traduced or misrepresented by us, that he is not the victim of false propaganda, but that by his own misstatement of official facts of record, by his silence, and by the official records themselves, he has failed to make convincing answer to our charges.

HAVEN EMERSON, M. D.
STELLA M. ATWOOD.

ADDITIONAL STATEMENT REGARDING THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.)

By Dr. Haven Emerson, president

In addition to denying the charges which were made independently by the Indian welfare committee of the General Federation of Women's Clubs and by the American Indian Defense Association, Commissioner Burke in his speech of April 10 went further and charged Mr. John Collier, executive secretary of the Indian Defense Association, with venal and selfish motives and, by inference, with soliciting money under false pretenses.

At page 36 of the hearings Mr. Burke said:

"I want to say to this committee that it is my opinion that what actuates the representative, Mr. Collier, of this so-called Indian Defense Society are selfish motives, and that his campaign of propaganda is because he hopes to create a distrust on the part of the people that the Department of the Interior and the Bureau of Indian Affairs are not safeguarding the interests of the Indians and that they are being, to use the expression, robbed and outraged, and that the bureau is seeking in the interests of oil companies, at the expense of the Indians, to exempt them from taxation and other similar extravagant statements, all for the purpose of laying the foundation of going to the country, as frequently is done by others, and appealing for money that they may themselves enjoy the benefits thereof, * * *."

Also on page 37:

"I did not know they had a treasurer. I supposed the secretary handled the funds—637 Munsey Building is John Collier's address. If you happen to have the names or know of any other suckers, fill out this blank, etc. Then follows the phrase: 'Tell these friends they might help: Name; address; occupation.'

"So John sends the propaganda to them, and I presume it results in an accumulation of a considerable fund, and Congress does not know anything about what becomes of it, who contributes it, or what use is made of it, and if there is not a law there ought to be a law that would preclude people, under false pretenses, from using the mails to solicit money as is contemplated in this document."

This sort of aspersion and atmosphere-creating innuendo runs throughout Mr. Burke's entire address. It was heard by the committee and a large number of Washington correspondents of important newspapers and press associations and was promptly reported throughout the United States. Later this address was inserted in the CONGRESSIONAL RECORD.

As the responsible president of the American Indian Defense Association (Inc.), I deny the truthfulness both of Mr. Burke's statement of fact and his innuendo. His tactics are common to ordinary politicians in the heat of political campaigns. It is reprehensible in a responsible bureau chief to resort to such methods. In itself it is a confession of the weakness of his position. However, in order that the Members of Congress and interested citizens may know the truth it becomes necessary for me to set out briefly the history, purposes, and methods of our organization.

The association was formed early in 1923. Its first work was to take a leading part in the defeat of the Bursum bill and of the equally infamous Indian omnibus bill, both indorsed by the Indian Bureau.

Its interest covers all Indians, but to date its greatest expenditure of effort and money has been for the Pueblos of New Mexico. It is now financing and directing legal aid to the Pueblos in their struggle to recover their lands. Commissioner Burke has himself indorsed this service.

The association is financed by voluntary contributions; the ordinary annual expenditures being approximately:

For legal aid to the Pueblos	$10,000
For executive service, including Pacific coast office, clerical, travel, etc	15,000

All funds pass through the treasurer, the executive secretary handles no money. The whole of the modest salary of the national executive secretary, included in the second amount named above, is contributed by four individuals through the San Francisco treasurer. Hence, Mr. Burke's statement to the effect that Mr. Collier was supported by money collected by himself in the East is entirely erroneous.

The organization needs twice as much money as it receives. Its appeal for funds will be continued and extended. All citizens interested in Indian welfare that can be reached will be asked to contribute. The books of the association are open for inspection at all times.

The association is not in politics as such; its purpose is to obtain a reorganization of the entire system of handling Indian affairs. It seeks this end through legislation and is conducting investigations and giving to Congress and the public publicity to the facts it discovers.

As to its personnel and the character of men and women taking direct and personal responsibility as directors for the policies and methods of the association, I list the following as typical of the many that could be given:

Irving Bachellor, New York City (novelist).
Robert E. Ely (director of the Town Hall, New York City).
Mrs. H. A. Atwood, Riverside, Calif. (chairman Indian welfare division, General Federation of Women's Clubs).
William Allen White, Emporia, Kans. (editor).
James Ford (professor social ethics department, Harvard University, Cambridge, Mass.).
Elizabeth Shepley Sergeant, New York City (author and authority on Indians).
Charles F. Lummis, Los Angeles, Calif. (author and authority on Indians).
Rev. E. P. Wheeler, Aurora, Ill. (40 years a missionary among the Indians).
William Kent, Kentfield, Calif. (former Congressman).
Dr. Aurelia H. Reinhardt (president Mills College, California).
Stewart Edward White, San Francisco, Calif. (author).
Dr. Walter M. Dickie, Berkeley, Calif. (secretary California Board of Health).
Mr. William Palmer Lucas (professor pediatrics, University of California, Berkeley, Calif.).
Edyth Tate Thompson, Fresno, Calif. (secretary California Tuberculosis Association).
Dr. John R. Haynes (regent, University of California; member Los Angeles Public Service Commission).
Dr. Henry J. Ullman (president American Legion, Santa Barbara, Calif.).
Mrs. Mary Austin, Santa Fe (author and authority on Indians).
James W. Young, Chicago (vice president J. Walter Thompson Advertising Co.).
Dr. George P. Clement, Los Angeles (agricultural director Los Angeles Chamber of Commerce).
James G. Swinnerton, Palo Alto, Calif. (artist).
Fred M. Stein, New York City (chairman joint committee on tuberculosis).
Gertrude Bonnin, Washington (president National Association of American Indians).
Mrs. Louise C. Gillespie, Long Beach, Calif. (chairman, Indian Welfare, California Federation of Women's Clubs).
Jay B. Nash, Oakland, Calif.
Mrs. Augusta Urquhart, Los Angeles, Calif.
Mrs. Alice C. Myers, San Diego, Calif.
Miss Pearl Chase, Santa Barbara, Calif.
Miss Mabel C. Washburn, Santa Barbara, Calif.
W. F. M. Cutcheon, Santa Barbara, Calif.
John M. Curran, Santa Barbara, Calif.
Chauncey M. Goodrich, Saratoga, Calif.
Charles DeY. Elkus, San Francisco, Calif.
Mrs. Duncan McDuffie, Berkeley, Calif.
Leo J. Rabinowitz, San Francisco, Calif.
Mrs. W. T. Sedgwick, Berkeley, Calif.
Walter V. Wochike, Ross, Calif.
Mrs. Frank A. Gibson, Los Angeles, Calif.
Mary J. Workman, Los Angeles, Calif.
Rev. Father Robert Lucey, Los Angeles, Calif.
E. Raymond Armsby, Burlingame, Calif.
Joseph M. Price, New York City.

The national advisory board of the association includes Rev. John A. Ryan, D. D., George Haven Putnam, Henry W. Taft, Adolph Lewisohn, Dr. John H. Finlay, Dan C. Beard, George Foster Peabody, Right Rev. Monsignor J. P. Childwick, and the Right Rev. W. C. Manning.

This statement is limited and is explicitly designed as a rejoinder to Commissioner Burke in respect to those matters wherein the veracity and motives of the officers and directors of this association were challenged.

Respectfully submitted.

HAVEN EMERSON.

PRICES OF CRUDE OIL, GASOLINE, ETC.

Mr. TRAMMELL. Mr. President, we do not seem to be making very much progress on the unfinished business. I therefore ask unanimous consent to call up Senate Resolution 31.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. NORBECK. Mr. President, I would like to extend the usual courtesy in this matter, but if it is going to take a month I do not want to do it. I shall have to stop somewhere.

Mr. TRAMMELL. I do not think it will take very long. There are not over 6 or 8 or 10 Members of the Senate who are opposed to the resolution.

Mr. EDGE. May I ask to what resolution the Senator from Florida refers?

The VICE PRESIDENT. The resolution (S. Res. 31) directing the Federal Trade Commission to investigate and report to the Senate on the advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products, and so forth.

Mr. NORBECK. I think that is a very proper resolution to pass, but it is going to lead to debate. I do not want to let it get in ahead of the regular unfinished business, and therefore I shall have to object.

Mr. TRAMMELL. Mr. President, I move to lay aside temporarily the unfinished business and take up the resolution.

The VICE PRESIDENT. The motion is out of order. A motion to take up the resolution is in order.

Mr. TRAMMELL. Then I move to take up the resolution for immediate consideration. I do not like to try to displace any measure that is the unfinished business, but the migratory bird bill has been pending for two or three weeks, and the disposition seems to be to drift away from it and take up other measures at this time. Just this afternoon, with the consent of the Senator in charge of the bill, the debate has been altogether upon other matters. The matter covered by my resolution is of great importance. I realize that we have other matters of importance to be considered by the Senate. So far as the migratory bird bill is concerned, I do not think it is of any importance at all in comparison with the matter to which my resolution relates. I believe in the establishment of bird sanctuaries, but I do not believe in some of the provisions that are contained in the pending measure for the so-called preservation of the wild life of our country. The American people are far more interested and more vitally concerned in the matter of trying to bring about some action on the part of the Government that will result in the future in checking this periodical, apparently unwarranted advance in the prices of gasoline and crude oil every spring. That is the object and purpose of my resolution. Senators who think the people of the country are pleased with what is being pulled off at this time by the dealers in gasoline and crude oil and kerosene are very sadly mistaken. If they think that they are popularizing themselves by defending the Standard Oil Co. and other oil companies in the country by preventing the consideration of a resolution of this kind, I think they will awaken to the fact that they are sadly mistaken as to how the American people feel upon the subject. I have received a number of letters and a number of newspaper comments upon the question. It seems that the people of the country feel that some action should be taken. We should not allow a measure of this importance to be postponed day after day and time after time by dilatory tactics in the interest frequently of measures of far less importance.

I do not like to be continuously trying to interfere with other propositions, but this is a matter of a great deal of importance. Throughout my service I have been extremely modest, but I

state now that this is not a very desirable place for a man who is modest, and who stands back on the question of courtesy and is not disposed to push, under any and all circumstances, policies and measures which he favors. There are always others who are clamoring for attention and who are pushing the modest man back every time that he endeavors to secure action on some measure in which he is interested. Often the most dilatory tactics are adopted to prevent the consideration of even such an important measure as the one to which I am now referring. I am going to insist on a hearing on the proposition.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield to the Senator in charge of the bill for a moment.

Mr. NORBECK. Mr. President, as to the disadvantage resulting from being a modest man, I agree with the Senator from Florida. That is one of the troubles with the migratory bird bill. I have been too modest to object to everything else that comes along. I do not want to be put in the position of being a defender of the Oil Trust. I at least am one Senator who voted against reducing their taxes.

Mr. ROBINSON of Arkansas. Mr. President, does the Senator from South Dakota think it would be possible to get an agreement to fix a time to vote on his bill and the amendments thereto?

Mr. NORBECK. I should be delighted if I could get that kind of an agreement, but I do not think it is possible. I think one or two Senators would object.

Mr. TRAMMELL. Mr. President, I should like to get an agreement whereby we may vote on the question involved in this resolution. I myself do not care anything about discussing the resolution at length. So far as I am concerned, we can set an hour to-morrow or on any day in the near future or within 30 minutes. All I wish to do is to ascertain the will of the Senate on the proposition.

Mr. CURTIS. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I yield.

Mr. CURTIS. The Senator from Oklahoma [Mr. HARRELD] desired to be present when this resolution came up. I suggest to the Senator from Florida that he delay his request until the Senator from Oklahoma shall return to the Chamber. I will say that the Senator has been telephoned for.

Mr. TRAMMELL. Let the Senator from Oklahoma remain in the Chamber. I brought this question up during the last session of the Senate some two or three weeks before adjournment. At that time I believe 75 per cent of the Senate would have voted for a resolution of this character, but by dilatory tactics, and pleading that I should wait until some Senator came back to the Chamber, a vote was prevented upon this important question. Now, if a majority of the Senators are opposed to the resolution, I desire that they shall say so. Let us vote on the resolution, but let it not be killed by denying it the privilege of being considered or voted upon. That is all I ask for. I want to get a vote on the resolution. I am willing to have it voted on at 5 o'clock.

Mr. KING. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I yield to the Senator from Utah.

Mr. KING. I will ask the Senator from Florida if it is not a fact that statistics which are now available as to the earnings of the oil companies, particularly the Standard Oil Co. of Ohio and the Standard Oil Co. of New York, show that by their manipulation of the prices of the crude as well as the finished product they increased their dividends this last year to the extent of more than $25,000,000 above the enormous dividends of the preceding year, and that they have declared stock dividends exceeding $100,000,000? If the Senator answers the question affirmatively, I desire to ask does not that demonstrate the fact that the companies have gotten control of the market, that they are charging extortionate prices for their products, and the the American people are being the victims of their rapacity and their inordinate prices?

Mr. TRAMMELL. Mr. President, I think the Senator's statement is very correct. I noticed within the last few days some statistics of the character which he has stated. I do not remember the details so well as does the Senator, but a great many of the oil companies are making enormous earnings. A year ago when we had this question before the Senate the plea on the part of some of the defenders of the Standard Oil Co. and of other companies affiliated with this monopolistic aggregation was that the production of oil was on the decline. However, within a week after it had been stated that the production was on the decline statistics came out showing plainly that the production had enormously increased and that a discussion of the question of supply and demand was merely a subterfuge. The law of supply and demand does not control the situation. What controls the situation is price fixing under the lead of the Standard Oil Co. At will they control the fixing prices regardless of the question of production and regardless of the question of demand. As published in the newspapers of the past week or 10 days, the Standard Oil Co. of New Jersey advanced its prices, which apply to the States within its jurisdiction; simultaneously, on the same day the Standard Oil Co. of Kentucky advanced its prices, and on the same day simultaneously with the price increase on the part of the Standard Oil Co. we find a number of other oil companies increasing prices. Anybody who does not see that there is a concert of action must be blind. It is very apparent that they are manipulating prices, and manipulati..g them to a very great extent, to the point of charging excessive prices, considering the cost of production and the investment in these industries.

It is sometimes claimed that these companies are only making a certain percentage on their investment, and reference is made to 10 or 12 per cent; but it is necessary that we should go back and ascertain what that investment represents. The investment, as a rule, represents enormous stock dividends and enormous earnings made during previous years. I have some statistics on that question, and I am going to let the country know something about it again, whether we vote on the resolution now or not. I am going to call the attention of the Senate to the manner in which the larger of these companies have increased their capital stock. For a great many years the Standard Oil Co. in particular—and the others have reached the position now where they cooperate with and assist them—has been exacting a toll from the American people that has been far in excess of anything reasonable or anything that was justifiable, considering the investment in the industry.

Mr. SWANSON. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. For what purpose?

Mr. SWANSON. I wish to know who objects to the Federal Trade Commission making the proposed investigation?

Mr. TRAMMELL. That is what I want to know. I desire to have a yea-and-nay vote to ascertain who objects to it.

Mr. SWANSON. It seems to me to be apparent that the advances made in the price of gasoline in recent months have been so rapid that they can not be the result of decreasing production, but simply the result of manipulation. If this commodity is being manipulated so that 120,000,000 people are being oppressed by rapid advances in price, certainly it is not inappropriate for the Senate to ask that an investigation shall be made by the Federal Trade Commission. That commission was organized to make investigations for Congress, which is entitled to know when it shall meet here again in December whether or not this vast industry is being manipulated for the benefit of private individuals and large companies. I can not see why anybody should object to an investigation of the question by the Federal Trade Commission.

Mr. TRAMMELL. I do not see why there should be objection to the resolution. If the oil companies are not doing anything that is in restraint of trade or in violation of the antitrust law, then, of course, they will go free; the Senate will secure the facts; and if further legislation seems necessary we can then take action.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. Yes.

Mr. HARRELD. Mr. President, this resolution has been lying on the table since the special session of the Senate last spring. I did not know that it was to be called up. It is my intention to resist the adoption of the resolution, and I expect to address myself to the Senate to show that there is no reason for it. I am not ready to do that this evening, but I have no disposition to delay the consideration of the resolution, and will inquire if we may not agree upon some other time to take it up rather than this afternoon.

Mr. TRAMMELL. Mr. President, I desire to offer some observations on the subject. Of course, Senators realize that only within the last week or 10 days have the oil companies started out again to pyramid prices. If I had asked to have the resolution adopted a month or two months ago, when they were not advancing prices and were not engaged in concert of action, then, of course, I would have been confronted with the argument that there was no occasion for the Senate acting. If I allowed——

Mr. HARRELD. Mr. President, I should like to say to the Senator——

Mr. TRAMMELL. Will the Senator please not interrupt me in the middle of a sentence containing only about 10 words?

If I had asked for the consideration of the resolution prior to the time when the oil companies began to pyramid their prices, then, of course, the resolution would not have been relevant, but I have had it on the calendar, and I rather suspected that the oil companies would follow their past custom of advancing prices in the spring of the year when people begin to use automobiles more freely and there is a greater demand for gasoline. They began that a week or two ago, and immediately upon that information being published through the press I began trying to have my resolution considered. I do not want to have the resolution delayed from time to time upon this, that, or the other excuse; but what I should like to do is to get an expression of the Senate on the question, and that is really all I want, although, of course, I firmly believe that there ought to be an investigation made. However, I will be very glad, if we can consent to a particular time to vote on the resolution, to allow it to go over until some other time, if the Senator from Oklahoma wishes to discuss it.

Mr. HARRELD. I am perfectly willing to do that; I am not going to try to delay action. I am perfectly willing to have the resolution set down for a day certain; I am not objecting to that.

Mr. TRAMMELL. Would it be satisfactory to have a vote on the question at 4 o'clock to-morrow?

Mr. HARRELD. I do not think I could get ready to say what I have to say in that time. I would be willing to take it up about Saturday.

Mr. TRAMMELL. It is suggested to me that we are likely to take an adjournment over Saturday, and not be in session from Friday until Monday.

Mr. HARRELD. I hardly suppose we will adjourn both on Saturday and Monday.

Mr. TRAMMELL. I should be glad if we could agree to take a vote on the resolution, say, on Friday at 4 o'clock. If we may make such an agreement, I will promise not to occupy 30 minutes of the time of the Senate.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Kansas?

Mr. TRAMMELL. I yield.

Mr. CURTIS. I have no suggestion to make, but it was the intention, if the Senate felt like following the suggestion, to adjourn on Saturday until Tuesday. That would recognize Monday as a holiday, but, so far as I now know, there will be a session on Saturday.

Mr. TRAMMELL. Mr. President, it seems to me that on a simple proposition of this kind we could vote on Friday. It does not involve the question of convicting the oil companies or anything of that kind. It involves merely the question of having the Federal Trade Commission, which was created for the very purpose of looking into conditions of this character, investigate their modus operandi in connection with the fixing of prices.

Mr. HARRELD. My opinion, Mr. President, is that if I can show that there is no need for the investigation the Senate will not vote for it. That is what I am going to try to do.

Mr. TRAMMELL. The Senator might convince himself to that effect, but I do not believe he will convince many Senators, and he certainly will convince very few of the American people who have to pay the freight in the interest of the Standard Oil Co. and other companies that act with them in the matter of monopolistic price control and domination. The Senator will not convince many of the American people who are paying the freight that there is no necessity for an investigation.

Mr. SWANSON and Mr. FRAZIER addressed the Chair.

Mr. HARRELD. Mr. President, I think the Senator from Florida yielded to me, did he not?

The VICE PRESIDENT. To whom does the Senator from Florida yield?

Mr. TRAMMELL. I yield first to the Senator from Virginia, as I believe he first requested me to yield.

Mr. SWANSON. Mr. President, I think we ought to have a vote on the resolution. I have noticed every time the Federal Trade Commission has investigated the rapid increase in the price of gasoline and petroleum products that prices have gone back reasonably, while the profits of the oil companies have never been seriously impaired.

The record shows that the companies have never been hurt. Probably there never have been any companies that have made greater profits than those engaged in the oil business. It seems to me that there ought to be a vote on the resolution. The Senator from Oklahoma says that he is willing to have a vote and the Senator from Florida says he is willing. Now, I am going to suggest that a vote be taken at 2 o'clock on Saturday. After that we could adjourn. So I suggest that the vote be taken on the resolution at 2 o'clock on Saturday next.

Mr. TRAMMELL. That is agreeable to me. I ask unanimous consent that the vote on the resolution be taken at 2 o'clock on Saturday next.

Mr. HARRELD. I am willing to agree to 4 o'clock, because I want my remarks to be made just before the vote is taken. I will agree to that hour if it is understood that I may address the Senate on this question just before the vote is taken.

Mr. SWANSON. The Senate will meet at 12, and the Senator can speak from 12 until 2.

Mr. HARRELD. Yes; if some Senator does not take the floor to make a prohibition speech.

Mr. SWANSON. There is no great danger of any Senator doing that. The Senator can give notice that as soon as the Senate meets at 12 o'clock on Saturday he will ask to be recognized. I have never known a Senator to be interfered with after giving a notice of that kind.

Mr. HARRELD. I have no objection to 2 o'clock if I can have assurance that I will have that time.

Mr. SWANSON. The Senator can safeguard that matter by giving notice that as soon as the Senate convenes on Saturday he will address the Senate on this question. I have never known a notice like that to be interfered with by any Senator.

Mr. HARRELD. Very well. I will agree to the hour of 2 o'clock with that understanding; but I give notice now that I shall desire to address the Senate just before the vote is taken.

Mr. TRAMMELL. The agreement is that we will vote at 2 o'clock; and the Senator desires to have how much time—one hour preceding 2 o'clock?

Mr. HARRELD. I want about one hour.

Mr. TRAMMELL. I ask unanimous consent that we vote on the resolution at 2 o'clock on Saturday.

Mr. SHORTRIDGE. I object.

The VICE PRESIDENT. Objection is made.

Mr. TRAMMELL. Then, Mr. President, I move that we now take up the resolution.

The VICE PRESIDENT. The motion of the Senator from Florida is already before the Senate, that the Senate proceed to the consideration of Senate Resolution 31.

Mr. BINGHAM. Mr. President, a parliamentary inquiry. If this motion is carried, will it displace the unfinished business?

The VICE PRESIDENT. If the motion is carried, it will displace the unfinished business.

Mr. TRAMMELL. I make the motion. I do not think we will have any trouble in getting the migratory bird bill back before the Senate, but we will have trouble in getting this resolution back; so I make the motion, and ask for a yea-and-nay vote on it.

Mr. NORBECK. Mr. President, I do not want any misunderstanding about this matter. I should like to support the Senator in his motion; but I think it is an unfortunate thing that he is trying to displace a bill that has been before the Senate for a week and insist on action on his resolution immediately. If he will wait until we get through with this bill I will support his motion, but under the circumstances I hope it will not prevail. There should be some order about our legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida, on which the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from South Carolina [Mr. SMITH], and will vote. I vote "yea."

Mr. REED of Pennsylvania (after having voted in the negative). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Indiana [Mr. WATSON], and will allow my vote to stand.

Mr. BRATTON (after having voted in the affirmative). I have a general pair with the Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON], and will let my vote stand.

Mr. MOSES (after having voted in the negative). I transfer my pair with the Senator from Louisiana [Mr. BROUSSARD] to the Senator from Vermont [Mr. GREENE], and will let my vote stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

The Senator from Maryland [Mr. WELLER] with the Senator from Missouri [Mr. REED], and

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER].

Mr. GERRY. I desire to announce that the Senator from Tennessee [Mr. TYSON] is necessarily absent on official business. If present he would vote "yea."

The result was announced—yeas 29, nays 37—as follows:

YEAS—29

Ashurst	Gerry	McMaster	Stephens
Blease	Harris	Overman	Swanson
Bratton	Heflin	Pittman	Trammell
Caraway	Howell	Robinson, Ark.	Walsh
Dill	Jones, N. Mex.	Sheppard	Wheeler
Ferris	King	Shipstead	
Frazier	La Follette	Simmons	
George	McKellar	Steck	

NAYS—37

Bingham	Fess	Metcalf	Schall
Borah	Goff	Moses	Shortridge
Bruce	Hale	Norbeck	Smoot
Butler	Harreld	Norris	Stanfield
Cameron	Johnson	Oddie	Wadsworth
Capper	Jones, Wash.	Pepper	Warren
Curtis	Kendrick	Phipps	Willis
Deneen	Keyes	Pine	
Edge	McNary	Reed, Pa.	
Ernst	Mayfield	Sackett	

NOT VOTING—30

Bayard	Fernald	McKinley	Smith
Broussard	Fletcher	McLean	Tyson
Copeland	Gillett	Means	Underwood
Couzens	Glass	Neely	Watson
Cummins	Gooding	Nye	Weller
Dale	Greene	Ransdell	Williams
du Pont	Harrison	Reed, Mo.	
Edwards	Lenroot	Robinson, Ind.	

So Mr. TRAMMELL's motion was rejected.

Mr. TRAMMELL. Mr. President, I wish to have it understood that this does not dispose of the matter. I am going to keep on calling up this resolution, and I expect to get a direct vote on it sooner or later. I will call it up to-morrow if I can possibly get an opportunity to make the motion. I thought I was generous when I said that I was willing to wait until Saturday for a vote, and that I wanted to occupy only 30 minutes myself in debating the question; but that does not seem to please some Senators, so I am going to insist that the resolution be considered at this session of Congress.

I wish to have read from the desk a letter received by me upon this subject which is indicative of a quite general sentiment among the American people with regard to the activities of the Standard Oil Co. and other companies in the way of price advancing. I should like to have it read and printed in the RECORD.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. NORRIS. I should like to say to the Senator that I think I am just as much in favor of his resolution as he is. I shall be glad to help pass it if we can; but I doubt the wisdom of trying to displace a bill that ought to be acted on, that has been before the Senate a long time, and Senators have been talking on other subjects while it was pending. We ought to meet the issue raised by this bill and dispose of it, either by passing it or by defeating it. So far as I am concerned—and I think that is the sentiment of a great many Senators—we are favorable to the Senator's resolution; but if we try to jump from one bill to another and from one resolution to another we will never get anywhere with anything.

Mr. TRAMMELL. I fully appreciate that the Senator is as much in favor of the resolution as I am; but the question is how we are going to get up the resolution unless we insist upon its being taken up even while another bill is pending and unfinished.

Mr. NORRIS. I will vote to take up the Senator's resolution if it does not displace something else that has not been disposed of, and I will stay here until we can get it up.

Mr. TRAMMELL. It seems that we never can find a time. This morning, for instance, I proposed to call it up during the morning hour. The stage was all set, however; the list was probably already arranged that the Senator from Nevada [Mr. ODDIE] was to be recognized, and that the two hours would be occupied by the good roads bill. I favored that bill, but the whole time was occupied by the good roads bill.

Mr. NORRIS. I will say to the Senator that I do not think the resolution will take long; and if it can be taken up at some time by laying aside the unfinished business, I shall be glad to have that done. I will not, however, vote to displace the unfinished business for the purpose of considering it.

Mr. TRAMMELL. I have been doing my best for two or three days to do that.

Mr. BRUCE. Mr. President, I should like to say to the Senator from Florida also that my position with regard to his resolution is exactly the same as that of the Senator from Nebraska.

Mr. TRAMMELL. I am sure that a number of Senators voted against taking up the resolution on account of the pendency of the other bill.

I would like to have this letter from a prominent citizen of Florida read and spread on the RECORD. It is expressive of about how the American people generally feel on this subject.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

PUTNAM MERCANTILE CO.,
Oak Hill, Fla., May 24, 1926.

Hon. PARK TRAMMELL,
United States Senate, Washington, D. C.

DEAR SENATOR: I hope you may be successful in calling up and having passed your resolution directing investigation of the price of gasoline and other petroleum products. Action should be taken before adjournment of Congress, as the recent advances in price affect the entire South, if not the whole country.

During the past 60 days the Standard Oil Co. has advanced the price of fireproof oil (kerosene) from 16½ to 20½ cents per gallon and gasoline from 24 to 26 cents per gallon, tank wagon, or wholesale price, and we have been compelled to advance the retail price accordingly.

The press is constantly holding up to public gaze the Rockefeller donations; it seems to be a case of "robbing Peter to pay Paul"; and a long-suffering public is growing weary of this sort of rot. I sincerely hope some means may be devised to curb the practice.

With best wishes, I am,

Sincerely yours,

J. W. PUTNAM.

Mr. SHIPSTEAD. Mr. President, I voted for the motion of the Senator from Florida. The Senator is aware that at times, if we expect to keep up with our work, we must leave the Chamber when the Senate is in session and sign correspondence. I came into the Chamber just in time to vote on the Senator's motion. I understood the motion to be to permit a vote on this resolution not later than Saturday. I favor the resolution. Had I known that the motion was to displace the pending bill, my vote would have been in the negative. I wanted the RECORD to show that.

Mr. KING. Mr. President, in my opinion the motion made by the Senator from Florida [Mr. TRAMMELL] should have prevailed. There is no doubt that the Standard Oil Co., which consist, of course, of a number of organizations, affiliated and coordinated, exercise a dominating influence in the oil industry of the United States, if not of the world. Prices of crude oil and of the finished products are dictated by the organizations just referred to, and commonly known as the Standard Oil Co. These corporations, which have been developed out of the company organized by Mr. John D. Rockefeller, have resources so enormous as to almost defy imagination. Their holdings in the United States and in various parts of the world are worth billions of dollars, and their earnings are so great as to almost be beyond computation. Their cash dividends are increasing and their stock dividends have amounted to hundreds of millions of dollars. Their earnings during the past year show the growth of the Standard Oil Co. and its allied, associated, and affiliated organizations. The prices fixed from time to time do not result, generally speaking, from competition, but are determined by the various Standard Oil companies and affiliated organizations and a few other companies, like the Shell Oil Co., which operates in the United States and in other parts of the world.

The understanding reached by the great oil companies fix the price of oil and the so-called "independents" follow in their footsteps, knowing the penalty which would befall them if they attempted to cut prices.

The Senator from Florida has just stated in effect that the law of supply and demand is set at naught. I think his statement is not inexact. The price of gasoline falls without reason and it rises with no less regard to the facts and to physical and business conditions. In other words, the prices are determined not alone by production but by fictitious and other causes, many of which are entirely capricious. I said capricious. Perhaps I should have said determined in part by the cupidity of some of the large corporations engaged in the production of oil in its various forms.

The interruption of the law of supply and demand is a great menace in the economic life of the people. It is an unhealthy thing to have enormous mergers and great consolidations effected in our manufacturing and industrial enterprises. But under the Republican administration the growth of trusts and

monopolies has increased with enormous strides. There are more trusts and monopolies and combinations in restraint of trade and to control prices and destroy competition than ever before in the United States. The trusts and the great capitalistic enterprises were never more powerful than now, and were never more audacious in dealing with the people and in dealing with the Government. The Sherman Antitrust Law, the Clayton Act, and the Federal Trade Commission act are flouted by big business and the predatory interests. But little attention is paid to the feeble efforts made by the Government to enforce the laws of the United States which were enacted for the purpose of preventing monopoly and preserving the law of supply and demand. Unfair business methods prevail in many lines of industry, and small and weak corporations either fall by the wayside before the attacks of the great organizations, or they are absorbed and swallowed up, thus increasing the actual and the potential power of the voracious organizations.

The Senator's resolution asks for an investigation by the Federal Trade Commission. There is no other organization provided by law to undertake such investigation. However, while I shall vote for the Senator's resolution, I fear he will be disappointed with the results of any investigation made under the auspices of the present Federal Trade Commission.

This organization has recently been the subject of earnest debate in the Senate. It was shown that the majority of the members of this commission have changed the rules under which the Federal Trade Commission operated in the past and have announced that the very purpose of the commission has been changed. I attempted to show, in an address which I delivered in the Senate a few weeks ago, that the statute creating the commission and defining its duties had been in one or more particulars ignored, if not violated. The result is that the commission has ceased to be an agency to restrain predatory corporations or to prevent unfair practices.

Apparently there is no reason for its existence and it should be abolished, unless its personnel is changed or the majority members of the commission change their attitude toward the law and the practices by corporations which are so injurious to honest business and so harmful to the consuming public.

The President of the United States, as Senators will recall, recently spoke in New York in regard to the business organizations of the country. His speech, by big business, was regarded with very great favor. I stated in the Senate soon afterwards that his speech was a benediction pronounced upon the heads of the great corporations and trusts of the United States. He stated, in effect, that they had purged business of its transgressions and unfair practices. The President's speech, in my opinion, was most unfortunate and undoubtedly was regarded by the great trusts and aggregations of capital in consolidations and corporations as an approval of their present methods and conduct.

With such an address by the Chief Executive the organizations of which I spoke would have but little fear of prosecution under the Sherman law or the Clayton Act or investigation by the Federal Trade Commission. They would feel secure in the course which they are pursuing and would regard the executive branch of the Government as being entirely satisfied with their business activities and their business policies.

I repeat, never before has there been so great a necessity for the enforcement of the laws of Congress against unfair practices of corporations and trusts and against conspiracies in restraint of trade and combinations engaged in the destruction of competition. Before relief can be had by the people from the oppressive and destructive policies and practices of predatory wealth, there must be a change in the legislative and executive branches of the Government.

We need a Congress that will strengthen the Sherman law and an executive department that will enforce it.

ORDER FOR RECESS

Mr. JONES of Washington. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LESLIE WARNICK BRENNAN

Mr. BRUCE. Mr. President, I would like to call up Order of Business 760, House bill 2237, for the relief of Leslie Warnick Brennan. A similar bill was passed by the Senate at the last session of Congress. This bill was passed by the House at the present session and was about to be passed the other day when the junior Senator from Utah [Mr. KING] objected. Now that Senator has withdrawn his objection.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for the present consideration of House bill 2237. Is there objection?

Mr. SMOOT. Let the bill be reported.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Warnick Brennan the sum of $11,644.14, being the amount expended by him in taking and distributing motion pictures used by the War Department in instruction during the World War.

Mr. SMOOT. I ask the Senator if this amount has been approved by the department?

Mr. BRUCE. Yes; it has been. A similar bill was passed by the Senate at the last session, and this bill has been passed by the House at the present session. The junior Senator from Utah has withdrawn his objection after a careful examination. The bill is approved by the authorities.

Mr. KING. I objected at the time the bill was reached on the calendar before. I have looked into it since, and it is all right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD an address by former Senator B. B. Comer, of Alabama, on the leasing of Muscle Shoals, as well as a letter of the Farm Bureau Federation inclosing an editorial on the same subject.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LABOR IS COMMENDED BY EX-GOVERNOR COMER FOR STAND ON SHOALS—VIOLATION OF SHERMAN ANTITRUST ACT IS SEEN IN PROPOSAL OF POWER COMPANIES TO LEASE MUSCLE SHOALS—ACCEPTANCE OF BID WOULD BE "DESTRUCTIVE TO INTERESTS OF THE PEOPLE"

Commending the Alabama Federation of Labor for its protest against leasing Muscle Shoals for power exploitation, former Gov. B. B. Comer yesterday issued a statement charging that such leasing would be a direct violation of the Sherman antitrust law, and would be "destructive of the interests of the people."

"If the Alabama Power Co. and its subsidiaries or its associates secure Muscle Shoals," said Governor Comer, "then there is no calculating where private exploitation will end or the taxes of the people be measured." The former militant Governor of Alabama and former United States Senator charged that the Alabama Power Co. is practicing subornation of the jury, "because," he said, "it has for the purpose of accomplishing its exploitation of the people extended many largesses to many citizens. Will these citizens recognize this purchase," he asks, "and join with the power company to secure conditions that will inevitably multiply the taxes on their fellow citizens?"

"The Age-Herald and associated newspapers can not be too highly commended," said Governor Comer, "for the splendid fight they have put up against the success of these conditions."

The money which would come to the Government by leasing this property for power purposes is infinitesimal, in Governor Comer's view, and he adds, "In using this power if need be as an experimental station for the manufacture of every fertilizer advantageous to the land, the Government could not spend the money to better purpose, if nothing was gained except economic information.

"The leasing of Muscle Shoals to the Alabama Power Co.," he said, "certain to be then used as a combination against the people, no matter what the price paid, would be destructive of the interests of the people; and in helping, abetting, making possible this combination, the Government itself is helping to destroy the Sherman antitrust law." Governor Comer's statement in full is as follows:

"The action of the Alabama State Federation of Labor at Sheffield, protesting against the leasing of Muscle Shoals for any power proposition, stating that this is contrary to the proposed economies on which the power was developed, is exactly right. I will go a step further; such leasing would be a direct violation of the Sherman antitrust law. This law was enacted to protect the people, no matter whether at large or small, against any combination of interests having the power to charge.

"If the Alabama Power Co. and its associates secure by lease or otherwise Muscle Shoals, then Alabama has the very condition which the Sherman law proposed to prevent; i. e., we are at the mercy of a trust, and this, too, with the Government conniving, helping, abetting, making possible. How insignificant to the Government the money rental proposed by the power company compared to the Government

protection of the people, or to the advantages which can come to the people by the proper use of this great power, particularly that class of people which the Government should most love to protect—the farmer. In using this power if need be as an experimental station for the manufacture of every fertilizer advantageous to the land, the Government could not spend the money to better purpose if nothing was gained except economic information.

"The leasing of Muscle Shoals to the Alabama Power Co., certain to be then used as a combination against the people, no matter what the price paid, would be destructive of the interests of the people, and in helping, abetting, making possible this combination, the Government itself is helping to destroy the Sherman antitrust law. The Government has spent $150,000,000 in building dams and installing machinery, but inherent in the water—a value not computable and which has not been paid for—is the power. Combine this inherent value with the money the Government has spent in developing those things which the people most need, which are most vital to their interests, fertilizer, and this would be the greatest accomplishment that could possibly come for the use of the people to whom it should inalienably belong.

"No matter whether out of this property the Government makes money or not; that is the least consideration. The benefits which can come to the people are the greatest, and if it can be accomplished, then the Government has used in the most economical way this power, and the running, the managing of this by the Government is unlike any other business into which the Government could go. The outlay has been made; the working of the outlay can be done at the least possible cost. A million horsepower put in motion by the turning of a lever. In the largest measure the cost will be simply brains, and brains the Government can command as economically as anybody and many times safer for the people. Then the question comes, are the Government and its properties for the people or can the Government be used to destroy one of its most beneficial laws, protective laws, the Sherman antitrust law?

"The money which could come to the Government by leasing this property for power purposes is infinitesimal. The protection, the usufruct to the people, if for nothing else than experimentation in the manufacture of fertilizer of whatever description is the maximum that it can possibly be put to. If the Alabama Power Co. and its subsidiaries or its associates secure Muscle Shoals, then there is no calculating where private exploitation will end or the taxes of the people be measured.

"The Alabama Power Co. has for the purpose of accomplishing its exploitation of the people extended many largesses to many citizens, direct subornation of the jury. Will these citizens recognize this purchase, join in with the power company to secure conditions that will inevitably multiply the taxes on their fellow citizens?

"The Age-Herald can not be too highly commended for the splendid fight it has put up against the success of these conditions."

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., May 25, 1926.

To all Members of Congress.

GENTLEMEN: By the courtesy of Mr. Henry Ford we are able to send you the inclosed advance editorial which will be published in the Dearborn Independent of June 5. The editorial speaks for itself.

I feel sure you will be interested in knowing that Mr. Ford's interest in Muscle Shoals has not lessened and that his ideas and those which were transmitted to you last week by the Washington office of the American Farm Bureau Federation in regard to the pending power proposal are in close agreement.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Acting Director.*

FARMERS NOT FOOLED, BUT BUNCOED

A series of victories by the power combine over agriculture and the national defense at Muscle Shoals constitutes the history to date of that great Government war and peace enterprise. Muscle Shoals was planted by Congress in the geographical heart of the country to supply munitions of defense in time of war, and fertilizer for farms in time of peace. The power combine has been successful until now in defeating both of these objectives of Congress.

It first employed the method of demanding that Muscle Shoals be scrapped. "Not a nickel," said the power combine to Government requests for bids on the valuable property—"Not a nickel. Scrap it." The teamwork of the combine was perfect. On every hand the great works at Muscle Shoals were belittled and condemned. The power combine, in answer to the Government's request for bids on Muscle Shoals, in 1921, said that neither "private capital nor the United States can afford to invest additional public money to complete the dam and hydroelectric power at Muscle Shoals, Tennessee River." The fertilizer combine joined with its chorus "fertilizer can not be commercially and profitably produced at Muscle Shoals." Then, in response to the Government's request, Henry Ford made an honest offer, which at one stroke proved that Muscle Shoals could be completed by private or public capital, and he guaranteed to produce fertilizers.

Mr. Ford's offer saved the Government's investment at Muscle Shoals, so that even a small auxiliary plant sold for $3,472,487.

Then the combine which said Muscle Shoals was "not worth a nickel" and wanted it scrapped began to fight the Ford proposal that made it worth millions and worth putting into production. Their purpose was the same in both instances. That purpose was to eliminate a great works which, under competent management, could break the Power Trust, the Chilean Nitrate Trust, and the Aluminum Trust in the United States. This had to be prevented at all costs.

To prevent Muscle Shoals from being used to expose the gross overcharge made for power; to prevent exposure of the gross robbery of the farmer in fertilizer, the power combine strained every resource. It would not permit Muscle Shoals to be operated except as a component part of the system of superpower exploitation now practiced upon the American people. That explains the long fight made against the Ford offer.

Note now their present tactics. Unable longer to say Muscle Shoals is "not worth a nickel" (the Ford offer has given irreducible value to the great works), the combine now seeks so excessively to overcapitalize it by usurious interest payments to the Government that the people served by Muscle Shoals will be paying more for Power Trust finance than for actual power or actual products originating at the shoals.

Between these extreme and contradictory attitudes, which yet agree in the main purpose of preventing Muscle Shoals being used for the people as against the trusts, there is much history that need not here be repeated. The cry of "scrap it" five years ago has changed to the cry of "exploit it" to-day. Behind both cries is the determination of the power combine to keep the economies of Muscle Shoals away from the people. Its importance to the national defense has been absolutely lost sight of; its unity has been imperiled by weasel amendments inserted by the Senate in House Concurrent Resolution 4. Congress spends days talking about farm relief, while Muscle Shoals, a great source of practical relief to the American farmer, goes neglected. The power combine has succeeded in putting it over President Coolidge and the Congress.

Such a sweeping victory for such a sordid program finds no comparable instance save the initial negotiations for Teapot Dome.

The situation at present has two aspects: First, the contentment of the power combine that no final disposition of Muscle Shoals shall be made, because right now the combine is the beneficiary of the power that is being produced at the Wilson Dam power station. The Government sells the power to the power combine at a price which makes it almost a gift. Second, the present offer and bid of the power combine, recommended by a majority of the joint committee, proposes to charge all that the running water will bear regardless of its cost, and this financial arrangement is designed not to produce economic fertilizer at Muscle Shoals but to defeat its economic production.

The power combine's fertilizer offer, favorably reported by a majority of the joint committee, does not guarantee to make fertilizer at Muscle Shoals. The power combine is bound to nothing more than an experiment in making fertilizer. The language of the proposal is very clear on this—if the synthetic process does not work, "some other" method may be tried, and no limit is placed on the number of methods they may try nor the amount of time they may spend in experimenting. This does not promise fertilizer. The Power Trust, which is preventing Muscle Shoals from reducing the cost to the power consumer, is not going to injure its sister trust by reducing the cost of fertilizer to the farmer.

It has long been accepted by those at Washington who stand for national defense and the production of fertilizer at Muscle Shoals that no offer except one "as good or better than the Ford offer" should be considered. The Ford offer was based on the principle of the largest use at the lowest cost. It reduced interest charges to the minimum. It was, in fact, an engineer's proposal, not a banker's proposal. Mr. Ford never could understand, and does not understand to-day, why bankers should be permitted to collect interest from power consumers on the regulated flow of a river. In Henry Ford's proposal sinking fund payments were placed at 4 per cent interest, compounded annually, which would return to the Government at the end of 100 years the capital cost of the Muscle Shoals Dams. The offer by the power combine to pay a maximum of $1,800,000 at these two dams on account of headwater improvements can be considered as the power combine's sinking-fund plan and compared with Henry Ford's sinking-fund plan. The saving between the Ford plan of amortization and the power combine's plan is the difference between $81,000,000 and $3,232,000, or $77,768,000. The public pays the difference. Henry Ford proposed to produce power and fertilizer; the power combine proposes to produce watered stock and dividends. Worse than that; it asks the Government to go partner in the scheme,

and the majority of the Joint Committee on Muscle Shoals actually agrees!

Thus, it is clear that under the power combine's plan Muscle Shoals is removed as a factor compelling the Power Trust to reduce the price of power and the Fertilizer Trust to reduce the price of fertilizer. Watered stock, interest charges, dividends, and high cost of power now have the right of way if the uninterrupted victories of the power combine continue.

President Coolidge once said, in anticipation of a lower bid than the Ford offer being made: "While the price is an important element, there is another consideration even more compelling. The agriculture of the Nation needs a greater supply and lower cost of fertilizer."

Does the President not know that with the higher price offered by the power group for Muscle Shoals power "a greater supply and lower cost of fertilizer" is impossible?

Does not the President know that breaking up the unity of Muscle Shoals by substituting "leases" for "lease" is an unpatriotic destruction of Muscle Shoals as a great defensive unit?

Does not the majority of the Joint Committee on Muscle Shoals know that the acceptance of grossly excessive capitalization at Muscle Shoals means a disgraceful betrayal of the farmer?

It all comes to this:

Those who failed to scrap Muscle Shoals by saying it was "not worth a nickel" are now trying to hamstring it by loading it with interest-bearing Government capital. Either way, it comes to the same thing so far as the establishment of the electrochemical industry at Muscle Shoals and the production of fertilizer for farmers are concerned. The farmers can go to Chile for their nitrates as in the past, and the electrochemical industry can go to Canada and Norway as it has been doing, and the water power on the Tennessee River can go on to waste by nonuse, until the power combine gets ready to exploit its use.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Thursday, May 27, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 26, 1926

MEMBERS OF THE BOARD OF TAX APPEALS

FOR A TERM OF 12 YEARS

Jules G. Korner, of North Carolina.
Charles R. Arundell, of Oregon.
John J. Marquette, of Montana.
Logan Morris, of Utah.

FOR A TERM OF 10 YEARS

Benjamin H. Littleton, of Tennessee.
William R. Green, jr., of Iowa.
Percy W. Phillips, of New York.
Charles M. Trammell, of Florida.

FOR A TERM OF 8 YEARS

William C. Lansdon, of Kansas.
Charles P. Smith, of Massachusetts.
Sumner L. Trussell, of Minnesota.
John M. Sternhagen, of Illinois.

FOR A TERM OF 6 YEARS

J. Edgar Murdock, of Pennsylvania.
William D. Love, of Texas.
John B. Milliken, of Arizona.
Ernest H. Van Fossan, of Ohio.

PROMOTIONS IN THE NAVY

MARINE CORPS

The following-named noncommissioned officers of the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 29th day of May, 1926:

Corporal Austin Kautz, jr.
Sergeant Lee N. Utz.

JUDGE OF THE COURT OF CLAIMS

McKenzie Moss, of Kentucky, to be judge of the Court of Claims, vice George E. Downey, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1926

DIRECTOR OF WAR FINANCE CORPORATION

Floyd R. Harrison.

COMPTROLLER, POST OFFICE DEPARTMENT

William E. Buffington to be comptroller, bureau of accounts.

COLLECTOR OF CUSTOMS

Lewis H. Schwaebe to be collector of customs for customs-collection district No. 27, with headquarters at Los Angeles, Calif.

PROMOTIONS IN THE NAVY

TO BE ASSISTANT SURGEONS

Alexander E. Brunschwig.
Edgar E. Evans.
Charles F. Flower.
Herbert T. Rothwell.
Gifford H. Henry.
Harold V. Packard.
Leon D. Carson.
Claude R. Bruner.
George S. Heller.
George D. Gertson.
Joseph B. Gordon.
Gerald W. Smith.
Thomas M. Arrasmith, jr.
Emmett F. Guy.
Harry D. Cowlbeck.
Frankiin V. Sunderland.
Walter F. James.
Welbourne F. Bronaugh.
Arthur W. Loy.
Albert T. Walker.
Albert Ickstadt, jr.
Arthur K. Joerling.
Verner P. Johnson.
Thomas Jackson, jr.
Roy A. Boe.
Henry M. Walker.
Glenn S. Campbell.
Clyde M. Longstreth.
Herman M. Maveety.
Fred E. Angle.
Charles R. Wilcox.
Paul E. Wedgewood.
French R. Moore.
Charles B. Congdon.
Robert Krohn.
William E. C. Day.
Cornelius G. Dyke.
Paul S. Ferguson.
Joseph W. Kimbrough.
William J. N. Davis, jr.
Raymond W. Hege.
John C. Vermeren.
Bruce E. Bradley.
Stephen A. Parowski.
Theophilus F. Weinert.

POSTMASTERS

FLORIDA

Walter D. Griffin, Bradenton.
Mamie E. Barnes, Plant City.
Leland M. Chubb, Winter Park.

GEORGIA

Floyd M. Carter, Rockingham.

INDIANA

Ira N. Compton, Hamlet.
Robert M. Waddell, Lagrange.
Percie M. Bridenthrall, Leesburg.
Frank B. Husted, Liberty.
William S. Matthews, North Vernon.

PENNSYLVANIA

Sylvester D. R. Hill, Charleroi.
Clayton S. Bell, Chicora.

SOUTH CAROLINA

Henry N. Folk, Bamberg.
Thomas J. Karnes, Georgetown.
Paul F. W. Waller, Myers.

TEXAS

Hazle B. Thomas, Gause.
James F. Rodgers, Harlingen.
Richard T. Polk, Killeen.
Joe H. Victery, New Willard.
Benjamin F. Womack, Snyder.
Kate Senning, Spur.
Royce E. Dowdy, Trent.

VERMONT

Burton L. Hard, Arlington.
William H. Startup, Proctor.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 26, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy, Lord God Almighty, accept our tribute of praise and gratitude. We thank Thee that the eternal God is our refuge and strength. We are deeply grateful to be counted in the train of Thy servants. Thy mercy puts hope into our lives and makes gladness a daily habit. We bless Thee for heaven's blue, for the jeweled light of the open sky, for the sweet harmonies of field and woodland, for the whispering divinity that nestles in the open flower, and for the glowing smiles of landscape near and far. Oh, what Thou hast made,

let no man despise. Inspire us with unfailing trust that the Lord of all the earth will do right; blessed be Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWING. Mr. Speaker, I ask unanimous consent to address the House for five minutes in reply to the speech delivered yesterday by my colleague [Mr. CURRY] on the President's order with reference to prohibition enforcement.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes on the subject of the recent Executive order. Is there objection?

There was no objection.

Mr. SWING. Mr. Speaker, yesterday my colleague [Mr. CURRY], who for a long time has ably represented one of the congressional districts in California, made a speech attacking the presidential order permitting State, county, and city officers to be used in enforcing the prohibition act. Since he is the dean of our delegation, his remarks, if unanswered, might be taken here and elsewhere to be the sentiment of the State of California. He may represent—and doubtless does—the sentiment of a majority of the people in his district, but his district is only a small part of California, and I am confident that the people of California as a whole are willing and anxious to cooperate with Federal officials in every way for the efficient and effective enforcement of the prohibition law. By the vote of the electors the people of California passed an act similar to the Volstead Act, thereby expressing their desire to cooperate with the Federal Government along this line.

My colleague said:

> The order is as unconstitutional as it is unjust, as vicious as it is wrong. It is utterly contrary to the fundamental principles of the American Government and it must not be permitted to stand.

This criticism is wholly unwarranted, and without any foundation whatever, as a mere reading of the President's order will disclose. It is as follows:

> In order that they may more efficiently function in the enforcement of the national prohibition act any State, county, or municipal officer may be appointed, at a nominal rate of compensation, a prohibition officer of the Treasury Department to enforce the provisions of the national prohibition act and acts supplemental thereto in States and Territories, except in those States having constitutional or statutory provision against State officers holding office under the Federal Government.

No one has yet pointed to any provision of the Federal Constitution which would make this order unconstitutional. My colleague referred to article 4, section 20, of the California constitution, but this clearly does not apply, as it is limited to a "lucrative office under the United States," while the present order limits the pay of these officers to "a nominal rate of compensation."

Neither is there anything wrong or unjust about the order. By its express terms it is merely permissive. The order excludes those States which have constitutional or statutory provisions to the contrary. It merely gives the Federal consent to the State officers to perform Federal functions in enforcing the prohibition law.

It is not an intrusion on State rights and does not constitute an interference with State authority, because the State must consent if the order is to be effective. If a State is unwilling, its legislature can easily say so by an appropriate enactment, whereupon the operation of the order within that State is terminated.

Not only must the State be willing but the individual officer also must be willing, because there is nothing that can or will compel him to assume the responsibility of Federal functions unless he chooses to accept it. Therefore if the Federal Government, if the State government, and if the individual officer are willing to cooperate in enforcing this law, who outside can seriously object?

I want to go a step further and say there is nothing new or novel about this order. In 1907 a presidential order was issued authorizing the Secretary of Agriculture to use State officers to assist in quarantine and similar work. During the recent epidemic of the foot-and-mouth disease in California George H. Hecke, State director of agriculture, and his State assistants were appointed Federal officers at $1 per year to carry on the work of exterminating the disease, while practically every county horticultural commissioner was taken over and put to work as Federal officers for the inspection of fruits and vegetables in order to comply with quarantine regulations against that disease. Nobody in California at that time thought that there was anything "wrong" or "unconstitutional" about that order. No one objected to the operation of that arrangement as an intrusion upon "our sovereignty." We were, in fact, mighty glad to have the Federal cooperation, which proved effective and beneficial.

In 1909 another order was issued authorizing the Department of Commerce to use State officers in assisting in the taking of the census. In 1914 the Secretary of the Interior was authorized to appoint State game wardens as park and reclamation police. In 1915 laborers in charge of lighthouses could also be State officers. In 1917 another order was issued permitting the employees of the Treasury Department to accept appointment as State, city, or county officers for the purpose of serving on local councils of defense. That was just the reverse of the present case, but it was a consolidation of two functions—State and Federal—in one person.

No one ever complained of these orders or of their operation, and it is to be presumed that they produced no undesirable complications, but, on the other hand, worked well to the mutual satisfaction of both the Federal Government and the States. However, the minute an order is issued to permit State officials to be appointed prohibition officers "in order that they may more effectively function in the enforcement of the national prohibition act" the floodgates of oratory are opened and every imaginable injury is predicted as a result of its operation.

I am glad the President is calm amid this sudden storm. I am glad that he is unwavering in his support of the man appointed to this Herculean task. In General Andrews, President Coolidge has an able, efficient, and businesslike administrator, who is going to enforce the prohibition law if it is humanly possible to do so. The present is a reasonable, common-sense request to permit him to avail himself of the assistance and cooperation of the State law-enforcement officers without adding any additional cost to the Nation. In his difficult undertaking he is entitled to all the help he can get. The President has made it possible for him to double his enforcement organization without increasing his expenses. We should stand behind the President in support of General Andrews.

The SPEAKER. The time of the gentleman from California has expired.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi in Warren County and partly within the limits of the State of Louisiana in Madison Parish, to be a nonnavigable stream.

The message also announced that the Senate had passed bills and Senate concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Mary's River;

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action; and

S. Con. Res. 18. Concurrent resolution requesting the President to proclaim armistice day a day of thanksgiving and prayer for peace.

The message also announced that the Senate had passed with amendment H. R. 11718, granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3997) to amend section 301 of the World War veterans' act, 1924.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendments of the Senate to the bill (H. R. 9558) entitled "An act to provide for allotting, in severalty, agricultural lands within the Tongue River or northern Cheyenne Indian Reservation in Montana, and for other purposes."

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10089. An act entitled "An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington."

The message also announced that the Senate had agreed to the House Concurrent Resolution No. 29, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 8513) entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa."; that upon the return of said bill to the House of Representatives the action of the Speaker and of the Vice President in signing said bill be rescinded; and that in the reenrollment of said bill the word "thereof" in the last line of section 1 of the enrolled bill be stricken out and the word "hereof" be inserted in lieu thereof.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 5683. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Sir Walter Raleigh Fort on Roanoke Island, N. C., to Virginia Dare, the first child of English parentage to be born in America; and

H. R. 7911. An act to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River; to the Committee on Interstate and Foreign Commerce.

S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action; to the Committee on the Judiciary.

COAL LEGISLATION

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the subject of coal.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks in the RECORD on the subject of coal. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, there appeared in the CONGRESSIONAL RECORD of Tuesday, May 25, remarks on the coal industry by my friend and colleague, the gentleman from Pennsylvania [Mr. WYANT]. There also appeared in part 2 of the hearings before the Interstate and Foreign Commerce Committee of the House under date of April 26, a brief or a statement by another Member from Pennsylvania [Mr. COYLE], whom I infer filed his brief but did not appear as a witness before the committee. Upon several occasions I have addressed the House upon the subject of the coal industry, and I also had the honor of being the first witness before the Committee on Interstate and Foreign Commerce on Tuesday, March 30, so that my views on the subject of coal legislation are fairly well known. My reason for remarks at this time are to answer in a brief manner some of the statements of the two gentlemen from Pennsylvania to whom I have already referred.

As the brief of Mr. COYLE antedates the remarks of his colleague Mr. WYANT, I will refer first to his statement. This brief wherein its author modestly admits that he has full knowledge of the subject matter, is one of the best arguments I have seen at any time of the need of coal legislation. He seems to think that his retained wit and ridicule are ample answers to the logical arguments of the proponents of coal legislation. If, as he claims, he knows the entire inside of the coal business, he certainly carefully conceals that knowledge. His only constructive thought in the entire brief is that any legislation proposed should be written by the miners. That may sound very well in the thirtieth Pennsylvania district, but the gentleman should be aware that the bills are paid in New England, New York, and the anthracite-consuming States. Naturally these persons are no concern of the distinguished gentleman from Pennsylvania. It would be exactly as logical and reasonable for me to advocate that the terms of legislation should be written by the coal consumers of New England. In our flights of conviction of our own witticisms, we never have allowed our imagination to run such riot to even suggest that the consumers should be the only ones consulted as to the prospective legislation. Seriously, however, the consumers ask that their rights should be protected and those now treating them without consideration should have placed over them some regulatory control and an impartial jury.

Let me also refer in this connection to the testimony of two other witnesses before the Committee on Interstate and Foreign Commerce. A former Member of this House, Hon. Harry L. Gandy, now an employee of the National Coal Association, presented a very long statement to the committee, he too criticizing any suggestions of legislation and urging that nothing be done. He was particularly insistent that the bituminous industry needed no supervision, as it was entirely competitive.

I would respectfully make the observation that during the period of the strike, when no anthracite was available, the nature of the competition in the bituminous industry was to see what mine could boost the price to the northern consumer the highest. Still another disinterested witness has been heard, is the president of a company in West Virginia who has taken it upon himself to advise voters in New England that anyone interested in efforts to secure fuel at a fair price should be defeated for a seat in Congress. If he does me the honor to refer to me in that connection, I do not hesitate to say that an effort to defeat me on that platform would be very welcome. From comments which have reached me both by correspondence and by editorial references in the press of my section, such an opponent would find himself hitched to the starting post.

Let me now make a brief reference to the remarks of the other gentleman from Pennsylvania [Mr. WYANT]. It is surprising that as one of the leading members of the Committee on Interstate and Foreign Commerce he should fall into the error of referring to an effort to—

> jam coal legislation through in the crowded hours of a session of Congress drawing to its close.

The gentleman will, of course, recall that the Fact Finding Commission's report has been before his committee for several years; that President Coolidge has twice recommended legislation; that both in the Sixty-eighth and Sixty-ninth Congresses numerous bills have been before his committee. The fact that there has been delay in action can not be laid at the door of Congress. The House and the Senate have been ready to take up such report as his committee might make for a long time, and there are members of both branches who feel that less important legislation has been reported out of his committee. There is this difference, however, between the gentleman from Pennsylvania and myself, and that is a difference of the interest of our respective constituencies. Prominent among his constituents are undoubtedly owners and operators of soft coal mines, whereas among mine there are many thousands of users of both soft and hard coal. It is quite amusing to read his statement that—

> this whole anticoal agitation has its origin and source in a small section of the country.

Another interesting paragraph reads:

> Except from the North Atlantic seaboard, where the recent anthracite strike may have caused a slight amount of inconvenience, I find little disposition on the part of the public or on the part of the Members of this House to jam through with such unseemly haste revolutionary legislation affecting an industry of the magnitude of the one under attack.

How can my friend argue about unseemly haste in view of the length of time the subject has been before his own committee? I note the first hearing was held on March 30 and continued almost daily through the first week of May. That may be haste in certain sections of Pennsylvania, but it would not be so described in New England. May I also ask my friend where he would expect a desire for fair play to be called for were it not in the section where the bills are paid? He makes such argument as he can for the bituminous industry, in which, it is not denied, there is some possibility of competition. He also speaks of its increased use during the late anthracite strike. I fail, however, to find in his extended remarks any reference to the fact that during that period the price of bituminous coal in New England was as high as anthracite ordinarily is. It can not, therefore, be claimed that there is no monopoly in the bituminous industry, nor that the public should not know something of the value of the commodity it is forced to pay for. Coal, whether bituminous or anthracite, is only regarded as a private industry by those directly concerned in its production.

The one argument used before the Interstate and Foreign Commerce Committee was that any Government regulation would be interference with a private industry. There is no industry more nearly of a public character than supplying coal to consumers. In presenting his statement to the House the gentleman from Pennsylvania and the witnesses of the industry before his committee completely overlooked the fact that the consuming public have any rights whatsoever in market prices.

If we are to heed interested witnesses such as the representatives of the operators and owners, members of the miners' unions, and the employees of coal associations, a strong case against legislation has been made out in the hearings. Instead of this I prefer to accept the facts established by the United States Coal Commission, which have never been refuted. I prefer to follow the recommendations of the President of the United States. I prefer to accept the testimony of Dr. George Otis Smith, head of the Bureau of Mines and Mining. I prefer to accept the statements of Herbert Hoover, Secretary of Commerce. I prefer such legislation as is contained in the bill of the chairman of the committee, Mr. PARKER, of New York. I prefer the loud and insistent call of the press of the country that there shall be legislation before this session of Congress adjourns.

We are hearing from those especially interested in the continuance of present conditions in the coal industry, the insistent call, "Leave us alone." It is being sent broadcast. It is claimed the industry is just overcoming the effects of several months of strike. Quite likely this is true. Let me refer to the editorial page of the Washington Post for May 26. Here we find a cartoon and an editorial. The coal operator has scratched out his usual notice of 50 cents reduction during the summer period. In the other hand is his account book, which if opened to public inspection would show what the omission of the 50 cents per ton item this year means. This is the book he is refusing to show the public and is the reason for his exclamation of "Leave us alone." The editorial states that there will be mined during the months of April, May, and June 26,000,000 tons, which at 50 cents per ton increase will amount to $13,000,000. This is in spite of the fact that the one great call during the anthracite strike was that the public must not be asked to pay any additional price for their fuel.

What is the nature of the legislation to which all coal operators and coal associations are so bitterly opposed? When compared with the testimony of Secretary Hoover, it will be found that the Parker bill directly follows the suggestions he made to the committee. In brief, it simply authorizes the Bureau of Mines to obtain—

information and statistics in respect of the production, storage, transportation, distribution, free on board mine prices, margins of profit of owners, operators, terms and conditions (including royalties and rentals) of leases or other contracts in respect of the operation or use of coal lands or strip pits, supply and demand, grades of coal, corporate organization, and control, trade and labor practices and agreements, and the wage rates and earnings, working conditions, and living costs of miners.

Any person unwilling to provide such information and statistics under the orders of the Secretary, shall be liable to criminal penalty. These facts have to do with the coal industry when normal conditions prevail. Section 5 deals with emergency conditions by directing the Secretary of Labor either to act as mediator or appoint one or more persons to act as such, when industrial peace in the coal industry is threatened. Section 6 provides against shortages or possible shortages of coal in the event of a lock-out or strike. I fail to see how this bill comes within the criticism of my friend, Mr. WYANT, wherein it assumes any Government control over the coal industry. Quite likely he also objects to public information upon the royalties and rentals, which, together with certain laws of the State of Pennsylvania, are a serious blot on that State's fair name.

The opponents of the legislation in addition to the foolish claim of undue haste, set up a bugaboo of radicalism and interference with private business. In view of the fact that the suggested bill so nearly follows Mr. Hoover's suggestions, sufficient answer to this argument is Mr. Hoover's personality.

I have never heard him accused of being radical, and certainly his whole career as Secretary of Commerce has been an effort to build up rather than destroy the industries of this country. The desire of the Committee on Interstate and Foreign Commerce for complete information upon the subject before undertaking legislation was most meritorious. Everyone has been given a fair opportunity to be heard. The efforts of those in the industry to prevent legislation even in as mild a form as this bill prove the need of just such information and regulation as will be secured. It is futile to say the Government should not have any regulatory control over an article so widely used by the public as coal. However, the length of time consumed by the committee in its hearings must not be used as a reason against legislation now. Members of Congress are not so anxious for adjournment as they are to return to their constituents bearing evidence of their interest in the welfare of the people they represent. This would not be the first year that some of us have spent the Fourth of July in Washington attending to our congressional duties. I know I voice the sentiments of most of my colleagues from New England and the Northern States when I say that in order to return home with a record of accomplishment in behalf of those who have long grown tired of urging coal legislation we will gladly hear firecrackers and see fireworks in the Capital City. We have the facts before us as originally presented by the Coal Commission, supplemented by the committee hearings, and followed up by a practical bill. To have this bill reported out of committee and pushed for prompt action will add greatly to the proud record of the first session of the Sixty-ninth Congress. This matter is of such vital importance to the people of New England and anthracite-consuming States that in view of all the material now before us this session of Congress will not have completed its duties or properly fulfilled its obligation until the Parker bill (H. R. 12209) has become law. Do not let us deceive ourselves with the thought that because certain selfish interests wish to retain their strangle hold on coal consumers that Congress can adjourn without passing this legislation, unless it does so over the protest of many Members, including myself.

KOSCIUSKO AND PULASKI

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I delivered on Saturday, May 22, at the sesquicentennial celebration in New York City.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address recently made by himself. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by me at the Sesquicentennial Celebration in New York on Saturday, May 22, 1926, as follows:

ADDRESS OF HON. ANTHONY J. GRIFFIN, OF NEW YORK, AT THE SESQUICENTENNIAL CELEBRATION, UNDER THE AUSPICES OF THE UNITED PATRIOTIC SOCIETIES OF GREATER NEW YORK, AT GRAHAM SQUARE, BRONX BOROUGH, CITY OF NEW YORK, SATURDAY, MAY 22, 1926

Fellow citizens, 150 years ago there arrived on the shores of this continent two great men, noble in rank as well as in character, whose lives were destined to be forever linked with the great struggle for American liberty.

They came unasked. They needed no passports. They were not held up at the port of entry by inquisitive and, perhaps, hostile immigration officials to dig into their past history, to test their intelligence, or to inquire into their views on the rights of man.

In those days there were no drastic immigration laws and no Ellis Island. There was not even a recognized authority to make laws save King George III of England, and he was too busy importing soldiers to put down the rebellion of the thirteen American Colonies to bother with any law of any kind—human or divine.

They came to offer their services as soldiers to General Washington. Their names were Thaddeus Kosciusko and Casimir Pulaski—names that will live forever in American history.

When Kosciusko arrived, the Declaration of Independence had not been promulgated. This splendid far-seeing Polish patriot had not the inspiration of that immortal document to give his noble impulses definite encouragement, as had Lafayette. All that he knew and all that he cared was that a noble people were making a valiant fight for freedom against the greatest power in the known world.

Count Casimir Pulaski came later. After a splendid career of mighty service for his own oppressed country he came to General Washington with a letter of introduction from that incomparable diplomat and statesman, Benjamin Franklin, and offered his sword to the cause of liberty in the new world. His unselfish offer was accepted. He distinguished himself at the Battle of Brandywine and rendered invaluable aid to the American cause, until stricken down by mortal wounds in the assault on Savannah, Ga., on October 9, 1779. His death occurred two days later and plunged the American Army in the profoundest grief. The fame of Pulaski's Legion is one of the most cherished memories of the American Revolution. His name is enshrined in the Parthenon of the world's heroes and, in the hearts of every American for all time to come, there shall vibrate the tenderest chords of responsive gratitude.

Thaddeus Kosciusko came with a name already glorious in his native land. As a skilled warrior of great experience his services to the American cause were readily accepted. He received a colonel's commission in the Continental Army on October 18, 1776, and from

thence onward his wisdom and courage played an important part in the great conflict. He was the engineer officer under General Gates at Saratoga and planned the American defenses at Bemis Heights. He laid out the fortifications at West Point on the Hudson River—a thorn in the side of British strategy which forever after kept the North invulnerable.

He survived the struggle. He lived to see American independence achieved and the 13 Colonies attain an envied place among the nations of the world.

He lived to make another fight for his own unfortunate land, and, although unsuccessful in that, history will accord to him the undisputed honor of having furnished by his name, his character, and his achievements a fountain of patriotism to keep alive the struggle for Polish independence which culminated and recently attained its fruition in our own day at the end of the great World War. It is therefore no exaggeration to say that Poland's freedom, as a separate and reunited nation, is indebted in no slight degree to the unblemished life and lofty ideals of the immortal Kosciusko.

Fifteen years after the battle of Yorktown he paid another visit to America. His friendship for the young Nation his humanity and valor had befriended was to receive another test. Upon his return to Europe in 1798 he accepted a mission from Congress to take up the American cause with the Government of France, and it was largely due to his skill, diplomacy, and unquestionable integrity that the pending conflict between the two nations was brought to an amicable end.

The names of Kosciusko and Pulaski are indelibly engraved in the American temple of fame. History records how there swelled in the bosoms of the people of the American Colonies a wild torrent of gratitude to accord to these world heroes the highest honors due to their indispensable services to our country in its supreme hour of trial and danger.

Let us not fail in emulating the grateful spirit of our forefathers, and on this day, dedicated in their honor as a part of the Sesquicentennial Celebration of American Independence, let us breathe the names of Kosciusko and Pulaski with an inspiration of affectionate remembrance, coupled with the solemn hope and prayer that the noble and historic Republic of Poland, which sacrificed so much in the past to civilization and to humanity, shall safely survive the storms of her present adversity and arise triumphant in her destiny to endure forever as a beacon of liberty among the nations of the world.

SALARIES OF FEDERAL JUDGES

Mr. DYER. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, there is pending in the House (H. R. 11053) legislation unanimously reported by the Committee on the Judiciary of the House to increase the pay of the judges of the United States. Senate bill 2558, similar in all respects to the bill which we have unanimously reported, has been passed by the Senate by the unanimous vote of the Senate.

Mr. BLACK of Texas. The gentleman is in error about the bill having passed the Senate by a unanimous vote.

Mr. DYER. Well, I will amend that statement by saying it required no roll call and was practically a unanimous vote.

Mr. Speaker, the judiciary of the United States are very much underpaid. Not only in connection with conditions that exist in this country as to cost of living now, but in comparison with the judiciary in all the principal cities of this country and in all the important nations of the world.

The legislative department of our Government has a most important duty to perform in connection with the judiciary. It is to render the necessary legislative assistance to make the judiciary as able, fearless, and independent as possible. The Congress must make it possible for men of ability, fearless and independent, to accept appointment to the courts. We must give to the President all proper assistance to enable him to find the right kind of men. The courts of the United States are composed on the whole of able and upright judges. For 100 years or more they have been and are still rendering distinctive service.

The Congress can create courts; the President can appoint the judges, but upon the character and attainment of the men selected depends, in a large measure, the stability of our Government and the rights of its citizens. There is no justification for condemning our courts, for with their splendid records they are one of the richest heritages of our Republic. The Supreme Court, as well as the other courts of the United States, have been in the hands of patriotic, learned, and honorable men. It is true, of course, that in some instances mistakes have been made in the selection of judges. Now and then a man has been appointed who has not measured up to the high standard which has been set by our judges. Just a few of them have failed to measure up in ability, in honesty, and the attainments that go to make the right kind of a judge. These few mistakes, however, have not caused the people to lose confidence in our judiciary. The Congress is itself to blame for the fact that at times the President has not been able to secure the best men possible for the bench. This is due in part to the small salaries that the Congress has authorized to be paid to the judiciary. It never was and is not now the intention to make the salaries an inducement for men to become judges. The pay, however, should be large enough to enable a man with a family to live properly and take care of his needs. The present salaries paid to the United States judges are insufficient in many cases for a respectable living. This present legislation will give them a substantial increase and it will be very helpful to them.

The total amount now paid to our judiciary amounts to about one million and a half dollars. The proposed increase will amount to a little over a half million more. This is very small in comparison with the services rendered and the work accomplished by our judiciary. The increase granted to the United States Supreme Court is as follows: The Chief Justice is to receive $20,500, instead of $15,000, per annum, and the associate justices are to receive $20,000, instead of $14,500; the judges of the United States Circuit Courts of Appeals are to receive $12,500, instead of $8,500; the judges of the Court of Customs Appeals are to receive $12,500, instead of $8,500; the judges of the Court of Claims are to receive $12,500, at present the chief justice receives $8,000 and the associate judges $7,500; the judges of the Court of Appeals of the District of Columbia are to receive $12,500, at present the chief justice receives $9,000 and the associate justices $8,500; the judges of the United States district courts are to receive $10,000, instead of $7,500; the chief justice of the Supreme Court of the District of Columbia is to receive $10,500, instead of $8,000, and the associate justices are to receive $10,000, instead of $7,500; and the members of the Board of General Appraisers are to receive $10,000, instead of $9,000.

The Supreme Court of the United States is composed of the Chief Justice and 8 associate justices; the United States Circuit Courts of Appeals are composed of 36 judges; the Court of Customs Appeals is composed of 5 judges; the Court of Claims is composed of 5 judges; the Court of Appeals of the District of Columbia is composed of 3 justices; the United States district courts at the present time have 124 judges; the Supreme Court of the District of Columbia is composed of the chief justice and 5 associate justices; and the Board of General Appraisers is composed of 9 members.

The increase as provided among the various courts would amount to the following:

United States Supreme Court	$49,500
United States Circuit Courts of Appeals	144,000
Court of Customs Appeals	20,000
Court of Claims	24,500
Court of Appeals of the District of Columbia	11,500
United States district courts	310,000
Supreme Court of the District of Columbia	15,000
Board of General Appraisers	9,000

This small increase in the pay of our judges is more than justified. As our country has grown in population, and business far greater, more important questions have come to our judges for solution. Great statutes have been enacted that the courts must pass upon, as well as receiverships, litigation affecting public utilities, and important patent cases. Likewise, the United States courts must pass upon great constitutional questions of far-reaching importance to the people. For this important work we must have the services of lawyers of eminence and great attainments, and who have the confidence of the people. A high standard must be maintained in our judiciary. It must be so that lawyers who thus measure up to this standard can accept the service. With the standard of living greatly increased, it is now difficult to always obtain the right kind for the bench. As a result there have crept in some incompetent and tyrannical judges, who take into their hands the rights of our citizens and trample upon them without right or fairness.

This view is perhaps better expressed by Hon. Charles Evans Hughes in a recent appearance before the Judiciary Committee of the House, when he said:

> Our domestic peace depends not simply upon the forms of our administration but upon the character and impartiality of the persons who conduct it. We are, indeed, a government of laws and not of men; but I am increasingly impressed with the importance of the man in every department of the work of our Government. Given one sort of man, given a measure of ignorance and incompetency in high place, and you have confusion; you have, instead of orderly procedure, a chaotic procedure; instead of the satisfaction and confidence which gives the basic contentment upon which our prosperity depends, you have a consciousness of wrong, because of laws misapplied, because

of inability to appreciate exigencies and deal with them expertly. It is the man who counts—under law, subject to law—but it is the man who counts, not the mechanism simply. And that is peculiarly true of our judicial arbiters.

This all comes to the test of the Federal courts. Whether we shall have our Federal system properly maintained, whether it will desire the confidence of the people, whether we will have a sane balance—all depend upon the quality of the men who are called to the performance of this function, more important than any judicial work in any other country on earth, this function of determining the limits of State and Federal power.

What do we demand of a judge? Let us attempt to visualize this demand:

First, he must be a man of independent character, not subject to solicitation; not amenable to personal or partisan pressure. He must be a man of unquestioned integrity of character. His decisions may be criticised but the integrity of his motive must be beyond controversy. He must be a man learned in the law. And it is not easy to be learned in American law. There are other jurisdictions abroad, with a more compact jurisprudence, as compared with ours—with our State system and our Federal system. This country is the greatest manufactory of laws the world has ever known. Lawmaking is our principal business. It is not easy to be learned in the law of this country.

The judge must be more than that. He must be sagacious in administering the law. Learning and wisdom, impartiality and integrity are demanded.

He must be a member of the learned profession of the law. That profession has greater opportunities to-day than ever before. The rewards to the successful practitioners at the bar are greater than ever before. I have endeavored to sketch briefly the qualifications of a judge. But that sort of talent, that sort of character, is on demand on every hand, in connection with the practice of the profession of the law. Given a learned, independent, honest, sagacious lawyer, and the community constantly seeks, in its various activities, for his advice and his protection.

You are therefore seeking to recruit the courts, necessarily, from a profession with great rewards, which properly go to the men who have the talent that you must have upon the bench.

It is no longer the case where the man who is competent to sit upon the bench may find that a refuge, a resource, a place where he can be better taken care of than anywhere else.

I do not care what salaries you pay. There are no salaries that could be imagined as possible for your considerations that would not involve a sacrifice on the part of the lawyer, qualified to receive them, in going upon the Federal bench.

If you have in mind the pressure of the work, the enormous importance of the function of our Federal courts, the fact that a lawyer must be taken out of this profession with these opportunities and rewards, what is the obvious course for the Congress to take in maintaining an expert and independent judiciary?

No country has abler or greater judges than the United States. No judges in all the world have more or greater problems to solve than do the judges of the United States; yet we find that we have neglected to pay the judges of our courts a salary commensurate with the cost of living or as compared with other countries. Since 1891 the salary of district judge has been raised 50 per cent, that of circuit judge 38½ per cent, and that of a judge of the Supreme Court 16 per cent. During the same period the general purchasing power of a dollar has decreased from 100 to about 27. The wages of a farm hand have increased 500 per cent, of a stenographer 350 per cent, of a housemaid 400 per cent, of a bricklayer 450 per cent, and of a school-teacher 250 per cent.

The annual salary of the Chief Justice of the Supreme Court of the United States is $15,000. Is his position one of less dignity or importance, is his responsibility less heavy than that which rests upon the Lord High Chancellor of England? But the Lord High Chancellor receives the equivalent of $50,000 a year.

Are the demands for ability and learning less than those required of the lord chief justice of England? But the lord chief justice is paid about $40,000 a year.

Lords of appeal in ordinary of the House of Lords receive about $30,000 a year. The master of the rolls and the lord justices of the court of appeals receive about $25,000 per year. These courts correspond to the United States Supreme Court.

Justices of the high court of justice, corresponding to our Federal circuit judges, receive about $25,000.

Justices of the King's bench division receive about $25,000. They correspond, roughly, with our Federal district judges.

In Scotland the lord chief justice receives about $25,000 and the associate judges of the inner house about $18,000. The justices of the second division, corresponding to our circuit judges, receive about $18,000. The justices of the outer house, somewhat corresponding to our district judges, also receive about $18,000.

Ireland: The lord chief justice receives about $25,000, the Lord High Chancellor receives about $30,000, justices receive about $20,000, justices of King's bench receive about $17,500.

In India the judges which correspond to our Federal district judges receive about $24,000.

South Africa: Judges of appeal receive $16,250, judges corresponding to district judges receive about $11,250.

Let us compare, now, the Federal salaries with those in our most populous States. A justice of the Supreme Court of the State of New York—the lowest court of general jurisdiction—receives in New York City two and one-third times as large a salary as a judge of the United States district court, for the salary is there fixed at $17,500. Elsewhere in the State the salary is $10,000, while the salary of a judge of the court of appeals in New York is $13,700.

In Massachusetts a judge of the superior court is paid $10,000 and a judge of the supreme judicial court $12,000.

In Pennsylvania a judge of the supreme court receives $17,500 and of the superior court $16,000. In Philadelphia and Pittsburgh a common pleas judge receives $11,000.

In New Jersey a judge of the supreme court or a vice chancellor is paid $18,000 and of the circuit court $16,000.

Illinois pays a judge of the supreme court $15,000.

Michigan pays a supreme court judge $10,000, while some of the circuit judges receive $11,250.

Other examples almost without number could be assembled in which special masters, receivers, or trustees have been paid many times the salary of a Federal judge for services less onerous and exacting. The term "prevailing wage" has become common in all lines of employment. Is it not apparent that we are now paying our Federal judges not only less than the "prevailing wage" but less than a "living wage" for service of the character which is expected from them?

As an evidence of the enormous amount of work that our judges have been and are called upon to do, I cite you some figures touching the years 1923, 1924, and 1925.

SUPREME COURT OF THE UNITED STATES

Number of cases docketed and disposed of during the fiscal years 1923, 1924, and 1925; also number of cases pending at the close of each fiscal year

	1923	1924	1925	Average
Cases docketed	720	731	854	768
Cases disposed of	765	661	761	729
Cases pending at close of year	392	462	555	470

UNITED STATES CIRCUIT COURT OF APPEALS

Cases docketed and disposed of during the fiscal years of 1923, 1924, and 1925, also number of cases pending at the close of each year

	Fiscal year—			Average
	1923	1924	1925	
SUMMARY FOR THE NINE CIRCUITS				
Cases docketed:				
(a) Civil	1,339	1,631	1,640	1,537
(b) Criminal	365	491	521	459
(c) Total	1,704	2,122	2,161	1,996
Cases disposed of:				
(a) Civil	1,408	1,491	1,631	1,510
(b) Criminal	323	407	544	425
(c) Total	1,731	1,898	2,175	1,935
Cases pending:				
(a) Civil	754	897	899	850
(b) Criminal	197	287	266	250
(c) Total	951	1,184	1,165	1,100
FIRST CIRCUIT				
Cases docketed:				
(a) Civil	66	105	86	86
(b) Criminal	7	20	15	14
(c) Total	73	125	101	100
Cases disposed of:				
(a) Civil	76	65	88	76
(b) Criminal	3	12	14	10
(c) Total	79	77	102	86
Cases pending:				
(a) Civil	39	79	75	64
(b) Criminal	5	13	16	11
(c) Total	44	92	91	75
SECOND CIRCUIT				
Cases docketed:				
(a) Civil	293	424	380	366
(b) Criminal	40	60	39	46
(c) Total	333	484	419	412
Cases disposed of:				
(a) Civil	281	395	393	356
(b) Criminal	41	46	48	45
(c) Total	322	441	441	401

Cases docketed and disposed of, etc.—Continued

	Fiscal year—			Average
	1923	1924	1925	
SECOND CIRCUIT—continued				
Cases pending:				
(a) Civil	101	130	117	116
(b) Criminal	6	20	11	12
(c) Total	107	150	128	128
THIRD CIRCUIT				
Cases docketed:				
(a) Civil	114	124	150	129
(b) Criminal	23	24	29	25
(c) Total	137	148	179	154
Cases disposed of:				
(a) Civil	100	131	159	130
(b) Criminal	22	27	29	26
(c) Total	122	158	188	156
Cases pending:				
(a) Civil	96	89	80	88
(b) Criminal	17	14	14	15
(c) Total	113	103	94	103
FOURTH CIRCUIT				
Cases docketed:				
(a) Civil	96	115	98	103
(b) Criminal	22	19	28	23
(c) Total	118	134	126	126
Cases disposed of:				
(a) Civil	111	104	113	109
(b) Criminal	28	20	30	26
(c) Total	139	124	143	135
Cases pending:				
(a) Civil	44	55	43	47
(b) Criminal	4	3	7	5
(c) Total	48	58	50	52
FIFTH CIRCUIT				
Cases docketed:				
(a) Civil	179	198	177	185
(b) Criminal	52	45	44	47
(c) Total	231	243	221	232
Cases disposed of:				
(a) Civil	163	177	198	179
(b) Criminal	40	55	43	46
(c) Total	203	232	241	225
Cases pending:				
(a) Civil	85	107	86	93
(b) Criminal	29	18	19	22
(c) Total	114	125	105	115
SIXTH CIRCUIT				
Cases docketed:				
(a) Civil	140	166	134	146
(b) Criminal	74	89	85	83
(c) Total	214	255	219	229
Cases disposed of:				
(a) Civil	142	129	162	144
(b) Criminal	52	63	108	74
(c) Total	194	192	270	218
Cases pending:				
(a) Civil	84	121	93	99
(b) Criminal	34	60	37	44
(c) Total	118	181	130	143
SEVENTH CIRCUIT				
Cases docketed:				
(a) Civil	98	111	94	101
(b) Criminal	46	38	62	49
(c) Total	144	149	156	150
Cases disposed of:				
(a) Civil	130	104	101	112
(b) Criminal	47	29	64	47
(c) Total	177	133	165	159
Cases pending:				
(a) Civil	76	83	76	78
(b) Criminal	26	35	33	31
(c) Total	102	118	109	109
EIGHTH CIRCUIT				
Cases docketed:				
(a) Civil	228	223	296	249
(b) Criminal	64	136	85	95
(c) Total	292	359	381	344
Cases disposed of:				
(a) Civil	268	216	235	240
(b) Criminal	54	94	104	84
(c) Total	322	310	339	324
Cases pending:				
(a) Civil	170	175	237	194
(b) Criminal	61	105	85	84
(c) Total	231	280	322	278
NINTH CIRCUIT				
Cases docketed:				
(a) Civil	125	165	225	172
(b) Criminal	37	60	134	77
(c) Total	162	225	359	249
Cases disposed of:				
(a) Civil	137	170	182	163
(b) Criminal	36	61	104	67
(c) Total	173	231	286	230
Cases pending:				
(a) Civil	59	54	97	70
(b) Criminal	15	14	44	24
(c) Total	74	68	141	94

UNITED STATES COURT OF CUSTOMS APPEALS

Number of cases docketed and disposed of during the fiscal years 1923, 1924, and 1925; also number of cases pending at the close of each fiscal year

	1923	1924	1925	Average
Cases docketed	110	136	199	148
Cases disposed of	70	111	168	116
Cases pending at close of year	72	97	128	99

COURT OF CLAIMS

Number of cases docketed and disposed of during the fiscal years 1923, 1924, and 1925; also number of cases pending at the close of each fiscal year

	1923	1924	1925	Average
Cases docketed	1,393	953	1,174	1,173
Cases disposed of	183	953	497	544
Cases pending at close of each year	1,957	2,270	2,941	2,389

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

Cases docketed and disposed of during the fiscal years 1923, 1924, and 1925; also cases pending at the close of each year

	Fiscal year—			Average
	1923	1924	1925	
Cases docketed:				
(a) Patent	78	89	129	99
(b) Civil	129	229	230	196
(c) Criminal	45	22	10	25
(d) Total	252	340	369	320
Cases disposed of:				
(a) Patent	82	74	94	83
(b) Civil	144	184	220	183
(c) Criminal	31	25	20	25
(d) Total	257	283	334	291
Cases pending:				
(a) Patent	48	63	98	70
(b) Civil	61	106	116	94
(c) Criminal	20	17	7	15
(d) Total	129	186	221	179

UNITED STATES DISTRICT COURTS (EXCLUDING THE DISTRICT OF COLUMBIA)

Number of actions commenced and terminated, fiscal years 1923, 1924, and 1925, also number of actions pending at the close of each year

	Fiscal year—			Average
	1923	1924	1925	
A. ACTIONS COMMENCED				
1. United States civil cases	10,979	13,552	15,997	13,509
2. United States criminal cases	70,997	59,057	65,722	65,259
3. Admiralty (United States not a party)	3,023	3,066	2,918	3,002
4. Other private suits	16,637	14,207	15,292	15,379
5. Bankruptcy proceedings	41,243	43,416	45,534	43,398
Total	142,879	133,298	145,463	140,547
B. ACTIONS TERMINATED				
1. United States civil cases	9,964	10,988	13,750	11,567
2. United States criminal cases	68,071	63,165	81,702	70,979
3. Admiralty (United States not a party)	2,749	2,972	3,535	3,085
4. Other private suits	15,971	13,960	16,135	15,355
5. Bankruptcy proceedings	34,342	41,577	44,257	40,059
Total	131,097	132,662	159,379	141,046
C. ACTIONS PENDING				
1. United States civil cases	13,064	15,427	17,738	15,410
2. United States criminal cases	67,525	59,312	48,332	56,723
3. Admiralty (United States not a party)	9,115	9,212	8,592	8,973
4. Other private suits	31,307	28,315	27,512	29,045
5. Bankruptcy proceedings	58,075	59,090	59,836	59,003
Total	179,086	171,366	157,010	169,154

SUPREME COURT OF THE DISTRICT OF COLUMBIA

Number of actions commenced and terminated during the fiscal years 1923 to 1925, also number of actions pending at the close of each year

	1923	1924	1925	Average
A. ACTIONS COMMENCED				
1. United States civil cases	114	201	312	209
2. United States criminal cases	1,486	1,498	1,130	1,371
3. Admiralty (United States not a party)	3	2	0	2

Number of actions commenced and terminated, etc.—Continued

	1923	1924	1925	Average
A. ACTIONS COMMENCED—continued				
4. Other private suits	2,901	3,183	3,506	3,197
5. Bankruptcy proceedings	61	103	107	90
Total	4,565	4,987	5,055	4,869
B. ACTIONS TERMINATED				
1. United States civil cases	102	133	218	151
2. United States criminal cases	2,384	1,712	1,561	1,886
3. Admiralty (United States not a party)	4	1	2	2
4. Other private suits	2,751	3,399	3,864	3,338
5. Bankruptcy proceedings	59	72	83	71
Total	5,300	5,317	5,728	5,448
C. ACTIONS PENDING				
1. United States civil cases	218	286	390	298
2. United States criminal cases	2,531	2,317	1,886	2,245
3. Admiralty (United States not a party)	4	5	3	4
4. Other private suits	3,002	2,786	2,428	2,739
5. Bankruptcy proceedings	78	99	123	100
Total	5,833	5,493	4,830	5,385

D. Actions pending at the close of March 31, 1926:

1. United States civil cases	453
2. United States criminal cases	1,959
3. Admiralty (United States not a party)	3
4. Other private suits	3,695
5. Bankruptcy proceedings	123
Total	6,233

In addition to this, let me call your attention to some collections reported through the Department of Justice and the courts for the years 1923, 1924, and 1925. Of course, as everyone knows, this is but an incidental part of the results of the work of our judges and the Attorney General. However, it is interesting and important. The figures are as follows:

	1923	1924	1925	Average
Collections, judgments, fines, etc.:				
In civil matters and cases	$9,168,410.46	$4,504,641.21	$4,909,013.44	$6,194,021.70
In criminal prosecutions	5,209,485.15	6,289,738.56	5,947,720.96	5,815,648.22
Earnings from individuals and corporations by United States marshals	381,621.75	207,975.99	216,425.85	268,674.53
Earnings from individuals and corporations by clerks of United States district courts	1,152,532.61	1,147,950.99	1,173,509.07	1,157,997.56
Net earnings by clerks, United States Circuit Court of Appeals	93,494.08	110,428.16	113,909.90	105,944.05
Unclaimed moneys from court registries (Treasury report)	84,846.65	105,000.04	70,043.71	86,630.13
Net profit on operation cotton duck mill, United States Penitentiary, Atlanta, Ga	211,362.70	78,571.53	93,982.75	127,972.33
Proceeds of sale of Government property and other miscellaneous items (Treasury report)	5,024.33	24,461.19	11,744.55	13,743.36
Collections from foreign countries in extradition cases	912.06	5,910.48	4,578.06	3,800.20
Collections through war transactions section	[1] 1,494,835.15	2,412,845.48	3,117,442.27	2,341,707.63
Alaska license funds paid into Treasury	10,010.00	5,010.00	10,010.00	8,343.33
Funds for Alaska roads and trails (collected by clerks of courts in Alaska)	183,349.95	184,553.24	196,293.36	188,065.52
Total	17,995,884.89	15,077,086.87	15,864,673.92	16,312,548.56

[1] Excludes $1,550,000 collected in Lincoln Motor case, but included in first item of $9,168,410.46.

In view of the fact that the jurisdictions of the various United States courts have been changed and enlarged upon in the last few years, it might be interesting to know just what the jurisdiction of these various courts at the present time is. I give them to you—

FIRST, THE JURISDICTION OF THE SUPREME COURT OF THE UNITED STATES

ORIGINAL JURISDICTION

The Supreme Court has original jurisdiction under Article III, section 2, clause 2, of the Constitution, as carried into section 233 of the Judicial Code, over—

Cases in which a State is a party; cases against ambassadors, other public ministers, etc.; cases by ambassadors, other public ministers, etc.

APPELLATE JURISDICTION

By writ of error or appeal from circuit court of appeals in cases involving the validity of a State statute, under section 240(b) of the Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936).

By certiorari from the circuit court of appeals over all cases made final in that court.

Over decisions of the Court of Appeals of the District of Columbia.

Over decisions of Court of Customs Appeals.

Over decisions of the Court of Claims.

Over decisions of the Supreme Courts of the Philippines, Porto Rico, and Hawaii.

By certification of questions by circuit court of appeals, by Court of Appeals of the District of Columbia, by Court of Claims.

On direct appeal or writ of error from the district courts under section 238 of the Judicial Code as amended by the act of February 13, 1925 (43 Stat. 936), of cases—

Under the act of February 13, 1903 (32 Stat. 823), as amended by the act of June 29, 1910 (36 Stat. 854), to expedite the hearing and determination of certain antitrust and interstate commerce cases.

Under the act of March 2, 1907 (34 Stat. 1246), known as the criminal appeals act.

Under the act of March 3, 1913 (37 Stat. 1013), restricting the issuance of interlocutory injunctions to suspend enforcement of a State statute, etc.

Of cases to enforce, suspend, or set aside orders of the Interstate Commerce Commission.

Of cases involving regulation of interstate and foreign commerce in livestock, and so forth, under the act of August 15, 1921 (42 Stat. 159).

The cases which go before the Supreme Court in one way or another are most comprehensive in variety and origin. They include cases between the United States and a State, cases between two States, cases of every class which involve the construction or application of the Constitution, laws, and treaties of the United States, cases originating in the Federal courts, cases originating in the State courts and involving Federal rights, and cases originating in the courts of the Territories and outlying possessions. Because of the very wide application geographically and otherwise of the Constitution, laws, and treaties of the United States and of the decisions of the Supreme Court construing and giving effect to them, the cases which go before that court have an importance which far surpasses any interest which the immediate parties may have in the outcome. Its decisions become precedents to be followed by all other courts, both Federal and State, in disposing of numberless cases involving like Federal questions. By its decisions it marks out the limits of governmental power, maintains the constitutional checks on that power, preserves the lines which separate National and State authority, settles boundary and other disputes between the States, protects personal and property rights of individuals from unconstitutional encroachment, enforces adherence by other Federal courts to State decisions when applying State law, and secures harmony of decision among all courts, both Federal and State, when applying Federal law.

The following is a summary of business by years for five full court years and for the present court year up to April 13, 1926. The court year is from the middle of June of the year designated to the middle of June of the next year, excepting as the current year (1925) is not yet completed. The figures are for the combined appellate and original dockets:

	1920	1921	1922	1923	1924	1925
Cases disposed of during the year	608	603	765	661	761	604
Cases remaining on dockets at end of year	367	437	392	462	555	541
Total on dockets during the year	975	1,040	1,157	1,123	1,316	1,145

This statement takes no account of intermediate and interlocutory rulings and decisions, of which there are many.

Of the 761 cases finally disposed of in the court year of 1924, 411 were disposed of upon their merits and 350 upon petitions for certiorari.

Of the 604 cases finally disposed of thus far in the court year of 1925—that is, up to April 13, 1926—318 were disposed of upon their merits and 286 upon petitions for certiorari.

Of the 541 cases pending April 13, 1926, 49 have been on the dockets a little in excess of 18 months, 94 have been on the

dockets less than 18 months but more than 12 months, and 398 have been on the dockets less than one year.

If allowance be made for cases which have been advanced under statutory provisions and disposed of without awaiting their regular turn, the cases now pending on the dockets represent less than a year's business.

It is believed that when the current court year ends the number of cases remaining on the dockets will be perceptibly less than at the close of the last year; and it is further believed that the changes in jurisdiction made by the act of February 13, 1925, will enable the court, within another year, to reduce the number of accumulated cases so that only a few will have been pending as much as nine months.

SECOND, THE JURISDICTION OF THE UNITED STATES CIRCUIT COURTS OF APPEALS

The circuit courts of appeals have jurisdiction, under section 128 of the Judicial Code, as amended by the act of January 28, 1915 (38 Stat. 804), and the act of February 13, 1925 (43 Stat. 936), over—

Judgments, orders, and decrees of the District Court for Hawaii.

Judgments, orders, and decrees of the District Court for Porto Rico.

Judgments, orders, and decrees of the United States Court for China.

Judgments, orders, and decrees of the District Court for Alaska.

Judgments, orders, and decrees of the District Court for the Virgin Islands.

Judgments, orders, and decrees of the District Court for the Canal Zone.

Judgments, orders, and decrees of the Supreme Courts of Hawaii and Porto Rico.

Decisions of the Federal Trade Commission.

Orders of the Interstate Commerce Commission.

Orders of the Federal Reserve Board.

Judgments, orders, and decrees of the district courts of the United States, except in cases which go direct to the Supreme Court of the United States.

THIRD, THE JURISDICTION OF THE COURT OF CUSTOMS APPEALS

To shorten customs litigation and to save expense the United States Court of Customs Appeals was established by the act of August 5, 1909. That act conferred on the Court of Customs Appeals exclusive jurisdiction to review the judgments of the Board of General Appraisers determining the classification of imported merchandise, the rate and amount of duty due thereon, and the amount of customs fees or other charges exacted. As a result the number of appeals was reduced to one, and in 1910, the year of the organization of the court, the average time required for the final determination of customs litigation was reduced to two years and one month, and within three years thereafter to eight months and one day. That meant the saving of time and expense to the importer and the Government, to say nothing of the saving of cost to the ultimate consumer, who, without the possibility of reimbursement, was compelled to bear the burden of excessive duties until their invalidity was finally decided.

Additional jurisdiction was referred by the act of 1922, as follows:

Section 316 of the tariff act of 1922 grants a right of appeal to the United States Court of Customs Appeals from certain decisions of the United States Tariff Commission, rendered after a hearing and reported to the President for his information in meeting unfair methods of competition in imported goods.

Section 489 of the tariff act of 1922 authorizes the importer to petition the Board of General Appraisers for remission of additional duties and directs that such additional duties shall be remitted upon a finding by the Board of General Appraisers that the entry of merchandise at a less value than that returned upon final appraisement was without any intention to defraud the revenue of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise. The refusal of the Board of General Appraisers to make such finding has been held appealable by the Supreme Court of the United States in the case of the United States *v.* Fish, No. 653, decided June 8, 1925.

Section 501 of the act of 1922 gives to the importer the right to be heard as to the value of his goods and permits an appeal from the appraisement made by the local appraiser. On that appeal both the Government and the importer submit evidence in support of their respective contentions to a general appraiser assigned by the Board of General Appraisers to hear the matter. From his decision an appeal may be taken to a board of three general appraisers, and from the board's decision an appeal may be taken to the Court of Customs Appeals on questions of law alone.

Section 516 grants an appeal from the judgment of the Board of General Appraisers upon protests of American producers, manufacturers, or wholesalers, who prior to its passage were without remedy against the classification of goods as made by the collector and their value as found by the appraiser.

Section 563 permits a final appeal to the United States Court of Customs Appeals in cases of refusal to make an abatement of duties or a deduction from duties for deterioration, loss, or damage sustained by imported merchandise while in a bonded warehouse.

Below is given the jurisdiction of the Supreme Court and the Court of Appeals of the District of Columbia, to which judges of the Court of Customs Appeals are assigned.

Section 18 of the act of September 14, 1922, authorizes the Chief Justice of the United States to assign the judges of the Court of Customs Appeals for service in the Supreme Court and the Court of Appeals of the District of Columbia when requested by the chief justice of either of said courts, and all of said judges have been so assigned. The Supreme Court of the District is a trial court and exercises a jurisdiction corresponding to that of the district courts of the United States and to that of the highest trial courts of any of the States, and may issue writs of mandamus against executive officials of the Government. (12 Stat. 762; 32 Stat. 522, sec. 61 of the District Code.)

The court of appeals exercises appellate jurisdiction from final judgments and decrees of the Supreme Court of the District and is the tribunal to which appeals may be taken from the decisions of the Commissioner of Patents. Sections 226 and 228, District Code. The jurisdiction of the court of appeals is broader than that of any of the circuit courts of appeal.

Work of the United States Court of Customs Appeals and its judges

(During the calendar year 1925)

Number of Court of Customs Appeals cases filed	207
Number of cases disposed of	176
(This was the number of cases ready for disposition at the time the court took its summer vacation about July 6, 1925.)	
Number of cases heard by the Court of Customs Appeals since October 1, 1925, in which 134 opinions have been written	154
Cases decided without opinion	26
To be heard before vacation and requiring opinion (estimated)	40
To be disposed of without opinion (estimated)	6
	226
Number of cases in which the judges of the Court of Customs Appeals participated under assignment to the Court of Appeals of the District in 1925	100
Number of opinions written by judges of the Court of Customs Appeals as judges of the court of appeals	40
Number of matters heard by judges of the Court of Customs Appeals as judges under assignment to the Supreme Court of the District	65
Opinions written by judges of the Court of Customs Appeals acting as judges of the Supreme Court of the District	15

An inspection of this table discloses that the work disposed of by the judges of the Court of Customs Appeals, including their work under assignment, exceeds that of any of the circuit courts of appeal, with the exception of the Circuit Court of Appeals for the Second Circuit. (See page 133, Attorney General's Report for 1925.)

FOURTH, THE JURISDICTION OF THE COURT OF CLAIMS

The Court of Claims was created as the court in which the United States can be sued, and with the exception of a limited concurrent jurisdiction in the district courts is the sole tribunal in which an action can be prosecuted against the sovereign. In addition to its jurisdiction of claims against the Government, it has jurisdiction to hear and determine counterclaims interposed by the United States against the plaintiff in any suit brought against the Government in which the court has jurisdiction of the plaintiff's claim.

The present principal jurisdiction of the court, or what is commonly termed its "general jurisdiction," is provided for by section 145 of the Judicial Code, as follows:

The Court of Claims shall have jurisdiction to hear and determine the following matters:

"First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however,* That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as 'war claims' or to hear and determine other claims which, prior to

March 3, 1887, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

"Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.

"Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible."

While the principal branch of the court's jurisdiction is its law jurisdiction, its equity and admiralty jurisdictions are of decided and increasing importance.

1. CLAIMS FOUNDED UPON THE CONSTITUTION, OR ANY LAW OF CONGRESS, OR UPON ANY REGULATION OF AN EXECUTIVE DEPARTMENT

Of these classes of claims are claims arising under the following laws and the duly authorized regulations thereunder: The public land laws, the revenue laws, the laws governing salaries, pay, and allowances in the Federal service, and laws providing for the taking or requisitioning of private property by the Government. Of great importance in this class of cases are suits for refund of excessive income-tax payments.

2. CLAIMS FOUNDED UPON ANY CONTRACT, EXPRESS OR IMPLIED, WITH THE GOVERNMENT

Of claims founded upon express contracts, which comprise the greater and more important part of the litigation in the court, are claims growing out of Government contracts in connection with governmental activities and operations in all governmental lines, such as the support, equipment, and operations of the Army and Navy, the operation of the Postal Service, the construction of public buildings, river and harbor improvements, reclamation projects, United States Shipping Board operations, and so forth.

Of claims founded upon implied contract, the principal claims coming before the court, and of which it has jurisdiction, are claims for private property taken for public use, without express agreement with the owner or specific statutory authorization, but under such circumstances as will support a contract implied in fact to pay the owner compensation. Among claims of this class are included claims for the use by the Government of devices or inventions covered by United States letters patent.

3. The equity jurisdiction of the court lies principally in the power to reform contracts where, through mutual mistake of the parties, reformation is necessary to effect the intent of the parties to the contract.

4. The admiralty jurisdiction of the court comprises jurisdiction to hear and determine claims for salvage services rendered to the Government.

Claims of the four different classes above noted, paragraphs 1 to 4, which sound in tort are excluded from the court's jurisdiction.

5. The provision for jurisdiction of claims by paymasters, quartermasters, commissaries of subsistence, and other disbursing officers needs no explanation. Suits in the court under this provision are comparatively few in number.

6. The court's jurisdiction of counterclaims by the Government is a most important jurisdiction, and especially in cases growing out of the World War operations. It has enabled the Government to recover large claims against claimants in this court which would in all probability have never been recovered by independent suits against such claimants in other Federal courts. An instance of the importance of this jurisdiction is the recent recovery by the Government, on counterclaim, of a net judgment against the plaintiff in the sum of $1,222,540, in a case in which the plaintiff was suing on a claim of over $2,750,000.

SEC. 148. Judicial Code: This section of the code provides for what is commonly known as departmental cases, in which the findings and conclusions of the court are for the guidance of the department referring the claim or matter. Also the section provides for the court's taking general jurisdiction of the claim referred, and hearing and rendering judgment accordingly, if the claim should be one on which the court would, under the law, have jurisdiction to render judgment; that is, a valid legal claim, not barred by statutes of limitation.

SEC. 151. Judicial Code: This section of the code provides jurisdiction of what is generally termed congressional cases, with the provision, as in departmental cases, for rendering judgment where the claim involved is a valid legal claim, not barred by statutes of limitation. Cases under this provision of the code are comparatively few and unimportant.

PATENT INFRINGEMENT JURISDICTION

Prior to the act of June 25, 1910 (36 Stat. 851), the court had jurisdiction of claims for use of patented inventions by the Government only where there was an express contract or where the facts would support a contract implied in fact; but under this act, to which there have been several amendments, the court has jurisdiction, with certain limitations, of claims for infringement or wrongful use of a patented device.

The patent litigation in the court, both under this act and under express and implied contracts, is of great importance, the claims in cases now in litigation amounting to in the neighborhood of $600,000,000.

SPECIAL JURISDICTION CASES

In addition to the foregoing jurisdiction of the court, jurisdiction in special cases, often of great importance, is conferred upon the court by special acts of Congress, the most important of which are claims of Indian tribes against the Government growing out of treaties with the Indians and claims by citizens against the Indians, a number of which cases, involving large amounts, are now pending in the court.

FIFTH, THE JURISDICTION OF THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The jurisdiction of the Supreme Court of the District of Columbia and of the Court of Appeals of the District of Columbia is defined by Chief Justice Taft as follows:

> Congress possesses a dual authority over the District, and may clothe the courts of the District not only with the jurisdiction and power of Federal courts in the several States but with such authority as a State may confer on her courts. (Public Utilities Commission *v.* Potomac Electric Power Co., 261 U. S. 442.)

The court of appeals exercises the jurisdiction not only of Federal circuit courts of appeals but also that exercised by State supreme courts.

It is the court of last resort in the District of Columbia, save only that its decisions are subject to review on certiorari by the Supreme Court of the United States.

The court was created by act of Congress approved February 9, 1893, giving it appellate jurisdiction over—

The Supreme Court of the District of Columbia.

The Commissioner of Patents.

The following tribunals have been added since:

The police court (March 2, 1897; D. C. Code, sec. 227).

The juvenile court (March 19, 1906; 34 Stats. 77).

The municipal court (March 3, 1921; 41 Stats. 1310).

The United States Board of Tax Appeals (revenue act of 1926).

When created the court consisted of a chief justice and two associate justices. There has been no increase since, although the work has increased several fold.

A full court of three has to sit in every case, unless counsel stipulate to hear the case before two justices, which is so rarely done as to be out of the count.

Written opinions have to be filed in all cases heard on the merits.

When a judge is ill or disqualified the court may call on a judge of the Supreme Court of the District of Columbia to fill the vacancy, but this has not been done for several years. In 1922 Congress authorized the Chief Justice of the United States to assign to this court judges of the court of customs appeals when the work of that court would permit; but on account of the growing work of the Customs Court the aid they have been able to give has been, and will continue to be, very limited. Likewise, such judges do not participate in action on the numerous motions and petitions which constitute a material part of the business.

As shown by the report of the Attorney General for 1925 (p. 133), cases disposed of in this court, and in the circuit court of appeals, were as follows:

	Cases		Cases
Court of Appeals, District of Columbia	334	Fifth circuit	241
First circuit	102	Sixth circuit	270
Second circuit	441	Seventh circuit	165
Third circuit	188	Eighth circuit	339
Fourth circuit	143	Ninth circuit	286

It thus appears that, with two exceptions—the second and eighth circuits—the number of cases disposed of in this court

was considerably greater than in the seven other several circuit courts of appeal; and statistics from 1893 to date show a relative standing approximately the same.

Appeals from the Commissioner of Patents—an important branch of litigation—have increased nearly 100 per cent in the last year or two. These require a knowledge of patent law—a separate branch of the law in itself.

The new revenue act, providing for appeals from the United States Board of Tax Appeals will add a large volume to the business of the court.

The location of the court at the seat of national government naturally throws to it a mass of governmental litigation that occurs nowhere else. Numerous cases arise against officers and departments of the Government involving large sums and questions of grave import.

In fact, the court's business comes from so many varied tribunals and involves so many unusual and special questions that its members are required to inform themselves in special branches of practice which rarely or never arise in other tribunals throughout the country.

The bulk of business comes by way of appeals taken as a matter of right from the Supreme Court of the District of Columbia and the Patent Office in the proportion of about two-thirds from the former and one-third from the latter. Cases from the police, juvenile, and municipal courts may be brought up only on writ of error in the discretion of members of the court and constitute but an insignificant part of the work. Reference to a recent volume of the Court Reports (55 App. D. C.) discloses that of the opinions reported therein 108 were in cases appealed from the Supreme Court of the District of Columbia, 50 from the Patent Office, and 16 from the police, juvenile, and municipal courts combined, which, it is believed, fairly indicates the distribution of the work.

SIXTH, THE JURISDICTION OF THE UNITED STATES DISTRICT COURTS

The jurisdiction of the United States district courts is found in chapter 2 of the Judicial Code, which is comprised of sections 24, 25, 26, and 27 of said code.

An examination of this convinces one of the almost unlimited field of work that these judges are called upon to cover. Recent laws have added greatly to their duties, especially the prohibition enforcement act.

SEVENTH, THE JURISDICTION OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

The jurisdiction of the Supreme Court of the District of Columbia is briefly stated in section 61 of the Code of Law for the District of Columbia in the following language:

> The said court (the Supreme Court of the District of Columbia) shall possess the same powers and exercise the same jurisdiction as the circuit and district courts of the United States, and shall be deemed a court of the United States, and shall also have and exercise all the jurisdiction possessed and exercised by the Supreme Court of the District of Columbia under the act of Congress approved March 3, 1863, creating that court, and at the date of the passage of this code.

The act of Congress of 1863 (12 Stat. 762), referred to in the foregoing quotation, is the act which established the Supreme Court of the District of Columbia as the successor of the Circuit Court of the District of Columbia with the same powers and the same jurisdiction as exercised by the circuit court, a court which, as declared by Chief Justice Marshall in his famous opinion in Marbury *v.* Madison (1 Cranch, 137), possessed the power to control the actions, in particular cases, of heads of executive departments of the Federal Government. It has complete jurisdiction both at law and in equity, and Congress has also enacted that a special term of the court shall be a district court of the United States (sec. 64 of the District Code), and it has also invested the justices of said court with the powers and jurisdiction possessed by the judges of the district courts of the United States (secs. 62 and 84 of the code). It is believed that it is the only court of original jurisdiction that can issue process against the heads of the Federal executive departments and enforce compliance by them with its decrees and judgments.

In the exercise of the dual, varied, and comprehensive jurisdiction thus possessed by the court, cases in ever-increasing numbers are constantly being presented and decided by the court involving questions of great importance both to the United States and to private litigants, as, for instance, cases involving title to the public domain throughout the country, the disbursement of appropriations made Congress, and cases arising under many important acts of Congress.

As illustrative of the variety and scope of the jurisdiction of this court, allusion is made to the following types of cases brought before the court:

Under the trading with the enemy act, the Alien Property Custodian has been party to 130 cases brought in this court to determine the disposition of alien-owned property. Of 30 of these the claims amounted, in the aggregate, to approximately $21,000,000.

Thirteen suits, taken at random from the civil docket of the United States district attorney for the District of Columbia, against the Emergency Fleet Corporation, involve claims approximating $460,000.

Among he suits filed in the court in which the Government is an interested party are suits against the Postmaster General, to enjoin him from barring matter from the mails, as in Tribond Corporation against Postmaster General.

Against the Secretary of the Interior, to compel the issuance of patents to lands of the United States, such as the cases of O'Donnell against Work, involving rights in Mare Island, Calif., and the "Braffet case," which concerns valuable mineral lands in Utah.

Against the Secretary of State, to test the validity of the ratification of the eighteenth amendment, as Wiedenham against Colby.

Against the Secretary of the Treasury, to determine the constitutionality of the maternity act, as Massachusetts against Mellon.

Against the Secretary of the Interior and the Commissioner of the General Land Office, presenting the question of the title and ownership as between the Indian Pueblo of Santa Rosa and the Government of the United States, of upwards of 700 square miles of land in the State of Arizona.

Against the Secretary of the Interior, to settle rights of Indian wards of the Government to tribal lands, and so forth.

Against the Secretaries of State, War, and Navy, to prevent them from obstructing or interfering with the plaintiff, the Western Union Telegraph Co., in making a shore connection off the coast of Florida with a newly laid ocean cable between the United States and the Island of Barbados.

Against the Veterans' Bureau, to enjoin or to compel the payment of policies.

Against the Secretary of the Treasury, to enjoin the publication of income-tax returns, as in Hubbard against Mellon.

Against the Shipping Board, in damage suits, equity suits, and proceedings to test its powers to dispose of ships, as in Hall against Shipping Board, Duke against Shipping Board, Compagnie Franco-Indochinoise against Shipping Board, and Hearst against Shipping Board.

Against the Interstate Commerce Commission, for mandamus or injunction, such as the cases brought by the Kansas City Southern Railroad Co., the Abilene & Southern Railway Co., the Manitou & Pike's Peak Railway Co., and the Fort Dodge, Des Moines & Southern Railway Co., and the Minnesota, Northfield & Southern Railway Co., to compel, or to prevent, action on the part of the commission.

Against the Federal Trade Commission, to determine its powers with reference to requiring monthly statements of the business of various coal and iron corporations, as in Maynard Coal Co. against Federal Trade Commission.

Against the Board of Tax Appeals of the United States, to compel the enrollment of an attorney, as in Goldsmith against United States Board of Tax Appeals.

Against the Commissioner of Internal Revenue, to recover excess payments of taxes, as in the case of the Union Pacific Railway Co. against Blair, alone, amounting to $42,924.27.

Against the Tariff Commission to require it to permit, to an interested party, access to facts, data, and so forth, in its possession, as in United States ex. rel. Norwegian Nitrate Products Co. against United States Tariff Commission.

Against the Commissioner of Patents, to compel action in behalf of an applicant for patents, as in United States ex rel. Troy Laundry Machine Co. against Robertson.

Against the Director General of Railroads, to compel him to pay a judgment recovered against him, as in United States ex rel. Rauch against Davis.

Against the Comptroller General of the United States, to compel the transmission of an amount claimed to be due the petitioner, as in United States ex rel. Carroll Electric Co. against McCarl.

Against the Comptroller General, to secure his action upon a claim growing out of certain Government contracts, as in United States ex rel. Skinner & Eddy Co. against McCarl.

Against the District of Columbia Public Utilities Commission, to compel the setting aside of the valuation placed upon the property of a street railway, as in Capital Traction Co. against Utilities Commission.

Against the Secretary of the Treasury, to secure the payment of certificates issued by the Secretary of State for

amounts due petitioner for damages claimed against the Venezuelan Republic, as in Lecrone against McAdoo.

Against the Secretary of Commerce to obtain the issuance of a license for a radio station, as in Intercity Radio Co. against Hoover.

And, in the Navy pay cases, the court has before it 120 suits against the Comptroller General and Secretary Wilbur to enjoin them from deducting claims of the United States out of the salary of naval officers.

It was in this court that suit was brought by the Attorney General in behalf of the United States to enjoin the Swift, Armour, Wilson, Cudahy, and Morris meat-packing organizations from violations of the antitrust act.

In Adkins against Children's Hospital the court was called upon to decide the validity of the District minimum wage law; and, in Block against Hirsh, to determine the constitutionality of the Ball rent act.

It is in this court that there are pending the criminal cases against Messrs. Fall, Doheny, and Sinclair.

Among the other cases of national importance brought before this court were those known as the "war-fraud cases," such as the Crowell case, involving the allotment of contracts for Army camps; United States against E. C. Morse; the equity suit against the Newberry Realty Co. for alleged war frauds; United States against Commercial Coal & Globe Indemnity Co., which is still pending; and the criminal prosecution of the Phillips Lumber Co., which took almost three months to try; the pending equity siut against the same Phillips, Stevens, et al., involving about $1,500,000; and the case of United States against C. W. Morse, which took 15 weeks to try.

Another duty of the court is to review, on appeal, the findings of the Public Utilities Commission of the District of Columbia, such as its findings of valuations for rate-making. This duty or power of the court has recently been declared by the Supreme Court of the United States, speaking through the Chief Justice, in the case of Keller *v.* Potomac Electric Co. (261 U. S. 428), to be a legislative power because a rate-making power.

Still another duty of the court is that all applications for extradition fall to it, mainly, however, through the Chief Justice of the court, though in his absence or disqualification, by the senior Associate Justice presiding, a purely executive duty, which, in the States, devolves upon the governors therof.

It should be added that this court is also the Probate Court for the District of Columbia, with an ever-increasing volume of business. In the past five calendar years, the court has dealt with over 9,000 administration and guardianship cases, an average of more than 1,800 a year. Perhaps it is unnecessary to add, it also hears all naturalization proceedings and all bankruptcy cases, and, in addition, it also conduct all lunacy inquiries.

BRIEF HISTORY OF THE BOARD OF GENERAL APPRAISERS WITH ITS JURISDICTION

Tariff duties on imported goods have been imposed ever since July 4, 1789. Against the assessment of duties by the collector the importer might, as the law originally stood, protest, and in case his entry was not reliquidated in conformity with his protest he might sue the collector to recover such duties as he deemed to be illegally exacted, the collector retaining the duties paid until the suit against him was finally decided, in order that he might reimburse himself in case judgment was rendered against him. Section 2 of the act of March 3, 1839, prohibited the retention of unascertained duties, and the collector was required by the act to pay such unascertained duties into the Treasury of the United States, subject to the right of the Secretary of the Treasury, to repay excess duties by warrant on the Treasury in such cases as to the Secretary might seem proper. That act, of course, left the importer at the mercy of the Secretary of the Treasury and deprived him of the judicial remedy to which he was justly entitled. See Cary *v.* Curtis (3 How. 236), which held that under that act duties illegally exacted could not be recovered by the importer from the collector in an action in assumpsit for moneys had and received.

The act of February 6, 1845, restored to the importer his right of action against the collector, and the acts of March 3, 1857, and June 30, 1864, provided in effect that before any right of action could accrue to the importer he must appeal within 30 days after liquidation to the Secretary of the Treasury. His right of recovery was barred unless suit was brought under the former act within 30 days, and under the latter act within 90 days after an adverse decision by the Secretary.

The act of March 10, 1890, marked a distinct change in a legislative policy which looked rather to the protection of the customs revenue than to the protection of the importer, and in effect ignored the sound legal principle that taxes should not be exacted on doubtful interpretations of the law by denying prompt judicial relief until after an appeal had been taken to the administrative officer, who was just as much bound as was the collector to give the benefit of the doubt not to the taxpayer but to the Government.

That act authorized the President to appoint a board of nine general appraisers and vested the board with jurisdiction to reappraise goods appraised by the appraiser in the collector's office and to review on protest by the importer the collector's classification of imported merchandise. Sitting as appraisers the final appraisement made by the board was conclusive on the Government and the importer, and could not be reviewed by the courts. (Sec. 13, act of June 10, 1890.) Sitting for classification purposes the board from the beginning was a real judicial tribunal, and as such it tried and determined the issues raised by protest against the action of the collector in classifying merchandise and in fixing the rate and amount of duty which should be paid thereon. The salary allowed to general appraisers is $9,000 a year. The judgment of a classification board might be appealed to the circuit court which had jurisdiction on appeal to retry the issues of fact and render a judgment on the law and the facts. That judgment concluded the matter unless the court allowed a further appeal to the Supreme Court of the United States, or unless an appeal was requested by the Attorney General. (Sec. 15, act of June 10, 1890; Anglo-California Bank *v.* United States, 175 U. S. 37.)

The act of March 3, 1891, permitted an appeal from the circuit court to the circuit courts of appeals, and from the decision of the last-named court the matter might be carried to the Supreme Court.

While the act of June 10, 1890, accomplished greater uniformity in customs decisions and gave the benefit of the doubt to the importer on questions of law and made the assessment of duties subject to prompt review by judicial tribunals, the delays and the expense necessitated by a system which allowed, in effect, not less than three reviews and possibly four, left much to be desired. Many cases were litigated for as long as 10 years, and the average delay in the decision of contested cases was four years and eight months, with the consequent result that at times there was as much as $50,000,000 tied up in the Treasury unavailable for appropriation and rendered useless to the business life of the country.

We are in great danger, Mr. Speaker, of losing from our Federal bench some of our very splendid judges, men who have not been able in their practice before coming to the bench to put aside money upon which to live. Many of them are compelled to live upon their salaries, and they can not do this in many of the cities where they are now compelled to live and to hold court.

Mr. McKEOWN. Will the gentleman yield?

Mr. DYER. I can not yield for lack of time.

Mr. Speaker, I rose for the purpose of inviting the attention of the House to this situation and to the need of this legislation at this session of the Congress if we are to maintain upon the bench the kind of men that you and the people of this country want upon the Federal bench. Unless we do this we are going to have some of our best judges leave the bench by resignation and the addition of men who are incompetent and unfit to discharge the great duties that now come before the Federal courts, and it is not right, Mr. Speaker, to permit this condition to exist. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. DYER. Mr. Speaker, in connection with the work of the Judiciary Committee and the reporting of the bill to which I have made reference, I have prepared some data and facts touching the need of this legislation, showing the condition of various Federal courts, and I ask that I may be permitted to extend my remarks in the RECORD by including this data.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to speak a while on the subject of the great need for legislation in behalf of agriculture.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to speak for a while [laughter] on the subject of agriculture. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, how long a while?

Mr. HOWARD. Mr. Speaker, I can not tell how long; I may be interrupted.

Mr. BEGG. Mr. Speaker, this is Calendar Wednesday, and it seems to me we ought to have some definite information. I

will be glad to hear the gentleman if he does not mean to smother us, but I would not want the entire afternoon to be devoted to his talk.

Mr. HOWARD. Mr. Speaker, you know I promised the Speaker at the beginning of the session I would help him out and help him conduct things in an orderly manner. [Laughter.] If my speaking now will interfere with the day's program, I will make the request at some other time. I must not be called an obstructionist. [Laughter.]

TREATMENT OF EX-SERVICE MEN

Mr. POU. Mr. Speaker, I would like to address the House for five minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, the so-called Fenning case has had the front page of the newspapers for some time. I do not propose to discuss Commissioner Fenning, but there have been some disclosures which, in my judgment, require the attention of the Congress.

When the boys went to the World War, we told them that thereafter, so long as they lived, they were to be the wards of the Nation. I think almost all of us are trying to live up to that promise on both sides of the aisle, but the disclosures in this case show a condition which is indefensible. The taking of so much of the estates of incompetents, as has been admittedly taken here in the District of Columbia, ought to be stopped by law. [Applause.]

My colleague from North Carolina, Major BULWINKLE, has introduced a resolution which is now pending before the Rules Committee, which provides for a survey of the status of ex-service incompetents throughout the Nation. I have heard there is quite a bad situation in other States; in one State particularly, which I will not mention, because I am not sure the information is authentic.

This resolution gives the Committee on World War Veterans' Legislation the power to inquire into the manner of the handling of estates of these World War unfortunates during the vacation of Congress so that at the beginning of the next session they will be able to report to the Congress just what the condition is throughout the Nation. This is not an easy matter to deal with. Some of these ex-service men are under the control of officials of the States, others under the control of officials of the Nation. Now it seems to me this is a wise resolution, and I commend it to the consideration of gentlemen on both sides of the aisle, and particularly to the members of the Rules Committee.

Mr. McKEOWN. Will the gentleman yield?

Mr. POU. Yes; I yield.

Mr. McKEOWN. I simply wanted to call the gentleman's attention to the fact that this House, on April 16, 1920, gave a promise that these veterans would not lose any of their money by reason of guardianships in cases where they became insane.

Mr. POU. A promise that ought to be lived up to and will be lived up to. The information necessary can be ready by the next session of Congress, and the Congress will then be in position to pass a law which will take care of these unfortunate men and will protect their estates from the exploitation of any man or any set of men anywhere in the Nation. [Applause.]

The SPEAKER. The time of the gentleman from North Carolina has expired.

BRIDGE OVER THE COLUMBIA RIVER AT CHELAN COUNTY, WASH.

Mr. HILL of Washington. Mr. Speaker, I call up House bill 10089 and ask unanimous consent that the House agree to the Senate amendments, except the amendment on line 6, page 3.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 10089, with Senate amendments, which the Clerk will report.

The Clerk read the title, as follows:

A bill (H. R. 10089) granting the consent of Congress for the construction of a bridge over the Columbia River at a point 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington.

The SPEAKER. The gentleman from Washington asks unanimous consent to concur in Senate amendments 1, 2, and 4, and disagree to amendment numbered 3. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday.

Mr. GRIEST. Mr. Speaker, I call up the bill (H. R. 6982) relating to offenses against the Postal Service.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 6982) to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes

Be it enacted, etc., That section 213, act of March 4, 1909 (Criminal Code), is hereby amended to read as follows:

"SEC. 213. No letter, package, postal card, or circular concerning any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or concerning any article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance; and no article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme, or matter relating thereto; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, or containing any advertisement of any article, device, or thing designed or intended for the conduct of such lottery, gift enterprise, or scheme, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier. Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

SEC. 2. That section 215, act of March 4, 1909 (Criminal Code), is hereby amended to read as follows:

"SEC. 215. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or to sell, dispose of, loan, distribute, supply, or furnish or procure for unlawful use any unfair, dishonest, or cheating gambling article, device, or thing, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the 'sawdust swindle,' or 'counterfeit-money fraud,' or by dealing or pretending to deal in what is commonly called 'green articles,' 'green coin,' 'green goods,' 'bills,' 'paper goods,' 'spurious Treasury notes,' 'United States goods,' 'green cigars,' or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice, or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than $1,000, or imprisoned not more than five years, or both.

"All matter the deposit of which in the mails is by this section made punishable is hereby declared nonmailable."

SEC. 3. That section 3929, Revised Statutes, as amended, is hereby further amended to read as follows:

"SEC. 3929. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or that any person or company is conducting any scheme or device for obtaining money or property

of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or any unfair, dishonest, or cheating gambling article, device, or thing; instruct postmasters at any post office at which letters or other matter arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such letters or other matter to the postmaster at the office at which they were originally mailed, with the word 'Fraudulent' plainly written or stamped upon the outside thereof, and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe. But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by letters to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

SEC. 4. That section 4041, Revised Statutes, as amended, is hereby further amended to read as follows:

"SEC. 4041. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or that any person or company is conducting any scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is selling, offering for sale, or sending through the mails any article, device, or thing designed or intended for the conduct of a lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or any unfair, dishonest, or cheating gambling article, device, or thing, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, or device that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster General shall not be precluded from ascertaining the existence of such agency in any other legal way."

With the following committee amendments:

On page 2, in line 8, after the word "bill," at the end of the line, insert a comma.

On page 7, in line 5, after the word "honest," insert a comma.

The SPEAKER pro tempore. The question is on the adoption of the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. GRIEST. Mr. Speaker, the purpose of this bill is to amend existing law so that lottery paraphernalia and fraudulent gambling devices shall come under the ban of the law as well as the lotteries themselves. Complaint that letters and advertisements promoting the sale of lottery paraphernalia are being disseminated through the mails has come to the Post Office Committee and the Post Office Department for many years. In the last Congress the Postmaster General urged this committee to report out a bill favorably. Now the Postmaster General again urges action. The concluding sentence of the Postmaster General's letter with regard to this bill is:

The experience of the department is that the public interest demands such legislation, and it has my most favorable recommendation.

Mr. Speaker, the gentleman from Iowa [Mr. RAMSEYER], the author of the bill, has given this question much intelligent study, and I will ask him to make a statement concerning it.

Mr. RAMSEYER. Mr. Speaker, this bill word for word as it appears here passed this House during the Sixty-seventh Congress. Because of an unfortunate amendment which was tacked onto it it failed of passage in the Senate. As stated by the chairman of the committee, this bill is an amendment to existing law, and the Post Office Department is very desirous to have these sections of the law amended.

You gentlemen who are interested in knowing just what we attempt to do by this bill can find in the report beginning on the second page the sections of the bill. In the ordinary print you will find the part of the law that it is proposed to leave as it is. Printed with stricken-through type you will find the portions of the law that we recommend to be omitted, and printed in italics are the additions to the law that we recommend.

I will make a brief explanation of each section, and if you have any questions you want to ask you may interrupt me at any time.

Mr. JOHNSON of Texas. I would like to ask the gentleman a question. Do I understand that the ordinary type in the printed report is the law as it now stands?

Mr. RAMSEYER. Yes; it begins on page 2, third paragraph, of the report accompanying the bill.

Mr. JOHNSON of Texas. That is the existing law, with the exception of the italicized portion.

Mr. RAMSEYER. Yes; that is true. Section 213, which is sought to be amended by the bill before you, is what is known as the lottery section. The use of the mails is prohibited for carrying on lottery enterprises of any kind. What we seek to do is to prohibit the use of the mail to manufacturers and vendors of lottery paraphernalia. There is nothing in the existing law to exclude lottery paraphernalia to persons who advertise and vend such paraphernalia. Of course, the only thing the Federal Government can do in regulating lotteries is by its power in regulating the mails. As it is to-day the use of the mails is absolutely prohibited to the carrying on of any lottery enterprise. But the manufacturers of lottery paraphernalia can advertise it through the mails without any restrictions whatever.

The first section of the bill, which enlarges the scope of section 213 of the Criminal Code, amends existing law to prohibit the use of the mails to lottery paraphernalia.

The second section of the bill, which seeks to amend section 215 of the Criminal Code, is the section that deals with the fraudulent use of the mails. It is this section under which numerous persons have been indicted and convicted during recent years, especially for using the mails to sell fraudulent stocks. The only change we make in that section is to prohibit the use of the mails to sell or dispose of any unfair, dishonest, or cheating gambling article, device, or thing, and the chief articles that we want to reach are loaded dice and marked cards. Manufacturers of these devices advertise them through the mails and young chaps who want to venture into a gambling operation are induced to order these fraudulent gambling devices.

The third section of the bill amends section 3929 of the Revised Statutes. Under existing law the Postmaster General has power to issue what are known as fraud orders. Any person carrying on a lottery enterprise or some scheme to defraud may have a fraud order issued against him by the Postmaster General, and after such order is issued mail sent to such concern or party against whom the fraud order has been issued is not delivered. In the last three years the Postmaster General has issued fraud orders against 1,021 concerns and parties in the United States. The amendment to this section simply authorizes the Postmaster General to issue such fraud orders in cases of violations of the amendments added to sections 213 and 215.

Section 4 of the bill, which amends section 4041 of the Revised Statutes, gives the Postmaster General the power to refuse to pay post-office money orders payable to a concern or party carrying on a lottery enterprise or a fraudulent scheme; that is, post-office money orders payable to violators of sections 213 and 215 of the Criminal Code. The amendment to this section of the Revised Statutes simply gives the Postmaster General the added power to issue orders refusing to pay post-office money orders payable to concerns and parties violating sections 213 or 215 of the Criminal Code as amended in this bill.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ABERNETHY. Does not the gentleman think that section 213 would cover the average country newspaper or daily newspaper that runs a contest and offers a prize for the one who gets the most subscriptions? Is not that broad enough to prevent that?

Mr. RAMSEYER. This section of the code has been the law for many years, and such contests have been carried on by the newspapers for many years. I have never had this matter up with the Post Office Department, but I understand that such contests for subscription are not in violation of this statute. I know that they are carried on with the knowledge of the Post Office Department. The distinction seems to be that the

contestants are entitled to a certain number of votes for every subscription procured, so that the procuring of a prize or prizes offered is dependent upon the effort and enterprise of the contestants and not upon lot or chance.

Mr. ABERNETHY. It is not the intention of the gentleman's committee to prohibit such contests?

Mr. RAMSEYER. We did not have that in mind, and it was not in the mind of anybody connected with this bill to change existing law in that regard.

Mr. ABERNETHY. And the gentleman does not think that it does prohibit them?

Mr. RAMSEYER. No; the amendment to that section does not prohibit anything along that line that is not prohibited under existing law.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. JOHNSON of Texas. Within the past two years I have had criticisms of the Post Office Department from two newspapers in Texas with reference to rulings made by the department concerning advertisements contained in the newspapers which the department had claimed to be lotteries and which the newspapers thought were not, I took the matter up with the department, and I found a tendency on the part of the legal department of the Post Office Department to be, I thought, extremely narrow and technical in their construction of this law. I recall the facts in one instance. The newspaper simply carried an advertisement where a concern offered to give a prize to one who would guess the longest number of hours that a piece of ice would remain in a refrigerator.

Mr. RAMSEYER. Right there, did those who guessed pay anything for the right to guess?

Mr. JOHNSON of Texas. No; it was simply an advertisement. The refrigerator was in a window. It was a pure guess, and nothing was paid for the right to guess. It required some skill in estimating, and I recall the attorney in the department said that it might depend upon who saw it first or who reached there first, and that thereby an element of chance was involved. I thought at the time that the construction was extremely narrow. It occurred to me the element of consideration was lacking and not a lottery. I had another case, the facts of which I do not now recall. I am wondering whether there would be any review from such a decision of the Post Office Department, or is the legal department of the Post Office the final authority to determine whether the fraud order shall be entered?

Mr. RAMSEYER. Of course, the party against whom the fraud order is issued has the right to go to the courts. There is no such order that can not be reviewed by the courts.

Mr. JOHNSON of Texas. As I understand the gentleman's statement, this does not enlarge the law with reference to violations of this kind. Its primary purpose is to enlarge it so as to cover paraphernalia that might be so used.

Mr. RAMSEYER. The gentleman's views are correct. The amendments to existing law as proposed in this bill would in no wise affect the state of facts that the gentleman just presented.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. EVANS. The gentleman was discussing the proposition of an amendment to authorize the Postmaster General to decline to pay post-office orders under certain conditions. The question arises in my mind, if he were given that authority, as to what would become of the money paid by the individuals into the Post Office Department for the money order.

Mr. RAMSEYER. The money order is returned.

Mr. EVANS. To the unsuspecting individual?

Mr. RAMSEYER. Yes. Under a fraud order the Postmaster General prohibits the delivery of mail to the party or concern against whom the order is directed. In a case like that the mail is returned.

Mr. EVANS. To the sender?

Mr. RAMSEYER. To the sender. The statute specifically prohibits anybody in the Post Office Department from opening first-class mail——

Mr. EVANS. I appreciate that.

Mr. RAMSEYER. Well, there is law other than contained in this section prohibiting anybody in the department from opening first-class mail, and the only place first-class mail is ever opened, or where there is any right to open letter mail, is the dead-letter office, where undeliverable mail is sent.

Mr. EVANS. This thought occurred to me. A post-office order might get in the hands of an innocent party, and I wanted to know who is going to get the money, who will be deprived of the money or lose the money?

Mr. RAMSEYER. The money order is returned to the sender, and in case of letter mail, as I said before, that is returned to the post office from which it was sent to be delivered to the sender.

Mr. WEFALD. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. WEFALD. I would like to know whether there is anything in this bill, if it is enacted, that would hit the so-called trade campaign carried on in small towns where business men of the whole town organize and a certain amount of money is set aside from each purchase for a list of prizes, including several automobiles, with the understanding that on a certain day at the close of the campaign they are to be distributed through a drawing. Would this bill affect that in any manner.

Mr. RAMSEYER. I will state this to the gentleman from Minnesota, that the amendments which are proposed to this bill to existing law in no wise affect a situation like the gentleman has just described. If these campaigns are legal under existing law they will continue to be legal when these amendments are adopted. Of course, enterprises or trade contests such as the gentleman has described are often carried on without the use of the post office at all.

Mr. WEFALD. Of course, there is no intention of fraud?

Mr. RAMSEYER. I understand; it is simply to boost the town and trade of the local merchants. There is nothing in the proposed amendments to this bill that would in any way affect the situation which the gentleman has described.

Mr. WEFALD. I thank the gentleman.

Mr. RAMSEYER. Now, Mr. Speaker, there being no further questions——

Mr. GIFFORD. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. GIFFORD. I understand we are amending the present law, and I would like to try to make clear one particular trouble which it seems to me exists in the law. It says that no postmaster or letter carrier "knowingly" shall deliver any newspaper that might contain some advertisement which may carry the story that there is to be some sort of a gift contest. Now, many of us, I am sure, know of cases where the postmaster assumed to know that the newspaper contained advertisements of gift contests which are forbidden under the law and he has held up the whole issue of a newspaper. Now, we all fully understand, I am sure, that the word "knowingly" does not carry very much weight in law, and I am wondering if the gentleman has given very much consideration to the effect of that paragraph, stating that a letter carrier even may be haled into court to prove whether "knowingly" or not he delivered a newspaper carrying an advertisement, say, of a women's sewing circle with reference to a gift contest?

Mr. RAMSEYER. The way the thing works out in practice—and I think the postal employees have instructions to that effect—is where the newspaper is offering for mailing, and there is any question whether it has advertisements in violation of law, the postmaster himself does not assume to pass on that, but the issue of the mailability of the paper is referred to the department, and he awaits the ruling of the department before he takes any action thereon. Of course, after the department has instructed the postmaster that a newspaper with a certain kind of an advertisement should not be carried in the mail and the postmaster and employees should go on and deliver them, then that would be considered as in violation of the law.

Mr. GIFFORD. I would like to ask the gentleman if he does not realize that in many cases the postmasters do not wait until the matter has been passed upon by an inspector or the department, but does hold up the whole newspaper issue, thinking that under the law he is certainly liable, if he has the knowledge of its contents, having read the advertisement and deeming it in conflict with the law?

Mr. RAMSEYER. Well, he might have read the advertisement without knowing that it was in violation of the law.

Mr. GIFFORD. Does not the gentleman agree that the word "knowingly" in law has not very much legal effect?

Mr. RAMSEYER. Oh, it has legal significance; certainly. One must know that what he is doing is prohibited by law. It is the doing "knowingly" that violates this law.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIEST. Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. SNELL). The gentleman has 37 minutes remaining.

Mr. GRIEST. I yield 15 minutes to the gentleman from Georgia [Mr. BELL].

Mr. BELL. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, I want to call your attention to a very important matter which this bill affects. I think when you hear me patiently you will agree with me that this amendment that I shall suggest should be put in the bill. Under the law as it now exists it has been held down here by the Post Office Department that a newspaper which printed the program of a chamber of commerce where prizes were given for the promotion of business, simply because they were to be distributed by drawing, could not go through the post office.

Now, gentlemen, that is not the intention of Congress. Associations of merchants for the promotion of trade, where there is no chance at all, who offer prizes, and in many instances offer cattle, fine blooded stock of every kind, as an inducement to the boys' clubs, as an inducement to have the farmers engage in stock raising, are interfered with by the construction that is given to the law by the department. It is held down here by the department that you can not print such an advertisement in the newspapers. No longer than a few days ago public comment was made by one of the distinguished Members of the other body in reference to that matter. It certainly is not the purpose of Congress to prevent a board of trade or an association of merchants from conducting a trade sale, which is a common practice in the West, where they will advertise a certain day, and every purchaser during all this time receives a ticket from the merchant. There is no effort to make money out of that, and in order to equitably distribute the prizes they permit them to be drawn. Yet the department says you can not put into the post office a newspaper containing an advertisement that makes that provision.

Now, that is not right. I am in favor of this law. I want you to understand now that it is not right to prohibit chambers of commerce and boards of trade throughout the country, these small boards of trade, to offer prizes that can be drawn by chance, because that is the only legitimate way you can do it. I do not want you to go to work now and cut these men off.

I am delighted that this matter has come up at this time for the consideration of Congress, and I will be glad if you will adopt an amendment something like this; I do not care as to the precise form, so long as it cuts out the arbitrary ruling. The amendment I have referred to comes at the end of the section on page 3, line 12, after the word "addressed." I want to have it distinctly understood that it is for the purpose of taking care of this situation and not for the purpose of nullifying the act.

I want you to put in something to exempt a drawing where prizes are given by bona fide associations of merchants, chambers of commerce or boards of trade, or newspapers promoting subscriptions to their papers by offering prizes. I do not think that this Congress means to cut out advertisements of that kind. I do not think it ever was the purpose of Congress, and now you have a chance to stop it.

I have sent to my office for a paper, but it has not yet arrived, showing what kind of advertisement the department has held could not be put into the mail because it simply advertised that on a trade day, which was the first Monday of the month, the Chamber of Commerce of the city of Holdenville would distribute prizes by drawing. As I take it, it is not the intention of Congress to do more than bar the crooks who are trying to use gambling devices to mulct the public out of their money. I am heartily in sympathy with the law, and you can not make it too strict for me, to bar crooks and schemes of that kind out of the mail. But in fairness to the people of this country I ask you not to make it apply to bona fide merchants associations and boards of trade who are trying in the best way possible to promote interest in different lines of industry and business.

I am going to ask you to adopt some amendment something like this. If it is not exactly right I want somebody to draw one that will fit the situation. At present the law bars from the mail the distribution of prizes where there is no chance about the matter at all, because a man pays full price for his goods when he buys them, and he does not buy them on the theory that he will draw a prize. The offering of prizes simply brings a crowd on certain trade days to that community. I insist that you gentlemen give this your serious consideration, and that you correct this thing that ought to be corrected in the law. I do not believe the department is correct in its construction. I have had some controversy with their attorney about the matter. I argued with him that the law did not apply, but he said it did apply, and did bar them. It is simply an advertisement by certain newspapers on a trade day to that effect.

Mr. WEFALD. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WEFALD. In other words, the gentleman means that he wants a live town to be permitted to do its best?

Mr. McKEOWN. Yes. Of course, I want a live town to be permitted to do its best.

There is no lottery or gambling about this proposition. This is simply for the purpose of stirring up interest among the people in industry and trade, and they ought not to be hampered now in the agricultural regions from carrying on their industry and trade as vigorously as possible. I hope the committee will find it possible to agree to some such amendment.

Pass the bill without any amendment and the members of the Ladies' Aid Society will be liable for mailing invitations to a measuring party. The mail-order houses will be gratified to have the local merchants further hindered so as to extend the competition of the mail-order goods.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired. The question is on the engrossment and third reading of the bill.

Mr. McKEOWN. Mr. Speaker, I want to offer the amendment I have referred to.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Oklahoma for the purpose of offering his amendment?

Mr. GRIEST. I will yield.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 3, line 12, at the end of the line insert the following: "*Provided*, This section shall not apply to advertisements of the distribution of prizes by drawing where same are given by bona fide associations of merchants, chambers of commerce, boards of trade in the promotion of trade or commerce, or to newspapers promoting subscriptions to their paper by offering prizes."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 26, noes 45.

So the amendment was rejected.

Mr. GRIEST. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is now on the final passage of the bill.

Mr. McKEOWN. Mr. Speaker, I offer a motion to recommit the bill with instructions to report immediately with an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma moves to recommit the bill with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McKEOWN offers a motion to recommit the bill to the Committee on the Post Office and Post Roads with instructions to that committee to report the same back forthwith with the following amendment: Page 3, line 12, after the word "addressed," insert: "*Provided*, This section shall not apply to advertisements of the distribution of prizes by drawing where same are given by bona fide associations of merchants, chambers of commerce, boards of trade in the promotion of trade or commerce or to newspapers promoting subscriptions to their paper by offering prizes."

Mr. RAMSEYER. Mr. Speaker, I make the point of order that the amendment is not germane and it is an amendment that has been offered on the floor of the House and voted down, an identical amendment.

Mr. McKEOWN. But the gentleman did not make a point of order against the amendment at that time.

The SPEAKER pro tempore. The Chair is ready to rule. There is no doubt but that the amendment is subject to a point of order, because it is exactly the same proposition that has just been passed upon by the House, and it is subject to a point of order under section 459 as found in the Manual. The point of order is sustained. The question is on the final passage of the bill.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 62, noes 15.

Mr. McKEOWN. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count.

Mr. McKEOWN. Mr. Speaker, I withdraw the point of order of no quorum.

The SPEAKER pro tempore. The gentleman from Oklahoma withdraws his point of order of no quorum; and without objection, the proceedings on the passage of the bill will be vacated and the decision of the Chair sustaining the point of order made by the gentleman from Iowa will be withdrawn.

There was no objection.

Mr. McKEOWN. Now, Mr. Speaker, I ask unanimous consent to proceed for five minutes on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes on the motion to recommit. Is there objection?

There was no objection.

Mr. McKEOWN. Now, gentlemen, I want to show you what you are going to do if you pass this bill without this amendment, you men who have towns out in the West. Here is a paper advertising trade extension day on Saturday, May 1, and that paper was barred from the United States mails because of the lottery statute which you are amending. I have the opinion of the department in which they hold such an advertisement can not be transmitted through the mails, the opinion being by the Solicitor of the Post Office Department.

Now, I want you gentlemen to know what you are voting on, and if you gentlemen are willing to bar advertisements like that from the mails without having that amendment in the bill, all right; you can take the responsibility.

Mr. LAGUARDIA. Was it a lottery?

Mr. McKEOWN. No; these are just prizes given away by the board of trade, and that can not be called a lottery.

Mr. LEHLBACH. How were the prizes distributed?

Mr. McKEOWN. They were distributed by drawing, but there is no lottery about that, because the prizes do not cost them anything and they are not giving anything for them.

Mr. LAGUARDIA. Do they pay admission to the grounds?

Mr. McKEOWN. Not at all; they do not pay anything. They distributed these prizes by drawing because there is no other way to do it.

Mr. ANDREW. Is that forbidden by existing law?

Mr. McKEOWN. It is forbidden under the present law, as construed by the solicitor.

Mr. ANDREW. Under the law now on the statute books?

Mr. McKEOWN. Yes; the law has been construed in that way.

Mr. LEHLBACH. Will the gentleman yield?

Mr. McKEOWN. Yes; I yield.

Mr. LEHLBACH. Not only is that barred by the determination of the Post Office Department, but in the past, in a good many places, fraternal organizations holding annual entertainments were in the habit of printing numbers on the admission tickets and giving prizes as a result. This was declared illegal. They thereupon determined to try a plan by which each ticket entitled a person to estimate the attendance on the particular evening that he attended, and the one who guessed nearest the attendance that the count of the tickets in fact showed was entitled to a prize. They barred that procedure on the ground that it involved the element of chance. Does the gentleman think such schemes for the purpose of even securing large attendance, or securing purchasers for goods or lots in an extension, or anything like that, is a good practice and one which should be permitted?

Mr. McKEOWN. I do not see why it should not be permitted, when it is done in a bona fide way for the purpose of carrying on commerce and trade. There is nothing vicious about it. There is no gambling about it. It is mala prohibita, and not malum in se. There is no element of gambling, and it seems to me it is time the Congress in the passage of laws of this kind should confine itself to prohibiting things that are wrong. Is there any man in the House here who would say there is anything wrong or there is any violation of any moral or any other kind of law to give a prize in cases where persons buy goods throughout the month and receive a numbered ticket showing he may participate in the awarding of prizes, especially when these prizes are given away by merchants' associations or chambers of commerce?

Mr. BLACK of New York. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of New York. Does the gentleman believe this bill, if it became a law, would also interfere with churches and charitable institutions in raising funds in this way?

Mr. McKEOWN. I think it will prohibit them all, so far as that is concerned under this ruling of the Solicitor of the Post Office Department. A Member of the Senate the other day raised the question of how far the solicitor had gone in the department in barring matter from the mails, and here is what the solicitor says as to the advertisement in the Holdenville Democrat, of Holdenville, Okla.:

> The receipt is acknowledged of your letter of the 17th instant, transmitting a copy of the April 15 issue of the Holdenville Democrat, containing an advertisement of a so-called trade-extension day to be conducted by the merchants of your city, wherein it is announced that certain prizes will be given away free. It is understood that tickets are given with purchases which entitle the holders to participate in a drawing for the prizes.
>
> In reply you are advised that this scheme is a lottery, and under section 473, P. L. & R., 1924, all matter of every kind in any way relating thereto, including copies of the paper containing the advertisement in question, is accordingly unmailable.
>
> The fact that the method of award or details of the plan are not set forth in the advertisement does not render the matter any less objectionable under the law.

I simply want you gentlemen to see this advertisement. It is simply a trade-extension advertisement, and I ask you gentlemen to vote on this motion as to whether or not you will recommit the bill and have it reported back with the amendment I have offered.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to proceed, out of order, for three minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I have not had time, of course, to closely examine the newspaper article, but the present law has been the law for many years. If you are going to make an exception of trade organizations, you ought to make an exception of farm organizations and of churches and of lodges and just repeal the entire law.

I want you to understand thoroughly that the bill before you does not change existing law in regard to what is proposed here. The only thing it does is to add to existing law lottery paraphernalia, and the advertisement which has been shown here is not affected in the least by the amendments of the bill to existing law.

If you are going to make exceptions of any kind to the law as it is now and has been for many years, I would not limit it to just one or two organizations; I would simply repeal the statute and let everybody have a free hand.

Mr. BLACK of New York. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BLACK of New York. Is the gentleman of the opinion this would bar churches and charitable organizations from their usual methods of collecting money by means of chances?

Mr. RAMSEYER. Not their usual legal methods of collecting money; no.

Mr. BLACK of New York. It depends upon what is legal.

Mr. RAMSEYER. This does not change existing law in that regard at all.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oklahoma to recommit the bill with instructions.

Mr. LOWREY. Mr. Speaker, may we have the motion again reported?

The motion to recommit was again reported.

Mr. RAMSEYER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 25, noes 53.

So the motion to recommit was rejected.

Mr. BLACK of New York. Mr. Speaker, I raise the point of no quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 68, answered "present" 5, not voting 94, as follows:

[Roll No. 100]

YEAS—264

Abernethy	Ayres	Bell	Bowman
Ackerman	Bacharach	Bixler	Box
Adkins	Barbour	Black, Tex.	Brand, Ga.
Andresen	Beck	Blanton	Brand, Ohio
Arentz	Beers	Boies	Brigham
Aswell	Begg	Bowles	Browne

Brumm	Fulmer	Lozier	Scott
Bulwinkle	Furlow	McFadden	Sears, Nebr.
Burdick	Garber	McLaughlin, Mich.	Seger
Burtness	Gardner, Ind.	McLaughlin, Nebr.	Shreve
Burton	Gibson	McLeod	Simmons
Butler	Gifford	McReynolds	Sinclair
Byrns	Goldsborough	McSweeney	Sinnott
Campbell	Goodwin	MacGregor	Smith
Cannon	Gorman	Magee, N. Y.	Snell
Carpenter	Green, Fla.	Magee, Pa.	Sosnowski
Carss	Griest	Magrady	Speaks
Carter, Calif.	Griffin	Major	Spearing
Carter, Okla.	Hadley	Manlove	Sproul, Ill.
Chalmers	Hale	Mansfield	Sproul, Kans.
Chindblom	Hall, Ind.	Mapes	Stalker
Christopherson	Hammer	Martin, La.	Stobbs
Clague	Hardy	Martin, Mass.	Strong, Kans.
Cole	Hastings	Menges	Strong, Pa.
Collier	Haugen	Merritt	Strother
Collins	Hawley	Michaelson	Summers, Wash.
Colton	Hersey	Michener	Sumners, Tex.
Connolly, Pa.	Hill, Wash.	Miller	Swank
Cooper, Wis.	Hoch	Milligan	Swartz
Cox	Hogg	Mills	Swing
Crisp	Hooper	Montague	Taber
Crosser	Huddleston	Montgomery	Taylor, N. J.
Crowther	Hudson	Moore, Ky.	Taylor, Tenn.
Crumpacker	Hudspeth	Moore, Ohio	Taylor, W. Va.
Curry	Hull, Tenn.	Morgan	Temple
Darrow	Hull, Morton D.	Murphy	Thatcher
Davenport	Hull, William E.	Nelson, Me.	Thurston
Davey	Jacobstein	Nelson, Wis.	Tilson
Davis	James	Newton, Minn.	Timberlake
Dempsey	Johnson, Ill.	Newton, Mo.	Tinkham
Dickinson, Iowa	Johnson, Ind.	O'Connell, R. I.	Tolley
Dickinson, Mo.	Johnson, S. Dak.	O'Connor, La.	Treadway
Dominick	Johnson, Wash.	Oldfield	Underhill
Doughton	Jones	Oliver, Ala.	Underwood
Drane	Kahn	Parker	Updike
Drewry	Keller	Phillips	Upshaw
Eaton	Kelly	Porter	Vaile
Edwards	Ketcham	Pou	Vestal
Elliott	Kiefner	Pratt	Vincent, Mich.
Ellis	Kiess	Quin	Vinson, Ga.
Esterly	Kirk	Ragon	Wainwright
Evans	Knutson	Rainey	Warren
Fairchild	Kopp	Ramseyer	Watson
Faust	Kurtz	Rathbone	Wefald
Fenn	Kvale	Rayburn	Welsh
Fish	LaGuardia	Reece	Wheeler
Fitzgerald, Roy G.	Lampert	Reed, Ark.	White, Kans.
Fitzgerald, W. T.	Lanham	Reed, N. Y.	Whitehead
Fletcher	Lankford	Reid, Ill.	Whittington
Fort	Lazaro	Robinson, Iowa	Williams, Tex.
Foss	Lea, Calif.	Rogers	Williamson
Frear	Leatherwood	Rowbottom	Winter
Free	Leavitt	Rubey	Wolverton
Freeman	Lehlbach	Sanders, Tex.	Wright
French	Letts	Sandlin	Wyant
Fuller	Little	Schneider	Yates

NAYS—68

Allgood	Deal	Linthicum	Quayle
Almon	Dickstein	Lowrey	Rankin
Andrew	Driver	Lyon	Robsion, Ky.
Arnold	Dyer	McDuffie	Romjue
Berger	Gambrill	McKeown	Rutherford
Black, N. Y.	Gilbert	McMillan	Schafer
Bland	Harrison	McSwain	Shallenberger
Bloom	Hayden	Mooney	Somers, N. Y.
Bowling	Hickey	Moore, Va.	Stephens
Boylan	Hill, Ala.	Morehead	Thomas
Briggs	Hill, Md.	Morrow	Thompson
Bushy	Howard	Nelson, Mo.	Tillman
Carew	Irwin	Norton	Tucker
Celler	Jeffers	O'Connell, N. Y.	Vinson, Ky.
Chapman	Johnson, Tex.	O'Connor, N. Y.	Weller
Connery	Kincheloe	Oliver, N. Y.	Wilson, La.
Cullen	Lindsay	Prall	Woodrum

ANSWERED "PRESENT"—5

Beedy	Hare	Peery	Wason
Eslick			

NOT VOTING—94

Aldrich	Fisher	Kerr	Steagall
Allen	Flaherty	Kindred	Stedman
Anthony	Fredericks	King	Stevenson
Appleby	Frothingham	Kunz	Sullivan
Auf der Heide	Funk	Larsen	Sweet
Bachmann	Gallivan	Lee, Ga.	Swoope
Bacon	Garner, Tex.	Lineberger	Taylor, Colo.
Bailey	Garrett, Tenn.	Luce	Tincher
Bankhead	Garrett, Tex.	McClintic	Tydings
Barkley	Gasque	Madden	Vare
Britten	Glynn	Mead	Voigt
Browning	Golder	Morin	Walters
Buchanan	Graham	Parks	Watres
Canfield	Green, Iowa	Patterson	Weaver
Cleary	Greenwood	Peavey	White, Me.
Connally, Tex.	Hall, N. Dak.	Perkins	Williams, Ill.
Cooper, Ohio	Hawes	Perlman	Wilson, Miss.
Corning	Holaday	Purnell	Wingo
Coyle	Houston	Ransley	Wood
Cramton	Jenkins	Rouse	Woodruff
Denison	Johnson, Ky.	Sabath	Wurzbach
Douglass	Kearns	Sanders, N. Y.	Zihlman
Dowell	Kemp	Sears, Fla.	
Doyle	Kendall	Smithwick	

So the bill was passed.

The following pairs were announced:

General pairs until further notice:

Mr. Morin with Mr. Bankhead.
Mr. Luce with Mr. Mead.
Mr. Kendall with Mr. Buchanan.
Mr. Bailey with Mr. Sears of Florida.
Mr. Patterson with Mr. Cleary.
Mr. Appleby with Mr. Stedman.
Mr. Perkins with Mr. Doyle.
Mr. Cramton with Mr. Garner of Texas.
Mr. Denison with Mr. Barkley.
Mr. Vare with Mr. Rouse.
Mr. Frothingham with Mr. Canfield.
Mr. Wood with Mr. Corning.
Mr. Sweet with Mr. Gasque.
Mr. Purnell with Mr. Sullivan.
Mr. Bacon with Mr. Hawes.
Mr. Aldrich with Mr. Johnson of Kentucky.
Mr. Britten with Mr. Lee of Georgia.
Mr. Funk with Mr. Greenwood.
Mr. Graham with Mr. Auf der Heide.
Mr. White of Maine with Mr. Smithwick.
Mr. Green of Iowa with Mr. Kindred.
Mr. Golder with Mr. Taylor of Colorado.
Mr. Wurzbach with Mr. Steagall.
Mr. Coyle with Mr. Parks.
Mr. Madden with Mr. Weaver.
Mr. Cooper of Ohio with Mr. Kerr.
Mr. Ransley with Mr. Douglass.
Mr. Anthony with Mr. McClintic.
Mr. King with Mr. Browning.
Mr. Dowell with Mr. Stevenson.
Mr. Williams of Illinois with Mr. Wingo.
Mr. Woodruff with Mr. Tydings.
Mr. Kearns with Mr. Gallivan.
Mr. Zihlman with Mr. Wilson of Mississippi.
Mr. Sanders of New York with Mr. Kunz.
Mr. Glynn with Mr. Fisher.
Mr. Watres with Mr. Garrett of Tennessee.
Mr. Perlman with Mr. Connally of Texas.
Mr. Fredericks with Mr. Kemp.
Mr. Allen with Mr. Larsen.
Mr. Bachmann with Mr. Sabath.
Mr. Flaherty with Mr. Garrett of Texas.
Mr. Swoope with Mr. Voigt.
Mr. Houston with Mr. Peavey.

The result of the vote was announced as above recorded.

On motion of Mr. RAMSEYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REGISTRATION OF MAIL MATTER

Mr. GRIEST. Mr. Speaker, I call up the bill (H. R. 8377) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up the bill, H. R. 8377, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk, proceeding with the bill, read as follows:

Be it enacted, etc., That section 3927 of the Revised Statutes of the United States, as amended by section 209 of the act of February 28, 1925 (43 Stat. L. p. 1058), be, and the same is hereby, amended further to read as follows:

"Mail matter shall be registered on the application of the party posting the same, and the fees chargeable therefor shall be fixed by the Postmaster General in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct, but letters upon the official business of the Post Office Department which require registering shall be registered free of charge, and pass through the mails free of charge."

With the following committee amendments:

On page 1 strike out all of lines 7, 8, 9, 10, 11, and 12, and on page 2 the remainder of the paragraph—that is, lines 1, 2, and 3—and insert in lieu thereof:

"Mail matter shall be registered on the application of the party posting the same, and the fees chargeable therefor, in addition to the regular postage, shall be, in all cases, prepaid, as follows:

"For registry indemnity not exceeding $50, 15 cents.

"For registry indemnity exceeding $50 and not exceeding $100, 20 cents.

"For registry indemnity exceeding $100 and not exceeding $200, 30 cents.

"For registry indemnity exceeding $200 and not exceeding $300, 40 cents.

"For registry indemnity exceeding $300 and not exceeding $400, 50 cents.

"For registry indemnity exceeding $400 and not exceeding $500, 60 cents.

"For registry indemnity exceeding $500 and not exceeding $600, 70 cents.

"For registry indemnity exceeding $600 and not exceeding $700, 80 cents.

"For registry indemnity exceeding $700 and not exceeding $800, 90 cents.

"For registry indemnity exceeding $800 and not exceeding $1,000, $1.

"All such fees shall be accounted for in such manner as the Postmaster General shall direct."

Insert the following as a new section 2:

"SEC. 2. That the provision of section 3 of the act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes,' approved July 5, 1884 (23 Stat. L. p. 158), with respect to the registration of official matter of the executive departments, is hereby amended to read as follows:

"*Provided further*, That any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, D. C., or by the Public Printer, which requires registration may be registered without the payment of any registry fee."

On page 2 in line 4, renumber "Sec. 2" as "Sec. 3."

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman from Massachusetts a question. On this class of mail matter in a fourth-class office will the postmaster in determining his compensation take credit for the cancellation?

Mr. FOSS. It will remain in that particular just as it is now. This increases the rate of indemnity on registered matter.

Mr. BLACK of Texas. If a patron of the post office wants to send a thousand-dollar Liberty bond and wants to insure it for a thousand dollars, he has to pay $1 registration fee. I suppose that will be by stamp which will be canceled, and the postmaster would take credit for it in his cancellation account.

Mr. FOSS. Yes; I so understand it.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was taken, and the committee amendments were agreed to.

The Clerk completed the reading of the bill, read as follows:

SEC. 2. The act of February 27, 1897 (ch. 340, 29 Stat. L. p. 599), providing limited indemnity for loss of registered mail matter, and the act of March 3, 1903 (32 Stat. L. p. 1174), fixing such indemnity at not exceeding $100, and that portion of the act of March 4, 1911 (36 Stat. L. p. 1337), making appropriations for the service of the Post Office Department and for other purposes and providing indemnity for the loss of third and fourth class domestic registered matter, are amended to read as follows:

"For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed $1,000 for any one registered piece, or the actual value thereof when that is less than $1,000, and for which no other compensation or reimbursement to the loser has been made, the amount of such indemnity to be fixed by the Postmaster General."

Mr. GRIEST. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

TEMPORARY EMPLOYMENT OF RAILWAY POSTAL CLERKS AS SUBSTITUTE SEA-POST CLERKS

Mr. GRIEST. Mr. Speaker, I call up the bill (H. R. 10132) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up the bill H. R. 10132, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized to assign railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks whenever in his opinion such employment is necessary. Any such clerks shall receive credit on his Railway Mail Service record for any period while so employed, but his salary and expenses during any such period shall be the same as the salary and expenses paid and allowed a class 1 sea-post clerk, shall be in lieu of any other salary and expenses, and shall be payable out of any appropriation available for maintaining sea-post service.

The SPEAKER pro tempore. Without objection, the word "clerks" will be changed to "clerk" in line 7.

There was no objection.

Mr. GRIEST. Mr. Speaker, I think the bill speaks for itself and I ask for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTMENT OF CLAIMS OF POSTMASTERS

Mr. GRIEST. Mr. Speaker, I call up the bill (H. R. 12369) to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, is amended so as to include losses of customs charges collected on dutiable mail articles, but such act shall apply only to such losses occurring after April 1, 1924.

Mr. GRIEST. Mr. Speaker, this bill speaks for itself, and I do not think we need any debate upon it. I ask for a vote.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSPORTATION OF MAIL BETWEEN UNITED STATES AND FOREIGN COUNTRIES

Mr. GRIEST. Mr. Speaker, I call up the bill H. R. 12211 to amend section 4,009 of the Revised Statutes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 12211) to amend section 4009 of the Revised Statutes

Be it enacted, etc., That section 4009 of the Revised Statutes is amended to read as follows:

"SEC. 4009. (a) Except as provided in subdivision (b), for transportation of the mails (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of the amount of the postage collected on the mail transported on such vessel, and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention.

"(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 4007 of the Revised Statutes or section 24 of the merchant marine act, 1920.

"(c) In the case of mails transported between the United States or its Territories or possessions and any foreign country, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails. In the case of mails transported between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces, payment for such transportation shall be made, in the discretion of the Postmaster General, out of either the appropriation for the transportation of foreign mails or the appropriation for inland transportation by steamboat or other power-boat routes."

Mr. GRIEST. Mr. Speaker, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 2, line 14, after the word "country," strike out the remainder of line 14 and line 15 and to the word "in" in line 16 and insert in lieu thereof the word "and"; also strike out all of line 21 on page 2 after the word "made," to and including the comma after the word "General," in line 21; strike out the word "either" in line 22, page 2, and all of the words after the first word in line 23 on page 2 and all of line 24.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GRIEST. Mr. Speaker, that concludes the business of the Committee on the Post Office and Post Roads.

COMMITTEE ON THE PUBLIC LANDS

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on the Public Lands.

DISPOSITION OF ASPHALT, GILSONITE, ETC.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 5385) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for asphalt, gilsonite, elaterite, and other like substances in lands belonging to the United States, including lands in the former Uncompahgre Indian Reservation in the State of Utah, for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 640 acres of land.

With the following committee amendment:

Page 1, line 9, after the word "Utah," insert "and not known to be valuable for such deposits."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. DYER. Mr. Speaker, I rise in opposition to this bill. I take it that I am entitled to one hour.

The SPEAKER. Not at all. The House, by unanimous consent, has just agreed to consider the bill in the House as in Committee of the Whole. The bill is being read under the five-minute rule for amendment.

Mr. DYER. Mr. Speaker, it is a very important matter, and there ought to be some discussion upon it. We can not expect to understand it with a limitation of that kind. This legislation has not been before the Congress since 1916. I am sure that the membership generally does not know about it in detail. I ask unanimous consent that there might be an hour at least in opposition to the legislation.

Mr. SINNOTT. Mr. Speaker, I shall have to object to that. I have no objection to the gentleman having a few minutes in opposition to the bill.

Mr. DYER. Let us have 30 minutes on a side.

Mr. SINNOTT. No; I shall object to that.

The SPEAKER. The parliamentary situation is that the bill is being considered in the House as in Committee of the Whole, which abolishes general debate and requires that the bill should be read by sections. Where no objection is made to a section the section shall be considered as adopted. The House has given unanimous consent to that procedure, and the only way that the gentleman could take time in opposition to the bill under general debate would be to vacate the proceedings heretofore had.

Mr. DYER. When was that action taken? Was it taken on this particular bill or on all bills that are being considered to-day?

The SPEAKER. It was taken on this particular bill just a moment ago. The Chair put the question, and there was no objection to the request of the gentleman from Oregon.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. DYER] have 15 minutes against the bill, and that the gentleman from Missouri [Mr. NEWTON] have 15 minutes against the bill.

Mr. DYER. Mr. Speaker, I would modify that, with the consent of the gentleman from Texas, by saying that I may control 30 minutes in general debate in opposition to the bill.

Mr. BLACK of Texas. I will be glad to modify it.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Missouri [Mr. DYER] may have 30 minutes in opposition to the bill. Is there objection?

Mr. SINNOTT. Mr. Speaker, reserving the right to object, it seems to me 20 minutes on a side is sufficient on a bill of this size.

Mr. BLACK of Texas. Allow me to state this. Both of these gentlemen really were not giving heed when the Chair announced the request that the gentleman had preferred for unanimous consent, and it is a bill these gentlemen ought to have the right to discuss. I think the gentleman will not lose any time by granting the request.

Mr. SINNOTT. Of course, that was done generally on bills to-day.

Mr. BLACK of Texas. Oh, yes; it will be done, because Members have no desire to obstruct at all; but in this case if they had been paying heed they would have objected, and then we would have gone into the Committee of the Whole House and they would have had a right to an hour under the rules of the House.

Mr. SINNOTT. However, with that understanding, that I shall have control of 30 minutes time for the bill, I have no objection.

The SPEAKER. The gentleman from Texas asks unanimous consent that notwithstanding the recent action of the House that the gentleman from Missouri [Mr. DYER] may control 30 minutes in opposition to the bill, and the gentleman from Oregon [Mr. SINNOTT] control 30 minutes in favor of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. SINNOTT. Mr. Speaker, I yield 10 minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Speaker, I presume it will not be disputed that most of the lands affected by this bill are wholly within my district. I realize that there are gilsonite or asphaltum lands in other portions of the United States, but the great supply comes from my district, and indeed from my home county. They lie almost wholly within a tract of land which in 1882 was set aside as an Indian Reservation. Subsequent to that date allotments were made to those Indians, and the title to the gilsonite and asphaltum lands was reserved to the Government of the United States. In 1903 an act passed the Congress which provided that the Secretary of the Interior could sell at auction these gilsonite lands. Prior to that time there had been some locations made upon those lands and title had been acquired to something like 434 acres. Under the provisions of the act of 1903 about 3,000 acres were sold at public auction. I just want to call attention to this point, that two or three companies now own practically all of these lands, having purchased most of the lands that had been acquired up to this date. There are other small holdings, but two or three companies own practically all of it.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. COLTON. In just a moment. These companies hold a practical monopoly of the output of this project, so far as the United States is concerned. The lands lying in the even sections of the public surveys were sold at public auction in 1906 and were all purchased, I think, at that time or a short time subsequent by those two or three companies. The purpose of this bill is simply to place the remaining part of the gilsonite lands under the general leasing laws of the United States and make it possible for others, perhaps, to go in and work up a market for gilsonite. Now I will yield to the gentleman from Missouri.

Mr. NEWTON of Missouri. Did the committee have any hearings on this bill?

Mr. COLTON. Well, the committee went into the entire matter very fully, but I do not know that there were any witnesses who appeared before the committee.

Mr. NEWTON of Missouri. Nobody appeared for or against the bill?

Mr. COLTON. Well, information was obtained from the department in support of the bill. No; there were no formal hearings, but——

Mr. NEWTON of Missouri. Was there any information except the letter from the department, of which there is a copy here?

Mr. COLTON. Oh, yes; I have a copy of the letter from the Director of the Geological Survey and all the information that

the department has in reference to this material. And I may say that one of the two companies which control the gilsonite output have headquarters in St. Louis, and, so far as I know—of course, I do not speak of this in any way disparagingly—so far as I know the only opposition to the bill has come from one company which operates from St. Louis the mines in Utah.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. COLTON. I will.

Mr. HILL of Alabama. Has the Director of the Geological Survey indorsed this bill?

Mr. COLTON. Yes, sir; so far as I know; and the Secretary of the Interior has interposed no objection to it.

Mr. HILL of Alabama. Well, now, I have read in the report the letter of the Secretary of the Interior, but I do not find any evidence in the Secretary's letter where he specifically indorses the bill. I wish the gentleman would advise us what language in the Secretary's letter indorses this bill.

Mr. COLTON. I perhaps spoke a little inaccurately in saying that he indorses it. He interposes no objection to the passage of the bill. I may say to the gentleman there was some question raised as to whether this would dissipate the natural and valuable resources of the United States, and in reply to the question the Director of the Geological Survey says:

> Referring particularly to that portion of your inquiry regarding monopoly, your consideration is directed to that part of section 4, H. R. 5385, whereby it is proposed to amend section 27 of the general leasing law "so as to provide that no person, association, or corporation shall at one time take or hold permits and leases aggregating more than 640 acres under this act in any one State." In my opinion, this language is an absolute insurance against monopoly holdings. In fact, the whole tenor of the proposed law lends itself to a plan to promote the development of restricted holdings in an orderly manner as contemplated under the leasing law.

The committee further restricts that by limiting it to 160 acres.

Mr. HILL of Alabama. The gentleman understands that under this bill either one of these two companies owning that land now could come in and get this land?

Mr. COLTON. They could only get one lease, so far as I understand, and that is left with the discretion of the Secretary of the Interior, who I am sure would not lease it to a company already having a monopoly.

Mr. HILL of Alabama. Could they not sublease?

Mr. COLTON. Not without the express consent of the Secretary of the Interior.

Mr. HILL of Alabama. The lease would be in the hands of the Secretary of the Interior?

Mr. COLTON. Yes. I am sure his policy would be to prevent a monopoly. But if they use gilsonite as they are now using it, the supply in my county would not be exhausted in a thousand years. There is estimated to be 31,000,000 tons of it in one vein, according to the Geological Survey, and now they are using only about 34,000 tons per annum.

Mr. HILL of Alabama. Are they not carrying on experiments, and in the future might it not become more valuable?

Mr. COLTON. Yes; but the purpose of this bill, as pointed out by the Director of the Geological Survey, is to prevent monopoly of this material.

Mr. HILL of Alabama. Has anybody been making an investigation of the value?

Mr. COLTON. My official information is that they have not. A statement was made that I read from the attorney for the American Gilsonite Co. to the effect that that is being done, but from my personal investigation I can not find that it has been, so that the statement is perhaps not justified.

Mr. HILL of Alabama. Was not this bill defeated as an amendment to an appropriation bill in 1916?

Mr. COLTON. No; not a bill of this kind. That one was not safeguarded then as this one is now, and at that time it came up without any previous consideration.

Mr. HILL of Alabama. It was practically for the same purpose, was it not?

Mr. COLTON. No. I think it had an entirely different purpose.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. McSWAIN. The gentleman from Utah says that there have been no hearings and that practical opposition has come from only one of the companies now operating from St. Louis?

Mr. COLTON. Only one has shown opposition.

Mr. McSWAIN. What form has that opposition taken and manifested itself?

Mr. COLTON. So far as I know, a statement prepared by the American Gilsonite Co. was submitted to the committee. So far as I know, that is the only opposition.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. ABERNETHY. Will the gentleman enlighten the House as to what this mineral is used for?

Mr. COLTON. It is used in the manufacture of paints and varnishes and also in roofing. Asphaltum and gilsonite are practically the same thing. The gilsonite is the pure form of asphaltum, and the product of gilsonite is used largely in the manufacture of paints and varnishes. Some of it is used, as I understand, for the manufacture of phonograph records and roofing. It has a very limited market.

Mr. HILL of Alabama. They use it somewhat in the manufacture of automobile tires, do they not?

Mr. COLTON. Yes. It is felt by men who would like to get a lease on some of these lands that they might open up a market along the line the gentleman from Alabama indicates.

Mr. HILL of Alabama. As a matter of fact, they do not know just how important this material is and the future potentialities of its use?

Mr. COLTON. It is pretty well known what it can be used for. It has been used for about 40 years. Perhaps it would be going too far to say that no future use can be found for it, but so far as experiments have been conducted it is not now probable.

Not only are there a number who would like to get leases under the supervision of the Secretary of the Interior but my home county is a poor county, and——

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. COLTON. May I have one minute more?

Mr. SINNOTT. Mr. Speaker, I yield to the gentleman two minutes more.

The SPEAKER. The gentleman from Utah is recognized for two minutes more.

Mr. COLTON. We have hard work getting enough revenue to run our schools and carry on other public necessities, and we see in this an avenue for adding a little to the taxable revenues of the county, and we believe it opens up a way to increase our revenues along this line.

Gentlemen, if I believed that there was any danger of monopoly in this bill, if I believed that this was not conservation to the nth degree, if I believed that it was to the interest of anything else but the development of a legitimate industry and the prevention of monopoly, I would be against this measure. But I have believed that it is right, and I therefore favor this measure. I have tried to secure its enactment ever since I have been a Member of Congress. Heretofore it has not been able to reach this stage. I have tried to get these lands opened up under the general mining act, but I could not do that. The United States is committed to the policy of leasing. I believe this bill ought to be passed, and this industry would thereby be helped by placing these lands under the leasing act. [Applause.]

Mr. DYER. Mr. Speaker, I desire to use five minutes of my time.

Gentlemen of the House, this legislation is now up again for the first time since 1916. In the Sixty-fourth Congress an effort was made to enact it into law by an amendment to an appropriation bill in the Senate, offered by Senator SMOOT, of Utah, and known as Senate bill 43.

Mr. COLTON. Mr. Speaker, will the gentleman yield?

Mr. DYER. No; I can not yield in my five minutes. That measure came over to the House in connection with the appropriation bill. The conferees of the House refused to accept the amendment, and it was not enacted into law. But during the consideration of that appropriation bill that matter came up for discussion in the House, and Congressman Mays, of Utah, made quite a speech upon it, in which he discussed this legislation at some length.

I interrogated him at some length, as the RECORD of that Congress, pages 8896 and 8897, will show, and he stated to me the names of the companies that already had leases out there. He mentioned, as the gentleman from Utah mentions to-day, a small company that has its headquarters in St. Louis, called the American Co., and I asked him if that company belonged to any trust and he said "No"; it was not a trust, but he said:

> There are people attempting to select these lands through dummies, and at the present time I understand they have hundreds of dummy entrymen around the land and about these deposits ready to select deposits of any value should the measure be passed.

Mr. Speaker, this is nothing more than an attempt to give this land away. I am sure the gentleman from Utah who introduced this bill is not to blame for it; it is from other sources, but it is an attempt to give away for nothing, as this legislation shows, these valuable ore deposits which exist in no other place in America except in this one county in Utah, and they are valuable.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. DYER. I have only five minutes, but I will yield.

Mr. WAINWRIGHT. I want to ask the gentleman if this is the material that the War Department had expressed some interest in from the standpoint of the national defense?

Mr. DYER. Yes; it is a very valuable material for national defense. The Secretary of War has written me a letter, under date of April 3 last, in regard to this material. I called his attention to this legislation and I called it to the attention of the Secretary of the Navy. The Secretary of the Navy has written me that he is having an investigation made of this legislation from the standpoint of the national defense and that he would report and advise me of the results when he had finished it. He has not done it as yet. But the Secretary of War wrote me and said:

> Pending the results of an investigation now under way to determine the value of these deposits to the national defense, the War Department considers that it would be most inadvisable to enact the proposed legislation into law.

That is signed by the Secretary of War, who comes from my city, and I think it is my duty on this floor to bring to the attention of the Members legislation that is not, in my judgment, for any public good.

Mr. Speaker, there are many reasons of compelling force why the proposed bill under the provisions of which it is proposed to almost give away a Government property of great value should be defeated.

What is gilsonite ore? It is a hydrocarbonate 99.4 pure. It was discovered by a roving miner named John Gilson, in Uintah County in the extreme northeastern part of Utah in 1880. The ore is found in but two sections of Uintah County; it is found nowhere else in the world. Gilsonite ore is found in veins appearing above the surface of the earth, of indefinite depth, always extending from northeast to southwest. A group of these gilsonite veins, all privately owned, lie east of a stream of some size known as White River. The larger and more valuable group of these claims, some privately owned, and all Government claims lie west and north of White River. The only railway extending into the gilsonite veins is the Uintah, a narrow-guage line extending a distance of 63 miles from Mack, Colo., to Watson, Utah. This road reaches the group of gilsonite veins east of White River. The freight rate per ton of 2,000 pounds of gilsonite from Watson, Utah, to Mack, Colo., is $10.50, while from Mack, Colo., to St. Louis it is about $7.50 per ton. The rates charged on the Uintah have only recently been considered by the Interstate Commerce Commission and held to be reasonable because of the unusual cost of operating the road.

From Watson, the present terminus of the Uintah Railroad, to the Government-owned gilsonite claims it is a distance of 25 to 30 miles. These 25 to 30 miles are over rough roads and the haul will be difficult and expensive. A bill was before the House in 1916, by the terms of which it was proposed to dispose of these Government claims. In the CONGRESSIONAL RECORD published May 12, 1916, on pages 8896 and 8897, Congressman Ferris asked Congressman Mays of Utah the following question:

> Is it not a fact that some of these claims are worth $20,000 for a 20-acre tract—20-acre tracts, 1,500 feet long and 600 feet wide?
>
> Mr. MAYS. Yes. Members of the company came before the committee and said that this company would give $25,000 each for such gilsonite tracts—20-acre tracts, 1,500 feet long and 600 feet wide. The product is easily mined and is sold without treatment at from $25 to $30 per ton.

When the bill referred to was under consideration another objection to its passage was that these valuable claims should not be disposed of until a railroad should be built into the vicinity of the claims. The Moffatt Road west from Denver now extends to Craig, Colo. Its terminus is distant about 150 miles from these gilsonite claims. The great tunnel on this line under James Peak is to be completed within the next 18 months at a cost of $9,000,000 and after the completion of this tunnel it is believed that the Moffatt Road will be extended through these gilsonite fields to Salt Lake City, thus providing a standard-gauge railroad with trunk-line connection east and west into this district. The proper value of these mining claims can not be realized even if they should be sold at $25,000 to $30,000 per claim. Nothing can be lost by the Government retaining these claims for the present and a large sum should be saved by holding on until transportation is provided and true values can be realized, if after mature consideration these claims should ever be disposed of.

This gilsonite ore is a property of rare value. The Government supply is limited. In case of war it is invaluable. It can not be replaced. The pending bill proposes to part with all this valuable property on leaseholds in 320-acre tracts at 50 cents per ton—to give it away. If these claims are to be leased, then the leases should be confined to the area of 20-acre tracts—1,500 feet long and 600 feet wide—as already surveyed and platted by the United States Geological Survey. To lease in tracts of 320 acres may be construed to mean 1 acre wide and 320 acres long—a good bargain for lessees but a poor bargain for the Government.

Again, no voice, unless it be bargain hunters, is asking for the opening up and giving away of these valuable properties. The users or purchasers of this ore do not appear to be complaining of the prices they are paying on the market now for this ore. There are now a number of companies mining and selling this ore from the claims already privately owned. We have the following list of companies now advertising that they are mining and selling gilsonite ore in this field, to wit:

Gilson Asphaltum Co., Philadelphia, Pa.
Utah Gilsonite Co., St. Louis, Mo.
American Asphalt Association, St. Louis, Mo.
Allied Asphalt & Mineral Corporation, 217 Broadway, New York, N. Y.
American Gilsonite Co., Denver, Colo.
Absopure Gilsonite Co., Denver, Colo.
Robert M. Lucas Co., Chicago, Ill.

We are told that gilsonite is used chiefly in making paints and varnishes. It is shipped in sacks in its natural state to the consumer. The veins, usually from 2 feet to 6 feet wide, extending from the surface to an indefinite depth between perpendicular walls, have in some instances been mined to a depth of more than 500 feet. Geologists have advanced the theory that this rare ore was formed centuries ago by the settlings as the Pacific Ocean receded from the Rocky Mountains westward. The origin of this ore may forever remain unsolved. It is a valuable Government property and no sound reason appears for giving it away. Whenever the Government desires to sell these claims, the extent and value of which has been determined already by its Geological Survey, it should sell it for its fair market value, from $3 to $5 a ton. It should not be given away.

The Government should keep these properties for its own use.

Mr. Speaker, the letter of the Secretary of War referred to by me is as follows:

WAR DEPARTMENT,
Washington, April 3, 1926.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

DEAR MR. DYER: With reference to your letter of March 26, 1926, and previous correspondence on the subject of H. R. 5385, I am pleased to inform you that the War Department is in serious need of a substitute for shellac and enamel.

Pending the results of an investigation now under way to determine the value of these deposits to the national defense, the War Department considers that it would be most inadvisable to enact the proposed legislation into law.

If in the judgment of Congress it is necessary to immediately dispose of this legislation, it is recommended that the following amendments be incorporated in H. R. 5385:

* * * * * * *

(a) Line 7, page 1: Add, after the word "in," the words "the public."

(b) Line 15, page 2: After the word "that," insert the word "public."

(c) Add after section 4 the words:

"*Provided further*, That nothing herein contained shall be held to prevent the President of the United States from reserving for military purposes any lands within the public domain known to contain asphalt, gilsonite, elaterite, and other like substances."

Thanking you for the interest you have taken in this matter, I am,

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. TAYLOR of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Colorado. I would like to inquire the status of this measure at the present time.

The SPEAKER. The Chair will explain that the House gave unanimous consent that the bill should be considered in the House as in Committee of the Whole. Thereafter the gentleman from Texas [Mr. BLACK] asked unanimous consent that notwithstanding the order of the House the gentleman from Missouri [Mr. DYER] might have one-half hour of general debate in opposition to the bill and the gentleman from Oregon [Mr. SINNOTT] one-half hour in favor of the bill.

Mr. TAYLOR of Colorado. The bill has not yet reached the stage where we can offer amendments.

The SPEAKER. No; not until the time for debate has expired.

Mr. DYER. Mr. Speaker, I yield 15 minutes to my colleague from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Speaker, on December 14 last Mr. COLTON, of Utah, introduced H. R. 5385, which was referred to the Committee on Public Lands, of which he is a member. On February 25 last Mr. COLTON, for and on behalf of the Committee on Public Lands, reported the bill to the House with a recommendation that it do pass.

Section 1 of the bill provides that the Secretary of the Interior is authorized to grant to any qualified applicant a prospecting permit which shall give him the exclusive right to prospect for asphalt, gilsonite, elaterite, and other like substances in land belonging to the United States including lands in the former Uncompahgre Indian Reservation in the State of Utah. Said section authorizes such permit to cover an area of 640 acres.

Section 2 of this bill provides that if any of the minerals enumerated in the act shall be discovered by the permittee within the area covered by his permit, he shall be entitled to a lease upon the whole 640 acres embraced in his permit.

Section 3 provides that lands known to contain valuable deposits of these minerals shall be made subject to lease by the Secretary of the Interior through advertisement, competitive bid, or such other method as the Secretary by general regulations may adopt, in areas not to exceed 320 acres; and section 3 further provides that all leases under the act shall be conditioned upon the payment by the lessee to the Government of not less than 50 cents per ton of 2,000 pounds of marketable product and the payment in advance of a rental of 50 cents per acre per annum. The lease is to be for a period of 20 years with preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as the Secretary of the Interior may prescribe.

This, of course, gives to the present Secretary of the Interior or to any future Secretary of the Interior the right to lease without advertisement and without competitive bids, if he sees fit, to such persons as he may choose to favor, tracts of 320 acres of lands known to be valuable with these minerals and tracts of 640 acres of land where discovery of such minerals is made by prospectors for periods of 20 years and such leases may be renewed indefinitely.

I have implicit faith in the integrity and high character of the present Secretary of the Interior. I would be willing to trust him to protect and safeguard the interests of the public in any matter which may be intrusted to him, but I do not believe that this could be said of some of his predecessors, and judging from our sad experiences in the past I do not believe that we are safe in trusting such unlimited authority to the unknown secretaries of the future.

I am advised that gilsonite is a valuable mineral. The Vernal Express, published in Vernal, Utah, in its issue of April 16, 1926, said:

> Gilsonite has many uses in present-day industrial life. Varnishes and paints are made of gilsonite. Carbon black, used also in paints, is a gilsonite product. The tarred-paper and felt-roofing industry consume great quantities of the mineral. About 40 per cent of the material going into the makeup of automobile tires is a mixture of gilsonite and carbon black.

I am advised that knowledge of the infinite possibilities of gilsonite is very limited. I am told that it is highly explosive and it is thought to contain wonderful possibilities for national defense.

The Vernal Express in the issue above referred to also makes the following statement:

> As far as is known gilsonite is only found in the Uintah Basin, with the exception of a very small vein in Russia.

I am told that there are deposits of inferior quality in Chile, Cuba, and Mexico. The Uintah Basin is in Utah and is the land at which this legislation is aimed.

Congress passed an act on March 3, 1903, permitting the sale at public auction to the highest bidder in tracts not to exceed 40 acres in the odd-numbered quarter sections of these gilsonite lands; the even-numbered sections to be retained by the United States.

Inasmuch as this mineral is known to be valuable, inasmuch as the knowledge of the various uses to which it may be placed is limited and the possibilities of its use for national defense are not known but are under investigation, and inasmuch as its supply in the United States is limited to a small area, it seems to me that legislation which will open up these lands to exploitation and which will rapidly lead to the exhaustion of the supply of this valuable mineral is dangerous legislation to be enacted by this Congress, and I am convinced that for this reason alone this bill ought to be defeated.

As I have already stated, the act of March 3, 1903, which opened up quarter sections for public use safeguarded the interest of the public by providing that the lands should be sold at public auction to the highest bidder while this bill, to my mind, is dangerous and is subject to suspicion in that it gives into the hands of any future Secretary of the Interior the power to lease these lands privately for a nominal consideration over a period long enough to exhaust the entire supply of ore.

This bill challenges the closest scrutiny in another respect. The act of March 3, 1903, limited sales to 40-acre tracts, while this bill permits each purchaser to get control of 320-acre tracts of land known to contain this valuable mineral and 640 acres in cases where he is given an exclusive right to explore and discovers the ore as a prospector.

I can understand how the private speculator who is anxious to get hold of this valuable mineral land might be exceedingly solicitous about the passage of this bill, but I can not conceive of how the Government of the United States will be benefited by the disposal and ultimate exhaustion of this valuable mineral.

I am not one of those who is prone to advocate the bottling up of our national resources and in the name of conservation preventing their development, but I am firmly convinced that this is one national resource which ought to be conserved.

This is not the first attempt which has been made to open up these valuable Government mineral lands to private exploitation. In 1916 an amendment was inserted in an Indian appropriation bill which sought to open up these lands for mineral entry, and the strange thing about that legislative attempt appeared from the fact that these lands had not belonged to any Indian reservation since 1880. In the debate in the House, in which the attempt was made to give the control of these valuable lands to private interest, it was charged by Congressman Mays:

> There are people attempting to select this land through their dummies, and at the present time I understand they have hundreds of dummy entrymen around and about these deposits, ready to select any deposits of any value should this measure be passed. It is not a proper amendment for the Indian appropriation bill to carry, and I believe that the Senator from Utah was imposed upon by this trust, the Barber asphalt people. If they should secure these deposits in Utah they would control the entire deposits of gilsonite that are of any value in the United States. It is a very useful product. (See p. 7858, pt. 3, vol. 53, CONGRESSIONAL RECORD, 64th Cong., 1st sess.)

I wonder if there are any dummy entrymen around and about these valuable deposits now ready to select any deposits of any value should this measure be passed.

It will be observed that section 3 of this bill makes it possible for the Secretary of the Interior to lease these lands in large tracts, the Government to receive 50 cents per acre per year together with a royalty of 50 cents per ton of 2,000 pounds of marketable gilsonite. It is interesting to note from the debates when the attempt was made to open these lands in 1916 that it was stated upon the floor of the House that gilsonite was easily mined and was sold without treatment at from $25 to $30 per ton. I find no provision in this bill which prevents all of the lessees from subleasing their lands to any one monopoly, and if this should result what is there to prevent the market price of this valuable mineral being raised far above $30 per ton, and yet under the provisions of this bill the Secretary of the Interior is authorized to lease these mineral lands for a period of 20 years for a charge of 50 cents per acre per year, with a royalty of only 50 cents per ton to the Government. Is there any Member of this House who doubts that it is dangerous to confer such power upon future Secretaries of the Interior? Instead of this bill preventing a monopoly it is more likely to create one.

Mr. MORROW. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. MORROW. How are you going to turn it over to a private monopoly if you lease only a certain number of acres to any one individual?

Mr. NEWTON of Missouri. As I read the bill there is nothing therein to prevent an assignment of a claim.

Mr. MORROW. But it is leased to anyone who desires to make a lease.

Mr. NEWTON of Missouri. Yes; and there is nothing in the bill to prevent anyone who may procure a lease from operating it for the benefit of any one of the large gilsonite companies. There is nothing in the bill which would prevent a gilsonite trust from having a number of dummies who could lease a large part or all of the remaining gilsonite lands in 320-acre tracts, and there is nothing in the bill to prevent these dummies from operating their leases with the assistance of labor furnished by any company, and there is certainly nothing to prevent them from turning the ore over to such company at a nominal price; and the bill gives to the Secretary of the Interior the right to assign these leases to anyone whom he sees fit without advertisement and without public bids.

It seems to me that it is a very dangerous thing to give as much power as this into the hands of any one Government official. I have implicit faith in the present Secretary of the Interior, and I do not believe that he would lease these lands without being convinced that the Government's interests were fully protected, but the Lord only knows who may be Secretary of the Interior in the future, and I am not willing to subject such unknown Government official to the temptations which this bill provides.

Mr. MORROW. Will the gentleman yield for another question?

Mr. NEWTON of Missouri. Yes.

Mr. MORROW. Who owns this gilsonite now?

Mr. NEWTON of Missouri. Half of it is owned by the Government.

Mr. MORROW. Is the Government getting any revenue out of it?

Mr. NEWTON of Missouri. It is not, and it will not get much revenue out of it if this bill passes. When the Government has a valuable property such as this and when the Secretary of War says that his department is considering its value for national defense, the Federal Government ought to hold on to it as a matter of precaution and of national conservation, especially so when nobody has protested against the price of gilsonite now on the market.

Congressman Mays stated to the House during the discussion of the legislation proposed in 1916 that members of a certain company came before the committee and stated that their company would give $25,000 each for 20-acre tracts of this gilsonite land. He stated further that there was evidence to show that there was a $32,000,000 trust standing ready with dummy entrymen to get control of these valuable mineral lands. In the face of these facts, which were presented to Congress in 1916 which resulted in the defeat of this proposed legislation at that time, it seems to me that it behooves this House to move with great caution in attempting to pass legislation to dispose of this valuable property now.

The author of this bill, in the report which he made for and on behalf of the Committee on Public Lands, stated that the present production of gilsonite rests with two or three companies who more or less monopolize the industry, and apparently he seeks to persuade the House that the passage of this legislation is necessary in order to break a monopoly. The facts which I have gathered, however, from a limited investigation which I have made do not justify this contention. I find that he is in error in his statement in his report to the effect that the present production rests with only two or three companies. I do not know how many companies there are at the present time engaged in the mining and sale of gilsonite, but I have learned of the following:

Gilson Asphaltum Co., Philadelphia, Pa.
Diamond Gilsonite Co., with mines near Fort Duchesne, Utah.
Utah Gilsonite Co., St. Louis, Mo.
Allied Asphalt & Mineral Corporation, 217 Broadway, New York City, N. Y.
American Gilsonite Co., Denver, Colo.
Absopure Gilsonite Co., Denver, Colo.
American Asphalt Association, St. Louis, Mo.
Robert M. Lucas Co., Chicago, Ill.

I am advised that these companies, who are both mining and importing gilsonite from foreign countries, are selling this product upon the market at from $3 to $5 per ton. When you take into account the fact that it was selling in 1916 at from $25 to $30 per ton, the market price at the present time does not indicate a serious monopoly, and I am advised furthermore that the supply in the market is abundant with which to meet demands.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes; I will.

Mr. LEATHERWOOD. I wonder if the gentleman could inform us whether it is possible during the day to find out who the stockholders are in this St. Louis company?

Mr. NEWTON of Missouri. I am not acquainted with any of the members or stockholders of the St. Louis gilsonite companies, or any of the other companies. The gentleman from Utah [Mr. COLTON] has repeatedly stated that there are only two or three companies, and I have given you a list showing that he is in error upon this point.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. STRONG of Kansas. I think it would be interesting to know who it is that wants to get hold of this ore.

Mr. NEWTON of Missouri. I have had a number of letters urging the passage of this bill, and I am told that they come from men who are anxious to engage in the gilsonite business.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. LAGUARDIA. Who controls the product now?

Mr. NEWTON of Missouri. The eight companies that I have named. I have never gone into that feature of the matter to any extent, because I am not interested in the gilsonite companies. What I am interested in is conserving our national resources and preventing private interests from getting control of these valuable deposits which may become of tremendous value for use in our national defense.

Mr. LAGUARDIA. It is pretty well monopolized in this country, is it not?

Mr. NEWTON of Missouri. That is not my information. There are eight companies, and, as I am informed, gilsonite is selling from $3 to $5 per ton, and I do not believe anyone could contend that this is an unreasonable price.

Mr. COLTON. There are really three companies.

Mr. LAGUARDIA. That was my understanding in the committee.

Mr. WAINWRIGHT. Will the gentleman give way?

Mr. NEWTON of Missouri. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Is there any public interest, or any interest of the people of the United States can have in this matter that should induce Congress to give up its right in this property?

Mr. NEWTON of Missouri. I know of no public interest demanding that the Government dispose of this valuable property. No appeals have come to me from the public for the sale or lease of this land, and no protests have come stating that the market is not adequately supplied or that the present selling price is unreasonable. The appeals which have come to me are those in favor of private interests who want to get control of this valuable property.

Another impression which at least justifies a most careful investigation results from the fact that gilsonite can now be bought for $3 to $5 per ton, while it was selling at from $25 to $30 per ton in 1916. It will be remembered that the World War had been raging for two years when gilsonite was selling at $30 per ton and that no serious military conflict is being carried on now. This raises a strong presumption that the use of gilsonite for military purposes was responsible for its selling in 1916 for a price six times as high as it sells for now.

If it should be found expedient to sell these valuable mineral lands rather than to hold them as a matter of national conservation, I insist that this is not the time for such sale to be made, because the lands under present conditions could not be sold to advantage.

These lands are located in Utah some 30 miles distant from the nearest railroad, and these 30 miles are over a rough country, which would make the haul difficult and expensive by wagon or truck, which is at present the only means of transportation to the rail line. Certainly it can not be contended that these mineral lands belonging to the Government could be sold to advantage under existing transportation conditions surrounding them, and I do not believe that anyone could contend from a purely commercial standpoint that the Government's interests would not be best conserved by withholding these lands from lease or public entry at least until a time when transportation facilities have been constructed to the mines.

Mr. COLTON. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. COLTON. I am sure the gentleman wants to be accurate. As a matter of fact, there is a railroad right into these mines.

Mr. NEWTON of Missouri. That is not my information.

Mr. COLTON. It is my own county. There is another question. Would the gentleman be willing to have the mineral resources of Missouri tied up indefinitely?

Mr. NEWTON of Missouri. If the Government had a mineral or any other property in Missouri which I thought might be valuable in the future for national defense, or a mineral or product which I knew at this time could not be sold to advantage, I would insist that the Government hold on to it as a matter of national conservation. This ore has a tremendous value to the Government, and there are possibilities of untold value yet to be discovered.

Mr. COLTON. This is just an imaginary value, and has been given 10 years and even 30 years of careful investigation.

Mr. NEWTON of Missouri. How many Members of this House ever heard of gilsonite until this debate started?

Mr. COLTON. No one ever attached any value to it until war times.

Mr. NEWTON of Missouri. The price went to $30 per ton during the war, and I am advised that this ore contains a high explosive quality.

Mr. ROMJUE. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. ROMJUE. If I read the bill correctly, it will withhold that part of the land where the mineral is now known to exist.

Mr. NEWTON of Missouri. The gentleman has not read over the entire bill. The first section makes provision for the leasing of the land to prospectors where gilsonite is not known to exist, and if ore is found such prospector is entitled to a lease for 20 years upon one tract of 620 acres, with the right of renewing such lease indefinitely.

Mr. ROMJUE. It says "and not known to be valuable for such deposits."

Mr. NEWTON of Missouri. But section 3 says:

> Lands known to contain valuable deposits enumerated in this act and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other method as he may by general regulations adopt, and in such areas as he shall fix, not exceeding 320 acres.

Mr. BERGER. Will the gentleman yield?

Mr. NEWTON of Missouri. I will.

Mr. BERGER. Why is it that the Secretary of the Interior is in favor of it?

Mr. NEWTON of Missouri. I have no evidence to show that he is in favor of it. He does not recommend it. The gentleman from Utah [Mr. COLTON], in his report for and on behalf of the Committee on the Public Lands, states that this legislation—H. R. 5385—has the approval of the Secretary of the Interior, and as proof he sets forth a copy of a letter from the Secretary in which he asserts that the Secretary's approval was given. I have examined this letter, and I assert without fear of successful contradiction that nowhere in the letter does the Secretary declare himself in favor of the passage of the bill, nor does he recommend its passage to the Public Lands Committee or to the House.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. STRONG of Kansas. What hearings were held on this bill?

Mr. NEWTON of Missouri. None.

Mr. STRONG of Kansas. Does not the gentleman think that the bill ought to be recommitted to the committee for hearings?

Mr. NEWTON of Missouri. It seems to me that a bill which undertakes to open up for private exploitation and exhaustion of the only gilsonite ore remaining in the United States ought to be subjected to the most exhaustive hearings and should be given the most careful consideration by both the committee and this House before it is enacted into law.

Mr. DYER. In the Sixty-fourth Congress Mr. Ferris, who was chairman of the Committee on the Public Lands at that time, asked Mr. Mays a question, and Mr. Ferris says: "Is not it a fact that some claims are worth $20,000 for 20-acre tracts?" and Mr. Mays said: "Yes."

Members of the company came before the committee and said the companies would give $25,000 for gilsonite 20-acre tracts 1,000 feet long and 600 feet wide. Now they want to give away 20 acres for 50 cents an acre.

Mr. NEWTON of Missouri. The gentleman is correct, and, as I have already stated, gilsonite is a mineral which is thought to have vast possibilities for national defense, the extent of which is unknown. In order to be advised as to the position he should take regarding this proposed legislation my colleague [Mr. DYER] on March 26 last addressed a letter to the Secretary of War, making inquiry as to the views of the War Department regarding this proposed legislation. The Secretary of War, as Mr. DYER has stated, responded in a letter which reads in part as follows:

> With reference to your letter of March 26, 1926, and previous correspondence on the subject of H. R. 5385, I am pleased to inform you that the War Department is in serious need of a substitute for shellac and enamel.
>
> Pending the results of an investigation now under way to determine the value of these deposits to the national defense, the War Department considers that it would be most inadvisable to enact the proposed legislation into law.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. NEWTON of Missouri. For a question; yes.

Mr. LEATHERWOOD. To what use does the Secretary of War think the deposit should be put?

Mr. NEWTON of Missouri. The Secretary of War in his letter states that this question is under investigation, and inasmuch as the Secretary of War is responsible for our national defense I do not think that this bill ought to be passed until his investigation is completed and he reports the results to us. I am impressed, however, with the fact that while gilsonite is now selling at from $3 to $5 per ton, during the war it was selling at from $25 to $30 per ton, which would indicate that somebody connected with the war was finding it useful in national defense.

Mr. COLTON. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. COLTON. The gentleman does not mean to give the impression that there is such a difference between the price of gilsonite during the war and now, I am sure. Is not the gentleman quoting the price in 1916 on the eastern market and the present price at the mine?

Mr. NEWTON of Missouri. I am quoting from the debate on the floor of the House when a provision similar to this was being considered in 1916, and in that instance it was stated upon this floor that gilsonite was worth from $25 to $30 per ton.

Mr. COLTON. That was in the pure state on the eastern market and there was also the expense of mining and shipping it there.

Mr. NEWTON of Missouri. Be that as it may, in the face of the statement of the Secretary of War who is responsible for our national defense, evidently made after consultation with the experts of his department, to the effect that the uses of gilsonite are now under investigation with the view to ascertaining their value in the national defense, is it conceivable that any Member of this House will vote to pass this proposed legislation until the investigation of the War Department has been completed? Is there a Member of this body who would be willing to vote for this bill until he has been advised by the Secretary of War that after a full, thorough, and complete investigation by the experts of his department it has been found that this mineral can not be utilized to advantage in the defense of our country?

Mr. DYER. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Speaker, I did not intend to inject myself into this matter of which I have no knowledge until a few moments ago, and would not except for the fact that it has been suggested that this commodity has a potential military value from the point of view of national defense. We have this situation here: The proponents of the bill say that those who already have a monopoly are fighting the bill. We also have the countercharge made by those who oppose the bill that those who want the bill passed wish to create a monopoly. The odds are equal, and it is a good rule when in doubt to let the tree lie just where it fell.

It seems that there have been no hearings on the matter, and there is considerable doubt about the value from a military point of view of this commodity which is unknown to the rest of us. It appears that the public is not being greviously imposed upon by any monopoly, if there be any, because it sells for $3 to $5 a ton. The public for the next year can not be very greviously imposed upon. I do not know that anything I am using has gilsonite in it. It may be that this pencil has some, because it is black. Just to be prudent, not to take any step in the dark, not to take any chances of any kind or degree, let us hold this up for the time being.

Mr. COLTON. Would not that same argument apply to coal?

Mr. MCSWAIN. I do not think so; while coal has a potential military value its value is known, while the value of gilsonite is unknown. This may have an explosive value; it may have something of the quality of nitrate in it.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?
Mr. McSWAIN. Yes.
Mr. LAGUARDIA. The gentleman is one of our military experts——
Mr. McSWAIN. Oh, no; I am a civilian.
Mr. LAGUARDIA. What is the military value of this?
Mr. McSWAIN. I do not know, and for that reason I say, let us await the experiment that is being conducted by the War Department at the present time.
Mr. COLTON. Mr. Speaker, will the gentleman yield?
Mr. McSWAIN. I do not know, and the War Department says it does not know, but it does say that they are conducting an experiment. I yield to the gentleman from Utah, whose advocacy of this bill well-nigh takes the edge off my opposition.
Mr. COLTON. I appreciate that, but I say to the gentleman that it has about the same explosive properties as coal has. It is another hydrocarbon ore, with unlimited supply in the United States. At the rate it is being used now you could not exhaust the supply in my county in a thousand years.
Mr. McSWAIN. Of course, it is entirely probable that this is almost pure carbon, and I have known ever since I was a little boy that ordinary gunpowder is made up of sulphur and what we used to call charcoal and saltpeter. We used to mix the constituents right there in my home community, with which we went rabbit and squirrel hunting, but it may be that this particular form of carbon has a degree of explosiveness that is in excess of that contained in ordinary coal. Therefore, in combination with nitrogen, it may be highly explosive. I do not know, but it is said here by this letter that we have heard read that experiments are being conducted. One year more can not hurt, and it seems that there is some suggestion of something mysterious about this. I do not make it; but the suggestion is made that there is some mysterious veil surrounding this thing, and I want to have a little more light in the way of printed hearings.
Mr. LEAVITT rose.
The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.
Mr. McSWAIN. I would like to yield to the gentleman, but my time has expired.
Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from Utah [Mr. COLTON].
Mr. COLTON. Mr. Speaker, there is no unrighteous influence back of this legislation. The idea originated with me when I first came to Congress, and I introduced a bill providing for the opening of these lands under the general mining law. The Department of the Interior refused to give that bill favorable indorsement. I then introduced a bill providing for its sale by auction, and they refused to indorse that. Then, wanting it opened, I came back and at their suggestion, at the suggestion of the men in the General Land Office, I introduced a general leasing bill, and that is the only influence that is back of it. The bill to which the gentleman calls attention to which Congressman Mays addressed himself in 1916 provided for the opening of these lands to provide nitrates and had no connection whatever with the leasing act, and the statement made there does not in any way apply to the bill now being considered.
Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?
Mr. COLTON. Yes.
Mr. HUDSPETH. In view of the statement of the gentleman from South Carolina [Mr. McSWAIN] that it may be of military value, is it not marvelous that with a bill pending here since 1916, with the World War going on after that, the War Department never made any discovery of that fact, and why should we have all this great light on the proposition when there is an unlimited supply?
Mr. COLTON. Yes, to be sure; and how is it that the only information against this bill which has been filed during the last five years, since it has been pending before that committee, comes from an attorney from one of the three companies that practically control the entire market?
Mr. LEAVITT. Is it not true that the passage of this bill, instead of creating a monopoly, will allow competition in the production of gilsonite?
Mr. COLTON. That is it exactly. These men want to try to create a market.
Mr. LEAVITT. And is it not true that opposition to this bill originated with those who have a monopoly at the present time?
Mr. COLTON. Absolutely.
Mr. LAGUARDIA. Where are these two companies located?
Mr. COLTON. One is located in Philadelphia and two in St. Louis.
Mr. DYER. One of them in St. Louis has recommended the passage of this bill.
Mr. COLTON. Yes; the small company in St. Louis has recommended this bill.
Mr. DYER. And the other is a concern that has not made any money and is not connected with any monopoly.
Mr. LEAVITT. During the period that the gentleman has been in Congress and has been pressing this matter, has the War Department ever raised any question with him regarding the military value of this material?
Mr. COLTON. Absolutely not. This matter is left to the discretion of the Secretary of the Interior and we have cut the amount which can be leased down to 160 acres. Gentlemen, this is a safe measure.
Mr. LEAVITT. Is it not true that it was not the War Department that took the initiative in this case, that a letter was written to them asking a question which they could not answer, which in itself proves that there has been no idea of this having any military value, because we have made no investigation of it in these 10 years?
Mr. COLTON. That is it exactly.
Mr. WILLIAMSON. About what is the total area covered by this gilsonite deposit?
Mr. COLTON. It appears in fissure veins covering an area of perhaps 25 miles one way and 30 another.
Mr. WILLIAMSON. Does it appear in veins similar to coal deposits?
Mr. COLTON. No; it appears in fissure veins, and they have never gone to the bottom of many of these veins. It is not known what is at the bottom of the veins. These ores have evidently intruded themselves up through fissure veins from some source below.
Mr. SCHAFER. The committee report states that the bill has the approval of the Secretary of the Interior. Can the gentleman quote anything in the letter of the Secretary of the Interior appearing in the report indicating that he approves of the bill?
Mr. COLTON. Only so far as the usual form of the Secretary of the Interior in a letter. He states that there has been no information particularly brought to his attention, and he interposes no objection to it. There is no indorsement, but I will say that I have letters subsequently from bureaus in the Department of the Interior, under the Secretary of the Interior, which do in effect lend their indorsement to this measure. The Secretary of the Interior is not opposed or surely he would have said so.
Mr. SCHAFER. Will the gentleman yield?
Mr. COLTON. May I say in conclusion—I do not want to take up any more time—the fact that men have pointed out that there is no railroad in this section of the country is conclusive evidence to me that very little real information is had by those in opposition to the measure. The fact of the matter is there is a railroad into that country.
The SPEAKER pro tempore. The time of the gentleman has expired.
Mr. SINNOTT. I have only one more speaker.
Mr. DYER. I yield five minutes to the gentleman from Alabama [Mr. HILL].
Mr. HILL of Alabama. Mr. Speaker and gentlemen of the House, I am a member of the Committee on Military Affairs of this House, the committee that is peculiarly charged with the responsibility of the national defense. We have here a letter from the Secretary of War stating he deems it to be absolutely inadvisable for the House to pass this bill, that the War Department is now carrying on experiments to ascertain just what use this mineral may have in connection with the national defense. It is known that this mineral has explosive values, and it may be we will find this mineral to be of exceeding value in the matter of explosives for our national defense. Gentlemen will recall that just a few months ago we found down in Texas a quality of gas known as helium.
This gas is of great value in use for lighter-than-air craft, far superior to the hydrogen gas which the world had always used up to the time we made the discovery of helium. Why should we to-day rush through this bill over the protest, over the request of the Secretary of War that we not pass it, that we give the War Department further time to investigate and find out just what value this mineral has to our national defense?
Mr. ROMJUE. Will the gentleman yield?
Mr. HILL of Alabama. I will.
Mr. ROMJUE. Does the gentleman know whether or not any investigation was made during the recent war to develop whether or not there was any explosive quality in this mineral?
Mr. HILL of Alabama. In this mineral? I could not answer that question. But I know that every day chemists and scientists are pointing out new things and developing new things and that day by day——

Mr. COLTON. I will say in answer to the gentleman that there were very extensive experiments carried on, but it has only the ordinary explosive properties usually found in coal.

Mr. ROMJUE. By whom were the investigations made?

Mr. COLTON. By private parties, it is true.

Mr. ROMJUE. Were these private parties capable and qualified to make proper experiments?

Mr. COLTON. By chemists seeking to find properties for the purpose of developing——

Mr. ROMJUE. Does the gentleman know what the results of those examinations were as to its explosive qualities?

Mr. COLTON. I only know they were found to have no more explosive properties than the ordinary coal.

Mr. HILL of Alabama. Now, Mr. Speaker——

Mr. SCHAFER. Will the gentleman yield?

Mr. HILL of Alabama. Let me make a statement and then I will yield to the gentleman. The gentleman states that investigations were made by private parties looking at it entirely from a commercial standpoint. Investigations that might be made by private parties looking at it from the standpoint of making money out of it would be entirely different from investigations that might be made by the War Department looking, not to its commercial properties, not as a proposition for making money, but as a proposition for the defense of this country, and the statement of the gentleman that private parties made investigations without telling us who these parties were is quite in accord with the action of the committee in bringing us this bill without having any hearings on it, with no data, no real information presented, no real reasons, no facts given as to why this bill should be passed. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. Is it not a further remarkable coincidence that the committee report should state that this legislation has the approval of the Secretary of the Interior and the Secretary's letter does not indicate his approval, and the gentleman who is pushing this bill on the floor of the House admits that it has not the approval of the Secretary of the Interior, but that it has the approval of some one under the Secretary of the Interior.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SINNOTT. Mr. Speaker and gentlemen of the House, if there ever was a cry of "Stop thief" from a legislative point of view we certainly have it here in connection with this bill. We have the two gentlemen from St. Louis pointing the finger of scorn and throwing suspicion upon the bill. It is in their city where we have these two companies that desire to keep down competition and opposition.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. No. I can not yield now.

That is the source of their opposition. I have a letter from the gentleman from St. Louis, Mr. DYER, presenting to me his opposition and naming the companies in his home town. One of them is the Utah Gilsonite Co. of St. Louis, Mo.

Mr. DYER. Mr. Speaker, will the gentleman yield right there?

Mr. SINNOTT. No; I can not now yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. SINNOTT. That is in St. Louis, Mo. The other company is the American Asphalt Association, also of St. Louis, Mo.

Now, it is singular and surprising that the Secretary of War, whose duty it is to send his communications to the proper House committees, communicates with the gentleman from Missouri [Mr. DYER]. I am not surprised that the Secretary of War would oppose the bill when it seems that the only information that he has comes from the gentleman from St. Louis, Mr. DYER. In his letter to Mr. DYER he states:

> With reference to your letter of March 26, and previous correspondence on the subject—

Apparently the only information he has as to the merits or demerits of this bill comes from the gentleman from St. Louis, Mr. DYER. And Mr. DYER has demonstrated on the floor of this House to-day that he is neither familiar with the bill before the House now, nor is he familiar with what Mr. Mays was discussing in 1916.

Mr. Mays at that time was advocating the very legislation that we are to-day bringing before the House, and what he was opposing was the selling of these lands under the mineral law at $5 per acre, which was provided for in the Senate amendment that Mr. Mays was then opposing. And for proof I shall read to you from the very page of the CONGRESSIONAL RECORD that Mr. DYER read in the effort to color your views and prejudice you against a worthy measure. Here is what Mr. Mays said on May 12, 1916:

> The Senate amendment now seeks to open to entry all the remaining deposits, to be sold under the mineral laws, an unlimited number of claims, at $5 an acre.

That is what Mr. Mays was opposing and Mr. Mays at that time was advocating what is in this bill to-day, namely, permits.

Mr. Speaker, I have been on the Committee on Public Lands for a number of years. We sat there for six years, Scott Ferris and myself, trying to perfect a leasing system that would prevent individuals and corporations from acquiring a fee title in these valuable oil and mineral lands of this character, and I assure you I am not coming into this House to-day furthering any scheme to let any individual or corporation steal these great values. Here is the very question that the gentleman from Missouri put to Mr. Mays on May 12, 1916:

> Does not the gentleman think that something ought to be done whereby gilsonite should be made available for proper use?
>
> Mr. MAYS. Yes. And I will say in that connection that a bill has been reported that will carry out the idea that the gentleman has in mind. The Public Lands Committee, to which such matters should be referred, have conducted hearings up on this matter and have reported a bill which will serve to open these lands to entry under regulations designed to prevent their being acquired by the trust, and yet provide a source of revenue for taxation purposes. That bill, in brief, provides that a permit according the right to prospect and mine the land may be issued for 10-year periods free of royalty—

And so forth.

Just the very provision we have here in this bill, except that we make them pay a royalty. If Mr. Mays were alive and here to-day he would be standing on the floor of this House advocating this bill, because in 1916 that was the proposition he was advocating.

Mr. LEATHERWOOD. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes; I yield to the gentleman from Utah.

Mr. LEATHERWOOD. Does not the Government have control over these permits after they are issued?

Mr. SINNOTT. Certainly. They are surrounded by the precautions in the oil leasing act and the provisions in the oil leasing act against subleasing, against monopoly, as to the diligent working of the property, and regarding the forfeiture of their rights. These provisions are all incorporated in this bill, as you will see if you will read the last provision. Mr. Mays went on to say further:

> Having been assigned the task of reporting this bill, the attorneys and representatives of the asphalt companies sought interviews—

And so forth.

Yet we find him then advocating the very thing that we are advocating to-day.

You all know Dr. George Otis Smith, Director of the Geological Survey and outstanding conservationist. What does he say about this bill? Here is what he said in his letter of May 19, 1926:

> Referring particularly to that portion of your inquiry regarding monopoly, your consideration is directed to that part of section 4, H. R. 5385, whereby it is proposed to amend section 27 of the General Leasing law "so as to provide that no person, association, or corporation shall at one time take or hold permits and leases aggregating more than 640 acres under this act in any one" State. In my opinion this language is an absolute insurance against monopoly holdings. In fact the whole tenor of the proposed law lends itself to a plan to promote the development of restricted holdings in an orderly manner, as contemplated under the leasing law.

Yet in spite of this we have the two gentlemen from Missouri trying to convey to this House the suspicion that a great committee of the House is endeavoring to pass legislation that will allow corporations, that will allow big interests, to get hold of these lands.

They can not get title to a single acre of th': land. Their only interest will be the leasing system under regulations made by the Secretary of the Interior and under the supervision of the Secretary of the Interior. Mr. Speaker——

> Trifles, light as air,
> Are to the jealous confirmations strong,
> As proofs of Holy Writ.

[Applause.]

The SPEAKER pro tempore. All time has expired, and the Clerk will report the first committee amendment.

The Clerk read as follows:

> Page 1, line 9, after the word "Utah" insert the words "and not known to be valuable for such deposits."

Mr. DYER. Mr. Speaker, I desire to be heard on the amendment only for the purpose of calling attention to a statement

made by the gentleman from Oregon [Mr. SINNOTT] and making a correction, he refusing to yield to me when he made his speech, and it is this: The gentleman from Oregon stated, at least he intimated, that the interest of my colleague [Mr. NEWTON of Missouri] and myself was due in part, if not wholly, to the fact that one or two of these companies were in St. Louis. He said we were speaking for these companies. Mentioning as one of them the Utah Gilsonite Co. I want to state that I have a letter from the Utah Gilsonite Co.—which he mentioned as fighting this bill, and stating that we were representing the company—dated April 12, 1926, signed by its president, and in which letter they ask me to support this bill. Mr. Speaker, I ask permission to place it in the RECORD in order that it may be read to disprove that part of the address of the chairman of the Public Lands Committee.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing the letter referred to. Is there objection?

There was no objection.

The letter referred to follows:

UTAH GILSONITE CO.,
St. Louis, United States of America, April 12, 1926.

Hon. L. C. DYER, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN: It has been called to my attention that a bill (H. R. 5385) has been introduced by Representative COLTON, of Utah, providing for the leasing of the gilsonite bearing lands under the general provisions of the leasing act.

I am fully acquainted with conditions regarding these lands in the State of Utah and feel that under all of the circumstances the passage of this bill would be the best solution of a problem that has been rather difficult to understand.

The Government has withheld from sale or entry the lands in the odd sections of all of the territory having this mineral within them. The Department of the Interior has vigorously opposed the opening of these lands under any conditions other than by leasing. It, therefore, means that this great resource will remain untouched indefinitely.

There is no danger of the supply of these minerals becoming exhausted. The three companies which now own all of the available lands have a sufficient supply to last for 500 years at the rate these minerals are now being mined.

It will, therefore, be seen that no good is accomplished by a policy of conservation absolutely withdrawing them from the market.

By the placing of these lands under the leasing act it will insure in the future the prevention of an absolute monopoly of these minerals. I, therefore, suggest that you strongly support this measure and will appreciate any effort you may put forth to secure its passage.

Yours very truly,

S. P. BARRON, *President.*

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 20, strike out the words "six hundred and forty" and insert in lieu thereof the words "three hundred and twenty."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 1, after the word "shall" insert the words "at one time."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 2, lines 23, 24, and 25, strike out the language: "not less than 50 cents per ton of 2,000 pounds of marketable product," and insert in lieu thereof the following: "which shall not be less than one-tenth in amount or value of the production."

Mr. BLACK of Texas. Mr. Speaker, the bill now provides that in case the Secretary of the Interior makes a lease of any of this land he shall charge not less than 50 cents per ton of 2,000 pounds of marketable product and in addition to that he shall collect 50 cents an acre. Now, I presume on the present market for gilsonite that 50 cents per ton of 2,000 pounds would be a good royalty. But the price might advance substantially and that figure would be a poor royalty.

Mr. COLTON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. COLTON. I can easily see where a great misunderstanding will arise there. At what point will the gentleman's amendment apply? The price quoted here is the present market price obtaining at the mine.

Mr. BLACK of Texas. It will undoubtedly be at the mine. I have copied my amendment from an act approved August 21, 1916, an act to authorize the Secretary of the Interior to lease for the production of oil and gas the ceded lands of the Shoshone or Wind River Reservation in the State of Wyoming, and section 2 of that act reads:

That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease.

And goes on further and uses the language of my amendment:

which shall not be less than one-tenth in amount or value of the production.

Mr. COLTON. Will the gentleman yield further?

Mr. BLACK of Texas. Yes.

Mr. COLTON. I myself believe in the royalty system, in fact, I think the country is committed to it, but I do not believe it would be well to provide for one-tenth of the value unless you fixed the value, because this is different than oil.

Mr. BLACK of Texas. I would not object to the use of the words "the value of the production at the mine." Mr. Speaker, I ask unanimous consent to modify my amendment to that extent.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Which shall not be less than one-tenth in amount or value of the production at the mine.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. TAYLOR of Colorado. Why should not this be put upon the basis of a royalty of one-eighth, the same as provided in the general leasing law, and have it apply all over the country in that way? I feel that instead of providing a royalty of one-tenth we ought to provide the regular royalty of one-eighth.

Mr. COLTON. I think the gentleman from Colorado is right. If we are embarking upon a policy of leasing, we ought to follow as closely as possible the general provisions of the leasing act.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to modify my amendment so that one-eighth shall be substituted for one-tenth. I simply used the figures one-tenth because it was used in the act of 1916, which I have just cited.

Mr. TAYLOR of Colorado. Mr. Speaker, I think if one-eighth is put in it will safeguard the public interests very much indeed and will remove some of the objections to it.

Mr. SINNOTT. Of course, it is a minimum amount anyway. The Secretary can go as much higher as he sees fit, and this really is not very material.

Mr. TAYLOR of Colorado. I think 50 cents is ridiculous and I do not think that ought to be in there.

Mr. HASTINGS. Mr. Speaker, it occurs to me that the words "at the mine" should come in after the word "value," and I call the attention of the gentleman from Texas to that because the amendment winds up with the words "production at the mine."

Mr. BLACK of Texas. Mr. Speaker, this amendment was rather hurriedly drawn by me, and I think the suggestion of the gentleman from Oklahoma is a good one, and I ask unanimous consent that the amendment may be modified in that way. I thank him for suggesting it. I am anxious to perfect the amendment so that it will conform to our general leasing laws for oil, gas, shale, and sodium.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: Page 2, lines 23, 24, and 25, strike out "not less than 50 cents per ton of 2,000 pounds of market-

able product" and insert the words "which shall not be less than one-eighth in amount or value at the mine of the production."

The amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 1, line 8, after the word "States," insert the words "in the State of Utah."

Mr. TAYLOR of Colorado. Mr. Speaker, as the gentleman from Utah has stated, so far as known at the present time the main bodies of gilsonite throughout this country are located in the State of Utah, and, as he said within very small limitations. We have some of it, not very much, in Colorado, and for the present I feel I would rather not have this law apply to my State. I have talked with the gentleman from Utah, and I understand the gentleman from Utah has agreed with me to accept this amendment that this law shall be limited to the State of Utah. I live in the adjoining county to the gentleman from Utah. We are very close neighbors, our counties adjoining. This gilsonite runs across the State line from my county into his, a part in Colorado and part in Utah. I think most of that in Colorado is patented at the present time, and in view of the statement of the gentleman from Utah and of my talk with him, my understanding is there is no objection to this bill being limited to the State of Utah.

Mr. COLTON. Mr. Speaker, in response to the statement of the gentleman from Colorado, I will say that he and I have talked this over, and personally I, of course, have no objection to limiting it to my State, although I will say that under the principles of the general leasing act, what is good for one community, I think, ought to be good for another, but I have no objection at all from a personal standpoint to the amendment.

Mr. SINNOTT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. SINNOTT. Does not the gentleman think we ought to have uniform laws throughout the United States relating to our oil lands and our coal lands, otherwise this will be the situation. Gilsonite deposits will be discovered over in Colorado, we will assume, and they can be taken up under the mining laws at $5 an acre, and the applicant will get a fee-simple title to the gilsonite lands and they are gone forever from the Government.

Under this system it is a leasing system and the lease can be terminated or at the end of the term the lands can be reserved to the Government if they are needed for governmental purposes.

Mr. TAYLOR of Colorado. Does the gentleman desire me to answer that question?

Mr. SINNOTT. Certainly.

Mr. TAYLOR of Colorado. I do not like to join in the opposition to this bill. These gentlemen from Utah are neighbors and very good friends of mine. But this asphalt—and that is what it is—is of tremendous potential value, in my judgment. There is very, very little of it in the United States. Personally I feel the Government ought to hold the rest of it. I do not feel that title ought to pass for this very limited amount of ground. At the same time, if the gentlemen from Utah want the gilsonite in their State opened up in the manner provided in this bill, so far as I am concerned, I have said to them that if they would limit it to the State of Utah or leave out the State of Colorado I would not offer any opposition to it.

Mr. SINNOTT. Does the gentleman want that part which is in Colorado opened under the present mining laws?

Mr. TAYLOR of Colorado. I do not want to have any controversy over the matter. Colorado is not asking for any change in the present law. I am not very much of a so-called "conservationist"; but if there is a place on earth where conservation ought to be practiced, it seems to me it is right here on this very limited amount of remaining gilsonite.

Mr. SINNOTT. The gentleman, I know, is familiar with the oil leasing act, because he sat on the committee for six years and was of great help in the passage of that act.

Mr. TAYLOR of Colorado. Yes; I sat on the committee for 12 years.

Mr. SINNOTT. And this merely applies the provisions and theory of the oil leasing act to these minerals.

Mr. TAYLOR of Colorado. We have a million times more acres of oil than asphalt land, and we have many of other substances, but asphalt is very limited in amount throughout the United States. I think most of it is in the State of Utah. I feel that we ought to try this law out in Utah, and then if the gentlemen from other Western States want to amend the law, if they want their States included, I have no objection.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. I ask for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. I am speaking, gentlemen, for the West in this matter. I know something about this. Some 25 years ago I was the attorney for the people who first obtained title for the most of this land that is patented in my State. This gilsonite is mostly in veins in a crevice, a hundred or more feet deep, sometimes not over 10 feet wide. There is one vein some 5 miles long.

Mr. WINTER. Are not these lands now under the mining laws open for entry all over the United States?

Mr. TAYLOR of Colorado. Yes; unless they are withdrawn from entry, they are. I have no objection to the State of Wyoming coming in if it wants to.

Mr. FRENCH. Mr. Speaker, if the gentleman's amendment should prevail, in all of the States other than Utah title in fee would be obtained to gilsonite deposits instead of operating them under a lease law. The gentleman from Colorado does not want to accomplish that. If he would couple with his amendment a proposition that all gilsonite land should be withdrawn from entry, other than in Utah, we could look to the future and apply the experience and benefit we may gain from the result of the operation of a leasing law in Utah. But if the amendment of the gentleman from Colorado shall prevail and the land containing gilsonite not be withdrawn from entry, then in parts of the United States other than Utah the entryman would acquire under the mineral laws a patent in fee of lands containing gilsonite deposits.

Mr. TAYLOR of Colorado. My amendment would not change the condition of the present law. Does not the same condition prevail now?

Mr. FRENCH. Surely; and under present law unless lands containing gilsonite deposits are withdrawn from entry they may be acquired in fee simple——

Mr. TAYLOR of Colorado. Would remain as it is now.

Mr. FRENCH. The pending bill would take the place of the present law under which a patent in fee may be obtained.

Mr. TAYLOR of Colorado. If we pass this law for Utah only, it will not appiy to any other State. The present law would remain as to all the other States.

Mr. FRENCH. That is true, and I think that is the reason the amendment of the gentleman from Colorado ought not to be adopted.

Mr. TAYLOR of Colorado. If the gentleman wants to change the present law, why not bring in a bill for that purpose? If any other State wants it their Representatives should bring in a bill for that purpose.

Mr. FRENCH. I want to direct the attention of Members of the House to the fact that if the amendment proposed by the gentleman from Colorado shall prevail it leaves the situation so that in the State of Utah those who desire to mine gilsonite and other minerals included in the bill will do so under a lease from the Government, the title remaining in the Government, but in all the other States those who desire to mine gilsonite and other minerals mentioned in the bill will be able to obtain title to the land unless it shall be withdrawn from entry under the mineral law. I think the Members of the House ought to understand this proposition as they vote on the amendment.

Mr. SMITH. The law applies to the public domain and not alone to the State of Utah.

Mr. FRENCH. True enough, but I am talking about the amendment proposed by the gentleman from Colorado.

Mr. SMITH. If the amendment should prevail Colorado would be excepted from the operation of the law.

Mr. FRENCH. Yes; Colorado and all the other States excepting Utah would remain under the present law through which a title in fee could pass under the mineral laws.

Mr. TAYLOR of Colorado. I want the law to remain as it is in Colorado. There is no language here I submit with all due respect that changes the existing law. If we limit it to the State of Utah we are all left as we are now. If we are not satisfied with the present condition it is for us to legislate. If any Western State wants this law I have no objection to their being included. I have no objection to limiting my amendment to Colorado, but I do not want Colorado put under this law. I do not think it is in the interest of the Western States, but if others think it is I am not going to oppose their coming in under the law. I made that plain to the gentleman from Utah [Mr. COLTON] and he and I have agreed that this amendment should go in and I supposed there would be no objection.

Mr. SMITH. There seems to be some misunderstanding as to the amendment offered by the gentleman from Colorado. Is it to except the State of Colorado?

Mr. TAYLOR of Colorado. No; it is to make the law apply to the State of Utah alone.

Mr. SCHAFER. Mr. Speaker, I rise in opposition to the amendment, and the speech just delivered in favor of the amendment is another good reason why this legislation should not be passed and made a law at the present time. What do we find?

We find the bill before us in the closing days of the session with a committee report that states "the legislation has the approval of the Secretary of the Interior, as is indicated in a letter addressed to the chairman of this committee, which letter is herein set out in full for the information of the House." There is not one word in the letter which follows indicating that the Secretary of the Interior has approved this legislation. The gentleman from Utah [Mr. COLTON] speaking in favor of the bill admits on the floor of the House that he had had correspondence with the Interior Department and that the only approval which he had of the bill was from some other officials who were under the Secretary of the Interior.

Both opponents and proponents have raised the question of monopoly. We have had presented to this House a letter from the Secretary of War indicating that he is investigating this gilsonite with a view of ascertaining what its value will be for the purposes of national defense.

I think it absurd that this Congress should pass legislation at this time on which hearings have not been held—legislation which the Secretary of War asks us to withhold, legislation which has not been approved by the Secretary of the Interior, legislation which the gentleman from Colorado [Mr. TAYLOR] thinks should not apply to the State of Colorado but should apply to the State of Utah. We are not here legislating in the interest of any one particular State. We are national legislators, and I do not see how the gentleman from Colorado can support this bill even if his amendment were adopted. Great stress has been made by the proponents of the bill about the Secretary of the Interior making regulations and their argument indicating that the Government would thereby be safeguarded. What would happen? At some forthcoming presidential convention there may be certain arrangements made, as appear to have been made in the past, and we perhaps would not have a Secretary of the Interior of the caliber and honesty of the present Secretary. We may have, because of some forthcoming convention and election, a Secretary of the Interior who will have as little respect for the protection of the Nation's national resources as had former Secretary Fall. This House should not consider and pass this bill at this time. The bill should be referred back to the Committee on the Public Lands to await the report of the Secretary of War after he has concluded his investigation. Public hearings should then be held and the Secretary of the Interior and the Secretary of War should be given the opportunity to appear in addition to all others desiring to do so.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment to the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA to the amendment offered by the gentleman from Colorado, Mr. TAYLOR: Page 2, line 2, strike out the period and add the following: "and that all such land except in the State of Utah shall be withdrawn from entry."

Mr. LAGUARDIA. Mr. Speaker, that connects up with the amendment of the gentleman from Colorado [Mr. TAYLOR].

The SPEAKER pro tempore. The Chair does not see how that connects up with the amendment of the gentleman from Colorado.

Mr. LAGUARDIA. The amendment offered by the gentleman from Colorado would limit the provisions of the bill to the State of Utah, and my amendment to his amendment would then withdraw from entry all such land in other States.

Mr. TAYLOR of Colorado. Mr. Speaker, I make the point of order that that amendment is not germane to my amendment, that it is exactly the thing they do not want to do. They want to open this up to development and this would close it forever.

Mr. LAGUARDIA. It is germane to the gentleman's amendment. It is directly in connection with the gentleman's amendment. It would not have any sense if the gentleman's amendment were voted down and in order to safeguard the public it must be considered in connection with the gentleman's amendment.

The SPEAKER pro tempore. The Taylor amendment is on page 1, line 8, and the gentleman's amendment is on page 2, line 2.

Mr. LAGUARDIA. But an amendment to an amendment must not necessarily follow the amendment or precede the amendment. The amendment of the gentleman from Colorado would apply the provisions of this bill only to the State of Utah. My amendment provides that in those States where you except the provisions of the bill in those States all such land shall be withdrawn from entry.

Mr. TAYLOR of Colorado. Mr. Speaker, I do not think this general withdrawal of the public domain has anything to do with my amendment. I am not trying to do what the gentleman from Idaho [Mr. FRENCH] intimated. I am not trying to withdraw from all forms of entry all land in the United States because it may some time have gilsonite in it.

Mr. SINNOTT. Mr. Speaker, in a bill providing for the leasing of public lands surely it is not germane to withdraw all land from entry?

Mr. LAGUARDIA. This applies to gilsonite land alone.

The SPEAKER pro tempore. In the opinion of the Chair the amendment is not germane at the present time to the amendment of the gentleman from Colorado. The question is on the amendment of the gentleman from Colorado.

The question was taken, and the amendment was rejected.

Mr. TAYLOR of Colorado. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 1, line 8, after the word "States," insert the words "excepting in the State of Colorado."

Mr. SCHAFER. Mr. Speaker, I move to amend by adding the words "and the State of Wisconsin."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend the Taylor amendment by inserting after the word "Colorado" the words "and the State of Wisconsin."

The SPEAKER pro tempore. The question is on the amendment to the amendment.

The question was taken, and on a division (demanded by Mr. SCHAFER) there were—ayes 2, noes 35.

So the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado.

Mr. SCHAFER. Mr. Speaker, I rise to oppose the amendment. My amendment to the amendment including the State of Wisconsin was just as ridiculous in my opinion as the gentleman's amendment excepting the State of Colorado. Are we to have the spectacle here similar to that which confronts the House on the river and harbor bill that will soon come before us, where there is a great block of votes for one project and there is another great block of votes for another project? In all fairness to the gentleman from Colorado, if his amendment were offered in good faith, if his amendment were adopted, I do not see how his conscience could be satisfied if he would cast his vote for this bill as amended. If this bill is good for the State of Utah it is good for every State in the Union. Is it proper that this Congress, the national legislative body, should enact class legislation in the interest of any one State? The gentleman's amendment may be adopted, perhaps, with the hope of receiving a few more votes on the final passage of this bill. The Secretary of War is opposed to the consideration and passage at this time; the Secretary of the Interior has not approved this bill and the bill is reported to the House by the committee which has not conducted a public hearing. If this Congress is going to legislate in this ridiculous manner I think perhaps we had better adjourn.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the Speaker pro tempore announced the noes appeared to have it.

On a division (demanded by Mr. TAYLOR of Colorado) there were—ayes 18, noes 37.

So the amendment was rejected.

The SPEAKER pro tempore. Does the gentleman from New York desire to offer his amendment?

Mr. LAGUARDIA. No; it has no effect now.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to strike out the last word.

Mr. SINNOTT. The last word; where?

Mr. TAYLOR of Colorado. The last word of the section. Has the bill been read?

The SPEAKER pro tempore. The bill has been read clear through.

Mr. TAYLOR of Colorado. Then, Mr. Speaker, I move to strike out the last word at the end of the bill. Mr. Speaker, if this bill is to be made applicable throughout the entire United States and it be enforced upon the people of my State of Colorado I feel impelled to comment upon it a little further. In my judgment there is only a very limited amount of asphalt in the United States, and the Secretary of War has said it bids fair some of these times to be of tremendous value. It is true at the present time there is very little market for it, and the price, I understand, is down to something like $3.50. I have not paid any attention to the price, but during the war it was at a high price, and some time it is going to be at a high price again. As I have said before, if there ever was a substance in the public lands of this country owned by Uncle Sam that ought to be conserved it is the gilsonite and the asphalt that is in limited parts of the West.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LEATHERWOOD. I ask the gentleman would he favor any measure which would prevent the acquiring of deposits in his State in fee by anybody?

Mr. TAYLOR of Colorado. Well, my State is not objecting to the present law.

Mr. LEATHERWOOD. That is what they are doing now——

Mr. TAYLOR of Colorado. I feel that wherever gilsonite is known it ought to be withdrawn, just the same as valuable oil deposits are withdrawn, and I think it will be.

Mr. LEATHERWOOD. One other question: Now, if it is fair for the State of Colorado to get these deposits in fee and own them absolutely without any control by the Government, what is there unfair in allowing a sister State to have, at least where it is absolutely under the control of the Government——

Mr. TAYLOR of Colorado. I am not objecting.

Mr. LEATHERWOOD. And if the Government needs it at any time, can take it back.

Mr. TAYLOR of Colorado. I am not objecting to my sister State getting this law. I did not object to it; I said I would not object to it so far as Utah was concerned; but if it was sought to inflict it upon my State, I was opposed to that legislation. I have been very frank about this matter.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. NEWTON of Missouri. Does not the gentleman think that the passage of a bill such as this will be tantamount to instructing the Secretary of the Interior to dispose of this land by lease?

Mr. TAYLOR of Colorado. I feel this way: I fear it will only be a short time until practically all the asphalt in the United States goes into one or a very few hands. [Applause.] I think that is what is going to happen.

Mr. SINNOTT. The gentleman knows no one can get a lease under this bill of over 320 acres in a known territory and 640 acres when he goes out and discovers it in wildcat territory.

Mr. TAYLOR of Colorado. There is not enough asphalt left in the United States to prevent a few companies from getting it all very soon under this bill.

Mr. WINTER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. WINTER. Is it not a fact that anybody can go out tomorrow and locate any of the known gilsonite deposits and turn them over to these parties?

Mr. TAYLOR of Colorado. Yes; they can locate it in small-lode claims, and even then they will have just as much trouble in getting a patent as they would have in getting a patent on any oil-shale claims.

Mr. WINTER. You might as well have the general mining law operating free for all parties to go and locate or have it under one general regulatory system?

Mr. TAYLOR of Colorado. I would rather have that than give the department full power to lease it all to a very few people.

Mr. WINTER. If the gentleman is going to dispose of these lands under the general mining laws, how will that prevent those lands from coming into the possession of these other corporations?

Mr. TAYLOR of Colorado. Neither the Secretary of the Interior nor the Commissioner of the General Land Office have recommended this bill, and the Secretary of War is opposed to it, and I believe all the conservationists in the United States would be opposed to it if they knew of it and knew the conditions.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. SINNOTT. Mr. Speaker, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. HILL of Alabama. I ask unanimous consent that my colleague from Alabama [Mr. ALLGOOD] be given an opportunity to offer an amendment. He wishes to offer an amendment.

Mr. SINNOTT. Very well.

Mr. ALLGOOD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. ALLGOOD].

The Clerk read as follows:

Amendment offered by Mr. ALLGOOD: Page 2, lines 18 and 19, after the word "bidding," strike out "or such other methods as he may by general regulations adopt" and insert on page 2, line 18, between the word "advertisement" and the word "competitive" the word "and."

Mr. SINNOTT. Mr. Speaker, I accept that amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. DYER. Mr. Speaker, what is the amendment? May we have it again reported?

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the amendment be again reported. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report it.

The amendment was again read.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. DYER AND Mr. SCHAFER rose.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEWTON of Missouri. A division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 36, noes 14.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DYER. I was rising, and so was the gentleman from Wisconsin, to offer a motion to recommit, but the Speaker pro tempore did not give us a chance. I ask that we be recognized for that purpose.

The SPEAKER pro tempore. Of course, the time has gone by now.

Mr. DYER. What is the vote?

The SPEAKER pro tempore. Ayes 36, noes 14.

Mr. DYER. Mr. Speaker, I make the point that the vote has shown that there is not a quorum present, and I object to the vote if we can not have a motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri makes the point of order that there is no quorum present. It is apparent that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those favoring the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 197, nays 77, answered "present" 2, not voting 155, as follows:

[Roll No. 101]

YEAS—197

Abernethy	Brumm	Dempsey	Gibson
Adkins	Burdick	Dickinson, Iowa	Glynn
Anthony	Burtness	Dowell	Goodwin
Arents	Burton	Drewry	Gorman
Arnold	Campbell	Driver	Green, Iowa
Barbour	Carew	Eaton	Griest
Beers	Carss	Elliott	Griffin
Begg	Carter, Okla.	Esterly	Hadley
Bell	Chalmers	Evans	Hale
Black, N. Y.	Christopherson	Fairchild	Hall, Ind.
Black, Tex.	Clague	Fish	Hardy
Bland	Cole	Fisher	Harrison
Blanton	Collier	Fitzgerald, Roy G.	Hastings
Bloom	Colton	Fitzgerald, W. T.	Hawley
Bowles	Connery	Fort	Hayden
Bowman	Crowther	Foss	Hersey
Boylan	Crumpacker	Free	Hickey
Briggs	Cullen	French	Hill, Md.
Brigham	Darrow	Fuller	Hill, Wash.
Browne	Davenport	Gallivan	Hogg

Hooper	Mapes	Ransley	Tillman
Houston	Martin, Mass.	Rathbone	Tilson
Hudson	Menges	Reece	Timberlake
Hudspeth	Merritt	Reed, N. Y.	Tinkham
Irwin	Michener	Robinson, Iowa	Tolley
Jacobstein	Miller	Robsion, Ky.	Treadway
Johnson, Ill.	Mills	Rogers	Underhill
Johnson, S. Dak.	Montague	Sanders, Tex.	Underwood
Kahn	Mooney	Sandlin	Vestal
Keller	Moore, Ohio	Scott	Vincent, Mich.
Kendall	Morehead	Seger	Wason
Ketcham	Morgan	Sinnott	Wefald
Knutson	Morrow	Smith	Weller
Kopp	Murphy	Snell	Welsh
Kurtz	Nelson, Me.	Somers, N. Y.	White, Kans.
Kvale	Norton	Sosnowski	Whittington
LaGuardia	O'Connell, N. Y.	Spearing	Williams, Tex.
Lazaro	O'Connell, R. I.	Sproul, Ill.	Williamson
Leatherwood	O'Connor, La.	Stalker	Wilson, La.
Leavitt	Oldfield	Stephens	Wingo
Letts	Oliver, N. Y.	Strong, Pa.	Winter
Lindsay	Parker	Summers, Wash.	Wolverton
Lowrey	Parks	Swank	Wood
McDuffie	Porter	Swing	Woodruff
McKeown	Prall	Taber	Wurzbach
McLaughlin, Mich.	Pratt	Taylor, Tenn.	Wyant
McLaughlin, Nebr.	Quayle	Taylor, W. Va.	Yates
McLeod	Quin	Temple	
McMillan	Rainey	Thomas	
Magee, Pa.	Ramseyer	Thurston	

NAYS—77

Allgood	Douglass	Lampert	Romjue
Almon	Dyer	Lankford	Rubey
Bachmann	Edwards	Linthicum	Schafer
Beck	Eslick	Little	Schneider
Berger	Faust	Lozier	Sears, Nebr.
Box	Fletcher	McClintic	Shallenberger
Brand, Ga.	Frear	McReynolds	Speaks
Cannon	Fulmer	McSwain	Sproul, Kans.
Celler	Gardner, Ind.	McSweeney	Strother
Collins	Gilbert	Magee, N. Y.	Sumners, Tex.
Connally, Tex.	Goldsborough	Major	Taylor, Colo.
Cooper, Wis.	Green, Fla.	Milligan	Vinson, Ga.
Cox	Hammer	Montgomery	Voigt
Crosser	Hare	Moore, Ky.	Wainwright
Davey	Hill, Ala.	Moore, Va.	Wheeler
Davis	Hoch	Nelson, Mo.	Whitehead
Deal	Howard	Newton, Mo.	Wright
Dickinson, Mo.	Huddleston	Oliver, Ala.	
Dominick	Johnson, Tex.	Peery	
Doughton	Kincheloe	Rankin	

ANSWERED "PRESENT"—2

Beedy	Bowling

NOT VOTING—155

Ackerman	Doyle	Kiess	Rutherford
Aldrich	Drane	Kindred	Sabath
Allen	Ellis	King	Sanders, N. Y.
Andresen	Fenn	Kirk	Sears, Fla.
Andrew	Flaherty	Kunz	Shreve
Appleby	Fredericks	Lanham	Simmons
Aswell	Freeman	Larsen	Sinclair
Auf der Heide	Frothingham	Lea, Calif.	Smithwick
Ayres	Funk	Lee, Ga.	Steagall
Bacharach	Furlow	Lehlbach	Stedman
Bacon	Gambrill	Lineberger	Stevenson
Bailey	Garber	Luce	Stobbs
Bankhead	Garner, Tex.	Lyon	Strong, Kans.
Barkley	Garrett, Tenn.	McFadden	Sullivan
Bixler	Garrett, Tex.	MacGregor	Swartz
Boies	Gasque	Madden	Sweet
Brand, Ohio	Gifford	Magrady	Swoope
Britten	Golder	Manlove	Taylor, N. J.
Browning	Graham	Mansfield	Thatcher
Buchanan	Greenwood	Martin, La.	Thompson
Bulwinkle	Hall, N. Dak.	Mead	Tincher
Busby	Haugen	Michaelson	Tucker
Butler	Hawes	Morin	Tydings
Byrns	Holaday	Nelson, Wis.	Updike
Canfield	Hull, Tenn.	Newton, Minn.	Upshaw
Carpenter	Hull, Morton D.	O'Connor, N. Y.	Vaile
Carter, Calif.	Hull, William E.	Patterson	Vare
Chapman	James	Peavey	Vinson, Ky.
Chindblom	Jeffers	Perkins	Walters
Cleary	Jenkins	Perlman	Warren
Connolly, Pa.	Johnson, Ind.	Phillips	Watres
Cooper, Ohio	Johnson, Ky.	Pou	Watson
Corning	Johnson, Wash.	Purnell	Weaver
Coyle	Jones	Ragon	White, Me.
Cramton	Kearns	Rayburn	Williams, Ill.
Crisp	Kelly	Reed, Ark.	Wilson, Miss.
Curry	Kemp	Reid, Ill.	Woodrum
Denison	Kerr	Rouse	Zihlman
Dickstein	Kiefner	Rowbottom	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McFadden with Mr. Drane.
Mr. Butler with Mr. Byrns.
Mr. Ackerman with Mr. Aswell.
Mr. Thatcher with Mr. Steagall.
Mr. Watson with Mr. Jones.
Mr. Johnson of Indiana with Mr. Lyon.
Mr. Kiess with Mr. Mansfield.
Mr. MacGregor with Mr. Pou.
Mr. Taylor of New Jersey with Mr. Woodrum.
Mr. Johnson of Washington with Mr. Tydings.
Mr. Bacharach with Mr. Rayburn.
Mr. Kiefner with Mr. Bulwinkle.
Mr. Chindblom with Mr. Corning.
Mr. Reid of Illinois with Mr. Hull of Tennessee.
Mr. Lehlbach with Mr. Lanham.
Mr. Boies with Mr. O'Connor of New York.
Mr. Williams of Illinois with Mr. Ragon.
Mr. Rowbottom with Mr. Vinson of Kentucky.
Mr. Shreve with Mr. Tucker.
Mr. Morton D. Hull with Mr. Rutherford.
Mr. Strong of Kansas with Mr. Ayres.
Mr. Fenn with Mr. Busby.
Mr. Connolly of Pennsylvania with Mr. Stevenson.
Mr. Manlove with Mr. Warren.
Mr. Sinclair with Mr. Buchanan.
Mr. Gifford with Mr. Chapman.
Mr. Bixler with Mr. Crisp.
Mr. Ellis with Mr. Jeffers.
Mr. Curry with Mr. Kindred.
Mr. Michaelson with Mr. Lea of California.
Mr. Stobbs with Mr. Martin of Louisiana.
Mr. Golder with Mr. Sabath.
Mr. Furlow with Mr. Upshaw.
Mr. Swoope with Mr. Dickstein.
Mr. Thompson with Mr. Gambrill.
Mr. Kearns with Mr. Nelson of Wisconsin.
Mr. Perlman with Mr. Peavey.

The result of the vote was announced as above recorded.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The doors were opened.

Mr. ALLGOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALLGOOD. Mr. Speaker, in the beginning of this discussion I was undecided as to how to cast my vote on this bill. However, after having watched the procedure and after having heard the gentleman from Colorado [Mr. TAYLOR] object to this bill being applied to leasing asphalt and other mineral properties in his State, which is a sister State to Utah, to which this bill directly applies, I have decided to cast my vote against it. If the gentleman from Colorado thinks that these valuable properties in his State are not properly safeguarded by this measure, then it is my opinion that similar properties in Utah will not be safeguarded by this measure.

These lands are owned by the Government and contain minerals which are not found to any great extent in any other sections, minerals that are of inestimable value in time of war, and while I hate war, yet we should safeguard the natural resources of this country which are valuable for defense.

The question of monopoly has been brought into this discussion, and this I do know, that if the Government holds these properties as they are intact, that there can be no monopoly by any combine or corporation. There has always been too great a tendency by our governmental officers to fritter away for a mess of pottage the properties of our Government, and I think it is time for us to begin to put a check on such practices.

There has been interposed a plea for State rights in the passage of this bill, but you must remember that we are not legislating for special favors for States, but we should enact laws for the protection of the Nation. I am confident that this measure is going to be passed; however, it certainly should not be passed without enacting the amendment which I have offered.

The bill provides that the Secretary of the Interior can lease lands known to contain valuable deposits through advertisement, competitive bidding, or such other method as he may by general regulations adopt. My amendment seeks to strike out the word "or such other method he may by general regulations adopt." I am not criticizing the present Secretary of the Interior, because I think he is a very valuable and efficient Secretary. However, we do not know who will hold this important position in years to come, and certainly no man should have the power to dispose of great public properties without advertising them and offering them to the highest bidder. No man should be provided with a method whereby he could in secret, or in some back room, or by any regulation that he desired, lease great governmental properties. The principle is wrong, and matters pertaining to our Government should have all the publicity, all the light of day, all the information that it is possible to bring to bear upon these questions. In other words, we should safeguard the Government's property in every way and leave the least opportunity and chance for graft and corruption possible. We do not want to give opportunity or chance for any more Teapot Dome procedures.

LEASING OF PUBLIC LANDS IN ALASKA FOR FUR FARMING

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands, I call up H. R. 8048, a bill to provide for the

leasing of public lands in Alaska for fur farming, and for other purposes.

The SPEAKER. The gentleman from Oregon calls up H. R. 8048, which the Clerk will report.

The Clerk read the title of the bill.

Mr. LAGUARDIA. Mr. Speaker, I raise the question of consideration of the bill.

The SPEAKER. The gentleman from New York raises the question of consideration of the bill.

The question was taken and the House agreed to consider the bill.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Under the present status of things, the time will be divided when we go into Committee of the Whole?

The SPEAKER. This is a Union Calendar bill and under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. LAGUARDIA. Automatically?

The SPEAKER. Unless unanimous consent is given to consider the bill in the House as in Committee of the Whole.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

UPPER MISSOURI RIVER PROJECT

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a statement by Mr. A. J. Weaver, president of the Missouri River and Navigation Association, to Maj. C. C. Gee, of Kansas City, Mo., with reference to the upper Missouri River project.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by printing a statement by Mr. A. J. Weaver with reference to the upper Missouri River project. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

THE MISSOURI RIVER NAVIGATION ASSOCIATION,
Kansas City, Mo., January 8, 1926.

Maj. C. C. GEE,
United States Army, District Engineer,
Kansas City, Mo.

DEAR SIR: As supplemental to the oral evidence adduced at the hearing held by you on the 4th day of December, in the city of Omaha, upon the application of the Missouri River Navigation Association that the Missouri River from Kansas City, Mo., to Yankton, S. Dak., and to such farther point on the upper river as can be found practicable be recommended as an approved river project, we respectfully submit for your consideration the following:

The statistics herein presented are for the year 1925, except where compilation for such year was not available, and in that case those for 1924 are used. It is worthy of your consideration that during both of these years there existed an agricultural and industrial depression in the Missouri River Valley territory which has materially reduced the volume of business handled in this area. Consequently, it can be safely assumed that under normal conditions the traffic would be of larger volume, and that with the yearly increase of population and business incident to the development of this region the tonnage available for an improved upper Missouri River waterway would be greatly augmented. Such natural and inevitable increase should be considered in the decision of your division of the Government. However, the data obtainable as to the years referred to are illuminating, have been carefully compiled, and we respectfully submit the same under the titles "Potential southbound traffic," "Potential northbound traffic," "The effect of road improvement on inland waterway traffic," "Financial cooperation with the War Department in improving the Missouri River," and "Conclusion." The statistics quoted have been assembled by the members of the able committee appointed by the president of the association, and whose names appear at the conclusion of this brief in verification of said statistics. Acknowledgment is made by the association for the fine public service rendered to the Missouri River Valley territory by this committee.

POTENTIAL SOUTHBOUND TONNAGE

Under this heading we consider only those products which by their nature are suitable for transportation via barge, viz:

Grain and grain products (flour and feed) and hay.

Such packing-house products as hides, fertilizers, canned goods, etc.

Smelter products and scrap iron.

Beet sugar and alfalfa products, products of canneries, and other manufactured goods.

By far the largest part of this tonnage consists of grain.

The 10 States tributary to the upper Missouri River produce immense quantities of surplus grain which is shipped every year to consuming territory all over the United States, to the West Indies, and to Europe. These States, by reason of the preponderance and importance of agriculture over other industries, produce and ship the greater portion of the exportable grain surplus of the country and are dependent upon the efficient transportation of grain at a reasonable cost for their commercial existence. Other sections with diversified industries consume a relatively larger percentage of the grain they raise, but this section must export its surplus.

The United States Department of Agriculture publishes yearly an estimate of the total production of each kind of grain in each State, and an estimate of the percentage of the principal crops of wheat, corn, oats, and barley that moves from the county where it is grown.

According to these estimates for the year 1924, there was produced in the 10 States tributary to the upper Missouri River (Oklahoma, Kansas, Nebraska, Colorado, Wyoming, Montana, South Dakota, North Dakota, Iowa, and Missouri) a total of 2,356,164,000 bushels, or 58,655,466 tons of grain, as shown by the following table:

United States Department of Agriculture estimate of total amount of grain produced in the 10 States tributary to the Missouri River in 1924 and their estimate of the percentage of said total production that moved from the county where grown, and therefore presumably in interstate commerce, and comparisons with similar figures for entire country

	Estimated total production for 1924 (bushels)	Estimated percentage of total production moved from county where grown for 1924	Estimated bushels moved from county where grown in 1924
WHEAT			
Oklahoma	54,874,000	81	44,448,000
Kansas	153,738,000	82	126,065,000
Nebraska	57,115,000	80	45,692,000
Missouri	24,629,000	64	15,763,000
Iowa	8,628,000	66	5,694,000
North Dakota	134,618,000	82	110,387,000
South Dakota	34,138,000	75	25,604,000
Colorado	21,030,000	68	14,300,000
Wyoming	2,131,000	58	1,236,000
Montana	51,668,000	78	40,301,000
Total for 10 States	542,569,000		429,490,000
Total for United States	872,673,000	70.5	614,846,000
CORN			
Oklahoma	65,600,000	[1]13	8,528,000
Kansas	130,905,000	[1]14	18,326,000
Nebraska	203,280,000	[1]30	60,984,000
Missouri	170,612,000	[1]10	17,061,000
Iowa	304,752,000	[1]28	85,330,000
North Dakota	22,740,000	[1] 1	227,000
South Dakota	99,990,000	[1]30	29,997,000
Colorado	15,650,000	[1]21	3,286,000
Wyoming	2,310,000	[1]1	23,000
Montana	9,198,000	[1]1	92,000
Total for 10 States	1,025,037,000		223,854,000
Total for United States	2,436,513,000	[1]18.4	448,318,000
OATS			
Oklahoma	38,880,000	26	10,109,000
Kansas	39,806,000	16	6,369,000
Nebraska	76,136,000	17	12,943,000
Missouri	41,745,000	11	4,592,000
Iowa	248,282,000	36	89,382,000
North Dakota	93,364,000	24	22,407,000
South Dakota	98,050,000	36	35,298,000
Colorado	6,500,000	14	910,000
Wyoming	5,239,000	11	576,000
Montana	19,854,000	12	2,382,000
Total for 10 States	667,856,000		184,968,000
Total for United States	1,541,900,000	27.6	425,991,000
RYE			
Oklahoma	518,000	[2]81	419,000
Kansas	568,000	[2]82	465,000
Nebraska	1,914,000	[2]80	1,531,000
Missouri	270,000	[2]64	172,000
Iowa	864,000	[2]66	570,000
North Dakota	13,860,000	[2]82	11,365,000
South Dakota	2,956,000	[2]75	2,217,000

[1] Ten-year average percentage of corn movement from county where grown used instead of 1924 percentages because the department published no figures for 1924 percentages.

[2] No percentages published by department covering rye, 1924; wheat percentages applied to rye.

United States Department of Agriculture estimate of total amount of grain produced, etc.—Continued

	Estimated total production for 1924 (bushels)	Estimated percentage of total production moved from county where grown for 1924	Estimated bushels moved from county where grown in 1924
RYE—continued			
Colorado	740,000	[1] 68	503,000
Wyoming	264,000	[1] 58	153,000
Montana	1,750,000	[1] 78	1,365,000
Total for 10 States	23,704,000		18,760,000
Total for United States	63,446,000	[1] 70.5	44,729,000
BARLEY			
Oklahoma	4,675,000	15	701,000
Kansas	11,550,000	30	3,465,000
Nebraska	6,275,000	16	1,004,000
Missouri	100,000		1,000
Iowa	4,710,000	32	1,507,000
North Dakota	35,100,000	48	16,848,000
South Dakota	22,428,000	48	10,765,000
Colorado	8,160,000	24	1,958,000
Wyoming	900,000		45,000
Montana	3,100,000	8	248,000
Total for 10 States	96,998,000		36,542,000
Total for United States	187,875,000	34.9	65,695,000
Grand total all grain, 10 States:			
Bushels	2,358,164,000		893,614,000
Tons	58,655,466		23,514,388
Grand total all grain, United States:			
Bushels	5,102,407,000		1,599,579,000
Tons	125,358,442		40,643,230

[1] No percentages published by department covering rye, 1924; wheat percentages applied to rye.

This table shows that the 10 States produce 46.2 per cent of all the grain produced in the United States, and ship in interstate commerce 55.8 per cent, or more than half of all grain shipped in the United States. Cheap and efficient transportation of grain is therefore more essential to the welfare of this territory than to any other part of the United States.

It is conceded that a small percentage of the grain moved across county lines is consumed in other counties of the same State, and therefore does not move in interstate commerce. This percentage is very small because grain loaded in a freight car for movement across county lines will in almost every instance move across State lines or to processing or storage plants within the State from which it is later forwarded in interstate commerce. Particularly will this percentage of consumption within the State be small in these great surplus producing States where practically every county produces a surplus and where there are no great consumptive centers. We believe, therefore, that for the purpose of this inquiry we may assume that the estimates of the United States Department of Agriculture of the movement of grain across county lines in the 10 States is fairly representative of the movement from these States in interstate commerce.

Upon the basis of these estimated percentages of the United States Department of Agriculture, there was moved in interstate commerce from the 10 States in the upper Missouri River territory a total of 893,614,000 bushels, or 23,514,388 tons, of grain. Some of this grain moves in directions other than toward the Missouri River. Oklahoma and Kansas ship direct by rail to southern consumers; Montana, North Dakota, and part of South Dakota, to the Pacific coast and to Minneapolis and Duluth; eastern Iowa and Missouri to St. Louis, Chicago, and Milwaukee; and western Nebraska, western Kansas, Wyoming, and Colorado to Pacific coast and intermountain territory; but taking the estimated total movement of 23,514,388 tons from the 10 States and the known receipts of the primary markets located on the Missouri River for 1924 of 259,832,420 bushels, or 7,161,059 tons, as shown by the following table, we estimate upon a conservative basis that over 10,000,000 tons of grain moved in 1924 via the Missouri River crossings, the difference between this estimate and the total primary receipts being the amount of grain moving direct from producing points to consumers and industries not located on the Missouri River and, therefore, not appearing in the total primary receipts:

Grain receipts, Missouri River markets, 1924, as per the public records of the markets named, and added thereto private estimates for Atchison and Leavenworth

	Wheat	Corn	Oats	Rye	Barley	All grain
	Bushels	*Bushels*	*Bushels*	*Bushels*	*Bushels*	
Sioux City	2,455,008	9,536,864	8,944,600	194,928	261,000	
Omaha and Council Bluffs	34,234,300	24,735,200	13,400,000	1,185,800	772,800	
St. Joseph	13,651,400	12,226,500	1,700,000	61,500	68,250	
Kansas City	90,823,950	23,112,500	7,692,500	323,400	682,500	
Total:						
Bushels	141,164,658	69,611,084	30,826,500	1,765,628	1,764,550	245,132,420
Tons	4,234,939	1,949,110	493,224	49,437	42,349	6,769,059

Atchison, 8,000 cars, at 40 tons per car, 12,000,000 bushels; 320,000 tons.
Leavenworth, 1,800 cars, at 40 tons per car, 2,700,000 bushels; 72,000 tons.

Total bushels	259,832,420
Total tons	7,161,059

In considering the flow of grain via the Missouri River crossings it is impossible to differentiate between the upper and lower river as there is some intermarket movement and consequent duplication, but to indicate the actual tonnage of grain which would have been available for barge transportation on the upper river in 1924, we have prepared a statement of the shipments of grain and grain products during the year 1924 from the public records of three upper-river markets. This statement which follows shows actual shipments from these markets of 104,412,222 bushels, or 2,717,878 tons.

Grain shipments, upper Missouri River markets, as per the public records of Sioux City, Omaha, and St. Joseph

	Wheat	Corn	Oats	Rye	Barley	All grains
	Bushels	*Bushels*	*Bushels*	*Bushels*	*Bushels*	
Sioux City	2,565,000	7,441,848	5,536,000	144,624	164,150	
Omaha and Council Bluffs	30,277,800	25,122,400	16,950,000	1,207,600	752,000	
St. Joseph	4,923,800	8,637,000	634,000	28,500	24,500	
Total:						
Bushels	37,769,600	41,201,248	23,120,000	1,380,724	940,650	104,412,222
Tons	1,133,088	1,153,635	369,920	38,660	22,575	2,717,878

There can be no doubt but that this annual flow of grain would be greatly increased by low water rates on the Missouri River and that grain now moving in other directions from the 10 States would be attracted to the Missouri River gateway by low water rates on a through route to the Gulf for export and to the immense consuming territory located on and adjacent to the lower rivers.

That part of the United States south of the Ohio River and east of the Mississippi River and the States of Arkansas, Louisiana, and Texas consumes the major part of the surplus feed grains and a large part of the surplus food grains produced in the upper Missouri River surplus-producing territory. All of this consuming territory is tributary to the Ohio and lower Mississippi Rivers and their branches and to the intercoastal canal either for consumption at the lower ports or for transshipment there to rail carriers for inland consumption. We estimate that 50 per cent of the total 1924 shipments, as stated above, from the upper-river markets, amounting to 52,206,111 bushels, or 1,358,939 tons, moved to and was consumed in territory tributary to the lower-river ports.

Water transportation on the upper Missouri River, by furnishing a direct water route from producer to consumer, would result in an immense and immediate price benefit to both producer and consumer, and would very greatly increase this annual flow of grain by extending the benefits of water transportation to an immense area at present solely dependent upon rail lines.

The potentiality of this traffic is so great we hesitate to make an estimate in actual figures of the tonnage that would move via water, but it is safe to say that with this almost ideal situation—that is, an immense surplus-producing territory located adjacent to the head of navigation on a practical waterway and a large consuming territory on the lower rivers—these commodities would naturally be routed via water to the limit of the water-carrying facilities available.

The United States produces more grain than it consumes, and this surplus is sold each year for export, very largely in Europe, in competition with foreign grain produced by cheap foreign labor. It is an accepted economic axiom that "the price obtained for the exportable surplus of the grain of this country establishes the price for domestic consumption." As a result the agricultural communities have been laboring under a commercial depression ever since the war, because they are forced to sell their produce in competition with cheap foreign labor, while everything they buy is produced by well-paid American labor or is subject to tariff charges. On an exchange basis, therefore, the farmer is at a serious disadvantage, because the level of value of his produce is not equal to the level of value of the commodities he buys.

There was shipped in 1924, 199,114 tons of grain and grain products southbound for export via the Mississippi Warrior service from St. Louis and Cairo. Of this total tonnage the major portion originated in the grain fields tributary to the upper Missouri River. The Missis-

sippi River barge lines were unable to handle the volume of grain tonnage tendered them for transportation in 1924. Had barge transportation been available on the Missouri River there would have been shipped for export a volume of grain and grain products so great as to materially increase the net returns to the farmer, not only to the extent of the saving in the cost of transportation of the grain actually shipped, but also to the extent that the prices of domestic grain would have been enhanced to the higher level of export returns.

The present saving in the cost of transporting wheat to New Orleans via rail from upper Missouri River territory to Cairo or St. Louis and thence by barge, as compared with all-rail transportation, is 2.82 cents per bushel, after paying 1 cent per bushel to cover the cost of transfer from railroad cars to barges at St. Louis or Cairo. A through water route that would permit the complete movement by barge would result in a net saving of 5 to 6 cents per bushel on every bushel of wheat shipped from the upper Missouri River territory for export.

We submit that at least a part of the benefits to be derived by the farmer from proposed remedial legislation can also be obtained by giving him a practical waterway direct from his fields to European markets, so that the net price received for his exportable surplus will be greater by the amount of the saving in the cost of transporting his grain to the export market, thus automatically increasing the value of his entire crop.

That section of the United States tributary to the upper Missouri River is the largest highly developed agricultural section in the world that is located more than 800 miles from a seaboard, and must, therefore, of necessity pay higher freight rates to transport its surplus grain to world markets than do those sections more favorably located. The exportable surplus of the Missouri River Valley competes with the Argentine surplus raised within 150 miles of tidewater. This is the real vital economic reason why the farmers in our section must have cheaper transportation for their surplus grain.

A through water route from the upper Missouri Basin to New Orleans and Pittsburgh, with a carrying capacity of an appreciable percentage of the entire grain movement, would not only increase the net returns to the farmer on the grain actually shipped by water, but would establish a higher level of values for the total amount moved in interstate commerce, and this would in turn reflect a higher level to the entire crop. If a farmer could sell wheat for $1.50 per bushel for transportation by water to New Orleans, he would ask and receive the same price at his local mill for domestic consumption.

If an adequate waterway had been available on the Missouri River the enhanced value of the 1924 crop of the 10 States of 2,356,164,000 bushels, due to the saving in transportation costs of the exportable surplus, would have amounted to over $50,000,000, and this higher level of values would also have been reflected in the market value of every bushel of grain produced in the country.

The same arguments that apply to grain and its products also apply to a greater or lesser extent to all other commodities produced or manufactured in the upper Missouri River territory.

Fertilizers are produced in large quantities by our packing houses, and they are essential to the cotton and garden truck farmer in the southern territory described who not only buys our corn and oats to feed his draft animals and our food products for himself and family but also our fertilizers to enrich his soil. The farmer on the impoverished lands of Europe also uses this commodity. Hides, canned meats, and other packing-house products shipped by the potential upper Missouri River territory to the consuming territory tributary to the lower river and its branches and connections in 1924 was over 40,000 tons.

Alfalfa hay and products, food for animals, is produced in large quantities and the consumption of these products is very largely in the territory tributary to the lower river. The total tonnage is estimated at 50,000 tons now moving to or via lower river ports.

The Omaha smelter shipped in 1924, 14,000 tons of lead products to the St. Louis district. This industry is located directly on the river bank and is the largest producer of lead products in the country. It serves the mines of all of the States tributary to the upper river and water transportation at its door would be of immense benefit to the mining industry in the Missouri Basin.

Scrap iron in the amount of over 50,000 tons and hay amounting to over 20,000 tons was also shipped from the upper Missouri River territory to the same destinations in 1924.

Livestock: The experience of Decatur, Nebr., would indicate that there are great possibilities in the development of the transportation of live cattle by river, especially for short hauls. Decatur has no railroad facilities and is dependent upon the river for its outlet. They have operated barges whenever the condition of the river would permit, and their experience demonstrates that live animals shipped from Decatur via barge arrived at market in better condition when transported quietly by water instead of being subjected to the nervous strain of rail transportation. No attempt has been made to estimate the amount of this potential tonnage. It is one of many items that would naturally increase and develop with the opening of navigation; but for example, the territory tributary to Yankton shipped in 1924 over 19,000 cars of livestock, and Burt County, Nebr., which is tributary to Decatur, Nebr., shipped over 3,300 cars. It is reasonable to expect that a large part of this traffic would move via barge at a considerable saving to the entire farming community not only in the cost of transporting its animals to market but also in their improved condition upon arrival.

There was, therefore, actually shipped in 1924 an estimated total of 1,860,476 tons of freight suitable for transportation via water from the potential upper Missouri River ports to the consuming territory tributary to the lower river and connections (as per table shown below), as well as a very large additional volume which moved direct from inland points to the same destinations. This potential tonnage so greatly exceeds the total southbound tonnage of the Mississippi-Warrior service of 408,602 tons for the same year that there can be no doubt but that with the opening of the upper Missouri River, southbound tonnage will be offered in such large quantities as to immediately attract capital for the construction and operation of barge lines to handle the traffic.

Estimated total 1924 shipments southbound from upper Missouri River territory to territory served by lower Missouri and Mississippi Rivers, Ohio River, and tributaries, and the Intercoastal Canal

Commodity	Tons
Grain	1,358,939
Grain products (estimates of milling industry)	155,790
Alfalfa mill products (estimates of milling industry)	50,000
Packing-house products (estimates of chambers of commerce)	40,000
Pig lead and products (estimates of American Smelting & Refining Co.)	14,000
Scrap iron (estimates of chambers of commerce)	50,000
Hay (estimates of chambers of commerce)	20,000
Atchison, all commodities (estimates of chambers of commerce)	104,019
Leavenworth, all commodities (estimates of chambers of commerce)	67,728
Total	1,860,476

POTENTIAL NORTHBOUND TONNAGE

A substantial movement of traffic upstream as well as down is necessary to insure economical river transportation. It has been shown that the potential downstream tonnage of agricultural and other freight on the upper Missouri River would be so vast that it would practically be limited only by the capacity of the barges available. If these barges had to be returned empty, the entire cost of operation in both directions would have to be included in the rates charged on the downstream tonnage. Under such conditions the agricultural products in this region would not get the maximum benefits from river transportation. Movement of freight upstream balancing in tonnage the downstream traffic would make profitable operation of boat lines at much lower rates in both directions than if the movement were one sided. In fact, the feasibility and economy of developing the upper Missouri River project may be largely measured by the extent to which the river could be profitably used for northbound as well as southbound tonnage.

With this in mind, the Missouri River Navigation Association has made a careful and conservative survey of present possibilities of tonnage which might reasonably be expected to move up the river to destinations north of Kansas City upon the development of navigation. Figures used herein have been obtained from chambers of commerce and other reliable sources, and while necessarily estimated, they are reasonably accurate.

In case of doubt they are understated rather than overstated. There is shown below a statement of freight moving annually from territory tributary to the lower Missouri, Mississippi, and Ohio Rivers to typical destinations in the upper Missouri River Basin which may readily be transported by river. The figures are for the year ending December 1, 1925, except in the few instances where 1925 figures were not available the calendar year 1924 was used. This was not a prosperous period. Figures for normally prosperous years would be greater. It should be noted that these statistics are for only six cities. The benefits of water transportation would accrue not only to communities on the river but to all of the vast territory comprising the 10 States of Nebraska, South Dakota, North Dakota, Wyoming, Colorado, Kansas, Oklahoma, Montana, Missouri, and Iowa. It was impossible in the limited time in which this brief was prepared to obtain complete figures. If they were available, the totals would, of course, greatly exceed the amounts shown below.

Estimated annual tonnage

Commodity	To Atchison	To Leavenworth	To St. Joseph	To Omaha	To Sioux City	To Yankton	Total tons
Coal:							
From Illinois	100,000	10,000	100,000	800,000	330,000	20,500	1,000,500
Kansas, Oklahoma, and Arkansas	(1)	(1)	(1)	500,000	75,000	12,600	587,600

[1] Not included account short river haul.

Estimated annual tonnage—Continued

Commodity	To Atchison	To Leavenworth	To St. Joseph	To Omaha	To Sioux City	To Yankton	Total tons
Lumber:							
Yellow pine	10,000	18,000	20,250	81,000	5,000	120	134,370
Hardwood	11,000	19,400	33,750	135,000	5,000	160	204,350
Posts and piling		100	24,000	96,000	1,000	300	121,460
Box lumber, shooks, etc			5,400	21,600	9,000	130	36,130
Cement and lime	800	4,500	10,000	93,000	11,000	1,800	121,100
Sugar:							
From New Orleans	1,050	750	10,000	9,000	5,000	800	26,550
Other sources			12,500	21,000	15,000	1,200	49,700
Molasses, refuse			25,000	10,000			35,000
Coffee	375		5,000	27,000	2,000	700	35,075
Rice	180	80	2,750	4,500	1,000	35	8,545
Bagging				3,300			3,300
Crushed oyster shells	1,000		3,000	4,000	1,000		9,000
Seeds	5,760			3,000	150		8,910
Cotton and products			3,500	15,000	1,000		19,500
Salt	(1)	(1)	(1)	46,800	40,000	600	87,400
Canned goods			1,000	4,000	1,000		6,000
Iron and steel	9,560	10,550	12,000	29,000	14,000		75,110
Stone	300	200	1,250	18,500	1,700		21,950
Brick	430	940	200	20,000	2,000	840	24,380
Total of above							2,675,880

[1] Not included account short river haul.

Miscellaneous and merchandise; not able to estimate, but tonnage would be substantial.

Figures are here given on only a few commodities. Experience in river transportation on the lower Missouri has shown that a large volume of manufactured articles will also seek differential river rates. The records of the Kansas City Missouri River Navigation Co. contain daily billing of such articles as pianos, talking machines, dry goods, queensware, hardware, glass, automobiles and auto supplies, rubber tires, school supplies, furniture, hosiery, drugs, shoes, vehicles, farm implements, canned goods, plumbing supplies, coffee, chocolate, soap, machinery, electrical supplies, carpets, linoleum. These manufactured goods take much higher rates than bulk freight, and, therefore, the savings per ton by use of river transportation would be very much greater.

The experience of the Mississippi River-Warrior line has demonstrated that bulk freight can profitably be transported by river barge at a rate of 2 mills per ton per mile. That is the basis of the grain rate in effect to-day from St. Louis to New Orleans. It is fair to assume that approximately such rate would be profitable for the transportation of heavy low-grade commodities by barge on the Missouri River upon complete development of channel and dockage facilities. Economy flowing from large-scale river navigation and improved methods and equipment may make possible considerably lower rates in the future. However, for the purposes of this brief we are using 2 mills per ton-mile on coal and 3 and 4 mills per ton-mile for other low-grade freight and making some comparisons with present rail rates. The fact must always be borne in mind that the benefits of river transportation will flow not only to communities on the river banks but to all the population in city and country in the entire upper Missouri River Basin, which would get the advantages of lower rates by joint rail and river hauls.

COAL

The aggregate tonnage of Illinois coal to only six upper Missouri River destinations was over 1,000,000 tons. The Illinois mines are within a radius of 100 miles of St. Louis. Some of the Illinois mines are within or adjacent to the city limits of East St. Louis. Others are close to Mississippi River landings below St. Louis. Transportation charges by rail from the mines to East St. Louis (on traffic for beyond) vary from 51.7 cents to 81.7 cents per ton. Using these rates from the mines to East St. Louis and a rate of 2 mills per ton per mile up the river to destination, the total rates by rail and river as compared with the all-rail rates paid on this coal to-day are shown in the following statement:

Destination	Rail rate expressed in cents from—					
	Southern Illinois		Springfield		Belleville	
	Lump	Fine	Lump	Fine	Lump	Fine
Yankton	474	431	444	401	464	421
Sioux City	415	378	385	348	405	368
Omaha	362	326	332	296	332	296
St. Joseph	338	326	289	277	298	291
Leavenworth	338	326	289	277	298	291
Atchison	338	326	289	277	298	291

Destination	Division of rail rate to East St. Louis from southern Illinois	Division of rail rate to East St. Louis from Belleville, Springfield	Estimated water rate from East St. Louis
Yankton	81.7	51.7	175
Sioux City	81.7	51.7	160
Omaha	81.7	51.7	125
St. Joseph	81.7	51.7	95
Leavenworth	81.7	51.7	87
Atchison	81.7	51.7	90

Destination	Total rail and water rate from—		Saving compared with rail rates from—			
			Southern Illinois		Springfield, Belleville	
	Southern Illinois	Belleville, Springfield	Lump	Fine	Lump	Fine
Yankton	257	227	217	174	217	174
Sioux City	242	212	173	136	173	136
Omaha	207	177	155	119	155	119
St. Joseph	177	147	161	149	142	130
Leavenworth	169	139	169	157	150	138
Atchison	172	142	166	154	147	136

Equally great or greater savings would result in transportation of coal from mines in Kentucky, Pennsylvania, and West Virginia, which now ship coal to the upper Missouri River Basin, notwithstanding extremely high freight rates. A similar compilation showing rates from Kansas, Oklahoma, and Arkansas to only two typical upper Missouri River cities, using rail lines charges to Kansas City (on traffic going beyond) and river rate from Kansas City north on a basis of 2 mills per ton per mile, follows:

Destination	Rail rate from southern Kansas		Rail rate from Arkansas-Oklahoma		Division of rail rate to Kansas City from southern Kansas		Division of rail rate to Kansas City from Arkansas-Oklahoma		Estimated water rate from Kansas City
	Lump	Fine	Lump	Fine	Lump	Fine	Lump	Fine	
Sioux City	3.15	2.75	4.15	3.75	1.16	1.00	2.16	2.00	0.80
Omaha	2.65	2.25	3.65	3.25	1.16	1.00	2.16	2.00	.45

Destination	Total rail and water rate from southern Kansas		Total rail and water rate from Arkansas-Oklahoma		Savings compared with rail rates from southern Kansas		Savings compared with rail rates from Arkansas-Oklahoma	
	Lump	Fine	Lump	Fine	Lump	Fine	Lump	Fine
Sioux City	1.96	1.80	2.96	2.80	1.19	0.95	1.19	0.95
Omaha	1.61	1.45	2.61	2.45	1.04	.80	1.04	.80

The saving on coal alone shipped to these typical upper Missouri River destinations named would amount to more than $2,000,000 annually through the development of river navigation, if we accept the statement of the Mississippi River barge line that low-grade bulk traffic can be profitably transported at 2 mills per ton per mile. Increase this rate 50 per cent, to 3 mills per ton per mile, on account of upstream haul, and the saving on coal alone to the six upper Missouri River communities would still be over $1,000,000 annually. Similar savings would accrue on coal from the sources named to the entire consuming territory in the upper Missouri basin, and the total benefits to the public on coal alone would amount well into the millions of dollars annually.

LUMBER

The upper Missouri River territory gets a large part of its lumber to-day from the Pacific Northwest, nevertheless it received from Southern States tributary to the lower Mississippi River during the past year over a half million tons of lumber, posts, box shooks, etc. If this were moved by water from lower-river landings, substantial savings in transportation costs would be effected. Large quantities of hardwood lumber are shipped to-day from Memphis, Tenn., for example. The present rail rates from Memphis as compared with water rates to typical upper Missouri River destinations on a basis of 3 mills per ton per mile are shown below:

Destination	Rail rate on lumber from Memphis (in cents per 100 pounds)	Estimated water rate from Memphis (in cents per 100 pounds)	Savings (in cents per 100 pounds)
Yankton	47½	19½	28
Sioux City	34	19	15
Omaha	32½	16	16½
St. Joseph	29½	13½	16
Atchison	29½	13	16½
Leavenworth	29½	13	16½

This is a fair example of what might be expected in the way of savings on lumber costs throughout the upper Missouri River Basin from boat-line operation. Such saving would stimulate the use of southern lumber in the upper Missouri River territory and would undoubtedly result in the displacement of much lumber moving at present from the north Pacific coast territory, by southern lumber, thus materially increasing the tonnage which might be moved by river from the South and materially lowering costs of building construction on the farms as well as in the cities and towns.

SUGAR, REFUSE MOLASSES, COFFEE, RICE, BAGGING, OYSTER SHELLS, SHEDS, ETC.

These commodities now move by rail from New Orleans. The aggregate tonnage to six typical upper Missouri River destinations exceeds 125,000 tons. In addition, these communities receive annually 50,000 tons of sugar from other sources which might move from New Orleans if freight rates were favorable. As an indication of the savings which might result from use of river navigation we will cite only the rate on sugar from New Orleans, and for comparison boat-line rates based on 3 mills and 4 mills, respectively, per ton per mile. There is no reason why freight of this kind could not be moved the entire distance from New Orleans to upper Missouri River ports by water, thence by rail throughout the territory.

[Rates in cents per 100 pounds]

Destination	Rail rate on sugar from New Orleans	Estimated water rate from New Orleans	
		Based on 3 mills per ton-mile	Based on 4 mills per ton-mile
Yankton	74½	29	39½
Sioux City	65	28	38
Omaha	65	24½	32½
St. Joseph	65	23½	31½
Leavenworth	65	23	31
Atchison	65	23	31

CEMENT AND LIME

The aggregate tonnage of these commodities used by only six upper Missouri River cities is 121,000 tons. These commodities originate at points on the Mississippi River and may move partly by rail and partly by river. As illustrating the saving which would result from river transportation, the following table shows present rail rates on cement from Hannibal, Mo., and water rates based on 3 mills per ton per mile:

[Rates stated in cents per 100 pounds]

Destination	Rail rates on cement from Hannibal	Estimated water rates based on 3 mills per ton-mile	Saving
Yankton	22	11½	10½
Sioux City	17½	10½	7
Omaha	16	8	8
St. Joseph	13½	5½	8
Leavenworth	14	5	9
Atchison	14	5½	8½

As showing possibilities of rail and river navigation, the following table shows present rail rates from Kansas and Oklahoma and the rates which would result from use of the river from the nearest port to destination, using as factors the rail charge to Kansas City, and 3 mills per ton per mile by river beyond:

Destination	Rail rates on cement from Kansas-Oklahoma	Estimated water rates based on rail charge of 8½ cents to Kansas City plus 3 mills per ton-mile beyond	Saving
Yankton	21½	15½	6
Sioux City	17	14½	2½
Omaha	16	12	4

SALT

The upper Missouri River cities obtain over 80,000 tons of salt annually from Kansas mines, which could be moved profitably by rail to the nearest river ports and thence by barge at substantial savings under the present rail rates.

IRON AND STEEL PRODUCTS

The aggregate tonnage moving from Pittsburgh, Ohio, Birmingham, and St. Louis districts to only five upper Missouri River cities to-day exceeds 75,000 tons. This is only a fraction of the total steel tonnage movement to the upper Missouri River territory. The Chicago district to-day supplies the major part of the demand for steel in this territory; but if river navigation were available and low river rates were in effect, large additional markets would be open to the Pittsburgh, Mahoning, and other manufacturing districts adjacent to the rivers, creating additional tonnage for river carriers and affording lower prices to consumers in the upper Missouri River territory, in competition with Chicago steel, which could also move by water through the drainage canal and the Illinois River.

The development of upper Missouri River for navigation offers in some respects unique opportunities for profitable operation of boat lines, with unusually large tonnage movement by river and far-reaching economic savings. Nowhere else in the United States are the rail freight rates on the prime necessities of existence so high as are the rates paid by consumers in the territory tributary to the upper Missouri River. In no other part of the country are the average hauls so long for transportation of ingoing and outgoing freight. Nowhere else in the United States, for example, could coal be carried by river for such long distances and at such a saving on rail rates as into the upper Missouri River territory. The upper Missouri River would transport freight originating not only in the lower Mississippi Valley but would handle a great tonnage of freight of all kinds moving to and from the Southwest by rail, with an upper Missouri River port as the gateway between rail and water. These peculiar conditions would afford at once upon the opening of river navigation opportunities for transportation of a volume of tonnage northbound which could not be approached or hoped for on the upper Mississippi or even the lower Mississippi or Ohio Rivers. Such large volume of northbound freight would be far greater in the aggregate than the northbound tonnage handled to-day on the lower Mississippi River. In 1924 the Mississippi River barge line handled 440,901 tons northbound and 408,602 tons southbound, total in both directions 849,503 tons. The volume of northbound tonnage on the upper Missouri River would be sufficient to provide a return load for barges handling millions of tons of agricultural and other products southbound. In fact, this partial survey of the prospective tonnage available for upper Missouri River navigation shows possibilities almost beyond the power of imagination to grasp of savings in transportation costs on the products of the farm and factory southbound and the products consumed by the farm and city dweller alike inbound.

The estimate we have presented of outbound and inbound tonnage to-day is only a fraction of what may reasonably be expected in a com-

paratively few years after river navigation becomes an accomplished fact. The upper Missouri River territory is largely undeveloped, both agriculturally and industrially. It can not be expected to develop much further, in the present generation at least, unless relief is afforded from the present immense burden of high freight rates caused by the dependence of this territory upon rail transportation, long distance to markets, and high cost of railroad operation to-day. The West is in a precarious situation, agriculturally and industrially, because of these high transportation costs. Manufacturing industry is not growing. It is actually decreasing. Factories are leaving the upper Missouri River territory and are moving nearer to the Atlantic and Pacific coasts, closer to the congested population of the country, and where cheap rail and water transportation is available. The farmer is thus being moved farther and farther away from the consumers of agricultural products, and farther and farther away from the manufacturer that supplies him with his needs. Stimulation of agriculture and stimulation of manufacturing industry in the upper Missouri River territory through lower transportation costs made available by the development of the upper Missouri River would increase prices of farm products, increase manufacturing output, increase industrial population, thereby affording the farmer greater near-by consuming markets. This would lead to further and more profitable agricultural development, and through the mutual upbuilding of farm and city, through lower transportation costs, this territory may hope to achieve its destiny as one of the most productive, prosperous, and populous regions of the world.

PANAMA CANAL

The opening of the Panama Canal has had a profound effect upon the industrial development of the upper Missouri River territory. Industries which formerly reached the intermountain and Pacific Coast States with their products are no longer able to do so because low water rates through the Panama Canal make it possible for the far West to obtain goods more cheaply from territory east of the Mississippi River. Factories in the Middle West have been forced to cut down production and in some instances to close down entirely or establish branch factories nearer the seaboard on account of this competition. To-day, although the Middle West is geographically nearer the Pacific coast than any other industrial district east of the Rockies, it is economically and from the standpoint of transportation costs farther distant from the Pacific coast than any other part of the United States. The advantages of water transportation are drawing factories and population into congested areas close to water transportation along the coasts, and the great Middle West is, industrially speaking, drying up. Opening of the Missouri River for navigation will offer new hopes and new opportunity for industries in territory served by the upper Missouri River to regain a portion of the business which they have lost to their competitors favored by water transportation through the Panama Canal. The taxpayers of the Middle West have cheerfully borne their share of taxation for building the Panama Canal and for the improvement of harbors and channels along the sea coasts, but they are determined that they shall not permanently be deprived of the benefits of the low transportation rates through the canal, and the opportunity of competing for business in Pacific coast territory with the industrial East. Only through the opening of navigation on the Missouri and Mississippi Rivers can the West be given an opportunity to develop trade in the far West. It is only fair that the Middle West should have this opportunity. It is a crying injustice that to-day our waterway developments have benefited only the eastern and western coasts and severely handicapped the industries of the Middle West.

LOCAL TRANSPORTATION

We have not attempted in this brief to gather statistics showing the possibilities of local tonnage movement between communities on the upper Missouri River. Undoubtedly considerable commerce of this kind would be developed not only between river towns but by river and rail to and from local points in the 10 States. For years past there has been a limited amount of local river transportation north of Kansas City. For example, the town of Decatur, Burt County, Nebr., with a population of but 657 people, has maintained regularly, upon the unimproved river, boat transportation to and from Omaha and Sioux City. This local company for a number of years has had one to two boats on the river operating to capacity. Last year transportation was prevented by extremely difficult channel conditions at the crossovers, but the company hopes to operate again next season. The Chamber of Commerce of Decatur advises that in the year 1924, 203,000,000 pounds of coal, building materials, livestock, and miscellaneous freight were received at towns in Burt County; 131,500,000 pounds of agricultural and miscellaneous products were forwarded. Most of this freight would move by boat if the river were made permanently navigable.

THE EFFECT OF ROAD IMPROVEMENT ON INLAND WATERWAY TRAFFIC

It will be our purpose to define the relationship between the improvement of the highways tributary to the potential river ports on the Missouri River above Kansas City and the development of the river itself.

In the early days when the Missouri River carried considerable traffic a relatively small portion of the territory tributary to the river was benefited by or contributed to such traffic. The distribution of merchandise so transported was limited by the distance which the unimproved roads of that period permitted, and was limited to a short distance from the river ports. To-day we are in the midst of an era of road development and improvement, looking to a great system of permanently constructed roads. This development is carried on by the various local units of government and is stimulated by the assistance of State and Federal Governments.

The attached map shows the permanently improved roads in 1930 which will be tributary to the potential river ports on the Missouri River above Kansas City. A study of a map of this project will show a complete network of arterial highways coordinated with an elaborate system of lateral roads. Large portions of this system are now completed. A very few years will see the entire completion of the system.

This map, which could not be inserted in the RECORD, shows that the trend of development of the arterial highways is toward the river; and the lateral roads leading into the main arteries, when completed, will form a very complete network of improved roads. The average farm will have a comparatively short haul to an improved highway leading directly to some river port. Many of the smaller river cities will be greatly benefited by this development, because port-to-port business can and will be developed to their advantage. Furthermore, the inland towns will prosper; first, because improved transportation facilities naturally tend to increase business, and second, because the cheaper freight rates made available by river transportation will cause more money to be circulated in their territory, due to the saving in transportation costs to the producers. This is illustrated by the saving which the Kansas wheat farmers have realized in the past two years in shipping their grain via the barge line from St. Louis. The inland towns of Kansas have suffered no discrimination from the operation of the barge line. Therefore we may logically conclude that the development of the Missouri River north of Kansas City will prove to be a stimulant to business in towns not only immediately tributary to the river but to all cities and communities throughout the 10 States.

When the upper Missouri River country was first settled, cities were built on the river through necessity for transportation. Wherefore the oldest and largest cities are river cities. In building roads, these cities were given first consideration. As a result, we have the entire highway system built with the main arteries leading toward and terminating at the river. A more ideal arrangement for river traffic could not be had.

This development, together with the high state of efficiency of the modern motor truck, furnishes an ideal means for the distribution and collection of commodities to be handled through the river ports. This increases many times the possibility of distribution over that which existed in the early days of unimproved roads and crude means of transport.

Regular trucking service is now maintained from the potential river ports serving the inland towns and the farms for a distance of over 100 miles. Regular schedules are maintained and depots have been established for the convenience of the patrons of these lines. The Hon. Herbert Hoover, Secretary of Commerce, in a recent address at Kansas City, delivered before the Missouri River Navigation Association, summed up the situation in the following manner:

"The improvement of highway transport will make a large contribution to the first class of business. When we were dependent upon the horses and wagon for collection and distribution to and from the waterside, the port-to-port business on our rivers was limited to a belt perhaps 5 or 10 miles wide. With the development of our highways and motor trucks this belt has widened many miles and has enormously increased the population who can benefit from port-to-port business."

The livestock market in Sioux City, Iowa, is one of the primary livestock markets of the United States. The receipts at the Sioux City stockyards over a period of years provide the basis for some interesting comparisons, particularly from the standpoint of receipts by truck.

In 1921 there were 2,654,000 head of livestock received in Sioux City, 6 per cent of these, or 159,240 head, being received by truck.

In 1924 the livestock receipts were 3,978,000 head, 14 per cent of this number, or 556,920 head, being received by truck.

In 1925 the receipts for the year were 4,670,000 head, and of this number 17 per cent, or 793,900 head, were received by truck.

These figures indicate that in a four-year period the truck receipts at the Sioux City stock yards have nearly trebled. This increase has been due very largely to the fact that the roads in this territory have been improved to a point where it is more profitable to move livestock a given distance by truck than by other means of transportation.

As indicated above, in 1924, 14 per cent of the total receipts were shipped by truck to the Sioux City market, each animal traveling an

average distance of 25 miles. From these figures it is very logical to assume that the distance which it is possible to move freight to and from the potential river ports has increased from 10 miles, when the river was formerly used, to at least 35 miles from the river terminals at the present time. Each year more permanent roads are being completed, which will permit even greater use of the highways.

By 1930 the more highly developed roads will increase the distance which can be profitably served from the potential river ports. This distance will be extended to more than 50 miles.

In presenting the figures above on livestock receipts we realize that there is a question as to whether or not livestock can be profitably moved on the river. The figures have been presented because an accurate record of points of origin of truck stock has been kept, whereas a record of points of origin of other lines of produce and merchandise has not been kept. The figures show the approximate territory in which shipments of this character have originated and that other produce and merchandise bear a definite relationship in that they originate in approximately the same territory.

In the table below we are showing the principal crops in the first and second tiers of counties immediately tributary to the Missouri River from Kansas City to Yankton, the figures being taken from the 1920 Federal Census. The territory covered by this survey averages 50 miles on each side of the river between Yankton and Kansas City, and shows a production of 12,951,224 tons. We make no claim as to the actual percentages of this production which would be handled on the river. We are merely using this schedule to show the vast production which is immediately tributary to 496 miles of the river from Yankton to Kansas City, all of it being within easy trucking distance of one of the river ports.

A survey of crop production (in tons) of the first and second tiers of counties immediately tributary to the Missouri River from Kansas City, Mo., to Yankton, S. Dak., from data taken from the 1920 Federal Census

	Corn	Oats	Wheat	Barley
South Dakota:				
First tier	297,897	60,731	22,451	998
Second tier	395,596	131,823	39,539	5,591
Iowa:				
First tier	1,314,678	136,168	144,442	10,531
Second tier	1,135,121	187,581	77,374	13,403
Nebraska:				
First tier	1,231,469	223,078	186,779	10,615
Second tier	953,530	197,727	165,269	4,161
Kansas:				
First tier	145,255	10,257	104,165	202
Second tier	154,432	17,870	112,739	239
Missouri:				
First tier	427,150	12,700	116,753	521
Second tier	424,997	29,814	109,212	281
Total	6,467,125	1,007,749	1,078,723	46,544

	Rye	Hay	Potatoes	Other crops
South Dakota:				
First tier	277	175,954	1,843	155
Second tier	719	331,374	2,740	827
Iowa:				
First tier	1,907	694,745	13,452	27
Second tier	2,501	560,025	8,434	16
Nebraska:				
First tier	2,495	815,015	14,715	1,282
Second tier	8,840	664,149	11,348	1,285
Kansas:				
First tier	149	179,772	12,696	165
Second tier	249	255,129	4,518	253
Missouri:				
First tier	922	265,757	6,821	13
Second tier	1,393	304,508	4,492	121
Total	19,452	4,246,428	81,059	4,144

Total for all crops, 12,951,224 tons.

There is no question but that a large portion of this production will go by river as soon as it is made navigable. While we can not estimate the exact percentage, there is no reason to doubt that not only will this production be handled in that way but probably other products will also be added to the above-mentioned list.

Thus we see that the benefits to be derived from the improvement of inland waterways is very closely related to the improvement of the highway system. The fact that an elaborate system of permanently improved roads will be practically completed as soon as it is possible to complete any improvement on the upper Missouri indicates that the coordination of these two systems of transportation will prove to be a great stimulus to the territory served. As time goes on further improvements will be made in the inland portions of the Missouri Valley, thereby constantly increasing the field of usefulness of the relatively small amount of money required for this improvement.

We have stated that we do not estimate the portion of the 12,000,000 tons of principal farm crops produced in the first and second tiers of counties immediately tributary to the river between Kansas City and Yankton that would move by river transportation. However, we feel that a substantial portion of this would find its way into the exportable surplus of these crops, because of the fact that they are directly accessible to the cheaper transportation made possible by the improvement of the river.

FINANCIAL COOPERATION WITH THE WAR DEPARTMENT IN IMPROVING THE MISSOURI RIVER

The suggestion often made in the past that there was "pork barrel" in the congressional appropriation for inland waterway development has been proven to be without foundation, especially in so far as the Mississippi Valley is concerned.

Chief among the reasons for placing this great progressive step in its true light has been the enlightenment of the entire people to the essential need for cheaper and increased transportation facilities and to the practical benefits which will accrue not alone to the Middle West but to all of the United States. Perhaps of second importance has been the actual demonstration on the part of the landowners and other interests along the river, who are especially benefited through control of the river's current, of their willingness to pay for the special benefits received.

PROPERTY DAMAGE

For many years the Missouri River has annually taken its toll in valuable farms, eroding away from 7,000 to 8,000 acres each year of the fertile valley lands through which it flows. Add to this the loss of industrial, municipal, State, railroad, and highway property and you will find an actual economic waste of over $2,000,000 annually.

As a matter of fact, the Missouri River has been a detriment to the valley rather than the benefit it should be. The river being, as it is, under the jurisdiction of the Federal Government and the project for its control being so gigantic in scope, there is no remedy which the local interests can hope to apply through their own efforts alone. The Federal Government recognized the inadequacy of the local interests to properly cope with a similar situation when it granted financial and supervisory cooperation in the levee and flood control work along the Mississippi and other rivers throughout the country.

LAND PRESERVATON MERELY INCIDENTAL

The farmers of the Missouri River Valley, however, are not requesting Federal aid in the improvement of the Missouri River for the sole purpose of attaining the benefits which would accrue to them through the protection and reclamation of the adjoining lands.

They realize that in the near future the Federal Government, out of the very pressing and ever-increasing national necessity for the development of our inland waterways, must control and improve the channel, which means the protection of the river banks and the consequent reclamation of the adjoining property. But they realize also that every year's delay means the loss of additional tillable area and other property, and a consequent decrease in produce and tonnage. They are anxious, therefore, to hasten the improvement through cooperating financially with the Federal Government.

The reclamation phase of the problem, however, while it will, without question, effect a very material saving and eliminate a great national loss, is only incidental to the main purpose of providing a system of water transportation for the more economical handling of the tonnage this section produces and consumes.

For this incidental benefit the citizens of the valley have already paid in part and have shown a willingness to pay further in proportion to the benefits received.

COOPERATION ON THE LOWER MISSOURI

From the available records it is found that on the lower Missouri River, from Quindaro Bend to the mouth, for which section an approved project has been adopted, there has been spent in 1924 and 1925 on river improvement and current control $1,912,000 in cooperation with the War Department, of which amount the department has paid, out of congressional appropriations, some $474,000, or less than 25 per cent.

The above expenditure does not include money spent by individual interests in locally protecting their property. It includes only those plans having approval of the department as fitting into or aiding the adopted scheme for making a navigable channel. Neither does it include the work done by the department in maintenance or in extension where no local interests were in any way to be benefited. Thus it can be seen that the amount of local funds contributed to the department over the past two-year period actually exceeds a total amount spent by the department out of the congressional allotment and should present very striking evidence that the people of the lower river valley are making a most substantial payment for the incidental benefits received.

We understand further that there are already organized, or in process of organization, many additional districts or associations which have made offers to contribute to the department for the special benefit to

their territories. In fact, we believe that an inspection of the records will show that the cooperative policy as adopted by the War Department for the lower Missouri River has already proven its value in hastening improvement of the channel for navigation in a most effective and economical manner.

FUTURE EXTENSION OF COOPERATIVE POLICY TO UPPER MISSOURI RIVER

We of the upper Missouri River know that the first step in the process of obtaining a through navigable waterway in the Missouri Valley lies in the early completion of the channel from Kansas City to the mouth, and we are not asking for any action which might hinder that work or cause the diversion of funds necessary for its speedy completion. We do, however, present for your consideration that thought, that, through the immediate adoption of an approved project for the upper Missouri River and the assurance of acceptance in the near future by the Federal Government of contributed funds, the people could take advantage of the interim to prepare the necessary organizations through which the cooperation would be forthcoming at the time the Government is in shape to proceed with the improvement on the upper river.

There have already been organized on the upper river from Kansas City to Yankton, S. Dak., 19 districts, which have spent $942,000 in stabilizing the banks of the river without any Federal aid. The river towns, railroads, and bridges have also constructed bank-stabilization work at a considerable cost, the exact figures on which are difficult to estimate. The War Department has also from time to time spent various small sums in stabilization. Most of this work, due to the fact that no project has existed for this stretch of river and hence no available funds, has been largely of a local nature, and little of it has had proper maintenance. However, there still exists a large part of the work which, with a little Federal aid, through the extension of the cooperative policy now in force on the lower river, could be made a part of the general improvement plan which the department may adopt.

PROCEDURE AND POSSIBILITIES FOR COOPERATION ON UPPER RIVER

In order to raise any appreciable amount for cooperation, it is necessary to organize special river-protection districts and to finance their contribution through the issuance of bonds. The legislatures of the States along the river have enacted laws authorizing such organizations. Due to the necessary legal steps, it will require some time to perfect such organizations. Hence the importance of obtaining immediate congressional approval of an adopted project so as to be ready for action simultaneously with the desire for action on the part of the engineers of the War Department in charge of the work.

Once a project for the upper river is approved we can begin our preliminary organization work, and we have every reason to believe a splendid showing can be made.

From a canvass of the potential cooperation which might be made available we have procured the following data:

From Kansas City to Omaha, Nebr., 266 river-miles; 284,000 acres, at an average tax of $10 per acre	$2,840,000
Special benefits to towns, bridges, highways, and railroads (estimated)	1,500,000
Total	4,340,000

In this stretch of river there are seven bridges and two new ones contemplated.

From Omaha, Nebr., to Sioux City, Iowa, 140 river-miles; 192,000 acres, at an average tax of $10 per acre	$1,920,000
Special benefits as above set forth (estimated)	1,000,000
Total	2,920,000

Four existing bridges and two contemplated.

From Sioux City, Iowa, to Yankton, S. Dak., 86 river-miles; 89,000 acres, at an average tax of $10 per acre	890,000
Special benefits as above set forth (estimated)	500,000
Total	1,390,000
Grand total	8,650,000

In the financing and building of the Panama Canal the Missouri Valley raised no question as to the especial benefit which the coast cities and territory would derive from that great venture. The valley was willing to pay its proportionate share, recognizing the general good which the entire Nation, of which it is a part, would receive. In this project the rest of the Nation must recognize the general good to accrue to it, especially in view of the fact that the valley is ready to assist in the project by paying, and paying most liberally, for the incidental and special benefits which its citizens receive.

CONCLUSION

Finally, as to other important phases which are pertinent to this inquiry, we quote from the masterful address by the Hon. Herbert Hoover, Secretary of Commerce, delivered at the Kansas City Navigation Conference, October 19, 1925.

AS ONE GREAT SYSTEM

"Most important of all, we must envisage our inland waterways as great unified transportation systems, not as isolated units. We must conceive and attack their construction as a connected whole, not as a collection of disconnected local river and lake improvement projects, as has been our habit in the past. Every great transportation system, whether rail, water, or highway, must consist of main trunk lines between great centers of population and industry, with collateral feeders of gathering and distribution service."

The Government has, by approval of the upper and lower Mississippi, the Ohio, and the Missouri River to Kansas City as navigation projects, recognized the economic necessity and economic justice of the Mississippi Valley system. The upper Missouri River is the greatest feeder of this system. Assuredly, therefore, it should at the earliest possible date be accepted as an approved project. The Middle West as a whole is handicapped by reason of the cheap water transportation given to the east, west, and Gulf coasts through the operation of the Panama Canal. If the upper Missouri River fails of recognition at this time as an integral part of the Mississippi system, this great area will sustain an added discrimination and injury.

AN ECONOMIC NECESSITY

Quoting further from the address of Secretary Hoover:

"Our agriculture and industries are based on higher standards of living than those of foreign competitors, and if we would maintain these standards we must secure the cheapest form of transportation of agricultural and industrial products both to domestic and world markets.

"Modern forms of development have made water carriage the cheapest of all transportation for many types of goods. Broadly, 1,000 bushels of wheat can be transported 1,000 miles on the sea for $20 to $30, by large lake steamers for $20 to $30, by our modern equipped Mississippi barge service for $60 to $70, and by the railroads for $150 to $200. These estimates are based not on hypothetical calculation but on the actual going freight rates."

And further—

FUTURE GROWTH OF TRAFFIC

"I have said that our great railway gateways and terminals already show signs of congestion from a traffic that has grown from 114,000,000,000 ton-miles to 338,000,000,000 ton-miles in the last 25 years. At one-half this rate of gain, in another quarter century we shall need to provide an expansion of facilities to handle at least 525,000,000,000 ton-miles. Our present railways will be wholly inadequate to meet that burden.

"The expansion of railway terminals to accommodate the growth of the next quarter of a century will be accomplished at enormously increased costs, due to the increase of land values in our cities.

"And the waterways, because they furnish continuous terminals spread along the whole waterfront of our towns, go far to solve the problem of increased terminals and crowded streets.

"Furthermore, if we would provide for the 40,000,000 of increased population that this quarter of a century will bring us, we either must build trunk lines of railway systems or we must improve our waterways to take part of the burden. I believe any study of the comparative capital outlay will show that to duplicate this waterway system by rails would probably cost three times as much as to complete the waterways, which will move the goods more cheaply.

"Nor is this in any wise a statement that our railways must not be under constant development, for they obviously reach scores of millions of people that are untouched by the waterways and perform many services that our waterways can not undertake. And their improvement can be accomplished only by safeguarding to them such earnings as will enable them to provide increasing facilities and increasing efficiency.

"In these many years past there has been an increasing battle between the proponents of rail and water borne traffic. No one can read the debates over the last half century without feeling that the dominant argument for improvement of our waterways has been to club the railways in the matter of rates.

"On the other side, no one can study the competitive tactics of the railways against the waterways without conviction that at times they throttled water transportation by reducing railway rates below what they themselves could in honesty maintain.

NO EXCUSE TO-DAY FOR RAIL AND WATER BATTLE

"Regardless of the merits or demerits of the contentions, there is to-day no excuse for continuing this battle between the railways and the waterways, for we face a period when both are needed. We have had great battles over joint rates, but if we have a real system of internal waterways this problem will settle itself, for the day will come when the railways themselves will be seeking them.

"Nor do we need to overstate the importance of water-borne facilities in relation to our other transportation systems—our railways and highways. Let us get into the proper setting. Taking the country as a whole, the railways and highways ever must bear the major burden of our internal traffic. And there are many classes of goods which will always go by rail parallel with the waterways. But equally wrong are those who do not accord internal waterways a great and increasing future in transportation.

"And here is an old saying that is true: New transportation facilities create business. Traffic breeds traffic. At one time in our history

we practically abandoned highways and waterways for railroads. The invention of the gasoline engine has restored our highways and multiplied their trade ten thousandfold. Yet the total value of passengers and goods on our railways has never been so great as now. Our railways would be unable to handle the country's transport to-day without the aid of the highways.

"In the same way, with greater depths and with the improvements in craft, it is possible to restore our waterways. Nor will this jeopardize the prosperity of our railways, as some predict."

Wherefore this association respectfully asks that, based on the facts adduced at the hearing and supplemented herein, a favorable report be made to Major General Taylor, Chief of Engineers, and to the United States Board of Engineers, recommending for immediate adoption as an approved river project that section of the Missouri River extending from Kansas City, Mo., to Yankton, S. Dak., and to such farther point on said upper river as by the War Department records and the facts submitted by this association is feasible and practicable.

Respectfully submitted.

A. J. WEAVER,
President Missouri River Navigation Association.

The statistics quoted herein are taken from reliable public records. The estimates in each case are conservative and reflect the best judgment of the committee, based on the statistical information submitted. The committee is prepared to verify any of these data, and will be glad to furnish such other information as is desired.

C. D. Sturtevant, chairman (southbound tonnage), president Trans-Mississippi Grain Co., Omaha, Nebr.; A. W. Donaldson (Yankton, S. Dak., statistics), Yankton, S. Dak.; R. A. Jacobson (Yankton, S. Dak., statistics), secretary Yankton Chamber of Commerce, Yankton, S. Dak.; Hon Stewart Gilman (Sioux City statistics), mayor Sioux City, Iowa; T. A. Black (Sioux City statistics), president Terminal Grain Corporation, Sioux City, Iowa; Harrison Kilborne (road improvement and river traffic), general secretary Sioux City Chamber of Commerce, Sioux City, Iowa; Ben Evans (Decatur & Burt Co., Nebraska statistics), Decatur, Nebr.; Edgar M. Hoar (Decatur & Burt Co., Nebraska statistics), secretary Chamber of Commerce, Decatur, Nebr.; C. E. Childe (northbound tonnage), manager Traffic Bureau, Omaha Chamber of Commerce, Omaha, Nebr.; Chas. Beno (Council Bluffs statistics), president the John Beno Co., Council Bluffs, Iowa; Hon. W. K. James (St. Joseph statistics), Hill Crest Farm, St. Joseph, Mo.; W. H. Fitzpatrick (St. Joseph statistics), manager Traffic Bureau, Chamber of Commerce, St. Joseph, Mo.; A. T. Willette (Atchison statistics), secretary Chamber of Commerce, Atchison, Kans.; J. C. Lysle (Leavenworth statistics), vice president J. C. Lysle Milling Co., Leavenworth, Kans.; F. W. Jensen (Leavenworth statistics), manager Chamber of Commerce, Leavenworth, Kans; Lee Metcalfe (reclamation and cooperation), reclamation expert, Kansas City, Mo.

THE HAUGEN BILL

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short editorial on the Haugen bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing a short editorial on the Haugen bill. Is there objection?

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I submit herewith an editorial appearing in the Fort Worth Star-Telegram, of date May 23, 1926:

THE HAUGEN BILL FAILS

The failure of the Haugen bill in the House serves notice to politico-agricultural economists that the country generally is not ready to permit harmful tampering with the economic system in the interests of a single group of farmers. That is what the Haugen bill amounted to.

Conceivably it might have resulted in benefit to the corn and wheat farmers of the Middle West. Their interests are theoretically protected by the tariff, and the purpose of the Haugen bill was to give this theoretical protection a status of actuality. But the cotton farmers of the South are not protected by a tariff, and neither are the cattlemen of the Southwest. Neither are the producers of various other crops other than those listed by the Haugen bill. In the House debate it became amply evident that the inclusion of cotton, hogs, and cattle in the list of commodities to which the Haugen bill would apply was simply a bid for votes for the bill, and it was also thoroughly demonstrated that this bid was on the basis of an entirely supposititious benefit in return.

The fact is that the Haugen bill would have done worse than nothing for the cotton farmers and the hog and cattle raisers. It would have brought them no benefit, because their products have no tariff joker that can be employed to raise prices. It would, however, have increased the price of the grain which they must buy for feed. The Haugen bill is well disposed of, and no farmer who has an understanding of the true nature of the farmers' problem will regret its timely demise.

We have had too much experience with political tampering with economic relations to expect any marked contribution to agricultural restoration from Congress. The farmer's trouble is one that requires expert diagnosis and scientific treatment. We shall get that when business and industry join hands with farm leadership to study the problem, which is of vital interest to all.

LEASING OF PUBLIC LANDS IN ALASKA FOR FUR FARMING

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to withdraw for the present H. R. 8048.

The SPEAKER. The gentleman from Oregon asks unanimous consent to withdraw for the present H. R. 8048. Is there objection?

There was no objection.

ROOSEVELT-SEQUOIA NATIONAL PARK

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up H. R. 9387, a bill to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 9387, which the Clerk will report.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. HASTINGS. Mr. Speaker, let me understand the parliamentary situation. If this unanimous consent is given, then the bill is read, and, as I understand, there is no time for debate except under the five-minute rule?

The SPEAKER. That is correct.

Mr. HASTINGS. Then, Mr. Speaker, I object, unless I am given some time upon an amendment I desire to offer.

Mr. SINNOTT. Mr. Speaker, I have no objection to giving the gentleman some time. How much time does the gentleman desire?

Mr. HASTINGS. I would like to have 15 minutes within my control.

Mr. SINNOTT. That is satisfactory to me.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill may be considered in the House as in Committee of the Whole?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. HASTINGS] may have 15 minutes in his control during the consideration of the bill, and that I may have 15 minutes in my control during the consideration of the bill.

The SPEAKER. The gentleman from Oregon asks unanimous consent that he may have 15 minutes within his control during the consideration of the bill, and that the gentleman from Oklahoma [Mr. HASTINGS] may have 15 minutes within his control during the consideration of the bill. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. BARBOUR].

Mr. BARBOUR. Mr. Speaker, this bill is one which has been before the Congress off and on for the last seven or eight years. It proposes to take certain lands from the forest reserves in the State of California and make them a part of the present Sequoia National Park. The present park has an area of 252 square miles. It is proposed by this bill to add to the present park a total of 368 square miles.

Mr. RANKIN. An increase of how much?

Mr. BARBOUR. It will eliminate, I will say to the gentleman from Mississippi, 16 square miles by making the boundaries of the park follow the natural divides, the hydrographic divides, rather than the survey lines, as it does at the present time. This will cut off a few little areas here and there of the present tract that are not particularly park territory. After eliminating this 16 square miles and adding the 368 square miles which this bill proposes to add, the total area of the park

will be 604 square miles. It will more than double the area of the present park.

As I have said, this land which it is proposed to add to the park is all owned by the Government at this time. It is all forest-reserve territory. This bill will not cost the Government a single dollar in the acquisition of new lands if it is passed. There are, however, in this proposed new area certain tracts of land which are privately owned. Some of these tracts have already been acquired by persons who are interested in the passage of this bill, and they have been conveyed to trustees with directions to the trustees that upon the passage of the bill these private areas shall be conveyed to the United States Government.

Mr. RANKIN. How much will this increase the cost of maintenance per year?

Mr. BARBOUR. It will possibly increase it to this extent: It may be necessary, and probably will be necessary, to have a few extra rangers to cover this additional territory, but there will not be required so many forest rangers, and as I understand, the cost of the additional park rangers will be offset by the fewer forest rangers that are needed, because the territory is now under the jurisdiction of the Forest Service.

Mr. RANKIN. How about roads and driveways through it?

Mr. BARBOUR. I will say to the gentleman it is proposed to make this a trail park and keep it a trail park. It is now a trail park. The roads now leading into the park go into the Giant Forest of the present park. This territory which it is proposed to add is in the high mountains further up and further back, and there are no roads contemplated into this new area at this time. It may be in the future that some of the trails leading to Mount Whitney and some of the other points will be improved, and possibly made more available to tourist travel. This will come under the general park appropriations which are handled each year by the Committee on Appropriations. It is not anticipated there will be any material increase in the cost of administering this territory because of this addition to Sequoia National Park.

Mr. RATHBONE. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RATHBONE. Can the gentleman tell us what proportion of the total growth of sequoia trees will be included in this new proposed park and how much will be outside of it?

Mr. BARBOUR. I can not state to the gentleman how much of the total. I will say that none of the sequoias in the present park will be eliminated because of these changes in the boundaries of the present park, unless there may be a few trees along the southern boundaries, and according to my recollection I do not think that any of those will be eliminated. I was through that territory not long ago when it was proposed in a former bill to eliminate three southern townships of the present park, and the result of our trip through there was that the bill was changed, retaining those three southern townships because of the magnificent growth of sequoias. Some of the sequoias are in private ownership, but what proportion those in private ownership are of the whole, I can not say.

Mr. RATHBONE. What I am particularly interested in is the preservation of the sequoias.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SINNOTT. Mr. Speaker, I yield the gentleman from California three additional minutes.

Mr. RATHBONE. I am particularly interested in knowing what effect, if any, this will have upon the preservation of the sequoia trees, which, I understand, are being cut in various parts of the State. Will this increase in the area of the park have a tendency to preserve them?

Mr. BARBOUR. I think the gentleman refers particularly to the redwoods in northern California that are being cut. This will have a tendency toward the preservation of the sequoia gigantea, which is the tree growing in the present Sequoia Park.

Mr. ABERNETHY. I notice in section 7 of the bill that this is in honor of President Roosevelt, and you have changed it to the Roosevelt-Sequoia Park. As I understand, Sequoyah was a great Indian chief. Why not amend the bill so as to honor the Indian chief as well as the President of the United States?

Mr. BARBOUR. The name of Sequoia is retained in the bill.

Mr. ABERNETHY. The park was originally Sequoia Park, and you change it and make it a dual name, but only in honor of one. Why not in honor of both?

Mr. FREE. The name Sequoia is the name of a tree.

Mr. ABERNETHY. It is also the name of a great Indian chief. I understand the opposition on this side is to the change of the name because it is the only national park that is named for an Indian. I make the suggestion in the interest of a compromise.

Mr. FREE. The park is not named after the Indian chief; it was named after the trees.

Mr. CARTER of Oklahoma. But the trees were named after the Indian chief.

Mr. BURTNESS. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. BURTNESS. Can the gentleman tell us whether there is any special reason why this park in California should be picked out as a park to be used as a vehicle to honor the memory of President Roosevelt rather than a park in some other State where the President lived or where there is a real sentimental reason for it?

Mr. BARBOUR. Let me say that a few years ago there was a proposal to name it "the Roosevelt National Park." The proposal now is to name it "the Roosevelt-Sequoia Park," and it originated with certain organizations in the eastern part of the United States. It came originally from the Boone and Crocket Club, an outdoor organization that had its headquarters in New York. They suggested that this park should be named "the Roosevelt National Park," and a bill was introduced in Congress proposing to change the name to "the Roosevelt National Park." There were objections made on the part of some admirers of the Indian chief, Sequoyah. I understood and have reason to understand that we arrived at a complete and thorough understanding that the name "Roosevelt-Sequoia National Park" would be satisfactory to all the parties interested and there would be no objection to it.

Mr. ABERNETHY. I am making the suggestion in the interest of harmony. There are men on this side who want to strike out the name Roosevelt. I would not be in favor of that. I think Roosevelt was one of the greatest men this country ever produced, notwithstanding the fact that he and I were not of the same political faith. But here is the situation that confronts me as a member of the committee. Here is a park named after a great Indian chief. Now, you are changing it.

Mr. FREE. I want to say again that this park was not named after the Indian chief but after the trees in it. The trees are spelled s-e-q-u-o-i-a and the name of the Indian chief is S-e-q-u-o-y-a-h.

Mr. ABERNETHY. It seems to me that we can get at it in this way. In line 7 add the words "also in honor of Sequoyah the great Indian chief." It seems to me that there should be no objection to that.

Mr. BARBOUR. And not change the name of the park but leave it the Roosevelt-Sequoia National Park?

Mr. ABERNETHY. And not change the name of the park at all.

Mr. BARBOUR. I have no objection to that. I will state further that this area which it is proposed to add takes in what is conceded to be some of the finest and grandest scenery in the western country. It takes in Mount Whitney, the highest point in the continental United States. This bill has the indorsement of the Secretary of the Interior and the Secretary of Agriculture. I am willing to accept the suggestion of the gentleman from North Carolina, but I do not want an amendment striking out the name of Roosevelt, for people in all parts of the United States have approved this means of honoring the memory of Theodore Roosevelt, and I do not wish to assume the responsibility of agreeing to an amendment that would strike out that name from this bill. I have no objection to the amendment proposed by the gentleman from North Carolina [Mr. ABERNETHY].

Mr. RATHBONE. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. RATHBONE. Is it not very appropriate to have the name "Roosevelt" connected with the park? Is it not a fact that it was under Theodore Roosevelt that the national policy of conservation really began and the earnest work was started along those lines? Does not that make it peculiarly appropriate in this instance to have his name affixed to this park?

Mr. BARBOUR. I think it does; and so far as detracting from the memory of the great Indian chieftain Sequoyah, I think it is a distinct honor to the chieftain to have his name linked with that of Theodore Roosevelt in the naming of the park.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BURTNESS. Does the gentleman agree with or disagree with his colleague [Mr. FREE], who claims that this park is not named at the present time in honor of the Indian chieftain but of the tree?

Mr. BARBOUR. Strictly speaking, the park is not. The tree was named after the Indian chieftain for no particular reason. The botanist who gave the tree the scientific name, as

I understand the story, was a great admirer of the Indian chieftain Sequoyah, and he called this California big tree sequoia gigantea, the sequoia part of it having no particular application at all. The name was applied to the tree because the man who named it was an admirer of this chieftain.

The SPEAKER. The time of the gentleman from California has expired.

Mr. HASTINGS. Mr. Speaker, I offer the following amendment, which I send to the desk. Has the first section of the bill been read for amendment?

The SPEAKER. The entire bill has been read.

Mr. HASTINGS. And is now open for amendment?

The SPEAKER. It is. There are one or two committee amendments that should be disposed of first. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 1, line 4, after the word "follows," strike out the remainder of line 4 and all of lines 5, 6, and 7, and change the comma and insert a semicolon.

Mr. HASTINGS. Mr. Speaker, the amendment which I offer will not change the text of the bill in any respect. It merely retains the name of Sequoia. It eliminates from the bill the hyphenated name Roosevelt-Sequoia and retains the present name of Sequoia. I trust I may have your attention for a moment while this amendment is under consideration, so that I may tell you a little about who Sequoyah was and about how much this means to the Indians of this country, and how much it means to the State of Oklahoma.

Sequoyah was born about the year 1770. That was prior to the Revolutionary War. He was born down there in the red hills of Georgia, before we had any Government, born in a tent of a full-blooded Cherokee Indian woman. He did not know how to read or write the English language. Under those circumstances this Indian grew up to young manhood. He saw letters passing back and forth between white people of the country. He called them "talking leaves" and he challenged his neighbors and acquaintances that he could do the same thing for the Indians of the country. He set to work to invent an alphabet so that the Indians could communicate one with the other and learn to read and write. He invented the most complete alphabet that is known to history to-day.

It has 86 characters. You can not misspell in the Cherokee language, because it has one character for every syllable. You have one character following after another forming a word. It can be read at sight as soon as you know the characters, and it can be pronounced as soon as you know the alphabet. You can not possibly misspell if you pronounce correctly. It is the most complete alphabet ever invented. By reason of this alphabet a newspaper was established. The Indians communicated with each other. Proclamations from Washington concerning their affairs and public documents and matters of general importance were brought to the attention of the Indians. The New Testament and parts of the Old Testament, hymn books, and various kinds of tracts were published. It had a splendid influence on the Indians, and as a result Sequoyah's tribe, the Cherokee, advanced rapidly and became one of the Five Civilized Tribes of this country. At one time the Indians, by virtue of a roving possessory right, occupied this entire country from ocean to ocean and from the Lakes to the Gulf. They have receded before the advancing waves of civilization. They have yielded everything for civilization. Here is one of the greatest of all of the Indians, whose name is perpetuated by one of these parks being named for him. It is argued that his name was first given to the tall trees. That is true, but authentic history records that these tall trees out in California were named for Sequoyah, and the park was named for the trees, so that the park after all was named for Sequoyah.

When of about middle age Sequoyah moved from his old home in Georgia and went west to what first was the Indian Territory and later a part of the splendid State of Oklahoma.

In 1828 he visited Washington. His genius was recognized. Resolutions were passed in his honor. He was presented with a medal. He was granted a civil pension by his own tribe. A county in my district and State bears his name. When the people of eastern Oklahoma, which was then Indian Territory, first started to form a State, instead of naming the State Oklahoma they gave it the name of Sequoyah in honor of this great Indian and his achievement. Soon after Oklahoma was admitted to the Union in 1907 the legislature of the State passed an act to have his statue placed in Statuary Hall as one of the two distinguished men from my State. I submit no good reason has been shown why this amendment should not be adopted, or why the name of this park should be changed. I have taken occasion heretofore to fittingly express my appreciation of ex-President Theodore Roosevelt, and if this park were named for Colonel Roosevelt I would not be here now advocating the change to Sequoyah. That park is now named Sequoia. I oppose, in behalf of the people of Oklahoma, in behalf of the Indians of the nation of which Sequoyah was easily the foremost in this country, the change of this name. I appeal in all seriousness and in all earnestness to the House, and I sincerely trust that this House will not take from the name of this park the name of this splendid American, the Cadmus of his race.

Mr. JOHNSON of Texas. Would it not be proper to name this park for both of these men, one of them a great Indian and the other a good scout?

Mr. HASTINGS. Mr. Roosevelt has a great many counties and a great many towns and many cities named for him, and I am sure that if ex-President Roosevelt were living and here to-day he would not approve of this hyphenated name being applied to this park. I present this amendment and hope that it may be adopted.

Mr. HUDSPETH. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. HUDSPETH. How long has this name been in existence, Sequoia?

Mr. HASTINGS. Ever since the park was established.

Mr. HUDSPETH. How long has that been?

Mr. HASTINGS. I do not recall just now. For many years.

Mr. WELLER. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. WELLER. I would like to know if the gentleman presented this same argument before the committee which had this matter in charge?

Mr. HASTINGS. I did not know that the bill had been introduced or was pending before the committee until I found it on the calendar.

Mr. WELLER. I have listened with a great deal of attention and with a great deal of respect to the gentleman's statement about Sequoyah. It has been very enlightening, I assure the gentleman, but it does seem to me a matter of this kind, where the gentleman is so much interested in it as he is, and a distinguished ex-President's name is to be coupled in the name of this park, that the matter should not have been presented to the committee in the first instance.

Mr. HASTINGS. The gentleman is aware there have been some 12,000 bills introduced in this Congress. Let me repeat that I did not know that such a bill was pending before the committee. It was stated when I objected to this bill some two weeks ago that I had agreed to this change. A letter was referred to which I wrote in 1920, six years ago, in which I agreed to the change.

But that, as I recall it, was when they were trying to change the name entirely to Roosevelt Park. The bill so provided then as I remember it—I may be mistaken about it; that was six years ago—the bill, as I now remember, was to cut out "Sequoia" and put in "Roosevelt," and the compromise referred to was to retain the name "Sequoia."

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. BARBOUR. And this bill was introduced in accordance with that compromise, with the understanding that that agreement was still in effect.

Mr. HASTINGS. Well, I will say to the gentleman from California that I did not know anything about this bill until after it was introduced.

Mr. BARBOUR. It is not customary for the chairman or members of a committee to go around and notify every Member of the introduction of a bill.

Mr. HASTINGS. Any agreement I made was in connection with the bill six years ago, and not to this bill.

Mr. BARBOUR. That bill was in the identical language of this bill.

Mr. HASTINGS. What I said on agreement about a bill was about the bill that was introduced some six years ago, and not about this bill. I repeat, I did not know that this bill was introduced until after I found it reported and on the Union Calendar. As I recall it, the bill that was considered six years ago was a bill to take away the name "Sequoia" and substitute the name of "Roosevelt" entirely, and the agreement then was to retain the two.

Mr. BARBOUR. In introducing this bill we agreed upon the name "Roosevelt-Sequoia" in accordance with that agreement.

Mr. HASTINGS. What I am afraid of is that this is only the first step in changing the name of this park and that in another year or two the name "Sequoia" will be dropped. It will be much easier to drop the name of "Sequoia" than to change it. What we fear is that in a short time "Sequoia" will be eliminated and "Roosevelt" left as the one name. Why insert the name "Roosevelt" here at all?

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SUMMERS of Washington. If the area of the Sequoia Park is left and the name "Sequoia" is left and additional lands are added and the additional name is added, it does not seem to me that there can be any valid objection to it. For one I want to say that I shall be very glad at any time to fight any attempt to drop the name of "Sequoia."

Mr. HASTINGS. Why does not the gentleman from Washington and the gentleman from California move to change the name of some other park to "Roosevelt," as, for example, Mount Rainier Park? You do not need to change the name because you add a little additional territory to it.

Mr. SUMMERS of Washington. This is a large area, the gentleman should understand.

Mr. HASTINGS. It may be a large area. But no good reason can be assigned why a hyphenated name, as the name "Roosevelt-Sequoia," be given to this park, so as to entirely overshadow the greatest Indian name of all time.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. LaGUARDIA. I am a member of the committee that framed this bill. I considered this bill simply in the light of an enlargement of territory. The question of the change of name did not come up.

Mr. HASTINGS. It was not emphasized?

Mr. LaGUARDIA. No; it was not emphasized at all. I do not think anybody in this House admires the career of President Roosevelt more than I do, and I agree with the gentleman from Oklahoma that the name of this park should not be hyphenated.

Mr. HASTINGS. On July 6, 1917, the statue of Sequoyah was unveiled in Statuary Hall and speeches were made by Speaker Clark, the Commissioner of Indian Affairs, and all of the Members of the Oklahoma delegation, inviting attention to the details of the life of this great Indian and the splendid services which he rendered not only to his tribe but to mankind.

A man of great native intellect and splendid courage, he contributed to the advancement and civilization not only the Indians of his own tribe but through them the Indians of the surrounding tribes and nations.

He hoped to find a universal language by means of which all tribes of Indians in North America might communicate with each other.

In the early forties, during a visit with other tribes to the far Southwest to become acquainted with their customs and usages he was seized with a fever and somewhere near the sweep of the great Colorado River and near this park which bears his name, in an unknown cave, this Indian philosopher and teacher, inventor, genius, and dreamer, fell asleep. How fitting that this park should be named for this lover of the forest and the great outdoors, and the foremost Indian not only of his race but of all Indian tribes. He was not only a great Indian and a splendid American, but when we take into consideration the circumstances of his birth, the meager advantages he had, his achievement has not been excelled by any nationality.

Mr. SINNOTT. Mr. Speaker, I have a perfecting amendment which I wish to offer.

Mr. HOWARD. Mr. Speaker, I would like to speak with reference to this pending amendment.

The SPEAKER. The gentleman from Oregon is a member of the committee. He will be heard first.

Mr. SINNOTT. Mr. Speaker, I move on line 7, page 1, to strike out the colon and insert a comma, and insert the following: "and in honor of the Indian chief Sequoyah."

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CARTER of Oklahoma. Would the gentleman from Oregon object to changing his amendment and adding "and in honor of the Indian chieftain Sequoyah, inventor of the Cherokee Indian alphabet"?

Mr. ABERNETHY. Mr. Speaker, I will withdraw my amendment if that is put in.

Mr. SINNOTT. That will be satisfactory to me.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 1, line 7, strike out the colon after the word "States," insert a comma and add the following: "and in honor of the Indian chieftain Sequoyah, inventor of the Cherokee Indian alphabet."

Mr. BURTNESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Oregon yield to the gentleman from North Dakota for the purpose of making a parliamentary inquiry?

Mr. SINNOTT. I yield.

Mr. BURTNESS. My question was simply this: I take it that the amendment offered by the chairman of the committee is simply a perfecting amendment to the language and its adoption would not in any way eliminate the amendment that has been offered by the gentleman from Oklahoma.

The SPEAKER. Not at all. It would simply have precedence in time of voting; that is all.

Mr. ABERNETHY. Will the gentleman from Oregon yield me a few minutes on this amendment?

Mr. SINNOTT. I shall just as soon as I have stated the reasons for the amendment. Mr. Speaker, there is no desire on the part of anyone to detract one iota from the great name of Sequoyah. Sequoyah was a great Indian; he was a great man, and he had a great intellect. It seems to me that we add to his honor by linking his name with that of another great American, Theodore Roosevelt. [Applause.] A great American; a great man and a great intellect. The present park, which has the name of Sequoia, has some 250 square miles in area; we are increasing the park by adding thereto an additional 352 square miles. It seems to me that with this great addition to the park it is very proper that we couple the names of these two great Americans. [Applause.] That is the reason why I have offered this amendment.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. SINNOTT. Certainly.

Mr. CARTER of Oklahoma. Let me ask the gentleman about the suggestion made by the gentleman from Oklahoma [Mr. HASTINGS] to the effect that he feared this was the first step toward striking the name of Sequoia from the park completely. Does the gentleman know of any intention on the part of anyone connected with the parks or with Congress to do that?

Mr. SINNOTT. No; I do not, and this is the first step that I know to give legislative recognition to the great name and fame of the Indian chieftain Sequoyah.

Mr. CARTER of Oklahoma. May we have the gentleman's word that it would be his policy to prevent that thing being done?

Mr. SINNOTT. It will be my object to try to remain in Congress for the next 50 years for that one purpose. [Laughter and applause.]

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, I differed greatly in politics from President Roosevelt, but irrespective of that we all recognized him as one of the great outstanding Americans of history. I take it that linking these two names together is a great honor to both of these two distinguished Americans. [Applause.] I am proud to be an humble instrument in giving due recognition to this great Indian chief. I would not have supported this bill if the gentleman from California had not agreed to the amendment, because I feel that we have not honored the Indian race as much as we should in America.

I think we ought to adopt the amendment of the chairman of the committee. I do not think it would be fair nor do I think it would be proper to strike out the name of Roosevelt. I think we ought to adopt this amendment, and I think the gentleman from Oklahoma [Mr. HASTINGS] should feel proud of the fact that he is coupling up this great Indian chief with a President of the United States, not an ordinary citizen, but a man who is an outstanding American, a man who did as much as any other man to make America for Americans, regardless of his politics. [Applause.] I hope the House will adopt the amendment offered by the chairman of the committee.

Mr. CONNALLY of Texas. Mr. Speaker, I move to strike out the last three words. I have no personal interest in this bill and did not know it was pending until a few minutes ago. I hope the committee will adopt the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS]. I speak to-day as an admirer of Theodore Roosevelt. Theodore Roosevelt's greatness, gentlemen, is not dependent upon having a park named for him, nor upon sharing with Sequoyah such an honor. A man who was world-wide in his fame, a man who was one of the most vivid and virile characters in all of the public life and public history of this Republic can have nothing added to his greatness by splitting up the honor of naming this park and calling it the Roosevelt-Sequoia Park. It is now the Sequoia Park; why change it? You decrease the honor both to

Roosevelt and to Sequoyah when you hyphenate it and make the park a monument to two men instead of to either.

I understand there are other bills pending seeking to honor the name of Roosevelt by connecting his name with some other great park, and I hope that bill will be adopted. I should not oppose such a monument to Theodore Roosevelt, but his greatness is not dependent, gentlemen, upon the erection of marble monuments or the naming of parks. His monument will live in the history of America when marble monuments are dust.

I remember Theodore Roosevelt, not as President—I never knew him as President—I remember him as I first saw him when he was a Rough Rider in 1898 at San Antonio, Tex. I saw him ride into the city from his camp, booted and spurred, on his charger, with his hat at a rakish angle, the very incarnation of the dashing horseman and picturesque leader.

This great Indian Sequoyah—his tribe is fast passing away; I remember now a striking picture entitled "The End of the Trail." It is that of a poor Indian on his pony, driven to the very edge of a yawning precipice. His pony's feet are set in the sod and his poor, bent figure is one of tragedy and of pathos that arouses the sympathy of any man who looks upon it—"the end of the trail" for the poor Indian.

Let this monument to Sequoyah, a great Indian character, remain. Let this park be linked with the name of a great Indian. Here are the hills that the Indian knew. Yonder are the valleys through which he hunted. Here are the sequoia trees that grow in the park that bear the same name as Sequoyah, in whose honor the park is named. Why not leave this place of nature that brings back the memory of the wild days of the Indian—why not let it stand there as a monument to the Indian? Why split it up and call it the Sequoia-Roosevelt Park?

I shall vote for any other park in honor of the name of Roosevelt, but do not destroy the honor to both of them by linking up the name of this park in hyphenated fashion. Roosevelt needs no poor tribute like this to add to his fame, but it will be a magnificent tribute by this Congress to the poor Indian whose tribe is disappearing, whose tribe now stands on the precipice at "the end of the trail." Let him have this refuge out there amidst the mountains and the valleys and the streams and the wild game that the Indian knew. His spirit is there. Why not let his name remain there? I do not believe, if Roosevelt could look back from that land in which his spirit now dwells, he would begrudge the act of this Congress in leaving this the Sequoia National Park.

Mr. WEFALD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WEFALD. The gentleman will remember that President Roosevelt never liked the hyphen.

Mr. CONNALLY of Texas. I agree with the gentleman. President Roosevelt was one of the bitterest opponents of the hyphenated American.

Mr. COOPER of Wisconsin. Mr. Speaker, I did not know that the bill before us was to be up for consideration. My attention had not been called to it until I came into the House a few moments ago.

Unlike the distinguished gentleman from Texas [Mr. CONNALLY], who has just taken his seat, it was my privilege to be intimately acquainted with Theodore Roosevelt. On more than one occasion I was honored, if I may be permitted to say it, with his confidence. On more than one occasion I was called to the White House; and sometimes, with other gentlemen of the House and Members of the Senate, I sat until late into the night with that remarkable man; and I would say to the gentleman from Texas that only those persons so fortunate as to have seen Theodore Roosevelt in consultation at such a time on a subject that he deemed of vital importance to the Nation—aroused as I have seen him aroused—can have any real conception of his power and literally amazing mentality.

The gentleman from Texas says that Theodore Roosevelt needs no monument of bronze or stone. That is true. Roosevelt is immortal, the gentleman says, in the hearts of his countrymen. That also is true; but the observation would apply equally well to two others of America's immortals, and yet we have the lofty shaft to George Washington and the beautiful memorial to Abraham Lincoln.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. CONNALLY of Texas. Would the gentleman advocate changing the name of the Washington Monument and having it a monument to George Washington and Chief Pushmataha or to George Washington and Abraham Lincoln?

Mr. COOPER of Wisconsin. In reply to the question of the gentleman from Texas, I will employ the language that Leonard Swett used when a lawyer arose in court and propounded a similar inquiry. Twirling his eyeglasses, Swett said, "While the question of the distinguished gentleman is doubtless very interesting, it is, unfortunately, not at all germane."

Without memorials of any kind, the fame of Washington and of Lincoln would be secure in the hearts of their countrymen, yet Congress in its wisdom has erected magnificent monuments to their memory. And you remember the words carved in the wall of the temple above the marble statue of Lincoln:

> In this temple, as in the hearts of his countrymen, for whom he saved the Union, the memory of Abraham Lincoln is enshrined forever.

Mr. Speaker, it occurs to me that there are especial reasons why Oklahoma and all the great West should remember with gratitude the work of Theodore Roosevelt. Presidents before him had been petitioned to urge Congress to legislate so as to bring about the reclamation of the great arid regions of the West. But no President gave heed to these requests. Almost the first thing that Theodore Roosevelt did when he became President was to send his famous message urging reclamation. And not long after that he was equally forceful and successful in demanding conservation.

Has Oklahoma—has the great territory beyond the Mississippi—occasion to feel more grateful to any man than it should be to Theodore Roosevelt for his splendid work as the pioneer in securing the establishment of the great policies of reclamation and conservation?

These are the things—the reclamation and the conservation policies—which ought to bring him the lasting gratitude of every person who resides beyond the Mississippi River. Sequoyah was a great Indian. Theodore Roosevelt was from his early manhood a student of the Indians, a man who knew all about them, who loved them and honored them, honored their traditions. This uniting of the name of the father of the two great western policies of reclamation and conservation with the name of the great Indian is most appropriate.

The park was called Sequoia; now it is proposed to more than double its area and to call it Roosevelt-Sequoia. The two names will live together and be held in honored remembrance by their countrymen until time shall be no more.

I can think of nothing more appropriate, nothing, Mr. Speaker, more beautiful, than this recognition by the American Congress of these two great Americans in this noble way. [Applause.]

Mr. BURTNESS. Mr. Speaker and gentlemen of the House, I yield to no one in my admiration for the man and in my veneration for the name of the lamented Col. Theodore Roosevelt. It is with some hesitation, therefore, that I rise to support the amendment of the gentleman from Oklahoma. I believe that if you will listen to my reasons you will not only sympathize with me in my purpose but, I trust, commend me therefor.

All of you familiar with the life and history of Theodore Roosevelt know that as a young man, none too healthy, not very virile, not very strong, he went out into the West to regain his health and build up his physique. Those of you who read last year as they were published the interesting letters between Colonel Roosevelt and Senator Lodge know something about what the western country, what the Dakotas, meant to Theodore Roosevelt.

There is now pending in this Congress a bill which would establish in North Dakota what is sometimes called the Roosevelt Memorial Park and sometimes the Roosevelt Badlands Park. We are intending to get established there a national park, a national shrine, in honor of the memory of Roosevelt, composed of that territory which he learned to love, a stretch of land including the ranches where he lived, including the creeks and the hills and the buttes, with all the strange and weird scenery and wonderful coloring that is found in the so-called badlands, and including those petrified forests, which are the greatest and most extensive, I believe, of the petrified forests found anywhere on the face of the earth. We are intensely in earnest in this purpose.

If the news goes out from this Chamber that some other national park has had its name changed, has been given a double-jointed name, linking the name of Roosevelt with the name of the Indian chieftain Sequoyah, our people out there in the West, those old ranchers who are still alive, who lived with Roosevelt, who loved him and revere his memory, will regret it indeed, for they are also very earnest in having that part of the country known forever as the Roosevelt Badlands Park. They desire it to become truly a national shrine. I have so much admiration for both Sequoyah and for Roosevelt

that I believe each is big enough and each has rendered such auspicious services to America as to have a park named in his individual honor.

If Colonel Roosevelt had been asked before his death whether when the time should come for this country to name a park in honor of his memory, whether he would prefer the selection of an existing park in California which he had perhaps visited a few times and connect his name therewith as a part of a hyphenated name connected with that of a great Indian chief or would prefer to have a park established in the great Northwest where he regained his health and where he himself testified that it was his living out there in the open, his riding and hunting among the hills, his vigorous outdoor life which made it possible for him to lead the strenuous life he thereafter led, I believe he would unquestionably have indicated his preference for the latter. The badlands park in North Dakota should be promptly established and dedicated to his honor. Let us not prejudice the proposal by changing the name of a park with an otherwise perfectly good and appropriate name to Roosevelt-Sequoia. Let us wait till we pass favorable legislation for the Roosevelt Badlands Park.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. HOWARD. Mr. Speaker and gentlemen, I presume that none of us will vote against this bill for the reason that it shall contain the name of the wonderful Roosevelt, but I do hope the House will be kind enough, and the author of the bill generous enough, to grant the request and accept the amendment of the gentleman from Oklahoma and let the name of that wonderful Cherokee chief be retained as the name of the park as a memorial to him forever, and to his memory alone. Those of you who have not been privileged to be in near touch with the Indians do not understand. What have we done for them in the way of perpetuating the memory of the remarkable ones among them? Very little. They are disappearing very rapidly. Most of the tribes are gone. The Cherokees have almost disappeared. The memory of the wonderful Sequoyah still lives, and oh, Mr. Speaker, let us keep his name as a memorial in this park to the end that perhaps the constant repetition of it throughout the years may bring to the American people, and particularly to the Christian people, a desire to do just a little higher grade of justice than we have heretofore done to a people now driven by our crushing civilization to the very door of racial death.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question first comes upon the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Oklahoma.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Does the adoption of the amendment of the gentleman from Oregon in any way conflict with the amendment of the gentleman from Oklahoma?

The SPEAKER. If the amendment of the gentleman from Oklahoma be adopted, it will strike out the language of the amendment of the gentleman from Oregon, together with the rest of the paragraph.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to have the language read as it will appear with my amendment.

The SPEAKER. The Clerk will read the language as it now stands, with the amendment of the gentleman from Oregon.

The Clerk read as follows:

Amendment by Mr. SINNOTT: Page 1, line 7, after the word "States," strike out the colon and insert a comma and add the following, "and in honor of the Indian chieftain Sequoyah, inventor of Cherokee alphabet," so that the amended paragraph will read:

"That the boundaries of the Sequoia National Park, Calif., are hereby changed, as follows, and that the park hereafter be designated the Roosevelt-Sequoia National Park, in honor of Theodore Roosevelt, late President of the United States, and in honor of the Indian chieftain Sequoyah, inventor of the Cherokee Indian alphabet."

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division there were—ayes 26, noes 37.

So the amendment was rejected.

Mr. HASTINGS. Mr. Speaker, I am going to ask unanimous consent to change the spelling so the name will be correctly spelled Sequoyah where it occurs twice in the amended section.

Mr. BARBOUR. Mr. Speaker, reserving the right to object, I think that will be a mistake, I will say to the gentleman from Oklahoma, because the name there is spelled Sequoia.

Mr. HASTINGS. That is the right way to spell it.

Mr. BARBOUR. It has been Sequoia and has been spelled that way for 50 years.

Mr. HASTINGS. The other is the correct way.

Mr. BARBOUR. It will confuse things interminably. In the amendment adopted the name will be spelled correctly, and that will make it clear.

Mr. HASTINGS. Both should be spelled the same.

Mr. SWING. Then you get back to the question of changing the name of the trees.

Mr. BARBOUR. Still reserving the right to object, in the present statute it is spelled "ia."

Mr. HASTINGS. But this will change the law, and I am not trying to change the law. I am trying to change the spelling. You are now stating in this section that you are naming this after the inventor of the Cherokee alphabet, Sequoyah. If you are, you can not find any reason for spelling it otherwise than the spelling used in the Cherokee country.

Mr. BARBOUR. The amendment offered by the gentleman from Oregon explains that. I do not know how the name came to be spelled differently but it has been recognized for years that way.

Mr. HASTINGS. Sequoyah lived in my district; there is a county there by his name, Sequoyah, and his name was spelled that way. The trees were first named sequoia and they were misspelled, and there is no reason why it should not be spelled correctly.

A MEMBER. The park was named after him and not the trees.

Mr. BARBOUR. Is it the gentleman's request that a change be made in the amendment offered——

Mr. HASTINGS. Both places.

Mr. FREE. Mr. Speaker, in order to settle this, I object.

Mr. HASTINGS. Mr. Speaker, I offer the amendment——

The SPEAKER. The previous question has been ordered on the amendment.

Mr. HASTINGS. Then, Mr. Speaker, we will not have a vote on this to-night.

Mr. CONNALLY of Texas. A motion to recommit will be in order.

The SPEAKER. A motion to recommit will be in order. The gentleman can offer a motion to recommit.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to correct one other, and that is the words "the Indian chieftain" should be out of the amendment. I want unanimous consent to strike that out. He was a great Indian and the inventor of the Cherokee alphabet. That will be historically correct.

Mr. TILSON. How is the name spelled on the monument out here?

Mr. HASTINGS. It is spelled "ya." It is not "ia."

Mr. TILSON. The letter "y."

Mr. HASTINGS. I think it is just "a." The "h" is there. It is not spelled as the name is spelled in this bill. Strike out the words "the Indian chief." Will the Clerk read the words, so that I can get them?

The SPEAKER. The Clerk will read the last two lines.

The Clerk read as follows:

And in honor of the Indian chieftain Sequoyah.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to eliminate the words "the Indian chieftain."

Mr. HASTINGS. Will that leave it "the inventor of the Cherokee alphabet"?

The SPEAKER. Yes.

Mr. HASTINGS. Will the author of the bill [Mr. BARBOUR] accept this amendment about the spelling?

Mr. BARBOUR. The name has been so long in every act affecting that park and in the act creating the park—"Sequoia"—that I can not consent.

Mr. HASTINGS. Then you will not pass this bill to-night.

Mr. BARBOUR. I can not accept the amendment. It will result in too much confusion.

The SPEAKER. The question is on the third reading of the bill.

The bill was read a third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. HASTINGS. Mr. Speaker, I want to make a motion to recommit, with a motion to strike out, using the language I offered.

The SPEAKER. The gentleman from Oklahoma moves to recommit the bill. The Clerk will report his motion.

The Clerk read as follows:

Mr. HASTINGS moves to recommit the bill to the Committee on Public Lands with instructions to that committee to report the same back forthwith with the following amendment: Page 1, line 4, after the word "follows," strike out the remainder of line 4, and lines 5, 6, and 7 and change the comma and insert a colon.

Mr. SINNOTT. Mr. Speaker, I make a point of order that that is not in order. The House has just rejected the amendment.

The SPEAKER. The Chair thinks that in view of the fact that the paragraph has been changed by unanimous consent the amendment would be in order only under those circumstances. The question is on the motion to recommit, offered by the gentleman from Oklahoma.

Mr. TILSON. May I inquire if it is the gentleman's intention to ask for a roll call on this?

Mr. HASTINGS. Yes; unless the change in spelling is made.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. TILSON. Mr. Speaker, I think the House should adjourn, and not attempt to pass the bill to-night.

LEAVE OF ABSENCE

Mr. GREENWOOD, by unanimous consent (at the request of Mr. GARDNER of Indiana), was granted leave of absence, for 10 days, on account of the death of his father.

ADJOURNMENT

The SPEAKER. The gentleman from Connecticut moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Thursday, May 27, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 27, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

SPECIAL JOINT COMMITTEE

(10.30, Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the national prohibition act, as amended and supplemented (H. R. 377).

To amend and strengthen the national prohibition act of November 23, 1921, supplemental thereto (H. R. 12215).

EXECUTIVE COMMUNICATIONS, ETC.

532. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, to enable the Chief Executive to carry into effect the "Joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian," approved February 21, 1924 (43 Stat. 15) (H. Doc. No. 400), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12168. A bill granting the consent of Congress to the Pittsburgh, Fort Wayne & Chicago Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Grand Calumet River; without amendment (Rept. No. 1307). Referred to the House Calendar.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. S. 2959. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington; without amendment (Rept. No. 1308). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. S. 3931. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio; without amendment (Rept. No. 1309). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city; without amendment (Rept. No. 1310). Referred to the House Calendar.

Mr. MORROW: Committee on the Public Lands. S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 12066. A bill to add certain public lands to the Washakie National Forest, Wyo.; with amendment (Rept. No. 1312). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1035. An act relating to contempts; with amendment (Rept. No. 1313). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 1727. An act for the relief of the Carib Steamship Co. (Inc.); with amendment (Rept. No. 1314). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 1690. A bill for the relief of Thomas P. McSherry; without amendment (Rept. No. 1315). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 10363. A bill to reinstate William R. Bleakney in West Point Military Academy; with amendment (Rept. No. 1316). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SUTHERLAND: A bill (H. R. 12442) to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts; to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 12443) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. HOLADAY: A bill (H. R. 12444) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. RAINEY: A bill (H. R. 12445) extending the jurisdiction of the Mississippi River Commission to the Illinois River; to the Committee on Flood Control.

By Mr. ARENTZ: A bill (H. R. 12446) to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada, and for other purposes; to the Committee on Indian Affairs.

By Mr. RANKIN: Joint resolution (H. J. Res. 266) providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes; to the Committee on the Library.

By Mr. SMITH: Concurrent resolution (H. Con. Res. 31) to provide for the printing of 10,000 additional copies of Senate Document 86, Sixty-second Congress, first session, entitled "Last Will and Testament of George Washington"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12447) granting an increase of pension to Ella V. Dell; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 12448) granting a pension to Elizabeth J. Heitzwebel; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12449) granting an increase of pension to Christine Forbach; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 12450) granting an increase of pension to Helen A. Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12451) granting an increase of pension to Elizabeth M. Hickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12452) granting an increase of pension to Elizabeth A. Snook; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12453) granting an increase of pension to Mary Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12454) granting an increase of pension to Eliza A. Kern; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 12455) granting a pension to Ellen P. Calder; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 12456) for the relief of Clara D. Miller; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 12457) granting an increase of pension to Wealthy Ann Linscott; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 12458) granting an increase of pension to Letitia Humphrey; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 12459) for the relief of Mabel Brown; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 12460) granting an increase of pension to Sarah Timerman; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12461) granting an increase of pension to Hannah Reighard; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 12462) granting an increase of pension to Mattie E. Price; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 12463) granting an increase of pension to Thaddeus M. Kelly; to the Committee on Pensions.

By Mr. WELLER: A bill (H. R. 12464) granting an increase of pension to Jacob Bruno; to the Committee on Pensions.

By Mr. WINTER: A bill (H. R. 12465) granting an increase of pension to Edith McElhaney; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 12466) for the relief of Alfred A. Winslow; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2293. By Mr. BARBOUR: Resolution adopted by the California Federation of Women's Clubs, urging rigid enforcement of the Volstead Act; to the Committee on the Judiciary.

2294. Also, resolution adopted by the California Federation of Women's Clubs, urging the continuation of Federal aid for highways; to the Committee on Appropriations.

2295. By Mr. DRANE: Petition from the Southern Hardware Jobbers' Association, in annual convention at Atlanta, Ga., protesting against the inheritance tax; to the Committee on Ways and Means.

2296. By Mr. LEAVITT: Petition of juniors and seniors of the Billings High School, Billings, Mont., favoring passage of the bill providing for election of the Governor of Porto Rico by the citizens of that Territory; to the Committee on Insular Affairs.

2297. By Mr. O'CONNELL of New York: Petition of the Parker, Stearns & Co., of Brooklyn, N. Y., favoring the passage of Senate bill 2929 and House bill 8708; to the Committee on Interstate and Foreign Commerce.

2298. By Mr. PATTERSON: Petition of citizens of Gloucester City, N. J., protesting against the enactment into law of House bills 10311, 10123, 7179, or 7822, or any other compulsory religious measure; to the Committee on the District of Columbia.

2299. By Mrs. ROGERS: Petition of George F. Fogg, 167 Oak Street, Wakefield, Mass., and other residents of Massachusetts urging consideration and passage of House bill 4023; to the Committee on Invalid Pensions.

2300. By Mr. THOMPSON: Petition of citizens of Delta, Ohio, protesting against the passage of any bills making compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

THURSDAY, *May 27, 1926*

(Legislative day of Wednesday, May 26, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 5385. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain;

H. R. 6982. An act to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes;

H. R. 8377. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes;

H. R. 10132. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks;

H. R. 12211. An act to amend section 4009 of the Revised Statutes; and

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President.

S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co., of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

S. 554. An act for the relief of Frank Grygla;

S. 588. An act for the relief of A. T. Whitworth;

S. 726. An act for the relief of Hilbert Edison and Ralph R. Walton;

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914;

S. 1223. An act for the relief of J. L. Flynn;

S. 1224. An act for the relief of John P. McLaughlin;

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Fidelity & Deposit Co. of Maryland;

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk;

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased;

S. 1792. An act for the relief of William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly, William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred Moody, deceased;

S. 1920. An act for the relief of the devisees of William Rusch, deceased;

S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.;

S. 2674. An act for the relief of Kate T. Riley;

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee;*

S. 3077. An act for the relief of John T. Wilson;

S. 3330. An act for the relief of Thomas G. Peyton;

S. 3555. An act for the relief of the Rochester Merchandise Co.;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased;

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased; and

S. 3997. An act to amend section 301 of the World War veterans' act, 1924.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Robinson, Ark.
Bayard	Fernald	Keyes	Sackett
Bingham	Fess	King	Schall
Blease	Frazier	La Follette	Sheppard
Borah	George	McKellar	Shipstead
Bratton	Gerry	McLean	Shortridge
Broussard	Gillett	McMaster	Simmons
Bruce	Glass	McNary	Smoot
Butler	Goff	Mayfield	Steck
Cameron	Gooding	Means	Stephens
Capper	Greene	Metcalf	Swanson
Caraway	Hale	Moses	Trammell
Couzens	Harreld	Norbeck	Tyson
Cummins	Harris	Norris	Underwood
Curtis	Heflin	Oddie	Wadsworth
Dale	Howell	Overman	Walsh
Deneen	Johnson	Phipps	Weller
Dill	Jones, N. Mex.	Pine	Wheeler
Edge	Jones, Wash.	Ransdell	Willis

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

ADJOURNMENT OVER MEMORIAL DAY

Mr. CURTIS. Mr. President, I would like to submit a unanimous-consent request so that if it is granted Senators may make the arrangements they desire for Decoration Day. I ask unanimous consent that when the Senate concludes its business on Saturday, May 29, it adjourn until 12 o'clock noon Tuesday, June 1.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TRANSFER OF EMPLOYEES OF ALIEN PROPERTY CUSTODIAN (S. DOC. NO. 119)

The VICE PRESIDENT laid before the Senate a communication from the Alien Property Custodian reporting, in response to Senate Resolution 229 (by Mr. NORRIS, agreed to May 24, 1926), relative to all persons paid by the Alien Property Custodian and detailed to other Government offices, etc., which, with the accompanying papers, was ordered to lie on the table and to be printed.

REPORTS OF COMMITTEES

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act, reported it without amendment and submitted a report (No. 947) thereon.

Mr. MEANS, from the Committee on Claims, to which was referred the bill (H. R. 1828) for the relief of J. M. Holladay, reported it without amendment and submitted a report (No. 948) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 7943) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Reserve, reported it without amendment and submitted a report (No. 949) thereon.

Mr. TYSON, from the Commitee on Claims, to which was referred the bill (S. 1424) for the relief of John G. Sessions, reported it with an amendment and submitted a report (No. 950) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 615) for the relief of John H. Barrett and Ada H. Barrett (Rept. No. 951);

A bill (H. R. 3691) for the relief of the estate of James H. Graham (Rept. No. 952);

A bill (H. R. 4117) for the relief of J. Walter Payne (Rept. No. 953); and

A bill (H. R. 4580) for the relief of the Moran Towing & Transportation Co. (Rept. No. 954).

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 3471) for the relief of Philip T. Coffey, reported it without amendment and submitted a report (No. 955) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7380) to amend section 5 of the act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, and section 12 of the act entitled "An act to provide for eliminating certain grade crossings, etc.," approved February 12, 1901, as amended (Rept. No. 956); and

A bill (H. R. 12172) permitting the Washington Market Co. to lay a conduit across Twelfth Street SW. (Rept. No. 957).

Mr. STEPHENS, from the Committee on Commerce, to which was referred the bill (S. 2164) to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River, reported it with amendments and submitted a report (No. 958) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 4356) to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of the Interior; to the Committee on Irrigation and Reclamation.

By Mr. SWANSON:

A bill (S. 4357) granting an increase of pension to Emma G. Creme (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 4358) for the relief of John Regan; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 4359) for the relief of Joseph Kahnheimer (with an accompanying paper); to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4360) to authorize the licensing of patents owned by the United States; to the Committee on Patents.

A bill (S. 4361) granting an increase of pension to Rebecca J. Deighton; to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4362) for the relief of Harry P. Hollidge; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4363) granting an increase of pension to Bessie L. Christie (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 4364) for the relief of James Clay Colson; to the Committee on Claims.

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 4365) granting a pension to Mary V. Maxwell; to the Committee on Pensions.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 5385. An act to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain; to the Committee on Public Lands and Surveys.

H. R. 6982. An act to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes;

H. R. 8377. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes;

H. R. 10132. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks;

H. R. 12211. An act to amend section 4009 of the Revised Statutes; and

H. R. 12369. An act to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended; to the Committee on Post Offices and Post Roads.

CORRECTION OF MILITARY RECORD OF GEORGE PATTERSON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1895) to correct the military record of George Patterson, deceased, which was to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, George Patterson, formerly a private of Company H, Eleventh Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of April, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. WADSWORTH. I move that the Senate concur in the House amendment.

The motion was agreed to.

AMENDMENT OF AGRICULTURAL CREDITS ACT

Mr. McLEAN. Mr. President, I ask unanimous consent that the bill (H. R. 9268) to amend the agricultural credits act of 1923 be substituted on the calendar for Order of Business 805, the bill (S. 4191) to amend the agricultural credits act of 1923. The House has already passed the bill, which is a copy of the Senate bill. I ask, therefore, to have the House bill substituted for the Senate bill on the calendar.

Mr. ROBINSON of Arkansas. I think perhaps the Senator stated the subject matter of the bill, but I could not hear him. What is the bill?

Mr. McLEAN. I am not asking that the bill be passed or acted upon at the present time. I merely want to have the bill which passed the House substituted on the calendar for the Senate bill. The House bill is a copy of the Senate bill.

Mr. ROBINSON of Arkansas. The identical Senate bill has been reported?

Mr. McLEAN. Yes. I make the request so that the House bill may be acted upon by the Senate when reached on the calendar.

The VICE PRESIDENT. Without objection, the substitution will be made.

Mr. McLEAN subsequently said: Mr. President, I am informed that the motion which I made earlier in to-day's session is not in order, in view of the fact that the House bill has not been reported from the Committee on Banking and Currency. I therefore ask that the order be rescinded and that Senate bill 4191, being Order of Business No. 805, be recommitted to the Committee on Banking and Currency.

The VICE PRESIDENT. Without objection, it is so ordered.

AID TO RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to take up House bill 9504, the good roads bill.

The VICE PRESIDENT. Is there objection?

Mr. NORBECK. Mr. President, I am sorry, but I shall have to start objecting somewhere along the line. I dislike to object to the consideration of a measure in which I am so intensely interested as I am in the good roads bill, but I shall have to object.

The VICE PRESIDENT. Objection is made.

PERSONAL EXPLANATION—AUBREY BOYLES

Mr. HEFLIN. Mr. President, my attention has been called to a statement made a day or two ago in Alabama by Mr. Boyles, the former district attorney of the Mobile district. Senators will recall that a few days ago this man's appointment to succeed himself in that office was rejected by the Senate.

Mr. CURTIS. Mr. President, may I interrupt the Senator a moment?

Mr. HEFLIN. Certainly.

Mr. CURTIS. Is not this a matter that should be taken up in executive session?

Mr. HEFLIN. No; it is something that I am going to take up in open session.

Mr. President, I was not opposed to this man's confirmation until I had carefully read the testimony for and against him. I told the Attorney General that I would be governed by the testimony and would vote according to the conviction I had after I had acquainted myself with the facts in the case. I had an open mind upon the subject; but after I read the evidence in his case I was strongly opposed to his confirmation. I was convinced that he was unfit and unworthy to hold the office of United States district attorney. I would vote to impeach him upon the evidence submitted in the case against him. He has gone back to Mobile, and, according to statements given out and published in the Mobile Register, he said:

Both Senator UNDERWOOD and Senator HEFLIN have claimed they did not base opposition to my reappointment on personal grounds, but it so happens that I am able to prove that this is exactly what they did.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I will not yield just now.

Mr. SHORTRIDGE. For a question only?

Mr. HEFLIN. Very well; I yield for a question.

Mr. SHORTRIDGE. With all respect, does not the Senator think he is really violating the rules of the Senate?

Mr. HEFLIN. No; I do not. If the Senate will hold that an appointee can be rejected upon his record and then that appointee can go out and tell that a Senator objected to him on personal grounds when it is not true, then I would be in favor of abolishing all secret executive sessions.

Mr. President, what I am saying should be said in the open Senate. I want the truth about this matter known. The statement made by former District Attorney Boyles is absolutely untrue, and he knew it was untrue when he made it. I declined to object to him on personal grounds and so did my colleague, but he can speak for himself upon that subject. I do not think it is right and fair that a Senator should have to sit here with sealed lips and permit a man whose misconduct has been such in office that he has been overwhelmingly rejected by the Senate to go out and tell the people through the press that he was not rejected upon the evidence against him and upon his record, but that Senators behind closed doors objected to him on personal grounds.

That was not the case. After hearing the evidence for and against him discussed for two days the Senate by a vote of 52 to 22 rejected his confirmation.

I simply wanted to state the facts so as to correct the false impression created by former District Attorney Boyles's false statement made and published in Alabama.

Mr. UNDERWOOD. Mr. President, will my colleague allow me to interrupt him for a moment?

Mr. HEFLIN. I yield to my colleague.

Mr. UNDERWOOD. Mr. President, I would be the last man in the world to violate any rule concerning what occurred in executive session, but I do not regard it as a violation of the rules to state what did not occur in executive session.

This gentleman, probably to try to ease the fall he has recently taken, has made many untruthful statements in the press of Alabama, and I think it is only just that the constituency that we represent should know they are untrue. Among other things, he has stated that I wrote a letter to each Senator saying that he was personally objectionable to me. That did not occur in executive session. Each Senator except my colleague had one of those letters, in which I referred to a brief in opposition to Mr. Boyles and merely stated that I was opposed to his confirmation and requested my friends in the Senate to read the brief. I have a copy of that letter, which, as I have said, was sent to each Senator and was entirely outside of executive session. So the statement of Mr. Boyles was absolutely untruthful, as any of my brother Senators who happen to have preserved a copy of that letter can verify.

More than that, I distinctly disclaimed in and out of executive session that I would make the point of personal objection to Mr. Boyles, because I said that I felt this case was a matter of too much importance to the Government and the people of my own State for it to be decided on a personal issue. Every Senator who is listening to my voice knows that I occupied that position.

I only make the correction because I think it is just that the people of Alabama should know that the statements that have been promulgated in the press of Alabama by Mr. Boyles are absolutely untrue and without the slightest foundation of fact.

COOPERATIVE MARKETING

Mr. McKELLAR obtained the floor.

Mr. McNARY. Mr. President——

Mr. McKELLAR. I yield to the Senator from Oregon.

Mr. McNARY. I am advised that the able Senator from Tennessee [Mr. McKELLAR] desires to address himself to the farm-relief problem; so I ask unanimous consent that the unfinished business may be temporarily laid aside, that the Chair lay before the Senate House bill 7893, relative to cooperative marketing, that at the conclusion of the speech of the Senator from Tennessee the bill shall be returned to the calendar, and that then the unfinished business be again laid before the Senate.

Mr. NORBECK. Mr. President, I dislike very much to object to the request, but I do not see how I can permit the unfinished business constantly to be laid aside. We have been trying for over 10 days to secure a vote on the migratory bird bill. There

seem to be two Members of the Senate who are unwilling to let us vote on that bill, and then new matters are constantly being injected. Of course, I realize that the Senator from Tennessee [Mr. MCKELLAR] has the right to occupy the floor and to speak as long as he wants to speak and as often as he wants to speak on the subject concerning which he desires to address the Senate and in which we are very much interested. I should like to accommodate him, but I do not know how I can open the gate for one and shut it in the face of another. So I will have to object.

Mr. MCKELLAR. Mr. President, I regret that the Senator from South Dakota has seen fit to object to the request of the Senator from Oregon. I desire to address the Senate to-day on the farm relief bill. I shall not take long, unless interrupted too often, and will speak on the subject, notwithstanding the fact that the bill is not regularly before the Senate. I hope the unfinished business may be soon disposed of and the farm relief bill taken up.

Mr. President, the condition of the farmers of the country since 1920 has been, indeed, deplorable. The prices of their products have been almost continuously and steadily falling. At the same time the prices of nearly everything they have had to buy have been continuously and steadily on the upgrade. The cost of their labor has constantly increased. The cost of their farming implements has constantly increased. The cost of their wearing apparel has constantly increased. The cost of their fertilizers has constantly increased. The cost of transportation has doubled and in some instances more than doubled. Their taxes have constantly gone up, either through increase of rates or assessments. When they have had good crops they have had low prices, and when they have had high prices they have had poor crops, so that their condition has become appalling. Several years ago the Congress established a system of farm-loan banks throughout the country, thinking that a decrease in interest rates would greatly aid the farmers. That act, as we all know, did furnish some relief to the farmers, but it was a palliative merely and has not afforded sufficient relief to keep them out of bankruptcy, so to speak. Our Republican friends then passed a tariff law for their relief, but it did not work. The trouble with the tariff was that the prices of the things farmers produced were governed by world markets. This was never better illustrated than when by legislation and by action of the President a tariff of 42 cents was put on wheat, but the price of wheat still went down.

So it has been determined beyond question, so far as the farmer is concerned, a high tariff does him no good. Indeed, the tariff operating on virtually everything he buys and favorably affecting nothing he sells, instead of being an advantage to him, is of the greatest detriment and loss to him.

The Congress next undertook to establish cooperative market associations for the benefit of the farmers, and it was thought this would help him. To some extent these cooperative associations have helped, but as only a small percentage of those engaged in farming have gone in the cooperative associations, they have not been as effective as was hoped.

VARIOUS PROPOSED BILLS

Various bills have been proposed for the relief of the farmers. There is the Aswell bill, introduced by Congressman J. B. ASWELL, of Louisiana; the Tincher bill, introduced by Congressman TINCHER of Kansas; and the McNary bill, introduced by Senator MCNARY, of Oregon, and various bills introduced by Congressman HAUGEN, and last, H. R. 11603, known as the last Haugen bill, a bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

THE LAST HAUGEN BILL

Mr. President, I have studied these bills. I do not believe that either the Aswell bill, the Tincher bill, or the early McNary and Haugen bills will be of any real advantage to the farmers. They are mere gestures toward his aid. They will not effect any good purpose and I shall not vote for any of them. I now come to the last Haugen bill, a bill that is a monster in the eyes of some, but when it is analyzed and looked into, I believe it will commend itself to thoughtful men and women throughout the country. The purpose of it is stated in the bill itself, and I read that purpose very briefly:

To enable producers of agricultural commodities to control a supply of such commodities sufficient to stabilize their markets against undue and excessive fluctuations and to distribute the benefits and costs thereof to all producers of such commodities; to minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; to protect domestic markets against world prices and assure the maximum benefits of the tariff upon agricultural commodities; and to provide for the control and disposition of the surpluses of agricultural commodities, for the purpose of promoting the orderly marketing of agricultural commodities in interstate and foreign commerce.

After stating its purpose, it is then provided in section 2 that a Federal farm advisory council to consist of four members from each of the 12 Federal land-bank districts shall be established. This council shall be elected by the bona fide farm organizations and cooperative associations in each district. This will make a body of 48. The Secretary of Agriculture, with the advice of such farm organizations, fixes the annual convention, designates the organizations to participate therein, and the number of votes to which each organization is entitled. The members of this council are to serve without compensation, but the Federal Farm Board established by the act may pay them $20 each a day for expenses. It is the duty of this council to organize and nominate to the President three individuals from each of the 12 Federal land-bank districts for appointment on the control board. They are to act in an advisory way to the board. The President appoints the board with the advice and consent of the Senate from the individuals nominated by the council. The appointment, qualifications, and organization of the board are next provided for, and likewise the general powers and the special powers. The real purpose of the board is set out in section 7 of the act, and I am going to take time enough, Mr. President, to read the real purpose of this board as set out in the act; it is very short:

To obtain, from any available sources, information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, prices of agricultural commodities, wastes or unnecessary costs in connection with the present method of marketing, costs of production, either domestic or foreign or both, and economic, legal, and financial information in respect of the organization, progress, business methods, and cost of operations of cooperative associations in the United States and foreign countries; to disseminate any such information, or analyses or summaries thereof, from time to time, among cooperative associations and farm organizations in the United States; to advise cooperative associations, farm organizations, and producers in the adjustment of production in order to secure the maximum benefits under this act.

Mr. President, it will be seen from an examination of this part of the bill that virtually what is done in this connection is to do what all of the business organizations of the country are doing to-day. Take the lumber trade, take the steel trade, take the copper trade, take the cotton-manufacturing trade, or the woolen-manufacturing trade, and all these trades have organizations for the purpose of doing substantially what is proposed to be done in this case. It is no new arrangement. It is a provision to put the farmers of the country on the same basis with industrial and commercial and business organizations, and in a large sense in a like manner.

There are six agricultural commodities that are made the basis of this bill. I ask unanimous consent to print in the RECORD the two provisions of the bill in connection therewith, Mr. President. I shall not read them.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Section 8:

For the purposes of this act cotton, wheat, corn, butter, cattle, and swine shall be known and are hereinafter referred to as "basic agricultural commodities," and the term "food products" means the respective food products of each such basic agricultural commodity except cotton. Whenever the board finds (1) that, in the case of cotton, there is or may be during the ensuing year a surplus above the requirements for the orderly marketing of cotton, and that a substantial number of cooperative associations or other organizations representing the producers thereof are in favor of the commencement by the board of operations in cotton, or (2) that, in the case of wheat, corn, butter, cattle, or swine, and/or any food product of wheat, corn, cattle, or swine, there is or may be during the ensuing year a surplus above domestic requirements, and that the price of any such commodity or food product in any principal market of the United States is materially lower than the price thereof in the principal export market of the principal competing foreign country (as determined by the board), plus the amount of tariff duty thereon and plus the charges normally incurred in transportation from such market to the principal port of entry therefor in the United States, and that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity or food product—then the board shall declare its findings and commence operations in respect thereof. Such operations shall continue until terminated by the board.

Page 11 of the bill:

During such operations the board shall assist in removing or withholding the surplus of such basic agricultural commodity and/or its food products, and shall assist producers of cotton in controlling the quantity in excess of the requirements for orderly marketing and pro-

ducers of other basic agricultural commodities in maintaining domestic prices which yield the maximum benefits of the tariff thereon, by entering into agreements with cooperative associations engaged in handling such basic agricultural commodity or its food products, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing such basic agricultural commodity or its food products.

Section 9:

In order that the producers of each basic agricultural commodity may contribute ratably their equitable share to the equalization fund hereinafter established for such commodity; in order to prevent any unjust discrimination against, any direct burden or undue restraint upon, and any suppression of commerce in basic agricultural commodities and their food products with foreign nations in favor of interstate or intrastate commerce; and in order to encourage and stimulate the normal and usual current of foreign and interstate commerce in basic agricultural commodities—there shall be apportioned and paid as a regulation of such commerce an equalization fee as hereinafter provided.

Mr. McKELLAR. These commodities are corn, cotton, wheat, cattle, hogs, and butter, and the products of all except butter. These are regarded as staple agricultural products, and they are the basis of this bill.

Mr. President, an equalization fee is provided for in the bill. The wording of the bill in that respect, as introduced and as reported out, is one matter about which I have not fully determined. All I can say is that yesterday the Senator from Arkansas [Mr. CARAWAY] offered an amendment which I think will fully protect the farmers on the question of equalization fee; and I am quite sure from my talk with those who are in charge of this bill that the provision offered by the Senator from Arkansas, or substantially that provision, will be agreed upon and will become a part of this bill, and I think it should. In view of that amendment I shall not discuss the equalization fee further.

The assessment and collection of such equalization fee is then provided for, it being fixed by the Federal Farm Board. These fees shall not be paid, however, until the expiration of two years after the date of the passage of the act. In the meantime, the Government advances $100,000,000 to the board for the equalization of cotton, and $250,000,000 for other agricultural basic commodities, and for the control of other commodities $25,000,000 is advanced—in all, $375,000,000.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. McKELLAR. Just one moment.

The act further provides for the audits of books and accounts of the board and for cooperation with executive departments.

The sum of $375,000,000 is authorized to be appropriated to carry out the act, and $300,000 is authorized for the administration of the act.

Section 18 gives the President the right to prohibit in certain cases the importation of cotton or other basic commodities.

These are the substantial provisions of the Haugen bill.

I now yield to the Senator from Oregon.

Mr. McNARY. I was just going to observe that the Senator from Tennessee is discussing the provisions of the Haugen bill, and not the provisions of the Senate amendment.

Mr. McKELLAR. That is true.

DOUBT CONCERNING POLICY

Mr. President, when the provisions of this bill were first presented to me, I had great doubt both about their effectiveness and about their desirability. Apparently the provisions of this bill are opposed to a number of the things that I have uniformly stood for in governmental policy. The bill is, apparently, intertwined with the present high tariff, and, of course, everybody knows that I do not favor a high tariff; but I stop here long enough to say that I think that although the provisions of this bill are intertwined with the present high tariff, if we establish a lower tariff or a low tariff they will be intertwined with those provisions just the same; so that the question of the tariff, in so far as this bill is concerned, becomes immaterial.

The bill unquestionably undertakes to stabilize the prices of these various commodities, and in that sense it may be regarded as a special privilege; and I am not in favor of special privilege being granted by the Government. But these special privileges have all been given to other classes, and it is a question of what we are going to do with the farmers in their present deplorable state; and for that reason I want to consider this bill in the light of this policy.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I do.

Mr. DILL. Does the Senator think that if tariffs were not so high as to be robber tariffs or rock-ribbed tariffs there would be the serious need for this legislation that there now is?

Mr. McKELLAR. I think the country would be very greatly advantaged if the tariff were made lower. I think it is one of the principal causes of the present unhappy state of the farmers. But we can not get rid of the tariff under this administration, however much many of us would like to. Of course, as I stated at the outset, the farmer is in this condition: Everything he buys is purchased in a high-tariff market, a stabilized market, if you please, and all that he sells is sold in a world market that is neither stabilized nor fixed.

Mr. WILLIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. WILLIS. I think my friend did not intend to make the statement he has just made, to the effect that substantially all the things the farmer has to buy are on the protected list. Of course, he knows that that is not the fact.

Mr. McKELLAR. There is one thing certain: They are either on the protected list or they are on the stabilized price list. There is not any doubt about that. It may be that the combinations have stabilized the prices instead of the tariff; but either through combinations, lawful or unlawful—I need not here discuss which—or the tariff, he is buying in the stabilized market.

Mr. WILLIS. That is a different statement. Of course, the Senator realizes, for example, that agricultural implements are upon the free list, and shoes are upon the free list, and so on. A great many of the things that the farmer buys are on the free list and not on the protected list at all.

Mr. CARAWAY. And joss sticks are on the free list, too.

Mr. McKELLAR. Yes; I think so. They are comparatively unimportant.

Mr. JONES of New Mexico. Mr. President, I simply want to suggest, in further reply to the Senator from Ohio, that while these farm implements are themselves on the free list, the materials which go into their manufacture are not.

Mr. McKELLAR. Absolutely. Directly or indirectly, everything that the farmer buys is affected by the present high tariff against the interests of the farmer—clothes, everything. The Senator might say: "Why, there is no tariff tax on fertilizers"; but there is a heavy tax on the ingredients that compose fertilizers, which means exactly the same thing.

Mr. WILLIS. Mr. President, if my friend will follow that out, I wonder how he works out the conclusion, for example, in the case of agricultural implements, that the price of agricultural implements is affected by the tariff, or the price of shoes. Every one of the component parts out of which a shoe is made is on the free list. How can the tariff affect the price?

Mr. McKELLAR. As I said, there are some insignificant things that are on the free list. But of the things which go to make up the free list, their ingredients are affected by the tariff.

Mr. WILLIS. The Senator does not regard shoes or agricultural implements or barbed wire as insignificant things?

Mr. McKELLAR. Those things are a very small portion of what the farmer has to buy.

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I yield to the Senator from North Carolina.

Mr. SIMMONS. It is true that shoes are on the free list so far as leather is concerned, but it is also true that no articles of commerce—or, if any, very few—have risen in price to the same extent that shoes have advanced.

Mr. McKELLAR. The Senator is entirely right about that matter, and not only that, but there is not any doubt, as I stated in the first place, that shoes are in one of those combinations which make shoes tremendously high to the American people.

Mr. SIMMONS. Mr. President, there are no articles of commerce produced by the farmer on the other hand—or, if any, very few—that are now bought in the open market at as low a price as the hides of the animals out of which these shoes are made. The price of hides in this country is so low that I know from actual experience that it is hardly worth the cost of stripping them from the dead animal, and yet when that article is converted into a shoe the shoe sells at a price I should say something like 100 per cent higher than it did 20 or even 15 years ago. It is not the tariff that has done this. It is combination, unlawful combination, combination in violation of the express statutes of the United States, but a combination which is permitted to exist because that combination is composed of

a few people who are able to pool their financial operations and their manufacturing operations and fix the price in the domestic market at their will.

If the farmer might do the same thing, Mr. President, either lawfully or unlawfully, he could likewise bring the price of his hides up to a level with the price of the product that is made out of them by this monopolized industry. The same thing is true with reference to agricultural implements. They are on the free list; that is true; but, Mr. President, that is another instance where the operation of the tariff does not help the farmer. It does not help him in the first instance, because the very articles out of which those implements are made are upon the dutiable list, frequently at rates that are absolutely prohibitive against foreign importations; and that makes high the cost of the material out of which this product is made. But that is not the only reason why agricultural implements do not get the benefit of the fact that they are on the free list. Agricultural implements, like shoes, have advanced since the war even above the high-peak price to which they attained during the war; and there is hardly an implement that the farmer used in the operation of his farm that is not selling in the market to-day as high, if not higher, than it did during the war. How have those high prices been maintained, Mr. President? I answer, first, through the tariff upon the raw material; and second, by combination, unlawful combination, a character of combination of which that the farmer who uses the implement can not avail himself because the farmers are so numerous that they have never succeeded in the efforts to pool their issues, their finances, and their sales.

If cooperative marketing had been successful to the extent that it had embraced in one great organization, the farmers who are engaged in a certain line of production for the purpose of stabilizing prices of their particular products without the action of the tariff, the farmers would have been able to maintain a level of prices equal to the level enjoyed by the people from whom they had to buy.

There are the clothes of the farmer's wife and his children and dependents, constituting a large percentage of the cost of living. There is his food, manufactured and manipulated after it has left him, if it is a farm product, that has to go through a processing operation, and by monopolistic methods, by combinations and understandings, the prices of those articles of food have been raised to high levels by the time they reach or get back to the farmer. If the products have to go through some manufacturing process before the food is edible or in the form desired, the prices are raised to a level wholly unjustified and excessive.

The farmer also has to buy, and extensively, things he does not produce—sugar, clothes, a hundred little articles that have been manufactured. He must pay for all those things at the level of prices that obtain for industrial products in this country. We need not shut our eyes to the fact that there is hardly a product of industry in the United States that has not by some manipulation been raised in price. Owing to the fact that they are manufactured by close corporations, which can easily control part of the output and the distribution, the manufacturers of those articles have been able to raise the prices of their products to levels that are so far in excess of the levels of prices that obtain for those things in any other country of the world that the great industrial countries of Europe are able to come into this market, pay the tariff duties imposed, and yet sell their products at a bigger profit than if they carried them to the free-trade markets of Great Britain.

That is what has happened in the United States—the establishment of an artificial market for all of their manufactured products, prices on stilts, beyond the reach of the man who labors upon the farm, beyond the reach of the man who lives upon a salary or a fixed income, if anything is to be left for him after buying the necessaries of life.

In juxtaposition with that condition we find that practically one-half of the population of the United States have to dig their living out of the soil, have to work themselves and suffer their children and their wives to work, toiling, not seven or eight hours, but toiling from 12 to 15 hours, and sometimes in the night, and by reason of the fact that they can not artificially stimulate the prices of their own products, as those engaged in other industries artificially stimulate their prices, the farmers' prices are fixed lower than ever before in the history of this country for any considerable period of time. They are prices that in many instances are below the cost of production, even considering the low wages that obtain upon the farm, and the frugal living that obtains upon the farm.

I did not intend to interrupt the Senator to this extent, but if he will pardon me, I wish to say that he is absolutely correct in saying that this inequality has been produced, sometimes by the tariff, sometimes by monopolization, and in many instances jointly by both.

Mr. McKELLAR. Mr. President, I agree with all the Senator from North Carolina has so well said. I think that monopolization has been accomplished by combinations that are allowed to do their work when they should not be allowed to do it under the law. I think many of these combinations which are holding up the prices to the American people have combined and confederated for the purpose of raising prices to the American consumer.

MY REASONS

Mr. President, about 30 per cent of the people of the United States are engaged, directly or indirectly, in agriculture. The other 70 per cent are engaged in industry, commerce, transportation, or in other professions or callings of business life. An examination into the affairs of the 70 per cent of our population shows that the Government has virtually authorized price fixing, or price stabilization, as to that 70 per cent.

The Congress has already, by tariff and immigration laws stabilized the prices of many manufactured products, including labor engaged in industry.

It has increased the prices of manufactured goods, thereby legislating prosperity to our manufacturing industries and their labor.

Again, our laws permit all great industries to fix prices, or whether the laws actually permit price fixing, under this administration they practice price fixing without let or hindrance. Among those great industries which fix prices are the following: The steel industry, the oil industry, the tobacco industry, the copper industry, the woolen goods industry, the lumber industry, the manufactured-cotton-goods industry, and practically all the leading industries of the land. They all have their associations. They all meet and determine questions of supply, demand, and expressly or impliedly fix prices. They all have working arrangements, probably the most of them legal, but some of them are illegal.

Again, by the interstate commerce law and amendments thereto, by the Esch-Cummins law of 1920, the railroad companies of our land have been given power enormously to increase their rates, and the Government has by these acts allowed enormous profits to go to them and to their stockholders. And while those who produce the basic agricultural products suffer the awful disaster of low prices, the transportation companies that transport these products, by legislation receive enormous profits by reason of law.

Again, legalized labor organizations, whose members work for these railroad companies, by reason of immigration laws, by reason of other laws enacted in behalf of labor, and by reason of their compact organization have increased their wages and stabilized their wages.

Again, likewise the banks of our country are by law protected in their every interest and are enabled by law to make vast profits.

Again, the transportation companies themselves are organized, their labor is organized, their supply men are organized, and the prices of their labor and their rates for goods transported, and the prices of their output are all stabilized under the laws of the land.

Thus we see that Congress purely by law and without regard to competition and without regard to any just rule of economics has stabilized wages and income with reference to possibly 70 per cent of our population. In other words, Mr. President, special privileges are now being granted to possibly 70 per cent of our population. The other 30 per cent, namely, farmers and farm laborers, receive no such grants from our Government. Quite the contrary, they compose the class that largely pay the benefits going to the 70 per cent. Goods which these farmers and their laborers buy are bought in stabilized markets, fixed for the 70 per cent; but the farmers have to sell in markets that are not stabilized.

OUR DEMOCRATIC PLATFORM

Mr. President, under the farm provision of our last Democratic platform I do not see how Democrats are going to oppose this bill.

Mr. President, I now reach the Democratic platform of 1924, and I want to call the attention of my Democratic brethren to it. Taking into consideration the farm provision of our last Democratic platform, I do not see how Democrats are going to oppose this bill.

I ask for order. I should think the Republicans would like to hear what the Democratic platform said about this matter before they reach a vote on it. I intend to read the Republican plank in a few moments. This is what we said in the Democratic platform of 1924:

During the four years of Republican government the economic condition of the American farmer has changed from comfort to bankruptcy, with all its attendant miseries.

We then denounced the Republican prohibitive tariff, the Republican high freight rates, as the causes for this bankrupt condition, and then we proposed—

to restore the farmer again to economic equality with other industrialists, and to stimulate by every proper governmental activity the progress of the cooperative marketing movement and the establishment of an export marketing corporation or commission in order that the exportable surplus may not establish the price of the whole crop.

That is precisely what this bill undertakes to do. It establishes a commission the duty of which is to see to it that the exportable surplus from the American farmer does not fix the price of the entire crop. That is all there is in it. It would be impossible, in my judgment, to draw a bill that would more nearly conform to what we Democrats told the people of the United States in 1924 we stood for.

It is in exact accord with the Democratic doctrine as laid down in our platform, on which we supported John W. Davis for the Presidency. This bill establishes the commission and provides the means by which the exportable surplus may be taken care of and not establish the price of the whole crop.

I want to say to my Democratic friends who aided in making this platform and who supported our candidate on that platform that I do not see how they can repudiate it and vote against a measure drawn in substantial accord with that platform. What excuse can we give for going to the people on a platform and then repudiate it after the election is over, whether we fail in the election or succeed?

Mr. President, I am unable to say absolutely whether this system is practicable or workable. I believe that it is both practicable and workable, but that is merely my belief. Surely, however, we Democrats having committed ourselves to such a proposal now, when the opportunity comes to put that proposal in effect, should vote to give it a trial.

REPUBLICAN PLATFORM

Now I want to speak for a moment about the Republican platform. You gentlemen were almost as specific as we were. You were not quite as specific. You promised more, of course. You always promise the people more and you always do less for them, but you promised them this legislation and I wonder if you are going to put it through. I digress long enough to wonder. You are in control of the machinery in both Houses. You have a large majority in each House. The duty of initiating and carrying through legislation is upon you. It is your duty to put it through. Are you going to do it? It seems to me that in the House you have sidestepped it, but I do not believe in the Senate you will sidestep it. Let us come forward, men of both parties, and stand up to the provisions of our platforms. What must the farmers of the country think of us, having had absolute assurances from both the great political parties of the country in 1924 that they were going to be helped, and helped along these lines, when we sidestep and repudiate now? I never believed in repudiation or sidestepping. Let us walk up and stand by our promises.

I want to read a short excerpt from the Republican platform. The Republican platform utterances promised everything to the farmers. Listen to this:

We promise every assistance in the reorganization of the marketing system on sounder and more economical lines, and, where diversification is needed, Government assistance during the period of transition.

We favor, without putting the Government into business, the establishment of a Federal system of organization for cooperative marketing of farm products.

And again:

The vigorous efforts of this administration toward broadening our exports market will be continued.

What have you done? You have done nothing. You made a few gestures. You made a gesture the other day in the House and failed. You are going to make another gesture here. Are you going to carry it through? There is some talk about adjournment. Some Senators want to adjourn without doing anything for the farmer. You came out in words wholly unequivocal, words that you ought to have meant whether you did or not, but when it comes to action, what is the majority going to do? The burden is upon you. Some of us over on this side of the Chamber are willing to help you.

Again the Republican Party said in their platform:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success.

Did you Republicans mean that when you said it, or did you make it just as an empty promise to the people?

Have you done it? What have you done toward carrying out that provision in your platform pledge? The only thing you have done has been to make an empty gesture, reporting out three bills in the House. Why were three farm bills reported out? Just on the face of it it looks as if it were done with the purpose of killing all the bills, and apparently it has had that effect in the House. I want to say to you though that if you will get behind this bill and pass it in the Senate and send it over to the House, and the leaders here will not agree to adjourn in the meantime, we will find the House will agree to the bill that the Senate passes.

COMPARISON OF INCOMES

I hope Senators will listen to these figures I am about to read. I want to compare the figures just a moment. I quote as follows from the report of the House committee:

The conference board finds that the return on the total capital invested in agriculture, including the value of the food, fuel, and shelter supplied by the farmer, during the five years prior to the war averaged 5½ per cent, but during the five years since 1920 averaged only 4 per cent, and the net return on the individual farm operator's investment only 2 per cent. The average earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average, as against the average earnings of $1,250 per wage earner in the manufacturing industry in the same year, average of $1,572 for transportation workers, $2,141 earned by clerical workers, an average of $1,678 by ministers, $1,295 for teachers, an average of $1,650 by Government employees, and an average of $1,415 per worker in all groups other than farmers.

Mr. President, these figures tell the story, and that is that the Government has by law legislated prosperity to all those engaged in other vocations and has left the farmers to shift for themselves. Unless we are not in a hurry in this body we are going to leave the farmer to shift for himself for another year. These figures show that what I said at the outset is true, namely, that all other classes of our people have been provided for by law, their wages and prices stabilized, and the farmer alone is omitted.

PRECEDENTS

But it is said that this bill is a wildcat scheme, impracticable, unworkable, visionary, and various other epithets are employed in regard to it. The same sort of epithets have been employed as to most or all forward looking measures heretofore passed.

The present currency system, known as the Federal reserve system, which currency system is based upon commodities, was declared a wild and harum-scarum project and utterly untenable, and it was so denounced at one time. Who is there that does not recall the jokes perpetrated on the Ocala platform, a subtreasury, or "something better," and yet these proposals have been enacted into law, and we congratulate ourselves on the fact that it is the best financial system ever established.

Who does not remember when the farm-loan banks were established and how they were ridiculed as visionary and impracticable and the Government's going into the banking business? And yet who would change the Federal farm loan act except to make it better?

Who does not remember that when the Parcel Post System was established how it was denounced as vicious and invading the domain of private business? And yet who would vote for its repeal?

We have legislated for the banking business and made it a success.

We have legislated for the railroads and made them the most prosperous business corporations in the country.

We have legislated for utility companies and made them prosperous.

We have legislated for all classes except the farmers. Now, when we examine the statistics and find the farmers are the only ones not receiving Government aid, it is necessary that we do something to put them on an equal basis with other classes of our citizenship. In other words, we must put them on an equality with all other classes of our people in order to carry out the Jeffersonian doctrine of "equal rights to all and special privileges to none." We are compelled to put the farmer on the same basis with our other people.

THE COST OF IT

Mr. President, I now come to the question of cost. In an administration of so-called economy, governmental economy, we can well consider the question of cost. One of the principal objections raised against this bill is the alleged great cost of it—the authorized appropriation of $375,000,000 as a revolving fund. Of course, we all understand that it may or may not be necessary to use this fund, so that it may or may not cost the

Government the amount stated. But for the sake of the argument, let us assume that it will.

The President says, in substance, "we haven't got the money," and that if we do it we will have to raise additional taxes. Secretary Mellon is opposed to the bill. The Director of the Budget is opposed to the bill. The provisions of party platforms do not seem to be binding on these Republican leaders.

Mr. President, when I recall that the Secretary of the Treasury and the Budget Director in estimating the amount of revenue we would get last year missed the mark by about $500,000,000, the prediction of a deficit from these sources does not appall me.

Again, when I remember that the Secretary of the Treasury and the Director of the Budget and the President all feared that we would go into bankruptcy if we passed the bonus bill and all were opposed to it, alleging reasons of economy, and when I remember that we not only paid the bonus without a financial ripple, but soon thereafter reduced taxes 25 per cent, I am not appalled by the financial shortage predictions expressed by these great leaders of the administration.

Ah, Mr. President, when it comes to appropriation for the farmers of our country, the President of the United States, the Secretary of the Treasury, and his Director of the Budget are always exceedingly economical. They are afraid that the Government can not afford it. They see governmental ruin in the event of an appropriation like this.

Have they entertained these views of economy as to other matters? The records show they have not. On the contrary, the records show that these gentlemen have recommended appropriations to the Congress involving the greatest possible extravagance. I want to refer to some of them.

The records this year show that the President and his alleged economic Budget Director recommended about $342,000,000 for a standing Army, for an Army nearly twice as large, or quite twice as large and nearly three times as expensive as our Army was before the World War. Everybody knew we might need our Army at that time. We all know that it is not necessary to have a large standing Army at this time. Yet a large standing Army in times of peace is in exact accord with the President's program of economy, and he and his Budget Director have recommended $342,000,000 for our present relatively large standing Army, but they can find no money to legislate in the interest of the suffering farmers of the country. They are too economical to recommend $375,000,000 as a revolving fund for the benefit of the farmers in their present distressed state. In their view such a recommendation would be the grossest extravagance.

Again, Mr. President, the President and his economical Budget Director have recommended $319,000,000 this year for the expenses of our Navy. It will be recalled that before the war we built up the second largest Navy in the world, and, as I now recall, our largest appropriation before that time was $151,000,000. Since that time we have had limitation of armaments, where we can not build a real Navy, and yet we are now spending substantially $350,000,000 a year under the program of economy of this administration.

Remember what it is now. With the largest appropriation for any one year of $151,000,000 we created the second largest Navy in all the world. We have had an arms-limitation agreement with reference to naval armaments since, and we can not build up a great Navy now. I digress long enough to say that I do not know in what place we stand when it comes to navies. We may be in third place or we may be in fourth place. It is exceedingly doubtful whether we are in second place now, and yet our economical President and our economical Budget Director have recommended $319,000,000 for a Navy this year, more than twice as much as the appropriations before the war when we built up one of the greatest navies in the world.

Again, Mr. President, our President and our Budget Director have recently recommended the appropriation of $200,000,000 of the people's money to be spent on building the Boulder Dam on the Colorado River. What are they going to do with it when they get it built? Are they going to use this power for the benefit of the people or are they going to do what they are attempting to do with Muscle Shoals, turn it over to the great power interests of the country at a nominal figure?

Why are we going to build it? Is it going to be built by the Government so that our economical President and our economical Budget Director, when we finish building it, may turn it over for a song to the power companies of the West? If that is the idea, I shall not vote for it. I would like for the Government to develop this great power in the West, but before I vote for such a measure we must have a guaranty that it will, when developed, never go into private hands. We had such a provision in the original Muscle Shoals bill, but this administration has disregarded that law. We can not have a repetition of Muscle Shoals. Think of it. There is $200,000,000 for the Boulder Dam this year, appropriated by this economical administration—and the purpose, no doubt, is to do with it just what they propose to do with Muscle Shoals—turn it over to the power interests for a song. Oh, yes, Mr. President, our economical President and our economical Budget Director have $200,000,000 which they are perfectly willing to expend for the benefit of the great consolidated power interests, but have not a dollar for the suffering and distressed farmers of the country.

Again, Mr. President, we have just been through, as we all know, a Muscle Shoals fight.

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. Just one moment. The Muscle Shoals project cost this Government $150,000,000; the money of all the people was expended on it; but our economical President and our economical Budget Director have recommended that that project be turned over for a song to the private power interests of the country.

Mr. President, our economical President and our economical Budget Director have $150,000,000 to turn over to 13 power companies for virtually a nominal consideration, and without any guaranty of lower rates to the people, but they have not a dollar for the American farmer in his present distressed state.

Economy! They have $200,000,000 for the Boulder Dam; there is plenty of money for that. The power companies will be interested in that. They have $150,000,000 for Muscle Shoals. The power companies will get that. We have plenty of money to turn that project over to the power companies which are interested in that, but when it comes to a revolving fund for the farmers of the country our economical President and our economical Budget Director say, "We have no money to give to them."

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield for a question.

Mr. SIMMONS. I am not going to impose upon the Senator from Tennessee as I previously did; in fact, I then forgot I was speaking in his time. However, I want to ask the Senator a question. He has been investigating the Boulder Dam project. For what purpose is the Government building that dam? Is it to serve any interest of the Government or merely the interest of a particular class of people?

Mr. McKELLAR. I know of no Government interest that will be served by the building of the Boulder Dam. Of course, it is a very worthy thing to build that dam; and if the people are to get the benefits of the measure, it ought to be built. I think it ought to be built by private capital. But why should private capital undertake the work, when the administration can by its influence get an appropriation out of the Treasury and build the dam and then turn it over to private interests for their special aggrandizement and benefit with only a nominal consideration?

Mr. President, our President, our Budget Director, and our Secretary of the Treasury recently recommended to Congress that we appropriate $165,000,000 and turn it over to the Secretary of the Treasury, to be spent on public buildings when, where, and in such amounts as might please him. It is true the Senate of the United States amended the provisions of the bill and made them somewhat better, but the fact is that our economical President and our economical Budget Director found that they had plenty of money to turn over to Mr. Mellon a short time before a national election; and so the vast sum I have mentioned was to be turned over to him to put where he pleased in the United States for public buildings, but they are to economical to recommend to Congress to expend a dollar for the suffering farmers of the country.

Again, Mr. President—and I now come to the most remarkable fact of all—our economical President and our economical Secretary of the Treasury and our economical Budget Director not long ago sent down to the House of Representatives—I think it went to that body—a recommendation that the Congress appropriate $190,000,000 out of the Treasury to pay the debts that the Mixed Claims Commission had found were due by the Government of Germany to a number of our citizens. Think of it, Senators! This economical administration, finding that a Mixed Claims Commission had reported that Germany owed a number of our citizens the great sum of $190,000,000, a recommendation comes down to Congress, with solemnity and earnestness, that the American Government assume those obligations of the German Government and pay them to favored American citizens, on the ground that Germany was not at present able to pay those citizens!

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. Can the Senator from Tennessee tell the Senate what proportion of that $190,000,000 was due to the great insurance corporations in this country?

Mr. McKELLAR. I do not know, Mr. President, but it is alleged—I do not know whether or not it is true, but it has been alleged and never denied, so far as I know—that a number of the corporations which had large claims against the German Government were corporations in which the Secretary of the Treasury himself, who drew the bill, was largely interested. Ah, Mr. President, we have $190,000,000 with which to pay the debts of Germany, but we have not a dollar to help our own farmers along. We are too economical, we are too careful and prudent with our finances to give anything to the farmers, who are suffering and who ought to be put on a basis of equality with other people; yet we have $190,000,000 stored away almost anywhere which we can give to a favored few and pay the debts for another nation. Oh, Mr. President, these exhibitions of so-called economy are astounding!

I next come, Mr. President, to this condition of affairs: Our economical President and our economical Budget Director have recently recommended to the Appropriations Committees of the House and Senate, and the Congress has appropriated money to pay in the neighborhood of $300,000,000 in refunds of taxes, largely to the big taxpayers of the country who have had secret claims against the Government for such refunds.

By law this administration has hermetically sealed the revenue department of the Government; the vulgar eye of the American taxpayer is not permitted to look into the affairs of the revenue office; but the big taxpayer, who employs the best experts on taxes in the world, pays his taxes and then goes up secretly to a department that is hermetically sealed so far as publicity is concerned and secretly prosecutes his claim for a refund. The report of last year or the year before shows that one packing company in Chicago was allowed by a clerk and afterwards paid by Congress a refund of over a million dollars; that another big corporation taxpayer was allowed a refund of $1,900,000; and that the American Aluminum Co. was allowed a refund of over $500,000, all on account of mistakes in the payment of taxes. Think of these great taxpayers, with all their machinery for determining what their taxes are, with the best experts in the land to look after their business, and one of them making a mistake to the extent of $500,000 and more; another to the extent of a million dollars and more, and another one to the extent of $1,900,000 more; and it is all done in secret! They make their claims, the Treasury Department sends in recommendations, and our economical President, our economical Budget Director, and our economical Secretary of the Treasury recommend to Congress that the Government restore over $300,000,000 in tax refunds.

Mr. HEFLIN. That was the amount for one year.

Mr. McKELLAR. Yes, that was the amount for one year, and the figures are constantly mounting year by year; they have mounted since 1920. It is recommended that those enormous refunds be made, but, oh, not a dollar is to be given to the suffering and bankrupt farmers of the country, upon whose prosperity and upon whose toil we depend for a living.

Mr. President, I next come to a very remarkable statement. The other day at Williamsburg, Va., the President of the United States had this to say about bureaus—I quote his language:

> Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people; being irresponsible they become autocratic and being autocratic they resist all development. Unless bureaucracy is constantly resisted, it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody.

Mr. CARAWAY. Who was it said that?

Mr. McKELLAR. The President of the United States said that at Williamsburg, Va., several days ago.

Mr. President, we all know that bureaus have been established in many instances greatly to the injury of the administration of the Government; I indorse what the President has said about many of the bureaus of the Government; but what are his acts in regard to them? Oh, yes; in public the President denounces bureaus, but what does he do when it comes to making recommendations for appropriations for these very bureaus? The bureaus to which the President referred in his address can not exist without money; yet our economical President and our economical Budget Director, who no doubt are opposed to them as they say they are, have recommended this year larger appropriations for these very bureaus than have ever been recommended in the history of this Republic. With respect to every single bureau that is denounced by the President, a recommendation for an appropriation has been sent in this year and the Congress, in conformity to request of the President and economical Budget Director, has appropriated more money for those bureaus this year than Congress has ever appropriated heretofore except in time of war. The President, who says he is against them, has recommended every appropriation that has been made by Congress. Oh, yes; countless millions of dollars may be appropriated for the bureaus which are denounced, but not a dollar can be spared for a revolving fund for the farmer, although everyone professes to say the farmers are entitled to the consideration of the Government.

Mr. President, I next come to perhaps the most remarkable exhibition of economy that was ever known in all the world. I see the Senator from Utah [Mr. SMOOT] sitting before me, and I could add his name to the names of those responsible for this remarkable exhibition of economy.

Mr. President, our economical President and our economical Secretary of the Treasury and our economical Budget Director have all recommended the cancellation of a large portion of the debts due us by foreign nations. The amounts recommended to be canceled when the whole transaction is completed will be something like $6,000,000,000. Ah, yes, Mr. President, it is in accord with the economical program of this administration for the American Government to give to foreign governments and foreign peoples $6,000,000,000. In other words, it takes this enormous burden from the backs of the taxpayers of foreign governments and puts it on the backs of the American taxpayer. But, while this enormous bounty, this enormous bonus is given to the people of foreign nations, under this economical administration, it is found unwise and injudicious to set up a fund of $375,000,000 for the suffering American farmer.

Mr. President, if this is economy, then I say, God save the American people from such economy!

All right? Oh, yes; it is the height of economy and patriotism to recommend and then to vote to transfer to the governments of other nations, to other peoples, $6,000,000,000; but when we come to our own farmers, who can not make ends meet, whose farms are under mortgage, whose wages are just about half of what other people employed in this country receive, we are too economical to lend them even a revolving fund; and the best thing to do with them is to stifle the legislation that has been introduced, to report out four bills, as was done in the House, in order better to effectuate the policy of doing nothing for the farmer. I stop here long enough to thank the Agricultural Committee of the Senate for doing their duty in this matter. They have reported out one bill, and, as I believe, they have reported out the best bill.

TENNESSEE AN AGRICULTURAL STATE

Mr. President, for just a moment, I want to give another reason why I am interested in this bill: Tennessee is preeminently an agricultural State. For many years it has borne an unequal burden of government. In 1925 the total value of all Tennessee agricultural products was $370,000,000. She ranks seventeenth among the States of the Union in agriculture. The value of her livestock products alone was $157,000,000. In livestock products she ranks sixteenth among the States. She produced in 1920, 48,000,000 dozen eggs and 15,000,000 chickens and received a total of $29,000,000 for the same. She was fifteenth among the States in the production of eggs and ninth in the number of chickens. In the production of honey she was seventh. In the production of hogs she was thirteenth. In the production of cotton she was tenth and in the production of tobacco fourth. She was fourteenth in the production of corn and twenty-fifth in the production of wheat. She was twentieth in the production of butter. So that while Tennessee is the twentieth State in population it is only in the production of wheat in staple products that she falls below being twentieth. The most of them are largely in excess of twentieth, which goes to show that Tennessee is preeminently an agricultural State, and it is absolutely essential to her welfare and progress that agriculture be placed on the same basis with industry, transportation, and other occupations.

THE FARMERS' CONDITION

The National Bureau of Economic Research reports that the farmers, comprising 29.9 per cent of the total population in the United States, received in 1919, 17.7 per cent of the total current income; in 1920, 13.4 per cent; and in 1921, 9.9 per cent. It is believed that the farmers' share has not risen above 15 per cent in the following years.

Here it is, Mr. President, that 30 per cent of all the population received somewhere between 10 and 15 per cent of the

income. This fact alone shows that there is something radically wrong. The farmer is buying everything he uses in a protected market, in a stabilized market, largely in a fixed market, and everything he sells he sells in an unstabilized or unfixed market.

The total value of all farm property in 1913 was $45,227,000,000; in 1920, $79,607,000,000; and in 1925, $59,154,000,000. However, if we consider the purchasing power of 1913 the total value of all farm property in 1925 was only equal to $58,188,000,000 of the 1913 purchasing power. In other words, all farm property in the United States in 1925 had only 84.4 per cent of its purchasing power in 1913.

As a result of high costs and impaired income of the farmer, the total farm indebtedness in the United States, which was estimated at $4,320,000,000 in 1910, had grown to $12,250,000,000 in 1920, and stands at approximately that figure to-day.

These figures show that something was radically wrong, and that in 1924 both parties recognized the wrong, and in order to get votes promised to right the situation. Now, when they have got the chance to do it, neither one of them is doing it. Of course the burden of it rests upon the Republican Party, because it is in power, but the duty rests on the Democratic Party to do its share.

Mr. President, in the consideration of this measure it has frequently been called undemocratic. In doing so the word "democratic" is given a very narrow meaning, a meaning that in my judgment does not properly belong to it. The word "democrat" comes from two Greek words—"demos," meaning people, and "kratein," meaning to rule—and therefore it literally means the rule of the people.

Democracy in the United States means that the will of the people must be supreme under the limitations of the Federal and State constitutions and that the people have the right to alter or change even these at will, as provided in the instruments themselves.

To my mind democracy means more than opposition to a protective tariff, more than opposition to an encroachment by the Federal Government on the rights of the several States, more than opposition to a liberal construction of the Federal Constitution, though of course it does include all these things.

Some splendid Democrats believe that the Democratic Party is the party of negation and that any policy outside of the three negations just mentioned is a policy in violation of what they call the fundamentals of democracy. They seem to look upon our party as simply a party of opposition. This narrow definition of the term is the teaching of Mr. Calhoun. It is not the teaching of Jefferson, of Jackson, or of Wilson.

I believe the Democratic Party stands for more than negation. I believe it comprehends the broader interpretation given to the name by Thomas Jefferson, the founder of the party, when he declared for equal rights to all under the Government. I believe the fundamentals of democracy, as taught and practiced by Jefferson and Jackson, are broad enough to point a right way in all human conduct, wide enough to meet every political emergency, and strong enough to furnish the best possible government in the United States.

Mr. Jefferson showed by his conduct that he recognized no such narrow limitations upon the term "democracy." When he bought the great Louisiana Territory, an empire in itself, he was denounced by many Democrats for having violated the fundamentals not only of his party but of the Constitution. When he embarked upon a system of internal improvements he was again denounced for violating the fundamentals of democracy. When he recommended a system of Federal education he was again denounced and is still being denounced for the recommendation as being subversive of the principles of democracy. When he sought to build good roads in this country, nearly 130 years ago, he was fought at every point by the cry of "You are violating the fundamentals of democracy."

When Jackson issued his celebrated proclamation against the nullification of Federal law by State legislatures he was denounced as violating the fundamentals of democracy. When he determined to destroy the iniquitous and corrupt United States Bank he was again denounced as an enemy of the fundamentals of democracy.

When Wilson recommended the passage of the Federal reserve law some Democrats thought he was putting into execution the populist platform and claimed he was violating the fundamentals of democracy. When he advocated the election of Senators by the people, when he advocated the income tax amendment, when he advocated equal suffrage, on each occasion he was denounced as violating the fundamentals of democracy.

So, Mr. President, we see that throughout the history of our country and of our party every forward-looking movement for the betterment of the condition of our people generally has received denunciation as being opposed to the fundamentals of democracy.

Mr. President, democracy in this country means that the tax burdens upon the people shall be levied equally and justly in the largest and best sense; that special privilege is in conflict with democracy, and can be justified only when used to bring about equality of governmental benefits to all, thereby equalizing special privilege already granted to other classes; that there shall be no class favoritism in legislation; that while property should always be protected, when a conflict arises between property rights and human rights, human rights should be given the preference; that the Government should be administered honestly, efficiently, and economically; that the Bill of Rights in our Constitution should be sacredly guarded; that the laws should be enforced against all people alike; that the Government must be directly responsible to the people under the limitations of the Constitution; that government was instituted among men, not that certain classes should thereby better control the people, but in order that all the people might act in concert to secure for themselves the blessings of life, liberty, and property, orderly deportment, prosperity, and happiness; that each and every citizen should have equal rights and equal opportunities to make the most of their lives, and that in order that the benefits of government should be distributed equally and fairly the first concern of legislation should be the interest of the workers on farms, in the mines, in industry, in transportation, in commerce, in business, and other producing pursuits; such laws having for their purpose equal opportunity to all, in order that prosperity might go upward from the producing classes, rather than to legislate wealth into the hands of the already rich and let it seep down.

The Democratic Party stands for no exploitation of one class of citizens at the hands of another. It stands for no aristocracy of wealth. It stands for no ruling class of people, no exemption of wealth, or of favored persons before the law; but it stands for equality for all men, and the fullest respect for law and order and for the rights of property.

Mr. President, our Supreme Court has held, under our laws and Constitution, that a public-service corporation has a right to a reasonable return on the money invested in such corporation. The Congress has enacted that those who labor for public-service corporations are entitled to a reasonable return for their labor. Surely, if this doctrine is true, under our Constitution and laws with respect to transportation companies, transporting the products of the farm, and those who work on the farm, it should likewise be equally true that those who own the farms and those who produce on the farms are entitled to a like reasonable return on their investment and on their labor.

It must be conceded, under present conditions, that farmers are not receiving a reasonable return from their farms, and that farm laborers are not receiving a reasonable return for their labor. It is the function and duty of democracy, as I understand it, to see that these inequalities of opportunity and these inequalities of return are wiped out, and that the farmer is put on the same basis as other classes of our people.

The House has voted on the Haugen bill and defeated it 212 to 167. The trouble with farm relief in the House, in my judgment, was the action of the House Committee on Agriculture in reporting three bills instead of one. If the committee had reported the Haugen bill and made a fight for it, no doubt it would have passed, but the consequent confusion resulting from the reporting of three bills turned the whole program topsy-turvy.

I notice that of the Democratic delegation in the House from Tennessee four Members voted for the Haugen bill and four against it. No doubt all the delegation from Tennessee favor farm relief. Some no doubt voted against it on the ground of the equalization fee represented in the House Haugen bill. My view is that the vote in the House did not determine the question of farm relief, because I see that some of the staunchest friends of the farmers voted against that particular Haugen bill. The Senate should pass the Haugen bill and send it over to the House, where it can be determined on its own merits.

MIGRATORY-BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges, etc.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Shipstead
Bayard	Fernald	McLean	Shortridge
Bingham	Fess	McMaster	Simmons
Blease	Frazier	McNary	Smoot
Borah	George	Mayfield	Steck
Bratton	Glass	Means	Stephens
Broussard	Goff	Metcalf	Swanson
Bruce	Gooding	Moses	Trammell
Butler	Hale	Norbeck	Tyson
Cameron	Harreld	Norris	Underwood
Capper	Harris	Oddie	Wadsworth
Caraway	Heflin	Overman	Walsh
Couzens	Howell	Phipps	Warren
Curtis	Johnson	Ransdell	Weller
Dale	Jones, N. Mex.	Robinson, Ark.	Williams
Deneen	Jones, Wash.	Sackett	Willis
Dill	Kendrick	Schall	
Edge	Keyes	Sheppard	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the committee on page 4, line 16.

PROHIBITION REFERENDUM

Mr. DILL. Mr. President, this migratory bird bill has been suggested by the Senator from Maryland to be a kind of a migratory bill from its comings and goings before the Senate.

I have been waiting for three or four days to discuss the subject of the referendum and particularly would like to discuss the subject of the referendum in a general way. My friends who are opposed to the continuation of the prohibition law are advocating a referendum on prohibition. If we are to have a referendum on prohibition, I know no reason why it should not be applied to the migratory bird bill just as well, under the present provisions of the Constitution and statutes of this country.

I am inclined to ask those who are urging a referendum on prohibition whether they are urging it as a matter of expediency, in the hope that it will help the antiprohibition cause, or whether they have really been converted to the principle of the referendum.

A few years ago, when the legislative vehicle of the people known as the referendum was being adopted in the various States of the country, we were told that it was a wild-eyed, radical, dangerous proposal. The conservatives in public life were warning that if we adopted the referendum it would destroy all rights of the minority in those States where it existed. The advocates of the referendum believed that it would cure all political ills. Some 23 or 24 States have provided directly for the referendum, and in fairness it must be said that it has not brought the ills prophesied; it has not endangered the rights of the minority, as those who opposed it feared it would. On the other hand, it has not cured all the political ills which those who advocated the referendum stated it would do. We have found that it has been a weapon that has been held in reserve and called into use only occasionally. The remarkable thing is that when it has been called into use the people have exercised such moderation and such judgment at the polls.

I do not believe that previous to this time, in recent years at least, there has been any advocacy of a national referendum. I do recall that some years ago, when we were about to enter the great European war, some of us urged that there should be a national referendum on that question, and we were told that those were the ideas of pacifists; that it was a ridiculous proposition to say that the people who must do the fighting, the dying, and the suffering, and whose children must pay for the cost of the war for generations to come, should be permitted to vote on the question.

So far as I know, since that time nobody has proposed that we should have a referendum unless we had a constitutional amendment authorizing Congress to provide for such action. But in these days of antiprohibition the opponents of the eighteenth amendment and the Volstead Act are willing to seize upon anything for the purpose of keeping up the agitation, and for the purpose of making it appear that they know what the people of this country want. So they have seized upon a national referendum.

I note that the leading advocates in this body of a referendum on prohibition are such conservative gentlemen as the Senator from Pennsylvania [Mr. REED], the Senator from Maryland [Mr. BRUCE], and the Senator from New Jersey [Mr. EDGE]. If they were classed as being radical, or even as mildly progressive, in a class with some of us who are so charged, they would bitterly resent it. Yet they rise on this floor and advocate the use of the referendum policy, which has been adopted, as I have said, in about one-half of the States. Although there is no authorization under the Constitution for a national referendum, they propose to use it on the prohibition question.

I read with a great deal of interest this morning what I hope other Senators have read, or will read, a brief inserted in the CONGRESSIONAL RECORD yesterday by the Senator from New Jersey [Mr. EDGE] in support of his resolution that the Congress has a right to bring about a national referendum. I have had time to read it through only once, but in reading it through that once I have discovered the irregularities and the unsatisfactory nature of the proposal of this referendum.

This brief is really a brief that applies more directly, I should say, to the President's Executive prohibition order, because most of it is given over to a discussion of the question whether or not State officers have a right to carry out Federal laws.

It is a very excellent brief on this question. I think it bears out to a great extent the theory that has been advanced here by the Senator from Montana [Mr. WALSH] and the Senator from Idaho [Mr. BORAH] that this order of the President was merely the announcement of a policy.

I have wondered just why the President did issue the order if it were simply a declaration of a policy. I know there are those who seem to think the President is not very much of a politician, but I am not in that category. It has occurred to me that one of the purposes that has been served by this declaration of policy has been to divert the attention of the country away from the defeat that the Senators suffered who have been regularly supporting Mr. Coolidge and turn it to a discussion of prohibition. If that was his purpose, it has succeeded admirably.

While I am speaking of referendums I can not refrain from speaking of the referendums that we have had in three or four States upon some of the President's policies. We do not need a stretch of the Constitution. We do not need elaborate briefs prepared as to how we can have a referendum in this country. The fathers in their wisdom, when they wrote the Constitution, made ample provision for it when they provided that Members of the House of Representatives should go to the people every two years, and when the people of our own generation amended it so that Senators should go to the people every six years. One of the Senators who was supporting the World Court because Mr. Coolidge wanted it went to the people in Illinois and had a referendum. Another Senator in Pennsylvania went to the people. He supported the World Court; he changed his position on it, in fact, to harmonize with the President's position, and he had a referendum. I am not so sure that that was not a referendum on the Italian debt settlement also.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. EDGE. I have just arrived in the Chamber and have not heard the Senator's statement, but I understand he has been discussing to some extent the brief that I offered for the RECORD on yesterday.

Mr. DILL. Yes; I was discussing it.

Mr. EDGE. That brief came from the legislative bureau of the Senate, defending the legality and constitutionality of a national prohibition referendum or any other national referendum. May I interrupt the Senator to ask him a question in connection with that subject?

The Democratic convention two years ago adopted a plank in their platform containing a proposal for a national referendum on the question as to whether the United States should join the League of Nations or otherwise. It is to be assumed that the great Democratic Party—that platform having been adopted, as I recall it, by unanimous vote of the delegates—in formulating that plank must have given some thought to the legality and constitutionality of the proposal. I am wondering if the Senator from Washington can give us any information. Certainly the great Democratic Party would not have suggested to the electorate of the country that, if it were successful in electing its President, it then proposed to do something that could not legally be done. I would like to have an answer from some of the Democrats questioning the legality of national referendums as to what was meant by that proposal.

Mr. DILL. It was not necessary to have any referendum provided for in the form suggested in the platform. The people of the country gave their referendum vote in 1920 and in 1924, in my judgment, on the League of Nations question.

Mr. EDGE. But the fact remains——

Mr. DILL. I will come to the Senator's question very quickly.

Mr. EDGE. They offered in the platform that proposition to the country, I assume, proposing to pass an act of Congress, if they were successful in electing the President, providing that the 48 States should vote on the question of the entrance of the United States into the League of Nations.

Mr. DILL. I understand, but I did not want to forget the other statement I have just made before I answered the Senator's question. I was not a member of the resolutions committee of the Democratic convention. I do not know what transpired in the committee room or just what methods were considered as to how the referendum would be held. I had said that the proposed referendum was strictly irregular and would be extremely unsatisfactory because it does not provide a uniform plan. It provides that the States may hold the referendum if they want to hold it, and if they do not, then the postmasters may hold it or the Census Bureau may hold it. We would consequently have a referendum based on three or four different methods before we got done.

Mr. EDGE. Mr. President, will the Senator allow me——

Mr. DILL. Let me go a step further about the Democratic convention. I assume further that the Democratic candidates, if they had been elected and had attempted to carry out the policy of a referendum on the League of Nations, which I think they had in 1920 and again in 1924, would have followed a legal method and if necessary would have amended the Constitution or would have attempted to do so. Certainly, when we are deciding upon a policy so at variance with the history of the country for 140 years as going into an organization like the League of Nations, we would be justified in amending the Constitution to take such a vote before we attempted to take such a step.

Mr. EDGE. Certainly, the Senator does not contend that the plank in the Democratic platform anticipated any change of the Constitution. It was a platform promulgated to the American people as representing a policy of the great Democratic Party, from which I assume every voter would naturally anticipate, from the very wording of the plank, that the referendum would be prepared through an act of Congress. That, of course, is not a constitutional amendment.

Mr. DILL. I am not going to argue as to whether or not Congress has that power. The brief to which reference has been made that maintains the proposition that Congress could, in its search for information as to legislation, provide for a Federal advisory vote such as is suggested, but I do not think the great Democratic Party or any other party that proposed a referendum would propose one that would allow one State to hold it under its State laws, and another State to have it under the Post Office Department, and another State under the Commerce Department.

Mr. EDGE. That is hardly a fair statement.

Mr. DILL. That is the kind of referendum that is referred to in the brief.

Mr. EDGE. The brief proposed, in case a State had no method or refused absolutely to meet the wishes of Congress in that regard, that then we would necessarily resort to the only machinery in existence, Federal machinery, which would be perhaps the Census or the Post Office Department. I am sure the Senator will agree with me that the thought presented in the brief is that every State would in the usual way, through questions on the ballot, respond to the request of Congress. Should any State refuse to do it, of course, it would be necessary to take the only possible alternative, and that is all the other plans contemplate.

Mr. DILL. When the Senator entered the Chamber I was discussing the referendum we have recently had on the President's policy and explained that there is a method to get a referendum such as is intended under the Constitution, and that we are getting it. I had mentioned the fact that the Senator from Illinois [Mr. McKINLEY] and the Senator from Pennsylvania [Mr. PEPPER] had each had a referendum, and the Senator from Oregon [Mr. STANFIELD], I was about to say, had just had a referendum. I do not like to discuss the defeat of Senators in this body.

It is no reflection upon them, in my judgment, that they were defeated primarily because they broke faith with the voters in their party who had gone to the polls and voted for President and for candidates for the House and Senate who were pledged against the League of Nations, and then the World Court was brought in here as a back-door entrance to the League of Nations, and they voted for it. I think the rebuke of the people to the men who did this is a just and a proper rebuke. It is the kind of referendum that the Constitution provides.

But I was about to discuss the subject of a referendum in a more detailed way. I said a moment ago that it was adopted largely by the Western and Southern States originally, and then extended into the more populous States of the Middle West and East, and even New England. I find that only four States of the United States do not have the initiative referendum and recall in some form or another. About 23 or 24 States have the initiative and referendum as a State proposition. In the other 20 States they have some form of it in the municipalities or counties. So it is not a new doctrine, and yet in recent years it has never been seriously proposed that we should extend the referendum as a policy and a plan to questions before the National Congress. There are a number of reasons why a popular referendum is not a popular method to dispose of questions to be passed upon by the Congress of the United States.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. Certainly.

Mr. FESS. The Senator is discussing a problem that, in case a referendum is undertaken, might have to be decided with reference to the action of Members of Congress in future legislation. My question is this: If we submit, under the proposal being discussed, a referendum in an abstract case, whether it is for this or that, and without any association whatever to any question in any campaign other than the referendum, how would I as a sitting Member of this body regard that sort of vote when it came to legislation on the subject following the referendum? Is the referendum such a real referendum that I would feel instructed or bound to respect it in legislation to which it referred?

Mr. DILL. I am glad the Senator raises that question. Before I answer directly let me say that of course I think the answer to the Senator's question is one that must be decided by each Senator or Congressman for himself. I will answer it according to my viewpoint, for that is all I can do. I can not speak for other Members of the body.

My own theory and my own opinion is—and I was about to take that up in the discussion—that a referendum on this subject is not only impracticable, is not only irregular, is not only not uniform, as is provided by the resolution, but that it can not accomplish any result in the Congress of the United States for the reason that a referendum taken by States or by counties or cities—I care not how—is a popular referendum, and can be binding, as I see it, only upon a Senator or Representative to the extent of his own constituency. Coming as I do from a State where the people have three times voted overwhelmingly in favor of prohibition, the majorities for it growing every time they voted, I would consider myself unfit to sit in this body or in any other representative body a single hour if, when the people had voted so overwhelmingly against the liquor traffic, I defied them and voted for the liquor traffic. When the referendum shall have been concluded, in my judgment, we shall not have even eight States in the Union that will go wet; and even though it would be possible that 8 or 10 States would give a popular majority of the whole vote cast, the fact would remain that Senators and Representatives elected here are responsible to their own constituency and are bound by the votes of their own constituency.

A Member of the Senate represents the State from which he comes. Originally in the early days of the Government the Senate was called an aggregation of ambassadors from the States, and, while we now take a broader view than that, the fact remains that the Senators who come here are primarily the representatives of their States as to questions concerning which their constituents have fully decided. I am not one of those who believe that a Senator should bend his judgment or cast his vote in accordance with every passing whim of popular opinion, but I am one of those who believe that a Senator, when he knows what the people he represents want, as they have expressed their desire at the polls, after giving a question complete consideration, has only one duty to perform, and that is to register the will of the people.

If I were unwilling to register the considered and deliberate judgment of the people whom I represent, I would have too much self-respect to ask them to let me represent them longer. I would get out of office and let somebody come here who would carry out their will.

Mr. FESS. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. I yield.

Mr. FESS. I do not believe that I take exactly the same position as does the Senator from Washington.

Mr. DILL. That is the reason why I modified my statement. I can not answer for other Senators.

Mr. FESS. My view about representative government is that I am sent here to represent the people of my State in the manner which I believe is for the welfare of those people. I have taken that position always. If we should take a referendum and submit the question without any association with candidates or elections, vote upon it as an abstract proposition, I do not believe, in the first place, that it would be a referendum at all; I do not believe it would be conclusive as expressing the opinion of the people; and even

though it should be, still it would be an open question whether a man conscientiously opposed to the return of the saloon would follow that instruction.

However, I know that there is a way to get a referendum. If I were a candidate and made my position on the question known everywhere, if the people did not want me, their method would be to reject me, and if they approved my position they would elect me. It is upon that basis, and that basis only, that there can be any referendum.

Mr. DILL. Mr. President, will the Senator from Ohio let me interrupt him right there?

Mr. FESS. Certainly.

Mr. DILL. The Senator recognizes, however, that such a referendum having to do with himself as a candidate holding certain views is more or less complicated with his own personality and with his own views on other questions. Such a referendum, therefore, is not so complete, is not so reliable, is not so definite, and should not, in my judgment, be followed so closely as a referendum that submits the question standing alone without connection with any candidate whatsoever. I simply want to express that view.

Mr. EDGE. Mr. President, I desire to say that I agree absolutely with that viewpoint of the Senator from Washington.

Mr. FESS. Mr. President, will the Senator from Washington yield further?

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Ohio?

Mr. DILL. I yield.

Mr. FESS. Take the State of Ohio. We have there eight cities with over a hundred thousand population. There is where the liberal view obtains more than anywhere else. Those eight cities support important newspapers, which are state-wide in their circulation. Consequently, in rural sections the newspaper that is read is one or more of those cosmopolitan newspapers which come from the cities. Very little discussion of the question would be read in the local newspapers of the smaller towns. Therefore the influence that would be more permeating in the propaganda would be from the cities, and the newspapers would largely reflect the sentiment which is dominant where they are published. I do not think a referendum under those circumstances would result in a real decision of the judgment of the people of that State. For that reason I could not give my consent to the proposal for a referendum.

Mr. EDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. Mr. President, would it not be almost entirely controlled by the nature of the question? The people of the State of Ohio, we all admit, rank high in intelligence, and if the question which was proposed—or a series of them, perhaps two or three or four—related to the possibilities under the law, either the repeal or the modification of the eighteenth amendment, in direct plain language, or a modification of the Volstead Act within constitutional limits, in direct plain language, does the Senator contend that if the voters of Ohio, whether in the country or in the cities, responded to those questions it would not be an intelligent indication of their viewpoint?

Mr. FESS. Mr. President, it would be an intelligent indication probably so far as the response would be made, but the junior Senator from Arkansas [Mr. CARAWAY] expressed the situation precisely here on yesterday when he said that those who would come to the polls in such a referendum would be the enthusiasts or the radicals on either side of the issue, and we could not thereby get an expression from a large portion of the electorate.

Mr. EDGE. Mr. President, the Senator from Ohio will not misunderstand me if I should suggest that one might fairly view a statement of that kind as a sort of advance alibi of expected defeat, because I can not see any reason why both sides of an important national issue like this would not exercise their right of franchise and go to the polls, especially if they were, as the Senator undoubtedly believes, satisfied with present conditions and desired to continue them.

Mr. FESS. Mr. President, if the Senator from Washington will permit me further, the Senator from Ohio does not mean to anticipate defeat, although the suggestion that I made that there would be a predominating influence from the cities might lead the Senator to that conclusion. My contention is that it would not be a referendum; and if it were not a referendum it could not be an instruction to anyone. I thank the Senator from Washington for his permission to interrupt.

Mr. DILL. I am very glad to have had the contribution which the Senator has made to the discussion.

Mr. President, the Senator from Ohio, by his last statement, would indicate that he had some doubt as to the result of such a referendum or rather as to the reliability of it, because he suggested that in the cities the newspapers might stir up people more than they would in the country. For my part, Mr. President, I have no fear of a referendum on the liquor question. We have had referendums on the liquor question for the past 50 years in this country, and the gentlemen who are so anxious to know what the people want in the coming campaign will have the opportunity in every congressional district in the country of ascertaining what they want.

What would have been thought before the prohibition amendment was adopted had we proposed to amend the Constitution or to write a liquor law by means of a referendum proposal such as has been made by the Senator from New Jersey? We would have been told it was a wild, crazy idea; that the Constitution provided the way for such a proposal, and truly it does.

The Senator from Ohio speaks about the results of a referendum. One would think from the discussion that goes on here from day to day that the people have never passed on the question of the liquor traffic. They were voting on it all the years down until the constitutional amendment was finally ratified.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. I dislike to interrupt the Senator further, but does not the Senator see some difference between holding a referendum after an experience of seven years, as compared to referendums which were taken five or six years ago, prior to or about the time the Volstead Act went into effect? Certainly the people of this country observe the course of events, and certainly, after their experience with present conditions they have a more enlightened knowledge and, therefore, a referendum would be very much more logical now than it would have been before the experiment had been tried out.

Mr. DILL. Well, every two years we have been electing Members of the House; every two years we have been told that the wets were going to make a great drive for Congress; every two years we have gone to the people and we have come back here, and yet to-day, notwithstanding all the wet propaganda put forth by practically all the great newspapers of the country, especially in the East, I venture to state that not 20 per cent or even 15 per cent of the membership of either or both Houses of Congress would consider voting to weaken the prohibition law, much less to repeal the eighteenth amendment.

The fact of the matter is that those who oppose prohibition are desperate. They have no remedy in the present situation, and so they propose to set up here, under the high-sounding term of a referendum, an appeal to the people. I want to say that the people can be trusted to take care of the situation under the Constitution as it now is, and I for one will never consent to a referendum on a question like this in the irregular and unnatural way proposed here, but only when it has been provided for by a constitutional amendment as is made possible by the Constitution. If wet Senators think that they can reverse prohibition by going to the people, why do they not do what the prohibitionists did? Why not go out and elect Representatives and Senators who are in favor of a referendum or of an amendment to the Constitution so that the people can have a national referendum? There will be much to argue about on such a proposal, and when it shall be presented, if it shall be presented—and I am not presenting it—I venture to say that the Senator from Maryland [Mr. BRUCE], the Senator from Pennsylvania [Mr. REED], and the Senator from New Jersey [Mr. EDGE] will be here telling us about the dangers of national referendums.

Mr. President, the proposal for a national referendum is simply propaganda from start to finish, and, even if carried out in all the perfection and idealistic methods of handling that the Senator from New Jersey might portray, the results obtained would not mean anything, because every Member of the House and every Senator whose district or State voted dry would by the very force of circumstances come here and continue to vote dry.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. Yes; I yield.

Mr. EDGE. I can not permit that statement of the Senator to go unchallenged.

Mr. DILL. I should say that if they did not do so, it would mean the end of their service on the 4th of March succeeding.

Mr. EDGE. So far as the Senator from New Jersey is concerned, he will state very frankly, for he does not want to be misunderstood, that if a real referendum were taken in this country on this disputed subject, and the questions were so framed that we could obtain the real sentiment of the people, and the feeling of the people, as demonstrated by the result, was for a continuation of the law as is and the Constitution as is, no one would find the Senator from New Jersey standing here and advocating a change.

Mr. DILL. Oh, no. That would silence the Senator on that subject, because the votes of the people necessarily silence a man who represents them; but as soon as he can conceive some other method of attacking prohibition he will be proposing that. So I say to the Senator, in all courtesy, that there is but one way to change this law, and that is the constitutional way of electing Members of Congress whose States and districts know that they are in favor of changing this law. When you come here with the votes of Congressmen and Senators sent here for that purpose I shall vote against it and protest against it, but I shall bow to the will of the majority, as every other man should.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from New Jersey?

Mr. DILL. I do.

Mr. EDGE. Did I not understand the Senator from Washington just a few moments ago, in a colloquy with the Senator from Ohio, to admit that the ordinary congressional election introduced many issues, so that as direct a response to a question could not be obtained in that method as through a method in no way involved with the election of a candidate?

Mr. DILL. I did. I agree that it is not as direct, but I agree also that it can be made the issue so that it will be direct. It can be made the issue so that if the people of congressional districts and these States want wet Congressmen and wet Senators they can get them, and they will get them. If there were a constitutional provision providing for a national referendum, then, when the requirements were met, as they must be met in the various States where referendums are held, I should go to the people with confidence in the result, and whatever the result was I should accept the majority verdict; but so long as the Constitution provides that the Senate shall be composed of representatives of States, and the House of Representatives shall be composed of representatives of districts, a national referendum is not only irregular and unnatural but it is futile so far as getting results is concerned.

So I say that when this proposal is made here by such conservative Senators—and I have no quarrel with the conservatives; I disagree with them, but we need them, as we need the other kind of public men—when these conservative Senators, who would not think of countenancing such a thing as providing for a national referendum by a general constitutional provision, come here and propose it in this case, I must conclude that it is a matter of expediency or a matter of propaganda.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. I should like to ask my friend the Senator from Washington whether he does not recollect—it is possible that the Senator from New Jersey may have called his attention to that matter while I happened for a few minutes to be called from the Chamber—that the last national Democratic platform provided for a referendum with respect to the League of Nations?

Mr. DILL. I do.

Mr. BRUCE. That convention, of course, was composed not only of the conservative element in the party, but of every other element in the party—radical, progressive, or what not; so I do not see the force of the Senator's last statements.

Mr. DILL. I may say that the only justification for the proposal for a national referendum on the League of Nations, as I see it, was that it is such a wide departure from the 140 years of historic avoidance of entanglements in Europe that before this Nation would make such a change a national referendum ought to be held. That, I say, must have been the viewpoint of the Democratic convention.

Mr. BRUCE. But a referendum in relation to prohibition, if favorable to it, would be a departure from I do not know how many thousands of years of human experience.

Mr. DILL. The referendum would be.

Mr. BRUCE. Yes.

Mr. DILL. Prohibition is the latest development of human experience that we have in this governmental way.

Mr. BRUCE. Yes. There are all kinds of human experience, morbid as well as wholesome, as the Senator knows.

Mr. DILL. Most of the morbid kinds have come from the lack of prohibition rather than because of it, I think. But, Mr. President, since the question of a referendum has come up, I want to say a few words about this subject of democratic government.

I have only one consolation in this proposal for a referendum; namely, that it reminds the American people that there are those policies of government throughout the country by which the people are looked upon as being bigger than the men they send to office. The doctrine of the growth of the people's power is a growing doctrine not only in this country but throughout the world. I recall that when the Constitution was written the great struggles of that convention were between champions of two ideas of political philosophy—one that the people could not be trusted to elect any of their officials; the other that all officials should be elected by the people. Mr. Hamilton, who dominated that convention in many respects, opposed the rights of the people being written into the Constitution. Those who subscribed to the philosophy of Jefferson were unable to match his leadership, I think largely because Mr. Jefferson was in Europe; so that when the Constitution was finally adopted it provided that the people themselves had no direct power in the selection of all the officials of this Government, with the exception of the Members of the House of Representatives.

The Constitution provided that the judges of the Supreme Court of the United States should be chosen by a President who was selected by electors who were chosen by legislators who were chosen by the people, that many steps removed from the people; and the President, under the Constitution as it was first written, was to be chosen by electors who were selected by legislators who were elected by the people; and the Senators were to be chosen by legislators who were elected by the people; and only the Members of the House of Representatives were to get their authority to rule under the Constitution from the people directly.

But what has been the history of this country? The greatest provision in the Constitution of the United States, in my judgment, is the provision which says that "the people may amend this Constitution." Ever since that was written into the Constitution there never has been any justification for any man advocating violence in the changing of this Government. All he needs is a majority of the people of this country in the orderly, constituted way to elect officials who will put their will into action. So what has been the history? Why, as soon as President Washington had gone from the scene of action the people began to amend the Constitution, not in actual words but by practice. The Congress began to nominate the candidates for President, and since that time no elector has ever violated the will of the people of his State, with one exception, in the case of President Monroe, that elector not wanting any man to have a unanimous vote. Then, a little later, they developed the convention system, by which the delegates directly from the people nominate candidates; and I remind you that the national political conventions in this country are the most remarkable institutions in our whole system of government. In no part of the Constitution, or under any law of the United States, is there any provision whatsoever for a national nominating convention. It has grown up as an institution by custom created by the people to override the constitutional barriers between them and the direct election of their President; and to-day one of the most powerful organizations in this Government, the national political convention, exists, functions, and controls the Presidency in the end without any authority of law except the authority that exists by common consent. To-day our Presidents are nominated by conventions, and the people go to the polls and vote for electors, but they do not know their names, and they forget all about them, and the electoral college is simply a piece of useless machinery which, in my judgment, should be abolished.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. As I understand, then, the Senator from Washington takes the same view about the legality of this proposed amendment that the Senator from Montana [Mr. WALSH] took in his discussion day before yesterday.

Mr. DILL. I did not hear all of the Senator's discussion, but I do take the view that the President's order is rather one of policy than one of compulsion.

Mr. BRUCE. Of course the Senator recollects that the Senator from Montana presided over the National Democratic Con-

vention which adopted a plank favoring a referendum on the subject of the League of Nations.

Mr. DILL. There are a lot of things about that convention that I have tried to forget.

Mr. BRUCE. Then, while we are taking up the subject of a referendum, the Senator will recall that a good deal was said on that subject the day before yesterday in connection with the election in Pennsylvania. I should like to call his attention, if he will permit me at this moment, to the fact that I have just received a letter from one of the managers of Governor Pinchot's campaign in which he says that VARE would have gotten the votes Pinchot got in so far as the working man was concerned; that over 100,000 miners' votes were VARE votes that went to Pinchot.

Mr. DILL. I do not know what the Senator is trying to prove, unless it is that Pennsylvania is wet, and that the combined election returns of PEPPER and Pinchot do not show that it is dry. I rather took the statement of the Senator from Pennsylvania [Mr. REED] the other day as being about the fairest statement that has been made on the subject.

Mr. BRUCE. Does the Senator mean his statement that the people of Pennsylvania were all dunderheads?

Mr. DILL. Well, no; I think he would not say that on second thought.

Mr. BRUCE. Oh, no; he did not mean it to be taken seriously, either. It is only fair to say that.

Mr. DILL. I refer to his statement that lots of drys voted for VARE, and lots of wets voted for PEPPER and Pinchot, but that there was a political fight involved, and that the result can not be considered conclusive. I thought that was, after all, a fair statement. I think the Senator must agree that there were other considerations than merely a wet-and-dry fight; but the wet-and-dry fight had its influence, no doubt.

Mr. BRUCE. That is undoubtedly so, so far as the gubernatorial election was concerned, because Pennsylvania has a State prohibition enforcement law. Prohibition was not really an issue in the gubernatorial contest; but of course that must have been the predominant issue so far as the nomination of an individual to the United States Senate was concerned, because the voters of Pennsylvania must have realized that the Senate and the House of Representatives will determine the question as to whether the Volstead Act shall or shall not be modified.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. McKELLAR. If that is the case, it does not show a very great victory for liquor, for this reason: As I pointed out yesterday, Mr. Pinchot got 22 counties and Mr. PEPPER got 43 counties, making 65 counties, and Mr. VARE carried 2 counties—the county in which Philadelphia is situated and the county in which Harrisburg is situated. So, if it was a wet-and-dry matter, it would look as if two counties in Pennsylvania are wet, and I think almost anybody would concede that Philadelphia, at least, is wet. If you are going to speak of that election as having anything to do with the question, which I doubt very much, it looks as though a very large part of Pennsylvania was dry.

Mr. CARAWAY. Mr. President, may I ask a question? What part did the $5,000,000 play in it? Both of the Senators seem to have ignored that phase of the matter.

Mr. BRUCE. The $5,000,000 must be established first.

Mr. CARAWAY. Yes; and the beer influence must be established first, too.

Mr. BRUCE. Referring to what the Senator from Tennessee says, Senator PEPPER carried the city of Pittsburgh. In the city of Pittsburgh arrests for drunkenness have risen from 9,577 persons in 1920 to 28,669 persons in 1925. It is one of the wettest cities in the Union; and, of course, something else than friendliness to prohibition must have influenced that vote in favor of Senator PEPPER.

Mr. McKELLAR. That is what we have been contending all the time; but you are contending that the primary election in Pennsylvania shows that Pennsylvania is wet. I have my very serious doubts about it. I think there were very many other issues in the campaign; and Mr. VARE, as we all know, is not only personally popular, but he has a splendid machine behind him in Philadelphia that would vote for him if he were the driest of the drys or the wettest of the wets.

The machine in Philadelphia would have voted for VARE regardless of anything Mr. VARE stood for.

Mr. BRUCE. The machine in Philadelphia always excites such an intense feeling of popular antagonism as to alienate thousands and thousands of votes from any machine candidate. The fact is that it was the senatorial contest in which the issue of prohibition was involved, and in that VARE obtained a majority of some 85,000 votes, notwithstanding the fact that Senator PEPPER, of course, as he deserved, enjoyed a very fine reputation, private and public, in the State of Pennsylvania, and notwithstanding the fact that one of the managers of Pinchot's campaign states, as I have said, that but for the fact of Pinchot being a candidate, VARE would have received at least 100,000 votes that Pinchot received in the mining regions of Pennsylvania alone, and we all know that that is the wettest part of the State of Pennsylvania.

Mr. EDGE. Mr. President, it occurs to me that if our good friends are so positive that all these recent occurrences are really in effect dry victories, they would be leading the movement for a demonstration that the country is still dry, so that we could go ahead and pass the bird bill, and not discuss all these other matters.

Mr. DILL. Mr. President, the demonstration that the country is dry has been so conclusive ever since the eighteenth amendment was adopted and the Volstead Act passed, that it seems to me a waste of the taxpayers' money to go through a formal referendum, which could have no effect whatever after it was put into force.

Mr. EDGE. I have never yet seen a man unwilling to have his judgment affirmed and reaffirmed.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Virginia?

Mr. DILL. I yield.

Mr. GLASS. I want to suggest a method to the Senator from New Jersey whereby this matter may speedily be settled. If he will make a motion to discharge the Judiciary Committee from further consideration of the amendment to the Constitution proposed by the Senator from Maryland, and bring it up to an immediate vote, I will vote with him, and I have no doubt he can get the balance of the Senate to vote with him. Let us stop this farce and vote on the question.

Mr. EDGE. Mr. President, I am afraid that might disappoint the country. I prefer, as far as a referendum is concerned, with which I am more closely associated, to await the appearance of the so-called Goff bill, so that we can discuss the entire subject then, having the bill with teeth and the bill with false teeth before us at the same time. Personally I much prefer to wait until then, and not interfere with the bird bill.

Mr. GLASS. The Senator is perfectly well aware of the fact, which I have no doubt he will readily concede, that there can be no valid statute authorizing the manufacture, sale, or transportation of intoxicating beverages without first a modification of the eighteenth amendment.

Mr. EDGE. I am absolutely in agreement with the Senator from Virginia in that.

Mr. GLASS. Very well. Then let us vote on the proposition, and submit the amendment proposed by the Senator from Maryland. Let us discharge the Judiciary Committee from further consideration of that matter, and bring it here and dispose of it finally.

Mr. EDGE. But, Mr. President, I do not agree that the Volstead Act, with its indefensible, ridiculous, one-half of 1 per cent limitation, can not be amended, and that it should not be amended, under the clear terms of the eighteenth amendment itself. In other words, I contend, and I think the Senator knows that I have insisted at various times on the floor, that the Volstead Act is an unfair interpretation of the eighteenth amendment. I am not now discussing the repeal of the eighteenth amendment.

Mr. GLASS. But I am.

Mr. EDGE. I am discussing what Congress actually did. We passed the Volstead Act. That act, in my judgment, because of its unfair provisions, has done more to create the feeling of protest and challenge throughout the country than the eighteenth amendment itself. We should make the Volstead Act comply with the Constitution. Certainly we can not amend the Constitution. We all admit that. The Senator just propounded that question, and I unhesitatingly admitted it. But we can amend the Volstead Act. That is our creation. If we amend the Volstead Act beyond the limitations of the eighteenth amendment, the Supreme Court will so decree. If we amend the Volstead Act up to what they consider a fair interpretation of the eighteenth amendment, they will let it stand; and then we will be giving the people of this country what they voted for when they voted for the eighteenth amendment. They never voted for the Volstead Act, and never had an opportunity to vote for it. They did, through their legislatures, ratify the eighteenth amendment, which in itself prohibits one thing, namely, intoxicating beverages. It does not prohibit alcoholic beverages; it does not prescribe or attempt to prescribe a limi-

tation of one-half of 1 per cent. I contend, to be fair with the people, we should try out my proposal. The situation can not be any worse than it is to-day. I do not care what one's view may be of the wisdom of prohibition or its lack of wisdom, the situation in this country to-day is beyond the defense of any Member of this body.

Mr. McKELLAR. That is because your administration does not enforce the law.

Mr. EDGE. It is because of many reasons, and the Senator from Tennessee knows that full well. The Senator from Tennessee knows that as long as the farmers of Tennessee raise corn there will be stills throughout the country in Tennessee, and so there will be in every State.

Mr. NORBECK and Mr. BRUCE addressed the Chair.

The PRESIDENT pro tempore. The Senate will be in order. All Senators will suspend until the chair can determine to whom the Senator from Washington is yielding.

Mr. DILL. I have been yielding to the Senator from New Jersey.

Mr. NORBECK. A point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. NORBECK. I would like to know what this has to do with the migratory bird bill.

The PRESIDENT pro tempore. The Chair is unable to make reply.

Mr. GLASS and Mr. BRUCE addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Washington yield?

Mr. DILL. I yield to the Senator from Virginia.

Mr. BRUCE. I will say to the Senator that there are some birds——

The PRESIDENT pro tempore. The Senator from Maryland will suspend. The Senator from Washington yielded to the Senator from Virginia.

Mr. BRUCE. Very well.

Mr. GLASS. Mr. President, the Senator from New Jersey knows perfectly well, and has stated, that if we should amend the Volstead Act so as to permit the manufacture, sale, or transportation of intoxicating liquor, the Supreme Court would decide the statute invalid.

Mr. EDGE. Absolutely; that is, if those liquors would be decided by the Supreme Court to be intoxicating liquors.

Mr. GLASS. The Senator will recall that I endeavored in vain to elicit from the Senator from Maryland some time ago some information as to the intoxicating qualities of light wines and beer. Let me see if I can have any more success with the Senator from New Jersey. Does he think that light wines and beer are intoxicating?

Mr. EDGE. I have several times on the floor of the Senate expressed grave doubt that any light wines could be manufactured under a legal interpretation of the eighteenth amendment; but, at the same time, I have expressed very positive conviction that a light beer, of perhaps 2.75 per cent, or thereabouts, would be decided to be within the provisions of the eighteenth amendment. Of course, this is mere speculation and opinion, as it must be on either side, necessarily.

Mr. GLASS. I am not prepared to say that that is not a fact. If that be a fact, the Senator from New Jersey ought to press for action upon his proposition to so amend the Volstead Act as to permit an increase in the percentage of alcohol permitted. But we do not get anywhere talking here about authorizing the sale of intoxicating beverages, until we shall first have proposed and have accepted a modification of the eighteenth amendment.

Mr. EDGE. If the Senator from New Jersey can press his proposal with more determination and vigor than he has attempted to do in the last eight months, I would like to know how to proceed. I think the Senator is not entirely familiar with what I have attempted to press. In addition to the proposal for the legalization of 2.75 per cent beer, I have offered an amendment to the Volstead Act proposing that it shall be legal to produce any beverage "nonintoxicating in fact," which is practically the prohibition of the Constitution itself, the formula to be decided by the courts.

Mr. GLASS. To which committee of the Senate has that proposal been submitted?

Mr. EDGE. To the Committee on the Judiciary, of which a subcommittee held hearings for two or three weeks.

Mr. GLASS. What does it signify that the Senator from New Jersey is unable to get any report from the Judiciary Committee?

Mr. EDGE. That in no way annoys the Senator from New Jersey. He is going to continue pressing his contention, even though he is temporarily unsuccessful.

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington declines to yield further.

Mr. DILL. I want to be courteous to Senators, but I must decline to allow this joint debate to go on in my time without end.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. I would like to ask the Senator from Virginia a question. I do not recall the occasion on which the Senator ever asked me any question as to the intoxicating qualities of wine or beer. As the Senator has told us that he has never taken a drink in his life, I can readily understand how he might apply to anybody for information on that subject, even to me, though I do not profess to be an expert in that field, let me hasten to say. The Senator may be right, but I do not recollect his ever having asked me about the intoxicating qualities of wine or beer.

Mr. GLASS. Mr. President, that simply shows that the very able and distinguished Senator from Maryland loses his poise when he gets on this problem. It was at the very same time that I stated that I had never taken a drink of any sort of intoxicating liquors that I sought information from the Senator from Maryland, and he was good enough to treat me rather brusquely when I asked him the question. He never has answered it.

Mr. BRUCE. If I was brusque, my good friend knows that I am truly sorry. The only recollection that I have about that is that the thought passed through my mind that the Senator had been deprived of a great deal of innocent and rational enjoyment.

Mr. GLASS. So I have been frequently told; but I do not object.

Mr. BRUCE. With regard to the intoxicating qualities of wine or beer, I feel a little more confident in my memory than I otherwise would be, because I could have told the Senator that in the city of Baltimore it was the habit of our Baltimore brewers to give to the drivers of their beer wagons as many as 16 glasses of beer a day, which would hardly have been done if beer had been a highly intoxicating drink.

Mr. GLASS. That may account for so many collisions on the streets of Baltimore.

Mr. BRUCE. The Senator will have to produce some statistics before I can accept that as a fact.

Mr. DILL. Mr. President, I must decline to yield further. I was trying to discuss what I thought a very historic and peaceful phase of the referendum question, in reviewing the development of the democratic idea of government, when my good friend from Maryland interjected the wet-and-dry debate again, and I wanted to be as liberal as possible, because I want Senators to discuss the subject. But I did want to continue that review.

I had explained the growth of the democratic idea regarding the President. Of course, we are all familiar with the growth of that idea in connection with the Senate. It took many years, in fact, almost a century, to change the Constitution so that Senators would be elected by direct vote of the people; but that great democratic movement was accomplished. About that time the sentiment for the initiative, the referendum, and the recall swept over the country, and with it the movement for primaries in place of conventions.

There was adopted in most of the States of the Union the democratic method of nominating candidates in form of primaries. We have a sort of reaction in the country to-day, and we find that a few States have repealed the primary law; but, on the whole, most of them are retaining it, and its value is evidenced every time there is a contest on any great public question, because in such a contest the political leaders and political bosses will flock together on one side, but the people go to the polls and vote their judgment on the other. In the light of the fact that in many of our States, both north and south, the nomination to office is practically equivalent to election, the importance of the primary becomes doubly great because it gives the people practically the only opportunity they have to vote for the men in office in such States.

I said in the beginning of this phase of the discussion of the movement toward the democratic ideals that the Supreme Court Justices were as far removed from the people as they could be. I think it is worth noting that the first elective judiciary of which we have record was provided for by the State of Georgia in 1812, and the Jacksonian democratic movement that swept over the country during the few years that followed had such an effect upon the people that there are

only four States in the Union to-day in which judges of the supreme courts of those States are appointed for life. Practically 40 States elect their judges. I think the time will come, and I hope it will come soon, when the district Federal judges will have to be elected by the people, just as the State supreme court judges are. It is only a further application of the doctrine of democracy to popular government.

I know of no reason why the man who sits in the Federal building to decide what the law means should not get his authority to sit there and to act from the same source as the man who sits in a State or county courthouse for a similar purpose. I have never been able to see a reason why the man who tells what the law means should get his authority from any other source than the men who tell what the law shall be in the form of the legislation which they write. Every man in the legislative branch of the Government, and even the head of the executive branch of the Government, must go to the people and submit his record to the people for reelection or defeat. I maintain that if the executive and the legislative representatives must submit their records to the people, the heads of the judicial departments should do so also.

A few years ago when Mr. Roosevelt led the movement in the country for the recall of judicial decisions the wave of giving the people power reached its height. For my own part I could never see the justification for providing that the people should recall the bad decisions and leave in office weak men who make those decisions. It seems to me the most ridiculous proposal of its kind that we had ever had, for if we would not remove by recall the men who make bad decisions, if the people are not fit to do that, certainly they are not fitted to interfere with the decisions that are made on legal principles.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. DILL. I yield.

Mr. BORAH. The Senator called attention a short time ago to the brief which has been filed by the Senator from New Jersey [Mr. EDGE] in regard to the constitutionality of a referendum. I find that the gentleman who prepared this brief found it necessary to determine whether or not we could employ State officers in order——

Mr. DILL. May I say to the Senator that I said I thought it was a brief rather on the President's Executive order than on the question of the constitutionality of a referendum?

Mr. BORAH. May I interrupt the Senator for a moment further?

Mr. DILL. Certainly.

Mr. BORAH. It is very interesting to find this discussion in behalf of those who are criticizing the order of the President because it is proposed to employ State officers to carry out the referendum which they are now supporting.

In the brief it is said:

> Would an act of Congress providing for a national referendum to be conducted by the States with their consent be open to constitutional objection as an interference of the rights reserved to the States by the tenth amendment, as an invalid delegation of Federal legislative power, or as a denial to the States of a republican form of government?
>
> Senate Joint Resolution No. 81, in authorizing the conduct of the referendum by the States in accordance with such election and referendum laws of the States as the legislatures thereof may provide, assumes that the State legislatures, in pursuance of the congressional authorization, will provide for the conduct of the referendum through the use of State election and referendum machinery. This will necessarily involve State officials carrying out the referendum. Furthermore, in the event the State determines to conduct the referendum, the resolution specifically places upon the governor thereof the duty of certifying the referendum results to the Senate and the House of Representatives. Such use of State legislative and executive officials in executing the Federal function of acquiring information in aid of or as a basis for legislation will be with the consent of the States. Such consent will not be implied from the absence of any action by the States prohibiting State officials from serving pro hac vice as Federal officials in executing the Federal law. The consent will be expresely given through enactments of the State legislature authorizing the conduct of the referendum in the State by the State and providing for its conduct through the State election and referendum machinery. The question then arises, Has Congress the constitutional power by law to avail itself, with the expressed consent of the State, of the services of the State officials and instrumentalities in carrying out a national referendum?
>
> The basis for any possible constitutional doubt as to the power of the Federal Government to confer Federal authority upon State officials and instrumentalities has been variously expressed. In case the power is a judicial power the objection seems to rest upon Mr. Justice Story's observation in Martin *v.* Hunter's Lessee.

Then it refers to some cases that deal with the judicial question:

> In case of the power of condemnation, it is urged that the power is in its nature exclusive and its exercise by State instrumentalities is therefore prohibited as completely as though the prohibition were expressed in the Constitution in terms. (United States *v.* Jones, 109 U. S. 513, 518.) In case the power is an executive power, the basis of the objection seems to be that the Federal legislation will infringe the rights reserved to the States under the tenth amendment. (See briefs for the plaintiff in error in Nos. 663, 664, 665, and 666, of the Selective Draft Law cases, 245 U. S. 366.) Following the analogy of the above objections, it is conceivable that the objection to the delegations of legislative and executive power under the resolution would be based on the theory that the enactment of the resolution would infringe the powers preserved to the States under the tenth amendment. However, despite the above objections it is a settled law under the decisions of the Supreme Court that Congress may confer Federal authority upon State officials and instrumentalities and State executive and judicial officers may act thereunder unless prohibited by State legislation. It is even unnecessary that the State affirmatively consent to the delegation of Federal authority as is provided in the resolution; all that constitutionally is necessary for State executive or judicial officers to act under the Federal grant is that the State shall not have prohibited such action.
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> Consideration of this problem first arose in connection with the fugitive slave act of February 12, 1793. (1 Stat. 302.) Section 3 of the act provided that fugitives from labor might be arrested by the person to whom such labor was due and taken before a State magistrate in the county, city, or town, or a Federal circuit or district judge within the State wherein the arrest was made. Upon proof to the satisfaction of such magistrate or judge that the person arrested owed labor to the person claiming the fugitive, it became the duty of the magistrate or judge to give a certificate to such effect to the claimant, and such certificate was sufficient warrant for removing the fugitive to the State from which he fled.
>
> In Prigg *v.* Pennsylvania (16 Peters 536) the United States Supreme Court decided the question whether State magistrates were bound to exercise the Federal authority conferred by the fugitive slave act. Differences in the opinion of the court arose not as to whether the magistrates might act, but as to whether they were bound to act, under the Federal authority. Mr. Justice Story, in delivering the opinion of the court, said:
>
> "We hold the act to be clearly constitutional in all its leading provisions, and, indeed, with the exception of that part which confers authority upon State magistrates, to be free from reasonable doubt and difficulty, upon the grounds already stated. As to the authority so conferred upon the State magistrates, while a difference of opinion has existed, and may exist still, on the point, in different States, whether State magistrates are bound to act under it, none is entertained by this court, that State magistrates may, if they choose, exercise that authority, unless prohibited by State legislation" (p. 622).
>
> It will be observed that the opinion of the court asserts that the State officials may exercise the Federal authority without expressed permission from the State so long as the State does not by legislation prohibit such exercise. The resolution does not go even this far, for its use of State officials and instrumentalities is contingent upon affirmative legislative action by the State authorizing the State officials to execute the Federal functions under such election or referendum laws as the State may provide. The decision of the Supreme Court therefore seems, a fortiori, both to permit the State officials to execute the Federal authority with the expressed consent of the State and to sustain the constitutionality of the Federal legislation conferring such authority upon State officials subject to the consent of the State legislature. Chief Justice Taney in a concurring opinion admitted that the State legislature had the power, if it thought proper, to prohibit State officials from exercising the Federal authority, while Justice McLean dissenting on this point urged that the State official "was bound to perform the duty required of him by a law paramount to any act, on the same subject, in his own State" (p. 672). Following the decision of the court and the concurring opinion of Chief Justice Taney, many States enacted so-called personal liberty acts forbidding any State magistrate from taking cognizance of any certificate to be issued under the fugitive slave act and forbidding any executive officer from arresting or detaining any person claimed as a fugitive slave.

Then follows a historical account of the fugitive slave act.

> In order to remedy this practical difficulty, the Congress passed the act of September 18, 1850 (9 Stat. 462), supplementing the original fugitive slave act by providing, in addition, for Federal commissioners who would be authorized to issue the proper certificates. However, the authority of the State magistrates to issue such certificates, in the absence of prohibitory State legislation, remained unchanged by the supplemental act of 1850 and continued in force until the repeal of

section 3 of the fugitive slave act by the act of June 28, 1864. (13 Stat. 200.)

It thus becomes evident that almost from the adoption of the Constitution up to the Civil War the Federal Government had in effect legislation under which it availed itself of the services of State officers and instrumentalities in executing Federal authority. Such legislation was recognized by many of the States in the enactment of the so-called personal liberty acts and was held constitutional by the Supreme Court of the United States. Further, the court found that State officials might exercise the authority conferred by such legislation in the absence of any prohibition by State law and the States need not even affirmatively consent to their officials exercising the Federal authority—a holding, the logic of which goes much beyond that necessary to sustain the provisions of Senate Joint Resolution No. 18, which specifically requires State enabling legislation.

The rule laid down in Prigg *v.* Pennsylvania in the case of the fugitive slave act has become settled law. The theory that the consent of the State is not required has at times been restated by saying that, in the absence of an expressed prohibition in the State law, the consent of the State to the use of its officers and instrumentalities as Federal instrumentalities will be presumed. (Fort Leavenworth Railroad Co. *v.* Lowe, 144 U. S. 525, 532.) The result, however, is the same in either case and the rule of Prigg *v.* Pennsylvania has been subsequently applied and sustained by the courts in connection with Federal legislation providing for the use of State tribunals and other agencies carrying out the Federal authority to condemn property—

And so forth.

As I understand the authorities which are cited in support of a national referendum, State officials may be employed to carry out Federal duties wherever the State has not affirmatively rejected the proposal by constitutional provision or by State legislation—I am speaking now, of course, with reference to the mere question of the constitutionality or legality of it—and that there need not be any affirmative action upon the part of the State consenting to the State officers performing the duty, it is sufficient if the State has not affirmatively prohibited it by constitution or by State legislation.

Mr. GLASS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Virginia?

Mr. DILL. I yield.

Mr. GLASS. I would like to inquire of the Senator from Idaho, what is the constitutional sanction to Congress to submit a popular referendum.

Mr. BORAH. There is none as I understand.

Mr. GLASS. That is what I think. I think there is none, and that we are not authorized by the Constitution to submit the question of repealing or revising the eighteenth amendment.

Mr. EDGE. Are we prohibited by the Constitution?

Mr. GLASS. Yes, we are, in that the Constitution provides in itself the method whereby it may be amended, which means to say, according to the inverse contention of some lawyers, that having expressed a particular method of amendment it precludes and excludes all other methods.

Mr. BORAH subsequently said: Mr. President, in connection with the remarks which I made earlier in the day I ask to have printed in the RECORD three Executive orders, one by President Roosevelt, June 13, 1907; another by President Roosevelt, June 26, 1907; and a third by President Wilson, April 14, 1917.

There being no objection, the Executive orders were ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER

Whereas, by an Executive order of January 17, 1873, it was declared that "persons holding any Federal civil office by appointment under the Constitution and the laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation"; and

Whereas, it is expedient that the Federal and State Governments should cooperate for the better enforcement of the laws with regard to the forests and the protection of fish and game; and

Whereas, the Congress, in acts passed June 30, 1906 (34 Stat. 669, 683) and March 4, 1907 (34 Stat. 1256, 1269), has directed that "hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game"; and

Whereas, it seems that such cooperation can, in many instances, be best effected by allowing officers and employees of the Forest Service and Biological Survey of the United States Department of Agriculture to accept certain State and Territorial appointments and certain State and Territorial officials to receive appointments in the said Forest Service and Biological Survey.

Now, therefore, in consideration of the premises, I deem it proper to give public notice that hereafter State and Territorial foresters, and their technically trained assistants, unless prohibited by the laws of the State or Territory, may be allowed to serve as collaborators in the Federal Forest Service, and that officers and employees of the said Forest Service and Biological Survey may, with the approval of the Secretary of Agriculture, except appointments to positions on State and Territorial forest commissions and boards and to such other State and Territorial positions as will empower them to enforce or assist in enforcing the local forest, stock, and game laws, provided the services to be rendered under such appointments do not interfere with the duties of their Federal employment.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 13, 1907.*

EXECUTIVE ORDER

Whereas, by an Executive order of June 13, 1907, officers and employees of the Forest Service and Biological Survey in the Department of Agriculture were authorized to accept appointments to certain State and Territorial positions, and it appears that the work of that department would be facilitated by an extension of the provisions thereof, I desire to give public notice that hereafter, with the approval of the Secretary of Agriculture, other officers and employees of that department are authorized to hold State and Territorial positions, and State and Territorial officials, unless prohibited by law, may be permitted to receive appointments under the Department of Agriculture, when in either case the Secretary of Agriculture deems such employment necessary to secure a more efficient administration of the duties of his department.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 26, 1907.*

EXECUTIVE ORDER

The provisions of the Executive order of January 17, 1873, prohibiting Federal employees from holding office under any State, Territorial, or municipal government, are hereby waived to permit the appointment of such employees in and under the Treasury Department, with the approval of the Secretary of the Treasury, on any State, county, or municipal council or committee of defense for purposes of mobilizing and conserving the resources of the country.

This order is issued on the recommendation of the Secretary of the Treasury.

WOODROW WILSON.

THE WHITE HOUSE, *April 14, 1917.*

Mr. EDGE. The Senator from Idaho was reading from the brief which I introduced for the RECORD, which brief, as was explained by me when I introduced it, was presented by the legislative bureau for the purpose of demonstrating that Congress had the power to propose referendum legislation. I do not propose for one moment to attempt to discuss the legal question involved, because I recognize my inability to do so.

Mr. GLASS. I am not discussing it. I am asking the Senator from Idaho, who is competent to discuss it, to enlighten us upon it.

Mr. DILL. Mr. President, this ought to be remembered about the proposal of the Senator from New Jersey. He does not propose to have a referendum by the States except where the States want to have it. Where they do not want to have a referendum, or for any reason they do not take action, then he is going to have it taken by the Census Bureau or by the post office or by some other executive department.

Mr. BORAH. Mr. President, if the Senator from Washington will pardon me for a moment, in answer further to the question of the Senator from Virginia [Mr. GLASS] I am not contending that there is any authority for the holding of a national referendum; I do not think there is any such authority. It would be a purely voluntary act, as though we should go out and hold a mass meeting of some kind and come back here and say, "We have the public sentiment upon the question."

Furthermore, I think the Senator from Virginia states the constitutional principle correctly when he says that simply because the Constitution does not prohibit an act on the part of Congress, no authority is given Congress to exercise any power that is not prohibited. I understand the proper construction of the National Constitution to be that we can only exercise such powers as are delegated or such as are implied from powers that are delegated.

Mr. EDGE. Is not that what Mr. Lee in presenting this brief attempts by various references to establish; that Congress has the power to secure information necessary upon which to

base legislation? The various references go to prove his contention.

Mr. BORAH. Mr. President, I have very great respect for Mr. Lee's ability, but I think the vice of Mr. Lee's argument lies in the fact that he assumes, to begin with, a certain premise as a constitutional proposition which premise, in my judgment, does not exist.

Mr. EDGE. Then, the Senator I suppose will admit that the suggested plank in the Democratic national platform two years ago for a referendum on the League of Nations would have been useless?

Mr. GLASS. It was idiotic; that is what it was.

Mr. EDGE. I am interested to have so distinguished a representative of the Democratic Party so admit.

Mr. DILL. The Democratic platform did not propose a poll, but simply favored the principle of a referendum on the question in a constitutional way.

Mr. BORAH. The referendum plank in the Democratic Party platform was superinduced and brought into existence because of the same condition of affairs which now confronts us with reference to the liquor situation. It was not thoroughly understood at that time, it was not clearly known just how the people felt about the League of Nations. Therefore, it was not thought wise to declare positively either for it or against it. At the present time there are a great many gentlemen coming up for office in the near future, and it is very difficult for them to tell just where the public opinion lies with reference to the liquor question, and instead of submitting the question to referendum through their election and the declaring of their position, they think it wiser if they can submit it to a referendum, and from that referendum they may judge where it is safe to go. [Laughter.]

Mr. DILL. I might say to the Senator that I disagree with him as to not knowing what the people wanted on the League of Nations question. I think they did know. But there was a difference between certain Democratic leaders, and the plank in the platform was a compromise.

Mr. BORAH. As to that, I prefer to follow the Senator from Virginia.

Mr. McKELLAR. Mr. President——

Mr. EDGE. I may say to the Senator from Idaho——

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Washington yield?

Mr. DILL. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, we all know that a national referendum would be unconstitutional; there is no warrant in the Federal Constitution for having such a referendum. We all know, however, that the States have the right to hold referendums if they so desire.

Mr. DILL. And if their constitutions do not prohibit.

Mr. McKELLAR. If their constitutions do not prohibit, they can hold referendums, and most of them, I understand, do not have such prohibitions.

Mr. DILL. I think that in one-half of the States there are no such prohibitions.

Mr. McKELLAR. I am wondering why the Senators who are so insistent for a referendum, who are declaring here every day that we must have a referendum, do not go home to their own States, where a referendum may constitutionally be held, and make the same fight there before they come to Congress and make it here.

Mr. EDGE. Speaking at least for some of the proponents of the proposed referendum, they are not in the class suggested by the Senator from Idaho and the Senator from Tennessee, because they have no particular election interesting them personally, at least at the present time.

Mr. McKELLAR. Yes; but they might go to their own States and have their States pass on it, if they should see fit to do so, where it is constitutional and lawful. Why do they want to come to a body and seek a referendum which has no authority under the Constitution to provide for a referendum, and why do they avoid going to their own States and having a referendum there, where it is lawful and constitutional to have a referendum?

Mr. EDGE. So far as a number of these States are concerned, referendums are going to be held.

Mr. DILL. Mr. President, I can not continue to yield.

The PRESIDENT pro tempore. The Senator from Washington has the floor.

Mr. DILL. I can not continue to yield, if I ever expect to say anything more on the subject.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. DILL. I am willing to yield to the Senator for a statement. What I am objecting to is the joint debate that takes place in the course of my speech.

Mr. CARAWAY. The Senator certainly would not call it a debate. However, I was going to suggest that the Senators who are so anxious for a referendum might resign and go home and run on that issue.

Mr. BRUCE. Mr. President, if the Senator from Washington will pardon me for a moment, I should like to call the attention of the Senator from Tennessee to the fact that three or four States have provided for referenda this fall. The State of Nevada, the State of Montana, and the State of Wisconsin have done so, and I read yesterday that the city of San Francisco is apparently about to make provision for a referendum in that city on the subject. I have not the slightest doubt that for some time to come referenda will be springing up.

Mr. McKELLAR. Can the Senator not obtain a referendum in Maryland?

Mr. BRUCE. There is absolutely no use of submitting any such question to the electorate of Maryland. The Legislature of Maryland has twice emphatically declined to enact a State prohibition enforcement law. There is not a solitary newspaper in the great city of Baltimore which is not adverse—I had almost said bitterly adverse—to prohibition. It would be just an idle form and a useless expenditure of money in the State of Maryland to submit the question to the electorate.

Mr. DILL. Many of us think it would be idle and a useless expenditure of money to have a national referendum.

Mr. BRUCE. There is in the counties of Maryland, of course, a prohibition sentiment; there can be no question about that; but all other considerations aside, Maryland, which is quite a small State, has a very great city, and even if prohibition sentiment were stronger in the counties than it is, it would be overslaughered hopelessly by public sentiment in that city.

Mr. DILL. I suggest that the Senator can have a referendum in Maryland by standing for reelection on that issue.

Mr. BRUCE. Mr. President, if my general demerits were not such as they are, nothing would give me more pleasure than to resign and go back to the people of Maryland on that single issue, but I am afraid that my general qualifications for my seat are so questionable that the election might go off on them.

Mr. DILL. I want to say that the position of my friend from Maryland gives us an illustration of how one's desires and purposes affect what he advocates. The Congress of the United States is so overwhelmingly dry in both Houses that there is no hope whatever of getting any legislation along this line in the National Legislature, and so an appeal is made for a referendum in order to ascertain what the people think; but in the State of Maryland, where there is an overwhelming wet legislature, a referendum is not needed, because it has all been decided by the legislature.

Mr. BRUCE. Mr. President, may I interrupt the Senator further?

Mr. DILL. I yield to the Senator from Maryland.

Mr. BRUCE. But the Senator has just heard the Senator from Idaho say that Congress is dry on the principle of safety first.

Mr. DILL. I am not bound by what the Senator from Idaho said, but I think it may be safety first for the votes at home, and I think that is a pretty good safety-first principle on a question that the people understand so thoroughly and have voted so often and so definitely in favor of as they have on the question of prohibition.

The Senator from Idaho discussed at some length a brief that has been submitted regarding the proposed referendum. I have no intention of discussing that phase of the question here, because the resolution of the Senator from New Jersey is so drawn that it can not be defended as a real referendum. It was drawn in such a way that any constitutional objection which may be raised as to making the States hold referendums can be gotten away from, because the resolution provides that if a State will hold such a referendum, then the money shall be appropriated to pay the expense. I think there is a constitutional question whether Congress has the right to appropriate money for any such purpose. I have not studied that question, however, and I am not going to attempt to discuss it at this time. But the Senator from New Jersey has so framed his resolution that if anybody raises the question about interfering with a State's prerogative or that a State has no right to do this, he comes back and says, "I can have it done by the Post Office Department or I can have it done by the Census Bureau or some other department." Manifestly the Senator from New Jersey and everyone else knows that a referendum held by the Post Office Department or the Census Bureau is not only without precedent but without any justification in the history of this or any other country.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. DILL. I yield.

Mr. BORAH. The Senator ought to have included the Literary Digest.

Mr. DILL. I should say a newspaper poll where a ballot is printed every day which can be cut out and sent in to the newspaper. Of all the ridiculous means of endeavoring to ascertain public opinion, I think that is about the most ridiculous.

Mr. EDGE. I notice, however, Mr. President, that the result of the newspaper poll was very unpopular in certain quarters.

Mr. DILL. If they wanted to take a poll, why did they not use the polling list and send ballots to the names on the polling lists? Then there might be obtained a straw ballot that would have had some little "straw" in it, but I would not have much faith even in such a plan as that, because a complete answer could never be obtained in that way. Newspaper polls are good propaganda, but, so far as being any real index of the sentiment of the people of the country is concerned, they are absolutely worthless, and the ones recently taken merely showed the enthusiasm of those who were opposed to prohibition.

I am not going to discuss the reasons for and against prohibition, and I am not going to continue the discussion of the referendum question. I wanted to show, first, that seriously, the proposal for a national referendum has no precedent as a legislative proposal in the history of this Government. The proposal never was intended to be carried out. The proposal on its very face is such that it could not be conclusive in any way. Even though carried out perfectly it would have no valuable result for Congress, for the simple reason that Senators and Representatives come here as representatives of their constituencies, and aside from 8 or 10 States at the most—and I do not think there are that many—all the rest of them practically would vote dry. The Senators who come here are dry now and they will be dry then; the Representatives who come here are dry now and they will be dry then; and they will have no reason for changing their views. In fact, they will have a reinforcement for the views which they now hold. So, I say, if it is desired to have a referendum——

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. The Senator, I imagine, does not mean that Congressmen are dry; but that their views are dry?

Mr. DILL. Mr. President, that is a very common method of trying to fight those who vote for prohibition, to say that they are politically dry and personally wet. I am not the father confessor of the Representatives or Senators at Washington, but I have been coming here now off and on for 10 years, but, taking it by and large, I have not seen drunkenness enough even to remember it among Representatives and Senators.

I have not seen liquor in excess either in or out of this Capitol. I have not found my fellow Congressmen or my fellow Senators contaminated with liquor. I think a great deal of this talk is purely idle gossip. The fact of the matter is that the House and the Senate are made up of men probably few if any of whom could wear a W. C. T. U. badge as being bone drys, but I think still fewer of them could be classified as habitual drinkers.

Mr. BRUCE. I grant that.

Mr. DILL. Under the Volstead law a man is permitted to get a drink if his physical condition is such that he needs it. He can go to his physician and get an order to get a bottle of liquor, and he is not violating any law. Some people talk as though a man who happens to have a little liquor, if he feels ill or something and takes a drink, is personally wet and is violating the law.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

Mr. DILL. Yes; I yield.

Mr. BRUCE. May I ask the Senator to define just what he means by the word "something"? The Senator said, "If he feels ill or something."

Mr. DILL. I mean if his condition is such as a physician will give him an order to get liquor for. In my State it is a violation of the law to have liquor in your possession; but that is a State law, voted by the referendum of the people of my State. That is true in a number of other States. So I say I am not very much worried about this continual reference to men who are "politically dry and personally wet," because the fact of the matter is, as everybody knows, that practically all of the men in the House and the Senate are sober at all times. They may have gotten drunk once or twice in their lifetime, but that is only one of the indiscretions of life. The fact that they may have gotten drunk sometimes has convinced them of the necessity and desirability of prohibition, and makes them vote for it.

So, I say, when you come to consider this prohibition question you must think of it not in terms of the fact that somebody happens to take a drink once in a while, or that a lot of people take a drink once in a while, but whether the great public is benefited or harmed by prohibition. I can not conceive how men who go about the streets of any great city in America today and see the sober, industrious people, business men and working people, who go into the so-called slums of the city where formerly a woman did not dare to venture because of insults from some drunk who staggered out of a saloon door, and who now will find there sober men—when we see those conditions all over America, even in the cities called wet, I can not for the life of me understand how men who have the interests of their country at heart, who have the interests of the rising generation at heart, who have at heart the interests of the millions who make scarcely enough money to provide clothing, food, education, and shelter for their children, can go about advocating the repeal of the eighteenth amendment and the opening of the grogshop again.

I know they tell us that they do not want to bring back the saloon, that they do not want to bring back the grogshop as he had it. Well, where are they going to sell this stuff? Do you know how the saloon originated in America? Intoxicating liquors used to be sold at groceries; and the purchasers of intoxicating liquors at the groceries became so numerous that the ordinary woman would not go there to buy groceries, and thus they turned into saloons.

If you take wine and beer and sell them at the present soft-drink parlors, what will you make out of them? You will make American saloons out of them again—nothing else.

Oh, but it is said that they are going to have the Government sell liquor; they are going to have Government stations. You will have your drinking places if you do that, and you will have the curse of alcohol brought back to America.

Talk about violating the law! Did you ever drive your automobile about the cities and across the country for a week at a time and not violate some traffic law? I venture to say that there is not one motorist in a hundred who does not violate the traffic law, and do it knowingly; but it is a small violation; it does not do any harm. Suppose somebody does have a hip flask in his pocket and take a drink in violation of law once in a while. Is that worse than to have the open invitation to all our citizens to come in and buy liquor and indulge in it to their hearts' content?

I say to you that this talk about bringing back alcohol in this country has no foundation in the desires of the American people. A loud minority, a minority that secures a great deal of space in the press, can make you think there is a great demand for liquor; but when the great masses of the people are asked to pass upon it, I do not believe they are going to vote to bring back what it took 50 or 75 years to get rid of in this country.

What is the history of the working people of the United States during the past few years? Do you realize that to-day we have a credit business among the common people, the masses of everyday folks, of $6,500,000,000 on the monthly installment plan? Bring back the open saloon, bring back even liquor under Government control, so that the workingman can spend his money for booze by simply going out and buying it, and how fast will you see the credit of the workingman disappear? How fast will you see the bread lines form in our great cities, as we had them before the saloon was gone? How soon will it again be necessary to feed the little children who come to school hungry because their fathers spent their money?

I know that is not what they are going to be asked to vote for. They are going to be asked to bring back wine and beer. Well, that is just that much more alcohol; and alcohol, like any other drug, feeds on its own growth. The more you drink the more you want. For my part I am not only in favor of maintaining the law we now have but I am in favor of strengthening it. If you want any referendums, you can get them, as I say, at the election; and if we are going to have national referendums let us have them in a legal, constitutional way. Let these gentlemen bring in an amendment to the Constitution to provide that Congress may refer a great question like this to the people, and be guided by the popular vote, if they want to. That is a legitimate proposal. It is one that I do not think will get support, however, and I think its chief opponents would be the very men who are now loudest in advocating a referendum on the liquor question.

I recognize that I have not talked about the migratory bird bill very much. I recognize that the migratory bird bill ought to have some consideration. I want to say, however, that I

think the more consideration it has the less friends it will have; and it seems to me that the last people who should favor this migratory bird bill, that is going to charge everybody a dollar for a license and provide for a crowd of Federal game wardens, are these very people who are objecting to the tyranny of the Federal Government on the question of prohibition. There may be, and I think there is, a justification for Federal control to protect the lives of the people, and particularly to keep booze away from children, young people who are growing up; but when you come to stretch it into governing the conditions for shooting ducks and geese and other wild migratory birds in this country by a migratory bird bill I think you are going far afield.

My chief objection to this sort of legislation is that it builds up an antipathy to Federal control from Washington on things that are not properly under Federal control; and then, when a subject comes up for consideration that is purely Federal and by its very nature must be controlled by the Federal authorities, there has been built up such an opposition to Federal control that it is almost impossible to get proper legislation to control that subject in a Federal way. There are some subjects that must be controlled by the Federal Government. The very Constitution makes it necessary; but there is enough Federal control of migratory birds now, and, so far as I am concerned, I should like to see this bill passed if the provisions for Federal licenses and the Federal game wardens are taken out. The minute those provisions are taken out I shall be glad to see the bill passed.

Senators tell me that if those provisions are taken out, it will not be possible to get any appropriation for these bird refuges. This great Government, we are told, which appropriates its millions and millions and millions of dollars for everything else can not spend a few thousand dollars even for bird refuges! Under the guise of getting money to buy bird refuges, a very small part of which will be used for refuges, they are going to buy public shooting grounds; and then, when they have the public shooting grounds they must have these Federal game wardens to protect them and control them. Then, when the system is started and the money is coming in and it can not be spent for anything else, there is a chance for a lot of political appointees to travel over each State for Federal game purposes.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. DILL. Yes; I yield.

Mr. NORBECK. I want to correct the Senator. I know that he would not intentionally make a misstatement. They will not be political appointments; they are to be civil-service appointments.

Mr. DILL. I suppose they will be civil-service appointments like third-class postmasters are.

Mr. NORBECK. No; they are not civil-service appointments.

Mr. DILL. Oh, yes; they are. They have an examination and get three appointees, and then they send them to Republican Congressmen; and if the Congressman knows any reason why the first one should not be appointed—it was so under the Wilson administration, so it is not any different now—they will let him recommend one of the others, and the one recommended becomes the civil-service appointee.

Mr. NORBECK. We do not need to guess about how the civil-service rules will be applied to game wardens, because we have Federal game wardens now, and we know how they are selected now—by the civil service.

Mr. DILL. I really do not care very much whether they are civil-service or political appointees. The fact that they are Federal game wardens still remains, and that is my main objection to them. If the Senator would join in getting legislation here that would provide bird sanctuaries and provide bird protection, I would join with him; but when he comes here under the guise of getting money for refuges to set up a system of Federal licenses and Federal game wardens, then I must fight it and must oppose it to the best of my ability.

Mr. NORBECK. The Senator from Washington is not very far from us on this matter. He agrees in the absolute necessity of establishing bird refuges.

Mr. DILL. I am not so sure about the necessity of establishing very many more bird refuges. I will talk about that a little later.

Mr. NORBECK. The Senator has suggested that we should get an appropriation out of the Treasury, instead of asking anyone else to pay for it. We would all like to get our money out of the Treasury. The whole trouble is that we can not get it. If we could, he and I would agree very quickly.

Mr. DILL. The Senator can not get it because he is not really fighting for it, I think. The Senator is fighting here to get a dollar game license from each hunter, 40 per cent of the fund to be used for hiring game wardens.

Mr. NORBECK. We are fighting to get bird refuges in some way, and this seems to be the only way we can get them. If the Senator from Washington would please let us have a vote on that question, we would have it disposed of in 10 minutes. Then we could take up agriculture or prohibition or whatever the Senate decides. I do not believe there is another Senator in this Chamber who objects to taking a vote except the Senator from Washington. I ask unanimous consent——

Mr. DILL. If the Senator is going to ask unanimous consent, he must have a quorum for it, and I make the point of no quorum.

Mr. NORBECK. Does the Senator object to unanimous consent?

Mr. DILL. I make the point of no quorum. I want a quorum if the Senator is going to make a request for unanimous consent.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McKellar	Schall
Bingham	Gerry	McMaster	Sheppard
Blease	Glass	McNary	Shipstead
Bratton	Goff	Mayfield	Simmons
Bruce	Gooding	Metcalf	Smoot
Butler	Hale	Moses	Steck
Cameron	Harris	Norbeck	Swanson
Capper	Heflin	Norris	Trammell
Caraway	Howell	Oddie	Tyson
Cousens	Johnson	Overman	Wadsworth
Deneen	Jones, N. Mex.	Phipps	Walsh
Dill	Jones, Wash.	Pine	Warren
Edge	Kendrick	Ransdell	Williams
Fess	Keyes	Robinson, Ark.	Willis
Frazier	King	Sackett	

The VICE PRESIDENT. Fifty-nine Senators having answered to their names, a quorum is present. The Senate resumes consideration of Senate bill 2607, the unfinished business.

MIGRATORY BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. ASHURST. Mr. President, I ask unanimous consent that on Tuesday next, June 1, at 5 o'clock p. m., the Senate shall vote, without further debate, upon the pending bill and all amendments.

Mr. SMOOT. What is the request of the Senator?

The VICE PRESIDENT. Under the rule, a quorum will have to be called again before the question can be considered.

Mr. ASHURST. The roll has just been called.

The VICE PRESIDENT. No request had been made at the time the roll was called. The quorum will have to be called again.

Mr. ASHURST. I shall probably vote for the bill if certain amendments are made. Surely it must be obvious to Senators that there is a filibuster on this bill. I do not refer to the able speech of the Senator from Washington.

Mr. DILL. The Senator does not refer to all these agricultural speeches that have been made this week, does he? I have been waiting for three days to make my speech.

Mr. ASHURST. No man here is such a babe in the woods as to be oblivious of the fact that there is a filibuster here.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. ASHURST. In a moment. The speech of the able Senator from Washington [Mr. DILL] was a timely speech. I was instructed by it. But I would challenge the sincerity of any Senator if he should say there is no filibuster being conducted against this bill or against some bill. We are making deplorably slow progress. We have bills that should be considered—the bird refuge bill, the agricultural relief bill, the soldiers' relief bill, the radio bill, the good roads bill.

Mr. WILLIS. Pension bills.

Mr. ASHURST. Yes; pension bills; and if we proceed on them the way we are proceeding on the bird refuge bill, we shall be here until after the 1st of July. I hope Senators will not think I am irritated. I am willing to stay here until the 1st of July to transact the business of the country, but we ought to proceed with more celerity if we are really going to do the business of the country.

Now I yield to the able Senator from Texas.

Mr. MAYFIELD. Mr. President, the Senator made a reference to a filibuster. On what bill is there a filibuster?

Mr. ASHURST. It is quite impossible to say whether it is directed against the pending bill or against some bill or bills behind the bird refuge bill. I do not know, but it is obvious there is a filibuster.

Mr. MAYFIELD. I will ask the Senator, Mr. President, how much time the Senate has devoted to this bird bill.

Mr. ASHURST. Not six hours within the last week.

Mr. MAYFIELD. How long has it been before the Senate?

Mr. ASHURST. At least 10 days.

Mr. MAYFIELD. Two weeks.

Mr. ASHURST. Possibly so.

Mr. MAYFIELD. What is there in this bill so important as to entitle it to be kept continually before the Senate, denying Senators the right and the privilege of taking up more important measures, such as the soldiers' relief bill, the agricultural bill, and all the other important measures?

Mr. ASHURST. That is beyond my comprehension.

Mr. MAYFIELD. I submit that for two weeks this bird bill has occupied a place before the Senate to the exclusion of very important bills, such as the Federal aid road bill——

Mr. ASHURST. I agree with the Senator.

Mr. MAYFIELD. Farm-relief measures and a half dozen other important measures, yet this measure has been exalted and extolled here for two weeks.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ASHURST. I yield.

Mr. CARAWAY. And the people who make most noise about it are engaged in trying to fight some other measure over this one. The Senator from Texas is not mistaken. We all understand what it is. If the Senator from Texas and those who are opposed to the bird bill think it is bad legislation, let us vote on it.

Mr. MAYFIELD. Mr. President, I certainly hope the Senator does not class me as among those who are opposed to the bird bill. I think I shall vote for it, if the Senator's amendments are adopted. I am only opposed to the bird bill in its present form. I think I shall vote for it if the Senator's amendments are agreed to.

Mr. CARAWAY. Let us vote on the amendments, then, and then let us kill the bill or pass it.

Mr. ASHURST. Mr. President, I have not spoken because of any irritation. I am rather predisposed in favor of this bill. I think the amendments have been helpful. I can not help observing the smile that plays upon the features of my learned friend, the Presiding Officer, and I ask his pardon for referring to him while he is in the chair. But the campaign he has conducted against certain processes and practices of the Senate has been abundantly vindicated within the past 10 days.

To recapitulate, on the calendar is the farmers' bill. Surely the Senate is impressed with the need of some legislation to relieve agriculture, so that not only may the farmers themselves be relieved but that the people of the cities and the towns may have a constant supply of food at reasonable prices.

Three times I have risen here and asked as to the soldiers' relief bill, which proposes to cure certain defects in the present law regarding hospitalization of ex-service men. That House bill is now pending before the Senate Committee on Finance. I have been assured by the chairman of that committee that the bill will be brought forward. The consideration of that measure will take three or four days.

Mr. DILL. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. DILL. I want to remind the Senator that I said more about the bird bill than has been said about it in this debate. Most of the speeches have been on the farm relief bill. Therefore, why does the Senator say there has been a filibuster this week on this bill?

Mr. ASHURST. Because I believe that to be true.

Mr. DILL. Does the Senator think Senators making speeches on the farm relief bill are filibustering?

Mr. ASHURST. I think some of them who have spoken have willfully and deliberately filibustered; yes.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. NORBECK. I want to say to the Senator that I know there is a filibuster, and that certain Senators have threatened to conduct a filibuster, and are conducting it now.

Mr. ASHURST. I am aware of that also, and I could mention names; but I refrain at this time.

I again state, as I have already stated, that I except the able speech of the Senator from Washington. I do not say that he conducted a filibuster. In the cataclysm of words that have poured over the Senate in the past 10 days his speech was the one that had in it some argument respecting the bird refuge bill.

Mr. McKELLAR. Mr. President, I indulged in a few remarks to-day on the agricultural relief bill. I hope the Senator does not think I have been filibustering against the bird bill. I expect to vote for it.

Mr. ASHURST. I am very glad to have the Senator say he expects to vote for it. I do not think the Senator filibustered to-day against the bird bill.

Mr. McKELLAR. Mr. President, as I do not recall having spoken since the bird bill was taken up, I hope the Senator will not charge me with having filibustered against it any day.

Mr. ASHURST. I will say that confessions from any other quarter will be in order at this time. [Laughter.]

I ask unanimous consent, therefore, that the Senate, at 5 o'clock on Wednesday afternoon next——

Mr. NORBECK. Mr. President, permit me to suggest that the inquiry be directed to certain Senators opposed to the bill. There are several here now present. There are only a few Members in the Chamber opposed to taking a vote on it to-day or Monday or Tuesday or any other day. If they will give their consent, we can proceed immediately with the agricultural legislation.

Mr. ASHURST. I will surrender the floor to the able Senator in charge of the bill. I have said all I wish to say or should say.

Mr. JONES of New Mexico. Mr. President, may I make the suggestion to the Senator from Arizona that he change his request to one to limit debate upon the bird bill. I find that that is a very efficacious way of conducting the business of the Senate, and it is one which I have strongly favored. There are a number of amendments to the bill, each of which should be explained before Senators are called upon to vote; but if request should be made to limit debate upon the bill beginning at some reasonably early day, I think perhaps the Senate would agree to it.

Mr. ASHURST. I thank the Senator for the suggestion. That does not require that a quorum be called. I therefore avail myself of the suggestion and, therefore, ask that commencing at 2 o'clock on Tuesday afternoon, the 1st day of June, all speeches thereafter be limited to 10 minutes upon the bill and upon any amendment, and that all speeches be directed solely and only to the subject matter before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object.

Mr. ASHURST. I will withdraw the latter qualification and renew my request that speeches be limited to 10 minutes upon the bill and upon amendments; that speeches may be made upon any subject, but that no Senator shall speak more than once upon any particular amendment.

The VICE PRESIDENT. Is there objection?

Mr. PHIPPS. Mr. President, if the Senator will amend that by fixing the hour for the final vote——

Mr. ASHURST. Some Senators near me have suggested that it would be impossible to secure such an arrangement.

Mr. JONES of New Mexico. I think we could come to a very much more correct decision regarding the bill if we simply limited debate. Senators understand how that has operated in the past. We have never had any difficulty in reaching a vote when we limited debate. I think the request of the Senator from Arizona as he first put it would be a very satisfactory way to handle the proposal, and that is that beginning at 2 o'clock on next Tuesday the debate upon the bill and all amendments thereto be limited to 10 minutes for each Senator upon the bill and each amendment.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. ASHURST. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. May I ask the Senator from Arizona and the Senator from New Mexico what is the occasion or necessity for deferring the limitation until next Tuesday? The bill has been before the Senate now for 10 days or two weeks. It has received more than a fair proportion of time for its consideration, keeping in mind the relative importance of other measures on the calendar. Why should not the limitation go into effect at once or to-morrow? If Senators are willing to agree to a limitation upon debate, it means they are willing to agree that the measure shall be finally disposed of during the present session. That is the effect of such an agreement. There is no excuse, in my judgment, for a Senator who is willing to agree to limit debate to insist upon postponing the limitation going into effect for two days more.

It is true, as stated by the Senator from Arizona, that since the bill has been the unfinished business many irrelevant subjects have been discussed; but if the agreement is entered into

any Senator can avail himself of the right to discuss the bill itself or any amendment that is pending or that may be offered.

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. ASHURST. Certainly.

Mr. McNARY. I find myself very much in accord with the expressions made by the Senator from Arkansas. I want to express, at least, the hope that we might come to an agreement to limit debate beginning at 2 o'clock on Saturday, believing, however, that we might finish the bird bill Saturday and on Tuesday start consideration of the question of agricultural relief.

Mr. ASHURST. I will amend my request by making the date on Saturday, at 2 o'clock in the afternoon, when we shall begin under the 10-minute rule.

Mr. ROBINSON of Arkansas. I ask the Senator from Arizona if he will not modify his request so that after 2 o'clock to-morrow the limitation which he has suggested shall go into effect?

Mr. ASHURST. I will do that.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object. I am perfectly willing, speaking for myself—and I can only speak for myself—to accept the suggestion made by the Senator from Arizona, and if we had a session on Monday——

Mr. ROBINSON of Arkansas. Mr. President, I shall object myself to continuing this proceeding before the Senate for two days more. I object to the request of the Senator from Arizona.

Mr. ASHURST. Mr. President, before I yield the floor let me say that I got into this debate by accident rather than design. I yield first to the Senator from Oregon.

Mr. McNARY. Does the Senator from Arkansas object to limiting debate after 2 o'clock on Saturday next?

Mr. ROBINSON of Arkansas. No; I do not. I objected to carrying the bill over into next week. I think I am justified in the sound sense of every Senator present. I recognize that Senators under the rule may prolong debate, but if they are willing to agree upon a limitation what is the occasion for carrying it over until next week? Why not let the limitation go into effect? There is not a Senator present or absent who desires hereafter to consume any great length of time in bona fide debate on the bill. The time has come when the Senate either ought to act upon the bill or take up some other measure. This measure is of comparatively slight importance. There are many measures pending on the Senate calendar that are of great importance, and the Senate ought not to sit here day after day considering a measure of relative unimportance and wasting its time in idle discussions to the exclusion and defeat of other more important measures which the public are entitled to have considered.

Mr. JONES of New Mexico. Mr. President, may I say just another word?

Mr. ASHURST. I yield to the Senator from New Mexico, and then I will yield to the Senator from Oregon.

Mr. JONES of New Mexico. I think the Senator from Arkansas will recall what usually happens in this body when a time has been fixed for the beginning of limited debate.

Mr. ROBINSON of Arkansas. I concede that, but I am unwilling to waste two days more in proceeding the way we have been during the last few days.

Mr. ASHURST. I only fixed the date for Tuesday, thinking that it would be less objectionable. I would be glad if it could be fixed for to-morrow. I agree with the Senator's conclusion.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the Senate, after it concludes its business to-morrow, shall take a recess until 12 o'clock noon Saturday, and that upon reconvening Saturday the debate on the pending bill and any amendment thereto shall be limited so that no Senator shall speak more than once or longer than 10 minutes upon the bill and upon any amendment that may be pending or that may be offered thereto.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President——

Mr. DILL. I object.

The VICE PRESIDENT. The Senator from Washington objects.

Mr. ASHURST. Before debate goes further, I desire to make amends to the able Senator from Tennessee, if amends be necessary.

Mr. ROBINSON of Arkansas. I understand there was objection made to the last request. I ask unanimous consent that at the conclusion of to-day's business the pending bill be laid aside until 2 o'clock next Tuesday, and that at 2 o'clock next Tuesday the Senate resume consideration of the pending bill, and that after the hour of 2 o'clock on next Tuesday all debate on the bill be limited to 10 minutes, so that no Senator shall speak more than once or longer than 10 minutes upon the bill or any amendment thereto. That will save two days for the Senate, and it will put the limitation in effect at the time the Senator from Arizona suggested.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I have been waiting for three or four days to make the talk which I made this afternoon regarding the referendum question. I want to discuss the bird refuge bill. I do not want to put myself in the attitude of holding up the Senate continuously, but I think if the request went over until to-morrow some agreement might be reached. I shall not consent to-day to fixing a time to vote.

Mr. ASHURST. Mr. President, I believe the Senator from Tennessee is hardly justified in feeling that I did not fully appreciate his speech. I meant no reflection upon the Senator. I was instructed by his speech and I hope he will accept that statement in the spirit in which I offer it.

Mr. TRAMMELL. Mr. President, I ask unanimous consent to temporarily lay aside the unfinished business and take up Senate Resolution 31.

Mr. NORBECK. I object.

The VICE PRESIDENT. The Chair understands the Senator from South Dakota to object?

Mr. NORBECK. I objected.

Mr. PHIPPS. I object, too.

Mr. TRAMMELL. We have already killed time on the pending bill for several days, and it looks like we will probably kill some more time on it.

Mr. NORBECK. Mr. President, I objected. I will state further that I do not agree with the statement of the Senator from Arkansas that bird preservation is of less importance than anything else. Agriculture can not exist and human life can not exist without birds. But I need not argue that now.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. NORBECK. Certainly.

Mr. ROBINSON of Arkansas. I agree that it is important to conserve wild life, but does the Senator really mean to say that the consideration of the pending bill is of comparative importance with the so-called agricultural relief bill, the bill to amend the laws relating to the Air Service, or any of a number of other measures that are pending on the calendar?

Mr. NORBECK. In the program that was made up by the steering committee agricultural legislation was placed ahead of the migratory bird bill. The only reason why the migratory bird bill was taken up first was that the Senators in charge of the agricultural legislation were not ready to proceed.

Mr. ROBINSON of Arkansas. That is not the question I asked the Senator. He has impliedly taken the position that the migratory bird bill is of equal if not greater importance than any other measure that is pending before the Senate. I ask him if, upon reflection, he thinks he can justify that position?

Mr. NORBECK. I will discuss agricultural legislation when the time comes. I am not going to enter into any lengthy discussion of it now. I am simply insisting that the migratory bird bill is important, and whereas there are only two Senators in the Chamber who object to voting on it, I hope that a method can be finally worked out to bring it to a vote. That is all I suggest.

Mr. ROBINSON of Arkansas. Mr. President, I am going to submit another request for unanimous consent so as to enable the Senator from Washington to have at least two hours to discuss the bill. I do not want to force——

Mr. DILL. Mr. President, I do not like to interrupt the Senator, but I remind him that I said I would not give consent to-day. I suggest that the matter go over until to-morrow.

Mr. ROBINSON of Arkansas. Very well.

Mr. PHIPPS. Mr. President, for some time I have been desiring to make a few remarks on the pending measure, based on my personal experience and observation extending over a period of more than 25 years. We have in our Government a proper method for propagating fish so that game fish may be taken by anglers and may be used as a valuable food product. That should also be true of game birds, because while no one has any compunctions about wringing the neck of a chicken when dinner is wanted, or in seeing other animals killed for food, there seems to be an unfounded belief that wild birds should not be pursued and shot, because they are wild, or, perhaps, because their plumage is beautiful.

As a matter of fact I think the people of the United States have been disregarding a very important food product that could and should be made available for use. If we were to follow the plan of Great Britain I think we would profit very largely. There the game is cared for in preserves, the breeding is looked after, the keepers kill the vermin, the hawks, and other birds that prey upon the game birds, and the birds

are not wasted. When they are shot in season they are used for food, and properly so.

The general habitat of birds that are usually pursued as game—and I am speaking now more particularly of wild ducks—is the marsh land, the wood lands, and the lakes where their natural feeding grounds are found. In the building up and the development of our country, however, those game feeding grounds have been largely ruined by being drained so that the land itself might be reclaimed and turned into farms. The Senate passed a bill in the Sixty-seventh Congress very similar in form to the one now under consideration, although, I believe, the pending bill is a better bill than the one we then considered.

In all the States, I think, without exception, provisions are made for shooting and fishing licenses. Those who take fish or shoot game are not permitted to do so by the State authorities unless they first take out licenses for which some nominal fee is paid, ordinarily $2 a person. As a matter of fact, the proceeds derived from that source have been devoted almost entirely to the propagation of fish. Fish hatcheries, I believe, have been established in every State. In addition to that, the Federal Government has established many fish hatcheries. It has fish cars in which the young fish, or fry, so called, are distributed to the streams in various parts of the country. One of the greatest pleasures of our people is to go upon these streams, particularly in the mountains, and spend a day or so fishing. The hunter who pursues game birds, however, has had nothing done in consideration of the license fee which he pays, and yet it has been shown that the game-bird life can be largely increased by only a little care and attention. The treaty with Great Britain and, following that, the enactment of the public law which is known as the Federal migratory bird law which limited the daily bag and cut out spring shooting, have had a very decided effect on the increase of bird life.

Mr. President, it seems absolutely necessary for us to preserve the marsh and swamp lands, the natural feeding grounds of the birds, in order to not only maintain the present supply but to increase the bird life which we now have in the United States. Only one State, so far as I am aware, has paid any attention to that subject. The State of Utah about two years ago made preparations for the establishment of a public shooting ground in the vicinity of Great Salt Lake, about the delta of the Bear River, which is at the northeasterly end of the Great Bear Bay, connecting up with the Great Salt Lake. A public shooting ground is practically a necessity in connection with feeding grounds.

Mr. DILL. Mr. President, will the Senator yield to me for a moment there?

Mr. PHIPPS. I yield.

Mr. DILL. I should like to get the view of those who are supporting the bill. How many public shooting grounds is it intended to have? Is it intended to have as may public shooting grounds as there are refuges or sanctuaries?

Mr. PHIPPS. I think so; that would be my thought.

Mr. DILL. I find after some care in examining the records of the Biological Survey, which I have put in the RECORD, that there are nearly 700 bird refuges in the United States, some 500 of which are probably real bird refuges.

Mr. PHIPPS. If the Senator is correct, I should say that that would be more than the number of bird-shooting grounds that would need to be or should be established, although it is not detrimental to kill birds at times.

Mr. DILL. The Senator knows that one of two policies must be pursued in regard to the public shooting grounds; either we must have public shooting grounds so distributed that there will be reasonable equality of treatment of all citizens who want to reach them, or else we must simply have a few selected here and there, which will mean, of course, that only those who have automobiles or who live in the immediate vicinity or can afford to make the trip on the train will ever get the benefit of them.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. PHIPPS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I think if the Senator will go into this question he will find that migratory birds fly every year along certain courses. There are hundreds of sanctuaries where a migratory bird is never seen, and in such places there would be no necessity for shooting grounds at all. I suppose there is no place where a greater number of migratory birds assemble than in the refuge in the Bear River Valley in the State of Utah. They reach there in their flight from the North to the South.

Mr. DILL. Is that a Federal or a State refuge?

Mr. SMOOT. It is a State refuge. There is not any question that migratory birds have certain courses which they follow and from which they hardly ever deviate. Every year, and year after year, they come back. It is not claimed, of course, that they all go to one place. I know that birds which have been found and tagged on that preserve within a short time thereafter have been found in 18 different places, but, strange to say, they travel on the same general course every year. Therefore at least 90 per cent of the 700 preserves of which the Senator speaks, I think, are places where a migratory bird is, perhaps, never seen.

Mr. DILL. Of course, there are some States—I speak of Pennsylvania particularly, because that State has worked out a wonderful system of game refuge—under which every county has such a refuge——

Mr. SMOOT. That State lies in one of the great courses which migratory birds follow.

Mr. DILL. There are such refuges in practically every county in that State, and in some counties there are two or three. The State has a wonderful system of bird refuges——

Mr. SMOOT. It is the best that is to be found in the United States.

Mr. DILL. And my thought is that that is what ought to be done in the various States instead of having the Federal Government go into it.

Mr. PHIPPS. Mr. President, to illustrate what happens, I will say that in the neighborhood of the Utah refuge to which I have referred there are, I think, three or four clubs, but the leading one, controlling some 12,000 acres of marshland, was instrumental in stopping the epidemic among wild ducks some three or four years ago. The birds were dying off; to some extent they were evidently killing each other off; but, as a matter of fact, it was found by our Biological Survey, as nearly as they could get at it, that the cause of the trouble was a lack of fresh water. The club to which I refer expended several thousand dollars in building a dike extending for a distance of about 3 miles, acquiring water from one of the small rivers in addition to the water rights it had on the Bear River, and flooding the marshland to a depth of 6 or 8 inches, with the result that the epidemic was checked, and, according to the estimate of officials of the Biological Survey, the number of wild ducks propagated on that preserve of 12,000 acres, without counting the migratory birds which came and fed there on their way south and again on their return trip the following spring, was over 200,000 as against their exact figures of the number of ducks killed in the same territory of less than 15,000. Without the work that was done there to establish proper feeding grounds and preserves for these birds—for they must have feed, and potato moss, wild rice, and other things are planted to furnish feed—the chances are that the bird life would have decreased.

I recall my first visit to those marshes, I think, in 1905. Not only would the ducks in getting up make a roar like an express train, but even flocks of geese would produce the same effect from the whirring of their wings as they rose in clouds that would obscure the sun. At that time spring shooting was allowed; we did not have the treaty with Great Britain. After that treaty was entered into and Congress passed the migratory bird act, which eliminated spring shooting, bird life began to increase. On my visit there, made last October, I believe beyond any question that the birds were in those marshes in greater number than they had been in the year 1905, when I made my first trip. The clubs set aside a certain acreage as a sanctuary on which a gun is never fired except to kill hawks or other birds or animals that prey on the ducks or geese.

The effect of cutting out the spring shooting was very beneficial, and the limiting of the game bag under Federal enactment to 25 birds a day had the effect of wiping out the "pot hunter." I can recall a trip to Louisiana about the year 1902 when in the log cabins where we stayed over for a night in order to enjoy a little shooting during the following day, we could hear guns popping all night long. "Pot hunters" with swivel guns, 6 or 8 gauge, mounted on sneak boats would creep up on the flocks of ducks, feeding or sleeping on the water, and absolutely slaughter them. Then they would take the birds to market. That is how they made their living; that was their occupation; they were duck hunters, and that was all they did. That has been stopped, because the States in many instances have gone even a step further than the Federal Government by further restricting the bag limit; but the States, as I have indicated, have done little or nothing toward propagating bird life, although they do pay attention to the propagation of fish, just as does the Federal Government.

The migratory bird is not only a desirable, but a very valuable article of food, and its numbers can be undoubtedly very largely increased—in fact, multiplied several times—by a little care and attention.

Speaking of the enforcement of the laws, I think that very little complaint has been made at any time by sportsmen; and I believe that the majority who carry guns are real sportsmen. They are satisfied with an ordinary bag. They do not expect to kill the limit every day—not at all. As a rule it may be said that men deserve the birds they get, because they put up with a great deal of hardship, and they have to work for them. It is not an easy matter, it is not a parlor trick, to get the limit in a bag of ducks, by any manner of means. I do not believe that the manufacturers of guns or gunpowder have taken any active part in backing this bill or any other bill. Naturally they are interested to a small extent; but their sale of guns or ammunition for the purpose of shooting birds is a mere bagatelle as compared to what they supply for trap shooting and for target practice.

I think the citizens who are fond of shooting would willingly pay the small Federal license tax that has been suggested and is carried in this bill. I think there would be no objection to it. I do not believe that the children who are just learning to shoot should be assessed, necessarily; but the funds that would be raised from the Federal license tax could be used to advantage, and I think the proportion in which it is proposed to divide those receipts is about as equitable and about as proper as could be arranged. Then those who desire to go out and hunt for game birds will be paying for these refuge grounds, instead of calling on the Federal Treasury for that money. I think they are perfectly willing to do that; and, as I remarked a while ago, there are times when birds need killing. That is to say, if we were to allow bird life to go on and allow the birds to propagate as they would, in time they would simply wipe out all other forms of life on this planet. I think that is a correct statement.

I am trying to make my remarks as concise and brief as possible, so as to keep within the 10-minute limit. Although it has not as yet been imposed, I think it should be; and I believe this bill is one that should be passed. I hope it can be brought to a vote within a reasonable length of time. While it is true that it has been before the Senate for a couple of weeks, it is further true that during that time other legislation has been discussed, and some of it has been enacted into law.

Mr. President, in reading over the bill I think it would be advisable to amend the language on page 7, line 9, so that licenses would not be required of any person under 18 years of age. I have had that amendment printed, and I now offer it.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. PHIPPS. The amendment has been printed already. Is it in order to ask for consideration of the amendment at this time?

The VICE PRESIDENT. There is an amendment pending.

Mr. PHIPPS. Then I shall wait until a later time.

Mr. WILLIS. Mr. President——

Mr. PHIPPS. I yield to the Senator from Ohio.

Mr. WILLIS. I want to say to the Senator that I am in favor of the amendment he has just proposed. I wonder what his view would be of an amendment that would give to the owner of land the right to hunt upon that land. I am thinking of this situation:

Here is a farm boy. He wants to go out and hunt on his father's farm.

Mr. PHIPPS. That is provided for in the bill.

Mr. WILLIS. It is? I have not had an opportunity to examine the bill in detail. I understood that that provision had been striken out by the committee.

Mr. PHIPPS. I think not. I have read it as being still in the bill. I know that it was included.

Mr. WILLIS. I trust that it is; but the copy of the bill I saw had that provision striken out. What does the Senator in charge of the bill say upon that point?

Mr. NORBECK. I did not hear the Senator's question.

Mr. WILLIS. I was asking the Senator from Colorado about this situation: Here is a man who owns a farm. Is he authorized to go out and hunt on his own farm without the payment of this license fee?

Mr. NORBECK. Yes; upon a farm that he owns, or has under lease, without paying a license fee.

Mr. WILLIS. That is in the bill now?

Mr. NORBECK. That is in the bill now. The reason why the Senator had the other impression is that the Senate committee did strike such a provision from the bill because it was in the bill twice.

Mr. WILLIS. That explains it. I know that the copy of the bill I read had that language stricken out. That is the reason why I asked the question. I am glad to have that matter cleared up.

Mr. HEFLIN. Mr. President, in that connection I should like to ask a question, if the Senator will permit me.

Mr. PHIPPS. I yield.

Mr. HEFLIN. Suppose a man who under this bill is allowed, as the Senator says, to shoot game on his own premises, is off joining some other people in a hunt, and on his way back home along the public road a flock of ducks or wild geese flies over him; he is not at liberty to shoot at them, under this bill, unless he has a license, is he?

Mr. NORBECK. He is in the same situation as though it were out of season.

Mr. HEFLIN. Well, that is wrong. I do not think the man in the country ought to have such an imposition put upon him.

Mr. NORBECK. The Senator thinks the farmer should be exempted from the provisions of this bill, does he?

Mr. PHIPPS. Mr. President, answering the Senator from Alabama, it does seem to me that any man who owns a shotgun and buys shells to use in it is perfectly willing to pay a dollar for a Federal license; and it is very easy for him to get it at the post office under the provisions of this bill. I do not believe that children, boys whose fathers want to take them out and make them familiar with the use of a gun—say they are 12 or 14 or 16 years of age—should be required to have a license, because they must have some experience before they can kill birds on the wing; and no good sportsman will shoot at a duck or other game bird when it is at rest. They try to take them in flight.

Mr. HEFLIN. Under the Senator's own statement, I fear that these boys would be violating the law if their fathers should take them out, unless each one of them had a license.

Mr. PHIPPS. I am providing by the amendment that no license shall be required of any person under 18 years of age. I wonder if the Senator knows that the average duck shot, the man who, perhaps, prides himself on his marksmanship, will explode five shells for every duck he kills? Boys learning to shoot are going to blow up a box of 25 shells, perhaps, before they kill a bird. They may shoot all day and get nothing. It frequently happens. I have known experts to be out all day and, perhaps, get only one or two or three birds. It just depends on how they are coming.

Mr. NORBECK. Mr. President——

Mr. PHIPPS. I yield to the Senator.

Mr. NORBECK. Referring to the question raised by the Senator from Alabama, I want to say that this provision follows the general provisions of State laws that permit owners of land to hunt on their own land, but only when they have the land under title or lease.

Mr. CARAWAY. And reside upon it.

Mr. NORBECK. And reside upon it.

Mr. GEORGE. Mr. President, as I understand, a man can not hunt on his own land unless he resides on it, though he owns it in fee. He has to live on his land before he can hunt on it without a license.

Mr. HEFLIN. It seems to me that is going a long way. If a man owns an 80-acre piece of land out in the country, and goes out there with his gun and finds game on it and shoots the game, he can be brought up in court and fined. It seems to me it is ridiculous for the Senate to indulge in legislation of that kind.

Mr. CARAWAY. Mr. President, may I interrupt the Senator for just a minute?

Mr. PHIPPS. I yield.

Mr. CARAWAY. There is a law on the statute books now that is just as drastic as this. If the Senator owned a piece of land and had it in his own name or anybody else's name and lived on it and wild ducks came into his yard, he could not shoot them except at certain seasons of the year.

Mr. HEFLIN. That is proper. I believe in that, during the time they are raising their young.

Mr. CARAWAY. It is not during the time they are raising their young; it is during whatever arbitrary time has been fixed.

Mr. HEFLIN. It does seem to me that it is going a long way not to permit a man to shoot game on his own premises unless he moves out there and lives there during the shooting season.

Mr. CARAWAY. The law now on the statute books goes further than that. If he moves out there, he can not shoot them unless he does it according to certain regulations that are made.

Mr. NORBECK. Nor can he under the existing State laws.

Mr. CARAWAY. Of course.

Mr. HEFLIN. It shows how far we are going with these national laws.

Mr. CARAWAY. I suspect that Alabama has a law of that kind.

Mr. HEFLIN. We do protect them within the borders of the State.

Mr. CARAWAY. Would the Senator like to have them protected there, but not in the adjoining States?

Mr. HEFLIN. I want them protected everywhere; but there are some provisions in this bill that ought to be stricken out.

Mr. PHIPPS. Mr. President, I should like to ask the Senator from Alabama if he ever shot ducks—if he is a huntsman?

Mr. HEFLIN. I have killed a few in my time; not many.

Mr. PHIPPS. The Senator is not a duck hunter; he is not in my class, I see.

Mr. HEFLIN. They have not suffered very much at my hands.

Mr. PHIPPS. I will venture the assertion that if the Senator asked a dozen or 25 of his friends who are in the habit of shooting regularly when they get a chance, he would not find that one of them would raise the objection he has raised here. Every one of them would say, "I am perfectly willing to pay the State license fee, and would be only too glad to pay the added license fee required by the Federal Government in order to establish these refuges," even when one of those refuges might be in their immediate territory, because they know that the birds propagate from Alaska all the way down; and, as the Senator from Utah said, following generally a regular course of flight, must find resting places and feeding grounds. If they are not provided, the bird in his flight may become exhausted, tired out; but when those refuges are established, I know by experience that whereas in former years the birds that came to this region in Utah which I have used for purposes of illustration, were nearly all migratory birds—that is to say, they were bred in Alaska or Oregon or Washington, some place in the north, or in the high mountains, or on the mountain lakes—in these latter days, with the provision of the feeding grounds, the birds stay there practically the year around. At least they stay there until the water is all frozen up and there is no more open water.

They breed on these marshes by the thousands, where before the provision of a plentiful supply of fresh water they did not breed at all; they merely stopped there to rest because it was wet, and they could see some food.

Mr. President, I think I am reasonably familiar with bird life, particularly that of wild ducks. I think duck shooting is one of the most interesting, fascinating, and healthful sports that a man can indulge in. Frankly, I put duck shooting just one peg ahead of trout fishing; and those two I look upon at my time of life as the most enjoyable sport that any citizen can indulge in. When this bill is put into effect, and the plan is in operation, within a short period of time the bird life of the United States—I am speaking generally because I think it will be true in every State of the Union—will be more than doubled, and within a reasonable length of time it may be multiplied many times. We have been neglecting our opportunities. We have not developed the game bird as a food, yet it is one of the most desirable forms of food one can imagine, not only because it is nutritious, but it is a delicacy, is palatable, and is always enjoyed.

I have known for years how birds were taken, and I have known pretty generally what becomes of them. In Utah, when we have more than we can send to our friends, because we are not permitted to sell them, we send them to the hospitals. We have kept the hospitals generally supplied during the shooting season in the principal cities of Utah, and some are sent, I believe, to hospitals in adjoining States. They are always desirable, and I do not know of any that are really wasted. There might at times be a small percentage wasted, where the bird might have been damaged so that it would not be very presentable in appearance. It might be thrown aside. But that would be a very small percentage of the number that are actually taken.

I know, too, that the men of Utah who go with you as guides are most punctilious about observing the law. Hunters are permitted to shoot only between sunrise and sunset. I have had the guide call my attention to the fact that it was nearing sundown, that we would have to quit in five minutes. I have had them count the birds and say, "Now we have 18," or "We have 19," or "We have 12." The guide will always call your attention if you get up to the nighborhood of 20. That would be a banner day, perhaps. You might not strike one man out of a thousand who would get that many. The guide would caution you inside the limit.

While perhaps the clubs where I have shot are among the best regulated, I do not believe they are regulated any more carefully than the average run of clubs, because we have the game wardens there, and they watch the shooting. If a man shoots after sundown, he is very quickly called for it, or if one should come in with more than the limit, his attention is called to that. I believe that the huntsmen as a class are more careful in their observance of the law than almost any other set of our citizens.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. WILLIS. Some of the questions I shall ask the Senator I ought to be able to answer myself, but I have not had an opportunity to go into this subject as fully as he has. Is there anything in the bill that limits the number of birds which can be taken in any one day?

Mr. PHIPPS. That is fixed by the national law. The limit on ducks is 25 birds a day.

Mr. WILLIS. Does not the Senator think that limit is pretty high?

Mr. PHIPPS. I should say it is not for ducks. I think it is about right. Hunters as a rule will observe the law, but I am told that in States where they have tried to cut down the limit to 10 birds a day, the law has been violated, the limit has been exceeded. But the State will not try to limit the number under the Federal limit.

Mr. WILLIS. As I understand, there is a limitation in the existing Federal statute.

Mr. PHIPPS. There is.

Mr. WILLIS. It is not proposed that that be changed by this bill?

Mr. PHIPPS. No; it is not modified in this bill. I think that is a proper provision, and I believe it has worked well. At the time the migratory bird law was passed, and a year or two afterwards, we heard quite a little criticism around the country, in the different States, regarding the provisions of the law, the fixing of the time of the shooting season, which will run, say, from the 1st of October to the 1st of January, or, if it commences the 1st of September, to the 1st of December, according to the zoning. Now it is admitted that the Government officials have worked out that zoning system admirably, and that the shooting seasons are at the right times, and that the limit is proper, and one that should be observed. I think there is a general feeling and desire to cooperate and protect bird life, and there is no objection, really, to the Federal regulations. The great thing has been the cutting out of the spring shooting, the stopping of the taking of bird eggs in Alaska, and the prohibition of the sale on the market by pot hunters.

If any of you gentlemen had gone with me down the Potomac one day last winter since the 1st of January, you would have seen canvasback ducks by the hundred thousand. I might not exaggerate it if I should say that the day I went down the river I looked at at least a million ducks. But I got only three and even so I was in luck. Many people get none when they go hunting. They make a long trip and they have the exercise and a good hard day's work and one does not regret that. There might be times when the weather conditions were ideal and the birds might be coming within range, and it would be easily possible to get 25 within an hour. But that is not a frequent occurrence by any means. I feel confident that while the bag limit is 25 in one day, the average taken will be less than one-third of that.

Unless there are some further questions, I have nothing further to say on the subject.

Mr. TYSON. Mr. President, I rise to propound a parliamentary inquiry. I would like to know exactly the status of this bird bill.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 4, line 16.

Mr. TYSON. What time was fixed for the vote on the bill?

The VICE PRESIDENT. No order was made.

Mr. TYSON. There was a time fixed when debate should be limited, was there not?

The VICE PRESIDENT. None whatever.

Mr. TYSON. That was what I wanted to find out.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on page 4.

Mr. KING. Let the amendment be reported.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 4, line 16, strike out "of" and insert "or."

The amendment was agreed to.

The next amendment of the committee was, on page 4, line 22, to strike out "acquisitions" and to insert "acquisition."

The amendment was agreed to.

The next amendment of the committee was, on page 5, line 20, to strike out the remainder of the page, and on page 6 to strike out all down to and including line 11, in the following words:

SEC. 9. That except as hereinafter provided no person shall take any migratory bird, or nest, or egg thereof, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, unless and until he has a license, issued as provided by this act, and then may take any such migratory bird, or nest, or egg thereof, only in accordance with regulations adopted and approved pursuant to the migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, and nothing in this act shall be construed to exempt any person from complying with the game laws of the several States.

And to insert:

SEC. 9. That except as hereinafter provided, no person shall take any wild ducks, geese, brant, swans, rails, coots, gallinules, curlews, black-bellied or golden plovers, snipe, willet, greater or lesser yellow legs, mourning doves, band-tailed pigeons, or other migratory game birds, except woodcock (or nest or egg thereof), included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, the taking of which is now or may hereafter be permitted by the Secretary of Agriculture pursuant to the migratory bird treaty act, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said convention, or nest or egg thereof, unless and until he has a license issued as provided by this act, and then may take any such migratory bird or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to such migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests, and nothing in this act shall be construed to exempt any person from complying with the game laws of the several States.

Mr. DILL. What is the effect of that amendment? I would like to have the Senator from South Dakota explain the difference between what is taken out and what is inserted by the committee. I note they take care of the same subject.

Mr. NORBECK. Mr. President, there are no very important changes, but there are slight changes, as, for instance, in regard to the woodcock, leaving it out of the classification which was originally in the bill.

Mr. DILL. Section 9 is rewritten and seems to be considerably longer than section 9 as stricken out. What is the effect of the new language in the way of change?

Mr. NORBECK. I can not offhand give the Senator any other explanation. I know that one change was made.

Mr. PHIPPS. May I call the Senator's attention to the added language?

The VICE PRESIDENT. The Senator from Colorado is offering an amendment to this amendment.

Mr. PHIPPS. I am trying to call the attention to the difference between the amendment as offered by the committee and the original text of the bill. It is found in lines 10 and 11, starting in line 9:

nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests.

The VICE PRESIDENT. The amendment which the Senator from Colorado offered a short time ago is an amendment to the committee amendment. It should be voted on before the committee amendment is acted on.

Mr. DILL. What is the Senator's amendment?

The VICE PRESIDENT. The clerk will report the amendment to the amendment.

The LEGISLATIVE CLERK. On page 7, line 10, after the word "any," to insert the words "person under the age of 18 years or of any."

Mr. JONES of Washington. Mr. President, may I ask the Senator from Colorado, who would determine when a bird was injurious?

Mr. PHIPPS. That is done on request, usually filed by the owner of the land. For instance, in my own State, and in some others I know of, the Mongolian pheasant has been introduced, a bird otherwise known as the ring-necked pheasant, and sometimes called the English pheasant. When they become very numerous, they are very apt to go after new planting, seeds and other things, and the owner of the property will make a statement, will file his request with the game warden or the game and fish commissioner of the State, in many instances going directly to headquarters and obtaining a permit to shoot.

Mr. JONES of Washington. Suppose they refuse the permit?

Mr. PHIPPS. Then they can only shoot within the season and within the regulations.

Mr. JONES of Washington. Suppose the birds are injuring the farmer's crops: Has he no relief at all? Can he not appeal to anybody?

Mr. PHIPPS. He has no relief under the present law, either State or Federal. There is no change made in that respect. This is simply to emphasize the fact that where birds are found to be injuring the crops the owner of the crops may have some opportunity to dispose of them, to get rid of them.

Mr. JONES of Washington. Where is the provision that relates to the owner's appealing to the game wardens and the provision giving the game wardens authority to grant the request or not? Is that in this bill?

Mr. PHIPPS. It is not in this bill; but I know it is the practice. I do not know whether it is definitely stated in any State law or not.

Mr. DILL. It is in the State law.

Mr. PHIPPS. It must be in the State law.

Mr. JONES of Washington. I know it is in the State law; but State law would not control action under this measure, would it?

Mr. PHIPPS. I think it would. This works in connection with the State laws.

Mr. JONES of Washington. I have not examined the bill very fully and do not know about that.

Mr. DILL. Mr. President, I want to ask the Senator from Colorado the effect of his amendment providing that no such license shall be required of any person under 18 years of age. Does that mean that a boy under 18 years of age can engage in hunting without a license?

Mr. PHIPPS. He can hunt without getting a license. He is merely exempt from applying for and paying for a license.

Mr. ROBINSON of Arkansas. Mr. President, what is the object of exempting a boy of 18 years from the necessity of procuring a license to hunt, a duty imposed on other hunters? That would be discriminatory. There are thousands of boys under 18 years of age who are expert shots, and who frequently engage in hunting. I think if a license is to be required at all it ought to be universally imposed on those who engage in hunting migratory birds.

Mr. PHIPPS. Mr. President, I call the Senator's attention to the fact that parents who are fond of sport very frequently take their small boys out with them. They want to guide them in learning how to shoot. They take some boys as young as 12 years of age, some 14, and on up to 18.

Mr. ROBINSON of Arkansas. That is the Senator's justification for exempting boys up to 18?

Mr. PHIPPS. Yes.

Mr. ROBINSON of Arkansas. I am very much against the amendment of the Senator from Colorado.

Mr. PHIPPS. I may have made the age limit a little higher than some others would have made it.

Mr. ROBINSON of Arkansas. I do not think there ought to be any discrimination on account of age.

Mr. PHIPPS. I know some Senators have thought that a license should not be required of young boys, and I am inclined to agree with them, because they get very little in the way of game. As a rule they get nothing when they go shooting. There may be some who, as the Senator has said, are able to shoot.

Mr. ROBINSON of Arkansas. There are hundreds of boys in my State under 15 years of age who are expert shots. They are frequently engaged in hunting. Some of them spend much of their time during the hunting season following that sport. I am utterly out of sympathy with the Senator's amendment, and strongly opposed to it.

Mr. PHIPPS. May I ask the Senator if he would think that no limit should be put in the bill, that if they shoot at all, even boys under 15, they should be required to get licenses?

Mr. ROBINSON of Arkansas. Certainly. There are a number of people who shoot occasionally who do not do the slightest damage to any living creature. They go out in the golden glory of the dawn and enjoy the outdoor exercise, but so far as danger to animal life is concerned, there is not the slightest when they fire a gun. But there are many boys under 18 years of age who are skillful hunters. As a matter of fact, they destroy more game than more mature persons who are good sportsmen, because boys are less cautious in their manner of taking game. I do not believe there is the slightest justification for the amendment proposed by the Senator from Colorado and I sincerely hope it will be rejected.

Mr. BRUCE. Mr. President, I would merely like to add to what the Senator from Arkansas has said the fact that in the section of the country where I was raised if a person did not know how to shoot by the time he was 18 years old he would never have learned the art at all. Most of the execution of wild game is done by boys under 18 years of age.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado to the amendment of the committee.

RECESS

Mr. BLEASE. Mr. President, I think we ought to have a yea-and-nay vote on the amendment of the Senator from Colorado.

I move that, under the unanimous-consent agreement heretofore entered into, the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at the conclusion of the recess.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The first bill under the order for the evening session will be stated.

HOME CARE FOR DEPENDENT CHILDREN

The bill (H. R. 7669) to provide home care for dependent children was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on the District of Columbia with amendments.

Mr. KING. Let the bill be read.

The bill was read.

The PRESIDING OFFICER. The first amendment reported by the committee will be stated.

The first amendment of the Committee on the District of Columbia was to strike out section 1, in the following words:

That there is hereby established in the District of Columbia a board to be known as the mothers' aid board, hereinafter referred to as the board, to be composed of five members appointed by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation.

The terms of office of the members first taking office shall expire, as designated by the commissioners, two at the end of the second year, two at the end of the fourth year, and one at the end of the sixth year, after the date of the enactment of this act. The terms of office of all successors shall expire six years after the expiration of the terms for which their predecessors were appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor, and any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

The board shall, at least biennially, designate a member to act as chairman.

Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the members in office shall constitute a quorum for the transaction of the business of the board.

No person shall be appointed as a member of the board unless he has been a bona fide resident of the District of Columbia for at least three years immediately preceding the appointment. Members of the board shall not be entitled to receive compensation for their services on the board.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. WADSWORTH. Mr. President, I have been waiting as patiently as possible for the moment when the Senate could reach and consider this bill, for, frankly, it is one in which I have been deeply interested since the beginning of this session and it relates to a subject in which I have likewise been deeply interested for a long time.

The PRESIDING OFFICER. If the Senator from New York will suspend for just a moment the Chair wishes to announce that the consideration of this bill is under Rule VIII.

Mr. WADSWORTH. That is, under the five-minute rule?

The PRESIDING OFFICER. Yes; under the five-minute rule.

Mr. WADSWORTH. Mr. President, something like 40 States in the Union have enacted in one form or another measures which may be denominated mothers' aid measures. Senators are undoubtedly familiar with the purpose of such measures. They constitute an effort on the part of the several States which have legislated on the subject to contribute from public funds to the support of widowed mothers with children, who are desperately endeavoring to support themselves and their children, and who are having a hard time doing it, in order that the contribution may save those children from being sent to some institution and establish a state of affairs in the homes of those widowed mothers which will enable them to keep their children at home. As I have said, something like 40 States have already enacted legislation of this kind, and I rejoice that even at this late day the Congress, legislating for the District of Columbia, is about to legislate upon this same subject and in a way which, in my judgment, will be effective.

The House of Representatives has passed this bill, H. R. 7669. In the form as passed by the House the bill provides for the establishment in the District of Columbia of a body to be known as the mothers' aid board, that board to be charged with the administration of mothers' aid in the District of Columbia. The members of the board are to serve without compensation, but the board is to be authorized and empowered to employ an executive officer or secretary and such investigators as may be necessary to carry on the work.

Extensive hearings were held in the House committee on the District of Columbia on this question, and the House of Representatives made up its mind, upon the advice of its own committee, that it would be wiser to have this work in the District of Columbia done by a separate and distinct unpaid board rather than to have it supervised by some other agency in the District charged with other functions connected with charities or delinquencies or corrections or relief of one kind or another.

When the bill reached the Senate and was referred to the Committee on the District of Columbia the Senate committee decided to strike out that provision of the House bill for a separate board and to place its administration under the general supervision of the recently established or proposed board of public welfare. It is that amendment proposed by the Senate Committee on the District of Columbia which I can not believe is wise when one considers the peculiar problems connected with mothers' aid in this jurisdiction or any other jurisdiction. My earnest belief is that a measure of this kind, with this well-known and highly commendable purpose in view, can be better administered if it is completely divorced and separated from all considerations of delinquencies, corrections, and the ordinary run of charitable undertakings.

I may say in passing that in the 40 States which have already legislated upon this subject there are only 10 instances in which the administration of so-called mothers' aid such as I have attempted to describe has been committed to the authorities of those States charged with poor relief.

In all the other States either the administration has been completely separated from all questions and problems of poor relief or corrections or delinquencies, or else it has been sufficiently segregated so as to relieve the mother who desires this assistance from the community in keeping her child at home from the stigma which she believes, rightly or wrongly, is so often attached to an applicant for charity.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WADSWORTH. I ask unanimous consent to proceed for another five minutes.

Mr. BRUCE. I was just going to propose that. It seems to me that this is a very important matter and that the Senator should have further time in which to explain it.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to proceed for five minutes further. Is there objection? The Chair hears none.

Mr. WADSWORTH. I am very grateful to the Senate for this opportunity. I realize that it is going to be difficult to discuss this bill in the limited time, but I feel so deeply about it that I am especially grateful for the privilege the Senate has just accorded me.

If there is one person on earth that enjoys and insists upon the right to enjoy self-respect, it is the widowed mother attempting to support a child with her own earnings, to keep that child with her in her own home. She is proud of what she is attempting to do. She loves her child, as every other normal woman loves her child; but she is even prouder than the average mother who is not handicapped by widowhood and poverty. She is proud of her efforts because she is contributing not only of her labor to the support of the child but to the good of the community in bringing up that child in her home and saving it, if she can save it, from the depressing surroundings of institutional life.

Self-respecting as she is and proud as she is, it has been found in many, many jurisdictions where these laws have been enacted that she hesitates—hesitates very much indeed—to go

to any public office and apply for financial aid where she may see written up over the door of that office the word "Charities" or "Corrections" or "Delinquencies," indicating that she must come to them begging, and that she must place herself and her child in the same category as those even more unfortunate people who are compelled to come to a public headquarters seeking relief, or are compelled to come before a juvenile court or a delinquency court.

It has been found in many, many a case that if we keep separate this administration of mothers' aid, the self-respecting mother will not hesitate to come forward and make application; whereas if you compel them, through the administrative provisions of your bill, to go to the same office or the same department of government in which delinquencies are considered, and corrections, and truancies, and all the problems connected with ill health and crippled children, in many, many instances the mother simply will not go there.

My plea is that in legislating for the District of Columbia with respect to mothers' aid we shall set up here in the District a law which shall be a model for the other States that may choose to follow our path. There are only about 10 to follow, although many of the 40 that have already legislated on the subject intend to perfect their laws. They are not all perfect in all respects. I hope that our legislation will be a model in this respect; and if it is to be a model, and to be administered with the greatest good for the greatest number of those who deserve it, I believe that the administration of this statute should be placed in the hands of a separate agency, for the reasons that I have attempted to give.

We have had experience with it in New York. The greatest efforts ever made in mothers' aid have been made in the city of New York. Under the New York State law any city or county may go into this work upon its own volition, taxing its own people for the support of its administration. In the greater city of New York there is illustrated the greatest experiment of this kind in the world; and, thank Heaven, the New York Legislature, in enacting that law authorizing the city to go into such an undertaking, provided that it might be operated separately by an unpaid board. Let me say in closing, as an illustration of the effectiveness of it, that out of every 100 cents contributed by the taxpayers of New York, with its 6,000,000 people, for the support of mothers earning their living and trying to support a child, 97 cents go straight to the mother.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WADSWORTH. I hope the committee amendment may not be agreed to.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. BLEASE. I should like to ask the Senator from New York a question.

The PRESIDING OFFICER. In the Senator's time?

Mr. BLEASE. I will give him part of my time in which to answer. What would be the Senator's idea of a board?

Mr. WADSWORTH. As contained in the provisions of the House bill. It provides for a board of five members, to be appointed by the Commissioners of the District of Columbia, to serve without salary.

Mr. BLEASE. I should like to have the Senator explain it.

Mr. WADSWORTH. The bill provides that the terms of office of the members first taking office shall expire, as designated by the commissioners, two at the end of the second year, two at the end of the fourth year, and one at the end of the sixth year, and that after that date the terms of office of all the successors shall expire after six years. It is modeled after legislation already adopted in several States; and my earnest and sincere opinion is that by such an administration we will get the very best kind of relief extended to the widowed mothers in this District.

Mr. BLEASE. Does the Senator think, from his experience, that that will be more acceptable to the mothers than the other plan?

Mr. WADSWORTH. I do. I know that some of the District authorities high up in official rank have urged that everything in the District, even including this, which might be called relief, shall be put under the board of public welfare. I think this is the one matter in which we should make an exception. I myself have received many letters from people here in the District who are not represented officially but who know these mothers who urge that this administration be kept separate. Among them, I may say, is one man who has made a special study of the administration of welfare work, and he is the Rev. John O'Grady, the head of the Catholic Charities of the District of Columbia, which represents 18 private agencies and institutions, and who earnestly urges as the result of his experience and observation that this work be kept separate from the ordinary work of charities, corrections, and delinquencies.

Mr. CAPPER. Mr. President, about six years ago the District Commissioners and the representative citizens and welfare associations of Washington came to the conclusion that the administration of the welfare activities of this city was far behind that of other cities. With the approval of Congress, the District Commissioners appointed a commission on welfare legislation. They named on this commission about 25 of the leading citizens of Washington—people who had been deeply interested in the welfare problems of this city for years. They were directed to make a thorough study of the welfare problems of the District. They employed an expert from New York, recognized from one end of the country to the other as a high-class student of welfare problems. He came here and worked constantly with this commission. The members of the commission, including the president, Judge Siddons, of the Supreme Court of the District of Columbia, visited many other cities. On that welfare commission was Miss Mabel Boardman, whom we all know as one who has given her life to the study of welfare problems.

The work of the commission resulted in the recommendation of two bills. One of those bills created a board of public welfare for the consolidation of the various welfare boards of the District. It was found that there had been overlapping of duties and great confusion, and that the system in use at that time was expensive and impracticable. The commission presented to the District Commissioners a plan for the consolidation of all these welfare activities, consolidating into one board the work that had been performed by three boards having to do with the charities and corrections of this city. The District Commissioners sent that bill to both Houses. It was introduced in the House and the Senate. It was passed here about two months ago with no opposition.

The other bill recommended by this commission on welfare legislation, and recommended unanimously, suggested mothers' aid legislation. The plan presented to the District Commissioners and the plan recommended to the Congress provided for the administration of the mothers' aid through this new board of public welfare. The plan had the approval of every civic society and every welfare organization in the city of Washington.

Extensive hearings were conducted by the Committee on the District of Columbia. The commissioners themselves appeared in support of the bill. The Federated Citizens' Associations, representing a membership of about 35,000 citizens of Washington, including 47 civic associations, and the Council of Social Agencies, including every welfare society of the city of Washington, appeared before the committee in support of the bill, as well as the Washington Board of Trade, the Washington Chamber of Commerce, and the Federated Churches of the city. In fact, there never has been a bill presented to the Congress coming from the people of the District of Columbia which had the unanimity of support that was given to the measure before us. After a hearing extending over several days the Committee on the District of Columbia unanimously recommended the bill providing for the administration of the mothers' aid by the new board of public welfare, which takes control of the welfare activities of this city on the 1st day of the coming July. The same bill was introduced in the House.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. CAPPER. I ask unanimous consent to proceed for just a few minutes more.

The PRESIDING OFFICER. Is there objection to the Senator proceeding for five minutes more? The Chair hears none.

Mr. CAPPER. The House substituted for the plan proposed by the District people a bill introduced by a Congressman from New York. When it came over here we amended the House bill. The Senate amendment is in line with the bill which had been presented to us by the District Commissioners and indorsed unanimously by the people of this city.

I asked the Children's Bureau of the Department of Labor what information they had as to the administration of mothers' aid. I have quite a complete report from Grace Abbott, the director of that bureau. It discloses the fact that there are only four States in this Union which are now operating under the plan proposed in the bill passed by the House and now urged by the Senator from New York. Those States are New York, Pennsylvania, Rhode Island, and Delaware.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. CAPPER. I yield.

Mr. WADSWORTH. I have here extracts from letters of people administering these laws officially in many, many States,

in which they describe the separate administration and earnestly urge that all laws on this subject follow the same course. I notice one from Michigan and I notice one from Kentucky.

I listened to some of that testimony by representatives of the Children's Bureau of the Department of Labor, and I recognized, from my own recollection, that much of it was utterly inaccurate. The Senator said there were only four.

Mr. CAPPER. I have a report here from the Children's Bureau, with a list of the States. There are 20 States, according to this list, in which mothers' aid is administered by the juvenile courts, along with the handling of all matters pertaining to delinquencies and corrections.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CAPPER. I yield.

Mr. WILLIAMS. This law is not predicated, is it, on the theory that it is any aid or pension to mothers?

Mr. CAPPER. Not at all. It is for the home care of dependent children.

Mr. WILLIAMS. Is that the paramount idea, that it is for the children and not for the mothers?

Mr. CAPPER. It certainly is. It is sometimes called "mothers' pension," but as a matter of fact it is not a pension. It is for the care of dependent children in the home.

Mr. McKELLAR. Mr. President, did I understand the Senator to say that the board of public welfare will have the duties of three boards after the 1st of July?

Mr. CAPPER. It will.

Mr. McKELLAR. Then does not the Senator think it will have about all it can do to perform the work of the three boards and that we had better not give it the work of another board?

Mr. CAPPER. It is a board of nine members, which will have all the help it needs for this purpose. The creation of a separate board would simply mean setting up another organization, doubling overhead cost. Down in the District Building there would be one office, on the door of which would appear "Public Welfare Commission." Alongside of it would be another office and on the door, "Mothers' Aid Commission." The term "charities" has been abandoned entirely, so far as this public welfare commission is concerned. There need not be any stigma.

I asked the Children's Bureau to cite a number of striking examples of the successful administration of mothers' aid in other States. Let me take just a moment to refer to the replies I received to a telegram asking as to the results obtained. This is the telegram I addressed:

> Would appreciate a statement from you by wire giving your judgment as to whether the administration of mothers' aid is promoted or hampered by having it placed in an agency with other duties relating to child welfare and public welfare. Do mothers hesitate to apply for aid to a department with such general powers? Is such aid viewed by the public as in the nature of pauper relief? Would an entirely separate agency for the administration of mothers' pensions be desirable?

Here are a few of the typical replies I got. This one was from Boston, Mass.:

> Mothers' aid requires closest correlation with child care and relief. Great advantage in Massachusetts and I think everywhere to have in the same department with other welfare work principles of investigation and individual case treatment made are applied to it and it improves enormously the standards of outdoor relief.

Signed by the commissioner, department public welfare.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIS. Mr. President, I regret exceedingly to be compelled to differ with the view of the distinguished chairman of the Committee on the District of Columbia, who has given this matter, as he gives every matter under his jurisdiction, careful study; but I think his conclusion is wrong.

He has suggested that if the committee amendment shall be disagreed to, then there will be two doors in the District Building, one labeled "Public Welfare" and one labeled "Mothers' Aid." That is exactly as I should like to have it. To me the whole point of this legislation is as to whether or not we want to classify with the delinquents proposed to be handled by this other board the mothers who are striving to hold their little families together and provide for them.

I have here a list of the different classes of delinquents referred to. For example, this board will have charge of the workhouse at Occoquan. Is it thinkable that it is desirable to send these proud mothers, who are trying to make a living for their families, to the same board that has charge of such matters as will necessarily be dealt with if it has charge of the workhouse at Occoquan?

Another activity this board will handle is the reformatory at Lorton. Another is the Washington Asylum and Jail. Another is the municipal lodging house.

My thought is that, as was stated so clearly by the Senator from New York, we should not put upon these little children the stigma that will be with them through their lives if made the objects of charity. The whole purpose of this legislation, as I understand it, is to avoid the institutional idea, and to keep alive in the hearts of these little children the idea that they are independent. But if we are to make them the objects of charity and classify them with the delinquents in the workhouse and the unfortunate people in the asylum, we will place upon them a stain of which they have a right to complain. It is significant that in 30 of the 40 States, in three-fourths of the States—and there can not be any serious question about that, I believe—which provide mothers' aid, provision is made for separate administration.

Mr. CAPPER. Mr. President, will the Senator yield?

Mr. WILLIS. I yield.

Mr. CAPPER. The Senator from Ohio is absolutely incorrect about that. There are only four States working under that plan, and I will give the Senator the names of the States, if he cares to have them. It is true that in 20 of the States this work is under the juvenile courts, but they also handle the very cases the Senator speaks of, the delinquent and the correctional cases.

Mr. WILLIS. After my friend has given me that list of names of the States, then I will give him the list I have here, showing that 30 States out of the 40 use the plan I am now advocating. I have here what some of them say about it. Take the State represented with such distinguished ability by the present presiding officer [Mr. JONES of Washington in the chair]. This is what is said in a report I have from the State of Washington:

> To dole out mothers'-aid work along with the many other shaming and spirit-breaking charities is to rob this wonderful work of its greatest benefit.

What do they say in the State of Nebraska? This is from Judge Lincoln Frost:

> I can not think that any bill which seeks in any way to make charity out of the giving of a pension to a mother is a proper one. It is difficult to free mothers' aid from the thought that it is charity if it is handled by an organization that is used to give out charity.

A statement to the same effect comes from the State of Michigan, one from the State of Kentucky, and similar statements from many others.

I submit that whereas the idea of concentration and simplification of administration is, as a general proposition, a good one, in this instance, where the work is different, we ought, in the interest of these little children, to keep it separate and keep the stigma away from them.

Mr. BRUCE. Mr. President, I am a member of the Senate Committee on the District of Columbia; hence the impulse that leads me to say just a word or so about this matter.

There were 11 different public-welfare organizations in the District of Columbia, and some 15 or 20 years ago, say, a joint committee of the Senate and the House said that the public-welfare conditions in the District, so far as administration was concerned, were "simply chaotic." I use the language of that joint committee.

The result was the appointment of a commission of some 16 persons, headed by the Hon. Frederick L. Siddons, who is a justice of the Supreme Court of the District of Columbia. That commission was appointed for the purpose of revising all public-welfare legislation relating to the District. Those 11 organizations were grouped under three capital organizations. There was first of all the Board of Charities. Then there was the Board of Children's Guardians. Then there was a board for the training of girls.

That commission recommended the consolidation of all those 11 organizations. It was a commission, as I have said, headed by a distinguished justice, and composed of members of the very highest standing in every regard for character and ability. That commission enjoyed the advice of Mr. William Hodson, who had been the director of the Childrens' Bureau of the State of Minnesota in the first instance, and afterwards the director of the department of social legislation of the Russell Sage Foundation. The commission enjoyed the advice of that expert for some two or three months, and, as I have said, they recommended a complete consolidation of all these different instruments of public-welfare work.

As the Senator from Kansas has already stated, a bill was passed by Congress creating the public welfare board, which is to administer the duties of all those 11 different organizations. After that a bill was brought in to provide for this aid for dependent children, which had never been given in the District at any time. It occurred to the Senate District Committee that it would be a good thing to bring that branch of public-welfare work also under this public welfare board, which was to supervise the operations of all those 11 different branches of public-welfare work.

This question as to whether there is to be a separate board for this aid to dependent children, or whether that form of relief is to be brought under the administration of this board of public welfare, is nothing but a conflict between a New York enthusiast, Miss Sophie Irene Loeb, and a little handful of her adherents who are supporting her views, on the one hand, and on the other hand the people of this District. It is perfectly true that there was one exception to the unanimity of the people of this District. That was Father O'Grady. I have no criticism to make of him, but he stood alone; his position was one of complete isolation. Miss Mabel Boardman, trict asked that this form of public-welfare work be brought convincing, a more intelligent presentation of a case I have never heard in my life than was made by the citizens of this community to the Senate committee.

We all know that the District is only too likely to be selected as the dog on which all kinds of social experiments are to be tried, and Miss Loeb's idea is that it would be a good thing to come down here to the District and get this bill through as an example, to use her own language, and then to go to the legislatures of the different States in the Union and get them to enact similar laws.

Just a few weeks ago a Baptist minister came here from a remote mountain region in the South, and asked that we approve a bill which proposed to impose all kinds of Sabbatarian restrictions on the people of the District.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRUCE. I ask the Senate to allow me the same privilege that has been accorded to other Senators.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent to proceed for five minutes more. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. BRUCE. That is all there is in this case. It is a controversy between the people of the District who desire to have this form of relief brought under the authority of their board of public welfare, which has been created by Congress at this very session, and this little handful of New York enthusiasts who desire to have their will rather than the will of the District of Columbia carried into effect.

Mr. WADSWORTH. Mr. President, will the Senator yield at that point?

Mr. BRUCE. I yield, provided it is not taken out of my time.

The PRESIDING OFFICER. It will come out of the Senator's time.

Mr. WADSWORTH. I think the Senator may not insist that is my attitude, for example, or that I and those who believe there should be separate administrations are insisting on it for that reason.

Mr. BRUCE. I think so.

Mr. WADSWORTH. I can assure the Senator that is not true. As a matter of fact, the organizations which have taken part in urging legislation of this kind from all over the United States are in favor of separate administrations.

Mr. BRUCE. Yes; and Miss Loeb and her little retinue came to Washington to try to build up some popular sentiment and support for their proposition, and they met with no success whatever. They even attempted to hold a public meeting——

Mr. WADSWORTH. No; they did not. They have attempted to hold no public meeting in the District.

Mr. BRUCE. So the papers stated.

Mr. WADSWORTH. I do not care what the papers stated; they did not do so.

Mr. BRUCE. I do care. The Senator, I think, must confess that we all care a little bit about what the papers say.

This New York proposition would never have stood a ghost of a chance but for the fact that it was also brought up in the House, where, of course, New York has a tremendous delegation and a great deal of influence. The bill there was introduced by Mr. MILLS, of the New York delegation, and but for the backing that Miss Loeb received from the New York delegation in the House it is my humble opinion that her proposition never would have received any countenance worth speaking of at all.

Are we going to override the wishes of the people of the District, the men and women of the District who have given most patient and most laborious consideration to the entire subject? Are we to deny them their request and give to these New York people for their purely theoretical purpose two separate administrations?

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. BRUCE. I yield.

Mr. BLEASE. I would like to ask the Senator how he got that opinion of the people of the District of Columbia?

Mr. BRUCE. They came in droves before the committee.

Mr. BLEASE. Did the other side come too?

Mr. BRUCE. No; they did not. They appeared there and made out the best case they could, but it was just like a little feeble whisper drowned out in a great chorus of sound. As I said, I have never in my life, and I say it honestly, heard a case presented with more persuasive power than the case of the District. There is nothing in the idea that there will be any contamination worked by the association of this particular form of relief with other forms of relief, because the board of public welfare is to have jurisdiction over all forms of public-welfare work whatsoever, whether correctional or eleemosynary, or whether of any other description whatsoever.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. BRUCE. I yield.

Mr. BRATTON. That is the very objection I entertain to the bill. In dealing with the widowed mother who has at heart the matter of training the child—who does not belong among and should not be mixed with juvenile delinquents or other delinquents—to bring a mother of that type, with purposes and motives of that kind within her breast, into contact with juvenile delinquents and other delinquents can not be compared with the difference in the cost of administering this law under the two methods suggested. I can not understand upon what authority the Senator brushes aside so lightly the fact that a mother and a child of the type we are dealing with should object to being brought under the same bureau with delinquents and juveniles.

Mr. BRUCE. They are not brought into personal contact with them at all.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. McKELLAR. Mr. President, I have only a brief statement to make. It seems to me the public welfare board, judging from the law creating it and from what I know about the city, has already enough to do. Here are the several things with which they have to do:

The workhouse at Occoquan, the reformatory at Lorton, the Washington asylum and jail, the National Training School for Girls, the Gallinger Municipal Hospital, the Tuberculosis Hospital, the Home for the Aged and Infirm, the Municipal Lodging House, the Industrial Home School, the Industrial Home School for Colored Children, and the District Training School.

My heavens, Mr. President, by the time one board gets through all those duties it surely will have very little time for the mothers and for the orphan children who are to be cared for under the bill. Why should not they have a separate board? No salaries are given to the members of the board. It does not cost any more to have a separate board. It does seem to me under these circumstances that we ought to impose no more duties upon a board that already has so many to perform, and especially we ought not to impose them until we find out how well they are to perform their duties. I think, Mr. President, that by all means we should have a separate board in accordance with the bill passed by the House. The House certainly knew something about it from all the proof that was offered over there, and they not only reported a bill of this kind providing for a separate institution but they passed it, and we ought to pass it and let it become a law.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield.

Mr. BRUCE. Of course, the Senator knows that the mother and the child under this form of legislation will not be brought into personal contact with delinquents or objectionable characters, but are subject to the general administration under the same board as other forms of relief.

Mr. McKELLAR. That is true, and here we have a board that is accustomed to dealing with delinquents and in some

cases, perhaps, with criminals among the youth. That board, by its experience with criminal youth and reformatories, is not likely to have a very good opinion of orphan children.

Mr. BRUCE. I will state that I was for a good many years a member of the board of estimates for the city of Baltimore. We had under our jurisdiction, among other institutions, the city jail. All the appropriations that were made for public-welfare institutions in Baltimore of every kind and all forms of relief came under our jurisdiction, and yet the idea that anybody to whom one form of relief was granted was contaminated by the fact that another form of relief was given by the same board to another class of persons was never brought to my attention.

Mr. McKELLAR. It costs no more to have a separate board. Why in the world does the Senator want to impose these duties on a board that already has more duties than it can perform?

Mr. BRUCE. I will say it is because experience has shown that the most unfortunate children are to be cared for by this board, and there is no danger of contamination as the Senator suggests.

Mr. McKELLAR. There is quite a difference of opinion about that. The consensus of experts is that there should be separate boards in so far as orphan children are concerned.

Mr. BRUCE. There is a difference of opinion between the New York experts and the citizens of Washington.

Mr. McKELLAR. Most of the States have adopted the separate systems. Why have they all adopted separate systems if it is better to consolidate?

Mr. BRUCE. I will say to the Senator that even the New York people do not all agree, because Mr. Hodson is opposed to the New York plan.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. BRATTON. Mr. President, the consideration underlying a bill of this kind, and which justifies the expenditure of this sum of money is to improve the child that is involved. We have a child whose father is dead, but whose mother is struggling along to develop that child into manhood or womanhood as the case may be.

There are two plans submitted. One is to give relief through a welfare board which deals with delinquents and juveniles of that type, children that border on what may be likened to criminals of a more mature age. When we deal and come into personal contact with a juvenile court and see the type of children that are dealt with there, and of necessity must be dealt with there, it seems to me it drives us irresistibly away from the contention asserted by the Senator from Maryland [Mr. BRUCE] that children and mothers of the type we are dealing with here should not object to being brought into contact and in touch with juveniles.

We have an entirely different situation here, an entirely different type of parent and child. To subject one mother whom we are undertaking to aid to the humiliation and to the heartache of being brought into touch with the juvenile machinery of the municipality in order that she may get the money——

Mr. WILLIAMS. Mr. President, may I make an inquiry of the Senator from New Mexico?

Mr. BRATTON. Yes.

Mr. WILLIAMS. What is the humiliation that the Senator speaks of?

Mr. BRATTON. I fancy that bringing a child that has always had respect for law and order and has lived an upright life into a place where it rubs elbows with the juveniles and the delinquents of the city would be an experience which might be called humiliating. Of course, it is a matter of personal opinion, but I am speaking from my viewpoint of the subject. I frankly say that I would prefer that my children, so long as they respect the law of the land, be saved from having to mix and mingle with delinquents and waywards of this or any other municipality.

Mr. WILLIAMS. May I ask the Senator whether he has had any personal experience with delinquents and neglected children so as to be able to draw the line of demarcation between the two?

Mr. BRATTON. Yes; I have had to send dozens of them to the reformatory, and my heart has bled within me time and time again as I underwent the experience. Since the Senator refers to personal experience, I had the experience of presiding over a court for a number of years that was charged with the duty of administering the juvenile law. I have heard mothers weep as they left the court room; I have heard children weep as I was compelled to sentence them to the reformatory. It is from that personal experience that I hope the children of this city who have been deprived of a father, but who are blessed with a patriotic, loving, and tender-hearted mother, children of the type who respect the law of the land, shall not be brought in touch with the delinquents and juveniles of this city.

Mr. WILLIAMS. The Senator admits, of course, that the real basis for legislation of this kind is for the benefit solely of the child; that there is no idea of mothers' pension and no reward. There is nothing of that kind intended for the mother.

Mr. BRATTON. The underlying principle of the law is to furnish the money—the dollars and the cents—with which a mother of the type I have endeavored to describe may raise her child. They should not be likened unto juveniles who are violators of the law and who are brought into the juvenile court as a punishment or correction.

Mr. WILLIAMS. Under the laws of New Mexico, which the Senator as a judge has administered, did he not administer those laws under some definition of what makes a dependent child as distinguished from a delinquent child?

Mr. BRATTON. Oh, yes.

Mr. WILLIAMS. A dependent child is one who is dependent on the public for support, is it not?

Mr. BRATTON. Exactly. I am trying to keep the two classes separated as far as I can. One has led a law-abiding life and has been unfortunate in losing a father and being stricken with poverty. The other has led a life of violation of and disrespect for the law. The two classes should be separated instead of being forced to mingle together.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. SACKETT. Mr. President, I want to say just a few brief words in regard to the bill, as a member of the District Committee. When the hearing was held it is true, as stated by the chairman of the committee, that there was almost a unanimity on the part of the people in Washington to have this institutional work under the general welfare board. They have suffered in Washington for years from numerous boards treating different subjects, and it was only after a great deal of work that we were able to get the bill passed that gives the public welfare board charge of all of them. Now, immediately on top of that, comes a proposition to create one more board to take over a part of the work of that newly created board.

In answer to the Senator from New Mexico, who has just spoken, I want to read two telegrams which came to the committee. One of the telegrams came from Chicago and reads as follows:

CHICAGO, ILL., *April 21, 1926.*

It is not important whether administration of mothers' pensions is placed in juvenile court or board of public welfare. But should be with whichever is most capable of administering the law in the District of Columbia. Our experience is that when mothers are treated kindly and considerately they feel no hesitation in replying to a court here. We have separate hearings for pensioned cases. Court hearings give dignity to the grant. Separate agency for mothers' aid work is not desirable. Am anxious that your bill pass.

VICTOR P. ARNOLD,
Judge Juvenile Court.

The following telegram is from Detroit, Mich.:

In my opinion it is desirable to place the administration of mothers' pensions in juvenile court rather than in separate agency. While many mothers refuse to accept relief from commissioners of poor or welfare departments, I have never known of a mother to hesitate about applying to the juvenile court. Juvenile-court machinery is particularly well adapted to investigate applications and to supervise families receiving awards. The authority of the juvenile court enables it to more effectually control and enforce living standards in the family than would be possible by a nonjudicial agency. Would consider it unwise to create separate agency where established juvenile court is available.

HENRY S. HULBERT,
Judge, Juvenile Court.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. SACKETT. I yield.

Mr. WADSWORTH. I notice that the telegram just read by the Senator from Kentucky relates merely to the administration of such a law in some one of the States by a juvenile court. Surely the Senator will not contend that the board of public welfare is on all fours with a juvenile court?

Mr. SACKETT. Not at all.

Mr. WADSWORTH. Is it not more upon all fours with a poor relief board?

Mr. SACKETT. Well, whatever board it may be, the administration should come under the general board handling the other matters. That is the point which I wish to bring out.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. I yield.

Mr. WILLIS. Will the Senator permit me to call attention to a statement which is made in that particular by the chairman of the child welfare commission of his own State?

Mr. SACKETT. Yes, sir.

Mr. WILLIS. I refer to Frances Ingram, chairman of the Kentucky Child Welfare Commission, who says:

> The mothers' aid work should be separated from the charities department, since it is not felt to be a function of charity, but rather a sacred duty of the State, or Government, and should be done with a spirit separate and apart from charity.

That is from the Senator's own State.

Mr. SACKETT. Mr. President, replying to the Senator from Ohio, I desire to say that I feel entitled to speak on that subject, as I have been a member of the State board of charities and corrections for the State of Kentucky for five years almost last past. The difficulty in various States under the laws they have is that there is no opportunity in such States to have such work as is contemplated by the pending bill placed under the State boards of charities and corrections, for the jurisdiction of such boards is limited to penitentiaries, insane asylums, and idiocy asylums. All the work of mothers' pensions is done in the cities, and it could not come under the State board of charities and corrections.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. WILLIAMS. Mr. President, I am deeply interested in this question. I have been a judge of the juvenile court and drafted the juvenile court law of my State. I have been chairman of the board of children's guardians and have had thousands of cases of dependent children on my hands. We have established in the State of Missouri probably the most worthy token there could be to the cause of dependent children.

This is not a bill for the benefit of mothers; it is not a widows' pension measure; it is a bill for the benefit of dependent children. There is nothing more to it than that. If a child has been adjudicated a dependent on the public for support, that child is liable to be taken charge of by the State in an institution prepared by the State for that purpose; but if it should appear that there is a home for that child, and a mother who is competent and able to take care of that child and of her other children, it may properly be placed in its own home, in the home of its mother, for support. That is all there is to it. This is not a case of mothers' aid; it is not a case of widows' pensions; it is not a case of "trying the thing out on the dog" in the District of Columbia, so that similar legislation may be adopted in other States of the Union.

Mr. President, I have often wondered in my survey of the legislation that has gone through this body this year whether it would not be possible to dissociate the District of Columbia from the activities of the Senate and House of Representatives, whether it would not be possible for the District of Columbia to be conducted as a free and independent city, whether the Congress of the United States should be and should continue to be nothing more than a board of aldermen for the District of Columbia on all this kind of bills. I deplore that situation very much.

Dependent children in the city of Washington should be treated as are the dependent children of any other well-managed city. The city of Washington is not nearly so badly conditioned as are many of the other cities of the Union; but the cities of New York, Chicago, and I might mention other cities, are in much better position than is the city of Washington with respect to delinquent, dependent, and neglected children. When a child comes into the juvenile court or into any other court or comes before the board of public welfare it may be adjudicated dependent on the public for support. If it is, then that child must be placed in a public institution unless it has a widowed mother whose home is a proper place for that child to have a refuge. If the home of the mother is to be the place where the child is to be maintained, then the mother is entitled to consideration under this bill, and the board of public welfare of the city of Washington, regardless of its other duties, is the board which should be responsive to and responsible for the care of such dependent child.

There is no occasion for passing any law with respect to widows' pensions or mothers' aid. This bill is not intended as a mothers' aid measure; there is no occasion in the world why mothers should be rewarded or pensioned for bearing children into the world. The children are the object of our consideration; the children are the ones who are to be citizens of the State, and the children, therefore, are the ones that we are to consider. If the board of public welfare, if that is the name of the board in the District of Columbia, shall have authority over dependent children, then they ought to be treated just like the children of any other city are treated.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. JONES of New Mexico. Mr. President, I have been listening to the debate and I have been trying to get some light which shall decide my own vote. As to the object to be accomplished and the advisability of it, apparently there is no difference of opinion. There is simply a question as to the administration of the law. It is claimed, on the one hand, that the board of public welfare should not only take care of the duties imposed by this law but of other charitable or correctional efforts to be made in the District of Columbia. We have had presented to us some authorities or so-called authorities presented as such. The distinguished Senator from Kentucky [Mr. SACKETT] read a couple of telegrams from judges of juvenile courts. He thinks that a juvenile court should handle this work. That evidently is the way it seems to those judges. The Committee on the District of Columbia comes here and tells us that the citizens of Washington take the position that the public welfare board should have the administration of this proposed law, and that unquestionably grew out of the differences of opinion which existed a few years ago regarding the multiplicity of boards—I forget how many there were, but there were a number of different boards—and it was finally thought best to consolidate those boards. At the time of the consolidation, as I understand, the undertaking contemplated by this bill was not suggested.

Mr. CAPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kansas?

Mr. JONES of New Mexico. I yield.

Mr. CAPPER. The two bills came before Congress at the same time, having been sent here by the Commissioners of the District of Columbia about three months ago. The consolidated public welfare board is not as yet in operation. That board will begin to function on the 1st of July. Under the mothers' aid bill sent here by the Commissioners of the District of Columbia the public welfare board would assume charge of the machinery of this bill.

Mr. JONES of New Mexico. Then, why, may I ask, was it necessary to have a separate bill about the subject of this bill at all?

Mr. CAPPER. It covers an entirely different field. The other bill had to do with all the welfare activities in the city of Washington.

Mr. JONES of New Mexico. That is just as I thought it was.

Mr. CAPPER. And it had to make an appropriation in order to provide the aid to be distributed by the public welfare board.

Mr. JONES of New Mexico. That is my recollection of the situation. We have had other and different classes of charities and corrections to deal with in the past, and the conclusion has been reached that it is advisable to consolidate them. For some reason—and it is not necessary to disclose the reasons here now—the House of Representatives decided that the work under the pending bill should be kept separate. The Senate now is undertaking to say that the judgment of the House was not correct. I should like to know why.

Mr. CAPPER. The Senate is undertaking to pass legislation requested by the Commissioners of the District of Columbia. The Committee on the District of Columbia has unanimously recommended the passage of the bill as it came from the Commissioners of the District.

Mr. JONES of New Mexico. Then, I may say that the Commissioners of the District of Columbia, who have never had any experience with such legislation as this, make a recommendation, and, in order to carry out that recommendation of the commissioners, it is proposed to place the work contemplated by this bill, along with other classes of work, in the hands of one board.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. WILLIAMS. Mr. President, may I make an inquiry of the Senator from New Mexico?

The PRESIDING OFFICER. The time of the Senator from Missouri has also expired.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. WADSWORTH. Am I right in stating that those of us who believe in the administration of this proposed law by a separate board in the District should vote "no" upon the question of the adoption of the committee amendment and those who believe in a consolidated administration should vote "aye."

The PRESIDING OFFICER. The Chair understands that to be the situation.

Mr. KING. Mr. President, a parliamentary inquiry. Am I right in assuming that those who believe in supporting the commissioners and the wishes of the District of Columbia should vote "aye"?

The PRESIDING OFFICER. The Chair understands that to be the situation.

Mr. WADSWORTH. I object to the last half of the inquiry addressed to the Chair by the Senator from Utah.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee. [Putting the question.] In the opinion of the Chair the "ayes" have it. The "ayes" have it, and the amendment is agreed to.

Mr. WADSWORTH. Mr. President, is it too late for me to ask for a division?

The PRESIDING OFFICER. The Chair understands that it is.

Mr. WADSWORTH. In view of the discussion upon a similar occasion the other day, will the Chair hold that I can not have a division upon that question?

The PRESIDING OFFICER. The Chair was rather deliberate about announcing the result, to give the Senator an opportunity to ask for a division.

Mr. BRUCE. Mr. President, I think it was perfectly distinct to every ear that the "ayes" had it, so I think the Senator ought not now to press his request for a division.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDING OFFICER. That is too late.

SEVERAL SENATORS. Regular order!

Mr. SIMMONS. Mr. President, I rather think there was some mistake about the vote. I did not understand the question myself——

SEVERAL SENATORS. Regular order!

Mr. SIMMONS. And the Senator from New York did not understand it. Did not the Senator vote "aye"?

Mr. WADSWORTH. I did; yes.

Mr. SIMMONS. The Senator did not intend to vote "aye," did he?

Mr. WADSWORTH. Mr. President, there was great confusion.

Mr. SIMMONS. I move a reconsideration of the vote.

The PRESIDING OFFICER. The Senator from North Carolina moves that the vote by which the amendment was declared adopted be reconsidered.

Mr. BRUCE. May I ask the Senator how he voted?

Mr. SIMMONS. I did not vote at all.

Mr. BRUCE. Then, the Senator can not move a reconsideration.

SEVERAL SENATORS. Regular order!

Mr. BLEASE. Mr. President——

Mr. HEFLIN. I voted "aye" under a misapprehension, and I move to reconsider the vote.

The PRESIDING OFFICER. The Chair will put the motion made by the Senator from North Carolina. All those in favor of reconsidering the vote by which this amendment was adopted——

Mr. WADSWORTH. Upon that I ask for a division.

The PRESIDING OFFICER. The Senator from New York asks for a division.

Mr. BRUCE. I was just rising for the purpose of withdrawing the objection I made. I understood one Senator back of me to say that he had misunderstood the question, and therefore I wanted to withdraw the objection. I think we ought to have a division.

Mr. McKELLAR. I ask unanimous consent that the vote just taken be reconsidered.

SEVERAL SENATORS. I object.

The PRESIDING OFFICER. The Senator from North Carolina has moved that the vote whereby this amendment was declared adopted be reconsidered; and upon that motion the Senator from New York has asked for a division.

Upon a division, the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now comes upon the adoption of the committee amendment.

Mr. WADSWORTH. Upon that I ask for a division.

Mr. SIMMONS. Mr. President, let us understand how we vote. Those who favor the position taken by the Senator from New York will vote "no."

Mr. WADSWORTH. They will vote "no." They will vote against the committee amendment.

Upon a division, the amendment was rejected.

Mr. KING. Mr. President, I ask for the yeas and nays.

Mr. WILLIS. Regular order!

The PRESIDING OFFICER. The Chair will have to hold that that is too late. The result has been announced.

Mr. KING. I reserve the right to have a roll call when the bill is in the Senate.

Mr. McKELLAR. Mr. President, I ask the attention of the Chair for just a moment. I move to amend by striking out lines 7 and 8 on page 1 of the bill. I ask the chairman of the committee if he will not accept that amendment. It simply limits the power of the President about the matter, and it seems to me that it ought to be unlimited.

The PRESIDING OFFICER. The Senator from Tennessee moves to strike out lines 7 and 8 on page 1.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The next amendment was, on page 2, line 21, after the word "SEC.," to change the number of the section from "2" to "1."

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the Clerks will be given authority to make the necessary corrections in the numbers of the sections.

The next amendment was, on page 2, line 24, after the word "board," to insert "of public welfare of the District of Columbia, hereinafter called the board," so as to make the section read:

SEC. 1. That whenever the parent of a child under the age of 16 years is unable to provide for the proper care of such child in his own home, the mother or guardian of such child may make application to the board of public welfare of the District of Columbia, hereinafter called the board, for the benefits conferred by this act: *Provided*, That she has been a bona fide resident of the District of Columbia for one year preceding such application and that she is a citizen of the United States or has made application to become a citizen.

Mr. WADSWORTH. Mr. President, as that issue has already been decided by a vote of the Senate, I assume that there will be no objection to rejecting that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, in section 10, page 6, line 6, after the word "appoint," to strike out "a secretary," so as to make the section read:

SEC. 10. That in order to carry out the provisions of this act there is authorized to be appropriated for the fiscal year ending June 30, 1927, the sum of $100,000, payable from the revenues of the District of Columbia, and for the fiscal year ending June 30, 1928, and annually thereafter, the Commissioners of the District of Columbia shall include in the estimates of appropriations for said District such amount as may be necessary for this purpose. The Commissioners of the District of Columbia, upon nomination by the board, shall have power to appoint a supervisor, and such investigators, stenographers, and clerical assistants as are necessary to administer this act, at such salaries as may be fixed for similar services by the provisions of the classification act of 1923. Such employees may be removed by the commissioners upon recommendation of the board.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, in view of the fact that this is to be a separate board, it should have its secretary.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to will be reconsidered; and without objection, that amendment will be rejected.

The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I presume that any discussion of this bill now is futile, at least until we have a quorum present, which I shall call for before we have a final vote.

I am somewhat surprised, however, to see the avidity with which some Senators support a measure which does not have the approval of the people of the District of Columbia. The chairman of the District Committee, the Senator from Kansas [Mr. CAPPER] has devoted himself with the utmost zeal and energy to the discharge of the important responsibilities resting upon him. He has given more attention to this subject than any other man in the Senate, notwithstanding the statement made by the Senator from New York. He knows what the people of the District of Columbia want. There never has been

a bill presented before the Committee on the District of Columbia since I have been a member of that committee—and I have served as a member of that committee for four years in the House and nine years in the Senate—where there was the unanimity that there has been with respect to the bill now before us.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I yield.

Mr. WILLIAMS. Regardless of what the people of the District of Columbia want, is it not the judgment of the Senator from Utah that this is what the people of Washington ought to have?

Mr. KING. Indeed it is.

Mr. President, I was not only pleased with the attitude of the people of the District of Columbia upon this measure because it coincided with the views which I first entertained, but as I looked into the matter I was convinced that the prepossessions which I first entertained were right, and that the people of the District of Columbia were right.

Mr. President, no man who lives in the District knows more about the needs of the District than Mr. Noyes, of the Star; and in the Evening Star you will find an able editorial explaining this measure, and indorsing the measure which was reported by the District Committee. The Senators who are constantly insisting that the District shall have greater rights and greater liberties, and shall have the right to vote and to enact its own laws, are not running true to form in repudiating the measure upon which the people of the District of Columbia have expressed themselves with complete unanimity.

Mr. President, we have organized a board here that will care for these children—a board that will be composed of the ablest citizens, disinterested persons, men and women familiar with the needs of the city—and they are competent to perform the duties which this bill, as it came from the Senate committee, imposes upon them. I regret exceedingly that when the people of the District have expressed themselves so unanimously we turn down their plea, and accept a measure sponsored by the Senator from New York in the Senate and by a Congressman from New York in the House. For my part, I prefer first to follow my own judgment, and secondly to follow the wishes of the District of Columbia.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. KING. I do.

Mr. CURTIS. I understood the Senator from Utah to say that he is going to ask for a yea-and-nay vote when the bill is in the Senate.

Mr. KING. Yes.

Mr. CURTIS. I hope the Senator from Kansas [Mr. CAPPER] will consent to lay this bill aside. The Senate kindly set aside to-night for the consideration of a half dozen measures. I doubt if we have a quorum here; and I hope the Senator from Kansas will consent to lay aside this bill, so that we can take up the other bills.

Mr. WADSWORTH. May I ask the senior Senator from Kansas and also the junior Senator from Kansas if, in laying it aside, some arrangement can not be made as to the time when we can vote on it? Let me say to the two Senators from Kansas—and I am sure they will both agree with me—that our only disagreement here this evening has been upon the one question of administration. All of us are in favor of attaining the object sought by this bill. Now, that the Senate has by a vote agreed to adopt the administrative features urged by the House, let us pass the bill.

Mr. CURTIS. I am perfectly willing, so far as I am concerned. I doubt very much if we have a right to-night to consent to anything of that kind, however, because the consent given by the Senate was only to consider these measures. There ought to be no difficulty in reaching an agreement to-morrow or next day as to getting a vote. I hope the Senator from Kansas will agree to lay it aside.

Mr. KING. Speaking for myself, I have no objection to taking a vote on Tuesday or to-morrow or Saturday.

Mr. McKELLAR. Let us take a vote to-morrow.

Mr. KING. Of course the chairman of the committee is in charge of it, and I bow to his wishes.

Mr. McKELLAR. I ask unanimous consent that we vote on this bill at 10 minutes past 12 to-morrow.

Mr. KING. Oh, no; there will be some debate.

Mr. HEFLIN. I suggest 12.30 to-morrow.

Mr. KING. I shall not consent to fixing an hour to vote unless some opportunity is given to discuss the measure before the vote is taken.

The PRESIDING OFFICER. The Chair begs to suggest that if it is sought to fix an hour that will necessitate the presence of a quorum anyhow.

Mr. McKELLAR. Mr. President, I think we have a quorum.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Utah has the floor. To whom does he yield?

Mr. KING. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent that this bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

The Secretary will state the next bill covered by the unanimous-consent agreement.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 2, line 10, after the words "Sec. 2," to insert: "That section 7 of said act be, and the same is hereby, amended so that as amended the section shall hereafter read."

The amendment was agreed to.

The next amendment was, on page 3, line 18, after the word "vehicle," to insert "or a motor cycle or motor bicycle," and in line 20, after the word "guardian," to strike out "or a motor cycle, or a motor bicycle"; so as to read:

> No operator's permit shall be issued to any individual under 16 years of age; and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age for the operation of any motor vehicle other than a passenger vehicle or a motor cycle or motor bicycle used solely for purposes of pleasure and owned by such individual or his parent or guardian.

The amendment was agreed to.

The next amendment was on page 3, line 25, after the word "space," to strike out "for the notation of conviction of violations of the traffic laws of the District," and to insert "wherein the police court judges or their subordinates are required to note serious convictions of traffic violations or of the traffic laws of the District"; so as to make the paragraph read:

> (b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space wherein the police court judges or their subordinates are required to note serious convictions of traffic violations or of the traffic laws of the District.

Mr. KING. Mr. President, will the Secretary please state the amendment again?

The PRESIDING OFFICER. The Secretary will restate the amendment.

The Chief Clerk restated the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, I do not know whether I have the corrected copy of the bill or not. If so, I suggest the following amendment:

In the committee amendment on line 3, page 4, strike out the words "or of the traffic laws of the District," and insert in lieu thereof the words "of sections 7, 9, 10, and 11 of the act to provide for the regulation of motor vehicle traffic in the District of Columbia, etc., approved March 3, 1925."

As a part of the same amendment it will require the striking out of the word "serious" in line 2 and of the word "traffic" in line 3; so that it will read, as amended, if I may be permitted to read the amendment:

> Wherein the police court judges or their subordinates are required to note convictions of violations of sections 7, 9, 10, and 11 of the act to provide for the regulation of motor vehicle traffic in the District of Columbia, etc., approved March 3, 1925.

May I say, by way of explanation, that the section as reported by the committee, in my opinion, is open to the criticism that it is indefinite. It commits to individuals to determine what are serious convictions. One judge might consider a conviction for a certain act or omission a serious conviction, and some other person might take a different view. It is clear, from the context and from our understanding of the desire of the director of traffic, Mr. Eldridge, that it is intended to cover those offenses that are provided for in sec-

tions 7, 9, 10, and 11, and it is to remove this uncertainty and this ambiguity that I have offered this amendment. It was agreed to by representatives of the House who were present and by all of the members of the committee of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee, which the clerk will report.

The CHIEF CLERK. In the amendment proposed by the committee, page 4, on line 2, strike out the word "serious"; in line 3, strike out the word "traffic" where it first appears; after the word "violations" in line 3, insert the words "of sections"; strike out all in the same line after the word "violations" and insert "of sections 7, 9, 10, and 11 of the act to provide for the regulation of motor-vehicle traffic in the District of Columbia, and so forth, approved March 3, 1925"; so that the amendment would read:

Wherein the police court judges or their subordinates are required to note convictions of violations of sections 7, 9, 10, and 11 of the act to provide for the regulation of motor-vehicle traffic in the District of Columbia, and so forth, approved March 3, 1925.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Clerk will report the next amendment of the committee.

The CHIEF CLERK. The next amendment is on page 5, line 19, after the word "may" to insert the words "with or without a prior hearing."

The amendment was agreed to.

The next amendment was on line 21, after the word "Provided" to insert the words "That in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation."

The amendment was agreed to.

The next amendment was on page 6, line 1, to strike out after the word "act" the comma and down to and including the word "assistant" in line 5, and to insert:

may within 10 days after such denial, revocation, or suspension apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the action of the director of traffic (or his assistant) complained of. And the said court is authorized to promulgate rules governing the application for the writ and the record and proceedings thereon, and to affirm, modify, or reverse the action of the director of traffic (or his assistant) where the writ is allowed pursuant hereto; and the decision of said court shall be final: *Provided further*, That the application to said court for a writ of error shall not operate as a stay of such order of the director or his assistant.

Mr. KING. Mr. President, on line 5, I move to strike out the word "ten" and insert in lieu thereof the word "thirty," so that it will allow 30 days after the denial, revocation, or suspension of a permit, to permit the individual whose permit has thus been dealt with to seek relief by applying to the court for a writ of review.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the committee amendment.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, the subcommittee of the Senate Committee on the District of Columbia having the matter in charge also agreed to another amendment, on line 1, page 6, the amendment being to strike out the words "any cause not made mandatory by this act," so that the proviso as amended, in so far as it is necessary to read it to show the meaning of this amendment, will read as follows:

That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant may, within 30 days after such denial, revocation, and so forth, appeal for relief.

The committee believed that it was unwise, perhaps harsh and unjust, to deny a man the right of appeal, the right of review, because there was a mandatory provision requiring the suspension or withdrawal of his permit. A man has the right of appeal or review in a homicide case, or the most serious criminal case. Why should he be denied the right to have reviewed an order of the traffic director suspending his permit?

The traffic director or his assistant might act capriciously. We assume that they will do their duty; but human nature is human nature, in the traffic director and his assistant as well as in everybody else. So, in fairness and for the sake of clarity, the committee tenders this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 6 strike out lines 18 to 26, both inclusive, and insert:

SEC. 4. That said act be, and the same is hereby, amended by adding after subdivision (d) of section 6 of said act the following:

"(e) All prosecutions for violations of provisions of this act, excepting section 2 only thereof, and all amendments to the said act or regulations authorized and promulgated under the authority of said act and amendments thereto shall be in the police court of the District of Columbia by information filed by the corporation counsel of the District of Columbia or any of his assistants."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. Add a new section, section 5, as follows:

SEC. 5. That said act be, and the same is hereby, amended by striking out all of subdivision (a) of section 9 of said act and inserting in lieu thereof the following:

"(a) No vehicle shall be operated upon any public highway in the District at a speed greater than 22 miles per hour, except in such outlying districts and upon such arterial highways or boulevards as the director may designate. In such outlying districts, and on such arterial highways or boulevards, and on all other public thoroughfares or bridges and alleys, the speed of all vehicles, except street cars, shall be governed by the provisions of this act and the regulations promulgated thereunder."

Mr. KING. Mr. President, I am not quite in sympathy with this amendment. Yet perhaps the suggestion I was about to make will not meet with approval of Senators. It seems to me that the director of traffic ought to have the discretion to permit a greater speed than 22 miles per hour in other parts of the city than those embraced in lines 16 and 17 in the words "outlying districts and upon such arterial highways or boulevards as the director may designate."

While I dislike very much to commit such great discretion to the director, he is still the director, and he is charged with the responsibility of enforcing this law. It does seem to me that there are districts in the city, and there are streets, where the director could, with propriety, permit a greater rate of speed than 22 miles per hour, and in as much as we are committing to him the discretion to designate what are outlying districts and arterial highways, and after such designation to permit a greater rate of speed than 22 miles per hour, I am perfectly willing to permit him to designate all highways within which a greater rate of speed than 22 miles per hour may be permitted.

So I suggest to strike out the word "arterial" in line 17, and the words "or boulevards" in the same line, so that it will read "upon such highways as the director may designate." The bill will have to go to conference, and if that should be an unwise amendment I have no doubt the conferees would consider it.

I have not had time to talk with the commissioners or Mr. Eldridge with respect to the amendment which I propose, but I feel sure that the commissioners and the traffic director will regard this tendered amendment as a wise one. I leave it to the judgment of the Senate.

Mr. KENDRICK. Mr. President, I should like to ask the Senator if he does not believe that 22 miles an hour is fast enough for any vehicle to move anywhere in the city? My observation and my study of the traffic situation in this city lead me to believe that nearly every automobile accident which has occurred here within the past two years has been caused by fast driving. The drivers do not observe the speed regulations or realize the danger of fast driving, to such an extent that they lose control of their cars when there is danger of a collision or of running over some one and destroying human life.

I am convinced that there should be some limitation of the speed at which a driver may proceed along the streets of this city, with such a penalty for violation of the speed limit as would at least have a restraining influence on reckless driving.

Mr. KING. Mr. President, will the Senator yield?

Mr. KENDRICK. In just a moment. I call the Senator's attention to the fact that out on the plains, where he and I live, under the regulations of the best-managed railroads no

engineer is allowed to cross an intersecting line without bringing his train to a dead stop, without regard to whether there is a train in sight on the other road or not. Similar situations are repeated here a thousand times a day at street intersections, where it is impossible for the driver of one car to see a car approaching the same intersection for a period of five seconds or so, yet some drivers in this city proceed to run across intersections at the same speed at which many railroad trains run.

Under the circumstances it is not surprising that accidents occur and that grown people and children are killed every day. The only wonder is that many more are not killed. I favor some sort of restriction on the speed limit that will tend to restrain reckless drivers. I think anyone who attempts to travel around the city on foot will understand the necessity for some such restriction.

Mr. KING. Mr. President, will the Senator yield?

Mr. KENDRICK. Certainly.

Mr. KING. I agree generally with the statement made by the Senator, but I think he misapprehends the purpose of my amendment to the amendment. The amendment, which is before us now, provides that the maximum speed shall be 22 miles per hour. One may not travel in excess of that except in outlying districts and upon such arterial highways or boulevards as the director may designate. The director will have the power under the provisions of the bill as it is now before us.

Mr. LA FOLLETTE. Mr. President, I ask for the regular order.

Mr. KING. I do not know what the Senator means by demanding the regular order.

Mr. LA FOLLETTE. I understand that we are proceeding under Rule VIII.

The PRESIDING OFFICER. The Chair so understands. The Senator from Wyoming has about half a minute yet, at the end of which time the Chair will call his attention to the fact that his time has expired.

Mr. KING. I was about to observe that the bill does limit the speed to 22 miles per hour, but it provides that on certain arterial highways in the District it may be extended. I want to give the director greater power in that regard.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. JONES of New Mexico. Mr. President, I would like to inquire if the bill deals at all with street railways?

Mr. DILL. It gives the director power to control street cars.

Mr. JONES of New Mexico. I am glad that it does. I hope the director will provide certain places where street cars must stop before crossing an intersection. There are some places, as stated by the Senator from Wyoming, where a street car comes along and no one has an opportunity of seeing it for more than two seconds until it is at the intersection. Doubtless every Senator has in mind such cases as that. Going west from the Capitol along Massachusetts Avenue at Seventh Street the building is close to the street-car tracks, and when a car is coming from the north there is no opportunity to see it for more than a second before it is right at the intersection. There are many other such places as that. I think the street cars ought to be required to stop before crossing such an intersection as that.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The CHIEF CLERK. On page 7, line 17, strike out the word "arterial" and the words "or boulevards," so it will read "upon such highways as the director may designate."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DILL. Mr. President, am I to understand that all the committee amendments have been disposed of?

The PRESIDING OFFICER. That is correct; all the committee amendments have been disposed of.

Mr. DILL. On page 2, I call the attention of Senators to lines 4 to 8, known as subsection (1). This is a provision which attempts to define traffic, and when read in connection with subsection (k) I see little need of the provision. Subsection (k) defines vehicles to include "any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden." Subsection (1) reads:

> Traffic shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals of every description at rest or in motion.

I have no objection to that provision except with reference to the last five words, "at rest or in motion." That is a pretty broad power. Then it goes on to state that "the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia."

It will be recalled that some weeks or months ago there was a great deal of discussion about putting all automobiles off the street at night, putting a ban on night parking and compelling all automobiles to be put in garages at night. A storm of indignation went over the city. I do not believe that Congress wants even in an implied way to make that possible. I understand that the legal opinion was that it was questionable whether the commissioners have the power to ban traffic from the streets, but certainly, if this definition is adopted, that they shall have control of all these things, "at rest or in motion" on all streets, alleys, and public highways of the District, I can not conceive of language being made more complete in that respect.

For that reason I move to amend by striking out, in line 5, after the word "vehicles," the rest of the paragraph so that the paragraph would read:

> Traffic shall be deemed to include not only motor vehicles, but also all vehicles.

Vehicles having been described above as all kinds of contrivances that move over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden, the language is sufficiently broad.

The PRESIDING OFFICER. The Chair reminds the Senator that the word "vehicles" occurs twice in line 5.

Mr. DILL. I referred to it where it occurs the second time.

Mr. KENDRICK. I want to ask the Senator if he does not believe that it would be a mistake to strike out the provision with reference to pedestrians?

Mr. DILL. That is just what I want to strike out.

Mr. KENDRICK. In order to insure the safety of the public it would be necessary under certain conditions for the director, or those who are responsible for the protection of traffic, to regulate those who are on foot as to the manner and the time at which they cross streets.

Mr. DILL. I want to say to the Senator that I have given great consideration to that matter, and I conferred with the traffic director about it. If they would attempt to control pedestrians only in the business section of the city, that would be one thing, but when it is proposed that on those streets on which the lights exist no one shall cross the street while the light is turned against vehicular traffic it is going too far, in my opinion. They are going to extend the lights all the way from the Capitol up Pennsylvania Avenue clear to Key Bridge, and on Sixteenth Street clear out to Newton Street, and on Massachusetts Avenue down to the Union Station. I think it is a power that is entirely too broad. I do not think it ought to be adopted.

Mr. KENDRICK. Does not the Senator believe that there should be authority for the director of traffic to regulate those things?

Mr. DILL. Not merely by a light at a street crossing.

Mr. KENDRICK. Does the Senator believe the director would exercise arbitrary power?

Mr. DILL. I do believe that very thing, because he tried to do it last winter. People were arrested in large numbers and taken before the court, and the court refused to put such an interpretation on the statute. The court fell back on the judicial excuse of interpretation and said that the traffic did not include pedestrians to that extent. The Senator knows and we all know that whenever a reasonable interpretation of law occurs the courts uphold it, but when an unreasonable interpretation occurs they fall back on the judicial excuse of interpretation.

Mr. KENDRICK. In certain sections of the city it would be necessary in the regulation of traffic to regulate the movement of people on foot.

Mr. DILL. It is not necessary in the city of New York or in the city of Chicago or in the city of Boston. There are some cities in the country which do that, but most of the great cities do not do it. I think in the city of Washington, when we only have a rush hour at 9 o'clock and again at 4 o'clock, it is unnecessary.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. The question is on the amendment offered by the Senator from Washington, which the clerk will report.

The CHIEF CLERK. On page 2, line 5, after the word "vehicles" strike out the comma, insert a period, and strike out the words "pedestrians, and animals of every description, at rest or in motion; and the director shall regulate and control all traffic upon the streets, alleys, and public highways in the District of Columbia."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, the subcommittee of the Committee on the District of Columbia considering the bill agreed upon another amendment after the bill had been reported. On page 5, line 2, it was agreed to recommend that we strike out the words "one year" and insert in lieu thereof the words "six months." We think that with the large fine to be imposed, a six-months maximum imprisonment would be sufficient.

The PRESIDING OFFICER. The Clerk will report the amendment.

The CHIEF CLERK. On page 5, line 2, strike out the words "one year" and insert in lieu thereof the words "six months" so as to read "imprisoned for not more than six months, or both."

The amendment was agreed to.

Mr. BLEASE. Mr. President, I would like to ask some member of the committee if there is an appeal from the director of traffic to anybody or to any court, or is he the supreme boss? It would seem to me the bill is giving him a wonderful lot of power. It appears to me that there should be somebody somewhere to correct him, or there should be some appeal from him. We might run into another Fenning case here. Did the committee mean to grant all the power the bill seems to give to one man and not give any appeal from his ruling?

Mr. CAPPER. Mr. President, I call the attention of the Senator to the amendment on page 6, line 5, which gives him the right of appeal to the Court of Appeals of the District of Columbia.

Mr. BLEASE. Is that a right of appeal from any regulation or order that he issues?

Mr. KING. Mr. President, if the Senator will permit me——

Mr. BLEASE. Certainly, because I want to find out something about this matter.

Mr. KING. The bill, I will say to the Senator, does not suit me.

Mr. BLEASE. It does not suit me, and I am going to object to its passage unless a quorum is here. I give notice of that right now.

Mr. KING. I voted against the original act because I felt it was wholly unnecessary, but it is the law, and I feel like giving it my support.

Mr. BLEASE. I could not agree to this bill unless a quorum of the Senate were present.

Mr. WILLIAMS. Mr. President——

Mr. BLEASE. I yield to my friend from Missouri.

Mr. WILLIAMS. The language in line 6, page 6, does not grant the appeal to which the Senator from South Carolina referred.

Mr. BLEASE. The director of traffic would have more power than President Coolidge has over the District of Columbia.

Mr. WILLIAMS. At the bottom of page 4 it is provided that any individual "upon conviction thereof" shall "be fined not more than $500 or imprisoned for not more than one year, or both." That has been amended to make it six months. But the language in lines 5 and 6 on page 6 do not grant the appeal the junior Senator from Kansas indicated.

Mr. BLEASE. That is the reason why I object to the bill.

Mr. CURTIS. Mr. President, I ask unanimous consent that the bill may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

M STREET BRIDGE OVER ROCK CREEK

The bill (S. 3453) to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek, in the District of Columbia, was announced as next in order under the unanimous-consent agreement, and was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That in order to provide sufficient clearance for the proposed park drive in the Rock Creek and Potomac Parkway, and to enable traffic to use M Street NW. between Twenty-sixth and Twenty-seventh Streets, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a new steel-girder bridge to replace the bridge in the line of M Street over Rock Creek, which bridge shall have a roadway 40 feet wide and two footways each 9 feet wide, and shall include proper facilities for carrying and supporting water main and other underground construction: *Provided*, That the Commission of Fine Arts shall be consulted as to the architectural design of the proposed bridge and its approaches.

SEC. 2. That there is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the District of Columbia, the sum of $250,000, and the said commissioners are authorized to expend therefrom such sum or sums as may be necessary for personal services, engineering, and incidental expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN SOCIAL SCIENCE ASSOCIATION

The bill (S. 4094) to amend an act entitled "An act to incorporate the American Social Science Association was announced as next in order under the unanimous-consent agreement, and was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to incorporate the American Social Science Association," approved January 28, 1899, be amended by striking out the words "American Social Science Association" and substituting therefor the words "National Institute of Social Sciences" as the name of the corporation, so that as amended it shall read "National Institute of Social Sciences."

That the act be further amended by adding the following sections:

"SEC. 4. That the National Institute of Social Sciences shall hold an annual meeting at such place in the United States as may be designated, and shall make an annual report to the Congress, to be filed with the Librarian of Congress.

"SEC. 5. That the National Institute of Social Sciences be, and the same is hereby, authorized and empowered to receive bequests and donations of real and personal property and to hold the same in trust, and to invest and reinvest the same for the furtherance of the interests of the social sciences."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIAMS. Mr. President, I do not know who is responsible for the bill just passed, to change the name of the "American Social Science Association" so that it will be "National Institute of Social Sciences," but I would like to inquire of the one responsible for the bill whether he does not think the title of the bill is inadequate inasmuch as sections 4 and 5 of the bill give additional powers beyond the mere changing of its name?

Mr. WADSWORTH. It so happens that I introduced the bill, which was reported from the Committee on the District of Columbia. The committee looked into the bill with care, I assume. Certainly as its introducer I can not speak for it. I have no objection to amending the title by adding the words "and for other purposes."

Mr. WILLIAMS. Does it not occur to the Senator from New York that the title is misleading, inasmuch as it does not include the whole purpose of the bill as indicated in sections 4 and 5?

Mr. WADSWORTH. There are no powers indicated in section 4; those are obligations. In section 5 the institute is authorized "to receive bequests and donations of real and personal property." As a matter of fact, the old association, which is known as the American Social Science Association, did receive bequests and property. I have no objection to the title if it is regarded as misleading, although the bill merely changes the name of the organization.

The PRESIDING OFFICER. The bill is not now really before the Senate, having already passed.

Mr. WADSWORTH. But we can amend the title after the bill has passed.

The PRESIDING OFFICER. The Chair will entertain a motion to that effect.

Mr. WADSWORTH. I move that the title be amended by adding after the word "Association" the words "and for other purposes."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title proposed by the Senator from New York. The Chair hears no objection, and the title is so amended accordingly.

DISTRICT BOARD OF ASSISTANT ASSESSORS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3053) to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was in section 2, page 2, line 9, after the word "on" to strike out "May" and insert "January," so as to make the section read:

SEC. 2. That any person maintaining a place of abode in the District of Columbia on January 1 of any year, and for six months or more prior thereto, shall be considered a resident of the District of

Columbia for the purpose of taxation on his intangible personal property wherever located, unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property or the income thereof is taxed to said person in some other jurisdiction, or that the assets of a corporation or association represented by shares or certificates constituting such intangible personal property are taxed by the State in which such corporation or association is chartered or organized and in which such person has a legal residence, in lieu of a tax upon such shares or certificates: *Provided*, That Cabinet officers and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this section.

The amendment was agreed to.

The next amendment was in section 3, page 3, line 9, after the words "month of," to strike out "May" and to insert "March," so as to make the section read:

SEC. 3. That section 5 of the said act of July 1, 1902, hereinbefore referred to, is hereby amended by providing that in addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to January 1 of each year, in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessments for the second half of the then current year payable in the month of March. The board of equalization and review, hereinbefore referred to, shall hear such complaints as may be made in respect of said assessments for the second half of said year and determine said complaints between the first and third Mondays of January of the same year.

The amendment was agreed to.

The next amendment was in section 5, page 3, line 21, after the word "shall," to strike out the word "hereafter"; in line 22, after the words "months of" to strike out "November" and insert "September"; and in line 23, after the word "and," where it first occurs, to strike out "May" and to insert "March," so as to make the section read:

SEC. 5. That all taxes of whatever nature provided for in section 6 of the above-mentioned act of July 1, 1902, and all real estate taxes shall be payable semiannually in equal installments in the months of September and March, and if either of said installments shall not be paid within the months when due and payable said installments shall thereupon be in arrears and delinquent, and there shall then be added, to be collected with such tax, a penalty at the rate of 1 per cent per month upon the amount thereof for the period of such delinquency, and the whole shall constitute a delinquent tax to be dealt with and collected in the manner now provided by law.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 8, after the words "month of," to strike out "May" and insert "March"; and in line 11, after the word "of," to strike out "May" and insert "January," so as to make the section read:

SEC. 6. That the returns of all personal property provided for in section 6 of the said act of July 1, 1902, shall be made during the month of March in the fiscal year preceding the one under which the assessment is to be levied, and, except as otherwise provided by law, the value of the tangible and intangible property shall be taken as of January 1 for a basis of assessment for the next fiscal year.

The amendment was agreed to.

The next amendment was, in section 7, page 4, line 15, after the word "of" where it first occurs, to strike out "August" and insert "July"; and in line 16, after the word "of," to strike out "January" and insert "December," so as to make the section read:

SEC. 7. That hereafter the board of personal tax appeals for the District of Columbia shall convene on the first Monday of July of each year and shall continue in session to and including the first Monday of December of each year, or until such hearings are completed. All appeals to said board shall be made within 30 days after notice of fixing an assessment.

The amendment was agreed to.

The next amendment was, in section 8, page 4, line 21, after the word "shall," to strike out the words "deliver to the collector of taxes tax ledgers kept" and to insert "be charged with the duty of preparing the annual tax ledgers"; in line 23, after the word "system," to strike out the words "and to" and to insert "which shall"; and in line 24, after the word "preparation," to insert "by him"; so as to make the section read:

SEC. 8. That the assessor of the District of Columbia shall be charged with the duty of preparing the annual tax ledgers on a numerical system, which shall be finished or completed at such time as will allow preparation by him of tax bills for collection purposes.

The amendment was agreed to.

The next amendment was, on page 5, beginning in line 1, to strike out section 9, as follows:

SEC. 9. That paragraph 32, of section 7, of the act of Congress approved July 1, 1902, above referred to, is hereby amended by inserting after the words "fortune tellers" the word "phrenologists," so that said paragraph shall read as follows:

"That mediums, clairvoyants, soothsayers, fortune tellers, phrenologists, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police."

That there is hereby added to paragraph 32, section 7, of the act of Congress approved July 1, 1902, above referred to, the following section to be known as section 32a:

"SEC. 32a. Dancing instructors shall pay a license tax of $10 per annum. Every person who gives instructions in dancing for gain or profit shall be regarded as a dancing instructor: *Provided*, That no license shall be issued without the approval of the major and superintendent of police. Dance halls shall pay a tax of $25 per annum. Any place where a fee is paid or charged for dancing shall be regarded as a dance hall: *Provided*, That no license shall be issued without the approval of the major and superintendent of police."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. KING. Mr. President, may I inquire of the chairman of the Committee on the District of Columbia or of the Senator from Kentucky [Mr. SACKETT], as I was not present when this bill was considered in the committee, at least, when it was finally passed upon by the committee, what reasons were urged for the elimination of section 9 and section 32 (a)? I know there was some discussion preliminarily when the bill first came to the committee, but I do not recall the discussion relative to this section.

Mr. JONES of Washington. Mr. President, the Senator from Utah will remember that he and I were on the subcommittee which agreed to strike that language out; in other words, we did not want to make this a bill for levying taxes; so we agreed to strike those features out of the bill.

Mr. KING. I now remember that.

Mr. JONES of Washington. They are broad tax provisions, levying taxes.

Mr. KING. The Senator's view was that the bill might be subject to a point of order upon the ground that it ought to originate in the House of Representatives?

Mr. JONES of Washington. I think our conclusion was that the bill was intended largely as an administrative measure, and that we should not make it a tax-raising bill.

Mr. KING. Very well.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the District of Columbia was, on page 6, beginning in line 1, to strike out section 10, as follows:

SEC. 10. That paragraph 46 of section 7 of the act of Congress approved July 1, 1902, above referred to, is hereby amended by adding thereto the following:

"Public guides, $5. Any person engaged in showing visitors about the city for a compensation shall be deemed a public guide: *Provided*, That no license shall be issued as a public guide without the approval of the major and superintendent of police."

The amendment was agreed to.

The next amendment was, on page 6, after line 8, to strike out section 11, as follows:

SEC. 11. That hereafter no deed, except deeds of release, deeds of trust, or other deeds, not involving the transfer of title to real estate, shall be recorded among the land records of the District of Columbia, unless it is accompanied by a sealed statement, addressed to the assessor of the District of Columbia, giving the information hereinafter referred to; and the recorder of deeds of said District is directed to receive such sealed statement and transmit it to the assessor of said District without breaking the seal.

Said sealed statement shall be made by the grantee and shall be on a form approved by said assessor and shall contain the names of the grantor and grantee, together with their addresses, the full nature of the transaction, together with the true amount of all moneys paid or received; and any other consideration in addition to said

moneys shall be given and certified to by the grantee or an authorized agent.

The information contained in the sealed statement shall be regarded as confidential by said assessor and shall be used by him or by the said board of assistant assessors for the equalization of assessment of real estate in the District of Columbia in accordance with the requirements of law.

If any such grantee or his authorized agent shall fail to make any statement, or shall make any false statement of the nature of the transaction or as to the amount of money actually involved, he shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than $5 and not more than $500 for each offense. Such offenses shall be prosecuted in the police court of the District of Columbia in the name of said District by the corporation counsel or any of his assistants.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert:

SEC. 9. That section 1 of "An act to amend an act entitled 'An act in relation to taxes and tax sales in the District of Columbia,' approved February 28, 1898," approved July 1, 1902, is hereby amended so as to provide that the Commissioners of the District of Columbia shall give notice by advertising twice a week for three successive weeks, beginning on the third Monday in December of each year hereafter, in the regular issue of three daily newspapers published in said District, that the said pamphlet has been printed.

The amendment was agreed to.

The next committee amendment was at the top of page 8 to insert:

SEC. 10. That the provisions of this act shall be in force and effect on and after December 1, 1926.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes."

DRAWING OF JURORS IN THE DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3833) to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 6, after the word "forthwith," to strike out "designate 23 persons so drawn to serve as grand jurors, and the remainder so drawn shall serve as petit jurors and shall certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors: *Provided, however*, That if after designation any of the grand jurors should prove to be incompetent or should be excused from service by the court, or die or become otherwise disqualified or disabled, the court may fill any such vacancy or vacancies from the list of petit jurors" and insert "certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors," so as to make the bill read:

Be it enacted, etc., That section 204 of the Code of Law for the District of Columbia be, and the same is hereby, amended so as to read as follows:

SEC. 204. Drawing jurors: At least 10 days before the first Tuesday of each month specified in section 202 when jury trials are to be had, said jury commission shall publicly break the seal of the jury box and proceed to draw therefrom, by lot and without previous examination, the names of such number of persons as the general term of the Supreme Court of the District of Columbia may from time to time direct to serve as grand and petit jurors in the Supreme Court of the District of Columbia; and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DESERTION OF WIFE AND CHILDREN IN THE DISTRICT

The bill (H. R. 4812) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, was announced as next in order.

Mr. KING. Mr. President, I appeal to the chairman of the committee to permit the bill, the title of which has just been read, to be laid aside. Some objections have been brought to my attention to-day regarding the bill which I think the committee should examine. After having called the attention of the committee to those objections, if the committee then shall feel that they lack merit, I will have no objection to the bill being taken up at the earliest possible moment.

Mr. CAPPER. That arrangement will be satisfactory to me.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the bill be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, at the top of page 2, to strike out:

The name of Edward P. Coan, late of Companies G, H, and I, Twelfth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to strike out:

The name of Lorezlar Walton, widow of Charles Allen, alias Percy Walton, late of Company C, Eleventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to strike out:

The name of Clarence L. Wimer, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. CURTIS. Mr. President, I hope that committee amendment will be rejected. The beneficiary in this case is a hopeless paralytic and needs the constant care and attention of another person. I understand the item was stricken out because the beneficiary has had one or two increases, but that circumstance certainly should not control in a case of this character.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 2, after line 23, to strike out:

The name of Frederick L. Eagle, late of Company B, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to strike out:

The name of Jennie E. Buckley, widow of Daniel J. Buckley, late first-class fireman, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike out:

The name of John Dudley, late of Company L, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to strike out:

The name of James M. Burns, late of Company L, First Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to strike out:

The name of Frederick Sholes, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 8, to strike out:

The name of Charles L. Berkheimer, late of Battery L, Third Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 4, to strike out:

The name of Charles M. McDonald, late of Company H, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to strike out:

The name of Henry B. Schenck, late of the Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to strike out:

The name of Archie McDonald, late of Company H, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 22, to strike out:

The name of Mary A. Wray, widow of Seaburn D. Wray, late of Troop M, Fourth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the words "rate of" to strike out "$17" and insert "$12," so as to read:

The name of Joe H. Ross, late of Company B, Fifth Regiment United States Infantry, and Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 12, to strike out:

The name of Isaac Townsend, late of the Fourteenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to strike out:

The name of Esther Meece, late of Company H, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to strike out:

The name of Laura Hendrickson, widow of George D. Hendrickson, late of Company K, Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said George D. Hendrickson until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out:

The name of Edward Hall, late of Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to strike out:

The name of Benjamin F. Johnson, late of Company G, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to strike out:

The name of Robert L. McFarland, late of Company M, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 19, to strike out:

The name of Benjamin F. Dextater, late of Company H, First Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, line 25, after the words "rate of," to strike out "$40" and insert "$30," so as to read:

The name of Seth S. Crosby, late of Troop G, Fourth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to strike out:

The name of Mary E. Gilland, former widow of John Gilland, late of the Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 4, to strike out:

The name of Ralph Lotz, late of the U. S. S. *Maryland* and *Colorado*, United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to strike out:

The name of Albert M. Vance, late of Company G, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to strike out:

The name of William C. Donlevy, late of Company L, Second Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 16, to strike out:

The name of Edith L. Quick, widow of John Henry Quick, late sergeant major, United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of the compensation she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out:

The name of Charles N. Cannon, late of Company E, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 17, to strike out:

The name of James B. Bently, late of Company G, Tenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to strike out:

The name of Eugene A. Rentz, late of Company K, Second Squadron, Cavalry, Georgia National Guard, border defense, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

The name of Thomas A. McCharles, late of First Battalion Nevada Infantry, and pay him a pension at the rate of $30 per month.

The name of Henry Rabbes, late of Company K, Sixty-fifth Regiment New York Infantry, and pay him a pension at the rate of $30 per month.

The name of George Libby, late of Company G, Seventh United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret Oram, widow of Thomas Oram, late of Company I, Third Regiment United States Volunteer Artillery, and pay her a pension at the rate of $25 per month.

The name of William F. Rogers, late of Company A, Sixth Regiment California Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward M. Foltz, late of Company F, First Regiment Colorado Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary Holst, widow of John Holst, late of Company C, Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francena Cressy, mother of William D. Cressy, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The name of Leonidas Recob, late of Company C, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William J. Hirschberg, late of Battery K, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month.

The name of Ulysses G. Jones, late of Company I, First Regiment South Dakota Infantry, and pay him a pension at the rate of $30 per month.

The name of John M. Evans, late of Company G, Thirty-fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Garnet A. Carpenter, late of Troop L, United States Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Margaret R. Sharpe, widow of Colonel Alfred C. Sharpe, late of Twenty-third Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarence J. Cure, late of Company F, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isabelle Culbertson, widow of Joseph W. Culbertson, scout, United States Army, and pay her a pension at the rate of $20 per month.

The name of Edward Murphy, late of Company F, Thirteenth Regiment United States Infantry, and Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Walter Scott Lafans, late of Company A, Thirteenth Regiment Minnesota Infantry, and pay him a pension of $18 per month in lieu of that he is now receiving.

The name of Olaf H. Heiele, late of the United States Marine Corps, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William R. S. George, late contract surgeon, United States Army, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James S. Pendergast, late of the United States Navy, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Mrs. Sydney Skidmore, widow of John N. Skidmore, late of Company E, First Regiment Oregon Mounted Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George E. Ryan, late of Company G, Sixth Regiment Missouri Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Carrie M. Fuller, widow of Alvarado M. Fuller, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charles Adkins, late of Company D, Seventh Regiment United States Infantry, and pay him a pension at the rate of $18 per month.

The name of Margaret H. Haan, widow of William G. Haan, late major general, United States Army, and pay her a pension at the rate of $75 per month.

The name of Sidney S. Pugh, major and surgeon, Second Alabama Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucille S. Henninger, widow of Thomas J. Henninger, late of Company G, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Frank G. Dixon, late of Troop M, Second Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of John F. Mossberg, late of Company D, Fifteenth Regiment Minnesota Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Walker, late of Hospital Corps, United States Army, and pay him a pension at the rate of $24 per month.

The name of William E. Parker, late acting assistant and contract surgeon, United States Army, and pay him a pension at the rate of $40 per month.

The name of Augusta Probst, widow of Charles Probst, late of band of Third Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter D. Quinn, late of Troop G, First United States Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Otto W. Shade, late of Company F, First Regiment South Dakota Infantry, and pay him a pension at the rate of $30 per month.

The name of William Hemphill, late of Company B, Sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Griffin (assigned to Seventh United States Infantry), late of Company D, Sixth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Albert J. Fountain, sr., late captain Company B, First Regiment New Mexico Militia, and pay him a pension at the rate of $30 per month.

The name of Harry J. Kendall, late of Company H, First Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The name of Maria Rosario Maxsam, widow of Sebastian Maxsam, late of Company G, First Regiment United States Dragoons, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Epimenia Ortega de Kaselo, widow of Carl Kaselo, late of Company G, First Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Lola C. Armijo, mother of Antonio J. Luna, late of Company A, First Infantry New Mexico National Guard, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francesca Napoleone, mother of Estrino L. Napoleone, late of the United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

Mr. KING. Mr. President, I should like to ask whether the bill, the title of which has just been announced, provides for a general increase of pensions.

Mr. CURTIS. No; it is the usual omnibus pension bill.

The first amendment of the Committee on Pensions was, on page 2, after line 17, to strike out:

The name of Susan F. Rutherford, widow of George W. Rutherford, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to strike out:

The name of Harriet E. Tally, widow of George W. Tally, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to strike out:

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

The name of Anna E. Crawford, former widow of William D. Crawford, late of Company F, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Rachel A. Dennis, widow of George Dennis, late of Company B, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 12, to strike out:

The name of Lucelia M. Strunk, widow of Peter W. Strunk, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to strike out:

The name of Mildred Renwick, widow of John R. Renwick, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Lizzie E. Streeter, widow of Isaiah C. Streeter, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to strike out:

The name of Abbie J. Pierson, widow of George Pierson, alias George Stanhew, late of Companies C and A (Battalion), Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 14, to strike out:

The name of Emily J. Hormel, widow of Joel Hormel, late of Company F, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to strike out:

The name of Frederick Overlock, late of Nineteenth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to strike out:

The name of Angeline Stuck, widow of John C. Stuck, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to strike out:

The name of Evaleen M. Davidson, widow of Harvey Davidson, late of Company B, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to strike out:

The name of Emma J. Whipple, widow of Roman L. Whipple, late of Company K, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to strike out:

The name of Ida Wilkinson, widow of Tully Wilkinson, late of Company I, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to strike out:

The name of Emma C. Alton, widow of Albert M. Alton, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to strike out:

The name of Sarah L. Darr, widow of John J. Darr, late unassigned, Sixty-first Regiment Ohio Volunteer Infantry, and Company D, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to strike out:

The name of Rebecca A. Kidd, widow of George Kidd, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to strike out:

The name of Mary H. Kline, widow of Benneville Kline, late of Company H, One hundred and thirty-eighth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to strike out:

The name of Mary A. Taylor, widow of William H. Taylor, late of Company I, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 20, after line 23, to strike out:

The name of Harriet Beisel, former widow of Joseph Hoyman, late unassigned, and Company A, Second Veteran Battalion Potomac Home Brigade, Maryland Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Anna B. Eicher, widow of Marcellus H. Eicher, late of Company G, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to strike out:

The name of Virginia A. Harris, widow of John H. Harris, late of Company B, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 24, to strike out:

The name of Adaline M. Shaub, helpless and dependent daughter of Samuel M. Trulock, late of Company I, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

The name of Louise Hatch, widow of Alonzo H. Hatch, late of Company C, Sixty-seventh Regiment Illinois Voluntary Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to strike out:

The name of Ida M. Uline, widow of George A. Uline, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 26, to strike out:

The name of John B. Blouse, helpless and dependent son of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 26, after line 5, to strike out:

The name of Eliza J. Blouse, helpless and dependent daughter of Jacob Blouse, late of Company K, One hundred and sixty-sixth Regi-

ment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to strike out:

The name of Mary L. Harvey, widow of John H. Harvey, late of Company C, Seventy-fourth Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 27, after line 16, to strike out:

The name of Ellen E. Bechtel, helpless and dependent daughter of Benjamin Bechtel, late of Company I, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to strike out:

The name of Annie D. Delavan, widow of Joseph Delavan, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to strike out:

The name of Ellen W. Gregory, widow of Hyatt Gregory, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and Third Battery Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to strike out:

The name of Lucy M. Walker, widow of Charles M. Walker, late of unassigned Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 13, to strike out:

The name of John Wilkinson, late of Company F, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to strike out:

The name of Caroline W. Hershberger, former widow of Charles Carch, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 20, to strike out:

The name of Lucinda E. Miller, widow of Francis H. Miller, late of Company K, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 4, to strike out:

The name of Eliza A. Holtz, widow of John S. Holtz, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 35, to strike out:

The name of Susan O. Jellison, widow of Benjamin H. Jellison, late of Company C, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to strike out:

The name of John V. Evans, late of Company H, Sixty-third Regiment Missouri Infantry (Enrolled Militia), and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 36, after line 18, to strike out:

The name of Mary Elizabeth Weller, widow of Sanford H. Weller, late of Company F, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 38, to strike out:

The name of Serena Bean, helpless and dependent daughter of Cyrus Bean, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to strike out:

The name of Helena Dearborn, widow of George H. Dearborn, late of Company A, Fifty-sixth Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 38, after line 13, to strike out:

The name of Emily J. Foust, widow of William Foust, late of Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 38, after line 17, to strike out:

The name of Mary E. Gray, widow of David C. Gray, late of Companies E and A, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to strike out:

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to strike out:

The name of Adelle Parker, widow of Almiron Parker, late of Company A, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and Company E, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 12, to strike out:

The name of Jennie C. Gorton, widow of Robert B. Gorton, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 16, to strike out:

The name of Lewis M. Kuhns, helpless and dependent son of William K. Kuhns, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 39, after line 21, to strike out:

The name of Maria L. Stewart, former widow of Samuel S. McCreery, late of Company A, Second Battalion Pennsylvania Militia, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 42, after line 2, to strike out:

The name of Katherine L. R. Parker, widow of Edmund A. Parker, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 7, to strike out:

The name of Mary L. Daniels, widow of Ormando R. Daniels, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 42, after line 11, to strike out:

The name of Margaret S. Morrall, widow of John E. Morrall, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to strike out:

The name of Harriet C. Bristol, former widow of James F. Woodruff, late of Company K, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to strike out:

The name of Hittie Davis, widow of Henry H. Davis, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to:

The next amendment was, on page 43, after line 17, to strike out:

The name of Mary C. Dooley, widow of Matthew Dooley, late of Company E, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 44, after line 8, to strike out:

The name of Rose A. Ferguson, widow of Thomas Ferguson, late first-class fireman, United States Navy, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, after line 8, to strike out:

The name of Alice L. Pond, widow of Aaron B. Pond, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 2, after the words "rate of" to strike out "$20" and insert "$12," so as to read:

The name of William R. Piessner, helpless and dependent son of Otto R. Piessner, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the words "rate of" to strike out "$20" and insert "$12," so as to read:

The name of Vernie Pope, helpless and dependent son of William C. Pope, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 51, after line 7, to strike out:

The name of Mary Hague, widow of Joseph Hague, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to strike out:

The name of Nellie R. Brackett, widow of Andrew Brackett, late of Company K, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to strike out:

The name of Margaret J. Hambaugh, widow of William A. Hambaugh, late of Company G, Third and Fifth Regiments Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 23, to strike out:

The name of Louisa J. Honaker, widow of Benjamin Honaker, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 13, to strike out:

The name of Julia Moomaw, widow of Benjamin F. Moomaw, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 54, to strike out:

The name of Anna J. Manuel, widow of Charles Manuel, late of Company E, Eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 54, after line 3, to strike out:

The name of Polly F. Gould, widow of William K. Gould, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, after line 17, to strike out:

The name of Hattie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to strike out:

The name of Lillie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 55, after line 8, to strike out:

The name of Elizabeth Stedman, widow of Julius C. Stedman, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and Company B, One hundred and forty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, after line 13, to strike out:

The name of Elizabeth Snyder, widow of Henry Snyder, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and First Regiment United States Veteran Engineers, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 57, to strike out:

The name of Jane E. Burwell, widow of Andrew W. Burwell, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 57, line 9, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Margaret Beck, widow of Ludwig Beck, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and Battery C, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Louisa E. Beck, helpless and dependent daughter of said Ludwig and Margaret Beck, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Beck, the name of said Louisa E. Beck shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Beck.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to strike out:

The name of Cora O. Russell, widow of Francis M. Russell, late of Company G, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 60, after line 8, to strike out:

The name of Virginia Hubley, widow of Samuel Hubley, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to strike out:

The name of Flora A. Fuller, widow of Thaddeus H. Fuller, late of Independent Company, Trumbull Guards, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to strike out:

The name of Cynthia Smallwood, widow of Edward Smallwood, late of Companies A and D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to strike out:

The name of Nancy C. Patrick, widow of Calvin Patrick, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 67, after line 3, to strike out:

The name of Ida V. Forbes, widow of Thomas O. Forbes, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 67, after line 11, to strike out:

The name of Harriet A. Holmes, widow of George P. Holmes, late of Company A, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 68, after line 11, to strike out:

The name of Lizzie J. Yeagley, widow of Charles H. Yeagley, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and unassigned, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 70, after line 2, to strike out:

The name of Rebecca Pedrick, widow of William Pedrick, late of Company H, Seventh Regiment Pennsylvania Volunteer Infantry, and Company H, Thirty-second Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 71, to strike out:

The name of Priscilla Boyer, helpless and dependent daughter of John Boyer, late of Company C, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 71, after line 8, to strike out:

The name of Elizabeth Shaver, widow of David E. Shaver, late of Company K, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 71, after line 12, to strike out:

The name of Indiana Grant, widow of William J. Grant, late of Company A, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 71, after line 21, to strike out:

The name of Mary A. Crane, widow of John A. Crane, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 72, after line 8, to strike out:

The name of Jennie Hall, widow of Carr Hall, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 72, after line 15, to strike out:

The name of Martin Flint, late of Company G, One hundred and seventeenth Regiment New York Volunteer Infantry, and Company E, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 73, after line 6, to strike out:

The name of Mary Smith, widow of Michael Smith, late of Company K, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 75, after line 10, to strike out:

The name of Clara Harlan, former widow of John Wilkinson, late of Company A, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 75, after line 19, to strike out:

The name of Aleda Cobb, widow of Oliver H. Cobb, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 76, after line 21, to strike out:

The name of Jane Prather, widow of George M. Prather, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 77, to strike out:

The name of Benjamin F. Ewing, late of Company M, Thirty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 77, after line 7, to strike out:

The name of Annie L. Durham, former widow of Tolford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month, without affecting the pension of $20 a month now being paid to William H. Durham, helpless and dependent son of the late soldier.

The amendment was agreed to.

The next amendment was, on page 77, after line 13, to strike out:

The name of Thomas C. Jones, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 79, after line 19, to strike out:

The name of Susan B. Allen, widow of Edward N. Allen, late of Company I, Fifth Regiment New Jersey Infantry, and Company G, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 80, after line 18, to strike out:

The name of Clara E. Seaton, widow of Samuel M. Seaton, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 80, after line 22, to strike out:

The name of Margaret A. Robinson, widow of Henry L. Robinson, late landsman, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 81, after line 5, to strike out:

The name of Victor Clark, helpless and dependent son of Robert B. Clark, late of Company A, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 83, after line 6, to strike out:

The name of Henrietta Grubb, widow of David Grubb, late of Company A, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 84, after line 7, to strike out:

The name of Alphiald E. Park, widow of Sidney W. Park, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 84, after line 20, to strike out:

The name of Nancy M. Burroughs, widow of William L. Burroughs, late of Companies K and C, Sixteenth Regiment Michigan Volunteer Infantry, and Company E, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 85, to strike out:

The name of Millie Burton, widow of John W. Burton, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 85, after line 13, to strike out:

The name of Addie M. Jackson, widow of Thomas Jackson, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 87, after line 17, to strike out:

The name of Edward Jones, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, at the top of page 88, to strike out:

The name of Lucy R. Robertson, widow of William Robertson, late of Company L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 88, after line 12, to strike out:

The name of Mary Allen, widow of James R. Allen, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 89, line 1, after the words "rate of" to strike out "$50" and insert "$42," so as to read:

The name of Susan A. Stout, widow of Alfred A. Stout, late of Company M, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Stout, helpless and dependent daughter of said Alfred A. and Susan A. Stout, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susan A. Stout, the name of said Ellen Stout shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Susan A. Stout.

The amendment was agreed to.

The next amendment was, on page 89, after line 10, to strike out:

The name of Lena Campbell, widow of Thomas W. Campbell, late sergeant, First Sharp Shooters, attached to Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 89, after line 19, to strike out:

The name of Mary C. Sanders, widow of Josiah P. Sanders, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 90, after line 10, to strike out:

The name of Lillian Skidmore, widow of Joseph W. Skidmore, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 90, after line 14, to strike out:

The name of Ellen Buckley, widow of Bartholomew Buckley, late of Company I, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 90, after line 22, to strike out:

The name of Cora E. Farrar, helpless and dependent daughter of George W. Berry, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, to strike out:

The name of Ida F. Knight, widow of Zebulon Knight, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 91, after line 5, to strike out:

The name of Alice J. Selby, widow of Henry Dalton Selby, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 91, after line 21, to strike out:

The name of Anna C. Tonnemacher, widow of Henry B. Tonnemacher, late of Company D, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 93, after line 4, to strike out:

The name of Mary A. Zimmerman, widow of William H. Zimmerman, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 93, after line 21, to strike out:

The name of R. Elvina McDonald, widow of George W. McDonald, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and Company K, Thirteenth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 94, after line 2, to strike out:

The name of Julia A. Cameron, widow of Alexander Cameron, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 95, after line 9, to strike out:

The name of Louisa Fitzsimmons, former widow of Jacob Engle, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 95, after line 22, to strike out:

The name of Rebecca Backman, widow of Charles M. Backman, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 96, after line 2, to strike out:

The name of Minervie Thralls, widow of Joseph Thralls, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 98, to strike out:

The name of Genevria Hatheway, widow of Martin Hatheway, late of Battery C, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 98, after line 16, to strike out:

The name of Rachel L. Spencer, former widow of James H. Quillen, late of Company D, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy E. Quillen, helpless and dependent daughter of said James H. and Rachel L. Quillen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel L. Spencer, the name of said Nancy E. Quillen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rachel L. Spencer.

The amendment was agreed to.

The next amendment was, on page 99, line 18, after the words "rate of," to strike out "$20" and insert "$12," so as to make the paragraph read:

The name of George Taylor, helpless and dependent son of David Taylor, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 101, after line 20, to strike out:

The name of Annie Vandegrift, widow of George W. M. Vandegrift, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 102, after line 21, to strike out:

The name of Mary C. Hale, widow of John B. Hale, late colonel Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Walter H. Hale, helpless and dependent son of said John B. and Mary C. Hale, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Hale, the name of said Walter H. Hale shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary C. Hale.

The amendment was agreed to.

The next amendment was, on page 104, after line 11, to strike out:

The name of Eliza J. Taylor, widow of William F. Taylor, late of Companies M and K, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 104, after line 15, to strike out:

The name of Mary E. Nixon, widow of Edwin Nixon, late sergeant, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 106, after line 21, to strike out:

The name of Rachel E. Diehl, widow of Milton Diehl, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, Company H, Thirty-second Regiment United States Infantry, and Company H, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 109, after line 21, to strike out:

The name of Patrick H. Bushnell, also known as Patrick Bushell, late of Company H, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 110, after line 14, to strike out:

The name of Dorthula E. Smith, widow of John R. Smith, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 112, after line 11, to strike out:

The name of Mary E. Buckmaster, widow of James Buckmaster, late of Company M, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 112, after line 15, to strike out:

The name of Sarah A. Moss, widow of James W. Moss, late of Company A, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 114, after line 10, to strike out:

The name of Eliza J. Chenoweth, former widow of David R. Rinehart, late of Company I, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 114, after line 15, to strike out:

The name of Mary N. Hoagland, widow of Alexander Hoagland, late of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 114, after line 19, to strike out:

The name of Frederick Kidwiller, late teamster, Quartermaster Department, United States Army, Civil War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 114, after line 23, to strike out:

The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade Mounted Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 115, after line 10, to strike out:

The name of Rachel B. Platter, widow of Henry B. Platter, late of Company A, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 117, line 7, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Cora E. Shomo, widow of Joseph H. Shomo, late of Company F, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Dorrance D. Shomo, helpless and dependent son of said Joseph H. and Cora E. Shomo, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cora E. Shomo, the name of said Dorrance D. Shomo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Cora E. Shomo.

The amendment was agreed to.

The next amendment was, on page 119, after line 22, to strike out:

The name of Miriam C. Buck, widow of Erastus A. Buck, late of Captain Graham's Cavalry company, attached to Fourteenth Regiment Missouri Infantry (H. G.), and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 121, after line 5, to strike out:

The name of Rilla J. White, widow of Wesley B. White, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 122, after line 2, to strike out:

The name of Martha E. Whiting, widow of James Whiting, late of Company F, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 122, after line 14, to strike out:

The name of Joseph Greenwood, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 122, after line 17, to strike out:

The name of Laura A. Moore, widow of Orton Moore, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 122, after line 17, to strike out:

The name of Josephine E. Grant, widow of James P. Grant, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 123, after line 17, to strike out:

The name of Madora A. Lander, widow of Eldridge T. Lander, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 125, after line 20, to strike out:

The name of Marietta Bishop, former widow of Henry H. Crocker, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 127, after line 11, to strike out:

The name of Magdalene Emrich, widow of William F. Emrich, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 128, to strike out:

The name of Sarah H. Luffbarry, widow of James L. Luffbarry, late of Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 128, at the beginning of line 9, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Mary J. Bunch, widow of John Bunch, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and Ninety-eighth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leamon Bunch, helpless and dependent son of said John and Mary J. Bunch, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary J. Bunch, the name of said Leamon Bunch shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary J. Bunch.

The amendment was agreed to.

The next amendment was, on page 132, after line 4, to strike out:

The name of Livonia Rodgers, widow of Nelson P. Rodgers, late of Company K, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 133, after line 2, to strike out:

The name of Anna E. Wilsey, widow of Charles H. Wilsey, late of Company K, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 133, after line 10, to strike out:

The name of Elizabeth L. Lloyd, widow of William E. Lloyd, late of Company D, Fourth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 134, after line 14, to strike out:

The name of Susan M. Capehart, widow of Reuben M. Capehart, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 136, after line 14, to strike out:

The name of Eldora Howard, widow of Jerry Howard, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 136, after line 22, to strike out:

The name of Elizabeth T. Douglass, widow of William Douglass, late of Company D, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 137, line 4, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Mary A. Pemberton, widow of Stephen C. Pemberton, late of Company B, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bertha L. Pemberton, helpless and dependent daughter of said Stephen C. and Mary A. Pemberton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Pemberton, the name of said Bertha L. Pemberton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Pemberton.

The amendment was agreed to.

The next amendment was, on page 137, after line 13, to strike out:

The name of Fannie Nier, widow of John Nier, late of Company H, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 140, to strike out:

The name of Sarah C. Hughes, widow of George H. Hughes, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 140, after line 4, to strike out:

The name of Anna M. Smith, widow of Charles E. Smith, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 140, after line 8, to strike out:

The name of Adaline McAnaney, widow of Patrick H. McAnaney, late of Company H, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 141, after line 8, to strike out:

The name of Sophie Atkinson, widow of William F. Atkinson, late of Company A, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 141, after line 16, to strike out:

The name of Sallie Radford, widow of Samuel F. Radford, late of Company K, Third Regiment North Carolina Mounted Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 143, after line 10, to strike out:

The name of Risby J. McLaughlin, widow of William D. McLaughlin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 145, after line 10, to strike out:

The name of Mary L. Speer, former widow of Felix Obanion, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 145, after line 14, to strike out:

The name of Margaret A. Parks, widow of Henry F. Parks, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 146, after line 20, to strike out:

The name of Emma J. Pemble, former widow of George W. Brush, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 149, line 22, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Julia Ann Carver, widow of William G. Carver, late of Company I, Thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mazy B. Carver, helpless and dependent daughter of said William G. and Julia Ann Carver, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia Ann Carver the name of said Mazy B. Carver shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Julia Ann Carver.

The amendment was agreed to.

The next amendment was, on page 152, after line 8, to strike out:

The name of Mary E. Marks, widow of Francis R. Marks, late of Company A, McLaughlin's squadron Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 153, to strike out:

The name of Belle Mifflin, widow of Josiah C. Mifflin, late of Company A, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 153, after line 8, to strike out:

The name of Susan K. Stork, widow of George N. Stork, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 157, line 21, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Mary E. Allen, widow of John Allen, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jerry Allen, helpless and dependent son of said John and Mary E. Allen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Allen the name of said Jerry Allen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Allen.

The amendment was agreed to.

The next amendment was, on page 158, after line 8, to strike out:

The name of Mary L. Peck, widow of James S. Peck, late of Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 158, after line 12, to strike out:

The name of Nannie E. Bowman, former widow of David Mehaffy, late of Independent Battery B, Pennsylvania Light Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 159, after line 10, to strike out:

The name of Sarah E. Miller, widow of Mathew Miller, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 160, after line 16, to strike out:

The name of Inez L. Hoxsie, helpless and dependent daughter of Christopher J. Hoxsie, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month through a legally appointed guardian.

The amendment was agreed to.

The next amendment was, on page 161, after line 3, to strike out:

The name of Dessie M. Johnson, widow of Edmund Johnson, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 163, after line 10, to strike out:

The name of Mary Janes, widow of Thomas Janes, late of Company I, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 165, after line 16, to strike out:

The name of Addie Allen, widow of William Allen, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 167, line 22, after the words "rate of" to strike out "$50" and insert "$42," so as to read:

The name of Mary A. Snyder, widow of Christian H. Snyder, late of Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Snyder, helpless and dependent son of said Christian H. and Mary A. Snyder, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Snyder the name of said William M. Snyder shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Snyder.

The amendment was agreed to.

The next amendment was, on page 168, after line 21, to insert:

The name of Sefie B. Hughes, widow of Samuel A. Hughes, late of Company C, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara M. Megroth, widow of William N. Megroth, late of Company A, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara A. Moody, widow of John C. Moody, late of Company B, First Regiment New Hampshire Volunteer Cavalry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma F. Reynolds, widow of Alfonzo S. Reynolds, late of Company E, First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia G. Dudley, widow of Hollis O. Dudley, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ann Milnes, widow of Thomas Milnes, landsman, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nettie Lamprey, widow of Lyman H. Lamprey, late of Company H, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Myra R. McDonald, widow of William McDonald, late of United States Navy, battleship *Lackawanna*, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Etta H. Sleeper, widow of Frank Sleeper, late of Company G, Eighth Regiment New Hampshire Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Foss, widow of Charles W. Foss, late of Company E, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise B. Fuller, widow of Benjamin Fuller, late of Company F, Eleventh Regiment Volunteer Sharpshooters, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Sarah C. Quinn, widow of Samuel S. Quinn, late of Company G, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Elise Pinard, widow of George Pinard, alias George Peno, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta M. Pike, widow of James Thornton Pike, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fanny M. Jones, widow of Charles C. Jones, late of the United States Navy, and pay her a pension at the rate of $50 per month.

The name of Mary J. Gillmore, widow of Theodore S. Gillmore, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucie A. Hicks, widow of Robert W. Hicks, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Richards, widow of Wilson S. Richards, late of Company E, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Sanborn, widow of Eben M. Sanborn, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of H. Rose Crooker, widow of Almon Crooker, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Chastena H. Haskell, widow of Charles E. Haskell, late of unassigned Maine Volunteer and unassigned Twenty-ninth Maine Infantry, and pay her a pension at the rate of $30 per month.

The name of Myra F. Brown, widow of Joseph H. Brown, late unassigned recruit, Ninth Regiment Maine Infantry, and pay her a pension at the rate of $25 per month.

The name of Ida J. Gray, widow of David Gray, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charles R. Fish, dependent son of Elisha C. Fish, late of Company G, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Hattie Rowe, widow of Leonard Rowe, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Bickford, widow of William K. Bickford, late of Companies H and E, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah T. Cram, widow of Clarence D. Cram, late of Company A, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Spencer, widow of Jefferson Spencer, late of Company M, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Smith, widow of George A. Smith, late of Company G, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Inzetta A. Small, widow of Orrington L. Small, late of Company B, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joseph Simpson, crippled dependent son of Charles Simpson, late of the United States Navy, and pay him a pension at the rate of $20 per month.

The name of Belinda E. Allen, widow of James E. Allen, late of Company A, Thirteenth Regiment Maine Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta R. Young, widow of Oren C. Young, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie C. Young, widow of Charles A. Young, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen O. Gray, widow of Abner K. Gray, late ordinary seaman, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Thurston, widow of Charles H. Thurston, late of Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Corydon G. Crafts, dependent son of Moses Crafts, late of band, Tenth Regiment Maine Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary Duffy, widow of Stephen Duffy, late of Company F, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rose A. Rafferty, widow of Daniel Rafferty, late of Company C, First Regiment Connecticut Volunteer Artillery, and pay her a pension at the rate of $50 per month.

The name of Eliza G. Quigley, widow of Patrick John Quigley, late of Company E, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Annie E. Smith, widow of James B. Smith, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary Ann Raper, widow of Austin C. Raper, late of Company B, Seventh Regiment Missouri State Volunteer Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Marietta J. Sackett, widow of Charles E. Sackett, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and Company D, Fourteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Burke, widow of Patrick H. Burke, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice Browning, former widow of Zilliman W. Fitts, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosanna Cooper, widow of John Cooper, late of Company F, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie C. J. Cluett, former widow of Edward Hall, late of Company A, First Regiment Missouri State Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Belle Cochran, former widow of Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nettie J. Davis, widow of Allen M. Davis, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Esther Dunlap, widow of James B. Dunlap, late of Company I, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Laura E. Franklin, widow of Reul Franklin, late of Company I, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary T. Glancy, widow of William Glancy, late of Company B, One hundred and fifty-third Regiment Ohio Volunteer

Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily Graham, widow of Andrew Graham, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Hemming, widow of Albert Hemming, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Hart, widow of John E. Hart, late of Company E, One hundred and seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie E. Kelsey, widow of James F. Kelsey, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ann Lucas, widow of Francis Lucas, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Lloyd, widow of John B. Lloyd, late of Company L, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen M. McCauley, widow of Franklin W. McCauley, late of Company I, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Dina Schmidt, widow of Herman Schmidt, late of Company B, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia Martin, widow of Thomas Martin, late of Company C, Second Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Ida Overman, widow of Allen Overman, late of Company B, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Juna Powell, widow of Dock Powell, alias Joseph Derrick, late of Company D, Twenty-ninth Regiment United States Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Laura Pratt, widow of Richard H. Pratt, late of Company C, Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isabelle B. Raber, widow of Samuel Raber, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Rowland, widow of David H. Rowland, late of Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. Reed, widow of John C. Reed, late of Company K, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ann Rodgers, widow of William Rodgers, late of Company H, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. B. Shultz, former widow of Jesse Gentzler, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriett P. Trudell, widow of Lewis M. Trudell, late of Company A, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Kate Troester, widow of George Troester, late of Company F, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine M. Walker, widow of John David Walker, late of Company E, Eleventh Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet E. Geauque, widow of Lewis Geauque, late of Company E, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emeline Mentzer, widow of George Mentzer, late of Company C, Twenty-fourth Massachusetts Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy McGuire, widow of John F. McGuire, late of Company K, Thirteenth Regiment West Virginia Infantry, and pay her a pension at the rate of $30 per month.

The name of Lena Waterman, widow of Orpheus Waterman, late of Company C, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Inez V. Scranton, widow of Ira Scranton, late of Company F, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda M. Startsman, widow of Lawrence Startsman, late of Company G, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Samaria Glenn, widow of Thomas H. Glenn, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Brink, helpless and dependent daughter of Jackson Brink, late of Company F, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Ann E. Kennedy, widow of Merritt Haight, late of Company F, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George H. Gilbert, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month without deduction of former payments to him made by the Commissioner of Pensions.

The name of Mary Edna Peirce, helpless and dependent child of Edgar Peirce, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Maria L. McShea, widow of Levi M. White, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah J. Talbot, widow of Edward M. Talbot, late of Company K, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Magdalena Lefebore, widow of Philippe Lefebore, late of Companies E and H, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Victoria Eager, widow of Robert Eager, late of Company G, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elva E. Brooks, widow of Oren S. Brooks, late of Company K, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Bartholomew L. Byal, late of Company F, Twenty-first Regiment, and Company G, Fifty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month, without deduction of payments heretofore made to him by the Commissioner of Pensions.

The name of Jane E. Davis, widow of John E. Davis, late of Company C, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Houser, widow of Jacob C. Houser, late of Company F, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Wood, widow of Lyman P. Wood, late of Company C, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malinda Jane Caldwell, widow of Henry Caldwell, late of Company E, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ellen Hanley, widow of Daniel Hanley, late of Company K, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Jane Napper, widow of Richard Napper, late of Company H, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Juretta Z. Nelson, widow of James M. Nelson, late of Company K, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Mauk, widow of William Mauk, late of Company E, Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth C. Marshall, widow of William L. Marshall, late brigadier general, United States Army, and pay her a pension at the rate of $75 per month.

The name of Catherine E. Sperry, widow of Nelson D. Sperry, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Mitchell York, invalid daughter of Elias A. York, late of Company C, First Regiment United States Sharpshooters, and Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month.

The name of Alice J. Hunt, widow of Archibald John Hunt, late of Company C, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Levi S. Wilson, late of Company A, Seventy-sixth Regiment United States Colored Infantry, and pay him a pension at the rate of $50 per month.

The name of Isabelle Lowen, widow of Charles Lowen, late of Company C, Seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $45 per month in lieu of that she is now receiving.

The name of Eliza J. Smithson, widow of George W. Smithson, late of Company H, Eighty-fourth Regiment, and Company H, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia C. Payne, widow of James R. Payne, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaretta Smith, widow of Solomon Smith, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Winifred W. Strippy, widow of Simon D. Strippy, late of Company A, First Potomac Home Brigade, Maryland Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Paul D. Summers, late of Captain B. L. Stephenson's company, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

The name of Willie G. McLin, widow of Ezra McLin, late of Company B, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella M. Porter, widow of Aretas J. Porter, late of Company D, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month, and the three minor children, under the age of 16 years, $6 per month each.

The name of Imogene West, widow of John M. West, late of Company H, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Annie J. Jones, widow of Ambrose S. Jones, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Cox, widow of David M. S. Cox, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Phebe Spencer, widow of Albert Spencer, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Conklin, widow of Alonzo Conklin, late of Company H, Eighty-eighth Regiment, and Company F, Thirty-eighth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella M. Hawley, widow of John M. Hawley, late an admiral in the United States Navy, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Martha Ann Johnson, widow of Valancourt C. Johnson, alias William Walker, late of Company K, Second Regiment New Hampshire Infantry, and Company G, Fourth Massachusetts Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lilla M. Davenport, widow of Henry D. Davenport, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Kibby Colby, widow of George W. Colby, late of Company D, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edna M. Cross, widow of Henry C. Cross, late of Company G, Twelfth Vermont Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie J. Moorby, widow of William H. Moorby, late of unassigned company, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella G. Clogston, widow of Charles S. Clogston, late of Company G, Fourth Regiment Vermont Infantry, and pay her a pension at the rate of $50 per month.

The name of Verona V. Chamberlin, widow of J. Burt Chamberlin, late of Company B, Thirteenth Regiment Vermont Infantry, and pay her a pension at the rate of $50 per month.

The name of Jenette L. Gates, widow of Alvin Gates, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma A. Waite, widow of Lafayette P. Waite, late of Company E, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma M. Bowman, widow of Edward Bowman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen A. Sawyer, widow of Addison H. Sawyer, late of Company F, Nineteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah P. Wilder, widow of Artemas W. Wilder, late of Company E, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phebe D. Tate, widow of Joseph Tate, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Polly S. Pease, widow of Silas H. Pease, late of Company I, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Pattison, widow of Henry H. Pattison, late of United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Estelin E. Moore, widow of Joseph Garoe, afterwards known as Henry Day Moore, late of Company , Second Regiment Vermont Light Artillery, and First Company Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Melissa S. Lee, widow of Gideon S. Lee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen N. Lawrence, widow of Andrew J. Lawrence, late of the band, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Harriet C. Spoor, widow of Austin O. Spoor, late of Company K, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Flora Drugg, widow of Cliffus Drugg, late of Company D, First Regiment Vermont Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Wheeler, widow of Alamander Wheeler, late of Company K, Fourteenth Regiment Vermont Militia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice J. Winship, widow of William Winship, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Matilda Moore, widow of David J. Moore, late of Company H, First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura Burnham Landon, widow of Orrin B. Landon, late of Company C, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida E. Loudon, widow of Allen Loudon, late of Company D, One hundred and fourth Regiment New York Infantry, and Company G, Twenty-first New York Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cordelia F. Mack, widow of Asa B. Mack, late of Company G, Fourth Regiment Vermont Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara C. Loomis, widow of William A. Loomis, late of Company B, Eleventh Regiment Massachusetts Infantry, and Company G, Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Lester H. Clark, crippled and dependent child of Henry W. Clark, late of Company E, Vermont Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Delia Norton, widow of Calvin Luther Norton, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen F. Nye, widow of Elbert H. Nye, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily E. Warren, former widow of John L. Shannon, late of Company C, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen M. Kilbourn, widow of Amos W. Kilbourn, late of Company A, Second Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $50 per month.

The name of Elizabeth A. Hitchcock, widow of Albert W. Hitchcock, late of Company H, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Helena E. Clark, widow of William F. Clark, late of Company A, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $35 per month.

The name of Maria M. Berlew, widow of Horace Berlew, late of Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice E. Alden, helpless and dependent daughter of John B. Alden, late of Company K, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary L. Chase, widow of Washington I. Chase, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia Churchill, widow of James F. Churchill, late of Company D, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lydia A. Howe, widow of Frank B. Howe, late of band, Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise M. Little, widow of James W. Little, late of Company F, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Blanchard Littlefield, widow of Henry Littlefield, late of Company I, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie L. Sargent, widow of Charles A. Sargent, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen H. Phillips, widow of Morton L. Phillips, late of United States Revenue Cutter Service, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josiah L. Albritton, late of Company C, First Regiment Kentucky Capital Guards, Frankfort Battalion Volunteers, also Company C, First Regiment Kentucky Capital Guards, Green River Battalion Volunteers, and pay him a pension at the rate of $50 per month.

The name of Louisa A. Bierce, widow of Elisha C. Bierce, late captain Company F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Laura L. Robinson, widow of Silas Robinson, late of Company D, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert M. Ryan, late of Capt. Michael M. Gilbreath's company of Alabama scouts and guides, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellen F. Marston, widow of George W. Marston, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Ninette M. Lowater, widow of Harry P. Lowater, late of Company F, Hatch's Independent Battalion, Minnesota Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Thomas Balnbridge, late of Company D, Second Regiment United States Infantry, and pay him a pension at the rate of $50 per month.

The name of Ellen Hopkins, widow of William R. Hopkins, late of Company E, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ann M. Reynolds, widow of Andrew J. Reynolds, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret I. Varnum, widow of John A. N. Varnum, alias George Smith, late of Company K, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Ritchie, widow of Valentine Ritchie, late of Company G, Ninth New Jersey Infantry, and pay her a pension at the rate of $30 per month.

The name of Cordelia E. Maley, widow of Henry A. Maley, late of Company K, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Eliza Wray, widow of James Wray, late of Company H, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adelaide R. Haldeman, widow of James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Knight, widow of Orris P. Knight, late of Company B, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Corrilla F. Harvey, widow of Silas H. Harvey, late of Company C, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dora M. Robertson, widow of Andrew J. Robertson, late of Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Amelia Batson, widow of Washington Randolph Batson, late of Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Victoria Coffman, widow of Henry C. Coffman, late drum major, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances Chidester, widow of William H. Chidester, late of Company B, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Jenks, widow of Capt. George W. Jenks, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Belle M. Forsha, widow of John T. Forsha, late of Company B, Eighty-sixth Regiment Ohio Volunteer Infantry, and Company D, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta Myers, widow of Norman A. Myers, late of Company K, Tenth Regiment New York Volunteer Heavy Artillery, Civil War, and pay her a pension at the rate of $30 per month.

The name of Mary N. Clark, widow of Charles A. Clark, late of Company G, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Decker, widow of Marshall Decker, late of Company B, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Manervy Jackson, widow of John L. G. Jackson, late of Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Florence Storr, widow of Sellers Storr, late of Company I, One hundred and second Regiment, and Company D, One hundred and forty-ninth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Sims, widow of Alemuel Sims, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eunice M. Miles, widow of Levi S. Miles, late of Company E, Ninety-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Warthen, widow of Eldredge S. Warthen, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elida Jane Dean, widow of James Dean, late of Company C, Fifth Independent Battalion Ohio Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Teressa K. Shriner, widow of Jesse Shriner, late of Company B, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna I. Summers, widow of Lemuel C. Summers, late of Company G, Thirtieth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta M. Post, widow of William F. Post, late of Company F, Seventy-first Regiment Illinois Volunteer Infantry, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida M. Geeting, widow of William O. Geeting, late of Company I, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Francis Kelly, son of Michael C. Kelly, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Salina M. Harriman, widow of Jacob Harriman, late of Company B, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emory Wyatt, late of Company A, Independence Home Guards, Missouri Enrolled Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth P. Aiken, widow of Samuel B. Aiken, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jacob C. Roberson, Dixon, Ky., helpless child of Albert Roberson, late of Company K, One hundred and first United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sanford M. Nestor, late of Captain M. T. Haller's company, Barbour County, W. Va., Independent Scouts, and pay him a pension at the rate of $50 per month.

The name of Mary J. McBee, widow of Franklin McBee, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Fargo, widow of Ransom B. Fargo, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary S. Whitney, widow of George M. Whitney, late of Company M, Twenty-sixth Regiment New York Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Reeves, widow of Pierre W. Reeves, late of Company C, Forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Taylor, widow of Griffith A. Taylor, late of Company D, Twenty-second Regiment Pennsylvania Cavalry, and Company A, Third Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mariano Gonzales, late of Captain Jose Trujillo's company, New Mexico Volunteers, and pay him a pension at the rate of $50 per month.

The name of Amalia B. Woodland, widow of Richard Woodland, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie L. Webb, widow of Henry M. Webb, late of Company K, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie A. Willey, widow of William H. Willey, late of Company B, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie B. Smith, widow of Charles F. Smith, late of Company A, Fourteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarissa J. Allum, widow of Harrison Allum, late of Company D, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melissa B. Baldwin, former widow of Wesley Baldwin, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy L. Bane, widow of Moses M. Bane, late colonel Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia I. Colby, widow of David H. Colby, late of Company C, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Martha L. Whipple, widow of Charles Frederick Whipple, late of Company M, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month.

The name of Susan H. Kinerson, widow of William T. Kinerson, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah C. Hyland, widow of Edward F. Hyland, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice A. Haines, widow of Caleb S. Haines, late of Company F, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma C. Moore, widow of William Frank Moore, late of Company G, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Evelyn McBryer, widow of George H. McBryer, late of Company A, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Breslin, widow of Neil Breslin, late of Company E, Ninty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George D. Helwig, late of unassigned company, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Sarah J. Adams, widow of Henry H. Adams, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I ask unanimous consent to reconsider the vote whereby the amendment on page 110, striking out lines 15 to 18, inclusive, was agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote whereby the amendment referred to was agreed to is reconsidered.

Mr. CURTIS. Mr. President, the beneficiary in this case, Dorthula E. Smith, is the widow of a soldier who near the close of the Civil War in 1865 went home on sick leave. His leave was extended three or four times, and while the soldier was ill at his home his regiment was mustered out of service. The records clearly show the facts to be as I have stated them. I hope that the amendment reported by the committee may be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CAPPER. Mr. President, I ask unanimous consent to reconsider the vote whereby the amendment on page 125, beginning in line 21, was agreed to.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to is reconsidered.

Mr. CAPPER. Mr. President, I have personally looked into this case and know the widow to whom the pension is proposed to be granted. I know it is a worthy case, and if all the information could have been presented to the committee, I am sure that the item would not have been stricken out by the committee. Three times the House of Representatives has allowed this item.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. WILLIAMS. Mr. President, I sincerely hope the Senate will reconsider its action with respect to the item affecting Mrs. Anna E. Crawford, which appears at the bottom of page 3 of the bill. The case is closely in harmony with those mentioned by the two Senators from Kansas affecting the persons mentioned by them. The woman who is the beneficiary in this case is worthy of the consideration proposed to be given her in the bill, and I hope that the vote whereby the amendment was agreed to will be reconsidered and that the amendment will be rejected.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was adopted will be reconsidered. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 5, to strike out:

The name of Mollie Rauchman, widow of Charles Rauchman, late of Troop M, Fifth Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, at the top of page 2, to strike out:

The name of Agnes Kimble, dependent mother of George L. Kimble, late apprentice seaman, United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out:

The name of Eldoris Y. Green, late of Company G, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to strike out:

The name of Charles S. Simmers, late of Company F, Ninth Regiment Massachusetts Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to strike out:

The name of Mary A. McKay, widow of Robert McKay, late seaman of the U. S. S. *Independence*, United States Navy, war with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

The name of Samuel L. Fiste, late of Company B, Thirty-first Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of Edith Hampel, widow of Edward J. Hampel, late of the United States Navy, regular establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to strike out:

The name of James Surridge, late of Captain C. W. Case's company, Idaho Volunteers of 1878, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

The name of Everett W. Fuller, late of Troop D, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to strike out:

The name of Oscar C. Settle, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 9, to strike out:

The name of James W. Dougherty, late of Fourth Battery, New York Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to strike out:

The name of Harry E. Pangborn, late of Company F, Sixty-fifth Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to strike out:

The name of James Carroll, late of Company C, First Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

The name of Raymond E. Daniels, late of Company G, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to strike out:

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to strike out:

The name of Frank A. Klein, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to strike out:

The name of Mary Elseser, former widow of Valentine Steil, late of Battery C, First Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to strike out:

The name of Joseph H. Cote, late of Company G, First Regiment Maine Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 18, to strike out:

The name of Paul C. Stoval, who served under the name of Paul C. Skubovis, late of the Twelfth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to strike out:

The name of Henry H. C. Meinshausen, late of Troop H, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 6, after the words "rate of" to strike out "$17" and insert "$12," so as to read:

The name of William J. Trevessick, alias William J. Treffick or Trepick, late of the United States Navy, U. S. S. *Brooklyn*, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to strike out:

The name of Rollin P. Ham, late of Company L, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to strike out:

The name of William N. Bamforth, late of Troop G, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 9, to strike out:

The name of Robert M. Walsh, late of Company C, Second Regiment Wisconsin National Guards, Regular Establishment, border defense, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 9, to strike out:

The name of Harry W. Clark, late of Company L, Twenty-ninth Regiment United States Infantry, Philippine insurrection, and pay

him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

The name of Archie H. Wright, late of Company I, Thirty-third Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to strike out:

The name of Edward Lee, late of Company B, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 6, to strike out:

The name of William S. Nevius, late of Companies C and M, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the words "rate of," to strike out "$24" and insert "$18," so as to read:

The name of James A. Berry, late of Company K, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 2, after the words "rate of" to strike out "$25" and insert "$20," so as to read:

The name of Mary C. Parker, widow of Moses Parker, late of Company D, First Regiment Oregon Volunteer Mounted Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to strike out:

The name of Caroline Sublett, widow of Linneus B. Sublett, late of Company C, First Regiment Missouri Volunteers (Mounted Infantry), Mexican War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to strike out:

The name of Timothy Jordan, late of Company I, Third Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to strike out:

The name of Katherine F. Candee, widow of Ralph Candee, late of Company F, First Regiment Connecticut Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

The name of Fannie S. Skinner, widow of Samuel G. Skinner, late of Company K, Twenty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month, with $15 per month additional on account of the soldier's helpless and dependent child, William W. Skinner, in lieu of that she is now receiving, the additional pension to continue during the period of helplessness of the child.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to strike out:

The name of Mitchell Lenoir, late of Company A, Eighth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to strike out:

The name of William Estes, late of Troop I, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 17, after the words "rate of" to strike out "$20" and insert "$12," so as to read:

The name of Richard Haggerty, late of Company A, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of Hyram Colwell, late of Company M, Twelfth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Alice L. Shumate, dependent mother of Ora B. Shumate, late of Company L, Eighteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to strike out:

The name of Eva Hudson former widow of John J. Rench, late of Troop E, Seventh Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 13, to strike out:

The name of Millie Lawson, widow of Walter Lawson, alias Walker Lawson, late of Company E, Twenty-fifth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to strike out:

The name of Nelson B. Marshall, late of Company H, Twenty-third Regiment Kansas Infantry, war with Spain, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to strike out:

The name of Mae Brownlee, widow of Peter Brownlee, late of the United States Navy, and pay her a pension at the rate of $20 per month, with $2 per month additional for each of the sailor's children under 16 years of age, in lieu of the pension she is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to strike out:

The name of Frank Siddall, late of Troop F, First Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to strike out:

The name of John C. Clark, late of Company E, Seventh Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to strike out:

The name of Robert P. Leach, late of Company A, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to strike out:

The name of James W. Fisher, late of Company H, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 18, to strike out:

The name of Tide Owens, late unassigned recruit, Thirty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 22, to strike out:

The name of Anna S. Givens, widow of Hiram M. Givens, late private, band, Second Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike out:

The name of Arthur Egleston, late of Company M, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to strike out:

The name of Mary A. Wilson, widow of Jay Wilson, late of Troop D, Third Regiment United States Dragoons, Mexican War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to strike out:

The name of Charles A. Cherry, late of One hundred and twenty-first Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of Godfrey Müller, alias John Maier, late of Troop A, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to strike out:

The name of Gomer J. Davis, alias Gomer J. Parry, late of Company B, Thirty-second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to strike out:

The name of Thomas S. Garen, late of U. S. S. *Vermont*, United States Navy, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to strike out:

The name of Margaret M. Baxter, widow of William J. Baxter, late commodore United States Navy, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 23, to strike out:

The name of Mary C. Corbett, widow of James Corbett, late of Company H, Second Battalion Eleventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to strike out:

The name of William McCoy, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, line 14, after the words "rate of," to strike out "$24" and insert "$12," so as to read:

The name of George H. Walker, late seaman, United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to strike out:

The name of Michael Dugan, late of Battery E, Second Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to strike out:

The name of Marion M. Woollum, late of the Eightieth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to strike out:

The name of Ernest W. Raper, late of Company H, Seventh Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 11, after the words "rate of," to strike out "$24" and insert "$12," so as to read:

The name of Curtis R. Wheeler, late of One hundred and sixty-third Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to strike out:

The name of Oscar L. Hughes, late of Company D, Twenty-ninth Regiment United States Infantry, Philippine insurrection, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to strike out:

The name of Henry Smith, late of Company B, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 13, to strike out:

The name of Pearl Elizabeth Worley, widow of Walter Worley, late of Thirty-fifth Company United States Coast Artillery Corps, Regular Establishment and pay her a pension at the rate of $12 per month with $4 per month additional for each child of the soldier under sixteen years of age.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to strike out:

The name of George H. Klein, junior, late of Company D, Sixty-fifth Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

The name of Elizabeth M. Hinds, widow of James R. Hinds, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each child of the sailor under 16 years of age.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to strike out:

The name of James S. Black, late of Company H, Third Regiment Tennessee Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to strike out:

The name of Helen R. Cantwell, widow of Edward Cantwell, late second lieutenant of Company G, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 26, to strike out:

The name of Emma R. Payne, widow of Robert N. Payne, late of Troop G, Nineteenth Regiment Kansas Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out:

The name of George Elliff, late of Company M, Sixth Regiment, and Company M, Eighteenth Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to strike out:

The name of William V. Schwoyer, late of Company M, Nineteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 13, to strike out:

The name of Carrie Estella Robinson, former widow of Alvin W. Collier, late of Troop H, Sixth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 23, after the words "rate of," to strike out "$15" and insert "$12," so as to read:

The name of Henry G. Jones, late of Company E, Twenty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 28, after line, 4, to strike out:

The name of Richard C. James, late of Company D, First Regiment Nebraska Infantry, war with Spain, and pay him a pension at the rate of $80 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 18, after the words "rate of," to strike out "$24" and insert "$12," so as to read:

The name of John H. Crim, late of Company F, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to strike out:

The name of Christina Stenger, widow of Ferdinand Stenger, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 7, to strike out:

The name of Ellen E. Spiller, former widow of Meredith Spiller, late of Company D, Fifth Regiment Louisiana Militia Infantry, Mexican War, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 22, after the words "rate of" to strike out "$24" and insert "$12," so as to read:

The name of Atwood P. Latham, late acting hospital steward, Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to strike out:

The name of Albert Long, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 17, to strike out:

The name of Ida J. Hitt, widow of Amos F. Hitt, late of Captain Thomas C. Galloway's company, Idaho Volunteers, Indian wars, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 11, to strike out:

The name of Herbert W. Morris, late of Company C, Thirty-first Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to strike out:

The name of Benjamin F. Krouse, late of Company C, Third Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to strike out:

The name of Ora Horton Wyeth, widow of Marlborough C. Wyeth, late major and lieutenant colonel, Medical Corps, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 23, to strike out:

The name of John S. Ormsby, late of Company G, Sixty-fifth Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of Malinda Crouch, widow of Washington H. Crouch, late of Company I, Second Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 3, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Anton Aggermann, late of Troop A, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 35, after line 22, to strike out:

The name of Tena Allard, widow of Silas J. Allard, late of Troop B, Sixth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 12, to insert:

The name of George F. Hathaway, late of Company K, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Brown, dependent mother of John Ray Brown, late of the United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie E. Cade, widow of Benjamin F. Cade, late of Company D, Nineteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Laura C. East, dependent mother of Melvin R. East, late fireman, second class, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret Fitzgerald, widow of Stephen Fitzgerald, late of Company K, Third Regiment, and Company A, Twenty-sixth Regiment, United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Philipps, late of the United States Navy, and pay him a pension at the rate of $6 per month.

The name of Martha Jane Hague, widow of John R. Hague, late of Captain James F. P. Johnston's Independent Company, Florida Mounted Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James N. Slater, late of Troop C, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry T. Budler, late of Company M, Tenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Daniel O'Reilly, late of Company B, Seventh Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah J. Glenn, widow of Thomas Glenn, late of Company B, Fourth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Reinhard Weinman, late of Company I, Twenty-first United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adin S. Honey, late of Captain B. C. Sander's Company C, First Battalion Kansas State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Briscoe, late of Company E, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Annie R. C. Owen, widow of William Otway Owen, late a colonel in the United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of George E. Coombs, late of Company M, Forty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura E. Collins, dependent mother of George I. Peary, late of the United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John J. Mahoney, late of Company M, First Regiment Maine Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Susan E. Hart, widow of Charles M. Hart, late of Company E, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Karen Rindahl, widow of Ole L. Rindahl, late of Captain Stone Olson's company, Lake Prairie Rangers, Captain A. Stark's company, Minnesota State Militia (Scandinavian Guards), and Lieut. William Huey's company, St. Peter (Nicollet County), Minnesota Home Guards, and pay her a pension at the rate of $12 per month.

The name of John Burri, late of Troop I, Seventh United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Earl H. Klock, late of Company D, Sixth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben J. Reals, late of Company F, First Regiment Wyoming Volunteer Infantry, Spanish-American War, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius F. Cronin, late of Company D, First Regiment United States Infantry, and pay him a pension at the rate of $6 per month.

The name of Frank D. Brown, late of Company G, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eugene Little, late of Troop L, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $6 per month.

The name of Edgar Fire Thunder, late of Troop D, United States Regiment of Indian Scouts, and pay him a pension at the rate of $12 per month.

The name of William C. Rives, late of the United States Navy, war with Spain, and pay him a pension at the rate of $30 per month, without deduction of payments heretofore made to him by the commissioner.

The name of Marvin Z. Leonard, late of Company D, First Regiment South Dakota Volunteer Infantry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of John Bowe, late of Company B, Thirteenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert T. Bice, late of Company H, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Kate Alexander, widow of Thomas C. Alexander, late of Captain Lenow's Company A, First Tennessee Mounted Infantry, war with Mexico, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Noah E. Curtis, late of Company A, Nineteenth Regiment Kansas Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Coriam, late of Battery E, Second Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. BROUSSARD. Mr. President, on behalf of my colleague [Mr. RANSDELL], I wish to offer an amendment to the committee amendment on page 40.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment to the committee amendment, which will be stated.

Mr. BROUSSARD. There are two amendments—one for the mother and one for the children.

The CHIEF CLERK. On page 40, line 8, after the words "per month," it is proposed to insert "and $6 per month for each child under 16 years of age."

The amendment to the amendment was agreed to.

The CHIEF CLERK. And on page 40, line 8, it is proposed to strike out "$20" and insert "$30."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NORBECK subsequently said: I ask unanimous consent to reconsider the votes whereby House bill 9966 was ordered to a third reading and passed, for the purpose of making one correction that is simply typographical.

The PRESIDING OFFICER. Without objection, the votes whereby the bill was ordered to a third reading and passed will be reconsidered. The bill is now before the Senate and open to amendment.

Mr. NORBECK. On page 42, line 5, in the committee amendment, I move to strike out "$20" and insert in lieu thereof "$30."

The PRESIDING OFFICER. Without objection, the vote whereby the committee amendment was agreed to will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes, was announced as next in order under the unanimous-consent agreement.

Mr. CURTIS. Mr. President, that is a general bill. I understand that the chairman of the Committee on Pensions, the Senator from South Dakota [Mr. NORBECK], desires to take up this measure with the committee before asking for final action on it. I am very anxious to see the measure enacted into law as soon as possible; but the hour is late, and, as I say, I understand that the chairman desires to take the bill back to the committee for the consideration of the matter to which I have referred. Am I correct in that understanding?

Mr. NORBECK. Yes; I am perfectly willing to have the bill go over for that purpose.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

HOME CARE FOR DEPENDENT CHILDREN

Mr. WADSWORTH. Mr. President, the bill of which the Senator from Kansas [Mr. CAPPER] has charge, relating to mothers' aid, was temporarily laid aside. No disposition was made of it, nor were arrangements made for its future consideration. I desire to ask the Senator from Kansas and others interested in the bill if it will be possible to get an agreement to take it up under the five-minute rule at the conclusion of the routine morning business on Tuesday next, assuming that the Senate will adjourn Saturday?

Mr. CURTIS. Consent has already been given that the Senate, when it concludes its business on Saturday, will adjourn until Tuesday at 12 o'clock; and I have no objection to the arrangement, unless the chairman of the Committee on the District of Columbia has.

Mr. CAPPER. Not at all.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that on Tuesday, June 1, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of Order of Business 495, House bill 7669, to provide home care for dependent children, under the five-minute rule? Is there objection? The Chair hears none, and it is so ordered.

Mr. CAPPER. I ask that the other bill temporarily laid aside, known as the amendment to the traffic act, be taken up immediately following the mothers' aid bill.

Mr. CURTIS. I do not think we had better agree to that now. We will try to settle that matter on that day.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 10 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 28, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 27, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our unexpressed desires are before Thee. Sift them that they may be fore gleams of Thy plan and purpose. We would seek the depths of Thy knowledge and wisdom. With true hearts may we administer our trusts and obligations. We praise Thee that love springs from Thy divine nature. Beneath the poorest mortal that trembles on the verge of wreck and ruin is the throbbing heart of the love of God. In every way enable us to be strong, unselfish, patriotic, and fearless in the defense of the right. May the temples of our souls grow and expand under the inspiration of Thy Holy Spirit. Let Thy thoughts burn through our lips and speak through our conduct and always direct the counsels of our hearts. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read.

During the reading of the Journal the following occurred:

Mr. CRAMTON. Mr. Speaker, I make the point of order that the Journal is not being read. The Clerk has just referred to certain amendments as being adopted, but he did not read the amendments. I insist on having the Journal read so we may be thoroughly informed. I heard the Clerk say "the following amendments," but I did not hear the amendments read.

The SPEAKER. The Clerk will read the Journal in its complete form.

Mr. CRAMTON. Mr. Speaker, I renew my point of order that the amendments are not being read.

The SPEAKER. The Chair believes the Clerk is reading the amendments. The Chair has been following the reading of the Journal, and he understands the Clerk is reading the amendments.

Mr. CRAMTON. I heard the Clerk say "the following amendments," but I did not hear the amendments read.

The SPEAKER. The Clerk says "the following amendments," and then he reads the amendments.

Mr. SCHAFER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present.

Mr. SNELL. Mr. Speaker, has the reading of the Journal been completed?

The SPEAKER. The reading of the Journal has not been completed. A point of order of no quorum can be made during the reading of the Journal.

Mr. SNELL. But, Mr. Speaker, I did not understand that the gentleman from Wisconsin made the point of order that no quorum was present; he suggested the absence of a quorum, but he did not say he made the point of order of no quorum.

Mr. SCHAFER. Mr. Speaker, I will withdraw that point of order temporarily.

The Journal of the proceedings of yesterday was approved.

COAL LEGISLATION

Mr. TAYLOR of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on pending coal legislation.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on pending coal legislation. Is there objection?

There was no objection.

Mr. TAYLOR of West Virginia. Mr. Speaker, under leave granted me, I desire to make some observations on the attempt that is being made to further control by legislation the business of producing coal.

We are a luxury-loving Nation. Any economic disturbance which affects any considerable number of our population and detracts, even in slight measure from the luxury ordinarily enjoyed, causes a reaction which finds expression in the introduction of bills looking to legislation as a cure-all. Thus it is, since the anthracite strike of last winter, which temporarily deprived some people of the opportunity to purchase anthracite coal, it is now proposed to obviate a recurrence of the condition by law, regardless of the revolutionary idea of the measure proposed or the inconvenience of a compliance with its mandates.

During the war the cry was for coal—more coal. It was essential to the success of our arms. The insistent demand for coal on the part of the Government caused thousands of citizens to respond and money was raised and used lavishly, in the face of a rising market on mine material, for the opening of new mines with which to meet the demand for coal—held to be essential in winning the war.

While the mine owners of the country were busy developing and producing, the Government, perhaps wisely because we were face to face with an emergency, fixed the price of coal. What profit the mine owners were able to make at the Government-fixed price was still further curtailed by a high-tax rate. Plenty of coal was furnished—there was no lack of it and the war was fought to a successful conclusion. Then came the readjustment period. It was quite natural that every man who had invested a few thousand dollars in a coal mine wanted to get his money back. The industry was overdeveloped for peace time and the supply was too great for the demand. The keenest competition resulted; the price went down until many of the smaller mine owners were forced into bankruptcy and others continued to operate at a great loss. This condition has continued to prevail, especially in the bituminous fields and aside from a few sporadic increases, which quickly subsided, coal now sells at the tipple for prices lower than they have been for years.

There is unquestionably a great demand for anthracite coal. The demand is so great that approximately 150,000 men are employed in its production. As was their right, these men went on strike last September and a shortage of anthracite coal resulted. There was no suffering in the coal-consuming centers on account of the strike.

The bituminous fields of the country furnished coal in abundance, coal of good quality and at a remarkably low price, but this price did not always reach the consumer, since in many places the middleman—who is the substantial business man in the coal-consuming centers—took advantage of what the public believed to be a shortage of coal generally and added on more than a fair price for his share of the transaction in passing the coal on to the consumer. Yet because of this it is proposed to investigate the entire coal business; to give the Secretary of Commerce the right to demand any figures with respect to the production of coal anywhere and compel, even at great expense, the production of these figures, thus baring the trade secrets of a business which is highly competitive and which at the present time is struggling for an existence.

The city consumer of coal can probably find evidences of coal profiteering if he looks closer home. For years it has been the custom of the metropolitan press to picture the coal operator as a ponderous glutton of great wealth, domineering the earth, while the consumer, with a coal bucket of large proportions, invariably empty, begs for coal. A constant repetition of this thought, expressed each winter in cartoons in the daily press, has educated the public mind to think of the mine owner as an ogre, happy only when the Nation suffers from cold, which suffering can only be alleviated by the use of his coal.

During the war coal sold at a high price, as did every other commodity—high as compared to the present price. Shortly after that time I was told by a coal operator whose veracity is beyond question that he knew of a coal dealer in one of the eastern cities who had a contract for the purchase of coal at $4 a ton. Coal not under contract sold at a higher price. This coal dealer would occasionally go into the open market and buy a carload of coal at $9 a ton. He would then show the invoice of this $9 coal to his customers as an excuse for charging them $16 a ton, when the fact was that practically 98 per cent of the coal which he was selling at this price was contract coal for which he was only paying $4.

It is a well-known fact that prepared sizes of coal cost more than the ordinary run of mine. When the coal passes over the screen the larger lumps are separated in different sizes. The preparation of this coal, of course, results in much "slack" or fine coal, which does not find a ready market, while the prepared sizes command a better price. I am told by mine officials in my State that during the anthracite shortage, due to the strike, that the average price of West Virginia coal, loaded on cars at the mine tipple, was $2.42 a ton. Those who would regulate could find a more prolific field nearer home.

Government regulation of business, where no emergency exists, is revolutionary and dangerous. If the men who produce coal are to be subjected to further regulation, then why not regulate the production of wheat and corn, of oats and rye, of cotton and wool?

If wheat speculators force the price to that point where the consuming public turns to corn for relief and the price of corn advances, then it would be as reasonable to expect that farmers of the Corn Belt should be regulated, their books audited, their trade secrets bared. If the woolgrowers pool their interests and the price of wool reaches that point where the consuming public feels that it is overtaxed, then the regulatory

principle would apply and cotton growers of the South, finding their cotton increasing in value, could be called upon to furnish the Secretary of Commerce with full facts and figures. The analogy here is good. If regulation is good for the public with respect to coal, then it is also good for the public with respect to every other business which produces the necessities of life.

The mine owner, of course, is anxious to sell his product. An idle mine is a liability. Interest on his invested capital is lost, depreciation of the physical property is great, and the overhead is appalling. Taking great losses one year he is entitled to a fair price when competition is restricted by a steadier market. He is already "regulated" to a large extent. Any attempt on the part of mine owners to fix a price for coal would immediately call for an indictment for violation of the antitrust laws. The Interstate Commerce Commission fixes the rates at which coal can be shipped on the railways, which, of course, is regulatory of the business itself. What the coal business, as well as every other legitimate business, needs at this time is to be let alone. The mine owner has a problem on his hands that can not be helped by governmental meddling. There are economic ills that can not be cured by legislation. There is no excuse now for the initiation of regulatory legislation—a principle repugnant to the well-formed ideas of free Americans as well as inimical to the business interests of the country generally.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNELL of Rhode Island. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to address the House for five minutes. Is there objection?

Mr. CRAMTON. Mr. Speaker, I do not object; but I make the point of order that there is no quorum present. However, I will withhold it until the gentleman gets his consent.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island to address the House for five minutes?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 3, noes 65.

So a call of the House was refused.

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was rejected.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, is there any reason why I might not address the House while we are waiting for a quorum?

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island to address the House for five minutes?

Mr. CRAMTON. Mr. Speaker, I have made the point of order that a quorum is not present, so that nothing is in order. The only thing we can do is to adjourn, and I move that the House do now adjourn.

The SPEAKER. The House has just refused to adjourn.

Mr. CRAMTON. Then I withdraw my motion, Mr. Speaker.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Is not the proper business before the House the motion to recommit the bill that was up yesterday afternoon and on which the previous question had been ordered?

The SPEAKER. No business of that sort would be in order without a quorum.

Mr. CONNALLY of Texas. I thought the Chair had determined there was a quorum present.

The SPEAKER. No; there is no quorum present.

Mr. CONNALLY of Texas. Is a point of order of no quorum pending?

The SPEAKER. No; the point of no quorum was made and the gentleman from Connecticut [Mr. TILSON] moved a call of the House, and the House refused to agree to a call of the House.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, before that I had already got unanimous consent to proceed for five minutes.

The SPEAKER. Even so, the gentleman can not proceed at this time.

Mr. SNELL. As I understand the situation, Mr. Speaker, we have to wait until enough Members appear to make up a quorum.

Mr. TILSON. Can not the gentleman from Rhode Island proceed by unanimous consent?

Mr. SABATH. Mr. Speaker, would it not be in order to instruct the Speaker to send for the absentees?

Mr. SNELL. Mr. Speaker, I make the point of order there can not be anything done until a quorum appears.

The SPEAKER (after counting). Two hundred and twenty Members are present; a quorum. The gentleman from Rhode Island [Mr. O'CONNELL] is recognized for five minutes.

ADJUSTED COMPENSATION CLAIMS

Mr. O'CONNELL of Rhode Island. Mr. Speaker and Members of the House, on January 5 last I brought to the attention of the House a ruling of the Comptroller General of the United States in connection with adjusted compensation claims, and I explained at that time that in my opinion there was no provision in the adjusted compensation act which required, as a condition precedent to a valid claim, that the application should be received during the lifetime of the applicant, providing such application was made and signed by the deceased ex-service man before his death.

I would call to the attention of those Members who are interested my remarks, which appear on pages 1542 and 1543 of the RECORD of January 5.

I am advised by the Veterans' Bureau there are at present 411 claims in the Army, 92 claims in the Navy, and 8 claims in the Marine Corps, making a total of 511 claims which have been adjudicated by these various departments as valid claims, but which the comptroller has turned down and has refused to pay on the ground that the application was not received until after the death of the veteran.

Shortly after I made the remarks referred to, the gentleman from New York [Mr. MILLS] introduced a bill which would correct this situation, and later, the gentleman from Iowa [Mr. GREEN] introduced a bill (H. R. 10277) which was referred to the Committee on Ways and Means, was favorably reported by that committee, and is now pending on the House Calendar. I want to call the attention of the Members of this House to the necessity of some action in these cases. All of these departments believe that these claims should be paid.

Claims of this character are scattered all over the United States. When the first claim was turned down by the Comptroller in cases similar to some that have been referred to me, there was a second claim filed on the ground of dependency, and then the various bureaus receiving these claims said, "We are unable to act upon the second claim because we already have in our files what we consider a valid claim which should be paid." Therefore we have this unjust and anomalous situation of being unable to receive payment on either of the claims, both of which are valid, because the department says it can not act upon a second claim, which would otherwise be valid, because a previous valid claim is pending which they are unable to pay by reason of the ruling of the Comptroller General, which has been made notwithstanding the provisions of section 305 of the World War adjusted compensation act, which reads as follows:

> Immediately upon the enactment of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and as to each veteran the number of days of oversea service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit, and their findings shall not be subject to review by the General Accounting Office, and payments made by disbursing officers of the United States Veterans' Bureau made in accordance with such findings shall be passed to their credit.

Let me show you the result. If this construction is correct, we have been legislating geographically, because if a person in the District of Columbia or a person in the State of Maryland or in the State of Virginia filed a claim on Tuesday morning and died on Thursday following; the claim would be paid because there would have been sufficient time for that claim to have gone through the mail and be received by the department before the death of the applicant; but if another person in California or in Texas or at some other distant point had made a claim on the same Tuesday or even on the Monday before, and died on the same following Thursday, it might happen that as that claim would take a longer time to get by mail to the department involved, there would be no payment because the Comptroller General would rule in such a case that it had not been received before the death of the veteran.

There are at present 511 of such claims; and if we can not pass the Green bill (H. R. 10277), which most of the departments favor, we should at least enact such legislation as would correct this situation. I say it is absolutely unfair. When Congress passed this act there is not any question but what it intended there should be a vested interest in the beneficiary and the dependents of the veterans, and now, under the ruling of the Comptroller General, no relief can be granted in these cases, which results in a palpable injustice.

I ask the Members of the House to take this matter under consideration and to pass the necessary legislation before adjournment to correct this situation.

THE HOWELL & KING BREWERY

Mr. LaGUARDIA. Mr. Speaker, I rise under the provisions of Rule XXII, paragraph 5, for the discharge from further consideration by the Judiciary Committee of House Resolution 255.

The SPEAKER. Does the gentleman from New York claim that the resolution is privileged?

Mr. LaGUARDIA. I do.

Mr. GRAHAM. Mr. Speaker, the report on that resolution has been filed.

Mr. LaGUARDIA. Under the rules, before a report is reported it must be printed, and the gentleman from Pennsylvania will not claim that the report is printed under section 801.

Mr. GRAHAM. I raise the point under the facts that this resolution, if it ever had any privilege, has lost it. The certificate from the Treasury Department is to the effect that the resolution requires them to make an independent examination and that the information is not within the department.

Mr. LaGUARDIA. That has nothing to do with the privileged status of my resolution at this time.

Te SPEAKER. The Chair thinks it would be a highly technical ruling to hold that this bill, which has been reported, is still in the committee.

Mr. LaGUARDIA. Rule XVIII, paragraph 2, provides:

All bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

The SPEAKER. It is going to be printed. The sole question, as it appears to the Chair, is that the gentleman from New York moves to discharge the committee from the consideration of this resolution, and that presupposes that the resolution is still in the custody of the committee, which is not the fact, for it has been reported.

Mr. LaGUARDIA. But it has not been printed, as required by the rule, and therefore is still in the custody of the committee.

The SPEAKER. The Chair thinks that would be a highly technical ruling, and the Chair sustains the point of order.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes on my resolution.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. GRAHAM and Mr. JOHNSON of Washington objected.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for one minute, and let the chairman of the Judiciary Committee assume the responsibility of objecting.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

Mr. GRAHAM. I object.

Mr. LaGUARDIA. The gentleman is unfair; he is not keeping faith with me. [Cries of "Regular order."]

ROOSEVELT-SEQUOIA NATIONAL PARK

The SPEAKER. The regular order is on the motion to recommit by the gentleman from Oklahoma on the bill (H. R. 9387) to revise the boundary of the Sequoia National Park.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 58 ayes and 171 noes.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 227, answered "present" 1, not voting 96, as follows:

[Roll No. 102]

YEAS—107

Allgood	Brand, Ga.	Crosser	Fisher
Aswell	Briggs	Curry	Fletcher
Beck	Bulwinkle	Davis	Fulmer
Beedy	Burtness	Dickinson, Mo.	Gambrill
Bell	Busby	Dickstein	Garber
Black, Tex.	Byrns	Dominick	Gardner, Ind.
Blanton	Collier	Drewry	Garrett, Tex.
Bowling	Connally, Tex.	Edwards	Goldsborough
Box	Cox	Eslick	Green, Fla.
Griffin	Lanham	Norton	Sears, Nebr.
Hammer	Lankford	O'Connor, La.	Simmons
Hare	Lazaro	Oldfield	Sinclair
Harrison	Leavitt	Oliver, Ala.	Spearing
Hastings	Linthicum	Oliver, N. Y.	Strother
Hayden	Little	Phillips	Sumners, Tex.
Hill, Ala.	Lozier	Pou	Swank
Howard	Lyon	Quin	Taylor, W. Va.
Huddleston	McClintic	Rainey	Tillman
Hudspeth	McDuffie	Rankin	Upshaw
Hull, Tenn.	McLaughlin, Mich.	Rayburn	Voigt
James	McMillan	Reed, Ark.	Wefald
Jeffers	McReynolds	Romjue	Whittington
Johnson, Tex.	McSwain	Rubey	Williams, Tex.
Jones	McSweeney	Rutherford	Williamson
Kemp	Mansfield	Sabath	Wingo
Kunz	Milligan	Sanders, Tex.	Wright
LaGuardia	Nelson, Wis.	Schafer	

NAYS—227

Abernethy	Dowell	Kindred	Rogers
Adkins	Driver	King	Rowbottom
Allen	Dyer	Kirk	Sandlin
Almon	Eaton	Knutson	Schneider
Andrew	Elliott	Kopp	Scott
Anthony	Ellis	Kurtz	Seger
Arentz	Esterly	Lampert	Shallenberger
Arnold	Evans	Lea, Calif.	Shreve
Ayres	Fairchild	Leatherwood	Sinnott
Bacharach	Faust	Lehlbach	Snell
Bachmann	Fish	Lindsay	Sosnowski
Bacon	Fitzgerald, Roy G.	McFadden	Speaks
Barbour	Fitzgerald, W. T.	McLaughlin, Nebr.	Sproul, Ill.
Beers	Fort	McLeod	Sproul, Kans.
Begg	Foss	Madden	Stalker
Berger	Free	Magee, N. Y.	Stephens
Bixler	Freeman	Magee, Pa.	Stobbs
Black, N. Y.	French	Magrady	Strong, Kans.
Bland	Fuller	Mapes	Summers, Wash.
Boies	Furlow	Martin, La.	Swartz
Bowles	Gibson	Martin, Mass.	Sweet
Brigham	Gifford	Menges	Swing
Britten	Gilbert	Michaelson	Taber
Browne	Glynn	Michener	Taylor, Colo.
Brumm	Goodwin	Miller	Taylor, Tenn.
Burdick	Gorman	Montgomery	Temple
Burton	Green, Iowa	Mooney	Thatcher
Butler	Griest	Moore, Ky.	Thurston
Campbell	Hadley	Moore, Ohio	Tilson
Cannon	Hale	Moore, Va.	Timberlake
Carpenter	Hall, Ind.	Morehead	Tinkham
Carss	Hall, N. Dak.	Morgan	Tolley
Carter, Calif.	Hardy	Morrow	Tucker
Carter, Okla.	Hawley	Murphy	Underhill
Celler	Hersey	Nelson, Me.	Underwood
Chalmers	Hickey	Nelson, Mo.	Updike
Chapman	Hill, Md.	Newton, Minn.	Valle
Chindblom	Hill, Wash.	Newton, Mo.	Vestal
Clague	Hoch	O'Connell, N. Y.	Vincent, Mich.
Cole	Hogg	O'Connell, R. I.	Vinson, Ga.
Colton	Holaday	O'Connor, N. Y.	Vinson, Ky.
Connery	Hooper	Parker	Wainwright
Connolly, Pa.	Houston	Peery	Warren
Cooper, Ohio	Hudson	Perlman	Wason
Cooper, Wis.	Hull, William E.	Prall	Watson
Coyle	Irwin	Pratt	Weller
Cramton	Jacobstein	Purnell	Wheeler
Crisp	Johnson, Ill.	Quayle	White, Me.
Crowther	Johnson, Ind.	Ragon	Whitehead
Crumpacker	Johnson, Wash.	Ramseyer	Wilson, La.
Darrow	Kahn	Ransley	Winter
Davenport	Keller	Rathbone	Wolverton
Deal	Kelly	Reece	Woodruff
Dempsey	Kerr	Reed, N. Y.	Wyant
Dickinson, Iowa	Ketcham	Reid, Ill.	Yates
Doughton	Kiefner	Robinson, Iowa	Zihlman
Douglass	Kincheloe	Robsion, Ky.	

ANSWERED "PRESENT"—1

Lowrey

NOT VOTING—96

Ackerman	Drane	Larsen	Somers, N. Y.
Aldrich	Fenn	Lee, Ga.	Steagall
Andresen	Flaherty	Letts	Stedman
Appleby	Frear	Lineberger	Stevenson
Auf der Heide	Fredericks	Luce	Strong, Pa.
Bailey	Frothingham	McKeown	Sullivan
Bankhead	Funk	MacGregor	Swoope
Barkley	Gallivan	Major	Taylor, N. J.
Bloom	Garner, Tex.	Manlove	Thomas
Bowman	Garrett, Tenn.	Mead	Thompson
Boylan	Gasque	Merritt	Tincher
Brand, Ohio	Golder	Mills	Treadway
Browning	Graham	Montague	Tydings
Buchanan	Greenwood	Morin	Vare
Canfield	Haugen	Parks	Walters
Carew	Hawes	Patterson	Watres
Christopherson	Hull, Morton D.	Peavey	Weaver
Cleary	Jenkins	Perkins	Welsh
Collins	Johnson, Ky.	Porter	White, Kans.
Corning	Johnson, S. Dak.	Rouse	Williams, Ill.
Cullen	Kearns	Sanders, N. Y.	Wilson, Miss.
Davey	Kendall	Sears, Fla.	Wood
Denison	Kiess	Smith	Woodrum
Doyle	Kvale	Smithwick	Wurzbach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Frothingham with Mr. Garrett of Tennessee.
Mr. Bailey with Mr. Hawes.
Mr. Ackerman with Mr. Canfield.
Mr. MacGregor with Mr. Larsen.
Mr. Appleby with Mr. Lee of Georgia.

Mr. Morin with Mr. Garner of Texas.
Mr. Patterson with Mr. Stedman.
Mr. Denison with Mr. Cleary.
Mr. Fenn with Mr. Bankhead.
Mr. Taylor of New Jersey with Mr. Rouse.
Mr. Vare with Mr. Smithwick.
Mr. Kearns with Mr. Barkley.
Mr. Strong of Pennsylvania with Mr. Sears of Florida.
Mr. Perkins with Mr. Sullivan.
Mr. Aldrich with Mr. Cullen.
Mr. Fredericks with Mr. Steagall.
Mr. Golder with Mr. Corning.
Mr. Funk with Mr. Gasque.
Mr. Swoope with Mr. Carew.
Mr. Sanders of New York with Mr. Johnson of Kentucky.
Mr. Brand of Ohio with Mr. Weaver.
Mr. Manlove with Mr. Wilson of Mississippi.
Mr. Graham with Mr. Doyle.
Mr. Kendall with Mr. Buchanan.
Mr. Luce with Mr. Boylan.
Mr. Williams of Illinois with Mr. Mead.
Mr. Mills with Mr. Gallivan.
Mr. White of Kansas with Mr. Montague.
Mr. Treadway with Mr. Browning.
Mr. Morton D. Hull with Mr. Collins.
Mr. Welsh with Mr. Stevenson.
Mr. Johnson of South Dakota with Mr. Woodrum.
Mr. Kiess with Mr. Greenwood.
Mr. Wood with Mr. Tydings.
Mr. Thompson with Mr. Davey.
Mr. Smith with Mr. Thomas.
Mr. Porter with Mr. Parks.
Mr. Merritt with Mr. Major.
Mr. Christopherson with Mr. Auf der Heide.
Mr. Watres with Mr. McKeown.
Mr. Andresen with Mr. Somers of New York.
Mr. Bowman with Mr. Bloom.
Mr. Flaherty with Mr. Kvale.
Mr. Haugen with Mr. Frear.
Mr. Wurzbach with Mr. Peavey.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill?

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS—ADJOURNMENT OVER NEXT MONDAY

Mr. TILSON. Mr. Speaker, I believe it to be the very general wish of the membership of this House to adjourn over next Monday. I have a unanimous-consent agreement to propose, which, if agreed to, will accomplish it. I ask unanimous consent that in the consideration of the river and harbor bill general debate proceed not later than 6 o'clock each evening until Saturday evening; that not later than 6 o'clock on Saturday evening general debate be concluded and that the House then adjourn over until the following Tuesday; that on next Tuesday the river and harbor bill shall not be taken up, but that other business be taken up on that day.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, it seems to me strange in the circumstances that the Congress of the United States should remain in session on Saturday afternoon next as proposed in the agreement submitted by the gentleman from Connecticut [Mr. TILSON] during the ceremony of the unveiling of the monument in honor of the man who invented the ironclad *Monitor* and put it afloat at the exact moment when it was necessary, many historians declare, if the United States of America was to be saved. It has by historians been asserted that but for Ericsson's *Monitor* the ironclad *Merrimac* would have sunk all of the Government's wooden ships and had Washington at its mercy. The man who invented the *Monitor* was a humble Swede. His monument is to be unveiled on Saturday afternoon. The Crown Prince and the Crown Princess of Sweden have come thousands of miles and are here for the ceremony; thousands of miles to attend the unveiling of the monument. In my judgment—and I speak with deference to the Committee on Rules and the distinguished floor leader—the Congress of the United States might well forego its duties on this floor on that afternoon, which would be merely to indulge in general debate, and perform its other and greater duty by attending the ceremonies in honor of the unveiling of the monument to John Ericsson. [Applause.]

Mr. TILSON. Mr. Speaker, there is in my request nothing at all inconsistent with the wishes of the gentleman from Wisconsin [Mr. COOPER]. If before 2 p. m. on Saturday general debate has reached such a stage, as I sincerely hope and believe it will, the House can very readily adjourn and attend these ceremonies. I inserted the 6 o'clock provision so that if circumstances are untoward and we do not reach the point I have suggested, then it would be possible for us to remain in session during the entire afternoon in order to conclude the general debate.

Mr. COOPER of Wisconsin. Will the gentleman not make that 2 o'clock on Saturday afternoon instead of 6 o'clock?

Mr. TILSON. I should like to do that now, but we can do it hereafter.

Mr. COOPER of Wisconsin. And begin the session on Saturday at 11 o'clock.

Mr. TILSON. I should be very glad to include in my request that we meet on Saturday at 11 o'clock.

Mr. MADDEN. Both Friday and Saturday?

Mr. TILSON. Both Friday and Saturday if that is the wish of the House.

Mr. CELLER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Connecticut when he expects to get a vote on the river and harbor bill?

Mr. TILSON. In the following week. Twelve hours of general debate are provided for under the rule.

Mr. CELLER. And there will be no vote this week?

Mr. TILSON. There could not be a vote under the request that I have submitted.

Mr. SUMNERS of Texas. How would it be to submit a unanimous-consent request that when the House adjourns on Saturday it adjourn to meet on Tuesday next, so that when Saturday arrives it can then be determined whether to sit on that day or not and make the motion accordingly.

Mr. TILSON. My request, if granted, would permit such action. It was made not later than 6 o'clock, so that the House must adjourn not later than 6 o'clock, but we could adjourn at 11.30 o'clock a. m. if we meet at 11 o'clock on Saturday, if the House so desires.

Mr. SUMNERS of Texas. It would be in the control of the House?

Mr. TILSON. Certainly.

Mr. SUMNERS of Texas. So that we could determine that at any time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns on Saturday next it adjourn to meet on the following Tuesday. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, that is not all of the request. It also included that the House should meet at 11 o'clock on both Friday and Saturday.

The SPEAKER. And the gentleman also asks unanimous consent that the House shall meet at 11 o'clock a. m. on both Friday and Saturday and that the general debate shall close not later than 6 o'clock on Saturday evening. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, with the further understanding also that no general business shall come before the House this week except the general debate upon the river and harbor bill.

Mr. TILSON. Except routine matters. I assure the gentleman that there will be no bills brought up if I can prevent it.

Mr. MAPES. And that the consideration of the river and harbor bill may not proceed any further than general debate this week.

Mr. TILSON. That is correct.

The SPEAKER. Is there objection?

Mr. WEFALD. Mr. Speaker, reserving the right to object, if this House can not adjourn at 2 o'clock on Saturday, in order that we may take part in the ceremonies in honor of John Ericsson, I shall object.

Mr. TILSON. But the gentleman realizes that if he does object we certainly can not adjourn, but if he leaves it as it is we can adjourn at 2 o'clock. If he objects it is impossible to adjourn at 2 o'clock.

Mr. CHINDBLOM. If the gentleman will yield, I presume there is no Member of the House any more interested in this John Ericsson ceremonial than I am, and I want to ask the gentleman to withdraw his objection. I think we will adjourn by 2 o'clock on Saturday.

Mr. WEFALD. Mr. Speaker, if I can get assurance that nothing will be done to block adjournment if possible at 2 o'clock I shall withdraw my objection.

Mr. TILSON. I give the gentleman the assurance on my part.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS

By unanimous consent, Mr. FAIRCHILD was granted leave to withdraw papers in the case of Hannah Meagher, no adverse report having been made thereon.

DEATH OF A FORMER MEMBER

Mrs. NORTON. Mr. Speaker, it is my sad purpose to inform the House of the death of former Representative Frank J. McNulty, of the third congressional district of New Jersey.

ADDRESS BY MR. BURTON

Mr. CRAMTON. Mr. Speaker, may I have one minute in which to make a statement? Mr. Speaker, in connection with

the agreement that has just been made it will, of course, be the desire not to dissipate the time available for general debate by needless roll calls. At the same time, those of us who are interested in the Great Lakes situation are very anxious indeed that the House should hear the distinguished gentleman from Ohio [Mr. BURTON] when he speaks on this question, and I understand that it is arranged—I will ask the gentleman from New York—that the gentleman from Ohio [Mr. BURTON] would be recognized the first thing to-morrow.

Mr. DEMPSEY. That is my understanding, and as far as I am concerned I have no objection and will facilitate that being done.

Mr. CRAMTON. If there could be that understanding I know the membership would have a satisfactory attendance here and do away with any necessity of a roll call to get Members here to hear the gentleman from Ohio.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 2237. An act for the relief of Leslie Warnick Brennan; and

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta in the parish of Red River in the State of Louisiana.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 92. An act fixing rates on hotel room keys and tags;

H. R. 7776. An act for the reimbursement of Emma E. L. Pulliam;

H. R. 7889. An act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis in the State of Minnesota; and

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.

The message also announced that the Senate had receded from its amendment No. 3 to the bill (H. R. 10089) granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington.

The message also announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation; and

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.) and others;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

S. 554. An act for the relief of Frank Grygla;

S. 588. An act for the relief of A. T. Whitworth;

S. 726. An act for the relief of Hilbert Edison and Ralph E. Walton;

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914;

S. 1223. An act for the relief of J. L. Flynn;

S. 1224. An act for the relief of John P. McLaughlin;

S. 1361. An act for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland;

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and his wife, etc., title to lots 820 and 822, in the town of De Funiak Springs, Fla., etc.;

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased;

S. 1792. An act for the relief of William Alexander, Frank M. Clark, and others;

S. 1920. An act for the relief of the devisees of William Rusch, deceased;

S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.;

S. 2674. An act for the relief of Kate T. Riley;

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee;*

S. 3077. An act for the relief of John T. Wilson;

S. 3330. An act for the relief of Thomas G. Peyton;

S. 3555. An act for the relief of the Rochester Merchandise Co.;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased;

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased; and

S. 3997. An act to amend section 301 of the World War veterans' act, 1924.

RIVERS AND HARBORS

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from New York. [Applause.]

Mr. DEMPSEY. Mr. Chairman and gentlemen, I do not believe that in the long history of the Republic there ever has been a more important, a more beneficial, and useful bill for the improvement of rivers and harbors presented to the Congress than that now under consideration. I am going to sketch in a general way the purpose of the bill, referring simply at first to the more important items. I am going in a general way to review the important provisions of this bill. Before doing so I call attention to the circumstances in which this bill is presented. First, taking into account the relative value of the dollar, our foreign trade last year was as great as it has ever been in the history of the country. Not alone has our foreign trade grown, but it has grown not in volume alone but by comparison. The only two countries in the whole world which are on a prewar basis as to commerce are the United States and one other very small country of insignificant tonnage. We have grown steadily since the war, grown in business, while Europe has decreased in business; grown in business, which has developed continually at an amazing rate.

Our commerce in the Orient has multiplied by about four since the World War. Our commerce with the countries to the south of us has multiplied by about two and a half. We have a merchant marine on the seas, which is competing on equal terms, without a subsidy, with other nations. There never was a time when prospects were so bright in our foreign commerce as they are to-day.

And, too, there never was a time when inland commerce was so necessary to the country as it is now. We are to-day supplied with transportation facilities adequate only to meet the needs of the day. In the next 25 years we shall have 40,000,000 more people. We have no transportation facilities for them.

We must supply those transportation facilities, and the question is, How the facilities shall be supplied?

Obviously, we can not look with any hope of its being done to the railroads—we can not expect them to increase their trackage. Owing to circumstances which we need not discuss, no new mileage by railroad has been created for many years, and there is no outlook that it will be created. There is one way in which we can increase our transportation facilities, and that is by the increase of our waterway facilities in the interior. Not alone can we do that, but we find, upon the most careful and conservative estimate, that we can do it at from one-fourth to one-third of the cost of producing a like capacity by rail, and when you have produced your capacity by rail or by water you find this, that transportation by water the world over is infinitely cheaper than transportation by rail.

Let us make a comparison. Take a thousand bushels of wheat and carry it a thousand miles. You can do it by rail for $200. On the lakes you can do it for $30. On the Mississippi you can do it for $70. So that once you have produced the water transportation facilities, you not only have those facilities, but you also have them functioning at a fraction of the cost of transportation by rail.

These being the general circumstances facing us when this river and harbor bill is presented, let us examine the important items in the bill. And, first, let me say that I am going to treat of the Great Lakes system, and I regard, and everybody agrees, that it is the greatest water transportation system the world has ever known. Now, there is a feeling on the part of some Members that the Illinois River project in this bill is inimical to the Great Lakes system. I think, however, that I can convince you that instead of it being hostile or detrimental to the Great Lakes system, it is helpful and a great step toward making that wonderful system even more useful than it has been heretofore.

What is the situation as to the Great Lakes system? There are three provisions in this bill in regard to the Great Lakes, every one of them of tremendous importance. Let us take them in the order of their importance. The first provision in the bill is in regard to a survey of the Great Lakes with this purpose in view: The attaining of a greater depth in the channels of the Great Lakes. We have had much speculation; we have had much investigation in the last few years, because there has been a particularly dry cycle in the Great Lakes region of the United States, and the Great Lakes levels have gone down some 30 to 36 inches, due to a variety of circumstances; due to the fact that we have not had the ordinary rainfall, and due to the fact that the forests have been cut away, and the fact that the feeding streams have not flown with the same regularity or spread their flow over the same period; due to any number of different causes which you could enumerate one after the other.

The commerce on the Great Lakes is carried in freighters, which carry about 14,000 tons. These freighters are built with a load draft of 24 feet, not because we have a 24-foot depth in the Great Lakes channels, but because to balance the boat and make it stable that draft is deemed best.

Mr. BURTON. The gentleman refers to draft?

Mr. DEMPSEY. Yes. The purpose was to make the boat steady and able to stand up in any storm. Nobody believed that we did have or that we would have 24 feet, but all knew that the legal depth of the channels was 20 feet. We found that that was the best boat from the viewpoint of the naval architect; the most stable and the best adapted to the trade. We do find, however, that the Great Lakes levels have gone down.

What is the remedy? The best engineering talent in the country has been employed and has been studying that problem for many years, and they say we can put into the Great Lakes at different points compensating or regulating works which will raise the level of the Great Lakes probably 3 feet; at any rate somewhere near that amount. All engineers agree—independent engineers, and the engineers of the United States Army, who are as good as any that there are in the world—they all agree that that can be done.

Owing to the fact that there has been this lessening of the depth in the channels of the Great Lakes, this matter has been under consideration, but there has been no effort to do anything until this bill was introduced; and here for the first time we make an effort to make this wonderful commerce, the most wonderful the world has ever known, more valuable than it has ever been at any period in its splendid history, by providing this added depth of channels through the construction of regulating or compensating works.

So I say that this provision in the bill, providing, as it does, that this be done, marks a most important point in the improvement of the Great Lakes—as important a point as there has been in the history of that great commerce. In providing, as we do provide, for a survey to find out what can be done by regulatory works, what can be done by deepening the channels, what can be done by a combination of the two, we are doing the most important thing that has been done in the entire history of the Great Lakes for their benefit and for the benefit of the commerce borne upon them.

What is the next thing that we do for the Great Lakes? The second thing that we do is this:

A tremendous commerce passes through the St. Marys River in Michigan. That commerce is so great that boats pass every one or two minutes in each direction, and there is no provision made for disaster. Suppose a boat should be sunk? Suppose something should happen to a boat or suppose any kind of an accident should block that stream for a moment—where we must not and can not have any cessation or interruption of commerce in the shipping season—commerce would inevitably be interrupted, to the great injury and to the great loss not only of the Great Lakes but of the whole country. So we provide in this bill that we shall construct a third channel so that we shall have sufficient width and so that in case of disaster we can use this additional channel and in case of accident commerce will not cease but will go on unimpeded and uninterrupted, and there will be no loss to this country or to the interests of the Great Lakes. That is the second thing we do, an improvement involving the expenditure of $5,000,000 for the Great Lakes.

What is the third thing we do? About the two things which I have discussed there can be no question. As to them there is agreement. The third thing in this bill is the improvement of the Illinois River. That is the contested point, the controversial point in this bill. Let us see whether there should be any controversy about it, and I start out by making this statement: That that is just as important to the Great Lakes as the other two provisions and can not and will not be in any way or to any extent detrimental. If it were, I am frank to say I would be against it. Let us see what the improvement is, and let us see the circumstances under which the improvement is made. In doing that we must for a few minutes go into history.

Twenty years ago, perhaps, the city of Chicago, then large, found that by dumping its sewage into Lake Michigan it made the water so impure that it could not use it for domestic purposes. So they did what every other city did in those times. They arranged a way by which they could dump this sewage somewhere into a stream, because that was the only way then that anyone knew about to dispose of sewage. The dumping of raw sewage into a flowing stream was the only method practiced. Chicago is not to be criticized for doing that, because that is exactly what everybody did and what the state of the art at that time dictated should be done. Chicago followed no unusual practice in that regard but followed the regular practice in doing that. They reversed the course of the Chicago River and constructed a sanitary canal about 20 or 25 feet deep running out from Chicago south for 32 miles to the Des Plaines River, which empties into the Illinois River 273 miles above the mouth of the latter stream. Time ran along. Chicago—a wonderful city in development, in industry, and in commercial importance in every possible way—continued to grow, and of course the quantity of water required for the disposal of the sewage increased as time went on. And then simultaneously with the increase of the water which Chicago used there came a period of great drought in the United States, and particularly in the lake regions, when the lake levels were reduced from all kinds of causes, but particularly from the falling off of the quantity of rainfall. Then people began to study the question and why it was the levels of the Great Lakes were falling. It was found they had fallen about 36 inches, and by an expert investigation they found that 5 inches of that came from the diversion at Chicago. Thereupon the Government of the United States intervened and said that this diversion at Chicago must be regulated and must be controlled. So the Secretary of War, who has charge of such matters, President Taft at that time being Secretary, held a hearing and issued an order that Chicago should be permitted to take 4,167 cubic feet per second from Lake Michigan.

The hearings were reopened before Secretary Stimson and he made an identical order. Then the United States brought a suit to determine whether Chicago had the right to take more than 4,167 cubic feet, and that suit dragged its weary way—and I call your attention to this—through the courts for 16 long years, and finally the court determined that Chicago had no right to take more than the 4,167 cubic feet. Chicago went back to the Secretary of War and Secretary Weeks in 1925, on March 5, made an order that Chicago should be permitted to take for a limited time, 8,500 cubic feet per second,

and that that should be reduced as time went on from time to time until the minimum fixed by him of 4,167 cubic feet should be reached. Meanwhile, certain of the other States of the Great Lakes had begun suits in the Supreme Court and one is pending now on behalf of the State of Michigan to test the right to divert water at all from the Great Lakes into the Illinois River.

That is your situation, and let us see what the future is to be. There is not anyone before me who believes that you can take away from Chicago at once and to the detriment of her health, to create a pestilence—and that is what it would create—to bring on typhoid fever and all of the allied ills—there is not a man before me who believes that you can take that water away from Chicago faster than she can, with the utmost dispatch, provide modern sewage disposal plants. She is spending $20,000,000 a year to do that, and she is doing it, the Army engineers in charge of the matter say, as rapidly as it can be done, and that she is proceeding with all possible dispatch.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. SOSNOWSKI. Does not the distinguished chairman of the committee feel that Chicago has had 20 years' time to provide for the disposal of this sewage?

Mr. DEMPSEY. As I said before, in answer to the gentleman—and I will make this very brief—when Chicago did what she did she did exactly what was the general practice and what I am sorry and very greatly regret to say is the general practice elsewhere to-day. I regret that throughout this broad land of ours the practice still is to dump raw and undiluted sewage into streams in order to dispose of it.

Mr. MANSFIELD. Will the gentleman yield to me right there?

Mr. DEMPSEY. Yes.

Mr. MANSFIELD. Is it not a fact that the Government of the United States is dumping the sewage of Washington in that manner to-day into the Potomac?

Mr. DEMPSEY. I am sorry to say that is the fact.

Let us take the facts as they transpired. Chicago, whether she is doing it willingly or unwillingly, the fact remains that she is spending $20,000,000 a year to create plants to dispose of her sewage in a modern, scientific, healthful, sanitary way. Let her create them as fast as she can, let her use not the ordinary dispatch. Let her use unusual dispatch; let her do this at the very highest possible speed, none the less the fact remains that for many years to come Chicago will continue to draw a large quantity of water from Lake Michigan in order to preserve the health of her people and to prevent a pestilence.

This is a condition, as my friend, Doctor KINDRED, will tell you from his experience, which is sure to continue and to continue for at least 10 or 15 years to come. Mind you, it will not continue to the same extent. There will not be the same quantity of water discharged three years from to-day as to-day. We will gradually, we will continuously, we will night and day, throughout this period of years, diminish the quantity of water just as fast as these modern sewage-disposal works can be constructed.

Mr. KINDRED. That is a condition of the permit, is it not?

Mr. DEMPSEY. Yes.

In the meantime, during the period of 10 to 15 years while this is certain to continue, you are confronted with this question: Shall you permit this water, now 8,250 cubic feet per second, to run down the Illinois River and into the Mississippi, without being used at all and without having a navigable waterway? Shall you permit it to go to waste when the people of the country are paying high freight rates; when the people have to pay $1.15 or $1.20 more for their coal, or shall you, on the contrary, use this water as it comes down to create a navigable waterway, useful not alone to Chicago, not alone to Illinois, not alone to the people of the Middle West, but useful to this whole country of ours?

I will tell you why it is useful. There are just three great systems of waterways in the United States. One system consists of the two oceans and the Gulf, a second of the Great Lakes, and the third system consists of what is called the Mississippi system. The Mississippi system is 9,000 miles in length. We have spent nearly $200,000,000 on the improvement of it. The metropolis, the commercial, the industrial center of that great system is the city of Chicago, with its present population of 3,000,000 souls. You have that system to-day leading nowhere. It stops down here in the woods at Grafton, Ill., and the proposition is to construct a 9-foot channel in the Illinois River, the key to the whole Mississippi system; so it will lead up to Chicago, the center, the metropolis, and lead from Pittsburgh, from Kansas City, from St. Louis, and from New Orleans and all the great commercial centers. Chicago is the metropolis, is the distributing point, is the gathering point, is the commercial and the financial center, and until you have constructed the 9-foot channel in the Illinois and completed it into the city of Chicago you have done an imperfect work in spending $200,000,000 on the Mississippi system—a work of minor and small value.

Take the Ohio River. We have spent about $100,000,000 on the Ohio. We are about to complete it. Take the lower Missouri; we will complete that in a couple of years. Take the Mississippi itself, we are spending money and have spent vast sums of money upon it, but none of this 9,000 miles of waterway will be useful to any great extent until you have connected them all with the city of Chicago, the metropolis of the whole system.

Mr. COLE. Will the gentleman yield for a question?

Mr. DEMPSEY. Yes.

Mr. COLE. In case this improvement is made and the supply of water is decreased gradually, will these improvements become useless?

Mr. DEMPSEY. Not at all; and I am coming to that point in a moment. I am speaking of the broader aspects of this matter until I come down to what are the details.

I said this was an improvement of the Great Lakes system, and I repeat it. I say there are just three great systems of waterways in this country—the oceans, the Great Lakes, and the Mississippi system—and I say they can all be made one, each of them to fit into and supplement the other, each of them to furnish trade and commerce and tonnage to the other. This can be done by connecting the Great Lakes with the Mississippi, by improving the Illinois and by connecting the Great Lakes with the ocean, by constructing the all-American route. When these two things are done, our entire waterway systems will have been unified and united and made infinitely more useful and valuable.

Let me tell you of one incident. I was talking with Mr. Loree, the president of the Delaware & Hudson Railroad Co., who is regarded as the greatest living traffic expert in the United States, about the all-American route, and he said to General Taylor, in my presence, just this—

A great many people in the State of New York contend that when we construct the all-American route we will do an irreparable damage to the parts of the barge canal which are abandoned.

Mr. Loree said:

No; we will not damage those parts of the barge canal. As feeders into the deeper system they will do many times the business they have ever done before.

So I say to you that we will have not alone the present commerce on the Great Lakes, but when we have connected them with an inland system of waterways 9,000 miles in extent the Great Lakes system and the Mississippi system will feed back and forth, the one into the other, an enormous and constantly growing and constantly increasing commerce that will be more valuable in itself and to the people of this country year by year and day by day.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SOSNOWSKI. Will the Illinois River carry more at any time than 10,000,000 tons of tonnage?

Mr. DEMPSEY. The capacity of the Illinois will probably be 10,000,000 tons, but 10,000,000 tons is an enormous commerce. Ten million tons for an inland stream is a tremendous commerce. There is only one inland stream in the United States that carries anything like that commerce and that is the Monongahela. That carries in some years over 20,000,000 tons; that is the only inland stream in the United States that carries anything like 10,000,000 tons. And so you will find, you people up at Duluth, you people on Lake Superior, you people around Lake Michigan—you will find that instead of bringing your coal from Buffalo—that long haul—you will find that you are going down into the coal fields of southern Illinois and you are doing two things: First, you are getting your coal cheaper; and, second, you will not have that dire threat that is often hanging over your heads of being without any coal at all and exposed to the inclemency and rigors of that northern winter.

Down in southern Illinois there are tremendous coal fields. What does that mean? We do not have to speculate or theorize. We only have to go to the Monongahela to find that they carry coal from the mine to the factory for 15 cents, and it costs $1.12 by rail. That is a short haul. Every man in the Northwest, every man on Lake Michigan or on Lake Superior will save $1 or $1.50 per ton on their coal by improving the Illinois River. You will supply the city of Chicago, which uses 30,000,000 tons of coal a year, at this low rate and this tremendous saving.

So you have as the general situation that you will confer a tremendous benefit on the Great Lakes system by connecting it with the Mississippi system and making the two interchangeable, and making them really one, and by adding the all-American route from Buffalo to Albany. You make this a commerce from the ocean up to the Great Lakes down the Illinois, going all through the entire rich, productive agricultural area of this country. You exchange at Chicago the coal, the ore, the agricultural products of all kinds, and you distribute them to the consuming centers.

How could you do a greater thing for the Great Lakes than make it not simply 2,000 miles in length, as it is to-day, than by putting it on the 9,000 miles Mississippi system in addition, making it a part of the 9,000 miles system and connecting it with the ocean through the all-American route from Buffalo to New York. Of course, everybody concedes that you could do no greater thing for the Great Lakes system or for the country.

Let us see what the matter in dispute is. Is there some obstacle in the way which really interferes with and prevents our securing for the country this tremendous advantage of connecting the Mississippi with the Great Lakes system? Is there anything that stands in the way and is really an obstacle?

Gentlemen tell you that they are afraid to do this at this time, because they are afraid that we will authorize or legalize a diversion from the Great Lakes. Let us investigate that thing. Here is the provision of the bill. It is worth while to read it. I do not like to read while I am talking, but it is worth while to read this provision, because I do not want you to take my word as to what the provision says. I want you to know what it says:

Illinois River, Ill., in accordance with the report submitted in Rivers and Harbors Committee Document No. 4, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document: *Provided*, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War—

That simply says that we shall not change that policy. Now, what is the next provision?—

but the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever, shall remain and be unaffected hereby as if this act had not been passed.

Now, that is the question, a question of diversion. I heard the gentleman from Ohio [Mr. BURTON] speak upon this particular project and I heard his argument in regard to it. He told us how wonderful the commerce was on the Great Lakes. He could not say anything more in favor of it or tell you how wonderful it is than I can. Then he said, not that this language was not sufficient, not that it does not provide in as plain and explicit and clear and unmistakable terms as the English language permits, that the question of diversion shall not enter into this at all. There was no claim of that kind. Why was there not such a claim? Because such a claim can not be advanced, because there is no man in the United States who can draw plainer or clearer language. I had the honor myself to prepare this language from the word "but," in line 11, and my friends the gentleman from Minnesota [Mr. NEWTON] and the gentleman from Alabama [Mr. MCDUFFIE] inserted the language to the effect that navigation, sanitation, or other purposes should be included, and we debated that. We submitted this language to the gentlemen from the Great Lakes. We were making an effort to use the strongest and clearest language that the English tongue afforded, to make it plain that there should not be this question which the gentlemen on the Great Lakes say is here.

Mr. LINTHICUM. If the gentleman has finished that subject, will he not tell us how the engineers proposed to raise the level of the Great Lakes?

Mr. DEMPSEY. I will in a minute.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BURTON. Does the gentleman not recognize that this provision absolutely and conclusively provides for diversion of water from the Great Lakes?

Mr. DEMPSEY. It does not.

Mr. BURTON. For a certain improvement.

Mr. DEMPSEY. It does not.

Mr. BURTON. Then, what is the use of having any such provision in it at all?

Mr. DEMPSEY. It does not at all; and I think the gentleman is honestly mistaken about that, but mistaken he is. All that this does is to utilize the water which comes down from time to time in constantly, continually decreasing, diminishing quantities, and that is all it does; and the gentleman can not point to a word in this provision which has the effect which he states.

Mr. BURTON. Is it not true that there has been no legislative provision of any nature ever authorizing or any consent by the Secretary of War authorizing the diversion of water there for the purpose of navigation?

Mr. DEMPSEY. I very much regret to say that I think the gentleman is correct. I believe we have deferred, I believe we have put off the improvement of this splendid river, connecting it with the Great Lakes, making both of them more valuable, for a much longer time, as the gentleman suggests, than we should have put it off. I believe that commerce demanded its improvement many years ago, and I agree with the gentleman that we have been neglectful and that we should have done 20 or 25 years ago, and perhaps longer ago than that, what we are starting to do to-day.

Mr. SABATH. And what we have done for the Ohio and the Missouri Rivers?

Mr. DEMPSEY. Yes.

Mr. BURTON. One point further. The inconsistency in this provision is plainly manifest, is it not? It provides for an improvement diverting water affirmatively, clearly, does it not?

Mr. DEMPSEY. No; it does not.

Mr. BURTON. Then what is the use of it if it does not?

Mr. DEMPSEY. Let me explain to the gentleman. The gentleman, I think, is somewhat hazy about that. Let me explain to him so that he will understand.

Mr. CHALMERS. And I wish the gentleman to answer a question of mine at the same time. I call his attention to his report on page 45, to a table put there by the Board of Engineers, suggesting nine possible modes of improving the Illinois River. The sixth one, counting from the top down, is the improvement recommended in this bill. That requires 8,250 second-feet of water and $1,349,000 for development with $125,000 a year for maintenance.

Mr. DEMPSEY. Very well.

Mr. CHALMERS. And then on page 48 the Board of Engineers recommended this mode of improvement, and on page 49 the Chief of Engineers recommends this mode of improvement. I want the gentleman to handle that question at the same time.

Mr. DEMPSEY. I will be glad to do it.

Mr. BURTON. One point further——

Mr. DEMPSEY. Oh, I have two questions to answer now. Let me do that first and then I shall yield for a third. Let us take these two questions and let us see what the situation is. There is flowing down the Illinois River—bound to flow, must flow—to-day 8,250 cubic feet per second.

Mr. MICHENER. It is more than that.

Mr. DEMPSEY. No; that is all.

Mr. MICHENER. Does the gentleman state that that is all the water that is going down there now?

Mr. DEMPSEY. That is all that comes from Lake Michigan.

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I can not yield in the midst of answering a question. I am answering two questions now, and as soon as I have answered them I shall be very glad to yield. There is flowing down there to-day 8,250 cubic feet per second. That is flowing in a wide stretch, very shallow, which is not usable for navigation purposes, because the stream is so wide and so shallow.

What is the proposition of the engineers? Is it simply that we shall take this stream which stretches out so widely and in so shallow a depth and dig a channel in the middle deep enough to give a 9-foot channel with the quantity of water that is there. What is their proposition for the future? As the quantity of water decreases, simply to deepen that channel a little more as it gets down to 6,000 feet, to 5,000 feet, to 4,000 feet, to 3,000 feet, and they say that you can keep deepening it until you need only 1,000 cubic feet on the average, and 1,650 cubic feet instantaneous flow of water in order to make the channel.

Mr. MOONEY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. When I finish answering this question. What about the 1,000 cubic feet? Let us get down to the last analysis. There will have to be discharged into the Illinois for all time at least 1,200 cubic feet, which will be used for domestic purposes and can not go anywhere else. Cleveland, Detroit, Duluth, Buffalo, Toledo, Sandusky—every city on the Great Lakes—is obliged to use water for domestic purposes, and that much water—200 feet more than 1,000 feet minimum necessary for the channel—must be and will be discharged into the Illinois just so long as time continues.

So that because somebody says, I fear, I apprehend, I am fearful of something, I can not tell what, some unknown, in-

tangible, dreamlike fear, on that account—they do not specify the grounds—it is urged that this most important improvement be deferred.

Mr. CHALMERS. Will the gentleman yield right there?

Mr. DEMPSEY. Not quite yet; in four or five minutes. Shall you let that water run down there unused, or shall you connect those two great systems, one carrying 200,000,000 tons of commerce, the other with the most splendid promise of a great commerce to come—shall you connect up the 2,000-mile system with the 9,000-mile system and add to the waterways of the United States in the most splendid and effective way, or shall you for 10 or 15 years to come, while Chicago is with its utmost dispatch reducing its sewage quantities by these modern methods, expending $20,000,000 a year—shall you wait for that, or shall you wait for the outcome of a lawsuit?

We have had one lawsuit, and there is no dispute that it lasted 16 years. These gentlemen will tell you it can all be settled, will be settled by the Supreme Court in the fall. They have not started to take testimony, I understand, as yet. Can we look to the past and past history, believing that this important question will be settled any sooner than the other question? The other question was a small question compared with this. The other question involved simply whether Chicago had a right to divert more than 4,167 feet. This question is a broad, great, wide question which every lawyer recognizes to be a difficult question. Is there a right under the commerce clause of the United States to divert water from one watershed to another? Could we be asked to hold up this tremendous improvement of inestimable value to the country, connecting these two great and splendid waterways, until one of these two things, or both, may transpire; until Chicago has taken care of all her sewage by modern sewage disposal work or until a lawsuit that has not yet been fairly started shall be determined? That is the question.

Mr. BEEDY. If what the gentleman has said is true, how can a lawsuit in any way affect the issue or a decision of the courts?

Mr. DEMPSEY. I do not see how it can. I am far from claiming that; I claim just the reverse, that the lawsuit will have no effect on the ultimate determination; but I am saying to gentlemen who advocate, halting, waiting, and delaying, and who emphasize the fact that we have waited this long time and insist that we shall wait still longer, that there is no valid reason for waiting. I yield to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. I want to say to my chairman that it is more than fear and suspicion. We go out and see our lake level 40 inches below normal. There is no fear, but it is a fear—again, who held this case up for 16 years? A judge in Chicago now running the Baseball Trust. [Applause.]

Mr. DEMPSEY. Well, I have found as a lawyer that there are always delays, long delays in lawsuits.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. ROBSION of Kentucky. The gentleman is making a very interesting statement. If I understood the gentleman, the War Department claims the right and has exercised the right to divert a certain amount of water?

Mr. DEMPSEY. Yes.

Mr. ROBSION of Kentucky. If I understand the gentleman's bill and the gentleman's statement, there will be no way on earth under this bill to divert any water other than that already ordered by the War Department?

Mr. DEMPSEY. The gentleman is absolutely right. The quantity of water to be diverted is not dealt with at all. We simply take what water comes down, but affirmatively provide that the taking of it temporarily shall confer no right.

Mr. ROBSION of Kentucky. But the gentleman says "shall not be."

Mr. DEMPSEY. Absolutely; it is affirmative; it shall not confer any right. Let me call attention to this: Here is a thing I am frank to say troubled me at first, and I call the attention of the lawyers of the House to it. It troubled me as a friend of the Great Lakes system, as a man living and representing a port which has the greatest commerce of any port on the Great Lakes. Suppose that we improve this river. Will Chicago be in the position of a man holding possession, or nine points of the law? That troubled me for quite a while. But that is not the position at all. All it requires is an analysis to see it is not so. We do not deal in this bill with the question of diversion. That is dealt with in the courts and through the Secretary of War, and as the quantity of water diminishes the Illinois will not have a 9-foot channel. And it is Chicago that will have to come back and not the Great Lakes. Chicago will have to come back to this House and say, "We are not getting our 9-foot channel. We have not got it because we have prepared on the basis of 8,250 feet, and we only have 1,000 feet to-day, and we want that channel dug deep enough so that 1,000 feet will provide a channel."

That is the position. The burden is upon Chicago, not upon the Great Lakes; and at any time in this discussion that was the only possible question that could be raised.

Mr. ROBSION of Kentucky. You are now going to use the water that is diverted there?

Mr. DEMPSEY. We are going to use this varying quantity from time to time.

Mr. BURTON. The gentleman is correct in his answer to the gentleman from Kentucky. It is perfectly clear that those other permits are for sanitary purposes. By this legislation you seek to have the water diverted for navigation purposes.

Mr. DEMPSEY. And does the gentleman object so long as that water is bound to flow down there? Does the gentleman insist that it shall remain useless and invaluable when it can prove of such tremendous importance to the commerce of this country? That is the position to which the gentleman is inevitably, necessarily driven.

Mr. BURTON. Oh, no.

Mr. DEMPSEY. There can be nothing else to his position. He says the water goes down the Illinois, and we must not use it at all except simply for sewage purposes. We must not afterwards use it for navigation. Why? Of course there can not be any reason. There is no answer to the question.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CHALMERS. The gentleman knows to what we object; that is, to legalize the use of water by Congress in order to foreclose our right in the case pending in the Supreme Court.

Mr. DEMPSEY. Oh, no. We expressly say you are not legalizing it. We affirmatively provide that you are not legalizing it or giving them any right except to use it for this additional purpose and temporarily.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. MOORE of Virginia. The other day the gentleman from Ohio [Mr. BURTON], and the gentleman from New York this morning, referred to some fundamental legal question, a constitutional question, as to whether there can be diversion of water from one sovereignty to another without the agreement of the former. There is a case pending in the Supreme Court, as I understand. Can the gentleman give me the name of that case? Can he refer by name to that case? I would like to look at it.

Mr. DEMPSEY. It is the case of the State of Michigan against the State of Illinois and the Chicago Sanitary District that is pending at this time——

Mr. BLACK of New York. And the State of New York.

Mr. KINDRED. Did not the State of New York join with the State of Michigan?

Mr. DEMPSEY. Yes; and I agree that we should join, but if the court holds that there can be no diversion, 1,200 cubic feet of water used for domestic purposes will still flow down the Illinois and furnish a 9-foot channel. Adopting this project does not interfere with that lawsuit.

Now, I have said all I care to say at the present time about the Illinois River unless somebody has a question he would like to ask.

Mr. ABERNETHY. How are you going to raise the level of the Great Lakes?

Mr. MOONEY. How long will it take the State of Illinois to complete their waterway?

Mr. DEMPSEY. They have been at work, as I understand, for a period of years. I do not know that there is any estimate as to the exact time it will take, but I can say this to the gentleman: That if the State of Illinois finds that the Congress of the United State will not improve the stretch of river from Utica down, the State of Illinois will not improve from Lockport, Ill., down to Utica. If the State of Illinois finds that Congress is unwilling to do its part, the State of Illinois will not do anything at all, of course; and so the two things should go hand in hand at the same time, simultaneously, so that when the Illinois project will be completed the Government project will be completed, and when the Government project is completed the Illinois project will be completed.

Mr. MOONEY. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. MOONEY. It developed in our hearings that it would take three and a half years to complete the Illinois project.

Mr. DEMPSEY. No. I do not think it was developed. They can speed up there to meet the progress of the Government's improvement, and I think they will finish their part as soon as we complete ours. They have been at work for years. We have not done anything yet except what was done a long time

ago, and you can speed up public works. You can do them faster than is estimated if you see it is as important to do it as this is.

Mr. MOONEY. It was testified that it would take at least three and one-half years.

Mr. DEMPSEY. Oh, there was a great deal of testimony given before the committee, but all testimony is not reliable or dependable.

Mr. MOONEY. I can give you the estimate of the engineer in charge of the work. Is it not true that this did not depend upon the amount of water when the work was completed?

Mr. DEMPSEY. Certainly. The State of Illinois has started in and spent a vast sum of money and will continue to spend money to-day if it is assured that Congress is ready to do its part, so that the stream can be made navigable as a whole.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BURTON. In that connection is the gentleman aware that there is a canal constructed by the United States Government called the Illinois and Mississippi Canal? I think it is given there in red ink. That would connect with this waterway to be constructed by the State of Illinois.

Mr. DEMPSEY. What does the gentleman think about that canal?

Mr. BURTON. I think of it very favorably.

Mr. DEMPSEY. That is just what I thought. In other words, the gentleman's question was not quite fair, because he knows that, at the present time at least, that canal to which he refers is not usable and will not answer the purpose at all of connecting the Great Lakes with the Mississippi and completing the Mississippi system. His question would lead one to believe it would answer. It is not usable in the sense of a 9-foot waterway, as the Illinois River would be.

Mr. BURTON. In reply to that, I will say that that waterway was supported with a great deal more enthusiasm and more fervid promises 20 years ago than your Illinois waterway; and, in the second place, it is a waterway that can be used if the State of Illinois constructs its part. It is a shorter distance to the Mississippi River and a shorter distance——

Mr. DEMPSEY. Then the gentleman advocates the Hennepin Canal as a suitable and desirable waterway? Does he, or does he not? Does the gentleman regard that as an available waterway connecting with Utica?

Mr. BURTON. I think it would be.

Mr. DEMPSEY. Did not the gentleman criticize it on the floor of the House repeatedly, and is not his present statement in direct conflict with repeated statements heretofore made on this floor?

Mr. BURTON. It is not. Indeed, I will go so far as to say that as chairman of the committee, when some $7,000,000 had been expended on it and it required only another $1,000,000 to complete it, it was extremely doubtful to me whether it was worth while to spend the additional $1,000,000.

Mr. DEMPSEY. I am sure that was the gentleman's attitude, and was his attitude until this present moment, when he is propounding these questions, which will not at all befog or cloud the issue.

Mr. BURTON. I quite object to that being left in that way. The reason it was useless was because it had no connection with Chicago.

Mr. DEMPSEY. Surely.

Mr. BURTON. Now, if the State of Illinois constructs that link, then there will be a through waterway from the Mississippi to Chicago.

Mr. DEMPSEY. I agree with the gentleman that he has stated a tremendous reason for the construction and speedy construction of the Illinois waterway. I agree it does give a direct waterway connection with Iowa and with all its vast resources, and with the Mississippi and in a nearer way, but not the same kind of a connection. That connection is wholly artificial, whereas this is a natural one. But I do agree that it is like the question of connecting the Mississippi system and the Great Lakes; that this connects it not alone with the Great Lakes but it connects it with the Mississippi by two ways and two different routes.

Mr. MADDEN. The use of the Hennepin Canal would be complete if this improvement is made in the Illinois River, and would give commerce facilities to sections of the Middle West that have no such facilities whatever now?

Mr. DEMPSEY. That is absolutely true.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. RAMSEYER. This Illinois River item is a very important one. I am interested in it because I think it is an improvement of great interest to the Middle West, and at this time I have arrived at no conclusion thereon, I will say to the gentleman. I have read the paragraph and I think I understand the language after the word "*Provided*." But I have some doubt as to the first four lines of the paragraph. I would like to have the gentleman state briefly, or as fully as he cares, just what those four lines authorize.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I yield myself an additional 10 minutes.

The CHAIRMAN. That will have to be done by unanimous consent.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 30 minutes.

Mr. MADDEN. Mr. Chairman, the gentleman has control of the time and he can yield himself additional time.

Mr. MANSFIELD. Mr. Chairman, I yield 30 minutes of my time to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for an additional 30 minutes.

Mr. RAMSEYER. I had not seen this Document No. 4. I should like to know what those four lines authorize.

Mr. DEMPSEY. That is, the document?

Mr. RAMSEYER. Just what do lines 4, 5, 6, and 7 on page 6 authorize?

Mr. DEMPSEY. I will call the attention of the gentleman to the report. I will come back to that a little later. I want to speak about two other matters and then I will come back to that a little later, because I have not the necessary document before me.

Now, gentlemen, I want to call attention to two other projects in this bill.

Mr. SOSNOWSKI. Will the gentleman yield for one question?

Mr. DEMPSEY. Yes.

Mr. SOSNOWSKI. The gentleman stated that the State of Illinois has appropriated $20,000,000 for their improvement?

Mr. DEMPSEY. Yes.

Mr. SOSNOWSKI. Is not this true, however, that it is costing shippers on the Great Lakes and the interests on the Great Lakes at the same time about $2,000,000 a year?

Mr. DEMPSEY. What is "it"? It is not costing that; no. The fact that there is a 36-inch lowering, of which this diversion contributes 5 inches, is not causing a loss such as the gentleman specifies. The loss from the present diversion at Chicago is one-seventh of that amount, and it will grow less as the diversion decreases.

Mr. BURTON. I must contradict the gentleman on that. The computation is made that it is a loss of $500,000 for every inch, so that 6 inches would mean $3,000,000.

Mr. DEMPSEY. The gentleman is not contradicting me, but he is contradicting the gentleman from Michigan. I did not state what it was. I stated the percentages in answer to the gentleman's question, and stated them correctly. All of my figures were correct; so the gentleman can not say he is contradicting me. Now, I am not going to talk any further now about the Illinois project.

Mr. McLAUGHLIN of Michigan. Before the gentleman leaves the Illinois River project——

Mr. DEMPSEY. I will come back to that later. I want to refer to two other projects in this bill.

Mr. ABERNETHY. Is the gentleman going to explain how he is going to raise the lake levels? He said he would.

Mr. DEMPSEY. In a general way. Of course, it is a highly technical question, an engineering question, and not a lawyer or Member of Congress question. But we have had before the Committee on Rivers and Harbors testimony lasting for several months, and we have had the ablest engineers in the United States before us, including General Taylor, the Chief of Engineers of the United States Army. They all say that correction works can be placed or regulatory works can be placed in the Great Lakes at different points. For instance, in the Niagara River, at a point near the Falls themselves, where the flow of the stream can be slowed up, and by that process of slowing up the rapidity of the movement of the current there will be an increase in levels; in other words, you will hold the water back. In a very general way that is how it is to be done.

Mr. SABATH. And that will raise the lake level about 3 feet?

Mr. DEMPSEY. It is estimated about 8 feet. I think all the engineers, the Army engineers and other leading engineers in civil life, agree in that conclusion, and General Taylor testified to that before our committee either yesterday or day before yesterday.

Now, gentlemen, I want to go to another project, and that is the Cape Cod Canal. I am very anxious you should all see this map as I speak about it and explain it. You see this long arm

stretching out into the Atlantic Ocean. That is Cape Cod. Here is Cape Cod Bay. Cape Cod is a piece of land which must be spanned by a canal if we are to have a quick or a safe voyage between the different ports of the Atlantic coast. Cape Cod begins here and follows around just as the point of my pointer moves until it joins the mainland. It is a very long arm east and west and a very narrow arm north and south.

Mr. W. T. FITZGERALD. Will the gentleman state what the total length of the cape or the promontory is?

Mr. DEMPSEY. I do not know the length of it.

Mr. MANSFIELD. The canal is about 8 miles long.

Mr. STOBBS. It is about 100 miles from the beginning of the cape to Provincetown.

Mr. DEMPSEY. And the canal is right through here [indicating]. To go from New York to Boston, or to go to Nova Scotia or any of the points north of New York, or to go from any New England point to New York or to any of the territory south, there are just two possible ways: One is in the open ocean through what is known as Pollock Rip Shoals, and the other is by the Cape Cod Canal. The Cape Cod Canal passes right across here [indicating], the very inside, the very beginning of the peninsula, the ideal place where a canal should be placed. It was selected with the utmost engineering and sailorlike and seamanship care.

Let us take the two routes and let us examine their relative merits. Let us take first the outside route. The sailor, the mariner, the man who knows the perils of the sea and of those who go down to the sea in ships, knows that there are two points on the Atlantic fraught with peril to every man who navigates them, and those two points are Cape Hatteras, in North Carolina, and Pollock Rip Shoals, just outside of Cape Cod. In even the calm summer, in even the balmy spring, in the autumn with its splendid and exhilarating air, a man may be met with an unexpected storm and endure perils and go down with his ship and his property to a watery grave if he attempts to navigate Pollock Rip Shoals. It is a peril that can not be overcome. It is there for all time, and there is just one way to avoid it, not to overcome it, and that is to take the inland course, which is safe, which is dependable, which can be navigated every day of the year, whereas the other can not be navigated with any safety a great portion of the year. As is well suggested, there are deep and dangerous fogs there during a great part of the year. There have been wrecks there, wrecks which have cost lives, wrecks which have resulted in the loss of steamers, their crews and their passengers, and their entire cargoes, and this history of wreck and disaster is one which extends as far as the known history of that coast can be traced back; and during the time we have had this bill under consideration after the reporting of it, between then and now, there has been a disaster on this coast.

So, to save life, to save property, to make the navigation of that part of the ocean secure, we must have an inland way, and there has been provided such an inland waterway.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. LAGUARDIA. The gentleman is presenting the Cape Cod Canal and its merits as if it were a new project. The canal exists there to-day, is not that correct?

Mr. DEMPSEY. Yes.

Mr. LAGUARDIA. The gentleman knows there is no opposition to the Cape Cod Canal, its merits, its necessity, or its help to navigation. The objection to the Cape Cod Canal project in this bill, as well as the objections made to it in opposition to the bill that was previously before the House, is that it should follow the procedure it started and pursue its remedy in the courts and then come here and get the money. The gentleman is aware of the fact——

Mr. DEMPSEY. I will answer that question.

Mr. LAGUARDIA. Just a moment. The gentleman knows that the Cape Cod Canal matter was in the courts, that it received an exaggerated and exorbitant award, and it went to the court of appeals——

Mr. DEMPSEY. No; I do not know that at all, and I do not agree with that. I am going to convince the gentleman. I honestly think, if he will just be open-minded until I finish my statement, that he is wrong about that.

Mr. LAGUARDIA. I hope so.

Mr. DEMPSEY. A canal has been constructed across the very commencement of the cape. Now, what is the advantage of that canal? First, the inner course across the canal is safe, property and life are not in danger, and that peril is avoided. What is the next advantage? The distance between New England ports and ports to the South is shortened the enormous distance of 140 miles, a tremendous saving, justifying much more than the expenditure involved in this project.

Let us take the history of the Cape Cod Canal. A public-spirited man of large means undertook out of his private resources the construction of this canal. As is often the case, he found that the expenditures required were underestimated. He found when he had only partially completed the canal that the last dollar he had in the world had been exhausted, and except for this property he was a pauper. He could not complete it as it should be completed to make it as the United States will, a modern canal with all of the incidents that go with such a canal—sufficient depth, sufficient width, and a sea-level canal.

He had to do what private enterprise is required to do; he had to do that which is not done in the waterways of the United States. Our tremendous progress in navigation has been aided enormously by the fact that our waterways are constructed by the public and free of tolls. But this being a private enterprise, tolls were required, and so many mariners who wanted to use the canal but believed they could save the toll took the perils of the outside passage and often paid dearly for their attempt to save.

So the canal was constructed, constructed as Price & Waterhouse tells us, the most reliable and entirely dependable accountants in the United States, the largest we ever had; they have made an elaborate calculation based upon investigation, and they report that the canal cost between eight and nine million dollars about 15 years ago, and that that did not include 900 acres of land adjacent to the canal of great and constantly increasing value, which will be of enormous value when that canal is thoroughly modernized, as this Government will modernize it.

The first question to be considered in this project is a simple one: Does the United States for navigation and transportation purposes need this canal? I think the gentleman from New York, Major LAGUARDIA, answered that question properly by saying yes, we need the canal; we need it to save life and property, and we need it, too, to lessen the cost of navigation by diminishing the distance between New York and New England 140 miles on the round trip.

Now, needing the canal, the question is, Is this the canal we need? And that question, too, is answered readily, because this canal is located ideally and is the one location on the cape which is ideally situated for this purpose.

The third question is, Is the price which is asked a reasonable price? Let us take the question of price. We will approach it from three or four different standpoints. The first, the United States needs the canal and it has the alternative of purchasing this canal or constructing a canal of its own.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. SOSNOWSKI. Has this Cape Cod Canal any military value to the Government?

Mr. DEMPSEY. Yes; we took it over for military purposes during the World War. The question is, Can we build a canal for $11,500,000, or will it cost more or less? General Goethals is probably the best-known name in the engineering and construction world that this generation possesses. He is the man who finished the construction of the Panama Canal, and his name will go down in history for all time as being the engineer in charge of that great undertaking.

He was sworn and testified that this canal would cost $25,600,000 to construct to-day. What is the amount proposed by the bill? Less than one-half that—only $11,500,000. Let me say that we do not pay that because, as the gentleman from Michigan asked the question whether this has a military value. Yes; it has. During the war we found that Germany was approaching dangerously near this coast with submarines, and we believed the best way to prepare to meet the submarine warfare was by having in our possession and under our control the Cape Cod Canal for military and defensive purposes, and in order to protect ourselves from the dangers of the submarine the United States Government took the canal and held it throughout that struggle.

Now, I come to a part of the history which I relate with shame and humiliation. During the period that we held it, during the time we seized it as a defensive weapon to protect ourselves from the perils of war we did two things. We took all the tolls and put them in the Government Treasury, and we did not pay that over to the owners, nor did we pay them one cent for rent. I say that is a thing of which we have cause, all of us, to be ashamed.

Mr. SOSNOWSKI. Were there any taxes paid?

Mr. DEMPSEY. The Government allowed the owners to pay the taxes. So, to-day the Cape Cod Canal Co. has a just, valid, and meritorious claim against the United States for

$1,500,000 on account of rent, and on account of tolls which were collected and put into the Treasury.

So what we are really paying the Cape Cod Canal Co. is the sum of only $10,000,000 above this amount of the claim which they have against us.

I come now to the question of the gentleman from New York [Mr. LAGUARDIA]. He suggests that there was a case in court once, and why should not that case in court be pursued. Let me tell him why. This Government, after seizing the canal, brought a proceeding to condemn it, and make it United States property. They tried the case and tried it before a jury, at a long-drawn-out, elaborate trial, in which the reproduction cost of the canal was established, and as a result of long and careful deliberations and consideration, with all of the facts before the jury, after weeks of study, a jury of our own people, not of some foreign land, a jury of our peers, of the people of the United States, selected in the regular way, brought in a solemn verdict upon their oaths, guided only by the evidence, that the United States should pay this company $16,800,000. Let us go along with the history of the case. The case was appealed by the Government and was reversed on a purely technical question of the admission of evidence, as the gentleman from New York and I have been reversed from time to time and have felt very much inclined to criticise the court—not on the merits—not because of the amount of the verdict——

Mr. LAGUARDIA. But the admission of the evidence was the point on which the value of the reproduction was based.

Mr. DEMPSEY. Oh, yes; but it was a purely technical question as to how it should be proved. It did not go to the question of the real value of the canal at all. It was a highly technical ruling.

Mr. LAGUARDIA. It established the law of the case.

Mr. DEMPSEY. Yes; but if they had gone back over that record and if the gentleman had heard it, I think he would agree that a second jury would have come nearer General Goethals's estimate of $25,800,000 than the first jury did.

Mr. LAGUARDIA. They could not.

Mr. DEMPSEY. They could have established and would have established that. There is no trouble about proving the reproduction value.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. HOWARD. The gentleman has told us what this would cost the Government if we took it over. Will he be kind enough to tell the House the estimate of the engineers as to the cost of getting it in shape for use?

Mr. DEMPSEY. From $10,000,000 to $13,000,000, depending upon what we do. We may complete it with $10,000,000, and it may take $13,000,000. There is a good deal of difference of opinion as to whether it is necessary to have a sea level canal. A sea level canal will cost more than simply widening and deepening.

The practical mariners from the vicinity are agreed that a sea-level canal is not necessary and that the widening and deepening will be all that are necessary. So when we have finished with it we will have a complete canal which would have cost us $35,000,000 at least to reproduce and which will cost us by this purchase only about $21,500,000.

Mr. HOWARD. With sea level?

Mr. DEMPSEY. If it is sea level, it would cost $24,000,000, and then it would be about two-thirds of what it would cost us to construct it now.

Mr. LAGUARDIA. A million and a half dollars taken in in tolls——

Mr. DEMPSEY. Oh, I do not claim that all has been taken in in tolls. That is partly tolls and partly rentals.

Mr. LAGUARDIA. How much has been taken in tolls since the Government first took over the canal?

Mr. DEMPSEY. I have forgotten the exact amount, but several hundred thousand dollars.

Mr. MANSFIELD. Practically half a million dollars.

Mr. LAGUARDIA. The gentleman is aware of the fact that both General Goethals and another expert that they had there in figuring the value of the canal took the tonnage at the time it was first opened and then took the tonnage of the Panama Canal, of the Suez Canal, of the Kiel Canal and multiplied the increase in tonnage and applied that to these figures and then figured it on a return basis, and the tonnage does not bear it out.

Mr. DEMPSEY. Let me tell the gentleman how they did it. They did not use high enough figures, and I will tell the gentleman why. An expert at that time figured on the increase in the Panama Canal. He figured it would be about 11,000,000 tons in 1924. At the present time it amounts to considerably over 20,000,000 tons; I think about 25,000,000. It is more than double the amount which the experts estimated. So this canal, on the same basis, instead of simply justifying the figures of the estimate of General Goethals would unquestionably overrun that estimate at least once and a half and probably twice, and General Goethals in estimating $25,800,000, as the gentleman will see, probably underestimated the value of the canal by from five to seven or eight million dollars.

Mr. LAGUARDIA. If we rely entirely upon hypothetical statements; but here you have the actual experience, and if the gentleman will take the tolls received by this canal and capitalize them he will see how far off the accountants and experts were in fixing their valuation.

Mr. DEMPSEY. Oh, no; he would not at all. I am trying to get the gentleman's support. I am trying to answer by giving the most reasonable answer, and I will tell the gentleman why that would not be so. You can not figure on what the canal has done for several reasons.

In the first place, the people of this country are not accustomed to paying tolls, and the small shipowner will take the risk of life and property rather than pay the toll. Therefore he avoids going inside. That amounts to several million tons a year. Take the gentleman's next question. This canal has never been completed. It is not a usable canal in the sense that it ought to be. It is not wide enough, it is not deep enough, it has too swift a current, and where we have four or five million tons, what is the estimate of those who are disinterested as to the near future? Take General Taylor. He has no interest in this matter. He retires the first of the month as Chief of Engineers, laden with honors, because he has been an efficient, capable, honest, wonderful official. [Applause.] General Taylor tells us, with nothing to interest him except the United States, because the United States is his client, that the commerce through that canal will be 30,000,000 tons in the near future.

To-day it is only 4,000,000 tons, and you can see, Major, how unjust that would be if we figured the purchase price upon the basis of 4,000,000 tons, when the canal on estimate—and every one of these great waterways has run over the estimate, the Panama Canal notably—when the general on his estimate says we will have at least 30,000,000 tons.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. WAINWRIGHT. The question in the mind of a good many of us is the price that is to be paid for this canal. The gentleman has referred to the verdict of the jury of $16,000,000 that was reversed on a technicality, as the gentleman says. It may be of interest to some of us to know why they did not go ahead and retry the case?

Mr. DEMPSEY. We are coming to that right now. The Government itself was the principal——

Mr. WAINWRIGHT. What was the subsequent cause of the situation?

Mr. DEMPSEY. The United States Government was the moving party. They saw that if they relied upon the law they would have to pay $16,000,000 or $17,000,000 for this canal, and so they said, Can we succeed in getting by negotiation a better price, and so three Secretaries were empowered by Congress to treat with the canal company, and they negotiated an agreement with the Government to purchase this canal at $11,500,000——

The CHAIRMAN. The gentleman has consumed 32 additional minutes.

Mr. DEMPSEY. I will yield myself five additional minutes. The Government itself through Congress passed a law directing the three Secretaries—the Secretary of War, the Secretary of Commerce, and the Secretary of the Navy—directed the three Secretaries to negotiate, and they negotiated for the purchase of this canal at $11,500,000.

They brought back this agreement to Congress. We have a right to accept or reject it. And I say to you, gentlemen, Congress is a serious body; it is not a body of children to do things just to undo them, but it acts with a serious purpose, and we submitted that negotiation to the three Secretaries because we knew we could not negotiate as a body. Four hundred and thirty-five men can not negotiate for a great purchase, and we had entire confidence in those men, and we sent them to do it because we relied upon them to take our part and negotiate in our behalf, and we are simply here confirming what those men whom we appointed our agents have been able to do in getting this price down from $16,800,000 to $11,500,000.

Mr. WEFALD. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WEFALD. As I understand, one of the main reasons for taking over this canal is that the company that constructed it and now owns it is bankrupt. Is that it?

Mr. DEMPSEY. No; I do not think it would make any difference whether it was a bankrupt or whether it was the richest concern in the United States. We are taking over this canal for two reasons: The first, because—and the gentleman will be interested in it——

Mr. WEFALD. I am interested.

Mr. DEMPSEY. Because we want to save life and property. That is the first reason. Second, because we want to reduce freight rates by saving 140 miles on the round trip. That is the second reason. And so we have two reasons——

Mr. MANSFIELD. And the third for national defense?

Mr. DEMPSEY. And the third, that in time of stress and danger we found we needed it as an arm of the national defense.

Now, gentlemen, the sole question involved here is, Is this a canal we want?—and it is plain it is—and the next question is, Are we getting it at a reasonable price? Now this has nothing to do with bankrupt people—whether they are bankrupt or not I do not know, and I am not interested, nor is the gentleman, because we all know we get it at a reasonable price—and on the reproduction value. We are getting it at least one-third less than its real worth.

Mr. WEFALD. I want to say to the gentleman that I would like to vote for the Cape Cod Canal proposition, but I have sat in this House and seen a proposition to help bankrupt farmers turned down, a question that involved the saving of lives out on the prairies, and for that reason I am not able to vote for the Cape Cod Canal proposition.

Mr. DEMPSEY. Let me tell the gentleman this: The most important question to the farmer in the West to-day is cheap transportation. You are going to send more wheat, more cereals, more foodstuffs down to the 35,000,000 or 40,000,000 people in New York, Pennsylvania, New Jersey, and New England than you are going to send abroad, several times as much, and it is important to you to distribute it as cheaply as you can, and you will help the farmers to do that when you cheapen navigation and transportation as you will by the passage of the Cape Cod Canal project.

Mr. WEFALD. This is a marketing proposition, and so was the Haugen bill.

Mr. DEMPSEY. Yes; I agree with you that it is a marketing proposition, and we want you to see and realize that it is of vital importance to you in the West and that it will help you. It will.

Mr. WEFALD. I can see that; but you people can not see our condition out West.

Mr. DEMPSEY. I will say to the gentleman that I have been interested in farming for 30 years, and I understand your position and your difficulties from the farmer's standpoint. This is a way—and there is no doubt of it at all—in which you will help the farmer by giving him cheaper freight rates. I think this ought to be done.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. KINDRED. It is desirable not only for all the reasons you have stated, but also because it forms one of the valuable connecting links between intraconstal waters?

Mr. DEMPSEY. Yes.

Mr. WEFALD. The gentleman says this canal will be of military value. What kind of vessels can go through it now?

Mr. DEMPSEY. Everything except the battleships. If you will pardon me, I will say it is rather a defensive than an offensive arm, at least at present. But it will be offensive against submarines and such vessels of that kind as might infest the coast.

Mr. WEFALD. But it is not of direct benefit in connection with the food problem and the transportation of food?

Mr. DEMPSEY. It will be for the benefit of the gentleman's portion of the country in that way; yes.

Mr. BACON. If the gentleman will permit me, is it not a fact that during the war a German submarine sank some vessels off Chatham Bar?

Mr. DEMPSEY. Yes.

Mr. MANSFIELD. Nine days after the German submarine sank those ships the Secretary of Commerce diverted 209,000 tons of coal through that canal. That was done by Secretary Redfield.

Mr. KINDRED. That canal was so safe during war times that the only ships that were allowed to depart from Boston and other New England ports were those that were booked and destined to go through that canal.

The CHAIRMAN. The gentleman has consumed an hour.

Mr. DEMPSEY. I will yield myself three minutes more.

I wish to speak to you gentlemen about other projects in this bill. I have spoken long, and I am now tired. I want to say this in concluding my remarks at this time: I have been a student of transportation questions for many years. I have studied them honestly and diligently, in season and out of season, with the purpose of giving cheaper freight rates to the farmer and the consumer in the United States. But there has never been in the 12 years that I have served in Congress a bill which compared in importance with this present bill. If we had no projects in it except simply to survey for deepening the Great Lakes channels, improving St. Marys River, the Illinois River project, and the Cape Cod Canal, that would be sufficient alone to justify the bill. We have one other class of improvements in this bill of the most tremendous and vital importance to the United States. We have selected from all over the United States a group of rivers for investigation such as we devoted to the Tennessee River some three or four years ago.

The engineers came to Senator JONES, the chairman of the Committee on Commerce of the Senate, and myself and asked us to authorize a survey of the Tennessee River at an expense of $500,000, and we threw up our hands in holy horror, believing that that amount was wholly unjustified. The Chief of Engineers started on that investigation, and he came back, after having expended $200,000, and said to us that he had made his investigation so as to develop that there were 3,000,000 horsepower on the Tennessee and its tributaries that were not known to exist until that time. I call that one of the greatest discoveries in the last quarter of a century. I believe that water power is of the most enormous value to this country.

We have here a group of rivers, starting in Maine and stretching southward, and covering practically every State from Maine south almost to Florida and westward across the Mississippi, to investigate as to their possibilities as to navigation and power. I believe that we shall discover, as we did on the Tennessee, millions of horsepower of untold and inestimable value to the people of this country as the result of this investigation. And while I do not mean to detract from previous bills, I will say again—and I am going to speak of other projects later in this discussion—the all-American route, the California projects, projects over in Hawaii, the intercoastal waterway in Texas—I am going to speak of those projects, every one of them highly meritorious projects, and I say to you that of all the bills introduced for the improvement of rivers and harbors in the history of this country, this is more important to the people than any previous bill has been—good as any other bill may have been. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CHALMERS rose.

The CHAIRMAN. Is the gentleman in charge of the time in opposition to the bill?

Mr. CHALMERS. Yes. I have three hours. I would like to be notified when I have spoken an hour.

The CHAIRMAN. Very well. The gentleman will be notified when he has consumed an hour.

Mr. CHALMERS. Mr. Chairman, friends, colleagues, countrymen, lend me your ears. We are gathered here to-day to bury the Great Lakes, not to give them justice. Here, under leave of the House and the rest—for my committee chairman is an honorable man; so are they all, all honorable men—come I to speak at the Great Lakes' funeral. Oh, judgment! Thou art fled to brutish beasts, and men have lost their reason. Bear with me. [Laughter.] My heart is in the water levels and I must pause till it come back to me.

Oh, colleagues! If I were disposed to stir your hearts and minds to mutiny and rage, I would do certain conspirators wrong. I will not do them wrong; I rather choose to wrong the dead Lakes, to wrong myself, and you, than I will wrong such honorable men.

Ah! I do not mean to tell you what these Lakes have done to make this Nation great, or you would go and kiss that long-receding water line, and dip your napkins in its sacred waters.

It is not meet that you should know what they have done for you. You are not wood, you are not stones, but men; and being men, hearing what they have done, it will inflame you, it will make you mad. It makes me mad when I know that they care not one iota about passing the Illinois project now. It would be just as well for the waterway to have it in the bill next winter. They are trying to trick us into doing something that will win their case in the Supreme Court and fasten this incubus upon us for ages and ages.

The chairman of the Committee on Rivers and Harbors was not quite complete in his statement to you. I want to call your attention to the Illinois waterway. It is divided into three sections, or reaches. The first is from Chicago to Lockport, a distance of 35 miles, and this section or reach

is now completed. [Indicating on map.] It is from 21 to 25 feet deep and 162 feet wide. From Lockport to Utica is not the Illinois River; it is the Des Plaines River, and that is a State project. The State of Illinois has entered into obligations to complete that project for 65 miles. It involves the construction of five locks and dams; two are now completed and a contract has been let for the third. It will take them from three to seven years to make a waterway out of the Des Plaines River.

The section from La Salle, the lower end of the Des Plaines River to Grafton, on the Mississippi River is 223 miles. That is the part of the Illinois project in this bill near the top of page 6. General Taylor, the Chief of Engineers, says he can complete that waterway within two years. If that is true what harm would it do Chicago, what harm would it do the State of Illinois or what harm would it do this seaway if we were to eliminate this project from the bill at this time and bring it up next winter at the short session of Congress? We would have our end of the project completed, meet them at La Salle and wait there a year or two years or three years for them to have their part of the project completed, and then the whole waterway would be workable. You can not use the Illinois River as a project until the Des Plaines River is finished. And even then, my friends, there is only a 6-foot project between Grafton and St. Louis, at least on certain sections of that river. There is no chance to finish a 9-foot project now or within two or three or four years. So why hurry the Federal section ahead of the State section? I will tell you why the hurry, and before this bill reaches a vote we will know what the trouble is. I charge the proponents of this Illinois project with bad faith. They are trying to trick the Great Lakes interests into doing something in Congress that will affect our case which is pending in the Supreme Court of the United States set for a hearing October 4. Who are we? I will tell you who we are.

Mr. SABATH. We would like to know who you are.

Mr. CHALMERS. I will tell the gentleman who we are. The State of Wisconsin entered a suit in the Supreme Court of the United States and four sister States joined as amici curiæ in that suit. Do you know the names of those States? I will tell you the States: Minnesota, Indiana, Ohio, and Pennsylvania are partners in this suit with Wisconsin. Then another suit was started in the Supreme Court of the United States by the State of Michigan questioning the right of Illinois or any State to divert water from one watershed to another, and the State of New York, as amicus curiæ, joined the State of Michigan as a partner in that suit. That is who we are, and these States are all sister States in this Republic.

Mr. Chairman, we all deplore a filibuster. No one more than I. It should be resorted to only in time of crisis. My record here will bear out that statement. But a great injustice is about to be perpetrated. A conspiracy has been formed to drain the life blood from the savior of commercial America, the Great Lakes.

Oh, it is not Chicago. It is not Illinois. I admire Chicago. The Windy City is bred in my bones. It was in the environs of Chicago that I took charge of my first school when I began my profession after my graduation from college. It was there in my high school graduating class that I found a sweet little blue-eyed, silver-locked maiden that after her graduation I was lucky enough to persuade to become the grandmother of my grandchildren. [Applause.] I am telling you this to show you that I have pleasant memories of Chicago. All through those years I had a great Chicago newspaper on the breakfast table each morning.

It is not the chairman of the Appropriation Committee [Mr. MADDEN] or the gentleman from Illinois [Mr. HULL], for no more honorable men are Members of this House. They are under the driving tyranny of an inhuman monster that makes the central powers look like kindergarten teachers. It is an evil spirit that is doing this hellish work. Back of these men, back of Chicago, back of that great State of Illinois is the most blood-thirsty, the most cruel, the most vicious monster which ever sprang from the loins of the devil and was conceived and nurtured in the hottest womb of hell. This monstrosity is fastening its poisonous fingers about the throat of the Great Lakes interests in an attempt to choke us to death.

I have here several clippings from Chicago newspapers. Let me read some of them to you. Here is one under the head "Congressmen unite in waterway fight."

Meantime the delegation will be asked to continue its efforts to impress upon the War Department the necessity for the 10,000-foot diversion, and a committee is expected next week to confer with the Secretary of War and impress upon that official the determination of the State that the project outlined should be acquiesced in by the Army board.

A quiet campaign has been under way for some time among the House Members, with the result that the Illinois project will come before the Rivers and Harbors Committee under more favorable auspices than at any other time in recent years. With this foundation laid the delegation leaders believe the time has come for aggressive action in support of the program. Following the delegation meeting, therefore, the fight will be on in full swing before the War Department, the committee, and the House to secure affirmative action on the program for an open channel from Chicago to the Gulf.

Here is another under the heading, "Fight for waterway pushed in Congress. Illinois delegation names two Senators and MADDEN on diversion work." The article goes on to say:

The Chicago Sanitary District lost temporarily in the Supreme Court to-day in its contention that the Great Lakes States had no right to challenge its diversion of water from Lake Michigan.

Oh, yes; the loss would be very temporary, if they could get this Illinois project through Congress. It would end next October 4.

Here is another quotation from a Chicago paper:

The south park commissioners were a corporation regarded as an example of economy and efficiency. Three Republican circuit court judges united with eight Democrats to elect two Democrats and one Republican to constitute a majority on that board, this bipartisan majority excluding two outstanding Republican members from the councils of the board. This same bipartisan majority has an interlocking arrangement with the bipartisan majority of the sanitary district, and the combined parties have developed a Democratic mayoralty candidate; south park pay rolls have been increased; taxes have gone up and the model government of 50 years has given place to rule like that of the sanitary district. The president of the south park commissioners, a Democrat, is chief engineer of the sanitary district.

This has resulted, in addition to the large public pay roll, in a secret pay roll, said to be padded and to amount to several millions of dollars, and in charges of scandalous contracts.

What do you think of that? A secret pay roll running into several millions of dollars.

Another article is under the heading, "Sanitary district audit held up again. Expenditures of trustees may not be published until after primaries."

The audit is made by Edward E. Gore, president of the Chicago Crime Commission. His report will be made to William R. Dawes, president of the Chicago Association of Commerce. The article goes on to say, "Worst mess ever."

In an informal report to members of the executive committee some time ago Mr. Gore, it is said, characterized the condition of the sanitary district finances as "the worst mess" he had ever seen or been called upon to attempt to audit. He is also said to have added the observation, "Their budgets would be all right if they followed them." Such practices as paying salaries to a swarm of employees, "special engineers," publicity experts, "lake-level" lawyers out of the proceeds of bond-issue sales came in for criticism from him.

When this report is made public it may make Teapot Dome look like 30 cents.

Here is another article, and I want you to follow this article because we are getting to the kernel of the trouble.

Mr. SABATH. What paper is the gentleman reading from?

Mr. CHALMERS. It is a Chicago paper. I have them all here.

This is under the heading, "Sanitary district audit held up again. Expenditures of trustees may not be published until after the primaries."

I do not blame them for holding it up until after the primaries.

Mr. SABATH. Neither do I?

Mr. CHALMERS. And you will not blame them for holding it up until after the next election. Now, listen:

The audit is made by Edward E. Gore (the Chicago people know who Gore is), president of the Chicago Crime Commission.

He made the audit.

His report will be made to William R. Dawes, president of the Chicago Association of Commerce.

Then the article goes on to say, the worst mess ever. Who said that? The chairman of the crime commission. Where? In Chicago. The worst mess that the chairman of the crime commission had ever experienced.

Mr. SABATH. We are not used to it as you are in Ohio; that is the trouble.

Mr. CHALMERS. That may be.

Now, listen, my friends:

In an informal report to members of the executive committee some time ago Mr. Gore, it is said, characterized the condition of the sanitary district finances as the worst mess he had ever seen or been called upon to attempt to audit.

The president of a crime commission in Chicago—the worst mess he had ever been called upon to audit.

He is also said to have added the observation, "Their budgets would be all right if they followed them." Such practices as paying salaries for a swarm of employees, special engineers, publicity experts, lake-level lawyers out of the proceeds of bond-issue sales came in for criticism from him.

Lake-level lawyers paid out of the funds of the sanitary district. It is too bad we have not some of them. This is Mr. Gore talking, the president of the crime commission of Chicago.

Mr. SABATH. Will the gentleman yield?

Mr. CHALMERS. Wait until I get through with the picture. I want to get through with this picture as soon as I can. I do not like it.

If the filibuster is the only force that will cause that death grip to relax, well and good, we accept the alternative. If this inhuman monster, the Chicago Sanitary District, with its poisonous breath, its rolling bloodshot eyes, and its drunken swagger, can not be warded off in any other way, we accept the filibuster. Let me say to the membership from the East, the South, the West, and the interior who have entered into an unholy alliance with this sacrilegious monstrosity you have been sold a gold brick. The only way you can get your projects through this session of Congress is to persuade your copartners in this hellish conspiracy to take the Illinois project out of the bill and wait until next winter, when if thought wise it can be passed and completed long before the State of Illinois can complete her portion of this seaway. So if they will not listen to you they are trying to trick the Congress into doing something that will prejudice the interests of New York, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, and Minnesota in their case in the United States Supreme Court against the State of Illinois, set for a hearing on October 4, 1926.

Do not let them chloroform you and fool you with that reservation they have used as a capsule to slip this Illinois project down our throats, so that we would not know that we were taking poison. O my friends, shall we go up to the Supreme Court next October 4 with the statement: We have adopted a project that requires 8,250 cubic second-feet of water to run, and it will be all right for the sanitary district to take that much water out of Lake Michigan, but we do not pass on diversion.

Mr. KUNZ. Will the gentleman yield for a question?

Mr. CHALMERS. Yes; I now yield.

Mr. KUNZ. There was another editorial published by the Chicago Tribune in reference to the Ohio delegation and the State of Ohio. I would like to have the gentleman read that editorial to the Members of Congress.

Mr. CHALMERS. Does my colleague refer to the editorial which openly advocated the union with New York and union with the reclamation projects of the West in order to get votes enough to pass this project through? That was openly advocated in one editorial.

Mr. KUNZ. No; the one that gave great praise to the Members of Congress from Ohio.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. WILLIAMSON. How many second-feet will be necessary to operate the project in the bill?

Mr. CHALMERS. Eight thousand two hundred and fifty feet.

Mr. McDUFFIE. Oh, the gentleman wants to be fair.

Mr. CHALMERS. I am fair. The gentleman from South Dakota asked me how many second-feet it would take to operate the project in the bill and I say 8,250 feet. If you will turn to page 45 of the Dempsey report, you will find a table there, and the sixth, counting from the top, requires 8,250 second-feet of water, and you will find that the capital expenditure is $1,349,000 and the maintenance for each year $126,000. That is the project in this bill. That is not the project as recommended by the district engineer of Chicago. No; the district engineer of Chicago, Major Putnam, recommended a project that required 4,167 feet of water per second, but that would cost more money; $2,262,000 for construction and $133,000 for maintenance. That is not the project that Colonel Cosby, of the Great Lakes district, recommended. He did not indorse the recommendation of Major Putnam; he recommended the lowest abstraction of water possible for navigation—1,650 second-feet—but that cost $2,666,000 for construction and $226,000 for maintenance.

Mr. McDUFFIE. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. McDUFFIE. The gentleman will recall that the hearings show that Chicago is now building disposal works to take care of sewage. As these works are completed the flow that is now passing out at Chicago will be decreased. I am satisfied the gentleman will agree with me to that extent. As this flow decreases the channel works will be changed so as to meet those conditions. Nobody expects to see 8,250 cubic feet a second legalized as a permanent flow at Chicago. I do not think the gentleman, with all his intentions to be fair, wants to tell his colleagues here that this bill or this Congress wants to make a permanent flow of 8,250 feet a second at Chicago. Did not the engineers say they could have a channel with a flow of anywhere from 1,000 to 8,250 feet, and are not those figures based on the statements of the engineer?

Mr. CHALMERS. Yes; but the gentleman from South Dakota asked me what this project required that we are now talking about. I answered that question correctly. This project requires 8,250 feet of water a second. Of course, this can be cut down, but in the meantime the damage will be done. I want you to read the pleadings before the Supreme Court of the United States, what Mr. Justice Holmes says. Even to-day Chicago and Illinois are pleading that we are estopped from fighting the case because Congress authorized the Secretary of War to issue a permit and the Secretary of War did issue the permit. Nothing was said in the act of March 3, 1899, about diversion of water, and because the Secretary of War issued the permit to Illinois and the sanitary district, they plead that we are estopped from pleading that they did not have authority to divert water.

I want to say that if we settle this diversion now and pass the bill authorizing 8,250 feet of water, the damage will have been done, and they will win their case in the Supreme Court of the United States, because, as I read the opinion, it says that it is a case of interstate commerce, and the Government of the United States can not take away from themselves the power of exercising police powers. I say that we are not estopped. But if Congress acts and legalizes 8,250 second-feet of water, the Supreme Court will say this is the intent of Congress, and when the case comes up in the Supreme Court next October we will have no rights in the case. Inasmuch as Illinois will not lose anything if they wait until next winter, if they are honest, if that is the only thing they are after, let them wait until next winter. Let the judges decide the case on its merits and not let us lose our case in advance.

Mr. FREAR. Will the gentleman yield?

Mr. CHALMERS. Yes; I yield.

Mr. FREAR. What is the object of quibbling over 1,000 feet of water if it injures traffic on the Great Lakes, which is the only great inland waterway that we have to-day.

Mr. HUDSON. Will the gentleman yield?

Mr. CHALMERS. Yes; I yield to my friend from Michigan.

Mr. HUDSON. Will not the question have to be determined on the amount of purity of the water, and it will take less as Chicago completes its sewage system?

Mr. CHALMERS. I wish that the sanitary district would spend its money in building reduction plants. If they had done that, the plants would be running full blast to-day, taking care of their sewage. The sewage of 4,000,000 people could have been taken care of with the money. There is one item that I have overlooked.

Mr. HUDSON. But that would not give them a power proposition. That is what they wanted.

Mr. CHALMERS. That is one of the things back of it that I have not time to take up this afternoon.

Mr. SOSNOWSKI. Will the gentleman be kind enough to tell the committee whether this is a permanent diversion or just a temporary diversion?

Mr. CHALMERS. It is permanent so far as this project is concerned. Congress can make another project at some other time, but this is permanent. Here is one quotation from a Chicago newspaper that I came pretty near missing. I am sorry that I have not time to read the other one.

Mr. SABATH. Oh, I will read one from a Chicago newspaper.

Mr. McDUFFIE. Oh, do not let us try this case on newspaper reports.

Mr. CHALMERS. I want to say that this was published in one of the Chicago newspapers and is supposed to be authentic. Referring to the expenditures of the Chicago sanitary district this paper says:

> This has resulted in addition to the large public pay roll in a secret pay roll, said to be padded to the amount of several million dollars.

Nobody knows who they are. That is under the control of the sanitary district.

Mr. SABATH. Oh, the gentleman should not bring out that Republican fight in Chicago, and in Illinois. I do not think it is fair to bring out that Republican fight in our county and State and city. Those are charges that are made by one faction of the Republican Party against another faction of the

Republican Party. I know they are bad, but not as bad as that.

Mr. CHALMERS. This seems to be a very respectable newspaper in the city of Chicago that I am reading from, and it says that the secret pay roll is padded to the amount of several million dollars.

Mr. SABATH. And how much does Ohio or Michigan or Wisconsin pay toward that?

Mr. CHALMERS. Oh, we are here making this fight, which shows that we have not been reached by any of the $49,000,000—and I do not charge anybody here with anything dishonorable.

Mr. KUNZ. It ill behooves the gentleman to dirty the nest whence he comes. The sanitary board is a Republican body and it ill becomes a Republican of this body to make slurs upon it.

Mr. FREAR. Yes, and let us wait until the board changes before we pass this bill.

Mr. CHALMERS. Yes; we might do that. I see here in this article that the expenditures of the sanitary district have increased from a little over $20,000,000 to $49,000,000 annually, taking care of the great padded secret pay roll. But that is not what I expected to say to you to-day; that is not my speech at all.

I am going to pass over the history of this disgraceful diversion of water at Chicago. It was authorized by an act of Congress in the year 1899, on March 3. Our honored colleague from Ohio [Mr. BURTON] at that time was chairman of the Committee on Rivers and Harbors, and in that appropriation bill they forbade any modification of any stream or harbor or lake, but gave to the Secretary of War, on the recommendation of the Chief of Engineers, authority to issue a permit. That was in the year 1899. That is all of the law on the statute books bearing upon this subject, and nothing in the statutes touches upon diversion of water. It is a general law forbidding anyone to modify or change the course of a river or a lake or by digging to change a harbor.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. WILLIAMSON. Is there any limitation fixed in the law at the present time as to the amount of water that may be diverted at Chicago.

Mr. CHALMERS. Only by these permits; and the Secretary of War, on March 3, 1925, issued a permit for the abstraction of 8,500 cubic feet, and that permit is in force until December 29, 1929. When he issued the permit the Secretary of War gave notice that they must cut down at that time if they have the permit renewed. The gentleman will find that clearly handled in the hearing and in the report.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CHALMERS. Certainly.

Mr. MOORE of Virginia. As I understand the essence of the gentleman's argument along one line at least it is this, that if this legislation should be enacted now the court in the pending cases might say that Congress has exercised the power given to it by the commerce clause of the Constitution, and, therefore, turn the cases down as involving a moot question; and that being the situation the gentleman asks that there be postponement of action upon this proposition until the court shall have delivered its opinion upon the constitutional question.

Mr. CHALMERS. The gentleman has stated it very clearly.

Mr. MOORE of Virginia. And the gentleman perhaps would be better satisfied with a proviso attached to this portion of this bill which he is dealing with that would work such a postponement for a time sufficient to enable the court to pass upon the main issue that is involved?

Mr. BURTON. If I may interrupt there, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. BURTON. That would be helpful, but not altogether satisfactory, because it is desirable to postpone consideration of this subject until the legal or constitutional principles are thoroughly settled by the Supreme Court, and any legislation prior to that date, even though a proviso be annexed, would be premature.

Mr. MOORE of Virginia. I can understand how the gentleman by preference would put the matter in that way, but I am only talking about something short of that that might satisfy conflicting views.

Mr. FREAR. Will the gentleman yield?

Mr. CHALMERS. I will.

Mr. FREAR. I want to say this to the gentleman: That no one can speak for those of us who believe this diversion is destroying or seriously injuring the traffic on the Great Lakes, and we will oppose that course in every place we can, in the courts as well as out; but we do not say after that time has passed we are ready to oppose it at all times.

Mr. CHALMERS. I must hurry on, and I can not yield any further.

The permits issued by the Secretary of War to the Sanitary District of Chicago to abstract water from Lake Michigan are based on section 10 of an act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." It is provided that it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water of the United States unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same; and

Whereas application has been made to the Secretary of War by the Sanitary District of Chicago, Ill., for authority to divert an annual average of 10,000 cubic feet of water per second from Lake Michigan through the channels of said sanitary district; and

Whereas in the judgment of the Secretary of War an annual average diversion of more than 8,500 cubic feet per second should not now be permitted:

Now therefore this is to certify that, upon the recommendation of the Chief of Engineers, the Secretary of War, under the provision of the aforesaid statute, hereby authorizes the said Sanitary District of Chicago to divert from Lake Michigan through its main drainage canal and auxiliary channels an amount of water not to exceed an annual average of 8,500 cubic feet per second, the instantaneous maximum not to exceed 11,000 cubic feet per second, upon the following conditions:

I. That there shall be no unreasonable interference with navigation by the work herein authorized.

II. That this permit, if not previously revoked or specifically extended, shall cease and be null and void on December 31, 1929.

Witness my hand this 3d day of March, 1925.

H. TAYLOR,
Major General, Chief of Engineers.

Witness my hand this 3d day of March, 1925.

JOHN W. WEEKS,
Secretary of War.

The first permit was issued on May 8, 1899, and was for 5,000 second-feet of water. Secretary of War Root modified this permit on April 9, 1901, by cutting down the water diversion to 3,333 second-feet. On July 23 of the same year he increased the amount between 4 p. m. and 12 midnight to 5,000 second-feet, leaving the flow for the other 16 hours of the day at 3,333 second-feet. Then, on December 5 of the same year, he gave the sanitary district a permit to abstract 4,167 cubic feet of water each second of the entire day. This permit remained in force until January 17, 1903, when the Secretary of War allowed an increase to 5,833 second-feet to March 31, 1903, when it provided in the license that the diversion was to be cut down to 4,167 second-feet.

This last permit remained in force until Secretary Weeks issued the one now in force outlined above, licensing a withdrawal of 8,500 second-feet of water on March 3, 1925, which permit expires and terminates on December 31, 1929.

Through all those lean years as to rainfall from January 17, 1903, to March 3, 1925, Chicago was abstracting from Lake Michigan over 10,000 second-feet, although the permit read only 4,167 cubic feet. I prefer the word abstraction to diversion because in defining abstraction, among other terms, Webster uses the word purloin; and he lists steal as a synonym for abstraction.

Mr. Chairman and my colleagues, you must pardon me if I exhibit some feeling while discussing this subject. You can imagine what emotion wells up in my heart and what thoughts course through my mind when I look upon 3,000 miles of lake, channel, and river shores where the water has receded 3½ feet. Piers, docks, wharves, and permanent waterfront structures are high and dry. Thousands of miles of permanent works constructed for submerged protection are rotting because of being exposed to atmospheric deterioration.

My friends, do not let them do this thing to us. The levels of Lakes Michigan-Huron, Lake St. Clair, and Lake Erie are 40 inches below normal and every inch means half a million dollars to us. Forty inches represents $20,000,000 a year in cash to us. They are stealing our water! I would much prefer

that they would take our money and leave our water. Because if we have the water we can earn more money, but if they take away our water they take away our livelihood and leave us poor, indeed.

The United States of America has been blessed of God. He created the Great Lakes and the Great Lakes Basin the Garden of Eden of the world, the bread basket and cream jug of all peoples. Talk about the rainbow as a promise that God would never again punish his children with another flood! When He created the Western Continent He hung the Great Lakes on the northern border of our great Republic as a Divine promise of our future commercial prosperity. Michigan-Huron form a crescent of hope, a symbol of promise of Divine favor. Chicago is thwarting the Divine purpose. He created the Mississippi Valley. The rain that falls in this valley He planned should empty into the Gulf of Mexico. He also formed the Great Lakes Basin, and the rains which fall into this basin He decreed should run into the Atlantic Ocean. He created a divide and placed it between the two systems and said: "The waters that fall upon this side of the divide shall belong to the Great Lakes and the peoples thereof. The waters that fall beyond the divide shall belong to and serve the peoples of the Mississippi Valley." He looked upon His work and saw that it was good.

Then there came that way some wicked iconoclastic barbarians who knew not God and cared not one whit for His decrees. They pierced the side of beautiful blue-eyed Lake Michigan, the commercial savior of the Nation, and they crucified the interests of the peoples of the Great Lakes Basin.

Lake Michigan is bleeding to death through that ugly wound in her side. The beautiful twin lakes Michigan and Huron are being smothered more surely than Richard III of England smothered the two princes when they stood in the way of his political ambitions. They covet our waters. They are abstracting the waters of the Great Lakes, contrary to the Divine purpose and contrary to the laws and treaties of the United States. They are taking the waters of the Great Lakes, to the great discomfort, financial loss, and detriment of the people who dwell there, and who have entered into contracts and engagements and whose living depends upon the maintenance of the water planes the Creator in His divine wisdom had planned and established.

They have broken through the divide placed there by the Creator. They have reversed God's plan for the Chicago River until its thirsty, bloody maw is sucking the lifeblood from the greatest transportation agency ever executed by divine thought for the benefit of mankind. The belly of this inhuman monster, the Chicago Drainage Canal, conceived as an unnatural offspring of the diseased mind of some cyclopean deity presiding over the unhappy destinies of the Windy City, is receiving the offal from the foul recta of the city sewers and is vomiting the filth into the Illinois River and its once beautiful valley.

They have offended the people of the Illinois Valley. They have ruined a once profitable industry. They have ruined the river banks and destroyed the meadows. Can nothing be done to bring these people to a realization that others have rights, and that the business and financial existence of millions of people can not be set aside and trampled under foot with impunity? What would the Mississippi Valley States do if the Great Lakes interests would purchase a right of way and dig a big drainage ditch and turn the headwaters of the Mississippi River into Lake Superior to enrich the levels of the Great Lakes? Ah! that shoe would be on the other foot. A great hue and cry would be raised. The courts would be appealed to, and properly so.

I assure you that many people in the Illinois River valley are opposed to this abstraction of water as well as we are. I have had many communications from the people of this valley commending the efforts the minority were making on the Rivers and Harbors Committee in our efforts to stop this great wrong.

From among the communications, I quote the following petition:

Whereas the Congress of the United States is considering the question of a waterway from Lake Michigan to the Gulf of Mexico via the Illinois River; and

Whereas the present purpose of diversion of water from Lake Michigan into the canals of the sanitary district of Chicago, and thence into the Illinois River, is to dilute and wash down the Illinois River the filth, sewage, industrial wastes, and disease germs of the 5,000,000 people resident in, and the industries located within, the sanitary district of Chicago; and

Whereas the Illinois River has now become an open sewer seriously endangering and menacing the health of the people in the Illinois River Valley; and

Whereas the fish and animal life, together with all natural vegetation and plant life, have been destroyed and killed thereby; and

Whereas sportsmen formerly enjoyed the greatest black-bass fishing grounds in the United States in and along the Illinois River, and the Illinois River formerly ranked second only to the Columbia River in value of fish taken for food therefrom; and

Whereas the withdrawal from Lake Michigan of more than 4,167 cubic feet per second of water has raised the water level of the Illinois River to such an extent as to overflow the natural sloughs and bayous, and thereby destroyed the spawning grounds of fish and also valuable timber and farm lands, and during the flood periods and rainy seasons of the year has caused floods heretofore unknown, causing great damage and loss of property: Therefore be it

Resolved, That authority for any withdrawal of more than 4,167 cubic feet per second from Lake Michigan is attended with grave and serious consequences to the Illinois Valley; and be it further

Resolved, That any withdrawal should be limited to the amount actually required for a waterway, and that such limited withdrawal is of the greatest importance to the people of the Illinois Valley; and be it further

Resolved, That any withdrawal from Lake Michigan should be limited to waterway purposes only, and not for the dilution of filth, sewage, and industrial wastes, and that the discharge of such filth, etc., into such waterway be strictly prohibited and sufficient penalties imposed to guarantee enforcement thereof; and be it further

Resolved, That the health of the people of the United States or any portion thereof which must of necessity emanate from a clean river is of greater importance than any waterway or barge canal that can be constructed from Lake Michigan to the Gulf: And be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of War, the Secretary of Commerce, the chairman of Rivers and Harbors Committee of the House of Representatives to be distributed to, and among all Members thereof, and Maj. Gen. Harry L. Taylor, Chief of the Army Board of Engineers, charged with investigating and reporting upon certain Illinois River conditions to the Congress of the United States.

We, the undersigned president and secretary of Fort Clark Chapter of the Izaak Walton League of America, within and for the city of Peoria, and State of Illinois, do hereby certify that the foregoing resolution was regularly adopted and unanimously passed at a regular meeting of said chapter at which 100 members were present on February 20, A. D. 1926.

Dated at Peoria, Ill., this 11th day of March, A. D. 1926.

A. L. ANDERSON, *President.*
M. C. HALLADAY, *Secretary.*
Fort Clark Chapter of Izaak Walton League of America.

The proponents have claimed that there was not any diversion of water recommended at Chicago in the report of the Board of Engineers on the Illinois River project. I call your attention to page 45 of report No. 800, Sixty-ninth Congress, first session; there they set up nine methods of improving the Illinois River. No. 6 provides for partial canalization (State dams out) and requires instantaneous maximum diversion, Lockport, of 8,250 cubic feet of water per second, and that this method of improvement has a first cost of $1,349,000 with an annual maintenance of $126,000. On page 48 of the same report, second paragraph, the Board of Engineers for Rivers and Harbors recommends this mode of improvement requiring the instantaneous maximum of 8,250 second-feet of water and that on page 49, the Chief of Engineers indorses this recommendation of the board in the following language:

After due consideration of the above-mentioned reports I concur in the views and recommendations of the board.

This clearly settles the question as to whether or not a specific diversion is required by the adoption of H. R. 11616.

The passage of this bill, therefore, would give legislative approval to the present diversion of 8,250 cubic second-feet at Chicago, which would be the first congressional approval for any amount of water abstracted at Chicago in all this wicked diversion history. This congressional approval might have very serious consequence in the litigation now pending in the Supreme Court of the United States.

It might also have very unfavorable results to the interests of the United States in the diplomatic negotiations now being conducted by the United States and Canada.

Let us turn to some of the legal aspects of this diversion. As I have shown, they base their diversion rights on permits issued by the Secretary of War. The Secretary gets his authority from the legislation placed on an appropriation bill passed March 3, 1899. I wish some one had made a point of order against that bit of legislation.

This act, however, did not name diversion of water at Chicago. Congress has never authorized any diversion. This is the great danger of this bill. In all the litigation between the State of Illinois and the sanitary district on the one side and the United States Government and the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Indiana, Michigan, and

New York on the other side, Illinois has tried to fasten consent on the United States, as you will see by the opinion rendered by Mr. Justice Holmes on January 25, 1925.

The United States brought a bill in equity to enjoin the Sanitary District of Chicago from diverting water from Lake Michigan in excess of 4,167 cubic feet per second; the withdrawal of that amount having been authorized by the Secretary of War. It was alleged that the withdrawal of more water has lowered and will lower the level of the water of Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, Sault Ste. Marie, St. Marys River, St. Clair River, Detroit River, Niagara River, St. Lawrence River, and all the harbors connected therewith, all of which are alleged to be navigable waters of the United States, and will thus create an obstruction to the navigable capacity of said waters; and that it will alter and modify the condition and capacity of the above named and their ports connected with them. The prohibition of such alterations and obstructions in the act of March 3, 1899, was set out at length and relied upon, but the frame of the bill does not exclude a reliance upon more general principles if they were needed in order to maintain it.

The withdrawal practiced and threatened is through an artificial channel that takes the place of the Chicago River, formerly a little stream flowing into Lake Michigan, and a part of the branches. The channel instead of adding water to the lake has been given an opposite incline, takes its water from the lake, flows into the Desplaines River, which empties into the Illinois River, which in its turn empties into the Mississippi. The channel is at least 25 feet deep and at least 162 feet wide; and while its interest to the defendant is primarily as a means to dispose of the sewage of Chicago, it has been an object of attention to the United States as opening water communication between the Great Lakes and the Mississippi and the Gulf.

The answer shows that the defendant is proceeding under a State act of May 29, 1889, by which it was provided that a channel should be made of size sufficient to take care of the sewage and drainage of Chicago as the increase of population might require, with a capacity to maintain an ultimate flow of not less than 10,000 cubic feet of water per second, and a continuous flow of not less than 20,000 cubic feet for each 100,000 of the population within the sanitary district.

It denies that the defendant has abstracted from 400,000 to 600,000 feet per minute, but as it alleges the great evils that would ensue if the flow were limited to the amount fixed by the Secretary of War or to any amount materially less than that required by the State act of May 29, 1889, and as it admits present conditions to be good, the denial can not be taken very seriously. The act sufficiently indicates what the State threatens and intends to do unless stopped. The answer also denies that the abstraction of water substantially in excess of 4,167 cubic feet per second will lower the levels of the lakes and rivers concerned or create an obstruction to the navigable capacity of those waters. It goes into the details of the construction of the channel, the expenses incurred, and the importance of it to the health of the inhabitants of Chicago, both for the removal of their sewage and avoiding the infection of their source of drinking water in Lake Michigan which has been a serious evil before. It shows the value of the channel for the great scheme of navigation that we have mentioned; recites acts of Congress and of officers of the United States alleged to authorize what has been done, and to estop the United States from its present course, and finally takes the bull by the horns and denies the right of the United States to determine the amount of water that should flow through the channel or the manner of the flow.

Ah, how bold is guilt! Mr. Justice Holmes says that in this answer they allege acts of Congress and of officers of the United States authorizing this theft of water. They well know that Congress has never authorized it. But they are trying to trick us into such an act now so they may win this case in the Supreme Court set for next October 4.

After setting up their false allegations, Mr. Justice Holmes says they finally took the bull by the horns and denies the right of the United States to determine the amount of water that should flow through their channel or the manner of the flow. They needed the water and were going to take it. To hell with opposition and the rights of others! Well, let me say to them they have the wrong bull by the horns now. They have not any more chance to pass this bill through this session of Congress than they have to organize a successful skating party in the regions referred to above.

There is something familiar in this attitude of the proponents of the Illinois project. It recalls the attitude of the Huns in their drive through helpless Belgium and broken France. They shall be stopped. They shall not pass.

Mr. Justice Holmes goes on to say:

This brief summary of the pleadings is enough to show the gravity and importance of the case. It concerns the expenditure of great sums and the welfare of millions of men. But cost and importance, while they add to the solemnity of our duty, do not increase the difficulty of decision except as they induce argument upon matters that with less mighty interests no one would venture to dispute. The law is clear and when it is known the material facts are few.

This is not a controversy between equals. The United States is asserting its sovereign power to regulate commerce and to control the navigable waters within its jurisdiction. It has a standing in this suit not only to remove obstruction to interstate and foreign commerce, the main ground, which we will deal with last, but also to carry out treaty obligations to a foreign power bordering upon some of the Lakes concerned and it may be also on the footing of an ultimate sovereign interest in the Lakes. The Attorney General by virtue of his office may bring this proceeding and no statute is necessary to authorize the suit. With regard to the second ground, the treaty of January 11, 1909, with Great Britain, expressly provides against uses "affecting the natural level or flow of boundary waters" without the authority of the United States or the Dominion of Canada within their respective jurisdictions and the approval of the International Joint Commission agreed upon therein. As to its ultimate interest in the Lakes the reasons seem to be stronger than those that have established a similar standing for a State, as the interests of the Nation are more important than those of any State.

The main ground is the authority of the United States to remove obstructions to interstate and foreign commerce. There is no question that this power is superior to that of the States to provide for the welfare or necessities of their inhabitants. In matters where the States may act the action of Congress overrides what they have done. But in matters where the national importance is imminent and direct even where Congress has been silent the States may not act at all. Evidence is sufficient, if evidence is necessary, to show that a withdrawal of water on the scale directed by the statute of Illinois threatens and will affect the level of the Lakes, and that is a matter which can not be done without the consent of the United States, even were there no international covenant in the case.

But the defendant says that the United States has given its assent to all that has been done and that it is estopped to take the position that it now takes. A State can not estop itself by grant or contract from the exercise of the police power. It would seem a strong thing to say that the United States is subject to narrow restrictions in matters of national and international concern.

The defendant in the first place refers to two acts of Congress, one of March 30, 1822, which became ineffectual because its conditions were not complied with, and another of March 2, 1827, referred to, whether hastily or not, in Missouri v. Illinois, as an act in pursuance of which Illinois brought Chicago into the Mississippi watershed.

Oh, I see Illinois, by act of the State Legislature, picked Chicago up out of the Great Lakes Basin and set it over into the Mississippi Valley. Well, let Chicago go if she wants to shake the Great Lakes, but she will not be allowed to take Lake Michigan with her. This act of the Illinois State Legislature granted land to Illinois in aid of a canal to be opened by the State for the purpose of uniting the waters of the Illinois River with those of Lake Michigan, but if it has any bearing on the present case it certainly vested no irrevocable discretion in the State with regard to the amount of water to be withdrawn from the lake. It said nothing on that subject.

In an appropriation act of March 3, 1899, Congress provided "That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; * * * and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same." By section 12 violation of the law is made a misdemeanor and punished, and the removal of prohibited structures may be enforced by injunction of the proper court of the United States in a suit under the direction of the Attorney General. This statute repeatedly has been held to be constitutional in respect of the power given to the Secretary of War. It is a broad expression of policy in unmistakable terms, advancing upon an earlier act of September 19, 1890, which forbade obstruction to navigable capacity "not authorized by law," and which had been held satisfied with regard to a boom across a river by authority from a State. There is neither reason nor opportunity for a construction that would not cover the present case. As now applied, it concerns a change in the condition of the Lakes and the Chicago River, admitted to be navigable, and, if that be necessary, an obstruction to their navigable capacity without regard to remote questions of policy. It is applied prospectively to the water henceforth to be withdrawn. This withdrawal is

prohibited by Congress, except so far as it may be authorized by the Secretary of War.

After reciting the several permits given the sanitary district by the Secretary of War, Mr. Justice Holmes goes on to say:

Finally, on February 5, 1912, the appellant, setting forth that the population of the sanitary district exceeded 2,500,000 and was increasing rapidly, and that the only method then available for disposing of the sewage of this population was by diluting it with water flowing from Lake Michigan through the canal, asked permission to withdraw not exceeding 10,000 cubic feet per second, subject to such restrictions and supervision as might seem proper to the Secretary and to revocation by him. On January 8, 1913, Mr. Secretary Stimson carefully reviewed the situation, including the obvious fact that so large a withdrawal would lower the levels of the Lakes and the overwhelming evidence that it would affect navigation, and held that he was not warranted in excepting the appellant from the prohibition of Congress on the ground of even pressing sanitary needs. It appears to us that the attempt to found a defense upon the foregoing licenses is too futile to need reply.

Think of the State of Illinois being in litigation with the United States and several of her sister States since 1912 over water to dilute her sewage, 15 years of litigation! On page 27 of House Document No. 4, Sixty-ninth Congress, first session, the Board of Engineers of Rivers and Harbors show Chicago how to dispose of this sewage by modern scientific methods. They employed expert sanitary engineers to work out plans and costs of sewage-disposal plants for Chicago's prospective population of 1935. These experts report that reduction plants can be built in five years and will cost less than $70,000,000. What do you think of Chicago lawing for 12 years with the Federal Government and seven States over a simple problem like this! They close with this statement:

The consulting engineers are of the opinion that a minimum of five years' time would be necessary for any of the programs, basing this opinion on experience known to them where large undertakings capable of being carried out on the unit plan have been completed with dispatch and reasonable economy. The expenditures involved for 1935 capacity vary between about $57,500,000 and $69,000,000, or at a maximum rate of $14,000,000 per year. While this is not a large rate of expenditure for new operations by a municipal organization, it is somewhat in excess of what the sanitary district of Chicago is accustomed to; so a reasonable allowance of time should be made in which to organize for the more extensive operations. Two years should be sufficient for that purpose.

The time believed to be reasonably necessary to construct and put in operation sewage-treatment plants, capable of treating the sewage with the flow recommended, is seven years. This answers the last questions raised by the resolution.

States bordering on the Mississippi allowed to file briefs as amici curiæ suggest that they were not heard and that rights have not been represented before the Secretary of War. The city of Chicago makes a similar complaint and argues that it is threatened with the loss of a hundred million dollars. The interest that the river States have in increasing the artificial flow from Lake Michigan is not a right, but merely a consideration that they may address to Congress, if they see fit, to induce a modification of the law that now forbids that increase unless approved as prescribed.

The investment of property in the canal and the accompanying works took the risk that Congress might render it valueless by the exercise of paramount powers. It took the risk without even taking the precaution of making it as sure as possible what Congress might do. But we repeat that the Secretary by his action took no rights of any kind. He simply refused an application of the sanitary board to remove a prohibition that Congress imposed. It is doubtful at least whether the Secretary was authorized to consider the remote interests of the Mississippi States or the sanitary needs of Chicago. All interests seem in fact to have been copiously represented, but he certainly was not bound to give them a hearing upon the application upon which he was requested to pass.

After the refusal, in January, 1913, to allow an increase of flow, the appellant was notified by direction of the War Department that it was drawing more water than was allowed and was violating section 10 of the act of March 3, 1899. In reply it intimated that it was bound by the State law to which we have referred and in obedience to it had been flowing 20,000 cubic feet per minute for each 100,000 of population and could not reduce that flow. It suggested that its rights should be determined by a suit, and accordingly this bill was filed on October 6, 1913. An earlier suit had been brought on March 23, 1908, to prevent the construction of a second channel from Lake Michigan through the Calumet River to the appellant's main channel, leave to do which had been refused, as we have seen by Mr. Secretary Taft. The earlier suit was consolidated with the later present one, and it was agreed that the evidence taken in that should be used in this, so far as applicable. There was some delay in concluding the case, which the defendant naturally would desire, but after it was submitted to the judge, according to his own statement, he kept it about six years before delivering an oral opinion in favor of the Government on June 19, 1920. No valid excuse was offered for the delay. There was a motion for reconsideration, but the judge took no further action of any kind until he resigned in 1922. On June 18, 1923, another judge entered a decree for an injunction as prayed, with a stay of six months to enable the defendant to present the record to this court.

Mr. Justice Holmes concludes:

The parties have come to this court for the law, and we have no doubt that as the law stands the injunction prayed for must be granted. As we have indicated, a large part of the evidence is irrelevant and immaterial to the issues that we have to decide. Probably the dangers to which the city of Chicago will be subjected if the decree is carried out are exaggerated, but in any event we are not at liberty to consider them here as against the edict of a paramount power. The decree for an injunction as prayed is affirmed, to go into effect in 60 days without prejudice to any permit that may be issued by the Secretary of War according to law.

It has been often stated, and generally conceded, that the Great Lakes form the greatest transportation system in the world. This is true to-day; but the Great Lakes have been more efficient in the past than they are now. The average cost per ton-mile in 1923 was 1.1 mills. In 1924 it was 1.2 mills. The cost will mount as the water planes are lowered. The average cost of freight on the Great Lakes for the past 20 years was nine-tenths of a mill per ton-mile. Think of loading a ton of freight and carrying it 10 miles and unloading it for 1 cent. That is more than the average cost on the Great Lakes for the past 20 years. But the water planes are falling and the costs are mounting. We can at least stop a large part of the diversion at Chicago. There are just two causes of low lake levels—first, abstraction at Chicago, and, second, lack of average rainfall, particularly in the Lake Superior Basin. The abstraction at Chicago must be cut down and loss of rainfall may be compensated for by regulatory works at the bottom of Lakes Huron, St. Clair, and Erie. Works have been built at the head of the Ste. Marys River, although the Lake Superior water plane is now 9 inches below normal.

Do not let anyone persuade you that there is any abstraction of water from the Great Lakes other than Lake Michigan. The wider and deeper channels in Ste. Marys River, the St. Clair Channels, Detroit River, and Niagara Falls are compensated for by obstructions placed in other parts of the streams. The one and only illegal abstraction of water is at Chicago.

A study of the boats of 2,000 tons and over that are now plying the waters of the Great Lakes shows that they could carry 40,000,000 tons of additional freight if they had channel depths of 25 feet instead of the 17 feet 9 inches they are compelled to load for this season.

It has been determined that the lowering of the water levels 1 inch means a loss to the shipping interests of the Great Lakes of $500,000 annually. Conceding that the Chicago diversion has lowered the levels only 6 inches, this means $3,000,000 a year to us. But inasmuch as railroad freight rates are ten times the Great Lakes rates, the actual loss should be figured as $30,000,000 instead of $3,000,000, because if we can not ship by water we will be compelled to pay the excessive railroad rate.

The entire cost of all river and harbor improvements by the United States Government, since the adoption of the Constitution to the present time, is $1,352,296,713.06. This includes Muscle Shoals, even Dam No. 2. Of this amount the Mississippi Valley has had $554,387,749.96. The Great Lakes have had $160,707,773.36. The other projects in the country have had $637,201,189.74.

On page 47, paragraph (a) of the majority report on this bill, the Board of Engineers for Rivers and Harbors say that navigation on the Great Lakes is of immense volume and importance; the annual tonnage of freight on the Lakes, disregarding Canadian constwise trade, is in the neighborhood of 125,000,000 tons per year, and careful studies indicate that its benefits to the Nation in direct savings is at least $125,000,000 per year—sufficient to amortize annually the entire first cost to the Federal Government of works of channel improvement on the Lakes and their connecting channels. Diversion at Chicago lowers the level of the Lakes and thereby reduces the depths in harbors and channels and the amount of freight that can be carried on large freighters. It has been estimated that the loss on this amount is about $325,000 per year for each 1,000 cubic feet per second diverted.

An annual savings of more than $125,000,000 per year amounts to more than 9½ per cent interest on all investments on rivers and harbors improvements in this country, for all

time—good and bad, abandoned and going projects. The Great Lakes have made this country great. With coal in Ohio, Pennsylvania, and West Virginia, iron ore in Michigan, and wheat and corn in the granger States they have given this country its commercial supremacy. Shall we stand by while this greatest project of human welfare is ruined? Does Illinois want to play the rôle of the foolish man in Æsops Fables and kill the goose that is laying the golden egg?

Mr. MADDEN. I wonder if the gentleman will yield?

Mr. CHALMERS. I am sorry.

Mr. MADDEN. I would like to have the gentleman complete the statement which I am quite sure is not quite accurate. The gentleman said that the waters had receded, and that he left the impression that it was all due to Chicago. I would like for the gentleman to state the truth about that——

Mr. CHALMERS. I am coming to that a little later. I am telling nothing but the truth.

Mr. CONNOLLY of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. CHALMERS. Yes.

Mr. CONNOLLY of Pennsylvania. Did I understand the gentleman to say a few moments ago that Lake Erie was not affected at all by this diversion?

Mr. CHALMERS. My friend misunderstood. It is 40 inches below normal now, and they concede 6 inches to the Chicago diversion.

Mr. CONNOLLY of Pennsylvania. In Lake Erie?

Mr. CHALMERS. Yes; in Lake Erie..

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. CHALMERS. No; I can not yield.

Mr. RATHBONE. Just for a brief question?

Mr. CHALMERS. I am sorry I can not yield.

Mr. KUNZ. The gentleman ought to yield to the gentleman from Illinois [Mr. RATHBONE]. He represents the entire State.

Mr. CHALMERS. Well, I will yield to the gentleman.

Mr. RATHBONE. We are told that originally the Mississippi drained the Great Lakes. Does the gentleman charge that to the Chicago River? Did not the purposes of the Almighty that the gentleman has spoken of undergo a change?

Mr. CHALMERS. I want to ask my friend from the Mississippi Valley what would he think if the lake interests should purchase a right of way and dig a ditch from the headwaters of the Mississippi River—that is entirely possible—and drain those waters into Lake Superior and enrich the levels of the Great Lakes? I understand the favorite term is "enrich the levels." There would be a great cry, and the shoe would be on the other foot. They would appeal to the courts and would attempt to repel us if we would turn the headwaters of the Mississippi River into the Great Lakes valley.

Mr. McDUFFIE. The question of the study of that proposition is in this bill now, the question of restoring the lake level.

Mr. CHALMERS. I could go on to discuss the legal aspect of this case further.

If the Congress of the United States, which speaks for the Government of the United States, will concede the right to Chicago Sanitary District to withdraw the water, then comes in the effect of this interstate-commerce clause.

But the defendant says that the United States has given its assent to all that has been done and that it is estopped from taking the position that it now takes. A State can not estop itself by grant or contract from the exercise of the police power. It would seem a strong thing to say that the United States is subject to narrow restrictions in matters of national and international concern.

This is the pleading in answer to our case. The United States has given its consent to all that has been done and is estopped. We are now estopped from taking the position, as the State can not estop itself from the exercise of the police power.

Mr. KUNZ. Mr. Chairman, will the gentleman yield in that connection? I will yield him more time.

Mr. CHALMERS. If the gentleman can get some time from his chairman, I will yield. Let me first finish this, and then I will yield.

I consider General Taylor the best posted man on water transportation in the world to-day. He says that the Great Lakes are worth to this Nation $187,000,000 annually. He said in the committee yesterday that he had a statement from an expert to the effect that last year the Great Lakes were of value to this country, to the shippers and consumers of the United States of America, $187,000,000. Think of it. And then you are trying to kill off that wonderful agency.

Mr. SABATH. Oh, no.

Mr. CHALMERS. One hundred and eighty-seven million dollars of value to the country, not to the Great Lakes Basin alone, but every nook and corner of this great land of ours. Everyone who ships a pound of iron or a ton of coal or any of the necessaries of life is profiting by this transportation agency.

I want to call your attention to the fact that the United States of America from the beginning of time, from the adoption of the Constitution down to this day, has spent $1,352,296,713.06 in river and harbor improvements all over the country; $554,387,749.96 of it spent in the Mississippi Valley; $160,707,773.36 of it spent on the improvement of the harbors and channels of the Great Lakes, and $637,201,189.74 on other projects in the United States.

There is a profit from the commerce on the Great Lakes amounting to $187,000,000 a year, enough to pay practically 15 per cent on the capital investment in all the river and harbor improvements in the country for all time from the adoption of the Constitution down to this hour. Yet they are killing the transportation of the Great Lakes. If you take the Great Lakes out of the commerce of the country then everything else in the country will be in red ink; you will be losing money and projects will be abandoned. But the Great Lakes will pay interest on it all, and if you will only let them alone and not draw off the water we will amortize the expenditures for rivers and harbors in a short time and wipe out the capital expenditures for rivers and harbors. So do not, I pray of you, ruin this great transportation agency that is bringing blessings to humanity.

All of our expenses have been mounting. We used to load our boats for a draft of from 20 to 21 feet but this year we are loading them for a draft of 17 feet 9 inches. Forty million dollars of additional freight could have been carried last year if we had had our normal draft of 20 feet or 21 feet.

I want to say this, my friends, that if you will let our Great Lakes alone and help us to deepen the channels and deepen the harbors within 10 years I will tell you what we will do on the Great Lakes—and you read the hearings of yesterday in reference to this and you will see it is authentic—we will load a ton of coal, draw it 20 miles and unload it for 1 cent, a modern, commercial miracle. That is what we will do if you will let us alone and not steal our water.

Mr. FREAR. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. FREAR. How many votes would this proposition get if it stood by itself and was not reported out in this great pork barrel bill?

Mr. CHALMERS. I will say to my friend it would not have many.

Mr. FREAR. It would not have 50 votes.

Mr. KUNZ. Will the gentleman yield now?

Mr. CHALMERS. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. CHALMERS. I know we are reasonable men and that the Congress of the United States is made up of reasonable men.

Mr. SABATH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Has not the Chairman stated that the time of the gentleman has expired, and did not the Chair make that statement some time ago?

The CHAIRMAN. The Chair did not so state. The Chair stated the gentleman declined to yield but the Committee was in such disorder that the gentleman from Illinois misunderstood the Chair.

Mr. SABATH. I was under the impression that the Chair stated the time of the gentleman from Ohio had expired.

The CHAIRMAN. The gentleman from Illinois is mistaken. The gentleman from Ohio will proceed.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois can not take the gentleman from Ohio off of the floor by a parliamentary inquiry. The gentleman from Illinois will be in order, and the gentleman from Ohio will proceed.

Mr. CHALMERS. Now, I want to say that I wish I had lots of time so I could yield to all of my good friends, and you are my good friends. But I want to say this, that, in my judgment, you are doing a great wrong to your country; but it would not be done, as the gentleman from Wisconsin suggests, if it were not for the interest or the "stake" you all have in the bill.

The CHAIRMAN. The Chair will inform the gentleman from Ohio that he has used one hour.

Mr. McDUFFIE. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Alabama?

Mr. SABATH. The time of the gentleman from Ohio has expired the second time, notwithstanding the statement of the Chair.

Mr. McDUFFIE. The gentleman has time at his own disposal, and he can yield himself time to answer the question I want to ask him.

Mr. SOSNOWSKI. Mr. Chairman, I yield the gentleman three minutes of my time.

Mr. McDUFFIE. Will the gentleman now permit me to ask him a question?

Mr. CHALMERS. I will, but I do not want the gentleman to occupy all of the three minutes.

Mr. McDUFFIE. I will not. The gentleman has referred to the great harm that has been done the Great Lakes commerce. The entire Nation is proud of that magnificent tonnage, but I want to ask the gentleman whether it is not a fact that the reports of the lake carriers show that they carried more tons and carried them cheaper last year than ever before in the history of the Great Lakes?

Mr. HUDSON. Not per vessel.

Mr. FREAR. And they were not loaded as heavily.

Mr. CHALMERS. Let me answer that question. The gentleman has asked me a fair question. From the year 1903 to 1922, inclusive, the average freight rate on the Great Lakes was nine-tenths of a mill, while in 1923 the average freight rate on the Great Lakes was 1.1 mills. The average cost per ton for the average haul of each ton on the Great Lakes, involving over 125,000,000 tons, was 88 cents, and the average haul was more than 1,000 miles. Now, listen. The gentleman asked me a fair question, and I am trying to answer it. In the year 1924, which is the last year of record, the cost was 1.2 mills per ton-mile, and this year we are suffering more than ever before because of the abstraction of water at Chicago and lack of rainfall, and the costs will go on mounting as the water levels fall.

You do not understand about these water levels. Lake Superior is 601.6 feet above the mean low tide of the water at New York Harbor, and Lake Michigan-Huron, that beautiful crescent of hope that God placed on the northern boundary of the United States when he created this continent, has a water level 22 feet below Lake Superior water level. Lake Superior is 9 inches below the normal level. Lake St. Clair is 5.8 feet below the Huron-Michigan level and Lake Erie is 3 feet below the St. Clair level; and these levels of Michigan-Huron, St. Clair, and Erie are 40 inches below normal, and every such inch means one-half million dollars to us.

So let Chicago build its reduction plants and not spend its money in secret pay rolls, and if it will not build them let us build them. We can build them and save money. It is costing us $20,000,000 a year with these low lake levels. Let us build their plants for them and we will save money.

It is also said it will take 15 years to build these plants. I want the chairman of the Rivers and Harbors Committee to read his own report or the report of the sanitary engineers of Chicago, which says that these plants can be built to take care of the population of the city of Chicago in 1935, in five years. Let them build these plants and take care of their own sewage. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman and gentlemen of the House, I am glad we have taken up the rivers and harbors bill for consideration, and I hope it will finally pass both Houses and be signed by the President before the end of this session.

It is very gratifying to notice a friendly sentiment developing in Congress and throughout the country in favor of the development and use of our inland waterways. Nature has given America the most magnificent system of waterways in the world, and we are just beginning to realize the importance of developing and using these waterways.

The development of the United States demands a comprehensive system of transportation, including waterways, good roads, and railroads. Such a system will make it easy for us to move the products of our farms, factories, mines, and forests to the markets of the world, and at the same time will give us competitive and cheaper freight rates.

The question of transportation is not a mere abstract proposition; it is a vital, pressing, and essential part of our national welfare. Waterways constitute one of the most important links in our system of transportation, therefore they must be improved and used. Railroads and waterways can not and must not be antagonistic. Both are indispensable. The relation between these two great methods of transportation must be one of harmony, coordination, and cooperation. This will be entirely voluntary if men are wise and recognize that in the last analysis the welfare of the people is the main factor to be considered in all transportation. If the railroad facilities are inadequate now to serve the entire country (as we know they are), how increasingly great will that inadequacy multiply in the years of expanding trade and production that are before us! We may increase our railroads, good roads, trolley lines, but we will still have an immense quantity of material wealth to be transported which loses its value in proportion as transportation is inadequate.

Waterways are the natural method of transportation and are capable of development almost without limit. This Nation has very little raw material on its seacoast. Cotton, grain, coal, lumber, ore, and oil must be carried to the factory, and thence to the sea. The rivers and canals are the channels of trade for this purpose. The Nation owns the waterways, therefore it is a problem for the Nation and not for the individual to solve. The development and use of our waterways will not only be a blessing in peace time, but in case of emergency it will make our country much safer.

It is plain to any thinking man that transportation is a part of production and a charge upon it. In other words, we have not actually finished anything until we have placed it in the hands of the consumer. We all know that the countries which have improved and used their waterways have developed and prospered rapidly. Bacon once said:

> We need three things to make a country great and rich—fertile soil, busy workshops, and transportation.

I am glad to say that this rivers and harbors bill contains the final authorization for the completion of the intracoastal canal in Louisiana and Texas from New Orleans to Corpus Christi. It authorizes $7,000,000, the balance of the $16,000,000 which is necessary for the entire canal. The last links are the New Orleans-Morgan City link and the Galveston Bay-Corpus Christi link. This intracoastal canal or trunk waterway with a 9-foot depth and a 100-foot bottom width connects us with the other waterways of the country, and of course in the course of time we will authorize and appropriate for our important bayous to serve as feeders, which will finally give water transportation to the entire country.

In his survey report recommending the construction of the intracoastal canal, Col. G. M. Hoffman, United States division engineer at New Orleans, has the following to say concerning the project:

> Probably nowhere in the world are conditions so favorable for the economical construction and efficient use of an inland waterway of the first class as in the case here presented. The waterway with its connections via the Mississippi and tributaries, the intracoastal route to Mobile and the Warrior system, reaches many States of diverse needs and production. In the general case, freight rates are high; lands traversed are fertile and capable of high agricultural development. Mining and manufacturing possibilities are tremendous. Grazing lands abound. Fisheries are unequaled. Large areas of hard and soft woods are still uncut. The climate is salubrious; many coast resorts have population the year round.

In conclusion, my friends, I want to appeal to the House to pass this bill unanimously and send it to the Senate as soon as possible. It will prove to be a constructive piece of legislation and will be a credit to the Sixty-ninth Congress.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and Mr. FORT having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 5, 1926:

H. R. 2761. An act for the relief of Nora B. Sherrier Johnson;

H. R. 2797. An act for the relief of Mary M. Pride;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 8817. An act reserving certain described lands in Coos County, Oreg., as public parks and camp sites;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation, of a bridge across Sandusky Bay, at or near Bay Bridge, Ohio; and

H. R. 4785. An act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

On May 7, 1926:

H. R. 10200. An act for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America;

H. R. 3794. An act granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 7904. An act granting the consent of Congress to Des Arc Bridge Co., and its successors and assigns, to construct a bridge across the White River, at Des Arc, Ark.;

H. R. 9305. An act to amend section 101 of the Judicial Code, as amended;

H. R. 9348. An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9393. An act to extend the time for the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin;

H. R. 9460. An act granting the consent of Congress to the highway department of the State of Minnesota to reconstruct a bridge across the Mississippi River between the city of Anoka, in Anoka County, and Champlin, in Hennepin County, Minn.;

H. R. 9494. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9596. An act to extend the time for the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.;

H. R. 9634. An act to extend the time for the construction of a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Weis, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania; and

H. R. 10121. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River, approved January 31, 1923."

On May 10, 1926:

H. R. 10198. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes; and

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

On May 11, 1926:

H. R. 9511. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service; and

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes.

On May 13, 1926:

H. R. 4034. An act granting consent of Congress to Texas-Coahuila Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 5691. An act granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses said Red River;

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on State Road No. 18, connecting the villages of Yorkville and Bristol in said State;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.;

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes; and

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

On May 14, 1926:

H. R. 10501. An act to repeal section 806 of the revenue act of 1926; and

H. R. 178. An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

On May 17, 1926:

H. R. 9829. An act to amend section 87 of the Judicial Code;

H. R. 8534. An act to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153);

H. R. 4681. An act providing for the issuance of patent to the Boyle Commission Co. for block No. 223, town site of Heyburn, Idaho;

H. R. 3025. An act granting a patent to certain land to Benjamin A. J. Funnemark;

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 6239. An act to authorize acting registers of United States land offices to administer oaths at any time in public-land matters;

H. R. 5673. An act authorizing the Secretary of the Interior to issue letters patent to George K. Hughes;

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 1731. An act for the relief of John W. King;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2680. An act for the relief of the estate of Charles M. Underwood;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 11171. An act to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor;

H. R. 9730. An act to provide for an adequate water-supply system at the Dresslerville Indian Colony;

H. R. 10610. An act to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians;

H. R. 6418. An act to correct the military record of Lester A. Rockwell; and

H. R. 8366. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington.

On May 18, 1926:

H. R. 10202. An act granting an extension of patent to the United Daughters of the Confederacy;

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3990. An act for the erection of a monument upon the Revolutionary Battle Field of White Plains, State of New York; and

H. R. 9875. An act to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

On May 19, 1926:

H. R. 1243. An act for the relief of J. H. Toulouse;

H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect;

H. R. 5710. An act extending the provisions of section 2455 of the United States Revised Statutes to ceded lands for the Fort Hall Indian Reservation;

H. R. 8313. An act to allot lands to living children on the Crow Reservation, Mont.;

H. R. 9559. An act granting certain public lands to the city of Altus, Okla., for reservoir and incidental purposes;

H. R. 9037. An act validating certain applications for and entries of public lands, and for other purposes; and

H. R. 9346. An act granting the consent of Congress to the construction of a bridge across the Rio Grande.

On May 20, 1926:

H. R. 9463. An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes.

On May 21, 1926:

H. R. 4189. An act for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others;

H. R. 5242. An act to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes;

H. R. 7482. An act to provide for conveyance of certain lands in the State of Michigan for State park purposes;

H. R. 8937. An act permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, in Bay County, Fla., to P. C. Black;

H. R. 9371. An act for the relief of Merritt W. Blair, of Abbott, Harding County, N. Mex., or his transferees;

H. R. 306. An act to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended;

H. R. 2333. An act for the relief of Katherine Rorison; and

H. R. 7554. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes.

On May 22, 1926:

H. J. Res. 226. Joint resolution authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association, at Crow Agency, Mont., at the semicentennial of the Battle of the Little Big Horn, June 24, 25, and 26, 1926;

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or near Bellefontaine on the Missouri River;

H. R. 10860. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes;

H. R. 7036. An act for the relief of John R. Anderson;

H. R. 10896. An act to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia;

H. R. 7093. An act granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia;

H. R. 292. An act to authorize the Secretary of Agriculture to acquire and maintain dams in the Minnesota National Forest needed for the proper administration of the Government land and timber;

H. R. 10204. An act providing an additional wing to the District Jail;

H. R. 5627. An act for the relief of George Turner; and

H. R. 9038. An act authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments.

On May 24, 1926:

H. R. 4799. An act to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the District of Hana, on the island and county of Maui, Territory of Hawaii; and

H. J. Res. 148. Joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free.

On May 25, 1926:

H. R. 9508. An act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of town sites in Alaska, and to provide for the survey and subdivision of such tracts and of Indian or Eskimo towns or villages;

H. R. 3807. An act granting relief to the Metropolitan police and to the officers and members of the fire department of the District of Columbia;

H. R. 6559. An act to provide for the construction of certain public buildings, and for other purposes;

H. R. 616. An act for the relief of Ernest F. Church;

H. R. 2200. An act for the relief of C. T. Kitchen;

H. R. 2210. An act for the relief of R. E. Neumann and wife;

H. J. Res. 176. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance;

H. R. 10429. An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes;

H. J. Res. 257. Joint resolution making an additional appropriation for the payment of pensions for the fiscal year 1926;

H. R. 3859. An act to validate certain declarations of intentions; and

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota*.

On May 26, 1926:

H. J. Res. 230. Joint resolution authorizing the Treasury Department to participate in the South Jersey Exposition to be held in the city of Camden, N. J.;

H. R. 7819. An act to cancel water-right charges and release liens on the Buford-Trenton and Williston irrigation projects, North Dakota, and for other purposes;

H. R. 11204. An act exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899;

H. R. 9761. An act to admit to the United States and to extend naturalization privileges to alien veterans of the World War;

H. R. 10733. An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes;

H. R. 7286. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

H. R. 8185. An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes;

H. R. 1465. An act for the relief of Arthur F. Swanson, and for other purposes;

H. R. 9938. An act for the relief of Frank A. Bartling; and

H. R. 10503. An act to authorize certain alterations to the six coal-burning battleships for the purpose of providing better launching and handling arrangements for airplanes.

IMPROVEMENT OF RIVERS AND HARBORS

The committee resumed its session.

Mr. MANSFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. KINDRED]. [Applause.]

Mr. KINDRED. Mr. Chairman, ladies and gentlemen of the committee, in the brief time given me I shall only refer to some of the underlying principles which should be the foundation of a sound and proper rivers and harbors bill. I shall first refer to the striking fact that water transportation in this country, covering now about 25,000 miles or more of developed waterways, makes a return to the consumers and shippers of the country of approximately $150,000,000 yearly as compared with the rates on rail-borne freight.

These figures are obtained from an official statement of the Board of Engineers for Rivers and Harbors of the War Department issued April 7 of this year. These figures are further borne out by information given me by General Beach while he was the Chief Engineer of the War Department and consulting engineer to the Committee on Rivers and Harbors, which shows that water transportation on the Great Lakes is as low as eight-tenths of a mill per ton-mile. The average water rate for water-borne freight throughout the country is approximately 4 mills per ton-mile, whereas the rail-borne freight shows a rate of approximately 13 mills per ton-mile, representing a net saving of approximately 9 mills per ton-mile for all the 200,000,000 tons of freight carried by inland waterways in this country, included in a tonnage of 453,700,000 carried on all our waterways, and valued at $22,000,000,000.

Another aspect of the important question of river and harbor appropriations and the expenditure of these appropriations to which I wish to refer is the interesting and gratifying fact that since the system has been adopted of appropriating for rivers and harbors in a "lump sum," to be expended by and through the better and more trained judgment of the Board of Engineers, rather than through the judgment of any blocks or groups of Congressmen, there has developed in this country the very gratifying result of less criticism on the ground that Congress was constantly pursuing pork-barrel methods in the matter of river and harbor legislation. It is now admitted by many of the leading newspapers of the country that "pork" is being eliminated in river and harbor appropriations, and I believe the present bill is founded not only on the general principles to which I have referred but that every item in the bill having been carefully considered by the Board of Engineers and by the Chief of Engineers of the War Department and also carefully scrutinized by the Committee on Rivers and Harbors is a justifiable and a defensible item.

With the system now in vogue of a lump-sum appropriation, and with the intention of Congress at least during the past 10 years to eliminate every vestige of the pork barrel, I believe the whole waterway system of this country, consisting of navigable inland waterways of about 32,000 miles, will be fully developed, I hope, over a period of the next 10 or 20 years, under a comprehensive program of systematic coordinated appropriations for our waterways.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. KINDRED. I will be very glad to yield.

Mr. McKEOWN. The gentleman talks about what the newspapers say about pork barrels and pork. They also talked about the pork in the public buildings bill as well as the river and harbor bill. The fact of the matter is that pork-barrel legislation, as we have had it in recent years, means that the pork always goes to certain States and the barrel goes to the balance.

Mr. FREAR. Will the gentleman yield?

Mr. KINDRED. I yield to my distinguished friend the gentleman from Wisconsin.

Mr. FREAR. The Chicago sewage item is as near a case of pork as can be imagined, when it has to go into a bill like this in order to be passed, and I can give the gentleman many illustrations in this bill, as I hope to do before we are through with it, of what we call pork items because such items could not stand alone.

Mr. KINDRED. If the development of the Chicago River for navigation was not connected with lake diversion, would it not be as legitimate a proposition in respect of navigation as has ever been submitted? And the clarifying amendment or language in the bill completely divorces this navigation from diversion. [Applause.]

Mr. FREAR. For 75 years the Illinois River has been improved by the Government by the expenditure of $2,000,000 or $3,000,000 outside of the $10,000,000 spent on the Hennepin Canal, and they have practically no commerce to-day, whereas one harbor in my State has a tonnage of 50,000,000 tons.

Mr. KINDRED. The gentleman realizes that the conditions he refers to and the conditions to-day in respect of the navigation of the Illinois River are entirely different, and the Illinois River certainly deserves fair play in this House. [Applause.]

Mr. FREAR. The Illinois River has had fair play for 75 years.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I want to say that the total water-borne commerce of the United States in 1924, the last year for which we have any record, was not 200,000,000 tons, but 453,700,000 tons—two and one-half times what the gentleman stated it was. I now yield, Mr. Chairman, to the gentleman from Michigan [Mr. SOSNOWSKI] 30 minutes.

Mr. SOSNOWSKI. Mr. Chairman and gentlemen of the committee, I sincerely hope Congress at this session will enact a rivers and harbors bill. The Nation's development and commerce deserve that as much as any other legislation which has appeared on this floor, but I have been forced into the position where I must fight any measure which contains the legalization of any diversion of water through the Chicago Drainage Canal and the Illinois River. That is the thorn in the side which I think is endangering all waterway legislation. It is the section which is stirring up the real controversy over this bill, the proposal which no one who has the commerce of this Nation or its future development at heart can stand for.

And that is this: We feel that the rivers and harbors bill should be passed. We feel that no one project should be in danger. We feel that every project in the bill except two are very worthy ones. We ask your kind consideration if it is not fair for us to appear before you especially at a time when one of these matters to-day is before the highest tribunal in the country, the Supreme Court of the United States—whether it is not fair to take this project out of this bill, treat it separately, and await the decision of the Supreme Court of the United States. Then we will know whether or not we should pass legislation to legalize the diversion of water from one watershed into another.

But I want to make it clear before I oppose this bill in its present condition that I do want waterway legislation, that I think the Nation needs it, but that I refuse to take it at the expense of the greatest inland waterway in the world—the Great Lakes.

The best assurance I can give you that I favor these other projects, with one or two exceptions, is my record in committee where I supported them. I did not support the all-New York canal project, but that and the Chicago diversion are the only ones I could not accept.

This bill, with the Chicago diversion included—and it does exist in this bill regardless of what our friendly New York-Chicago Members may say—interferes with the statutes already enacted on this floor; it interferes with the Constitution of the United States; it interferes with the rights and the property of citizens of this country.

The State of Michigan for the last 20 years has maintained that the abstraction of water from one watershed to another is strictly illegal and contrary to law, and to prove its case has started a lawsuit against the city of Chicago, the Chicago Sanitary District, and the State of Illinois, which suit is now pending and will come up for hearing before the Supreme Court of the United States on October 4, 1926. Gentlemen, I take the position that this House should not, in the face of this suit, enact a law which would give these interests the right to continue to divert water for their uses.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SOSNOWSKI. I will.

Mr. DEMPSEY. Did not all members of the committee with the exception of the gentleman vote consistently with the all-American route?

Mr. SOSNOWSKI. I think that is true.

I maintain that this House has no right to defy the highest tribunal in this country—the Supreme Court of the United States—in taking up this measure before that court makes a final disposition of it. Why all this haste? Why jeopardize the interests of other Members of this House who have worthy projects in this bill? Why should not this matter be treated

separately and await the decision of the Supreme Court before it is considered by this House?

Has this Nation reached a point in its history when part of its citizens are unwilling to accept the interpretation of the judicial branch of the Federal Government? Has it reached the point where Congress must be called in to legislate around litigation pending in the Supreme Court in order that the "long-suffering," selfish interests of Chicago may not be sacrificed before a tribunal which metes out justice?

Mr. SABATH. Will the gentleman yield?

Mr. SOSNOWSKI. I will.

Mr. SABATH. Does the gentleman think that the Supreme Court is in a better position to pass upon the question of right to divert this water than Congress itself? Does not the gentleman know that Congress has jurisdiction of legislation on this question?

Mr. SOSNOWSKI. To the Supreme Court is referred matters of interpretation whether the law has been carried out or not, and that is what the State of Michigan contends, and that is what the State of Michigan is willing to abide by and so is every State on the Great Lakes.

Mr. SABATH. Is the gentleman ready to vote for the water required for the Illinois River if the Supreme Court finally says we have the right to legislate in that direction?

Mr. SOSNOWSKI. If that is the law we must abide by it.

Mr. SABATH. Will the gentleman vote that way?

Mr. SOSNOWSKI. Absolutely if the Supreme Court so decides I will vote for it. That is what our people are contending for, whether Chicago has the right to divert this water or not.

Mr. MORGAN. The gentleman is not going to consent for the diversion of water for some sanitary purposes against the use of it for transportation, is he?

Mr. SOSNOWSKI. If the Supreme Court rules that way there is nothing else for us to do.

Mr. KUNZ. Is it not true that the question before the Supreme Court is not a question of navigation but a question of sanitation?

Mr. SOSNOWSKI. The question before the Supreme Court is whether the Sanitary District of Chicago has the right to divert the water from one watershed into another. That is the question raised and no other question.

Mr. BURTON. No; it is the general question whether it has the right to divert from one watershed to another for any purpose.

Mr. KUNZ. Is not it a question of sanitation?

Mr. BURTON. No; the sanitary question is included.

Mr. SOSNOWSKI. In the Michigan suit in the Supreme Court as at present pending it is contended that Congress has no right to pass any legislation which will take water out of one natural watershed and place it in another. Is this why these Illinois interests are scurrying to rush this legislation through Congress before the Supreme Court can make a decision?

It is like the Chicago gunman who was let out on parole and who hurries to gather as much ill-gotten gain as he can before the mills of justice grind out retribution upon him. He does not wait until he has been adjudged guilty or not guilty; he just goes ahead and steals, plunders, murders.

Chicago has attained world-wide fame because of its lawlessness, because of its gangsters; but let me say that those enemies of society are not the only lawless individuals in Chicago. We have the Chicago Sanitary District, which is seeking to steal water from lake shippers, is seeking to steal their rights upon the Great Lakes, to steal a portion of what they are paying in shipping charges, and to cripple that huge water-transportation system in order that the railroads whose headquarters are in Chicago may extort more and more in freight rates.

But, they tell you, there is no diversion legislation in this bill. They know as well as I do, or as well as any person who can read, that they are not telling you the whole truth when they tell you that. They know as well as they know their own names that this bill is designed to authorize diversion. And not only diversion for navigation but for sanitation as well—water to flush the packing-house sewer.

Let me read what the eminent gentleman from Illinois [Mr. MADDEN], who heads our great Appropriations Committee, said to the committee about diversion. Here it is:

Mr. MCDUFFIE. I was very much impressed with the very strong statements that Mr. MADDEN has made. I thought you were going to take the position that navigation was of primary concern, so far as this committee was concerned, in dealing with this proposition.

Mr. MADDEN. Yes; didn't I?

Mr. MCDUFFIE. I thought you did, but the latter part of your statement seems to indicate that, regardless of what the engineers have to say about the amount of water necessary to maintain a 9-foot channel, that there ought to be 10,000 feet taken. Now, that necessarily means that you want the amount over and above that for necessary sewerage purposes; that is practically a summary of your statement.

Mr. MADDEN. Well, I do not admit that, exactly. I would say that there is, of course, more or less sanitation connected with it; you can not get away from that and do justice to your own conscience.

There is no doubt but that diversion is more in the minds of every advocate of this proposal than anything else; here is what the gentleman from Illinois [Mr. WILLIAM E. HULL], who has fathered this project, says, as recorded in the hearings:

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. DEMPSEY. The gentleman from Illinois [Mr. WILLIAM E. HULL] brought up the motion or motions to provide for diversion, and those motions upon a statement by the chairman were withdrawn and were not even voted upon.

Mr. SOSNOWSKI. I might say to the chairman that it is a matter of record in our hearings.

Mr. DEMPSEY. But that is equally a matter of record.

Mr. SOSNOWSKI. I want to show that these gentlemen made these statements before our committee.

Mr. SABATH. But he is not from Chicago.

Mr. DEMPSEY. And when it came to a vote, they did not press the matter and withdrew their motion.

Mr. SOSNOWSKI. Mr. Chairman, this is what occurred:

Mr. MANSFIELD. Do I understand that by adopting this report we can provide for 9 feet depth in the Illinois River without specifying the amount of diversion?

The CHAIRMAN. That is exactly what we do do. We not only can, but we do. That is exactly what we are going to do.

Mr. WILLIAM E. HULL. I do not agree with you on that. I do not agree with you for this reason, that you have got to specify at some time or other how much you will get, in order that the Illinois waterway will be completed.

Mr. SOSNOWSKI. Then you are actually taking into consideration the diversion of water?

Mr. WILLIAM E. HULL. We expect to have a diversion of water.

Mr. SOSNOWSKI. But I understood that you were not considering diversion.

Mr. WILLIAM E. HULL. You can not have the waterway without water.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. WILLIAM E. HULL. I finally yielded, did I not, and did I not say that I would take the report of the engineers?

Mr. SOSNOWSKI. But that was not done before the hearing.

Then you have that eminent gentleman across the aisle, Mr. RAINEY, of Illinois, expressing to the committee his belief that the bill will legalize diversion. Here is what the record shows. He said:

Mr. RAINEY. Now, Mr. Chairman, you are about to legalize the flow from the Lakes. It does not make any difference whether it is going to be 2,000 or 10,000 cubic feet; you are legalizing now the amount that actually exists. We built these levees along that river before we understood this diversion was to be as large as it is, and we built them under the recommendation of this Government. The Department of Agriculture sent its drainage engineers out there and told us where to build these levees, and how to invest millions of dollars, and what kind of a slope they should have and how to make them, and we did that. That was before any diversion was legalized or before anything was done. The Mississippi River now takes its head in the Great Lakes, because there is always going to be a diversion from the Lakes, a diversion which makes it increasingly difficult to maintain those levees, that we did not have when the Government told us how to build them.

Mr. DEMPSEY. We took Mr. RAINEY's proposition out of the bill—struck it out.

Mr. SOSNOWSKI. But we did not take it out of the hearings and the report, and therefore a great many gentlemen here are misled.

Mr. WILLIAMSON. Are these levees built along the Illinois River, to which reference is made in the hearings?

Mr. SOSNOWSKI. Yes.

There can be no doubt but even with the qualifying language inserted to quiet us rebellious Members from the Lake States, who are courageous enough to stand up for the rights of the people we represent, that there is diversion authorized. Every sequence from the time of the Army Engineers' report to Congress and every discussion has been along the line of diversion. Always the Chicago and Illinois Members have been striving to see how much they can get under this bill.

They even tried to place a provision in the bill that 10,000 cubic feet a second should be authorized, but this was defeated in committee. Then they would have you believe that diversion is only a side issue and not essentially involved in this bill.

Why, that section in this bill fairly reeks of diversion. When the disagreement over this section was at its height a few weeks ago the Illinois Members flatly refused to consider a compromise provision, which would declare that this bill should never be construed as authorizing diversion. Was that the refusal of gentlemen who were not bothering about diversion?

My chief objection is that the water that is being diverted from Lake Michigan by the Chicago Sanitary District is not all used for domestic sanitation. As stated by ex-Secretary of War Baker before the committee—and this statement has not been disputed—approximately one-third of this water is being used by the big corporations of the city of Chicago, the Chicago packers, and the corn products plants, and others for the disposal of their own sewage. These interests have had 20 years to build their own sewage disposal or reduction plants, but they have found it cheaper to rob the people of the Great Lakes by stealing from them approximately 3,000 cubic feet per second, which, figuring on the basis of a statement made by the United States Engineers' office and concurred in by General Taylor, its chief, represents a cost to the shippers of the Great Lakes of nearly $1,000,000 a year. In the Engineers' report it is clearly stated that 1,650 cubic feet per second is a sufficient amount of water for navigation, and yet to-day the Chicago Sanitary District is abstracting approximately 9,000 cubic feet a second.

No one from Illinois who is asking for this canal and its water diversion has explained that it will take care of anything like the shipping on the Great Lakes. No one suggests that it will take care of the traffic of even the least used channels of the Great Lakes.

Let me say here that I want to stand for the correction made by the distinguished chairman of our committee, that it does mean more; it means $3,000,000 a year, and, therefore, if we give the city of Chicago another three and a half years or four years to build their reduction plants they will be building them with the money that they steal from the State of Michigan and the Great Lakes.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. DEMPSEY. What they say is that all that is needed for a 9-foot channel is a 1,000-foot average and 1,650 feet instantaneous, but only a thousand feet average for the year.

Mr. SOSNOWSKI. There is a very grave doubt as to whether the Illinois Canal will even move 10,000,000 tons, the amount claimed for it, yet this committee is being asked to endanger a 125,000,000-ton waterway—to risk the utility it is giving to 28,000,000 people—for the sake of opening up a 9-foot barge canal serving a comparatively limited area, and not even serving that area as well as the Great Lakes do to-day.

The engineers tell us that the annual maintenance cost of this canal is going to be $126,000. The proponents of the plan tell us that this is a comparatively small outlay, considering the traffic such a waterway will move.

What they do not tell you is this: They do not tell what the direct annual cost of such a waterway is going to be to other shippers—those who are not using that canal, those who will be denied the full use of their waterways in order that this project may take care of an open sewer, may flush it for Chicago and its packers and carry a limited barge traffic. In addition to the $126,000 annual cost which this canal would levy against its users you should consider the $2,388,750 which it annually is going to cost the shippers on the Great Lakes, those to whom it can never do any good.

If this House were to approve any canal project involving the removal of 8,250 cubic feet a second it would, in round numbers, approve a diversion approximately 6,650 cubic feet more than is necessary. That 6,650 cubic feet is not above the amount now being taken, but above the amount which General Taylor says is necessary to permit navigation upon this canal. The engineers tell you that for every 1,000 cubic feet you increase this diversion the shippers on the Great Lakes lose directly $325,000 a year. In other words, there are people besides those who may use that Illinois canal who are going to be called upon to pay $2,388,750 for its operation.

As I told the Rivers and Harbors Committee, you do not run automobiles without gasoline or steam engines without coal to produce the steam; and likewise you do not run a barge canal without water. The gentlemen from Illinois do not ask some one else to buy the gasoline for their automobiles, and their industries out in Illinois do not ask those over in Detroit to buy the fuel for their giant engines. So why should they ask the Lake States to pay for the water they want to run their barge canal?

If any other company or corporation, such as the Ford Motor Co. of Michigan or the United States Steel Corporation or others, would start to erect a plant on the Great Lakes whereby they intended to abstract any amount of water for their own use which would be detrimental to other interests bordering on the Lakes, a cry would be heard clear across the country, and every Representative and every Senator of the United States would be heard from. And yet to-day we find that this condition in Chicago has been going on for the last 20 years and no steps have been taken to remedy it.

There is another loss which this diversion or any continuance of it is bringing to the resorts of the Lake States. There is something which is destroying the beauty of the great summer paradises of the North. It is our contention that this 6-inch loss of water for which this Chicago Drainage Canal is responsible is permanent, in spite of any contention to the contrary. If it is continued, the Lake levels must be lowered still further permanently, at the expense of Michigan's summer playgrounds and its now receding shore line. While the resorters of Michigan must bear the permanent loss in damage to their property through lowering the Lake level the burden is borne by Americans all over the country. Hundreds of thousands of tourists yearly come from every State in the Union to spend their vacation days along Michigan's waters and in Michigan's road camps. They will be the losers just as much as the shippers or resorters if you permit Chicago to mar this natural land of beauty.

In Michigan receding waters which have disappeared down the Chicago Drainage Canal and the Illinois River are leaving our docks and slips high and dry, have turned our beaches into great mud flats, have pushed our boardwalks far inland, and have cost Michigan millions.

The Straits of Mackinac, a waterway that has carried its share of this Nation's commerce since the day when the Indian trapper came across on his way to the trading posts at Detroit, already is losing its usefulness because of low water. In addition to the 60,000,000 tons of traffic which passes through this waterway annually between Lake Michigan and Lake Huron there is another hundred million tons of traffic between upper and lower Michigan. The straits (and their use as navigable water) is the only connecting link between these two great peninsulas of that Commonwealth. Six railroads run their cars into ferries and take them across this water-connecting link. Two State-owned ferries operate day and night to transport thousands of automobiles across this water.

But now this Chicago diversion is slowly and surely cutting off this last line of communication. Railway car ferries have found the waters so low that they can hardly reach their docks even with half loads. In another year if the lowering continues they will find their operation limited to a narrow channel and uneconomic cargoes too small to make their transportation pay.

But let us consider what happens after these railroads lose the use of the Straits of Mackinac. All the freight from southern Michigan to northern Michigan when this link is wiped out must be the subject of a new Chicago diversion. Rail movements must be rerouted at huge cost along the south of Lake Michigan through Chicago and its terminals and out on the Chicago roads to northern Michigan. It seems little wonder then that Chicago big business is not particularly worried as the waters recede and leave our car ferries stranded out in the center of the Straits of Mackinac. [Applause.]

Mr. Chairman, the chairman of the Committee on Rivers and Harbors, who has treated me fairly in all matters, admitted before the steering committee that the loss to shippers on the Great Lakes due to the lowering of the levels amounted to about $30,000,000. It seems to me that that is a sufficient investment to require protection, and if it requires protection anywhere it requires protection in this House, in this House where you are asked to appropriate millions of dollars. It seems to me that this is the place to stop this waste.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. DEMPSEY. I would say that the loss of millions on the Great Lakes due to the 5 inches of lowering of the lake levels is not a total loss. That would be less one-thirty-sixth of the 200,000,000 tons carried by the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DEMPSEY. I yield one minute more. And so it would be less than 5,500,000 tons, and we would substitute for that 10,000,000 tons of commerce on the Illinois.

That is on the basis of the present diversion which you and I agree should be steadily, continuously, and largely lessened as time goes by.

Mr. SOSNOWSKI. That is a matter for the future. Let me say this in conclusion. This matter reminds me of when I was a boy and went into court, that I have never seen a judge sentence a man to jail before the jury rendered a verdict, and that is exactly what these Members from Illinois and other places are trying to do. They are stealing this water, and they want you to legalize something which is deemed illegal and when you do that you are encouraging and setting a precedent for other corporations to rob the people in this great country. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANSFIELD. I would like to ask if the gentleman from New York desires me to use some time at this time?

Mr. DEMPSEY. They have 20 minutes yet on the opposition to even up and I suggest that that be done before time is yielded.

Mr. MOONEY. Mr. Chairman, I yield myself 20 minutes. [Applause.]

Mr. Chairman, I am a resident of Cleveland; one of the great harbors of Lake Erie is in the heart of my district and I have had unusual opportunity to know something of the value of water commerce. I have long believed that this advantage should be extended wherever practicable and for that reason I am an ardent advocate of waterways improvement and coordination. There is no question but that many of our waterways should have been improved long ago; on the other hand, no one can deny that in the past a great amount of money has been expended on projects of little value. Newspapers said little of good improvements, but emphasized the bad, and the public lost interest in this work.

During the war rivers demonstrated their great value; now farm depression has impressed the economy of water transportation; interest is reawakened and there is more friendly sentiment for waterway development than there has been at any time within my recollection. I am one of those who believe that loss of public interest followed general suspicion that more depended upon the influence of interested Members of Congress than upon the value of the proposed improvement. If we would go forward with a general program which will require continued appropriations, then it is absolutely necessary that we must earn and hold public confidence and it is absolutely essential that everyone must understand that the general rivers and harbors bill is for national, not sectional, improvement. No one must believe that we would work undue hardship on one locality for the benefit of another. As I see it the eyes of the Nation are on this committee, and the program for many years depends upon the bill we now consider.

I am in substantial agreement with the membership on most of the projects in this bill, but I am convinced that there is more danger to navigation in one item than there is possibility of good in all the others, and I am one of the members that submitted a minority report. This report is directed particularly to the item for improvement of the Illinois River dependent for the present at least upon 8,250 feet per second of water from Lake Michigan. It opens the entire subject of diversion by the Sanitary District of Chicago for sanitary purposes and was forced into the bill over the solemn protest of every Member from the Great Lakes region.

The chairman of the committee, the gentleman from New York [Mr. DEMPSEY], and my friends the gentleman from Alabama [Mr. MCDUFFIE] and the gentleman from Minnesota [Mr. NEWTON] addressed themselves to the problem of writing an amendment that would protect the Lakes. No one who knows these gentlemen will for one instant question either their ability or their sincerity of purpose, but in the last analysis no one can write away a fact. We agree with the gentleman from Illinois [Mr. RAINEY] who in his statement to our committee said:

> Now, Mr. Chairman, you are about to legalize the flow from the Lakes.

This is congressional recognition of diversion. We of the Great Lakes region are convinced that this project carries grave danger to Lake navigation. We hold that a matter of such great importance and upon which there is such grave difference of opinion should come to the Congress alone to stand or fall on its own merits; it has no business in an omnibus bill. Think of it, there are two suits now pending in the Supreme Court of the United States on the subject of diversion. I am not a lawyer and shall not presume to discuss the legal situation, but I do want to call to your attention the fact that in all the States that border on the Great Lakes except Illinois 37,000,000 people have through their legislatures instructed their attorneys general to enjoin diversion by the sanitary district. One-third of the people in the entire Nation protest, and we attempt to include recognition in a general improvement measure. This is the sort of thing that has created sentiment against all omnibus bills. I yield to nobody in my respect for the chairman of this committee or the committee's entire personnel, yet I believe that we deserve the criticism that no doubt will come.

There are two distinct groups favorable to this item: First, those who favor navigation; engineers say that 1,500 to 2,000 cubic feet per second will accomplish their purpose; second, those who have no interest in 1,500 to 2,000 cubic feet, but want that amount which will best serve for sewer dilution and for power—the sanitary district of Chicago.

There is no gentleman in the Congress who regrets more than I the bitterness that has developed on this project. I want to call to the attention of the gentleman from Missouri [Mr. NEWTON] and the two gentlemen from Illinois [Mr. HULL and Mr. RAINEY] that this bitterness is not directed at them. We believe that in their enthusiasm for the Illinois River they have lost all sense of proportion, but we credit them with sincerity and they hold our respect. Bitterness comes from the conviction that there is much more of sanitation in this measure than of navigation, and bitterness is directed at the sanitary district of the city of Chicago. Within the last little while there was a convention of architects held in the district of my friend, the gentleman from Ohio [Mr. CHALMERS], in which a resolution was unanimously adopted that none of these gentlemen would specify Chicago manufactured goods so long as diversion was continued. Of course this is not the way to settle differences between cities, but it does serve to show the way very many people feel toward this project.

Chicago is a municipal Doctor Jekyll and Mr. Hyde. She is a great city, the greatest on the Lakes. Her record in civic affairs and in achievement is one of which her people may well feel proud, but her history in the matter of sewerage must be the source of deep regret to her good citizens.

Many years ago the sanitary district was established and plans laid to wash their domestic sewerage and packing-house wastes down the Illinois River, and a sanitary board elected whose job it was to do that work. The sanitary district board proceeded with resourcefulness that was worthy of a better cause. They have at all times diverted water under permits from Secretaries of War and have never held themselves bound by any limitations that were made.

In 1913 the Federal Government brought suit in its own courts to enjoin them from using water in excess of permits, and this board was able to delay decision for 12 years. During all this time they abstracted large quantities of water with absolute disregard for the rights of navigation on the Lakes whose depths they lowered or the people of the Illinois Valley upon whose laps they scattered their domestic sewerage and packing-house wastes. They insisted that it was nobody's business how much water they abstracted. I want to quote from their answer in the case decided against them a year ago:

> Defendant has never recognized the right of the United States in any manner to interfere with the construction, operation, or use of its main channel, adjuncts, or additions, or the right of the United States to determine or direct how the said main channel and its appurtenances should be operated or used, or the amount of water that should be abstracted from Lake Michigan through its various adjuncts or channels, to carry out the purposes of said act of May 29, 1889. Application for permits mentioned and described in the bill of complaint and in this answer were made by reason of the close blending or association of the two Governments, namely, the Government of the State and of the United States. The defendant desired, if possible, to obtain the consent of the Secretary of War for the construction, operation, and use of its works, but defendant never had admitted and does not admit, but, on the contrary, denies the right of the United States to determine the amount of water that should be caused to flow through said main channel or its adjuncts.

There is another case now pending, brought by the State of Wisconsin, and this previous answer has embarrassed the sanitary district not at all. In answer to the bill of complaint in this suit, they say:

> It never was and is not now the intention of this defendant to use said canal in any manner or to divert water from Lake Michigan except as authorized or permitted by the United States.

Now, mark an even greater change; I quote from the statement of the trustees of the district in a memorandum issued December, 1923:

> Thereupon the Sanitary District of Chicago was created by act of the Illinois State Legislature May 29, 1889, and the validity of the act was affirmed by the State supreme court on June 12, 1890. Its purpose was to provide a main channel or outlet and necessary adjuncts

to divert the sewage of Chicago and adjacent towns from Lake Michigan, thus protecting the muncipal water supply from contamination by sewage. To dispose of sewage by dilution and provide an outlet into the Illinois River the act required that such channel should be made of such size and capacity as to provide dilution of 3.33 cubic feet per second for every 1,000 people.

Now, listen to their answer to the amended bill of complaint:

Fourteenth. This defendant denies that the primary object and purpose of the act of 1889, as alleged in said amended bill of complaint, was to provide a method of disposing of the sewage of the city of Chicago and contiguous territory, but admits that that was one of the objects and purposes of said act; that this defendant avers in this respect that the principal object or purpose of the said act of 1889 was to provide for the construction of a ship canal to connect the Chicago River with the Desplaines and Illinois Rivers, and for the construction of other canals and waterways connected with it, and to provide for the quantity of water necessary for navigation upon the said ship canal and upon the Desplaines and Illinois Rivers, and to further carry out the plan and program of the State of Illinois for the construction of a deep waterway between the Great Lakes and the Mississippi River in accordance with various acts of Congress and acts of the State of Illinois as hereinafter more specifically set forth.

It is clear that while this water is still wanted for sanitation in Chicago, its purpose in Washington has changed to navigation.

Now, the first session of Congress which followed their answer stressing navigation in the Supreme Court, this project, supported by more influence than any other project in this omnibus bill, comes into the House. The sanitary district seeks to establish a second line of defense.

The city of Chicago is, I have been told, the greatest railroad center in the world, and it is unfortunate both for that city and for every city on the Lakes that they have forgotten the value of water commerce. I quote from the report by Chief Engineer Barnes of the State of Illinois. Mr. Barnes is an ardent advocate of the Illinois River improvement; no one can suspect him of an effort to misrepresent the city of Chicago:

Since its organization the division of waterways has been interested in the development and conservation of the water terminal facilities in Chicago and elsewhere in the State. During the past eight years we have witnessed many changes in the port developments of Chicago, practically all of which have been to the disadvantage of water terminal facilities. Slips have been filled, lake-front areas have been transferred to parks for pleasure purposes, and changes in the rivers have been made and proposed, all to the disadvantage of water shipping facilities.

Mr. Barnes further says:

While commerce at the other ports is increasing, the water-borne commerce of the city of Chicago is decreasing and being driven away from the city to points in Indiana, Michigan, and Wisconsin because of the inadequacy of terminals at Chicago and the expense of handling freight at the terminals available.

In connection with the sanitary district, Mr. Barnes says:

The Chicago Sanitary District is now enlarging and deepening the Calumet River connecting deep water with its Calumet-Sag Canal. The completion of the present contract may be of benefit from a sanitary standpoint, but it is not properly located for the best use of the river for navigation purposes.

I repeat, it is not navigation; it is sanitation and power.

If I were to point out to my sons one person whose absolute fairness might serve as an example for them, I can think of no one that I should select in preference to the chairman of the Appropriations Committee, the gentleman from Illinois [Mr. MADDEN], and yet in this matter he can not see exposed harbors or impaired navigation on the Lakes; he sees 10,000 cubic feet of water per second that the sanitary district wants for sanitation. May I quote from Mr. MADDEN's testimony before the committee?

Mr. MOONEY. The point I want to get is that you want to use the smallest possible amount of water that will accomplish your purpose?

Mr. MADDEN. Yes; and I consider that 10,000 cubic second-feet is the smallest amount.

Mr. MOONEY. But you want to use the smallest amount possible?

Mr. MADDEN. Yes.

Mr. MOONEY. General Taylor testified that it could be done with 2,000 cubic second-feet.

Mr. MADDEN. General Taylor and I do not agree on that.

The CHAIRMAN. That will be found in the report.

And further:

Mr. MCDUFFIE. I was very much impressed with the strong statements that Mr. MADDEN has made. I thought you were going to take the position that navigation was of primary concern, so far as this committee was concerned, in dealing with this proposition.

Mr. MADDEN. Yes; didn't I?

Mr. MCDUFFIE. I thought you did; but the latter part of your statement seems to indicate that, regardless of what the engineers have to say about the amount of water necessary to maintain a 9-foot channel, that there ought to be 10,000 feet taken. Now, that necessarily means that you want the amount over and above that for necessary sewerage purposes; that is practically a summary of your statement.

Mr. MADDEN. Well, I do not admit that, exactly. I would say that there is, of course, more or less sanitation connected with it; you can not get away from that and do justice to your conscience.

So I have been obliged to change my estimate of Mr. MADDEN'S fairness, but I have increased my respect for his absolute honesty. He tells us the truth.

Is Chicago interested in a channel to the Gulf for navigation purposes? Less than three months ago, February 13, 1926, to be exact, Colonel Sprague, city commissioner of public works of Chicago, appeared before the Federal district engineer to advocate construction of stationary bridges with 16½ feet clearance over this used-to-be sanitary canal. The Mississippi-Warrior service require 18 feet of clearance, but I am not surprised that the administration of the city of Chicago is anxious to build this type of bridges; they are cheaper and the water commerce in which they are interested does not require clearance so much as gas masks.

Not one drop of water can reach the Illinois River until it has served the purpose of the sanitary district for sanitation and for power. This is their only interest in the project.

It is admitted that this diversion has reduced lake levels 6 inches; the boats on the Lakes that are affected by this reduction represent investment of more than $200,000,000. The smaller loading causes direct loss to the shippers of the Nation of more than $3,000,000 a year. I can not believe that the Congress will willingly charge the factory owners on the Lakes this vast amount of money in the interest of an archaic sanitary system of the city of Chicago.

Some sincere and earnest gentlemen favor the Illinois project because of their great interest in navigation and because they feel this added commerce would help the Mississippi. We of the lakes are in entire sympathy with navigation improvements on that great system. Gentlemen of the valley, your interests and ours are entirely in common; to go forward on an improvement program there must be continued appropriations. It is your job and our job to show people who do not know the value of the entire enterprise. This improvement, based upon diversion for another purpose than navigation, must not be permitted to make division in our common cause.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. MOONEY. Yes.

Mr. WILLIAM E. HULL. Does the gentleman object to our using this water for navigation purposes?

Mr. MOONEY. I think my friend ordinarily is as fair as anybody I know; but his judgment is beclouded in this case, because he fails to realize that in using this water for navigation that we give to the sanitary district for sanitation he is making an already complicated situation intolerable.

Mr. WILLIAM E. HULL. Will the gentleman answer the question? Does the gentleman oppose the use of it? I live at Peoria, not at Chicago. The water is going down, and I want to use it; does the gentleman object?

Mr. MOONEY. I have just said I gave the gentleman credit in reference to navigation; but I will say in all frankness that I oppose congressional recognition of any diversion at Chicago.

Mr. WILLIAM E. HULL. In other words, you object to our using that water?

Mr. MOONEY. I object to the diversion at this time; yes, sir. But aside from the Supreme Court decision——

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield there?

Mr. MOONEY. Yes.

Mr. ABERNETHY. I am very much interested in this controversy. Who controls the water? I would like to understand that. With the charges that are being made of somebody stealing, I would like to know who is doing the stealing and who is the owner.

Mr. MOONEY. Water in a watershed is supposed to belong to the watershed.

Mr. SABATH. To whom does the watershed belong?

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. MOONEY. Yes.

Mr. DEMPSEY. Of course, the gentleman understands that the chairman of the committee contends very earnestly that a diversion is not recognized in this project.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOONEY. Mr. Chairman, I yield myself 10 minutes more.

Mr. DEMPSEY. I say that the chairman of the committee contends that the language of the provision shows on its face in unmistakable terms that no diversion is recognized. We expressly disclaim that.

Mr. MOONEY. The gentleman was not on the floor a while ago when I was happy to make the statement that the chairman of the Committee on Rivers and Harbors and the gentleman from Alabama [Mr. McDUFFIE] and the gentleman from Missouri [Mr. NEWTON] did write the words which they believed cured the situation.

Mr. DEMPSEY. And in an honest effort to attain that end.

Mr. MOONEY. Nobody questions your sincerity of purpose. But I also said that the interest of the people on the border of the lake is so great that no one is justified in taking a chance, and we feel that that chance is present.

Quite aside from any Supreme Court decision as to our power good business judgment must dictate that we permit nothing to interfere with efficiency on the Great Lakes. May I call to your attention some charts made from the latest engineers' reports, which will show better than I can hope to the results on ocean and lake harbors, as well as lake and river transportation.

Chart 1 shows cost per 1,000 tons to the Government on freight in each of 17 ocean harbors, while chart 2 shows the cost per 1,000 tons to the Government on freight in each of 17 lake harbors. These amounts have been computed by taking 5 per cent of the Government's total investment and adding to it the average maintenance cost for the past five years. Government investment in ocean harbors is $155,642,000, on lake harbors $43,370,000, slightly more than one-fourth as much. The tonnage is practically the same. The cost to the Government per 1,000 tons is $68.40 in the case of ocean and $17 in the case of lake harbors. The charts fail to include Richmond, Greys Harbor, Seattle, and Tacoma. All these harbors have a low-tonnage cost. They are included in the charts I shall ask to include in the RECORD, and reduce the ocean average to $62.60.

CHART 1.—*United States harbors, ocean and Gulf*

Harbors	Total United States expenditures for new work to June 30, 1925, in dollars	Average annual charges, maintenance plus 5 per cent cost in dollars	Freight 1,000 tons, 1924	Cost to United States in dollars per 1,000 tons
Savannah, Ga	10,782,373	1,061,120	3,269	325.00
Jacksonville, Fla	6,880,372	727,060	3,196	227.50
Mobile, Ala	6,977,761	584,470	2,768	211.00
Portland, Oreg	16,631,567	1,327,880	9,780	135.50
Philadelphia, Pa	23,685,155	2,508,260	20,193	124.20
Charleston, S. C	6,568,210	372,690	3,131	119.00
Tampa, Fla	5,251,609	287,980	2,675	107.50
Houston, Tex	8,384,264	683,210	7,094	96.00
Galveston, Tex	14,244,332	962,920	15,392	62.50
Providence, R. I	3,689,514	195,760	4,111	47.70
Boston, Mass	11,737,436	620,470	13,186	47.10
Baltimore, Md	9,551,714	735,790	16,526	44.50
Portland, Me	2,271,386	114,170	2,583	44.20
Port Arthur, Tex	7,452,897	624,980	15,903	39.30
Greys Harbor, Wash	2,955,771	201,000	5,887	34.20
San Francisco, Oakland, and Richmond Harbor, Calif	6,429,919	415,150	18,825	22.00
Los Angeles, Calif	8,675,215	466,920	23,214	20.10
Norfolk, Va	6,673,518	368,270	19,530	18.80
Seattle and Tacoma, Wash	3,913,057	203,590	11,767	17.30
Total, 19 harbors	162,750,310	12,461,620	199,090	62.60

CHART 2.—*United States harbors, Great Lakes*

Harbors	Total United States expenditures to June 30, 1925, in dollars	Average annual maintenance plus 5 per cent, cost in dollars	Freight, 1,000 tons, 1924	Cost to United States, in dollars per 1,000 tons
Chicago, Ill	1,500,505	95,000	1,658	57.30
Buffalo, N. Y	10,629,754	707,400	20,652	28.60
Cleveland, Ohio	6,747,418	381,400	10,584	36.00
Milwaukee, Wis	2,015,618	217,800	6,476	33.60
Calumet, Ill	2,805,281	278,200	9,462	29.40
Sandusky, Ohio	1,654,771	116,700	4,813	24.30
Toledo, Ohio	2,892,162	192,600	11,320	17.00
Ashtabula, Ohio	2,302,841	121,100	10,135	12.00
Indiana Harbor and Gary, Ind	1,573,124	88,700	7,600	11.60
Lorain, Ohio	1,189,265	67,320	6,145	11.00
Conneaut, Ohio	1,812,895	98,600	10,185	9.70
Duluth-Superior, Minn	7,152,770	413,609	45,417	9.10

CHART 2—*United States harbors, Great Lakes*—Continued

Harbors	Total United States expenditures to June 30, 1925, in dollars	Average annual maintenance plus 5 per cent, cost in dollars	Freight, 1,000 tons, 1924	Cost to United States, in dollars per 1,000 tons
Rouge River, Mich	611,728	37,600	5,065	7.42
Ashland, Wis	265,426	21,200	6,159	3.44
Agate Bay, Minn	234,058	13,700	5,646	2.43
Rogers City, Minn	5,606	300	6,899	.04
Escanaba, Mich			5,048	
Total, 17 harbors	43,370,000	2,941,600	173,324	17.00

Referring to this chart [indicating] each line represents $10. Norfolk, Va., is unusually low; about $19 per thousand tons, and then it runs on down to Savannah, Ga. But I call your attention, gentlemen, to this fact: Although there can be no doubt but that the improvement of ocean harbors is a wise development, yet I want to show how much more expensive that development is than the development of the Lakes. God gave us the Lakes and we ought to care for them.

Now, I have here another set of charts showing the tonnage in the harbors, both on the ocean and on the Great Lakes. You gentlemen who are concerned about the interests of Chicago in the waterways of the Nation will be interested to know the commerce they have on the Lakes. I think this chart shows it better than any man can say. We have a greater interest than Chicago. They have practically neglected Lake commerce and have but one and one-half million tons in their harbor.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. MOONEY. Yes.

Mr. SABATH. Is it not a fact that Calumet is part and parcel of Chicago? It is known as the Calumet region.

Mr. MOONEY. It is near Chicago. I want to call your attention to the vast amount of freight that is handled on these various lake ports and compare them with the ocean ports. I think we people on the Lakes do not fully realize their importance, and therefore it is not surprising that you gentlemen who do not live there would not.

Mr. WILLIAM E. HULL. Take a town like Calumet and Ashtabula, Ohio. Does that mean freight going in or freight coming out?

Mr. MOONEY. It includes both.

Mr. WILLIAM E. HULL. Most of it is iron ore.

Mr. MOONEY. Iron ore, coal, and grain.

Mr. WILLIAM E. HULL. Very little grain.

Mr. CHALMERS. I will give the gentleman the figures in a moment.

Mr. CARSS. They shipped 118,000,000 bushels of grain out of the harbor of Duluth during the last season.

Mr. MOONEY. Yes; I have those figures.

Mr. WILLIAM E. HULL. There were 44,000,000 tons of iron ore.

Mr. MOONEY. I would like to call particular attention to the vast amount of tonnage handled on the Lakes as compared with the rivers of the country. I do not want to make any comparison that is derogatory to the rivers, because I am an enthusiast as to river transportation.

CHART 3.—*United States waterways, comparison of costs and traffic volume*

Rivers	Total United States expenditures to June 30, 1925	Average annual maintenance plus 5 per cent cost	Freight, 1,000 tons, 1924	Freight, 1,000 ton-miles	Cost to United States	
					Per ton	Mills per ton-mile
Missouri, above Kansas City	$5,546,510	$318,326	134	1,510	$2.37	211
Mississippi, above the Missouri	38,744,000	2,097,800	808	16,543	2.58	126
Missouri, above the mouth	21,791,000	1,392,300	471	11,920	2.96	117
Missouri, below Kansas City	16,244,550	1,074,000	347	10,410	3.10	103
Mississippi, above the Ohio	50,992,000	3,230,600	1,553	109,690	2.10	29.6
Five Mississippi tributaries [1]	12,045,497	817,000	927	40,038	.88	20.4
Illinois	2,392,378	179,140	123	9,350	1.46	19.2
Ohio	91,967,044	6,216,174	10,867	543,350	.57	11.4
Five Ohio tributaries [2]	26,210,103	2,001,000	3,078	180,745	.65	10.5

[1] Includes the Red, Yazoo, Big Sunflower, Arkansas, and White Rivers.

[2] Includes the Cumberland, Tennessee, Kanawha, Big Sandy, and Kentucky Rivers.

CHART 3—*United States waterways, comparison of costs and traffic volume*—Continued

Rivers	Total United States expenditures to June 30, 1925	Average annual maintenance plus 5 per cent cost	Freight, 1,000 tons, 1924	Freight, 1,000 ton-miles	Cost to United States	
					Per ton	Mills per ton-mile
Five Gulf coast rivers [3]	$17,022,542	$1,674,800	1,381	216,021	$1.21	7.75
Allegheny	3,442,224	200,230	4,428	39,852	.066	7.3
Three Pacific coast rivers [4]	10,072,557	702,300	2,550	195,240	.275	3.6
Five Atlantic coast rivers [5]	9,821,114	619,980	8,320	265,450	.074	2.33
Mississippi above New Orleans	50,992,000	3,369,000	12,006	1,847,460	.28	1.82
Monongahela	10,882,319	1,362,000	21,879	1,029,000	.062	1.33
Mississippi from Missouri to New Orleans	12,248,947	1,281,000	11,198	1,731,000	.115	.74
Sum of above (29 rivers)	256,639,000	18,625,000	66,030	4,387,423	.282	4.25
Great Lakes	120,195,824	8,293,300	123,169	92,400,000	.007	.09

[3] Includes the Chattahoochee, Alabama, Bigbee-Warrior, Black Warrior, and Trinity Rivers.
[4] Includes the San Joaquin, Sacramento, and Upper Columbia and Snake Rivers.
[5] Includes the Kennebec, Me.; Raritan, N. J.; Delaware from Philadelphia to Trenton; Potomac and James Rivers.

Chart 3 shows the volume of freight handled by the sea ports, while Chart 4 shows the volume of freight handled by the lake ports. The story they tell is quite amazing.

The fifth chart shows the total tonnage of freight handled on 29 improved rivers chosen from sections covering the entire country; the five Mississippi tributaries are the Red, Yazoo, Big Sunflower, Arkansas, and White Rivers; the five Ohio tributaries include the Cumberland, Tennessee, Kanawha, Big Sandy, and Kentucky Rivers; the five Gulf coast rivers include the Chattahoochee, Alabama, Bigbee-Warrior, Black Warrior, and Trinity Rivers; the three Pacific coast rivers include the San Joaquin, Sacramento, and Upper Columbia, and Snake Rivers; the five Atlantic coast rivers include the Kennebec, Me.; Raritan, N. J.; Delaware, from Philadelphia to Trenton; Potomac and James Rivers. This chart also shows the total tonnage handled on the Great Lakes. The Government's investment on the rivers is $256,639,000, their total freight tonnage 66,030,000; the investment on the Lakes is $120,195,824 and the total tonnage is 123,169,000.

The sixth chart shows the cost in mills per ton-mile to the Government. I arrive at these figures in the same way as that of the harbors; 5 per cent of the total investment plus the average maintenance cost for the past five years. There is not the slightest purpose on my part to make unfavorable comparison; on the contrary, I insist that waterways are good Government investment, but I do call to your attention the fact that cost per ton-mile on the Lakes is but one-eighth the cost on the Mississippi from the Missouri to New Orleans, which makes the best showing of any river. Certainly every argument for improvement of rivers and harbors must be a double argument for protection of the greatest of all waterways.

Mr. WILLIAM E. HULL. Will the gentleman state that these rivers are not developed? There is no place to go and no place to come to, and until you get the necessary development it is not entirely fair to make a comparison between the rivers and the harbors.

Mr. BURTON. The development of rivers has been in progress for a longer time.

Mr. MOONEY. The Government to-day has expended $266,000,000 on the group of rivers here shown.

Mr. WILLIAM E. HULL. I want to call your attention to the fact that the gentleman from Ohio was chairman of this great Committee on Rivers and Harbors, and that the rivers have not been developed.

Mr. MOONEY. I want to testify to the fact that among all the chairmen of Committees on Rivers and Harbors that we have ever had the gentleman from Ohio [Mr. BURTON] is one of the greatest. [Applause.]

Mr. BURTON. In reply to the remark of the gentleman from Illinois [Mr. WILLIAM E. HULL], I want to say that it is a very empty manifestation of intellect for a man to make such a statement as that. It is an erroneous statement. A man making such a statement is talking through his hat in a way that indicates no thorough and intelligent understanding of the subject. There was no more liberal provision made for rivers than when I was chairman of the committee, and I will not let that statement go by without a protest.

Mr. MOONEY. Of course, the gentleman from Ohio need not defend his record as chairman of the Committee on Rivers and Harbors—the Nation knows and appreciates.

Mr. MANSFIELD. Is it not a fact that among your rivers as indicated here you include St. Marys and Detroit?

Mr. MOONEY. No. I think that is included in another group, in the Great Lakes system. My statement is not intended to create any sentiment against rivers or their development.

I am an enthusiast about them, but there is a limitation as to what man can do, and it is agreed, I think, by every expert upon the subject that man can not make channels that will compare with those that nature has made, so that it will never be fair to compare the efficiency of the Great Lakes with the rivers of the country.

Mr. MANSFIELD. I will state to the gentleman that two years ago, when we had hearings, Mr. Harvey Goulder, of your city, attorney for the Lake Carriers' Association——

Mr. MOONEY. And a man of whose friendship I am very proud.

Mr. MANSFIELD. And a man remarkably well posted, stated that there had been approximately $142,000,000 spent on rivers in connection with the Great Lakes for the purpose of making your Great Lakes harbors effective, and that without them your harbors could not have been used to any extent.

Mr. MOONEY. I am in absolute sympathy with the development of those rivers, and I quoted those figures in answer to a question by the gentleman from Illinois [Mr. HULL].

Mr. WILLIAM E. HULL. If the gentleman will yield further, I see you have a very small mark at the Illinois River. I want to call your attention to the fact that if you would allow us to go on into the Lakes and join you people over there we would be among those long black lines.

Mr. MOONEY. And I suppose you would use a trolley to get around these stationary bridges they are trying to build.

Mr. CHALMERS. I would like to correct a false impression that might be left by the statement made by the gentleman from Texas. The rivers on the Great Lakes were not developed as feeders, but as connecting links on the Great Lakes.

The CHAIRMAN. The gentleman from Ohio has used the additional 10 minutes.

Mr. MOONEY. Mr. Chairman, I yield myself an additional 10 minutes. Now, gentlemen, I want to repeat that in this comparison there is not the slightest sentiment of unfriendliness to river development. I am an enthusiast for river development, and I think every man upon the committee will agree to that. As a matter of fact, I am one of the Members who would like to commit Congress to an improvement that my friends who are equally friendly feel would be bad judgment at this time. But I do believe we ought to compare the costs, which, after all, show profit to the Government on its investment. For instance, the Mississippi River, from the Missouri to New Orleans, makes the greatest showing of any of the rivers; that is, in cost to the Government. It makes what I consider a very wonderful showing—0.74 mill per ton-mile for transporting freight. But I want to call your attention to the fact that while the Mississippi has shown splendid results the showing of the Great Lakes is 0.009 of a mill, a little less than one-eighth of that of the Mississippi.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. MOONEY. Yes.

Mr. SCHNEIDER. Is it not true that on the Mississippi, from St. Louis down, the Government has Government-owned boats that make possible the big commerce that is now being taken care of?

Mr. MOONEY. I was not talking about the volume of the commerce; I was talking about the cost to the Government.

Mr. O'CONNOR of Louisiana. Does the statement made by the gentleman from Wisconsin imply that Government-owned boats and Government-owned roads would increase the commerce of the country?

Mr. SCHNEIDER. No.

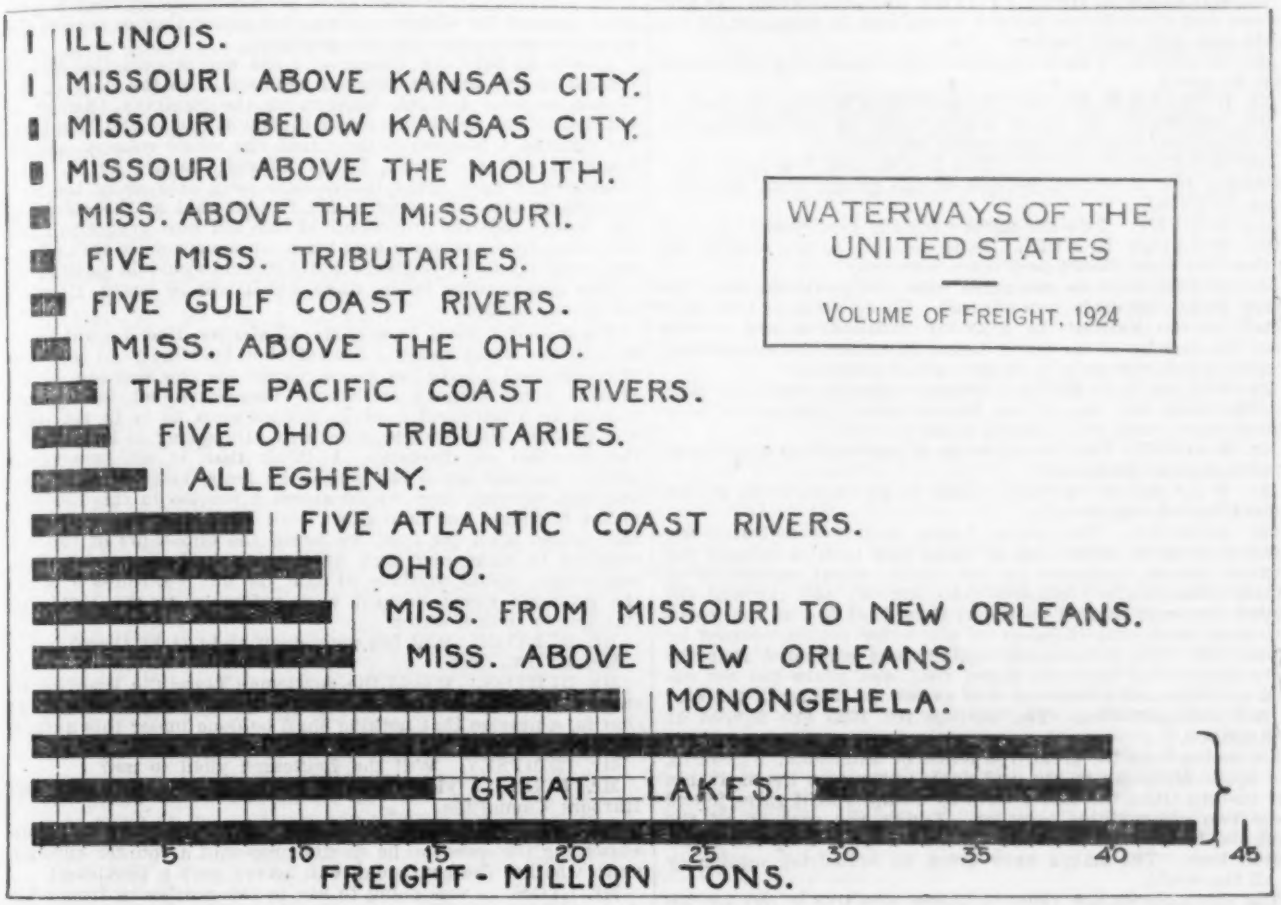
Mr. O'CONNOR of Louisiana. The gentleman's remarks logically carry that inference with them.

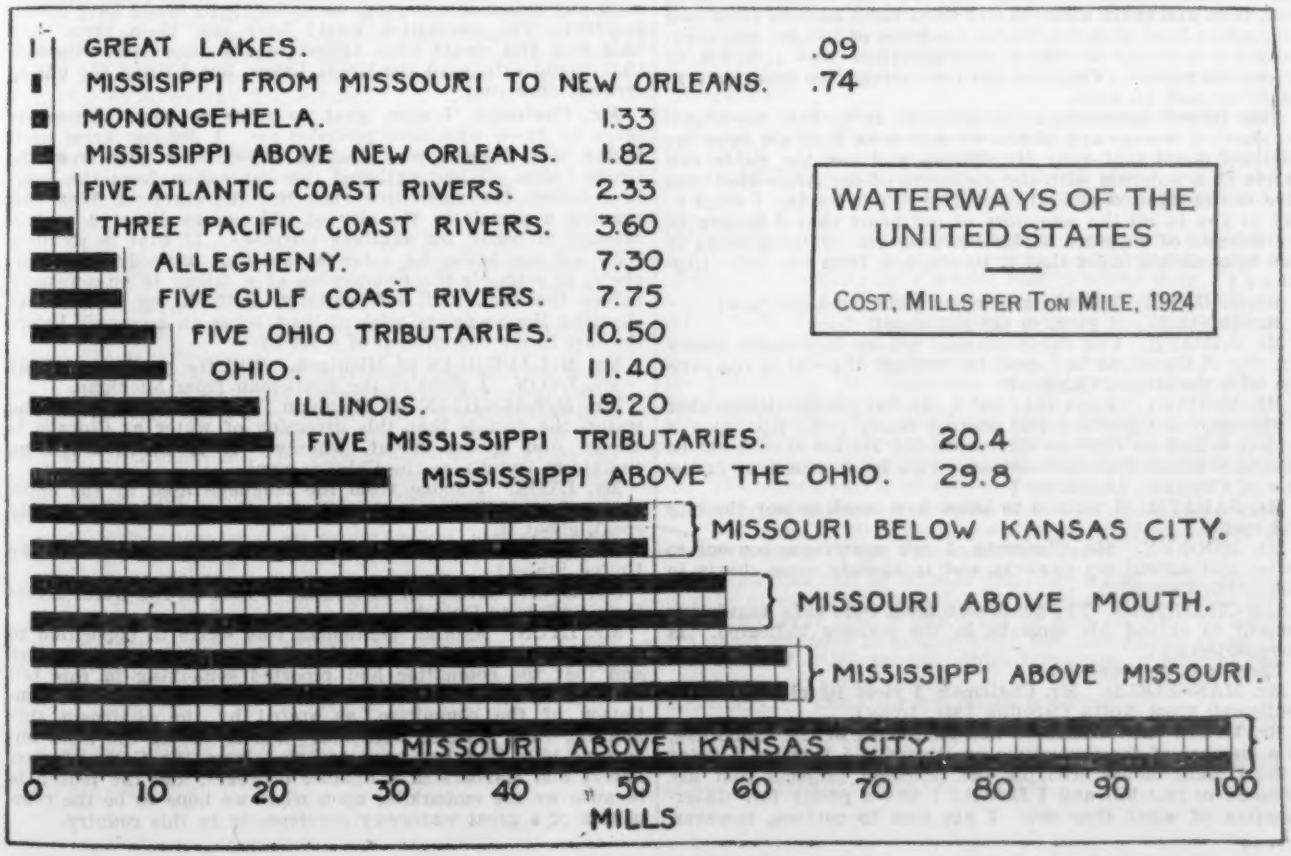
Mr. ABERNETHY. Will the gentleman yield?

Mr. MOONEY. Yes.

Mr. ABERNETHY. It is true, is it not, that on the Great Lakes the Lord made the improvements, while on these waterways the Government made the improvements?

Mr. MOONEY. I am in absolute agreement with my friend from North Carolina, and that is the reason the cost is less on the Great Lakes. There is no question about that. Now, without the least feeling of unfriendliness I do ask you to keep in mind this very wonderful return upon the Government's investment upon the Lakes.


ILLINOIS.
MISSOURI ABOVE KANSAS CITY.
MISSOURI BELOW KANSAS CITY.
MISSOURI ABOVE THE MOUTH.
MISS. ABOVE THE MISSOURI.
FIVE MISS. TRIBUTARIES.
FIVE GULF COAST RIVERS.
MISS. ABOVE THE OHIO.
THREE PACIFIC COAST RIVERS.
FIVE OHIO TRIBUTARIES.
ALLEGHENY.
FIVE ATLANTIC COAST RIVERS.
OHIO.
MISS. FROM MISSOURI TO NEW ORLEANS.
MISS. ABOVE NEW ORLEANS.
MONONGEHELA.
GREAT LAKES.
5 10 15 20 25 30 35 40 45
FREIGHT - MILLION TONS.
WATERWAYS OF THE UNITED STATES
VOLUME OF FREIGHT, 1924


GREAT LAKES. .09
MISSISIPPI FROM MISSOURI TO NEW ORLEANS. .74
MONONGEHELA. 1.33
MISSISSIPPI ABOVE NEW ORLEANS. 1.82
FIVE ATLANTIC COAST RIVERS. 2.33
THREE PACIFIC COAST RIVERS. 3.60
ALLEGHENY. 7.30
FIVE GULF COAST RIVERS. 7.75
FIVE OHIO TRIBUTARIES. 10.50
OHIO. 11.40
ILLINOIS. 19.20
FIVE MISSISSIPPI TRIBUTARIES. 20.4
MISSISSIPPI ABOVE THE OHIO. 29.8
MISSOURI BELOW KANSAS CITY.
MISSOURI ABOVE MOUTH.
MISSISSIPPI ABOVE MISSOURI.
MISSOURI ABOVE KANSAS CITY.
0 10 20 30 40 50 60 70 80 90 100
MILLS
WATERWAYS OF THE UNITED STATES
COST, MILLS PER TON MILE, 1924

Mr. WILLIAM E. HULL. I do not like to interrupt the gentleman, but there is one point I would like to bring out, if the gentleman will yield further.

Mr. MOONEY. I have not much time remaining, and others wish to speak.

Mr. WILLIAM E. HULL. The gentleman is using up time.

Mr. MOONEY. So many people want to talk against the Illinois project that they are asking for time.

Mr. WILLIAM E. HULL. The fact is that you are accommodating just a certain portion of the people with iron ore, grain, and coal.

Mr. MOONEY. I do not agree with the gentleman.

Mr. WILLIAM E. HULL. Is it not fair to the rest of the Nation that they should be given a waterway?

Mr. MOONEY. I do not agree with the gentleman that the Lakes should be made less efficient. Cheap freights then give benefit to the Nation. In 1925 the railroads hauled to and from the harbors of the Great Lakes 35,000,000,000 ton-miles of freight, which certainly went into other localities.

Mr. WILLIAM E. HULL. Nobody disputes that, but is it not fair that the rest of the Nation have a chance to have waterways as well as the Great Lakes?

Mr. MOONEY. That would be so if this problem came in as a navigation problem only.

Mr. WILLIAM E. HULL. That is all there is to it, because I introduced the bill.

Mr. MOONEY. The Great Lakes system constitutes our greatest natural asset. On it there has been developed the greatest inland commerce in the world; about one-fourth of all the water-borne commerce into, out of, and through the United States is carried on them; it is described as the greatest, most used, and cheapest of all water routes. Based on figures for 1917, Government statisticians computed that the costs for moving iron ore, stone, coal, and grain did not exceed one-fifth and sometimes was as low as one-tenth the cost of rail transportation. The savings for 1925 are figured at $183,000,000.

Extending from the great iron mines of Minnesota, Wisconsin, and upper Michigan to the coal fields of western Pennsylvania and eastern Ohio, the Lakes have by cheap freight rates joined these two commodities together. Eighty per cent of all the steel and iron produced in the United States is from ore transported here. The Lakes have given us industrial supremacy of all the world.

The profit comes not alone to people who live in our section but to all the Nation. I repeat that last year transportation in coal, iron, and grain alone to and from Lake harbors furnished railroads a total of 35,000,000,000 ton-miles of freight, and naturally the economy of water transportation was reflected in prices everywhere. Congress can not exercise too great care in guarding such an asset.

This Illinois improvement should come in without the slightest smell of sewage and alone; when it does, I do not have the slightest doubt that your Mr. Barnes and our Mr. Sabin can arrive at a program with the engineers of the Army that will give you navigation and will not disturb our levels. I want to say to you in all the solemnity of my heart that I believe in the interest of a future navigation program you proponents of this item should insist that it be stricken from the bill. [Applause.]

Mr. SABATH. Will the gentleman yield for a question?

Mr. MOONEY. I yield to the gentleman.

Mr. SABATH. Can the gentleman tell me how much money the city of Cleveland has spent for sewage disposal in comparison with the city of Chicago?

Mr. MOONEY. I can not; but I can tell the gentleman that if the city of Cleveland had started many years ago upon a project it had no right to start upon the Nation should not be penalized because of our mistake. This holds true also in the case of Chicago. [Applause.]

Mr. SABATH. I wanted to know how much money the city had spent.

Mr. MOONEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include some charts in connection therewith.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. LYON].

Mr. LYON. Mr. Chairman and gentlemen of the committee, as a member of the Committee on Rivers and Harbors I spent a good many hours studying the proposed projects that are included in this bill and I thought I had a pretty fair understanding of what they are. I am free to confess, however, after listening to the remarks of my distinguished friends who have opposed the Illinois project, that either they or myself are mistaken as to what this bill provides.

I have no brief for Chicago. I did not support this bill in committee and am not going to support it on the floor of the House, because I think Chicago or the Sanitary District is entitled to any great amount of diversion from Lake Michigan, but because I honestly believe that the whole country will be benefited and the Great Lakes interest unhurt by it. Mr. Chairman, a good many things have been said about the proponents of this bill. One of my friends said at the outset of this debate that the proponents of this bill were trying to hand the Great Lakes people a gold brick, or something to that effect, and were trying to influence the Supreme Court in passing on a case now pending before them which will be heard, I understand, in October.

For myself I want to say, Mr. Chairman, that I want to be fair to the Great Lakes. I would not knowingly do them an injustice, and I have too much respect for the Supreme Court of this great country to believe they have not intelligence enough to understand a plain proviso such as is in this bill, and to know that we are in no way attempting to legislate on the question of diversion. I think that is all camouflage myself, because when the gentleman from Virginia asked the question, whether they would accept a proviso in this bill providing it should not take effect until after the Supreme Court had passed upon the case, we heard the opponents of the bill refusing to make any such agreement; in fact, one of them stated they would continue to fight the bill regardless of what the Supreme Court decided with reference to the rights of Chicago to divert water.

Mr. BURTON. Will the gentleman yield right there?

Mr. LYON. Yes.

Mr. BURTON. Would the gentleman favor the insertion of such a provision as the gentleman from Virginia suggests; that is, a proviso that nothing shall be done under this authorization until after the decision of the Supreme Court?

Mr. DEMPSEY. Will the gentleman yield to me?

Mr. LYON. I yield to the chairman of the Rivers and Harbors Committee.

Mr. DEMPSEY. Does not the gentleman think before answering the question he should propound a counter question as to whether the gentleman will accept such a provision?

Mr. LYON. I was going to say to the gentleman from Ohio that if the opponents of the bill had come to the committee with any reasonable request we undoubtedly could have gotten together. The committee would have met them more than half way and would have agreed to any reasonable language that would safeguard the Great Lakes, but I think the bill as written does that.

Mr. Chairman, I also want to refer to some statements made by those who have preceded me. I did not know until to-day that Chicago was stealing $3,000,000 a year from the Great Lakes. I had gathered the impression from the hearings before the committee that the Secretary of War had granted a permit to the city of Chicago to divert a certain amount of water for sanitary purposes. If that is stealing, then my law books have taught me that anybody who aids, abets, or counsels the commission of a felony is an accessory before the fact, and, inferentially, I think my friends are charging the Secretary with at least being an accessory before the fact in the commission of a felony.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. LYON. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Speaking about stealing water, the fact is that this diversion of water at Chicago is known and spoken about, wherever it is mentioned from Buffalo to Duluth, as the Chicago steal.

Mr. LYON. I judge from the language used by the opponents of the bill to-day that that is the way they commonly speak about it.

Mr. DEAL. Does that constitute the whole people of the United States?

Mr. McLAUGHLIN of Michigan. I said on the Great Lakes from Buffalo to Duluth.

Mr. LYON. Another gentleman who spoke in opposition to the bill seemed to have the idea that this is a local measure and that the committee had reported something in this bill to aid only Chicago and its immediate locality. Why, gentlemen of the committee, as stated by the chairman this morning—and I agree with him—this is one of the most important bills that has been reported from the Committee on Rivers and Harbors in a number of years, and the reason is because we are embarking upon what we hope to be the completion of a great waterway development in this country.

The Illinois River is not to serve Chicago alone, but it will be the most important link, or one of the most important links in a waterway system that eventually will comprise 9,000 miles; I understand about 3,000 miles of trunk-line waterway and probably 6,000 miles of connecting waterway. So we are not seeking to serve Chicago only, and we have not a thing to do with the Chicago quarrel with the Great Lakes with reference to sanitation.

Mr. DEMPSEY. Let me supplement the gentleman's statement by saying that when we complete the Illinois project there will be 9,000 miles in the Mississippi system, plus 2,000 miles in the Great Lakes system, interconnected and each one serving the other.

Mr. LYON. Yes; I am glad to accept that correction.

As I started to say a moment ago, we hope to serve all the people of the country. We are not seeking to serve in this bill only Chicago. My friend, the gentleman from Ohio [Mr. MOONEY], had a very interesting chart here which he exhibited a few moments ago. He showed you the advantages of having water transportation. He showed you that transportation on the Great Lakes is cheaper than it is anywhere else in this country. I agree with the gentleman, and that simply shows that if you embark upon a system of waterways improvements that this committee is now seeking to embark upon, the entire country will receive the same benefits that the Great Lakes region is now receiving, and the Great Lakes will not suffer any loss. [Applause.]

To illustrate, we have heard quite a good deal here, not only at this session, but ever since I have been a Member of Congress, about the great trouble that the farmer is having, and I agree with everything that has been said. We have also heard about relief legislation. Do you know that if you will lower the cost of transportation over this country to the extent it has been lowered around the Great Lakes, you will serve the farmer better perhaps than by passing some of the bills that have been proposed here for his relief?

I have in my office now a statement of a shipment of green corn from my home town to Jersey City in bushel hampers. That corn sold on the market for $1.50 a bushel. Mark you, that was in the shuck and on the cob and was a big price. That is as much as the consumer can afford to pay for corn.

At the same time corn in Washington was retailing for 10 cents for a small ear or three for a quarter. The consumer could not afford to buy it. They thought that the farmer got a big price for his corn. The fact was that the transportation charge was $1.05; the commission merchant got 10 per cent, 15 cents, leaving the farmer 30 cents out of which he had to buy the hamper, raise the corn, and send it to market. I say if you can lessen the cost of transportation it will not only help the farmer, but help the consumer, and that is what we are seeking to do by this legislation.

Mr. SABATH. Will the gentleman yield?

Mr. LYON. I will.

Mr. SABATH. Has not it seemed to the gentleman that those opposing the waterway transportation have in mind only transportation for the Steel Trust and for the coal-mine owners, and very little for the farmer?

Mr. LYON. I do not question the motives of other gentlemen. The thing I am interested in is in giving the country the benefit of the low transportation that they are now enjoying on the Great Lakes.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. DEMPSEY. I yield the gentleman five minutes more.

Mr. LYON. Now we ought to begin without delay. Why wait until the Supreme Court can pass on a question that does not affect in any way the project in this bill? My friend from Ohio [Mr. CHALMERS] left the impression with me—I do not think he intended to leave it with the committee—but he left the impression with me that it was his contention that if you adopted this project you had to have 8,250 second-feet to make it available. This project is an elastic project, and will, when completed, provide navigation with little, if any, diversion of water from Lake Michigan.

General Taylor or some other engineer stated before the committee that if the project is adopted, that 9 feet of water can be obtained eventually without the diversion of 1 foot of water from Lake Michigan. We arrive at that because the Desplaines River has a flow of 1,500 feet a second. The engineer I have in mind testified in addition to that that the domestic water flow from the city of Chicago amounted to 1,000 cubic feet a second, making 2,500 cubic feet, an amount of water ample to provide a 9-foot channel when proposed improvements of river are completed.

Mr. VOIGT. If the gentleman will yield, if that is true, and the project can be completed without the loss of the water, why not so provide in the bill?

Mr. LYON. That is in the bill as plain as language can be written, that—

> nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

Mr. CRAMTON. Will the gentleman yield?

Mr. LYON. Yes.

Mr. CRAMTON. That is to say, the gentleman's construction is that the proviso means that this act does not in any way alter the situation for the sanitary purposes. But the gentleman further has stated that no diversion is needed for construction purposes.

Then, why not leave out the matter of diversion for sanitation entirely, in view of the pending decision of the Supreme Court of the United States, and provide in this bill specifically, not that the present status, when there is a very dangerous diversion, not that the present status of injurious diversion shall be continued, but provide that there shall not be any diversion by reason of navigation construction?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MANSFIELD. Mr. Chairman, I yield the gentleman two minutes more.

Mr. LYON. Mr. Chairman, I would say that the committee felt it would not be fair to the country to authorize the immediate expenditure of $6,000,000, the approximate amount necessary to provide navigation with practically no diversion, when by permit of the Secretary of War there is now flowing down the Illinois River 8,250 cubic feet of water per second, and by utilizing that now we can give you a 9-foot channel at the cost of a little over a million dollars, and as diversion is decreased from time to time additional work can be done on the river to maintain navigation with decreased flow of water, and that is what this bill provides for.

Mr. CRAMTON. But we contend that that present diversion is unlawful and illegal, and the language inserted in the bill is in effect that what we contend is an unlawful diversion shall not be disturbed.

Mr. LYON. The gentleman does not contend that this diversion of 8,250 feet is to continue indefinitely, does he?

Mr. CRAMTON. We hope it will not, but the provision says that it shall not be disturbed.

Mr. LYON. Has the gentleman any objection, as long as this water is flowing down here, to using that water for the purpose of navigation?

Mr. CRAMTON. But the gentleman's language states that the present status shall not be disturbed.

Mr. LYON. It is not my language.

Mr. CRAMTON. And that is an injurious status, and if you do not need any water for navigation purposes, why not definitely say so in the bill?

Mr. LYON. This proviso was put in here so that the Supreme Court can have it affirmatively stated that we are not attempting to legislate on a matter that is before them.

Mr. CRAMTON. Then the language can be improved upon?

Mr. LYON. Could the gentleman suggest an improvement and stop this fight?

Mr. CRAMTON. If no one else does, I shall.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. LYON. Yes.

Mr. DEMPSEY. The gentleman from Michigan, honestly, apparently in entire good faith, is overlooking the second portion of the proviso and is commenting only upon the first part of it. The second half is as follows:

> But the whole question of diversion from Lake Michigan for sanitation, navigation, or other purposes whatsoever shall remain and be unaffected hereby as if this act had not been passed.

Surely nothing can be broader than the whole. The gentleman calls attention to the fact that we do not disturb the permit, that we leave that in effect, but he does not have in mind, and I say I am sure he is absolutely fair and honest about it, the second half of the proviso, which takes care of what he has in mind absolutely and clearly.

Mr. LYON. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. CHALMERS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, I have been very much interested in this discussion, especially that part of it pertaining to the so-called Chicago steal, and I think it is well named. There is one angle which so far has not been touched upon this afternoon to which I would like to give a little attention. It was alluded to by the gentleman from Ohio [Mr. BURTON] in his speech on May 22. At that time he said:

> It may be safely asserted that if such a diversion existed from one country to another of equal strength it would cause war.

A few weeks ago—we all recall the controversy—a group in the membership of this House were ardently, almost frantically, waving the United States flag with every reference to the so-called all-American canal; were telling us that this canal was a vital necessity to our Nation for purposes of national defense in view of the possibility of future warfare in which our Nation and our neighboring nation might be oppositely aligned or might not be combatting side by side.

And here, mark you, we find that identical group, the Members who are so deeply interested in that project, pressing this item in the bill before us, advocating the enactment of a provision that may in the future be a cause of war. I am opposed to war of every description except an absolute war of defense, and I am not going to lend my support to anything that might in the distant future be cause for war. If you study the causes that led up to all the wars in 3,000 years of the world's history you will find that in 9 out of 10 a very much smaller spark started the conflagration than is furnished by the Chicago water diversion. I am not an alarmist. But I believe the best time to stop a war is before it begins. I can see my six sons fighting, not against the British Government, for which I have no particular love, but against the British people in such a contingency, and I have a great deal of love and sympathy for the people of Great Britain.

Let me call your attention to some of the things that were said in the debates of the House of Commons in Canada a few weeks ago. I am in hopes that the gentleman from Ohio [Mr. BURTON] will speak at length upon this subject when he speaks here to-morrow, because no Member of this House is better qualified to speak on this subject than the gentleman from Ohio, both because of his intimate knowledge of the rivers and harbors of the United States and because of his thorough knowledge of international relations. He is an international lawyer of repute.

I want to pave the way for him, if I may, to speak upon the subject, by reading into the RECORD a few excerpts from the debate in the House of Commons in Canada March 24, 1926. And I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by including the portions of the debate in the RECORD which I have not time to read now.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. DEMPSEY. On what question?

Mr. KVALE. They are extracts from the debate upon the question of the diversion of water at Chicago.

Mr. DEMPSEY. How long a debate is it?

Mr. KVALE. It would take about 15 minutes to read what I want to put in.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield? He has touched upon a very interesting phase of this discussion.

Mr. KVALE. I yield.

Mr. O'CONNOR of Louisiana. Why should the British people go to war with us? Is it because they will claim we reduce through the so-called diversion the volume of water going through the St. Lawrence? Would that be a casus belli from the standpoint of the British people?

Mr. KVALE. Let me read these extracts. They will prove——

Mr. O'CONNOR of Louisiana. Let me ask this question, because I think this is a very interesting point in this discussion: To what extent is the volume of water going through the St. Lawrence diminished by this diversion?

Mr. KVALE. We have been told that it is 6 inches.

Mr. O'CONNOR of Louisiana. To what extent has the volume of water going out of the St. Lawrence diminished?

Mr. KVALE. The water in the Great Lakes is lowered 6 inches due to this diversion. May I have time to read these extracts, and then I will yield? I want to read these to the gentleman.

Mr. KUNZ. Will the——

Mr. O'CONNOR of Louisiana. I have the floor, and I want to be absolutely fair and show the effect of my interrogatory in the event the gentleman answers favorably to my attitude. In the event the gentleman answers that the volume of water going out of the St. Lawrence is to the extent of the diversion, then it is mathematically certain that the lake levels can not be lowered, because it would be clear that the total of the outflow through the diversion plus that which now goes out of the St. Lawrence is only equal to what formerly went out of the St. Lawrence before there was any diversion.

Mr. KVALE. I have already said that the diversion lowers the water in the Great Lakes 6 inches, which means, of course, that the volume of water is diminished by just that much. Let me read some of these statements to see what Members of the Canadian Parliament have to say on the subject.

Mr. MANSFIELD. Will the gentleman yield?

Mr. KVALE. I will.

Mr. MANSFIELD. The gentleman complimented the gentleman from Ohio [Mr. BURTON] very highly a while ago for his harbor improvements on the Great Lakes by the Government of Canada, we all agree, but I would like to ask the gentleman if he voted for the Italian debt settlement which the gentleman from Ohio [Mr. BURTON] negotiated?

Mr. KVALE. I certainly did not; but because he is an expert on rivers and harbors and an expert on international law it does not necessarily follow that I must support him in everything he advocates.

Allow me to proceed. I read as follows:

CHICAGO DRAINAGE CANAL

ENFORCEMENT OF TREATY AND COLLECTION OF DAMAGES

Mr. T. L. Church (Toronto Northwest) moved:

"That in the opinion of this house, in order to preserve the levels of the Great Lakes and conserve the money expended on canals and harbor improvements on the Great Lakes by the Government of Canada, immediate and drastic action should be taken by the Government, through the British Government, to enforce the boundary waterways treaty (1909) and to forthwith collect damages from the United States for breaches of the treaty by the Chicago Drainage Canal, and that this house regrets the failure to take in the past any effective action and will support the Government in future in any drastic action it takes to preserve the interests of Canada and have the treaty enforced without any more delays; and that the Government ask the British Government to collect for the damage done to Canadian interests of such illegal diversion as reparations due Canada, which amounts to several millions per annum; and that the onus for the enforcement of the said treaty is on Great Britain and Canada and not on any private individuals."

He said: "Mr. Speaker, this is one of the most important questions which this parliament has to deal with. It has been before the House now for some time, and the matter is of such vast importance to the people of this country that something will have to be done other than talk about it. The question involved is a very large one. It was dealt with a few years ago in a treaty between Great Britain and the United States known as the boundary waterways treaty, dated January 11, 1909. After all is said and done, Chicago is not to blame for the situation which has arisen. Chicago has been termed in the United States Congress and Senate as the 'pirate of the Lakes,' but I say Chicago is not to blame. The responsible bodies are the Governments of the United States, Great Britain, and Canada. There is no mention of Chicago in the treaty at all; nothing is said of the amount of water Chicago may use. This is a solemn treaty and must not be treated as a scrap of paper, as it has been treated by the Government of the United States, with the apparent do-nothing policy of this Government. This Government has made a football of the question. We talk of how Germany treated Belgium, of how she regarded the treaty with Belgium as a scrap of paper; but here is a convention entered into by the Governments of Great Britain and the United States which the Government and people of the latter country are treating in the same way.

"I am not going into the history of this case at the present time. I spoke on this matter in this House in 1922, 1923, and 1924, and on March 26, 1924, the whole case was set out by me then. But I want to ask now whether Chicago is more powerful than the Government of the United States, and more powerful than this Parliament and the Parliament of Great Britain. It is time Chicago was checked up. The Government of the United States should take the matter in hand and enforce the treaty, and Chicago should be no longer allowed to control the Government of the United States and prevent this Parliament from protecting the people of Canada."

Further on he says:

The whole treaty is being laughed at and a football made of the whole question by the legislatures and courts and Congress and Senate of the United States.

Mr. DEMPSEY. Will the gentleman yield?

Mr. KVALE. I will.

Mr. DEMPSEY. The gentleman is proving to the contrary. The gentleman is proving that he, at least, is in accord with the Canadians or at least with the sentiment which some members of Parliament in Canada say.

Mr. KVALE. I do not get the gentleman's contention.

Mr. DEMPSEY. What the gentleman read just now is that all Members of the House and Senate are flouting the Canadian claims. I say that can not be true, because the gentleman who is speaking now is saying that what these Canadian gentlemen say is well founded.

Mr. KVALE. Very well. Before I conclude possibly the gentleman will agree with me. I am not saying all of this is well founded, but I do say they have some right for their attitude toward this steal on the part of Chicago, and they are making the contention that it is not Chicago's fault, but the fault of the United States Government; and I am not going to lend my voice and vote to further anything to bring upon us such a calamity as that. If by our action we justify their contention it would be nothing short of a calamity.

Mr. DEMPSEY. What you are doing is reading it with the intention of indorsing the sentiments it contains.

Mr. MOONEY. You are reading it simply to give the Members of the House information as to the facts as to what is being said by the Canadians.

Mr. KVALE. Yes. I am reading this to show you what the members in the Canadian Parliament think about this. Let me read further what is said:

> The country has stood this diversion long enough now. We have been awaiting conferences and have had correspondence and meetings and what not; we have just been running around in a cricle. There is only one way to enforce this treaty, and that is set out in the treaty itself. The last clause of the treaty, which will be found at the foot of page 28 of the statute known as the boundary waterways treaty, provides for the peaceful and amicable settlement of disputes under the treaty by reference to the International Joint Commission and to The Hague. What has this Government done to collect the bill for damages done to the public works of this country, to our harbors and rivers and system of canals, on which we are spending large sums of money? What has this Government done, or what does it propose to do, to protect the investment of $275,000,000 that the Province of Ontario has made in the cheap light and power movement of the Hydro in Ontario. As was pointed out by the late chairman of the Ontario Hydroelectric Commission, the excess waters taken by the Chicago Drainage Canal, if transformed into direct current, would amount on a conservative basis to 500,000 horsepower, which may be considered equivalent to 5,000,000 tons of coal per annum, which at the recent price of soft coal would amount to about $35,000,000 a year.
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> What damage has resulted to the trade and commerce of this country by lowering the level of the Great Lakes? One of the results of this diversion has been to lower the level of the Lakes. During the last season of navigation boats on the Welland Canal were stranded for days, sometimes for weeks, because of the low-water level caused by the Chicago diversion.
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> Let us look at this question for a moment from the engineering standpoint. Professor Coleman, one of the greatest geologists on the American continent, says that if this waste of water goes on much longer Lakes Erie and Ontario will run dry and become unnavigable in the years that are to come. The people of Canada, as well as their governments, have been altogether too lax in this matter. Canada should have insisted long ago that the terms of the treaty be adhered to. Under article 1 of that treaty Great Britain and the United States, being the high contracting parties, agree that the navigation on all the navigable boundary waters shall forever continue free and open for the purpose of commerce to the inhabitants, and to the ships, vessels, and boats of both countries equally. It is evident that under the treaty the rights of navigation enjoyed by each country are equal. Subject to the rights of navigation in these boundary waterways, rivers, and streams, belonging half to the United States and half to Canada, the surplus waters, as well as the banks, rapids, and bed of the river or navigable stream, belong to the State and provincial legislatures. This provision has not been adhered to.
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> The treaty, as I have shown, provides that the rights of navigation shall be paramount and that they apply also to Lake Michigan. The whole argument of those responsible for the Chicago drainage diversion in this matter is a fallacy. There is no law or authority to be found for their action. Certainly they can find no such rights as they claim in international law, neither is it to be found in the boundary waterways treaty. No; the Chicago Drainage Commission have no such authority in right, custom, usage, or treaty. As they say in Chicago, they have simply "taken French leave." They think they are a law to themselves. If the law does not give them what they want, then they think they have the right to act in contravention of it. With them necessity knows no law, or with their government either; they make their solemn treaty a scrap of paper.
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> The Great Lakes system is the largest, most extensive, and navigable waterway in the world. The diversion of water by the Chicago commission has permanently lowered the level to such an extent as to interfere with its development and navigation, something not allowed by the treaty at all. The Chicago Drainage Canal has lowered the levels of the Great Lakes by diverting an amount of water equal to the amount of water that goes over the American Falls at Niagara Falls. That is the amount of water they are diverting for the Chicago Drainage Canal, the same amount of water as flows over the American side of the Falls every second of time. This is all being done illegally; it is not allowed by treaty.
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> They are diverting 10,000 cubic second-feet through the drainage canal into the Mississippi River, and not 1 foot of this water can come back again to the Great Lakes. In its natural course this water would pass through the Lakes and down to the Canadian seaboard. The reduction of the lake levels is a matter of national concern, both to Canada and to the United States. The waterways treaty definitely fixed the amount of water necessary to conserve the water of the Great Lakes for navigation purposes. It also provided that there should be no diversion of boundary waters without the authority and consent of both countries. As I have said, the case of the Chicago Drainage Commission is based very largely on fallacy. They have no sanction in law for the action they have taken except a permit from the United States Secretary of War. This is not a legal permit, because under the treaty permits can not be issued except with the consent of both the countries concerned.
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> I may say that I am glad to see a change of opinion in the United States in regard to this proposition; that the Hon. Mr. Hoover, Secretary of State for Commerce, has admitted that there has been a breach of the treaty, and that Canada has a good claim for compensation under the provisions of that treaty. Mr. Newton D. Baker, Secretary for War in the Wilson Government—and the city of Cleveland takes the same view—was opposed to this diversion of water for the purposes of the Chicago Drainage Canal.
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> Professor Coleman, another geologist, states that in his opinion this diversion is going to have the most serious effects on the river St. Lawrence. As I say, navigation would be tied up on the St. Lawrence and in the port of Montreal and the St. Lawrence ship channel would become unnavigable. Professor Coleman says:
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> "A tilt of 50 feet would drain the whole of the Great Lakes into the Mississippi. 'Is this beyond the possibilities of modern engineering skill?' He asked, 'It is not.' A mere deepening of three drainage canals would result in a similar state of affairs. It is entirely possible to drain the whole of the Great Lakes in this way."
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> If it had been intended by the Government of Great Britain and the Government of the United States that Chicago should have these vast powers, the treaty would have said so, but there is no mention of Chicago in this treaty from beginning to end.
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> Three decisions which have been given in the last year all get back to the original decision given by Judge Landis on the 23d January, 1911, in which he construed the whole treaty, the law, the facts, and the rights of the Chicago people under the permit of the Secretary of State for War and gave his decision. In that decision the judge quotes the original permit which is as follows:
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> "The future diversion of water from Lake Michigan for any purpose is fraught with difficulties. Not only has Canada an interest in the maintenance of lake levels which the United States must recognize, but every foot of water flowing through the Chicago Drainage Canal lessens the flow at Niagara Falls and at the power sites along the St. Lawrence River, where due to the fall available the same amount of water will create about four times the power that can be generated from it on the Des Plaines and Illinois Rivers."
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> I will read just one paragraph of the judge's decision. The judge, after reviewing the evidence and the law, gave his decision which really summarizes all the decisions given between 1911 and 1926 by the United States. In the last paragraph he says that the consent of Great Britain is necessary to all diversions, otherwise they are illegal. The judge says:
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> "In the last analysis, should Congress and the War Department, in consideration of all these matters, decline to permit the necessary diversion, the burden is on the district of providing some other method of relief. In other words, the defense that the diversion is necessary for the purpose of sanitation, as against the rule that a navigable right and navigation right is a paramount right, is immaterial. In order to allow the sanitary district a chance to appeal to the War Department for relief no order was made restricting the flow."

But the said judge's order showed that they had no right in law to this diversion. That decision of the judge has been backed up by every court in the United States all the way from 1911 to 1926.

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Are we to continue until doomsday to allow the Government of the United States to treat this treaty as a scrap of paper? This treaty was signed by the President of the United States on behalf of the people of that country. Is the Government of Canada to sit in silence, relying on what it calls its own autonomy and treaty-making powers? Let the Government enforce this treaty in order to prevent even greater damage being done to navigation.

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A meeting was held at which some 12 governors were present, and while I will not read all that was said, I should like to read what Mr. Baker, late Secretary of War, said at a meeting of the Great Lakes Harbor Association at Detroit on the 14th of January of this year, where he was one of the prominent speakers:

"When he touched on the peaceful relations that have existed between the United States and Canada, Mr. Baker's voice trembled with his earnestness. 'I would be willing to be taxed heavily to pay for the sewage disposal system of Chicago rather than to be a party to the slightest affront to the Dominion of Canada. I know what international complications mean, and I know that all of us pray that the rule of justice between nations will forever supplant the rule of force. In all our difficulties we want amicable arrangements effected between ourselves and any other country. That is true in this case.

"'Canada has an academic and economic interest in the Great Lakes and we can not affect the Lakes in any way without affecting Canada. Moreover, the Lakes have made us the steel empire of the world. To imperil that great commerce is for us to commit industrial suicide. Some way can be found to settle this controversy to the best interests of the whole Nation, and Chicago can be persuaded to see it in that light. We must take a broad view of the whole matter.'

"A civic outlaw" was the characterization of Chicago by William Bruce, president of the association, in his opening address at the forenoon session.

"Every newspaper in Chicago," Mr. Bruce said, "is deploring the great crime wave among Chicago's citizens. They admit it springs from a general contempt for law among Chicago's people. Every civic organization and pulpit in Chicago is clamoring for a remedy. What else can they expect where the municipal government of Chicago persists in a ruthless, contemptuous, and colossal violation of the law?

"In continuing to steal from Lake Michigan more than twice the amount of water allowed it for sanitation purposes by a permit from the United States War Department, Chicago is not only doing a damage totaling hundreds of millions to Great Lakes cities, including itself, but it is raising the greatest moral issue in American politics since the Civil War.

"After every court before which its theft has been contested, including the Supreme Court of the United States, has rejected its claims and condemned its action as illegal, Chicago now turns to the Congress of the United States in an appeal for Congress to make legal to-morrow what the United States Supreme Court has stamped as illegal to-day.

"Chicago takes the position of the outlaw, the bandit. It says to the rest of the country: 'Right or wrong we are going to have our way. We've got the water illegally—but what of it? We're going to continue to take it until something more than courts and laws stop us.'

"Is Chicago more powerful than the courts and laws of the United States? There is the issue in a nutshell. Chicago believes that it is. We believe that it is not. In the battle which is coming the whole country will presently be involved."

The foregoing shows that among the leading citizens of the United States there is a sense of justice in this matter.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes.

Mr. McDUFFIE. Was there a vote in the Canadian Parliament on this question, or is that merely a view that is taken?

Mr. KVALE. I am reading from the parliamentary debates of Canada on March 24, 1926.

Mr. McDUFFIE. You do not know whether the Government over there passed on it through their representatives or whether just one man is expressing his views?

Mr. KVALE. This particular record gives no information about any vote. I read this to show how the people of Canada as well as the Government up there looks at this matter.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. KVALE. I read further from the remarks of Hon. Edmund Bristol:

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There is nothing to be said in favor of Chicago. They have simply had audacity and nerve, and have been committing this illegal act since 1911 with full knowledge.

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Even should the decision be to deepen the Mississippi, Canada's rights still obtain, no matter what the American courts may decide. We are a part of the British Empire and expect our reasonable share of protection.

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Picture for yourself what would happen if we were taking water from the United States. Why, in that great country, from the Atlantic to the Pacific and from the Great Lakes to the Gulf of Mexico, you would hear one great roar.

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I can not see myself, with every courtesy to the Government of the United States, why the Government of that great country—I suppose the greatest country in the world to-day, in wealth at all events—should allow a city like Chicago to go on doing the things it is doing illegally and improperly, and after the courts have decided that Chicago is acting illegally and improperly.

I also quote briefly from the remarks of Hon. Charles Stewart:

Hon. CHARLES STEWART (Minister of the Interior). Mr. Speaker, I think that in the main the Government agrees with mostly everything that has been said by the two gentlemen who have just been discussing the matter.

Note, if you please, that these are the words of the Minister of the Interior of the Government of Canada. He says further:

* * * We do not recognize one single foot of diversion at Chicago or anywhere else. Our position was that we wanted the restoration of the water. We were not concerned with compensation for that diversion, but rather the return of the whole of that water into the Great Lakes system, the lack of which was causing us a considerable amount of damage at the present moment. That is our attitude, and if I were to spend hours in giving explanations I do not think that I could state the position more clearly.

Mr. F. G. Sanderson, a little later, observes:

* * * It is conceded by the United States Government that Chicago is practically stealing that water. If that be so, why can there not be some solution found which will stop this steal?

And then this from the Right Hon. Arthur Meighen, leader of the opposition:

I can not help but bow in admiration before the consummate assertion of self-right by a court of the United States calmly to grant to one of the cities of the United States, without in any way speaking to its neighbor, Canada, the right to take our property.

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Were Canada a nation of 50,000,000 people and the United States a nation of the same population, we would not be pleading at the door of the Republic to-day.

Mr. SABATH. That is a threat.

Mr. KVALE. I am just reading it. The gentleman can interpret it in his own way.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOONEY. I yield the gentleman 10 minutes.

Mr. KVALE. These gentlemen contend—and I believe they have the right to contend—that the water that is being diverted to Chicago is part of the property of Canada. I believe that this water is owned by both Canada and the United States, and as the gentleman from Ohio [Mr. BURTON] said the other day—

if such a diversion existed from one country into another of equal strength, it would cause war.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield there for a moment?

Mr. KVALE. In a moment. Just because we are a Nation of 115,000,000 people and they are only 9,000,000 in Canada, that is no reason why we should disregard their rights. They are a friendly nation.

Mr. WILLIAM E. HULL. Does the gentleman consider Lake Michigan a border lake?

Mr. KVALE. Oh, the gentleman knows that when he lowers the level of the waters of Lake Michigan he lowers the waters of Lake Huron.

Mr. CHALMERS. Lake Michigan is covered in the treaty of Washington of 1899.

Mr. WILLIAM E. HULL. I am only taking Mr. Elihu Root's statement.

Mr. CHALMERS. There is no question at all but that our treaty engagements are being violated. If we should take account of our treaty obligations, this provision would be out of the bill.

Mr. KUNZ. Mr. Chairman, will the gentleman yield there?

Mr. KVALE. Yes; for a question.

Mr. KUNZ. You are now going to the Dominion of Canada for information. I want to call your attention to my speech here last Saturday in reference to what Mr. Elihu Root said where he speaks of the treaty of 1910 concluded between the United States and Great Britain. He says:

> The great bulk of water goes on the Canadian side, and the waterways commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet additional to get round numbers—so our limit is higher than we want, but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then there is this further fact why we could not object to this 36,000 cubic feet per second on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not permit them to say anything in the treaty about Lake Michigan. I would not have anything in the treaty about it, and under the circumstances I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

Ten thousand cubic feet per second has not been figured on there in the treaty.

Mr. KVALE. I refuse to admit that the 10,000 cubic second-feet at Chicago was included in the treaty.

Mr. KUNZ. It was spoken of but it was not included because it did not pertain to the Canadian side. You are going to the Dominion of Canada to find out what we want to do or what we want.

Mr. CARSS. That matter that the gentleman has read is about water taken for the development of electricity. After it was used it was sent down the St. Lawrence River. It was not taken out of the natural watershed.

Mr. KUNZ. It is taken out of Niagara, and you give it for the benefit of Canada.

Mr. KVALE. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Minnesota has the floor. The committee will be in order.

Mr. KVALE. One gentleman this afternoon spoke about water being used by cities of Cleveland, Toledo, Detroit, and other cities on the Great Lakes for purposes of sanitation. But as my colleague from Minnesota [Mr. CARSS] has just intimated, there is a world-wide difference. The water these cities use is not taken out of the natural watershed. It is used and returned to the Great Lakes to flow through the St. Lawrence, while the water that Chicago uses is forever lost to the Great Lakes watershed.

Canada would, of course, have not the slightest objection to the use by Chicago of the entire Lake Michigan for sanitary purposes if only that water were turned back into the same watershed. That is the point.

I just want to say a few words in conclusion. I have heard a great deal about pork-barrel legislation in my day, long before I ever saw Washington. Now I understand what that term means.

There is so much pork in this bill that if the chairman, the gentleman from Lockport, who has perpetrated the bill, fails of reelection or fails of election as governor of New York, it should entitle him to a place in the pork department of the Chicago packing industry with a princely salary.

Mr. DEMPSEY. Will the gentleman call attention to any item in this bill and to all items which he deems improper? Let me ask the gentleman this, too: Does the gentleman deem an appropriation of $4,900,000 for the St. Marys River, pork-barrel legislation? What does the gentleman think of that, and will he answer it?

Mr. KVALE. I can not yield any further, but I will answer the gentleman. The gentleman does not stump me at all.

Mr. DEMPSEY. I did not think I would.

Mr. KVALE. He does not at all. If he will yield me extra time I will gladly explain in detail. I am in favor of a large majority of the projects in this bill and I would be glad to vote for them but there are some vicious features in the bill that have altogether too much pork in them. I will be obliged to vote against them.

Mr. DEMPSEY. Will the gentleman yield further?

Mr. KVALE. I can not yield further. I would be glad to vote for this bill if you would take out the Chicago steal, the Cape Cod hold-up, and the subtle killing of the St. Lawrence waterway under the guise of another survey across the State of New York. I ask you gentlemen: Can you go before your constituents and say that you voted for this bill and voted for these various projects——

Mr. KUNZ. Will the gentleman yield?

Mr. KVALE. I can not yield—because by voting for the bill you helped to improve Uncle Hiram Harbor and deepen and widen Podunk Creek in your district or State?

Mr. KUNZ. Will the gentleman yield?

Mr. KVALE. I can not yield.

Mr. KUNZ. The gentleman asked a question. He asked whether a man who voted for this bill could go back home——

The CHAIRMAN. The gentleman declines to yield.

Mr. KVALE. I will take the question out of the gentleman's mouth. I can go back to Minnesota and face my constituents and say I voted against this bill even though I knew that a few provisions would benefit my State of Minnesota. There are some things in this bill for which I would be glad to vote but I can not vote for it with the vicious features in it. I would be glad to vote for $100,000,000 more to improve the rivers and harbors of the country——

Mr. SABATH. Of Minnesota.

Mr. KVALE. No; not only of Minnesota but of the entire United States, and these two great systems primarily: The Mississippi Valley and the Great Lakes. But I can not vote for this bartering, bargaining mess, this unholy alliance.

If enough of us vote against this bill, if it is voted down, it would admittedly result in presentation to the House by the Rivers and Harbors Committee of a new bill, shorn of the iniquitous and indefensible provisions contained in the bill we are now debating. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOONEY. Mr. Chairman, it has been arranged that the gentleman from Ohio [Mr. BURTON] will talk immediately upon going into committee in the morning. The gentleman from Ohio is known as one of the great river and harbor men of the country, and I hope I shall not be obliged to make a point of no quorum in his interest.

Mr. MANSFIELD. Would it not be well for us to have an announcement as to how much time has been used by the respective parties?

The CHAIRMAN. Four hours and 45 minutes.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Speaker pro tempore, having assumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MUSCLE SHOALS

Mr. McDUFFIE. Mr. Speaker, my colleague, Mr. OLIVER of Alabama, is unavoidably absent. He requests me to ask unanimous consent that he be permitted to insert in the RECORD a letter written by the senior Senator from Alabama, Senator UNDERWOOD, touching upon the Muscle Shoals question. I understand it is a very brief letter touching upon a very important subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, I have requests for a letter written by Senator UNDERWOOD to Mr. C. M. Stanley, of Birmingham, Ala., relative to the two offers for the leasing of the nitrate plant at Muscle Shoals, now pending before the Senate, and under leave granted by the House I wish to insert the letter in the RECORD:

MAY 8, 1926.

Mr. C. M. STANLEY,
Care of Age-Herald, Birmingham, Ala.:

Answering your telegram in regard to my views concerning the disposition of the Muscle Shoals property, I am in favor of carrying out the original terms of the national defense act as they relate to the development by the Government of its hydroelectric power and nitrogen plants at Muscle Shoals. These plants were built to secure for the Government primarily a nitrogen supply for our country's defense in

time of war and the development of fertilizer supply to aid the farmers of America in the time of peace. More than $100,000,000 have already been expended by the Government for this purpose. It was not expended for the exploitation of hydroelectric power either by the Government or by private companies but solely for the purpose heretofore named. That purpose should be adhered to and carried out either now or at a future time. There are two principal offers for the leasing of Muscle Shoals now pending before the Congress—one by 13 allied power companies and the other by the American Cyanamid Co., an air nitrogen and fertilizer organization. I will endeavor to analyze the two bids. The power companies agree to invest $20,000,000 in a 20,000-ton synthetic ammonia plant, including the facilities for the manufacture of phosphoric acid. If the market demands warrant their doing so the companies agree to increase the capacity of this plant to 40,000 tons, but if the operation is found uneconomic it may be suspended, in which case the power companies agree to try out some other process if one can be found that is economic and available. In other words, in return for the sale by the Government to them of the power development on the Tennessee River they agree to experiment in the manufacture of nitrogen and fertilizer and leave the door open for their retirement from the fertilizer and nitrogen field in the event that they determine it can not be demonstrated commercially. On the other hand, the Cyanamid Co. offer a guaranty to manufacture 40,000 tons of nitrogen in the form of concentrated fertilizer in four 10,000-ton units—the last three to be installed as the market demand warrants.

This company's proposal requires the Government to construct a storage reservation at Cove Creek on the headwaters of the Tennessee River in order to produce at Muscle Shoals sufficient primary power to make this amount of fertilizer. This guaranty may be reduced to 20,000 tons should Congress by special act within five years declare it is unwilling to construct Cove Creek Dam. The Cyanamid Co. agrees to pay all interest on the bonds necessary for the construction of this dam and to amortize the principal thereof. In the last analysis the burden of building the dam will not fall on the Government but on the company. In other words, under the Cyanamid offer that company must produce 20,000 tons of fixed nitrogen a year and convert it into fertilizer in any event. In the event the Congress agrees to the construction of Cove Creek Dam the company agrees to manufacture 40,000 tons of fixed nitrogen and convert it into fertilizer. The 13 allied power companies under their bid propose two leases: First, the lease of all power from Muscle Shoals by one corporation; second, to organize a separate fertilizer corporation which will lease the nitrate plants and assume the manufacture of fertilizer, buying the power for its production from the power companies. From my reading of the proposal there is no guaranty by the company that leases the power that the obligations of the second company that manufactures the fertilizer shall be carried out and maintained. There is a provision in the proposal that six months after a court decree determining that the fertilizer producing company was in default under its contract that the Secretary of War has the option to hold that the company that buys the power is in default under its lease.

It is entirely possible under this proposal for the power company to continue its lease and control the power even if the fertilizer company defaults on its proposal to manufacture nitrogen and fertilizer. On the other hand, the Air Nitrates Corporation, a subsidiary of the Cyanamid Co., not only leases the hydroelectric power at Muscle Shoals but also undertakes the fertilizer obligation. Therefore, if there is a default by this company of its obligation to produce nitrogen under the national defense act and fertilizer for the farmer it will forfeit at once not only its investment in the fertilizer plant but also all claim to power coming from the dam on the Tennessee River. The offer of the 13 allied power companies by way of rentals will aggregate the Government $3,386,960 a year. On the other hand, the offer of the Cyanamid Co. will pay only to the Government $1,718,620 a year. If we were considering the question as only one of the Government receiving a return for the sale of power produced by its dams on the Tennessee River, the offer of the power companies, of course, would be the better one, but the Cyanamid Co. burdens itself with a real offer for the production of nitrogen for national defense and for fertilizer that must be carried out or the company forfeits its investment, and therefore it has probably been more conservative in its offer to pay a rental value than the allied power companies, who are primarily interested in the production of hydroelectric power.

It must be borne in mind that the power companies have never—not one of them—made fertilizer, and no fertilizer has ever been made on a commercial scale in America on the conditions that they propose in their offer. On the other hand, the Cyanamid Co. organizations through its subsidiary, the Air Nitrates Corporation, designed and built the great nitrate plant at Muscle Shoals.

This same organization operates a large plant at Niagara Falls, Ontario, by this same process, and it is the only organization in America that operates that process now installed at Muscle Shoals and is engaged in the actual fixing of atmospheric nitrogen at this time. I regard the bid of the 13 allied power companies, so far as the manufacture of nitrogen and fertilizer is concerned, as purely an experiment. I regard the offer of the Cyanamid Co. as an actual bid to manufacture nitrogen for the Government and fertilizer for the farmer along known commercial lines. In my judgment, if the Congress accepts the offer of the power companies, in the end we will only receive compensation for the use of the Government power plants on the Tennessee River. If the offer of the Cyanamid Co. is accepted, we will achieve the real purpose of the national defense act and obtain a nitrogen supply manufactured in the Tennessee Valley that will defend us against a foreign foe if need be, and in time of peace supply a real need in cheaper fertilizer to the American farmer.

I shall vote for the Cyanamid Co. offer as a substitute for the bill carrying the proposal of the allied power companies. In the event that the Cyanamid bid is not accepted and we are unable to secure an amendment or proposal looking to the manufacture of nitrogen for national defense and fertilizer in time of peace, I shall vote against all bills that seek only a hydroelectric-power exploitation of the Government dams on the Tennessee River.

With kindest regards, I am

Cordially yours,

O. W. UNDERWOOD.

ADJOURNMENT

Mr. DEMPSEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, May 28, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 28, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the collection and publication of statistics of tobacco by the Department of Agriculture (H. R. 11765).

SPECIAL JOINT COMMITTEE

(10.30 a. m.—Room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines (H. R. 4101).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To provide for the use and expenditure of the taxes levied and collected upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands (H. R. 11490).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11510. A bill to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes; without amendment (Rept. No. 1319). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12389. A bill to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground; without amendment (Rept. No. 1320). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Paiute Indian children; without amendment (Rept. No. 1321). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEET: Committee on Indian Affairs. H. R. 10731. A bill to grant to the State of New York and the Seneca

Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations; with amendment (Rept. No. 1322). Referred to the House Calendar.

Mr. BRIGHAM: Committee on Indian Affairs. S. 7. An act to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev.; with amendment (Rept. No. 1323). Referred to the Committee of Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia; without amendment (Rept. No. 1324). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Con. Res. 26. A concurrent resolution directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes; with amendment (Rept. No. 1327). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. 4251. A bill to amend and supplement the naturalization laws, and for other purposes; with amendment (Rept. No. 1328). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 255. A resolution directing the Secretary of the Treasury to furnish certain information; adverse (Rept. No. 1318). Laid on the table.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 2178. An act for the relief of Harry P. Creekmore; without amendment (Rept. No. 1317). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 2379. A bill for the relief of Maj. Lester L. Lampert; with amendment (Rept. No. 1325). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 10807. A bill to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased; without amendment (Rept. No. 1326). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12465) granting an increase of pension to Edith McElhaney; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12458) granting an increase of pension to Letitia Humphrey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 12467) granting the consent of Congress to the Jackson & Eastern Railway Co. to construct, maintain, and operate a railroad bridge across the Pearl River in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 12468) to pay for human blood for transfusion purposes; to the Committee on Military Affairs.

By Mr. BLOOM: A bill (H. R. 12469) to repeal section 500 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. SEARS of Nebraska: A bill (H. R. 12470) granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 12471) to encourage the development of aviation and secure advancement of Army aeronautics, and for other purposes; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 12472) to encourage the development of aviation and secure advancement of Navy aeronautics, and for other purposes; to the Committee on Naval Affairs.

Mr. JARRETT: Joint resolution (H. J. Res. 267) authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 12473) for the relief of Louis F. Guaraglia; to the Committee on Claims.

Also, a bill (H. R. 12474) granting a pension to James J. Kadlen; to the Committee on Pensions.

Also, a bill (H. R. 12475) granting a pension to Fannie Crocker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12476) granting a pension to Mrs. Charles Klopping; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12477) granting an increase of pension to Ellen J. Stephens; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 12478) granting an increase of pension to William H. Leroux; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 12479) granting an increase of pension to Eliza J. Heitzwebel; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 12480) granting an increase of pension to Sarah A. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12481) granting an increase of pension to Julia Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12482) granting an increase of pension to Mary A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12483) granting an increase of pension to Catharine Babcock; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12484) granting an increase of pension to Annie Snayberger; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 12485) for the relief of Cora E. Plummer; to the Committee on Military Affairs.

By Mr. GLYNN: A bill (H. R. 12486) to reinstate Arthur J. Hanlon, formerly lieutenant colonel, United States Army (captain, Regular service), as a major in the United States Army; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 12487) granting an increase of pension to Eliza J. Rone; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 12488) granting an increase of pension to Annie E. Buckley; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12489) granting an increase of pension to Caroline Brady; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 12490) granting an increase of pension to Martha A. Miller; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 12491) granting an increase of pension to Mary Struck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12492) granting an increase of pension to Catherine Whitney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12493) granting an increase of pension to Mary J. Grosvenor; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12494) granting an increase of pension to Arkansas Graves; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2301. Petition of impeachment of certain officers and employees of the Government of the United States of America, formal charges being preferred by one George G. Ross, 7125 Verona Boulevard, Pittsburgh, Pa.; to the Committee on the Judiciary.

2302. By Mr. CARTER of California: Petition of the California Federation of Women's Clubs, protesting against modification of the Volstead Act; to the Committee on the Judiciary.

2303. By Mr. CONNERY: Resolution of sundry citizens of Saugus, Mass., favoring the bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2304. By Mr. ROY G. FITZGERALD: Petition of the Holy Name Society of Miamisburg, representing 500 American citizens, protesting against unjust expulsion from Mexico of Archbishop Caruana, an American citizen, and asking immediate and thorough investigation; to the Committee on Foreign Affairs.

2305. By Mr. O'CONNELL of New York: Petition of the International Longshoremen's Association of Buffalo, N. Y., favoring the passage of House bill 12063, which provides compensation for employees injured and dependents of employees killed in certain maritime employments; to the Committee on the Judiciary.

2306. Also, petition of the Association of National Advertisers (Inc.) of New York, favoring the provisions for a reduction in the postal rates; to the Committee on the Post Office and Post Roads.

2307. By Mr. RANSLEY: Memorial adopted by the Philadelphia Board of Trade, protesting against the enactment as law of House bill 11618, to establish a Federal farm advisory council, and for other purposes; to the Committee on Agriculture.

2308. Also, a preamble and resolution adopted by the Philadelphia Board of Trade, favoring the enactment of Senate bill 1883, for the establishment of a national police bureau, and for other purposes; to the Committee on the Judiciary.

2309. By Mr. SINCLAIR: Petition of Mr. Charles Bicek and nine others, of Ross, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

FRIDAY, *May 28, 1926*

(Legislative day of Wednesday, May 26, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Robinson, Ark.
Bayard	Fernald	King	Robinson, Ind.
Bingham	Ferris	La Follette	Sackett
Blease	Fess	McKellar	Schall
Borah	Frazier	McLean	Sheppard
Bratton	George	McMaster	Shipstead
Broussard	Gerry	McNary	Simmons
Bruce	Gillett	Mayfield	Smoot
Butler	Glass	Means	Stanfield
Cameron	Goff	Metcalf	Steck
Capper	Gooding	Norbeck	Stephens
Caraway	Hale	Norris	Swanson
Couzens	Harreld	Oddie	Trammell
Cummins	Harris	Overman	Tyson
Curtis	Heflin	Phipps	Underwood
Deneen	Johnson	Pine	Wadsworth
Dill	Jones, N. Mex.	Pittman	Warren
Edge	Jones, Wash.	Ransdell	Williams
Edwards	Kendrick	Reed, Pa.	Willis

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

ELISHA K. HENSON

Mr. WARREN. Mr. President, I am compelled in a few moments to leave the Chamber for the day. I desire to call up a short bill, which I think will lead to no debate. I ask unanimous consent to take up for present consideration Calendar No. 891, Senate bill 2302, for the relief of Elisha K. Henson.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. Just a moment, Mr. President. The Senate ought to be afforded an opportunity to ascertain what the bill is. If required to do so, I shall object until that opportunity is given.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

A bill (S. 2302) for the relief of Elisha K. Henson

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,479.67 to Elisha K. Henson, first lieutenant, Quartermaster Corps, United States Army, in reimbursement for losses sustained by him on account of payment for labor and materials incidental to the alteration of Government buildings at Fitzsimons General Hospital, Denver, Colo., in the year 1924.

Mr. WARREN. May I say that the money involved was expended without further advertising on the finishing up of two buildings for the quartering of officers and troops at Denver during the war or following it. The Quartermaster General stated that Henson by his action saved $9,200 of expenditure, but in auditing the accounts, of course, the reimbursement was held up.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream;

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters;

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River, at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Mr. TYSON presented the following resolutions, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD:

Resolution adopted by the national executive committee of the American Legion in regular session at Indianapolis, Ind., May 13, 1926

Whereas the Tyson and Fitzgerald bills for the retirement of the disabled emergency Army officers have been favorably reported by the

Senate and House committees which considered them and are now on the calendars of the Senate and the House awaiting action on the part of the leaders to bring them up for consideration; and

Whereas of the nine classes of officers who fought in the World War the disabled emergency Army officers constitute the only class discriminated against by the Congress, that body having enacted legislation providing retirement for the other eight classes of officers; and

Whereas the American Legion has held seven national conventions in addition to the St. Louis caucus of 1919, and at each of these seven conventions and at the St. Louis caucus adopted resolutions calling upon Congress to enact this retirement legislation so that the existing discrimination might be ended; and

Whereas an attempt was made last October at the Omaha convention to divide the legion on this question, and after full and free discussion on the floor of the convention the 1,000 delegates voted overwhelmingly to continue the legion's fight for the disabled emergency Army officers; and

Whereas in spite of this affirmative action, opponents of the measure are erroneously stating that the legion is divided on the question: Now, therefore, be it

Resolved, That the national executive committee of the American Legion hereby takes this means of informing the Members of the Senate and House of Representatives that the legion is not divided in its continued advocacy of this measure; that the legion believes that Congress should enact this just legislation; and that such action will not discriminate against the enlisted men, but, on the contrary, will rectify the discrimination now existing against the emergency Army officers. These disabled officers received their wounds and mutilations fighting in the open for their country. We call upon the opponents of this measure to follow the example set them by these gallant officers and conduct their fight against the bill out in the open upon the floor of the House and Senate. We grant the opponents their right to oppose and speak against this legislation, but we do not concede them the right to prevent the Congress from voting upon the bill, which they have now done for six years. The American Legion believes in fair play, and we regard as unfair the continued efforts to defeat this measure through parliamentary procedure; and be it further

Resolved, That copies of this resolution be immediately forwarded to the President of the Senate, the Speaker of the House, the chairmen of the steering committees of the Senate and the House, and to the chairman of the Rules Committee of the House, who are officially informed in this manner that the American Legion desires the enactment of the Tyson and Fitzgerald bills by the Congress prior to the adjournment of the present session.

REPORTS OF COMMITTEES

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11118) to authorize the widening of Harvard Street in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 959) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 863) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army or Navy whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917, reported it without amendment and submitted a report (No. 960) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army, reported it without amendment and submitted a report (No. 961) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3099) to cede certain lands in the State of Oregon, including Diamond Lake, to the State of Oregon for fish cultural purposes, and for other purposes, reported it without amendment and submitted a report (No. 962) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co., of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire & Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon;*

S. 554. An act for the relief of Frank Grygla;

S. 588. An act for the relief of A. T. Whitworth;

S. 726. An act for the relief of Hilbert Edison and Ralph R. Walton;

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914;

S. 1223. An act for the relief of J. L. Flynn;

S. 1224. An act for the relief of John P. McLaughlin;

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co., of Maryland;

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk;

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased;

S. 1792. An act for the relief of William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly; William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred Moody, deceased;

S. 1920. An act for the relief of the devisees of William Rusch, deceased;

S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.;

S. 2674. An act for the relief of Kate T. Riley;

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee;*

S. 3077. An act for the relief of John T. Wilson;

S. 3330. An act for the relief of Thomas G. Peyton;

S. 3555. An act for the relief of the Rochester Merchandise Co.;

S. 3879. An act for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased;

S. 3880. An act for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased; and

S. 3997. An act to amend section 301 of the World War veterans' act, 1924.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PINE:

A bill (S. 4366) granting a pension to Virginia McMaster (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4367) to pay for human blood for transfusion purposes; to the Committee on Appropriations.

By Mr. PITTMAN:

A bill (S. 4368) for the relief of U. R. Webb; to the Committee on Naval Affairs.

By Mr. BRATTON:

A bill (S. 4369) granting a pension to John Mack; and

A bill (S. 4370) granting an increase of pension to Martha Kortz (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 9387) to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park was read twice by its title and referred to the Committee on Public Lands and Surveys.

LANDS IN ROCKY MOUNTAIN NATIONAL PARK

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo., which was ordered to lie on the table and to be printed.

SENATOR FROM NEW MEXICO—EXPENSES OF MR. BRATTON

Mr. ERNST submitted the following resolution (S. Res. 234), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay to Hon. SAM G. BRATTON the sum of $5,000 out of the appropriation for expenses of inquiries and investigations, fiscal year

1926, in full settlement of all expenses incurred, including attorneys' fees, in defending his right and title to the office of Senator from the State of New Mexico resulting from the election held in said State November 4, 1924.

COST OF PRODUCING ONIONS

Mr. GOODING submitted the following resolution (S. Res. 235), which was ordered to lie on the table:

Whereas the large, rapidly increasing importations of onions have resulted in a decline in the prices of onions in many portions of the United States, so that now these prices are at times below the cost of production: Therefore be it

Resolved, That the United States Tariff Commission is hereby requested to investigate, under the provisions of section 315 of the tariff act of 1922, the cost of production of onions in the United States and the principal competing foreign countries, and to report its findings to the President of the United States.

EXCHANGE OF LANDS IN NEW MEXICO

Mr. JONES of New Mexico. I ask unanimous consent to submit a conference report on the disagreeing votes of the two Houses on House bill 4007 and ask for its immediate consideration. I may state that the House concurred in the amendment that was put on the bill by the Senate.

Mr. KING. What is the bill?

Mr. JONES of New Mexico. It provides for the exchange of lands in New Mexico.

Mr. NORBECK. I reserve the right to object. I do not object if it is something that will go through without any discussion.

Mr. JONES of New Mexico. There will be no discussion, I am sure.

The report was read, considered, and agreed to as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agreed to the same.

ROBT. N. STANFIELD,
REED SMOOT,
A. A. JONES,
Managers on the part of the Senate.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN MORROW,
Managers on the part of the House.

UNITED STATES MILITARY ACADEMY

Mr. CAMERON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: At the end of the Senate amendment, strike out the period, insert a colon and the following: "*Provided*, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps"; and the Senate agree to the same.

RALPH H. CAMERON,
FREDERICK HALE,
DANIEL F. STECK,
Managers on the part of the Senate.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Does the report represent a full agreement?

Mr. CAMERON. A full agreement.

Mr. ROBINSON of Arkansas. What does it allow?

Mr. CAMERON. It allows 40 additional cadets for appointment to West Point.

Mr. CARAWAY. Ten every year for four years.

Mr. CAMERON. For four years; 10 every year.

Mr. CARAWAY. And they must be sons of men who lost their lives in the war.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

He also laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORBECK. The action of the House refers to two of the three omnibus pension bills that were passed by the Senate last night. I move that the Senate insist on its amendments to the two bills, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. NORBECK, Mr. FERNALD, and Mr. WHEELER conferees on the part of the Senate.

MATERNITY AND INFANCY ACT (S. DOC. 120)

Mr. SHEPPARD. Mr. President, I have here a number of letters and extracts from letters commending the maternity act from mothers receiving its benefits, from physicians and others observing its operations. I have assorted and classified the more typical of these letters and extracts and believe they will be helpful to the Senate in reaching a decision on the question of extending the maternity act. I shall not ask that they be printed in the RECORD, but that they be published as a Senate document.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

Mr. SHEPPARD. I desire to add that in many instances I have not given the signatures of the writers on account of the intimate personal nature of the subject. I want to take this opportunity to express the earnest hope that we may reach a vote on the maternity bill at an early date.

MIGRATORY BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request. I ask unanimous consent that debate be limited on the unfinished business as to each Senator to 30 minutes on the bill and 10 minutes on amendments.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. BLEASE. Mr. President, the Senator from Washington [Mr. DILL] informed me that he had to be absent from the Chamber for about 30 minutes, and I wish the Senator from Kansas would not present the request until he returns.

Mr. CURTIS. Very well; I will withhold the request and renew it after the Senator from Washington returns to the Chamber.

Mr. PHIPPS. Mr. President, I believe the question pending is the amendment of the committee to section 9, to which I have offered an amendment. I desire to perfect my amendment to the amendment by changing the age provided for from 18 years to 15 years.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado as modified to the amendment of the committee.

Mr. TRAMMELL. Mr. President, I desire to ask the Senator from Colorado if the proposed age limit conforms, generally speaking, to the laws of the different States? Has the Senator looked into the question as to whether or not there is an inhibition in most of the States against shooting licenses being issued to boys under 15 years of age?

Mr. PHIPPS. I have not definitely been informed as to the laws in all the 48 States. I do know that licenses are not required for youths under 18 years of age in some States, and to this exception in the Federal law, with which alone we are now dealing, I think there should be no objection. It does seem to me that a license should not be required of persons under 15 years of age.

Mr. TRAMMELL. Under the bill, if we adopt the Senator's amendment and it shall be enacted into law, will youths under 15 years of age be permitted to hunt during the open season?

Mr. PHIPPS. In the open season. They can not hunt during the closed season, of course.

Mr. TRAMMELL. I was under the impression that the bill provides that no one could hunt for migratory birds without a license.

Mr. PHIPPS. That is correct.

Mr. TRAMMELL. If that is true, and we adopt an amendment of this character, a boy 15 years of age who is hunting and who happens to kill a migratory bird would be subjected to a penalty because he had no permit, and yet the bill would not authorize him to obtain a permit. In other words, it would be a total inhibition against hunting by boys under 15 years of age.

Mr. PHIPPS. Oh, no; I think the Senator misunderstands the purpose of the amendment. Under the provisions of the bill no one may hunt migratory birds during the open season without the Federal license provided for in the bill. My amendment proposes that no one except persons under 15 years of age may shoot without a license, so that those under 15 years of age would not be required to have a Federal hunting license.

Mr. SMOOT. Mr. President——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to a question.

Mr. PHIPPS. The Senator from Utah rose first. I will yield to him and then I shall be glad to yield to the Senator from Arkansas.

Mr. SMOOT. In some States licenses are prohibited to be issued to any person under the age of 16. They are not only not permissible, but are absolutely prohibited. If the Senator's amendment were agreed to, I think it would be taken as allowing persons under 15 years of age to hunt migratory birds. Will not there be a conflict between the laws of the States prohibiting the licensing of persons under 15 years of age, and the provisions of the bill virtually giving a person under that age the right to hunt for migratory birds without a license? It seems to me there would be a serious conflict there.

Mr. PHIPPS. As I stated, I am not fully informed with reference to the regulations in all the 48 States. The statement of the Senator may be correct, but I do not know of any State where persons under 15 years of age are prohibited from shooting in the open season in any event. I think the amendment is a proper one, and I ask for a vote on it.

Mr. ROBINSON of Arkansas. Mr. President, yesterday the Senator from Colorado [Mr. PHIPPS] offered an amendment providing that licenses shall not be required of any person under 18 years of age. The merits of the amendment were discussed at some length in the Senate. He now proposes to reduce the age limit to 15 years.

Some objections have been urged to certain features of the bill which apparently have merit underlying them. It would be easy to load the bill down with amendments which would justify the friends of the bill in rejecting it on its final passage. This, in my judgment, is an amendment of that character. There is no justification for making any discrimination if a Federal license is to be imposed for hunting migratory birds during the hunting season. The adoption of an amendment of this character, whatever age limit may be fixed, will embarrass the enforcement of the law and result in the destruction of game.

If the real purpose of the bill is to conserve wild life, this amendment is in serious conflict with that purpose. I said yesterday that there were thousands of boys in the United States under 18 years of age who are expert shots, and it is probably true that the youths of the land take more game than do mature persons. The Senator from Colorado now proposes to reduce the age limit to 15, on the theory, in all probability, that boys of 15 years of age or under will not do considerable hunting and will be afforded an opportunity to engage in the sport of shooting without serious detriment to wild life. Endless confusion will result if the amendment shall be adopted; disputes of fact will arise over the age of boys, and controversies will ensue that will result in breaking down the enforcement of the law.

For that matter, there is no basis, in my opinion, in sound reason, for the adoption of the amendment. There is a question which may be urged very forcefully as to whether the Federal Government should impose a Federal license for shooting; that question may be argued on either side with considerable force; but there is no reason for giving to one class a right which is denied to another class. The Senator from Colorado manifestly has forgotten the experiences of his youth. Manifestly he is out of touch with the trend of the times and the habits of boys; manifestly he does not grasp the significance of this amendment. Boys of 15 years of age are further advanced now in many respects, and particularly in those that pertain to outdoor sports, than were boys of the age of 19 and 20 at the time when the Senator from Colorado and I grew up.

Mr. PHIPPS. That was a long time ago.

Mr. ROBINSON of Arkansas. It was a long, long time ago. I will lay a wager with the Senator from Colorado that his boy is a better shot at 15 years of age than is the Senator from Colorado at 75. [Laughter.]

Mr. PHIPPS. I do not take one-sided bets. I know I should lose.

Mr. ROBINSON of Arkansas. Mr. President, the friends of this bill ought not to embarrass it with amendments of this nature. I hope that the amendment will be rejected. If the bill is to become a law, it ought not to carry an invitation such as is implied in the proposal of the Senator from Colorado. Upon what theory does the Senator from Colorado proceed? Upon the theory that the boy 15 years old will not cause any destruction of game; that he will not be a successful hunter; that he has some peculiar right to the enjoyment of sport which can not be claimed by others? Inevitably if this amendment shall be agreed to, it will prevent the accomplishment of the purpose underlying the bill—the conservation of wild life. I hope the Senator's amendment as modified will be rejected.

Mr. PHIPPS. Mr. President, I do not care to repeat what I said yesterday in explaining the amendment. I will say, however, that I am anticipating a great deal of pleasure in taking my two younger sons, one now 11 and the other about 14 years of age, with me to teach them the proper use of the gun and its care.

Mr. ROBINSON of Arkansas. But when the Senator goes out he will find that his sons are taking him and not he taking them.

Mr. PHIPPS. That will probably be correct. However, just one word further with reference to the statement made by the Senator from Utah [Mr. SMOOT]. I should say that the State regulations prohibiting the issuance of a State license to anyone under 16 years of age would take care of this matter, because even under a Federal license held by a boy under 16 years of age, in a State where a prohibition is imposed up to that age limit, the youth would not be permitted to shoot.

Mr. President, I do not intend to ask for a yea-and-nay vote on the amendment to the amendment, but I should be glad to have a division on it.

The question being put, on a division Mr. PHIPPS's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. McKELLAR. Mr. President, may we not have the committee amendment stated?

The VICE PRESIDENT. The clerk will state the committee amendment.

The CHIEF CLERK. On page 6, after line 11, it is proposed to insert a new section, as follows:

SEC. 9. That, except as hereinafter provided, no person shall take any wild ducks, geese, brant, swans, rails, coots, gallinules, curlews, black-bellied or golden plovers, snipe, willet, greater or lesser yellowlegs, mourning doves, band-tailed pigeons, or other migratory game birds, except woodcock (or nest or egg thereof), included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, the taking of which is now or may hereafter be permitted by the Secretary of Agriculture pursuant to the migratory bird treaty act, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said convention, or nest or egg thereof, unless and until he

has a license issued as provided by this act, and then may take any such migratory bird, or nest or egg thereof, only in accordance with regulations adopted and approved pursuant to such migratory bird treaty act (act of July 3, 1918, 40 Stat. L. p. 755); such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode, nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests, and nothing in this act shall be construed to exempt any person from complying with the game laws of the several States.

Mr. KING. Mr. President, I invite the attention of the friends of this bill to the provision found in lines 9, 10, 11, 12, and 13 on page 7. I do not know that there can be serious objection to it, yet it seems to me that the provision is rather ambiguous and allows to Federal employees an advantage which would be denied to the owners of the ground upon which the birds which are injurious to crops might be feeding. The clause to which I refer reads:

Nor shall such license be required of any employee of the Federal Government or of any State to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests.

The subject was briefly referred to by one of the Senators the other day and the question was suggested how it would be determined and who was to determine the question whether migratory birds would seriously injure agricultural crops. The question also was suggested, Was it right to permit Federal employees to do the shooting instead of private individuals? Might not Federal employees take advantage of the authority given them and determine that birds were injurious to agriculture merely for the purpose of exercising the right to shoot? I should be very glad to obtain the views of those who have considered that question. I have no set views upon the matter, but it occurred to me in the light of the discussion the other day that there might be some defect in this provision which ought to be remedied.

Mr. PHIPPS. Mr. President, I wish to say to the Senator that one purpose of the clause to which he has referred is to make it unnecessary for game wardens, whether Federal or State employees, who are engaged in the work of helping to preserve game life to obtain a Federal license.

As to the question of the occasion arriving when it is necessary or proper for Federal or State officials to kill birds which are damaging the crops, we have had in my State, I know—and I believe the statement will apply to Utah—several such cases. I referred yesterday to the English pheasant, known as the Mongolian or ring-necked pheasant, becoming destructive to crops to the extent that permission has been given to shoot them. There was a case in Colorado in the last year when, after the close of the open season, it was reported that ducks in great numbers had settled down upon the pea fields of the San Luis Valley, and the statement was made that the farmers there were being damaged and permission was requested to shoot the ducks. The matter was even brought to our attention in Washington, and the State and Federal authorities agreed that shooting might be permitted in order to prevent the destruction of the crops. So permission was granted.

I do not think that any serious trouble may be anticipated in connection with the provision, and I believe it is a proper one to be carried in the bill.

Mr. CARAWAY. Mr. President, will the Senator yield to me for a moment?

Mr. PHIPPS. Yes.

Mr. CARAWAY. The question of the Senator from Utah was, Why should Federal employees be permitted to hunt without licenses when the birds are declared to be harmful to agricultural crops while other people are not permitted to hunt without a license? It will be observed that the clause referred to is in connection with another provision in the bill which says that no man shall be required to have a license to hunt on his own land or land which he has under lease and on which he actually resides. Therefore the question of the Senator answers itself, it appears to me, because whenever the regulation shall declare that certain birds are harmful to agriculture then every man will have a right to hunt them on his own land whether he has a license or not, just as the employees of the States and Federal Government will have a right to hunt them without a license wherever they are found when they are declared to be harmful. So any man, whenever such birds are declared to be harmful, will be permitted to hunt them on his own land whether he buys a license or not.

Mr. PHIPPS. I do not desire to hold the floor. I was simply attempting to answer the Senator from Utah.

Mr. KING. There is one other question that I had in my mind which the Senator from Arkansas did not quite touch. That is the discretion permitted somebody—the bill does not state whom—to determine when the birds are injurious to agricultural crops. The point I had in mind was, Who is to determine that? Obviously, a general regulation can not be made that would be applicable to all sections of the United States. Birds might be injurious to agriculture in Utah or in Kansas because of a certain situation arising, and not be injurious in some other parts of the country, so that a general regulation would be impossible; and the point I had in mind was, Who is to determine whether the birds are injurious to agriculture? Where is that discretion to be lodged? How is it to be exercised? I suggested the possibility that the Federal employees might take advantage of a situation and declare that a condition had arisen justifying the shooting merely to obtain themselves an opportunity to shoot.

Mr. CARAWAY. Mr. President, will the Senator pardon me?

Mr. KING. Yes.

Mr. CARAWAY. The Federal employees have no power to make regulations. The Secretary of Agriculture must make them. If the people in Kansas or in Utah were to complain that certain birds were becoming destructive to agriculture, that information would be transmitted to the Secretary of Agriculture; and if he thought it correct, then by a regulation he would declare that those birds might be hunted and might be killed without any reference to the general provision against hunting migratory game birds.

Mr. PHIPPS. Mr. President, I will say that the Senator is absolutely correct. That course was resorted to in the instance I speak of last fall, after the close of the open season, and the question was referred here, and permission was given by the Secretary of Agriculture.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator to what birds that action applied?

Mr. PHIPPS. Wild ducks.

Mr. ROBINSON of Arkansas. Destroying rice or other grain?

Mr. PHIPPS. Destroying field peas, known as Mexican peas. That was after all the wheat had been disposed of, but the peas had not all been threshed. They were in shocks in the fields.

Mr. ROBINSON of Arkansas. I have heard that there have been some instances in the rice fields of the South, as well as in the wheat fields in other parts of the country, where ducks have come into the fields in such numbers as to destroy entire crops after they have been harvested.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, in section 12, page 9, line 14, after the word "it," to strike out "such license, however, shall not be required of any person or any member of his immediate family resident with him to take in accordance with such regulations any such migratory bird on any land owned or leased by such person and occupied by him as his place of permanent abode," so as to make the section read:

SEC. 12. That each applicant for a license shall pay $1 therefor, and shall sign his name in ink on the face thereof, and each license shall expire and be void after the 30th day of June next succeeding its issuance. Any person who shall take any such migratory bird or nest or egg thereof shall not only possess such license but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The amendment was agreed to.

The next amendment was, on page 11, line 4, to strike out:

SEC. 17. That any person, association, partnership, or corporation who shall violate any of the provisions of this act, or who shall violate or fail to comply with any regulation made pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both.

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of this act or of the migratory bird treaty act, or any regulation made pursuant thereto, or of the Lacey Act (secs. 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof), and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not

less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force; and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

And to insert:

SEC. 17. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 8, 13, or 14 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 8 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden, to be held until said liability is discharged, whereupon it shall be forthwith returned to such person.

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of sections 8, 13, or 14 of this act, or any regulation made pursuant to section 8 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

Mr. CARAWAY. Mr. President, I desire to direct the attention of those in charge of the bill to two things in this amendment which I hardly believe they want to do.

In line 17, on page 12, reference is had to sections 8, 13, or 14. Section 8, as you will see if you will turn back to it, is the section that prohibits anybody from taking migratory birds, or the nests, or eggs, and doing a great many other things—in fact, it is the heart of the bill—and the violation of it subjects one to payment of a fine of not less than $10 or more than $500, or imprisonment for not to exceed six months, or both. Then, beginning on line 22, on page 12, there is inflicted upon that person the further penalty of being sued in a Federal court for a forfeiture of not less than $10 nor more than $25.

I am sure it was not the intention to make that provision of the bill apply to violations of section 8 of the bill, because, if so, the intention is to make an offense punishable by fine or imprisonment, or both, and then subject the same person to a civil suit. I feel certain that the remainder of that language is intended to apply to sections 13 or 14 and not to section 8; and I therefore suggest that we strike out the figure "8" where it is referred to in that connection.

Mr. NORBECK. Strike out just the reference to it?

Mr. CARAWAY. Yes, sir; making it read "sections 13 or 14."

I am going to offer that amendment, if the Senator concurs in it—that we strike out the figure "8" after the word "sections" on line 17, page 12.

Mr. NORBECK. I wish to ask the Senator from Arkansas whether there would be any other penalty to protect that section?

Mr. CARAWAY. Oh, yes, sir; the penalties are the fine and imprisonment.

Mr. PHIPPS. Mr. President, I think that language is not intended to be construed as it has been construed by the Senator from Arkansas, because, as I take it, the second form of penalty proposed there is to apply to other provisions of the bill than sections 8, 13, and 14. I say that because after the semicolon on line 22, following the word "both," it says:

and any person who shall violate or fail to comply with any other provision of this act—

And so forth; that is, any provision other than those contained in sections 8, 13, and 14, as I read it.

Mr. CARAWAY. I understand; but the violation of any provision of section 8 is punishable by fine or imprisonment, or both; and then you say, in addition to that, that you are going to sue this man in the Federal court and collect a penalty of not less than $10 nor more than $25, or he may offer a compromise to the Secretary of Agriculture.

Let me pass that, then, for a minute, until the Senator looks at it, because I do not think that is his intention.

On page 13, line 6, after the word "created," I desire to move, and gave notice the other day that I intended to do so, to strike out the provision which permits the summary seizing of the firearm that the citizen is hunting with and holding it until every provision of this act shall be complied with, or until the courts shall determine that he is not guilty. I hardly think you want to add that unnecessarily harsh provision. It will lead to endless irritation if you enforce it. It does not strengthen the bill at all, and leads, at least here on the floor of the Senate, to a feeling that we are unnecessarily authorizing Federal game wardens to interfere with the rights of the citizen. I want to move to strike out that language, commencing after the word "created," on line 6, down to and including the words "such person" on line 11.

Mr. BRUCE. Mr. President, I can not bring my mind to the support of those amendments. It is a common thing for a statute to provide that any physical or mechanical instrument employed in the perpetration of a crime shall be subjected to forfeiture. Nothing is commoner than that. That is a feature of the laws against gambling. The whole paraphernalia of gambling, where a gambling establishment is raided, is usually forfeited. It is true of an automobile employed for the purpose of violating the Volstead Act. That idea of the forfeiture of an offending implement, instrument, or agency used in the commission of crime is one that runs through the whole body of our criminal jurisprudence. So I ask, why should not a gun used in violating the provisions of this proposed legislation be even forfeited?

If the bill followed precedent at all strictly it would provide that where a violator of its provisions was convicted, his title to the gun with which the offense was committed should be forfeited—in other words, should pass from himself to the Commonwealth—but it is noteworthy that the provisions of this bill do not go that far. They do not say that the offending gun shall be forfeited to the State whose law has been violated. They merely say that it shall be held as a pledge for the payment of the fine; that is all.

Why should it not be held as a pledge? In the case of the vagabond hunter, often the pecuniary value of the gun is the only thing on which the commonwealth can rely for the collection of its fine. That might just as well be true of the Federal Government if the Federal Government proceeded to enforce the provisions of this law.

So, personally I can not see why the Senator from Arkansas should feel such peculiar tenderness for an offender under this bill. If a man has broken the law by the illegal use of his gun and is utterly impecunious and irresponsible and therefore unable to respond to the Federal Government in the terms of any pecuniary penalty, why should it not lay its hand on the only security in sight; that is to say, the gun of the offender, and hold it until the pecuniary penalty is paid, and in case the penalty is not paid, sell the gun and collect the amount that is justly due it because of the offense of the owner?

Mr. KING. Mr. President, will the Senator yield?

Mr. BRUCE. I am through.

Mr. KING. Would the Senator favor a proposition under which, if liquor were manufactured or sold in a house in violation of the law, the Federal Government should forfeit the house of the owner?

Mr. BRUCE. I think that is a case where the penalty would be disproportionate to the offense; but I must say that it does seem to me that in the case of the violation of some of the provisions of the Volstead Act, forfeiture might well be provided for. If that act is to be enforced, all appropriate means for its enforcement should be adopted, and, as I have taken occasion to say so often upon the floor of the Senate, because I am opposed to the Volstead Act is no reason why I should not desire to see its provisions enforced when infringed, for every thinking man has a contempt for any official, high or low, who fails to do his duty in case of violations of the Volstead Act. I forget at this moment to what extent exactly forfeiture may be worked under the provisions of that act, but, as the Senator knows, its provisions are extremely drastic. Certainly an automobile engaged in the illegal transportation of liquor may be forfeited, and it should be. If the law is to be maintained and upheld, that should be so. I repeat, if some one who is unable to pay the pecuniary fine has used his gun illegally, it might at least be properly held as a pledge by the Government until the pecuniary fine is met.

Mr. KING. Mr. President, forfeitures have always been odious under Anglo-Saxon jurisprudence. I am in favor of the amendment offered by the Senator from Arkansas. Where we have prescribed, as this bill does prescribe, rather severe criminal penalties for shooting out of season or for violating regulations which may be promulgated, it does seem to me that we have gone as far as we should go. Moreover, I think the effort to seize a gun in the hands of a man or boy who may have violated the law would have a tendency to a breach of the peace, and greater harm than good would result from the attempt to enforce that provision.

Of course, there are statutes which provide for forfeitures, but, as I stated a moment ago, they are to me odious.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

Mr. KING. I yield.

Mr. BRUCE. The Senator would not say that with reference to the paraphernalia seized in a gambling establishment, would he? He knows that criminal laws almost universally provide for the forfeiture of gambling paraphernalia.

Mr. KING. The announcement of an exception is always regarded as strong evidence in support of the rule, and the exception which the Senator has indicated would fortify the position I am taking in contending for a general rule.

Mr. BRUCE. As far as I know, the rule in this case is made up almost exclusively of exceptions.

Mr. KING. The Senator has called attention to vagabond shooters. Of course, we can always find an extreme case to justify an exceedingly harsh law. But laws should not be made for extreme cases; that is to say, the principal purpose of the law ought to be to deal with human nature as we understand human nature, and we should not have in mind always the extreme cases, or those far beyond the average mind.

Mr. BRUCE. Mr. President, may I remind the Senator that none but a vagabond hunter would fail to pay the fine and thus prevent his gun from being held in pledge by the Government.

Mr. KING. That may be.

Mr. BRUCE. It would not apply at all to a man who had enough means with which to pay the pecuniary fine.

Mr. KING. But the idea to me of a marshal or a warden coming along and seizing the gun of a boy or a man who may have violated the law, in many instances unintentionally, is very repugnant.

There is not much more to be said upon this point. We have provided in the bill ample pains and penalties of a criminal character, and it does seem to me that to resort to the seizure of property is wholly unnecessary. I shall support the amendment.

Mr. NORBECK. Mr. President, I desire to accept the amendment offered by the Senator from Arkansas. I see no objection to it whatever.

Mr. BRUCE. Mr. President, I feel that a good deal of respect should be paid to the acceptance by the chairman of a committee of a proposed amendment, and I venture to say that no Member of this body is more in the habit of paying that deference than I; but I hope that in this case each and every individual Senator will exercise his own personal discretion. I say that it can not be contended that there is anything unduly harsh or oppressive in the idea that when some one has violated the provisions of this measure and is utterly impecunious the Government should hold his gun by way of hypothecation, the instrument with which the crime has been perpetrated, until the pecuniary penalty has been paid.

Mr. NORBECK. Mr. President, I recognize the right of the Senator from Maryland to get a vote or a division on this amendment. I am not speaking for him. I realize that there are two sides to the question. For my part, I share the views of the Senator from Arkansas that we can make game laws so harsh as to defeat the very purpose of the laws.

Mr. BRUCE. I am not finding fault with the Senator because he deems it expedient, for the purpose of safely piloting this bill over the shoals of discussion, to accept the amendment; but I say that in my humble judgment it is an unfortunate amendment. If we are to have a law, and are to create criminal offenses under it, and are to undertake to vindicate violations of its provisions, it certainly seems that all means necessary for those purposes should be incorporated in this bill. I think that the author of this bill has shown an uncommon degree of tenderness to offenders under it in his amendments.

As I have said—though I do not wish to repeat myself too much—nobody is going to allow his gun to be held in pawn by the Government except some indigent hunter from whom nothing would ever be recovered by the Government, unless it could recover something by holding his gun, and, if necessary, selling it and applying the proceeds of sale to the amount of the pecuniary penalty.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment as modified.

Mr. CARAWAY. There are two amendments. The first was to strike out the figure "8," on page 12, line 17. I understand that the Senator in charge of the bill agrees that that ought to go out.

Mr. NORBECK. There seems to be a sufficient penalty provided elsewhere, and I agree to that amendment.

Mr. BRUCE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment, to strike out the figure "8," on line 17, page 12.

The amendment to the amendment was agreed to.

Mr. CARAWAY. I would like now to get a vote on the amendment to which the Senator from South Dakota says he has no objection; that is, striking out the language in line 6, page 13, down to and including the words "such person," on line 11.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 13, line 6, strike out down to and including line 11, as follows:

> and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person.

The amendment to the amendment was agreed to.

Mr. KING. Before the section is agreed to I want to call attention to another matter for information before I conclude whether I shall offer an amendment. Commencing on line 22, page 12, it reads:

> Any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10 for the first violation and in the sum of $25 for each subsequent violation, to be collected in a civil action.

First, I want to inquire what other provisions of the bill would come under the condemnation of these proceedings; and, second, whether it is deemed wise, where there has been a violation of the provisions of the bill, to make it a civil procedure and even to vest power in the Secretary of Agriculture to remit the fine. It is giving him judicial power, and I question, although I have not given the matter any thought, the advisability of saying to an executive officer, "This man has violated the law and he is subject to a fine of $10 or is subject to civil procedure, but it may be remitted by the Secretary of Agriculture."

Mr. CARAWAY. A violation of certain provisions of the proposed measure, or regulations made in pursuance thereof, is declared to be a crime punishable by fine or imprisonment or both. Then the violations of other provisions of it or any regulation made in pursuance thereof may be punished by a penalty recoverable in a civil suit, but in order to avoid the innumerable and trifling suits that might grow out of it, provision is made that a man may do as he is permitted to do

in the matter of failing to make his income-tax return. He may go in and say, "I have violated this provision," and give his reason for it, and then say, "I offer to pay you so much." If the Secretary of Agriculture thinks he has been sufficiently penalized, he may accept the payment or may remit it altogether.

Mr. KING. What other provisions are there that would come within the language of the section which I just read?

Mr. CARAWAY. Every provision of the measure that one is prohibited from violating would fall under the provision of the bill, except violations of section 8 and the regulations made thereunder.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 15, line 14——

Mr. KING. Mr. President, I call attention to page 13. That amendment has not been read.

The PRESIDING OFFICER. That is a part of the committee amendment just agreed to.

Mr. KING. I did not understand that the entire amendment was agreed to.

The PRESIDING OFFICER. It is all a part of the same amendment and has been agreed to.

Mr. KING. However, I would like to have it read first. It has not been read. Then I may want to move to reconsider the vote by which it was agreed to.

The PRESIDING OFFICER. The clerk will read the language referred to by the Senator from Utah.

The Chief Clerk read as follows:

Any person brought before a competent United States commissioner for a hearing on a complaint charging a violation of sections 8, 13, or 14 of this act, or any regulation made pursuant to section 8 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, and 244 of the Criminal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner such sum, not less than $10 nor more than $500, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

Mr. KING. Mr. President, the provision just read undoubtedly was framed for the purpose of mitigating some of the severities of the bill and avoiding, if possible, the transporting of alleged violators of the law hundreds of miles from their residence where the alleged offense may have been committed, to some Federal court, there to be indicted and tried. Obviously, those who framed the bill had in mind the great objection which the American people would have to being haled into a court hundred of miles away from their residences for rather a small offense, such as shooting one more bird than some regulation permitted, or perhaps unintentionally violating some rule or regulation or some provision of the statute. Doubtless it is that those who framed the provision felt that it would be rather harsh to drag such a man hundreds of miles away to the place where the Federal court meets and where the grand jury meets, and there have him indicted and tried before a jury of 12 men in a Federal court. I assume that the provision was framed for the purpose of avoiding, if possible, that rather harsh procedure. In so far as it is an attempt to accomplish that result, I am in sympathy with the effort.

But I can not bring my mind to assent to the amendment. It does seem to me that to invest with judicial power a commissioner who is a mere magistrate and who has no judicial power—that is, the power of trying a man or imposing a fine or imprisonment—is rather contrary to our theory of government and certainly not in harmony with the Constitution of the United States.

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. Certainly.

Mr. CARAWAY. I would suggest to the Senator that instead of investing the commissioner with judicial power, it gives him exactly the same power which in the preceding part of the amendment we gave to the Secretary of Agriculture in cases where some one had violated some provision of the bill or some regulation made in pursuance thereof. We say he may offer a compromise to the Secretary of Agriculture, and the Secretary may accept it or he may remit the entire penalty. Now, we give to the commissioner the power to permit the man who has been arrested to come in and offer a compromise. We do not use that language, but we say he may pay a sum not less than $10 nor more than $500, and that will acquit him of his violation; that the sum will be paid over to the Federal Government, and he will not be subjected to indictment, trial, conviction, and punishment if the jury should convict him. It is exactly under the same theory, it seems to me, that we permit the man to compromise in the other case.

Mr. KING. The statement made by the Senator from Arkansas corroborates in part the view which I announced a moment ago as to the purpose of the provision. However, I do not think there is a true analogy between the latter part of his statement and the position which I am taking. He argues that because we have already adopted a provision, of which I did not approve, may I say, authorizing a compromise of the matter by the Secretary of Agriculture that this is no different.

As I understand the provision which authorizes the Secretary of Agriculture to institute a civil suit or to compromise a matter, it involves a civil liability and not a criminal liability. In other words, certain acts or omissions referred to hereunder are not denominated crimes. They are considered in the nature of—shall I say contractual obligations? At any rate, they are considered as acts for which a civil liability arises and which may be sued for in a civil suit.

Mr. CARAWAY. Mr. President, will the Senator yield again? I do not like to interrupt the Senator so much.

Mr. KING. I am glad to yield. I am trying to get at the facts.

Mr. CARAWAY. Of course, there is no contractual relation at all between the man who violates the rule or regulation and the Government. It is all founded on tort. We have innumerable examples of it. If a man fails to file his income-tax return within a certain time he may escape penalties by offering a compromise. Why would not this plan be infinitely better? The commissioner is not designated as a judge, and he can not be one, because we would have to create him a court before he could proceed to try an alleged offender. It is not a trial. It does not partake of the nature of a trial. He could not impanel a jury or hear evidence or say the defendant is guilty or innocent. The bill simply provides that if a man comes before him and says, "I did this and I am willing to pay so much and not be prosecuted," then he may accept that compromise, just like the Secretary of Agriculture may accept an offer of compromise. It mitigates the harshness of the bill and keeps from cluttering up the Federal courts with trivial prosecutions. It is much more economical, it is much more tender of the rights of the man who has violated the law. He does not have to accept the proposal. The commissioner can not fine him. The commissioner has no judicial authority. He simply pays so much money to the commissioner, and the commissioner says, "I will turn this over to the court and you need not go there."

Mr. KING. The Senator has stated very strongly all that can be said in favor of the proposed amendment; but conceding all that the Senator said, I confess I do not think it is a good policy. I think it bad policy to denominate an act a crime which subjects the perpetrator to fine and imprisonment and, under the Federal Constitution, to trial in a Federal court, and then to say, "We shall permit a person who has no judicial function, but is a mere magistrate, to say to this man, 'Now, if you will pay $500, we will see that you are not prosecuted. The grand jury will not indict you. We will not present you to the grand jury, and you will not be tried.'" It puts too much power into the hands of wardens to say to a man, "If you will go before the commissioner and plead guilty, we will let you off with whatever he says. We will recommend $1 or $5 or $50 or $100." I think it is a bad precedent. It is playing with the law. There will be a tendency to frighten men who want to fight or who would fight because they do not think they are guilty. It will induce them, because of the expense involved, to say, "All right; I will accept what the commissioner says." I think the effect will be bad; that it will be demoralizing. I think it is a very unwise precedent to establish.

I recall that the matter was considered in the Judiciary Committee a number of years ago—I will not say this matter, but this principle—in connection with the prosecution of individuals for violation of the Volstead Act. The Senator used the expression "cluttering up the Federal courts." We know that throughout our Federal courts they are cluttered up with violations or so-called violations of the Volstead Act. Many of them are little police cases, and some of the judges and lawyers have tried to devise some means by which that situation could be avoided. I sympathize with that proposition. I was foolish enough to attempt to draw a bill, which I introduced in the Senate and had referred to the Judiciary Committee, where it was there considered, containing a provision which sought to give the clerk of the court power to receive pleas of persons charged with a violation of the law, to empanel a jury of six and try the case, with the right, of course, of appeal, just as in some States where the right of trial by a jury is preserved by the State constitution they have provided in police cases that certain misdemeanors shall be tried by the police magistrate but they have always reserved the right of appeal to the district court where the constitutional right of trial by jury is preserved. However, the measure, when taken up by the Judiciary Committee, was frowned upon, because the committee did not feel that we could pass a measure which would take away the power of the court to try and set up another judicial body or a body with quasi judicial functions to pass upon acts which were violations of positive statutes of the Federal Government.

Mr. CARAWAY. Mr. President——

Mr. KING. I yield to my friend from Arkansas.

Mr. CARAWAY. I want to say to the Senator that I introduced a similar bill, but when I investigated the matter I found, what the Senator from Utah found, that we could not empower anyone to exercise any judicial function unless we should create him a court, and when we did that we gave him a lifetime job. So we abandoned it.

Now, to avoid that and to mitigate the harshness of the bill, the only thing that could be done was to permit an offender to pay so much to the commissioner, which was in the nature of an offer of compromise, and the bill compels the Government to accept that offer of compromise. It does mitigate the harshness of the measure.

The PRESIDING OFFICER. The Secretary will state the next amendment.

Mr. KING. Mr. President, I do not want the RECORD to show that the section as amended was agreed to unanimously. I want the RECORD to show that I am opposed to the section even as amended.

Mr. NORBECK. Mr. President, I think the RECORD will show that there was a reconsideration taken on this section; therefore I ask that we vote again on the question of its adoption.

Mr. KING. I said I would make a motion to reconsider, but I did not submit the motion.

The PRESIDING OFFICER. There has been no motion to reconsider made.

Mr. NORBECK. Very well.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next committee amendment was, in section 21, page 15, line 14, after the words "expenditure of," to insert "$5,000," so as to make the section read:

SEC. 21. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $5,000, is hereby authorized to be appropriated out of the migratory bird refuge and marsh land conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. BRUCE. Mr. President, let me ask a question for information of the Senator from Arkansas. I understood that the Senator from Arkansas proposed to add a proviso at the end of section 17.

Mr. CARAWAY. When we get through with the committee amendments I am going, then, to offer the amendments I have in mind.

Mr. BRUCE. I understood the Secretary to have just stated an amendment on page 15.

Mr. CARAWAY. I was merely waiting to offer my amendments until the undisposed-of committee amendments should have been acted upon.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. KING. What was the character of the amendment which the clerk has just stated?

Mr. NORBECK. It was merely to supply an omission in the drafting of the original bill. The committee amendment merely proposes to insert the sum stated to make a correction.

Mr. KING. I ask that the amendment may be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk again stated the amendment.

Mr. KING. Mr. President, I wish to make a brief observation. It seems to me, in view of the fact that this bill provides a very large fund for its administration out of which this $5,000 could be paid or any amount that might be necessary for the administration of the act that the amendment is unnecessary.

Mr. NORBECK. I am unable to answer that, but the Senator from Utah will admit that the provision is harmless. If it is harmless, let us act on it.

Mr. KING. No; it would not be harmless, because it would be $5,000 more which the commission would get in addition to the 40 per cent of the fund realized under the provisions of the bill.

Mr. NORBECK. The commission gets no money except Congress appropriates it. The 40 per cent is merely a limitation.

Mr. KING. I understand.

Mr. NORBECK. The $5,000 is made available so that the commission may start using the money.

Mr. KING. I may move, Mr. President, after we shall have disposed of the other provisions of the bill, to strike this one out.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, there are certain amendments which I gave notice the other day I intended to offer. The first amendment I said I intended to offer was to strike out the words "public shooting ground" wherever they appear. For the present, I desire to reserve that amendment, and to offer those amendments about which there will not be any serious contention. I understand the committee amendments have been disposed of.

Mr. NORBECK. Yes.

Mr. CARAWAY. On page 5, line 9, after the word "or" and before the word "disturb," I move to insert the word "knowingly." I do not think it is very material; it simply means that a man must have intended to do what he did or must have had knowledge that he was on a public shooting ground or a bird preserve before he can be found guilty of an offense; otherwise the very doing of the thing would make the one doing it guilty of an offense. A person might walk through a bird sanctuary or a bird preserve or public shooting ground and do something in violation of a rule or regulation without having any knowledge that he was within a reservation at all. I merely desire to have inserted the word "knowingly" so that before one can be found guilty of an offense he must have known what he was doing.

Mr. NORBECK. Mr. President, I have no objection to the amendment.

Mr. BRUCE. Mr. President, I think that would be an unfortunate amendment, and I do not see any necessity for it. It seems to me inconceivable that anyone could destroy any notice or any signboard or any fence or any building or other property of the United States without knowing it.

Mr. CARAWAY. What the Senator has mentioned does not include all of the provision.

Mr. BRUCE. It goes on in this way—

or cut, burn, or destroy any timber, grass, or other natural growth thereon.

I do not see how one could cut any timber or grass or other natural growth without knowing it. I realize that he might start a fire accidentally without realizing that he was starting a fire.

Mr. CARAWAY. I believe if the Senator will think back over his boyhood days he will realize that he might have torn a board off a fence without having any serious intention to do anybody an injustice or to do any wrong, or he might have removed a rail from the top of a fence without a criminal intention. As I have said, I do not think that the proposed amendment is especially material, but it seems to me that we do not want to make the proposed law unnecessarily harsh so as to render it offensive to some of us who want to vote for it. In that view it appears to me that there should be no serious objection to an amendment which merely proposes that a man shall be guilty of an offense only when he intends to commit a violation of the law.

Mr. BRUCE. Mr. President, if the word "knowingly" was shifted from the place where the Senator proposes to insert it,

just before the word "disturb," and placed in front of the words "burn or destroy," it seems to me my objection would be removed, provided the objection is worth talking about. It seems to me, though, that to use the word "knowingly" in the connection where it is proposed to use it would simply lead to a lot of quibbling where an offense had been committed under the act. I must say, however, that it seems to me if the point was ever raised under those provisions the defendant would not be in a position to set up any substantial defense. Suppose a person should destroy any written or printed notice or signboard or fence or building and he was brought before a commissioner charged with that offense, I hardly imagine the commissioner would bother very long over the plea that the offender had not knowingly disturbed, injured, or destroyed a notice, signboard, fence, or building. I imagine the commissioner would say to him, "You must by legal intendment to be taken to have contemplated the natural consequences of your act. How could you have destroyed a notice, signboard, a fence, or a building or other property of the United States without realizing what you were doing?"

Mr. CARAWAY. The Senator must know that is not the purpose of the amendment. It merely proposes to provide that a person charged with a violation of the act must know his act was committed on the property of the United States on a bird preserve. In that event he would know that he was proceeding contrary to the rules and regulations provided in pursuance of this act. That is all that the amendment seeks to cover.

Mr. BRUCE. I shall not enter on the domain of verbal subtlety, but I think the tendency of all the amendments of the Senator from Arkansas, taken as a whole, is to emasculate the bill.

Mr. CARAWAY. Of course, any amendment I offer is wrong; I concede that.

Mr. BRUCE. It is not fair for the Senator to say that.

Mr. CARAWAY. The Senator, without having read all the amendments, denounces them en bloc. However, I withdraw everything I have said about that.

Mr. BRUCE. The Senator will do me the justice to say——

Mr. CARAWAY. I do.

Mr. BRUCE. That he placed a copy of his amendments before me so that I could weigh them and consider them.

Mr. CARAWAY. I had forgotten that. I take it all back.

Mr. BRUCE. I know the Senator had forgotten that. Of course, there are some criminal cases and tortious cases in which the knowledge of what is being done when the offense or the tort is committed is immaterial. The law will not stop and listen to the suggestion that the party did not know what he was doing. I can conceive of circumstances under which a man might destroy a notice, or a signboard, or a fence, or a building, or other property of the United States on one of these preserves and yet be acquitted because under the peculiar circumstances it could be fairly inferred that he did not have any criminal intent, and, of course, intent is essential to a criminal offense. However, Mr. President, I do not care to press those particular objections too strongly, but it seems to me that the amendment suggested by the Senator from Arkansas does tend certainly to render more or less inefficacious the prohibitions against destroying notices and signboards and fences and buildings and the like. If we are going to have an act of this character, do not let us have a milksop act, a mollycoddle act, an act that has no real virility, no real capacity for enforcing itself. Let us have a real, genuine measure that will accomplish the object desired. An offense certainly can not be prevented unless there is a measure of punishment adequate to its gravity. So, as I look at it, with great respect for my friend the Senator from Arkansas, I think that the amendment he has offered is an unfortunate one.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, on page 5, line 12, after the word "thereon," I move to strike out the words "or enter thereon for any purpose, except in accordance with rules and regulations which the Secretary of Agriculture is hereby authorized and directed to make"; in other words, the amendment proposes to strike out down to and including the words "to make" in line 15.

I had understood from those who had the measure in charge that they had no objection to the amendment. Its purpose is simply this: Under the provisions of the bill, as now drafted, if one should walk into a bird sanctuary or paddle his boat on a stream within the boundaries of such a sanctuary, unless he should have acquainted himself with the rules and regulations of the Secretary of Agriculture he might be proceeding in violation of some rule. It is to be hoped that many of these bird refuges and sanctuaries will be places of real interest in which the citizens may take some real pride and that many nature lovers will delight to go into them to see the wild life which has its sanctuary there.

While it is not to be conceived that the Secretary of Agriculture is going to prescribe any unreasonable rules and regulations, yet somebody might, in violation of some rule or regulation, trespass upon the property. It was thought to be a provision that was rather harsh, and really would serve no useful purpose, because it leaves intact that provision of the bill that we were just discussing—that if he shall destroy any of the property, or burn any of the grass, or cut any of the trees, or violate any of the other provisions, if he shall attempt to take any bird or its nest, or in anywise disturb it, he is guilty of an offense. This would make it an offense merely to walk in the grounds if he should do it in violation of some rule or regulation; and, as I understand, the Senators in charge of the measure have no objection to the amendment.

Mr. NORBECK. I am not so certain that I understand this. If I read this section correcty, it means that the law forbids entry on the grounds, but that the Secretary of Agriculture may by regulations permit it.

Mr. CARAWAY. No; there is not any prohibition against one entering the reservation. The provisions above that prevent him from destroying any sign or fence or building, or cutting any grass or wood, or burning any grass or wood, on the reservation—doing certain acts.

Mr. NORBECK. But it also goes on and says "or enter upon."

Mr. CARAWAY. That is what I wanted to strike out—the language forbidding him merely to walk through it, without disturbing anything, without doing any harm, merely for the joy of looking at the natural beauty that may be there.

Mr. NORBECK. I want to say to the Senator that I have no objection to that if we are clear that authority for regulation is given at other places in the bill.

Mr. CARAWAY. Oh, yes, sir; that is true.

Mr. NORBECK. And I want to suggest an amendment to go in at another place, to which I am sure the Senator has no objection. I will exhibit a copy of it to him.

I have no objection to the amendment offered by the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

Mr. BRUCE. Mr. President, I simply desire to register an objection to that, too. If any rover shall be perfectly free to go on one of these preserves at any time that he chooses, and can destroy any notice or any signboard or any fence or any building or other property of the United States thereon, or cut or burn or destroy any timber, grass, or other natural growth thereon, unless he does one of those things knowingly, I should like to ask with what sort of security one of these preserves would be surrounded?

Mr. CARAWAY. Will the Senator pardon me just a minute?

Mr. BRUCE. Yes.

Mr. CARAWAY. I think the Senator and I are in perfect accord. We both would like to give security for the wild life in America, so that it may have some chance to survive with pothunters.

Mr. BRUCE. I agree to that, except that I think the Senator is paying a great deal more regard to the security of the lawless hunter, perhaps, than he is to the security of the game.

Mr. CARAWAY. This has not anything to do with the hunter. The provision that is now under discussion has absolutely nothing to do with hunting wild life or taking or disturbing it at all. It simply does not give the Secretary of Agriculture the power to say that it shall be a crime to paddle your canoe in a lake or to walk through a forest in which wild life has a sanctuary. That is all it does. After a man gets upon the preserve, if he disturbs wild life, if he destroys a sign or a fence or a building, or cuts or burns the grass or timber, or does anything at all that is forbidden by this bill, then he is guilty of an offense under that provision of the bill. It simply does not make him a criminal because he goes into a forest or upon a stream that is within the sanctuary; but he must not do those things that will destroy or disturb the wild life after he gets there; that is all.

Mr. BRUCE. Yes; but these provisions say that he must not enter except in accordance with rules and regulations which the Secretary of Agriculture is authorized and directed to make.

Mr. CARAWAY. Yes, sir.

Mr. BRUCE. We are bound to assume that the Secretary of Agriculture will promulgate reasonable rules and regulations, regulations that would enable the citizen to enter upon one of these preserves for all innocent and lawful purposes whatsoever, and at the same time would be sufficiently restrictive to prevent the citizen, when he does enter upon one of these pre-

serves, from doing the things that it is within the contemplation of this legislation that he shall not do.

Mr. CARAWAY. If the Senator will pardon me, if he does anything that is forbidden by this bill, he will be guilty of violating its provisions, because this is not the provision of the bill that has to do with protecting the nests, the lives, the habits, or the grounds where the birds may congregate. This simply gives the Secretary of Agriculture the power to say that it shall be an offense to walk upon the land. It is inconsistent with that which follows after, which says that he may not make any regulation to keep people from going on there for the purpose of fishing. It is inconsistent with that.

The Senator and I at one time were engaged in a little controversy about the Volstead Act, and the Senator told me——

Mr. BRUCE. I do not believe anybody ever had a little controversy with the Senator from Arkansas.

Mr. CARAWAY. Or with the Senator from Maryland. The Senator told me that you could make a law that was so harsh that public sentiment would not assent to it. You can make this bill bristle with so many inhibitions that the sportsmen of America will resent it, and everybody will feel that you are unnecessarily restricting the right of the citizen, without adding one single thing to the bill that will accomplish its real purpose, which was to preserve wild life. That is all I had in mind.

Mr. BRUCE. The Senator will bear in mind, of course, that at the very beginning of this section, section 8, the bill says:

> That no person shall take any migratory bird, or nest, or egg of such bird on any area of the United States which heretofore has been or which hereafter may be acquired, set apart, or reserved as a migratory-bird refuge.

Mr. CARAWAY. Yes.

Mr. BRUCE. Then it goes on and says that no person—the language is just as general in the first instance as it is in the second—shall disturb, injure, or destroy any notice, signboard, fence, building, and so forth.

Mr. CARAWAY. Yes, of course; and I want to leave all that, so that you can protect every migratory bird that flies under the provisions of this bill, and give the Secretary the right to do anything that anybody wants to do under this bill, but merely to take out of it the power to say that it shall be a crime to wander upon the banks of a stream or to walk through a forest. That is the thing I have sought to remove.

Mr. BRUCE. It does not say that.

Mr. CARAWAY. Yes, it does.

Mr. BRUCE. It says that it shall be a crime to go upon a stream in one of these preserves or to walk over a road in one of these preserves unless that is done in accordance with rules and regulations which the Secretary of Agriculture "is hereby authorized and directed to make."

Mr. CARAWAY. I know that; but you must go upon it only at his permission, and that seemed unnecessarily harsh, and those having charge of the bill have no objection to eliminating it.

Mr. BRUCE. Would not that permission be given in the form of a general regulation? This section does not contemplate the idea that a license is to issue from the Secretary of Agriculture every time an individual enters on one of these preserves.

Mr. CARAWAY. I am conscious of that.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; I yield.

Mr. NORBECK. I want to say to the Senator from Maryland that I accept his suggestion that it can be done by general regulation. The Senator from Arkansas and I have agreed to such a provision, and I am going to offer such an amendment after a little.

Mr. BRUCE. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, on page 9, line 11, I move to strike out all after the word "license," on line 11, down to and including the word "it," on line 14.

Mr. BRUCE. Mr. President, may I ask the Senator from Arkansas whether he does not propose to insert a proviso at the end of section 7?

Mr. CARAWAY. Yes, I do; but I want to get rid of this.

Mr. BRUCE. The Senator wants to take this first and go back to the other matter?

Mr. CARAWAY. I want to take this first, because I think it will occasion but little discussion.

Mr. BRUCE. All right.

Mr. CARAWAY. The measure as it is drafted provides that everyone who hunts migratory birds must have a license. The language to which the amendment is directed, and which it moves to strike out, is the provision which requires him to have it on his person at all times when he hunts, and to exhibit it to anyone who may demand to see it.

There is a law that requires us to carry our permits to drive a car. I have a permit, but I have not the remotest idea where it is. If some officer were to ask me for it I might subject myself to the humiliation of being arrested for having no permit with me. My permit would be my defense. In this case, if one is hunting migratory birds and has his permit so to do, or his license, whichever you wish to call it, and some officer empowered to examine it should ask him for it, he would exhibit it, and that would end the matter. If he did not have it with him, he would be subjected to the humiliation of having to go to court to explain it. That is as much as it ought to be, and I desire to strike out the language—

> but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The Senator from South Dakota has an amendment, I think, containing language that he wanted to substitute for the stricken-out language that I thought met the views of both of us.

Mr. NORBECK. Mr. President——

Mr. BRUCE. Before the Senator offers that amendment, may I call the attention of the Senator from Arkansas to the fact that apparently—I say only apparently because I have not had a chance to examine the bill closely enough to say whether or not my first impression is correct—apparently there is no penalty for not having a license on the person. Apparently there is none at all.

Mr. CARAWAY. I think so, Mr. President, because anyone who shall violate any of the provisions of this act or any regulation made under it shall be subject to a fine of not less than $10, and one of the provisions of the act would be the provision requiring him to have his license with him all the time.

Mr. BRUCE. But there does not seem to be any reference to that particular section.

Mr. CARAWAY. I think that would be included in the general inhibition against doing anything that is forbidden by this act or failing to do anything that is required by it.

Mr. BRUCE. But if the Senator will turn to those general inhibitions I think he will find that they are prescribed only in connection with sections 8, 13, and 14, and other sections which do not include this section.

Mr. CARAWAY. The Senator will agree with me, then, if he is correct, that it is perfectly idle language.

Mr. BRUCE. I would not say "idle."

Mr. CARAWAY. It is language without any force.

Mr. BRUCE. It has no legal sanction.

Mr. CARAWAY. It is peculiarly offensive. I think that the man who approached the Senator from Maryland and said, "I demand to see your license," unless he was mighty courteous, would have an argument. It is unnecessarily harsh.

Mr. BRUCE. If he should say to me, "The law gives me the right to ask you that question," I would not have anything to say, though. I may be mistaken about this.

Mr. CARAWAY. The Senator told me at one time that laws could be so harsh that people would revolt against them.

Mr. BRATTON. Mr. President, I call the Senator's attention to this provision in section 17: After providing a penalty for violating sections 13 and 14, this general language follows, in line 22:

> And any person who shall violate or fail to comply with any other provision of this act shall be liable to the United States in the sum of $10—

And so forth.

Mr. BRUCE. I think that undoubtedly covers it.

Mr. NORBECK. Mr. President, I offer an amendment as a substitute for the one offered by the Senator from Arkansas. I think the substitute will do away with the harsh features of the other provision. The man will not have to show his license to anyone except an officer.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. The Senator from Arkansas proposes to strike out—

> but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any person who requests to see it.

The Senator from South Dakota proposes to insert, in lieu of that language—

but shall also have it on his person at the time of such taking, and he shall exhibit such license for inspection to any State or Federal officer authorized by the Secretary of Agriculture to enforce this act.

Mr. BLEASE obtained the floor.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. BLEASE. I yield.

Mr. DILL. I think the Senate ought to hear the Senator from South Carolina discuss the bill, and I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	King	Robinson, Ind.
Bayard	Ferris	La Follette	Sackett
Bingham	Fess	McKellar	Schall
Blease	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shortridge
Broussard	Gillett	Mayfield	Simmons
Bruce	Glass	Means	Stanfield
Butler	Goff	Metcalf	Steck
Cameron	Gooding	Norbeck	Swanson
Capper	Hale	Norris	Trammell
Caraway	Harris	Oddie	Tyson
Couzens	Heflin	Overman	Underwood
Curtis	Howell	Phipps	Wadsworth
Dale	Johnson	Pine	Williams
Deneen	Jones, N. Mex.	Pittman	Willis
Dill	Jones, Wash.	Ransdell	
Edge	Kendrick	Reed, Pa.	
Edwards	Keyes	Robinson, Ark.	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, there is a quorum present. The Senator from South Carolina will proceed.

Mr. BLEASE. Mr. President, we hear a great deal of talk around here these days about State rights. I notice that the President went down into Virginia the other day and made a speech in which he had a good deal to say on that subject. I can not see for the life of me how he could sign this bill if he was sincere and truthful in the statements he made at Williamsburg, Va. If there ever has been proposed in this body any bill that was an open, flagrant, mean, malicious trespass upon the rights of the people of this country, this bill is.

If there is a desire that the laws of this country be enforced, and if we want peace in the enforcement of the laws of this country, I do not see why it is necessary to continue to send the people from other States into my State for the purpose of trying to humiliate my people and make them resentful of the laws of the United States. There are United States marshals in South Carolina appointed by the Republican Party. They both say they are Republicans. They are white men, and they live in South Carolina and are native South Carolinians. Of course I do not believe they are Republicans. They got their jobs, however.

Why not let those United States marshals and their deputies enforce the United States laws? They are good men. I have heard no complaint of their not performing their duties. The name of one of them who has been reappointed was sent to the Senate the other day for confirmation. Not one word has been said by anybody against that reappointment. Those marshals have good men serving under them. They do their duty, and they are faithful in the performance of their duty.

Mr. President, if the Federal Government would let the United States marshals in each State have whatever amount of money they expect to spend on these additional offices and would let them appoint deputies, we would get a more satisfactory enforcement of the law and certainly a more orderly enforcement. In my State I do not think there is a single prohibition-enforcement officer who is a native of South Carolina. The officials have sent hirelings and spies, some of the lowest element of humanity, out of other States into my State to enforce the prohibition law, and murders and attempts to ravish, besides other crimes, have marked the conduct of those Federal officers in South Carolina.

Mr. NORBECK. Will the Senator yield to a question for information?

Mr. BLEASE. I yield.

Mr. NORBECK. The statements the Senator is making are very interesting. I would like to ask the Senator what is the record of the Federal game wardens in his State.

Mr. BLEASE. We have none; and I am trying to keep from having any. That is what I am doing right now.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLEASE. I yield.

Mr. DILL. If this bill shall pass, and we appropriate anywhere from a quarter to a half a million dollars, which will go into a fund that can not be spent for anything except public shooting grounds and game refuges, does the Senator think he will be able to keep from having a lot of game wardens in his State?

Mr. BLEASE. That is the reason why I do not want to have this bill passed.

Mr. DILL. That is what this bill proposes—the establishment of public shooting grounds and game refuges.

Mr. BLEASE. I am opposed to any Federal officers coming into my State and interfering with the regular officers there in the discharge of their duties.

Mr. DILL. If the Federal Government by law is authorized to purchase, and does purchase, a lot of public shooting grounds, then the Senator will have no way of preventing the Federal Government from sending game wardens into his State to take care of their own public shooting grounds.

Mr. BLEASE. I understand that.

Mr. NORBECK. Mr. President, may I interrupt the Senator once more?

Mr. BLEASE. Certainly.

Mr. NORBECK. Just to call attention to the fact that no public shooting grounds will be purchased in any State except by permission of the State legislature.

Mr. BLEASE. I received a letter just this morning from one of the district attorneys in South Carolina in which he said:

It is true that some of the Federal prohibition agents acted in a very disgraceful manner.

Yet they are kept there to harass and to worry the people of my State.

Those in authority have not the manhood or the decency to remove that class of people, but send more of a like kind of horde into my State, and this bill is for the purpose only of adding to that crowd.

Men go out on the stump and make speeches about State rights and then come right into this Chamber and actually are attempting to-day to regulate the birds that fly up in the air that God gives to the people of this country, and even the fish down in the water. I say that it is a form of government that is not democratic and not a decent republican form of government.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. BLEASE. I yield.

Mr. BRUCE. I would like to call the attention of the Senator from South Carolina to the fact, of which he is probably not aware, that the Senator from Arkansas [Mr. CARAWAY] proposes to offer an amendment—he was on the point of offering the amendment, as I understand—which provides that if any State in the Union shall take over the administration of the system provided for by the bill, then all the appointees under the bill will be residents of the State for which the appointments are made. That might influence the views the Senator is expressing.

Mr. BLEASE. Even with that provision I am opposed to the bill. God Almighty gave the poor people of this country some rights, I think.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Louisiana?

Mr. BLEASE. I yield.

Mr. BROUSSARD. May I suggest to the Senator that, of course, if they turn over the administration to the State it would be conditional upon the execution of the law in a manner satisfactory to some department here in Washington.

Mr. BLEASE. Absolutely.

Mr. BROUSSARD. So they would retain control of the matter and the State would not be free to regulate its own affairs as is the case at the present time.

Mr. BLEASE. I think that when God created this country He certainly intended to see or at least had an idea that the people should have some rights of self-government. But about the only thing they have left in the country in the way of self-government is how many children the women shall have, and I suppose after a while they will want to regulate even that.

Mr. MAYFIELD. They are trying to do it now.

Mr. BLEASE. I am not surprised. Then they will want to take the children and try to rear them according to the way the Government thinks they ought to be reared and according to the views of somebody who does not know any-

thing about American ideals. They are trying to control and run the American Government in that way.

To save my life I can not see how men can sit in this Chamber and vote to take away from their own States and from their own people the right to enforce the laws of those States. I can not see why any man should vote to invest the Federal Government with such power, I do not care whether it be Democratic or Republican. Senators get up here and "cuss" at Mussolini and "cuss" at some other forms of government, but we are following in their footsteps every day by trying to create here in Washington bureaus to make laws, to make rules, to regulate everything and to regulate everybody. Congress, in dereliction of its duty, is conferring upon them the power to make rules and regulations, which power was intended by the Constitution of the United States to rest only in the law-making body, the Congress itself.

It is as plain to me as daylight, and it seems to me that anybody should see, that the bill is a rich man's bill, no doubt dictated and no doubt sponsored by men of wealth who want to buy up these large tracts of land like they are doing to-day down in my section of the country.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. Certainly.

Mr. NORBECK. As I understand the purpose of the bill, it is that the Government shall acquire some of these bird refuges. There are two purposes in the bill, and one of them is in order that the Government may secure shooting grounds before the private clubs can get hold of them. My regret is that so much of the refuges of the sort contemplated by the bill should have gotten into the hands of such clubs. It is really the intent of the bill to save some of them for the general public who are not rich enough to belong to clubs.

Mr. BLEASE. But with Government ownership of the proposition and giving out the right to hunt, we are not better off than with the private owner giving it out.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. BLEASE. Certainly.

Mr. DILL. Is it not a fact that we are setting out upon the policy of buying enough shooting grounds in each State so that each community will have a public shooting ground which will cost literally millions and millions, even hundreds of millions of dollars, or else we will have a few shooting grounds that only those who have money or automobiles to take them there will ever be able to use?

Mr. BLEASE. Absolutely. Under the bill the State will have no control, and the State officials will have no control. It is proposed absolutely to turn over the rights that the people of the State now have. Individually, as I said the other day, it does not make any difference to me. I have never hunted in my life, and I have never been fishing in my life and never expect to go. I do not want to go. But we have people in my section of the country who do not own land, both white and negroes, and they have just as much right to have the privilege to go out and catch fish or shoot game as has the richest man in my State. But they are not privileged to have that right under this bill, which is nothing more nor less than a rich man's bill for the purpose of providing for their protection and providing sport for them, to the detriment of the man who does not own property and who is not able to buy.

I repeat I do not see how the President of these United States, if he were truthful in his Williamsburg speech, can sign a bill further encroaching upon the rights of the people of the States of the Nation. Nearly everything in the world has been made a Federal proposition. They can carry a man now into the United States courts and try him on almost any charge because they call it a Federal crime. There is a big difference between trying a man in a Federal court and trying him in a State court. Federal judges are permitted to direct verdicts; and if they wish to do so, they can have the jury return a verdict of not guilty or have them return a verdict of guilty, if you please, and sentence a man, while in the State courts a man is entitled to trial by jury, and the judge can not charge upon the facts, but must submit them to the jury, who are the sole judges of the facts in the case.

Why do we want to try everybody in the Federal courts? Is it for the purpose of getting Federal judges, appointed from Washington, usually corporation lawyers, usually named by corporation heads, usually servants of corporations, and giving them the power and the right to say to the people, "You must not do these things. If you do we will carry you into a Federal court where we are supposed to give you a jury trial, but we leave in the power of the Federal judge the right to direct a verdict," and if one of the agents commits murder the judge will turn him loose under orders. The result will be that more of the little freedom that is now left to the people of the country will be taken from them. I do not see where the good lies in continually putting on the statute books laws that are obnoxious and laws that are a stench in the nostrils of any man who loves America and American institutions. If I were Governor of South Carolina and this bill were enacted into law, there would be a conflict as to the enforcement of a law of the Federal Government for one time in the country, let come what might.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. BLEASE. I yield.

Mr. NORBECK. A migratory bird act was passed some dozen years ago. It is the Federal law to-day and has been enforced during all that time. The purpose of the pending bill is to establish refuges and shooting grounds. The Federal prohibition of shooting migratory birds is covered in the existing law, as the Senator must realize.

Mr. BLEASE. Then, what is the objection to letting the United States marshal and his deputies in each State enforce the law without sending this horde of scoundrels in there to make trouble?

Mr. NORBECK. In my judgment, there will not be a single game warden provided for under the bill for a year or two, because the funds will be used for other purposes. The present wardens and marshals provided for will be able to handle the matter. The money will be used for development of the game and the building up of their refuges, to make hunting more plentiful.

Mr. BLEASE. I am a little like the fellow down in my State who was sentenced to be hanged. He asked the judge to make it just as early as possible so he could get it over with. If we are to have a bill like this enacted into law and be harassed and annoyed by this gang, let us get it over with and have them sent in and begin the agony. I do not know whether the bill will pass, though I suppose it will.

My record in South Carolina with reference to State rights is well known. If I had been on the floor of the Senate the other day I would have defended Mr. Coolidge's order. I think he was exactly right. However, I think he went a little far. If he sends men from another State into my State that is going a little too far. Down in South Carolina to-day I have a brother who is a sheriff of one of the counties. If the Federal officer, the United States marshal or his deputy, comes to his house or office, he will go with them in person and help to enforce the prohibition law. He has done so for the past 14 years and will continue to do it as long as he holds that office. The State officers in my State work in harmony with the United States marshal and his deputies. But they do not work in harmony with foreigners who are sent there from another State, and should not work with them if I had any power over the matter. My record there is well known on this proposition. The prohibition law is an extraordinary law, and when the States ratified the eighteenth amendment they voluntarily surrendered their rights on the liquor question and should not now complain, for Mr. Coolidge is clearly within his rights. These are extraordinary times. I think the President of the United States should enforce the law if it does take extraordinary orders to do it. The sooner it is enforced as it should be enforced, if it is a bad law, the sooner the people of the country will rise up and wipe it off the statute books. If it is a good law, then it will be a blessing to the country and to the coming generations of the land.

Mr. President, I do not hope to change a single vote by what I have said. I simply wanted my position made clear that, so far as I am individually concerned, I do not ever expect to vote in the Senate for any bill that encroaches upon the rights of the State of South Carolina and her people to do as they please so long as they do not trample or trespass upon the rights of their fellow men; that is pure democracy, and I am a democrat.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. NORBECK] to the amendment of the Senator from Arkansas [Mr. CARAWAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRUCE. The amendment just acted on was the one relating to regulations?

Mr. NORBECK. No; it related to the showing of licenses. The main difference is that under the original bill the license

had to be shown to anybody asking to see it, but under the amendment it is shown only to an officer.

Mr. BRUCE. That is all right.

Mr. KING. Mr. President, I would like to inquire, for information, how the person upon whom the demand is made would know that the person demanding was an officer?

Mr. NORBECK. It would merely keep his neighbors or enemies from annoying him by asking to see the license. The State laws in some States require the license to be shown to anyone. In some of the States they must show it only to an officer. I agree that it is a little annoying even then, but we realize that some people come from great distances to hunt and put up a bluff about having left their license at home. Therefore it is necessary to provide by statute that they must carry their licenses with them.

Mr. KING. Has the Senator some other amendment he desires to offer at this time? The Senator from Arkansas [Mr. CARAWAY] is getting a little lunch and will be back in just a few moments.

Mr. NORBECK. Yes; we can go ahead with another amendment. It will be recalled that the Senator from Arkansas and I agreed on the amendment which I am about to offer, reading as follows:

Authority is hereby given to the Secretary of Agriculture to make the necessary regulations for the administration of such area.

I offer that as an amendment.

Mr. KING. It seems to me the bill makes ample provision.

Mr. NORBECK. I can not find that it does. If it did, I would not offer this amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. NORBECK. It should be inserted on page 4, line 13, after the word "Agriculture."

The LEGISLATIVE CLERK. On page 4, line 13, after the word "Agriculture," it is proposed to insert:

Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

Mr. KING. I desire that the language may be read in connection with the context. I do not think it fits in.

The legislative clerk read as follows:

But such rights of way, easements, and reservations retained by the owner or lessor from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture. Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

Mr. WILLIS. Mr. President, should the amendment come in at that place. That would not make sense. Evidently there is a mistake in the line.

Mr. NORBECK. If the word "and" were inserted after the words "the Secretary of Agriculture" in line 13 I think it would make it clear.

Mr. WILLIS. Would that amendment accomplish what the Senator desires if inserted at that point in the bill?

Mr. NORBECK. It is not important where the language is inserted, just so the authority shall be granted. I can see no conflict even if it be inserted at that point. In fact, the matter was very carefully considered the other day.

Mr. KING. Let me ask the Senator if this language is not sufficient—and I ask the question in utmost good faith.

But such rights of way, easements, and reservations retained by the owner or lessor from whom the United States receives title shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas.

Mr. NORBECK. If the Senator will bear with me, that refers only to the rights of way and not to the area itself. There was a provision in the bill on page 5, which was intended to cover that, but on account of some other features it was stricken out. I suggest to the Senator from Ohio [Mr. WILLIS] that the language might be placed at the end of the paragraph.

Mr. WILLIS. I think that would make better sense.

Mr. NORBECK. I offer the amendment to come in at the end of section 6.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. As a separate paragraph, following line 19 on page 4, section 6, it is proposed to insert:

Authority is hereby given the Secretary of Agriculture to make necessary regulations for the administration of such areas.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. WILLIS. Mr. President, as the Senator from South Dakota has concluded, I desire to make an inquiry and, perhaps, shall desire to offer an amendment. I direct the attention of the Senators in charge of the bill to the language found on page 15, lines 18, 19, and 20. That whole clause reads as follows:

Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. President, it seems to me that that is proposing to introduce an entirely new idea into our accounting system.

Mr. NORBECK. And the Senator will also notice that the creation of a commission itself is rather a new idea, which may explain the provision to which he refers.

Mr. WILLIS. If I may say so, it is a new idea of which I do not approve and which if persisted in will entirely break down our accounting system. I have here a copy of the act providing for the establishment of the General Accounting Office. Section 304 of that act, in part, reads:

The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government.

The Senator from South Dakota will remember that when that act was under consideration much attention was given to the question of the very large power which it was proposed to repose in the head of the accounting office if we were to maintain an accounting system. I will say to the Senator from South Dakota that beginning in 1778 the idea has been regnant in the accounting system of the Government that we have got to vest somewhere in some official power that borders on the arbitrary, and we have vested it in this country in the Comptroller General. By this language and by the language which I shall now read in section 236 of the Revised Statutes as amended we vest final control and decision in such matters in the accounting office. Section 236 of the Revised Statutes as amended reads:

All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office.

In other words, the law makes the decision of the Comptroller General final upon the executive departments of the Government, final as against the President, final as against the Secretary of the Treasury, or as against the Attorney General.

Mr. NORBECK. Mr. President——

Mr. WILLIS. Let me finish the sentence. So, therefore, it seems to me that it is an exceedingly radical, and, if I may say so with proper respect, a very unwise proposal to provide that in this particular instance we shall say to the Comptroller General, "Now, whereas you may say to the President or to the Secretary of the Treasury or to the Secretary of the Interior whether this or that account is properly settled, in this paticular instance you have nothing to say about it; you have got to take the word of the chairman of this commission." I do not believe that would be wise.

Mr. NORBECK. Mr. President——

Mr. WILLIS. I yield to the Senator from South Dakota.

Mr. NORBECK. If I were sure that the Senator from Ohio were right in his construction, I would agree with him. I am not at all certain about it and am not ready to argue the question, and therefore I will accept an amendment.

Mr. WILLIS. I should be glad to have the Senator do so, and then the matter may be taken up in conference.

Mr. FESS. To what portion of the bill does my colleague refer?

Mr. WILLIS. Mr. President, the language, I will say to my colleague, to which I object especially is found beginning in line 18, on page 15, section 21. The language to which I object is the following—

which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

Mr. CARAWAY. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. I desire to ask the Senator a question. The provision reads:

Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

If we strike that out, will we not have to substitute something for it?

Mr. WILLIS. I do not think so, because in that event the general law would apply.

Mr. CARAWAY. I am in sympathy with the Senator's viewpoint, but if we leave in the words "said appropriation shall be paid out on the audit and order of the chairman of said commission," will there be any review of that?

Mr. PHIPPS. I think so.

Mr. CARAWAY. Do we not want to say "subject to the approval of the General Accounting Office"?

Mr. WILLIS. I should be very glad to accept such amendment, because I have exactly the same idea. I think striking out the language would accomplish the purpose, but if the Senator does not agree to that I should like to change my amendment to accomplish the object we have in view.

Mr. CARAWAY. I am merely asking the question. It strikes me that if the words suggested be stricken out and nothing substituted, the provision will not be complete. However, if the Senator is satisfied with the amendment as he has suggested it, I am.

Mr. NORBECK. If we are agreed, then, let us have a vote.

Mr. WILLIS. Very well; I am in favor of that. I move to amend by striking out lines 18, 19, and 20, following the word "commission," in line 18.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. CARAWAY. Was it not the intention to leave that in and add the words "subject to the approval of the General Accounting Office"?

Mr. WILLIS. I have no objection to that; I am perfectly willing that that should be done.

Mr. PHIPPS. Mr. President, I think it would be following a proper custom if we eliminate the language objected to by the Senator from Ohio, as he has just proposed, and let the remainder of the provision stand, because under the practice of the Government—and I think I am not mistaken in this—all of the expenditures referred to will be reviewed later by the General Accounting Office, and if differences are found then they will be corrected.

Mr. WILLIS. The general accounting law will be applicable if we strike out the words to which I have referred. I move to strike them out.

Mr. BRUCE. Mr. President, may I make a suggestion to the Senator from Ohio?

Mr. WILLIS. Certainly.

Mr. BRUCE. I suggest to the Senator from Ohio, if he will allow me to say so, that after the word "commission" there might be inserted the words "subject to the revision of the General Accounting Office."

Mr. WILLIS. The Senator probably did not hear the discussion on that point. I would not object to the insertion of those words at all, but it seems that the same object would be accomplished by striking out the words to which I have referred. I move to strike out the words beginning in line 18, as follows:

which order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, there are two amendments which I think we should try to dispose of. There were three suggested amendments which I took up with Senators in charge of the bill. In principle I believe there is not much difference between us as to two of the amendments, but as to the amendment which I asked to have passed over, with reference to public shooting grounds, they are not at all in accord with me. So I wish to move now that, after line 16 on page 14, a new section may be inserted, which I should like to read. It is as follows:

Provided, That when any State shall by suitable legislation make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act: *Provided further*, That this shall not include the issuance of the licenses provided for in said act, nor the manner of their collection, but the said State may and shall, so long as it shall enforce the said act and regulations made in pursuance thereof, be reimbursed from said funds for the costs of said enforcement, to that extent said services would have cost had the service been performed by the Federal Government.

I discussed that proposed amendment with the Senator from Maryland, who does not agree with me about it. I wish merely to call the attention of the Senate to the fact that the adoption of the amendment will leave to the Federal Government the power to regulate and prescribe rules and methods for preserving or conserving wild life. It will not weaken the measure at all. It will give a general supervision to the Federal Government and permit it to lay down the rules which it may think wise and necessary to accomplish the purposes of this bill, but it will also permit the States, whenever they may by suitable legislation create the necessary machinery, to take over the enforcement of these provisions and to be paid for their work out of the funds that are collected from the licenses to be issued hereunder. In other words, the amendment recognizes that it is necessary to have some uniform rule in order to preserve migratory wild life. It does no good to protect it in one State if it may be slaughtered in the other 47 jurisdictions; but the amendment gives to the States which are now exercising the right to conserve the wild life within their borders, except migratory birds, the right to take over the enforcement of the act. It robs the bill of the objection that has been made to it of the invasion of the States by the Federal Government.

It eliminates the necessity of having two jurisdictions in the same field. It sets up and creates within the State the machinery to enforce the provisions of the law. It will be followed by two other amendments. The next one will be:

No one shall be appointed as an agent to enforce any of the provisions of this act, or the regulations made in pursuance thereof, except a resident of the State where he is to serve, and has been commissioned or designated by said State as a game warden or agent of said State for the protection of game.

Then on page 5, after line 2, if the amendment should be adopted, it strikes out the provision that gives to the Federal court any power to punish for violation of the law or the regulations made in pursuance thereof.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Schall
Bayard	Edwards	McKellar	Sheppard
Bingham	Ernst	McMaster	Shipstead
Blease	Ferris	McNary	Shortridge
Borah	Fess	Mayfield	Simmons
Bratton	Frazier	Metcalf	Stanfield
Broussard	George	Norbeck	Steck
Bruce	Glass	Norris	Swanson
Butler	Goff	Oddie	Trammell
Cameron	Hale	Overman	Tyson
Capper	Harris	Phipps	Underwood
Caraway	Heflin	Pine	Wadsworth
Couzens	Johnson	Pittman	Wheeler
Cummins	Jones, N. Mex.	Ransdell	Williams
Curtis	Jones, Wash.	Reed, Pa.	Willis
Dale	Kendrick	Robinson, Ark.	
Deneen	Keyes	Robinson, Ind.	
Dill	King	Sackett	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Arkansas [Mr. CARAWAY].

Mr. BRUCE. Mr. President, my objection to the pending amendment, which I shall endeavor to state briefly, is fundamental.

I think that the line of partition between Federal and State authority should always be kept, as far as possible, absolutely intact. I do not think that the Federal and State jurisdictions ought ever, if the result can be averted, be blended.

Unquestionably this bill deals with a matter that falls within the natural scope of the Federal jurisdiction. In connection with a cognate bill, the Supreme Court of the United States has held that to be the case. Legislative measures for the protection of migratory birds, for the establishment of sanctuaries or refuges for the propagation of migratory birds, or for the establishment of shooting grounds over which migratory birds may be shot, are matters of national concern, just as much as the many other matters that arise under the clause of the Federal Constitution relating to the regulation of interstate commerce.

I am as much opposed to any invasion of the Federal domain by State authority as I am to any invasion of the State domain by Federal authority. Indeed, the only hope of preventing

undue encroachment by the Federal Government upon the province of State authority is for the States themselves never to claim the right to encroach upon the national authority in any doubtful case.

For the enforcement of the provisions of a bill like this we should rely either upon State authority or upon Federal authority. The draftsman of this bill was in a position either to leave the subject matter of the bill entirely to State supervision and care or to draw over it the protection of the Federal Government. Of course, originally the bill contemplated the enforcement of its provisions by the Federal Government; but the effect, as I see it, of the amendments offered by the Senator from Arkansas would be, if I may use such an expression, to hybridize it, to convert the jurisdiction under it into a composite jurisdiction compounded partly of Federal power and partly of State power.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. CARAWAY. I merely want to call the Senator's attention to the fact that Maryland, and I presume every other State in the Union, has machinery for conserving wild life. Embraced in that machinery is the protection of migratory birds in some form.

Mr. BRUCE. That is true as to Maryland. We have, for the time being, an efficient State game warden.

Mr. CARAWAY. This amendment would avoid duplication of effort and expense. It would simply say that whenever Maryland was in a position, by reason of its legislative enactment, properly to enforce all of the provisions of this act, it might take it over. It is already doing that. The same machinery could do every bit of it without another dollar's expense. What is the object to be accomplished by setting up in Maryland a duplicate law-enforcement organization to do what Maryland could do and is doing?

If the Senator will pardon me——

Mr. BRUCE. Yes; I do.

Mr. CARAWAY. All that the Congress ought to want to do, and I think it ought to do that much, is to lay down a general rule that shall run through the 48 States, so that we may be assured that while wild life is protected in Maryland it will not be destroyed in Virginia, for instance; that the same rule shall protect it in every State in the Union. When it has laid down that rule, and has the machinery to see that it is enforced, then what is the objection to allowing Maryland and Virginia and all the other States to enforce that, along with the other enforcement provisions for the care and preservation of wild life?

That is all that the amendment does. It does not take from the Secretary of Agriculture the supervision that he may have over the laws of the States. It leaves that untouched. It simply does not permit the two jurisdictions to function side by side to accomplish the same result.

Mr. BRUCE. I lay the State of Maryland entirely aside. At the present time, as I have said, we have an active, alert, and efficient game warden, though it is conceivable that in the future we may have State game wardens who will not answer that description.

In reply to the Senator from Arkansas, I say that the first objection to his suggestion is that the functions to be exercised under the provisions of this bill are intrinsically Federal functions, as distinguished from State functions. The subject matter of the bill is confessedly—and if not confessedly, then indisputably—a subject matter of Federal cognizance.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. BRUCE. In a moment I will gladly yield to the Senator, but I want to run out what I am saying with respect to the observations of the Senator from Arkansas.

That is the first objection to what the Senator from Arkansas said. The next is the State authorities simply can not reasonably be expected to discharge the functions exercisable under this bill with the same degree of efficiency as that with which the officials of the Federal Government would discharge them. We all know that, except when the Federal Government undertakes to run absolutely against the grain of human nature and to convert man into some other creature from what he really is, the Federal Government is more competent to enforce its will than any State Government ever is.

We all know that before the Volstead Act was adopted it was a matter of universal observation throughout the land that, no matter how imperfectly a State or a city might enforce its laws, the Federal Government always efficiently enforced its laws. I mean to say so far as laws under any circumstances are susceptible of complete enforcement.

Until recent years I never heard the idea suggested in the State in which I live that the Federal Government ever laid down on the enforcement of any Federal law. It was almost a proverb that it always enforced its will.

The Federal Government in dealing with as many different communities as States had all the prestige, dignity, and vigor that usually go along with a highly centralized government. Federal grand jurors, as a rule, were men of higher standing than the ordinary run of State jurors. The Federal Government had an unlimited amount of pecuniary resource at its back. Its morale, its efficiency in many respects, for the purposes of law enforcement were for the reason that I have given superior to those of the States.

These are my answers to the suggestions of the Senator from Arkansas, though, so far as he is concerned, he has vanished from sight so completely that it was hardly worth my while to make the answer.

Now I gladly yield to the Senator from South Dakota, if he desires to ask me a question.

Mr. NORBECK. Mr. President, I was going to say to the Senator from Maryland that I have worked out a substitute which I want to offer in lieu of the amendment suggested by the Senator from Arkansas. It reads as follows:

> The administration of the game laws on all bird refuges and all such areas as shall serve originally for public shooting grounds established under this act shall be through cooperation between the Department of Agriculture and the State game service of the State in which such areas are located.

Mr. BRUCE. It seems to me that every time the Senator from Arkansas offers an amendment and the Senator from South Dakota offers an alternative amendment the difference between the two amendments is about the difference between a cup of strong tea and a cup of weak tea. That is natural enough. The Senator wants to get his bill through, and he has been keeping his head very close to the head of the Senator from Arkansas, and they have been endeavoring to work out between themselves a modus operandi by which the bill can be finally pushed to success.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. DILL. I might suggest that probably either amendment would be satisfactory to the ammunition makers, who are the primary movers back of this bill.

Mr. BRUCE. I do not know how far the ammunition makers are back of this bill, but I entirely agree with Theodore Roosevelt in what he said in that letter from him which has been read to the Senate, when he declared that the general merits of the proposition which was pending at that time to protect migratory bird life were so great that it was a matter of absolute indifference to him from what quarter the support of its provisions came.

If the amendments of the Senator from Arkansas are to prevail, for the life of me I do not see why we do not leave this subject of sanctuaries, propagating centers for migratory birds, and public shooting grounds exactly as it is at present. We have a migratory bird treaty.

Mr. DILL. Mr. President, may I interrupt the Senator again?

Mr. BRUCE. I yield.

Mr. DILL. Does the Senator know of any of the States, with the exception of Utah, that have established public shooting grounds with public funds? The State of Utah, as I understand, has several hundred square miles set apart for public shooting grounds, where 800 people shoot.

Mr. BRUCE. No, I do not; but I can not claim to be particularly conversant with that matter.

Mr. DILL. I wondered what the reason was for establishing the new policy of the Federal Government, having public shooting grounds, when the States that have been most efficient in the conservation of the wild life and in assisting their hunters in having game have not established them as a general thing.

Mr. BRUCE. Within proper limits, I favor the idea of having public shooting grounds, just as I favor the idea of having public parks, or public commons within proper limits.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. TYSON. As I understand it, the State of Pennsylvania has public shooting grounds.

Mr. DILL. How many?

Mr. TYSON. At every place where they have a game preserve.

Mr. BRUCE. We all know that the rich men of the country—and there are some enormously wealthy men in the United States—have from time to time been purchasing great game demesnes, and that those demesnes have been sources

of a great deal of delightful pleasure and recreation to their owners. Indeed, wealthy men in the United States and clubs and associations composed of wealthy men have acquired no small part of all the best shooting and hunting grounds in the United States.

The purpose of this bill, so far as it contemplates public shooting grounds, is to create commons, so to speak, over which the mass of the people who are not rich but who love shooting or hunting can, under proper regulations, find some measure of recreation, too. There is no question that many of the waste spaces of the United States in the heart of a great and beautiful region like Maine or along the slopes of the Alleghenies could under proper regulations by the Government be made sources of health and pleasure for the citizens of the United States generally as respects shooting and hunting. As the Senator from Tennessee had in mind, it is perfectly amazing to what extent game can be conserved if the proper methods are adopted for conserving it.

I am quite familiar with the State of Maine, a State which, with its seabound shores, its mountain walls, its glistening lakes, and its evergreen forests, is, to my eye, one of the loveliest and most interesting States in the Union. I am told that in that State, under the fostering, protecting care of governmental supervision, deer are as abundant to-day, probably, as they were during the colonial period. I am told, too, that the State of Pennsylvania has been extraordinarily successful in conserving game within its borders. So I do not see why the Carnegies, the Rockefellers, the Dukes, and what not, if any of them care for hunting, should have a monopoly of the public shooting grounds of the United States, and the common, ordinary individual or citizen be shut out from what I can speak of from my own experience as the most delightful, the most captivating of all human pastimes, the pastime of shooting and hunting, one of the few pastimes which aboriginal man and man at the highest point of his development in civilized life share with each other.

But why pass this bill at all, if the amendments of the Senator from Arkansas are to prevail? Those amendments provide that at any time, if the Secretary of Agriculture shall be satisfied that in any State the conditions are such as to justify the belief that game would be adequately protected in that State, the jurisdiction conferred upon the Federal Government by the provisions of this bill shall be transferred to that State. When that is done, anyone who, under the terms of those amendments may violate the provisions of this measure, could not be punished in the Federal courts, but could only be punished in the State courts.

Moreover, these amendments provide that whether the Federal Government retains jurisdiction under this bill or transfers it to the States, any persons who are appointed under its provision are to be residents of the particular States where the appointments are to be made, and are to be duly commissioned by the executive authorities of those States. In other words, this bill sows the seeds of its own destruction. It is felo-de-se. It makes a sort of testamentary provision for its own death, so far as Federal authority is concerned.

Mr. DILL. Mr. President, I want to remind the Senator that as long as the dollar licenses come in it will not come to its death, because the Federal game wardens will see that it does not.

Mr. BRUCE. There will no longer be Federal game wardens if these amendments shall become effective. For all purposes they would be State appointees, except that they would receive their compensation from this Federal fund, disbursed by the Federal postmasters of the land.

Mr. DILL. Of course the Senator knows that the power that holds the purse is the power that really controls.

Mr. BRUCE. I will perhaps admit that that is not very remote from the truth, even if it is not the whole truth.

What would be the practical effect of the bill if the amendments suggested by the Senator from Arkansas were to operate? We would have a perfect patchwork of jurisdiction, a sort of crazy quilt of authority. The power to enforce the provisions of the bill might be transferred in one State from the Federal Government to the State government, or that transfer might take place in the case of more than one State, and yet at the same time in other States of the Union we might have the Federal Government retaining its authority under the bill. That is what I mean when I say that the effect of the amendments is to hybridize the bill. It is neither fish, flesh, nor fowl, nor good red herring, so why adopt the amendments at all?

Let the States retain jurisdiction over the matter of conserving game in every respect. Let them have their own game wardens and deputy game wardens, and let them go on in the same more or less perfunctory, haphazard, ineffective manner in which they have been going on heretofore in the attempt to conserve game over the country as a whole.

We all know that in some States of the Union, such as Maine and Pennsylvania, and perhaps some others, the State game laws are enforced; but I venture to say that in the great majority of them the game laws are but feebly and unsatisfactorily enforced. I hope, therefore, that the amendments will be voted down and that the bill will be left what it was intended to be, a truly Federal bill, with the capacity to make vigorous, effective provision for its own enforcement. Let the proper Cabinet officer of the Federal Government maintain the general supervision that is necessary to be maintained under the bill, and then let us have flowing from his loins, so to speak, a steady, constant, truly coercive stream of influence and authority. Then there would be just a single uniform system of supervision and enforcement spreading itself like a blanket over the whole face of the land, from the South to the North and from the East to the West, and again the Federal Government would exhibit another illustration of its salutary power to execute its own peculiar objects and to exercise its own peculiar authority, except when for some special reason or other it allows itself to be pushed beyond the domain of practicable and enforceable law.

By the amendments of the Senator from Arkansas it is provided that:

> When any State shall by suitable provision make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may take over the enforcement of said act and the regulations made in aid of said act.

The amendments then provide further:

> No one shall be appointed as an agent to enforce any of the provisions of this act, or the regulations made in pursuance thereof, except a resident of the State where he is to serve, and has been commissioned or designated by said State as a game warden or agent of said State for the protection of game.

In other words, under the provisions of the amendments, for all practical purposes the power of the Federal Government is a mere unsubstantial shadow; and in all human probability by the transfer of jurisdiction from the Federal Government to the States all real power, all true authority, under the bill will become vested in the States, without any sort of assurance that, even if in the first instance they shall be qualified to make adequate provision for the enforcement of the law, they might not later on enforce it in a half-hearted and nerveless way.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Certainly.

Mr. HEFLIN. I want to ask the Senator from South Dakota if he was able to get an agreement to limit debate on the pending measure?

Mr. NORBECK. No; we have not yet.

Mr. BRUCE. Mr. President, I will state to the Senator from Alabama that we are almost through with the question now, I should say.

Mr. DILL. Oh, no; not at all.

Mr. BRUCE. Unless the Senator from Washington has something further to say.

Mr. DILL. Yes; I have.

Mr. HEFLIN. The Senator from South Carolina [Mr. BLEASE] suggested that we might postpone action on the unanimous-consent request of the Senator from Kansas [Mr. CURTIS] until the Senator from Washington came into the Chamber.

Mr. DILL. I may say that as discussion goes on there seem to be more reasons for further discussion developing, so I think we had better continue.

Mr. NORBECK. Would not the Senator be willing to let us go ahead and vote on the pending amendments?

Mr. DILL. I want to say a word about the pending amendments.

Mr. NORBECK. Very well.

Mr. DILL. Mr. President, the Senator from Maryland [Mr. BRUCE] in opposing the amendment submitted by the Senator from Arkansas [Mr. CARAWAY], in my judgment, is opposing the one amendment that will sugar coat this bitter pill we evidently are going to have to swallow. The amendment of the Senator from Arkansas would at least prevent the Federal game wardens coming from anywhere in the country into the various States, and would require that they be appointed from the citizenship of the State in which they are to serve.

I have been reading the hearings on the bill before the House committee. The committee of the Senate did not have any

hearings. I do not know why they did not have hearings. The developments in the hearings before the House committee, although rather short, are very illuminating.

Mr. GEORGE. Mr. President——

Mr. DILL. I yield to the Senator from Georgia.

Mr. GEORGE. This is not a House bill, is it?

Mr. DILL. A companion bill was introduced in the House and considered by the House committee. It has not been considered by the House.

Mr. GEORGE. Was it favorably reported by the House committee?

Mr. DILL. I do not know. The Senator from South Dakota may know about that.

Mr. NORBECK. Not this year. It passed the House at the last session.

Mr. DILL. It has not been reported this year in the House?

Mr. NORBECK. No.

Mr. GEORGE. It strikes me we are taking up a great deal of time on a bill that has not even had a favorable report in the other branch of Congress.

Mr. DILL. Of course the longer we talk on this bill the more legislation will not be enacted that it may be desired not to enact before we adjourn. I realize that that is perhaps the purpose in keeping the measure before the Senate.

I desire to read a letter written by the chairman of the game and fish committee of the House of Representatives of the State of Texas, dated Austin, Tex., January 25, 1926. It is signed by Mr. A. P. C. Petsch and addressed to Congressman MARVIN JONES:

MY DEAR CONGRESSMAN JONES: I have noticed in the press that a bill has been or will be offered calling for the creation of one or several national public shooting grounds—a game refuge bill. At first blush this measure would naturally appeal to every sportsman and lover of wild life. All these people, naturally wanting to do everything they can to protect wild life, are apt to fall for this bill, just like I did myself.

That expresses my own experience so well that I call particular attention to it. When the bill was first called to my attention I said I was for it, because I am in favor of bird sanctuaries and the protection of wild life. It was not until I came to examine the bill that I found that it proposes to provide a fund in the Treasury of the United States to be received from Federal game licenses, which the proponents of the bill maintain will grow larger year by year, this fund to be spent only in connection with game sanctuaries and public shooting grounds and game wardens. When we stop to consider that we are starting a thing that will grow bigger year by year, the objections to it multiply.

So I believe if the Members of the Senate, many of whom have pledged themselves to this bill for the same reason that I agreed to vote for it and the gentleman who wrote this letter says he agreed to vote for it, really understood what the bill will lead to there would not be any chance to pass it; but being in favor of conservation of wild life, and having said they would support it, being anxious to pass other legislation and to have this bill disposed of, Senators are perfectly willing to let the bill be voted on as soon as possible and get it out of the way in order that other measures may be considered.

I wish also to say that if the House of Representatives had passed this bill by an overwhelming vote and it were here for action, there would be something to that contention; but when that body has not even reported the bill, as I understand from the chairman of the Senate committee, and there are so many other pieces of legislation here pressing for action, I think this bill ought to be very fully considered. However, I want to continue reading from this letter:

But upon second thought I find that the bill is most obnoxious from every standpoint.

This letter is from the chairman of the game and fish committee of the House of Representatives of the State of Texas.

It means, first of all, Federal regulation of a matter which should be exclusively a State affair; and in this instance the Federal power will become most obnoxious. The tax feature of this bill will place several hundred irresponsible, big-stick, blue-coated, overbearing, and authority loving Federal officers among our people prying into their affairs and property but furnishing very little protection to wild life. The bill is an obnoxious measure.

The most dangerous feature of the Federal license provision is that it provides for the payment of only $1. It reminds me of the manner in which monopolies add to their profits. Take the Standard Oil Corporation with its subsidiaries. Raising the price of gasoline 1 cent a gallon means but little to the ordinary automobile driver and the protest is very feeble, but the millions of dollars that pour into the coffers of the great oil monopoly as a result mean a tremendous total tax upon the people.

Take the case of sugar. The Sugar Trust raising sugar 1 cent a pound imposes a very small tax upon the individual householder, but when the toll is all collected in one set of coffers it means millions of dollars of extra profits to the sugar barons. I continue reading from the letter:

National game preserves are all right. But they ought to be paid for by means of a lump appropriation and not by means of a puny tax on the hunter. Let the powder interest and the oil interest—don't smile at this insinuation, a little investigation will convince you that these are the people furthering the unpleasant bill—pay for the national game preserve. If they object, then let the general appropriation pay the bill. It will be worth the price to the people as a whole.

I was interested in another portion of the hearings to learn that the representative of the Department of Agriculture, in discussing the bill, estimates that only about $150,000 a year—that is his estimate—will be obtained for the purchasing of game refuges, the employment of game wardens, and so forth. He is very modest, for Doctor Nelson estimates the income to be derived will be from $1,000,000 or $1,250,000. The explanation of the representative of the Agriculture Department, Mr. Denmead, as to why the revenue derived will not be more than $200,000 a year, is that only a few hunters will buy licenses.

They will have to be trained to it. I suppose they will be trained by arresting them from time to time and teaching them that they must pay a dollar in order to hire Federal game wardens from whatever sections of country that may be selected. The amendment of the Senator from Arkansas [Mr. CARAWAY], in my judgment, is the one saving amendment which has been offered to the bill. If the bill must be passed, that amendment will at least save the people of the States from having politicians sent in from other States to enforce the national game law. I want to continue reading the letter.

But, above all, don't permit them—

Meaning the Federal Government—

to tax the Texas hunter in order to enable the centralization gang to send us a Massachusetts warden to spy on them.

If the amendment of the Senator from Arkansas shall not be adopted, then the department can pick the game wardens from Massachusetts, or anywhere in New England, and send them down to Texas. It can pick them from Florida and send them out to the State of Washington, in which I live. In fact, it would be a very fine thing, in the estimation of those who want these game laws enforced free from all other considerations, to have the game wardens come from long distances rather than to have them selected from among the people of the community in which the law is to be enforced. The letter continues:

Let Texas pass the dollar license bill and employ her own wardens.

If it were proposed by this bill that the States might charge a dollar for a license and use the money, that would be another proposition; but this bill proposes that everybody who goes out to hunt migratory birds must pay a dollar for a license from the Federal Government, and then the money is to be paid into the Treasury and is not to be used—in fact, it can not be used—except as appropriated by Congress under the terms of the bill.

Let Texas pass the dollar license bill and employ her own wardens. We made a hard fight to pass this bill the past session, but failed. The next time we will succeed. Give the States a chance. The game will be protected. The people are demanding it more every day.

Excuse the length of this letter; but if you are not already convinced you will upon reflection agree with me that the matter is serious and merits your closest attention.

That is a letter from a man who was in the business of enforcing game laws, a man of practical experience. I happen to have information this morning from the game commission of the State of Missouri saying that they are opposed to a Federal license; that the game commission of the State of Michigan is opposed to a Federal license; and that the game commission of the State of Pennsylvania is opposed to it; and the State of Pennsylvania has done more to protect wild life and make provision for the hunting of wild game than any other State in the Union. The bird refuges and refuges for game in general which have been provided in the State of Pennsylvania are simply amazing.

I say again that I am not opposed to providing bird sanctuaries, but I am opposed to setting up a system by which every man or boy in the country who is going out to shoot birds must procure a dollar license. That is bad enough, but that is not the worst of it; to my mind, the worst of it is the

unnecessary establishment of a system of Federal control under Federal game wardens. I find from the hearings that the representatives of the Department of Agriculture complain that they have only 25 game wardens now and only $149,000 with which to enforce the present migratory bird act.

I wish to read from page 12 of the hearings, where Mr. ADKINS and Mr. Burnham proceeded to discuss the bill. I do not wish to refer to the personality of anybody, but I am not so sure that Mr. Burnham's interest in this measure is entirely one of saving wild life and developing hunting areas in this country. Mr. ADKINS was complaining of the way the game law was enforced in the States and of the way the appropriation had been used by the Department of Agriculture. Mr. Burnham said:

Mr. ADKINS, if I may say a word in answer to that, of course, Mr. Demead is just representing the official views of the department. We do not believe that with the receipts from this bill there would be a great deal more money than necessary to provide the necessary wardens to control these refuges. You have to have them protected. There are two different classes of areas under this bill. There are free shooting grounds where the public can shoot, and then there are areas for the protection of birds, where no shooting can be done. Experience has proved that that is the only 100 per cent insurance to keep your game from being entirely killed out of a section of the country.

To what did he have reference? To the provision for Federal game wardens, so that every time a new sanctuary or a new public shooting ground may be established it will be necessary to keep them up under a continuous process, so that the bigger the fund the more it will be possible to buy and the more game wardens we must have. It is like the farmer raising oats. What did he do with them? He planted more oats. What for? To grow more oats. What did he want to grow more oats for? To plant more oats to grow more oats. So it is proposed to raise a fund to buy more shooting grounds and sell more licenses to pay for more game wardens and then to sell more licenses to buy more shooting grounds to pay for more game wardens, and keep it up until at some time public sentiment will rise up against such a proposition to the extent that the practice will have to be stopped. I want to stop it before it starts. As I have said, the only saving amendment to this whole bill, so far as I am aware, is the amendment offered by the Senator from Arkansas [Mr. CARAWAY], and the Senator from Maryland [Mr. BRUCE] is opposed to that.

I continue reading from the hearings:

Mr. ADKINS. The refuge part is all right. I am speaking of licenses.

Mr. BURNHAM. You were asking about these Federal wardens. I was just going to say that it will require men to watch those refuges. Where the State will take control of that and do it the Government will be saved the expense. A certain amount of expense must be provided for the essential object of the bill, and that is to protect the refuges and to see that they are not shot on.

Mr. ADKINS. I am speaking especially about the licenses, and this feeling that is so strong that, for instance, one State senator voted for this State license for a man to take a hook and line to go fishing, and his opponent made that an issue in the campaign.

It is very significant that whenever one begins to talk about the license question or about the game wardens the proponents of the bill begin to talk about the game refuges, because the only good feature of this bill is the provision for game refuges. As I said the other day, if this were a bill to raise a fund to hire game wardens there could not be obtained four votes for it in the Senate, but under the guise of providing game refuges and saving wild life a little innocent provision for a license fee of $1 from each hunter is inserted, and it is hoped to get the bill through, and those of us who oppose it are charged with filibustering.

I was impressed here this afternoon by an incident which happened. The Senator from South Carolina [Mr. BLEASE] was about to make an address against the bill; I called for a quorum, and some of my colleagues remarked that I was filibustering. A little later my good friend from Maryland [Mr. BRUCE] wanted to make a speech, and he made a point of no quorum, and that was perfectly legitimate, because he is on the side of the bill. So I say it makes a great deal of difference on which side a Senator is. If he is for the bill and talks about it and makes points of no quorum, that is fine, that is legitimate discussion of the bill, but if he is against the bill and makes the point of no quorum or discusses it, then he is filibustering.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I do.

Mr. BRUCE. Is the Senator certain that I am for this bill?

Mr. DILL. Well, the Senator has been for it, and he was arguing against the only provision that in my judgment would make the bill at all palatable.

We were told here yesterday that this bill had been before the Senate for a long period of time, and that there was a filibuster on; that there was all sorts of discussion going on here to keep this bill from being disposed of. I looked through the RECORD from the time this bill was brought before the Senate until yesterday evening, when that discussion went on, and according to my best estimate the friends and the opponents of the bill combined did not have a chance to talk about it three hours. The reason why this bill has not been discussed, and the reason why it has been laid aside so often, is because there is not enough interest in the bill for Members to get up here and really fight for it.

The arguments against the bill have not been answered, and they can not be answered; but, because of pledges that were made before the bill was understood, the bill is to go through. We are to start upon this system, and when it gets over on the other side of the Capitol they have a system there by which a rule from a committee will make it impossible to have it fully discussed. When the bill goes through this body all the advocates of the bill need to do is to convince a small number of men on the rules committee of the other body, and they can then bring it up, and there will be no chance to discuss the bill fully and thoroughly.

I did not finish, however, this statement about what the State senator did about voting on the license question and the issue that was made against him:

It was one of the things that contributed to his defeat—the fact that he made each fellow who wanted to fish take out a license. That was one of the features that entered into his defeat, because that fellow resented the idea that when he went out with a hook and line to do a little fishing he had to have a license.

Mr. ANTHONY. Would it not be a good idea to bring out at this time the fact that nothing in this bill proposes to interfere in the slightest with fishing in streams or lakes?

Mr. ADKINS. I am speaking especially about the licenses.

Mr. Adkins was trying to keep on the subject of the bill that was objectionable. Mr. ANTHONY and Mr. Burnham and these other men were trying to get away from that and talk about the refuges.

That is the point you want to be careful about and not overdo, because it is the license feature that the poor fellow is interested in. He can not own stock in a game preserve and go off there and hunt to his own satisfaction. He gets a little recreation by going out and fishing for an hour or so. He is the fellow that is resenting this license business. That is the feature I am calling attention to. You have to be careful not to overburden him or you will have an overwhelming sentiment against you.

If we are going to charge everybody a license fee for hunting migratory birds in order to buy public shooting grounds and hire Federal game wardens to induce people to buy more licenses to buy more shooting grounds to hire more game wardens, and so on ad infinitum, on the same theory why should we not charge everybody a fee for a fishing license? We know that the Fisheries Bureau will supply any citizen of a State who wants a lake stocked with fish plenty of fine fish to put in that lake. We are told by those who are supporting this bill that the reason why we must embark upon the policy of Federal licenses is because the migratory bird flies across the country, and we can not get an appropriation. If we can not get an appropriation to maintain bird life, will it be very long before this system of economy will hit the fish question? Then they will come in here and point out the great success of this dollar game license, how this dollar fee has brought in all this money, and therefore we must extend that system to the fishing industry. Then we will have the fishing license, and we will have some fish game wardens in this country along with these fellows who are taking care of the other game. This, I say, is the opening wedge of a policy that threatens to centralize here in Washington control of the taking of all kinds of wild game in this country.

There is a lot of interesting discussion at this hearing: and in the light of the fact that there are no Senate hearings, I think some of these facts ought to be in the RECORD, because some Senators who do not come here to listen to these discussions do sometimes read the RECORD, and some one of these facts might catch their attention and make them realize

the seriousness of allowing this bill to go through without further consideration.

I find, on page 39, that Congressman RUBEY put into the record of the House hearings a statement of—

the position of the Izaak Walton League of America on the game refuge bill before Congress, as to what it should not provide, and the reasons why.

Some days ago, when this bill came before the Senate for discussion, there was some question as to the position of the Izaak Walton League, and some of us had telegrams which we called attention to, and which were put into the RECORD, stating that the Izaak Walton League by unanimous vote of 1,400 members at its third annual convention voted against a Federal license. Then we were told that the executive committee of the Izaak Walton League, headed by Mr. Selover, was in favor of this Federal license, and that the Izaak Walton League had reversed itself; but when we pinned the Senator from South Dakota down to a clear and definite statement, he refused to say that the Izaak Walton League itself had ever reversed its action of a year ago. The fact of the matter is that they did not dare submit the question again at the last convention, or they would have had even stronger language condemning the proposal of a license in this bill than they did have.

I was impressed, in reading that part of the hearings here presented by the representative of the Izaak Walton League, by the fact that they did not claim that the league had reversed itself. All they said was that the executive committee had taken this position. All they said was that the executive committee had decided these things.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. Yes; I yield.

Mr. NORBECK. I want to clear that up.

Mr. DILL. I think it is clear already, but I shall be glad to hear the Senator's statement.

Mr. NORBECK. The sure thing is that Mr. Dilg, the president, is the man who reversed himself. I have already put in the RECORD his editorials strongly indorsing the bill.

Mr. DILL. Yes. That was an old editorial.

Mr. NORBECK. It was just before he was let out; was it not?

Mr. DILL. That was an old editorial. He was not a candidate for reelection. I do not hold any brief for Mr. Dilg, but the fact as to the league the Senator can not dispute; namely, that when the members of the league voted they voted unanimously against this license fee, and they did not dare bring up the question at the last annual convention.

Mr. NORBECK. I challenged Mr. Dilg on the floor of the Senate to produce those resolutions, and I repeat that challenge. The best evidence of what the league did at that session is to put the resolutions in the RECORD; and the opposition to the bill are not willing to have the resolutions put in the RECORD.

Mr. DILL. The Senator ought to be able to get them and put them in.

Mr. NORBECK. I have asked Mr. Dilg for them.

Mr. TYSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield.

Mr. TYSON. I should like to read a telegram that was received from Mr. Jack R. Cunningham.

Mr. DILL. Yes; he is another one of the executive committee, or the president, or has some other official position.

Mr. TYSON. The telegram reads as follows:

Regarding Dilg's circular telegram as founder game refuge bill, suggest same be repudiated with facts, namely:

Second annual convention indorsed original game refuge bill, Dilg himself seconding the motion before the convention. Dilg at time passing upper Mississippi bill promised support of old game refuge bill. Dilg misstates facts regarding third national convention. Resolution says nothing about dollar Federal tax, but requests HARRY HAWES form committee to draft new game refuge bill to overcome opposition to old bill. Present bill result of Dilg's own actions and agreements, Denver meeting, August 20. Congressmen should be advised Dilg without authority to represent league in any way.

JACK R. CUNNINGHAM.

Mr. DILL. What was the opposition to the bill? Was it not due to the license part of it? Was not that why they opposed the bill? Was not that the only reason why they opposed the bill?

Mr. NORBECK. May I enlighten the Senator on that point?

Mr. DILL. Yes; I shall be glad to have enlightenment from the Senator from South Dakota.

Mr. NORBECK. The Izaak Walton League has at two sessions championed the bill with the license feature.

Mr. DILL. What about the vote a year ago?

Mr. NORBECK. All right; I will get to that now. Then they reported to the national convention that they could not get it through that way, so the national convention took another attitude and suggested another method. The Izaak Walton League has been both for and against this measure. Mr. Dilg has been both for it and against it.

Mr. DILL. Why did they not reverse themselves at the last meeting, this year?

Mr. NORBECK. They did, very much. They voted in a new outfit this year, and they are for the bill, too.

Mr. DILL. Oh, that is no answer. The former President was not a candidate for reelection. He is not like Mr. Roosevelt, who wanted to run and run and run even after he had been elected the normal number of times. Dilg was willing to quit, and he withdrew. I come back to the fact that the last expression of the delegates of the Izaak Walton League was against the license feature of this bill.

Mr. NORBECK. I wish the Senator would read that expression into the RECORD. Then we will know what it is.

Mr. DILL. Nobody has challenged the fact that they did it.

Mr. NORBECK. I challenge it now.

Mr. DILL. The Senator can challenge it, but he does not produce any proof. The proof was put in here by the statement that it had been done, and it never has been denied.

Mr. NORBECK. It has been denied by every one connected with the league.

Mr. DILL. Oh, they now take that position because the executive committee——

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. NORBECK. The point is well taken.

Mr. DILL. I am not annoyed. The Chair may be, but I am perfectly willing to continue the running debate.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. HEFLIN. I want to know what the ruling of the Senator from South Dakota was. I understood him to say the point was well taken.

Mr. NORBECK. That Senators should address the Chair.

Mr. DILL. I want to say that this Izaak Walton League is an organization of real sportsmen. It is the largest organization of sportsmen in the United States. I understand that there are about 200,000 members in it, and that about 80 per cent of them pay an annual fee of $3, and the remaining 20 per cent pay an annual fee of $5 or $6. It is a real sportsmen's organization. Before I finish I want to read some expressions from the Izaak Walton League on this question of a Federal license.

The organization that is really championing this bill is not the Izaak Walton League, but it is an organization that has taken a very fine-sounding name—the American Game Protective Association, I think it is an organization of about 3,300 members, who pay $1 each. That is the organization that is fathering this bill. That is the organization that wants the dollar license from everybody. That is the organization that wants to build up the public shooting grounds to give the ammunition makers a field for selling their guns and their ammunition. That is the real kind of sportsmen they are, but they are not sportsmen for wild game. They are sportsmen in a business way, to sell their own products. I am referring to the men who are at the head of it.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. I yield to the Senator.

Mr. NORBECK. I just want to remind the Senator that I put into the RECORD an indorsement of about 50 organizations throughout the United States, including the Audubon Society.

Mr. DILL. Yes; and those organizations are indorsing it, as I said when the Senator was out a few moments ago, because they were told, as most of us were told, that it was a bill to protect wild life. They are not indorsing this principle of compelling the purchase of Federal game licenses and appointing Federal game wardens.

Mr. NORBECK. The bill, as referred to in the public press, has always been the bird refuge and shooting ground bill.

Mr. DILL. If they called it a Federal license bill the result would be different; but in stead of that they call it a bird refuge bill. Call it a Federal license and a Federal game warden bill, and then you will not get so many organizations indorsing it. I want to read some editorials stating the posi-

tion of the Izaak Walton League on the game refuge bill before Congress.

These were inserted in the hearings before the House committee, and appear on page 39 of the report of the hearings. They were offered by Representative Rubey, of Missouri. I want to say that the opposition to this bill in Missouri is growing continually. I am getting letters from all parts of the State, and the people down there really understand what this bill means.

The bill must, however, be so drawn that all objections will be removed. It must not provide for Federal policing of the proposed refuges, and neither must it provide for a new Government bureau. It must be administered by the States.

When the Senator from Arkansas submits an amendment that would provide for some little administration by the States providing that whatever game wardens were appointed under this bill should be citizens of the States, then the Senator from Maryland, who has been championing the bill, rises and says he wants to kill the whole bill if that goes in.

I do not know a finer illustration of the real purpose underlying this bill, namely, to set up a system of Federal game wardens, to be sent out into the various States at the will and behest of the Department of Agriculture here. If the purpose is simply to protect the wild life and have these game refuges, then there is nobody who can object to the amendment of the Senator from Arkansas, because that amendment proposes that the Federal Government shall appoint citizens from the States in which these game wardens are to be placed.

This article from the Outdoor American Magazine, the official publication of the Izaak Walton League, states:

It should not provide for a Federal tax on sportsmen.

A Federal tax on sportsmen to hunt game in their local fields and forests is a philosophy which will never pass Congress.

Ah, they did not know how well Congress had been propagandized on this subject. They did not know how Representatives and Senators, before the session opened, had been invited to game dinners and had been solicited to support a game refuge bill in Congress; how these Congressmen, in the hour of conviviality, not conceiving that under such a pledge they would be called upon to vote for a Federal licensing system, got up and made speeches and said, "Of course I will vote for it." Most of those Representatives and Senators having made the pledge, would hesitate to go back on it, because they would not want to explain it. When they got down to Washington the bill came up and they found certain provisions in it and they said, "I do not like those provisions." Even my good friend, the Senator from South Dakota, says he does not like the Federal licensing feature, but he is going to swallow it.

We can not even get $150,000 to buy game refuges, with all the sportsmen of the country wanting game refuges. This administration, which is spending $90,000,000 more this year than it spent last year, must make a record before the American people, and therefore we can not spend any money for game refuges. But we must set up this system of Federal licenses, at a dollar apiece, and start a fund that will grow like a snowball, to buy more public shooting grounds, and make people pay for licenses and hire more game wardens and buy more public shooting grounds and hire more game wardens, and so on.

Senators, that is what this bill means. The men who are advocating it in the Department of Agriculture say that it will take two or three or four or five years to educate the people to buying the licenses, and then we may get a million or two million dollars. Then when we get them educated, and when we get a million or two million dollars, we will keep right on buying game refuges and public shooting grounds, and when we get them we will have to have more Federal game wardens, and if this amendment of the Senator from Arkansas shall not be adopted, they will be appointed from any part of the country and sent around to any other part of the country, and in Congress we will be told, "Here is this money. Under the law you can not spend it for anything else. If you do not appropriate it for game wardens or wild life, you can not appropriate it for anything." The bill takes care of itself.

The Senator from Maryland, speaking a while ago, said that if the amendment of the Senator from Arkansas were adopted, the bill would spell its own death. This bill is made to spell its own everlasting development and continuation. It is made so that it will continue to grow, and it will continue to build itself up through the years, because it will bring in money, and when the money comes in, there will be a reason for continuing to hire men, and when we hire men, there will be found reasons to bring in more money.

I remember reading when I was a boy that the great wisdom of the fathers when they wrote the Constitution was shown in the fact that although they provided for a President as the head of the Government and gave him control of the Army and the Navy, he could not tax the people a single dollar for that Army and Navy; that Congress retained to itself the purse strings, the right to tax the people and to appropriate the money, and that bills providing for the raising of money must originate in the House of Representatives. That principle has been maintained down through the years. So this bill maintains within its own provisions the power to raise its own funds, those funds to be used only for the purpose of perpetuating the conditions which will bring in more funds, and it will thus enlarge itself as the years go by.

I continue reading from this editorial:

There are so many Senators and Congressmen who believe that there is too much Federal interference and policing now, and too much invasion of the rights of the States not given by the Constitution of the United States, and we believe that a Federal tax for this purpose is unconstitutional and un-American.

I have not talked about it being unconstitutional and un-American, because that is the common argument made against anything, to say that it is unconstitutional and un-American. I do not know, in this day of lawyers who can be hired to prove anything, that there is very much to the talk about constitutionality. I must confess that if it is constitutional to spend Federal money for some of the purposes we are now spending it for, it probably will be constitutional to spend the money that would be raised from these licenses to hire game wardens.

As to the purchase of public shooting grounds, I have very grave doubts; but I am not going to discuss that. The fact that Representatives and Senators are opposed to Federal interference, I fear, has not very much weight. It is too much like the President, who makes a speech down at Williamsburg, Va., one week, in which he dilates upon the danger of the invasion of the rights of the States, and then the next week issues an order that opens the door for the prohibition department to practice a policy that will do more to override the States, possibly, than anything that has been done in a generation, if not since the days of the Civil War.

So I say that this opposition to Federal interference does not seem to have very much weight, when there are a lot of sportsmen at home, who do not know what is in this bill, who are saying, "Let us have game refuges and let us have public shooting grounds. It will cost us only a dollar anyhow."

I read further:

There is yet another reason why the sportsmen should not be taxed. If the sportsmen pay for the refuges it is inferred that they are entirely for the use of the sportsmen. The refuges must be bought by the people of the United States for the use of the people of the United States. Preservation of marshlands, for instance, is of more vital importance to agriculture than to the sportsmen. The destruction of a river hits the general public harder than it hits the anglers.

I now see why it was appropriate that we should discuss farm relief in connection with this bill, although nobody gave that as a reason; because this will preserve the marshes, and that will preserve the moisture in the country and make farming more profitable. I did not know that connection existed before.

The game refuge bill to be drawn up by the Izaak Walton League must be a national not a class measure. Marshlands are a national asset and of great value to the Nation. Tax plan fundamentally wrong.

Exception of four Congressmen, every Member of the Sixty-eighth Congress favors such legislation as our upper Mississippi wild life and fish refuge act. Our bill carried a straight appropriation. It did not require that the sportsmen of the Nation pay a dollar tax each to fish or hunt.

Of course not; and if this bill provided a reasonable appropriation we would not find anybody seriously objecting to it or fighting about it here, because that appropriation would be made and would be expended, and that would be the end of it, and Congress would consider the subject anew when the next Congress came along. But when we pass a bill we provide for its own plan of taxation, and make the money available to be appropriated by Congress for no other purpose than the purpose of these game refuges and public shooting grounds and the hiring of these Federal game wardens. I read further:

The distribution of the funds provided by the license fees would create a feeling between States which would make the passage of such enabling acts impossible and which would go far toward creating a feeling of jealousy and misunderstanding between the States, which

would render impossible the development of legislation in the individual States which is so necessary to the protection of our wild life.

So it is suggested in this article that we are going to continue, by this bill, a policy that has been objected to by our eastern friends, namely, the raising of money in the populous centers and spending it out in the open spaces. You are going to raise it from the people who live in these eastern centers, because that is where the great masses of the people are, and you are going to spend it out in the open spaces where there are few people. But the bill takes care of that, because that will not be a question that will be raised in the future particularly. This bill provides the money for its own purpose, and all that can be done with it is to appropriate it for this one purpose. I read further:

Already a number of the States have passed legislation for the acquisition of game refuges. Under the old game refuge bill money may be collected in Texas or Oklahoma for game refuges and used to purchase game refuges in New York State. Also under the old game refuge bill, States which have already provided their own game refuges and bird sanctuaries will be taxed just the same without direct benefit.

Another Federal tax. Take the old game refuge bill as written, strip it down, and you find that the only thing that it assures sportsmen in each State is a Federal-license tax.

That is the bill that was here, which we are told the Izaak Walton League favored. Yet here is the Izaak Walton League discussing a new bill, and they say that the one thing about this bill, which they were supporting previously, is that it provided for such a Federal tax. They are putting forth these arguments against the Federal tax.

Even in spite of the fact that the bill is named the game refuge and public shooting grounds bill.

There is no illusion in the minds of these men, who want a game refuge bill, as to what the meaning of this provision is. They know that it is setting up a system of Federal taxes in the form of licenses. They know that once it is set up it will continue. But having indorsed a game refuge bill so long, the executive committee continues to indorse it, even though these features are in the new bill.

Then the closing part of the editorial calls it an empty dream.

The old so-called game refuge and public shooting grounds bill is an attempt to carry water on both shoulders. But you will find most of the water is now in the bucket on the shoulder labeled "Federal license tax."

That is about all there is in the bill that really concerns the Senator from South Dakota. He is willing to agree to almost any amendment that is proposed to get the bill through, he says, except an amendment that would take out the Federal license tax. That is the Ark of the Covenant with him. This dollar tax is the one thing you must not touch, this Federal license that is to bring in a fund that is to grow as the years go on, that is to grow as the public shooting grounds increase and Federal licenses increase, and make possible more Federal game wardens in the country.

Most of the States, in the event that the old bill should pass, when they go to look for the contents of the bucket on the other shoulder labeled "Game refuge and public shooting grounds," so far as their State is concerned, will find there is a big hole in the bottom of the bucket—that it is an empty dream.

The empty dream that is talked about here is not an empty dream from the standpoint of securing money for the purpose of hiring these game wardens. I do not want to seem to hammer a subject until I hammer it into the ground, but I do not know of any way by which the bill can be made to appear in its true light more clearly than to continually remind the Senate of the fact that it is nothing less than a bill to provide public shooting grounds and to provide Federal game wardens.

On page 46 of the hearings I find another statement issued by the East Side Call, a paper published in Illinois. The article appeared on February 12, 1926, and is entitled "Migratory bird refuge bill—Senate bill No. 2607, House bill No. 7479, now pending in the Congress of the United States of America." I read briefly from the article:

Few, if any, have forgotten the migratory bird act passed in 1913 and later held unconstitutional by the courts. No one wanted it except a few affiliated groups interested in the arms and ammunition companies of the country, and as soon as the courts refused to uphold it, in their greed, they immediately set to work to create manufactured sentiment that the people of the different States were united in having protection for migratory birds under Federal control. The result was that a treaty was entered into between the United States and England in 1916, and later a bill was enacted by the Congress of the United States in 1918 to carry the terms of the treaty into effect within the territory of the United States.

No one had ever dreamed, let alone considered for a moment, but that the question of the subject of game and game birds was that they belonged to that immense mass of internal things that belonged to and was under control of the several States, in trust for its people in common; the fight started upon the migratory bird treaty act, with the affiliated Washington lobby representing the great arms and ammunition companies supporting the bill and the individual and sportsmen's organizations against it; the result was an appeal to the courts of the United States.

Then it was that the treaty and the act of Congress to carry the same into effect was sustained by the Supreme Court of the United States. We do not find fault with our courts, for we believe them to be the protectors of our liberty, but we do desire to state briefly the position of the court in upholding the act.

Thus we find the same forces that are backing the bill, that are now trying to force upon the country a Federal license tax, were the forces that previous to this time have appeared here purely in the guise of protecting wild life. Having succeeded first in getting an international treaty on the subject and then succeeded in having a law passed which was declared constitutional because in support of the treaty, they now come forward with the real purpose that has been back of it all the time, namely, to build up such a system in this country as will develop the sale of the munitions which they manufacture, and in order to allay opposition of the administration, an administration that is economical when it comes to appropriating $150,000 or $200,000 for bird refuges, but forgets all about economy when Mussolini wants 75 cents of each dollar his Government owes this country canceled, or when the French want 50 cents of every dollar they owe this country canceled in order that they may continue to subjugate the peoples of northern Africa—I say whenever that kind of economy is up for consideration it is all right to give away the money that is owed to this country by cancellation of the debts to the extent of millions and even billions of dollars, but when it is proposed to take a little money out of the Treasury for bird refuges or public shooting grounds, which I do not think are necessary at all, then we are told that economy demands that we shall not spend the money, and we must set up a system of Federal licenses not for one year but for a continuation of years, to go on until they have built up a fund so big and an army of wardens so big that the people will no longer stand for it and Congressmen and Senators who succeed us will be compelled to repeal such legislation.

Mr. NORBECK. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. I yield.

Mr. NORBECK. The Senator will agree with me that the amount of money to be expended for certain purposes will depend entirely on the Congress which has to make the appropriations.

Mr. DILL. But the Senator knows that under the terms of the bill all the money collected for Federal licenses goes into a special fund in the Treasury, to be expended by appropriations made by Congress in connection with the game refuges and public shooting grounds.

Mr. NORBECK. Yes; in connection with them, but not simply for game wardens.

Mr. DILL. But the money comes in, and it does not cost the Government anything.

Mr. NORBECK. If the Senator complains about having a large number of bird refuges, I remind him that although the funds which come in come from the public, nevertheless, Congress will use them for that purpose.

Mr. DILL. The men proposing the bill before the House committee—they did not come before the Senate committee, and that is why I want to read some of this material into the record—said that the more shooting grounds and more refuges they get, the more game wardens they would have to have.

Mr. NORBECK. The more sheep and cattle we have, the more herdsmen we must have. We do not kill off the sheep just to get away from the sheep herder.

Mr. DILL. Oh, do not compare the great stock business of the country to a system like this which is self-perpetuating. If the Senator from South Dakota will give me his attention a moment before he leaves the Chamber—because he raised the question and then walked away before I could reply to him—I want to discuss for a moment the proposition which

he made. The more bird refuges and the more public shooting grounds we have, the more game wardens we must have, and then the more reasons there will be for the people to buy licenses; and the more licenses that are sold the more money comes in available only for the purpose of game refuges and public shooting grounds, and Congress will appropriate that money for those purposes to make necessary the appointment of more game wardens to bring in more licensees to buy more refuges to hire more game wardens.

Mr. NORBECK. If the bill will create an unlimited amount of game over the country, the bill will certainly serve its purpose.

Mr. DILL. It will not do that. It will create an unlimited number of game wardens, however.

Mr. NORBECK. May I ask the Senator how many game wardens his State has?

Mr. DILL. I do not know, because I do not know the number of country game wardens.

Mr. NORBECK. Possibly 50?

Mr. DILL. Oh, my own county has a considerable number alone.

Mr. NORBECK. This bill will provide an additional one for each State.

Mr. DILL. This bill will provide an additional one for each State merely to start with. This is like a snowball when the snow is melting; it grows and grows and there is no means of stopping it. It must be stopped by Congress alone.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Maryland?

Mr. DILL. I yield.

Mr. BRUCE. That will be especially true, of course, in those States which have the appointments, while the Federal Government provides the funds to pay the salaries.

Mr. DILL. The Senator from Maryland has been out of the Chamber while I have been discussing in his absence some of the comments he made, much as I regretted to do it. I recognize that the Senator had other important business to call him from the Chamber, but I said, probably during his absence, that the only saving grace I have seen in the bill at all is the proposal made by the Senator from Arkansas, because under that, at least, no State will be in the position that this man from Texas feared his State would be in, having a number of game wardens from Massachusetts sent down to enforce the Federal law in the State of Texas. At least the citizens of the State would be chosen to enforce the law in the State, and to my mind that is the only sugar-coating that is offered for this pill if I must swallow it, though I do not mean to swallow it until I have to do so. If the amendment of the Senator from Arkansas is adopted I still am just as much opposed to the bill as ever, because it still contains what I consider the vice that ought to beat it and destroy it, namely, the Federal license provision. But if we must take it, then I think the amendment of the Senator from Arkansas is highly desirable. I have great regard for the judgment and views of the Senator from Maryland, but, unfortunately, sometimes I think he is wrong.

Mr. BRUCE. At least my friend is not like the French lady to whom Benjamin Franklin referred as having said that the more she thought about it the more satisfied she was that he alone was always right.

Mr. DILL. I would not say always right or always wrong, but in this case especially wrong.

I was about to read the language of the decision of the court when they supported the law as being constitutional:

> Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action in concert with that of another power. But for the treaty and the statute there soon might be no birds for any power to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and of our crops are destroyed.

There is nothing in the Constitution which prevents Congress from protecting the cutting off of the food supply, but there is also nothing in the Constitution which calls upon Congress to set up a system of Federal licenses to interfere with the privileges of everybody who wants to hunt in this country. Whatever regulations are made, whatever provisions of law are made regarding Federal bird refuges, they can be enforced by the State game wardens in cooperation with the Federal wardens. That is what is happening now. We have not as many Federal game wardens as we have States, and yet there has been no showing here that the wild migratory bird life of the country is being annihilated. In fact the showing is that the wild migratory bird life of the country is increasing and will no doubt continue to increase.

Then I read further from the editorial in the East Side Call, and this is a sportsman's paper. It is not a paper edited, owned, or backed by the ammunition makers or the advocates of Federal licenses:

> Immediately after the Supreme Court sustained the migratory bird treaty act it was found that there were not sufficient funds to police the different States to enforce the provisions of the act, and Congress was appealed to, but Congress refused to heed the appeal for funds to be appropriated from the Public Treasury. The powerful lobby then set to work to find means to provide revenues to enforce the provisions of the act. A bill was introduced in the Sixty-seventh Congress, which was defeated. Then another bill was introduced in the Sixty-eighth Congress, and it died a lingering death. Each of these bills provided for a discriminatory tax upon the hunter.

I glory in the fortitude of the Senators and Congressmen who have preceded us in that they have done their part in killing one bill and causing another bill to die a lingering death. I wish we could strangle this bill and do the job so completely that never again would we be faced here with a proposal to set up a Federal licensing system for everybody who wants to go out and hunt a few birds in the various parts of the country, even though they be two or three thousand miles removed from the seat of the Federal Government.

> Later at a conference at Denver, Colo., it was arranged to have another bill prepared, and the revenue was to be created by the retention of the 10 per cent war tax on guns and ammunition, which bill was to be presented to the Sixty-ninth Congress, which is now in session. About this time, for some reason which has not yet been explained, the arms and ammunition companies increased the cost of ammunition 15 per cent—

They did not wait for the tax to be put on. They were going to get theirs whether the Government got its increase or not—

> and shortly thereafter the report came out that the Sixty-ninth Congress was to repeal the 10 per cent war tax on guns and ammunition. Yet it will be seen that the 15 per cent increase in the cost of ammunition had already gone into effect.

So, under the guise of caring for an ammunition tax for the Government, there was an increase made in the cost of arms and ammunition, and that extra money certainly would provide a fine fund for lobbying purposes behind a bill like this. It provides a fine fund to support an organization of 3,300 members under the name of the Game Protective Association.

Under the guise of a game refuge bill, the smoke of which completely obliterates any sight of the arms and ammunition companies, we are to set up a Federal licensing system that will build up the game-refuge-public-shooting-ground and game-warden-Federal-controlled areas in the United States.

> The repeal of the 10 per cent war tax left the preparation and introduction of the contemplated bill then being considered in such shape that there could be no revenue reached from this tax. Not to be beaten in their determination to inflict a tax on the sportsmen (after the 15 per cent increase in the cost of ammunition and the repeal of the 10 per cent war tax) it was then determined to introduce in the Sixty-ninth Congress the present bill, which it set out in full, and is to be known under the short title of "Migratory bird refuge and marsh land conservation act," as follows:

Then a copy of the bill is inserted.

> Having read the proposed bill, now introduced in Congress, you will observe that you must obtain a license from the Post Office Department, paying $1 therefor.

Yesterday in discussing the referendum on prohibition proposed by the Senator from New Jersey [Mr. EDGE], I mentioned the fact that the Post Office Department was to be used to conduct a referendum election in those States where it was not intended to hold such a referendum under the State law. Now we have a bill that proposes that the postmasters shall become a collection agency for the Federal license system, and the fund so collected is to be turned into the Treasury by the postmasters. I do not know but what if 50 per cent of this fund were given to the fourth-class postmasters, it would have one virtue, that the poor fellows in the fourth-class post offices might get enough at least to pay their board and the expense of lighting their offices during the year for which they now get practically nothing in the way of salary.

Of course, there is some propriety in having the postmasters collect this $1 license fee, because most of the licenses are going to be sold in the little post offices located in the scattered com-

munities where people go hunting. Fourth-class postmasters are naturally partisan appointees. It is true we have a civil-service system. My friend, the Senator from Maryland [Mr. BRUCE], is always in favor of civil service, and we have a civil-service system for fourth-class postmasters. It is a very interesting system. The Civil Service Commission hold an examination and report three names. Then the Post Office Department writes to the Representative from the particular district and asks, "Do you know any reason why the man first on the list should not be appointed? If so, we should be glad to hear it." Then the Representative picks out one who is a good Republican and states why he ought to be chosen, and he generally is chosen.

I am not condemning the Republicans under this administration for doing that, for the Democrats also did it under Democratic administrations. I was a Member of the House of Representatives at that time, and I used to manage to get Democratic postmasters in those little post offices throughout my State. If the Federal postmasters in the little towns are going to be called upon to collect the $1 license fee, that will give them something to do, and that, of course, will be praiseworthy. Then, we are going to have a lot of Federal appointees under civil service; but it is evident that the appointee does not forget the person who appointed him, so we are going to have a nice political machine here to add to the present political machine as conducted by the appointees of the administration.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. DILL. I yield.

Mr. TRAMMELL. The Senator from Washington did not mean to convey the idea, I presume, that under a Republican administration a Democratic Representative would be called upon to designate who should be appointed as a postmaster?

Mr. DILL. Oh, no. In such cases, of course, I suppose the national committeeman has control of the appointments.

Mr. TRAMMELL. That is the practice.

Mr. DILL. I understand that there is an investigation now going on of the charge that they have been selling post offices in the South.

Mr. TRAMMELL. In the Democratic districts in the South the names of the three eligibles are submitted to the national committeeman, and, as a rule, whoever he desires appointed gets the post office.

Mr. DILL. There is no doubt about that, and yet that is called civil service.

Mr. TRAMMELL. And neither the Representatives nor the Senators from my State have a thing to do with such appointments.

Mr. DILL. I was speaking, of course, of administration Representatives and Senators. The administration will work out a similar system as to the appointment of game wardens; we need not worry about that.

Mr. FESS. Mr. President, will the Senator from Washington yield to a question that has to do with the suggestion of the Senator from Florida [Mr. TRAMMELL]?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. DILL. I yield.

Mr. FESS. That practice was inaugurated long ago.

Mr. DILL. I so stated.

Mr. FESS. When it was inaugurated there was a conference to ascertain whether giving no leeway whatever to anyone and limiting the President's power of appointment to some one specified in the civil service report would really be constitutional; there was a question whether the President's power could be limited in that way. Personally I would very much prefer, if we are going to live up to civil service, always to give the appointment to the highest man, but the question was raised by high authority whether that would not interfere with the appointing power of the President and whether or not it would be constitutional.

Mr. DILL. I recognize that. The point, however, I am making is that that kind of civil service becomes a farce. If postmasters are to be appointed through political influence, as they were before so-called civil service was inaugurated, they ought to be considered simply as political appointees and let everybody so understand. For my part I would eliminate absolutely any political influence.

Mr. FESS. I wholly agree with the Senator. If it is going to be civil service, let it be civil service; if it is not going to be that, let it be the other; but I do not want to take any responsibility for the charge, as the Senator from Florida has charged, that we have the form of civil service but that, after all, the appointments are made by some one who submits a recommendation. There is too much truth in that, I will say to the Senator from Florida, but I do not want to rest under that sort of a limitation.

Mr. DILL. But the Senator admits that that is what does happen, does he not?

Mr. FESS. I do; but I deplore it.

Mr. DILL. I disapprove it also.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Florida?

Mr. DILL. I yield.

Mr. TRAMMELL. I merely desired that the RECORD should be clear as to the controlling practice in making appointments in the States represented by members of the minority party. I did not mean to make any charge; I think the same custom has prevailed regardless of the party which has been in power; but the Senator from Washington, in speaking of it, related that the Representative from the district in which a post office was located would be asked to make a recommendation. I knew that he was familiar with the system, but he omitted to say that that applied only where the majority party was in control and was not the custom and practice in States where the minority party prevails.

Mr. DILL. Now, Mr. President, I wish to continue reading from this editorial—

> then, if you have been able to obtain the license under whatever regulations may have been made by the Postmaster General, you must next ascertain what other regulations may have been made regarding several other statutes, including the migratory bird treaty act, as well as such other regulations that may be made under this act and other acts, and then, having taken your dollar for a license under regulations yet to be made under this act, it is proposed to raise a fund to police the country by taking 40 per cent of the dollar and use it in enforcing not only this act and whatever regulations may be made under it but also to enforce the migratory bird treaty act and the Lacy Act under such regulations already existing under them, as well as such further regulations that may be made from time to time under them.

So that we are going to police these game refuges from Washington. There is a bill now pending before the Senate known as the national police bill. It is proposed to have a centralized system of national police. I do not know whether the members of that police force will constitute a national constabulary or what they are going to be, but, nevertheless, we have such a proposal here, and, if we are going to have a national system of game wardens to police bird refuges and national public shooting grounds, we might just as well establish a national constabulary and have it centered here in Washington, as proposed by the bill to which I have referred.

The editorial continues:

> We have no objection to game and wild-bird refuges.

I do not think anybody has. So far as I know, there is not any opposition to this bill because of its provisions with regard to game refuges, although there is opposition to it because of the provisions with reference to shooting grounds. I do not believe the Government ought to go into the business of buying up tracts of land in various sections of the country and then policing them to provide shooting grounds.

> We have no objection to game and wild-bird refuges. In fact, we have made a determined and successful effort to have our own State create refuges. We believe the subject should be left to the individual States to create refuges, yet if it is determined by the powerful lobby to have the refuges created and controlled by and under Federal control, without regard to the wishes of the sportsmen of the country, and distribute upon them a discriminatory tax, we feel that we have a just cause of complaint.
>
> It is again said, as was the case in the passage of the migratory bird treaty act, that practically all the people of the different States are demanding the passage of this bill, and if this be true, and if, as said by the Supreme Court of the United States, the migratory bird treaty act was upheld on the ground of the national importance of the subject matter as a valuable food supply to all the people of the Nation, as well as the forests and crops of the Nation, then it becomes the solemn duty of our Government to protect that subject, which has been declared "national" and raise the revenue necessary for its protection and the creating of refuges out of the general funds of the National Treasury by appropriation, and not attempt to get from under its responsibility to the whole people by saddling the expense upon a few of the people by providing for a Federal tax upon the sportsmen.

As I said a moment ago, the most dangerous feature of this bill is that it proposes to make the Federal tax $1. Of course, the payment of a license fee of $1 does not mean anything as a general proposition. The poor man who wants to hunt will pay it, of course, as well as anyone else, and it is not the dollar

license fee of itself which is so serious, but the results that grow out of imposing even that small charge, namely, the concentration of a fund in the Treasury constituting an invitation to Congress to make appropriations for the purpose of buying public shooting grounds and establishing a system of Federal game wardens.

It has been determined that less than 3 per cent of the people hunt migratory birds.

And yet it is proposed that out of this 3 per cent is to come the money to buy the refuges and the shooting grounds.

It has been determined that less than 3 per cent of the people hunt migratory birds, and less than 5 per cent hunt at all under license, and no one can say it would be fair and just to tax that 3 per cent of the people when the whole people receive the benefit as a national asset.

The National Government has taken control of the subject of migratory birds upon the ground of its great food value; its great value to forests and crops as a national asset. Now it is up to the National Government to provide, by general appropriation, funds for its protection.

The Senator from South Dakota says that the reason he can not agree to an amendment to this bill which will provide appropriations from the Federal Treasury is because such appropriations could not be obtained. I do not know whether the Senator means by that that the President would veto the bill or whether such a bill could not be passed by the Senate, but I do know if the Senator would agree to strike out the provision in regard to the Federal license fee and provide for bird refuges and provide a small appropriation, if one-tenth of the benefit should result that it is urged here by the Senator will result, there would be a public sentiment sufficiently strong to force a future appropriation great enough to take care of all the needs of the migratory-bird treaty.

If the National Government is unwilling to assume the responsibility of preserving the subject so taken over by it, then in all fairness to the people of the respective States it is the duty of that Government to repeal the migratory bird treaty act; abrogate the treaty and return the subject matter back to the people of the respective States where it belongs and they will assume the responsibility of protecting it. Our President, Mr. Coolidge, has said that "It is the duty of the people to get back to local self-government." The people are willing if given the opportunity.

Yes, if given the opportunity; but the opportunity they are given here is the opportunity of paying a dollar every time they want to go out and hunt migratory birds, the opportunity to have a Federal game warden, first, my friend from South Dakota says, one from each State, and then, when you get one he will need assistants, and then those assistants will need assistants, and then assistants upon assistants will be needed, and there is no provision in this bill by which it ever would be stopped.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. MAYFIELD. In view of the wonderful address delivered by President Coolidge at Williamsburg, Va., the Senator does not think for one moment that he would sign this bill, does he?

Mr. DILL. After the President delivered that address one week and the next week proceeded to authorize his national prohibition service to use all the State officials, when a reversal of viewpoint such as that indicates has taken place I would not predict anything as to what the President would do about this bill. I want to say to the Senator, however, that I believe if the Federal license tax were stricken out of this bill and a reasonable appropriation put in it the President would not veto it. I do not believe he would defy to that extent the sentiment in this country for the development of the wild life of the country and the establishment of bird refuges.

We feel that the sportsmen have done more for the protection of our wild life than any lobby which has ever affiliated for that purpose.

I commend that to those who talk here about setting up by law a Federal system of control of wild life. The sportsmen of this country have been the ones in the various States who have brought about the legislation that has established these bird refuges. I have here on my desk a compilation that is simply amazing of the bird refuges and the various game refuges of the United States.

On the part of some States it is almost beyond my own belief that it could be done; and yet it is proposed, in the light of the sentiment that has been developed in the country in favor of developing State control of this game question, to set up this Federal system of control from Washington.

They are still willing to give that protection.

Speaking again of the sportsmen:

They feel that they should not be discriminated against and compelled to pay the full bill under a Federal tax upon them as a class, when the great benefit accrues to all the people of the Nation as a natural source of food supply—the protection of the forests and the crops.

We submit to you, is it fair or just?

If you believe that it is unfair and unjust, see that your Congressman and Senator from your district are informed of your position on this bill.

That is the statement signed by the Southern Illinois Sportsmen's League and published in the East Side Call, St. Louis, Mo.

Mr. President, I am not going to discuss further at this time the amendment of the Senator from Arkansas; but before it is voted on I think there ought to be a quorum of the Senate present, and therefore I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum having been made, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	King	Sackett
Bingham	George	La Follette	Sheppard
Bratton	Gerry	McKellar	Simmons
Broussard	Glass	McMaster	Stanfield
Bruce	Gooding	McNary	Swanson
Butler	Hale	Mayfield	Trammell
Cameron	Harris	Metcalf	Tyson
Capper	Heflin	Norbeck	Wadsworth
Caraway	Howell	Oddie	Wheeler
Curtis	Johnson	Overman	Williams
Dill	Jones, N. Mex.	Phipps	Willis
Edwards	Jones, Wash.	Pine	
Ferris	Kendrick	Pittman	
Fess	Keyes	Reed, Pa.	

The VICE PRESIDENT. Fifty-three Senators having answered to their names, a quorum is present.

Mr. CURTIS Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that from now on debate on this measure by each Senator be limited to 30 minutes on the bill and 10 minutes on amendments.

Mr. DILL. Mr. President, the Senator knows that the Senator from South Carolina [Mr. BLEASE] said this afternoon that he would object to that, and the Senator from South Carolina is not here.

Mr. CURTIS. I talked to the Senator from South Carolina, and he said he had no objection to a limitation of debate.

Mr. DILL. When did he say that?

Mr. CURTIS. Just about an hour ago.

Mr. DILL. I have not talked to him in the last 10 minutes, but I know that has been his attitude.

Mr. CURTIS. He said he had no objection to a limitation of debate.

Mr. DILL. The debate has been on the bill. I do not see any need for such a limitation. The Senator may not know it, but I did talk about the bill this afternoon.

Mr. CURTIS. The Senator did. I heard his speech. I have been here all the time, and I want to congratulate the Senator on talking on the bill. Some other Senators have not done so.

Mr. DILL. I have put in the RECORD some information on this bill, and I have some more information that I want to put in the RECORD; and I do not see any need of limiting debate at this time.

Mr. CURTIS. If the Senator objects to the agreement I have suggested, could we not agree to vote on this measure on next Tuesday? I will state to the Senator that if he will agree to a vote on this bill and amendments on Tuesday at 4 o'clock, I will ask the Senate to-night to adjourn until Tuesday. That will give the Senator all of to-morrow.

Mr. DILL. The Senator knows that the Senator from South Carolina was going to object to that. The Senator protected me this morning on that, and for my part I think this bill will probably come to a vote to-morrow. I have one more address on the bill as such.

Mr. CURTIS. I have not submitted a request of this kind before, because I knew the Senator had a speech that he wanted to deliver. He has delivered one, and I did not know that he had another.

Mr. BRUCE. Mr. President——

Mr. CURTIS. I yield to the Senator from Maryland.

Mr. BRUCE. I simply wish to call the attention of the Senator from Kansas to the fact that the District mothers' aid bill has already been set down for consideration on Tuesday.

Mr. CURTIS. That is immediately after the conclusion of the routine morning business, and ought not to take over an hour and a half or two hours.

Mr. BRUCE. That is true.

Mr. CURTIS. If there is objection, of course, that settles it.

Mr. HEFLIN. I suggest to the Senator from Kansas that if he would make that Wednesday afternoon I do not think anyone would object to it.

Mr. DILL. I think we can get a vote sooner than that. I am not going to take time on any other subject; I am not going to filibuster, but I am going to talk about this bill when I want to do so.

Mr. CURTIS. I would consent to Wednesday if the Senator would consent.

Mr. DILL. I may say if that were done there would be no more interest in the bill, there would be no more consideration of the bill. Everybody would say, "We will vote on Wednesday."

Mr. CURTIS. There has not been much interest in the bill this afternoon. The Senator was making a splendid speech, and only about half a dozen were here to listen to him. Does the Senator object?

Mr. DILL. I think so.

Mr. HEFLIN. Mr. President, this migratory bird bill has been before the Senate for about eight or nine days. It seems to me that it is about time we were agreeing as to when we will vote upon it. A very important measure is now pending in this body, the bill providing for cooperative road building in the States, the bill known as the Federal aid bill for the construction of public highways or post roads in the various States of this Union, a measure in which practically all the States are vitally interested. There is another bill pending which if passed its sponsors tell us will be of some value to the farmers of the country.

I do not think the Senate should spend any more time on this migratory bird bill until we have disposed of these other two very important measures. I just want to make this suggestion to Senators now, that if Congress finally adjourns with no farm relief legislation enacted farmers everywhere will ask you what you did to relieve the anxiety, distress, and suffering so universally experienced among the farmers of America? If you answer that you did nothing there is going to be trouble in the Republican camp.

Mr. NORBECK. Mr. President, we may tell them we passed the Mellon tax reduction plan.

Mr. HEFLIN. That would not be a very satisfactory answer to them. They would say, "It is true that you voted to permit the Secretary of the Treasury to return $300,000,000 annually to the big taxpayers of the country. You had ample time for that. But you did not have time to do anything for the farmers of the country."

The representatives of millions of American farmers have been here since the 1st of December, asking you to do something to relieve them of the unjust and intolerable conditions that are now upon them. This Republican Congress has not found time to do anything for them, but the able and distinguished Senator from South Dakota [Mr. NORBECK] is here day after day pleading for legislation in behalf of the migratory bird. He is discussing the rights and welfare of the wood duck, the teal duck, and nearly every other kind of duck, but the duck that he and others are exhibiting here daily is the duck that is trying to duck farm legislation at this session. [Laughter.] If they keep it up, there will be more lame ducks around here after the next election than we have seen in a long time. [Laughter.]

Mr. NORBECK. If the Senator will pardon me, I suggest that there should be some more lame ducks.

Mr. HEFLIN. I agree with the Senator about that, but I hope that he has no reference to himself in that connection. [Laughter.]

Mr. President, I am in favor of a sane law that will protect migratory birds. We already have a very good law of that kind now on the statute books. I would favor a sanctuary in each State for these birds, but I am not going to vote for this bill as it now stands. Day by day more and more restrictions are being thrown around the common, everyday rights and liberties of the average citizen in the country, and it has been suggested here by some Senator that the powers pressing most earnestly for the passage of this bird bill are the big gun clubs and the powder concerns of the country. I think we might lay this bill aside until we can pass some farm-relief legislation.

Mr. KENDRICK. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. KENDRICK. I would like to ask the Senator from Alabama what advantage he thinks we would gain by laying this bill aside and taking up another one? If the Senate is impotent to register its will and vote on this bill, why will it not be in the same position with any other bill we take up?

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield.

Mr. McKELLAR. The Senate is not impotent to act in this matter. We have a well-known rule. I understand that probably 80 per cent of the Senators, maybe 90 per cent, are going to vote for this bill, whether they favor it or not, and there is no reason in the world why the Senator in charge of this bill can not invoke the rule, and I think he ought to do it. I think the Senator from Alabama is absolutely right. Here are two measures that are pressing, and they are in the minds of all the American people. One is the farm relief bill, the other is the good roads bill, and the country is expecting Congress to pass both those bills before we adjourn. We have been dilly-dallying and shilly-shallying here for 10 days on a bird bill. The bird bill is important, and I think probably it ought to pass, but I want to suggest to the Senator having the bill in charge that he invoke the rule. We adopted that rule for the purpose of acting in just such a matter.

Mr. DILL. Mr. President——

Mr. McKELLAR. In just a moment. I think it is the duty of the Senator having the bill in charge to invoke the rule, and let us vote and put an end to further discussion of this bill. It has been discussed in season and out of season, and even at that has not been discussed a great deal. We ought to have an end of it. We are putting ourselves in a ridiculous position day after day in keeping the bill before the Senate and keeping out all other business.

Mr. DILL. This bill has not been discussed six hours in the Senate since it has been the unfinished business.

Mr. KENDRICK. Mr. President, I desire to ask the Senator from Tennessee if he believes we would gain anything by displacing this bill?

Mr. McKELLAR. I did not suggest that it be displaced. What I am urging in this emergency is that the Senator from South Dakota ask for cloture, and I have no doubt that he can have the rule applied, and it ought to be applied.

Mr. NORBECK. I want to ask the Senator from Tennessee whether he will head the petition for that?

Mr. McKELLAR. I will head the petition. I am tired of the bird bill. Let us vote on it.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I yield.

Mr. TRAMMELL. Mr. President, I have not occupied 20 minutes since this bill has been pending, but I think in fairness that if those who have made an hour or two or three hour speeches on farm relief bills and those who have spoken an hour or two or three hours on the good-roads subject and various other subjects, even those who were favorable to this bill, had not occupied so much time on other subjects we would already have had a vote.

Mr. DILL. I want to say this: That six hours' time has not been devoted to this bill in all the time it has been before the Senate. When Senators talk about cloture on a measure that has not been discussed or considered by the Senate, I say they are in a pretty big hurry to pass a bill without consideration.

Mr. HEFLIN. Mr. President, the fact is that the bill is still before the Senate and it is here every day. When the Senator from Nevada [Mr. ODDIE] called up the road bill the other day it was sidetracked. We considered it for only a little while, and the migratory bird bill was again pressed to the front.

We are consuming hours and days here discussing some desirable and comfortable resting place for a migratory bird, a sanctuary where these wood ducks and teal ducks and canvasback ducks and sandhill cranes may have a pleasant place to sojourn for a season. You have time to provide a temporary habitat or resting place for ducks and geese and cranes, but you do not seem disposed to take the time to lend a helping hand to the farmer and his family who are having a hard time to provide a home and obtain the common necessities of life.

Senators, a serious situation now confronts the farmers of this country. They are far from being prosperous. In fact, they are despondent and discontented. They are in a deplorable condition. Many of them are hard pressed to provide for those dependent upon them. The truth is that many of them under present conditions are eking out a miserable existence. Hundreds and thousands of them have already lost their homes and farms and hundreds of thousands more are trembling with fear lest they lose theirs. They are expecting you at least to show your friendly interest and keen concern in the farm-relief measures that they have asked you to consider, but instead of doing that you are consuming time urging legislation for the

benefit of migratory birds and big hunting clubs. The migratory bird has his rights, and I am in favor of giving him the protection that he is entitled to, but I am of the opinion that our first duty is to our fellow man, and if I had my way I would lay the bird bill aside and set the whole Senate to the task of working out a genuine farm-relief measure. The farmer has a right to be impatient and indignant at the way he and his interests are being ignored or neglected by this Republican Congress.

Mr. CURTIS obtained the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. CURTIS. If Senators want to vote on the pending amendment——

Mr. ASHURST. Let us vote on the bill.

Mr. CURTIS. The Senator from Washington has already said he has another speech to make, and there is an executive matter to be taken up this evening that will take some little time. The Senator from Idaho [Mr. BORAH] has a matter he desires to have considered, and I would like to move an executive session.

THE POSTAL SERVICE

Mr. McKELLAR. Mr. President, recently Dr. W. S. McKinstry, of the Nashville post office, has prepared, and Postmaster W. J. O'Callaghan, of that city, has sent out, six letters on the "History of the Post."

They are sent out in the interest of the present-day service largely as advertisements for the Postal Service in having letters mailed early and often during the day and arranging mail in an orderly manner. These letters are intensely interesting from a historical standpoint.

They are very informing, they are ingenious, they are clever, and they ought to be preserved. They are a great credit to the officers of the post office at Nashville, and especially to Postmaster O'Callaghan, who directed their distribution. I ask unanimous consent that they may be inserted in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

HISTORY OF THE POST

(Letter No. 41)

UNITED STATES POST OFFICE,
Nashville, Tenn., February 15, 1926.

THE POSTAL SERVICE OF HOLY WRIT

Mr. NASHVILLE BUSINESS MAN: Before man was, or fish or birds or living things were, the postal service existed. In the collection of the Holy Scriptures (the Bible taken from the Greek word "biblio," books, from "biblos," the inner bark of the papyrus, on which the ancients wrote) we trace a development of communication. Before there was a mode of writing, before there were nations or kings or governments, there were messengers bearing news.

"LET THERE BE LIGHT"

was the first message to sweep across the face of the earth, according to the Book of Genesis, and God Himself was the delivering Postman, and for six days God created and delivered messages to the earth, and He, on the seventh day, rested.

All was well in Eden until the serpent came with the false message to the woman, and in his subtle manner induced Eve to eat of the tree of knowledge of good and evil.

"AND THE DOVE CAME IN TO HIM IN THE EVENING

and, lo, in her mouth was an olive leaf plucked off, and Noah knew that the waters were abated off the earth."

Throughout the pages of Holy Writ we find God, either directly or through His angels, communicating with Abram, Moses, and other prophets of old. And we find man communicating with man, through messengers, by word or by sign.

MESSENGERS CONVEYING WORD MESSAGES

"And Jacob sent messengers before him to Esau, his brother. And the messengers returned to Jacob saying, 'We came to thy brother Esau, and also he cometh to meet thee, and 400 men with him.'"

"And Gideon sent messengers throughout all Ephraim, saying: 'Come down against the Midianites and take before them the waters unto Bethborah and Jordan.'"

MESSENGERS CONVEYING LETTERS

"So she"—Jezebel, King Ahab's wife—"wrote letters in Ahab's name and sealed them with his seal, and sent the letters unto the elders and to the nobles that were in his city, dwelling in Naboth."

MESSENGERS ON HORSES AND CAMELS CONVEYING LETTERS

(The Persian post)

"And he wrote in the King Ahasuerus's name, and sealed it with the king's ring, and sent letters by posts on horseback, and riders on mules, camels, and young dromedaries."

"So the posts that rode upon mules and camels went out, being hastened and pressed on by the king's commandment. And the decree was given at Shushan the palace."

Here we change from sacred to profane history, and our next letter deals with Cyrus the Great, who put periodicity into the postal service, which continued to Darius, who was the first postmaster general of record and the last of the Persian kings.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

(Copies on request. "Mail your letters early and often during the day." "Tie your mail in orderly bundles.")

(Letter No. 42)

UNITED STATES POST OFFICE,
Nashville, Tenn.

MANNER OF COMMUNICATION BY THE ANCIENTS

Mr. NASHVILLE BUSINESS MAN: Asia was probably the birthplace of mankind. The oldest people noted historically is the ancient Aryan Nation. History begins on the banks of the Nile, the Tigris, and the Euphrates Rivers, and out of the obscurity of antiquity come the cities of Memphis, Thebes, Ninevah, and Babylon. The chroniclers of ancient history record passable roads, extending from Egypt into Babylonia, Assyria, Media, and Persia.

THE FIRST POST ROADS

Over these roads the ancient kings and rulers sent their messengers, on foot, on horse, ass, or camel. The urge to communicate is inherent in human society. From 2000 B. C. to 500 B. C., when a king desired to send a message he selected a messenger for that sole duty, who went alone or in company, executed the ruler's wish, and returned. There was no system of periodical post, relays, or exchange.

CYRUS, THE GREAT

Cyrus was the founder of the ancient Persian Empire, about 560 B. C., a monarchy, perhaps the most wealthy and magnificent which the world has ever seen. Two great historians—Herodotus, philosopher and scholar, and Xenophon, a great general—have given us a narrative of these events. The writings of the Persians were in cuneiform characters, in all about 40, written from left to right. Public documents were cut in rock by chisels. Edicts and general communications were written on prepared skins by pen.

CYRUS, THE FATHER OF THE SYSTEM OF "POST"

Cyrus soon conquered many of the near-by nations. Crœsus, of mighty wealth, and "Great Babylon" surrendered to him. His was a mighty empire. A system of regular communication was necessary to govern it successfully. Great as he was as warrior and prince, he was the greater because of his establishment of a system of "post," which proclaimed him a victor in peace as well as in war. He built royal roads throughout his empire. Large and pretentious structures, or "post offices," were erected a day's journey apart. Fast horses, camels, and mules were housed therein, as were the men employed as couriers. The master of the post received the letters and sent them by a fresh courier and mount on the way to the next post, and so on throughout the system. It was a network of highways and byways, like our railroads. Government packets were also handled. So, it may be said that Cyrus conceived the idea of parcel post.

These "posts" served purposes of government, and Rawlinson says, "They were also open to the use of the private traders." Rollins says, "Cyrus required that the governors of his provinces and his chief commanders of troops write to him regularly, giving an exact account of everything that passed in their several districts and armies. To enable himself to receive speedy intelligence of all affairs, he required his post to operate night and day, with extraordinary speed; nor did either rain or snow, heat or cold, or any inclemency of the season interrupt the progress."

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Cyrus had a snappy mail service. Moral: Mail early and often. Hand to a boy. Copies on request.

Next: Greece.

(Letter No. 43)

UNITED STATES POST OFFICE,
Nashville, Tenn., March 16, 1926.

GREECE, OR ANCIENT HELLAS

Mr. NASHVILLE BUSINESS MAN: Although the Greek civilization started as early as 2000 B. C., according to Mr. Paul Anton, the author of this narrative, the early records of the country are traditional up to 776 B. C. Then the first Olympian games started, and the Greeks began to write the events and affairs of their lives. Solon was the great law giver; Demosthenes the excellent orator; Æsop wrote the animal fables; Plato was a wonderful philosopher; and Herodotus was the first historian of rank.

MERCURY OF GREEK MYTHOLOGY

Mars was the God of war; Neptune was god of the sea; Hercules was god of physical energy; and Mercury, in whom the Postal Service is particularly interested, was god of flight, the swift traveler of the clouds, sometimes called Hermes, the flying angel. He was the means by which the gods of Greek mythology were supposed to express and transfer their decisions.

MESSENGERS OF ANCIENT GREECE

The ancient Greeks, to express their thoughts from distance to distance, used men who were very fast runners. They were considered next to the gods, because of their speed. In their time they took the place of our letter carriers of to-day. They were used to carry messages of government import, and at critical moments of the country, as in time of war. When the Persians, 490 B. C., invaded Greece to capture Athens, because Athens and Sparta were two of the most formidable cities of ancient Greece, Athens refused to give to the messenger of the King of Persia ground or water, the usual sign of submission. Then Athens dispatched Fedippides, their fastest letter carrier, to Sparta to ask for help, and he made the distance in a very short time.

When Leonidas, with 300 Spartans, defended the pass of Thermopylae, the attacking Persian general sent a messenger with a message to Leonidas, stating that it was useless for him (Leonidas) to fight, as there were so many Persian soldiers that their arrows would darken the sun. Leonidas sent the messenger back with the information that such conditions suited him, as his soldiers could fight the better in the shade.

THE FIRST MARATHON RACE

When the Greeks defeated the Persians at the Battle of Marathon the Greek general selected a man who was both soldier and letter carrier, who had been fighting several days, to run with the news of victory to Athens. He ran 26½ miles in 2 hours and 40 minutes, from Marathon to Athens, and all he was able to say to the official on arriving was, "Rejoice; we defeated them!" and then he expired. It was a wonderful example of service—service unto death.

GREEK MAILS IN TIME OF PEACE

In time of peace the Athenians used to furnish the mailman with a splinted round stick (sketali), made after the fashion of the scepter of Mercury. A leather strap, on which the message was written lengthwise, was wrapped obliquely around this stick. To read this message it was necessary to have a similar stick on which to rewind the leather strap. Such sticks were furnished to the army officers in the field, who would read the message written lengthwise on the leather letter, while he unwound the message from one stick and simultaneously wound it on the other as the message was unfolded between the winding sticks. The "sketali" is mentioned by Aristotle, Xenophon, and Plutarch.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

Hand to a youth.

P. S.: The letter carrier at Marathon died for service. Moral: Don't rush us to death by late mailing.

Next: Rome.

(Letter No. 44)

UNITED STATES POST OFFICE,
Nashville, Tenn., March 30, 1926.

ANCIENT ROME

MR. NASHVILLE BUSINESS MAN: In these studies we are not interested in men and nations of ancient times nearly so much as we are in the manner in which their arts and sciences were invented, cultivated, and improved.

THE ROMAN ALPHABET

Written characters are of two sorts: First, signs of things, such as hieroglyphics, pictures, and symbols; and, second, signs of words, such as alphabetical characters. Rollins says the alphabet is due to the genius of the Jews, who taught the Phœnicians, and that Cadmus of that country carried their 16 letters into Greece. These, in time, modified to express the sounds of the Latin language, became the Roman alphabet, and, just as the Moors introduced Arabic figures of Hindu origin (1 to 0) into Spain, the Romans carried their aphabet into Britain, and it eventually, with some change, became ours.

ROMAN ROADS

At one time the fine roads of the Roman Empire extended from Egypt into Scotland and around the Mediterranean Sea. All the cities and provinces were connected with splendid roads that tunneled mountains and arched valleys and streams. These roads were intended for the march of the legions, but they also made possible the postal system of the ancient empire.

ROMAN POSTAL SERVICE

The Romans, Persians, and some later nations used, as a means of quick conveyance of news, before the establishment of the periodical mounted letter carriers, a method of vocal telegraph, by which audible sounds were shouted from hilltop to hilltop, so that they traversed in one day the length of a 30-day march.

Morey says that Augustus, who reigned at time of the birth of our Lord and Savior, Jesus Christ, established the periodical mounted letter-carrier post of Rome, and Gibbons relates the following interesting narrative on the subject:

"The advantage of receiving the earliest intelligence and of conveying their orders induced the emperors to establish throughout their extensive dominions the regular institution of post. Houses were erected at a distance of only 5 or 6 miles. Each of the posts was constantly provided with 40 horses, and by the help of these relays it was easy to travel 100 miles a day, or more, along the excellent Roman roads. A magistrate of high rank, who on one occasion went 'post' on the route from Antioch to Constantinople, a distance of 665 English miles, made the distance at noon on the sixth day. Letter couriers went on horses at great speed. There were also drivers of chariots, or post wagons, that were supposed to carry 1,500 pounds weight and did not travel as fast as the letter carriers on horse. Nor was the communication of the Roman Empire less free and open by sea than by land. The provinces surrounded and inclosed the Mediterranean, and Italy advanced into the midst of the great lake. Favorable freezes frequently carried the mail-bearing vessels from the post nearest Rome to Alexander in Egypt in 9 or 10 days."

The use of the posts, while for government purposes only, was sometimes suborned, through imperial mandate, to the business or convenience of private citizens. Slaves were used as private letter carriers, of whom the rich had many.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

Hand to a youth. Copies on request.

P. S.: The Romans believed in order. Moral: Tie your letters in bundles.

Next: China.

(Letter No. 45)

UNITED STATES POST OFFICE,
Nashville, Tenn., April 13, 1926.

CHINA

MR. NASHVILLE BUSINESS MAN: The Chinese is unquestionably the oldest nation in the world. Their language and social and political customs are the same as they were 2000 B. C. They are the only living representatives of a people and government which were contemporary with the Babylonians, the Assyrians, and the Romans. The ancient nations have been stripped of their power and splendor, while the Chinese are as fresh and vigorous as they ever were.

CHINESE WRITING

Their first method of keeping records was by a system of knots tied on strings. Their first written language was in ideographics—so called because in their first and simplest form they were drawings of various objects, as birds, animals, mountains, rivers, the sun, and the like. This was enlarged and developed into a very difficult character writing.

CIVIL SERVICE AND ROADS

About 200 B. C. Hwangti became emperor and restored the ancient power and splendor of the throne. He centralized the power in his own hands, and he drew up an organization for the civil service of the State, which virtually exists at the present day. He issued a special decree that "roads shall be made in all directions throughout the empire." Later an emperor named Kaotsou built a great highroad from the center of China to the western frontier. It crossed great mountain chains and broad rivers, and the building engineers were the first to construct flying or suspension bridges.

THE CHINESE POSTAL SYSTEM

There is no doubt but that the ancient rulers of China had a messenger service as far back as 1000 B. C., but it was not periodical.

Marco Polo, the Venetian traveler, visited China about 1275 A. D. and wrote enthusiastically of the postal service he found in regular operation in the empire. "A most wonderful system," he wrote, "and so effective in operation that it is scarcely possible to describe." Posthouses, many of which housed 200 horses, with furnished rooms for couriers and traveling guests, were built 25 or 30 miles apart along the great roads of the highways. Nearly 200,000 horses were reserved for the riding couriers, who carried letters, news, and packets to and from the Grand Khan, or emperor, and the governors of his different Provinces. Under great urgency the letter bearers rode night and day, relaying at each posthouse, with such speed as to make 250 miles a day. There were clerks at each station to record the day and hour of arrival and departure of each courier. Army officers examined the post monthly and punished dilatory letter carriers. In addition to this, there were other routes, probably on the by-ways, that had smaller posthouses built 3 miles apart. Soldier couriers carried the letters as fast as they could run on foot between these stations, a fresh courier taking the letters at every station.

There were 10,000 post offices all told. The service was limited to governmental business, but citizens used it under imperial grant. At that time the Chinese post was the only periodical letter-carrier system

in operation in the world, excepting the much less pretentious one operated by the University of Paris. Polo, in his enthusiasm over the project, said: "It proved the Grand Khan to be a superior over every other ruler or human being of his time."

Hand to a youth or teacher.

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Confucius said: "The cautious seldom err." Moral: Give us the street and number.

Next Aztecs.

(Letter No. 46)

UNITED STATES POST OFFICE,
Nashville, Tenn., May 18, 1926.

MEXICO

MR. NASHVILLE BUSINESS MAN: The historian, Clavigero, states that the first people, of whom there is a record, to live and flourish in Mexico were the Toltecs, from 650 A. D. to 1050 A. D. It is to the ancient Toltecs that the Mexicans, or Aztecs, ascribe their first ideas of civilization. The Mexicans, in whom we are herein interested, came from the remote regions of the north, and arrived on the borders of Anahuac (Mexico) about 1200 A. D., but they did not begin to develop an orderly form of government until 100 years later. Eventually, there were several nations of these people, but it remained for two, the Aztecs and Texcucans, both monarchies with a feudal system, "to leave their footprints on the sands of time." Hernando Cortez conquered them about 1500 A. D.

MEXICAN HIEROGLYPHICS, OR PICTURE WRITING

Considering that life of the Aztecs was only 200 years from barbarism to Spanish conqueror, their picture writing must be considered as a monument of human ingenuity and learning, even though it was the lowest of the hieroglyphic scale. Their writings were imitations of objects, outlined to suggest the whole. As an example, to write "man," they would draw an outline of the whole body, such as a school boy would draw on his tablet. To write the word "travel" they would outline a foot. A sword would mean war. The writings were made on cotton cloth, skins, or on the leaf of the aloe, which grows luxuriantly in the country. They used colors, and some of the specimens still exist, retaining their brilliancy. Their hieroglyphical paintings were made up in rolls and crude book form.

ROADS

The chief, or governor, of every province was charged with the building and care of the roads and bridges in his own province. These roads were not of the excellent paved order of the old Roman roads, but they were suitable to the purposes of the courier on foot.

THE AZTEC POSTAL SERVICE

Communication was maintained with the remotest parts of the country by means of couriers. Post houses were established on the roads, about 2 leagues distant from each other. The couriers, bearing the dispatches in the form of hieroglyphical paintings, ran with them to the first station, where they were taken by another messenger and carried forward to the next, and so on until they reached the capital. The couriers, who traveled on foot, trained from childhood, traveled with such incredible swiftness that dispatches were carried from one to two hundred miles a day.

This story is of due interest to the subject of postal history in the making, because the Aztecs were the only people among the aborigines of North America to develop a semblance of civilization and maintain a regular postal service.

The interest in the subject becomes keener when we realize that it was nearly 200 years after the discovery of America until Governor Lovelace, of New York, decreed that a post should "go monthly between New York and Boston."

Sincerely,

W. J. O'CALLAGHAN, *Postmaster.*

P. S.: Emperor Montezuma insisted on cooperation. Moral: Give us a complete address.

Hand to a boy or teacher. Copies on request.

Next: Peru.

MINNESOTA RIVER BRIDGE AT MINNEAPOLIS

Mr. BINGHAM. I have been asked by the Senator from Minnesota [Mr. SHIPSTEAD], who is not here, to submit a report from the Committee on Commerce. I report back favorably from that committee with amendments the bill (H. R. 11357) extending the time for the construction of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis. I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 8, after the word "hereof," to insert a comma and "and subject to the conditions and limitations contained in this act"; on the same page, after line 8, to insert a new section, as follows:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

And on the same page, in line 9, to change the section number from 2 to 3.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WHITE RIVER BRIDGE, ARKANSAS

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments the bill (H. R. 10942) to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark.

Mr. CARAWAY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 7, after the word "his," to strike out the word "successors" and insert "his heirs, legal representatives"; on the same page, in line 9, after the word "hereof," to insert a comma and "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act"; and beginning with line 10, page 1, to strike out section 2 and in lieu thereof to insert:

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Arkansas, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Arkansas under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said R. L. Gaster, his heirs, legal representatives, and assigns shall within 90 days after the completion of such bridge file

with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said R. L. Gaster, his heirs, legal representatives, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said R. L. Gaster, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CURRENT RIVER BRIDGES

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10975) granting the consent of Congress to Missouri State highway commission to construct a bridge across Current River.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11175) granting the consent of Congress to Missouri State highway commission to maintain a bridge across Current River.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED TARIFF DUTY ON COPPER

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech delivered before the Kiwanis Club at Douglas, Ariz., May 27, 1926, by Hon. Hoval A. Smith, dealing with the copper situation. Mr. Smith is one of the best known mining engineers in the United States and this is a most interesting survey of the situation.

The VICE PRESIDENT. Without objection, it is so ordered.

The speech is as follows:

COPPER TARIFF

It is a source of inspiration to be accorded the honor to address the Kiwanis Club in this city—one that bears the name of a pioneer that initiated and founded one of the greatest industrial empires in the history of not alone Arizona and the Southwest but likewise in all the West. The economic phases generated, developed, and solidified by Doctor Douglas are the ones enjoyed by us to-day. We are the beneficiaries of his wisdom and economic courage. We are the custodians of the present, and the policies we formulate to-day are the ones that will influence these inherited resources hereafter. Each passing generation must needs solve its own problems. The generations gone passed on to us their equities and experience. Yet, if these are not properly utilized and conserved, we are confronted with economic ruin.

When we give detailed consideration to what our industrial forbears have done for us in discovering, developing, and equipping our mineral areas; building smelters, railroads, and refineries; applying their mentality toward mechanicalization of the industry and developing more efficient metallurgical processes; building the splendid communities of the Southwest—we begin to realize the immense responsibility resting upon those of the present to not alone conserve but pass on this heritage enhanced in beneficial values.

What destructive forces confront us to-day within the copper areas of Arizona that were nonexistent yesterday? What economic phases are there if allowed to go unchecked will bring ruin and desolation to those of us of the present, destroy the heritage of those who follow in our footsteps?

We, locally, all know and feel that something has transpired very recently to check the past 40 years of continuously increasing prosperity within our copper areas. Until recently money flowed in uninterruptedly for our copper areas within the developed as well as the undeveloped zones. The cessation of development work and the low production value rate of our developed copper mines has brought about a feeling of despondency never before existent in our industrial history.

Compare the feverish development activity of the past within our domestic copper areas with that of the lethargic present. You will find that claim values are at a minimum and that development work is not alone at a standstill, but the present future holds no hope. This is not alone a disastrous, but also a strange and unique economic situation when consideration is given to the present colossal domestic consumption of copper, its aggregate exceeding the consumption of the rest of the world combined. The rate of increase per capita of copper consumed domestically not alone far exceeds that of any other country, but is likewise increasing very rapidly. Under the foregoing circumstances, and if there were no extraneous destructive forces, our domestic copper-mining industry should at present enjoy a degree of prosperity never before existent during its industrial history.

The development money of the present is denied us within our domestic copper areas. This money is seeking other channels for gain. Some of it has sought a different channel due to the fear that our domestic copper areas can not compete with foreign copper areas. Some of this money has gone into the development of foreign competitive areas.

Without continuous development of our domestic copper areas, we of the present will have but slight opportunity to gain a decent livelihood and future competency. Likewise we have a duty to the future to maintain unimpaired the domestic copper reserves of the present.

In scanning the economic horizon in search for the destructive force that has brought ruin to our areal development and curtailed to a low stage our copper production values, our gaze is fixed by the copper reserves developed the past decade in South America and Africa. These reserves were not competitive a decade ago, but they are a deadly menace to our economic welfare to-day. No amount of optimism on our part will remove this disastrous competition under a free-trade policy. Any degree of watchful waiting indulged in; any temporizing on our part to check this menace, will decrease our ability to meet it.

We should face the facts discerned, and bring a superlative degree of mental courage and patience to bear on this economic menace, with the object of eliminating it, and thereby ever after continuing on the pathway of economic prosperity which we once trod.

The menace of foreign copper competition has been analyzed and discussed in great detail by Senator Cameron in his speech before the United States Senate on April 9, 1926. Therein we find that Chile and Katanga alone have copper reserves vastly greater than our domestic reserves. Their transportation costs to our domestic market being less than our costs. Their supply and labor costs likewise being much less than our costs. In addition, the grade of their ore greatly exceeds the grade of our domestic copper reserves.

The foregoing factors of volume, grade, and costs, as stated by Senator CAMERON, denote that they can supply the markets of the world with copper at a cost about one-half what it costs us to produce our copper. This denotes positively that we can not sell export copper in competition with the foreign product whenever they desire this market for their product. Furthermore, they can control our domestic market as well whenever they are in need thereof.

A control situation of this nature jeopardizes our domestic copper-mining industry.

It is axiomatic that the lowest cost and largest volume producer always controls a market in the absence of artificial barriers.

This is not alone true in the copper market, but likewise true in all commodity markets.

The vast majority of commodities produced in this country can not meet the unrestricted competition of foreign-produced commodities.

An artificial barrier termed a protective tariff has been erected to keep out the cheap labor products of foreign lands. The tariff act now in effect discriminates against the domestic copper producer due to making him pay protective tariff prices for his supplies, yet leaving copper on the free list. This higher cost for supplies plus the higher cost for labor due to the higher standard of living of our domestic miner, makes it impossible for us to meet foreign copper competition.

It certainly is not worth our while to inaugurate a campaign to have all mining supplies placed on the free list, likewise that our freight rates be adjusted to meet foreign copper transportation rates. Furthermore, our country is unalterably opposed to unrestricted immigration. Even if we could bring about this readjustment, it would jeopardize our domestic copper consuming market. The only practicable way, and the one that is ours in equity, is to secure a tariff protecting

our product, thereby enabling us to pay the high wages and high supply, transportation, and tax costs confronting the American copper producer. In thus striving to secure a tariff for the protection of our domestic copper-mining industry, we are merely beating along the well-trodden economic pathway traveled by all the present protected industries of our country.

The American is a believer in justice and equality. When our case is thoroughly presented to Congress by Senator CAMERON—which I am confident he will and is ably equipped to do—I have no doubt but Congress will accord the protection which is so essential to maintain a basic industry so important as our domestic copper-mining industry.

Why is it essential that Arizonians should lead in this effort to secure a tariff as against foreign-produced copper?

Arizona of all the States in the Union must lead in this fight, for the reason that Arizona produces about as much copper as all the other States combined. The economic existence of Arizona is dependent upon her copper production. In fact, there is no other State in our Union so absolutely dependent on the mining of a metal product. In consequence, no other State can or will feel the necessity for protecting our domestic copper-mining industry comparable to the necessity that actuates us.

We must lead in this fight and win it if it is to be won. Our present and future economic existence is so interwoven in this issue that we can not intrust it to any other leadership than our own. Arizonians individually and collectively must bring to bear an unswerving effort and inflexible will to remove the menace of foreign copper competition.

It may be stated that of the total value of copper mined within Arizona, approximately 80 per cent thereof has been distributed for labor, supply transportation, capital costs, and tax items, while only about 20 per cent thereof has gone to the mine owner as net profits. It will also be stated that labor receives more than one-half of the total value of copper mined; hence their interest in the industry far exceeds that of any other factor. In consequence labor's interest in maintaining a production of copper is supreme and overshadows the equities of any and all other factors.

It is for the foregoing reason that the copper miner and all affiliated labor within our domestic copper areas is seeking protection from the cheap labor competition of South America and Africa. The domestic copper miner is the sponsor of and it is he who demands protection. No one else is so vitally interested.

The copper miner within the hills knows full well that he will receive the unswerving support of his brother residing within the valleys of Arizona. Our valleys are peopled to a great extent by retired miners and the progeny of those who once labored in the hills. Three-fourths of the products of the valleys deliverable by an average haul of 150 miles is consumed at maximum prices by the copper miners of Arizona. If the farmer had to ship his product East, his profits would be vastly less. In addition, if he loses the aid of the miners, his taxes would be doubled to maintain present civic details. Furthermore, most of the farm, orchard, and range products produced within Arizona are now enjoying protection; hence, in order to maintain the policy of protection, the farmer should of necessity cooperate with us in making protection applicable to our domestic copper-mining industry.

The miner and the farmer of Arizona are dependent on one another. What aids the one benefits the other. Economic harm befalling the miner will immediately be felt by the farmer.

With the miner and the farmer will be found the cattleman, sheep grower, and all those individuals whose present and future are dependent upon Arizona's economic welfare.

The equities involved have been so thoroughly discussed in Senator CAMERON'S speech that it would be repetitive to review same. A reading of the arguments advanced by Senator CAMERON in support of a 6-cent tariff denotes not alone the necessity thereof, but likewise that we should be accorded same by every tenet of equity and justice.

No champion of free-trade copper has as yet submitted an analytical answer to Senator CAMERON'S arguments, and no rebuttal thereof can be made in equity as long as the protective tariff policy remains so rigidly dominant within our country. It must be remembered that a protective tariff policy is sponsored by the present control of Congress and the Presidency. Furthermore, that an overwhelming majority of the voters of our country believe in protection and not free trade. Hence, the line of the least resistance for the copper miner is to do the practical economic thing, namely, seek protection, for there is a certainty of securing same. On the other hand, it is chimerically futile to indulge in the fantasy that our country will ever revert to free trade.

Copper must necessarily sell higher than its present price in order to bring relief. With an adequate tariff, it will sell much higher, probably in the neighborhood of 20 cents per pound. Those who claim this price will raise the price of copper products or electric current to the consumer have only to note that the price of copper to-day is below its past average 30-year price, and that copper products used by the consumer are greatly above their average price. The manufacturer absorbs this differential, and the consumer secures no benefit therefrom. This prerequisite is nothing to be amazed at. It is only repeating a practice indulged in whenever possible by the manufacturer as against the producer of so-called raw resources.

Even though this increased price of copper did raise the price of copper products to the consumer, the copper miner is entitled to same. Everything he buys is from 50 to 100 per cent higher to-day than the commodity prices he paid 20 years ago.

The benefits of economic protection to the iron, lead, zinc, and aluminum miners are easily discernible. Likewise, the consuming public to-day pays 50 per cent more for these metals than it did a little more than a decade ago. And it may be asked, who is there within our country who can in equity refute their right to this increase.

If the copper miner had a 50 per cent increase for his product, the copper districts of Arizona would enjoy unexampled prosperity. The iron miner had to fight long and unceasingly against the improving agencies of this country and the foreign producer before securing protection for his product. The lead and zinc miners had to overcome the same opposition before securing protection.

The importing and manufacturing East possesses a highly developed trading instinct. They make their living and excess profits by buying cheap and selling high. They are desirous of securing raw resources at minimum prices and obtaining the best price possible for their manufactured product. This trait is commendable commercially, yet the buyer must exercise caution; likewise, the producer of raw resources, in dealing with the manufacturer. The ideal condition for the domestic manufacturer is to secure his raw resources in the free-trade markets of the world and sell his manufactured product in a highly protected domestic market.

So, in the nature of things, we find both the manufacturer and the producer of raw resources commercially antagonistic to one another, yet both desirous of securing protection for their respective products. As examples, one notes the New England manufacturer eager for a protective tariff for his manufactured woolen product yet fighting to keep our western raw wool on the free list. The eastern shoe manufacturer desirous of a duty as against foreign-made shoes, yet wanting our western hides left unprotected.

The eastern fabricator of copper products desires and has a duty as against imported manufactured copper articles. He likewise desires to have his raw resource, namely copper, remain on the free list.

So the fight we are engaged in to secure protection for our copper-mining industry is parallel to the ones cited.

The fight is an economic one, and will be won by marshaling and presenting our data to Congress in a way denoting the necessity for maintaining a supply of domestic-produced copper, and in order to maintain same that a protective tariff is essential as against foreign-produced copper.

We will have to, and can, show that the copper miner can not meet foreign labor competition. Likewise that we can not pay protective tariff prices for our supplies when the foreign copper producer can buy his supplies in the free-trade markets of the world.

In addition to the foregoing, we will show that the transportation cost of supplies for foreign copper areas, likewise the cost of delivery of copper from their mines to New York is less for foreign-produced than domestic copper.

Likewise it will be shown that the grade and volume of the known foreign copper reserves are much greater than our known domestic reserves.

We shall also point out that the price of copper to-day is below its average 30-year selling price, while the manufactured product used by the consumer is above its average 30-year selling price. Which means that the Eastern manufacturer is getting more than he is entitled to, when compared with the present plight of the copper miner.

With all these factors in our favor there is no question but that we are entitled to and shall receive protection. Yet it will require unceasing effort on the part of Senator CAMERON and all of us to win, for the domestic manufacturer of copper products has more than $100,000,000 invested in foreign copper mines. He is not alone interested in his manufacturing profit but also a foreign mining profit as well. The average manufacturer within this country can not import his raw product free of duty, hence he has but little money invested in foreign resources. The copper manufacturer occupies a special and favored position at present compared with other manufacturers. In consequence he will fight most strenuously in order to maintain this unusual and privileged advantage. We do not begrudge the manufacturer a reasonable profit. On the other hand, he should recognize the fairness of the copper miners' demand for an American standard of living.

The copper miner is not alone in demanding protection for the domestic copper-mining industry. He is joined in this demand by the purely independent domestic producer of copper. The following letter, excerpt from the president of two of our largest Arizona producers of copper, is interestingly corroborative of the miners' demand for a protective tariff.

"First, millions of dollars of American investors during the past 10 years have been expended in the development of copper deposits in South America, and millions more are looking toward Africa for invest-

ment. The copper districts of the United States are neglected. Prospecting has ceased because the possible return on foreign investments is vastly greater than upon domestic investments, yet the greater field is unscratched except for what appears on the surface.

"Second, electrolysis cathodes are being delivered in California from Chile, although similar cathodes are produced in Arizona, and would have to be carried only from three to five hundred miles to reach the California market." (Excerpt, letter dated May 10, 1926, from Gordan R. Campbell to Hoval A. Smith.)

The writer of the foregoing is the executive head of a copper organization that has brought over $15,000,000 for development purposes into the copper areas of Arizona the past 25 years; is to-day head of an organization that produces 25 per cent of Arizona's annual production of copper. For the signal and all-embracing prosperity his organization has brought to tens of thousands of Arizona citizens in the past and the present, it behooves us to dwell thoughtfully on the facts so concisely stated and give heed to the menacing warning these facts embrace.

When an industrial friend of ours whose friendship reaches back a quarter of a century and who to-day is one of Arizona's very best industrial friends, still willing to pour millions into the unexplored copper areas of our State, we should pause, indeed, give detailed heed to the warning conveyed, with the hope and prayer that through the medium of a protective tariff on copper we shall ever henceforth retain this valued friendship of the past and present.

Attention has been directed to a certain parallelism existing between the wheat-growing and copper-mining industries of the United States, due to each possessing an exportable surplus.

There is no basic parallelism between these two industries. The wheat grower can not anywhere near approximate the volume of his annual production, due to the factors of excessive rain or drought, excessive heat or cold, likewise the absence or presence of destructive insect life. The copper producer can and always has been able to confine his production within definite and rigid limits.

The wheat produced domestically is grown by hundreds of thousands of farmers, unorganized and devoid of any semblance of collective cooperative effort toward stabilization of output. On the other hand, less than a dozen domestic corporations control 95 per cent of our domestic copper production; hence stabilization of their output is a comparatively simple matter.

Wheat is a perishable product, hence carrying charges are high, while copper metal is indestructible and the carrying charges are nominal.

Past domestic industrial history does not afford an example where the production of an agricultural product like wheat has ever been effectively stabilized, while past industrial history affords excellent examples where other metal products like steel, lead, zinc, and aluminum have been rigidly stabilized, both as to production, likewise prices.

Yet in view of the foregoing fundamental differences between wheat and the copper industries your indulgence is nevertheless requested while the following analysis is submitted as a refutation that the plight of the wheat grower approximates that of the copper miner.

The price of copper is lower to-day than its past 30-year average price.

The price of wheat to-day is higher than its past 30-year average price.

Copper is on the free list, and Senator CAMERON'S bill asking for a 6-cent duty denotes a 37.5 per cent protection based on the past 30 years' average price of 16 cents per pound for domestic-produced copper.

Wheat is protected to the extent of about 40 per cent of its past 30 years' average price, and the Haugen bill, sponsored and supported by the domestic wheat growers, aims to make the tariff 100 per cent effective. The wheat farmer is certainly not asking for free trade, even though he has an exportable surplus. He is vociferously demanding 100 per cent tariff protection, even to the extent of having Congress enter the realm of near subsidies and legislative experimentation, his plea being that he can not with any degree of certainty control wheat production within reasonable or foreseen limits, hence special congressional relief should be accorded the wheat grower to prevent any exportable surplus fixing the world price as a basis for domestic sales of his product.

Copper is selling at 14 cents per pound. The average price the last 30 years being about 16 cents, hence copper is 12.5 per cent below this average.

Wheat is selling at $1.50 per bushel. The average price the past 30 years being about $1.05 per bushel, hence wheat is selling 43 per cent above this average.

Wherein does the plight of the wheat grower begin to compare with the plight of the copper miner? The wheat grower is 55 per cent better off proportionately than the copper miner.

If the copper miner had the wheat grower's average increase the past 30 years, namely, 43 per cent above the average, the price of copper should to-day be selling at 23 cents per pound. If we had this increase of 9 cents per pound, the copper districts of Arizona would radiate a degree of prosperity throughout the State greater than any heretofore known. Our valleys as well as our hills would be vibrant with energy; our civic communities would teem with improvements, our citizens enjoying an income sufficient for a livable present and building a competency for the future.

We need not beseech protection with the humility of a mendicant. We of these Arizona hills and valleys are citizens. Our forbears fought the battles to establish and maintain this land, aided in laying the foundation of our economic realm. We as their progeny are only asking for justice equivalent to that accorded millions of our kin in all the protected industries of our homeland. Protection is ours by right of heritage as an integral part of our homeland. In addition, we are entitled to equity for the maintenance of one of the foundational basic industries of our land; for without a domestic copper production the woe besetting Arizona would be indescribable. In addition, the economic loss to our consuming citizens would be overwhelming when once in the clutches of greedy foreign copper producers.

Our copper mines and smelting centers would pass into oblivion, not through lack of copper poundages but due to the inability of our citizens to compete with the peon labor of South America and Africa. We, the sons of freemen, should not be expected to be satisfied with meeting the untrammeled competition of labor so hopelessly oppressed.

We are not desirous of wearing the breechclout of our economic African competitor, nor are we satisfied with the opportunities accorded the oppressed Andean Indian.

We are desirous of increasing our standard of living—not lowering it. We believe in bettering every phase that contacts with our present, and our ambition likewise embraces the future, for we of this generation are as vigilant for the betterment of the conditions surrounding our progeny as the generation past zealously planned and labored for our benefit.

The copper miners of Arizona are overwhelmingly for the protection of their equities. They feel they are entitled to a livelihood from the calling that they have spent the best years of their life in preparing to meet its problems. They have a sentiment for the hills midst which they labor. The love they cherish for its valleys, rugged crests, inviting slopes, and bewitchingly sinuous canyons has a depth and quality only understood by the Arizonian. Mingled with this is the pleasant warmth of our sunshine, flawless days, and beauteous nights without end—all interwoven to form a bond of devotion that ties us irresistibly now and will as long as life exists.

The miners of the hills love their surroundings with a degree of intensity equal at least to the love that the dweller amongst the plains, within our cities, or the borders of the sea possess for their surroundings. Why, then, should the miner be denied the right to follow his calling midst surroundings dear to his heart? Why are not his desires as sacred as those of millions of his brothers residing within their areas? With this yearning love for the hills is the desire to bring forth from their recesses the metal that is all essential in nearly every and all avenues of industrial activity. Surely a citizen that contributes so much to our country's industrial welfare is entitled to a living compensation, and should be permitted to live midst the surroundings he loves.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

MIGRATORY-BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. CARAWAY].

Mr. NORBECK. Mr. President, owing to the absence of the Senator from Arkansas, I do not feel like pressing the matter of his amendment. However, I wish at this time to offer a motion, on behalf of more than 16 Senators, for cloture on the pending bill.

The VICE PRESIDENT. The clerk will read the proposed motion.

The Chief Clerk read as follows:

UNITED STATES SENATE,
Washington, D. C.

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon the bill (S. 2607) for the purpose of more effectively meeting

the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, be brought to a close:

KENNETH MCKELLAR.	PETER NORBECK.
W. N. FERRIS.	L. C. PHIPPS.
HENRY W. KEYES.	JOHN B. KENDRICK.
WILLIAM M. BUTLER.	HIRAM BINGHAM.
F. R. GOODING.	W. B. PINE.
JESSE H. METCALF.	F. M. SACKETT.
WM. J. HARRIS.	H. F. ASHURST.
ARTHUR CAPPER.	R. N. STANFIELD.
FREDERICK HALE.	CHAS. L. MCNARY.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Saturday, May 29, 1926, at 12 o'clock meridian.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH SALVADOR

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate of the United States:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship, commerce, and consular rights between the United States and Salvador, signed at San Salvador on February 22, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 1, 1926.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights between the United States and Salvador, signed at San Salvador on February 22, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, March 31, 1926.

TREATY OF FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS BETWEEN THE UNITED STATES OF AMERICA AND SALVADOR

PREAMBLE

The United States of America and the Republic of Salvador, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic, and commercial aspirations of the peoples thereof, have resolved to conclude a treaty of friendship, commerce, and consular rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America,

Mr. Cornelius Van H. Engert, Chargé d'Affaires ad interim of the United States of America in Salvador, and

The President of the Republic of Salvador,

Dr. Reyes Arrieta Rossi, Minister of Foreign Affairs of the Republic of Salvador,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage of residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and con-

venient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or conditions and no prohibition on the importation of any article, the growth, produce or manufacture, of the territories of the other than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce, or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Salvadorean vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Salvador or are or may be legally exported therefrom in Salvadorean vessels may likewise be imported into these ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Salvadorean vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the High Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals and vessels.

The stipulations of this Article do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, or to the treatment which Salvador accords or may hereafter accord to the commerce of Costa Rica, Guatemala, Honduras, Nicaragua, and/or Panama, so long as any special treatment accorded to the commerce of those countries or any of them by Salvador is not accorded to any other country.

ARTICLE VIII

The Nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawback and bounties.

ARTICLE IX

No duties or tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the party whose flag is flown.

ARTICLE XI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the vessels of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment, excepting that special treatment with respect to the coasting trade of Salvador may be granted by Salvador on condition of reciprocity to vessels of Costa Rica, Guatemala, Honduras, Nicaragua, and/or Panama, so long as such special treatment is not accorded to vessels of any other country.

ARTICLE XII

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State, or Provincial laws. If such consent be given on the condition of reciprocity, the condition shall be deemed to relate to the provisions of the laws, National, State, or Provincial, under which the foreign corporation or association desiring to exercise such rights is organized.

ARTICLE XIII

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associa-

tions, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XIV

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from or going through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges facilities, and all other matters.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XV

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The Governments of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE XVI

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XVII

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial, and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services of local public improvements by which the premises are benefited.

ARTICLE XVIII

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XIX

Consular officers of either High Contracting Party may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting the nationals of the State by which they are appointed in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XX

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XXI

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

ARTICLE XXIII

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

ARTICLE XXIV

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

ARTICLE XXV

Each of the High Contracting Parties agrees to permit the entry fee of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbancy thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXVI

All proceedings relative to the salvage of vessels of either Hight Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry or exportation of the merchandise saved. It is understood that such merchandise, although not exempt from the usual warehouse charges for storage and expenses, is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XXVII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXVIII

Except as provided in the third paragraph of this Article the present Treaty shall remain in full force for the term of ten years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of ten years neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

The fifth and sixth paragraphs of Article VII and Articles IX and XI shall remain in force for twelve months from the date of exchange of ratifications, and if not then terminated on ninety days previous notice shall remain in force until either of the High Contracting Parties shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of sixty days from such enactment, and on such lapse each High Contracting Party shall enjoy all the rights which it would have possessed had such paragraphs or articles not been embraced in the Treaty.

ARTICLE XXIX

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at San Salvador as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed their seals thereto.

Done in duplicate, in the English and Spanish languages at San Salvador, this twenty-second day of February, nineteen hundred and twenty-six.

[SEAL] C. VAN H. ENGERT.
[SEAL] R. ARRIETA ROSSI.

NOMINATIONS

Executive nominations received by the Senate May 28 (legislative day of May 26), 1926

FOREIGN SERVICE

The following-named persons for promotion in the Foreign Service of the United States, as follows:

FROM FOREIGN SERVICE OFFICER OF CLASS 3 TO FOREIGN SERVICE OFFICER OF CLASS 2

Alban G. Snyder, of West Virginia.

FROM FOREIGN SERVICE OFFICER OF CLASS 4 TO FOREIGN SERVICE OFFICER OF CLASS 3

James Clement Dunn, of New York.
John C. Wiley, of Indiana.

FROM FOREIGN SERVICE OFFICER OF CLASS 5 TO FOREIGN SERVICE OFFICER OF CLASS 4

Coert du Bois, of California.
Thomas M. Wilson, of Tennessee.

FROM FOREIGN SERVICE OFFICER OF CLASS 6 TO FOREIGN SERVICE OFFICER OF CLASS 5

Walter A. Adams, of South Carolina.
Thomas L. Daniels, of Minnesota.
G. Harlan Miller, of Pennsylvania.
Walter H. Sholes, of Oklahoma.

FROM FOREIGN SERVICE OFFICER OF CLASS 7 TO FOREIGN SERVICE OFFICER OF CLASS 6

Arthur B. Cooke, of South Carolina.
Maurice P. Dunlap, of Minnesota.
John H. MacVeagh, of New York.
George R. Merrell, jr., of Missouri.

FROM FOREIGN SERVICE OFFICER OF CLASS 8 TO FOREIGN SERVICE OFFICER OF CLASS 7

Stanley Hawks, of New York.
Robert F. Kelley, of Massachusetts.
Robert D. Longyear, of Massachusetts.
H. Freeman Matthews, of Maryland.

FROM FOREIGN SERVICE OFFICER, UNCLASSIFIED, AT $3,000, TO FOREIGN SERVICE OFFICER OF CLASS 8

Randolph F. Carroll, of Virginia.
Erik W. Magnuson, of Illinois.
Marcel E. Malige, of Idaho.
Nelson R. Park, of Colorado.

The following-named Foreign Service officers, now consular officers with the rank of vice consul of career, to be consular officers of the United States of America with the rank of consul:

CONSULAR OFFICERS

Randolph F. Carroll, of Virginia.
Erik W. Magnuson, of Illinois.
Marcel E. Malige, of Idaho.
Nelson R. Park, of Colorado.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. James Sproule, Infantry, with rank from July 1, 1920.

COAST ARTILLERY CORPS

Capt. Harry Edmund Pendleton, Cavalry, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

TO BE CAPTAINS

First Lieut. Barlow Winston, Infantry, from March 17, 1926.
First Lieut. Maurice Rose, Infantry, from March 18, 1926.
First Lieut. Chester Morse Willingham, Infantry, from March 20, 1926.
First Lieut. Gene Russell Mauger, Cavalry, from March 21, 1926.
First Lieut. Frank L. Burns, Infantry, from April 2, 1926.
First Lieut. Harold Edwards Stow, Infantry, from April 2, 1926.
First Lieut. William Burl Johnson, Quartermaster Corps, from April 6, 1926.
First Lieut. Wilfred Hill Steward, Coast Artillery Corps, from April 6, 1926.
First Lieut. Merl Louis Broderick, Infantry, from April 10, 1926.
First Lieut. Winfield Rose McKay, Infantry, from April 11, 1926.
First Lieut. Lester Austin Webb, Infantry, from April 16, 1926.
First Lieut. Samuel Lewis Buracker, Infantry, from April 16, 1926.
First Lieut. Arthur Edwin Burnap, Infantry, from April 22, 1926.
First Lieut. James Harrison Donahue, Infantry, from April 27, 1926.
First Lieut. David Almedus Bissett, Infantry, from May 1, 1926.
First Lieut. Thomas Patrick Walsh, Coast Artillery Corps, from May 2, 1926.
First Lieut. Warren Benedict Scanlon, Infantry, from May 2, 1926.
First Lieut. William Robert Hamby, Cavalry, from May 2, 1926.
First Lieut. Buckner Miller Creel, Cavalry, from May 4, 1926.
First Lieut. Henry Winter Borntraeger, Infantry, from May 6, 1926.
First Lieut. Edwin Rudolph Petzing, Signal Corps, from May 7, 1926.
First Lieut. Richard Carvel Mallonee, Field Artillery, from May 13, 1926.
First Lieut. Theodore Ernest Voigt, Cavalry, from May 15, 1926.
First Lieut. Douglas Johnston, Air Service, from May 16, 1926.
First Lieut. Lawrence Pradere Hickey, Air Service, from May 16, 1926.
First Lieut. Severn Teackle Wallis, jr., Field Artillery, from May 18, 1926.

TO BE FIRST LIEUTENANTS

Second Lieut. Percy Earle LeStourgeon, Infantry, from March 17, 1926.
Second Lieut. Caryl Rawson Hazeltine, Infantry, from March 18, 1926.
Second Lieut. Irvin Albert Robinson, Infantry, from March 20, 1926.
Second Lieut. William Hypes Obenour, Field Artillery, from March 21, 1926.
Second Lieut. Michael Henry Zwicker, Coast Artillery Corps, from March 28, 1926.
Second Lieut. James Thorburn Cumberpatch, Air Service, from April 1, 1926.
Second Lieut. Ralph Roth Wentz, Ordnance Department, from April 2, 1926.
Second Lieut. Leon Valentine Chaplin, Field Artillery, from April 2, 1926.
Second Lieut. Daniel Webster Kent, Infantry's, from April 2, 1926.
Second Lieut. Harold Goodspeede Laub, Coast Artillery Corps, from April 2, 1926.
Second Lieut. Harry Lynch, Signal Corps, from April 4, 1926.
Second Lieut. George Marion Davis, Infantry, from April 6, 1926.
Second Lieut. Fay Warren Lee, Field Artillery, from April 6, 1926.
Second Lieut. Charles Emmett Cheever, Quartermaster Corps, from April 15, 1926.
Second Lieut. Harry Meyer, Corps of Engineers, from April 16, 1926.
Second Lieut. Peter Anthony Feringa, Corps of Engineers, from April 16, 1926.
Second Lieut. Edward Barber, Coast Artillery Corps, from April 22, 1926.
Second Lieut. Edward Hall Walter, Corps of Engineers, from April 27, 1926.
Second Lieut. David Albert Morris, Corps of Engineers, from May 1, 1926.
Second Lieut. Paul Cone Parshley, Corps of Engineers, from May 2, 1926.
Second Lieut. Lewis Wellington Call, jr., Coast Artillery Corps, from May 2, 1926.
Second Lieut. Richardson Selee, Corps of Engineers, from May 2, 1926.
Second Lieut. Don Waters Mayhue, Field Artillery, from May 5, 1926.
Second Lieut. Charles Harold Crim, Coast Artillery Corps, from May 6, 1926.

Second Lieut. John Harry, Coast Artillery Corps, from May 7, 1926.
Second Lieut. Harold Oakes Bixby, Coast Artillery Corps, from May 13, 1926.
Second Lieut. John Bruce Medaris, Infantry, from May 15, 1926.
Second Lieut. George Randall Scithers, Field Artillery, from May 16, 1926.
Second Lieut. John Henry Featherston, Coast Artillery Corps, from May 16, 1926.
Second Lieut. Charles Andrews Jones, jr., Chemical Warfare Service, from May 16, 1926.
Second Lieut. William Conrad Jones, Infantry, from May 18, 1926.
Second Lieut. Hubert Stauffer Miller, Corps of Engineers, from May 23, 1926.
Second Lieut. Edward Harold Coe, Corps of Engineers, from May 25, 1926.

PROMOTIONS IN THE PHILIPPINE SCOUTS

TO BE FIRST LIEUTENANTS

Second Lieut. Melecio Manuel Santos, Philippine Scouts, from April 10, 1926.
Second Lieut. Narciso Lopez Manzano, Philippine Scouts, from April 11, 1926.
Second Lieut. Juan Segundo Moran, Philippine Scouts, from May 1, 1926.
Second Lieut. Luis Mobo Alba, Philippine Scouts, from May 4, 1926.

POSTMASTERS

ALABAMA

Knox McEwen to be postmaster at Rockford, Ala., in place of W. P. Shurett. Incumbent's commission expired February 14, 1926.

ARKANSAS

Roy L. Goad to be postmaster at Cabot, Ark., in place of J. C. Wish, resigned.

CALIFORNIA

Lloyd E. Smith to be postmaster at Anderson, Calif., in place of A. H. Johnston. Incumbent's commission expired November 8, 1925.
Almond L. Pearson to be postmaster at Coachella, Calif., in place of F. E. Hastings. Incumbent's commission expired August 5, 1925.
Edward D. Mahood to be postmaster at Corte Madera, Calif., in place of E. D. Mahood. Incumbent's commission expires May 29, 1926.
Robert G. Isaacs to be postmaster at Montague, Calif., in place of W. A. Murphy, deceased.
Frank C. Pollard to be postmaster at Yreka, Calif., in place of A. C. Howard, removed.

FLORIDA

Fred A. Carnell to be postmaster at Ormond, Fla., in place of C. D. Simrall, deceased.

GEORGIA

Richard E. Lee to be postmaster at Concord, Ga., in place of R. E. Lee. Incumbent's commission expired March 9, 1926.
John W. Berryhill to be postmaster at Lakeland, Ga., in place of J. W. Berryhill. Incumbent's commission expired March 10, 1926.
Christine P. Hankinson to be postmaster at McDonough, Ga., in place of C. P. Hankinson. Incumbent's commission expired January 23, 1926.
Sallie J. Purvis to be postmaster at Pembroke, Ga., in place of S. G. Purvis. Incumbent's commission expired February 13, 1926.
Bernie C. Chapman to be postmaster at Porterdale, Ga., in place of B. C. Chapman. Incumbent's commission expired March 9, 1926.

ILLINOIS

Menno Vandervliet to be postmaster at Danforth, Ill., in place of Menno Vandervliet. Incumbent's commission expires May 31, 1926.
Susan Gilman to be postmaster at La Harpe, Ill., in place of Susan Gilman. Incumbent's commission expires June 10, 1926.
Glenn O. Connor to be postmaster at Ohio, Ill., in place of J. H. Faley, jr., resigned.

IOWA

Mae C. Liebbe to be postmaster at Letts, Iowa, in place of L. D. McCormick. Incumbent's commission expired August 24, 1925.

KANSAS

Anna L. January to be postmaster at Osawatomie, Kans., in place of A. L. January. Incumbent's commission expires May 31, 1926.

KENTUCKY

Robert L. Jones to be postmaster at Morganfield, Ky., in place of R. L. Jones. Incumbent's commission expires May 29, 1926.
John S. Marksbury to be postmaster at Williamstown, Ky., in place of J. S. Marksbury. Incumbent's commission expired February 22, 1926.

MAINE

Lillian L. Guptill to be postmaster at Newcastle, Me., in place of W. D. Murphy, removed.

MASSACHUSETTS

Charles W. Hardie to be postmaster at Harwich Port, Mass., in place of B. C. Kelley, deceased.

MICHIGAN

William H. Florian to be postmaster at Grand Junction, Mich., in place of W. H. Florian. Incumbent's commission expires May 31, 1926.
Minnie E. Allen to be postmaster at Leslie, Mich., in place of F. R. Allen, deceased.

MINNESOTA

Edward J. Bahe to be postmaster at Hancock, Minn., in place of E. J. Bahe. Incumbent's commission expired May 2, 1926.
Edgar A. Enders to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expired December 22, 1925.
Louis E. Davis to be postmaster at Cleveland, Minn. Office became presidential July 1, 1925.

MISSOURI

William P. Rowland to be postmaster at Bevier, Mo., in place of D. M. Williams. Incumbent's commission expired February 28, 1926.
May Carpenter to be postmaster at Burlington Junction, Mo., in place of S. A. Jones, resigned.

NEBRASKA

Maurice J. Meseraull to be postmaster at Doniphan, Nebr., in place of L. E. Smith. Incumbent's commission expired January 16, 1926.
Andrew E. Stanley to be postmaster at Loomis, Nebr., in place of A. E. Stanley. Incumbent's commission expires May 31, 1926.

NEVADA

Anne M. Holcomb to be postmaster at Battle Mountain, Nev., in place of E. B. Lemaire, removed.

NEW HAMPSHIRE

Ervin W. Hodsdon to be postmaster at Center Ossipee, N. H., in place of E. W. Hodsdon. Incumbent's commission expires May 31, 1926.
Harriet A. Reynolds to be postmaster at Kingston, N. H. Office became presidential July 1, 1925.

NEW JERSEY

Charles H. Mingin to be postmaster at Mays Landing, N. J., in place of Stephen Bartha, resigned.

NEW MEXICO

Lydia C. Harris to be postmaster at Mesilla Park, N. Mex., in place of L. C. Harris. Incumbent's commission expired December 21, 1925.

NEW YORK

Emma P. Shutts to be postmaster at Mexico, N. Y., in place of W. L. Buck. Incumbent's commission expired March 16, 1926.

NORTH DAKOTA

Fred Fercho to be postmaster at Lehr, N. Dak., in place of Fred Fercho. Incumbent's commission expires May 31, 1926.

OHIO

Reno H. Critchfield to be postmaster at Shreve, Ohio, in place of R. H. Critchfield. Incumbent's commission expired April 7, 1926.

OKLAHOMA

Ben F. Ridge to be postmaster at Duncan, Okla., in place of J. E. Elliott. Incumbent's commission expired March 27, 1926.

PENNSYLVANIA

Enoch A. Raush to be postmaster at Auburn, Pa., in place of E. A. Raush. Incumbent's commission expires May 29, 1926.

Charles E. Ehrhart to be postmaster at Dallastown, Pa., in place of C. E. Ehrhart. Incumbent's commission expired April 17, 1926.

Arthur B. Winter to be postmaster at Jermyn, Pa., in place of A. B. Winter. Incumbent's commission expires May 31, 1926.

George F. Klinefelter to be postmaster at Shrewsbury, Pa., in place of G. F. Klinefelter. Incumbent's commission expired April 17, 1926.

Zola K. Rodkey to be postmaster at Spangler, Pa., in place of Z. K. Rodkey. Incumbent's commission expires May 29, 1926.

John E. Showalter to be postmaster at Terre Hill, Pa., in place of J. E. Showalter. Incumbent's commission expired May 19, 1926.

James A. Stickel to be postmaster at Vandergrift, Pa., in place of J. A. Stickel. Incumbent's commission expired April 20, 1926.

Charles H. Myers to be postmaster at Wrightsville, Pa., in place of C. H. Myers. Incumbent's commission expired May 26, 1926.

Emma Zanders to be postmaster at Mauch Chunk, Pa., in place of Harry Zanders, deceased.

Ina H. Woodard to be postmaster at Shinglehouse, Pa., in place of J. A. Woodard, resigned.

RHODE ISLAND

William L. Simonini to be postmaster at Conimicut, R. I., in place of C. D. Carlin, resigned.

SOUTH CAROLINA

Richard F. Smith to be postmaster at Clio, S. C., in place of K. L. McIntyre. Incumbent's commission expired January 27, 1926.

John E. Folger to be postmaster at Easley, S. C., in place of J. E. Folger. Incumbent's commission expires May 29, 1926.

SOUTH DAKOTA

Florence M. Jones to be postmaster at Chester, S. Dak., in place of R. T. Peterson. Incumbent's commission expired January 17, 1926.

Clarence J. Curtin to be postmaster at Emery, S. Dak., in place of C. J. Curtin. Incumbent's commission expired February 2, 1926.

James T. Leahy to be postmaster at Fedora, S. Dak., in place of J. T. Leahy. Incumbent's commission expires May 29, 1926.

Charles P. Decker to be postmaster at Roscoe, S. Dak., in place of C. P. Decker. Incumbent's commission expired March 4, 1926.

TENNESSEE

Columbus L. Parrish to be postmaster at Henderson, Tenn., in place of C. L. Parrish. Incumbent's commission expired May 5, 1926.

TEXAS

Carl W. Smith to be postmaster at Kress, Tex., in place of C. W. Smith. Incumbent's commission expired April 10, 1926.

VIRGINIA

William R. Kindig to be postmaster at Stuarts Draft, Va., in place of W. R. Kindig. Incumbent's commission expired May 18, 1926.

Emma B. Snow to be postmaster at Clover, Va., in place of C. E. Canada, resigned.

WISCONSIN

Emma V. Clark to be postmaster at Black Earth, Wis., in place of E. V. Clark. Incumbent's commission expired February 15, 1926.

Bert B. Powers to be postmaster at Fennimore, Wis., in place of B. B. Powers. Incumbent's commission expired March 14, 1926.

Stephen M. Peeters to be postmaster at Little Chute, Wis., in place of S. M. Peeters. Incumbent's commission expired November 8, 1925.

WYOMING

Ralph R. Long to be postmaster at Gillette, Wyo., in place of R. R. Long. Incumbent's commission expires May 31, 1926.

Norman D. Sherman to be postmaster at Edgerton, Wyo. Office became presidential April 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 28 (legislative day of May 26), 1926

FOREIGN SERVICE

VICE CONSULS OF CAREER

Eugene M. Hinkle.
Edward P. Lawton.

UNCLASSIFIED

Lawrence Higgins.
Gordon P. Merriam.
Samuel Reber, jr.
William M. Gwynn.
John B. Faust.
Cabot Coville.
Henry A. W. Beck.
Thomas F. Sherman.
S. Walter Washington.
Walton C. Ferris.
J. Ernest Black.
John B. Ketcham.

UNITED STATES ATTORNEY

Peyton Gordon, to be United States Attorney, District of Columbia.

POSTMASTERS

ALABAMA

John H. McEniry, Bessemer.

CALIFORNIA

Stella L. Vincent, Carmel.
John B. Horner, Fullerton.
Jessie McGregor, Merced Falls.
James E. Power, San Francisco.

COLORADO

Fred J. Dyer, Crested Butte.

GEORGIA

Olivia F. Anderson, Chipley.
John S. Lunsford, Elberton.
Kate Harris, Leesburg.
James F. Morgan, Waycross.

ILLINOIS

Roger Walwark, Ava.
Bernard A. Dorries, Bresse.
Frank W. Squire, Godfrey.
Arno R. Mebold, Marine.
Frank E. Whitfield, Medora.
Anna M. Peters, Sandoval.

INDIANA

Fred McNutt, Waveland.
Fred Dunn, Windfall.

IOWA

Oswell Z. Wellman, Arlington.
Homer G. Games, Clamus.
Raymond W. Ellis, Norwalk.
William W. Sturdivant, Wesley.

KANSAS

William E. Ferguson, Latham.
Benson L. Mickel, Soldier.

LOUISIANA

Levi P. Carter, Bunkie.
Victor E. Green, De Ridder.

MAINE

George H. Rounds, Naples.

MASSACHUSETTS

Emma E. Murphy, Minot.
Ephrem J. Dion, Northbridge.
William F. O'Toole, South Barre.
Cleon F. Fobes, Stoughton.
Myrtice S. King, Upton.
James H. Jenks, jr., West Dennis.

MICHIGAN

Benton H. Miller, Cement City.
Selma O'Neill, Rockford.
Walter H. Nesbitt, Schoolcraft.
George K. Hoyt, Suttons Bay.

NEW YORK

May L. McLaughlin, Blue Mountain Lake
C. Blaine Persons, Delevan.
Frank D. Gardner, De Ruyter.
Denton D. Lake, Gloversville.
Joseph A. Colin, Johnstown.
John C. Jubin, Lake Placid Club.
Vernon E. Bowler, Savannah.
Louise E. Wells, Stony Brook.

OHIO

Edgar L. Taylor, Crooksville.
Leo Mutach, Marblehead.

PENNSYLVANIA

Christian D. Doerr, Colver.

TEXAS

James L. Hunter, Austin.
Edmund W. Tarrence, Llano.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 28, 1926*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O God; we acknowledge Thee to be the Lord. We thank Thee for splendid privileges and may we arise to their opportunities and to their call. Anything but genuine fidelity to them is failure and sullies the page of honor with forbidding fingers. So help us that our zeal may never slacken, our faith never weaken, and our devotion never grow cold. Take our moral natures, blessed Lord, and broaden and deepen the range of their understanding. Take our pride and chasten it. Take our hearts and cleanse them from all impurity. We ask Thee to abide with the royal guests within our midst. Preserve them in safety and mercifully bestow upon them blessings, happiness, and health. Give great peace and prosperity to their dominion and bless our relationships while many years pass by. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the immigration question.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object—I shall not object—but the express understanding was when the time for debate on the river and harbor bill was limited that nothing should interfere with the time to be devoted to that debate. This was understood. I shall not object, but the time for this debate should not be unnecessarily encroached upon.

Mr. MADDEN. Mr. Speaker, I think the gentleman ought not to submit his request now.

Mr. GRIFFIN. Mr. Speaker, I will say to the gentlemen who have interposed reservations of objection, if that continues it is likely to take up more than the five minutes which I should take in addressing myself to a special phase of the immigration question which has developed within the last few days. I am not a frequent offender in this regard and have taken up very little time of the House. I trust the gentlemen will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Immigration without regulation may easily produce national conditions worse than an armed invasion. I recognize, as a native American, as a descendent maternally of Revolutionary ancestors, how essential it is to preserve the traditions of the American people and to maintain the heritage which has been handed down to us. I recognize that self-defense is as indispensable to a nation as to an individual and that it is essential that we should protect ourselves against an unreasonable influx of immigration. Nevertheless, in the enactment of immigration laws we have become panicky, and we have fallen into many indiscretions.

For instance, we prohibit the wives, husbands, and children of aliens to enter the United States except within the quota. Now, what is the effect of this? It separates families; and that is immoral, inhumane, and against good public policy. It has always been considered wholesome to keep families united. You can not make good citizens out of aliens resident here so long as you keep them in constant turmoil and anxiety trying to bring their families to this country.

AMERICANIZATION

We hear much talk of Americanization. It is futile to try to make men loyal to an adopted country until you make them contented. You can not hope to make much headway with real Americanization in the congested centers of population until you show them by humane laws that you do not resent their intrusion. So long as you treat them as "foreigners" they are going to be foreigners. There will be no love lost between you. So long as you insist on keeping families divided you are going to have divided allegiance.

Mr. KNUTSON. Will the gentleman yield?

Mr. GRIFFIN. At the conclusion of my remarks I will be glad to yield.

THE ECONOMIC SIDE

But, aside from that, our illiberal attitude toward the alien spites ourselves and entails an economic loss of great magnitude to the Nation. We admit the wage earner and exclude his wife and children until he becomes a citizen. We allow the wage earner to come in, compete with home labor, earn the high wages now prevailing—$12 to $15 a day—and then deny him the right to spend his wages where they are earned. The money earned here, and which ought to be spent here, is spent abroad. Millions of dollars go annually from the United States to foreign countries to support the poor, miserable fragments of humanity waiting in foreign lands for the consul's long-deferred visa which will enable them to join their husbands or fathers. Besides being inhumane, the law responsible for these conditions is an example of stupendous economic folly.

THE QUOTA SYSTEM

The whole quota system of regulating immigration is fundamentally wrong. I would do away entirely with the percentage basis. The only humane, philosophic, and economic basis of limitation is by recognizing the family as a unit. The quota system is simply a blind approximation to what we are trying to do. What are we trying to do? I take it we are trying to build up a homogeneous population, assimilating the alien immigrant as quickly as possible so as to make him a good American. I submit that you can not succeed in this by admitting isolated fragments of families in mere mathematical sequence in the order in which they happen to fall within an arbitrary quota. That, if I may be permitted to say, is about the very worst way of accomplishing our object. Where mathematical sequence in the order of filing applications for visas is followed new heads of families, without relatives in the United States, are given preference over members of families whose heads are already here. This is ethically unfair and, so far as our ultimate objects are concerned, politically unwise.

THE FAMILY AS A UNIT

The real solution is to treat the family as the unit. If we are striving to keep immigration within bounds, no new family heads should be admitted until the families of those already admitted are taken care of.

In the hearings of our Subcommittee on Appropriations we had a most interesting discussion of this question. Assistant Secretary of State Wilbur J. Carr stated:

> One thing in particular I have noticed that has troubled me a good bit is that at the present time each alien has to have a quota number to enable him to come over. (Page 29, hearings.)

Then a little further down, he continues:

> Those cases appeal to one very strongly. I think that condition might be remedied to the advantage of the aliens and also to the advantage of the United States, if in some way the family might be treated as a unit, so that if part of a family could not come none could come, and all of them would have to stay abroad until all could come over. By defining the family it might be treated as a unit. I think a good deal of hardship could be avoided in that way.

I then suggested that the rule ought to work both ways, and the following colloquy occurred:

> Mr. OLIVER of Georgia. Your proposition is if any one of them can come in, then let the whole family come in?
>
> Mr. GRIFFIN. Assuming that they fulfill all the conditions as to health; assuming that they are able to pass the physical examination as to health.
>
> Mr. CARR. That is what I am talking about. The cases I had in mind are cases where the members of the family meet the requirements both as to the immigration law and as to the condition of their health, with one exception. If there is a child, a wife, or even a husband who is unable to meet the conditions, that one member of the family is unfit to come in. What is done now——
>
> Mr. GRIFFIN (interposing). You mean physically unfit?
>
> Mr. CARR. Physically unfit to come in. What happens now is, that the rest of the family come and then a very distressing condition is created by the other member of the family being over there, perhaps without adequate care. Then they come to the department and their friends come to the department and try in some way or other to have that other member allowed to come in. They even speak about getting legislation to enable that individual to come over, in spite of the requirements of the immigration law.
>
> Mr. GRIFFIN. Let me give you a concrete instance as to what I referred to in saying that it ought to work both ways. There is a woman in Poland to-day who is entitled to her passport. She is entitled to that passport or to a visa of her passport upon the ground that she is the mother of a citizen of the United States. The American consul in Warsaw is willing to give her a visa, but he is unable under the law to give that visa to the two children of that woman, aged, respectively, 12 and 15 years.
>
> Mr. CARR. Because they are——
>
> Mr. GRIFFIN (interposing). What I mean is that where a woman is entitled to come into the country, either within the quota or because of preference, that ought to be extended to the members of her family, because it is not good public policy to divide families.
>
> Mr. CARR. I understand these children are physically fit?
>
> Mr. GRIFFIN. They are physically fit to enter.

Mr. CARR. I would be disposed to agree with you if the mother is entitled to come in.

Mr. GRIFFIN. As the mother of a citizen.

Mr. CARR. As the mother of a citizen; yes.

Mr. GRIFFIN. And as the mother of a man who fought during the war in our Army and has an honorable discharge. That is an example of one of the cases.

Mr. CARR. She is in the preference class.

Mr. GRIFFIN. She is in the preference class, but the children are not, under the existing law.

Mr. CARR. They are not, under the existing law.

Mr. GRIFFIN. I want to see that unit theory of yours carried out, but I would like to see it work both ways.

Mr. OLIVER of Georgia. All of that is a matter of legislation?

Mr. CARR. Yes.

Mr. SHREVE. Has the American consul any discretion in just such cases as Mr. Griffin has referred to?

Mr. CARR. He has none whatever.

Mr. GRIFFIN. No; he has no discretion whatever.

Mr. CARR. The mother of a citizen of the United States is entitled to come in in the preference class, to be preferred over other aliens because she is the mother of a citizen, and the law specifically gives her that right. But the others would be her minor children who are doubtless brothers or sisters of the naturalized American.

Mr. GRIFFIN. Yes.

Mr. CARR. The law does not grant preference to brother or sister.

Mr. OLIVER of Georgia. The American consul is absolutely helpless.

Mr. CARR. The consul has to treat them as quota aliens and they have to take their places in the line in the order of application. So the difficulty there is that the mother can come to-day, but the children have to wait until their turn arrives, which, in the case of Poland, may be some time.

Mr. GRIFFIN. Not only that, but if this woman does not accept her visa now when it is offered to her she will lose her place in the line of those waiting for visas; at least, that is what I am assured.

Mr. CARR. I think that is not quite accurate.

Mr. GRIFFIN. I hope it is not.

Mr. CARR. Her visa can be held for her until she is ready to come over. But the granting of visas can not be expedited as far as the children are concerned, because that would give them a preferred place over other applicants which the law does not permit.

Mr. SHREVE. We are very much pleased to have that statement. (Hearings, pp. 30–31.)

CONSTRUCTION OF TERM "VISITORS"

Another feature of the immigration law I want to bring to your attention, which is really the reason for my rising to-day, is that the Labor Department has undertaken to give a construction to the law as to visitors which in my opinion is heartless, unjust, and unwarranted.

I have in mind a certain Professor B, a man of education and refinement, a native of Poland, who married in Cuba a girl from Russia. She can not join him in the United States because of the limitation in the number of visa allotments. Convinced of the hopelessness of her quest, she is about to return to her native land, in the hope that if she is on the spot where the allotments are made she will stand a better chance of securing a visa than in Cuba. Being about to take this long journey, she has made an application to enter the United States for a brief period to greet her husband and relatives and to see some of the wonders of the land of the free.

The American consul in Cuba refuses a visa for this laudable purpose, not harshly or arbitrarily, but solely because he is under orders to refuse visas in such cases where the applicant has marital or other ties in the United States which, in the opinion of the Departments of Labor and of State, raise the presumption of an intent to circumvent the law. In reaching this conclusion they themselves circumvent the law and furnish an example to Congress of the impropriety of giving the executive departments of the Government the power of making "regulations" without coupling the grant with proper limitations.

The term "visitor" has a precise and specific definition. It is one whose stay is temporary. The will, the inclination, or the temptation to stay longer than the fixed period can not be enlarged by presumptions or inferences.

In the case of Mrs. B her intent to depart is guaranteed by the offer of a bond, in any sum fixed by the Labor Department, to be furnished by her husband, who is a musician of such standing that there is not the remotest chance of his trying to secrete her or prevent her departure at the end of the visit. To secrete her he would have to secrete himself, and that would be fatal to his livelihood.

I have written a protest in the form of a letter to the State Department and in order that my colleagues may understand the merits of the matter I am taking the liberty of appending herewith a copy thereof as a part of my remarks, as follows:

MAY 27, 1926.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Prof. M—— B——, of Bronx, New York City, was duly admitted to the United States on August 1, 1923, and has declared his intention to become a citizen of the United States. He is a native of Poland, a professor of music and band leader, a man of intelligence, education, and refinement, qualified in every respect to become a useful citizen.

In 1925 he married a Russian girl while on a visit to Cuba. Since that time he has been trying to have her join him here; but owing to the drastic provisions of our immigration laws that comfort is denied him. He now realizes that he is up against an insurmountable obstacle and must send her back to her native land, where the chances of obtaining a quota visa seem to be better than they are while she remains in Cuba. Before that final step is taken, however, he desires to have her permitted to enter the United States for a brief period as a visitor, and also informs me that he has sent a personal appeal to you to grant this indulgence.

There is nothing in the law to warrant the denial of a visitor's passport and visas—the only obstacle being a department order, issued by you or your predecessor, advising American consuls abroad to be wary of issuing visas to aliens whose ties to lawfully admitted aliens in this country raise the presumption, or rather a suspicion, that their purpose in obtaining a visitor's visa is to circumvent the law and effect, by chicanery, a permanent residential status.

While there may be some ground for this suspicion in some cases, I beg to assure you that in Professor B's case it has no basis. Furthermore, he informs me he has stated to you in his letter that he will put up any bond required to guarantee her voluntary return to Russia at the end of her visit.

It is needless for me to emphasize to you the fairness of this request and the humanity of granting it. The matter rests entirely in your discretion and I earnestly hope you will humanely exercise your authority to grant this reasonable request.

While we are on the subject, I trust you will pardon my calling your attention to the evils of this particular phase of the immigration law and the policy of the department founded on, but not altogether warranted by, that law.

Those evils are of two kinds:

First. Against economic law: Millions of dollars annually leave our shores for the support of wives, children, and dependents of aliens who are lawfully here and who are earning money here to be largely spent abroad. That is bad political economy.

Second. Against public morals: In that families are broken up—wives separated from husbands—husbands from wives—children from parents, and all prey to temptations and immoral influences.

Such laws do not tend to make a better nation or a better world. They are narrow, provincial, and prejudicial (economically, politically, and ethically) to the nation that enacts them and hurtful to our prestige among the nations of the world.

Of course you will say "What is the use of complaining about the law to a Cabinet officer—the head of a department?" and that question is natural. But I, as a Member of Congress, am in an impotent minority. The attitude of Congress as at present constituted is such as to render hopeless any immediate relief. My justification in writing to you is that it is within your power to soften the rigor of the law by a humane and tolerant enforcement of it. It is not necessary for your department to add to its hardships by denying visitors' visas in meritorious cases.

Another reason for writing to you is founded on the fact that in the hearings before our subcommittee I was encouraged to believe that your department was tending toward the attitude of favoring an amendment to the law which would recognize the family as a unit and permit families to be united. (See pp. 29, 30, and 31 of the hearings on appropriations of State Department for 1927.)

If your department would make a recommendation to the Immigration Committee of the Senate and the House coupled with a statement of your experience of the hardships incident to the law, as it now stands, I am sure it would have considerable weight in securing an alleviation of existing conditions. It would, at any rate, have more influence than a protest of a Member of Congress from New York, where the foreign population is so great as to provoke the suspicion that his advocacy of humanity in the law is colored by political expediency.

While I have many cases falling within this class of immigration hardships I take this —— matter as an example where the character of the man, and the sincerity and justice of his request accentuate the inhumanity of the law and the method of its enforcement to such an extent as to make an appeal for the law's amendment obviously necessary, or at least generosity in the construction of the law in this particular case, a humane and solemn obligation.

Sincerely yours,

ANTHONY J. GRIFFIN.

The SPEAKER. The time of the gentleman from New York has expired.

THE CONGRESS AND THE PEOPLE

Mr. WASON. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New Hampshire [Mr. HALE] may have permission to extend in the RECORD remarks which he delivered last Wednesday over the radio.

The SPEAKER. Is there objection?

There was no objection.

Mr. HALE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

RADIO ADDRESS OF HON. FLETCHER HALE, OF NEW HAMPSHIRE, WEDNESDAY, MAY 26, 1926

On March 4, 1789, 137 years ago, the first session of the Congress of the United States convened. The marvelous growth of this Republic may be illustrated by a brief comparison of that body with this, the Sixty-ninth Congress. The membership in the Senate was confined then, as now, to two Senators from each State. There were then 26 men representing the thirteen original States, while to-day the Senate of the United States comprises a membership of 96, representing 48 States. The House of Representatives of the First Congress was composed of 65 Members, apportioned among the States according to population, and representing, each, approximately 30,000 American people. The present House of Representatives comprises 435 Members, or nearly sevenfold the original membership, while each Representative now has a constituency on the average of approximately 225,000 people, or more than seven times the population represented by each Congressman in 1789. The Nation's business in the early days cost the people of the country about $10,000,000 a year. In this year of 1926, 150 years after our Declaration of Independence, the governmental burden which you sustain is approximately three and a half billions of dollars, an expense account three hundred and fifty times greater than that incurred in the infancy of the Nation.

Daily your country's business is being put in better order. Waste and duplication of effort are being eliminated and wiser and more productive expenditures are being made. But this vast sum, reduced from a maximum of over $6,000,000,000 in the last six years through real economy, in all probability can not further be greatly diminished, at least until our obligations of debt and interest arising from the World War have been satisfied. You will agree that the welfare of the Nation demands that it should not be substantially increased.

We are socially and materially the most resourceful Nation on the face of the globe. This is your money. This is peculiarly your Government. You are, and of right ought to be, interested in exacting of those who represent you in Washington, whether in a legislative or in an executive capacity, intelligent and honest effort to guide a free, prosperous, and happy people to the harbor our fathers sought when they declared it their purpose to institute this Government in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity.

Your obligation of citizenship is not fulfilled, however, by your simple, peremptory demand upon Congress to achieve national prosperity. Since this is a popular representative Government, there must be constructive, popular contribution to it in order that it may be truly representative. The entire membership of the House of Representatives is elected every two years in order that one branch of the Congress, at least, may, as nearly as possible, represent the immediate popular will. That will is determined fairly accurately at elections through the medium of two great political parties, whose candidates seek your suffrage upon certain declared principles or policies of government. Selection of a majority of the candidates of one party ordinarily places that party in power.

The tumult and the shouting then dies; local party organizations slumber until the next election, and many of you return to your homes, if you have troubled yourselves to exercise your privilege of voting, as only about 60 per cent of you do, confidently expecting the millennium to arrive or some great national calamity to befall, according to whether the party which received your support has succeeded or failed at the polls. You are most of you inclined, in either view, to let the affairs of the Government take their course, and attend to your home, your business, or your pleasure, when, as a matter of fact, the conduct of your Government affects, or may affect, those vital interests of yours quite as much as any individual influence you may exert upon them.

There is no more essential principle on which to base congressional action than that it should contribute always to the national welfare as distinguished from the welfare of any particular group or groups of people, or of any particular section or sections of the country. It is true that there may be legislation, sectional or special in its character, yet necessary to the general welfare. The difficulty with us, most of us hundreds of miles away from companionable communion with those whom we represent, is to be able always to detect this distinction. There are here in Washington hundreds of agents of special groups of people who are in rather constant communication with Members of Congress, many of them paid, many of them voluntary, most of them sincere, some of them otherwise, but all intensely interested in effecting legislation for some particular group or some particular special interest. Similarly, from all over the country, while you are attending to your own business, comes tons of communications from all sorts of interests, much of it in stereotyped form, much of it in real personal appeal.

The voice speaking, whether personally or by mail or by wire, too often is that of selfishness, clamoring for special legislation which ordinarily may benefit the few and injure the many. Much of it demands that we regulate the business of all but its own. Oftentimes it resorts to threats to exert group action against our reelection if we fail to comply with its insistent demands. Usually it is not the cry of deliberate selfishness nor of willful misrepresentation, but more often it is a result of a failure to consider problems from the national standpoint of the welfare of the 118,000,000 people of America. It is fortunate for you and for the country that it is physically impossible even to read all that comes to us, much less to digest it. Nevertheless, a large part of it makes a very considerable impression upon many Members of Congress. Much of it is good and should do so. Much of it is bad and ought not to do so. That of it which is bad and leaves its influence leads us to represent special elements rather than the great body of citizens. If it has its effect in legislation, rule by small minorities is the result, leading to governmental extravagance, and oppressive, oftentimes most injurious governmental interference with honest industry. And quite as unproductive of enduring benefit have been the results of legislation procured or attempted to be procured by arraying a section or sections of the country against others which, when weighed for the country as a whole, retard our national progress and diminish our national prosperity. So general has this tendency become in the last decade, so many are the special groups and interests desiring to be served, that Federal legislation has come to be viewed as a panacea or cure-all for social and industrial ills of every description, resulting, as inevitably it must do because of certain failure to accomplish all that was anticipated, in destroying the efficiency of the Government and in disrespect for and intolerance of its established institutions. We have been engaged in a legislative debauch from which we must emerge clear-headed, capable, and determined to substitute legislative temperance and sanity for legislative license.

This is distinctly not a party issue. If it were, political preventives could and doubtless would have been applied ere the pendulum had swung so far. Representatives of both parties have erred, and the people of the country have contributed by being accessories both before and after the fact. While the American Congress has been the mark of most critics in this respect, the same tendency has exhibited itself, even to a more marked degree in some respects, in State and municipal governments. While the national expenditures have lately been largely reduced and substantial reductions have been made in the national debt, we have witnessed a steady increase in the cost of local government to such an extent that much of the benefit that should have been derived from congressional action has been lost. High taxes constitute quite as great a drain on the pocketbooks of business or of agriculture or of labor, whether they are paid to one governmental agency or another. Combined with this apparent extravagant use of the people's money is the same tendency on the part of special interests to require our local governments to meet responsibilities which they were not designed to meet.

There are duties which belong alone in the American home which can best be performed there and not in a legislative council or in Government bureaus. So there are duties which were designed to be performed and can best be performed, each in its proper sphere, by the municipality, the county, the State, and the Nation. Through thought and experience you can help us to effect a much-desired harmonious adjustment between the Government and those it protects. That eternal vigilance is the price of liberty is quite as true to-day as it was a century or more ago. It is liberty under law which we have inherited. It is such liberty we seek to preserve.

There is no Representative in Washington who does not welcome your well-considered opinion on matters of public import. But that we may not be misled into the dark and dangerous avenues of governmental folly, let your voice when it speaks be that not of one from the North, the South, the East, or the West; not of the rich nor of the poor, not of the weak nor of the strong, but that of an American citizen, having community of interest with all other American citizens, and desiring to translate this community of interest into community of political action in order that the general welfare may be supreme.

I am convinced that in the National Capital the return to legislative sanity is well under way. Under the leadership of a President who possesses common sense and ability to perceive that which is essential for the public interest, the Congress is pursuing a course which can not fail to restore whatever measure of public confidence may have been lost. Tremendous pressure for group and sectional legislation, detrimental to the general welfare, continues to persist. That pressure the Sixty-ninth Congress thus far has had the strength in large measure to resist. More than 16,000 pieces of legislation have been introduced for our consideration, of which perhaps 6,000 relate to matters of public

concern and which, if passed, would extend the hand of the Government into practically every line of human activity, create a bureaucracy which would quite destroy our democracy, and plunge us into a sea of expenditure almost without limit. Out of this mass, after nearly six months of diligent application to duty, there have been enacted about 275 public laws. Most of such measures as have become law can not fail to improve the condition of all our people. It is your hope and mine, and my conviction also, that when we shall have adjourned it will be found that we have adhered in our legislative action to those principles upon which the security of our Nation rests—that the Government of the United States has been created by the people, that it is responsible solely to them, and that its efforts will be of little or no avail unless day by day there is brought to the hearthstones of a self-reliant and independent people a greater abundance of justice, enlightenment, prosperity, and content.

WORLD COURT, NATIONAL DEFENSE, AND PEACE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address I made last night on the "World Court, national defense, and peace."

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, where did the gentleman make the speech?

Mr. HILL of Maryland. I made it before the Reserve Officers' Association of Maryland in Baltimore.

Mr. CONNALLY of Texas. Is it a good speech?

Mr. HILL of Maryland. I hope that the gentleman will find it an excellent speech. [Laughter and applause.]

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ADDRESS OF REPRESENTATIVE JOHN PHILIP HILL BEFORE THE RESERVE OFFICERS' ASSOCIATION OF MARYLAND, AT ITS ANNUAL DINNER AT THE ELKS CLUB, BALTIMORE, MD., 6.30 P. M., THURSDAY, MAY 27, 1926

Mr. HILL of Maryland. The policy of the United States is peace. President Roosevelt, to me one of the greatest Americans who ever lived, said, "Nobody wants war who has any sense." He also said, "Let this Nation fear God and take its own part * * *. Let it exercise patience and charity toward all other peoples and yet, at whatever cost, unflinchingly stand for the right when the right is menaced by the might which backs wrong. Let it, furthermore, remember that the only way in which successfully to oppose wrong which is backed by might is to put over against it right which is backed by might."

The policy of the United States is peace. Nobody wants peace more than the members of the Reserve Officers' Association. Nobody wants peace more than we who are part of the organized reserve system of this Nation, which provides six field Armies, 2,000,000 men, to defend our national ideals should the occasion ever arise. We want peace, and we who knew the gas-filled areas of the battle fields of France, we who knew the wet and cold and shrapnel and machine-gun fire and the other terrors of modern warfare, want peace more than any other section of the American people.

There exists a queer theory among certain minority elements of this Nation, that because a man or woman served in the past war, or because a man or woman is now enrolled in the national defense system of this country as ready to serve should another war arise, that such man or woman is a "militarist," eager to wade into the muddy trenches and the bloody ditches of combat. Such a theory is absurd and untenable. Nobody who has ever known real war wants to come near its horrors again, but, as President Roosevelt said, had it not been for those, "from the hammer of Charles Martel to the sword of Sobieski," who, in the Middle Ages, were willing to undergo the horrors of war to drive back from Europe the onslaught of the Asiatic hordes, nobody would be to-day in a position in this country to discuss "social values" or to discuss, as an academic question, how the peace of our civilization might be maintained.

The policy of the United States is peace. It is the policy of the Reserve Officers' Association just as much as it is the policy of various peace societies. Certain "peace societies" advocate the abolition of national defense, and look to "international conciliation" to maintain peace. They oppose our Reserve system and claim that our adherence to the World Court will do away with the possibility of war and make national defense unnecessary. I wish they were right, but they are not. I enlisted as a private in the National Guard 21 years ago. I served on the Mexican border and at Verdun. I am to-day in command of a Reserve Cavalry Regiment. If war comes, I go. I have a wife and three little children and a home I cherish. Nobody wants war less than I do. If I thought our entrance into the World Court would lessen chances of war, I should favor our adherence with all the vigor and enthusiasm I possess. To me, however, the World Court means more, not less, chance of our getting into war, because the Senate voted down the following, the Moses reservation, to our entry into the World Court:

"6. That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever."

Which will maintain peace, the World Court or adequate national defense? This Union was formed to "insure domestic tranquility" and "to provide for the common defense." Defense was a chief object. The total cost of the Federal Government for the year 1800 was $10,786,075. Of this sum, vast for so small a nation, more than one-half was spent for national defense—$3,448,716 for the Navy and $2,560,879 for the War Department, a total of $6,009,595.

The present session of the Sixty-ninth Congress voted as an appropriation for the Army for the fiscal year ending June 30, 1927, $263,948,856.16 and as an appropriation for the Navy for the same year, $319,650,075.64, making a total of $583,598,931.80 appropriated by this Congress for national defense for the next year. The total amount, so far, for the regular annual appropriation bills for next year is $2,528,000,000, so that the cost of current annual national defense to-day is less than one-quarter of the cost of the Federal Government instead of more than one-half as it was 126 years ago. If we add to the expenditures for next year about $1,393,000,000 for permanent appropriations (interest on public debt, sinking fund, etc.), the total annual cost of the Government next year will be $3,921,000,000. Of this sum the current annual cost of national defense is less than one-seventh to-day as compared with more than one-half 126 years ago.

The Senate of the United States in this session of the Sixty-ninth Congress voted that the United States should become a member of the court of the League of Nations, which court is generally known as the "World Court." The people who advocate the maintenance of an Army and a Navy for national defense, as well as the people who advocate the World Court as a panacea, both believe they are working for peace, and they are both actuated by laudable motives, but, to me, the World Court can not bring peace any more than the League of Nations, its master, has brought peace in Europe. I therefore voted against the entrance of the United States into the World Court when, on March 3, 1925, the Burton resolution, pledging the United States to entry into the league's court, was voted on in the House of Representatives. I voted for and helped in the passage of the appropriations of $583,598,931.80 for the national defense when the Army and Navy appropriation bills came before this session of Congress. When I voted against the World Court, I considered that I was voting for peace. When I voted for the national defense appropriations, I considered I was voting for peace. Let us consider the relation of our plan of national defense to peace, and the relation of our proposed entry into the World Court to peace.

Let us first consider the World Court. What is it, and what can it do to preserve peace? President Roosevelt said, "One of the besetting sins of many of our public servants (and of not a few of our professional moralists, lay and clerical) is to cloak weakness or baseness of action behind insincere oratory on behalf of impractical ideals. The true servant of the people is the man who preaches realizable ideals; and who then practices what he has preached."

The World Court is a subsidiary of the League of Nations. The avowed purpose of the League of Nations was to create a superpower.

In the campaign of 1920 I opposed the entrance of the United States into the League of Nations because of this. October 7, 1920, I said at the Active Republican Club of the second ward in Baltimore—

"In reference to the League of Nations, Mr. Wilson said (S. Doc. 389, February 15, 1919), 'Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But this is the last resort, because this is intended as a constitution of peace, not as a league of war.' I do not doubt that Mr. Wilson, with his lofty but impractical theories, believed that his League of Nations would be 'a constitution of peace,' but an examination of the covenant of the League of Nations, dealing so extensively with armaments and the pecuniary resources necessary for armaments, gives it more the appearance of a hard-and-fast 'league of war.'"

The people of the United States, after mature consideration, by a majority of over 7,000,000, repudiated the attempt to violate the parting injunction of President Washington and entangle the United States in foreign alliances. The World Court is the subsidiary of the League of Nations. The American people decided that the cause of world peace would not be advanced by the entrance of the United States into the League of Nations. How, therefore, can the cause of world peace be advanced by the entry of the United States into the subsidiary of the League of Nations?

The United States Government is divided into three sections, each section independent and essential—legislative, executive, and judicial. No government without a judiciary and an executive department can function. No government, municipal, county, state, or national, can function without courts; but no court of any sort can function without a marshal, sheriff, or some other officer backed by armed force to carry out the decrees of the courts. All of our courts in the United States are backed by armed force. The decree of the United States district court has behind it the United States marshal and his deputies, and behind them are the Regular Army and the National Guard of the

Nation. The decrees of the State courts have behind them the sheriffs and deputy sheriffs of the State and in certain cases the National Guard of the State. It is not often necessary to use armed force, but the power of the court is based upon the armed force behind it. The World Court has behind it the armed force of the League of Nations. If it has not this armed force behind it, it is valueless, not only to the countries that are members of the League of Nations, but even to a country which might enter the World Court as an honorary member, which is what the Senate has voted that the United States do. The World Court is either backed by the armed force of the league, or it is not so backed. If it is not so backed, it offers no more prospect of helping to bring peace to the world than does the already existing Permanent Court of Arbitration now existing at The Hague, of which the United States is a member. I have always advocated the membership of the United States in The Hague tribunal, but I have with equal persistence opposed the entrance of the United States into the World, or League, Court.

The United States appropriated for its national defense for the next fiscal year $583,598,931.80. It has, under the plan of national defense, six field armies, 2,000,000 men, in reserve. Should the need arise, you gentlemen will be the officers of that reserve defense force. God grant that the need may never arise, but the existence of this national force is one of the strongest guarantees that that need will never arise. We spend enormous sums in this Nation for maintenance of fire departments in cities and hamlets. We do this as protection against fire. We are spending enormous sums for the Army and the Navy for national defense. We do this as an insurance of peace. You and I believe that the best guarantee of peace is adequate preparedness to maintain the ideals of this Nation. Let us examine the World Court, which so many people in this Nation sincerely believe to be a panacea for all the ills of the world. The Permanent Court of Arbitration at The Hague did not prevent the last war. The World Court, a subsidiary of the League of Nations, is more likely to bring war than to prevent war.

There are fundamental differences between the Permanent Court of Arbitration at The Hague and the Permanent Court of International Justice of the League of Nations, the "World Court." The Hague tribunal is a Court of International Justice, which represents the sovereign nations directly. The World Court is a tribunal which does not represent the sovereign nations directly, but represents a superpower, which is a political and moral intermediary of the sovereign nations, and which is the League of Nations. All objections to the entry of the United States into the League of Nations apply to the entry of the United States into the World Court, if our entry means anything more than an idle gesture. If our proposed entry means only an idle gesture, it can in no possible way help to bring peace, but will serve to encourage war.

Any sort of entrance of the United States into the World Court means our entanglement in the political fields of Europe. It also means the surrender by us of the Monroe doctrine, regardless of the attempted reservations, because our theory of the Monroe doctrine and the international theories of the World Court on such matters as the Monroe doctrine are totally and absolutely irreconcilable. The United States can not adhere to the World Court without adopting the code of international law of the League of Nations. It is incontrovertible that the covenant of the League of Nations does away with present international law wherever it comes in contact with it. No reservations could possibly be adopted preventing the United States from becoming morally liable for the doings of the League of Nations through the League Court; otherwise the members of the League of Nations would not wish to have the United States become a member of the World Court.

The World Court was created by the Versailles treaty, which calls it the Permanent Court of International Justice of the League of Nations. The statute creating the World Court was adopted by the Council and Assembly of the League of Nations. The membership of the League of Nations is the same as the backers of the court. The court is elected by the Council and by the Assembly of the League of Nations. It makes its annual report to the League of Nations. According to the fundamental law of its creation, the Versailles treaty, it gives advisory opinions upon all sorts of political or other disputes. This is not a judicial function such as is executed by The Hague tribunal, the Permanent Court of Arbitration, but is entirely a political matter.

How is the World Court selected? The power that appoints is always the power that controls. The League of Nations appoints the judges of the World Court.

The protocol or treaty, which the Senate has pledged us to sign and which takes us into the World Court, states, "The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by unanimous vote of the assembly of the league on the 13th of December, 1920, at Geneva. Consequently they hereby declare that they accept the jurisdiction of the court in accordance with the terms and subject to the conditions of the above statute as passed by the assembly of the league. The said protocol shall remain open for signature by the members of the League of Nations and by the states mentioned in the annex to the covenant of the league. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretary of the League of Nations."

The Hague tribunal is a permanent independent court. The World or League Court is not an independent court, because it could not exist apart from the League of Nations any more than the United States District Court for Maryland could exist apart from the United States or the criminal court of Baltimore could exist without the State of Maryland. Suppose, for instance, that Europe should become socialistic or communistic, what would become of the World Court? The treaty of Versailles, article 418, provides that the World Court might apply "economic sanctions" to any country violating any international labor covenant. What does this mean? It means that the World Court has the power to order a blacklist or boycott of any country because of labor questions. If any possible power is likely to breed war, it is such a power as this. The covenant of the League of Nations, by several sections, provides that certain of the World Court's decisions may be enforced by the Council of the League of Nations. They might be enforced by any method the council adopts, and they might be enforced by resort to war. The proponents of the entry of the United States into the World Court voted down the reservation offered by Senator MOSES, which I have quoted above, preventing the resort to war. It is worth repeating:

"6. That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever."

At present the French are waging war in Syria, and they recently shelled Damascus. At present the French and the Spanish are waging war against the Riffs, who are seeking their independence. Suppose the United States were a member of the World Court and the World Court rendered, as it very properly might, decisions in reference to these matters. The United States would most certainly be morally bound, no matter what reservations it had made.

We have to-day the Permanent Court of Arbitration at The Hague, which is qualified to settle any international questions submitted to it. It is not a political court. The World Court is a direct subsidiary of the League of Nations, very proper and very essential to the League of Nations, just as the Supreme Court is proper and necessary to the United States. I have no objection and nothing but praise for the World Court as the league's court; but it will not help the permanent peace of the world for the United States to become a member of this court any more than it would for the United States to become a member of the League of Nations.

I believe in The Hague tribunal. I believe in every effort for peace; but I believe in America first, no World Court, and home rule for city, county, State, and Nation. I believe in a strong system of national defense. I believe in the reserve system of six field armies with 2,000,000 men if the need arises, and I am glad that you and I are willing to be reserve officers of the United States as an integral part of its national defense. I hope, however, that none of us shall ever take the field except for peace-time maneuvers.

The mothers of America, always willing their sons should bear their part in national defense, know that the World Court is only a back door to the League of Nations.

My own views on this matter are the same as they were in 1919, when the League of Nations was the most important question before the world. I desire in closing to call to your attention an article from the Baltimore American of this morning, which is as follows:

"HILL SEES MARYLAND TEST ON WORLD COURT QUESTION

"(Definite assurance that a test of public sentiment on the World Court will be made in Maryland is contained in the declared intention of Congressman JOHN PHILIP HILL to be a candidate for Republican nomination for United States Senator. HILL is against the court. He will oppose Senator WELLER, who voted for the court. HILL tells in the following article why he is against the court and why his opposition will be the primary issue of the campaign.)

"By JOHN PHILIP HILL, Member of Congress, candidate for Republican Senatorial nomination in Maryland. Written expressly for Universal Service

"'I believe in "America first," no World Court, and home rule for the city, county, State, and Nation.

"'These have been the principles that I have followed in the House of Representatives by my votes, influence, and speeches, and these are the principles I shall continue to follow in whatever capacity I may be serving.

"'On Friday, January 15, 1926, one of the Members in debate with me referred to the World Court as "the heart of the League of Nations." I replied that I had voted against the entrance of the United States into the World Court, "the heart of the League of

Nations," as he had called it, when the matter came up in the last Congress.

"'Many people do not recall that on March 3, 1925, the House voted on the Burton resolution pledging the United States to enter the World Court. I voted against the Burton resolution. The people of Illinois recently repudiated the League of Nations Court by nominating a candidate to the Senate on an anti-World Court platform by an overwhelming majority. The voters of Indiana took a similar position in renominating Senator WATSON, who opposed the court in the Senate, and I believe that the people of Maryland are equally opposed to this country becoming entangled in this foreign organization.

"'Both Presidents Harding and Coolidge were elected by overwhelming majorities because the Republican Party platforms declared emphatically against foreign alliances. In spite of this, the Senate has voted American adherence to the World Court, but it is not too late to correct this action.

"'We should get out of the League Court as quickly as possible, and I am in favor of taking such steps as may be necessary to accomplish that. The World Court is the league's creature. Recent events in Europe have proved the inability of the League of Nations to bring about that millennium which its adherents promised. America's interests and those of Europe are not yet along similar lines.'"

I know that you reserve officers, pledged to adequate national defense as a means to maintain peace, feel as I do, that the World Court is more likely to bring war than peace.

A BRIEF REVIEW OF THE BUSINESS SIDE OF THE UNITED STATES GOVERNMENT

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, the biggest business enterprise in the world is that of the United States Government. The Congress is the board of directors, so to speak, and the manager in a way. The two most important functions of the Congress are:

First. Appropriating the money for the conduct of the various enterprises of the Government.

Second. Raising the funds which are required for the conduct of this great business enterprise. This is done principally through the internal revenue and the tariff acts.

The books are balanced for the fiscal year ending June 30, 1925. The estimates are made and money mostly spent for 1926, and appropriations are now made for 1927.

Look at the figures for 1925. They are interesting, showing as they do what it costs to run this vast Government of ours for a year. In these figures I will include receipts and expenditures in the Post Office Department. They are usually left out of such comparisons:

For 1925

Total receipts	$4,379,740,162.01
Total expenditures	4,129,234,923.68
Surplus	250,505,238.33

Two big items of expenditures are the Post Office Department and the public debt. These items in 1925 were as follows:

Debt retired from ordinary receipts	$466,538,113.83
Interest on public debt	881,806,662.36
Post office service	622,808,261.17
Total	1,971,153,037.36

This leaves the sum of $2,158,081,886.32 as the cost of all other functions of Government, including that paid out for pensions, Veterans' Bureau, adjusted compensation, and so forth. This last item will be separated and apportioned to the several departments and activities of Government as we go along.

It is up to Congress to find the money and to apportion it out through the many branches of the service by appropriation acts. In doing this the Congress is aided materially by the Bureau of the Budget.

When the Congress met in December it had before it a—

Message from the President of the United States, transmitting the Budget for the service of the fiscal year ending June 30, 1927.

Here it is before me, a great book, 9 by 11 inches in size, containing 1,350 pages. It gives reports and costs of Government in greatest detail, showing expenditures and receipts for the year 1925, which has closed, making estimates of expenditures for 1926, which has been appropriated for, and recommends items for appropriations for the year beginning July 1, 1926, and ending June 30, 1927.

The Congress, beginning with the Sixty-sixth when the Republicans came into control after the war—in 1919, in fact—has taken the lead in forcing economy. The Republican Congress is responsible for the Budget system. The Republican Congress passed the act establishing the Bureau of the Budget. The Congress fully realizes the danger of dictatorial power of the Bureau of the Budget. But the Congress believes that the advantages and benefits of the Budget are unquestioned and overcome the disadvantages. And the Congress has the last word. The Congress can look over the estimates submitted by the Budget and then do as it pleases with the appropriations. So far the Congress and the Budget have worked together harmoniously to the great advantage of the country and the taxpayers. And always without fail the Congress has reduced the total amounts appropriated below those recommended by the Budget.

As I have said before, I say again that the Congress is the most economical branch of this great Government—and the Republican Congresses in the last seven years have saved the country billions of dollars—by reducing expenditures and taxes.

We might go a little farther and say that the Appropriation Committee of the House of Representatives is the real outstanding factor in forcing economies. This committee has inaugurated and stood for economies far beyond the recommendations of the Budget and has forced them through the Congress.

WHERE THE MONEY COMES FROM

Before the money can be spent it must be provided for. So we will take a look at the receipts of the Government for 1925:

Receipts for 1925

Income and profit tax		$1,760,537,823.68
Miscellaneous taxes:		
Estates	$101,421,766.20	
Gifts	7,518,129.32	
Spirits and liquors	25,904,774.72	
Tobacco	345,247,210.96	
Stamp tax	49,331,784.18	
Autos, parts, tires, etc	124,686,745.30	
Jewelry, etc	9,673,415.59	
Corporations' capital stock	90,002,594.56	
Admission to theaters, etc	30,907,809.09	
Other items	43,943,837.98	
Total miscellaneous revenue taxes		828,638,067.90
Customs under tariff act		547,561,226.11
Post-office receipts		599,591,477.59
Miscellaneous receipts		643,411,566.73
Total		4,379,740,162.01

This last item, "Miscellaneous receipts," produces a good deal of revenue from sources not known much about. Here are some of the items which make up this large sum: Interest from foreign governments, $137,898,316; other interest items, $69,952,000; sale of Government property, $26,190,551; the public domain, from sale of public lands, oil leasing, forest reserve. National park, and so forth, turns in $16,566,146. The Panama Canal tolls run up to $23,089,957. Government life-insurance fund, premiums, and interest amount to $44,069,916. Consular and passport fees, $7,448,255. Fines under prohibition act amounted to $5,359,672. Immigration head tax, $3,197,265. Patent Office fees, $2,962,653.

SPENDING THE MONEY AND WHERE IT GOES

The Congress does not spend the money—not much of it. But the Congress does have to decide where and how the money may be spent. The Congress must appropriate all of the money for all of the departments of and expenditures made by the Government, and this is not done as simply as it sounds. In fact, the average bureau chief thinks there is a good deal of red tape about getting his item in the bill, and before the bill is written, and after it is written but before it becomes a law, every item is scrutinized under a microscope, so to speak, by numerous people in the Bureau of the Budget and in the Congress.

Unquestionably the Bureau of the Budget has a great influence in bringing down expenditures, but as a matter of fact the Congress for the past seven years has been a most economical body and has never yet appropriated as much money as the Budget has recommended. The Congress has accepted the bureaus' economies and has gone the Bureau of the Budget a few millions better by cutting off a few more millions.

Appropriation bills originate in the House of Representatives and must be reported out by the Appropriations Committee before they can be considered in the House. This important committee, of which I have been a member for four years, is composed of 35 members. I can say for it that it is a hard-working committee, made up of men who take their jobs seriously, and that the committee shows no favor, plays no politics, and perhaps has justified the frequent comment that it is "hard boiled." This committee has certainly done the country a great patriotic service by holding appropriation bills down and helping to make liberal tax reductions possible.

The Appropriations Committee of the House usually meets a few weeks in advance of the meeting of Congress. It finds the recommendations of the President and the Bureau of the

Budget ready for consideration. The Budget is made up and is contained in the 1,350-page book I have referred to before.

It has required months for the Director of the Budget and his 40 aids to work out the program of Government expenditures proposed here. The President has indicated to the Director of the Budget his financial policy, intimating the total amount expenditures should be kept within. The director has had many department heads and others before him in an effort to help keep the demands of the several departments down and to spread the money available out among the numerous activities to the best possible advantage.

A SHORT HISTORY OF AN APPROPRIATION BILL

Here is a short history of an appropriation bill.

The Budget is taken up by the Appropriation Committee of the House. Skeleton bills are printed along the line recommended by the Budget for each of the several departments of the Government. These bills are referred to subcommittees. There are subcommittees for each department, the Army, Navy, Agriculture, Interior, Treasury, Post Office, and so forth.

We will follow the Navy bill through. It is referred to the subcommittee on the Navy. Committee is made up of five members, three Republicans and two Democrats.

The subcommittee has before it the estimates of the Budget in great detail. Before these estimates were finally ready to be submitted many conferences had been held between Budget officers and Navy officers. The original figures suggested by the Navy have been squeezed down considerably. The President has suggested a grand total for the year's appropriation, and the total sums asked for by the several departments often far exceed that. So a systematic squeezing and eliminating process is necessary on the part of the Budget, and all departments are pinched here more or less.

The Navy subcommittee begins daily meetings about the middle of November, and it is well into January before the bill is finally approved and ready to be reported out.

These seven or eight weeks are taken up in hearings. The Secretary of the Navy, the Assistant Secretary, the Chief of Operations, heads of bureaus and departments, admirals, captains, commanders, and experts in many lines come before the committee and discuss policies and operations and endeavor to justify the amounts of money estimated for their bureau, service, or activity. No employee of the Government can ask the Congress for more money than is suggested by the Budget. He is forbidden to do so by the President. And he has to make a pretty good showing before the committee to get as much as the Budget suggests. The amounts are frequently cut down. The totals for the department are usually cut down.

After the subcommittee has heard everybody interested a book of hearings is printed. The hearings on the Navy bill make 928 pages. It is a pretty good compendium of information relating to the Navy. Each subcommittee is working in the same way. Hearings are printed for each bill.

After the hearings are over the subcommittee takes a few days to write up the bill and arrive at the amounts it will recommend to the House. Then the bill is presented to the whole Appropriation Committee for discussion and approval. It is usually approved and reported out.

The bill then comes up in the House in its regular order. It usually requires from three to six days to pass an appropriation bill in the House. There is much debate and many speeches. Question of policy, number of men, number of ships, number and class of airplanes, pay and allowances, submarines, airplane carriers, guns, and ammunition are discussed.

Some amendments are sometimes offered on the floor, but few amendments are adopted to an appropriation bill. The Appropriation Committee has the confidence of the House and the bills go through pretty nearly as written.

After the bill passes the House it goes over to the Senate, where it must go through the same procedure as in the House. Often appropriations are raised and items are added in the Senate. There are many questions on which people differ. How many men should the Navy have? The House says 82,000. The Senate says 83,000. How much should be appropriated for fuel? The House says $13,000,000 will do. The Senate says $14,750,000 is necessary. And differences appear in many little items—perhaps 150 differences in all.

So the bill goes to conference. That is, the subcommittee of the House and the subcommittee of the Senate meet and discuss these differences. They can agree on many little items easily. The House gives up some and the Senate gives up some. On the big items there is much argument. The Senators are firm and the House Members stand pat. There are many meetings. The conference stretches out over two months, with occasional meetings. The session grows near the close. Both sides are weary with much argument. Finally a Senator says, "Let us split the difference." It is done. They agree on 82,500 men and $13,900,000 for fuel and split up some other little items and report the bill back as agreed upon. Both Houses accept the conference report without much argument, and the bill is passed.

It then goes to the President for signature and becomes the law.

This, in brief, is the history of all appropriation bills. The bill as finally adopted reflects the calm judgment of the Bureau of the Budget, two appropriation committees, the two Houses of Congress, and is approved by the President. It is a good deal harder to get items into the appropriation bills for local benefits than it used to be. The Budget system and the big Appropriation Committee of the House are saving the country a lot of money.

APPROPRIATIONS MADE FOR THE SEVERAL DEPARTMENTS AND SOME OF THE INTERESTING SERVICES RENDERED

The appropriations made by this session of Congress for the fiscal year ending June 30, 1927, will amount to about $3,960,000,000. It may interest you to know how this vast sum of money is split up among the different departments and independent establishments of the Government. In giving you these figures we will learn something about the numerous activities and services rendered by the Government and what a lot of them, some of which you may never have heard, perhaps, cost to operate.

POST OFFICE DEPARTMENT

For the Post Office Department and the Postal Service the appropriation for next year amounts to $735,038,331. Look at the figure. It is about three quarters of a billion dollars. Just about the total cost of running the Federal Government in 1914 outside of the Postal Service. The post-office service cost $697,067,449 in 1926, and $639,422,451 in 1925. But go back to 1914 again. It cost only $283,543,769 to run the Postal Service that year.

These increasing amounts do not indicate extravagance, but do indicate growing business, additional service, and increased pay for postal employees.

The Postal Service is practically self-sustaining. The people who use the Postal Service pay the bills. It lost about $24,000,000 in 1926, and will lose about the same amount in 1927.

The average stockholder in this great Government of ours knows little about many of its departments and activities. But most every man, woman, and child knows more or less about the Postal Service. It is the one branch of the Government that reaches out and comes in contact with and renders service to practically every one of its 117,000,000 inhabitants.

It is the penny side of the business that most of us come in contact with. We buy postage stamps by the few cents or a dollar or two at a time. Yet these sales of stamps mount up in the end and produce most of the revenue that pays for running this gigantic organization costing over $735,000,000 a year.

Where does the money all go? What in the world can the Postmaster and the service use; that altogether costs three-quarters of a billion dollars in a year?

Well, here are a few items that may interest you:

Wrapping twine, and so forth, costs $470,000. The department wanted $480,000 and the Budget allowed that amount, but the Congress cut it down. The post-office boys must economize in the use of string. If your postmaster is a little shy on wrapping twine next year you can blame the Congress for it.

The stationery costs $919,000, which would be a good, big yearly order for any print shop.

It costs $7,750,000 to print the postage stamps, stamped envelopes, postcards, and newspaper wrappers.

For mail bags and their repair the sum of $2,000,000 was appropriated.

The star-route service, where the mail is transported to or between post offices off the railroads, costs $13,100,000.

It costs about $113,500,000 to have the mails hauled by railroads and $1,550,000 by steamboats.

It costs $60,936,121 for the service performed by the railroad mail clerks, most of whom sort and route the mails on the trains.

You like to have your mail delivered at your front door every day, or several times a day. Well, it costs $116,600,000 to pay salaries to your letter carriers. Occasionally you send or get a letter by special delivery. The boy who delivers the special delivery letter to your door gets 8 cents for bringing it. It will require $8,600,000 to pay these boys to carry these special delivery letters next year at 8 cents per call.

In this modern day the farmer gets almost as good mail delivery service as the city man. More than 45,397 rural routes run out through farming sections covering 1,249,504 miles.

These rural route carriers will be paid approximately $105,600,000 for next year. This remarkable service was started only 29 years ago. The service and expenditures have been just about doubled in the last 10 years.

The Air Service is the latest development for rapid transportation of the mails. A line of airplanes carry the mail between New York and San Francisco. This service is more or less experimental. It costs $2,650,000 a year, and $2,000,000 is being appropriated for contract air-mail service in other sections.

In New York City mail is sent across and under the city through pneumatic tubes, similar to the pneumatic-tube cash-carrying system in some department stores. This service costs $550,373.

It costs $51,250,000 to pay the salaries of postmasters, $7,150,000 to pay the assistant postmasters, and $163,650,000 to pay clerks and employees in first and second class offices. Clerk hire in third-class offices is about $8,650,000.

One of the smallest items in the bill is that of $2,500 for rewards for inventions. It is designed to pay employees who invent some device which will save time and money in the handling of the mails. It is a deserving item and the rewards paid are probably far too low in many instances.

It costs $8,000,000 to carry the mail in ships to foreign lands and $170,000 for star-route service in Alaska.

There are many other items of expense which go to make up the total and pay for the best postal service on the globe, but these give a pretty good idea of the magnitude of the enterprise.

The postal establishment of the United States renders a wonderful service at low cost. It picks up the Christmas greeting card or a banker's business letter or a big fat love letter in Honolulu, carries it across the sea to San Francisco, across the country to New York, across the sea again to London, and it is delivered safely somewhere in the heart of old England all for the small price of 2 cents. Can you beat that for a big service at a small cost?

WAR DEPARTMENT

The appropriation for the War Department for next year is $342,609,611.16. This is divided up thus: For military activities, $263,948,856.16, and for nonmilitary activities, $78,660,755.

A good deal of money for peace times. But not half as much as some enthusiasts would have us spend. The Congress is between two fires. One class of citizens would have us cut the Army Establishment down to a minimum. Another class would enlarge it greatly. During the discussion of this bill Members of Congress received thousands of telegrams from citizens asking for enlarged activities and increased appropriations.

The Congress has endeavored to do the safe and sane thing and to keep the enormous expense of the Military Establishment from growing unduly in peace time.

The size of the Army is limited by the appropriation bill to a maximum of, and not to exceed, 12,000 commissioned officers, 125,000 enlisted men, and 8,000 Philippine Scouts. The average number in the Army will be about 11,749 officers, 118,750 men, and 7,000 Philippine Scouts.

In addition to the Regular Army there are 186,000 officers and men in the National Guard, for which $30,746,943 has been appropriated. There are about 97,000 officers commissioned in the Reserve Corps, for which department $3,721,300 is appropriated. And about 120,000 young men in schools and colleges are receiving training in the Reserve Officers' Training Corps, costing $3,911,493. In addition to all of these there are the Citizens' Military Training Camps, giving training last year to 33,681 and for which there is appropriated for next year the sum of $2,807,471. And, again, $56,700 is allowed for promoting of rifle practice in civilian circles.

There are, naturally, some large items of expense in connection with an Army of this size. The food bill is $16,109,908 and the clothing bill is $5,101,916; for the medical department $1,280,932; Air Service, $15,256,694; United States Military Academy, $2,841,439.

In the nonmilitary activities are some interesting items. The Panama Canal costs $7,656,074, but we get back about $14,000,000 a year more than we spend down there. National cemeteries cost $777,860 and national military parks $216,104. The sum of $50,200,000 will be spent on rivers and harbors and $10,400,000 for flood control. For national soldiers' homes $8,255,100 is included.

NAVY DEPARTMENT

The amount appropriated for the Navy Department for next year is $321,794,475. That is $19,000,000 more than was appropriated for the past year. But the amount the Congress gives the Navy for next year is $1,294,955 less than the Budget estimates.

The big item in the bill is pay of the Navy, which amounts to $119,863,000. This provides for about 4,837 officers and 82,500 men. Provisions cost $19,207,000. Fuel, $13,950,000. For new construction of vessels, $28,275,000. Air Service, $18,996,288. To modernize battleships, $7,500,000. Marine Corps, which includes about 1,095 officers and 18,000 men, $23,220,347.

The American Navy has a glorious history back of it. It has distinguished itself in every war in which America has been engaged, and America has never been engaged in any war except to safeguard and enlarge human liberty. The American Navy has never been used for conquest nor reprisal.

In peace times the Navy carries the American flag through all seas and to foreign lands, has served on errands of mercy in world-wide catastrophies as recently in Japan and Smyrna, and it upholds the dignity of America abroad.

The Navy costs money. But it is necessary and one of the best navies in the world. It has only one near equal. It is a protection in times of war and a comfort in peace times. It is perhaps the best insurance policy the country carries, and its cost is not to exceed one-twelfth of 1 per cent of the national wealth.

Talking about insurance. While the Army and Navy have large functions to perform in peace times and could not be dispensed with by any means even without thought of danger of future wars, still the total cost of maintaining the Military Establishments might be charged up to insurance. The annual cost of all—Army and Navy both—amounts to only about one-sixth of 1 per cent of the physical value of the Nation's wealth, not counting "life, liberty, and the pursuit of happiness." A pretty low rate as insurance rates go.

INTERIOR DEPARTMENT

The Interior Department gets $226,332,918 of the appropriation for 1927. This is about $7,800,000 less than it was for 1925. As a matter of fact, a large part of this sum goes for pensions to the veterans of wars previous to the great World War.

The Interior Department has to do largely with the Western States, since the public lands are there, and most of the Indians. The reclamation projects and the national parks are mostly in the West but they are open to and operated for the benefit of the public at large. Checks that go out from the Bureau of Pensions are cashed in every hamlet, village, and town in the land and the Bureau of Education serves the people of the Nation as a whole.

Here are some of the principal services rendered through this department, and the amounts appropriated for each service:

For pensions	$193,921,000
General Land Office	2,342,000
Bureau of Indian Affairs	11,985,660
Reclamation Service	7,481,000
Geological Survey	1,819,440
National Park Service	3,698,920
Bureau of Education	864,100
Government in Territories	1,995,708
St. Elizabeths Hospital	924,000

The item for pensions of $193,921,000 appears large but it is on the decline. Pensions have been increased for Civil and Spanish War veterans. But the numbers are decreasing. The number of pensions was at its peak in 1902, when 999,446 veterans of all wars were on the pension rolls. That number has come down to about 503,524 now, not counting the great World War. The total paid out for pensions since the Government was established up to June 30, 1924, was $6,836,351,399, of which amount the sum of $6,427,106,586 went to veterans and widows of the Civil War. The cost of war runs long after the signing of a treaty of peace.

DEPARTMENT OF JUSTICE

If you have never come in contact with this department of the Government, be happy and glad. Stay away from it as long as you can. It is important and necessary. It is high class and noble in its administration; but when you come before some branch of, or tribunal under, the Department of Justice, you will probably need the advice and assistance of a lawyer.

Under the Department of Justice are the Supreme Court, the United States district courts, the Attorney General, United States district attorneys, the United States marshals, and the penal institutions. It has to do with the enforcement of law—with crime and claims.

It will cost $14,783,982 to maintain the Department of Justice next year and $5,173,505 for penal and correctional institutions. Here are some of the items: Salaries, Attorney General's office, $993,240. For detection and prosecution of crimes, $2,154,280. This item covers a multitude of sins: Fraud cases in connection with bankruptcy laws, $300,000 be-

ing collected and fines of $20,375 imposed. Enforcement of national motor vehicle theft act, 2,039 machines recovered last year and many thieves sentenced to penitentiary and fines imposed of $56,233. Since 1919 this department has recovered 8,626 cars, valued at $7,574,000. Antitrust violators fined $234,500. Bootleggers have been slow about paying income tax. The department has convicted a number and has forced the payment of over a million dollars for unreported income tax. Cases of bribery and corruption, domestic violence and peonage, impersonation, crimes on the high seas and in Indian and Government reservations, intimidation of witnesses, oil frauds, and so forth. In white-slave cases 528 convictions were secured. Cases growing out of the laws prohibiting lotteries, granting of passes on railroads, unlawful wearing of Army and Navy uniforms, and prize-fight films. Notable among the mail-fraud cases was the conviction of Dr. Frederick Cook, the pretended discoverer of the North Pole, and others for getting large sums of money fraudulently.

A million dollars was appropriated last year for investigation and prosecution of war frauds, part of which is available for next year. In the hasty settlements of war contracts large sums were paid to contractors which should not have been paid. More than $10,000,000 has been recovered in cash. About 108 cases are pending in the courts involving claims by the Government of over $77,000,000. Several hundred other cases are resting in the department.

Salaries in the Supreme Court, $237,046; for other judges, $1,350,000; United States marshals and deputies, $3,400,000; district attorneys, $1,334,000; fees of jurors, $1,575,000; fees of witnesses, $1,400,000. The prohibition law no doubt adds to these items.

Of penal institutions we have four—United States penitentiaries at Leavenworth, Kans.; Atlanta, Ga.; McNeil Island, Wash.; and a national training school for boys at Washington, D. C. They are all for men. Women prisoners have been boarded at State and county institutions. The Federal Industrial Institution for Women is being built at Alderson, W. Va. It will care for 500 women. It costs $5,173,505 to maintain these prisons and support the prisoners. It is surprising how cheap the board is in a prison. At Leavenworth the subsistence last year cost only 18.72 cents per prisoner per day. The total cost for maintaining a prisoner, including guard hire, clothing, food, and all incidentals was 71.83 cents per day. Surely a cheap place to board. Board can be arranged for at State and county prisons at from 40 cents to $1 per day.

The Department of Justice makes a pretty good showing toward paying for itself. In 1925 the department expended a total of $23,646,000 and made a total collection for fines, judgments, war claims, and so forth, of $15,864,000. From the appropriation for 1926 it is estimated that about $8,000,000 is the proper proportion chargeable to prohibition enforcement, and that the fines collected for violations of the prohibition act will amount to about $5,000,000.

STATE DEPARTMENT

The appropriation for the State Department amounts to $16,616,932.64. This total was just $2,000 more than the amount carried in the bill when first reported out by the House Committee on Appropriations.

The State Department looks after our relations with foreign governments and through the Consular Service American commercial and manufacturing interests are aided and protected in foreign lands. The State Department has ambassadors or ministers in foreign capitals and consuls or vice consuls in all principal cities of the civilized world. People who travel in foreign lands can keep in contact with their home Government through these representatives, and commercial and manufacturing interests are promoted, protected, and aided in many ways through the Consular Service.

The State Department is one of the least expensive of the great departments of the Government and comes nearer paying its own way, next to the Post Office Department, by receipts from fees and charges for services rendered. More than $8,000,000 a year is turned into the Treasury by this department, and the benefits rendered to the Government and the commercial interests can hardly be estimated. It collects for services and fees about half what the entire department costs. More than half in fact, for out of this total appropriation $5,000,000 goes to the Republic of Colombia and $250,000 to the Republic of Panama, both on account of the Panama Canal. This leaves the net cost of the State Department standing at only $11,366,932.64. And it turns $8,000,000 back into the Treasury.

DEPARTMENT OF AGRICULTURE

This department gets $139,275,823 under the appropriation act for 1927. In 1925 it got $138,075,191. A big part of this sum goes for Federal aid to the highway system and for forest roads and trails.

The varied activities of the Agriculture Department are indicated somewhat by the different bureaus, and the amount appropriated suggests the large extent of service rendered. Here are some items in the appropriations for 1927:

Experiment stations	$3,238,540
Extension service	2,890,568
Weather Bureau	2,569,080
Bureau of Animal Industry	9,477,763
Bureau of Dairy Industry	495,094
Bureau of Plant Industry	3,908,055
Forest Service	8,285,507
Bureau of Chemistry	1,421,606
Bureau of Soils	588,480
Bureau of Entomology	2,625,168
Biological Survey	987,365
Agricultural Economics	4,746,397
Home Economics	127,244
Insecticide Board	200,795

And there are a lot of miscellaneous activities of benefit to agriculture here and there in one way and another that cost large sums. Here are several: Enforcement of plant quarantine act, $425,000; eradication of pink bollworm in cotton, $300,000; cooperative forest-fire protection, $710,000; experiments in livestock production, $85,000; packers and stockyards act enforcement, $440,000; grain futures act enforcement, $121,530.

LIBERAL FEDERAL AID FOR PUBLIC ROADS

For Federal aid to the highway systems, to be spent in connection with the States, the sum of $75,000,000 is carried in this bill. And the sum of $5,000,000 goes for roads and trails in the forests.

The Federal Government has been rather liberal in furnishing funds to be used in connection with the States for the development of public highways. It has furnished funds in as large amounts and as fast probably as can be wisely expended.

The money that is spent by the Forest Service is not all matched by local money. It is spent for development of roads and trails in and in connection with the national forests. So far the Government has appropriated $43,000,000 for these roads and trails.

The fund which is appropriated for Federal aid for the highway system is matched dollar for dollar or better by the States. For this fund the National Government has now appropriated the vast sum of $568,300,000. And the end is not yet. A large program is still ahead of us. Anybody who drives a car anywhere can see and appreciate the benefit that comes from this liberal policy on the part of the National Government.

The first Federal aid road act was passed in 1916. Since that time 58,000 miles of roads have been practically completed with Federal aid. As of June 30, 1925, the total mileage of public road constructed and under way was 61,129 miles. This mileage will have a total cost of $1,182,672,291, of which sum the United States Government contributes $517,997,101.

Colorado has had 863 miles of public roads constructed, for which the Federal Government has contributed $8,455,718.

DEPARTMENT OF COMMERCE

This is one of the growing young departments of the Government. It includes a number of interesting activities. The Patent Office and the Bureau of Mines have recently been transferred to it.

The total appropriation for the Department of Commerce for 1927 is $29,855,347.

The different activities and bureaus in this department are indicated by the chief items in the bill. Here are some of the most important and the amounts allowed:

Bureau of Foreign and Domestic Commerce	$3,263,357
Census Office	1,974,000
Steamboat Inspection Service	1,062,670
Bureau of Navigation	647,100
Bureau of Standards	1,890,385
Bureau of Lighthouses	10,104,481
Coast and Geodetic Survey	2,331,670
Bureau of Fisheries	1,769,253
Patent Office	2,722,300
Bureau of Mines	1,814,400

Anyone of these bureaus would furnish details for an interesting story of a page or two. The Bureau of Foreign and Domestic Commerce is helping to develop American commerce in foreign lands and has achieved wonderful success.

The Bureau of the Census takes the census every 10 years and in addition has important work on hand all the time. Last year it took a census of agriculture and this year is taking a census of the manufacturing industry. Statistics of various kinds are being gathered and compiled. Statistics concerning death, birth, marriage, and divorce are interesting. They tell of the important phases of life we all know something about. For instance, from them we learn that the lowest death rate is

in Idaho, where it is 7.1 to the 1,000 population, and highest in New Hampshire, where it is 15.1 to the 1,000. In Colorado it is 12.4 to the 1,000. The average in the whole country for 1923 was 12.3 deaths to 1,000 population. The highest birth rate is in North Carolina, where it was 31.3 to the 1,000 population, and lowest in Montana, where it was 17.1 to the 1,000. The average in the country was 22.4 to 1,000 population. So the births in the country exceed deaths by about 10 to the 1,000 people, indicating a natural gain in population of about 1,170,000 per year.

In the cities for every 100,000 people about 9 are murdered and 15 commit suicide in a year. In 1923 marriages reported were 1,224,373 and 165,226 divorces were granted, one divorce to about every 7½ marriages performed. The total population for continental United States is estimated for this year at 117,135,817.

The Bureau of Fisheries appeals at once to the angler, of whom there are probably about 10,000,000, people who go out once in a while with hook and line and try to catch fish, and a good many others who talk about it. This bureau contributes to their happiness by keeping lakes and streams stocked with fish. Last year the bureau filled 12,000 applications for fish to stock ponds and streams. It is estimated by the bureau that the catch by anglers alone is above 10,000,000 pounds annually.

While this bureau does contribute largely to the pleasure of anglers this is only a part of the big work done by it. The bureau was organized back in 1871, primarily to assist in and promote commercial fishing. Fisheries of the United States and Alaska to-day rank as one of our leading industries, being second only to agriculture in food-producing value. Late statistics show that 200,000 persons are employed in the industry, together with 6,000 vessels and about 77,000 boats. Nearly $200,000,000 are invested in the enterprise and more than 2,500,000,000 pounds of fish are produced annually. The Alaska division has to do also with seals and fox. On the Alaskan islands the herd of seals is said to number 700,000 animals. Last year 25,395 seals were taken with a commercial value of $713,276 and 802 fox skins worth about $90,000.

TREASURY DEPARTMENT

This is the department where all interest centers—it makes the money—mints the silver and gold and prints the bills and bonds. It collects the taxes and customs. It has to do with the foreign debt and Federal bond issues. It supervises the national banks and Federal Farm Loan Bureau. Under its direction are the Prohibition Enforcement Unit, the Coast Guard, and the Bureau of the Budget. The Treasury Department is full of good stories and big figures. But space and time forbid more than a brief mention.

For this department the sum of $120,476,198.63 is appropriated for the next fiscal year. The Congress cut the Budget figure down by $1,025,180. The Congress is suggesting a little economy to the Treasury Department, which is in fact the Budget's own department.

Next to the Post Office Department the Treasury has the most employees of any, having something like 52,000 people on the pay roll.

The Internal Revenue Service costs	$35,170,000
National prohibition enforcement	10,635,685
Customs Service	17,248,000
Federal Farm Loan Bureau	453,000
Bureau of Engraving and Printing	7,767,400
Coast Guard	24,313,140
Secret Service	485,180
Public Health Service	9,375,000
Mint and Assay Office	1,684,750
Public buildings	13,514,390

The Prohibition Unit has to do with enforcement of national prohibition and narcotic acts. In the service are about 3,800 men.

The Coast Guard has much to do with the prevention of smuggling—and much attempted smuggling is in violation of the prohibition acts. Quite a fleet is maintained by the Coast Guard. It includes 74 vessels for regular activities and 352 ships and boats for use in the antismuggling service. In addition some new boats and five airplanes are being built for this activity.

Seeing money made is always interesting. At the Denver Mint one can see gold and silver squeezed into coins, and in Washington at the Bureau of Engraving and Printing one can see the printing presses turning out dollar bills and thousand-dollar bonds by the million—bills and bonds of all denominations, in fact, just like a country print shop turns out farm-sales posters. It requires about 600,000,000 dollar bills to run the country a year, for the dollar bill wears out in about 10 months on the average. Surprising figures for us of the West, as we see few dollar bills in our section. And down here in the East a silver dollar is as rare as a horned toad on Fifth Avenue.

DEPARTMENT OF LABOR

For the Department of Labor $9,561,305 has been appropriated for next year. This is one instance where the Congress appropriated more money for a department than is recommended by the Budget. In this case the Appropriation Committee added $1,000,000 to the estimates of the Budget for regulating immigration.

Immigration and naturalization are the two big problems before the Labor Department at this time.

It seems that nearly everybody in the civilized world wants to come to America. Laws restricting immigration were found necessary. The immigration laws of 1921 and 1924 were passed, and the Congress has been liberal in providing funds for this administration. This year the Bureau of Immigration is given $6,226,705.

In 1914 the total number of people coming from foreign lands to live in America was 1,218,480. These immigration restricting laws cut that in half to begin with, and for 1925 the number of immigrants was 396,883.

The Naturalization Bureau gets $733,000, much of which is used to inquire into the qualification of those who apply for citizenship. In 1922 naturalization was granted to 170,447 new citizens; in 1923, 145,084; in 1924, 150,510; and in 1925 the number was 152,457.

The Bureau of Labor Statistics gets $294,000. The United States Employment Service, which helps to keep men and women connected with jobs, costs $205,000. The Women's Bureau, $100,000; Children's Bureau, which makes some valuable investigations and distributes some excellent literature on child care, and so forth, costs $1,294,000.

INDEPENDENT OFFICES

Under this head are carried in an appropriation bill a number of independent offices and establishments of the Government. A mere listing of them shows some interesting information about the cost of government. The figures given are the amounts appropriated for next year; that is, the year beginning July 1, 1926, and ending June 30, 1927, which is called the fiscal year of 1927.

The first item, "Executive Office," includes $75,000 for the President's salary, $25,000 for his traveling expenses, $110,000 for maintenance of the White House and grounds, and $15,000 for the Vice President's salary.

Here is the list of independent office appropriations:

Executive Office	$444,460
Alien Property Custodian	160,650
Arlington Bridge	2,500,000
Board of Tax Appeals	614,224
Bureau of Efficiency	210,350
Civil Service Commission	1,001,592
Commission of Fine Arts	5,295
Employees' Compensation Commission	2,744,540
Federal Board of Vocational Education	8,210,620
Federal Power Commission	29,400
Federal Trade Commission	997,000
General Accounting Office	3,714,400
Housing Corporation	673,398
Interstate Commerce Commission	6,153,157
National Advisory Committee for Aeronautics	512,000
Public Buildings and Parks, Washington, D. C	2,301,850
Railroad Labor Board	285,220
Smithsonian Institution	832,801
Tariff Commission	699,000
United States Shipping Board	24,198,574
United States Veterans' Bureau	462,965,000

BIG TAX REDUCTION MADE AS USUAL BY REPUBLICAN CONGRESS

Reducing the Federal taxes has grown to be a regular habit with Republican Congresses. Three substantial reductions have been made since 1918.

The revenue act of 1921 cut $640,000,000 off the yearly collection of taxes. The revenue act of 1924 cut $472,000,000 off the yearly collections. And the revenue act of this Congress, of 1926, makes another big reduction amounting to about $390,000,000.

To appreciate what these reductions mean to the individual taxpayers let us take a few examples in sizes of income that we know something about. Take the case of a married man, without dependents, where income is earned.

If he makes $3,000 for 1918 he paid $60 income tax; for 1922, $20; for 1924, $7.50; for 1926, nothing.

If he makes $5,000 for 1918 his tax was $180; for 1922, $100; for 1924, $37.50; for 1926, $16.88.

If he makes $12,000 for 1918 his tax was $1,150; for 1922, $720; for 1924, $295; and for 1926, $168.75.

And on a $20,000 earned income the income tax would run as follows: For 1918, $2,680; for 1922, $1,720; for 1924, $975; and for 1926, $618.75.

Very substantial reductions, indeed, and certainly much appreciated by every man and woman who makes out an income-tax return.

In addition to material reductions in income tax the special tax has been taken off of several important items and greatly reduced on others by this Congress. The tax has been taken off all admission up to 75 cents, saving movie fans and theater patrons $6,000,000 a year. It has been reduced upon cigars, especially the cheaper grades, about $13,000,000. The tax upon automobiles was cut down about $42,000,000. The tax upon estates up to $100,000 in value has been removed, saving somebody about $16,000,000.

The stamps you used to have to buy to put upon deeds when you sold your property are no longer required. That tax is cut off, and it amounted to $3,000,000 last year. The tax on jewelry has been removed, amounting to $7,000,000. It was also taken off firearms and ammunition, which brought in about $2,850,000; also off cameras, lenses, and films, which netted $1,120,000. And the tax was taken off several other smaller items where it was more of a nuisance than a revenue producer.

Here is a table showing income tax on specific incomes for a married man without dependents and with an earned income, making comparisons of the tax under the new law just passed with what it would have been under former acts:

Tax on specified incomes

[Married man without dependents, $20,000 earned income]

Income	Tax under act of 1918	Tax under act of 1921	Tax under act of 1924	Tax under act of 1926
$3,000	$60.00	$20.00	$7.50	0
$4,000	120.00	60.00	22.50	$5.63
$5,000	180.00	100.00	37.50	16.88
$6,000	250.00	160.00	52.50	28.13
$7,000	390.00	250.00	75.00	39.38
$8,000	530.00	340.00	105.00	56.25
$9,000	680.00	430.00	135.00	78.75
$10,000	830.00	520.00	165.00	101.25
$12,000	1,150.00	720.00	295.00	168.75
$15,000	1,670.00	1,060.00	515.00	311.25
$20,000	2,620.00	1,720.00	975.00	618.75

As a matter of fact the income tax has been reduced so much in recent years that it is getting to be no burden at all to the average citizen of the land. And the new law will relieve a few million of people probably of even filing a return.

COMPARE YOUR TAXES WITH THOSE IN FOREIGN LANDS

Americans who still think of the income taxes they pay as being at all burdensome ought to look at the income taxes collected in foreign lands—and then be happy and thankful that they live in the United States.

An American with a wife who gets a salary of $3,000 pays no income tax at all. If he lived in Italy his tax would be $599.30; if in Belgium, $238.45; if in France, $348; if in England, $202.50.

One good reason for being satisfied with our own country. And there are plenty of other reasons, chief of which is that a working man does not get much for his labors in any of these foreign lands.

Here is a table showing what the income taxes are in some foreign countries compared with those in the United States:

Income taxes

Income	Italy	Belgium	France	England	United States
$1,000	$189.71	$29.15	$48.99	0	0
$2,000	392.18	107.70	174.55	$67.50	0
$3,000	599.30	238.45	348.00	202.50	0
$4,000	812.18	413.35	569.40	382.50	$5.63
$5,000	1,025.06	619.90	838.75	787.50	16.88

STATE AND LOCAL TAXES HAVE BEEN INCREASING WHILE FEDERAL TAXES ARE COMING DOWN

Federal taxes have been coming down. State and local taxes have been going up. The Congress has been reducing expenditures and cutting down taxes. Our States, counties, and cities have been improving, expanding, and increasing expenditures and raising taxes.

The National Industrial Conference Board of New York City furnishes some very illuminating facts and figures relating to cost of government and taxes. I take the following figures from these reports and use only round figures:

Federal taxes:	
For 1919	$5,069,000,000
For 1924	3,095,000,000
Tax reduction	1,974,000,000
All State and local taxes:	
For 1924	4,812,000,000
For 1919	2,965,000,000
Increased tax	1,847,000,000

In these five years the Congress had reduced the annual tax collections by nearly $2,000,000,000, while at the same time the States, cities, and counties had increased the tax burden upon the people by a yearly sum of $1,847,000,000.

Compare the collection of taxes by the Federal Government with those collected by the State and local governments over a period of years and note how the Federal taxes are constantly being brought down and how regularly the State and local taxes have shown an increase:

For 1919:	
Federal taxes	$5,069,000,000
State and local	2,965,000,000
For 1921:	
Federal taxes	4,430,000,000
State and local	3,933,000,000
For 1923:	
Federal taxes	3,220,000,000
State and local	4,546,000,000
For 1924:	
Federal taxes	3,095,000,000
State and local	4,812,000,000

Here is an interesting table showing the amount of taxes collected per capita, that is paid by or for every person, man, woman, and child in the United States and comparing Federal taxes with the State and local taxes:

Per capita

For 1919:	
Federal tax	$48.27
State and local	28.26
For 1921:	
Federal tax	41.05
State and local	36.47
For 1923:	
Federal tax	29.10
State and local	41.11
For 1924:	
Federal tax	27.77
State and local	43.22

A REPUBLICAN TARIFF HAS REDUCED TAXES NEARLY A BILLION DOLLARS IN THREE YEARS

One of the major sources of revenue of the United States Government is the customs collected under the tariff acts. The Democrats in Congress assert as a rule that they believe in a "tariff for revenue only." The Republicans advocate a tariff for protection of American labor and industry as well as for revenue.

The Democrats in 1913 gave us a Democratic tariff which produced little revenue and no protection.

The Republican Congress in 1922 gave the country a Republican tariff which has produced a large increase in revenues, adding materially to tax reduction; has protected American labor, agriculture, and industry from cheap European labor, and has added greatly to the prosperity of the Nation.

In my own district in Colorado the sheep and wool men were raised from bankruptcy to prosperity by the Republican tariff. The beet-sugar factories were kept open and the sugar-beet growers got more money for their crops because of it. The effect of the tariff was felt by every stock grower and wheat farmer, by the steel mills and coal miners and by labor everywhere. The tariff of 1922 has put millions of dollars in the pockets of wool growers, sugar-beet growers, and farmers of the Nation and has helped to raise the wages and standard of living of all working classes.

As a revenue producer let us compare the Democratic tariff with that enacted by the Republican Congress in 1922.

Take three years' receipts from customs under each tariff act. You can take any three years you want to anywhere along the line. Just compare any Democratic tariff any time in our history with any Republican tariff in the same decade and note the difference. You can get the figures in any library in the land.

For convenience we will take three recent years under each system—the Democratic and the Republican systems:

Receipts under Democratic tariff	
1917	$221,659,066
1918	254,517,994
1919	237,456,680
Total three years	713,633,640
Receipts under Republican tariff	
1923	566,663,978
1924	544,768,198
1925	570,829,000
Total three years	1,682,261,176

Three years' comparison

Under Republican tariff	$1,682,261,176
Under Democratic tariff	713,633,640
Gain under Republican tariff	968,627,536

There is a big idea here which every voter ought to get. The difference between the Republican tariff and a Democratic tariff has saved the taxpayers of this country nearly a billion dollars, to be exact just $968,627,536 in three years. If this sum had not been collected in customs, it would have been collected by taxes of one kind or another. The Republican tariff has reduced taxes nearly a billion dollars for three years and it has helped to build up a prosperity which has been reflected on the farm and in the factory and has raised the wages and standard of living of working men and women.

NATIONAL DEBT HAS BEEN REDUCED BY NEARLY SIX BILLIONS OF DOLLARS

A business-like administration and an economical Congress has brought down the expenditures and reduced the national debt by magnificent amounts. A few years ago the people were staggered by the amount of the public debt. Predictions were freely made that such a stupendous sum could never be paid off. This feeling was reflected in the value of Government securities and United States bonds were sold far below par—as low as 84 cents on the dollar in fact.

A Republican Congress, elected in 1918, began cutting down expenses, reducing appropriations a billion dollars below the estimates. A wise Secretary of the Treasury has applied every possible dollar raised for the purpose and saved through the yearly surpluses to reduction of the public debt. More than $7,000,000,000 of short-time paper has been refinanced for long-time paper, and much of it at reduced interest rates. The price of bonds have gone up above par, and some of them even selling as high as $108 for a $100 bond. The Secretary of the Treasury is now able to sell bonds at an interest rate of 3¼ per cent interest. The credit of the United States is the best in the world.

No nation in all the world's history has ever made such remarkable showing in debt reduction as has the United States done in the past six years.

Nearly $6,000,000,000 have been paid on the public debt since the Republican Congress came in on March 4, 1919.

Look at the figures.

The public debt reached its peak on August 31, 1919, when it stood at $26,596,701,648.01. Giving it credit for the net balance in the general fund on that date left a net debt owed by the United States of $25,478,592,113.25.

Glance at these startling comparisons showing actual debt reductions:

Total debt reduction

Aug. 31, 1919, net debt was	$25,478,592,113.25
Mar. 31, 1926, net debt was	19,595,799,144.98
Total reduction	5,882,792,968.27

Debt reduction last year

Mar. 31, 1925, net debt was	20,441,477,003.62
Mar. 31, 1926, net debt was	19,595,799,144.98
Last year's reduction	845,677,858.64

REPUBLICAN CONGRESS HAS BEEN LIBERAL WITH POSTAL EMPLOYEES

Postal employees of this country are the best-paid postal employees in the world. They ought to be. There are about 305,000 employees in the Postal Service and they run the greatest postal system in the world, better than any other is run.

In the past few years the Republican Congresses have passed two acts which have added materially to the salaries paid to postal employees.

In 1919 clerks and carriers were getting from $1,000 to $1,500 a year. That is, they went in at $1,000 and they got an annual increase in salary of $100 a year for five years, when it remained at $1,500. To-day clerks and carriers who enter the service begin at $1,700, with an annual increase up to $2,100. The average for clerks has been raised from an average in 1919 of $1,247 to $2,023, and for carriers from $1,305 to $2,053.

Rural carriers have had increases in salary and allowances from an average of $1,471 in 1919 to $2,196 for this year.

Railway mail clerks have had an average increase from $1,573 in 1919 to $2,449 for 1926.

All employees have had substantial increases in salary, but postmasters probably least of all. These increases, covering over 300,000 employees amount to large sums. Few employees as well as few Members of Congress, have any idea what these increases in salaries have amounted to to the employees in the aggregate. So I will give you some big figures to look at.

The reclassification act effective July 1, 1920, added to the employees pay in totals:

For 1921	$110,756,000
For 1922	118,221,000
For 1923	122,882,509
For 1924	129,884,576
First six months, 1925	66,057,535
Total for that act	547,801,611

Then the last Congress passed the new salary bill effective February 28, 1925. This made another general increase in all salaries and raised the pay roll another $70,000,000 a year.

The pay roll in the Postal Service for the coming year will be approximately $529,901,208. Of the total expenditures for the entire Postal Service 71.7 per cent goes to salaries of employees.

Back in 1919 the total pay roll was $262,445,618. There were not quite so many employees then as now. But if there had been exactly as many employees in 1919 as there are at the present time the total salary roll at the rates of pay then in vogue would have amounted to $339,775,446.

In other words the postal employees are receiving this year just about $190,125,762 more salary than they would be getting under the 1919 pay schedule.

The average rates of pay in the various branches of the Postal Service for 1919 as compared with the present rates are shown in this table:

	1919	1926
Regular clerks, first and second class post offices	$1,247	$2,023
Supervisors and special clerks	1,608	2,454
City letter carriers	1,305	2,053
Assistant postmasters, first and second class post offices	1,472	2,324
Village carriers	783	1,377
Motor vehicle employees	1,200	1,969
Rural carriers	1,471	2,196
Railway Mail Service clerks	1,573	2,449
Presidential postmasters' salaries	1,765	2,010
Post office inspectors	1,857	3,654
Clerks, division headquarters	1,340	2,321
Fourth-class postmasters	358	358
Watchmen, messengers, and laborers	900	1,581

The Postal Service and pay of postal employees is not a political question, and should not be. Some Democratic Congressmen, however, have done a good deal of talking for political purposes about these questions.

The fact stands out as prominently as the hump on a camel's back that since the days of Postmaster General Burleson the working conditions of postal employees have been very greatly improved, that the men and women in the Postal Service are treated more humanely and more like men and women, and that the salary roll has been increased by more than $190,000,000 a year. And that all of this improvement in conditions and in pay has been brought about under a Republican Postmaster General and by a Republican Congress.

LIBERAL PROVISION MADE FOR EX-SERVICE MEN

The United States Government has been fairly liberal with its veterans of the great World War. Certainly far more liberal than any other country in the world. It can afford to be, of course. And it wants to be. America has always taken care of the private soldier better than any other country and makes no distinction between privates and officers in pensions and war-time benefits. So far as I know, it is the only country which eliminates this distinction.

For next year the Congress has appropriated $462,965,000 for the United States Veterans' Bureau. This item is split up as follows: For compensation, $140,800,000; medical and hospital services, $39,000,000; adjusted-certificate fund, $116,000,000; military and naval insurance, $123,000,000; administration, $44,165,000.

Since the war began the Congress has appropriated something like $3,000,000,000 for benefits to ex-service men. And this does not include the adjusted compensation or bonus nor the amount of insurance that has been paid in by the men.

A statement showing actual expenditures for our ex-service men's benefits up to May 1, 1926, places the total at $2,586,876,738.66. Again, this does not include the bonus nor anything contributed by the men themselves.

Here are the items covered in detail, being the total amounts actually paid out up to May 1, 1926:

Purpose:	Disbursement
Military and naval family allowance	$282,206,653.42
Compensation	867,882,109.24
Medical and hospital services	254,306,830.69
Hospital facilities and services	19,576,712.53
Vocational rehabilitation	640,139,964.78
Military and naval insurance	306,360,442.95
Administrative and miscellaneous	216,404,025.14
Total	2,586,876,738.66

GOOD SUPPORT GIVEN TO PROHIBITION ENFORCEMENT

Activities in relation to prohibition enforcement come under the Internal Revenue, the Coast Guard, and the Department of Justice. The appropriations have been liberal for these activities. For next year the total for these several items will be about $49,000,000.

The Prohibition Unit will get $13,566,000. It is estimated that of the total appropriations for the Department of Justice about $8,000,000 is used in connection with prohibition enforcement, and the Coast Guard, which operates along the seacoast, is given $18,452,000 for helping to keep the flow of liquor from coming into our country. Of this amount, $3,900,000 will be spent for additional patrol boats and five seaplanes which will aid in the work.

AIR SERVICE GETS LIBERAL SUPPORT

A good deal of loose talk has been made by former Army officers, by those interested in getting contracts, and by some newspaper writers about the Air Service of this country and the alleged inadequate support given it by Congress.

I want to say that the Congress has been very liberal in this direction and has appropriated vast sums for support of the Air Service in the War, Navy, and Post Office Departments. General Patrick has furnished the Appropriations Committee with a detailed statement showing the expenditures for the Air Service in the three departments covering six years, 1920 to 1925, inclusive.

This table shows expenditures from appropriations made direct to the Air Service covering these six years as follows: In the Army, $116,779,398.78; in the Navy, $98,573,097.45; in the Post Office Department, $11,476,098; and to the National Advisory Committee on Aeronautics, $1,532,609.85.

In addition to these direct expenditures large quantities of supplies have been taken from war surplus stocks and large expenditures have been made from indirect appropriations. All of which run the total amount expended by and for the Air Service of the country for these six years up to $558,634,096. The expenditures for 1926 and 1927 will probably not be less than the average of these years, which will bring the total cost for Air Service for eight years up to the enormous total of $743,000,000. That does not look like a starvation figure, does it?

The fact is the Air Service of America, especially in the Army and Navy, is well supported by the Congress, is in excellent shape, and practically all of the important world flying records have been made by American flyers with American airplanes.

FARM RELIEF

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that immediately following the reception of the royal persons by the House this morning I may be permitted to address the House for 10 minutes on the subject of the need of remedial legislation in behalf of agriculture. [Applause.]

The SPEAKER. The Chair suggests to the gentleman that in all probability the House at that time will be in Committee of the Whole House on the state of the Union.

Mr. HOWARD. Not immediately after the retirement of their majesties? I shall rise before they go into the committee.

The SPEAKER. The Chair must assume that the House will resolve itself into the Committee of the Whole House on the state of the Union, and, therefore, it would be impossible to carry out the gentleman's request.

Mr. HOWARD. But my request is pending.

The SPEAKER. The gentleman's request will be considered as pending.

Mr. MOONEY and Mr. HASTINGS rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. MOONEY. Mr. Speaker, I merely wanted to reserve the right to make the point of no quorum, but I shall defer to the gentleman from Oklahoma.

WHAT IS A DEMOCRAT?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a very brief definition of a Democrat by ex-Senator Robert L. Owen, of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Speaker, recently there have appeared in the public press many efforts at a succinct definition of a Democrat. Of those brought to my attention is one by ex-Senator R. L. Owen, of Oklahoma, which I place in the RECORD and commend to the people of my State and the country. It is as follows:

One who believes in freedom of speech, in freedom of the press, in freedom of religion, in the equal rights of every person to life, liberty, and to the pursuit of happiness, and who believes in the principles of the Constitution of the United States properly interpreted. One who believes in the fullest protection of property rights, but who does not regard the property rights of one class of citizens as superior to the rights of life and liberty of another class of citizens.

He favors just laws bearing equally on all classes with special privileges to none. He favors a tariff for revenue, knowing that a tariff for revenue properly drawn is higher than the difference in the cost of production at home and abroad. He opposes tariff schedules which prevent importation and protect American monopolies from reasonable competition. He favors the strictest economy and the lowest taxes consistent with efficient administration. He favors a government truly responsive to public opinion. He opposes unfair trade practices and the abuses of private monopoly. He opposes all attempts of self-seeking interests to control the operations of the Government to private advantage at the expense of the public.

He opposes the Republican Party, because he believes that that party, in spite of a large, liberal membership believing in democratic principles, is really dominated by the influence of national monopolies to the disadvantage of the majority of producers and consumers.

A Democrat may be a Catholic or Protestant, Jew or Gentile, of any race whatever, and a Democrat may either favor the Volstead Act or oppose the Volstead Act. He is a liberal as opposed to ultraconservatism.

There are many shades of democracy, but the great body of democracy is composed of the moderate liberal elements of the country whose constructive purpose was demonstrated when they had power from 1913 to 1918.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW.

Mr. KNUTSON. Mr. Speaker, I make a similar request in respect to the bill H. R. 9066, of similar title.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER appointed the following conferees: Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. UPSHAW.

MESSAGE FROM THE PRESIDENT—BRIDGE ACROSS THE MONONGAHELA RIVER

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of May 25, 1926, I return herewith H. R. 8513, entitled "An act to extend the time for the construction of a bridge across the Monongahela River at or near the Borough of Wilson, in the county of Allegheny, Pa."

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 27, 1926.*

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3833. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 7906. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 8815. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said War; and

H. R. 9966. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers, and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1895) to correct the military record of George Patterson, deceased.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; and

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911; and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3053. An act to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek in the District of Columbia; and

S. 4094. An act to amend an act entitled "An act to incorporate the American Social Science Association, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; and

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River, at or near the town of Coushatta, in the Parish of Red River, in the State of Louisiana.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3453. An act to provide for the construction of a bridge to replace the M Street Bridge over Rock Creek in the District of Columbia; to the Committee on the District of Columbia.

S. 3053. An act to amend sections 5, 6, and 7 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2237. An act for the relief of Leslie Warnick Brennan;

H. R. 3837. An act authorizing the Postmaster General to rent quarters for postal purposes without formal contract in certain cases;

H. R. 3842. An act authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease;

H. R. 8186. An act to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor;

H. R. 8513. An act to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson in the county of Allegheny, Pa.;

H. R. 9558. An act to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes;

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream;

H. R. 11084. An act to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; and

H. R. 11841. An act to amend section 4 of the air mail act of February 2, 1925, so as to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Mr. Speaker, I have been advised that visiting royalty is going to be present in the gallery at 12 o'clock. Is it expected that the House will be in Committee of the Whole House on the state of the Union at that time, or has any arrangement been made for any ceremony?

The SPEAKER. No arrangement has been made for any ceremony so far as the House is concerned. Before putting the motion of the gentleman from New York [Mr. DEMPSEY], without objection, the bells will be rung as for a call of the House. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

Mr. LINTHICUM rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LINTHICUM. To submit a parliamentary inquiry. I rise to ask why the bells were rung when the point of no quorum was not made?

The CHAIRMAN. The Chair is unable to answer the gentleman, inasmuch as he did not ring the bells.

Mr. CHALMERS. Mr. Chairman, if the gentleman will permit, I understand that a point of no quorum was raised, that

the bells were rung, and then the gentleman who made the point withdrew his point of order.

Mr. LINTHICUM. If the gentleman withdrew the point of order, he withdrew it without making any noise, because I was listening to see whether he did withdraw it. Mr. Chairman, I am opposed to the ringing of these bells and bringing Members over here unless it means something. I do not think we should begin ringing the bells and fooling Members. I was sitting right here and heard no point of no quorum made.

Mr. MOONEY. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. BURTON]. [Applause.]

Mr. BURTON. Mr. Chairman and gentlemen of the committee, it is with an unprecedented sense of responsibility that I approach the discussion of this question. There is occasion for deep regret because there is included in this pending river and harbor bill for the first time a provision for a project which would cause very serious injury to an existing project, and that, too, when the benefits of the proposed improvement are problematical and the benefits of the existing project are beyond those of any other system of navigation in the world. It is perhaps hardly necessary for me to speak of the Great Lakes and of their traffic. The average amount carried per annum is a hundred and twenty-five million tons. The lowering of the freight rates accomplished by that traffic, according to a recent estimate, amounts to $183,000,000 per year. According to an estimate of the Corps of Engineers the total savings by reason of the traffic on the Great Lakes in the years from 1887 to 1924 amount to the enormous sum of $3,143,000,000.

What is the origin of the injury? The city of Chicago in the latter part of the last century proposed a diversion of waters from Lake Michigan into the Mississippi watershed. This diversion was not regarded as serious at the time. There was an abundance of water in the Lakes, and it was thought that diversion in a limited degree would not be a cause of any injury. At first the suggestion was that the diversion should merely be from waters emptying into Lake Michigan from the Chicago River and its tributaries, but in the year 1901, in the month of December, the Secretary of War granted a permit for the withdrawal of 4,167 cubic feet per second from Lake Michigan. If the amount of diversion had been limited to that figure from that time to this, it is entirely possible we would not be here opposing this diversion at this time; but the city of Chicago, acting upon the theory that it had the right to make that diversion, that it had the right to abstract water without the permission of the Federal Government, increased the amount so that it reached in a few years to 10,000 cubic feet per second. In the year 1907 suit was brought in which this question was raised, but a more serious question was raised for decision in the year 1913, when not the States bordering on the Lakes, not an individual, but the Federal Government by its Attorney General brought suit for an injunction in the Federal courts of Chicago to compel a reduction of that diversion to 4,167 cubic feet, according to the permit.

Decision was delayed by the court for years, when finally in 1920 Judge Landis, who was about to leave the bench, sustained the injunction and ordered that the diversion, which had been 10,000 feet and more for some 10 or 15 years, be reduced to 4,167 feet. From that decision an appeal was taken to the circuit court, which affirmed it in 1923. Then there was another appeal to the United States Supreme Court, which in the month of March, 1925, sustained the decisions of the lower courts and granted the injunction finally. But there was a clause at the end of the opinion which recognized the situation at Chicago and said the decision was without prejudice to the right of the Secretary of War under the statute of 1899, to which I shall later refer, to provide for sanitary conditions at Chicago. The Secretary of War granted a revocable permit for approximately five years authorizing in the first instance a withdrawal of 8,500 cubic feet per second, but demanding that the amount of diversion should be reduced and impressed upon the authorities of the city of Chicago, or rather the sanitary district, that they must take other means for providing for their sewage. It was contemplated that in about 10 years the amount should be diminished to perhaps 4,000 cubic feet and later to even a smaller amount. Now, I may say to this committee and to this House that it is my deliberate judgment—and I am by no means alone in that—that the plan for the discharge of sewage of a city of 3,000,000 through streams of fresh water was an economic and a sanitary crime. [Applause.] There is hardly a city in the country of any size where this problem has arisen in which steps are not now being taken by reduction works and other methods, thus doing away with discharging their sewage into streams. The question was asked yesterday what the city of Cleveland was doing. That city has already appropriated $5,000,000 for that purpose and authorized an expenditure of $10,800,000, and our situation is radically different from that of Chicago because there is a current there to the eastward from mouths of the sewers so they do not foul our water supply. To give an illustration of the necessity of reduction works, if there is a city in the world that has facilities for the disposal of its sewage, it is the city of New York, because there is a current coming from the northerly side of Long Island along through the East River and another current coming down the Hudson which would wash any discharge from sewers into the sea. Bear in mind that the final outlet is into salt water and not into fresh. But a recent report has been made that, notwithstanding that enormous volume of water and these very strong currents to carry away the sewage, they must introduce reduction works. And I may say in all fairness to the city of Chicago, they are proceeding with their reduction works, though they commenced very tardily, and are subject to criticism because they have not made the progress they should have made.

What of the present situation? What is the injury to which this magnificent system of waterways is subject?

The diversion at Chicago, which, according to the best authorities, diminishes the level of the Lake 6 inches, is coincident with a cyclical decrease of 34 inches in the level of the waters of Lakes Huron and Michigan due to a deficiency of rainfall which has continued since 1918.

Those two Lakes are practically one waterway on the same level. What of the reduction? Let us confine it to the 6 inches. It diminishes the carrying capacity of ships on the Great Lakes by 3,000,000 tons per year, and the loss to the shipping interests is practically $1 for each ton of decrease. That is $3,000,000. It was stated by a member of the Committee on Rivers and Harbors not long since that this is only a part of the injury because of the enormous volume of freight which otherwise would move by boat, but must be moved by rail on which the rail rates are ten times as great as the rates by water, meaning an aggregate loss of $30,000,000 a year. Now, the loss of navigation is by no means all, because great harbors have been established on these Lakes. My friends, three of the five largest cities of the Nation are on the Great Lakes. First, New York; next there is Chicago on the Lakes; and then there is Philadelphia; next there are Detroit and Cleveland on the Lakes, making three—a majority of the five cities—which are located there. Now, the level of these harbors, which have been improved at very great expense, more by private enterprise than by public cost, has diminished. Just day before yesterday I was visited by the representatives of a harbor who said that formerly they could load their boats with 11,000 tons, but to-day, in view of the decrease, that 8,500 tons was the maximum load.

Now, there is another injury to be mentioned in connection with that: The piling and the foundations for building beside these docks. If that piling and those foundations are submerged in the water, they will not decay, but when the water recedes and they are exposed to the air and sun, they speedily rot away.

Then there is another injury of a very serious nature. All these cities on the Lakes have intakes extending out into the water for the bringing in of a volume of fresh water for drinking and for municipal purposes. With this lowering some of them are almost at the edge of the water or outside, and if this abstraction, this lowering increases, it will be necessary to reconstruct this system of intakes in order to have a proper water supply.

Still further, there is an injury in that the moisture in the soil in the orchards and the fields adjacent to the lakes furnishes nutriment for plants and for crops on the basis of a certain distance below the soil level. The abstraction of this water lowers the level of the moisture and threatens the production in those orchards and grain fields.

Then there is still another injury of a very serious nature, perhaps more manifest in the State of Michigan than anywhere else. Millions of dollars have been invested in pleasure and health resorts bordering on the lake. By reason of this lowering in some places the water level has receded even 20 rods from where it normally would be, and instead of the beautiful sand between, there is a trail of mud, virtually destroying the attractiveness of those pleasure resorts.

So that it is with no trivial or sporadic injury that we are coming to you. It is with a threat of permanent injury. It is a threat of injury unprecedented in any recession of water in the country, and for that recession the withdrawal at Chicago is very, very largely responsible.

Next, I wish to speak briefly about our relations with Canada. If there is any country in the world with which we

should be on friendly terms, it is the Dominion of Canada. I have been confronted often by those who flippantly say, "What have we to do with people abroad?" And there is a certain number of persons who delight not in action but in words, bullying other countries. For that disposition I have nothing but contempt. [Applause.] But bear in mind that on a boundary of 3,000 miles there is the freest access; no frowning fortifications are on the border. They are people of the same language and traditions, and for one year at least, in comparison with all the countries of the world, taking England, Germany, and all, our exports to Canada were greater than our exports to any other, so that there is a selfish reason why our friendly relations with that country should continue.

Now, let me read a communication made by the British Embassy in the year 1924 in regard to this matter:

On each occasion, and with increasing emphasis amounting to unanimity, demands have been made upon the Dominion Government to renew the protests which have already been lodged against the action of the Sanitary District of Chicago, in continuing and seeking to extend their claim to diversion of water from the St. Lawrence watershed into that of the Mississippi, with consequent adverse effect upon important interests in the navigation both of the Great Lakes and of the St. Lawrence River, and the development of power, actual and prospective, upon the river itself and upon the waters connecting the Lakes.

The Dominion Government are constrained to believe that unless some reassuring message can be made to the people of Canada that favorable progress is being made in the matter public opinion throughout the Dominion will become so aroused as to render exceedingly difficult the amicable consideration and discussion of the far less-reaching problem and issue incident to the Great Lakes and the International Waterway. The Government of Canada are fully aware that in many parts of the United States public opinion is similarly being aroused, and are not ignorant of the fact that the United States Government is not less anxious than they are to see a settlement speedily effected.

I am sure that there are before me here scores of persons whose States are intensely interested in a canal from that Great Lakes system to the sea. [Applause.] With our enormous development and teeming population we can not live in any "pent-up Utica." We demand that we must have access to the ocean and to all the parts of the world. [Applause.] That is a synopsis of our condition.

Then at a later time the Canadian Government made a similar protest. I read:

The Dominion Government now desire me to state that, while they would not wish to oppose any interim measure which may be necessary to protect the health of the inhabitants of the city of Chicago, they feel compelled to reiterate the protest they have already made against the abstraction of water from the St. Lawrence Basin and, in order that there may be no misunderstanding, I desire to take this opportunity of making it clear that the Government of Canada do not surrender any claims that might be put forward for consequential losses already suffered or which may possibly be suffered in the future on this account. The Dominion Government are of opinion that it is impossible to lose sight of the fact that the effect of the present increase in permitted diversion of water will be to postpone the relief for which the navigation and other interests injuriously affected by the attitude of the Chicago Sanitary District have been waiting already too long, and which subject only to the paramount necessity of safeguarding public health, these interests are now entitled to receive.

I feel sure that you will readily appreciate that the injury to Canadian interests by any lowering of the natural level of the Great Lakes connecting waters and the St. Lawrence River by the diminution of their natural water supply is of constantly increasing importance not only on account of navigation on the Great Lakes and lower St. Lawrence River but also on account of power development. The Government of Canada have not failed to recognize that United States interests are likewise substantially affected by this question.

The Government of Canada feel confident that the Government of the United States if fully alive to the advisability of restricting within the narrowest possible limit the amount of water to be diverted from Lake Michigan for use by the Sanitary District of Chicago, and in this connection they feel certain that no permit will be granted for the diversion of any water not essential to safeguarding the health of the population of that city, and, further, that the period during which such diversion must on this account continue will be made as short as circumstances permit.

Now, a correspondence ensued, in which it was requested that the intentions of the United States Government should be given, so that they might know.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield right there?

Mr. BURTON. I yield.

Mr. JACOBSTEIN. Will the gentleman kindly explain the reference made in that communication to the matter of claims against our Government, or Chicago, or Illinois?

Mr. BURTON. Claims against the Sanitary District of Chicago, because of the diversion of water, injury to navigation and water power, and all the lines I have indicated.

Our Secretary of State, on November 24, 1925, barely six months ago, after repeated requests from Canada, wrote a letter to the British ambassador here on this subject. Let me read from that letter:

The Sanitary District of Chicago, to which the permit of March 3, 1925, was issued by the Secretary of War, is a municipal corporation separate and distinct from the city of Chicago. The operations of the sanitary district are conducted under direct authority of the Legislature of the State of Illinois without reference to the operations of the municipal government of the city of Chicago. Diversion of water for domestic consumption in the city of Chicago being purely a function of the municipal government of the city, it is considered that the authority granted the sanitary district could not be made to apply to or include this other diversion as well. The case before the Secretary of War for action involved the granting of a permit for diversion of water for *sanitary purposes only*, and the instrument of authority was worded accordingly.

Let me repeat the declaration made by our Secretary of State in regard to the nature of this diversion:

The case before the Secretary of War for action involved the granting of a permit for diversion of water for sanitary purposes only, and the instrument of authority was worded accordingly.

Thus we have given assurance to the Canadian Government that diversion at Chicago is for sanitary purposes only, but this bill demands the right of diversion for navigation. What is the difference between the two? For sanitary purposes, the diversion would ultimately be rather limited and it would be temporary, but for navigation it would be permanent. And what would be the position of this country if this House or the Congress, in the face of that assurance, solemnly given by our Secretary of State to the Canadian Government, should pass a law authorizing a diversion for purposes of navigation, when the assurance has been given that it was for sanitary purposes only?

Well, now, there is something more than the mere breaking of national faith. There is the possibility of retaliation, which is unlimited. We have a treaty with Canada, framed in the year 1909, seeking to regulate this diversion, but there is a provision in that treaty that it may be denounced on 12 months' notice. In 12 months this treaty could be made no longer binding. Now, what could Canada do about that? Two can play at this game, and where the Niagara River flows out of Lake Erie, an unlimited amount of water might be diverted, draining the whole Great Lakes system, ruining the scenic beauty of Niagara Falls and creating power to unlimited amount.

I may say that this diversion at Chicago was under suspicion for a long while in that it was thought the main object was to create water power, and they are creating water power there worth $500,000 to $1,000,000 a year from water that is taken out of our watershed, taken out of the Great Lakes. But what are the facts? At the other end, by a diversion at Niagara, six or eight times as much power could be created by the diversion of an equal amount because of the greater fall. So that as an economic proposition it is far better to divert at the Niagara end.

Now, let me tell you another place where a diversion could be had and which would be very much to the detriment of the United States. From Georgian Bay there is across the watershed a canal known as the Trent Canal. Georgian Bay, like Lake Michigan, is exclusively within the territory of one of the two countries. The height from Georgian Bay to the slope is 262 feet while the fall on the other side is 597 feet.

Centrifugal and other pumps could be used with great effectiveness there to pump up water from the bay and drop it on the other side, where there is a fall of 597 feet, and create a very profitable waterpower there. Not only does this right exist for Canada, but it exists for every other State on the Great Lakes, and if we establish the principle that diversion is allowed, those lakes, while they will not run dry, will be lowered. The connecting waters and the harbors may be lowered to such an extent as to irretrievably injure the whole navigation system of the Great Lakes.

I have not time to go very fully into the legal phase of this case, but the most important point of all in the minds of many is this: There are lawsuits pending in the United States Supreme Court in which all the States on the Great Lakes, save Illinois, have joined—Minnesota, Wisconsin, Indiana, Michi-

gan, Ohio, Pennsylvania, and New York—either directly or by the filing of briefs, and all by instruction of resolutions of their State legislatures, and every one of them asking that action be taken in the Supreme Court of the United States to restrain this diversion. The State of Michigan raises the point that no diversion from one watershed to another is allowed, while the other States, led by Wisconsin, maintain the position that that is a doubtful question but should be decided by the Supreme Court, and that the diversion should be so restricted as not to be injurious. Before I get through I hope to tell what I think would be a rational settlement of this whole matter. Those suits have been set for hearing on the 4th of October next. While we are groping in the dark as to the law we are proposing to go ahead—right in the face of a prospective decision of the Supreme Court within eight months from now—to do something that may be declared a nullity.

I do not wish to go extensively into this question of the law of the case, but I will read very briefly, in regard to the control of waters in different States, from Mr. Oppenheim, first volume, page 243:

With regard to national rivers, the question can not indeed be raised, since the local State is absolutely unhindered in the utilization of the flow. But the flow of not national, boundary, and international rivers is not within the arbitrary power of one of the riparian States, for it is a rule of international law that no State is allowed to alter the natural conditions of its own territory to the disadvantage of the natural conditions of the territory of a neighboring State. For this reason a State is not only forbidden to stop or to divert the flow of a river which runs from its own to a neighboring State, but likewise to make such use of the water of the river as either causes danger to the neighboring State or prevents it from making proper use of the flow of the river on its part.

The principles applying to rivers certainly apply also to lakes.

This is a declaration relating to international law by an acknowledged authority, which will no doubt be used before the Supreme Court. I will read briefly from several decisions of our own Supreme Court in regard to this matter. Justice Brewer in One hundred and eighty-fifth United States said:

Yet whenever, as in Missouri v. Illinois (180 U. S.), the action of one State reaches, through the agency of natural laws, into the territory of another State, the question of the extent and the limitations of the rights of the two States becomes a matter of justiciable dispute between them; and this court is called upon to settle that dispute in such a way as will recognize the equal rights of both, and at the same time will establish justice between them. In other words, through these successive disputes and decisions this court is building up what may, not inaptly, be called a body of interstate law.

Do you realize, gentlemen of the committee, that our Supreme Court had one manifest object which has become a part of our whole political system, not merely to decide questions of law between States, but to decide questions which in the case of separate nations would be subjects for diplomatic negotiation? That court is, in that respect, exceptional among all the courts of any nation in the world, because it settles disputes between the States of the Union which ordinarily would be left to diplomatic negotiation.

Again, the court said in Two hundred and fifty-ninth United States:

The waters of an innavigable stream rising in one State and flowing into a State adjoining may not be disposed of by an upper State as she chooses, regardless of the damage that may ensue to the lower State and her citizens.

And still again, in a very recent case, Two hundred and sixty-third United States:

It needs no argument, in the light of these authorities, to reach the conclusion that where one State by a change in its method of draining water from lands within its border increases the flow into an interstate stream, so that its natural capacity is greatly exceeded and the water is thrown upon the farms of another State, the latter State has such an interest as quasi-sovereign in the comfort, health, and prosperity of her farm owners that resort may be had to this court for relief.

And if you can go to the Supreme Court on account of an excess of water, certainly you can go to the Supreme Court, because there is a deficiency of water. This was the case of North Dakota *v.* Minnesota (263 U. S.).

There is involved in the questions pending before the Supreme Court every form of equitable relief on any phase of the subject, but this specifically: Does the Secretary of War have the right under the statute of 1899, upon which his authority was based, to grant a permit for diversion of water from a waterway? Every Secretary of War, practically, who has granted a permit has expressed a doubt upon this subject, and several have asked that it be referred to Congress. I was myself chairman of the Committee on Rivers and Harbors at the time this provision was inserted, which I will read. I ask your attention to this: Does this give affirmative authority to permit such a diversion as this? Is that the object and purport of the statute:

Creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, bulkhead, or other structures in any port, harbor, canal, navigable river, or other water of the United States, outside established harbor lines or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill—

Not but, and—

and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, canal, lake, harbor of refuge or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.

This looks to me like a negative provision, very decidedly, to prevent obstructions. I do not think it was contemplated by those who had to do with the passage of the act that any such broad authority existed as to drain, as I expressed it the other day, the very lifeblood of a useful channel, under a permit by the Secretary of War.

These two questions are questions to come before the Supreme Court with any others that are pertinent to this question.

I now want to call attention to the so-called safeguarding clause inserted in this bill, inserted with the best intentions, and, as I understand, the gentleman from Alabama [Mr. McDUFFIE] had a leading part in drawing it. At first it was very strenuously objected to by the Chicago interests; but it was finally consented to. This is to the effect that—

No question of sanitation or navigation shall be considered as settled by this bill.

Now, what do you have in that clause? First, a positive, affirmative declaration adopting a project which involves diversion from the lakes. It is an assertion of the jurisdiction of Congress for the first time over this diversion at Chicago.

All heretofore has been under permits by the Secretary of War. It is a promise or a condition which does not harmonize with the affirmative granting of the right to divert water. The two are contradictory, and jurisdiction having been asserted, it does not afford full protection. The very fact of qualifying the intent to divert is a clear and plain assertion of the right to permit diversion.

Then, from a practical standpoint, it is plain that when once the water has been diverted in the quantity of 8,500 cubic feet or 8,250 cubic feet, which involves the removal of dams and locks, involving open water navigation, you can not obtain without the greatest difficulty authority from Congress to restore those locks and to restore dams when navigation has habituated itself to the open channel.

Therefore while I am glad to have this safeguarding clause for its moral effect, it does not protect us.

I refer to a decision of the Supreme Court in Ninety-six United States, page 386. This case is not absolutely on all fours with this, but it is very much like it.

I quote from the opinion of the court:

And in the act of August 1, 1876 (the rivers and harbors act), there is the following paragraph:

"For the improvement of the harbor at Duluth, Minn., $15,000. Said appropriation is made upon the express condition that it shall be without prejudice to either party in the suit now pending between the State of Wisconsin, plaintiff, and the city of Duluth and the Northern Pacific Railroad, defendants."

The hostility of Superior City and of the State of Wisconsin could not avail to defeat the appropriation, but as this suit was then pending the clause that it should be without prejudice to anyone in the suit was inserted.

It was not needed. * * * And though the State of Wisconsin had brought her suit in this court to abate the work as a nuisance, and Congress was made aware of the fact, it still, in 1876, made the usual appropriation, and the War Department still had the work in charge; and the Congress cautiously said, this shall prejudice no one in the suit, but *we shall go on, notwithstanding, and continue this system of improvement.*

Now, I am aware that some persons are interested in this because they wish to increase the quantity of water in the Mississippi River. I was almost amazed when one eminent Member of this House said to me, "I am on the fence on this question; we want more water in the Mississippi River." Just think of the assurance of that! Here is a waterway system where the waters are going down and down to almost a ruinous point and it is asked to divert the water still further into another system, where we all know the great problem is to take care of the flood waters. The problem in the Mississippi is to harmonize the low water and the high water. But do not think that such diversion will do you any good. If you have that selfish purpose, you will be disappointed, for the reports of the engineers are unequivocally that the diversion of 10,000 feet at Chicago through to the Mississippi would make in gauge but a difference of 1 foot, and it would not raise the water utilized for navigation a foot, because in an alluvial stream the navigability and depth are determined by bars. If it were a rock-bottom river, it would raise the navigable level 1 foot, but in an alluvial stream increasing the volume of water raises up from the bottom a certain amount of silt which adds to the height of the bar. The same is true of the banks. So the engineers have said that in the Mississippi River between Grafton, the mouth of the Illinois, and the mouth of the Ohio the increase in navigable depth would not be more in any event than 6 inches by the diversion of 10,000 cubic feet, and below Cairo, at the mouth of the Ohio, it would be scarcely appreciable.

The great question is whether it is fair or not. But there is another question whether it would do any good to that system, and upon that question the answer is that in increasing the navigability it would be almost trivial.

Now, I want to read here a comparison between the traffic on the Lakes and in the Mississippi River, and I do this not with any invidious spirit. On the Mississippi River 10 to 20 years ago in trips down the river it was noticeable that there were more Government boats and barges, engaged in placing revetments and constructing levees, on the river than commercial boats. That traffic has somewhat increased in recent years. It has been stimulated by the Government. First, we passed a law when I was in the Senate asking for an examination for the best type of boat. The investigators went clear to Russia to find the best type of boats and came back and made a report. Very little good was done by that. Then we passed a law making model boats, and little was accomplished by that. Realizing that private enterprise had not utilized the river, the Government invested some millions in boats for traffic on the river. Of course, there has been some increase in traffic.

Now let me make a startling comparison between the amount of traffic on the Mississippi River above and below the place where the Illinois River would empty in, and that on the Great Lakes. In 1923 the total down-bound freight from the mouth of the Missouri to the mouth of the Ohio was 438,000 tons; up it was 300,000 tons. In 1924 there was a slightly larger tonnage than in 1923.

Above the month of the Missouri up to Minneapolis the entire commercial traffic in 1924 amounted to 769,000 tons. Now, if you take either of these statistics as a denominator, the traffic on the Great Lakes is one hundred and sixty times as great as it is on either stretch of that river.

That is not all of it. The traffic of the Great Lakes is characterized by long-distance hauls, a thousand miles or so. Let us see what the report of the engineer says about the traffic on the Mississippi above the mouth of the Illinois:

> Of all the fine large packets belonging to this river, none remain as such, having been remodeled for excursion boats. The principal part of the freight was carried for a moderate distance by small gasoline and steam tow boats.

Instead of that we have boats carrying 15,000 tons on the Great Lakes.

They could load to a depth of 22 or 23 feet, but the draft, by reason of this diversion and the deficiency in the water fall, is reduced to 18 feet, 3 inches; perhaps even less than that. Larger draft is possible up to the month of July. Then there is a stationary phase in July and August and then a diminishing depth for the rest of the navigable year.

Is it fair to threaten this enormous traffic for another traffic which up to date has been only one-one hundred and sixtieth part of it?

I do not knock the Mississippi River. I think there are possibilities in it, and I think there are possibilities in the Illinois River, but, as I said the other day, the whole history of river and harbor improvements is strewn with the wrecks of great expectations and small realizations. I can remember 30 years ago and more when there was an agitation much stronger than this for the Illinois River, for what was known as the Hennepin or Illinois and Mississippi Canal, from the Mississippi River near Rock Island up to and connecting with a canal extending to the Great Lakes.

They were holding meetings out in Iowa and Illinois; they were forming associations; they were bombarding Congress; and during the chairmanship of the gentleman from that district, for whom I had an esteem amounting almost to affection, Mr. Henderson, that project was adopted. Seventeen years later, when I was chairman of the committee and after some $7,000,000 had been expended, I tell you frankly that we hesitated about expending $1,000,000 more to complete it, and we authorized that $1,000,000 only because it would be a reproach to the Federal Government to leave a work uncompleted. What is the annual traffic on that canal? About 11,000 tons, and they have to maintain 32 locks at an expense of about $130,000 a year. Of those 11,000 tons five or six thousand are of gravel, handled for just a few miles. As an object lesson, when you come to inquire about what will be accomplished by the Illinois River project, I ask you to bear in mind the facts about that Illinois and Mississippi Canal. I could go on indefinitely with other illustrations and relate how delegations came here and promised millions and millions of tons in traffic; how the prices were to be reduced; how the whole freight-rate structure was to be remodeled and the farmer especially was to gain the benefit, where all ended in naught, and millions were wasted and millions are now being wasted.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. My inquiry may indicate that I am rather dense about this matter, but the bill provides that the work of improvement on the Illinois River shall be prosecuted in accordance with Document 4, filed at this session of Congress, and then proceeds to say that the work shall not constitute any interference with or be in any way inconsistent with the terms of the permit granted in 1925 by the Secretary of War. That seems to me to be inconsistent. I ask the gentleman whether that is a correct view; and if it is correct, what is the necessity for legislating at all?

Mr. BURTON. There is an improvement that is contemplated in the way of deepening the Illinois River. I do not like that provision, I am frank to say to the gentleman.

Mr. YATES. What section is that?

Mr. MOORE of Virginia. Section 6. Here is the language:

> *Provided*, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

Nevertheless, preceding that there is a provision that the work shall go on in accordance with Document 4.

Mr. BURTON. In a way the first part of that provision is distinct from the rest of it. That refers to the permit of the Secretary of War which has to do with sanitation only, while the rest pertains to the project for navigation.

Mr. MOORE of Virginia. Looking at the face of the bill, not making any particular study of the permit or of the document, I thought that we have in that an inconsistent provision and that the argument of the gentleman is reinforced by that circumstance, his argument, or at least his suggestion, being that we might as well defer this legislation.

Mr. BURTON. It certainly tends to safeguard the situation so far as protecting Chicago is concerned, and I think in the language of the gentleman from Virginia [Mr. MOORE] it is an argument in favor of postponing action. What is the use of passing a bill here containing a provision—and this is a repetition of what I have said, but you can not reiterate too much—which may be declared illegal, beyond the power of Congress, within less than a year from now?

I now call attention to another provision in this bill. I refer to section 8:

> That the Secretary of War is authorized to allot from any funds hereafter appropriated by the Congress for controlling the floods of the Mississippi River and continuing its improvement—

And so forth.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Not now. I think I know what the gentleman wants to tell me. I think there is abundant gall in that provision. It authorizes the building of levees on a stretch of river more than 200 miles long, at an expense of millions of dollars. Were the hands of those who caused it to be inserted

not so full with what was in the provision for the Illinois waterway, but that they wanted to overload them still further by a provision for levees on the river? What is the basis for that improvement? In the year 1924 a report was made by the Engineer Corps on those proposed levees, in which it was distinctly stated that there was no national interest involved and condemning this appropriation.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. DEMPSEY. That provision has been stricken from the bill.

Mr. BURTON. I am very glad to hear it. I think it was a strange psychology that ever permitted its being put into the bill, for with all due respect it is a steal from beginning to end, without any authority whatever. [Applause.] But—

And while the lamp holds out to burn—

And so forth, always is there room for repentance. [Laughter and applause.]

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. BEEDY. I should like some information which I think the gentleman can assist me in getting. Is there any right now existing upon the part of the cities on the Lakes, say, as far down as Sandusky, to a diversion of 1,000 feet per second from the Great Lakes for domestic water supply?

Mr. BURTON. There is that amount diverted.

Mr. BEEDY. Is there any right existing in the cities to that supply?

Mr. BURTON. That is recognized by the common law—the right of a city to withdraw for drinking purposes so much water; and I may say that Chicago, in addition to these 8,250 cubic feet, withdraws, say, 1,200 cubic feet for drinking purposes.

But let me tell the gentleman that virtually goes back into the Lakes. Even if it is evaporated, it goes back in the form of rain.

Mr. BEEDY. Then, that being the fact, I want to ask the gentleman this question. Am I right or wrong? I understand that the attitude of the proponents of this dredging project is this: True there are 8,500 feet per second now being diverted for sanitary purposes. With that we have no concern. It may be stopped to-morrow. We still ask for an appropriation to dredge our river, for so long as the 1,000 feet come through for domestic purposes at Sandusky we are satisfied, and therefore there is no question of diversion here in this bill.

Mr. BURTON. There is a question of diversion here.

Mr. BEEDY. Is that the correct stand of the proponents?

Mr. BURTON. No.

Mr. BEEDY. That is what has been stated on the floor.

Mr. BURTON. There has been diversion for the purpose of sanitation only, nothing recognized in any way for navigation. The Secretary of State and the Secretary of War expressly stated, as I have read to you, that the diversion was for sanitation.

Mr. CHINDBLOM. Will the gentleman from Ohio yield?

Mr. BURTON. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Chairman, ladies, and gentlemen of the House and of the committee: In the Executive gallery, by courtesy of the President, there have just arrived, as has been shown by the spontaneous applause of the House, some very distinguished visitors from across the sea. [Applause, the Members rising.] I beg to express my appreciation to the very distinguished gentleman from Ohio [Mr. BURTON] for yielding to me for a moment to say the words which I have in mind. No man in this House could better have graced this occasion by so fine a courtesy in connection with a question or a matter of international importance and aspect. [Applause.] Our distinguished visitors come from a country with which our Republic has always had the most amicable relations; in fact, they are natives of a land—which, in passing, I might say was also the land of my forebears [applause]—that has made valuable contributions to the early beginnings of our national history. It was the great Gustavus Adolphus II who conceived the idea of planting on American soil a Swedish colony [applause], and his great chancellor, Axel Oxenstjerna, carried out the purpose of the hero King, who died at Lutzen in 1632, and the colony of New Sweden, subsequently known as Delaware, was the result of the planning of these great heroes of the Swedish people. Through the Revolutionary War and throughout the formation of our Government men who bore their ancestry from that race and from that people took a leading part. As a result of that and subsequent migration to this country from Sweden about 2,000,000 people now live in the United States of Swedish birth and ancestry. They have contributed in personal character, in industrial and agricultural achievement, in science, art, and culture generally, to the growth, the welfare, and the happiness of the American Republic. [Applause.]

On the morrow there will be dedicated at this Capital a monument erected to the memory of the greatest man of Swedish blood who ever came to the United States, Capt. John Ericsson [applause], the designer and builder of the *Monitor*, who in the Nation's greatest trial met an actual emergency, a great crisis, an impending danger to the cause of the Union. Happily, we are all united to-day in the great cause for which John Ericsson and the *Monitor* fought in 1862. [Applause.]

The Government of Sweden, His Majesty the King of Sweden, and the people of Sweden, responded to our request, at first informally and subsequently more formally made, that at the dedication of this memorial to-morrow there might be present these distinguished visitors from abroad.

I wish to say to our visitors that the American people, the Government of the United States, as they already know by reason of the assurances of the President, the Secretary of State, and many others, and the Congress of the United States, bid them welcome to America. [Applause.] These noted guests in the Executive gallery are His Royal Highness Gustaf Adolf, the Crown Prince, and Her Royal Highness Louise Alexandra, the Crown Princess of the Kingdom of Sweden. [Applause, the membership standing.]

The CHAIRMAN. The gentleman from Ohio [Mr. BURTON] is further recognized.

Mr. BURTON. Mr. Chairman, I can not forbear for a moment to digress from the subject upon which I have been speaking to commend the eloquent remarks of the gentleman from Illinois [Mr. CHINDBLOM].

How many splendid types there are in our country, with its cosmopolitan population, of those whose ancestry came perhaps at a recent date from across the sea. [Applause.] And to none do we owe recognition more than to the so-called Scandinavian race—to Sweden, to Norway, and to Denmark. [Applause.] It is, I am sure with pleasure, indeed, with enthusiasm, that we welcome the presumptive heir to the crown of Sweden in our midst. His is a country with splendid traditions in peace and in war for more than a thousand years. [Applause.] There is written as with a pen of iron the achievements of Sweden in the history of the world. With no country are our relations more amicable. May that international friendship, which is a crowning distinction for any nation, permanently endure between this great Republic—the United States—and the Kingdom of Sweden. [Applause.]

Now, Mr. Chairman and gentlemen, I will resume what I have been talking about.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOONEY. Mr. Chairman, I yield an additional 15 minutes to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes more.

Mr. BEEDY. Mr. Chairman, will the gentleman permit me to pick up the thread where we dropped it?

Mr. BURTON. Yes.

Mr. BEEDY. Those of us who were here and listened were led to believe that this project was asked on this basis: "We in no way depend on the 8,000 feet for sanitary purposes. They may take it from us to-morrow, so long as the 1,000 feet for domestic purposes flows along the Sandusky and other rivers. Then we ask this appropriation to dredge our rivers."

Mr. BURTON. I have already answered that. If you adopt a waterway with 8,250 cubic feet, your plan must address itself to that quantity of water. To change it so that a lesser amount will flow will involve the replacing of locks and dams, which under this project you would remove. You would have to restore them.

I ask the practical question: When navigation has once adjusted itself to that larger body of water, when also it will be necessary in case there is a smaller diversion to appropriate an additional $5,000,000 or $6,000,000, will not the practical difficulty be very great in gaining the consent of Congress?

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. DEMPSEY. My understanding of the testimony of the engineers is that it would not be necessary to restore the locks and dams at all. The channel can be obtained simply by dredging, and that the work now done is useful for a minimum

of 1,000, and that it can be obtained by dredging alone. That is what the engineers testified to.

Mr. BURTON. I think there is an error in regard to that, although the statement is made that if the locks and dams are removed the current will be swifter, and in upstream navigation it would be preferable to have the locks and dams because it would diminish the swiftness of the flow.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield again for just one second?

Mr. BURTON. Yes.

Mr. DEMPSEY. That is in regard to locks and dams which are retained, not in regard to those which were removed.

Mr. BURTON. I do not agree with the gentleman in his report in regard to that.

Mr. DEMPSEY. It is very clear.

Mr. BURTON. Now, let me proceed for a brief time. What about this Illinois waterway? Those on the Great Lakes have no objection to it. But its proponents wish to diminish the volume of the water in the Great Lakes. The claim is made that they must have 10,000 cubic feet. The gentleman from Illinois [Mr. MADDEN] in the hearing before the committee said he did not agree with the engineers that less than 10,000 feet was needed. When smaller amounts were named, he said:

I do not want to agree to any such figure as that.

Let me read from the last report of the engineers with regard to that, made in 1914, the last report that was made under any order of Congress in that regard. It is found in Executive Document No. 762, Sixty-third Congress, second session, and I will first quote from page 105:

Such a waterway will not require a diversion of more than 1,000 second-feet from Lake Michigan.

Then, again, on page 107:

The claim that more than 1,000 cubic feet per second is required for purposes of navigation can not be maintained. The treaty, however, recognizes as proper the use of water for sanitary purposes, and it is the opinion of the board that only such water should be diverted from Lake Michigan as is indispensable for sanitation, and then only with a provision for proper compensating works in the outlets of the Lakes to prevent a lowering of their levels.

I want you to listen to this. The engineers took very seriously the injury to the Lakes. Report after report was made. Two reports were made in prior Congresses in response to resolutions of the Committee on Rivers and Harbors. In the last of those reports it was stated that a proper waterway should have a depth of 7 feet instead of 9 feet, and let us listen to what the Board of Engineers said in the other report to which I have referred about the duty of the State of Illinois:

A primary condition of any cooperation between the United States and the State of Illinois should be the acceptance in perpetuity of full responsibility by the State of Illinois or its agencies for all damages by changes in lake levels.

Is there anything done in pursuance to that recommendation in this pending report and in this provision?

I read further:

Including cost of compensating works, and for all damages to riparian owners, and the State should transfer to the United States the locks and the control of the new waterway thus created so far as needed by navigation.

Now, what was the original act of the State of Illinois in regard to this sanitary canal? The original act of the State of Illinois authorized such a canal, and stated expressly that it was for sanitary purposes; that a certain amount of water should be withdrawn in proportion to the number of inhabitants; and they say that the United States, if it takes over the navigation, must undertake the same responsibility that is by the report of the engineers imposed upon the State of Illinois. This is the provision, section 24:

When such channel shall be completed and the water turned therein, to the amount of 300,000 cubic feet of water per minute—

That is altogether less than they are diverting now—

the same is hereby declared a navigable stream, and whenever the General Government shall improve the Des Plaines and Illinois Rivers for navigation.

And they also say that if the Government of the United States should assume and bear the expenses and damage claims growing up out of the flooding of these farm lands below, then under those circumstances the State of Illinois would allow the Government of the United States to treat the sanitary canal as a waterway.

Now, just look at how diametrically opposed they are. The act of the State of Illinois demands before it can be used as a waterway by the United States that the United States shall assume and pay for all damages to the farm lands; and I propound you this question: If we adopt that project, what of the condition by the State of Illinois in turning it over to the Federal Government? On the other hand, the engineers of the Federal Government say that the State of Illinois should assume those claims for damages. Suits to the amount of $4,500,000 have been brought against the drainage district of Chicago in the Illinois Basin for damages resulting from the bringing down of this noxious sewage and for overflowing their land. It was supposed that the sanitary district would pay those claims, but they are resisting with might and main every one of them and compelling those who are subjected to this injury to bear the expense.

Mr. MADDEN. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. MADDEN. The gentleman would not want Illinois to submit blindly to any claim that anybody might make without proof, would he?

Mr. BURTON. Well, there is a way to settle all of those claims in an amicable way. It is not the State of Illinois but it is the drainage district against which these suits have been brought.

Mr. MADDEN. Well, they are a part of the State.

Mr. BURTON. What is the way in which this proposed improvement of the Illinois River can be settled? The question was asked yesterday as to whether the opponents of this proposition, if a clause were put in that nothing should be done for the prosecution of the project until after the judgment of the Supreme Court, would be willing to accept such a provision. We can not accept, for this reason: The Supreme Court may decide—and the chances are more than 50-50, I think—that no diversion from the lake is permissible even by act of Congress.

Mr. McLAUGHLIN of Michigan. And that would mean that the Chicago River must be permitted to run into Lake Michigan?

Mr. BURTON. As it originally did.

Mr. McLAUGHLIN of Michigan. Then there would be no canal or waterway from Lake Michigan to the Des Plaines River.

Mr. MADDEN. And there would not be anybody living in your neighborhood, because the sewage of all these States would bring pestilence and death.

Mr. McLAUGHLIN of Michigan. I was speaking simply on the question of law and the result of it. That can be taken care of separately.

Mr. BURTON. Stronger ground, of course, is the question of the right to divert from one watershed to another. To repeat what I said a few days ago, if these were two contending nations, with common boundaries and of comparative equal strength, there would be war before the diversion would be allowed.

After the decision of the Supreme Court we can get together on this. I say here and now that if the decision of the Supreme Court should be that there is no right to diversion, I feel we should be fair to the Illinois waterway and we should endeavor to get an agreement between the States for a limited yet sufficient amount of diversion of water, say, 1,000 or 1,500 or even 2,000 cubic feet. Notwithstanding the law might be decided to be against the right to divert, I make that statement here boldly and bluntly. That would be my attitude in regard to it, but we do not wish those who are advocating 10,000 cubic feet or 8,500 cubic feet or 8,250 cubic feet to have their way in regard to it.

How about sanitation at Chicago? Why, it is inevitable that whatever the decision of the court may be, for some time there will be diversion at Chicago, law or no law; notwithstanding they went ahead ruthlessly violating the laws of their country and withdrew twice, yes, even three times, what under any semblance of permit they had the right to withdraw; notwithstanding they maintained a lobby on behalf of their bill, which in its wide ramifications and in its appeal to that which is questionable and corrupt, has not been equaled by anything else in this country.

Mr. MADDEN. I wonder if the gentleman knows the facts in the case he is stating. If he does I would like to have him state them.

Mr. BURTON. You know them yourself.

Mr. MADDEN. I do not, and if the gentleman will state them and prove them I will join him.

Mr. BURTON. You know them or else your eyes are blind.

Mr. MADDEN. If the gentleman can prove what he says, I will join his side of the case. I am challenging the gentleman to do that.

Mr. BURTON. How much do you think they paid per annum for legal fees?

Mr. MADDEN. I do not know anything about that.

Mr. BURTON. That shows you do not know anything about what they have done.

Mr. MADDEN. And I will show that you do not know, either.

Mr. CHALMERS. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CHALMERS. I wish in discussing the question now before the Supreme Court the gentlemen would emphasize that we may get a different decision when the Supreme Court acts if we adopt this Illinois project than we will get if we do not adopt it.

Mr. BURTON. Of course, any provision of that kind is a sort of danger signal in that the Supreme Court might be influenced by it.

Mr. McDUFFIE. May I interrupt the gentleman for a question?

Mr. BURTON. Yes; but let me first finish this statement and then I will be glad to yield to the gentleman.

We can adjust the matter of the withdrawal if they will simply show a disposition in Chicago and on the part of the sanitary district to hasten the construction of reduction works. It is said in one place in the report that there is a great difference in the demand for water according to the standard of purity you adopt, and very likely when reduction works are completed there will be a certain amount of diversion, not large, perhaps 2,000 cubic feet, which may be required there, including, or possibly exclusive of and separate from, the amount required for drinking water and for domestic purposes.

The CHAIRMAN (Mr. NEWTON of Minnesota). The time of the gentleman from Ohio has again expired.

Mr. MOONEY. Mr. Chairman, I yield the gentleman 10 minutes additional.

Mr. HOWARD. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. This morning the House granted me 10 minutes to speak immediately upon the retirement of their Swedish Majesties, but the gentleman from Ohio was speaking and, out of courtesy, I did not want to interrupt him; but his time having expired now, I think it is nothing more than proper for me to proceed.

Mr. BURTON. But the gentleman from Ohio is still speaking, Mr. HOWARD, and I think it would not be fortunate to break in on the thread of my remarks. It would also lessen the good attention that will surely be given to the gentleman from Nebraska. We will all listen to him, and an interruption now would very much break in on what I am about to say.

The CHAIRMAN. The Chair was not aware of the understanding, and would suggest that the gentleman wait until the gentleman from Ohio has concluded. The gentleman from Ohio is recognized for 10 additional minutes.

Mr. HOWARD. The gentleman from Nebraska wants the Chair to understand that he yields out of courtesy to the gentleman from Ohio, not relinquishing any of his rights to speak now as ordered in his behalf by the House of Representatives.

Mr. BURTON. I am very glad to accept that very good naturedly from the gentleman from Nebraska.

Mr. CRAMTON. Will the gentleman yield, since there is an interruption and I do not desire to interrupt again?

Mr. BURTON. I yield.

Mr. CRAMTON. Personally, I hope before the gentleman concludes he will give the committee an understanding of what the effect would be upon the Illinois River project if action upon this matter should be deferred.

Mr. BURTON. I will do that. I have a note of that. I will go to that point now.

According to the report of the engineer of the State of Illinois, Mr. Barnes, there are five locks in that portion of this waterway which are to be constructed by the State of Illinois. In order that the members of the committee may understand, there are three divisions of this proposed waterway: First, that created by the drainage canal constructed by the sanitary district extending about 35 miles from Chicago; second, the portion constructed by the State of Illinois, which I believe is 65 miles in length and which includes five locks and dams. Of these five locks and dams two have already been constructed, and they are talking of making the contract for the third. Third, that portion which this bill proposes that the United States Government should construct in the Illinois River from Utica to the mouth at Grafton, a distance of over 200 miles. The engineer of the State of Illinois says if they do not have any more litigation, which they are very likely to have, they can finish their part in three years from the time when the contract is made. That contract probably would not be made before next autumn, probably would not be made until we take some action here, and may not be made until considerably later. General Taylor, in repeated hearings before the Committee on Rivers and Harbors, has stated that the improvement by the Government in the Illinois River can be completed in two years. Now, what is the rush? What is the haste? One year more at least, and probably two, will be required for the Illinois portion of this project, as compared with the Government, and there is no reason for pressing this forward at this time.

Now, gentlemen of the committee, I have detained you too long; but if there is any issue that has come up before this House in which local feeling has been raised, it is this:

All my active life I have lived on the Lakes; I have seen the city of Cleveland grow from a community of 150,000 to one of practically a million. I have been back and forth on these channels and witnessed the commerce grow to fleets that Venice and the harbors of the modern world might look upon with envy and dismay, because they surpass anything in the past or in the present. [Applause.] I do not wish to see this traffic threatened with irreparable loss. I do not wish to see an area which in energy, in industry, in patriotism, in all the great characteristics of modern life is equal to any part of the world—I do not wish to see the clock set backward and that area subjected to ruin. [Applause.]

Now, what is the sensible thing to do? I will recapitulate. Wait until the Supreme Court has decided what our rights are. [Applause.] Let us not run into a blind alley, where the decision may be to the effect that we have taken action; that we have commenced a work when that work is not proper. Let us see what we can do toward an adjustment of the conflicting rights between different portions of this country. Let us not make a precedent here. I say to you with the utmost solemnity if you can put such a provision into a rivers and harbors bill, you that favor that kind of legislation may well take account of the dangers of the future, for if it contains a provision which builds up one locality and casts down another, an influential element of this country will be opposed to any rivers and harbors bill at all.

We are treading a road that we never trod before when we put such a provision in the bill.

Why is it, when other countries are rent and torn, distraught, and threatened with war and calamity, our own is free? It is because we seek through Congress, through courts, by all the valid agencies that make up this complex system of ours, to do justice between man and man and between community and community. If you pass this provision, you are not doing justice between community and community.

I appeal to you, my colleagues, not to do that. Strike out this provision. It can do no harm to those who propose it, because at a later time, when the skies are clear, we can include some adequate provision, but to-day, in the consideration of this bill, let us do justice, let us refrain from action which promises such damaging—I may say such dire—consequences as this. [Applause.]

Mr. McDUFFIE rose.

Mr. BURTON. I promised to yield to the gentleman from Alabama; and if I have time, I will now yield to him.

Mr. McDUFFIE. We all agree with the gentleman as to the importance in maintaining that splendid commerce on the Lakes. All that the gentleman has said is true. I think the committee feels that way. It has not been our intention, and we do not believe that we are hurting that commerce. The gentleman will agree with me that if we, for the sake of the argument, grant that this bill legalizes the flow of 8,250 feet per second that flow would not further decrease the level of the Lakes.

Mr. BURTON. There is a more serious question than that. Our hopes are based on the depth of the Lakes increasing. How can the depth increase if there is an unlimited right to abstract 8,250 second-feet a second?

Mr. McDUFFIE. I have not completed my question.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BURTON. At some future time I may take the floor again and I will answer the gentleman's question.

Mr. DEMPSEY. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I believe thoroughly in maintaining the equilibrium of friendship between communities in the United States, but while we are doing that I believe we ought to concede to each other the right to justice, but that is not what the gentleman from Ohio [Mr. BURTON] is willing to accord. Two gentlemen from Ohio within the last two days have paid their distin-

guished consideration to Chicago. Chicago, the imperial city of the Central West, needs no eulogy from me and she cares nothing about any condemnation from anybody else. [Applause.] She stands there as the outpost of advanced commercial and cultural development, an example of her great genius to every section of the Nation. She asks nothing to which she is not entitled; her Representatives on this floor ask nothing to which they are not entitled. We come to you to-day to combat mainly the many misrepresentations that have been made by these gentlemen in regard to what Chicago has done. We do not admit many of the things that have been said. These gentlemen tell you that if we will only wait they will see to it that we get a little later what we want now. They tell you that the Supreme Court will dispose of a certain lawsuit pending before it between now and the 4th of next October, and they tell you that at the next session of Congress we can come here and adjust the case that is now pending before us for consideration. Why do they not join us now in endeavoring to adjust it at this time? That is what the case is here for. We are proposing an appropriation of $1,350,000 out of the Federal Treasury to enlarge the navigation facilities of the Illinois River, a bagatelle. It is the first thing that Illinois has come before the Congress to seek. We have not been avaricious in our demands. We pay into the Treasury of the United States about 9 per cent of all of the revenue paid into it. We are glad to do it; I wish it were more. We would be glad to cooperate with everybody else to give them the things that ought to be had throughout the country.

Rivers and harbors can be improved only where they exist. It has been said frequently that certain sections of the country get more of the river improvements than others. That is because the rivers are there. They could not be improved if they were not there. We ask for the improvement of the Illinois River because it is there and because it is the great connecting link in our inland waterways between the Mississippi River system and the Great Lakes, and we ask it because by its improvement we will afford facilities for the transportation of the products of the factories and the farms at a cheaper rate than the railroad companies now accord.

We are not endeavoring to prevent progress. If the policy of the gentleman from Ohio [Mr. BURTON], for whom I have the greatest admiration, should be adopted here, there would be no progress; it would stop. He has reached the stage where he has doubts as to the advisability and the feasibility of making new additions to the facilities for the lowering of the cost of transportation to the people. He was once the distinguished chairman of the Committee on Rivers and Harbors. I served in the House with him when he was occupying that great position, and if I recall correctly—and he will correct me if I make a misstatement—he was, as chairman, heartily in accord with the improvement of the Trinity River in one of the sections of the United States and for the acquisition of water toward navigation for that river they were required to sink artesian wells. The gentleman's judgment could not have been very good then, or else it is very bad now. The Illinois River is one of the great waterways, one of the great arteries of commerce. It is 223 miles from the place where we want to begin to improve it to the Mississippi River, and it is 100 miles away from Chicago, where we will begin. All of the arguments around this case seem to have been made upon the theory that Chicago has been stealing something, but I am here to speak for Chicago, and I am proud to be a Chicagoian. I have lived in Chicago all of my life. I have seen it grow from 100,000 to more than 3,000,000 people. I can beat the distinguished gentleman from Ohio [Mr. BURTON], who has seen Cleveland grow from 100,000 to 1,000,000. I have seen the progress we have made. I have seen the industry, the enterprise, the patriotism, the valor, and the bravery of the people of Chicago, who come there from every nation in the world, and although Chicago has a population that speaks every tongue, everything that moves them to action is inspired by pure patriotism. We ask for nothing. We steal nothing, notwithstanding what the gentleman from Ohio says; and if there is any lobby anywhere that corrupts anybody or attempts to corrupt anybody in behalf of anything that Chicago wants, I want to know it. I challenged the gentleman from Ohio to state it when he was on the floor, and he did not state it. He said he thought I knew, and I told him then and I tell you now that I do not know, and I do not believe what he says.

I do not say that in an offensive sense; but if there is such a lobby as that which he asserts, then we have no place here, and I do not think any man ought to make the statement he made on the floor and let it go at that. He ought to tell what he knows, if he knows, and he ought to tell why he knows; and if there is anybody corrupting anybody anywhere in relation to the thing that we are asking, then I want to say to you that I am not for that thing, and I will join you or anyone else against it.

But I challenge the veracity of the man who makes the statement. Let him prove it, and then I will join him. That is fair. He is entitled to present the facts to you and you are entitled to have them.

Of course, all of the arguments around this case have been made upon the ground of lake levels, and everyone here has been led to believe that Chicago has stolen all of the water in the Great Lakes.

Well, Chicago has not stolen any water. She has taken no water out of the Lakes except what she has taken by authority, if the people who have the power to issue permits have the authority.

Mr. MICHENER. But do not they exceed the permits right along?

Mr. MADDEN. I do not think so.

Mr. MICHENER. Does not the gentleman know so?

Mr. MADDEN. No; I do not, personally.

Mr. MICHENER. Do not the engineers say so?

Mr. MADDEN. I do not know that.

Mr. MICHENER. The gentleman realizes what the Justices of the Supreme Court in a recent opinion say, that the sanitary district defies the law, and actually used the words "take the bull by the horns," and——

Mr. MADDEN. I did not read the decision.

Mr. MICHENER. I would suggest the gentleman read the decision.

Mr. MADDEN. I object to being interrupted further.

Mr. SABATH. There is no one charging they are taking more water than the permit gives them.

Mr. MADDEN. I am going to tell the truth of the case as I know the truth. I am not under any circumstances going to make any statement I do not honestly believe myself to be true. They claim we have lowered the lake levels, that the lake levels are 40 inches lower than they were. That is true. They are; but they have tried to leave the impression that the diversion of water from the Lakes at Chicago has lowered these lake levels 40 inches, although when cornered they do say it is but 5 or 5½ inches.

Mr. WILLIAM E. HULL. That is, on the 10,000 cubic feet per second?

Mr. MADDEN. Yes. I say if you continue to take 10,000 cubic second-feet out of the Lakes for diversion from now until the day of judgment it would not lower the levels of the Lakes one-millionth part of an inch. The levels of the Lakes, so far as they are affected, have reached a state of repose. I maintain that 8,250 cubic second-feet taken out of the Lakes, and now used as a guide by the engineers in computing the cost of the proposed improvement to the Illinois River, is not so connected up with the recommendation for the improvement as to require the continued use of that amount. What it does is to provide for the use of 8,250 cubic second-feet as a basis of calculation of what the cost of the improvement of the Illinois River will be. If you reduce the quantity to 5,000 cubic second-feet for the purpose of calculation, the cost of the Illinois improvement will be more, but it does not tie the two things together at all. I want that gotten clearly into the minds of all of you. On the other hand, the former Senator from Ohio says we can settle the question, and he also says 8,250 cubic second-feet is tied, and we are bound by it, and that we can not lower the channel in the Illinois River without restoring the locks in case a less quantity than 8,250 cubic second-feet is used; but, as an engineer having some knowledge of construction, I maintain that you can lower the river channel as much as you want to by digging it deeper and making it a little less wide than originally intended under the existing plan, depending entirely on the flow. It costs more to make a channel with less flow than with more flow. Say, for example, the flow is diminished as the conditions are adjudicated at Chicago and the Illinois channel has to be deepened, it would have to be deepened at a greater cost. I am willing to admit that. But I want to say that the permit under which Chicago is taking water out of the Lakes at the present time was issued by the Secretary of War on condition that Chicago proceed a little faster than she has been proceeding. She has begun to provide sewerage-reduction works, other than dilution, to take care of that. The engineers report Chicago has kept faith, and under the agreement she has spent this year between $19,000,000 and $20,000,000; she secured the passage of an act by the State legislature authorizing an increase in the tax rate from 3 to 4 per cent, so she might be able to issue bonds in a greater quantity than had theretofore been possible, and she is spending this money and proposes to continue

to expend it in direct accordance with the provisions of the permit.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. I can not yield.

Mr. LINTHICUM. I want to get a little information.

Mr. MADDEN. I am going to try to give the gentleman information, but I have only 30 minutes, and I must decline to yield. I have a lot of statements to cover. I want to say that a board of eminent engineers consisting of: W. W. DeBerard, Chicago; George G. Earl, New Orleans; Harrison P. Eddy, Boston; George B. Fenkell, Detroit; John R. Freeman, Providence; James H. Fuertes, New York City; George W. Fuller, New York City; John H. Gregory, Baltimore; C. E. Grunsky, San Francisco; E. E. Haskell, Hamburg, N. Y.; Joseph F. Hasskarl, Philadelphia; T. Chalkley Hatton, Milwaukee; Col. Charles S. Riche, Chicago; Ezra B. Whitman, Baltimore; John B. Hawley, Forth Worth; Robert E. Horton, Albany; Clarence W. Hubbell, Detroit; Wynkoop Kiersted, Kansas City; Morris Knowles, Pittsburgh; J. L. Ludlow, Winston-Salem, N. C.; Richard R. Lyman, Salt Lake City; Anson Marston, Ames, Iowa; Arthur E. Morgan, Dayton, Ohio; Frederick H. Newell, Washington, D. C.; Paul H. Norcross, Atlanta; Asa E. Phillips, Washington, D. C.; Francis Lee Stuart, New York City; Sherman M. Woodward, Iowa City, Iowa, made an exhaustive study of the causes which produced the abnormal low lake levels existing and prior to the year 1924 and reported thereon as follows:

The records of the last 65 years revealed at least eight different classes of changes in the height of lake surfaces.

Changes caused by nature:

(a) Long-term cycles with periods of five years, or longer, of rise or fall, due chiefly to a series of several successive wet or dry years.

(b) Yearly cycles of change of height with the season of the year. Each lake ordinarily stands about 1 foot higher in summer or early fall than in winter.

(c) Daily fluctuations of level caused by winds and changes of barometric pressure. As an illustration one end of Lake Erie is sometimes as much as 12 feet higher than the other end. Such conditions are likely to change hourly.

(d) Irregular changes produced by deep freezing of tributary streams in very cold winters and by clogging of outflowing streams by ice jams. In some winters the discharge of the St. Clair and Detroit Rivers is reduced one-half by ice obstruction; in other winters there is no such effect.

Changes caused incidentally by works for purposes other than regulation:

(e) Permanent lowering caused by dredging and scour in outlet channels. The dredging of the St. Clair River to improve navigation, with subsequent scour, caused by the propellers of large deep-draft boats, and occasional ice gorges, has had an important lowering effect on Lakes Huron and Michigan.

(f) Permanent lowering due to diversions through canals. The Welland, Erie, and Chicago Drainage Canals have lowered all the Lakes except Superior in varying amounts.

Intentional changes:

(g) Raising Lake Superior by control gates at its outlet, in operation since 1916, which has temporarily lowered the other lakes by withholding water that would otherwise have flowed into them.

(h) Raising the level of Lake Ontario by about 6 inches for the benefit of navigation, produced by the Gut Dam in the Galop Rapids, built by the Canadian Government.

CAUSES OF CHANGES IN LAKE LEVELS

A study of the records of the United States Weather Bureau since 1871, of the United States Lake Survey records of lake levels since 1860, of the history and nature of the improvements in the St. Clair and Detroit Rivers and of the regulating works at Sault Ste. Marie, of the amounts of water diverted by the various navigation, sanitary and power canals shows that the greatest factor in producing fluctuations of the levels of the Great Lakes is the variation from year to year of the natural climatic conditions, chiefly rainfall and evaporation.

The following list of causes and facts will explain the present low stages of Lakes Michigan and Huron. The approximate amount of lowering below normal is stated in inches:

1. Unusually light rainfall combined with unusually large evaporation during the five years 1919 to 1923	13
2. The fall from Lake Huron to Lake Erie along the St. Claire and Detroit Rivers during 1897–1923, inclusive, averaged less than in 1860–1885, inclusive. This explains a lower stage of Lakes Michigan and Huron by	8
3. Diversion of water from Lake Michigan at Chicago	5
4. Retention by the existing regulating works of water in Lake Superior which would otherwise have flowed into the lower lakes. (See par. 46)	8
5. Diversions of water from Lake Erie and from the Niagara River by the Welland Canal, the New York State Barge Canal, the Black Rock Navigation Canal, and the power canals at Niagara Falls, which have lowered Lake Erie about 4.4 inches and thus by backwater effect through the Detroit and St. Clair Rivers have lowered Lakes Huron and Michigan	2
Total lowering of Lakes Michigan and Huron below normal	31

In explanation of item (1), it should be noted that the water yield of the Lake Superior drainage basin during the 5-year period 1919 to 1923 was only 64 per cent of normal. The deficiency of water supply through St. Marys River to Lakes Michigan and Huron, expressed in terms of discharge, was about 27,700 cubic feet per second. During the same five-year period the water production of the drainage basin directly tributary to Lakes Michigan and Huron was probably 2 per cent in excess of normal. This excess represents a mean flow of about 2,000 cubic feet per second. The average five year net deficiency of the entire drainage basin above the outlet of Lake Huron has, therefore, been about 25,700 cubic feet per second. The effect of this deficiency has been the same as though water production had been normal and this amount of water had been diverted. The lowering due to this deficiency has been calculated as though it had been uniformly distributed over the five-year period.

In explanation of item (4) it is to be noted that if water had been allowed to flow in St. Marys River as it would have flowed under natural unregulated conditions, Lake Superior would be lower by a foot or more than it now is. The estimated effect of this water storage in Lake Superior was based on the assumption that the retained water would have come into Lakes Michigan-Huron at an average rate during the five years 1919–1923.

It is said that daily fluctuations of the water levels are caused by winds and changes of barometric pressure; that changes are produced by diminishing flow of tributary streams, and the clogging of outflowing streams by ice jams, and changes made by purposes other than regulation, and so on. And they now say that Lake Superior is 9 inches lower than it has been. Yet Lake Superior is not affected at all by the diversion of the water at Chicago. Lake Superior has built regulatory works to hold the water back. She used to let the water down into the lower lakes, but this is not done any more; it is held for water power purposes. Yet Lake Superior is lower than it was, and Lake Michigan is lower from the fact that Lake Superior does not let the water down.

Stopping Chicago's diversion will not correct the levels of the Lakes. This to the engineering profession would of necessity be considered only a minor operation. What the situation needs is comprehensive treatment covering the entire chain of Lakes. This subject has been given a great deal of study by the engineering profession in the United States, and the solution recommended is regulating works in the Niagara River above the Falls and in the St. Clair River between Lakes Huron and Erie, working in conjunction with the regulating works already installed at the foot of Lake Superior at Sault Ste. Marie.

Engineers whose standing and qualifications can not be questioned are generally agreed that these works can be installed at a very inconsequential cost; that the operation thereof will be inexpensive and that when they are installed and in operation the Lake levels can be brought back and held at their normal stages to the great advantage of shipping upon the Lakes and without in any manner interfering with the operation of power plants already in existence.

The United States Government, in the interest of navigation, has made extensive improvements at the lower end of Lake Huron, in the St. Clair River, in Lake St. Clair, and in the Detroit River.

At the south end of Lake Huron, near the entrance to the St. Clair River, a channel 2,400 feet wide and 21 feet deep has been cut across a shoal for a distance of 2 miles. The middle 1,000 feet of this channel was deepened to 22 feet in 1923. The original depth across this shoal was about 17 feet.

The St. Clair River originally had shoals in several places with depths of 16 to 18 feet. Improvements have made a depth of 21 feet throughout the river.

In its original condition the channels through Lake St. Clair were obstructed by a shoal at the entrance to the Detroit River and by bars in the lake at the several mouths of the St. Clair River. Over these bars there was an original depth of water of from 2 to 6 feet. Prior to 1858 a channel was dredged across these bars to a depth of 12 or 13 feet. Now the channel at the mouth of the St. Clair River consists of two dredged cuts, each 300 feet wide and 20 feet deep, improved for more than 3 miles. A channel 800 feet wide and 28 feet deep has been cut across the shoal at the entrance to the Detroit River.

In the lower Detroit River, just about the entrance to Lake Erie, there was originally a depth of from 12.5 to 15 feet

across the Limekiln Crossing. There were many other shoal spots in the channel. The present project, now practically complete, provides for a depth of 22 feet to a width of 450 feet in the Livingstone Channel (down-bound channel) and a depth of 22 feet to a width of 600 feet in the Amherstburg Channel (upbound channel).

There is no doubt that these improvements have increased the outflow capacity from Lakes Michigan and Huron and has lowered these lakes, probably more than has the diversion at Chicago. A study of the present lake levels can lead only to such a conclusion. Lakes Michigan and Huron are abnormally low; Lake Superior is low, even though its waters are being held back by regulating works; and at the same time Lakes Erie and Ontario are practically normal. The upper lakes are being drained for the benefit of the lower lakes.

Diversions for various purposes from the Great Lakes and tributary waters brought about the construction of regulating and compensating works, which have raised lake levels to the extent required at these particular places.

In 1901 the first regulating works were constructed at Sault Ste. Marie on St. Marys River to compensate for the lowered levels of Lake Superior, due to the large amount of water taken for power purposes. At first the works, consisting of four movable gates or dams, closed only one-fourth of the channel of St. Marys River. These were built by the Canadians. Later, in 1916, the United States built eight similar sections on the American side, and the Canadians in 1918 filled the remaining gap by installing four more gates on their side of the boundary. At the present time movable dams close the entire channel, the level of Lake Superior is held under complete manual control, and all the water not needed for lockage and a slight amount to preserve fish life in the rapids is used for power.

Before the construction of these dams the levels of Lake Superior had a 4.6 foot variation, and these regulating works have held the levels ordinarily within a range of 18 inches with a maximum range of 2½ feet.

Before the year 1903 the level of Lake Ontario had been lowered by the enlargement of the Canadian Vessel Channel at the Galops Rapids.

In order to restore the levels of Lake Ontario the Canadian Government sought and obtained permission from the United States to construct the Gut Dam, built partly on Canadian and partly on American territory. In the year 1903 this work was completed, and consisted of a fixed dam closing one of the channels at the Galops Rapids.

The probable effect of this dam was estimated by United States engineers prior to the building and later found to be substantially correct. It raised the level of Ontario greater than the estimated lowering that would result from greatest proposed diversion at Chicago.

In the report of the Board of Engineers for Rivers and Harbors, reviewing the Warren report, August 24, 1920, is this statement:

> Lake Ontario has been raised about fifty-six one-hundredths foot by the construction of the Gut Dam, which is 50 per cent more than the lowerings caused by the diversions at Chicago.

Every board of engineers which has investigated this subject has recommended regulating or compensating works to restore lake levels.

The Board of Engineers on Deep Waterways, appointed under an act of Congress of 1897, reported that it was feasible to construct movable gates or dams in the Niagara River for the purpose of raising the surface of Lake Erie, and such construction, by maintaining the level of the lake at an even stage, would benefit navigation.

The International Waterways Commission recommended the construction of compensating works for the restoration and preservation of the levels of the Great Lakes.

In the year 1910 Congress created a commission of engineers to report, among other things, upon means and methods for the preservation of lake levels, and in its report, made in August, 1913, entitled "Final Report on Waterway from Lockport, Ill., to the Mouth of the Illinois River," the commission discussed the Chicago diversion and reported that:

> The diversion of 10,000 cubic feet of water per second through the Chicago Drainage Canal would lower the water surface at mean lake level 0.465 foot in Lakes Huron and Michigan, 0.448 foot in Lake Erie, 0.431 foot in Lake Ontario.

It proposed the construction of submerged weirs in the Niagara River to hold up the level of Lake Erie, and submerged weirs in the St. Clair River to hold up the levels of Lakes Michigan and Huron, at a total estimated cost of $475,000, with $15,000 annually for maintenance.

This commission further found that—

> To restore the diminished levels of the Lakes by contracting works in their outlet, does not, however, present any serious difficulties * * *. At the foot of Lake Ontario the closure of the Gut Channel of the Galops Rapids by the Canadian Government has had the effect of raising the level of Lake Ontario an amount nearly equal to the computed lowering of the lake by diversion of 10,000 second-feet at Chicago, and no compensation is at the present time necessary to restore former conditions in this lake. * * * It is proposed to diminish the outflow of Lake Erie by the construction of three submerged weirs in Niagara River in the vicinity of Squaw Island, which would average about 4.2 feet in height and would contain about 15,000 cubic yards of masonry. The estimated cost is $150,000. To raise the levels of Lakes Michigan and Huron, submerged weirs are proposed in St. Clair River, covering 3 miles of river below the mouth of Black River to Port Huron * * *.
>
> It is computed that these weirs will increase the velocity of water flowing over them * * *, but, on the other hand, above the mouth of Black River the river slopes, and velocities which are now excessive will be diminished and navigation on the whole will be considerably benefited.

Gentlemen, here is a very interesting problem. The Canadian Government has just made public a report on the depth of water last month. In the Great Lakes bordering Canada and the St. Lawrence River, the report says, Lake Superior is 9 inches shallower than it was last year; that Lake Erie is only 1 inch below its last year's mark, and that the St. Lawrence River is nearly 3 feet higher than it was a year ago.

Do they charge the diversion of water at Chicago raises the St. Lawrence River? Everybody has been arguing that diversion lowered it. But here is an official report from Canada to the effect that the St. Lawrence River is nearly 3 feet higher than it was a year ago.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SCHNEIDER. What department of the Government made that report?

Mr. MADDEN. The Dominion of Canada, the engineering section. The gentleman can get a copy of the report. There is not a reason in the world why there should be any question whatever raised as to the desirability and necessity of the proposal we have before us. We are proposing that the Government of the United States shall improve the Illinois River from Utica to Grafton; that it shall take out some locks that belong to the State and improve the locks belonging to the United States; that it shall make navigable the waters of the Illinois River and connect them with the Mississippi River, which is already navigable; and when you improve the Illinois River, as we propose, then you will immediately make available the Hennepin Canal, which runs across the State to Rock Island and other places, and should connect with the Illinois River to make it usable. You thereby make it a utilitarian waterway by which the people of Iowa and other adjacent States can transport their products for less money than they can now transport them by rail. Why was not the Hennepin Canal allowed to be navigable and utilitarian? Simply because the gentleman from Ohio [Mr. BURTON], when chairman of the Committee on Rivers and Harbors, refused to allow the improvement of the Illinois River in order that we might be able to connect the Hennepin Canal with it. We not only propose to improve the Illinois River, but to connect the Hennepin Canal with it, and we propose to give to the people of the country facilities which the gentleman from Ohio tried to prevent them from having.

We are not trying to steal anything. We are not trying to get anything for nothing. We pay our share toward the expenses of this Government. We are entitled to the same consideration as the State of Ohio and the State of Michigan, and we contend, notwithstanding what they say, that we are not responsible for the lowering of the level of the Lakes to the extent of more than 5½ inches. They try to make you believe that we are responsible for it all. Let us get the truth of it, and then you can act as you like. We are not pleading with you to vote with us because Illinois wants a waterway.

Illinois does not want this waterway simply for Illinois. It wants it for States adjacent in the Mississippi Valley. [Applause.] I think Senator BURTON said a while ago that Canada wanted a waterway connecting with the sea, referring to the St. Lawrence. That is what we are trying to give our people out there—a waterway to the sea.

Have they a right to it? Is it not a legitimate enterprise? Does it not meet a long-existing need? Will it not furnish facilities for transportation and, if so, ought not the country out there have it? That is all that is involved in this question. It does not make any difference whether this waterway is built or not; whether this bill is passed or not; whether you build the canal or not; it will not make one iota of difference in the

question of the lake levels, not one. I assert that and I challenge anybody to prove the contrary, because this water is going on, it is being diverted under a permit, and Chicago is keeping faith with the Government of the United States in providing means by which she will reduce the quantity as time goes along and as she is able to provide other means of disposal for her sewage.

There is one thing we are not doing. We are not letting sewage go into the lake, and that is something none of these other people can say. We do not want to contaminate the lake, and if you change the course of the Chicago River toward the lake, then you might just as well move Chicago; and if that is going to be the policy, all the section of the country in which we live may go to dry rot, because you can not keep people in a place where they can not live and breathe. You must protect their health; you have to cooperate, and we want to cooperate.

Mr. MICHENER. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. MICHENER. Is there any desire on anybody's part not to do that?

Mr. MADDEN. I just heard the gentleman from Ohio make the statement that the channel ought to be turned back and let the sewage go into the lake. I heard him make that statement while he was speaking on the floor.

Mr. MICHENER. He did not mean to have sewage go into the lake.

Mr. MADDEN. If the current were turned back it would have to go there.

Mr. MICHENER. Are you not making plans to take care of the sewage?

Mr. MADDEN. We are, and we are doing that as rapidly as we can.

Mr. MICHENER. As a matter of fact, the ultimate end of your present plan would still permit the diversion of 4,167 feet, would it not?

Mr. MADDEN. Well, I do not know whether it would or not, I am frank to say to the gentleman.

Mr. MICHENER. But as to the question of putting it back into the lake, there is no such question before Congress or Chicago or the country.

Mr. MADDEN. That is what would happen if it were shut off now.

Mr. MICHENER. Nobody is asking that that be done. We are asking that it be left as it is.

Mr. MADDEN. That is exactly what we are asking. Then you and we have joined.

Mr. MICHENER. Will the gentleman join us in having the matter left as it is?

Mr. MADDEN. That is what we are doing.

Mr. MICHENER. Will the gentleman join us in striking out the whole thing and leaving it as it is?

Mr. MADDEN. This provision in the bill says that it shall remain just exactly as if legislation were not enacted. That is what we are asking and we are fair. We want to be fair, we want to be frank, and we want to be open and aboveboard. And I mean just what I say when I say that the proviso in the bill means exactly what it says.

Mr. MICHENER. But does the gentleman contend that we should authorize an improvement which requires the taking of water from the Lakes, going on and making the improvement which takes the water, and then add another clause saying that you shall not take the water?

Mr. MADDEN. We did not say that, though.

Mr. MICHENER. You just took the water.

Mr. MADDEN. No; we do not do that. What we say is that the passage of this legislation for a waterway should leave everything as if the legislation had not been passed.

Mr. MICHENER. But can that be true when you authorize an improvement that requires the water?

Mr. MADDEN. You could not do it if you coupled it—as I said and as many think—with the 8,250 feet as one of the conditions precedent to the improvement of the Illinois River, but I maintain that they are not coupled up and that the 8,250 feet of water per second flowing from the lake into the drainage canal is only for the purpose of calculation as to the cost. I think that is a fair answer to the gentleman. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DEMPSEY. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Chairman, the opponents of this bill have been most intemperate in their speeches. They have not been willing to rest their case upon facts and sound arguments, but have ransacked their vocabularies for words of sarcasm, vituperation, and abuse. They have talked of a steal at Chicago and of inhuman monsters. But I think you will agree with me that such intemperance is neither persuasive nor convincing. We are dealing with a problem of vast importance to this country, a problem which should be met seriously with arguments and with facts.

As a Member of Congress during the past eight years, I have devoted much time to the river and harbor problem, and I do not believe that any Member who has served with me will charge that I have been selfish in my efforts or that I have been unwilling to recognize a meritorious waterway project in any section of this Union. I have no desire to injure the commerce of the Great Lakes. On the contrary, I want to preserve and encourage it. I am in favor of a great waterway from the Lakes to the Gulf. Such a waterway would be a benefit to the whole country; and if I did not believe it could be constructed without injury to the Great Lakes or to the commerce thereon, I would not favor it.

Diversion at Chicago began in 1900, and for approximately 20 years there was no agitation or serious protest. Such protest did not arise until the great power interests of New York and along the St. Lawrence discovered the tremendous value to them of the water which for 20 years had been going from the Great Lakes down through the Mississippi to the Gulf, making possible the development of a great waterway through the greatest agricultural and industrial area of our country southward to the sea.

Mr. SABATH. Now you are hitting it.

Mr. NEWTON of Missouri. It was then that they raised a hue and cry to the effect that the harbors of the Great Lakes were being impaired by the lowering of the lake levels resulting from this diversion. As a matter of fact there are few, if any, of the harbors of the Great Lakes which are not much deeper to-day than they were when diversion began 25 years ago. The lake city which has voiced the loudest protest against diversion is the city of Milwaukee, and yet the harbor at Milwaukee when diversion began in 1900 was approximately 11 feet deep, while now it is 21. The harbor at Milwaukee, like the harbors of all of the lake cities, has been improved and deepened at the expense not of the taxpayers of such cities or of the States bordering upon the Lakes, but at the expense of the taxpayers of the whole country. This is so because the Great Lakes do not belong to the cities which are fortunate enough to be located upon their banks nor to the States whose shores they wash. They are great highways belonging to the Nation, just as the rivers and harbors belong to the Nation, to be improved and used for the benefit of the whole country.

That the power interests have been clever and that they have been represented by adroit and skillful men will be readily understood by those who study their methods. So cunning and persistent has been their propaganda that the great mass of people—farmers, merchants, and manufacturers—inhabiting the territory adjacent to the Great Lakes have been led to believe that the present low-water stage of the Lakes is the result solely of the diversion at Chicago.

Mr. MAPES. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. MAPES. I do not know of anyone who makes such a claim as the gentleman mentions.

Mr. NEWTON of Missouri. That the 5½ inches is the extent of lowering as the result of diversion?

Mr. MAPES. No; that the Chicago diversion is responsible for all the lowering of the Lakes.

Mr. NEWTON of Missouri. I do. I heard the statement made yesterday upon the floor of this House that the destruction of the levels of the Lakes was due to the diversion at Chicago. As a matter of fact, the levels of the Great Lakes were lower in 1895 than they were at any time during the 20 years following the beginning of the diversion.

The history of the levels of the Great Lakes, which will be found in the War Department, shows that they rise and fall in cycles of approximately 25 years; in other words, it is approximately 25 years between the low-water periods.

In 1895 we had a low-water period. The Lakes began to rise and continued with an upward trend until 1918, even though diversion went steadily on. In 1919 the levels began to fall, due to a diminished rainfall in the Great Lakes Basin, and continued until last year. Thus far during the present year the rainfall has been heavier, and the levels of the Lakes are rising again. In 1918 the levels of the Lakes were approximately 3 feet higher than they were in 1895. Last year they were approximately 40 inches lower than they were in 1918.

LOWERING COMPLETE

The engineers of the United States Army, as well as all the other leading hydraulic engineers of the United States, have agreed that the diversion of 10,000 cubic second-feet at Chicago has resulted in the lowering of the Great Lakes approximately 5½ inches and no more, and that the remainder of the 40 inches of lowering is due to a lack of rainfall, and to power diversions and channel improvements at other points on the Canadian and American side.

Mr. DEMPSEY. And now that the amount of diversion is 8,250 cubic feet, one-fifth of that should be deducted, which would make it a little over 4 inches.

Mr. NEWTON of Missouri. Yes; as a matter of fact, the lowering of the Great Lakes, due to a diversion at Chicago, now is not over 4 inches.

It is further agreed by the great engineering authorities of the country that the lowering as a result of diversion is complete; that it has been complete for more than 20 years; and that even though the diversion at Chicago should continue for a century no further lowering would result.

It does not require an expert to understand that this contention of the great engineers of the country is correct. In normal times, according to Government records, approximately 204,700 cubic feet of water per second from rain and melting snow flows into Lakes Michigan and Huron, which have a common level. Before the diversion began at Chicago all this water flowed out through the Detroit River. After the diversion at Chicago began the level of Lakes Huron and Michigan was reduced until the amount which flowed out through the Detroit River plus the amount which flowed out through the Chicago diversion equaled the amount which comes into the Lakes, and when that point was reached the lowering was complete. And yet I venture the assertion that the adroit and clever propaganda which has been circulated at the instance of the great power interests has led the great mass of the people in the vicinity of the Great Lakes to believe that the diversion at Chicago is causing the levels to be constantly lowered, and that unless it is stopped the Lakes will be finally drained.

One would assume that Members of Congress were too intelligent to be misled by propaganda of this kind, and yet there are those from the Great Lakes region who continue to charge, either from ignorance or design, that the Lakes will be drained and the commerce thereon destroyed unless diversion at Chicago is stopped.

Another evidence of the cunning of the propaganda which has flooded the mails and continued to appear in the public press during the past five years has been the skill with which it has featured the great navigation possibilities of the St. Lawrence River while it has kept the interests of the "power combine" in the background. In this propaganda they have painted wonderful pictures of great ocean liners from Manchester, Liverpool, Hamburg, and London docking at Detroit, Chicago, and other lake ports. The thing they have not featured, however, is the fact that the improvement of the St. Lawrence River, which will cost approximately $1,000,000,000, will create electricity to the extent of 6,000,000 horsepower, and that 5,250,000 horsepower of that amount will be generated in the Dominion of Canada, while only 750,000 horsepower will be generated in the United States. They have not featured the further fact that the Canadian Government has declared the policy that in the future they will not permit power generated in Canada to be transported to the United States, but that they will require that the factories using such power be located on Canadian soil.

The farmers, merchants, and manufacturers of the great Mississippi Valley are suffering from exorbitant freight rates which the railroads can not afford to reduce, but in fact their representatives are appearing before the Interstate Commerce Commission insisting that their incomes are not adequate and that their rates must be increased in order for them to continue to maintain successful operation. The average rail freight rate of the country now is 11 mills per ton-mile, while freight is being carried upon the Great Lakes at one-tenth the average rail rate. Experience upon the rivers in this country and in Europe has proven conclusively that when our rivers are improved freight can be carried upon them at one-fifth the average rail rate of the country. This would be a great blessing to agriculture, commerce, and industry located far from the seashore in the interior of the United States.

Congress has adopted waterway projects in the Mississippi Valley 6,520 miles in length, consisting of the Ohio River from Pittsburgh to Cairo, the Mississippi River from Minneapolis to the Gulf, the Missouri River from Kansas City to its mouth, together with certain tributaries to these trunk-line waterways. This system penetrates the great productive area in the interior of the United States, and it will not be complete without a link connecting it with Chicago and the Great Lakes.

Representatives of the lake carriers appear before committees in Congress with the proud boast that they send their large lake steamers, carrying 14,000 tons of ore, from Duluth to Erie, Pa. They regard this a wonderful feat. As a matter of fact the towboats of the Government barge line are making frequent trips from St. Louis to New Orleans, carrying 12,000 tons of merchandise and grain at one load. They could carry infinitely larger loads of ore, because it is compact and heavy. The steamer *Barrett* made the trip from Pittsburgh down the Ohio to Cairo and down the Mississippi to New Orleans with a fleet of barges, carrying 50,000 tons of coal upon one trip; and what is being done upon these trips can be done with regularity when these great inland rivers are completed.

With possibilities such as these is it not in the interest of the whole country to finish these inland rivers and make this great waterway system complete by connecting it with Chicago and the Lakes, where are located the greatest industrial freight-producing centers in the United States? Chicago and the other manufacturing cities upon the Lakes would be greatly benefited, as their products could be given the benefit of a cheap water rate to cities along the Ohio, the Missouri River as far west as Omaha, Sioux City, and Yankton, down the Mississippi and along the Gulf coast into Texas, and they would have the benefits of a cheap water rate for food products and raw materials from these agricultural areas back into the lake manufacturing regions.

The gentleman from Ohio [Mr. BURTON] has attacked and belittled the Mississippi and its tributaries. Congress adopted the Mississippi for improvement from St. Louis to Cairo 16 years ago. The estimated cost was $27,000,000, and the act provided that it should be completed in 12 years. That time expired 4 years ago, and less than $4,000,000 have been expended for the improvement of that project; and why? Because adroit men like the gentleman from Ohio, backed by interests such as those with which we are now contending, have been able to block adequate appropriations; and still the gentleman from Ohio stands up here and condemns the Mississippi because it is not in larger use. How much freight was carried upon the Pennsylvania Railroad from New York to Chicago before the last rod of track was laid and the road completed? The gentleman from Ohio has done all in his power to prevent the completion of our inland rivers so that they can not be used, and then condemns them because more commerce is not upon them. But those who have served with the gentleman are not surprised at his inconsistency.

FUTURE MARKETS

The future markets of the United States will be to the south of us. The records of the Department of Commerce show that the trade of the United States with Cuba last year was greater than it was with France. Central and South America on the eastern and western sides offer wonderful future markets for the products of the Middle West. The cities of the Great Lakes need the products of these, our southern neighbors, such as sisal, lumber, coffee, sugar, nitrates, sulphur, salt, and many other of the necessaries of life. Certainly it is in the interest of the lake regions to have a great waterway over a direct route across the United States to these rapidly developing markets.

Then, too, such a waterway would make it possible for the great and growing factories in the lake cities to utilize the benefits of the Panama Canal and thereby reach the west coast of North and South America and the Orient. Our country would be immeasurably benefited by the results of the cheap transportation which would follow such an improvement, and yet such a waterway can not be developed without an adequate diversion from Lake Michigan to connect the Great Lakes with the great Mississippi waterway system.

Would it not be a wonderful achievement for the farmers, merchants, and manufacturers of the lake region if they could realize the benefits of a cheap waterway such as I have described, extending from the Great Lakes to the Gulf, also a waterway such as that of which they have dreamed, extending down the St. Lawrence, or, if they prefer, the all-American route across New York and over to Europe? Both of these—one to the east and one to the south—can be had when the selfish interests of the power combine have been eliminated and the farmers, merchants, and manufacturers of the lake regions, together with those of the great Mississippi Valley, come to realize that their interests are not in conflict but are mutual, and can be harmonized to the benefit of both without injury to either.

If the 4½-inch lowering of the Great Lakes resulting from diversion at Chicago can be restored, and there still remains

sufficient water for an adequate channel from the Great Lakes to the Gulf and from the Great Lakes east to the sea, what reason is there for the farmers, merchants, and manufacturers of the Great Lakes region to complain? Their commerce would be benefited, and they will have two great waterways instead of one.

After studying this problem for more than a year, after consulting the most eminent engineers of the country, and after listening to the testimony presented before the Rivers and Harbors Committee, covering a period of four months, I am persuaded beyond the remotest doubt that I can convince any fair-minded man that all of this can be accomplished and will be accomplished when the people of the Great Lakes region discover that their fears have been excited and their suspicions aroused by the carefully designed literature and propaganda of a gigantic power combine which seeks to serve its own interests instead of theirs.

The records of our Government, as well as those of the Canadian Government, show that 241,000 cubic feet of water per second are flowing down the St. Lawrence River, but representatives of the power interests of Canada and Wall Street, who pretend to represent the interests of the carriers and shippers of the Great Lakes region, have continually contended and do still contend that a flow of 1,500 cubic feet per second is adequate for navigation with a 9-foot channel from the Great Lakes to the Gulf. We of the Mississippi Valley, who are pleading for relief from exorbitant freight rates, contend that 10,000 cubic feet of water per second are necessary and essential for such a waterway. If 10,000 cubic feet of water per second are adequate for a successful waterway from the Great Lakes to the Gulf, then a flow of 241,000 cubic feet of water per second ought to be adequate for successful navigation down the St. Lawrence, even for the operation of ocean steamers.

I will concede that the water used to make a great waterway from the Lakes to the Gulf will not be available to enrich the coffers of the power combine down the St. Lawrence. I most earnestly insist, however, that this flow of 10,000 cubic feet is not necessary to the development of navigation upon the St. Lawrence, but it is necessary to successful navigation from the Great Lakes to the Gulf.

If a flow of 10,000 cubic feet per second is sufficient to develop a great waterway from the Lakes to the Gulf, and the most enlightened advocates of waterways concede that it is, then it certainly can not be said that 241,000 cubic feet per second is not sufficient to develop a great waterway down the St. Lawrence. In other words, there is no question but what there is abundant water flowing out of the Great Lakes with which to develop a great waterway from the Lakes south to the Gulf and from the Lakes northeast to the sea.

I want it distinctly understood, as a Member of Congress from the Middle West, that I am unalterably opposed to any diversion which will injure the navigation or permanently lower the levels of the Lakes. I am convinced, however, beyond a question of a doubt, that the lowering of 5½ inches which will result from diversion of 10,000 cubic feet per second at Chicago can be restored without injury to navigation.

RESTORING LAKE LEVELS

Some of the most eminent hydraulic engineers in the United States have studied the problem of restoring the levels of the Lakes, while continuing the diversion at Chicago. A board of these eminent engineers, coming from all parts of the United States, have studied this question, and they have unanimously reported that the lowering resulting from the diversion at Chicago can be restored without reducing the diversion and without injury to navigation.

Among the eminent engineers comprising this board are John R. Freeman, past president of the American Society of Civil Engineers, Providence, R. I.; C. E. Grunsky, past president of the American Society of Civil Engineers, San Francisco, Calif.; F. H. Newell, Washington, D. C., at one time Director of the United States Reclamation Service; Robert E. Horton, Albany, N. Y., leading hydraulic engineer in connection with the New York Barge Canal improvement; Clarence W. Hubbell and George H. Fenkell, both of Detroit and in charge of water supply and sewage disposal of that city; E. E. Haskell, dean of engineering, of Cornell University, and for many years in charge of the United States lake survey at a time when measurements of the effect of diversion at Chicago were made; and the late Col. C. S. Riché, United States Engineer Corps, formerly stationed at Sault Ste. Marie, Detroit, and Chicago. These great American engineers are unanimous in their report that the levels of the Lakes can be restored without reducing such diversion and without injury to navigation.

Mr. MANSFIELD. Will the gentleman yield.

Mr. NEWTON of Missouri. I will.

Mr. MANSFIELD. Is it not a fact that every engineer in America who has examined this question agrees that the lake levels can be restored?

Mr. NEWTON of Missouri. I have never heard of one who made a statement to the contrary. Col. J. G. Warren, recognized as one of the most capable engineers of the United States Army, made an exhaustive study of raising the levels of the Lakes by regulating works, and in a report to his superior, the Secretary of War, on August 30, 1919, said:

> That this method of compensation is practicable and that the desired results can be obtained at a comparatively reasonable cost is beyond question. Furthermore, structures of this nature would offer a minimum interference with navigation and would have little tendency to retard the movement of ice.

Francis C. Shenehon, one of the great engineers of the country and for many years employed on the survey of the Great Lakes, and who represented the Federal Government as an expert hydraulic engineer in a suit against the Chicago sanitary district, has made designs for compensating works, and states that these works may be installed to the great benefit of navigation and power.

In House Document 762, Sixty-third Congress, second session, pages 12 and 33, Col. Charles Keller, speaking for the Board of Engineers, United States Army, says that compensating works can be placed in the St. Clair River to fully overcome the diversion at Chicago, and also in the Niagara River to overcome the lowering resulting in Lake Erie because of such diversion and the diversion at Niagara Falls and the Welland Canal.

Mr. LINTHICUM. It would cost a great deal, would it not?

Mr. NEWTON of Missouri. The cost would be nominal. Colonel Keller, to whom I have just referred, and who is recognized as one of the greatest hydraulic engineers of the Army, reported to the Board of Engineers of the War Department on August 13, 1913, that regulating works could be placed in the St. Clair River, raising the levels of Lake Huron and Lake Michigan, at a cost of $325,000, and similar works could be placed near the head of Niagara River, raising Lake Erie, to fully compensate for this diversion, at a cost of $150,000. And, as above stated, Colonel Warren, while commenting upon Colonel Keller's report, says:

> That this method of compensation is practicable and that the desired results can be obtained at a comparatively reasonable cost is beyond question.

Furthermore, these works can be installed without any expense to the Government, for the city of Chicago, with the approval of the Secretary of War, has deposited with the Secretary of the Treasury a bond for the sum of $1,000,000 as a guaranty that that city would defray the entire expense of installing regulating works necessary to restore the lake levels.

In the face of evidence coming from engineers of the character and ability such as those whom I have named, showing conclusively that a diversion of 10,000 cubic feet per second at Chicago can be permitted to continue and the lowering of the Lakes resulting therefrom restored without injury to navigation and without cost to the Federal Government, what excuse can any Member of Congress give for continuing to object to the diversion at Chicago, unless he is actuated solely by an impulse to serve the great power combine which desires to use this water down the St. Lawrence for the generation of power for private gain?

The gentleman from Ohio [Mr. CHALMERS] talks about gold bricks. I know of no one who is getting a gold brick except the farmers, merchants, and manufacturers of the Great Lakes region, who, by the use of adroit propaganda and the cunning speeches of clever men, have been led to battle in the name of navigation under the banner of the St. Lawrence power combine.

One does not have to be an expert to realize that compensating works can be installed at the outlets of these Lakes which will in no way interfere with navigation and which will restore the levels to a point higher than they were before diversion began. In fact, the experts advise that these works will overcome the reductions resulting from diversions for power purposes at Sault Ste. Marie, the Welland Canal, and the Niagara Falls, in addition to overcoming the reductions resulting from diversion at Chicago.

To illustrate, Lake Michigan and Lake Huron have a common level. The water from these Lakes flows out through the St. Clair and Detroit Rivers from Lake Huron into Lake Erie. The fall between Lake Huron and Lake Erie is normally 8½ feet. The St. Clair River, which constitutes a part of this outlet, was formerly 11 feet deep and is upward of 2,000 feet wide.

In order to accommodate the deeper draft lake steamers our Government, some years ago, cut a channel along the bottom of this river 1,040 feet wide and 12 feet deep, making the total

depth of the ship channel through the St. Clair River 23 feet. It would appear that the cutting of this channel which enlarged and deepened the outlet from Lake Huron would have caused a greater quantity of water to flow through the St. Clair River, thereby reducing the levels of Lake Michigan and Lake Huron.

But engineers of the War Department insist that such is not the case. They contend that the material which was taken out of the bottom of the river, thus opening a deeper channel for navigation, was deposited in the river on the sides of such deeper channel where same would not disturb navigation, and that as a result the outlet is no larger than it was before.

If this theory be true, and it sounds reasonable, then additional material can be deposited in the vast expanse of the river which flows down outside of the channel, thus further retarding the flow, and this, if necessary, could be continued until all that part of the river outside of the channel could be closed without any injury to commerce and navigation. This would tremendously retard the flow out of Lake Michigan and Lake Huron and would naturally raise the levels, increasing in proportion as the surplus flow of water is retarded. There is no question but what this simple process would raise the levels of Lake Michigan and Lake Huron. Similar works would also raise the level of Lake Erie.

Ships navigating the Lakes pass through this channel, and, because of their draft, can not navigate the part of the river outside of the channel. What injury could there be to navigation if a dam should be constructed from each bank of the St. Clair River to the edge of the channel used for navigation? This would hold back great quantities of water which serve no aid to navigation and would raise Lake Michigan and Lake Huron far more than the 5½ inches resulting from a diversion of 10,000 cubic second-feet at Chicago.

EXAMPLES OF SUCCESSFULLY RESTORING LAKE LEVELS

I am fully aware that adroit representatives of the power interests will contend that such dams would interfere with the passage of water during the flood season and would raise the levels during such seasons, resulting in damage to property around the Lakes. It has been demonstrated, however, at Sault Ste. Marie that such dams can be constructed with removable gates which can be raised during the flood season, thus permitting the flood waters to pass freely and without interference. It does not take an engineer or an expert to understand that by such a method the levels of all the Lakes can be raised without injury to navigation.

Furthermore, a fixed dam has already been placed in the river outside of the channel at the outlet of Lake Ontario by the Canadian Government which has raised Lake Ontario to the extent of 6 inches and has already overcome the lowering resulting from diversion at Chicago. This dam was completed by the Canadians in 1903, only three years after the diversion began, and was built for the combined purpose of compensating for the enlarged channel made by the Canadians for navigation purposes and for overcoming the lowering which they knew would result from the diversion at Chicago, and the records of the War Department show that the purposes for which this dam was constructed have been accomplished.

The evidence which I have presented shows conclusively that the lowering of lake levels resulting from diversion can be restored without injury to navigation; that the whole of the United States can be benefited by a great waterway from the Great Lakes to the Gulf of Mexico, which can be constructed by the use of 10,000 cubic feet diversion at Chicago; and that there will still remain 241,000 cubic feet per second flow down the St. Lawrence, sufficient for the development of a waterway which will carry the most gigantic ocean steamer ever built.

The only result from a diversion of 10,000 cubic feet of water at Chicago which can not be repaired is the use of that water for the generation of power down the St. Lawrence, and as an American I am more interested in a great waterway from the Lakes to the Gulf than I am in the power interests of New York and Canada.

How can any American farmer, merchant, or manufacturer in the Great Lakes region, unless he be ignorant of the facts or subsidized by power interests, insist upon the use of this water down the St. Lawrence where it is not needed for navigation, and oppose its use to build a great waterway from the Lakes to the Gulf through the very heart of the most productive area in the world? How can his patriotic impulse for our country's welfare permit him to favor Canadian power interests over American navigation? I regret to be forced to the conclusion that we have too many Americans who are more solicitous about Canadian power than they are in providing facilities for cheap transportation for the farmer, merchant, and manufacturer in our own country.

We not only have the testimony of the great engineers whom I have named that the lowering of the levels of the Lakes resulting from diversion at Chicago can be restored, but we have conclusive proof that such lowering can be restored from the fact that the level of Lake Superior, reduced by a diversion for power both on the American and Canadian side, has been restored by regulating works at the Soo, and the lowering of Lake Ontario has been restored by the installing of compensating works at its outlet.

If the levels have been restored upon Lake Superior and Lake Ontario, what sane man can contend that the same result can not be achieved upon Lake Michigan, Lake Huron, and Lake Erie? And if the levels of the Lakes can be restored and diversion continued for use in the construction of a great waterway through the heart of the United States, what excuse has any man to argue against this diversion except it be his purpose and his desire to serve the power interests?

In the face of the facts which I have presented, why should the farmers of Ohio, Indiana, Michigan, and Wisconsin permit the power combine to stir up a quarrel between them and their brothers in Illinois, Iowa, Missouri, Nebraska, Arkansas, Tennessee, and other Valley States? It is apparent, and has been demonstrated, that lake levels can be restored without injury to navigation, and that there is abundant water with which to develop a great waterway from the Lakes south to the Gulf, and another great waterway from the Lakes northeast to the sea. Our treaty with Canada provides that the use of water for navigation purposes shall come before the use of water for generating power; and there can be no question but what two such great waterways would benefit not only the Great Lakes region but the whole country as well.

The farmers of the Lakes region are not interested in Canadian power. Like the farmers of the Mississippi Valley their paramount interest is in facilities for cheaper transportation. Their competitors in Australia, South America, and elsewhere are near to the seaboard, while the farmers of the lake regions and the Mississippi Valley are a thousand miles inland. The merchant and the manufacturer can move their business to the seashore, but the farm must remain where the Good Lord placed it. Rail rates are high and can not be reduced. The only practical solution for the farmers' problem, either in the Great Lakes region or the Mississippi Valley, is cheap transportation which can only be afforded by waterways.

Then why should the farmers of the Great Lakes region be deceived and allow themselves to be used as tools of the power combine? There is no conflict of interest between them and their brothers in the valley upon this great transportation problem. Why should they not reason together, cease their quarrel which exists without cause, and cooperate in the construction of a great waterway system which will give them cheap water transportation over the St. Lawrence to the markets of Europe, and through the Mississippi Valley to the markets of Central America, South America, and the Orient? Why should they not stand together—for united they will succeed, and divided they both must fail.

It has been contended by the power interests that the needs of navigation can be met and a 9-foot channel provided by a diversion of 1,500 cubic feet per second at Chicago. But who knows how soon the time may come when the needs of commerce and national defense may demand a 14-foot channel with adequate width from the Great Lakes to the Gulf? Who can now say that it may not be necessary at some future day to send submarines, chasers, and destroyers over American waters through strictly American territory and over a strictly American waterway, far removed from alien land, from the Gulf into the Lakes in order to defend the cities situated upon their shores? This further emphasizes the necessity of a 10,000-foot flow in order to provide a 14-foot waterway with adequate width.

Furthermore, in the event of a war with a foreign nation such a waterway from the Great Lakes to the Gulf would make it possible to establish naval bases upon the Great Lakes, far removed from the dangers of attack, where submarines, submarine chasers, and destroyers could be constructed in safety, and from which they could be moved over an all-American route, through our own territory, out to the seat of conflict without being hampered by the problem of being barred from passing through waters of a foreign country because it has declared its neutrality.

For 25 years this diversion has been going on at Chicago. This water passed down the Illinois to Grafton and into the

Mississippi. Maj. Rufus W. Putnam, of the United States Army Engineers, War Department, in a report to the Chief of Engineers, dated March 3, 1926, said:

An inspection of the discharge curve of the river at St. Louis indicates that an increment of 10,000 cubic feet per second produces an increased depth of 18 inches.

If this insidious campaign of the power interests is successful and the diversion at Chicago is cut off in order that this water may be used for generating electricity down the St. Lawrence, then the Mississippi River from Grafton to Cairo will be lowered 18 inches at low-water mark. St. Louis is a commercial center with 27 railroads, capable of distributing freight to the whole valley. This is the point which the rapidly developing commerce on the Ohio River from Pittsburgh moving west must reach in order to be distributed throughout northwest territory. It is the point which the northbound river commerce from New Orleans and foreign ports must reach in order to be distributed over the great Northwest of our country. No one can calculate the injury which would result to the commerce of the country if this campaign of the power interests is successful and the depth of the Mississippi is reduced 18 inches as the result.

MUSCLE SHOALS

The problem of controlling the Power Trust looms upon the horizon of the future as one of the greatest problems with which the American people will have to deal. Through clever propaganda, in the name of navigation, it has arrayed the farmers, merchants, and manufacturers of the Great Lakes regions against the farmers, merchants, and manufacturers of the Mississippi Valley and set them to quarreling among themselves when there is really no cause for any dispute between them and when, in fact, they have interests in common, which can be easily reconciled to the mutual advantage of all without injury to either. These interests hope that in the confusion which follows this quarrel to take away from the United States the possibility of building a great waterway from the Great Lakes to the Gulf in order that they may use this water for the generation of power down the St. Lawrence, where it is not needed for navigation.

One can not remain in Washington long without discovering the ever-present influence of this unseen force. When Members of Congress attempt by legislation to protect the interests of the public in the water-power resources of our country they find themselves confronted by this invisible but irresistable force. It is doubtful if a better example could be given of that which I have in mind than events which have transpired during the past eight years in connection with Muscle Shoals.

When I arrived in Congress nearly eight years ago I found that the Government had expended millions of dollars in the construction of Wilson Dam for the development of power at Muscle Shoals. An insidious propaganda besieged the Halls of Congress, the source of which nobody seemed to know, urging that this project be abandoned as impracticable, unfeasible, and a useless waste of Government funds. Well-meaning Members of Congress were deceived into thinking that this was a wasteful war extravagance. The administration in power was impressed by this propaganda and made an effort to find some one who would operate the project. In April, 1921, the Chief of Engineers of the War Department, acting upon instructions from the Secretary of War, sent a communication to all the great power companies of the United States in the hope that the project might be disposed of to these interests and something saved out of the vast expenditure already made. That communication read in part as follows:

The Secretary of War directed me to ascertain what arrangements can be made to derive a reasonable return upon the investment if the United States completes the dam and hydraulic power plant at Muscle Shoals, Tennessee River.

Not one encouraging answer did the War Department receive. Four power companies of the southeastern group, on May 20, 1921, signed a joint letter to the Chief of Engineers, in which they said:

Private capital could not afford to undertake the Muscle Shoals water-power development * * * nor can the United States afford to invest additional public money to complete the dam and hydraulic power plant at Muscle Shoals, Tennessee River, as planned.

These companies stated further that the power available at Muscle Shoals would not supply even their remote demands.

At the session of Congress in 1921 it was proposed to appropriate $10,000,000 with which to carry on the construction of Wilson Dam. This invisible force registered the most stubborn resistance. It pretended the most devout affection for the interests of the United States and its desire to protect the people's money in the Treasury. The matter came up for hearing before the Appropriations Committee. There lives in New York one Col. Hugh L. Cooper, who is consulting engineer for great power corporations, among which are the Frontier Corporation of New York, the North American Co., the Du Pont Co., the General Electric Co., the Aluminum Co. of America, the Ontario Power Co. of Canada, and numerous others. In February, 1921, Colonel Cooper appeared before a House committee in opposition to this appropriation, and gave among other the following testimony, which will be found on page 59 of the "Supplement to the hearings before the House Committee on Appropriations on the sundry civil bill for 1922":

The CHAIRMAN. Suppose we should say to you we will run the thing until the $17,000,000 is expended and turn it over to you?

Colonel COOPER. I would not go across the street for it.

The CHAIRMAN. Suppose we should say we will put in $17,000,000 more, would you take it?

Colonel COOPER. No, sir.

It is doubtful if any lobby has ever exerted greater effort to induce the Government to abandon a project than was done in this instance. The companies refused to buy. Their propaganda continued. Their far-famed consulting engineer appeared in vigorous protest, proclaiming his desire to protect the people's money.

At this dark hour, when the country was about convinced that the adventure at Muscle Shoals had been a wild extravagance, a new figure appeared upon the scene. It was Henry Ford, of Detroit. On July 8, 1921, he made an offer to lease the property, in which he proposed to pay the Government $5,000,000 in cash, to expend $50,000,000 in the development of the project, and to pay such fees into the Treasury that at the end of 100 years the Government would have received its entire investment back with 4 per cent interest and would still own the plant.

It is doubtful if such consternation among great interests was ever witnessed. The propaganda changed its color overnight, and upon every hand was heard the protests of the power interests that the Ford offer was entirely inadequate, and that this was an extremely valuable property, and that he should not be allowed to have it upon the terms which he proposed. Even Col. Hugh L. Cooper, the great consulting engineer, representing the power interests, appeared before the House Committee on Military Affairs, which had the matter in charge, and opposed the Ford offer, protesting that it was entirely inadequate and that this was an immensely valuable property. Colonel Cooper and other representatives of the power interests have continued their agitation, and on the 1st day of February, this year, the colonel filed a statement before the Committee on Agriculture in the Senate, which had the Muscle Shoals project under consideration, in which he said:

Muscle Shoals Dam No. 2 is the largest power unit in the world, measured in terms of capacity. This capacity will cost about $76 per horsepower, an amount much less than the average capacity cost in the United States or in the world for our large water-power plants. To make this capacity useful, it must have water at times and in quantities that can only be available through unified development and unified control. Muscle Shoals and the maximum storage available for same is, therefore, the keystone of a great program of power development extending over 400 miles up the Tennessee River Valley.

In the face of this declaration by this distinguished representative of the great power interests of the United States and Canada, how can we reconcile the statement which he made before the Appropriations Committee of the House in 1921, in which he stated that he would not accept the entire property as a gift upon any theory other than he hoped to discourage the Government until it would abandon the project in order that the power interests might get control of this valuable property without reimbursing the Government for its vast expenditure?

On October 2, 1925, Colonel Cooper gave an interview to the New York Times regarding Muscle Shoals, in which he said:

I know that selfishness is one of the strongest motives in the human heart.

Can there be any doubt but what this baneful influence was working full force in the colonel's heart at the time he appeared before the Appropriations Committee of the House in 1921? And, Mr. Speaker, there can be no doubt but what the force that spread propaganda and exerted great influence in an effort to deprive the United States of a valuable property at Muscle Shoals is the same force which has stirred up this controversy between the farmers of the Great Lakes region and those of the Mississippi Valley, with the hope that in the confusion which results it can take away from the United States the

water which for a quarter of a century has flowed by Chicago and down through the valley to the Gulf in order that they may use it for generating Canadian power down the St. Lawrence. What do they care about making impossible a great waterway across the United States connecting the Lakes with the Gulf if by turning this water into their turbines on the St. Lawrence they can enrich the coffers of their corporations?

TREATY WITH CANADA

Representatives of the power combine who, by the use of adroit propaganda, have aroused the interest of the farmers, merchants, and manufacturers of the Great Lakes region by urging the development of a great waterway down the St. Lawrence at the expense of the United States, but whose real interest is in the power which will result from such improvement, voiced loud protests against diversion at Chicago on the ground that it will do injury to Canada. It is evident that there are Americans among them who are more solicitous about the interests of Canadian power than they are in the interests of their own country. But this contention of the power interests is not tenable, because the history of the diplomatic negotiations between the United States and Canada shows conclusively that Canada long since recognized this diversion and made no protest for practically 20 years after the diversion began and not until the water in question was found to be valuable for use by the power companies down the St. Lawrence.

Pursuant to an act of Congress passed June 13, 1902, and an act of the Canadian Parliament passed at approximately the same time, an International Waterway Commission was appointed, consisting of three Americans and three Canadians, and after giving detailed study to the problem of diversion at Chicago and its effect upon the Great Lakes, the Canadian section of this commission on April 25, 1906, made a report to the Canadian Government in which it used the following language:

> At Chicago the Americans have built a drainage canal which, when in full operation, will use about 10,000 cubic feet of water per second. * * *
>
> As a diversion from Lake Michigan to the Mississippi is of a much more serious character than the temporary diversion from the Niagara River, it is felt that the amount of water taken on the American side of the Niagara River should be limited to 18,500 cubic feet per second. * * *
>
> It is exceedingly important in the interest of navigation, both to ourselves and the people of the United States, that the diversion by way of the Chicago Drainage Canal should be limited. * * *
>
> If our proposal is carried out, the diversion will be about as follows:

Diversion on the American side	Cubic feet per second
Niagara Falls	18,500
Chicago Drainage Canal	10,000
Total	28,500

Diversion on the Canadian side	Cubic feet per second
Niagara Falls and on the Niagara Peninsula	36,000

The foregoing recommendation was made by the Canadians to their Government six years after the diversion began.

Mr. MANSFIELD. If the gentleman will yield, I will call attention to the fact that Colonel Warren's report shows they are using 3,400 cubic feet for power at the Welland Canal.

Mr. NEWTON of Missouri. Yes; and you will observe that that is not accounted for in the specifications upon which the treaty with Canada was based.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANSFIELD. Mr. Chairman, I yield the gentleman five minutes more.

Mr. DEMPSEY. I yield him five minutes more.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 additional minutes.

Mr. NEWTON of Missouri. After further study had been given to this question by the International Waterways Commission, to which I have referred, the commission on January 4, 1907, made a joint report to the American and Canadian Governments in which they used the following language:

> A careful consideration of all the circumstances leads us to the conclusion that the diversion of 10,000 cubic feet per second through the Chicago River will, with proper treatment of the sewage from areas now sparsely occupied, provide for all the population which will ever be tributary to that river, and that the amount named will therefore suffice for the sanitary purposes of the city for all time. Incidentally it will provide for the largest navigable waterway from Lake Michigan to the Mississippi River which has been considered by Congress.
>
> We therefore recommend that the Government of the United States prohibit the diversion of more than 10,000 cubic feet per second for the Chicago Drainage Canal.

The foregoing report and recommendation was made by the International Waterways Commission, composed of three Canadians and three Americans, and was made seven years after the diversion at Chicago began.

As a further evidence that the Canadian Government made a full investigation of the matter of the diversion at Chicago, that they were fully aware of its effect upon the Great Lakes before the treaty was made, and that they acquiesced in and approved of such diversion, I beg leave to call your attention to the fact that this commission employed Messrs. Rudolph Hering and George W. Fuller, two of the most eminent sanitary engineers of New York, to study and report to the commission upon certain phases of the sanitary problem in Chicago, and in the commission's instructions to these great engineers it used the following language:

> Examine the sanitary situation at Chicago, so far as it is affected by sewage disposal, and report whether it is or is not necessary to the health of the city to extend to outlying territory the system which was adopted in 1889 for the main city.
>
> * * * It does not desire an investigation of the effect upon the navigation interests of the Great Lakes—it has satisfied itself upon that point—nor does it wish to reopen the case of the Chicago Drainage Canal as designed and built—it accepts that as a fixed fact, with its attendant diversion of 10,000 cubic feet per second through the Chicago River.

These instructions were given by the International Waterways Commission, composed of three Americans and three Canadians, and were given six years after diversion began. And yet, in the face of this language, which constitutes a part of the official diplomatic history between the United States and Canada, representatives of the power interests from Milwaukee, Detroit, Cleveland, Buffalo, and elsewhere contend that the Canadian and American Governments in the treaty which they executed pursuant to these negotiations did not have in mind the diversion at Chicago.

After these negotiations a treaty was entered into between the United States and Canada dealing with boundary waters, which became effective on May 5, 1910, and contained the following provisions in article 2 thereof:

> Each of the high contracting parties reserves to itself, or to the several State governments on the one side and the Dominion or provincial government on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

The foregoing language clearly shows that the United States reserved to itself the exclusive jurisdiction and control over the use and diversion of all waters on its side of the boundary line which in their natural channels would flow across the boundary into Canada, and the treaty specifically provides that existing diversions should continue. The diversion at Chicago, as shown by the reports of the commission which I have quoted, was in existence for 10 years prior to the execution of this treaty and was the only diversion which prevented water in its natural channel from flowing across the boundary and hence was the only water of this character to which article 2 could have referred, and this shows conclusively that both Canada and the United States had this water in mind when the treaty was executed. There can be no doubt but what power interests in our own country are now encouraging Canada to evade if possible not only the express conditions of the treaty but the clear understanding with regard to diversion at Chicago which existed when such treaty was executed.

As a further evidence that both the United States and Canada had the Chicago diversion in mind when they entered into this treaty, I call your attention to the fact that aside from the diversion at Chicago the treaty legalized a diversion of only 20,000 cubic feet per second upon the American side of the boundary, while it legalized 36,000 cubic feet per second upon the Canadian side, and this, too, in the face of the fact that approximately two-thirds of the lake fronts are in the United States and all of Lake Michigan is within our own territory,

no part of it touching the Canadian border, and in the face of the further fact that of all the waters that flow into the Great Lakes above the St. Clair River 107,000 cubic feet per second come from American territory while only 97,000 cubic feet per second come from Canadian territory.

If the two Governments did not have in mind the diversion at Chicago, then what must the American people think of our representatives and of our Congress, who entered into a treaty with Canada which permitted that Government to divert almost twice as much water as was allotted to the United States? As a matter of fact, when you add the 10,000 cubic feet being diverted at Chicago to the other 20,000 cubic feet being diverted on the American side, the United States is still permitted to take 6,000 cubic feet per second less water than was granted to Canada, and this can be explained only upon the ground, as stated in the report of the International Waterways Commission, that the two Governments regarded the diversion at Chicago, which took water out of the watersheds, as of a more serious character than the diversions upon the Canadian side.

After the treaty between the two Governments had been signed and laid before the Senate of the United States for ratification, Elihu Root, then Secretary of State, appeared before the Foreign Relations Committee of the Senate while the treaty was under consideration and gave testimony which throws much light upon this question. Secretary Root, among other things, said:

> The great bulk of the water goes on the Canadian side, and the waterways commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet additional to get round numbers; so our limit is higher than we want, but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then there is this further fact why we could not object to this 36,000 cubic feet on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not permit them to say anything about Lake Michigan. I would not have anything in the treaty about it, and under the circumstances I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

I am advised that in the original draft of the treaty drawn Canadian and Americans specified a diversion of 10,000 cubic feet at Chicago, but that inasmuch as all of Lake Michigan is within American territory, no part of it touching the boundary line, Secretary Root took the position that the diversion at Chicago was purely an American question, and that Canada had no right to treat with us about the use of American waters, and it is clearly shown from the foregoing statement of Secretary Root that Canada recognized the validity of the Secretary's contention, acquiesced in his position, and ratified the treaty in conformity with his views. Yet, however, in view of Secretary Root's statement, in view of the language which was inserted into the treaty and in view of the reports and recommendations of the International Waterways Commission to their respective Governments, there can be no question but what the treaty did take into account the diversion of 10,000 cubic feet at Chicago, that Canada did recognize the right of the United States to divert waters in her own territory, and that she fully intended that the diversion of 10,000 cubic feet at Chicago should be permanent and that with her full knowledge, consent, and approval.

It is most distressing now that there are some Americans who, actuated by a desire for financial gain, would encourage Canada to violate her plighted faith. Canada is our neighbor. We have been fair and honorable with her in the past. We shall continue so to be in the future; and I do not believe that she will allow the urging of selfish interests to persuade her to violate her agreements, either expressed or implied.

Mr. DEMPSEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MICHAELSON].

Mr. MICHAELSON. Mr. Chairman and gentlemen, the greatest inland waterway system anywhere on the earth's surface in point of natural facilities for commerce is the Great Lakes. Its annual tonnage is 125,000,000.

About 10 miles west of the southern end of Lake Michigan and only 11 feet above its surface is the summit between the Gulf of Mexico, 1,600 miles to the south, and the Gulf of St. Lawrence, 1,700 miles to the east.

The Mississippi River and its tributaries have 13,912 miles of navigable waters, draining a territory of 1,240,000 square miles, 64 per cent of the area of the United States, with a population of about 60,000,000 people, 54 per cent of the entire population of our country.

Thus the Architect of the Universe has created for our people all the necessary facilities for the construction of the most comprehensive inland waterway system within the possibility of accomplishment anywhere, leaving it to mankind only to bring about an adequate connection between the two.

The possibility and the desirability of joining these two great natural waterway transportation systems into one early in our history as a Nation was recognized by our people and our governmental agencies, and as far back as 1822 the Congress of the United States passed an act authorizing the State of Illinois to construct a canal connecting the Illinois River with the southern bend of Lake Michigan through the public land, said public land being a strip of land 20 miles wide through the valleys of the Chicago, Des Plaines, and Illinois Rivers between Lake Michigan and Ottawa, which had been ceded in 1816 for a small sum to the United States by the original owners, the Indians.

In 1827 Congress again passed an act authorizing the State of Illinois to open this canal—

> *Provided*, That the said canal, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through the same.

In 1836 the Illinois State Legislature passed "an act for the construction of the Illinois & Michigan Canal," stating—

> that said canal shall not be less than 45 feet wide at the surface and 30 feet at the base, and of sufficient depth to insure navigation, to be supplied with water from Lake Michigan and such other sources as the canal commissioners may think proper.

The original design was for a deep-cut canal fed by gravity flow from Lake Michigan, but it was built on the shallow-cut plan on account of lack of funds. The canal took 12 years to build and was completed in 1848 by the State of Illinois at a cost of $6,557,681. It was 6 feet deep and 40 feet wide, and was fed partially by gravity flow from the Calumet River through the Calumet feeder, which connected with it at the village of Sag, Ill., and by water pumped from the Chicago River up into the canal at Ashland Avenue, where its locks were located. It was a great aid to commerce in the Mississippi Valley and Great Lakes region, despite the fact that frequently for months at a time the Illinois River was only 20 inches deep.

The Government closely observed the operation of the Illinois & Michigan Canal, and during the period from 1848 to 1890 caused a number of surveys to be made of it and the entire Illinois River project, and a summary of the general tenor of these reports is as follows:

> The question of a through line of water communication from the Mississippi to Lake Michigan via the Illinois River has been before Congress since an early date.
>
> The ultimate object of this improvement is to provide a channel way from the lower end of Lake Michigan to the Mississippi River of sufficient capacity to accommodate large-sized Mississippi River boats, so that the products of the country may be carried from the lake to the Gulf without breaking bulk; also to enable vessels of war of considerable capacity to pass freely from the Gulf of Mexico into the defenseless waters of our northern lakes should the exigencies of our foreign relations ever require this to be done.
>
> The waterway from Chicago to Grafton on the Mississippi River is a most important one, and when completed there is little doubt that it will richly pay for itself in the reduction and regulation of freights.

The record further shows that the canal was regarded by the Government not only as a military but a commercial necessity, for in 1868 the Chief of Engineers of the United States Army said in his report on this subject:

> As a military measure the construction of this canal will be effective; and, fortunately for the country, this can be done at an expense which must be regarded as insignificant when compared with the objects to be obtained. But, great as are the military reasons which favor the establishment of steamboat navigation between the Lakes and the Mississippi, they are vastly transcended by those of a commercial and political character.

Pure drinking water is essential to healthy human life. Ninety years ago the village of Chicago drank from wells—so did the city—until the wells became so filled with poison, which leaked through the sand from vaults and cesspools into the wells, that there was "death in the cup."

Then the water supply was dipped from the lake where its waves lapped the shore and water peddlers distributed it to the people for pay.

Then water was pumped from the lake a short distance from shore into tanks, from which it was conveyed through wooden pipes to the consumers.

The rapid growth in population of the city of Chicago emphasized the importance of sewage disposal, and in 1856 a system of underground sewers, probably the first in the United States, was constructed, draining principally into the Chicago River. Therefore, it was not long before the shore waters became unfit for use, and the pipes through which the water was drawn had to be extended farther into the lake.

As population increased so did the amount of filth which was discharged into the lake. The death rate from typhoid fever was higher than that of any other city in the country. The highest death rate was among the children and the poor people who could not move away or afford water from any other source than the polluted waters of Lake Michigan.

The solution of this most serious problem, to protect the lives and health of the people, was taken up by the State legislature, and in 1889 a State law was passed creating the Sanitary District of Chicago and authorizing the building of a sanitary and ship canal, connecting the Chicago River with the Des Plaines River to divert the sewage which was polluting the waters of Lake Michigan into the Mississippi watershed.

This State law required the sanitary district to dilute the sewage turned into the Des Plaines River with water from Lake Michigan on a basis of 3½ cubic feet of water per second for each 1,000 population.

This action by the State legislature was taken as a result of a study and an investigation by a commission appointed for the purpose of investigating every known method of sewage disposal and to take into consideration the great demand for a deep waterway to the Gulf of Mexico.

Therefore a sanitary and ship canal 32 miles long, 24 feet deep, and 160 feet wide, with a capacity of 10,000 cubic feet per second, was constructed from the Chicago River to the city of Lockport, where controlling locks were built at an original cost for the entire project of $30,000,000.

The canal was completed in 1899, and in December of that year Congress and the War Department were notified officially of what had been accomplished in this regard.

In 1900 the water was turned on from Lake Michigan, and the northern link of the Great Lakes to the Gulf waterway was complete and in operation. Since that time the Chicago and Des Plaines Rivers have been improved by the district, and other branch canals, pumping stations, intercepting sewers, and sewage-treatment plants, representing a total cost of about $90,000,000, have been constructed.

The Chicago plan of sewage disposal by dilution and diversion from Lake Michigan, aided by the pasteurization of milk and the chlorination of water, resulted in a reduction of the typhoid death rate to the lowest point of any big city in the world.

Federal engineers and officials had full knowledge of the creation of the sanitary district and of the plan to reverse the flow of the Chicago River and to divert from Lake Michigan the amount of water needed to properly dilute the sewage of the district so that when discharged into the Des Plaines River it would not be offensive or injurious to the health of any of the people of Illinois.

So far as I am able to learn, no objection to this plan was made by Federal authorities at that time, and prior to the opening of the canal in 1900 a permit for the diversion of 4,167 cubic feet of water per second—sufficient to care for a population of 1,250,000—was issued by the then Secretary of War.

Subsequently, as the city increased in population, it was found necessary to increase the amount of the diversion of water, and at the present time there is being diverted, under authority of a permit from the Secretary of War, 8,250 cubic feet per second.

Following the completion of the drainage and ship canal from Chicago to Lockport, the agitation among the people of the Middle West for an adequate Lakes to Gulf waterway increased tremendously, and the demands for congressional action in this regard became very insistent.

Plans were proposed and a route selected for this waterway, as follows: The sanitary and ship canal from the Chicago River to Lockport; the Des Plaines River from Lockport to its confluence with the Illinois River at Utica; the Illinois River to its confluence with the Mississippi River at Grafton. The section from Lockport to Utica was not under Government control, but that from Utica to Grafton was, and the Government has already spent some money for its improvement for navigation purposes. The State legislature passed an act, and the people of Illinois approved it by referendum, to appropriate $20,000,000 to improve its section by the construction of a 9-foot channel with locks and dams where necessary, and Congress has been asked to appropriate adequately for the section under Government control.

The State's work is well under way and will be completed within a short time. The request for congressional action has been pending for years, but it seems that certain interests and influences, in order to serve their own selfish desires for gaining power or favor by means of propaganda and otherwise, have been able thus far to obstruct, delay, and prevent favorable action on this most-needed improvement in transportation facilities.

However, on April 3 of this year, the Rivers and Harbors Committee of the Sixty-ninth Congress wrote into the regular rivers and harbors bill a provision recommended by the Chief of Engineers for a project to complete the Illinois waterway by the construction of a 9-foot channel in the Illinois River from Utica to Grafton and authorizing an appropriation of $1,350,000 therefor. Much opposition to the adoption of this provision in the bill has developed from States bordering the Great Lakes, and charges have been made that the city of Chicago and the State of Illinois are responsible for the lowering of lake levels, causing injury to navigation and great loss to the shipping interests; that our people are thieves and robbers in that we are taking water from Lake Michigan which does not belong to us, but to them; that we are interfering with God's plan of creation in that we are causing water to flow from one watershed into another; and that it may be that the lowering in lake levels of 40 inches, caused by lack of rainfall over a period of years, is a punishment God is visiting upon us because we steal water and upon them because thus far they have failed to rise in their wrath and smite us.

The facts are that although there is a diversion of water from Lake Michigan into the Mississippi watershed permitted by the Secretary of War for sanitary purposes to protect the health and lives of the the people of Chicago and vicinity, there is no provision in the bill legalizing a diversion of water or any other thing except an authorization for an appropriation of $1,350,000 and the construction of a 9-foot channel to make the Lakes to the Gulf waterway a reality.

On the contrary the bill explicitly provides:

> That nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

It is true that there is now being diverted 8,250 cubic feet per second from Lake Michigan under a permit from the Secretary of War, but this permit was granted with the positive understanding that the sanitary district proceed to construct as rapidly as possible modern sewage disposal plants to take care of the sewage in other ways than by dilution with water from Lake Michigan. This is now being done and the district is appropriating and spending about $20,000,000 a year—all that it is possible to obtain by taxation on existing Illinois law—in the construction of sewage-disposal plants, and as these plants are completed and put in operation over a period of years, less and less water will be required from Lake Michigan for this purpose.

However, in the meantime while this work is going on and the water is being used for sanitary purposes, why should not the United States and the people of the great Middle West have its use for navigation purposes also in accordance with the proposed plan, especially in view of the fact that so much of benefit to all the people through lowering of freight rates may be obtained by the expenditure of such an insignificant sum of money?

It may be that the answer is contained in the statement of former Secretary of War, Newton D. Baker, before the Committee on Rivers and Harbors, when he said:

> The 10,000 cubic second-feet diverted from Lake Michigan and sent down the Illinois River is capable of producing only 80,000 horsepower of hydroelectric energy, while the same 10,000 cubic second-feet if allowed to go down its natural channel and through the St. Lawrence River is capable of producing 500,000 horsepower.

And in the same breath let us remember that five-sixths of this power would be produced in Canadian territory.

Over $500,000,000 has already been expended by the Government, the State of Illinois, and the Sanitary District of Chicago in the development of waterways in the Mississippi Valley, but as yet no adequate connection has been established with

Chicago, the metropolis and chief point in the Central West. An estimated additional expenditure of only $3,057,000 by the Government—of which $1,350,000 is provided for in the project now under consideration—is all that is needed to complete an adequate, serviceable channel of not less than 9 feet in depth, thereby establishing the much hoped for, greatly needed Lakes to the Gulf waterway.

By this expenditure in providing this 9-foot channel the United States Government can make it possible for all of the people of the United States, and particularly those in and tributary to the Mississippi Basin, to obtain the full benefit of the $430,000,000 invested in river development in the Mississippi Basin by the Government, the $60,000,000 invested for the same purpose by the Sanitary District of Chicago, and the $20,000,000 appropriated and now being spent by the State of Illinois.

The expenditure of this small sum of money will also make it possible for the people of the Great Lakes region, and in the upper Mississippi Basin, to obtain some benefit from the Panama Canal, which was paid for by taxation spread throughout the United States and which at the present time is useful only to the Atlantic and Pacific seaboards.

If the entire diversion of water from Lake Michigan at Chicago—and this seems to be the basis of all the complaints and opposition to the passage of this bill—were stopped to-day, it would not correct the lowering in the lake levels. The only result in this regard would be that in about five years the levels of all the Lakes except Superior would be raised about 5 inches, which would still leave a lowering of 26 inches according to figures existing in 1924.

What this situation needs is comprehensive treatment covering the entire chain of lakes, and in recognition of that fact and to hasten the solution of that serious problem, this bill contains a provision for a survey of the Great Lakes with a view to providing ship channels with a sufficient depth and width to accommodate the present and prospective commerce at low-water datum for the Great Lakes and their connecting waters, and their principal harbors and river channels, either by means of compensation or regulatory works, or by dredging and rock removal in the separate localities or by both methods.

The passage of this legislation and the construction of the work herein provided for will bring about the realization of the hopes of a hundred years by giving to the United States a practicable system of water transportation which will make it possible for the farmer, merchant, manufacturer, miner, and business man of the Middle West to compete on equal terms with his competitors on the eastern seaboard, who have been so greatly favored by the cheap water transportation through the Panama Canal. [Applause.]

Mr. CHALMERS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. ACKERMAN). The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count.

Mr. CHALMERS. Mr. Chairman, I withdraw the point of order, and I yield 20 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the committee, to discuss this bill properly it would take two or three hours, because there are so many projects in it. I only intend to devote a few moments to the Chicago diversion project, which is only one of those in the bill that can be fairly criticized, because I believe it is proper at this time to call your attention to what you will be asked to vote upon later. Those projects, numbering around 35, I believe, will be discussed in their order when the bill is up under the five-minute rule.

I wish to say, because of the suggestion made by one of the speakers a moment or so ago regarding my opposition to such bills, that I have never been opposed to expenditures for real commerce or navigation, although for years I have opposed rivers and harbors bills. The same was true, I am sure, of Senator BURTON, and at that time I did what little I could at this end of the Capitol and aided in blocking some of the bills, which were infamous bills, due to their indefensible character.

Two hundred and fifty miles of the Mississippi River run along the western border of my State and 150 miles of the upper Mississippi River run along my district, and there is not a boat line running there, notwithstanding the fact that $37,000,000 has been spent on the upper river. There are only about 100,000 tons of all kinds of miscellaneous traffic on that upper river outside of gravel and the logs. Everyone knows these facts who is familiar with the river. And you can not get any return in commerce on the lower part of the Mississippi River, that already has had nearly $200,000,000 spent on it, without having the Government to operate the boat line. The Missouri River, on which we have spent $20,000,000 during the past half century, only had 1,410 tons of actual commerce in 1924, although the report shows 347,000 tons. I am going to put the figures in the RECORD and I want you to examine them. The rest is represented by sand and gravel hauled several miles. That is the kind of results secured by $200,000,000 and more spent on the Mississippi and Missouri.

Do you wonder, knowing these facts and living along the river and seeing no boat lines, and knowing the fraud perpetrated upon the American people, that I object to some of these wasteful expenditures.

We have in the State I represent in part the second largest harbor in the United States, with 50,000,000 tons of commerce on the average, as the gentleman from Minnesota [Mr. CARSS] says, in the Duluth and Superior combined harbor. This is possibly ten times the real commerce of the entire Mississippi River, because you have to analyze the commerce reported. Do you know what the engineers do when reporting lower Mississippi River commerce? They divide it up into three sections, and then the engineers add the commerce on the different sections, some of which is duplicated, so that you can not estimate from the reports what real commerce is carried or how far. We have a dozen harbors in my State and some of them are affected by this Chicago diversion.

Wisconsin has brought a suit against the State of Illinois to stop this diversion in so far as it interferes with navigation, and to that extent at least I am interested in this bill.

If this Chicago diversion proposition, with all the eloquent arguments that have been made in favor of it, were to stand by itself in this House to-day, without the river and harbor bill votes for its passage it would not get 50 votes. What is more, if it was not for the New York canal or the all-American canal, or whatever my friend Chairman DEMPSEY wants to call it, with the $500,000,000 or over that is to be spent according to the statements in reports, it would not have the 50 additional votes that will be brought from that region.

Mr. McDUFFIE. Will the gentleman yield right there?

Mr. FREAR. I can not yield now. I am going to get around to Alabama in a few moments.

Mr. McDUFFIE. Alabama has nothing in this bill.

Mr. FREAR. Alabama once had Muscle Shoals, and they put a $100,000,000 debt upon this Government, although I used to block it time after time when inserted in the old river and harbor bills. I can not permit an interruption now.

Mr. McDUFFIE. You want to be fair.

Mr. FREAR. I shall be glad to yield later if I have the opportunity.

Mr. McDUFFIE. I assume the gentleman wants to be fair, although it may be a violent assumption.

Mr. FREAR. The gentleman who interrupts I trust may be answered later, but I do not want him to interrupt until I am through, please.

Then there is the Cape Cod Canal, where 32 lives, we are told, were once lost in 10 years, and how the distinguished chairman did weep over that item when he explained yesterday about the present danger to life around Cape Cod. Oh, twice that number of lives are lost in automobiles in the city of Washington every year, but we do not need $11,500,000 from the Government because of that fact. How many votes are you going to get from the Cape Cod Canal proposition that is in the bill again as usual; how many votes will come from the Texas canals along with the $16,000,000 Gulf waterway proposition you have placed in this bill? How many, I wonder? How many votes are you going to get for the Chicago sewage proposal from the 111 surveys included in the bill that are scattered over 33 States? Somebody said something about this being a pork barrel. Why, yes, it is; because these projects must stand or fall together, and they stand by each other. That is why some of them get into the bill, I surmise. The upper Mississippi has about $20,000,000 involved in a survey in this bill for a 9-foot channel up to Minneapolis. That reaches several States on the upper river. They pull them in from everywhere, and 33 States or possibly 48 are represented in the many items scattered through the bill.

When you people who are innocent, and I speak to my good friend from Ohio [Mr. CHALMERS], who has charge of the opposition to the Chicago sewage project, when you people state that you are hoping to drive out the Chicago diversion proposition let me say that you are not going to do any such thing unless you do something very unusual. You can never drive a proposition out of a river and harbor pork barrel. The votes are spread all over this country, from one end of the country to the other, from Maine on the Atlantic away around on the Pacific to Washington. Every single State that borders upon the water has a project, either by way of a survey or otherwise, so how can you defeat any project in the bill?

I may offer some survey propositions for Vermont and a few other States that you may have overlooked. I may offer them when you read the bill, because I think they are entitled to be represented here in order to make it a unanimous bill.

Now, gentlemen, I listened with a great deal of interest to my good friend, Representative MARTIN MADDEN—and he is my good friend. He is an admirable man, and I am proud he is a Member of this House. I am glad he is at the head of the Appropriations Committee, because ordinarily he is a wonderful champion of the people and holds a lock upon wasteful appropriations; but I never saw him as helpless as he was to-day, a man of his ability and strength trying to defend this proposition of the Chicago diversion and the bill that carries that project. He used to talk on the floor of the House here with me, except he had better arguments than I had when we were opposing the old-time pork barrels, and he would talk about the necessity of insuring some streams against fire. Do you remember that? For heaven's sake, judging from the Hennepin Canal, of which Senator BURTON spoke, and which I expect to put in my remarks, and the Illinois River, which is a part of it, why should they not want to insure against fire down there? There is no commerce in sight and no commerce will come, when practically an insignificant commerce is carried upon the upper Mississippi River and the Missouri River.

Bernhard, when he came over from Germany, said that the Mississippi River had the finest channel of any river in the world, and I am going to put in my extension of remarks something about that. He said that you do not need any further channel, and yet some of these gentlemen who have spoken on the bill are complaining because you have only spent $200,000,000 on the Mississippi River. They say we are against navigation. No; we are not. Here is the situation that confronts us:

A suit was brought by my State to enjoin the State of Illinois or the city of Chicago from taking this water for sanitation purposes. I am not going to discuss what has been ably presented, but we are asked here to put the seal of legislative approval and permanency upon that agreement. Think of my good friend from Chicago [Mr. MADDEN], who said in substance, "We are going to reduce every year the amount of water used for sanitation," but will have to increase or maintain the diversion every year for navigation. So what are you going to do? Where is the logic of that argument? They want the water for sewerage and not for navigation, and we are opposed to the diversion that affects disastrously the Great Lakes commerce. The gentleman from Missouri [Mr. NEWTON] discussed the question, and very ably, too. The only trouble with his argument is that he has found out suddenly that some Canadian water-power influences, God knows where, are the ones who are opposing the Chicago sewage project, and that these water powers are behind us in our opposition to the Chicago diversion. To create any impression you have to be sincere and you have to be fair, even though people do not agree with you. No man present in this House, I am satisfied, has heard anything before about the Canadian water powers. We have heard about the Illinois River water powers and we have heard about the Chicago sanitation board. Wisconsin is prosecuting these suits because Chicago is diverting for its sewerage purposes water needed for navigation. That I am sure is the case with all the States interested in the injunction suits to maintain lake levels.

Let me read you something from the report of the Chicago Sanitary District of December, 1923.

The report of the Chicago Sanitary District of December, 1923, on page 24, as shown in the testimony before the Committee on Rivers and Harbors of the House, page 439, says:

"The population which they should care for is 3,213,000 people; stockyard wastes equivalent to 1,030,000; corn products waste equivalent to 380,000; miscellaneous waste equivalent to 150,000 people, making a total of 4,773,000 people."

Thus, to state the proposition in concrete terms, one-third of the diversion of water out of Lake Michigan at Chicago is to take care of private commercial sewage that these big corporations in any other location would be required to dispose of at their own expense and in their own disposal plants.

I quote from the minority report:

Mr. Baker, former Secretary of War, told the committee, and it was not disputed, that one-third of the water abstracted is used solely for the disposal of the refuse and sewage of the Chicago stockyards and the packing houses. On the basis of an abstraction of 10,000 cubic feet a second it appears that considerably over 3,000 cubic feet would be for the sole advantage of these packing houses and stockyards.

Now this is not taken from Canadian water-power sources; it is taken from the Secretary of War, who granted the permit, and from the sanitary district that received it. If true, what defense can be offered by such arguments laying responsibility on some Canadian interests?

Now let me read from Document 270, page 10:

The depths stated have become inadequate for the vessel draft assumed to have been provided for, because a deficiency of rainfall of the upper lake region in recent years, combined with water diversion from Lake Michigan and Chicago, has resulted in lower lake levels than anticipated.

The Army engineers, on whom you profess to depend here, say that this diversion is destroying to-day some of the commerce on the Great Lakes, which is yet 125,000,000 tons, and it is one hundred and sixty-two times that on the Mississippi River. Yet we are to take the water of the Great Lakes and send it down to the Mississippi River to float submarines and destroyers whenever we get in war with England. That is Representative NEWTON'S strong point, and I leave it without argument.

I want to refer you to one or two matters. The gentleman from Missouri further says that out of this great amount of money that is being expended they get so little in Missouri. The amount of money, $1,600,000, on the Missouri this year is not small for a 1,410-ton commerce. Let me give you the figures of total river and harbor expenditures now. The engineers stated that on all projects, including flood control, there were expended in 1925, $69,000,000 and for Muscle Shoals $10,000,000, or a total of nearly $80,000,000.

How many projects do you think we have got under consideration to-day? You have the impression from discussions here that there are only a handful of waterway projects under improvement. Harbors, 199; rivers, 284; canals, 53, making 536 projects in all are being improved. Oh, some one says, if you would finish up these projects we will be all through. That is a frequent argument of river lobbies. If we put through the canal that my friend from New York wants across his State, it will take $500,000,000 more. If you are to put through the project in the upper Mississippi in this bill, it will take $20,000,000 more.

Two hundred and fifty-six million dollars is required to finish up the projects we have now, according to the engineers. So you are never going to finish up the projects, and you have $20,000,000 for maintenance to-day, now, and hereafter annually to keep up the projects already authorized, whether good or bad.

I would like to discuss some of the questions that are going to be presented to you. I may do so when we get under the five-minute rule, but I do not know whether it is well to discuss them now. I want to say this further about the Missouri River cost; the gentleman from Missouri says that we have not got enough. They have got $1,600,000 this year. They have been expending money for nearly 50 years. Yet there is no boat line at all on the 400-mile stretch from Kansas City to the Mississippi River.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. Certainly.

Mr. LOZIER. Does not the gentleman know that the Missouri River has never been completed and made navigable, and that until it is completed it can not be navigated, and is not that true of all streams?

Mr. FREAR. I know this, that hundreds of boats were on the Missouri River and on the upper Mississippi River many years ago, before a dollar was ever spent by this Government, that you have a better channel now on the Missouri than you ever had before. But this is not a navigation project; it is a land reclamation project pure and simple; and I can put the engineers' reports in the RECORD to prove it, if the gentleman desires.

Mr. LOZIER. Will the gentleman yield for one more question?

Mr. FREAR. Not now.

Mr. LOZIER. But the gentleman wants to state the facts?

Mr. FREAR. Yes; and I am familiar with them, because I have been studying them for a great many years.

Mr. LOZIER. But I live on the river and know.

Mr. FREAR. Then the gentleman knows that the money that has been expended along the Missouri has been expended for land reclamation or land protection all along the banks, and that is what it is primarily for. There is practically no commerce on the Missouri River to-day, as I have stated.

Let us take the Illinois River proposition. Do you know that the Government has spent 74 years improving the Illinois River and that we have expended about $3,000,000 on the river? Here is what the engineers' report says about their appreciation in Illinois of that expenditure:

Of 13 principal cities along the river 5 own dock frontage more or less improved, 4 own dock frontage with no improvement, and 4 own no dock frontage at all.

They do not use the river or refuse to give any terminal or dock facilities. Yet the Government puts up all the money to give a good channel.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. May I have five minutes more?

Mr. CHALMERS. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. FREAR. Mr. Chairman, over 20 years ago a wild scheme was put through Congress of connecting the Mississippi River with Lake Michigan by a deep waterway somewhat similar to what you have here to-day through the shallow Illinois River, that lacks both water and water craft. As the gentleman from Ohio [Mr. BURTON] well said, there is a commerce of a little over 11,000 tons, of all character, carried on this river, it is hard to tell what distance, and 5,000 tons of that 11,000 tons are sand and gravel. And ,this is all the commerce after an expenditure of $10,000,000 for that canal.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes. Certainly.

Mr. WILLIAM E. HULL. If you can not connect with the Lakes, then you can not use that canal. As it is to-day it does not have any connection at one end, and that is the reason there is no commerce upon it.

Mr. FREAR. I say to the gentleman that I have read some of the hearings and I admire his position very much indeed. I know how fair he has been with some of the other projects, for instance, with the Staten Island project and some others. I commend him for his independence. The same argument, however, was made before that is now being made. That the canal when completed and the project as completed would carry millions of tons of freight, but it never materialized. You can not drive a 14-foot vessel from Lake Michigan, as the Army Engineers well said when they reported against this Lakes to Gulf project, and send it down a 6 or a 9 foot channel in the Illinois River to the Mississippi.

Mr. WILLIAM E. HULL. But this is a 9-foot canal.

Mr. FREAR. Yes, as I recollect the figures, 90 per cent of the commerce brought into Chicago in vessels is brought in 14-foot vessels, and the Lakes to Gulf project is another dream like the Hennepin Canal in Illinois that was put through for the same purpose.

Mr. WILLIAM E. HULL. I live on that canal and river, and the real truth of the matter is——

Mr. FREAR. Oh, I do not yield for an argument. I thought the gentleman wanted to ask me a question.

Mr. WILLIAM E. HULL. The gentleman does not want to answer the question.

Mr. FREAR. I have not time for an argument. As I said, there is one harbor in my own State with a commerce of 50,000,000 tons, which commerce is hauled about 900 miles. They have spent all together only about $8,000,000 on that harbor, the second greatest harbor in the United States, and with total expenditures less than on the Hennepin Canal. That is real commerce, and they carry it constantly, but they have trouble with some of our harbors, as I have already said. They will be obliged to put $4,000,000 additional into the lake ship canal because of low water. They are troubled with shallow water in these harbors. Of course, the Chicago diversion is not the sole cause, but it is a serious loss to navigation.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MANSFIELD. The engineers are all agreed that the Chicago matter has not affected the level of Lake Superior.

Mr. FREAR. I concede that; but we have seven or eight harbors on Lake Michigan that are larger than Chicago's lake commerce, and that is the difficulty with our harbors on Lake Michigan. Other States have harbors on that lake and other lakes that are affected by the same diversion. True, the rainfall has affected the Lakes, but it is going to be permanently less, because the trees have been cut off, all the forests have been cut off. Therefore we have to stop this diversion if we would protect our commerce. I can not see why we should pussyfoot on the subject at all. I want to help Chicago all I can, because, among other things, I once lived there and I want to save her from distress; but this item ought to be stricken out of the bill, or the bill should be defeated. In fact, I believe it should be defeated. They have no right to have that diversion longer for sewage purposes or for sanitation purposes, as they now choose to call it. Other cities take care of their offal, and why should not Chicago do the same? On what ground do they come to the Congress and ask leave to send these waters from the Great Lakes down through the Illinois Canal, first, for sanitary purposes, and now for navigation purposes, as they claim? It is not a proper use of the Great Lakes, that carry the greatest inland commerce in the world.

There are a number of projects in this bill that I want to discuss at the proper time from the standpoint of the Engineers' report. I can not understand how the Committee on Rivers and Harbors, after looking at the old $150,000,000 barge canal in New York State——

Mr. DEMPSEY. Two hundred million dollars.

Mr. FREAR. One hundred and fifty million dollars, if I remember correctly. Let me say in all kindness to my distinguished colleague [Mr. DEMPSEY], whom I admire very much personally, I know he wants that canal at $500,000,000 and wants it awfully bad. I would like to concede something to him, but I hope the Congress will never give him that project, because I feel it is a pure waste of money, just like the Illinois canal scheme is. I believe it would be proper to strike out the water-diversion proposition and possibly give a little time in which to take care of their sewage disposal. That is what we ought to do.

I thank you, gentlemen, for taking up so much of your time. If there are any further questions I can answer, I desire to do so.

Mr. WILLIAM E. HULL. If the gentleman will yield to one question. Say we strike out that part and have no diversion, will the gentleman be satisfied to let us build a waterway from Utica to Grafton? That is what the bill is?

Mr. FREAR. I do not object to anything in the Illinois River project except taking the water out of the Lakes.

Mr. WILLIAM E. HULL. Then the gentleman is not opposed to building a waterway from Utica to Grafton?

Mr. FREAR. No; if it does not affect the lake levels.

Mr. WILLIAM E. HULL. I thank the gentleman; he is for my bill.

Mr. FREAR. That is the trouble with the gentleman. I do not know how many other propositions are in this bill which may be of equal lack of merit, for the bill contains many objectionable propositions.

Mr. McDUFFIE. Will the gentleman yield?

Mr. FREAR. I will.

Mr. McDUFFIE. The gentleman referred to this canal crossing the State of New York.

Mr. FREAR. Yes.

Mr. McDUFFIE. The gentleman knows we have a commission studying the other route.

Mr. FREAR. Yes; I so understand.

Mr. McDUFFIE. This is only in reference to the survey and does not commit the Congress to anything. Does not the gentleman want Congress to have all the information as to which is the better of the two routes?

Mr. FREAR. No; because you have had some 20 surveys across the State of New York, and you may keep it up until finally you get some board to concede what is desired by the locality. That is the difficulty about the matter. I am familiar with the work and responsibility of engineers. They are liable to be thrown out if not giving satisfactory reports, like they threw out Townsend and Deakyne for refusing to recommend the Missouri River. When they refuse to recommend the projects asked for by local centers, then the localities, through their representatives, seek to throw them out and get engineers to do what they want.

Mr. McDUFFIE. I think the gentleman is very unfair.

Mr. FREAR. The records show that such has been the result.

Mr. McDUFFIE. This is a 30-foot survey which has never been made, and in the course of time in the future—maybe half a century—we ought to have the information, and this simply calls for a small expenditure of money to get the information and have a comparison of the two routes.

Mr. FREAR. I understand that, and what impressed me as much as anything when the gentleman from Missouri stood here and said for a million dollars we could put the Lakes on a level, I thought of the splendid Committee on Rivers and Harbors that might have preserved the lake levels at nominal cost, but has failed to do so; and I think that is of more immediate concern than this New York canal.

Mr. Chairman, under the leave to extend I wish to add, a dozen years ago I was assisting in a modest way in the House the distinguished gentleman from Ohio, Ex-Senator BURTON, who then held a strong position in public affairs as a leader of the Senate. We were then seeking to prevent the river and harbor pork barrel from sinking through overloading.

In those days we tried to hold waterway appropriations below $40,000,000 annually, which included flood-control projects and in fact we did persuade Congress in one year to lop off about $100,000,000 of that amount.

Every project was set forth in the bill with the amount appropriated for that project under that system.

Now, all is changed. We simply appropriate $50,000,000 or more in one brief item of the military bill covering rivers and harbors already under improvement without naming them in pending legislation together with various amounts elsewhere for flood control and other projects so I may not be in error when I say that projects have increased in number nearly 50 per cent within the 12 years, and amounts paid by the Government for waterway improvements during this period of economy have been doubled within the same period.

Congress is now "improving" 536 projects as follows (harbors, 199; rivers, 284; canals, 53):

(Vol. 1, p. 2)

The engineers spent on these projects and on flood control for 1925	$69,882,028
On Muscle Shoals	10,053,300
Total	79,935,328

or about double the amounts expended 12 years ago with an annual maintenance fund now paid by the Government of about $20,000,000. Army engineers estimate it will take $226,000,000 to complete these projects. The bill before us carries over $33,000,000 in new projects and one survey out of 110 in the pending bill if adopted will add anywhere from a half billion dollars to $1,000,000,000 for which taxpayers will foot the bill.

In the river and harbor bill before us (No. 11616) we have no information regarding new projects excepting a reference to some report on each project. I will wager that outside a dozen members of the committee who are supposed to know the facts not one Member of Congress in 10 has examined the reports referred to in the bill.

There are between 30 and 40 new projects in the pending bill that will take between $30,000,000 and $400,000,000 to complete. These scattered around the country are the iron hoops that hold the average pork barrel together. Every project is certain of the votes generally from States affected and the bill gets them all.

It has been a far cry for every river and dredging lobby to shout that if Congress will complete its projects then the job will be done. Such a letter has just been received from a lobby official in St. Louis. That statement is worse than misleading, for it is known to be absolutely untrue.

HERE ARE THE STAVES TO EVERY PORK BARREL

In the bill before us for illustration we have demands for surveys of 111 new proposed waterway projects and in addition water-power proposals on 27 rivers scattered all over the country. If one-half of these, including the New York canal, are approved by Army engineers it may involve an expenditure of a thousand million dollars additional or more.

To date our waterway appropriations have reached $1,311,597,443. In addition, Muscle Shoals has cost to date $45,800,000.

If this money has been well expended, no complaint should be made, because rivers and harbors where commercially used should be improved. I repeat the statement repeatedly made, however, that an analysis will demonstrate over one-half of this amount has been wasted.

River traffic, excepting with deep-draft boats on deep waterways like the Hudson and Delaware, can not compete with paralleling railways as in European countries, where the government in its control of both rail and water diverts heavy traffic over its waterways. Here they both compete, and the railways always get the traffic unless the Government maintains the boat line.

What are the facts—take the largest river in the world, the Mississippi. On page 1805, volume 1, Engineers' Reports, 1925, the amount reported expended by the Mississippi River Commission is $174,334,000. If this item includes only the river below Cairo, then the expenditures on the river above Cairo ranging around $73,000,000 more total nearly $250,000,000 spent on the Mississippi River alone. I do not say this amount is exact, for the reports are not clear; but that Mississippi River expenditures by the Government run far above $200,000,000 is certain if the reports are correctly understood.

A statement of expenditures on the upper Mississippi River above the mouth of the Missouri shows legislative folly that can not be defended, for after an expenditure of over $37,000,000 on the upper river the actual commerce in 1925, deducting logs, sand, and gravel, hauled about 10 miles reached only 102,701 tons, or less than 2 per cent of the commerce of a small Wisconsin lake harbor.

After 40 years of "improvement" the 300 steamboats once on the upper Mississippi River have dwindled to about 5 per cent of that total number and at the least calculation the cost to the Government for furnishing a waterway, counting maintenance and interest, is over $20 a ton, on about 100,000 tons on real commerce, while a half dozen Ford flivvers could carry the actual commerce with its short hauls at less than 5 per cent of that cost.

I quote from the Chief of Engineer's report (1925):

MISSISSIPPI RIVER, MINNEAPOLIS TO MISSOURI RIVER (664 MILES)

(Page 1046)

Total expended to June 30, 1925, on this stretch	$37,590,042
Amount required for 1926 on this stretch	$1,660,660
Engineers' report of commerce (1925)—tons	769,139
Value (page 1056) 1925 report	$14,265,553

Commerce analyzed (vol. 2, p. 1228) on this 664-mile stretch of river

	Tons	Miles hauled
Upbound:		
Gravel	111,484	9
Sand	65,315	9
Stone	15,156	
Downbound:		
Logs	73,819	10
Gravel	284,583	17
Sand	116,081	6
Total	666,438	
	769,139	
Miscellaneous	102,701	

Methods of duplication and bolstering "commerce" may be applied also to the "miscellaneous item." Engineer's note, volume 1, page 1228, states—

In 1924 the packet business was very small, there being only five small propelling barges in operation between St. Louis and St. Paul. The 1924 commerce was 204,428 tons less than 1923.

I call attention to "five small barges" in use.

These small barges I understand are now to be frozen out of the small business they have produced. Not by any private competitor, but by the Government. We have shouted ourselves hoarse about keeping the Government out of business, but after spending $200,000,000 on the Mississippi River we have kept less than 5 per cent of its original commerce by Government owned and operated boats.

That is the result of a half century's "improvement" on the upper stretch of our greatest river waterway after an expenditure of over $37,000,000 of taxpayers' money.

On the lower river, on which over $150,000,000 has been spent for all purposes, the 900-mile haul between St. Louis and New Orleans, curiously enough, is divided up by engineers into three sections. Then the Army engineers, in some cases, take the same identical freight like bauxite, and so forth, hauled on each of the three river sections and the same freight they add together as on page 1252, volume 2, yet sand, gravel, and logs included, the entire actual freight traffic on the lower Mississippi, deducting evident duplications, does not exceed the actual freight hauled 800 miles to and from the little harbor of Ashland in my own State. The total expenditures of Government money on this one lake harbor are less than 1 per cent of the expenditures that have been made on the lower Mississippi River alone, while the haul, without duplication, is about the same and cost of maintenance is nominal.

THE MISSISSIPPI HAS THE BEST RIVER CHANNEL IN THE WORLD

All the faith of waterway lobbyists and river enthusiasts for years was pinned to J. H. Bernhard, a boat builder, who predicted a rejuvenation of river traffic. Every citizen devoutly hoped Bernhard's prophecy would be realized, but in a discussion by Mr. Bernhard, found in the proceedings of the American Society of Engineers for 1915, occurs this remarkable statement:

To-day the Mississippi from St. Louis to its mouth affords a channel which is the best to be found in any stream in the world * * * and see its emptiness. An 8-foot channel is all that the most efficient service requires. The Government works unremittingly to develop waterways only to see the water-borne traffic grow less as the years go by.

Still the average "river man" will insist the poor condition of the channels keeps our inland waters idle. This is preposterous; the

Rhine could never compare with the Mississippi in its advantages for transportation; its channel is narrower and shallower, more changeable, the current is swifter, and ice is known in the winter over its entire navigable length, yet in 1913 more than 97,000 vessels passed the Dutch and German frontier on the Rhine.

Further along Bernhard submitted from official reports a statement of 37,529,153 tons carried on the Rhine in 1913, and it is safe to say this did not include sand, gravel, rock, and brush used in river work or automobiles and cattle ferried across the river.

Senator BURTON and Bernhard agreed that you can not get commerce on water by idly wasting money in digging shifting, deeper channels. It takes men with freight to make commerce, and they obstinately refuse to ship by water when they can ship more conveniently by rail. After spending $150,000,000 or more on the lower Mississippi from St. Louis to the mouth practically the only regular boat line that carries the relatively small commerce is one built and maintained by the Government. Yet with those facts and the astounding further fact that an expenditure of $37,000,000 on the upper Mississippi has produced only 160,000 tons of real commerce, the 1926 bill before us proposes to add $20,000,000, or more, in waste to the upper river by dredging it to a depth of 9 feet to Minneapolis for which a survey is asked. It will not produce commerce if dredged to a 20-foot depth because unless the Government has some means of forcing heavy traffic on waterways, through owning and controlling waterways and railways, as in Europe, the roads will always wipe the boats off the rivers, judging from our experience during the past half century.

Take another example of the unpardonable waste on the "improved" rivers adopted by engineers here. On the 400-mile stretch of the Missouri River from Kansas City to the Mississippi River, on which over $20,000,000 has been expended, the 1924 commerce disclosed by the Army Engineers' official reports is 347,000 tons, but, not counting logs, sand, and gravel, that were always floated or barged a few miles during the past half century, the commerce only reached 1,410 tons. That freight has cost the Government about $600 per ton to carry a few miles, figuring 4 per cent interest on the investment and annual maintenance, and the end is not yet. One good truck could have handled this short-haul freight with 30 days' leave of absence for the driver, if need be, to fish without disturbance to himself or the fish in the same stream, yet $1,600,000 is to be expended this year on this stretch of 400 miles by the Army Engineers, according to their reports.

This Missouri River project was rejected by Army Engineers until the rejectors were removed by political pressure and others more generous were found to recommend the job to Congress.

I will insert Missouri River engineer's official freight figures for which the Mississippi Valley River lobby has drawn down prodigious appropriations when also gathering in $200,000,000 and over for the Mississippi. The Missouri River's actual tonnage after a half century's improvement by $20,000,000:

MISSOURI RIVER, KANSAS CITY TO MOUTH (398 MILES)

Expended by the Government to June 30, 1925 (this project)	$20,066,154
The 1926 Army bill, page 91, carries for rivers and harbors	$50,000,000
This includes for the lower Missouri project	$1,600,000
1924 commerce (p. 1090, vol. 1, 1925):	
Tons	347,324
Value	$831,054

This commerce is analyzed under the law in volume 2, page 796, in another volume, as follows:

	Tons	Value
Logs rafted	1,010	$12,730
Wood and lumber	4,278	13,174
Trees, etc., river improvement	67,068	400,300
Sand and gravel	175,598	100,308
Stone, etc., river improvement	97,962	166,897
	345,914	693,429
Total tonnage reported	347,324	
Miscellaneous	1,410	

Can anything be more illuminating of Engineer's commerce reports than this puncturing of a 347,324-ton bubble when shriveled down to less than an insignificant 1,500 tons, after an expenditure of $20,000,000 and more on this 398-mile stretch of the river?

HOW ABOUT THIS "COMMERCE"?

MISSOURI RIVER, KANSAS CITY TO SIOUX CITY "PROJECT" (469 MILES)

Expended by the Government to June 30, 1925 (p. 1095)—$3,168,576

	Tons	Value
Commerce, 1924 (this commerce analyzed vol. 2, p. 797, in another volume)	117,643	$155,863
Sand (hauled 9 miles)	104,917	
Stones and river improvement	11,930	
	116,847	
Total	117,643	
Miscellaneous commerce	796	

On page 1089, volume 1, Engineer's reports, the expenditures last year disclose that 75 per cent or more was spent for dikes and revetment to protect adjacent landowners.

After an expenditure of over $20,000,000 the lower Missouri River, apart from logs, trees, sand, and gravel hauled a few miles, reports a "miscellaneous" commerce of 1,410 tons hauled. The report does not state how far. Why not?

After an expenditure of $3,168,576 the upper river reports 796 tons of "miscellaneous" commerce, and 90 per cent of the total was hauled only 9 miles on the 400-mile stretch. The mileage is here given, but not for the 1,410-ton "project." Why not? Here are the largest and most promising rivers of the country that have had around $350,000,000 expenditures made upon them by the Government, while the actual tonnage scarcely equals that of one small harbor of Ashland in my own State. In other words, nearly one-third of all river and harbor appropriations ever made by the Government have been sunk in these three rivers with no particular result excepting to help reclaim adjacent lands and give employment and profits to an army of private and public contractors.

Above all else the analysis of "commerce" shows the necessity for not accepting statements of Army engineers, used to support such ridiculous appropriations. If the Missouri River could furnish water for a 10-foot channel and a hundred million dollars was to be spent by the Government in that work, all the waterway commerce thereafter could be handled by a good truck as stated or, at most, by a half dozen flivvers. But the money spent helps lubricate waterway lobbies that exist only to collect it. They furnish no freight.

The reason for this result is obvious because railways have driven all waterway commerce from the rivers and not one line of boats is maintained on the Missouri River, nor can be maintained under existing conditions. The money spent on the Missouri River by the Government is largely to reclaim or protect lands along the river as is repeatedly disclosed by the reports.

Army engineers are not altogether to blame for fantastic waterway projects. These men are highly trained, honorable men, but when confronted with persistent local communities offering extravagant estimates they are forced to stand alone in their opposition or be exiled by political forces like Townsend and Deakyne were ousted from the Missouri River to make way for more pliable engineers. Theirs is sometimes not a happy lot when dealing with a commodity called conscience, but when they recommend artesian wells for Texas rivers and Michigan lake divergence for Chicago city sewage and siphoning for the Rock River in the 1926 river and harbor bill, it is time to call a spade a spade.

Army engineers could canalize the Rocky Mountains—possibly—and local communities like the Missouri, Mississippi, and hundreds of others would be hopeful of real commerce, but an ounce of experience is worth more than all the exploded estimates that fill the pages of the Chief of Engineers reports.

CHICAGO SEWAGE CANAL

So much for some of our river investments. We are going to take more water out of the Great Lakes through this 1926 bill to help Chicago sewage, and for "navigation" along the Illinois River from Lake Michigan to New Orleans. That is the ultimate purpose now, it is stated. The Lakes to Gulf freight project has the support of Army engineers who have approved the Mississippi, Missouri, and every other project that gets past Congress. No bill in recent years, it is asserted, has had more trades and log rolling than this 1926 river bill, and none with more questionable projects.

The Illinois River is connected by a canal with Lake Michigan and flows into the Mississippi. Since 1852 or for about three-fourths of a century the Government has continually "improved" the Illinois River. Nearly $3,000,000 has been spent on the river to date. (Vol. 1, p. 1391.)

To show how such "improvement" is used by Illinoians on the 223 miles of improved river the 1925 report (p. 1389) says:

Of 13 principal cities along the river 5 own dock frontage more or less improved, 4 own dock frontage no improvements, 4 own no dock frontage.

The river level fluctuation is from 9 to 20 feet, showing its impracticability as a waterway. Vol. 1, p. 1388.

Over 20 years ago a wild scheme was put through Congress of connecting the Mississippi River with Lake Michigan's deep waterway, through the shallow Illinois River that lacks both water and watercraft. The canal plan was going to "reduce freight rates for Iowa farmers" whose grain would be landed in the Chicago market so that every farmer would be living with millionaire surroundings in the land where Mr. Haugen's 1926 farm relief bill was born. The difference between facts and fancies is now known.

The whole canal scheme was as wild as the new proposed Illinois waterway sewage disposal lake-to-gulf project. Here is what happened:

The Illinois and Mississippi (Rivers) Canal was built about 20 years ago by the Government to connect the Mississippi, Rock Island, and Illinois Rivers with Lake Michigan. Seventy-five miles of canal waterway with 34 beautiful locks, at short distances apart, were constructed to float the freight. That was proposed, constructed, and completed, and the Government financed the scheme. It now stands as a monument to waste, incompetence, and worse, and is of no more value to Illinois or Iowa or the country than one of Egypt's pyramids.

THE HENNEPIN CANAL TRADEGY

If you would read about this celebrated canal waterway tragedy turn to page 1064, volume 1, Engineers' Report, 1925. The exact cost of every canal lock is carefully pointed out; all built at Government expense; their proportions set forth in 14 columns of fine print, but the most interesting column is the last which carried the cost of the canal to American taxpayers who have contributed about $10,000,000 for this monumental canal fraud. This was an Illinois River navigation project about as valuable as the diversion scheme in the bill before us.

The commerce on this Illinois and Mississippi Canal for 1925 is given by Army engineers at 11,627 tons, of which 5,200 tons of gravel were floated 23 miles and 1,362 tons of logs and lumber were floated just 3 miles. The value of this gravel and logs is given by Army engineers at exactly $9,925 for 1925. (Vol. 2, p. 794, Engineer's Report, 1925.)

Counting the cost of maintenance, operation of 34 locks, and interest on the original investment, the commerce carried on the Illinois and Mississippi Canal in 1924 cost our Government about $100 a ton as near as can be estimated.

This average waste is less than $600 per ton cost to the Government for a waterway on the Missouri River, although it is about five times the $20 per ton average freight cost on the upper Mississippi.

The actual value of the Illinois canal which we are now asked to abandon for the Chicago sewage canal project is about a stand-off with the $150,000,000 New York Barge Canal, beautiful to look at as a waterway fringe for the New York Central Railway but commerceless. Yet these two projects are now to be partners in a new orgie of waste.

DOES THE PUBLIC WANT TO BE "GULLED"?

Some one has said that as long as the public wants to be gulled, why put any fly in the ointment?

True; but if we have been coddling ourselves with the idea that this is an age of strict New England economy it comes with a shock to learn that a supposed 1925 $40,000,000 river and harbor bill is nearer double that amount. Of this Government expenditure we annually pour millions of taxpayers' money into the deserted Mississippi, Missouri, and other rivers and canals, including the Illinois Canal, and now we are about to take on another Illinois canal and the Cape Cod Canal in this same bill. The Cape Cod is a project that engineers say is not worth more than $2,500,000 to the Government, based on commercial returns, but we are to pay $11,500,000 under this bill, according to the President's recommendations, because a "debt of honor." Eventually it will be "improved," to cost $30,000,000 or more. So was the Liberian loan exploiting proposal claimed to be a "debt of honor," but Congress refused to so regard it and strangled the bill, though recommended by high governmental officials. Such debts of honor will not stand analysis. The 1926 hearings, page 44, say 32 lives were lost in 10 years because we failed to build the Cape Cod Canal. That is about the number lost in New York or Chicago in one month through automobiles and bootlegging; but why hold up the Government Treasury by legalized banditry in order to save a few influential stockholders from loss with their bankrupt canal? What would the early Puritans say of this modern method of sandbagging?

I will not burden you with the 111-lock canalization of the Ohio River that has already cost far over $100,000,000. It is as generous in absorbing Uncle Samuel's funds as the agricultural bill that met its untimely fate through the aid of our eastern friends; but while farmers' needs are still ignored, the only ones who profit from these extravagantly wasteful waterways, all indorsed by able Army engineers, are contractors, dredgers, and to an infinitesimal degree the patient public that pays the bills.

The tale of waste further invites your attention to the present river-and-harbor monstrosity which, among a dozen or more questionable projects, gives unknown amounts for construction and $126,000 annually for operation and maintenance of the new Chicago sewage canal, another Illinois River project.

THE NEW ILLINOIS CANAL PROJECT

In the 264-page report (Doc. 264, 69th Cong., 1st sess.) there are familiar extravagant estimates of benefits to the Government and to shippers by water like those found in pages in thousands of engineers' reports that have been furnished Congress. Closing their eyes to the Illinois canal farce, Army engineers now come back to Congress with a sewage-canal scheme that proposes to run 14-foot lake boats down the 9-foot Mississippi River channels to carry freight that will never materialize.

The Illinois River divergence proposal has always been an outlet for Chicago's sewage, financed in part by the Government with incidental water power along the river that, like the $100,000,000 Muscle Shoals scheme and practically every other water-power plant constructed by the public, is of benefit only to private power interests that push such projects through Congress.

This is, however, of small moment comparatively if it alone involved the Chicago sewage water-diversion proposal. House Document No. 270, Sixty-ninth Congress, first session, contains data of serious importance to the American people who are concerned in the future of the Great Lakes deep-waterway commerce, for this is practically the only inland-waterway commerce of the country, compared with costs of projects that will stand analysis. My own State has a dozen harbors on these Lakes that are affected by this project.

Page 17 of that report states that $46,000,000 has been spent by the Government on the Great Lakes Ship Canal from Duluth to Buffalo. Far more than that amount has been expended on a hundred or more harbors that carry actual commerce on the Great Lakes, and the total expenditures by the Government on this, the greatest inland waterway in the world, out of the $1,300,000,000 total expenditures may have reached more than the $200,000,000 item thus far spent on the Mississippi River. A dozen lake harbors of importance are in Wisconsin.

One harbor in my own State jointly with Minnesota—Duluth and Superior—averaged over 50,000,000 tons of commerce annually during 1923 and 1924, with total appropriations of $8,497,528, covering over 50 years of real improvement. Yet this great commerce, second only to that of New York, was carried on the average about 900 miles, or approximately the distance from St. Louis to New Orleans. Compare this one harbor with the Mississippi River and all other inland rivers and the real distinction between commercial waterways and deserted or unused waterways will be appreciated.

EFFECT ON THE GREAT LAKES BELOW SUPERIOR

In Report 270 of this Congress the Army engineers when discussing the necessity for more dredging in the Great Lakes channels says, page 10:

The depths stated have become inadequate for the vessel draft assumed to have been provided for, because a deficiency of rainfall over the upper lake region in recent years, combined with water diversion from Lake Michigan at Chicago, has resulted in lower lake levels than anticipated.

It is a surprising admission by Army engineers of a well-known fact that the water diversion at Chicago to care for Chicago sewage is rapidly affecting our Great Lakes channels and also injuring every harbor on Lakes Michigan, Superior, and other bodies of water adjacent to these lakes. Such admissions I trust will not lose the officer his shoulder straps.

Now, it is proposed in the pending river and harbor bill to make a larger permanent water diversion to aid Illinois water powers and to care for Chicago sewage at Government expense. The taxpayers not only foot the bills for the Illinois River but also pay for increased depths of dredging called for in our Great Lakes harbors and channels by reason of this Chicago sewage diversion. So say the Army engineers. Pend-

ing litigation in courts, commercial interests and public interests are to be all swept aside by this legislative holdup.

CHICAGO PUTS THINGS OVER

Of all the monumental frauds ever carried on by private interests and local municipalities in the name of "navigation" the Illinois sewage-diversion project is the most extreme. Every admirer of enterprise and nerve likes Chicago. I lived there when a small boy and I admire Chicago and her people. They get there. When they changed the slogan from "I will" to "I do 'em," our admiration was not unmixed with fear. Forty-six story hotels and great world newspapers now confront the vision with tales of rapid city life and "gang" warfare which startle every law-abiding community.

Iowa farmers, of course, unmolested, continue to buy the Masonic Temple from street fakirs, thereby enlarging their familiarity with State Street, and when Chicago put the $10,000,000 Hennepin Canal through Congress it again enlisted the aid of these same Iowa farmers in that scheme. When Chicago "sold" its sewage proposal to the Government to be carried down the Mississippi, for the Missourian's factories, we said that is a novel get-together spirit which only Chicago could put over. Even when Chicago put blinders on one of the finest Members of Congress, who stands as a watchdog of the Treasury, we said to ourselves that is due to forgivable local pride. But now when Chicago asks us to bootleg all the available water from Lake Michigan for its sewage system and asks us to call off the ancient Milwaukee-Chicago Christopher Columbus excursions because of its municipal needs in the year 2000 A. D., then we protest. Chicago should care for its own sewage like other cities, and, in fact, should furnish an example of municipal enterprise and caution by joining with neighboring States in preserving the only real inland-waterway commerce remaining in this country—that of the Great Lakes.

In this connection I call your attention to the fact that Illinois with a comparatively small waterway commerce now has three members on the Rivers and Harbors Committee that has reported the Chicago sewage project, while Wisconsin, that has several large harbors carrying over 60,000,000 tons annually, has had its one committeeman removed this session after suit was brought by Wisconsin against Illinois on this sewage project.

Trades in votes by eastern interests that want another canal across New York State have been strongly suggested. It seems incredible that any such trade can be made with New York interests but results will be disclosed in the vote on Chicago's sewage project.

THE NEW $500,000,000 NEW YORK CANAL

After sinking $150,000,000 in a New York Barge Canal without commercial results it is the limit of folly to build more canals across that State to divert commerce naturally tributary to the St. Lawrence. Yet, that is proposed and is on a par with the Chicago sewage proposal which the Government is also to pay for. If any charge of pork barrel was ever established in the past, it must stand aside for the pending 1926 bill that would not get 50 votes for either the Chicago or New York canals if they were presented separately to the House, as I stated at the outset.

To-day New York City can not provide for its waterway commerce except by sending ships to Staten Island, Jamaica Bay, and other neighboring places, many of them waterways dredged out by the Government to relieve congestion at the New York City docks, yet, like Jack Horner, it is now proposed to expend hundreds of millions of dollars more of taxpayers' money in a wild scheme of digging another canal across New York State, this time at Government expense. The new New York canal and the Chicago sewage canal are linked together in this river and harbor bill by bonds of mutual interest that defy every element of just or proper waterway legislation.

Waterway improvements costing hundreds of millions practically without limit have run riot on the Mississippi, Ohio, Missouri, and scores of other rivers without producing any appreciable commerce; in fact, it has been stated not 10 per cent of the actual waterway commerce of 40 years ago now remains on some of these rivers, nor will it be possible to recover hereafter because of improved methods of transportation and strangling competition by railways, not permitted in foreign countries that own or control the railways, where inland waterways carry real commerce.

Yet never before has anything been thrust into a river and harbor bill that will compare with the New York canal, to be built in the shadow of the deserted $150,000,000 New York Barge Canal fiasco or the Chicago sewage canal that in this bill links up with the Cape Cod bankrupt canal and other projects which can not be defended commercially, economically, or logically.

When the bill is taken up for amendment I hope to point out other projects that are of little more value than those named, and if they are stricken from the bill it will then be reduced to a skeleton that should be buried, never to be resurrected. Keep in mind that all existing waterway projects, good, bad, or indifferent, are cared for by the $50,000,000 appropriation. The bill before us simply adds to the long list of wasteful, indefensible measures.

In the RECORD of February 15, 1926, I discussed the $50,000,000 appropriation for rivers and harbors and then stated what I here repeat, that if any Representative will become a student of water ways and desires to make himself a public benefactor he can save the Federal Treasury many millions of dollars in annual waste by taking up river and harbor legislation and exposing the work of lobbyists, dredgers, contractors, and others who dip into the Federal Treasury annually in order to distribute millions of wasted gold locally that comes from the pockets of American taxpayers. I do not promise it to be an easy task, but after several years' exposition in the past of our unbusinesslike way of handling the waterway problem, I can say it was never more in need of a real businesslike administration, an exposition of reckless pork-barrel legislative methods, in my humble judgment, than at the present time.

LETTER EXPLAINING STATUS OF DIVERSION SUIT

THE STATE OF WISCONSIN,
OFFICE OF ATTORNEY GENERAL,
Madison, May 12, 1926.

Hon. JAMES FREAR, M. C.,
House of Representatives, Washington, D. C.

MY DEAR FREAR: I am in receipt of your telegram and letter asking the exact status of the Chicago water diversion, and I trust you will pardon my not getting this information to you earlier, as requested in your letter.

I have tried to summarize this in a very concise memorandum inclosed herewith and trust this gets to you in time for your use.

Sincerely yours,

HERMAN L. EKERN,
Attorney General.

P. S. I suggest you get from the clerk of the Supreme Court a copy of the Wisconsin brief on the argument on March 7, 1926.

H. L. E.

MEMORANDUM ON THE STATUS OF THE CHICAGO WATER DIVERSION CONTROVERSY

MADISON, WIS., *May 12, 1926.*

Two suits are now pending in the United States Supreme Court against the Sanitary District of Chicago and the State of Illinois seeking to enjoin the diversion of water from Lake Michigan.

In 1922 an original action was brought by the State of Wisconsin in the Supreme Court of the United States against the Sanitary District of Chicago and the State of Illinois, and in March, 1926, another original action was brought in the Supreme Court by the State of Michigan against the same defendants.

The defendants answered in the Wisconsin action, and further proceedings were held in abeyance pending final decision in the two actions brought by the United States against the Sanitary District of Chicago, one begun in 1908 and the other in 1913. Following the final decision in the Federal action on January 5, 1925, the Wisconsin case was taken up actively, and in October, 1925, the States of Minnesota, Ohio, and Pennsylvania were joined as plaintiffs, and the States of Missouri, Tennessee, Kentucky, and Louisiana were joined as defendants.

The sanitary district answered the amended complaint, and also filed a motion to dismiss, and a motion to dismiss was filed by the State of Illinois. Arguments were had on these motions before the United States Supreme Court in March, 1926, and an order was made denying the motions.

Negotiations are now in process for a motion for the appointment of an agreed commissioner to take testimony to be used in both the Wisconsin and Michigan cases, for the filing of answers by all the defendants in both cases before May 31, 1926, and for the taking of the testimony in advance of the convening of the Supreme Court on October 4, 1926, so that these cases will be argued and decided before the end of the present calendar year.

New York, Indiana, and Michigan appeared as amici curiæ on the side of Wisconsin, Minnesota, Ohio, and Pennsylvania in the argument before the Supreme Court of the United States in March, 1926. These States also appeared with Wisconsin, Minnesota, Ohio, and Pennsylvania as amici curiæ with the Government in the Federal suit.

HERMAN L. EKERN.

For Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

DIVERSION OF WATER FROM LAKE MICHIGAN BY THE SANITARY DISTRICT OF CHICAGO

The law in all the lake States is that there is no right to abstract water for the purpose of diverting it into another watershed. This is the law in all the States except in a few of the mountain States, where a different rule has been adopted in connection with the use of water for irrigation. Neither Congress nor any other branch of the United States Government has power to authorize the diversion by Chicago of the waters of the Great Lakes system into the Mississippi Valley watershed.

Congress has never granted such authorization. Congress has no power in any case to permit any interference with or diversion of waters for the disposal of sewage. Congress has no power in any case to permit any interference with or diversion of the waters for the creation of hydraulic power. The only power of Congress to authorize interference with or diversion of waters is in connection with the power to improve navigation in the regulation of commerce.

In the Wisconsin suit no objection is made to so much diversion, fixed by the Government engineers at not exceeding 1,000 cubic feet per second, as may be necessary for the improvement of navigation in providing waterways over the Chicago, Des Plaines, Illinois, and Mississippi Rivers. The Michigan suit seeks to restrain the taking of any waters out of the Great Lakes watershed.

STATUS OF RIVER AND HARBOR IMPROVEMENTS

[From the Chief of Engineers]

WASHINGTON, D. C., *May 17, 1926.*

Hon. JAMES A. FREAR,

House of Representatives, Washington, D. C.

MY DEAR MR. FREAR: 1. I have your letter of May 11 asking as to the appropriations which would be required to complete the projects for river and harbor improvement which Congress has already adopted, and in reply I inclose a table showing the amounts required for this purpose as stated in the annual report of the Chief of Engineers for 1925.

2. This gives, I think, the data which you desire as of July 1, 1925, Since that date Congress has appropriated $50,000,000 for the maintenance and improvement of rivers and harbors. The exact distribution of these funds can not be stated at the present time, but it is probable that approximately $18,000,000 will be devoted to maintenance, leaving about $32,000,000 available for new work. This latter amount should therefore be subtracted from the total of $226,000,000 given in the table, leaving approximately $194,000,000 as the amount required to be appropriated to complete the projects which Congress has already adopted. In addition to this amount a certain sum is required annually for the maintenance of completed or partially completed projects and it is thought that about $18,000,000 a year will be required for this purpose.

3. As to the projects on which work has not yet been started, I may state that, with few exceptions, no new work has been done on those projects adopted by the river and harbor act of March 3, 1925, a copy of which is inclosed. The exceptions are the Louisiana-Texas Intracoastal Waterway, the Fox River below Depere, Wis., Long Beach Harbor, Calif., Hilo Harbor, Hawaii, and Wrangell Narrows, Alaska, for which funds were advanced by local interests under the provisions of section 11 of the act, and the projects for removal of dams in Galena River, the improvement of the Tennessee River by the construction of Dam No. 1, and the survey of the Tennessee River. In addition to these, no work has been done on the projects for Westchester Creek, N. Y., LaGrange Bayou, Fla., and Tensas River, La., adopted by the act of September 22, 1922. Work on these projects has been postponed pending the fulfillment of the conditions of local cooperation. These are, I think, the only projects adopted in recent years on which work has not yet been commenced.

* * * * * * *

Very truly yours,

H. TAYLOR,

Major General, Chief of Engineers.

(Two inclosures.)

Statement of adopted river and harbor projects showing amounts required to complete, as reported in the Annual Report of the Chief of Engineers for 1925

PROJECT FOR IMPROVEMENT OF PRINCIPAL SEACOAST HARBORS

Additional allotment required for completion, July 1, 1925:	
Portland Harbor, Me	$100,000.00
Boston Harbor, Mass	1,095,000.00
Bronx River, N. Y. (part of New York Harbor)	173,900.00
Flushing Bay Harbor, N. Y. (part of New York Harbor)	253,000.00
Jamaica Bay, N. Y. (part of New York Harbor)	10,542,000.00
New York Harbor—	
Anchorage Channel (part of New York Harbor)	254,500.00
Coney Island Channel (part of New York Harbor)	33,000.00
Bay Ridge and Red Hook Channels (part of New York Harbor)	$360,600.00
Buttermilk Channel (part of New York Harbor)	1,810,000.00
East River (part of New York Harbor)	29,961,400.00
Newtown Creek (part of New York Harbor)	229,100.00
Harlem River (part of New York Harbor)	1,315,000.00
Hudson River Channel (part of New York Harbor)	970,000.00
Newark Bay, Hackensack and Passaic Rivers, N. J. (part of New York Harbor)	1,595,000.00
Hudson River (part of New York Harbor)	11,632,500.00
New York and New Jersey Channels, N. Y. and N. J. (part of New York Harbor)	4,375,000.00
San Juan Harbor, P. R	55,485.00
Delaware River, Philadelphia to the sea	3,600,000.00
Baltimore Harbor and Channels, Md	1,112,000.00
Norfolk Harbor, Va	2,623,000.00
Thimble Shoal Channel, Va	353,200.00
Cape Fear River at and below Wilmington, N. C	140,000.00
Charleston Harbor, S. C	6,040,000.00
Savannah Harbor, Ga	655,000.00
Brunswick Harbor, Ga	149,125.00
St. Johns River, Jacksonville to the ocean	408,000.00
Miami Harbor (Biscayne Bay), Fla	1,605,000.00
Key West Harbor, Fla	993,800.00
Tampa Harbor, Fla	247,000.00
Mobile Harbor, Ala	1,213,000.00
Southwest Pass, Mississippi River	1,284,800.00
Sabine-Neches Waterway, Tex	2,786,500.00
Galveston Channel, Tex	1,030,000.00
Houston Ship Channel, Tex	88,000.00
Port Aransas, Tex	55,500.00
Los Angeles Harbor, Calif	10,782,700.00
San Pablo Bay and Mare Island Strait, Calif	206,400.00
Coos Bay, Oreg	1,541,500.00
Columbia and lower Willamette Rivers, Oreg. and Wash	1,085,200.00
Grays Harbor and Bar Entrance, Wash	725,000.00
Seattle Harbor, Wash	182,500.00
Honolulu Harbor, Hawaii	161,000.00
Hilo Harbor, Hawaii	2,100,000.00
Nawiliwili Harbor, Hawaii	1,291,000.00
Total	107,215,310.00

The above amount is required to complete seacoast harbors now adopted.

PROJECT FOR IMPROVEMENT OF SECONDARY HARBORS AND COASTWISE CHANNELS

Additional allotment required for completion, July 1, 1925:	
Bar Harbor, Me	$13,600
Saco River, Me	102,000
Newburyport Harbor, Mass	135,700
Harbor of Refuge at Nantucket, Mass	48,500
New Bedford and Fairhaven Harbor, Mass	60,000
Providence River and Harbor, R. I	273,400
Pawtucket (Seekonk) River, R. I	77,000
Harbor of Refuge at Block Island, R. I	19,300
Great Salt Pond, Block Island, R. I	116,000
Pawcatuck River, R. I. and Conn	64,300
New London Harbor, Conn	120,000
Connecticut River below Hartford, Conn	54,000
Milford Harbor, Conn	1,400
Housatonic River, Conn	41,150
Bridgeport Harbor, Conn	42,000
Norwalk Harbor, Conn	70,000
Port Chester Harbor, N. Y	24,700
Mamaroneck Harbor, N. Y	59,300
East Chester Creek, N. Y	7,650
Westchester Creek, N. Y	475,000
Glencove Creek, N. Y	26,750
Port Jefferson Harbor, N. Y	53,800
Mattituck Harbor, N. Y	81,700
Great South Bay, N. Y	5,900
Browns Creek, N. Y	21,000
Tarrytown Harbor, N. Y	6,500
Elizabeth River, N. J	15,000
Raritan River, N. J	175,000
Cheesequake Creek, N. J	50,000
Matawan Creek, N. J	12,120
Shoal Harbor and Compton Creek, N. J	47,130
Shrewsbury River, N. J	50,000
Ponce Harbor, P. R	254,000
Delaware River, Philadelphia to Trenton	1,326,000
Schuylkill River, Pa	174,000
St. Jones River, Del	165,000
Waterway, Rehoboth-Delaware Bay	90,000
Cambridge Harbor, Md	15,000
Crisfield Harbor, Md	42,000
James River, Va	4,750,000
Inland Waterway, Norfolk, Va., to Beaufort Inlet, N. C	3,650,000
Beaufort Harbor, N. C	9,500
Waterway, Beaufort to Jacksonville, N. C	15,202
Harbor of Refuge at Cape Lookout, N. C	1,160,000
Winyah Bay, S. C	128,000
Santee River and Estherville-Minim Creek Canal, S. C	150,000
Waterway, Charleston to Winyah Bay, S. C	51,000
Shipyard Creek, S. C	31,000
Waterway, Charleston to Beaufort, S. C	110,000
Waterway, Beaufort, S. C., to St. Johns River, Fla	22,000
Fernandina Harbor, Fla	54,000
Lake Crescent and Dunns Creek, Fla	53,800
Okiawaha River, Fla	43,000
St. Lucie Inlet, Fla	1,410,000
Charlotte Harbor, Fla	100,000
Sarasota Bay, Fla	29,300
Withlacoochee River, Fla	100,000
Suwannee River, Fla	200,000

Additional allotment required for completion—July 1, 1925—Continued.	
Manatee River, Fla	$14,300
Apalachicola Bay, Fla	122,000
LaGrange Bayou, Fla	28,500
Pascagoula Harbor, Miss	163,000
Bayou LaBatre, Ala	20,000
Bayou Teche, La	55,000
Louisiana-Texas Intracoastal Waterway:	
New Orleans-Sabine River section	5,500,000
Sabine River-Galveston Bay section	3,500,000
Freeport Harbor, Tex	500,000
Channel, Aransas Pass-Corpus Christi, Tex	1,268,450
San Diego Harbor, Calif	149,000
Richmond Harbor, Calif	432,000
Monterey Harbor, Calif	600,000
Crescent City Harbor, Calif	375,000
Siuslaw River, Oreg	74,000
Yaquina Bay and Harbor, Oreg	54,215
Tillamook Bay and Bar, Oreg	236,000
Umpqua River, Oreg	388,500
The Dalles-Celilo Canal, Oreg. and Wash	90,000
Port Orchard Bay, Wash	50,000
Tacoma Harbor, Wash	480,000
Lake Washington Ship Canal, Wash	352,000
Skagit River, Wash	117,000
Swinomish Slough, Wash	50,000
Wrangell Narrows, Alaska	500,000
Total	31,581,667

And that is required to complete secondary sea-coast harbor projects.

PROJECT FOR IMPROVEMENT OF LAKE HARBORS AND CHANNELS

Additional allotment required for completion, July 1, 1925:	
Narrows of Lake Champlain, N. Y. and Vt	$169,800
Burlington Harbor, Vt	172,300
Harbor at Duluth, Minn., and Superior, Wis	265,000
Port Wing Harbor, Wis	8,200
Grand Marais Harbor of Refuge, Mich	128,000
Warroad Harbor and River, Minn	15,000
Green Bay Harbor, Wis	60,000
Milwaukee Harbor, Wis	2,900,000
South Haven Harbor, Mich	115,000
Grand Haven Harbor, Mich	40,000
Grand River, Mich	149,000
Muskegon Harbor, Mich	1,144,000
White Lake Harbor, Mich	21,720
Ludington Harbor, Mich	55,000
Manistee Harbor, Mich	27,000
Frankfort Harbor, Mich	987,000
Charlevoix Harbor, Mich	23,750
Calumet Harbor and River, Ill. and Ind	341,000
Michigan City Harbor, Ind	39,500
Sandusky Harbor, Ohio	123,000
Huron Harbor, Ohio	117,300
Lorain Harbor, Ohio	171,000
Cleveland Harbor, Ohio	1,650,000
Fairport Harbor, Ohio	421,000
Ashtabula Harbor, Ohio	200,000
Conneaut Harbor, Ohio	132,400
Buffalo Harbor, N. Y	129,300
Black Rock Channel and Tonawanda Harbor, N. Y	784,600
Great Sodus Bay Harbor, N. Y	51,300
Oswego Harbor, N. Y	5,000
Cape Vincent Harbor, N. Y	1,200
Total	10,447,370

The above is for lake harbors and channels.

PROJECT FOR IMPROVEMENT OF PRINCIPAL RIVERS

Additional allotment required for completion, July 1, 1925:	
Black Warrior, Warrior, and Tombigbee Rivers, Ala	$3,200
Mississippi River—	
Between Ohio and Missouri Rivers	16,320,000
Between Missouri River and Minneapolis	7,208,000
Missouri River, Kansas City, Mo., to the mouth	10,600,000
Cumberland River above Nashville	6,743,000
Tennessee River—	
Above Chattanooga	3,280,000
Hales Bar to Riverton	4,782,600
Survey of	115,800
Ohio River, lock and dam construction	19,699,600
Allegheny River, lock and dam construction	3,321,000
Monongahela River, Pa. and W. Va	2,440,439
Fox River, Wis	309,300
Illinois River, Ill	572,000
Total	75,394,939

Additional amounts are required to complete certain river projects, but an additional 1-foot depth that may be called for on the Mississippi, Missouri, or any other large river may add several million dollars to that project, and these projects are constantly being added to the above list. For illustration, over $16,000,000 of the above total is to be used for only 200 miles of the 1,700 miles of the Mississippi.

PROJECT FOR IMPROVEMENT OF SECONDARY RIVERS

Additional allotment required for completion—July 1, 1925:	
Mantua Creek, N. J	$40,495
Oldmans Creek, N. J	58,300
Salem River, N. J	65,000
Maurice River, N. J	93,000
Appoquinimink River, Del	3,000
Smyrna River, Del	9,000
Murderkill River, Del	$9,000
Nansemond River, Va	174,300
Onancock River, Va	87,100
Roanoke River, N. C	42,000
Cape Fear River above Wilmington, N. C	32,000
Northeast (Cape Fear) River, N. C	25,375
Congaree River, S. C	150,000
Savannah River above Augusta, Ga	6,000
Flint River (mouth to Albany), Ga	90,000
Chattahoochee River, Ga. and Ala	284,000
Alabama River, Ala	256,000
Tensas River and Bayou, Macon, La	4,200
Napa River, Calif	43,000
Columbia River and tributaries	30,000
Snake River, Oreg., Wash., and Idaho	86,800
Willamette River above Portland, Oreg	53,900
Lewis River, Wash	15,170
Deep River, Wash	10,200
Total	1,668,740

RECAPITULATION

Principal seacoast harbors	107,215,310
Secondary harbors and coastwise channels	31,581,667
Lake harbors and channels	10,447,370
Principal rivers	75,394,939
Secondary rivers	1,668,740
Total	226,308,026

FROM THE MINORITY REPORT

Congress will, if it adopts the project, approve the taking of water from the Great Lakes, to the great detriment of the shippers who use them, and divert it into another basin, ostensibly for the purpose of navigation, but really, so far as present use is concerned, for purposes of sanitation.

If the Supreme Court shall decide that there is a proprietary right to the water of this Great Lakes Basin in the States bordering thereon or in the Federal Government, and that Congress does not have the authority to divert water from one watershed to another, and in the meantime this Congress approves the engineers' report on the Illinois River project, the Congress will be spending money that can not possibly be of value. For in this report the engineers have specifically said that there is not sufficient water in the Illinois and Des Plaines Rivers to furnish navigation in these said rivers without additional water from Lake Michigan.

* * * * * * *

It is conceded by all parties that the diversion at Chicago has lowered the levels of the Lakes 6 inches. It is also conceded that this is at an annual cost to the shippers on these waters of at least $3,000,000.

The following statement was made by Congressman McLAUGHLIN of Michigan, who was authorized to speak for the entire delegation from that State:

"You have no idea of the damage to the Great Lakes, how the channels in innumerable harbors are shallow, making it difficult and dangerous, if not impossible, to get in and out of them. The docks and the wharves and the landing places are away up in the air, many of them have had to be reconstructed. Some of them are of no value whatever and can not be used, because they are so high above the water."

In Michigan there is not a holder of lake shore line who has not suffered in actual cash damages from the effects of the Illinois diversion. There is not one summer resort on the State's coast line which is not losing thousands of dollars because of the diversion and which is not spending thousands more to cope with it.

The waters have receded and left piers, wharves, and slips high and dry. Beaches have lost their value. Launches and yachts can no longer approach the shores. Even in the deeper shipping harbors the waters have gone down so far that only lightly loaded boats can efficiently dock. In many cases it has been necessary to do untold dredging.

At the present time the diverted water from Lake Michigan is used to dispose of the domestic and commercial sewage of Chicago and vicinity.

The report of the Chicago Sanitary District of December, 1923, on page 24, as shown in the testimony before the Committee on Rivers and Harbors of the House, page 439, says:

"The population which they should care for is 3,213,000 people; stockyard wastes equivalent to 1,030,000; corn-products waste equivalent to 380,000; miscellaneous waste equivalent to 150,000 people, making a total of 4,773,000 people."

Thus, to state the proposition in concrete terms, one-third of the diversion of water out of Lake Michigan at Chicago is to take care of private commercial sewage that these big corporations in any other location would be required to dispose of at their own expense and in their own disposal plants.

Mr. Baker, the former Secretary of War, told the committee, and it was not disputed, that one-third of the water abstracted is used solely for the disposal of the refuse and sewage of the Chicago stockyards and the packing houses. On the basis of an abstraction of 10,000 cubic feet a second it appears, then, that considerably over 3,000 cubic feet would be for the sole advantage of these industries. In other words, on the basis of the Army engineers' own study and finding, the

shippers of the Great Lakes would have to lose an extra million dollars; in fact, they are losing it now, on their own shipping in order to provide a sewer for the packing houses.

All of the estimates presented on behalf of the sanitary district in previous years have related to the amount required for sewerage purposes. It is now evident that the Illinois and Chicago representatives have suddenly become interested in navigation for the purpose of obtaining that same water for sewerage that they were unable to obtain for that purpose. In other words, they failed to get permission to take this water for the purpose of washing out the packing-house sewage, and now they are seeking it under the guise that it is necessary to keep open navigation on a barge canal which will move only an amount of tonnage which is absolutely conjectural.

All this has been done in the interest of an archaic and improper method of sanitation for the city of Chicago; a method which merely carries the sewage of that city away from it to lay it in the front yard of others and spreads its destructive effect through the great valley of the Illinois. Whatever necessities there may be with regard to the sudden cessation of this abstraction at Chicago we may assume will be properly dealt with by the court. Clearly, Congress has no right to impair the navigability of the Great Lakes in the interest of Chicago's sanitation.

There is also involved in this legislation questions between this Government and that of Canada. Treaty rights are at issue, as well as property rights, and both are now pending negotiation.

The property rights involved in this diversion run into millions of dollars, far beyond the power of computation. The navigation rights involved in this diversion run into sums that are fabulous.

According to the latest statistics the amount of tonnage moved on the Great Lakes waterway system is one hundred and sixty times as great as that on the Mississippi River on either of the two divisions—that from the mouth of the Missouri to Cairo or that from the mouth of the Missouri to Minneapolis; and further, the length of the haul on the Great Lakes is many times as great as on the Mississippi River. This shows the comparative importance for navigation of the two waterway systems.

* * * * * * *

By including this project in the present bill we are undermining the foundations of commerce on the Great Lakes. Should the bill pass in this form no State will know whether Congress means to maintain navigation on the Great Lakes in the highest form of efficiency or intends from time to time to nibble further into this foundation in the interest of scattered minor projects here and there throughout the country.

* * * * * * *

We recognize in the Great Lakes the greatest inland waterways of the world; we believe the present industrial supremacy of the United States has been caused by, and will depend upon, the facilities that this system affords for the manufacture of iron and the transportation of the farm products of the Northwest cheaply to the seaboard; we can not believe that Congress would ever knowingly impair this most valuable national asset; and we protest against this indirect assault upon the navigable capacity of the Great Lakes, both as a dangerous precedent and an unnecessary action to be taken at this time.

Therefore, for the above reasons and others not herein set forth, such legislation is believed to be against the best interests of the people, contrary to public policy, and that the Chicago abstraction is without constitutional warrant.

Second, New York waterways (p. 21): The provision in the bill for an appropriation of $100,000, or any other sum, to the Board of Engineers for another survey of a route across the State of New York connecting Lake Erie and Lake Ontario with the Hudson River is unnecessary and unwarranted at this time.

* * * * * * *

In 1919 a survey of the St. Lawrence River was asked and granted by Congress. At the same time a survey across the State of New York was asked and granted by Congress. Both of these reports were in due time filed.

The engineers reported that the St. Lawrence route was feasible and practicable and recommended its construction. The report of the engineers in the survey across New York was unfavorable.

In 1925 another and more elaborate survey and report was asked on the St. Lawrence River. This was granted. At the same time provision was made for another survey across the State of New York. This was granted. This report was due to be filed not later than May 15, 1926. This report (H. Doc. No. 288) is filed, and therein the Board of Engineers for Rivers and Harbors and the Chief of Engineers, General Taylor, say that the cost of a channel connecting Lake Ontario with the Hudson River would be $506,000,000; that the upkeep on the channel from Oswego to the Hudson would cost annually $30,000,000. They do not report on the cost or the upkeep of a canal connecting Lake Erie with Lake Ontario. The Board of Engineers for Rivers and Harbors and General Taylor recommend that it is not economical and the facts do not warrant the building of a canal across New York State at the present time.

The 1925 engineers' report on the St. Lawrence has not been filed, but in all probability will be filed about July 1, 1926.

There have been more than 20 surveys made by the Federal Government across the State of New York. The State of New York itself has made some four or five surveys; all of the data and information in these reports are available. All the engineering and economic facts are now available that can be necessary upon which the engineers would base an opinion on the feasibility or practicability of the route across New York State.

* * * * * * *

Further appropriation of $250,000 or any other sum at this time would be a waste of public money and could have only the effect of delaying a comparison of the two routes.

The granting of this appropriation and authority for further survey, without fixing a time limit when the report is to be made, would delay comparison of the two routes—the St. Lawrence and the New York—and could have no beneficial result, for there is available information sufficient upon which to base an opinion.

Time is essential if relief is to be granted. There is available ample data on which to base an opinion.

In view of the above facts the undersigned desire to register their opposition to the provision of the bill for an appropriation for another survey of a route for a canal across the State of New York.

W. W. CHALMERS.
JOHN B. SOSNOWSKI.
CHARLES A. MOONEY.

This report on the Chicago sewage disposal project is plain and pointed. If true, it should condemn the item in the bill, but as stated, in my judgment, the entire bill will have to be defeated because rarely, if ever, has a project, however vicious it may be, been driven out of a river and harbor bill. The bill is not built on that principle, but rather that all must stick together.

I hope the entire bill may be sent back to the committee and that the 35 new projects and 111 surveys may wait for Treasury funds to finance the good and for congressional action to eliminate the bad.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise to receive a conference report.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11616, had come to no resolution thereon.

CONFERENCE REPORT—NEW MEXICO

Mr. SINNOTT. Mr. Speaker, I desire to submit a conference report for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State Government and to be admitted into the Union on an equal footing with the original States."

The SPEAKER. Ordered printed under the rule.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MANSFIELD. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I am in sympathy with every project in the bill under consideration and shall support it so far as may be in my power. There is one feature, however, to which I desire to call the attention of the House, and that is

the cooperative provision for the San Joaquin project, in which the city of Stockton is to contribute one-half of the cost. My belief is that if a project of this nature is justified, it should be developed exclusively by the United States Government and not made contingent upon local help, otherwise the Government may be drawn into unwise developments of projects, expensive to maintain and to the detriment of contiguous community interest. If a project is worthy of development, its people should not be called upon to contribute thereto while they are being taxed for developing projects elsewhere without local contributions. The principle, it seems to me, is not sound. The project in question, as reported by the district and board and Chief of Engineers is fully warranted both from the viewpoint of cost and traffic available for transportation, even though the Government should bear the entire cost. The distance from Stockton to San Francisco is 96 miles, with about half of the distance already improved to depths exceeding the 26 by 160 foot channel proposed for the San Joaquin as far as Stockton. The cost is estimated at about $3,500,000, while the tonnage available exceeds 700,000 annually, and this in a few years may reasonably be expected to exceed 1,000,000 tons. Terminals of three transcontinental railroads exist at Stockton; therefore its ambition to be a port of entry for seagoing ships is entirely justified.

CAPE COD CANAL

In considering the Cape Cod Canal project it should be borne in mind that it is a link in the intracoastal waterway from Maine to Florida and one of its most important links.

Crossing the peninsula of Cape Cod, a distance of 8 miles, it reduces the passage from New York to Boston 71 miles, avoids one of the most treacherous points upon the Atlantic coast and most difficult of navigation during fogs and storms, which are frequent. From 1880 to 1903 there were 1,036 vessels lost off the coast of Cape Cod, involving an investment of $12,000,000. From 1907 to 1917, 336 vessels were lost and 34 lives are known to have been lost in sundry wrecks.

The annual tonnage through the canal ranges around 4,000,000 tons, and our engineers suggest that when improved and opened free of toll charges its water-borne traffic will approximate 15,000 to 20,000 tons annually. Its importance, therefore, can not be minimized. There are some who consider the price of $11,500,000 fixed by the Secretaries of War, Navy, and Commerce excessive. I at one time entertained this opinion, but as one of the committee investigating the subject I have changed my mind and heartily indorse the purchase.

Its cost to its owners was $12,850,000. In 1918 the Government, by Executive order, took over this canal and operated it for 20 months, during which time the very tolls charged were covered into the railroad administration fund, and not one dollar for the use of the property has ever been paid to its owners, not even to the extent of a postage stamp.

In 1917 Congress authorized the Secretaries of War, Navy, and Commerce to negotiate for the purchase of the canal. The price of $14,000,000, at which it was offered to the Government, was refused, and Secretary Baker authorized Price, Waterhouse & Co., certified accountants, to examine their accounts and ascertain the actual money expended in the building of the canal. Eliminating the cost of financing and promotion, Price, Waterhouse & Co. reported the actual cost to have been $8,265,000. This amount was offered to the canal company, which refused. Thereupon the Secretary of War instituted condemnation proceedings. The value fixed by the court was $16,800,000, which the Secretary refused to pay. Mr. Wilson, vice president of the canal company, stated before our committee that the cost to his company incident to litigation was $350,000.

When the Harding administration came into power Secretary Weeks again opened negotiations and fixed the price of $11,500,000, at which he was willing that the Government should purchase, and submitted his report to Congress. In 1922 the Rivers and Harbors Committee reported a bill fixing the price at $9,000,000, which its proponents requested the House to reject. In 1923 a bill passed the House of Representatives authorizing the purchase at $11,500,000, but died on the Senate Calendar. In 1924 a similar bill carrying the same amount passed the Senate but was not reached on the House Calendar, and so we have again included this item in the bill under consideration.

The canal company has repeatedly refused to reduce the figure of $11,500,000, at which they signed the contract with Secretary Weeks, feeling that the price was really less than they should accept. Prior to the Government taking over the canal in 1918 Mr. Garfield, Fuel Administrator, requested the company to lower the rates on coal incident to the famine at that time existing in New England, which was acceded to and the tolls on coal were reduced 25 per cent. During the entire administration by the Government these and other tolls remained the same, the only case in which tolls were not advanced with the war inflation. Upon each occasion at which rail transportation rates were advanced the company appealed to the Secretary of War to permit a corresponding increase in tolls upon the canal, but this was invariably refused, notwithstanding the fact that operating cost had been multiplied seven and one-half times.

After the contract was made and signed by the canal company and Secretary of War for its purchase at $11,500,000, the Secretary discovered that the company owned, apart from the physical properties of the canal, 932 acres of land, and this he insisted should be ceded to the Government with the other property with no addition to the price. This land, according to testimony before the committee, is worth $850,000 to $1,000,000. During the time of its operation by the Government the canal company paid the taxes, for which it has not been reimbursed. These losses, expenses, and additions, plus compensation for use of the canal by the Government during the period of its greatest prosperity, if added to the figures of Price, Waterhouse & Co., would not suggest that there has been or would be any profiteering at the expense of the Government should it purchase at the figures contracted for by the Secretary of War. Since the canal company is bound by its contract to sell its property for the sum of $11,500,000, and the uncertainty as to the outcome, the company has not felt it incumbent upon them to improve the property and maintain its project depth of 25 feet. Nevertheless vessels of 20 feet draft are still using the canal. I can not but feel that this company has not been treated fairly by the Government, and that there is a moral obligation on the part of the Government to acquire the property and definitely settle the matter according to agreement with the Secretaries of War, Navy, and Commerce. While we of the East are ready to spend hundreds of millions of dollars for the development of the Mississippi Valley waterway system, that of the Great Lakes, and join hands with our Pacific coast brethren in the promotion of their projects, it does not seem unreasonable that we in turn should expect you to stand with us in the completion of our intracoastal waterway which means so much to the small shippers of our seaboard.

It may be that some Members of the House feel that the price of $11,500,000 is an excessive value, but we must remember that to duplicate this waterway would cost far more. The actual cost, as fixed by Price, Waterhouse & Co., was based upon pre-war prices of labor and supplies. The present-day value of the lands, including rights of way, labor, and supplies, would easily reach 60 per cent greater, or approximately $14,000,000. I submit, Mr. Chairman, that gentlemen upon this floor should weigh all of the facts in the case before characterizing the proposed purchase as profiteering upon the Government. Your committee has held extensive hearings upon the question. The district engineer, Board of Engineers, and the Chief of Engineers has recommended the purchase. No proposals for expenditures that come from any committee in this House are so extensively safeguarded as those coming from the River and Harbor Committee.

The smaller vessels and barges carrying coal and lumber to the manufacturers of the East travel through the inland route, including this canal. Representatives from the interior seem not to understand why with an ocean at our disposal there should be need of an inland waterway. The great bulk of our shippers in the coastwise trade are small dealers, and we sell to small dealers who have no terminals for seagoing ships, nor are they able to purchase, nor does its trade absorb the tonnage of the seagoing ships, hence barges towed by tugs need inland waters to accomplish with safety the ends of the coast trade. It may be interesting to know that ships carrying five to six million feet of lumber from the Pacific coast manufacturers are dumping their surplus upon our eastern seaboard markets at terminals of their own and then distribute in small quantities and at prices which our lumber producers can not meet, just as the makers of farm machinery dump their surplus upon the European markets at half the prices charged to our farmers. The American lumber manufacturer has not enjoyed, as has almost every other industry, the benefits of a protective tariff; indeed, for 35 years past there has been no duty at all upon lumber imports. The Canadian producer has enjoyed American markets equally and upon the same parity with the American producer; he does not have the capital investment in immense holdings of stumpage, in railroads and equipment for transporting the timber to his plant and dry kilns for curing his product. He pays for his timber as it is cut; transports it on snow sleds to his plant, drys it in the air, and with all of these tremendous advantages dumps his surplus upon our markets without a duty charge. So we

need the inland waterway for the cheaper transport by small barges upon which to market our product. Mr. Chairman, the farmer is suffering and calls for relief; but he is not the only sufferer. Our Southern lumbermen, our merchants, and our country bankers are likewise having their woes.

Representing, as I do, a district lying and being upon the Atlantic Ocean, and the port of Hampton Roads, endowed by nature with all of the prerequisites attractive to commerce by sea, and having already been developed to accommodate the largest ships afloat, there is very little that we have to ask at the hands of the Government. It may be, therefore, that I can look upon river and harbor development impartially and from the national viewpoint; certainly I have no other interest than the greatest good to the greatest number in one of the most far-reaching and perhaps the greatest economical questions with which Congress is now called upon to deal. It can not be permanently evaded or sidetracked; the conflicting interest and their ramifications will not permit of it. I refer to the diversion or abstractions of water from Lake Michigan in aid of navigation upon the rivers and connections of the great Mississippi Valley, destined to be the greatest agricultural and industrial center of the entire world. Prejudice and local interest must be compromised and adjusted to the needs and requirements of the Nation. The issue is being bitterly contested, but finally it must be settled, and settled as it should be, for the greatest good to the greatest number. For more than two years your committee has been confronted by conflicting interest. The ablest engineers and lawyers and students of economic problems have presented their views pro and con upon the subject; no impartial mind can ignore the logical arguments that have been presented.

In approaching the subject and arriving at my conclusions, I have been, and shall be, guided not by personal friendships—I hope and believe that I have friends on both sides of the question—or prejudice, except from the national aspect. For 250 years the thought of linking the Great Lakes with the sea by canal, connecting Lake Michigan with the Des Plaines, Illinois, and Mississippi Rivers, has been under consideration. In 1673 Joliet and Marquette, after exploring the Illinois River, crossed the divide and entered the lake by way of the Chicago River, recommended the building of a canal connecting these waters.

In 1808 Albert Gallatin, Secretary of the Treasury, urged the building of a canal.

In 1810 Congress adopted a resolution looking to the same end.

In 1816 the Indians ceded a strip of land 20 miles wide through the valley of the Chicago, Des Plaines, and Illinois Rivers by treaty with Governor Edwards of the Territory of Illinois, and Governor Clarke of Missouri, who represented the United States, for the purpose of connecting the Lakes with the Illinois River, and Governor Edwards urged that faith should be kept with the Indians.

In 1821 Congress adopted a resolution directing the Committee on Public Lands to determine what was necessary to construct this canal.

In 1822 the United States Congress passed an act authorizing the State of Illinois to open a canal through the public lands, connecting the Illinois River with the southern bend of Lake Michigan. The State of Illinois did not then begin work, being unable to finance the project. (3 Stat. 659.)

In 1827 Congress again passed an act authorizing the State of Illinois to open this canal, and provided, as an aid to the State, a grant of land on each side of the proposed canal, provided further that the said canal, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from all toll or other charge whatever. This grant amounted to 284,000 acres of land. (C. 51, 4 Stat. 234.)

In 1836 the State of Illinois passed legislation authorizing the construction of the canal as requested by the United States. (RECORD Jan. 9, 1836, p. 1028.)

In 1848 the State of Illinois completed the building of the canal at a cost of $6,557,681. It was 6 feet deep and 40 feet wide, and at that time began the abstraction of water from Lake Michigan. The canal proved totally inadequate.

In 1861 the Illinois Legislature by a joint resolution directed the commissioners of the Illinois and Michigan Canal to cause surveys to be made for the purpose of ascertaining the comparative cost and benefits from different methods of improving navigation of the Illinois River by dredging, and so forth.

In 1866 General Wilson reported a survey to Congress for the improvements of this waterway and suggested that the Illinois River was especially designed by nature as the connecting link between Lake Michigan and the Mississippi River. The United States Government caused a number of surveys to be made of the canal and Illinois River prior to 1890.

In 1865 work was resumed upon the canal looking to its enlargement and was completed in 1871 at a cost of $3,500,000. Congress was kept informed of this development through the Army engineers.

In 1889 the Chicago Drainage District, chartered by the State legislature, began the project of reversing the flow of the Chicago River a distance of 36 miles to Lockport, and has spent to date approximately $100,000,000 upon this enterprise. The State of Illinois is now constructing a 9-foot channel from Lockport to Utica, a distance of 58 miles, at a cost which will total $20,000,000. This, it is expected, will be completed within the next two or three years. In view of these continued efforts to connect the Lakes with the Mississippi River, after two authorizations by Congress, and always with the knowledge and under the supervision of the Government engineers, it does not seem to me that Chicago can be properly charged with stealing water from the Great Lakes. Indeed, until recently the only known method of sewage disposal was by water treatment, and had not other methods been discovered it is highly improbable that anyone would have undertaken to contest the abstraction of water for such purposes, since to do so would have meant, possibly, the destruction and elimination of a great city. It can scarcely be denied that the United States Government has jurisdiction over this matter.

THE GREATEST GOOD TO THE GREATEST NUMBER

The function of our Government is to protect the interests of its citizens so far as it may be possible, having in mind always the greatest good to the greatest number. There can be no contention as to the advantages of developing the waterways of the Mississippi Valley as a means of cheaper transportation, not only upon the waterways themselves but in forcing water competitive rates by railroads, thus aiding immeasurably the difficulties of the farmers, of which we hear so much. When we shall have completed the projects adopted, and which it is now proposed to adopt, together with the improvement of the Missouri River, the prosperity of 40,000,000 people will be advanced. On the other hand, approximately 20,000,000 people living on and adjacent to the Great Lakes are very justly interested in the question of navigation upon these great waterways. It is claimed that the carriers of the Great Lakes transport 125,000,000 tons of various commodities annually, while there will be transported an infinitely smaller tonnage on the rivers as compared thereto, and the lowering of the levels incident to diversion at Chicago results in a loss of many millions annually to the carriers. It may be true that for many years water-borne traffic within the Mississippi Valley will not approximate that upon the Lakes, and yet when we take into consideration the cheapening of rates by rail as a result of this development it is quite probable that the transportation charges saved in the valley will greatly exceed those lost upon the Lakes. There is no occasion, however, for a continued loss of transportation on the Lakes incident to the diversion at Chicago.

The most experienced engineers have claimed that the lowering of the Lakes has not exceeded 5½ inches as a result of the abstractions at Chicago and that future abstractions will not further increase this amount. At the same time these engineers tell us that the lake levels may be restored by regulating works; that it is entirely feasible and may be done at relatively small cost, and this has been demonstrated by the works at Sault Ste. Marie, which have held the waters of Lake Superior at stationary depths. The same is also true as to Ontario. If the levels have been maintained upon these two lakes, there seems no reason why they may not be maintained upon Michigan, Huron, and Erie, and thus no appreciable damage will result to lake navigation, while navigation in the Mississippi Valley will be materially benefited by the abstraction. It has been testified before our committee that the diversions at Chicago have raised the levels of the Illinois River from 2 to 3 feet and the Mississippi, as far as St. Louis, 12 inches. This would be of incalculable benefit to shipping, especially during the dry seasons. For these reasons the diversions at Chicago sufficient for navigation purposes are entirely justified and should be allowed by Congress. In computing the population adjacent to the Lakes we have eliminated very largely those of the States of New York and Pennsylvania. It may be of interest to know that the water-borne traffic on the Monongahela and Allegheny Rivers through New York and Pennsylvania amounts to 25,000,000 tons annually and that Philadelphia has likewise 25,000,000, while the tonnage entering the harbor of Erie on the Great Lakes does not exceed 2,500,000 tons. It would not seem, therefore, that Pennsylvania is very much interested in lake levels from the transportation standpoint, and in like manner the water-borne traffic in New

York State is much larger upon the seaboard than at Buffalo, its only lake port, the tonnage handled at New York City being 30,000,000, while that at Buffalo is 19,000,000.

The interest upon and adjacent to the Lakes is largely, I may say, principally industrial. Perhaps one-half of the tonnage transported upon the Lakes is of iron ore shipped from Duluth to Gary, Pittsburgh, and other steel-producing centers, in ships owned in large measure by these great industrials that have grown immensely rich by reason of protective tariffs; these ores, after being refined and largely manufactured into farm implements and automobiles, are sold at immense profit to the farmers of the Mississippi Valley, who claim, and with reason, that their products are marketed without profit and often at a loss. It does not seem reasonable, therefore, that an abstraction, which will aid navigation throughout the valley, should be denied, especially when the lake levels can be maintained without detriment to its transportation interest by compensation works, which the drainage district is able and willing to provide. Even though the anticipated tonnage may not develop, it can hardly be denied that the improved waterways throughout the valley will force the railroads to offer water competitive rates, thus saving to the farmers millions of dollars in freights in the shipment of that which they produce and the supplies which they purchase. Nor is that all; it has been demonstrated conclusively that slow transport of low-grade products in bulk can be transported by water at approximately 3 mills per ton-mile as against 11 mills per ton-mile by rail. This should, and no doubt will, invite manufacturing to the doors of the farmer, affording a near market for his products and still further reducing the freights upon his purchases. To me these arguments seem unanswerable.

I can not sympathize, therefore, with the threat of the lake architects to boycott Chicago products, for Chicago is not alone responsible for the needs of abstractions; 40,000,000 people have a paramount interest which Congress can not afford to ignore, nor should the industrials of the lake regions ignore the needs of their best customers. The prosperity of the farmer in the valley means better markets and increased prosperity for the lake industrials. Justice must be done to the farmer of the valley and even to the much-offending Chicago, as well as to the rich transportation companies of the Lakes and their industrial allies. It appears that the great ships requiring greater draft of water are few in number and confined mostly to the ore carriers. May not the beautiful rhetorical phrase of the distinguished gentleman from Ohio, "I appeal to you to see that justice is done to this great interest and that the hand of the spoiler be stayed," be applied to the suffering farmers of the valley with even greater reason than to the tariff-protected industrials of the Lakes?

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HUDDLESTON] 10 minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, I am very much surprised to note such a small attendance in the House this afternoon. I should think all the Members would be here. It goes as a sort of implied agreement that when a Member has got a piece of pork in the barrel he is to be here to help roll it out. [Laughter.] Practically all the Members of the House have got something in this bill, and I can not understand why they are not here rolling and grunting and sweating. [Laughter.]

Mr. McDUFFIE. May I suggest the reason?

Mr. HUDDLESTON. Yes.

Mr. McDUFFIE. It is not a pork barrel bill.

Mr. HUDDLESTON. Well, I notice that even my colleague from Alabama [Mr. McDUFFIE] has a very large and juicy ham in the barrel, and I also observe that he is rolling and grunting and doing his part. [Laughter.]

Mr. McDUFFIE. Will the gentleman please point out where I have anything?

Mr. HUDDLESTON. Mobile Harbor.

Mr. McDUFFIE. Mobile Harbor is not in this bill.

Mr. HUDDLESTON. Oh, yes; it is.

Mr. McDUFFIE. If the gentleman will only stick to the record——

Mr. HUDDLESTON. I am unwilling to stick to the gentleman's record. He always gets something out of these bills, and he always rolls and grunts and sweats. The gentleman even tried to lead me to think that I get something in the bill. He knows that I could only derive benefit through him and that you could not do anything for me without doing something for him. He told me the other day that under this bill the Warrior River was going to be investigated as to its power possibilities. I have looked into it, but I do not see anything in it that would justify me in getting down under this pork barrel.

I told Members some time ago that whenever they want me to help roll in a pork barrel there must be something definite in the barrel for me. I am not going to roll on a mere promise. I have always had a great admiration for the gentleman from New York [Mr. DEMPSEY], the chairman of the committee, but I have a still greater admiration for him now, in view of what he has succeeded in doing in this bill. Other Members take promises, but the gentleman from New York [Mr. DEMPSEY] gets his in cash on the spot. Now, that is the way to do it. [Laughter.] "Take the cash and let the credit go; heed not the rumble of a distant drum." It will be delusive.

There is scarcely a Member who has not a portion of pork allotted to him in this bill. If ever there was a barrel of pork rolled down the aisle of this House, it is this bill. They started in by fixing the powerful delegation from Illinois with the Chicago diversion project, and then they took care of the gentleman from New York and his colleagues with the barge line, and next they tempted the delegations from Massachusetts and other portions of New England with that delectable morsel, the deal for the Cape Cod Canal; and then they proceed down the coast, and if there is an inlet or bay or creek from New Brunswick clear on around to Mexico that has not got something for it in this bill I do not know where it is. Why, every southern Congressman here is offered the glittering promise that every creek in his district shall be investigated and explored and its power possibilities developed.

The gentleman from Alabama [Mr. McDUFFIE] is so modest in his requirements that it requires a rather acute search throughout this bill to find out just what he is going to get out of it. Where is that item? I really do not find it here.

Mr. McDUFFIE. The gentleman is not familiar with the contents of the bill.

Mr. HUDDLESTON. Oh, it smells so bad that I can not get close enough to it to examine it carefully. The gentleman should deodorize his bill. [Laughter.] It is rotten. He should get fresh pork, or salt pork, or at least some kind of pork in which decomposition is not so evident, so that in looking into the barrel one can retain the contents of his stomach. Oh, here is the sparerib that the gentleman from Alabama [Mr. McDUFFIE] gets: It is in section 7, for surveys for water power and navigation of sundry streams, great and small, real and imaginary, "Mobile River system, including the Coosa River and its tributaries." I knew it was there somewhere, he was rolling and sweating so hard.

Here I see Cooper River, and Newton Creek, and Mantua Creek, and Bronxkill River, and Mispillion River, and Indian River—Delaware, not Florida—and Smith Creek, and Ocean City Inlet, and Kent Island Narrows, and Sinepuxent Bay. [Laughter.] Why, you can read them here page after page. Nobody ever heard of them before. I will guarantee that Rand-McNally has never heard of nine-tenths of them.

This bill ought not to come from the Committee on Rivers and Harbors. It should come from the Committee on Railways and Canals. These are purely artificial waterways included here. God Almighty never intended that there should be navigation in those streams by anything bigger than a tadpole. It is a triumph of art over nature if you provide navigation in these waters.

This bill will probably pass unanimously. If there is anybody in the House has the temerity to vote against it, I do not know who he will be. If a Member should vote against it, then his alert opponent will say, when he goes back home, "Look at him; he refused to vote to improve our babbling brook here back of town and make it available for commerce." Why, a thirsty bullfrog could drink all the water that is contained in some of these creeks. [Laughter.] You must put more pork in this barrel than you have done, and you will have to be a little more definite and specific, gentlemen, to get me to vote for it. [Laughter.]

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MAPES].

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. MAPES. Mr. Chairman, the gentleman from Alabama [Mr. HUDDLESTON] says this bill ought to have been reported by the Committee on Railways and Canals. It occurred to me, when it was brought up immediately after the consideration of the legislation for agricultural relief, that those who were responsible for bringing it up at that time had a very keen sense of the fitness of things.

That legislation came before the House of Representatives as the result of what was well known to be a compromise or trade among the members of the committee that reported it, although they did not do it as successfully and in as finished a way as the Committee on Rivers and Harbors. The members of the Committee on Agriculture had to agree among themselves in

order to get any agricultural legislation out of the committee that they would report three different bills. If they had put those three bills together as an omnibus proposition, they would have come nearer doing what the Committee on Rivers and Harbors has done and perhaps they might have been more successful with their legislation than they were. The members of the Committee on Rivers and Harbors, profiting by the experience of the Committee on Agriculture, wisely concluded to put all their individual pet projects together in one omnibus bill and not take the chance of having each one considered on its own individual merits, as would have been the case if they had been reported in separate bills.

I may have something to say on some of the other items in this bill under the five-minute rule, but I wish now to say a word in general debate about the item for the improvement of the Illinois River. I wished this afternoon in listening to the eloquent speech of the the gentleman from Missouri [Mr. NEWTON] that he might go to the State of Michigan and tell the owners of the land on the lake shore and the owners of the boats that sail on the Lakes—and I wish he might succeed in convincing them—that the only interests that would be benefited by the restoration of the Lake levels would be the Canadian power interests, and that the Canadian power interests are the only ones damaged by the present low water. That certainly would be welcome news to the men owning property bordering on Lakes Michigan and Huron and the shipping interests that use those lakes. They would be surprised and glad to learn that their damage is only imaginary. It is interesting to know that everybody else has been deceived about his injury or damage except the gentleman from Missouri [Mr. NEWTON]. He has discovered where the opposition to the abstraction of the lake water through the Chicago Drainage Canal comes from and has found that it not only originates but ends with these Canadian power interests. It may well be that they are affected by the lowering of the lake levels, but the greater damage is to the commerce on the Lakes and to the people who live around the Lakes.

What I have to say is going to be based very largely upon documentary evidence. I am not going to make any general statement that is not supported by the evidence. We start out in the first place with the admitted proposition that the abstraction of water through the Chicago drainage canal lowers the levels of Lake Michigan and Lake Huron from 5½ to 6 inches. I think the engineers are agreed upon that. The gentleman from Missouri [Mr. NEWTON] reduced it to 4 inches, but I do not know of any agreement among the engineers that goes below 5½ inches.

Now, what does the Board of Engineers say as to who suffers by this lowering of the lake levels? What is the answer of the engineers to the statement of the gentleman from Missouri that the Canadian power interests are the only ones affected? I quote from the report of the Board of Engineers in Rivers and Harbors Committee Document No. 4, of this session of Congress, page 14:

> Each 1,000 cubic feet per second annual average diversion reduced lake levels so as to produce a loss to Lakes navigation which has been estimated at about $325,000 per year. The navigation is of immense volume and its benefit to the Nation in direct savings due to low transportation charges by water far exceeds that anticipated for a successful Illinois channel, being conservatively estimated to be at least $125,000,000 per year, sufficient to amortize annually the entire Federal navigation investment in lake harbors and channels.

The report of the minority of the Rivers and Harbors Committee on this bill has this to say about the damage suffered by the people of the State of Michigan:

> In Michigan there is not a holder of lake shore line who has not suffered in actual cash damages from the effects of the Illinois diversion. There is not one summer resort on the State's coast line which is not losing thousands of dollars because of the diversion and which is not spending thousands more to cope with it.
>
> The waters have receded and left piers, wharves, and slips high and dry. Beaches have lost their value. Launches and yachts can no longer approach the shores. Even in the deeper shipping harbors the waters have gone down so far that only lightly loaded boats can efficiently dock. In many cases it has been necessary to do untold dredging.

According to the gentleman from Missouri, these Michigan people are deluded. They think they are injured but they are not.

Mr. Chairman, of course the lake territory is intensely interested in this subject of the lake levels. The statements which I have read show why those who live in that territory are interested in this legislation. But this is not a local question solely. In its broader aspect it is a national and an international question. It is unnecessary to say anything further to show why we oppose this Illinois River improvement item. The Great Lakes as an instrument of commerce are a great national asset. They carry the greatest inland commerce in the world. It is difficult for those who have not made a special study of the subject to appreciate its immensity. That commerce has contributed very largely to the prosperity and greatness of the Nation. I do not know that anybody has brought out that point more forcibly than the former Secretary of War, Mr. Baker, before the Rivers and Harbors Committee. He says of the commerce on the Great Lakes that it is—

> a commerce which, compared in our own country with our coastal commerce, is greater in annual tonnage than the entire aggregate of the Atlantic seaboard and the Pacific seaboard annual tonnage; which has given America the industrial supremacy of the world by uniting the ore of the Lake Superior region with the coal of Pennsylvania and Ohio and has made us the iron masters of the world in this age of steel and industry and given us not only the greatest commercial supremacy of the world but the industrial and military supremacy of the world. It is due directly to the navigability of these great inland waters and the ships with which this commerce upon them can be conducted.

Now, what does this bill propose? This bill proposes a project which if adopted will tend to affect injuriously that great commerce upon the Great Lakes for a doubtful commerce upon the Illinois River. Those who have the wildest dreams of the potential commerce on the Illinois River after this improvement is made do not contend that it would approach the commerce on the Great Lakes, and, as our distinguished colleague from Ohio [Mr. BURTON] said this afternoon, this is the first time in the history of river and harbor legislation that a proposition to improve one section of the country at the expense of another has ever before been seriously proposed in any river and harbor bill.

We do not object to the improvement of the Illinois River or the Mississippi River if the lake levels are taken care of first. We do object to their improvement to the detriment of the Great Lakes. We think you are going at this thing wrong end to. The lake levels should be taken care of and restored before this improvement is authorized.

What reason have we to be anxious about this proposed improvement? The distinguished chairman of this committee, the gentleman from New York [Mr. DEMPSEY], said yesterday that our anxiety was based upon a fear without any real foundation in fact. Is there any basis for our fears? Well, let us see about that. What do the engineers report? I confess that to me, as a layman, the engineers' report is somewhat conflicting and indefinite. In some places it seems to say that this Illinois River improvement is not going to affect the abstraction of water through the Chicago Drainage Canal and in other places it seems to say that it is going to do so. The engineers say very plainly and definitely on page 14 of their report that—

> The manner and cost of obtaining a navigable channel are associated with the question of diversion.

If that means anything, it seems to me it means that the two are inseparable.

On page 18 of the report the engineers say further:

> There are many facts which have a bearing on the matter of the amount of diversion, among these being the successful and economical operation of the immensely important commerce of the Lakes, whose magnitude and benefits far exceed those of any probable commerce now foreseen on the Illinois River and waterway.

It is a significant thing to me that every man who discusses this Illinois project winds up with an eloquent peroration in which he describes the benefits to the Nation of a navigable stream from the Lakes to the Gulf. The gentleman from Missouri [Mr. NEWTON] this afternoon was no exception. They all say we want from 7,500 to 10,000 cubic feet per second of abstraction through the Chicago Drainage Canal for navigation purposes. Somewhere in their statements, somewhere in their plea for this Illinois project, they say we must have that much diversion in order to have this navigable waterway from the Great Lakes to the Gulf. Some of them are franker in this respect than others.

The gentleman from Illinois [Mr. KUNZ], in discussing the rule last week, said:

> The successful completion of the waterway from the Great Lakes to the Gulf of Mexico is dependent upon a proper diversion of water from Lake Michigan through the Chicago Drainage Canal and must be provided for.

Again he said:

Mr. Speaker, there is not any question but that this project—that is, the Great Lakes to the Gulf of Mexico improvement—will necessitate the diversion of water from Lake Michigan. We are not camouflaging about that.

And again he says:

As I said before, at least two-thirds of the distance between Chicago and New Orleans now has a project depth of 9 feet or more. The remaining improvement necessarily involves a diversion of water from Lake Michigan to supply the needs of navigation because of the fact at low-water stages the natural flow of the Illinois and Mississippi Rivers is not sufficient to provide a navigable channel.

During this debate quotations have been made from the hearings before the Rivers and Harbors Committee, from the statements of the gentleman from Illinois [Mr. MADDEN], in which the gentleman says he does not agree with the engineer's report, but in his opinion 10,000 cubic feet per second are needed for this improvement. Quotation has also been made from the statement of the gentleman from Illinois [Mr. WILLIAM E. HULL], in which he quite frankly says that you can not have a waterway without water, and the only way to get the water is through this abstraction of the water through the Chicago Drainage Canal.

Mr. M. G. Barnes, chief engineer, division of waterways, State of Illinois, says that it is foolish to say that an adequate channel can be provided with 2,000 cubic feet of water per second, as the engineers report. He told the committee that in answer to questions propounded to him by the gentleman from Alabama [Mr. MCDUFFIE]. I quote from pages 90 and 91 of the hearings:

Mr. MCDUFFIE. What does it mean? Engineers seem to think that they can have a 9-foot channel with any amount from 2,000 cubic feet up to 10,000 cubic feet. Now, if we remove those two locks, how much water, or what is the least amount of water, that would be necessary to take out of the Lakes to have the 9-foot channel?

Mr. BARNES. Well, that is a good deal like asking what is the least amount of food that one can get along with at a luncheon. We can build a waterway with 500 second-feet. We did it in 1848. It has been relegated to the waste heap. It does not serve transportation; it does not serve navigation. What we are trying to do now is to build a waterway for present and modern traffic, modern conditions. Now, if you take 1,000 feet or 2,000 cubic feet per second, as the lowest that they have estimated for in their reports, that will not fill the channel that they are recommending, 9 by 200 feet, with slide slopes.

Mr. MCDUFFIE. Then you differ from that?

Mr. BARNES. Absolutely. You take a channel 9 feet deep by 200 feet wide, with slide slopes of 2 on 1, or 4 on 1; the cross-section area of that channel is more than 2,000 square feet. Now, if it flows only 1 foot per second, the amount of water in the river will not fill that channel; and the engineers say—and I know it is so—that the velocity of the water in that channel exceeds 1 foot per second. Therefore, the 2,000 feet would not fill the channel, to say nothing of the bayous and low water adjacent to the stream. So it is foolish to say that we can provide an adequate channel with 2,000 cubic feet of water per second. Moreover, if we limit the channel to 2,000 cubic second-feet—I am speaking of an open channel—we will have throughout the reach many hidden low waters that will be dangerous to navigation and discourage and defeat the very purpose for which we are making this appropriation.

Mr. Edward F. Goltra, of St. Louis, who operates a fleet of boats on the Mississippi on a lease from the Government, on page 185 of the hearings had this to say about the amount of abstraction necessary to make this Illinois improvement a success:

Mr. MORGAN. This whole proposition is an engineering proposition, and are you prepared to state the amount of water that is required to be abstracted from the Lakes to maintain a 9-foot waterway as proposed by the engineers?

Mr. GOLTRA. It depends entirely upon what they put into the river in the way of locks and dams. As has been stated here, Mr. Congressman, when I was here this morning, with very much less water than they have you can get in the Illinois River the 9 feet suggested. Does that answer the question?

Mr. MORGAN. No. I want to know if you have the knowledge of the amount of water that is required to continue transportation during the season of which you complain the supply of water is insufficient, the amount of water that it is necessary to abstract from the Lakes.

Mr. HULL. How many cubic feet?

Mr. MORGAN. How many cubic feet.

Mr. GOLTRA. I should say nothing less than the 8,000 cubic feet.

On page 155 of the hearings this colloquy appears between the gentleman from Illinois [Mr. HULL] and the gentleman from Alabama [Mr. MCDUFFIE]:

Mr. MCDUFFIE. I was just wondering if 10,000 cubic feet with an open waterway would give you a navigable channel of 9 feet?

Mr. RAINEY. Oh, yes; it would. A much less flow than that would do it. It is an engineering question.

Mr. HULL. Putnam, the district engineer, says that you can do it with 7,500 feet, but he said 8,500 to 10,000 would be better. That is his report.

From these abstracts from the hearings it is quite apparent that there is no unanimity of agreement that this improvement is not going to affect the abstraction of water from the Chicago Drainage Canal. In fact, if there is anything approaching unanimity of agreement, it is that it will affect such abstraction.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes more to the gentleman from Michigan [Mr. MAPES].

Mr. TILSON. Will the gentleman yield before he resumes?

Mr. MAPES. I yield to my leader.

Mr. TILSON. As I understand the controversy, the claim on one side is that the proviso, which has been inserted, makes it certain that the passage of this bill will have no effect whatever on the question of diversion. Am I correct in saying that on the other side it is claimed that the recognition of the use of the water for any other purposes than for purposes of sanitation is a recognition of a right that is not conceded and, as contended by the opponents of this bill, does not exist?

Mr. MAPES. That is substantially correct. Congress has never acted upon this question of abstraction, even for sanitary purposes. No arm of the Federal Government has ever recognized or acknowledged the right of Chicago to abstract the water through the drainage canal for any purpose except sanitation. The Secretary of War is the only one to do that, and he has doubted his authority to do so every time he has been called upon to grant a permit. We claim that one of the purposes of this legislation, as expressed by the gentleman from Illinois [Mr. RAINEY] before the Committee on Rivers and Harbors, now is to legalize the flow for navigation purposes. This is Mr. RAINEY'S exact language, page 161 of the hearings:

Now, Mr. Chairman, you are about to legalize the flow from the Lakes. It does not make any difference whether it is going to be 2,000 or 10,000 cubic feet; you are legalizing now the amount that actually exists.

That is the language of the gentleman from Illinois [Mr. RAINEY], and that is the position, as I understand it, of the proponents of this item. We do not think that Congress ought to commit itself at this time on any definite policy until the pending cases in the Supreme Court are settled and Congress has all the facts before it.

Mr. TILSON. If I correctly understand the gentleman, he claims that the proviso which seems to undertake to remove the objection that this bill commits us to diversion does not, in fact, do so, and at any rate the gentleman claims that the proviso does not afford sufficient safeguards.

Mr. MAPES. I will say to the distinguished leader that my own idea about that—and I think the gentleman, as a lawyer, will appreciate the importance of it—is this: It is difficult to tell what effect the passage of this bill with the item for the Illinois improvement in it, even with the proviso, will have upon the cases pending in the Supreme Court. As the gentleman from Ohio [Mr. BURTON] this afternoon so well said, what is the hurry? We have gone along fairly well without this Illinois improvement through all the history of the Government; why not wait a few months more until these cases are settled in the Supreme Court? Why embarrass those cases by this legislation for this improvement, which necessarily must have some bearing upon the abstraction? The improvement and the abstraction are intimately connected, according to the Engineers' Report. I think it is better to have the proviso in the paragraph than not, if we are going to pass the legislation at all; but just what effect it will have upon the Supreme Court, I am not able to say.

To quote from the language of the former Secretary of War, Mr. Baker, before the Rivers and Harbors Committee, it is a strange thing that there is so much uncertainty as to the power of Congress and the power of the Secretary of War to permit the abstraction of this water. The question has been before several Secretaries of War, and in each case the Secretary has expressed doubt about his right or power to grant or give the permission which has been granted to the sanitary district. Secretary of War Taft, Secretary of War Root, Secretary of War Stimson, and Secretary of War Weeks have all passed upon these permits to the sanitary district at different times,

and they have all expressed doubt of their authority under the statute which the gentleman from Ohio cited this afternoon to grant the permits which have been granted.

Let me give the exact language of Secretary Baker on this point. On page 7 of the hearings he said:

Every Secretary of War from the beginning down, from Secretary Alger, through all who have occupied that office until Mr. Weeks's last statement, have very frankly stated that they did not know what the power of the Secretary of War was and they did not know what the power of Congress was. Secretary Root, who passed on this question, and who is, of course, the dean of the American bar, very frankly said that the rights of Congress in the matter had not been determined and the rights of the Secretary of War had not been. Secretary Stimson, who wrote the most elaborate and able report on the whole subject that has been written by anybody, frankly expressed his disbelief in the power of the Secretary of War to proceed, Chief Justice Taft, when he was Secretary of War, made the same very frank statement. So we have had three great lawyers as Secretary of War, and all three have complained rather bitterly, as it has seemed to me, that they were embarrassed in their executive action by the fact that none of them knew what their legal power was or the legal power of Congress.

The gentleman from Missouri [Mr. NEWTON] this afternoon said it has only been within the last three or four years that anybody had raised any objection to this abstraction. A case was started in the Federal courts to prevent the abstraction over 16 years ago, as the gentleman from New York [Mr. DEMPSEY] said yesterday, and the case against the sanitary district which was decided in 1925 was started 12 years ago. The gentleman from Missouri was simply mistaken in that statement. The Supreme Court in the case against the sanitary district held that the State of Illinois had no standing as against the Federal Government to abstract this water, that the Federal Government had complete jurisdiction as against the State of Illinois over navigable water, and that the Federal Government could not be estopped because it had not exercised the power before.

The court granted an injunction against the sanitary district prohibiting the abstraction of more than 4,167 cubic feet without prejudice to any permit that might be issued by the Secretary of War. Since that decision the States of Wisconsin, Ohio, Indiana, New York, Pennsylvania, and Minnesota have started another case in the Federal courts to determine whether or not the sanitary district has a right to abstract any water, and if so, for what purpose and how much.

The State of Michigan, through its attorney general, started an independent suit in which the question is raised squarely as to whether water can be drained out of one watershed into another under any circumstances. Michigan contends that even the Congress of the United States has no power to grant permission to abstract water from one watershed to another, and that it can not authorize any diversion of water from the Great Lakes. The Michigan case was started in the Supreme Court under its original jurisdiction and comes up for hearing in October. In the other case testimony must be taken, and the parties in that suit filed a petition last Monday with the Supreme Court asking for the appointment of some one to take the testimony, and it is hoped that the testimony will be taken in time so that the two cases can be heard in October when the case of Michigan is set down for a hearing.

Mr. CHALMERS. Will the gentleman yield?

Mr. MAPES. I will.

Mr. CHALMERS. I would like to have the gentleman include in his statement the fact that the State of New York has joined with Michigan in this last suit.

Mr. MAPES. I understand that to be the fact. Now, it is hoped that these questions will be settled and these uncertainties cleared up at that time. As has been already brought out here in this discussion, the Illinois project reported in the rivers and harbors bill is dependent on the so-called Illinois waterway project of the State of Illinois. The testimony is that the very least time in which that project can be completed by the State of Illinois is three years. Why hurry this legislation through now? What is the rush about it? In view of these cases in the Supreme Court, it seems to me that there can be no other reason than to get the Congress of the United States in some way, to some extent, committed to this abstraction of water through the Chicago Drainage Canal.

We are asking that the legislation for this project be put off at least until the rights of the States of Michigan and the other States on the Great Lakes and the right of the Congress of the United States itself can be determined by the Supreme Court. Then it will be time enough for Congress to adopt a policy on the question.

I want to say, in answer to statements that have been made here this afternoon, that as far as I know no one contends that the Chicago Drainage Canal is responsible for all of the lowering of the lake levels. As far as I know, no one asks that the Chicago Canal be entirely closed or the water shut off. Under the permit of the Secretary of War Chicago has until 1929 to build proper disposal plants, and after 1929 it is not expected that all the water will be shut off. No one is contending for that. We are contending that Congress ought not at this critical time, with the pending negotiations between Canada and the United States, with the cases before the Supreme Court, and before making any provision for the restoration and maintenance of the lake levels, fix upon a policy which involves a permanent abstraction of water through the Chicago Drainage Canal not only for sanitation purposes but for navigation as well.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MAPES. I will.

Mr. NEWTON of Minnesota. In reference to the suit before the Supreme Court of the United States for the State of Michigan, if it is successful would that mean that there could be no diversion from Lake Michigan either for navigation or sanitation purposes?

Mr. MAPES. It would mean that there could be no diversion that would affect navigation—that would affect the lake level.

Mr. NEWTON of Minnesota. It would have to be such a quantity as would not affect the lake level?

Mr. MAPES. That is my understanding.

Mr. BEGG. Is there any reason in the world why Chicago can not divert all the water she wants if she puts it back into the lake, as other cities do?

Mr. MADDEN. She can not do that.

Mr. BEGG. Why?

Mr. MADDEN. Because all the people would die of disease if you put the sewage back into the lake.

Mr. BEGG. They could dispose of the sewage without putting it back into the lake.

Mr. MADDEN. They can not do that.

Mr. BEGG. How does Cleveland do it?

Mr. MADDEN. Cleveland does not do it.

Mr. MOONEY. Will the gentleman yield?

Mr. MAPES. I will.

Mr. MOONEY. The engineers report that it would cost $12,000,000 more to put the water back into the lake than to send it down the valley.

Mr. TILSON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. TILSON. In the original suit referred to, brought by the State of Michigan against the Chicago Sanitary District, is it contended that water may not be abstracted from one watershed and turned into another watershed to the detriment of the first watershed? Is that the contention?

Mr. MAPES. Yes; it is contended that even Congress is not given that power under its power to control navigable waters. Mr. Chairman, I yield back the balance of my time.

Mr. DEMPSEY. Mr. Chairman, I yield myself five minutes, and I do that in order to answer the questions propounded by the gentleman from Connecticut [Mr. TILSON]. He asked whether the proviso of the bill would do away with and answer the fears legitimately entertained by the gentlemen upon the Great Lakes. Let us see what is done first. What is done and all that is done by the bill is to authorize some changes in some locks about 120 miles from Chicago and also to authorize the deepening of the channel at that point. There can not be any question about the right of Congress to do that. The gentleman from Ohio [Mr. BURTON] this morning said that there was no use in passing this legislation because it might become a nullity through the Supreme Court declaring that that which we are doing here is illegal. Of course that is not based on a thoughtful examination of what the project is. The project does not deal with diversion or attempt to deal with diversion, but in the document itself the engineers again and again—not once but repeatedly—say that they are not dealing with, but that they have expressly excluded from their consideration, the question of diversion.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. The project does not deal with diversion, and what is the project itself? Is the project itself of a nature so that it deals with diversion? That can be readily answered because the project is not a diversion project. It is simply remodeling some locks and deepening a channel, and that can be done regardless of diversion. I yield to the gentleman from Ohio.

Mr. BEGG. I have two questions I want to ask the gentleman. Is he prepared to state to the House that if the court

rules there could be no diversion, the Illinois project would still be feasible?

Mr. DEMPSEY. Yes; he is prepared to do that, and he is going to come to that in an instant.

Mr. BEGG. An answer yes or no is all that I care for.

Mr. DEMPSEY. I want to answer it more fully. The gentleman says, Is the gentleman from New York prepared to say that if the court rules there can be no diversion from Lake Michigan that still we can have this project? I say yes. I do not say that of my own authority, but I say it on the testimony of the engineers.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Let me answer this question, and then I will be prepared to answer another. Let me see what the engineers have to say on the question—and I read from the testimony—and so that everyone may know that I am reading correctly. I read from page 62. I start in about the middle of the page.

General TAYLOR. My understanding was that this matter was before the department with a view to obtaining a satisfactory channel in the Illinois River—that is, that it was a navigation proposition from Chicago to the Gulf in continuation of the work done by the State of Illinois—

Listen to this in particular—

and that my office was not called upon to offer any suggestions with regard to diversion problems.

What is the next thing that General Taylor says?

The project is worked out in such a way that every dollar that is spent on this project will be usefully spent without regard to the amount of the diversion, whether it may be changed or not.

Let us go to the next page, page 63, and I am now going to quote a question or two by Mr. MOONEY, one of the Great Lakes men, and I am a Great Lakes man myself; and if I were the Governor of New York State or had any office in the State of New York, I would bring the suit just as it is brought. I have the greatest sympathy with the Great Lakes, and it is only because I know that the Great Lakes interests are protected that I am for this project in this bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I will yield when I get through. I want to finish this quotation:

Mr. MOONEY. But you have had no reason for changing your own opinion that 1,000 cubic feet is all that is necessary for navigation.

General TAYLOR. It is all set out in this report—the various costs of the project under various amounts of diversion, ranging from—there is a table on page 3 which shows what can be done with various amounts of diversion, what the costs will be with average diversion, ranging from 1,000 second-feet to 10,000 second-feet.

Mr. MOONEY. Pardon me. I am asking this because I really want to know. You have not changed your judgment that by the expenditure of that money that navigation can be provided for any of these amounts that you have named?

General TAYLOR. That is correct.

In the report as well as in the testimony General Taylor said repeatedly, not once but repeatedly, again and again, that 1,000 cubic feet per second is all that are needed.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Do we have to have any diversion for the 1,000 cubic feet? That is all the question that remains. The answer to that question is this, That you do not have to have it. Why? Because at the present time upwards of 1,200 cubic feet are used for domestic purposes, which must be discharged into this waterway so that it is a diversion only in the sense that there are diversions at every other city on the Great Lakes for domestic purposes, and you do not have to have a diversion in the sense that you divert it for navigation purposes, but it is a second use to which the water is put, which is legitimately used according to the universal practice of every city on the Great Lakes since there has been any settlement at any point on the Great Lakes. There is no dispute about it whatever. You are bound to have and always will have more than enough water for this waterway, and we are only doing now that which will be useful when we get down, as I hope we will get down, to the 1,000 cubic feet used for domestic purposes.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MAPES. As I read General Taylor's testimony before the committee——

Mr. DEMPSEY. Oh, read the part to which you refer. Let us not refer generally. I have read the testimony to which I refer.

Mr. MAPES. I intend to read it, if the gentleman will permit. I do not find that he says that 1,000 cubic feet will be sufficient for the project that is provided for in this bill.

He says it will provide for navigation.

Mr. DEMPSEY. That is primary. Nobody for one moment——

Mr. MAPES. But he says——

Mr. DEMPSEY. I do not yield further.

Mr. MAPES. The gentleman wanted me to read to him. General Taylor says that we can get a good 9-foot channel 200 feet wide with any amount of diversion from 2,000 second-feet to 10,000 second-feet——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAPES. I hope the gentleman from New York will take more time. I want to ask him a question.

Mr. DEMPSEY. I will yield myself three additional minutes, and I hope the gentleman from Michigan will give me some part of that. I do not intend to yield for a question long enough to take up all of my time.

Mr. MAPES. General Taylor says it will take 2,000 cubic feet to make the project that is in the bill work. Now, other engineers equally good differ with General Taylor. Here is Mr. Barnes, chief engineer of the State of Illinois, who says——

Mr. DEMPSEY. Do not take all of my three minutes.

Mr. MAPES. He says it is foolish to say we can operate an adequate channel with 2,000 cubic feet per second. He says it will require from 7,500 to 10,000 cubic feet. Mr. Goltra, who operates a fleet of boats under a lease of the Government on the Mississippi River, also says it is foolish, and that from his practical experience it is necessary to have from 8,500 to 10,000 cubic feet per second.

Mr. DEMPSEY. I do not yield further. Well, the only result will be this: Chicago will be left without any waterway. She is not going to get any more water than she is entitled to. The State of New York and the State of Michigan, among others, are going to determine whether there is a right to divert any water, and if there is not the right, it can not be diverted. If it can not, the 9-foot channel will not be obtained. It is Chicago that is going to come back here, not the Great Lakes.

We are deepening this channel to a certain depth so it will give a 9-foot channel with the water that is in use now. If we have less water, then Illinois will have to come back here and ask to deepen it again, and will be dependent on our granting that authority again. We are not granting them the authority now. We are simply deepening it so that with the water now flowing there they can have that depth. It is going to be reduced within a stated number of years, even without any intervention of the court, by the Secretary of War to 4,167 feet. Chicago is going to come back here not once, but again and again, and run the gantlet of just such discussions as there have been here now upon this question as to whether she is entitled to this water, and if she can not succeed she will be without her 9-foot channel. She is the one that will suffer, not the Great Lakes.

Mr. CHALMERS. Mr. Chairman, I yield six minutes to the gentleman from Ohio [Mr. BEGG]. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CHALMERS. The rule provided for six hours' general debate.

The CHAIRMAN. Twelve hours.

Mr. CHALMERS. Twelve hours' general debate, six on a side. Now, unanimous consent was obtained that we should begin at 11 o'clock this morning and run until 6 and begin at 11 o'clock to-morrow and run until the House adjourned.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. CHALMERS. And the time was to be divided between those for and those against the bill.

The CHAIRMAN. The gentleman from Ohio had control of three hours of time, which he has used up. The gentleman from Ohio [Mr. MOONEY] in opposition to the bill has 47 minutes remaining out of his three hours.

Mr. CHALMERS. The point I am making is this, that the time is equally divided between the two sides and we are not limited to the 12 hours.

The CHAIRMAN. The unanimous-consent agreement does not operate to extend the time for general debate longer than that fixed by the rule. The gentleman from Ohio is recognized for six minutes.

Mr. MANSFIELD. I yield the gentleman two additional minutes.

Mr. BEGG. Mr. Chairman, the gentleman from Texas is very kind and I may not need it. Let us see whether or not

there is any dispute about this diversion being involved in the bill notwithstanding the proviso. The Illinois project, as outlined and as the gentleman from New York read to you awhile ago from the table on page 45 of his own report—this project is founded on the present diversion of 8,250 cubic feet per second. Then the table carries the minimum of 1,000 cubic feet per second of the average annual flow of 1,650, instantaneous, and the theory is that the War Department will continually curtail the amount of flow on each permit until they have it down to a thousand. I want to ask the gentleman if the river project was a feasible one, if the Supreme Court decided that no diversion of water from one watershed to another was permissible under the law, even to the extent of forbidding Congress to make such a transfer.

Mr. DEMPSEY. Of the 1,000 feet, even?

Mr. BEGG. Yes. The gentleman's answer was that it was permissible. But I question that from any evidence that is in the testimony, so far as I can recall it at this time. A careful reading of the engineer's report and of the gentleman's own report clearly indicates that if the Congress passes this bill it does it because there is a diversion of 8,250 cubic feet per second, knowing that the question as to whether or not they will have that in five years from now is in dispute and to be decided by the courts.

I want to call the attention of everybody living east of Chicago, as well as those using the Great Lakes for shipping living west of Chicago, that even a diversion of a sufficient amount to lower the lake level 2 or 3 inches may be more damaging to both sections of the country than any benefits that would accrue from the diversion that would permit a limited amount of shipping through the Illinois River and up and down the Mississippi River. I want to read from Mr. DEMPSEY's report a statement on page 49:

It has been shown by the present investigation that the amount of the diversion is not a governing factor in providing a 9-foot channel on the Illinois.

Well, then, why put it in if it is not a governing factor, if the bill is not founded, as to the Chicago River, on diversion? That is the only reason, and it does not take a lawyer to know that.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield as to that?

Mr. BEGG. Yes.

Mr. DEMPSEY. We expressly exclude, both in the report and in the bill, the question of diversion.

Mr. BEGG. Well, I grant that, I will say to the gentleman; and not being a lawyer, I can not even discuss how a court would interpret it. But I want to read your proviso. The gentleman knows I made an attempt to draw a proviso, and I am frank to say that to-day I would rather have mine than this. I want to read that proviso:

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

If that is all the language that will be put in, I know that a court could not otherwise construe it than that Congress had legalized 8,250 cubic feet.

Mr. DEMPSEY. A constantly diminishing amount. That order is one order.

Mr. BEGG. I understand that. And then what does it say? It says:

Or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War.

Now, of course, to the proponents of the bill the concluding clause seems important, but the question arises whether the last provision will nullify the first provision. I can not tell. Then the proviso concludes:

But the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever, shall remain and be unaffected here as if this act had not been passed.

That would seem to me, if it had not said in the first part of the paragraph that nothing in the law should be construed to change the existing status, 8,250 cubic feet per second, that the last part was all right; but the proviso to me means nothing, and the law, if enacted, founding a project on the diversion of 8,250 feet, means a lot. Being a layman, I am inclined to think that that is a clever piece of legal language, drawn designedly so as to mean nothing, so that when the court finally comes to decide on it, the court will say, "Well, the first half says one thing, and the second half says another, and therefore the two combined mean nothing, and the only thing we have to go on is, What was the intent of Congress when they came to provide for 8,250 feet?"

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

THANKS OF THE SWEDISH CROWN PRINCE

The SPEAKER. The Chair takes pleasure in laying before the House a communication received a little while ago, written in longhand, by our distinguished visitor. The Clerk will report it.

The Clerk read as follows:

MAY 28, 1926.

Mr. SPEAKER: Having just returned home after our visit to the House of Representatives, I should like to let you know how much we enjoyed this visit. I want you to know how very much we appreciated the courteous and cordial reception accorded to us by the Members of the House of Representatives. If agreeable, would you kindly convey our thanks to these Members of Congress, and will you personally accept our warmest thanks for your kindness in showing us so much attention. Believe me,

Your very sincerely, GUSTAF ADOLF.

[Applause.]

MILITARY ACADEMY AT WEST POINT

Mr. JAMES. Mr. Speaker, I present a conference report, for printing under the rule, on the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

The SPEAKER. Ordered printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LITTLE FALLS, MINN.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10771, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 10771, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10771) granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent also to take from the Speaker's table the bill H. R. 10895, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 10895, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10895) granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. DEMPSEY. Mr. Chairman, I understand that the gentleman from Texas [Mr. MANSFIELD] yields the gentleman from Ohio [Mr. BEGG] one additional minute in order that I may propound something in the nature of a question.

The CHAIRMAN. The gentleman from Ohio is recognized for one minute.

Mr. DEMPSEY. May it please the gentleman from Ohio, I call his attention to the language of the provision. The language is not inconsistent at all. The language says two things and they are perfectly consistent and a part of the same thing. It says we shall not interfere with the diversion, and we do not intend to, and it says we shall not interfere with the permit, and we do not intend to. We do not do anything with them one way or the other. Then it says that the whole question of diversion shall remain just as if we had not passed this act. Those things are perfectly consistent.

Mr. BEGG. The first part of the proviso plainly says that no interpretation can be put on this legislation as to changing the status of diversion.

Mr. DEMPSEY. The existing status.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. MANSFIELD. Mr. Chairman, I yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. WILLIAM E. HULL. Mr. Chairman and gentlemen, I am not going to take many more minutes to speak on the subject of the Illinois River as I have extended my remarks. I live on this river. I was born and raised there, and I think I know as much about it as any man on the floor of this House. I am not here for the purpose of trying to deceive anybody nor to do anything that would injure anybody. The great trouble with all of the speeches that have been made up to this time is that they have tried to confuse the House by talking diversion and the sewage of Chicago. I want you to all understand that I do not live in Chicago, but I live down on this river. I want to say further that this river is the most available navigable river in the whole world. The trouble is that all of these people have been fighting this river because of the fact that they know that business will be diverted.

The gentlemen from Cleveland and Toledo and other points are not fighting the diversion of water, but they are fighting the diversion of trade. They realize that if this river is completed and we have a navigable stream from the Great Lakes to New Orleans a great deal of the business that is now being done in the United States to-day will go down along the Mississippi River Valley, where it ought to go, in order to help that great western country which makes the prosperity of the Nation.

My time is limited, but I want to say this to you: The opponents say, put this off until the Supreme Court decides it. Why, my friends, the Supreme Court might not decide this for the next 10 years; nobody knows. The State of Illinois, through a bond issue, has appropriated $20,000,000 and has spent about one-fourth of it up to this time in making this connection from Lockport to Utica, and will have it all completed in three years' time. Regardless of what others have said here to-day, they can complete it in two years and a half if necessary. Do you think it is prudent for the State of Illinois to go along and supply this money and build this canal, known as the Illinois waterway, if the United States Government will not canalize the Illinois River from Utica to Grafton, so as to complete the system? That is the reason why we must pass this bill now. This river to-day is from half a mile to 1 mile in width; it has a depth of 25 feet in most places, and if you left it as it is to-day with the present diversion you would not have to spend more than probably a half million dollars on the river. It has had boats plying it for the last 50 years, and there is enough flow of water going through to-day so that these locks are unused, the boats go right over the dams.

All we ask of you is to give us a waterway from Utica to Grafton, and if you will only look at the report of the engineers you will see we have not asked for any diversion, and I will prove to you that we can have a navigable stream there without any diversion at Chicago, not even 1,000 feet is needed, because we have 3,000 feet of water coming from the Fox River, the Des Plaines River, and the Kankakee River that start the Illinois River at Utica. We could make a waterway without any connection with Chicago if we wanted to, but in order to make it a success for the Mississippi River we have to make connections with the Great Lakes in order to get boats of sufficient character to carry on the navigation. We have at Bureau Junction the Hennepin Canal that has been talked about so much. It is one of the best canals in the United States, but it is not being used, and why? Because from Bureau Junction to Utica there is no navigation in the Illinois River. From Davenport, Iowa, to Bureau Junction you can navigate, but from Bureau Junction to Utica you can not. Now, unless you give us this connection, it would be useless to pass the bill.

I want to say to you, my friends, that if you will go down and look at that river and see its advantages, I do not believe there is a single man, even from Michigan, who would dare come to Congress and oppose this bill.

I have not asked for anything in this bill but a waterway from Utica to Grafton. You can not find a single place in this bill where we have asked for any water whatever out of Lake Michigan, because we can get along without a drop of it if we want to. Of course, if you men from Michigan do not want to connect with the Mississippi and save money on your freights, we can run our waterway from here, Utica, and connect with St. Paul and with New Orleans. This will do Peoria a lot of good, but, of course, will not help Chicago.

In all fairness, I want to say that some of the statements that have been made here by such eminent men as former Senator BURTON are just as untrue as they can be. I do not mean that the gentleman has done that purposely, but he does not understand the project. That is the trouble about it, and none of the rest of you know, because you have not seen the Illinois River.

Mr. MOONEY. Will the gentleman yield?

Mr. WILLIAM E. HULL. No; I can not yield.

I want to say to you, my friends, this is the time to vote through the Illinois River project and give us a chance. This will save the farmer 7½ cents on every bushel of grain he ships. It will be the one redeeming feature of this Congress and will give us a chance out there to help the farmer. It will take the factory to the farm and lower the high cost of living by eliminating the high freight rates on farm produce to the consumers and the equally high freight rates on manufactured material to the farm.

I want to call the attention of the men from the Northwest, who are voting against this bill, to the fact they do not know what they are doing or they would not vote that way. They talk about wanting a waterway to the sea. Daisies will be growing over them before they ever get the waterway to the sea they have in mind, whereas in three years and a half these men from Minnesota and the Dakotas can ship their grain to St. Paul, and if they want to send it to the Chicago market, they can bring it to Davenport and across from Davenport to Bureau Junction and from Bureau Junction to Chicago and get almost the same distance by water as they can get by rail to-day.

If the farmers in that section knew how these Congressmen were voting, they would find out when they got home what it meant to them. The trouble is they have been deceived. They can talk all they please about a waterway to the sea, but here is a chance to get a waterway to the sea in three years and a half. Why do you not take advantage of it? Why should you avoid this proposition?

Gentlemen, I want to say to you that this matter is going to come up on the floor next week, and I hope every man within the hearing of my voice who does not understand it will come to me and talk to me about it, because I know this river and I know what this project means. The passage of the Illinois River project means more to this great Nation than the passage of any other project in this bill, and it would be a crime to destroy the only connection with this great Mississippi Valley system that you are spending million of dollars on and not connect it up with the Great Lakes, where the commerce exists.

I want to say to you in conclusion I realize I am not a good speaker. I am not a lawyer, but I want to say to you, and especially to the gentlemen from the East, that if you do not protect the farmer in the West, if you do not do something

for him at this term of Congress, if we should happen to get a bad crop this year you will find the dullest times that have ever happened in this country. You must do something for him, and this is the last resort. You men who have been fighting here against the great agricultural bill for the relief of the western farmer are now fighting the only opportunity you have to show them that you want to help them. [Applause.]

Mr. DEMPSEY. I suggest that the gentleman use about a half minute more so that I may propound a question to him.

Mr. WILLIAM E. HULL. I yield to the gentleman.

Mr. DEMPSEY. The gentleman remembers, does he not, that it was in evidence distinctly at the hearing before the committee that there was at least 1,200 feet of water at the present time being used for domestic purposes, as all the Lake cities use it, which must go down this waterway from Chicago to where this improvement begins?

Mr. WILLIAM E. HULL. That is true. I asked General Taylor that question myself, and General Taylor said it was about 1,200 and probably up to 1,500 feet. That was his answer.

Mr. DEMPSEY. And that is enough water——

Mr. WILLIAM E. HULL. That is enough water, but we can even do without that amount, although that would make the connection that I have referred to here.

Mr. DEMPSEY. That would make the connection from Chicago down to Utica, where this improvement begins.

Mr. WILLIAM E. HULL. Yes.

Mr. MOONEY. If the gentleman will permit, I would like the gentleman to explain the statement he made a little while ago that this is the one redeeming point of the administration.

Mr. WILLIAM E. HULL. I did not say that.

Mr. DEMPSEY. The gentleman said redeeming legislation so far as the farmers are concerned in securing cheaper transportation for their products.

Mr. WILLIAM E. HULL. Yes.

Mr. Chairman and gentlemen, water transportation in the Central West through the Illinois, Mississippi, Ohio, Missouri Rivers and the intercoastal canal is the one great project of modern waterway service.

There is no part of the United States so necessary to this Government as the section through which these waters flow. It composes 80 per cent of the agricultural area of the United States. This inland waterway project means more to the farmer than any other legislation that can be passed.

It will give him an opportunity of shipping his products to all of the seaports of the world by water transportation, it will reduce his freight rates from 7 to 12 cents a bushel on his grains; it will give him an opportunity of competing with countries of South America, such as Argentina, which has water transportation, and will give him a chance for export business.

In order to make these waterways a success it is necessary to make the connection between the Great Lakes and the Mississippi River. The project that I represent in the bill is the Illinois River in the State of Illinois. It will cost less to build and less to maintain than any other waterway in the United States.

Its opportunity to do a great service for navigation is even greater than the Great Lakes, because it will connect the Great Lakes with the Mississippi, Ohio, Missouri Rivers, the intercoastal canal, and thence on to the Gulf of Mexico. It will give the Kansas City merchants opportunities to ship direct by water to Buffalo; it will give the Buffalo merchants opportunities to ship to New Orleans; it will give Detroit an outlet to the South American trade and will save them $2,500,000 in freight on their automobiles alone in one year; it will give opportunities to deliver coal into Chicago and save $15,000,000 in one year; it will give an outlet from Pittsburgh to Corpus Christi, Tex., with their steel products; it will give St. Paul and the northwestern farmer a chance to load their grain on barges and deliver them by water to Liverpool; it will enhance the trade and the facilities of the great South by giving them cheap transportation of their cotton and sugar and a distribution on the Great Lakes; it will give California direct connection with Chicago, and the farmer will receive the benefit of a low freight rate on his grain and also a low freight rate on the nitrates from Chile. The manufacturers in all of the Central West using large quantities of copper will get their copper direct from Chile, mined by the Anaconda people of Montana, all by water, and put them in a position to compete with the world on the manufacture of articles in which tons of copper are used.

And so, my colleagues, this 223 miles of waterway leading from Utica, in Illinois, to Grafton, Ill., should be adopted at this time and its canalization should be started at once.

The report of the Board of Engineers recommending this Illinois waterway project, which was adopted by the committee and is included in this bill, does not call for or authorize any diversion of water from Lake Michigan. It merely provides for the removal of two old obsolete locks and dams built by the State of Illinois in the late seventies and the dredging of a 9-foot channel in the Illinois River from Utica to Grafton, where the Illinois joins the Mississippi.

However, objections will be raised against this particular project because it is unjustly claimed by the Great Lakes region that we are the sole cause of lowering the levels of the Great Lakes and in order that you may thoroughly understand just what the causes and the amounts of the Great Lakes lowering are at the present time I desire to read as follows:

Causes and effect of the diversion of water from Lake Michigan

	Inches
At Niagara Falls for power and canal purposes	2
Retention of water in Lake Superior by regulating works for power purposes	3
Widening and deepening of Detroit and St. Clair Rivers at Detroit	8
Diversion of water at Chicago	5½
Unusually light rainfall combined with unusually large evaporation	22
Total lowering	40½

The above lowering has taken place since the high-water period of 1917–1919. The Lakes now are at an unusually low stage because of a long period of dry weather.

The water for power and navigation through the Canadian Welland Canal has lowered Lake Erie 2.64 inches. (See p. 375, Warren Report.)

You can see by this that the 5½ inches of which the Chicago diversion is responsible for has already taken place and there can be no further lowering of the Lakes from this diversion. You must understand that this diversion started in 1900 and has existed until the present date, almost 27 years. The lowering of 5½ inches has existed practically all of that time. It can never be any more, and will eventually be less.

The other diversions indicated might be remedied, especially the 8 inches in the Detroit River, by putting in compensating works there you can restore the lake levels.

The Welland Canal, which is a Canadian canal, is lowering Lake Erie 2.64 inches, and under the treaty they have no right to continue this lowering, while under the treaty Illinois does have the right to take the 10,000 second-feet because it was a diversion acknowledged and accepted by the Canadian Government at the time the treaty was signed, in 1910. As they have been diverting this quantity of water since the year of 1900, I quote you from the treaty as follows:

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes.

(2) Uses for navigation, including the service of canals for the purposes of navigation.

(3) Uses for power and for irrigation purposes.

And the treaty further says:

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

Now, in addition to that, I want to call your attention to Secretary Root's statement to the Senate Foreign Affairs Committee:

The great bulk of the water goes on the Canadian side; and the Waterways Commission that was appointed some time ago to deal with the question of the lake levels reports, I think, that 36,000 feet can be taken out on the Canadian side and 18,500 on the American side without injury to the Falls. I thought it wise to follow the report of the commission and put in 1,500 feet in addition to get round numbers, so our limit is higher than we want; but their limit would not be cut down below what it is, because there are three companies on the Canadian side who have works there. Then, there is this further fact why we could not object to this 36,000 cubic feet on the Canadian side: We are now taking 10,000 cubic feet per second out of Lake Michigan at Chicago, and I refused to permit them to say anything in the treaty about it. I would not have anything in the treaty about it, and, under the circumstances, I thought it better not to kick about this 36,000. They consented to leave out of this treaty any reference to the drainage canal, and we are now taking 10,000 cubic feet per second for the drainage canal, which really comes out of this lake system.

For further information I desire to call Congress' attention to the fact that under this treaty the Canadian Government is taking 36,000 second-feet of water for power purposes, the Niagara power companies are taking 20,000 second-feet of water, and, in accordance with the treaty agreement, Chicago

should be taking 10,000 cubic second-feet of water; but the War Department, under a ruling of the Supreme Court, have now allotted Chicago the use of 8,500 cubic second-feet of water and have cut that allowance down now to 8,250 cubic second-feet of water, and so this project is based upon securing a channel 9 feet in depth and 200 feet wide from Utica in Illinois to Grafton in Illinois.

I wish to state that the entire Illinois waterway system comprises three divisions—the Sanitary and Ship Canal, 36 miles long, built by the Sanitary District of Chicago, from Lake Michigan to Lockport; the Illinois Waterway Canal, 65 miles long, from Lockport to Utica, now being built by the State of Illinois under a $20,000,000 bond issue voted by the State; and then the Illinois River proper, 220 miles long, from Utica to Grafton, the confluence with the Mississippi River. When all these projects are completed we will then have a channel 9 feet deep and 200 feet wide from Lake Michigan to the Mississippi River, and when the Mississippi project is completed a 9-foot channel will be available from Chicago to the Gulf of Mexico and the open sea to all the ports of the world.

In conclusion, I earnestly ask the Congress to pass this Illinois project and in so doing bring to a fruition the dream of a century.

The CHAIRMAN (Mrs. ROGERS). The time of the gentleman from Illinois has expired.

Mr. MANSFIELD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DOUGLASS].

IMMIGRATION

Mr. DOUGLASS. Madam Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLASS. Section 11, subdivision (b), of the immigration act of 1924, which my House Joint Resolution, No. 250 seeks to repeal, by amendment to the act provides that "the annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100." This method of establishing immigration quotas is generally referred to as the "national origins method."

Subdivision (c), of the same section 11, further provides that the determination of national origins shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. This interdepartmental committee in determining the quotas for each of the foreign countries, may call for expert assistance and information from the Bureau of the Census. Further these officials shall, jointly, report to the President the quota of each nationality, determined as outlined in subdivision (b), and the President shall proclaim and make known the quotas so reported, on or before April 1, 1927.

Apart from the question of a just quota for any particular nation, on the very face of this law appears a most serious objection. Under the national origins plan, enacted by Congress, that body does not itself in fact legislate. On the contrary it shirks its constitutional duty of itself determining the quotas, by surrendering, or at least passing over to this interdepartmental committee the powers and prerogatives of Congress, in the premises. In other words, the legislative branch of our Government abandons a part of its constitutional functions in favor of another branch of the Government, the executive. Remember the three Secretaries, comprising the interdepartmental committee, are members of the President's official family. Under this law these Cabinet Members, together with the President, under his duty and responsibility to proclaim the quotas determined by three of his official advisers, are made the only and final arbiters on the important matter of immigration quotas for each of the foreign countries.

Moreover, this commission is not even required to report to Congress or notify it of the specific reasons upon which it bases its findings in the matter of establishing the quotas. I hold this interdepartmental committee has such wide discretionary powers that their determinations, with respect to the establishing of the quotas, should never be permitted to pass on to the President for his proclamation, without first having been referred back to Congress for the latter's consideration and approval.

Here we have a clear instance of government by a commission of three, rather than by the Congress, representing the people of the whole country. Here is government by a commission with a vengeance. Herein Congress stultified itself by surrendering its legislative powers to a commission of the executive branch of the Government, and thus falsified the letter and spirit of the Constitution, which clearly, purposely, and with proved wisdom, divides our Government into the three branches, executive, legislative, and judicial, each branch with separate and distinct powers, rights, and privileges.

To this tripartite system of government the United States owes its unprecedented political success and security. This system is so interwoven in the warp and woof of the body politic that to change it, as the provisions of subdivisions (b), (c), (d), (e) of section 11 provide, is to invite complication and disaster.

On this question of the maintenance of the integrity and independence of our three branches of the Government the people of the Nation have recently spoken in no indecisive terms. During the last national campaign La Folletteism was a distinct, much-heralded issue. La Follettеism was in great part a movement to give Congress power to overrule decisions of the United States Supreme Court. When the people spoke on that question at the polls two years ago the verdict was overwhelmingly in favor of the continuance of the established system, and the La Follette doctrine of a legislative veto over decisions of the judiciary was buried as a political issue.

By the same token there can be no possible question where the electorate would stand upon a proposition that Congress surrender any of its constitutional prerogatives to the executive branch of the Government.

Practically speaking, how can it be seriously maintained that in the matter of immigration quotas, in the selection of our future American citizens, the judgment of these executive department heads (all of the same political faith, and I dare say doctrine) is better or safer than the combined wisdom and experience of 435 Representatives and 96 Senators of the people of the United States? What facts, bearing on national origins or on the whole question of immigration, can these three department heads discover that would not be open by the same processes of fact finding to the duly constituted committees of the House and Senate, availing themselves of all known or obtainable data and the testimony of so-called immigration census experts, for what that testimony might be worth, if anything?

Who or what blindfolded the Sixty-eighth Congress and led it along this dangerous road of self-surrender?

Is it possible that the anglomaniacs and Jew baiters, the Hessians of the Carnegie fund, and all the other enemies of the "new immigration" favored the 1924 national origins plan, with its all-powerful commission of only three administration members, because they had reason to believe they could force their narrow, prejudiced, un-American views on three men but could not hope to prevail in the end on the Members of both Houses of Congress? Had these Nordics good reason to hope to sell their pernicious propaganda in a star chamber of three, where the light might never enter, but were dubious of their power to enforce their obnoxious propaganda in the open chambers of Congress, where in open debate the truth might find staunch champions among Members of proven and undoubted Americanism, descended from some of those very stocks against which these Nordic fanatics would discriminate?

The truth is this national origins feature of the act was forced through with undue haste, in a mad scramble to establish some sort of a permanent immigration quota policy. The proposition was gulped down and illy digested. The obnoxious clause in the act was inserted in the Senate as an amendment after the Johnson immigration bill had passed the House. At that time, it will be recalled, the Japanese exclusion question was the all-absorbing concern of Congress. In the midst of the consideration of the vital matter of the exclusion of the Japanese and of the various other provisions of the Johnson bill, the Senate national origins amendment was hastily adopted, in conference, and passed practically unnoticed "save by those who were taking its fate to heart."

Another fundamental objection to the fixing of the immigration quotas by national origins is that such a basis is indefinite, uncertain, and theoretical and permits the adoption of arbitrary, biased methods of calculation. In June, 1924, Mr. Steuart, Director of the Bureau of the Census, declared—

there are no figures in existence which show completely the various national origins of the population of the United States.

Commissioner General of Immigration, Hon. Harry E. Hull, in his annual report for 1925 recommended to Congress that it amend the immigration act of 1924 by the repeal of the national origins clause, stating—

The bureau [Bureau of Immigration] feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origins; that it has the advantages of sim-

plicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11 providing for this revision of the quotas as they now stand be rescinded.

How difficult the problem is of solution may be gleaned from the facts contained in a letter Congressman JOHNSON received from a Chicago citizen, as follows:

I have a partner, an American, born of Swedish parentage. He married a girl of Scotch ancestry. His sister married a man, American born, of English ancestry. My banker is of Norwegian parentage. He married a girl of German parentage. His brother married a girl of English ancestry. His sister married a man of Danish ancestry. I myself am American born, of German ancestry. I married a girl of Irish parentage. My brother is married to a girl of Norwegian-English ancestry.

And there you have what the national origins method of establishing immigration quotas has as a basis. It must be obvious that basing quotas on national origins is a huge joke, in so far as its practicability goes.

Since, therefore, the law has no foundation in fact—

As Prof. Roy L. Garis, of Vanderbilt University, argues in the Saturday Evening Post, of October 10, 1925—

it will naturally lead to charges of discrimination and general dissatisfaction.

This state of affairs, foreseen by Professor Garis soon after the writing into the immigration act of 1924 of the national origins clause, is now actually at hand. Dissatisfaction, as the real purport of the national origins method is becoming more clearly understood, grows by leaps and bounds.

The discrimination possible under this legislation is becoming daily more apparent to the races concerned. In the city of Boston, which I have the honor to represent in part, on last Sunday afternoon, under the auspices of the American-Irish Societies of Massachusetts, a tremendously large and enthusiastic meeting was held in protest against what is expected, under the act, to prove a vicious and insulting discrimination against the people of the Irish Free State, or southern Ireland.

Preliminary estimates have been made and published, as to the quotas for each of the foreign countries, by Capt. John B. Trevor, statistician of the Carnegie Endowment for International Peace, and Captain Trevor's estimates will undoubtedly be accepted and used by the interdepartmental committee in its determination of the new quotas under the national origins plan. Yet Captain Trevor's "statistical deductions" are no more reliable than the "guesses" of the next individual, who attempts to estimate quotas without a basis of fact, because of the unavailability of census figures as to the various national origins in the United States.

Among other things Captain Trevor's figures indicate that 51,747,680 of the 105,710,620 population of this country in 1920, are from British and North Ireland stock, and that only 5,063,966 of the total population of this country come from South Ireland, or Irish Free State stock. This most questionable estimate of "Expert" Trevor lets the cat out of the Nordic bag and causes "Current Events" of November, 1924, significantly to remark—

The situation of the Irish Free State, under the new law, is particularly interesting. Formerly, Irish immigrants were grouped with English. On the temporary basis of the 1890 census the Irish Free State is allotted the surprisingly large quota of 28,367, due to the great number of south Irelanders in the United States in that year. After 1927 this quota will be reduced to 8,330 because of the fact, by Captain Trevor's analysis, that only 5,000,000 Americans can claim south Irish ancestry.

If the new quotas are to be based, as there is reason to fear, upon figures in keeping with those of the Carnegie expert, then, as Professor Garis points out in the article already quoted—

a practical majority of Britishers will be admitted as immigrants, and the first long step will be taken toward the Anglicization of the United States.

As against the Free State allotment of 8,330, under the national origins law, by the same Trevor-Nordic analysis, England, Wales, Scotland, and North Ireland would be allotted 83,000. It requires no microscope to discern between the lines of these figures the black hand of bias and discrimination against the essentially Catholic southern part of Ireland, in favor of Ulster and England.

Against this iniquitous conspiracy of statistics—

Says Professor Garis—

it behooves all good Americans to rise in righteous wrath.

In estimating the quota for the Irish Free State, which is to be figured entirely separate from that of Ulster, since the latter is included in the Great Britain quota, the possibility of uncertainty and discrimination is far greater than in any other instance. This because there were absolutely no records available of immigrants to this country from the north as distinguished from the southern part of Ireland, until the recent creation of the political boundary of the Free State.

Says John Bantry, one of the ablest journalists of the present day, in the Boston Post of Friday, May 7, 1926:

No one expected that with the influx of Irish blood into America, which began long before the Revolutionary War, any immigration law could reduce the quota from the counties of Southern Ireland to 8,330 immigrants in any one year. This is virtually putting Irish immigrants in the undesirable class. The only way the 8,330 quota is determined is by the theory that 90 per cent of Irish immigration, in the days when so-called American stock was being developed, came from Northern Ireland. This is not alone not capable of proof, but has been challenged with convincing arguments time and again. It is the ancient and exploded theory of the Scotch-Irish.

But this expert report considers that for immigration purposes the Northern Irishman is about four times as desirable as the man from the Irish Free State. This opinion is the result of years of propaganda directed toward showing that the plain Irish played little part in the upbuilding of America.

I have consulted with the genial chairman of the House Committee on Immigration and Naturalization, and asked for a hearing on my resolution, which would repeal the national origins clause, before the present session adjourns. Mr. JOHNSON informed me such a hearing could not be granted on account of the extreme pressure of other important committee business and the proximity of adjournment; but he assured me a hearing would be granted at the earliest possible date upon the reassembling of Congress, at the close of the summer recess, at which time the provisions of my resolution would be thoroughly thrashed out. I deprecate the delay, but am bound to submit to it under the circumstances. It is my earnest hope that during the recess that you, my colleagues, will give this subject your most serious study and attention. The issue involved in the matter of establishing quotas by national origins is of supreme importance, and must be met fairly and squarely. If the proposal of this plan of determining our future immigration quotas was an error, that error must be rectified before the proposal becomes operative July 1, 1927.

If this legislation is an insult, as is claimed, to the Irish race, or is to be used, as is feared, as a weapon of discrimination against a section of that worthy people, in the interest of fair play and justice Congress ought to be acquainted with the facts. I have no purpose here and now to relate the glorious story of Irish achievement in America. That was brilliantly accomplished before this body on last March 17 (St. Patrick's Day) by our distinguished colleague from Rhode Island [Mr. O'CONNELL].

On that day, by unanimous consent, this honorable body, out of respect and compliment to Irish-American citizenship, performed a noteworthy act of appreciation in pausing in its deliberations for one-half hour to listen to one of its Members of Irish descent, as myself, recall how much blood and brawn, the valor and sacrifice of men of Irish blood, in war and peace, had contributed to make our common United States the dominant power of the civilized world morally, financially, and politically. The generous and general applause with which you greeted that speech was an even more eloquent tribute to the Irish race than the ringing words of the orator himself.

About the same date the House, again with your unstinted applause, another distinguished and most beloved Member, Mr. BURTON of Ohio, delivered a remarkable, heart-reaching eulogy on the life of his former colleague, an Irishman born, a great legislator and statesman, and one of our greatest American orators, whom the eulogist held up as a shining exemplar of high idealism, patriotism, and good citizenship—the late Hon. Bourke Cockran, of New York. Mr. BURTON'S splendid tribute to the character of Bourke Cockran reminded me at the time of another sterling American of the same exemplary type as the great New Yorker. I refer to one of my Boston predecessors in this House, the late Hon. Patrick A. Collins, legislator, orator, and publicist. This chosen spokesman in the days of Cleveland rose from the lowly station of a poor Irish immigrant to a seat in Congress and later to the office of the chief executive of our fair city of Boston, where the name of Patrick A. Collins will ever continue to be an inspiration. The same truly American spirit that animated Cockran and

Collins still burns in the hearts and souls of the millions of their race in our country to-day.

But the danger inherent in the national origins clause hit not the Irish race alone. It is a matter of serious concern also to the vast group of loyal Italians, German, Jewish, and descendants of other nationalities who have contributed so materially to the development of our country. It behooves the descendants of all these races to look sharp lest the iron of discrimination burns into their souls. In the matter of immigration all races should be treated with exact justice according to their merits and achievements of their forebears in America. This was the professed purpose of the national origins plan, but even slight investigation and reflection will convince that the plan is in fact ridiculously impracticable of operation, and can not possibly accomplish its professed intent.

I feel confident that Congress on the face of the facts I have brought to attention will feel compelled, in the interest of every country concerned, to repeal the national origins plan, and, as the Commissioner General of Immigration suggests and as my resolution provides, continue to establish the quotas under the present method, which permits—

2 per cent of the number of foreign-born individuals of such nationality resident in continental United States, as determined by the United States census of 1890, but that the minimum quota of any nationality shall be 100.

Thus basing the quotas on birth lands rather than attempting to trace national origins into what obviously leads to a labyrinth of refined and bewildering speculation. We are apparently ready at this time to liberalize certain other sections of the immigration act of 1924. The signs are promising—and I sincerely trust not deceiving—that legislation is near at hand which will, for the Christian purpose of reuniting scattered families, amend the act so as to admit to the country outside the quota children and parents of legal residents of the United States. This is only right and proper, as in this instance the law of nature should be the law of the land.

Finally, I am not in favor of no restriction of immigration at any time, but I am strongly opposed to unfair discrimination in immigration. The proponents of the national origins plan pretend that its adoption will preserve the homogeneity of our racial construction. Refusing to take into account the race of any man, our Nation has grown in strength and union. The political struggles of the Old World have been largely the result of interracial rivalries. May we not well inquire if the adoption of this racial doctrine will not result in the division of the New World along racial lines, and thus destroy that very homogeneity which the proponents of national origins claim it will preserve?

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman and gentlemen of the House, I would be remiss in my duty to the twenty-ninth congressional district of Pennsylvania, which I represent, if I did not convey to the Congress the attitude of my constituents regarding the legislation pertaining to the diversion of waters of the Great Lakes.

The State of Pennsylvania has but one outlet to the Great Lakes—that is, through the Port of Erie, one of the finest harbors on the chain of Lakes. It is the terminal of two branches of the Pennsylvania Railroad—the Erie & Pittsburgh and the Philadelphia & Erie. Besides, the New York Central, Nickle Plate, and Bessemer also handle large quantities of package freight to and from this port.

The Erie & Pittsburgh and the Bessemer carry coal to Erie and other ports, where it is transferred to ships by dumping the loaded cars at a most incredible rate of speed, and these ships go to Duluth and other ports in the great Northwest and return, carrying iron ore from Minnesota, which is also loaded with amazing celerity. To make these shipments profitable at the low rate per ton the ships must be loaded both ways. Heavily laden ships can not enter the harbor now, and any further lowering of the water would mean, as explained by one of the leading shippers, that the harbor would have to be abandoned.

The Philadelphia & Erie Railroad carries grain to Scranton and Philadelphia and the Philadelphia harbor, where it is shipped to foreign ports, and on to the elevators in New York, where the new Pennsylvania elevator has been completed, and from here it is shipped to all parts of the world.

Completion of the new Pennsylvania grain elevator at New York will insure the routing of more than 2,000,000 tons of grain through the port of Erie. I have this morning received a telegram from the chamber of commerce at Erie, which reads as follows:

The future of the port of Erie, Pa., only harbor on the Great Lakes, is endangered by the illegal withdrawal of water at Chicago, and any legislation intended to legalize this monopoly of water by a single community to the detriment of millions of people in other cities along the Great Lakes on both the American and Canadian sides, should be overwhelmingly defeated. Lowering of the lake levels not only affects the future of the ports on the Great Lakes but results in millions of dollars of loss annually through lessened tonnage the vessels are able to carry. This loss in tonnage not only affects the vessel owners but the thousands employed at the various docks and warehouses. This loss means a higher freight rate, which eventually reaches the pocketbook of every citizen of the United States and Canada. In addition damage estimated at millions of dollars has been caused to docks and this damage is increasing each season, to say nothing of the millions of dollars that the Federal Government will have to appropriate annually for dredging to make these harbors accessible.

No one understands the situation better than the men who have actually handled or assisted in handling the 124,000,000 tons of freight that pass up and down the Lakes every year. The Great Lakes Harbors' Association, in convention assembled at Detroit, Mich., January 14 and 15, 1926, comprising some 300 members, representing the States of Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin, the Dominion of Canada, and over 80 lake cities, including every large city on the Great Lakes, passed the following resolution:

Be it resolved, That we strenuously protest against any legislation at the hands of the Congress of the United States that may sanction the diversion or abstraction of waters likely to lower the levels of the Great Lakes and thus impair the commerce thereon, a commerce which serves not only single communities and States but serves the Nation as a whole. That we appeal to the Congress of the United States to provide legislation which shall protect the Great Lakes as a navigation highway against the repetition of the blunder committed by a former Secretary of War, in granting a water-diversion permit to the city of Chicago, which has proved a great public injury, and to make it a duty of the present and succeeding Secretaries of War to correct this blunder, to the end that the inland seas may serve the primary purpose for which nature designed them, namely, for navigation.

RAYMOND H. WEINS, *Secretary*.
WM. GEORGE BRUCE, *President*.

RESOLUTION ADOPTED BY THE BOARD OF FISH COMMISSIONERS OF THE COMMONWEALTH OF PENNSYLVANIA

Resolved, That the Board of Fish Commissioners of the Commonwealth of Pennsylvania hereby protests against the enactment of any legislation by Congress of the United States having for its purpose the legalizing of the abstraction of water by the city of Chicago from Lake Michigan, whether such abstraction be for the dilution of sewage, or the production of power, or to assist or stabilize navigation on other water courses.

Resolution 4

COMMONWEALTH OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
January 26, 1925.

Be it resolved, That it is the opinion of the General Assembly of the Commonwealth of Pennsylvania that any increase in the amount of water permitted to be drained from the Great Lakes would be against the interests of the people of the United States, would seriously affect the fishing industries of this Commonwealth, would be unnecessary, and might have an unwanted effect upon our friendly relations with the people of the Dominion of Canada.

ADDRESS BY HENRY HOLGATE, ESQ., C. E., TO THE MEMBERS OF THE ERIE (PA.) CHAMBER OF COMMERCE AND THE MONTREAL BOARD OF TRADE AT MONTREAL SEPTEMBER 4, 1924

The Canadian commissioners who investigated the subject of the diversion of waters of the Great Lakes arrived at these conclusions:

(1) That there is no imperative necessity for such a large diversion of water from Lake Michigan for sanitary purposes as is requested in the application.

(2) That the historical facts presented in this brief show conclusively that the sanitary canal can not be considered as the outgrowth and development of a scheme which has received recognition by the United States Government, or that of the Dominion of Canada.

(3) That the claim that the sanitary district is entitled as a matter of right to the use of so much of the waters of Lake Michigan as may be necessary for sanitary and domestic purposes, can not be enter-

tained in so far as it relates to the extraordinary and wasteful use proposed.

(4) It has been shown that very substantial injuries have been made, and are being suffered by navigation interests. Fears for future and more extensive damages by reason of increased diversion are exceedingly well founded, and justify the demand that some improved method of sewage disposal, which shall not require the abstraction of any considerable quantity of water from Lake Michigan nor the diversion of other outlets of water which would naturally flow into it, be adopted.

(5) That the Dominion of Canada has the right to a voice in the disposition of the waters of Lake Michigan for sanitary purposes in so far as such diversion injuriously affects navigation, because her citizens are accorded, by treaty, the right of free navigation in that lake, and in that no diversion can be made without injuriously affecting her harbors, channels, and canals.

(6) It having been shown that the sewage of Chicago can be so treated and disposed of by other means than the present dilution methods, by which great quantities of water are withdrawn from Lake Michigan and discharged through the drainage canal into the Illinois River, it is contended, on behalf of Canada, that the abstraction of water from Lake Michigan shall be limited to such quantity as shall not injuriously affect navigation interests on the Canadian side of the boundary, and that such limitations shall take effect at the end of such time as, in your judgment, may be reasonably necessary for the sanitary district to install and put into use the works which may be required for disposing of the sewage by other means than by the dilution method now in use.

(7) That in view of the fact that the sanitary district claims that permits hitherto issued deal only with the flow through the lower portion of the Chicago River, and that it has the right to take any amount of water, without permission, through the canal, provided it is supplied through other feeders, it is respectfully requested that all permits be only for such limited quantity of water as shall not injuriously affect navigation on the Lakes and the St. Lawrence River, and be so worded as to state the total quantity which the Sanitary District of Chicago may be permitted to withdraw for domestic and sanitary purposes from the drainage basin of Lake Michigan.

We feel confident that the interests of humanity at Chicago, and the levels of the Great Lakes and of the St. Lawrence River, can best be protected by the installation of a modern system of sewage disposal, rather than by using a method which has been shown to be injurious to the navigation and commerce of both nations, and further, that the interests of the public generally will thus be protected and their welfare promoted.

It will be noted that this work was not undertaken by the United States, but was done under authority assumed by the State of Illinois, and has never been approved in either country by its Federal Government.

In conclusion, I wish to say that where the rights of millions of people are involved, and where property rights are threatened, it would be well to defer action on this legislation until the rights of all parties interested are more clearly defined.

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman, as a Representative of the State of Michigan, I can not give my vote to any measure which provides, either directly or indirectly, for further diversion of the waters of the Great Lakes. The Illinois River provision, on page 6 of the bill under consideration, is an attempt to create such a diversion. Such an attempt must meet with resistance from all who believe, as I believe, that any further diversion of the waters of our great inland seas is inimical to the public welfare.

The Great Lakes form the most magnificent chain of inland waterways on the globe. With their outlet, the St. Lawrence, they extend from the sea to the very heart of the continent. Their waters wash four of the most populous States in the Union. Buffalo, Erie, Cleveland, Detroit, Milwaukee, Chicago, and Duluth, with a combined population of approximately 6,000,000, form a chain of great ports hardly rivaled in importance and numbers by our entire ocean coast line. A commerce enormous in volume and in value finds its path over these cold fresh-water seas. Through the great strait which we call the Detroit River, in the comparatively short season of navigation, passes a tonnage of freight which almost dwarfs that of the Suez Canal, which is navigated throughout the entire year.

Speakers often say that our people have been more greatly favored by nature than any other of the world's nations. Our climate is temperate, our soil is fertile, our mountains are rich in minerals. But the bounty of God did not cease with these great gifts. He sent His mighty glaciers drifting southward to plow these great basins which hold to-day the waters of Superior, Michigan, Huron, Erie, and Ontario. To-day we guard with jealous care our public lands, our national forests, and our great natural wonders. We do so because we hold that they are the inheritance of the whole American people. In no less a degree, surely, are the Great Lakes the inheritance of the people of our Nation. No less, surely, should we take care that this priceless inheritance should be preserved intact.

I do not think that those of us who are opposed to this feature of the rivers and harbors bill should be charged with hostility to the needs of the city of Chicago. No such thought dictates our opposition. This great city is the metropolis of the Great Lakes region. The day will come, in the course of time, when Chicago will be a seaport as certainly as New York and Boston are to-day; when her grain and her meat will be shipped from her own docks direct to Liverpool and Hamburg. But constantly lowering lake levels, followed by consequent and constant damage to the lake traffic, must be prevented, or Chicago herself will be the main sufferer from her short-sighted policy of improperly diverting the waters of the lake which is primarily responsible for her very being as a city.

There is no doubt that uncurbed deforestation in the past has played its part in the lowering of the level of the Great Lakes. This shameful chapter in the history of the lumber region bordering the Lakes has already been written, and no line of it can now be altered. But the day of reforestation is at hand, and much of the evil of that earlier day will be repaired. Reforestation will no doubt assist in raising to some extent the shrunken level of the Lakes. But we of Michigan and of the other States bordering upon their waters do not propose to let reforestation be counterbalanced by improper and unwarranted diversion. We propose to resist, and to resist unitedly, any attempt to cause the shrinkage of another inch or the wrongful diversion of another pint.

Nor, in considering our own needs and our own rights, should we be unmindful that any wrongful diversion of these waters constitutes an international wrong. The Great Lakes belong to Canada jointly with ourselves. Canada is a good neighbor. For 4,000 miles her borders march with our own. She is one of our best customers. She speaks our language, and she furnishes us a good example of a people living orderly lives, obeying the law, and doing unto us as we should be done by. She is building up great cities by these Lakes, just as are we. She owns the soil under them to the international boundary line. She has the same easement in their shifting waters that we possess. She looks with the same apprehension as do we of Michigan upon the wrongful impounding and diversion of these waters. We owe her a duty, no less than we owe it to our own country. We can not be wholly just to ourselves if we are unjust to our international neighbor and friend.

The Supreme Court of the United States is soon to pass upon the question as to whether Congress, or any officer of the United States, has the right to divert the flowage of water from one great continental watershed to another. It is very doubtful whether such a right will be conceded even to the Congress of the United States. Until it is judicially determined that such a power does repose in any person or legislative body, is it not the act of wisdom to wait and not to take a step the results of which may be nullified, and upon which vast sums of the Nation's money will have been wasted? Let us await the decision of the Supreme Court before we embark upon a policy which will bring us not only international ill will but which threatens one of the most priceless possessions of our people.

Mr. MANSFIELD. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 1 hour and 19 minutes.

Mr. MANSFIELD. I will ask the Chair to let me know when I have consumed 20 minutes.

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I did not expect to speak on this subject, but in view of the fact that the debate by some of the gentlemen opposing the bill has to my mind gone off entirely on matters not connected with it, even remotely, and having a tendency, as I construe it, to cast reflection upon the Rivers and Harbors Committee for reporting such a bill to the House, I feel it incumbent upon me to make a few remarks in explanation of my personal attitude upon the bill.

So far as the question of diverting water for sanitation at Chicago is concerned you might just as well wipe that off your slates right now. It has no bearing upon the case. Chicago may or may not have such right. The Supreme Court will determine that question. Not only does the bill specifically state that the question of diversion by Chicago shall remain as if this bill had not been enacted but the report of the engineers, the testimony of the engineers, and all of the facts of the case tend to bear out that theory. I shall read a few

answers of General Taylor to questions which I propounded to him at the closing of his testimony:

Mr. MANSFIELD. Mr. Chairman, I want to get one matter more clearly and definitely, if I can, in my mind. General Taylor, the report before us is for a waterway in the Illinois River from Utica to its mouth, as I understand it?

General TAYLOR. Yes, sir.

Mr. MANSFIELD. That does not include the Des Plaines River, and it does not include the Chicago Sanitary Canal?

General TAYLOR. No, sir.

Mr. MANSFIELD. It has got no more bearing upon that than a Mississippi River project from Grafton to St. Louis?

General TAYLOR. That is right.

Mr. MANSFIELD. If we adopt this report?

General TAYLOR. That is right.

Mr. MANSFIELD. How far is Utica from Lake Michigan, approximately?

The CHAIRMAN. About 20 miles, I think.

Mr. MICHAELSON. It is 100 miles; it is 35 to Lockport, and I think 65 from there to Utica.

The CHAIRMAN. I think that is exactly right. It is 100 miles.

Mr. MANSFIELD. Then, in acting upon this report, it has no bearing whatever upon the Great Lakes, as I understand it?

General TAYLOR. We endeavored to so word our report that, if it was adopted, that very object would be accomplished. That is what we had in mind.

I want to know how anything can be made any more plain, any more definite. The United States Government has a waterway there now, and I shall prove it to you—aside, separate, and distinct from this sanitary project of Chicago. In the year 1822—104 years ago—the Congress of the United States passed an act granting the State of Illinois authority to construct the Illinois and Michigan Canal. In the year 1827—99 years ago—the Congress of the United States passed another act authorizing the State of Illinois, by means of that canal, to connect Lake Michigan with the Illinois River, and granting to that State a large part of the public lands to assist the State in financing the project. The report of the Chief of Engineers a few years later showed that more than 321,000 acres of land were granted by the Federal Government to the State of Illinois in compliance with that act. That canal was constructed. The first boat passed through it in 1848, more than half a century before there was ever one drop of diversion of water by Chicago. The act of Congress provided that the said canal "shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever."

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield to the distinguished gentleman from Illinois, chairman of the Appropriations Committee.

Mr. MADDEN. In that connection I recall when I was a boy that that canal was lined with boats, 50 feet apart, from one end to the other, carrying the products of the farms to Chicago and other markets, and until the railroads took possession of transportation it was one of the greatest arteries of commerce in the world in its day; and we are trying here to provide a larger artery of commerce for that section of the country for the day when we will be able to move commerce not entirely by the railroads but by water.

Mr. MANSFIELD. I thank the gentleman for the suggestions. I hold in my hand the preliminary report of the Inland Waterway Commission of the United States for the year 1908. I do not know, but I think the gentleman from Ohio [Mr. BURTON] is a member of that commission.

Mr. DEMPSEY. I think he is.

Mr. MANSFIELD. If you will look on page 247 of this report, you will find the history of this canal and of the legislation by which it was provided. This canal is there to-day, paralleling the sanitary canal, and the hearings of 1924 show that it is within 1,000 feet of it for a distance of 35 miles. It is not as deep as the sanitary canal, and this report also shows the tonnage from the time it was put into operation up to the time the report was made in 1908. As the gentleman from Illinois [Mr. MADDEN] just stated, it carried an immense tonnage until the railroads interfered. Then, when this sanitary canal was opened up, the tonnage was diverted from the Government canal to the sanitary canal for the reason only that the sanitary canal was a more efficient waterway. However, the Government canal is still there and still in operation to a certain extent. This report of the Inland Waterways Commission shows that this old Government canal was connected with Lake Michigan through the mouth of the Chicago River and has been operating continuously since 1848, obtaining its water from Lake Michigan.

Mr. MADDEN. The south branch of the Chicago River.

Mr. MANSFIELD. Entirely correct. It is there now, it is capable of being navigated, although it is not 9 feet deep. It is a Government project and has a right to do so, and this right has never been contested nor disputed in any court and is not involved in the litigation now pending in the Supreme Court wherein it is sought to enjoin the Chicago Sanitary District. The Supreme Court may hold that the sanitary district has not the right to divert the water for sanitary or other purposes, but it will not hold, and no other court has ever held, that the United States Government has not such right. There are a number of canals now being fed by water from the Great Lakes, including the New York Barge Canal at Buffalo, the two Welland Canals on the Canadian coast of Lake Erie, and the Trent Canal on Georgian Bay, Georgian Bay being a part of Lake Huron. It has never been contended by anyone that the water necessary for transportation on these canals has ever interfered with lake levels in the remotest degree, and, as a matter of fact, it does not affect the lake levels.

You will see upon that map that by adopting this waterway you will render the Hennepin Canal an efficient waterway. The western end of the Hennepin Canal is not only in one of the greatest agricultural regions of the country, but it is also one of the greatest industrial regions of the country. At Rock Island, near its intersection with the Mississippi River, is located one of the United States arsenals. General Ruggles stated before us a few weeks ago that the Federal Government has invested in that arsenal more than $380,000,000. There is also located there the John Deere Plow Works, the Moline Plow Works, and the yellow taxicabs are manufactured there. There are also many other industrial plants. The John Deere Plow Works is the second largest farm implement manufacturing institution in the world, second only to the International Harvester Co. These concerns, as Mr. Peek, the general manager of the John Deere Plow Works, stated to us, handle approximately 800,000 tons of raw products in their manufacturing plants, much of which will come from Gary, Ind., and as a matter of course will pass through this waterway if it is placed in commission.

That, gentlemen of the committee, is a guaranty of an immense tonnage that is of vital concern to every farmer in this country, because farming implements and farming machinery should reach every farming section at the least possible cost of transportation. It is a very important matter for this Congress to consider, and we should think many times before we attempt to throw it aside on an imaginary issue. Now, I do not care to discuss that question much further. It occurs to me that there can be but one side to it.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. MANSFIELD. I will yield.

Mr. SOSNOWSKI. I want to ask my colleague on the committee, in the event that this Illinois improvement is not completed by 1927, under permit of the Secretary of War, is it not true that they will still be diverting water under a renewed permit for many years to come at the expense of the Great Lakes and shippers?

Mr. MANSFIELD. I will say to the gentleman in reply I can only give the gentleman my opinion, of course. My opinion is that water, to some extent at least, will be diverted there when his great, great grandchildren die of old age, but not diverted at the expense of the Great Lakes. We intersect with the Lakes there now. We have got the right, for transportation purposes, to take that much water from the Lakes. We are taking it now, and have been doing so for nearly a century, and there is no power in this country nor in Canada except the Congress of the United States that can stop us.

Mr. SOSNOWSKI. But is not that right only temporary under the permit of the Secretary of War?

Mr. MANSFIELD. No; the act of Congress in 1827. The permit of the Secretary of War does not apply to water taken by the Federal Government necessary for transportation on the canal. The permit applies only to the Sanitary District of Chicago.

Mr. SOSNOWSKI. But as to this case before the Supreme Court now, is it not sent there for interpretation as to whether or not the sanitary district is——

Mr. MANSFIELD. Not so far as the Federal Government is concerned. The Federal Government has the right to put a waterway there. That suit contests the right of a municipality to divert that water. It is not contesting the right of the United States to divert it, nor can they under the Constitution sue the United States without permission of the Congress. The State of New York has diverted water in the same manner to feed the New York Barge Canal, and the Canadian Government has diverted water to feed both the Welland Canals. They are diverting water from Georgian Bay to feed the Trent Canal. They do not come to us and ask permission. Under the treaty

of 1910 general permission was given to both countries for that purpose. Now, I do not agree with some gentlemen that we are at the verge of war with Canada about this matter.

Mr. MADDEN. If the gentleman will allow me to suggest, the Canadian Government built regulatory works to control the level of the water on Lake Ontario under an agreement with the United States Government, in which the United States Government consented that they should do it. They keep the level of the lake all the while they are diverting the water.

Mr. MANSFIELD. Yes, sir; and the engineers, so far as I know, both in public life and in civil life, are unanimous in their opinion that these regulation works can be established and will be effective. Secretary Hoover, who is also an engineer of great respectability, is also of the same opinion.

Mr. SOSNOWSKI. Mr. Chairman, may I ask the gentleman another question?

Mr. MANSFIELD. Yes.

Mr. SOSNOWSKI. Has Secretary Hoover ever gone on record as to how much diversion he favors?

Mr. MANSFIELD. I have never heard that he favored any.

Mr. SOSNOWSKI. It is only a few weeks ago that I had this matter up with Mr. Hoover, and he told me that under no consideration would he favor the permanent diversion of 8,250 cubic feet for the Sanitary District of Chicago.

Mr. MANSFIELD. I stated that Secretary Hoover is of the opinion that these works—or weirs, as most engineers call them—can be established by which the lake levels can be restored. He is of that opinion. He told us so.

Mr. CHALMERS. Of course, the gentleman is very much in favor of the Illinois project, and I am in favor of river transportation. But would there be any objection, I will ask my colleague, to waiting until after we complete these weirs and regulatory works before we give congressional approval to the withdrawal of water at Chicago?

Mr. MANSFIELD. I am with the gentleman on that, in so far as it applies to matters other than transportation. That is the reason why we do not want to put the diversion in this bill, authorizing Chicago to take it. We will leave that matter to the courts to determine.

Mr. MADDEN. Will the gentleman from Texas let me answer the gentleman from Ohio?

Mr. MANSFIELD. Yes.

Mr. MADDEN. What authority has the gentleman from Ohio to say that he will give us this waterway when the proper hour arrives for him to do so?

Mr. CHALMERS. Will the gentleman from Texas yield to me so that I may answer?

Mr. MANSFIELD. Yes.

Mr. CHALMERS. I will say to the great chairman of the Committee on Appropriations that the gentleman from Ohio did not make that statement. I am only one Member of the House, but so far as I am concerned I am in favor of water transportation on ocean, lakes, rivers, and all

Mr. MADDEN. But the gentleman did say he was willing for us to get this next year if we would only wait. Then he would give it to us.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANSFIELD. I will take 10 minutes more.

Mr. CHALMERS. I would like to finish my sentence. I said that then we will be able, so far as the editorial "we" is concerned, to put the Illinois project into the waterways of the country when our lake levels are restored.

Mr. MADDEN. The lake levels that the gentleman refers to can be restored for an expenditure of $475,000, and the gentleman says we are losing $3,000,000 on freight-rate earnings annually. Why lose $3,000,000 a year when we are willing to pay $475,000 or even $1,000,000 to restore the lake level? What is the use of waiting three years more when we can do it for nothing and foot the bill?

Mr. MANSFIELD. Mr. Chairman, I want to speak of another phase of the question now. We have heard a great deal about diverting water from its natural flow. All scientific men and geologists, I believe all, believe that the Mississippi is one of the natural flows as an outlet from the Great Lakes.

Mr. CARSS. Prehistorically.

Mr. MANSFIELD. And I believe it has been so decided by the Supreme Court of the United States. You all remember that the State of Missouri undertook to stop this diversion on one occasion, and brought suit against the State of Illinois. That case reached the Supreme Court, and I will read you an extract from the opinion of the Supreme Court in that very case, involving this identical question of diversion that they are talking so much about now. Here is what the court says:

> Some stress is laid on the proposition that Chicago is not on the natural watershed of the Mississippi River because of a rise of a few feet between the Desplaines River and the Chicago River. Without expressing any reason for the distinction on this ground, the natural features relied upon are of the smallest, and if under any circumstances they could affect the case, it is enough to say that Illinois brought Chicago into the Mississippi watershed in pursuance not only of its own statute, but also of the acts of Congress of March 30, 1822, and March 2, 1827, the validity of which is not disputed.

And these are the acts of Congress that I called your attention to, which established this waterway across to Lake Michigan.

Now, in one of the acts of Congress it said, "to connect" the Illinois River with Lake Michigan. In one of them it is said, "unite" the waters of the Illinois River and Lake Michigan. "Unite" means more than "connect," perhaps. But whatever it may mean, the court has passed upon that; the highest court in the land—the Supreme Court of the United States. There is no use for us to fool away time over the question of Chicago diverting water for sanitary purposes. The Supreme Court will in due time pass upon that.

Whether they say she may or she may not do it, we will still have a waterway there—this old Government canal. We will have a waterway there whether we adopt this project or not. But it is an inadequate waterway. It would have to be deepened in order to serve the purposes of commerce.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. STEPHENS. Is not really the only question, then, in dispute as to the water that is diverted for sanitary purposes by the city of Chicago?

Mr. MANSFIELD. That is the thing that is pending in the Supreme Court.

Mr. STEPHENS. I mean, is not that about the only thing in dispute?

Mr. MANSFIELD. Except that the State of Michigan has enlarged her suit and wants to test the right of the sanitary district to divert water for any other purpose, but it does not involve the right of the United States to do it.

Mr. STEPHENS. I mean, the only question is the diversion of this water by the Chicago Sanitary District?

Mr. MANSFIELD. Yes.

Mr. STEPHENS. As far as the water that is diverted by the canal to which the gentleman just referred is concerned, there is no question, and I believe it takes 1,000 or 1,500 second-feet to provide enough water to fully connect the river with the canal.

Mr. MANSFIELD. I think the gentleman is entirely correct, except that I think he has overestimated the quantity of water that would be necessary. Yesterday evening, after the House adjourned, I happened to meet General Bixby. You all know who General Bixby is. He gave me some information and very accurate figures, and he gave me authority to use them on his responsibility. In 1924 the water actually used for lockage at the Panama Canal was only 992 second-feet, less than 1,000 feet. That included double lockage. The vessels there have to lock to get into the Gatun Lake and then lock to get out, and there were 4,673 cargo vessels that passed through those double locks and only used that quantity of water. From that you can see that if it is necessary and if we are pinned down to the last notch, we could get along at Chicago with a very slight quantity of water, just enough lockage to keep the canal supplied, and just as is being done on the other transportation canals connecting with the Lakes.

Mr. STEPHENS. That was my understanding of it.

Mr. MAPES. Will the gentleman from Texas yield?

Mr. MANSFIELD. I yield to the gentleman from Michigan.

Mr. MAPES. The gentleman does not contend, does he, that the early statute which he has been referring to conveyed any vested rights in the State of Illinois to divert any particular amount of water from the lake through the canal to which the gentleman has referred?

Mr. MANSFIELD. It gave them the right to use enough water for navigation, but it did not give to the Sanitary District of Chicago any right at all to divert water for any purpose.

Mr. MAPES. But my question is: Does the gentleman contend that it gave the State of Illinois any vested rights to divert any particular amount of water?

Mr. MANSFIELD. No; the quantity is not specified in the act, but it contemplated enough water for necessary transportation purposes, of course.

Mr. MAPES. In that connection I wish to call the gentleman's attention to one sentence in the decision of Justice Holmes, who wrote the opinion in the case of the sanitary district against the United States.

Mr. MANSFIELD. I can not yield for that.

This Illinois River project in the bill seeks only to enlarge an existing project on that river. The Illinois River has been under improvement by the Federal Government since about the year 1852. In the early eighties it was enlarged to a 7-foot project, and the Government erected two locks and dams upon it and the State of Illinois erected two. We now seek to enlarge it to a 9-foot project in order to make it uniform with the Mississippi system, with which it will connect, and the opponents of this measure say we shall not be permitted to do so, for the reason that the waters diverted from Lake Michigan by Chicago eventually flow into this stream by gravitation. We want, in so far as possible, to give the whole Mississippi system a connected uniform depth of 9 feet.

The nearest point in this Illinois project is 100 miles from the city of Chicago. Now, the opponents of this bill are contending that because Chicago is taking water from Lake Michigan, as they say unlawfully, and diverting it where it eventually finds its way to the Illinois River, that we shall not therefore be permitted to navigate the Illinois River. That proposition is supremely ridiculous. The diverted water is first carried through the Chicago Sanitary District Canal for a distance of 35 miles to Joliet, where it enters the Des Plaines River and becomes mingled with the waters of that stream. It then flows down the Des Plaines a distance of 65 miles, where it meets the Kankakee and becomes mingled with the waters of that stream. The junction of these two rivers, the Des Plaines and Kankakee, form the Illinois.

The mingled waters of the sanitary district with the waters of all these rivers above the Illinois then flow down the Illinois to its mouth, where they empty into the Mississippi and become mingled with the waters of the Mississippi. It then flows down the Mississippi to the Gulf of Mexico and becomes mingled with the waters of the Gulf. Through the Gulf stream these mingled waters then flow northward through the Atlantic, crossing our trade routes to Europe.

If we are not to be permitted to navigate the Illinois because the diverted waters eventually reach that stream after leaving Chicago, then, for the same reason, we should not be permitted to navigate the Mississippi, we should not be permitted to sail our vessels upon the Gulf, and we should not be permitted to send our export commerce across the Atlantic, because these waters enter into all those trade routes. They say that we should wait on this matter until the Supreme Court decides on the case as to whether the Sanitary District of Chicago can lawfully divert the water. In the litigation they refer to the United States is not a party, and the courts in that case can not determine a question affecting the rights of the United States for the purposes of navigation. The United States has rights and powers which the Sanitary District of Chicago does not possess, and the termination of that lawsuit can have no possible bearing upon this right to improve the Illinois River for navigation. Certainly those gentlemen who are making this contention can not be serious in doing so. [Applause.]

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I do not assume to be an expert on river and harbor development. Probably there are many in this House who know more about that governmental activity than I do. Nor am I assuming to know all about the controversial matters in this bill. I will say at the outset, however, that I believe I have viewed these matters in controversy with an unbiased mind, without the hope of reward or the fear of results. I have tried to shape my reasoning and my attitude toward this bill with a view of trying to get the proper kind of legislation for this all-important work.

I believe the time has come in this country when we may well direct our attention to providing, if not for the immediate future surely for the near future, additional means of transportation. May I say in the beginning that one of the burdens of the farmer, whom we like so much to please, is the question of transportation costs which his products have to bear before they reach the ultimate consumer. If we can facilitate that problem for him, undoubtedly, it is our duty to do so, and certainly cheaper transportation will do more than anything else. I agree with the statement which appeared in the Manufacturers Record of recent date:

> As a nation we are gradually awakening to the supreme importance of improving our waterways by deepening our rivers, by canalization, and by deeper harbors. This work, handled niggardly through all the past, is beginning at last to command national attention, and our people are beginning to realize that money expended in waterway improvements is an investment which will return manyfold the cost.

The last three lines quoted is almost the identical language of President Coolidge in his last message to the Congress:

> We must, therefore, in a broad way enter upon a constructive upbuilding period for our railroads, in our electrical expansion, which will require not less than $1,000,000,000 a year; in our highway work, and in the deepening of our harbors and our rivers; the construction of canals, not only along the coast regions of the country but far into the interior, to bring all sections into closer touch and enable the country to handle the business which is ahead of us, the growth of which can be measured to some extent, but not entirely so, by the record of the last 10 or 20 years.

The bill under consideration has been met with a time-worn cry of "pork barrel" by those who generally oppose legislation seeking the development of rivers and harbors. While certain gentlemen of the House are expected to raise such an objection, it is regrettable, for the term "pork barrel" can no longer be applied to rivers and harbor bills. No legislation passed by the American Congress is scrutinized more closely than legislation of this kind. In the first place the Congress authorizes a survey or study of a given waterway. This is referred to the district engineer on the ground, who makes an investigation. If he reports favorably he is ordered to make a detailed survey as to costs and benefits, and so forth, to be derived from the development. His favorable report is referred to the division engineer, who in turn refers it to the Board of Engineers for Rivers and Harbors at Washington. After their consideration it is considered by the Chief of Engineers, who in turn forwards his report, together with a letter from the Secretary of War, to the Committee on Rivers and Harbors. The committee holds its hearings, and if the project is deemed worthy, recommends its adoption.

The Congress, as you know, several years ago began its appropriation of lump sums for the maintenance and improvement of river and harbor work throughout the country. This lump sum is expended under the supervision of the Chief of Engineers upon all projects having due regard for their importance to the Nation's commerce. The Rivers and Harbors Committee for many years has not adopted a single project which has not first been given the approval of the United States engineers, whose acts and conclusions are in no wise biased or circumscribed by political considerations. I have known the committee to refuse to adopt a project recommended by the engineers, but never in my knowledge have they adopted any project without its having the favorable consideration and report of our engineers. A few mistakes may have been made, but very few, indeed. None of us are perfect, but I dare say there is no activity of the Government with a cleaner record for the last 15 years than our work on rivers and harbors, and there is no longer any ground for the charge of "pork barrel" in river and harbor bills.

My friend, the gentleman from Alabama [Mr. HUDDLESTON], grew somewhat facetious as he criticized this bill. He stated that there was not enough "bacon" in the barrel for him to justify his rolling the barrel down the aisle. It is true I did commend certain features of this bill to him and suggested that in section 7 he would find a power-navigation survey for the Warrior River and its tributaries. I also stated to him that there was no project in the bill for my district. There is no river or harbor project on which money would be expended in my district following the authorization in this bill. It is true that the bill provides for a navigation-power and flood-control survey of the Mobile River system, which includes the Coosa, Tombigbee, and Warrior Rivers and their tributaries. Whatever money may be expended for this survey will be expended outside my district, according to my understanding of the situation. Indeed, there is no navigation project authorized for the entire State of Alabama. The only authorization that affects Alabama is the particular survey just mentioned. For that reason I did not think it could be successfully claimed that I or other Alabamians who may support this bill are acting solely from a selfish or "pork-barrel" standpoint. Birmingham is the greatest industrial center of the South, and is destined to be the greatest city in the South. The question of water supply will sooner or later become acute in that city and this survey may be helpful in determining reservoirs and storage of water on the Warrior, from which Birmingham and its great industrial enterprises might be supplied with water.

Unfortunately this bill contains at least one project which has come to be highly controversial. The bill contains, in all, some 35 projects, every one of which, in my judgment, is meritorious. There are not 111 projects, as the gentleman from Wisconsin [Mr. FREAR] would tell you. There are many surveys carried in this bill, as we have always done, and you gentlemen who are familiar with this work understand that less than 5 per cent are favorably acted upon by the engineers to whom they must be referred. So, instead of trying to

leave the impression with you that there were millions and millions to be uselessly expended under this bill, the gentleman should have been fair enough to say to the House what he knew this bill contains as to surveys, and especially with respect to that survey in which the entire country will some day be interested, extending across the State of New York. He tells you we are going to spend $500,000,000 on a canal across the State of New York.

Mr. MAPES. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MAPES. It is my understanding that provision was stricken out last week.

Mr. McDUFFIE. The gentleman is quite correct. We will try to reinsert it with proper language, and it should be reinserted. But the gentleman from Wisconsin said to this committee that we were proposing to expend $500,000,000 across the State of New York. We are not making any such proposal. I do not know whether the American people will ever decide to float bonds to build either the St. Lawrence or the New York route; but I do know that the American people and the Congress are entitled to know the facts as to the feasibility of either route and both routes. [Applause.]

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. McDUFFIE. With pleasure.

Mr. SOSNOWSKI. If the gentleman does not mind, I might even correct the gentleman from Wisconsin by saying that from an interview I had with Mr. Hoover, I am informed that if this canal was built the cost would be way above $500,000,000 and would be close to $1,000,000,000, with an upkeep and maintenance of about $30,000,000 or more a year.

Mr. McDUFFIE. Probably Mr. Hoover has investigated that project further than I have, but that very statement of the gentleman, who has put forth his every effort so valorously, representing a constituency whose minds have been thoroughly aroused against a so-called steal—and there is no steal—I say the gentleman's statement itself shows the necessity of studying this proposition, because men differ and do not know how much either canal is going to cost. [Applause.]

Mr. MADDEN. We are spending $275,000 to investigate the facts in relation to the St. Lawrence route, and there is no reason why we should not study the facts in relation to our own problem alongside of that proposed project.

Mr. McDUFFIE. That is the proposition exactly.

Mr. MADDEN. Then we can decide whether either one of them ought to be undertaken or not.

Mr. McDUFFIE. And all this bill does is provide for the survey.

Mr. SOSNOWSKI. Will the gentleman yield for another question?

Mr. McDUFFIE. Yes.

Mr. SOSNOWSKI. How many surveys have already been made over this route?

Mr. McDUFFIE. I do not know and I do not care, but I think no survey has ever been made of an all-American route with a proposed 30-foot channel depth.

Mr. SOSNOWSKI. But at least 12 others have been made.

Mr. McDUFFIE. I do not care if there have been 12,000 others. Why not go on and get all the facts that the American people wish to know before their Representatives pass upon this question?

Mr. MANSFIELD. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MANSFIELD. Is it not a fact that the Chief of Engineers requests additional information upon the subject?

Mr. McDUFFIE. I thank the gentleman for that suggestion. So we are not embarking upon a great expenditure. We are seeking light and facts, and that is all.

Mr. SOSNOWSKI. Will the gentleman yield for another question? I heard the gentleman say he may have to yield back some time, and as we are discussing a very important matter, I would like to ask him another question.

Mr. McDUFFIE. In view of inquisitive manner already exhibited by the gentleman, I am satisfied if he stays on the floor as long as I do to-day I will have to ask for more time in order to answer his questions.

Mr. SOSNOWSKI. Can the gentleman tell me what the findings of the special engineering board, which was just closed about six or seven weeks ago, were in this connection with respect to an all-American waterway canal?

Mr. McDUFFIE. No; I can not go into that detail. I do know, however——

Mr. SOSNOWSKI. It was adverse, was it not?

Mr. McDUFFIE. The gentleman from Texas has just stated that the Chief of Engineers of the United States Army stated to the committee, of which my friend is an honored member, that it was wise to make a resurvey of this proposition involving the cutting of a canal across the State of New York in order that we might be able to determine which of the two was the better route in the event the American people ever determined to build a route to the sea from the Great Lakes.

Mr. SOSNOWSKI. That does not answer my question. What was the report of the special engineering board?

Mr. McDUFFIE. I wish now to use a little of the time I have myself, and I will appreciate it if the gentleman will let us pass on for a little while. I do not blame the gentleman for presenting his views here, and he has done that nobly. He has done that properly, occupying the position he does, and so have the other Lake gentlemen, especially my good friend, the gentleman from Ohio [Mr. MOONEY]. There never was a finer gentleman on the floor of this House in my judgment than the gentleman from Ohio [Mr. MOONEY]. [Applause.] But I fear he is representing a people who have actually been stirred by propaganda to the effect, if you please, that we were going to literally destroy the commerce of the Lakes and empty thousands upon thousands of square miles of water out of Lake Michigan down the Mississippi River by the terms of this bill.

I do not propose to go into the question of the merits of the Sanitary District at Chicago or its demerits. I do not care about that, and this Congress has sought to wash its hands of the whole question of the right of the Sanitary District to divert water at Chicago. The bill is drawn with that purpose in mind, and I do not see how any gentleman can successfully say that this proposed act legalizes the permanent flow of a single drop of water from Lake Michigan at Chicago.

Mr. SOSNOWSKI. But the gentleman from Illinois has gone on record——

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the rules require gentlemen to rise when addressing the Chair or the person having the floor.

Mr. McDUFFIE. Oh, he is an enthusiast and he is just as interesting sitting down, and I have no objection.

Mr. CONNALLY of Texas. I think the House is entitled to have its rules observed.

Mr. McDUFFIE. This bill, as I have said, carries many studies or preliminary surveys. Some of the gentlemen on the Great Lakes are very anxious to see the St. Lawrence Canal built by this Government and Canada, while others prefer an all-American route. We will cross that bridge when we get to it, but before we can build either canal we ought to know what it is going to cost and everything about the possibilities for adequate service to American commerce that may be developed on either and both routes.

Therefore it is certainly very important that the item stricken out should go back into the bill in order to make a further study of the all-American route across New York so that we can present the findings to Congress simultaneously with the report of the commission that is to study the St. Lawrence River project. [Applause.]

The Illinois River is a great waterway. I do not want to devote much time to it, for I doubt if I can add anything to what has been said. I do not presume to think I can change anybody's mind, especially those who come from the Lake States. The people around the Great Lakes have become very much exercised because of this diversion. They have a suit pending in the Supreme Court involving that question.

I am going to be frank with the committee, I am not at all sure that Congress can legalize the flow of a large volume of water out of Lake Michigan at Chicago for sanitation except in an emergency. There is at least a mooted question whether you can divert water from one watershed to another. That is going to be settled by the Supreme Court.

Let me say to you gentlemen from the Lakes, there have been several bills before the committee proposing to legalize a flow of 10,000 cubic feet at Chicago, but under the leadership of the gentleman from New York [Mr. DEMPSEY] the committee has refused to pass favorably on that proposition.

We do not wish to get into a field where the action of the House might prejudice the rights of any of the parties in the case now before the Supreme Court. That will be settled some time, but of course we do not know when.

Gentlemen say, what is the hurry? Why not put this project off for a year? You must know that we can not get the money with which to do this work in the event this bill is passed until a year from next June at the very least, and then it is going to take some time to construct this channel. They will be probably two years or more constructing it, and by that time we hope the State of Illinois will have completed their connecting project. Again, the State of Illinois may not know where she stands with reference to the construction of her

waterway unless it is known whether Congress is going to have the Government do its share of the work in completing this great waterway—the Illinois River.

This waterway will serve the whole country most beneficially. The markets in the South American countries, the farmers in the West and South, the industries of the East—all will profit by building this great waterway into Chicago, the metropolis of the Middle West.

Some gentlemen have become unduly exercised about this waterway. I do not charge men with ulterior motives. I do not think any of us should stand before this committee and make charges of a corrupt lobby unless we can prove such charges. If such a thing has existed, I have not known or heard it before.

The gentleman from Ohio [Mr. BURTON] probably knows more about the waterways of this country than any living American. I have read his speeches covering a long period of his distinguished service in this House and in the Senate. He has studied the waterways of European countries. He was at one time a great advocate of inland waterway development.

Under his administration I believe you will find that probably more rivers and harbors were developed than under the leadership of any other chairman. For some reason within the last 10 or 15 years, I regret to say, he has practically reversed his position, and now he sees nothing good about inland waterways. He charged there was a corrupt lobby supported by the sanitary district advocating a diversion, but when challenged he seemed not to know anything about it. When a man resorts to that charge to bolster up his case, generally we find that his case is weak. I say that with all due deference to the gentleman from Ohio [Mr. BURTON], for whom I have the profoundest respect and very great admiration. But when a big man like Mr. BURTON resorts to such charges to strengthen his argument it points out more directly the weakness of his cause.

Why are gentlemen here being wrought up to the point where they talk about Chicago stealing this water?

There is an angle we might well consider in this controversy to which I invite your attention. It enters into the question beyond doubt, and I wish you to hear the statement of the ex-Secretary of War, that splendid gentleman, Mr. Baker, who was before the committee representing the lake carriers. Mr. Baker says:

> I was in the midst of trying to illustrate the large economic possibilities by referring to the fact that 10,000 cubic second-feet abstracted at Chicago would develop 80,000 horsepower down the Illinois River, and to the Mississippi; and that the same 10,000 cubic feet of water left in the Great Lakes, going over Niagara Falls, and used on the way down with the rapids and falls on the St. Lawrence, would develop 500,000 horsepower.

There are a good many currents entering into this thing. I am not against development by the power companies, nor am I one of those who believe that this country can be developed without capital. No agency, unless it be the railroads, has done more for the progress of this Nation than the development of electric power. We are entering the "electric age" as we once did the "steam age." With the multiplied uses of electricity the development of power is the biggest field confronting the American people. In this Mr. Baker and I agree, and we all agree.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CROSSER. Is not there this vital difference? While water is taken down the Illinois River, it is lost to navigation in the Great Lakes, whereas in the case referred to by Mr. Baker it is not lost to navigation; it does not change the level of the Lakes. Is not that a very great difference?

Mr. McDUFFIE. The gentleman does not wish to assume now that all of the loss to the levels of the Great Lakes is due to the Illinois River?

Mr. CROSSER. I did not make any such assumption.

Mr. McDUFFIE. The gentleman will probably agree, if I understand him, that Mr. Baker was incidentally speaking of the economic situation, but it shows the turn of people's minds, and it might indicate one reason why so much propaganda has been spread around the Great Lakes, and people have been taught to believe there is a dangerous situation and the Great Lakes are actually going dry if this project is adopted.

Mr. CROSSER. The point I make is that no matter how much they take out at Niagara Falls in the way the gentleman suggests, it has no effect upon navigation, because it leaves that body as nature fixed it.

Mr. McDUFFIE. Yes; but the beauty of it, after all, is that this 10,000 feet will produce 500,000 horsepower going down the St. Lawrence and only 80,000 down the Illinois.

Mr. CROSSER. And so much the better, if that is so.

Mr. MANSFIELD. But Canada will have it.

Mr. McDUFFIE. Why, certainly. They come in here now and talk about great losses to navigation, absolutely wrecking the Great Lakes Carriers' Association, and yet it is my opinion the records will show that during the last year the carriers on the Lakes carried more tonnage at a less cost to the public than ever before in any year of their history during peace times, and they are by no means bankrupted.

Mr. CROSSER. The gentleman thinks they can carry more by reducing the level of the Lakes than by increasing it?

Mr. McDUFFIE. No; I do not think that, and the gentleman knows I do not think that. The gentleman should know, if he does not know, that the engineers of the United States Army and all of the experts say if we were really legalizing the permanent flow of 8,250 feet per second—which we are not doing under this bill—the effect of that flow would not further reduce the lake levels even the fraction of an inch.

Mr. CARSS. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CARSS. The gentleman refers to the people of my section being stirred up by propaganda. When I stand on the dock in my home town and see our big barges leaving loaded 1,000 tons below their capacity on account of the lowering of the lake level, it does not require any propaganda to have me recognize the fact that our shipping interests are injured.

Mr. McDUFFIE. The gentleman from Minnesota [Mr. CARSS] is recognized as a great waterway advocate. His services for better inland waterways has been of great benefit to the House of Representatives and to the entire country. I do not criticize him for his position upon this question, representing as he does the views of his people. He always represents his district in a most creditable manner. I fear the gentleman is unduly alarmed, however, in this instance, and probably his people overlook the excessively dry seasons, the lack of rainfall in the Great Lakes watershed, which has caused most of the trouble. He should also bear in mind that of the 40 inches loss to the lake levels less than 6 inches are chargeable to the diversion at Chicago. Let me say to my friend from Minnesota that the injury of which he complains has already been done, and under no construction that can be placed upon the language of this bill will this project cause a further injury or additional lowering of the lake levels. We have no desire to injure the magnificent commerce on the Lakes, amounting now to more than 200,000,000 tons.

Mr. MADDEN. The diversion at Chicago does not affect the level of Lake Superior, where the gentleman lives, at all.

Mr. CARSS. But our boats go down to Lake Erie.

Mr. MANSFIELD. The diversion at Chicago has no effect on the level of the gentleman's harbor to the millionth part of a hair's breadth.

Mr. CARSS. But our ships have to go to different ports in the other Lakes.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. MICHENER. As to whether this is doing injury, I might say to the gentleman that at the straits in the northern part of Michigan, 4 miles wide, all of the freight traffic is carried by ferryboats. The railroad people were down here within the last few days before the War Department to see if there could not be an arrangement made to further dredge that channel because the boats are now rubbing the bottom. Six inches there means the difference between connecting the northern and the southern peninsulas of Michigan by the railroad ferryboats. It is argued here that 6 inches makes no difference, but it makes a very great deal of difference.

Mr. McDUFFIE. Oh, yes; it makes a great deal of difference, and the Congress is going to take care of that situation. The gentleman is perhaps opposed to this bill and probably thinks this particular provision in question ought to be destroyed and kicked out. This bill provides for a study of the Great Lakes with a view to restoring lake levels, and in addition to that it carries $4,500,000 to develop a great channel in the Great Lakes. In addition to that it provides for preliminary studies involving not only the Lakes but several rivers of Michigan.

We are trying to prepare for this situation, and the Rivers and Harbors Committee, instead of being parties to a "steal," are trying to help the very situation about which the gentleman complains, and if the gentleman will join us in our efforts to help him we will be delighted to have his assistance.

Mr. MICHENER. Does the gentleman not think that the practical way to do, if he is going to restore the levels, is to stop the outflow of water rather than to let more water out and start a study? The people of Michigan are more inter-

ested in keeping the water that they have than in studies as to how to divert that water and then overcome the difficulty caused by the diversion.

Mr. McDUFFIE. The gentleman is perhaps correct about that; but that is a question over which we have no control, and over which we attempt no control in this bill. I refer to the question of stopping that flow. That is a question that is to be settled by the Supreme Court—when, I do not know. The matter has been in litigation now for 16 or 17 years, and the gentleman does not want meritorious projects held up to await a court decision, does he?

The gentleman refers to the interest of the people of Michigan in keeping the water they have rather than providing studies of adequate remedies to restore the lake levels. Let me repeat to the gentleman, my friend Mr. MICHENER, that according to all the experts, General Bixbee, General Taylor, and others, if we were in this bill legalizing a permanent flow—which we are not proposing and not doing—of 8,250 cubic feet per second at Chicago, the levels of the Lakes would not be further lowered the smallest fraction of an inch. So you and your people will at least keep and retain all the water you have now under the terms of this bill. I would not attempt to mislead anyone. The gentleman will find the facts as I have stated them.

Mr. MICHENER. No; but in connection with that lawsuit of which so much has been said, which was held up for 16 years, does the gentleman know Chicago was taking this water illegally and an injunction was asked for, and when the injunction was asked for Judge Landis, of Chicago, held up that injunction, there is where the trouble was, until about the time he left the bench. It is not fair to cast reflection upon the court because Judge Landis from Chicago held up the injunction and did not give an opinion for 16 years.

Mr. McDUFFIE. He probably should have gotten around from his baseball circles a little earlier.

Mr. MICHENER. Or gone into them earlier.

Mr. McDUFFIE. The diversion at Chicago is a proposition we are not called upon to deal with at this hour. It may be wrong; I do not assume to pass on that. The diversion of water for sanitary purposes may be wrong, but this Congress has not attempted to say it is wrong. On the other hand, realizing this question is one about which gentlemen differ, the chairman of the committee [Mr. DEMPSEY], the gentleman from Missouri [Mr. NEWTON], myself, and others endeavored to frame language that would indicate no intention on the part of the Congress to express itself one way or the other on the question of diversion. I do not claim to be the author of the entire proviso; indeed, I contributed very little, and in fact my recollection is that the words "for sanitation, navigation, or any other purpose whatsoever" were added at my suggestion. Some gentlemen have given me credit for the entire language of the proviso. To this credit I am not entitled, and I wish now to give full credit to the gentleman from New York [Mr. DEMPSEY], our chairman, as well as Mr. NEWTON, from Missouri, and others who endeavored to frame language that would be acceptable to both sides of the controversy. The gentleman from Ohio [Mr. BURTON] gained the impression that the proviso in its entirety was my language, doubtless due to the fact that I submitted it to him for his consideration.

What we wish to do, gentlemen, and all we are striving for in this bill, is to develop a great waterway on the Illinois River, which has stupendous possibilities. This can be done with a flow of only 1,000 to 1,500 cubic feet per second. You heard a moment ago that it took only 900 cubic feet per second to operate the locks of the Panama Canal. Surely the engineers are correct when they say that we can maintain a 9-foot waterway with 1,000 to 1,500 cubic feet per second from Chicago into the Mississippi River. One thousand two hundred cubic feet per second will flow forever at Chicago for domestic purposes. I think all agree that this 1,200 cubic feet must go down the canal to the Illinois River at Utica, where there is already a natural flow sufficient to maintain a 9-foot channel. The engineers have testified, and I beg you to read their report, that they would in the course of a few years reduce the flow of 8,250 cubic feet and as this flow is lessened at Chicago the work on the Illinois River channel will be readjusted accordingly, and eventually there will be such a small volume of water going out of Lake Michigan that the small reduction of the lake level caused by the diversion at Chicago will be restored.

Until this flow at Lake Michigan is reduced the water must find its outlet down the Illinois channel. Is it not proper that we give navigation the benefit of this water so long as it flows? No one can object to that, and I am firmly convinced that within a short time the damage claimed to have been done at Chicago by the sanitary district will be repaired. Let us therefore look at this question without bias, without prejudice, and discuss it in a cool, even-tempered way.

Mr. WAINWRIGHT. Will the gentleman yield for one question?

Mr. McDUFFIE. I will.

Mr. WAINWRIGHT. There are some of us who do not live on the Lakes and who are somewhat puzzled by this matter; is it a fact that you can maintain the 9-foot channel down the Illinois River from Lake Michigan to the Mississippi with a diversion of from 1,000 to 2,000 per second-feet?

Mr. McDUFFIE. I have only the word of General Taylor, I think he is a very eminent engineer and a very fine gentleman, and——

Mr. WAINWRIGHT. A good many of us want the information.

Mr. McDUFFIE. I am going to give the information of an expert. I am not an engineer, but I believe the United States Government has the finest Corps of Engineers of any government in the world. [Applause.] They are not interested politically. My friend MICHENER and myself might go down there and talk and pray and urge forever and eternally, but they are not interested in our political hopes or aspirations. They do things according to what in their judgment will be for the best interests of the Nation as a whole. Now, this great engineer—and we have never had a greater one—says that the channel may be maintained on a thousand feet flow; and that much water, the gentleman knows, is always going to flow at Chicago for domestic purposes.

Mr. WAINWRIGHT. One more brief question. The gentleman from Illinois [Mr. HULL] has told us that the Illinois River part of this canal—that is, the part the United States Government has to improve—can be operated on a 9-foot channel without any water at all from Lake Michigan.

Mr. WILLIAM E. HULL. That is the truth from Utica down.

Mr. McDUFFIE. I do not know; but I am simply giving you the opinion of the Army engineers, and I am sure both Mr. HULL and the experts know, and they are giving us facts.

Mr. WAINWRIGHT. Does the gentleman's information agree with that?

Mr. McDUFFIE. It agrees entirely with that, but I can not say positively of my own knowledge. I am not an engineer. The only thing I can give is the testimony of experts. Here is what we have tried to do, if you please: Realizing that this might prejudice the case in the Supreme Court; realizing it might be understood that Congress was trying to legalize a permanent diversion, we wrote this language in the bill. Gentlemen have objected to it, but I do not see how they can. We say:

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan—

That means we are not disturbing the status of the existing diversion under a permit which is temporary and subject to revocation by the Secretary of War. We do not deal with the permit at all. That is all it says:

or change in any way the terms of the permit—

Making assurance doubly sure—

Issued to the Sanitary District of Chicago, March 3, 1925, by the Secretary of War.

Listen! The whole question of diversion, gentlemen, under permit or otherwise, is left undisturbed and we use this language:

The whole question of diversion from Lake Michigan for sanitation, navigation, or any other purposes whatsoever shall remain unaffected by this act as if it had not become a law.

We do not ask Congress to pass judgment upon the propriety or legality of the flow of water for the benefit of the sanitation of Chicago, and we wash our hands of the diversion question.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CHALMERS. The trouble or the mischief is done before you wash your hands, as you say. You legalize 8,250 feet of water first, and then say, "It will have no legal effect."

Mr. McDUFFIE. I was going to make a suggestion along that line.

Here is the situation, gentlemen: Until the Supreme Court decides the question 8,250 cubic feet of water is going to flow out of Lake Michigan at Chicago, and where does it go? Down this channel. What shall we do with it? Shall we let it go to waste? No. We say, "We will utilize it as long as we can and as that flow is lessened"—and the engineers' report says

they want to lessen it, and they say it will be lessened—"we will use this water as long as we can or until Chicago's disposal works are completed, and when the flow is cut down we will adjust our channel work, dig deeper, spend more money, and still have 9 feet." Yet the gentleman from Ohio says we would legalize 8,250 feet.

No man can stand on this floor and successfully maintain that this Congress is providing for a permanent flow of 8,250 feet at Chicago. The engineer says—and I hope the Members will read it:

Every effort is made to restrict the amount of diverted water. The board in its present report is concerned primarily in providing an immediate scheme of navigation in the Illinois River. The board recommends that Congress do not fix any diversion—

And so on. Listen to this now:

The work it proposes will be useful in any future project that may be based on less diversion.

Therefore we are saving money to the Government, gentlemen, by adopting this project as we have adopted it, and we are absolutely making no effort to legalize any flow of water at Lake Michigan. There is no intention or desire on the part of the Committee on Rivers and Harbors nor on the part of the engineers to legalize in this bill a permanent flow of water at Chicago. Those are the facts as I am able to see them, and I would not try to mislead a single Member of this House or of the committee if I knew it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield there?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. The gentleman from Ohio [Mr. CHALMERS] seems to be impressed with the fact that there is conflict between our saying we would not change the status of the diversion and would change the permit and would not deal with the question of diversion at all. Are not all three things a declaration that we keep our hands off and leave all those things alone?

Mr. McDUFFIE. Absolutely.

Mr. DEMPSEY. They are absolutely in harmony, and they are intended to accomplish the same purpose, and there is no conflict between them at all.

Mr. McDUFFIE. Now, my good friend the doctor from Minnesota [Mr. KVALE] said in all earnestness that we are about to precipitate war between this country and Great Britain over this matter. Of all the nations in the world, gentlemen, old Britain, in my judgment, is the last one that will raise her hand against this country of ours. God bless her, she is the stabilizing force of the Old World to-day. [Applause.] Our good neighbor on the north, Canada, will continue to be a good neighbor, and the diversion of water from Lake Michigan is not going to precipitate war. So the gentleman from Minnesota, Doctor KVALE, need not be so much alarmed. Some member of the Canadian Parliament may have spoken on the subject, but the voice of one member is not the voice of the Canadian Government.

The gentleman from Ohio [Mr. BURTON] made a two-hour speech before our committee against this proposition, and incidentally condemned all inland transportation. I asked him the question: "Senator, if we were to write a provision in this bill to the effect that not more than 2,000 or 2,500 cubic feet per second can ever be diverted for navigation purposes, would you be for it then?" His answer was "No, no; it is the nose of the camel getting under the tent." And he drew that familiar picture of the camel, and evidently it must have been a very large and extremely dry camel to withdraw water from an area of several hundred thousand square miles.

Gentlemen, I shall not take your time further, but I do want to declare that we have tried to deal justly with all communities concerned in this controversy. We appreciate that magnificent tonnage on the Great Lakes, and we wish to build it up and continue its growth.

There is very probably another current in this controversy. I doubt if I can be termed an ultra in my views about capital and corporate interests. I think the great railways are the very arteries of the commercial and industrial body, so to speak. Without them everything would be stagnated. They have to be regulated like all great investments of capital with their human elements. They are in the business of moving commerce. If I were a great railroad company, it would not be easy for me to welcome a competition that would deprive me of the revenues upon 10,000,000 tons of freight carried by a waterway paralleling my rails.

Do you know there are about 12 great trunk-line railroads running south from Chicago? Just think of it. And here again, possibly, we have the same old natural "cat-and-dog" fight between water and rail transportation. So let us observe all the angles in this controversy, and we should weigh them carefully, in order to arrive at a just conclusion on this item of the bill.

This is a good bill, gentlemen, from beginning to end, and I want to take just a few minutes more to discuss one additional project, the Cape Cod Canal, against which some criticism has been directed. I wish I had this map—that is in miniature—in a larger map such as we had some time ago, showing about 1,100 marine distasters which have occurred offshore from Cape Cod. The purchase of the Cape Cod Canal was recommended by the President of the United States. A few have said about the Cape Cod Canal almost as many mean things as they have said about this Illinois River project, although not quite so many. However, President Coolidge, and I think properly so, recommended that the Congress carry out the contract for the purchase of this property. There is nothing outrageous or unbusinesslike about that. On the other hand, it is equitable and good business.

The history of Cape Cod Canal is an interesting one, and I regret exceedingly I will not have the time to go into the details of it. Since the year 1776 officials of high standing in this Government have recommended its purchase on the ground that it would mean the safety of life and property as well as for the national defense. Millions of dollars worth of property have been destroyed around this little end of the canal [indicating on map]. Many lives have been lost, and even in 1924 several lives were lost, since this map was published. The course around the cape is most hazardous. By building this canal we cut off 70 miles between New York and Boston and save 140 miles and several hours on each round trip. By making it 30 feet deep we will have a channel that may be used by our larger naval craft. We increase the commerce between those two great ports, and we further provide quicker dispatch from the cotton fields of the South. Thousands of bales of cotton to the textile industries of Massachusetts by water. We ship by water much cotton to New England largely because of the high rates of the railroads. The taking over of this canal will serve the entire Nation in another way. The purpose and plan of the Government for many years has been to construct and maintain an inland waterway, where smaller craft could navigate throughout the year without the dangers of storm and tempest from Maine around to Corpus Christi, Tex.

Mr. DEMPSEY. The gentleman does not think it is a good answer to say that in the whole country there are more people killed by automobiles than lose their lives outside of Cape Cod?

Mr. McDUFFIE. Oh, no; of course not.

Mr. DEMPSEY. That was suggested as an answer.

Mr. McDUFFIE. Yes; but that gentleman is one of those enthusiasts who, I think, was also responding, properly, to urgent messages from people back home who have been taught to believe that there is nothing good about any of the provisions of this bill. However, that is no answer. The question is, Can we remedy those conditions, which mean so much to life and property, and can we facilitate the Nation's commerce?

Now, there is an equitable side to this proposition. The construction started on this canal back in 1909, when the first ground was broken. It began operation in 1914, though not quite completed; it worked along splendidly until 1918, when the war came on. Then a German submarine appeared off this coast.

Mr. MANSFIELD. The first boat passed through it in 1914, but it was not completed to 25 feet until 1916.

Mr. McDUFFIE. At a cost of some $13,750,000.

The CHAIRMAN. The gentleman from Alabama will suspend for a moment. The Chair has been informed that the gentleman from Texas [Mr. MANSFIELD] desires the gentleman from Alabama to reyield him three minutes. If so, the gentleman from Alabama has three minutes now remaining.

Mr. DEMPSEY. Mr. Chairman, I yield the gentleman from Alabama three additional minutes.

Mr. McDUFFIE. Thank you. I will close in just a moment. I have devoted more time to the Illinois River than I intended. Gentlemen, if you could see this chart at close range it would give you some idea about the destruction of life and property. Continuing the history and the Government's relation with this canal, if I recall correctly, in 1918, when a German submarine appeared off the coast of Massachusetts, the President issued an order taking over the canal as one of our great inland waterways. The Government operated it until February 20 without any compensation whatever to the owners, and until this good day they have never been paid one dime for its operation by the Government.

Then the Secretary of War was authorized to make an offer for it—and let me say here three Secretaries, the Secretary

of Commerce, the Secretary of the Navy, and the Secretary of War, all recommended that the fair and square thing for this Government to do was to purchase and take over that property. They suggested this not only on the proposition of the equities involved but the necessities in connection with improving the navigable channels and serving the commerce of the entire Nation. You will recall that Mr. Baker, the Democratic Secretary of War, made an offer of $8,250,000. The owners of the canal said: "No; we will not take that sum, because it cost much more to build it." The Secretary of War was given permission to condemn it; it was condemned; and what price did a jury of 12 men fix on it? Not $11,500,000, the sum we are proposing to pay for it without interest, but more than $16,000,000. That was the price put on that canal through condemnation proceedings. In addition to the waterway, with its many advantages, of which I hope to speak again but of which I can not now speak in detail on account of the limitation of time, under the contract the Government acquires nearly 1,000 acres of very valuable land lying along its borders. This acreage will afford valuable sites for industry; and when the United States Government takes over the canal and makes a great waterway of it by giving it additional depth, as we will have to do, you will see industries spring up along its banks on this land from Cape Cod to Buzzards Bay. We will provide closer water connection between Boston, New York, the Southland, and the entire country. Then we will see millions invested, and a wonderful industrial development on Cape Cod. We will create additional wealth for the Nation by taking over this canal. Oh, some few of you may call it a steal, if you please, but it is not a steal. It is a worthy and meritorious project. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MANSFIELD. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR]. [Applause.]

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I did not intend originally—that is, before the House resolved itself into the Committee of the Whole for the purpose of considering this bill—to project myself into this general debate, inasmuch as the controversial matter in the proposed bill, I thought, should be discussed fully by those Members whose sections are immediately and closely affected by the subjects in question. But inasmuch as several statements have been made sincerely and without the slightest thought of being misleading, I thought it incumbent upon me to challenge their accuracy, for their unquestioned acceptance might lead to a confusion of thought on matters of vital importance to the people that I have the honor to represent. I therefore crave your indulgence for a short while, and altering the classic language of Hamlet in order to meet the situation "I shall be brief."

I know that I can not contribute a great deal of information to this committee beyond what has already been given them by the very able gentlemen who have preceded me and who have eloquently presented the facts of the case as they visualized them and the conclusions that they deduced from the premise that each has laid down for himself. Unquestionably each and every man has a part to play in the grand drama of life, and just as certainly each and every man is the product of his environment and, however splendidly equipped from the intellectual standpoint, takes on and adopts the colorful view of those among whom he was born and reared to a greater or less extent, but always, I think, in proportion to the contact that he has maintained with the people of his district.

The Rivers and Harbors Committee is composed and made up now as in the past of great men, "tall men, men sun crowned who live above the fog in public life and in private thinking," as it has been poetically expressed. This may appear to be a wonderfully strange encomium to bestow upon Members of Congress, in view of the terrific metaphorical assaults and merciless criticism that has been directed against them for several years past, apparently without cause unless it be for the purpose of minimizing the use of Congress and exalting the bureaus in the hope that ultimately that Congress will vanish and pass out, leaving the departments in full vigor, flower, and strength. Some people believe that it is the logical development of our vast commercialism and almost unimaginable wonderful industrialism. As a well-known writer has said, however, Congress has outlived all of its critics thus far, and it may live for many generations to come, for the people of our country know the mighty power of the legislative branch of Government when they stand behind it and support it and hold up its hands even as Aaron held up those of Moses many centuries ago.

I know that speeches sometimes win applause, but I am quite sure that they never win votes. Votes in this House are made by the requirements and needs of a Member's constituents and by their political and intellectual attitude and convictions upon the subject matter under discussion. Long speeches never produce any great results. At least that is the experience of many competent observers of the big plays in human existence. A celebrated statesman said on one occasion that history shows that a very few men have been able to speak for a half of a minute and keep the world guessing for half a century, while most orators and rhetoricians can talk for a half of a century and not keep the world guessing for a half of a minute.

I do not belong to the first class, and I have not the slightest wish to join the latter class. A great lawyer down in New Orleans several years ago said in addressing the Supreme Court in connection with the alleged unconstitutionality of a primary election law that was before the court for determination and judgment said somewhat irrelevantly but facetiously: "It is too long. You can stick the Lord's Prayer into one of the sentences of this act and lose it there. You can put the Sermon on the Mount into one of its paragraphs and not notice it. It is too darn long and ought to be declared unconstitutional." I merely wish to say that the dream of the people of the Mississippi Valley for more than 20 years past has been to see a completed waterway that will afford every facility for commerce and navigation between the Great Lakes and the Gulf of Mexico. Under the theory that every section of the interior is entitled to the very best and most economical outlet it can get we have done what we could for the Great Lakes-St. Lawrence channel project. Some of the most influential citizens from New Orleans have visited Canada in the interest of that project and have used their influence with the Mississippi Valley Association in behalf of the Great Lakes-St. Lawrence proposition. These people are astonished and disappointed at now having to come to the conclusion that the advocates of that project are doing all in their power to prevent the carrying out of the Lakes to the Gulf water route. We are forced necessarily to gauge the integrity of great public projects by the mental slant of the leaders who advocate them, simply because under any form of government I presume no unbiased machinery is provided for the safeguarding of the larger interest of all of the people.

The Great Lakes-St. Lawrence project is a new one. The Lakes to the Gulf project, like that of the Ohio, Missouri, and the upper Mississippi, is an old one. The interested public has had far more time to form opinions regarding these old projects than it has had with regard to the St. Lawrence. In the Mississippi Valley there is no conflict of opinion regarding these old projects. Affected sections in both Canada and the United States are not in agreement regarding the Great Lakes-St. Lawrence project. The people of the Mississippi Valley believe in a square deal for everybody and are inclined to help out the project the Great Lakes-St. Lawrence people agree upon.

As a matter of reciprocity and good will we certainly were hopeful, and we have not given up that hope, that the leaders who are making the fight for the Great Lakes-St. Lawrence projects will not fight or obstruct the Mississippi Valley projects including the Lakes to the Gulf Channel which the people of the Mississippi Valley long ago agreed upon. We hope that after a short while the bitterness of this contest over the proposed development of the Illinois River will be forgotten and that the friends of waterways transportation will once more walk arm in arm and heel to heel to the great triumphs that lie ahead in the full development of waterway transportation. We are presently only divided as the waves but one as the sea. The storm will soon pass away leaving the champions of the development of rivers and harbors a united fraternity. It may not be amiss to state at this point that the statement made by a distinguished member of this House to-day, that the more water that goes into an alluvian stream the greater the rise in the river bed, while accepted as a correct statement of fact by many prominent persons and students of waterways, is flatly challenged and contradicted by the ablest engineers of the country who have steadfastly held to the theory that by an all-levee system of standard height and section the waters could be confined and compressed and their flow hurried so as to create a scouring process, the effect of which would be to deepen the channel, and they point to the jetty system at the mouth of the Mississippi River as a proof of their assertions.

I will now submit an expression which may not receive the serious consideration which I am hopeful enough to believe it ought to receive.

Of course, I am cognizant of, and I dare say most of the lawyers present know, the rule of evidence that that which is admitted need not be proven. It will therefore appear to be a heresy on my part when I suggest something that is probably so totally at variance with what has been accepted as

a truism here, and for that reason I am a little reluctant to submit it, but this has been my thought on the subject, as a new member of the Committee on Rivers and Harbors.

If the diversion, as it is called, or the abstraction, as some others have termed it, through the Illinois River to the Mississippi affects the St. Lawrence volume only to the extent of the diversion, it follows as a mathematical conclusion, in my mind, that the lake levels can not therefore be affected by that diversion. I hope that the gentleman from Michigan [Mr. MAPES] who, I think, has given this matter considerable study, will reflect upon the suggestion which I have just submitted. I know that prominent engineers all over the country have held that the diversion has affected the volume of water going out through the St. Lawrence every instant of the day, of the week, of the month, and of the year. Consequently the diversion plus what is going out through the St. Lawrence today is equal to what went out through the St. Lawrence prior to the diversion and therefore that diversion can not have any effect upon the lake levels.

Mr. CARSS. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. No; I regret that I have not the time.

Let me repeat that the people of my section living in the lower reaches of the Mississippi River sympathize with the people of the Great Lakes who believe they see the ruin of their harbor facilities as a result of the low levels of the Lakes. But we can not be unmindful of the fact that every watershed in the United States apparently has suffered tremendously from a lack of rainfall. Most of the tributaries and affluents of the lordly Mississippi, the great Father of Waters as it was reverently called by the Indians long ago and as affectionately referred to now by the people who live along and behind its banks and levees, have gone so low as to excite the apprehensions and the alarms of the people who depend upon their waters for domestic purposes as well as of those who made a living through the commercial activities and commerce borne on these streams.

We sympathize, I repeat, with the people of the Great Lakes, but know the futility of sympathy and mourning as the remedy is solely and exclusively within the disposition of Mother Nature herself. I reiterate it may be heretical to so say, but in my judgment for the reason assigned, as the judges say, the diversion only affects the volume of water that goes out of the St. Lawrence, and to that extent does not impair navigation, though it may result disadvantageously to the power interests. It may appear strange and nonsensical to those who have accepted it as a truism that the Lakes are lowered to the extent of at least 5 inches, but I can not see it and am frank enough to say it. The world was deemed to be flat for many centuries, and no one was bold enough to declare that it was round until the appropriate time for such a declaration arrived. For many centuries the astronomical world held that the sun revolved around the earth, but in the fullness of time it was proven that the sun is the center of the solar system, around which revolves in an ellipse the earth, accompanied by its satellite, the moon, which in its turn revolves around its parent, the earth, and the other planets which comprise the system each journeying in its orbit and accompanied by its own satellite, including amazingly large Jupiter with its four moons and gorgeously beautiful Saturn with its rings. I stand alone, I know, in my conviction that diversion does not lower the Lakes' level, and the more I look at a globe in its slanting position, flattened at the poles and its axis directed toward the North Star, and contemplate its daily and yearly rotations and revolutions, the more I can understand why the St. Lawrence, among the few great rivers of the earth, runs in a northerly direction, though it is by east, for most of the rivers run north to south, and when they do not they take a southerly course, and I can see from my standpoint what is diverted from the Lakes only affects the volume that goes out through the St. Lawrence and into the North Atlantic.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE

The SPEAKER. The Chair lays before the House the following communication:

MAY 28, 1926.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

SIR: I hereby resign as a member of the Committees on World War Veterans' Legislation, Insular Affairs, and Expenditures in the War Department.

Respectfully yours,

J. L. MILLIGAN.

CERTAIN ASPECTS OF THE PHILIPPINE PROBLEM

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on certain aspects of the Philippine problem.

The SPEAKER. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, there is no short cut to Philippine independence. Political leaders there and in this country who voice a demand for immediate withdrawal of American control do so either without knowledge of the facts or in spite of them. It is time, however, that this problem receive the attention it deserves, and that the American people come to realize the virtue of the slow but sure method which Maj. Gen. Leonard Wood, Governor General of the islands, has inaugurated.

During the last summer, as a member of the Insular Affairs Committee of the House of Representatives, I made an extended trip through the Philippines. I spent considerable time with General Wood, who is acknowledged as our foremost expert on our Pacific possessions. From his vast experience as soldier, statesman, and administrator he gave me information which was confirmed by my personal observation and study. On this trip I visited all of the principal islands, 20 of the 49 Provinces, and traveled over 3,000 miles throughout the archipelago. I believe I had an excellent opportunity for studying conditions at first hand and of receiving information about our various problems there.

WORK OF GENERAL WOOD

At the start I wish to express my admiration of the splendid work being carried on by General Wood. His administration of the islands has been characterized by infinite patience and great tact, coupled with firmness. He has shown great kindliness, sympathy, and human understanding toward the island populace. At the same time his fine grasp of America's obligations, responsibilities, and prestige in the Far East must excite the admiration and respect of all who devote any time to consideration of our Territorial problem.

It would be hard to find anyone who could have accomplished so much and in so short a time as General Wood. The best interests of the Philippine people are safe in his hands. He is their best adviser and most sympathetic friend. General Wood is deserving of the gratitude of both Americans and the people of the Philippines. He has dedicated the few remaining active years of his life to a great work, and one which will stand as a monument to his practical patriotism.

Few appreciate the sacrifices he has made in isolating himself from his friends and his home ties. For five years he has given unstintedly of the best that is in him, without a vacation and subject to the hardships and vexations of a tropical climate. All who have come in contact with him, and have seen him at his ceaseless labors to discharge our national obligations in the Philippines, have marveled at his patience, his endurance, and his high sense of duty.

President Coolidge has publicly recognized the splendid and constructive work of Governor General Wood in a letter addressed to the speaker of the Philippine Legislature, Mr. Roxas, when he said:

> The Government of the United States has full confidence in the ability, good intentions, fairness, and sincerity of the present Governor General. It is convinced that he has intended to act and has acted within the scope of his proper and constitutional authority. Thus convinced, it is determined to sustain him; and its purpose will be to encourage the broadest and most intelligent cooperation of the Filipino people in this policy. Looking at the whole situation fairly and impartially one can not but feel that if the Filipino people can not cooperate in the support and encouragement of as good an administration as has been afforded under Governor General Wood, their failure will be rather a testimony of unpreparedness for the full obligations of citizenship than an evidence of patriotic eagerness to advance their country. I am convinced that Governor General Wood has at no time been other than a hard-working, painstaking, and conscientious administrator.

There is no doubt that the hour has not come for American withdrawal from the islands, in so far as that would mean independence. The United States owes it to itself as well as to its

island wards to finish the task so well begun, whether it takes 25 or 50 years. Many estimate it will require the latter lapse of time before the Filipinos will have developed their capacity for self-government. The ground work for independence has been laid, is being laid now, but it is a question of development, experience, education, and progress toward occidental ideals and standards.

Education must be the leaven which will translate the islands' capacity for self-government into reality. The great need at the present time is more schools and more teachers and the extension of the English language as a common medium of communication among a people inhabiting more than a thousand islands and now conversing in almost a hundred dialects.

The Filipinos possess some qualities which mark them as a people able to rule themselves, if these are properly developed. That is America's task, America's duty, and America's obligation. The people of the islands are aflame with intellectual curiosity; they want to learn, to grasp occidental ideals. Parents will make any sacrifice to send their children to institutions of learning. Native teachers are conscientious and eager. There is a tremendous interest in public affairs, an aptitude for politics, and a desire to have a part in governmental activities. In short, these law-abiding people offer fertile soil for the inculcation of western civilization and standards of public life.

CAN NOT BE HASTENED

But they can not be hastened along the path of progress; it must be a natural step forward, over a period of several generations. History is replete with examples of the downfall of nations where there was intelligence and brilliancy, but no substantial basis of character and solid, material advantages. Parallel with the mental growth there must be developed a sense of national responsibility; a nation can not be built in a day. Agriculture, commerce, industry, and a stable financial system must be fostered. All this will take time; it can not be created overnight as if by magic, in response to the demands of a few individuals more responsive to the urge of ambition than to patriotic motives.

Factional troubles leading to actual strife and shedding of blood would follow hard upon our withdrawal. It might not come immediately; it would come sooner or later. We have begun to pacify the Mohammedan Moros, and they seek our continued protection. Should we leave now, between them and the Christian Filipinos war would ensue with its natural results. These would be the destruction of all commerce, industry, and trade—suffering and anarchy. The work of 25 years would be undone; their faith in America and western promises would be shattered.

I can not stress too strongly the necessity of our continued occupation arising out of the religious, political, and racial clash existing between the Mohammedan Moros and the Christian Filipinos. It is one of the most insoluble problems in the islands.

The Christian Provinces consist of the islands of Luzon and the Bisaya group, while the Moros inhabit Mindanao, Basilan, Pelawan, and the Sulu Archipelago. These two regions belong to different and opposed civilizations and creeds—the Christian world and the Islam. The Filipinos, who inhabit the northern islands, by reason of their conversion centuries ago, face toward the western world. The Moro, or Mohammedan, people of the Philippines face toward the ancient east and are a part of the widespread civilization which finds its spiritual center in Arabia.

The fundamental antipathy between Christianity and the Islamites was provoked by the Spanish conquest. The Spanish soldier was able to subdue the islands now Christian, but for 300 years the Moros held the military advantage and the Christian islands were subjected to continuous wars and piratical raids from the south. These engendered a lasting hatred for their Moro neighbors among the Filipinos. When we took over the islands the Spanish military had forced the Sultan of Sulu to recognize the Spanish sovereign and was preparing for complete conquest of the Moro strongholds.

This is the background against which we must picture present conditions. It has been the policy of the Philippine government since 1914 to break down the barriers, religious and social, between the two and to assimilate the Moro into the Filipino nation.

The civil service in the Moro country has been "Filipinized." Efforts have been made to establish colonies of Christian people in the Moro country, and large sums have been expended from the insular treasury for this purpose. The great question, then, is: Have the methods employed been wise, just, and financially sound? It is this question which the Congress of the United States soon must examine.

AN AMERICAN RESPONSIBILITY

It must be insisted at the start that the Moro problem is primarily an American responsibility and not a responsibility of the Filipino people. Spain transferred her obligations to us in the treaty of Paris, and it has been the United States which brought order to this region. It is our sovereignty which the Moros recognize and are willing to recognize. In fact, their loyalty to the United States, as distinct from their attitude to the Filipinos, is clear.

It is generally recognized, and recent events seem to bear witness to it, that the future relations between the Christian nations and the Mohammedan peoples will be seriously prejudiced by mistakes made at any of the vital points of contact between the two races and creeds; and one of the most dangerous points is in the Philippine Islands. A universal state of suspense and concern attends the outcome of the present situation in northern Morocco. But the Moro problem in the Philippines, representing as it does the interest of an important fraction of the more than 50,000,000 Mohammedan Malays, is an issue no less important than that in northern Africa.

ATTITUDE TOWARD MOROS

Unwise action in the Sultanate of Sulu may have just as unhappy consequences as unwise policies at Fez or Melilla. Unless the American people are prepared, in all headlessness, to create difficulties for its colleague and associated Christian nations, and to remain utterly indifferent to the reconciliation of the hostilities between Christian and Mohammedan civilization, it must keep the Moro problem in the Philippines under its own control and oversight. This can be accomplished only by maintaining in the Moro province of the islands a quite different political régime from that accorded to the people in the Christian regions of the archipelago. To maintain such a situation our presence is necessary.

Here is General Wood's prediction of what would follow our withdrawal, as set forth in an authorized interview:

> We should look back upon the plight of these 12,000,000 people, who never have known what it meant to defend or sustain themselves, who never have known any freedom except what our flag gave them; we should look back upon their plight with national sorrow, pity, and shame.
>
> Japanese would come in, not necessarily as an army, but with their vigorous business methods, and Chinese would swarm hither for all sorts of pursuits. As I have said to Filipino friends, "Chinese would hold your valleys; you fellows would be sitting on the hilltops."

INTERNATIONAL COMPLICATIONS

So much for the consequences in the islands themselves; and as it would affect our relations toward our wards, a people whom we took under our protection with the promise to strive for their best interest and welfare, there is an even greater obligation which we must discharge through our administration of the Philippines. That is our duty toward humanity and the peace of the world. The grave effect which withdrawal from our Pacific possession might have upon this question is almost appalling. It is very clearly understood by General Wood and also by the more conservative leaders of the Filipinos.

The military, economic, and political equation in the Pacific and the Far East would be completely upset if we withdrew now. There would result a situation packed with potentialities disastrous beyond belief. Unsettled conditions in the islands, such as I have described, would not be tolerated by other nations deeply interested in that sphere. There would be a demand for a termination of domestic difficulties and possibly active interference from some quarter of the globe. It is almost unnecessary to outline in detail what the consequences of such a development might be. National pride, safety, and honor would be involved, and where a thrust at those sacred things would lead, no man can say.

Where, in that event, would be the hope of Philippine independence? The islands would become the playthings of the nations, or in case the United States were forced to enter again, what inducement for granting independence at any time would there be? It is possible that other influences might be set in motion which would prevent such a catastrophe, but logic is on the other side. Only the fact that radical political leaders in the Philippines are blind to actual conditions prevents them from seeing the difficulties and dangers inherent in immediate independence. At any rate, the risk is too great for America to take; we would be false to our trust and forgetful of the best interests of both the islands and the United States.

We are needed in the Philippines for a variety of other reasons. While we remain there the status quo embedded in the treaties formulated by the arms conference will be maintained. Should we leave, the whole structure for peace in the Pacific

erected at Washington in 1922 would tumble. That includes our unswerving adherence to the policy of the open door. Our presence in the islands does not constitute a threat to any other power; it does not endanger the national safety, trade, or peace of any foreign country. On the other hand, our history there and elsewhere throughout the world has proved that America is actuated by thoughts of international justice and concord. By remaining in the Philippines we make it possible to exercise that beneficent influence over a wider sphere; withdrawal would virtually leave us without a say in matters of the greatest import not only to the United States but to the peace of the world.

There is another weighty consideration which America, or any nation constituted as ours, with our traditions, our ideals, and our aspirations, can not lightly forget. We can not march out of the islands and take with us the softening and ennobling influence of Christianity which has become so deep-rooted during our occupation. That is perhaps our greatest contribution to the civilization of the Pacific; we can not easily or carelessly dismiss this consideration from our minds.

I can find no finer definition of our obligations in this respect than that voiced by General Wood to a famous American journalist a short while ago.

America in the Philippines—

He said—

insures the effective deployment of Christianity for the regeneration of the world. These are solemn obligations and great opportunities. We can be false to them only at the cost of treason to that faith which we believe to be essential to the highest human development.

Let us go out of the Philippines only when we can leave the torch of that faith in strong hands. If we and those who believe as we believe can Christianize the world, in the full psychic and ethical sense of that phrase, we shall rid it of injustice, of human degradation, of social cleavage and conflict, and of international slaughter.

I attach great importance to developing the Philippines as Christianity's great peaceful outpost in the Pacific.

GREAT MASS IS HAPPY

It must also be remembered that the great mass of the people of the Philippines are happy in their present state not only individually but as a collective social organization. It is a fairly small group of ambitious and shortsighted politicians who agitate for immediate independence; except when continually spurred and stimulated, the majority of the Filipinos betray little direct interest in the question. Liberty is now the possession of the Filipinos, even though it is a liberty which the American Government has carefully and laboriously wrought out for them. But only by working out their salvation within disciplined bounds can they attain the fullest grant of nationhood. We have furnished the islands with the opportunity, with the tools, as it were—it is for them to make the best use of them until the time comes when their national development will justify our withdrawal.

A VOCIFEROUS MINORITY

Many argue that the Filipinos must want independence because they elect champions of freedom and politicians who lead the independence movement. That is only natural, from the condition of things; it is not the first time that the vociferous minority has won control, particularly if the smaller group possesses some intelligence, a definite program, and a nucleus of zealous workers. The same condition often exists in American municipalities and larger communities, though not for long.

The alignment on this question is analogous to that in any political organization where a powerful minority gets into control. In the Philippines there are three classes to be considered in discussing this problem and the constant agitation for immediate independence. There is the strong and noisy political group which is fanatically pursuing its ends; then there is the intelligent and conservative class which understands the difficulties standing in the way of the politicians' program; lastly, there is the great bulk of the people who take little interest in the political disputes, and for whom the politicians' demand has little meaning or significance. It is the second class which prefers the slow but sure approach to independence, but its opinion is silenced by fear of those who at present exert a dominating influence over the great majority of the uneducated. Educate that great majority of Filipinos, teach them the preliminaries necessary to the making of a nation and they will no longer be deceived by the influential minority. That educational process is under way now, and is already bearing fruit.

An educated people will be in a far better position to understand their own desires, to appreciate the value of American citizenship, to place a truer appraisal on liberty itself. It is a matter of time and patience.

President Coolidge in his reply to the Philippine mission's request for immediate independence assumed a position justified by present-day conditions in the islands and America's traditional policy toward its wards in the Pacific. He said:

In conclusion let me say that I have given careful and somewhat extended consideration to the representations you have laid before me. I have sought counsel of a large number of men whom I believed able to give the best advice. Particularly, I have had in mind always that the American Nation could not entertain the purpose of holding any other people in a position of vassalage. In accepting the obligations which came to them with the sovereignty of the Philippine Islands the American people had only the wish to serve, advance, and improve the condition of the Filipino people. That thought has been uppermost in every American determination concerning the islands. You may be sure that it will continue the dominating factor in the American consideration of the many problems which must inevitably grow out of such relationship as exists.

In any survey of the history of the islands in the last quarter century I think the conclusion inescapable that the Filipino people, not the people of the United States, have been the gainers. It is not possible to believe that the American people would wish otherwise to continue their responsibility in regard to the sovereignty and administration of the islands. It is not conceivable that they would desire, merely because they possessed the power, to continue exercising any measure of authority over a people who would better govern themselves on a basis of complete independence.

If the time comes when it is apparent that independence would be better for the people of the Philippines, from the point of view of both their domestic concerns and their status in the world; and if when that time comes the Filipino people desire complete independence, it is not possible to doubt that the American Government and people will gladly accord it.

Frankly, it is not felt that that time has come. It is felt that in the present state of world relationship the American Government owes an obligation to continue extending a protecting arm to the people of these islands. It is felt, also, that quite aside from this consideration, there remain to be achieved by the Filipino people many greater advances on the road of education, culture, economic and political capacity, before they should undertake the full responsibility for their administration. The American Government will assuredly cooperate in every way to encourage and inspire the full measure of progress which still seems a necessary preliminary to independence.

I believe that any impartial investigator will agree with me that the question of further Philippine autonomy, or a grant of independence, is a question for future generations to decide.

ELECTION TO A COMMITTEE

Mr. COLLIER. Mr. Speaker, by direction of the Democratic members of the Committee on Ways and Means I offer the following resolution and ask for its immediate consideration:

The SPEAKER. The gentleman from Mississippi offers a resolution which the clerk will report.

The clerk read as follows:

House Resolution 275

Resolved, That JACOB L. MILLIGAN, of Missouri, be, and he is hereby, elected a member of the standing committee of the House on Interstate and Foreign Commerce.

The resolution was agreed to.

FRENCH DEBT SETTLEMENT

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GREEN], chairman of the Committee on Ways and Means, may have until 12 o'clock midnight to-morrow, Saturday, to file a report on the bill (H. R. 11848) to authorize the settlement of the indebtedness of the French Republic to the United States of America, to have the same status as if reported from the floor; and that any member of the committee who wishes to file minority views may do so within the same time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Iowa [Mr. GREEN] may have until midnight to-morrow to file a report on the bill relating to the French debt settlement, the report to have the same status as though made from the floor, and that the minority may have the same privilege. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to take the chair at the opening of the session to-morrow.

ADJOURNMENT

Mr. DEMPSEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Saturday, May 29, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for May 29, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

SPECIAL JOINT COMMITTEE

(10.30 a. m., room 347)

To investigate Northern Pacific land grants.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia (H. Res. 228).

EXECUTIVE COMMUNICATIONS, ETC.

533. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1927, $15,000 (H. Doc. No. 401), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 8035. A bill to authorize the appropriation of not more than $375,000 for the payment of drainage charges due on the public lands within the counties of Beltrami, Koochiching, and Lake of the Woods, in the State of Minnesota; without amendment (Rept. No. 1329). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11329. A bill for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located; without amendment (Rept. No. 1330). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINCENT of Michigan: Committee on Immigration and Naturalization. H. R. 12413. A bill to supplement the naturalization laws, and for other purposes; without amendment (Rept. No. 1331). Referred to the House Calendar.

Mr. IRWIN: Committee on World War Veterans' Legislation. H. R. 10398. A bill to authorize the erection of a Veterans' Bureau hospital in the State of Kentucky and to authorize the appropriation therefor; without amendment (Rept. No. 1333). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 267. A joint resolution authorizing the call of a conference on education, rehabilitation, reclamation, and recreation at Honolulu, Hawaii; without amendment (Rept. No. 1335). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 255. A resolution directing the Secretary of the Treasury to furnish certain information; adverse (Rept. No. 1318). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 2302) granting an increase of pension to William W. Rowan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE of Virginia: A bill (H. R. 12495) to regulate the issue and validity of passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COLTON: A bill (H. R. 12496) to consolidate certain forest lands within the Cache National Forest, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 12497) to add certain lands to the Uintah National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. LAGUARDIA: Resolution (H. Res. 274) directing the Secretary of the Treasury to furnish to the House of Representatives certain information concerning House Resolution 255; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12498) granting an increase of pension to William F. Rogers; to the Committee on Pensions.

By Mr. DAVEY: A bill (H. R. 12499) granting an increase of pension to Elmira A. Adams; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12500) granting an increase of pension to Sarah J. Kramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12501) granting an increase of pension to Tamsen A. Wells; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 12502) granting a pension to Edwin G. Farrar; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12503) granting an increase of pension to Olive Jane Maloon; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12504) granting an increase of pension to Carolina Schoettlin; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12505) granting an increase of pension to Emma J. Mandigo; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12506) granting an increase of pension to Susan McWhorter; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12507) granting an increase of pension to Bertha Akin; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 12508) granting an increase of pension to Alice M. Walters; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12509) granting a pension to Marie L. Abernathy; to the Committee on Pensions.

Also, a bill (H. R. 12510) granting an increase of pension to Emily Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12511) granting an increase of pension to Anna E. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12512) granting an increase of pension to Hannah M. Beckwith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12513) granting an increase of pension to Flora S. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12514) granting an increase of pension to Esther Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12515) granting a pension to Josephine Henderson; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 12516) granting a pension to Amy E. Spare; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12517) granting a pension to Levi P. Stone; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 12518) granting an increase of pension to Frances H. Hart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

2310. By Mr. ROY G. FITZGERALD: Petition of 80 citizens of Dayton, Ohio, protesting against enactment of any compulsory Sunday observance law, and especially House bills 10311, 10123, 7179, and 7822; to the Committee on the District of Columbia.

2311. By Mr. GALLIVAN: Petition of Shoe and Leather Reporter, 166 Essex Street, Boston, Mass., urging adoption by Congress of minority report of the Joint Subcommittee on Postal Rates; to the Committee on the Post Office and Post Roads.

2312. By Mr. KVALE: Petition of American Legion Auxiliary Unit of Oscar Lee Post, No. 177, Dawson, Minn., urging

immediate action on the following bills: Johnson, Green, Fitzgerald, Capper, Knutson, Goodwin; to the Committee on Rules.

2313. By Mr. MICHAELSON: Petition of citizens of Chicago, Ill., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2314. By Mr. NELSON of Maine: Petition of citizens of Waterville, Me., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2315. By Mr. O'CONNELL of New York: Petition of the Southern Hardware Jobbers' Association, protesting against the passage of the Federal inheritance tax and requesting Congress to repeal the same; to the Committee on the Judiciary.

2316. By Mr. CONNOLLY of Pennsylvania: Memorial of the Philadelphia Board of Trade, urging consideration and passage of House bill 8097; to the Committee on Ways and Means.

2317. By Mr. ZIHLMAN: Petition signed by Gordon D. Walker, Charles Swartz, Cecil G. Coram, and other residents of Detroit, Mich., in opposition to H. R. 7179 and other Sunday observance bills; to the Committee on the District of Columbia.

SENATE

SATURDAY, *May 29, 1926*

(Legislative day of Wednesday, May 26, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS obtained the floor.

Mr. SIMMONS. Will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. CURTIS. I yield to the Senator.

ADDRESS OF HON. WILLIAM G. M'ADOO

Mr. SIMMONS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by Hon. William G. McAdoo at the convention of the Cooperative Club International, Des Moines, Iowa, May 25, 1926, upon the subject of "State Rights and the Jeffersonian Idea." This is a very wonderful utterance. It is not partisan. It is an utterance upon questions and subjects of current discussion and of vital importance to the whole people of the United States.

The VICE PRESIDENT. Without objection, leave is granted.

The address is as follows:

ADDRESS DELIVERED BY HON. WILLIAM G. MCADOO AT THE CONVENTION OF THE COOPERATIVE CLUB INTERNATIONAL, DES MOINES, IOWA, MAY 25, 1926

Mr. Chairman, ladies, and gentlemen, it is an honor and a privilege as well to be permitted to participate in this convention of the Cooperative Club International. The cooperative clubs have a great and well-deserved future, because they have been conceived in the right spirit, their purposes and activities are wholesome, and they have been fortunate not only in the choice of a good name but they have proven already that they are worthy of it. "Cooperation" has a meaning which can not be too greatly emphasized in any consideration of economic and social conditions. It points out the course, and the only course, through which we may obtain the maximum benefit from the great opportunities and the lavish resources God has so mercifully put at our disposal and from the social order we have established. The idea of cooperation brings insistently to mind the interdependence of all parts of modern life. To-day all wealth and welfare are the result of the harmonious cooperation of widely separated factors. If there were no coal mines and no iron mines, there could be no railroads; nor could the railroads maintain themselves without a vast tonnage of agricultural and manufactured freight. If agriculture is depressed, the market for manufactured goods is restricted, and railroads and banks and business in general feel the pinch of the depression. This is clear to all who take a long-range view of the situation. To rest upon a solid basis the prosperity of every class in the community must go hand in hand with the prosperity of every other class. They must all cooperate.

When, instead of cooperating, one class or group seeks to engross more than its share of the product of their mutual effort, the result is strife, and, instead of productiveness, waste of energy and resources. There is too much of this sort of waste to-day, but happily we are beginning to awaken to the fact, and are seeking to remedy it. It is only a shortsighted view of things that makes noncooperation seem profitable.

COOPERATION MUST EXTEND TO ALL

Unfortunately, the need for cooperation is often envisaged in too narrow a form. Our great business interests have more and more learned the lesson of cooperation for themselves, but they have frequently been tempted to use the power produced by their internal cooperation to the disadvantage of other elements in the community, like the farmers and the consuming public, which, because of the number of individuals involved, have found it difficult to organize.

It is for this reason that the recent movement for agricultural cooperation is a vital and healthy thing. Farmers, like business men, are not only entitled to pool their forces for their common objectives, but they must do so if they are to have the weight in our economic system which, in a well-balanced national economic life, it is necessary that they should have. Nothing is more unfair than the criticism which has been heaped upon the so-called farm bloc in Congress. The farm bloc is simply an indication that the farmers are beginning to do what the business men of the country have done for so long a time—organize their industry along cooperative lines for a better conservation of their resources and a proper reward for their toil and contribution to the national welfare. It is a healthy sign that the farmers are commencing at last to mobilize their resources in order to exercise a power commensurate with their importance in our national life.

So long as the principle of cooperation is not adopted by any group or interest in the community, that group or interest will be at the mercy of other and better-organized interests. Sometimes, because of the inherent difficulties of the task, it becomes impossible for large portions of the population to exert the weight to which they are entitled in the economic system. This is particularly true of our farmers. The conditions under which they must produce and market their output place them at a disadvantage, even if they cooperate, as contrasted with the much smaller and more compact groups which control the transportation and distribution of their products.

Whenever there is a maladjustment of this kind between competing factors in the economic life of the Nation there is a failure of cooperation, in the national sense of the term, and in such a case it is the function of government to step in and protect the public against the power which relatively small and well-organized interests are able to exert for their own selfish ends. To allow these groups to aggrandize themselves at the expense of the rest of the community is, in the long run, not to their own advantage, for they are themselves dependent upon the prosperity of the community as a whole; but if they are too shortsighted to see this for themselves, it is the place of government to take the longer view. Democratic government is, after all, nothing but nation-wide cooperation. Its highest duty is to protect all the individuals and classes of a community in their fundamental interests against the invasion of those interests by any other individual or class; in short, to preserve social, political, and economic equality.

THE MEANING OF GOVERNMENT

The nature and meaning of government, its purpose and functions, and its place in the life of the Nation, is a subject which suggests itself as peculiarly appropriate for our consideration as thoughtful Americans at this time. A little over a month from now—on the Fourth of July—we shall celebrate the one hundred and fiftieth anniversary of the Declaration of Independence, that great charter which embodies the earliest expression of characteristic American ideas about government. It is well that we should turn back to that basis of our liberties and undertake to discover its abiding and vital principles and the living message which it holds for our guidance to-day. We must approach this task in no mechanical or legalistic spirit, but with an eye to penetrate to the deep central principles beneath the special forms which were dictated by the problems of the Revolutionary era.

Americans are sometimes prone to fall into one or the other of two errors about government. There are some who regard it as an instrumentality for the accomplishment of everything without understanding of its necessary limitations and without offering concrete and definite specifications of ways and means. There are others who look upon it with apprehension as a sort of unnatural element in the life of the community, and while feeling under an obligation to keep it in existence are reluctant to give it anything important to do. Both views are fallacious, because they conceive government as something external, some power existing above and outside of the community, instead of looking on it as merely the servant of the people for their common purpose. They are a survival of the days when government meant monarchy, instead of meaning representative democracy. If we would get away from these false views we must look back to the basic ideas of the Declaration of Independence and of its great author, Thomas Jefferson, the possessor of the profoundest mind in the field of social and political philosophy among all the constitutional fathers.

There was a time when partisanship tended to view Jefferson in an exclusively partisan spirit, with the result that his significance as an outstanding representative of the American attitude toward life and toward politics was unfairly obscured. Of recent years he has more and more been coming into his own, and in this present year the focusing of public attention upon the Declaration of Independence, the greatest product of his pen, can not fail to set him at last before the American people as a leading exponent of all that is most peculiarly their own in the realm of ideas and ideals. Fitly and appropriately it is around the figure of Jefferson that much of the current interest in the political ideas of the Declaration centers.

THE POLITICAL PHILOSOPHY OF JEFFERSON

If we would understand the essential features of the American theory of government it is especially desirable that we should approach them through Jefferson, not merely because he was the author of our first great charter, but also because, with the renewed interest in his writings and personality, his views are to-day so frequently misconceived, misinterpreted, and misrepresented. The thought of a man or of a nation can not be understood by taking some single aspect of that thought without relating it to other aspects and trying to strike down to the central ideas which were at the bottom of it all. The thought of America has from generation to generation crystallized itself about many different issues and many different policies, but through it all you will find running a single and steady stream of basic ideas, and those are the ideas which underlay the thought of Jefferson.

In all his theories of government Jefferson's starting point was that government exists for the good of all the people—not of any particular group or class—but for the welfare of the people as a whole. For this reason he was opposed to special interests in every form and to privileges bestowed by the Government upon one class at the expense of another class. The general welfare was the test of all governmental action, and the general welfare consisted in the preservation and maintenance of human interests and human rights. Where it is necessary for government to act to preserve and maintain these rights, government must obviously act; and where the maintenance and protection of those rights is better furthered by governmental inaction, government must remain inactive.

Jefferson is often represented to-day as a dogmatic believer in a theory of governmental inactivity. It is true that in his own time he frequently opposed governmental interference with private action. He did so because of the special conditions with which he was confronted. In the eighteenth century government, even in America, had not yet come fully into the hands of the people. The great movement for the extension of the suffrage putting the vote in the hands of every man came about largely through Jefferson's influence, but it was not fully realized until long after his retirement from active public life. Jefferson felt that the Government which he had to face and deal with was too frequently class government, and that there were many powers which such a government, exempt as it was from a proper measure of popular control, would not fairly exercise over the lives and liberties of those who had no voice in it.

NEW AND INTRICATE GOVERNMENTAL DUTIES AND PROBLEMS OF TO-DAY

In Jefferson's day life in America had not yet become crowded. There was not then much need for adjustments between man and man, such as it is the function of government to make, because there was room for men to get out of one another's way. The vast industrial development and organization of to-day, binding the whole Nation together into an inseverable web of commerce and making the men of one State dependent upon those of almost every other State for what they eat, or wear, or use, had not even begun in Jefferson's time. Cooperation in the modern sense was not possible, because most of the mechanical inventions upon which it depends had not yet been dreamed of. In such circumstances a man could protect his own liberty in a way that is no longer possible, now that he is economically dependent upon thousands of other men whom he has never even seen or heard of, and upon whom, as an individual, he can bring no pressure to bear for his own protection.

JEFFERSON TO-DAY WOULD MAKE HIS PRINCIPLES SOLVE THE NEW PROBLEMS

To argue that Thomas Jefferson, if he were alive to-day, would insist upon a policy of governmental inaction in matters where governmental action is needed to protect those rights and interests which he made the sole objective of all government is not conceivable. It amounts to arguing that he would sacrifice the end to the means; that he thought more of the devices, which are transitory, than of the objective, which is permanent.

If we study Jefferson's views more closely, particularly as they are embodied in those parts of our fundamental constitutional documents which are due to his pen or to his influence, we shall find that it was primarily the political and civil liberties of men that he was interested in preserving from governmental interference, and that State rights or local self-government was merely the means by which these liberties were to be secured. Thus he insisted upon freedom of speech and freedom of thought, because freedom of speech and freedom of thought are essential to that interplay and progressive growth of ideas upon which the success of democratic government ultimately depends. Here no good could come in his day, or can ever come, from governmental interference; these are things which perforce belong exclusively to the individual and which can never be monopolized or organized into dangerous combinations of private interests. Jefferson insisted upon freedom of religious belief, because here again the subject matter is purely private in character, belongs to the inner forum of the conscience and can not, without losing its proper nature and degrading its sacred professions, be turned to social or political abuse. Jefferson insisted upon a speedy and fair trial of all persons accused of offenses, under a procedure which would, so far as possible, guarantee the innocent from governmental oppression; and, finally, he laid down the broad rule that government by the terms of its commission must not deprive individuals of their right to life, liberty, and the pursuit of happiness.

It is to be noted that Jefferson speaks of life, liberty, and the pursuit of happiness, while the fifth amendment to our Constitution provides that no one shall be deprived of life, liberty, or property without due process of law. There is no reason to believe that Jefferson was opposed to guaranteeing property rights, as well as human rights, from undue governmental interference. On any intelligent theory the two sorts of rights are seen to be intimately connected. Human rights require for their enjoyment a basis of material goods, and property rights are never safe in a community where human rights are not respected and safeguarded. This is not commonly understood, but it is obvious that the whole vast process of our industry, upon which all our wealth and prosperity depend, could not go on without the peace and order, the bodily health, and mental hopefulness which come from a proper respect for the right of every man to a decent human living. If property rights are essential to human rights, human rights are still more essential, if possible, to property rights. Both must be guaranteed together if the Nation is to enjoy a peaceful and orderly prosperity.

The maintenance of economic rights is, however, a very different task from the maintenance of such civil and political rights as freedom of speech and freedom of thought. The maintenance of the economic rights of all frequently requires an interference with the economic activities of some. There can be no such thing as an absolutely unrestricted economic activity on the part of everyone in an orderly community, because economic activities bring men into relations where the unrestricted activity of some leads inevitably to a developed industrial society to the servitude of others. If the rights of these latter are to be preserved, the activity of the former must to some extent be regulated. If a régime of cooperation is to exist instead of one of exploitation, Government must interfere through the exercise of its legitimate functions. The degree of interference is purely relative to the needs of each specific situation. It increases in direct ratio with the integration of national commerce and industry. In Jefferson's time the great danger was that the economic rights of the mass of the people would be impaired by special privileges granted by Government to favored monopolies, such as the First Bank of the United States. Against these monopolies Jefferson fought with whole-souled vigor. His entire philosophy is a proof that to-day he would fight with equal energy to restrain the great aggregations of capital which, with or without favoritism from the Government, threaten the economic interests of the masses of the people. True to his central idea, governmental activity or inactivity must be dictated by the necessity of preserving the equal rights and interests of all.

MISINTERPRETING JEFFERSON

Just as an effort is being made to exploit Jefferson against his own central principles, as a champion of "do-nothing government," by distorting the meaning of his phrase that that government is best which governs least, so a similar effort is being made to warp, and perhaps for sinister purposes, Jefferson's doctrine of "State rights."

STATE RIGHTS DOCTRINE A JEFFERSON INSTRUMENTALITY

Properly understood, the doctrine of State rights is at the basis of our whole system of government and of healthy government everywhere. Properly understood, the doctrine of State rights is nothing but the doctrine of local self-government. Local self-government means that every community is entitled to decide matters which are exclusively its own concern and which involve no other community, without interference from the outside. It emphatically does not mean under our Federal form of government that one State by its action or inaction is entitled to interfere with matters which are of vital concern to other States or to the whole Nation. Here again we must realize that the issues to which Jefferson applied the doctrine of State rights were fundamentally different from the issues to which it is sought by certain interests to apply that doctrine to-day. Jefferson invoked it as a protest against interference by the Federal Government in local policies through an unconstitutional attempt to suppress freedom of speech and of thought, as in the case of the alien and sedition laws during the John Adams administration. He invoked it to prevent the Federal Government from foisting monopolies of its own creation upon the States and compelling unwilling States to receive them. He would have been the last man to invoke it, as do the champions of the new State-rights doctrine, as a protection for great interstate monopolies or for great systems of national traffic of an antisocial character with which the individual States are impotent to cope.

Here again the distinction should be drawn between the protection of civil and political rights on the one hand and the protection of economic rights and interests on the other. Absolute lines can be laid down much more easily in the one case than in the other. Civil and political freedom create no difficult problem of State rights, because the Constitution did not contemplate that the Federal Government should act exclusively in this field. On the other hand, economic rights are woven into a growing tissue of commerce and industry which has steadily expanded to nation-wide scope. This expansion the Con-

stitution foresaw and expressly provided for by granting the power over interstate commerce to the Federal Government without restriction. That power is a flexible one, capable of being brought increasingly into play as economic growth demands recourse to it. It supplies the only effective means of dealing with activities which emerge into national importance.

NO STATE LINES IN NATION'S ECONOMIC LIFE

To-day the economic life of the Nation is a unit. Every State depends upon every other for some of its prime necessities. The network of production and consumption, buying and selling, and transportation and advertising, runs criss-cross in an intricate and ever-changing pattern over the face of the entire country. State lines are not economic lines. So far as commerce is concerned, State boundaries are obliterated. Maine and California belong to the same great market.

ONLY NATIONAL CONTROL EFFECTUAL TO PROTECT THE PEOPLE IN THEIR ECONOMIC LIFE

If the people are to exert any control over some of the most vital parts of their economic life, they can do it only through the Nation and not through the separate States. The State governments are no match for the great combinations which in almost every line of production except agriculture are bidding for unregulated license. In their effort to escape from responsibility and Federal regulation they seek refuge behind State boundaries under the guise of State rights. Are the people to be denied the right of protecting their own interests and redressing the balance of a lopsided and unbalanced national economy through political action? If they are not, the political agency through which they are to act must cover at least as wide an area with its jurisdiction and must wield a power greater than the interests which need to be controlled; and no political agency is available for their use except the Federal Government. The power and the remedy in these cases reside in the Federal Government by express constitutional sanction, and their exercise is not a violation of State rights nor in conflict with the Jeffersonian principle of local self-government.

THE CRY AGAINST BUREAUCRACY

We are told that Federal control means bureaucracy, and every arm of the Federal Government is included in the condemnatory sweep of the question-begging word. Bureaucracy is, of course, a very objectionable thing. It is absolutely incompatible with democracy. That it exists to an undesirable extent in the Federal Government can scarcely be denied, but with equal truth it may be stated that bureaucracy exists in the government of the most important States in the Union. While it is an evil, difficult to suppress, it can be kept within bounds under vigilant and courageous executives in the States and in the Nation. The assertion of the State rights theory will not, because it can not, affect the bureaucratic evils in the Federal Government. Our reasoning upon the major problems must not be obscured or deflected by a minor issue.

GOVERNMENTAL OR PRIVATE BUREAUCRACIES—WHICH?

Government is the instrumentality through which the established social order is controlled and directed. This requires organization, and organization necessitates the creation of departments and bureaus through which the business of the people may be conducted. Those which are essential can not be abolished because they may become or tend to become bureaucratic. The Interstate Commerce Commission is part of this bureaucracy. Should it be abolished and rate fixing left to the bureaucracies of the central offices of the railroads? The Federal Reserve Board is a part of this national bureaucracy. Should it be wiped out and the bureaucracies of the banks left free to function at will? The Federal Trade Commission is bureaucratic—and here the charge which the word is intended to convey is perhaps justified, since the commission has adopted a policy of inaction and subservience which has won for it the commendation of the very interests that complain most loudly of idle and expensive governmental agencies. The truth is that under modern conditions every great organization, whether of Government or of private business, must operate through large staffs of officials and employees. If they are idle and inefficient, they deserve to be called a bureaucracy and should be abolished; if their function is necessary for the public welfare, the remedy is to spur them to a proper performance of their duties through vigorous executive administration; if they are already discharging their duties with reasonable efficiency and alertness, they do not deserve to be called bureaucratic if the word is used as a term of reproach. But what I want to make clear is that we deceive ourselves completely if we imagine that by abolishing governmental agencies we shall deliver our rights from the keeping of great organizations of clerks and secretaries and department heads and leave them secure in their own serene strength; we shall simply be transferring them from a governmental bureaucracy employed by the people to a host of private bureaucracies employed by the corporations; for in the bad sense, as in the good sense, every great modern corporation has a tendency to be a bureaucracy, just as the Government has.

SPECIAL PRIVILEGE INVOKES STATE RIGHTS AS SHIELD

It is one of the tricks which an ironical fate plays upon the past that the State-rights doctrine which Jefferson sponsored as a protection of the people's rights against political tyranny should to-day be invoked by monopolies to protect them against effective Federal regulation in the public interest. These people are not interested in State rights because they honestly desire to see the powers of the State governments protected or extended. The best proof of this is that when the States act to control them they fly for refuge to the fourteenth amendment to the Constitution, which gives the Federal Supreme Court authority to set aside regulatory legislation. All their State-rights professions vanish, and they take advantage of the most nationalistic provision in the entire Constitution—the provision which bestows upon an arm of the Federal Government the power to interfere in a State's management of its purely local concerns. The fourteenth amendment and its increasing use by the Supreme Court is the greatest force at work against State rights to-day; and yet we hear no complaint about the fourteenth amendment from the spokesmen of the new State rights theory.

WARNING AGAINST PERVERSION OF JEFFERSONIAN DOCTRINE

I therefore wish to warn you against the deceptive wine of new theory with which propagandists are to-day seeking to refill the old bottles of tried and true Jeffersonian doctrine. They are taking advantage of the renewed interest aroused by this anniversary year to give widespread publicity to their misconstructions and misinterpretations. Political bosses and professional spokesmen for all kinds of special interests are claiming the protection of Jefferson and seeking to derive from his name the respectability which they so sadly need, while seeking to negative the express powers conferred upon the Federal Government by recent amendments to the Constitution through a spurious theory of States' rights entirely alien to the Jeffersonian doctrine. I am sure that you will not let them deceive you. Let us appeal from the spurious doctrines of the new Jeffersonism to the purity of the old—to Jefferson, the great American who bequeathed to us as a priceless heritage—the doctrine that the rights and welfare of the people are the central objective of all political action, and the only test by which it can be rightly judged. Sometimes the preservation of those rights and interests requires resort to one political agency and sometimes to another. Methods of political relief vary from generation to generation with the nature of the problems that require solution. We must never confuse means with ends. We must never subordinate ends to means. If our thinking is to be productive and our efforts fruitful, we must at all times keep the end clearly in view and the only end of just political action to-day, as in the days of Jefferson, is the protection and preservation of the best interests of the common man and unceasing resistance to the injection of special privilege into law.

ECONOMIC TYRANNY OF TO-DAY AS OPPRESSIVE AS POLITICAL TYRANNY OF JEFFERSON'S TIME

In Jefferson's day the great foe of popular rights was political tyranny. It was the age of monarchy and autocracy and of autocratic ideas of government. These were the forces Jefferson had to combat, and it would have required a prescience more than human to foresee that mechanical inventions as yet undreamed of would one day bring into existence the vast industrial development of this age, which threatens to produce an economic tyranny as burdensome and as blighting to human liberties as political tyranny was in the days of Jefferson. Against political tryanny, the doctrine of States' rights, as embodied in our constitutional system, erects an indispensable barrier. It grounds our system of government firmly and squarely in the local communities. The importance of the States' rights doctrine is primarily as a guaranty of political liberty. It is being twisted to an alien purpose if it is invoked to defeat the right of the people to protect themselves against economic tyranny.

NATIONAL CONTROL IN ECONOMIC SPHERE NOT INCOMPATIBLE WITH TRUE MEANING OF DOCTRINE OF STATES RIGHTS

The framers of the Federal Constitution foresaw the inability of the individual States to deal effectively with national economic problems and the danger that by their separate action they might hamper the harmonious development of the economic life of the Nation as a whole.

They realized that commerce defied geographical limitations, and that it was essential that all barriers to free commercial intercourse should be swept aside; that no State should be allowed to set up a tariff barrier against another State; and that the products and commodities of each should flow uninterruptedly in the stream of beneficial trade between all the States. This was one of the most powerful considerations in the formation of the Federal Union, and it was for this reason that the commerce clause of the Constitution was inserted in order that the power of the Federal Government to regulate the flow of commerce between the States could not be questioned. Jefferson did not object to this provision, nor did he consider it incompatible with the State-rights doctrine. He recognized that the political liberties of the people were made secure through the autonomy of the States, with its

accompaniment of local self-government, and that the economic liberties of the people were protected against industrial tyranny through the commerce clause of the Constitution, which created a Federal power coextensive with the limits of the Union and superior at all times to the industrial forces which it was designed to control.

THE JEFFERSONIAN PARADOX

Here we have the very essence of the Jeffersonian theory of government, the protection of individual liberty and the control of local concerns through the States, on the one hand, and the protection of economic liberty through the only agency competent to deal therewith—the Federal Government—on the other. This is what may be called the paradox of the Federal Constitution. In the political field it emphasizes the principle of State rights and local self-government; in the economic sphere it announces squarely the principle of nations' supremacy and leaves room for the Federal Government to take control, one by one, of the issues and problems of our economic life as they become of nation-wide concern.

DEMOCRATIC GOVERNMENT A GREAT COOPERATIVE ENTERPRISE

Government in a democracy is a great cooperative enterprise, in which all people join for the management of their common concerns. Those things which can be effectively managed by private action should be left to its management. Those things which can be effectively managed by smaller political groups than the whole Nation should be left to the management of those smaller groups; but where effectiveness demands that the people as a whole should act through their National Government, there is no solid reason why they should not so act so long as such action is clearly within the constitutional power.

The National Government, like the State governments, is not an alien and external force imposed upon the people by some outside agency. The National Government, like the State governments, is the people's government. Whatever power it has, whatever power it exercises, is derived from the people, and for the exercise of that power it is responsible to the people. It is their instrumentality to deal with national problems as distinguished from local problems. Whenever a problem becomes national in scope, the people must view it as a nation. If they close their eyes to the fact that it has become national, the benefit will accrue to the selfish interests who profit from the neglect of the people to attend to their common concerns.

JEFFERSON WOULD MEET NEW CONDITIONS FRANKLY—NOT SACRIFICING FACT TO THEORY

No good can come from shutting our eyes to realities under the influence of theories which were designed to meet wholly different situations from those to which it is sought to apply them. Jefferson was the last man who would have sacrificed fact to theory. It is not our American way to sacrifice fact to theory, but to build our theories to fit the facts; and so, in the great cooperative enterprise of popular government, we shall be following the true American codes, the true Jeffersonian codes, only if we lay down for ourselves the welfare of the whole Nation as the landmark to steer by, and only if we realize this, that where it is necessary for government to act in order to advance that welfare, the government must act; and that where the advancement of that welfare is better furthered by governmental inaction, government must remain inactive; that where the State governments are able and competent to act effectively, the National Government should not interfere; and where a problem which requires governmental action is so large in its scope that the States are not competent to act, the National Government must act. This is the American theory of government.

NEW NOSTRUMS OFFERED BY SKEPTICS

We are living in an age of skepticism, with reactionary forces, in no sense partisan, more active and aggressive than they have been for a generation. We see it in evidence throughout the world. At least two new governmental forms have been presented in other countries, and we find champions of each of them in our own country. It is not for us to determine the form of government under which other nations shall operate; but when we find Americans openly advocating their adoption here, it is our duty to subject them to the test of our experience and of our ideals.

DEMOCRACY WILL SUFFICE—IT HAS NOT FAILED

These novel governmental experiments advocated by some for our adoption are predicated upon the theory that democracy is a failure; that equality before the law is a mockery; that representative government and its deliberative processes have broken down and must give way to the autocratic dictation of a self-constituted group or of self-proclaimed supermen. These suggestions are a repudiation of every ideal that entered into the structure of our government or that has swayed the destiny of our people. They are foreign to our genius and intolerable to our ideals. They can not be adopted, in whole or in part, without rejecting every stone in the temple of American liberty. Propaganda in behalf of any proposition predicated on the repudiation of democracy, the adoption of autocracy, or the rejection of the representative theory of government, must be met with spirit and decisively rejected.

If one follows the current of contemporary thought expressed in magazines, in the editorial columns of newspapers, and in books, he is impressed with the feeling that American institutions, principles, and practices and all the traditions made sacred by the sacrifices on which they are built, are being subjected to a mass attack. Ten articles pronouncing democracy a failure may be found to one in its defense. There seems to be an increasing tendency on the part of a portion of our intelligentsia to dismiss the idea of political equality as sentimental bosh and to advocate by implication government of the people by a coterie of the alleged best minds. In all this there is nothing new. As far back as 1860 Abraham Lincoln, replying to an invitation to address the Jefferson Club of Boston, sounded this note of warning:

"Soberly it is now no child's play to save the principles of Jefferson from total overthrow in this Nation. The principles of Jefferson are the definitions and the axioms of a free society. And yet they are denied and evaded with no small show of success. One dashingly calls them 'glittering generalities.' Another bluntly calls them 'self-evident lies.' And others insidiously argue that they apply only to 'superior races.' These expressions differing in form are identical in object and effect—the supplanting of the principles of free government and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads plotting against the people. Those who deny freedom to others deserve it not for themselves; and under a just God can not long retain it."

Lincoln's protest of 1860 sounds like a protest against the growing tendency of to-day to belittle, deride, and denounce the fundamental ideas and ideals upon which this Nation was built and through which it has prospered beyond all parallel in human history.

It is true that democracy has its weaknesses, but until its critics can demonstrate that autocracy, or aristocracy, or communism, or socialism, have overcome their tragic failures to conserve human liberty and human happiness, it is the part of wisdom to hold fast to that which has proven good. When under these other forms of government the people suffer, there is no recourse save revolution, but under our form of government if they suffer it is because of neglect of their own interests. The sovereign power is in their hands and they can effect the necessary changes if they have the patience and the will, through the methods prescribed by the Constitution. If democracy in America is on the defensive, it is because the people fail in their manifest duties in the guardianship of the heritage handed down by the genius of statesmen and the valor of soldiers. They have a weapon mightier than the sword to effect reforms, to destroy injustices, to preserve liberty, and to enforce equality before the law—the mighty weapon of the suffrage. If they fail to use it, they must suffer the consequences. It is as much a patriotic duty to go to the polling places in days of peace as to go to the recruiting stations in time of war. The poet never uttered a truer thought when he said:

"Peace hath higher tests of manhood
Than battle ever knew."

LET US PROTECT OUR HERITAGE

We in America have a blessed heritage of freedom. It was conceived by the noblest combination of constructive statesmen that ever acted at a given time for the good of the human race. It has been preserved through more than a century and a quarter by the valor of America's sons upon many fields of battle. It has raised the humblest man to the dignity of a ruler and has armed him with constitutional weapons for the protection of his freedom and his manhood. The achievements of this Republic under our established institutions are too miraculous to be swept away by unsound theories or torn down by reactionaries or fanatics. What we need in America to-day is a rededication to the ideals of our nationhood, a regeneration of our spiritual forces, a rebaptism of enlightened patriotism, and a new consecration to the principles of liberty and democracy.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business. I will state that after we have had a brief executive session I shall ask that the doors be reopened and that legislative business be resumed.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 10 minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 9598) to amend section 25 of the interstate commerce act, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (S. 1883) to create a national police bureau, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 8997) to amend sections 2804 and 3402 of the Revised Statutes, which was referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 9594) for the appointment of certain additional judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the joint resolution (H. J. Res. 15) proposing an amendment to the Constitution of the United States, in lieu of Article V thereof, relative to the method of proposing and ratifying amendments to the Constitution, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented petitions of sundry citizens of Troy and Orangeville, in the State of Ohio, praying for the prompt passage of legislation providing increased pensions to Civil War veterans and the widows of veterans, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. PEPPER submitted a report (No. 963) to accompany the bill (H. R. 7181) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line, heretofore reported by him from the Committee on Naval Affairs, without amendment.

Mr. COUZENS, from the Committee on Commerce, to which was referred the bill (S. 4171) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y., reported it without amendment and submitted a report (No. 964) thereon.

Mr. BLEASE, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (S. 3792) to correct the military record of James Harvey Niver, deceased; and

A bill (H. R. 1983) for the relief of John J. Waters.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8489) to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama, reported it without amendment and submitted a report (No. 965) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 4371) granting a pension to Hilda L. Patch;

A bill (S. 4372) granting a pension to Sarah Sayers;

A bill (S. 4373) granting a pension to Clinton Reese; and

A bill (S. 4374) granting a pension to William O. Snider (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4375) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway; to the Committee on the District of Columbia.

STATE RIGHTS AND THE JEFFERSONIAN IDEA (S. DOC. NO. 121)

Mr. SIMMONS. Mr. President, this morning I asked and obtained leave to have printed in the RECORD a speech recently delivered at Des Moines, Iowa, by Hon. William G. McAdoo. I intended also to ask at that time that the speech be printed as a Senate document. It is of such a character, I think, that that action should be taken by the Senate. I now make that request.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection? There being no objection, it is so ordered.

CAPITAL STOCK OF BIDDERS FOR MUSCLE SHOALS PROJECT

Mr. McKELLAR. I submit the resolution, which I send to the desk, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Secretary will read the resolution.

The legislative clerk read the resolution (S. Res. 236), as follows:

Resolved, That the Joint Committee on Muscle Shoals, heretofore appointed under House Concurrent Resolution No. 4, be, and they are hereby, requested to report to the Senate the amounts of the capital stock in the Muscle Shoals Fertilizer Co. and in the Muscle Shoals Power Distributing Co., which have heretofore put in bids for Muscle Shoals, where they are incorporated, and in what proportion the several stockholders in said companies, set out on page 191 of the committee's report, own stock in said corporations.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent for the present consideration of the resolution.

Mr. CURTIS. Let the resolution go over.

Mr. McKELLAR. Is there objection to the present consideration of the resolution?

Mr. CURTIS. I should like to have the resolution go over. I wish to consult members of the committee in reference to it, and none of them are now present.

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. The resolution will go over under the rule.

COST OF PRODUCING ONIONS

Mr. GOODING. Out of order, I ask unanimous consent for the present consideration of Senate Resolution 235, relative to the cost of producing onions.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of the resolution named by him. The Secretary will read the resolution.

The legislative clerk read the resolution (S. Res. 235) submitted by Mr. GOODING on May 26 (calendar day May 28), as follows:

Whereas the large, rapidly increasing importations of onions have resulted in a decline in the prices of onions in many portions of the United States, so that now these prices are at times below the cost of production: Therefore be it

Resolved, That the United States Tariff Commission is hereby requested to investigate, under the provisions of section 315 of the tariff act of 1922, the cost of production of onions in the United States and the principal competing foreign countries, and to report its findings to the President of the United States.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho for the immediate consideration of the resolution?

Mr. CURTIS. Mr. President, I inquire of the Senator from Idaho if the resolution has been reported by a committee.

Mr. GOODING. No; it has not been referred to a committee.

Mr. CURTIS. Would the Senator object to allowing the resolution to go over until Tuesday?

Mr. GOODING. I shall make no objection to that course, but I do not think it has been the custom in the case of resolutions of this character.

Mr. CURTIS. Yes; it has. That course was pursued the other day in the case of resolutions submitted by Senators on the other side of the Chamber, and I think all Senators should be treated alike.

Mr. GOODING. Very well.

The PRESIDING OFFICER. The resolution will go over under the rule.

DECISION OF SOUTH CAROLINA SUPREME COURT IN THE LOWMAN CASE

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD a decision of the Supreme Court of South Carolina relative to the Lowman case, which was published in The State, of Columbia, S. C., May 28, 1926.

There being no objection, the decision was ordered to be printed, as follows:

THREE LOWMANS GIVEN NEW TRIAL—NEGROES CONVICTED OF MURDER OF AIKEN SHERIFF WIN APPEAL—ATTEMPTED RAID BROUGHT BATTLE—DEMON AND CLARENCE LOWMAN, UNDER DEATH SENTENCE, AND BERTHA LOWMAN, SERVING LIFE TERM, FOR SLAYING OF HENRY H. HOWARD, FACE JURY AGAIN

Demon, alias Son, Lowman, Clarence Lowman, and Bertha Lowman, negroes, convicted of the murder of Sheriff Henry H. Howard, of Aiken, and sentenced Demon Lowman and Clarence Lowman to death by electrocution and Bertha Lowman to life imprisonment, are allowed a new trial by the Supreme Court of South Carolina in an opinion handed down yesterday.

The opinion was unanimous.

Mr. Howard, for 13 years sheriff of Aiken County, was killed April 25, 1925, in attempting with three deputies to search the home of Sam Lowman, father of Demon and Bertha Lowman and uncle of Clarence Lowman, 1 mile south of Monetta, on the Columbia-Augusta highway. Annie Lowman, wife of Sam Lowman and mother of Demon and Bertha Lowman, was killed in the battle precipitated by the officers' effort at search, shot through the temple by Deputy Sheriff A. D. Sheppard. Bertha and Demon Lowman were also wounded in the mêlée, and Clarence Lowman, charged with the firing of the shot which killed the sheriff, was before being captured also shot. The three deputies escaped with minor bruises.

The sheriff's slaying aroused considerable feeling throughout Aiken County. There was talk of lynching and some hundred or so men gathered about the Aiken jail where Demon and Clarence Lowman

were being held. Bertha Lowman, wounded, was in a Leesville hospital. The two men were brought to the State penitentiary for "safekeeping."

April 26 the funeral was held, attended by 1,000 or more, among them Gov. Thomas G. McLeod, who was heard in a brief address eulogizing the slain officer. April 27 the inquest was held and May 12 the trial begun.

FEELING AGAINST NEGROES

Sufficient time there had not been, the supreme court held, for the subsidence of the feeling naturally aroused by the sheriff's death.

"There was nothing immediately preceding or in the course of the trial to evidence any hostile or unusual feeling against the appellants," the preliminary statement of the "case for appeal" concludes.

"This statement," the court's opinion sets out, however, "is not convincing to the court. * * * The able and conscientious trial judge deemed it expedient to state in his charge the reason for the appearance of counsel appointed by the court for the defendants. The reason for this is manifest. The judge knew or feared that without such statement the resentment which existed in the minds of the community might react against the attorneys. * * *"

The officers had carried with them a search warrant, properly issued, but this fact alone, it was pointed out, is not sufficient to deny the defendants the right to resist the search "until the authority of the officers was made known."

Judge H. F. Rice, presiding at the trial, charged the jury: "And I will say now, there is no dispute that the sheriff had a search warrant to search the house for contraband whisky and that he had with him his deputies, and, having a search warrant, it was his duty under the law to go and search that house and it was the business of every single person in that house to submit to it and not to oppose him in his search."

ERROR IN CHARGE

"The charge," the supreme court held, "excluded the right of the defendants to protect themselves against search if they did not know the parties making the search were officers. * * * The defendants were entitled to have the jury charged that they could stand on their rights as the occupants of the premises and protect their home from invasion, using so much force as was necessary, unless they knew that these persons were officers with the right to search."

To convict any other than the person firing the one shot which killed the sheriff, the court also pointed out, there must be shown "a conspiracy on the part of the defendants to attack the officers."

"A conspiracy could not have been formed," it was held, "by all of the defendants to attack the officers after the officers arrived on the premises, and the testimony given * * * does not disclose that a conspiracy existed before the visit of the officers."

And the court to epitomize its opinion:

"Taking the setting of the whole case and the conditions which surrounded the defendants at the trial, and the errors pointed out in his honor's charge, which affected all of the defendants, a new trial is granted as all of them."

The opinion was written by R. O. Purdy, acting associate justice, in it R. C. Watts and T. P. Cothran, associate justices, and J. H. Marion, acting associate justice, concurred.

The case was argued before the court November, 1923, N. J. Frederick, negro, attorney of Columbia, appearing for the defendants.

KILLED IN MAKING RAID

"On account of the nature and rapidity of the occurrences at the time that Sheriff Howard came to his death, it is extremely difficult," the opinion read, "to make a satisfactory statement of the events that transpired, and, besides, an extended statement is not necessary. The sheriff, with three deputies, McElheney, Robinson, and Sheppard, approached the house of Sam Lowman, having a warrant to search the house for contraband liquor, and the warrant was in the possession of Robinson. They did not know where Lowman lived, and so seeing three boys in a field about 50 yards away from the house they stopped and asked them if Sam Lowman, alias Son Lowman, was negroes, and one of them, Demon Lowman, alias Son Lowman, was about 21 years old, and with him Clarence Lowman, then 14 years old, and a small boy named Roy. (In addition to these three, who were members of the household of Sam Lowman, his family consisted of the woman, Annie, who was afterwards killed; the mother of Demon and Bertha; Rose, the wife of Demon, who was about his age; Bertha, the sister of Demon; and a young girl name Birdie.)

"The officers approached the house and stopped in front of it; the sheriff and Robinson going to the right of the house, Sheppard going to the left, and McElheney going to the front door. There were some women at the back of the house. Upon seeing the officers they ran to the house and were intercepted at the back door by the sheriff, who told them to stand back, and Bertha grappled the sheriff. Annie, the mother of Demon and Bertha, attempted to assault Robinson with an ax, and Sheppard interfering, she threatened to assault him with the ax, and he shot and killed her.

"It appears that Demon Lowman entered from the front of the house and got a pistol and fired on McElheney and afterwards exchanged shots with Robinson in the yard. Some one shot the sheriff and killed him at the rear of the house and, during the mêlée, Bertha and Demon were wounded and Clarence was afterwards also shot. One of the witnesses said that all of the events in the house occurred in a few seconds.

MUST SHOW CONSPIRACY

"It is manifest from the nature of the case that if the judgments against the defendants are to stand there must have been a conspiracy on the part of the defendants to attack the officers. It is not the province of this court to discuss the testimony, but from the nature of the testimony it will not be amiss to say that a conspiracy could not have been formed by all of the defendants to attack the officers after the officers arrived upon the premises, and the testimony given by the witnesses does not disclose that a conspiracy existed before the visit of the officers.

"The concluding part of the preliminary statement in the case is: 'There was nothing immediately preceding or in the course of the trial to evidence any hostile or unusual feeling against the appellants.'

"This statement is not convincing to the court that a deep feeling against the defendants did not exist. In the first place, it would have been contrary to human nature for the people of the county not to have felt deeply incensed over the slaying of a useful officer and a highly honored citizen, and in the next place the able and conscientious trial judge deemed it expedient to state in his charge the reason for the appearance of the counsel appointed by the court for the defendants. The reason for this is manifest. The judge knew or feared that without such statement the resentment which existed in the minds of the community might react against the attorneys. Without such idea in his mind there would have been no reason for making such statement in his charge.

"His honor charged the jury, in part, as follows:

"'This case is drawing to a close. These defendants, Demon Lowman, Clarence Lowman, and Bertha Lowman, are the defendants that you are to try. As to Rosa and Birdie Lowman, you will return a verdict of not guilty.

APPOINTED BY COURT

"'Before I go into the law of the case I want to say this, so that there may be no misunderstanding as to the attorneys representing these defendants. Some person might be so foolish as to condemn these attorneys for undertaking the defense of these defendants. But I want to say that they were appointed by the court—none of them wanted to do it—but it was their duty, when the court appointed them to come up and do their duty, because it makes no difference what crime anyone has committed, the law says that they shall have a fair and impartial trial, and if the crime with which they are charged is a capital offense, then it is the duty of the court to appoint some attorneys to see that the evidence is presented to the jury, and these attorneys, while it was very disagreeable on their part, came here and under appointment of the court undertook to bring out the facts in the case as best they could, so that the court assumes all responsibility for that, and I hope that no one will be so foolish as to ever condemn them for doing that which they are bound to do under their oath as attorneys. All that they are required to do was to see that their clients got a fair and impartial trial and that the evidence was brought out so that the defendants would get a fair trial by getting all of the facts in the case. * * * I want to say that justice does not always reach the white man when he is charged with murder, but I have never yet seen a case tried where I thought a negro, tried by a white jury, was done an injustice, and I feel that you are going to give these defendants a fair trial.

"'Now, gentlemen of the jury, it is no need for me to pass any further on Sheriff Howard, whom the defendants are charged with killing. I have said while he was living and I say now that he is dead that I thought he was the best sheriff in South Carolina. There is not any doubt in my mind about that. He was a man who was fearless in the discharge of his duty, and at the same time was not too harsh in discharging those duties. He was a man above reproach, and I think that is enough to say of any man. These defendants are charged with murdering him, and no matter how much all of us may have thought of Sheriff Howard, we are bound by our oath to see that these three defendants get a fair and impartial trial at our hands.'

CHARGE OF JUDGE

"His honor charged the law of self-defense and of conspiracy, telling the jury that if the defendants were acting independently only the one offending could be convicted, but that if they all knew that the men were officers and had come to search the premises for whisky, and with such knowledge started to fighting them, then all would be principals, and if one killed the sheriff all would be guilty. He charged also that ordinarily a son seeing a father or mother engaged in a fight would not stop to argue who was right or who was wrong, but if they got into a fight and kill a person, their right would be the exact rights of the parent. If the parent was in the right and it was necessary for the parent to do as the child did, then the child would be entitled to

do the same.' And he charged further: 'Now, the State must satisfy you, as they charge, that the defendants acted in concert; and the State must satisfy you beyond a reasonable doubt that one of the defendants did this killing and there was a plan or concert among them to oppose the officers; and I will say now there is no dispute that the sheriff had a search warrant to search the house for contraband whisky and that he had with him his deputies, and, having a search warrant, it was his duty under the law to go and search that house and it was the business of every single person in that house to submit to it and not to oppose him in his search.'

"His honor further charged the jury that they were bound by their oath to see that the defendants got fair and impartial trial; this involved a fair and impartial trial under the law pertaining to the situation in which they were placed. As was well said by Mr. Justice Marion in Bushardt v. United Investment Co. (113 S. E. at p. 641), 'the law is not a respecter of persons and in its administration should not be open to the criticism that members of a race who have no part in its official enforcement are denied the consideration and protection to which they are justly entitled.'

DID NOT KNOW OFFICERS

"The defendants were at their home, where they had right to be, and when the officers approached were not engaged in the commission of any unlawful act. It does not appear that any of the defendants knew that the sheriff and his deputies were officers, certainly not before the disturbance commenced, and the testimony on that point throughout the case is of a doubtful character as to imparting this knowledge to the defendants.

"The defendants had a right to use so much force as was necessary in keeping the officers from entering the house or in expelling them from it and protecting themselves in their home, until the authority of the officers was made known, and then it was their duty to submit or resent it at their peril.

"In Farmer against Sellers, an action by a widow against another for killing her husband while undertaking to execute a warrant, the court said, 'Farmer was killed while forcing his way into the defendant's house. On that point there was no dispute. The practical question before the jury then was, not whether defendant took the proper means to get Farmer out, but whether he was justified in shooting him while he was forcing his way in, in order to prevent the entry or to prevent defendant's own death or serious bodily injury. On this issue the instruction was clearly given that if Farmer was entering without authority of law the defendant had a right to oppose him by force, to the extent of taking his life if necessary. Farmer v. Sellers (89 S. C. 492).

ERROR IN CHARGE

"As already stated, his honor charged the jury: 'And I will say now there is no dispute that the sheriff had a search warrant to search the house for contraband whisky, and that he had with him his deputies; and having a search warrant, it was his duty under the law to go and search that house, and it was the business of every single person in that house to submit to it, and not to oppose him in his search.'

"The necessary consequence would follow that if there was any resistance, the persons resisting would be guilty, leaving only the measure of guilt to be fixed by the jury.

"The charge excluded the right of the defendants to protect themselves against search if they did not know that the parties making the search were officers, and carried with it, as a matter of fact, the idea that, having a search warrant, the sheriff and his deputies could make the search, and that the occupants of the premises would resist at their peril. The defendants were entitled to have the jury charged that they could stand on their rights as the occupants of the premises and protect their home from invasion, using so much force as was necessary, unless they knew that these persons were officers with the right to search, and by this charge they were deprived of that right. * * *

"Taking the setting of the whole case and the conditions which surrounded the defendants at the trial, and the errors pointed out in his honor's charge, which affected all of the defendants, a new trial is granted as to all of them.

"Mention has not been made of an exception to the exclusion of the testimony of Mr. Stansfield, one of the counsel. There was no error in not permitting him to testify.

"A new trial is granted."

MIGRATORY BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. NORBECK. Mr. President, the Senator from Arkansas [Mr. CARAWAY], who was unable to remain, was given my assurance that there would be no further action taken to-day on the migratory bird bill which is pending. He handed me three amendments which he desired me to present on his behalf, to be printed and lie on the table. I present them and ask that that may be done. I may say that they are not amendments of which I approve, but I merely offer them for him.

The PRESIDING OFFICER. The proposed amendments will be printed and lie on the table.

Mr. NORBECK. I also offer four proposed amendments on my own account, which are in the nature of substitutes for those of the Senator from Arkansas [Mr. CARAWAY]. I ask that they also may be printed and lie on the table.

The PRESIDING OFFICER. The proposed amendments will be received, printed, and lie on the table.

Mr. NORBECK. Mr. President, I wish to offer a couple of resolutions, one from the New York State Fish, Game, and Forest League and another by the Boone and Crockett Club, of New York, and ask that they may be printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

The New York State Fish, Game, and Forest League on March 30, 1926, passed the following resolution:

"*Resolved*, That it is the sense of this gathering that the United States Biological Survey has accomplished large good to all sportsmen and true conservationists by accurate fact finding and helpful administration."

The Boone and Crockett Club of New York, a sportsman's organization, which was originated by President Roosevelt and probably had the highest standing of any similar group in the country, passed the following resolution on March 9, 1926:

"Whereas for many years the Bureau of Biological Survey, aided by the report of its corps of highly trained observers, has devoted to the question of wild life protection an intensive study over the whole territory of the United States; and

"Whereas from time to time occasions arise where persons or groups, influenced by local conditions or by the hasty reports of uninformed observers, endeavor by public outcry and newspaper clamor to attract attention to their own theories on conservation methods and to criticize the work of the Biological Survey; and

"Whereas such efforts to alarm the public and to cast doubt on our most conservative and dependable source of information as to an important natural resource and its sound administration are most harmful; and

"Whereas the Boone and Crockett Club has by continuous observation and study made itself familiar with that part of the work of the Biological Survey relating to the conservation of wild life: Therefore be it

"*Resolved*, That the Boone and Crockett Club heartily approves the administrative work that has been done and now is being done by the Bureau of Biological Survey, work based on facts patiently gathered from all over the United States, to which facts are applied the most approved scientific methods: And further be it

"*Resolved*, That the club offers to the survey its hearty commendation and support, and calls for the same support to the survey from all the thoughtful public."

Mr. NORBECK. Mr. President, I have here a brief prepared by Hon. T. Gilbert Pearson, president of the Audubon Society, dealing with the question of Federal power and duck bag limits. I also ask that it be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD as follows:

[From National Association of Audubon Societies]

FEDERAL POWER AND DUCK BAG LIMITS—FACTS

FOREWORD

There has been much misunderstanding of the problems involved in the administration and of laws governing our wild fowl. This study, by a friend of the association, is published with the hope that it may be helpful to those interested in solving these problems and aid the general public in acquiring a more accurate knowledge of the State and Federal laws and Federal policies surrounding the well-being of the wild fowl of the United States.

T. GILBERT PEARSON.

NEW YORK CITY, *May 1, 1926.*

CORRECT TABLE OF LEGAL BAG LIMITS

It is asserted that 25 ducks per day may be killed every day throughout the Federal seasons. This is untrue.

Provided that ducks could be shot every day throughout the Federal seasons, the average limit in the United States, as restricted by State laws, is approximately 15 a day.

Federal seasons in the defined districts are 108, 107, 106, and 92 days. Federal regulations permit the killing of 25 ducks per day, 175 per week, and 2,700, 2,675, 2,650, and 2,300 per season, according to the number of days in the season.

But all States except six, exercising their powers under the enabling act giving effect to the migratory bird treaty, have laws further restricting the killing, either by reducing seasons, excluding Sundays, or by reducing daily, weekly, or seasonal limits, or by setting aside rest days on which ducks can not legally be shot.

State laws that result in reducing Federal limits govern the legal limits.

Ducks are not native to any one State but to the whole United States.

Those of California, Oregon, and Washington are one great flock. How many ducks can be legally killed from this flock? Not the number permitted by law in any one of the States, but the average number legally permitted by this group of States as a unit, including adjacent States occupied by the same flock of ducks. The same holds true throughout the United States.

On the assumption that ducks may be killed every day throughout the Federal seasons, the average national daily bag limit apportioned for the whole of the Federal seasons must therefore be obtained by dividing the total annual number of ducks legally permitted to be killed in all States by the total number of days in the Federal seasons.

The following table illustrating the facts has been compiled from "Game Laws for the Season 1925–26," United States Department of Agriculture, "Farmers' Bulletin No. 1466." It does not include further restrictive killing under some regulations both of States and of several State counties, or of numerous clubs. These, if added, would bring the average limits still lower.

It shows the legal maximums throughout full seasons. Practically, however, hunters shoot during only a very small proportion of the seasons. Furthermore, the average kill of ducks is only a very small proportion of the legal limit. The actual number of ducks killed, therefore, is but a small fraction of those indicated in the table:

State	Federal season, days	State season, days	State bag limits, daily	State bag limits, weekly	State bag limits, seasonal
Alabama	92	78	25	150	1,950
Alaska	106	106	20	140	2,120
Arizona	108	108	20	140	2,160
Arkansas	92	78	25	150	1,950
Arkansas County	92	78	15	90	1,170
California	107	107	25	50	800
Colorado	107	107	25	175	2,675
Connecticut	107	92	25	150	2,300
Delaware	108	92	20	120	1,840
Florida	92	62	25	150	300
Georgia	92	78	25	150	1,950
Idaho	107	107	12	84	1,284
Illinois	107	107	15	105	1,605
Indiana	107	92	15	90	1,380
Iowa	107	92	15	90	1,380
Kansas	107	92	15	90	1,380
Kentucky	107	92	25	150	2,300
Louisiana	92	92	25	175	300
Maine	107	92	10	60	920
Maryland	92	78	25	150	1,950
Susquehanna Flats	92	78	25	75	975
Massachusetts	107	92	25	150	2,300
Michigan	107	107	15	50	765
Minnesota	107	92	12	72	120
Mississippi	92	78	20	120	1,560
Missouri	107	92	15	90	1,380
Montana	107	91	20	140	1,820
Nebraska	107	92	25	150	2,300
Nevada	107	107	15	45	735
New Hampshire	107	92	20	120	1,840
New Jersey	108	92	25	150	2,300
New Mexico	107	107	25	175	2,675
New York	106	91	25	150	2,275
Long Island	108	92	25	150	2,300
North Carolina	92	78	25	150	1,950
Currituck Sound	92	78	25	100	1,300
North Dakota	107	66	15	90	990
Ohio	107	92	25	150	2,300
Oklahoma	107	92	15	90	100
Oregon	107	107	25	30	480
Pennsylvania	107	52	15	60	60
Rhode Island	107	107	25	175	2,675
South Carolina	92	78	25	150	1,950
South Dakota	107	92	15	90	1,380
Tennessee	92	78	15	90	1,170
Reelfoot Lake	92	78	20	120	1,560
Texas:					
North Zone	108	108	25	175	2,700
South Zone	92	92	25	175	2,300
Utah	107	92	25	175	2,300
14 counties	107	107	25	175	2,675
Vermont	107	92	20	120	1,840
Virginia	92	78	25	150	350
Washington	107	107	20	20	320
West Virginia	107	40	25	150	1,000
Wisconsin	107	86	15	105	1,440
Wyoming	107	93	15	105	1,395
Total	5,755	5,076			87,294

87,294 divided by 5,755 equals 15⅙.

It will be observed that States have reduced Federal seasons 679 days. The average bag limit under State seasons is approximately 17 per day.

But what is the legal daily average throughout Federal seasons, at the national rate, in the groups of States where most of the ducks are killed?

On the Atlantic coast, in Maryland, Currituck Sound, North Carolina, and Virginia, together, it is approximately 14.

In the Central West and South, including Minnesota, Wisconsin, Illinois, Nebraska, North Dakota, Missouri, Reelfoot Lake, Tennessee, Arkansas, Texas (south zone), and Louisiana together, it is approximately 15.

In the Pacific States, Utah (area of concentration), California, and Oregon, together, it is approximately 10.

In all these groups combined, approximately 15.

THE PROBLEMS AND THE USE OF FEDERAL POWER

Not long after this century opened the numbers of ducks were decreasing so rapidly as to cause serious alarm.

The causes were advancing civilization, increasing material interests, and lack of wise restrictive legislation and of its proper enforcement. The first two causes could not be checked. More serious attention was therefore given to the others.

The States, each acting independently, made their laws to suit local opinion. Bag limits varied from 10 per day up through 25 to unlimited numbers. The same was true of State seasons. Sale of waterfowl largely prevailed. This encouraged deadly market killing. Methods of shooting were largely uncontrolled. Here was the proper field for action.

Congress gave heed. The migratory bird law was enacted in 1913, followed by the treaty with Canada in 1916 and by the enabling act in 1918. The Supreme Court declared the treaty constitutional in 1920.

In 1913, therefore, Congress gave the administration of the wild fowl to the Department of Agriculture. The responsibility for their preservation thenceforth rested on it.

But in the enabling act, section 6, Congress placed upon this department an additional responsibility, equally serious—to preserve to each State full authority to make regulations, adjusted to local conditions and further to protect wild fowl, not inconsistent with the treaty or with regulations issued under the enabling act.

In other words, in protecting the wild fowl the department must so use the Federal power as consistently to preserve State rights.

In the spirit of these days, when the country is reasonably alarmed at the increasing expansion of Federal power, would anybody deny that this was a wise provision?

To preserve the ducks by the minimum use of Federal combined with the maximum use of State powers—this was the responsibility enjoined on the department by Congress.

It has been the fundamental problem that has guided the administrative wild-fowl policy of the department, and no criticisms, prompted by misconceptions of the significance of this responsibility, have caused the department to swerve from it.

WHAT ARE DUCKS FOR?

In law ducks are game birds. As such they are preserved for sport and food. Their economic value to the Nation is high. It includes, besides food, employment, and the whole train of industrial activities included in their chase.

Their unmeasurable value for recreation, including health-giving activities, is probably of still greater benefit to our people. The interest and unceasing work of sportsmen have been the forces which have so acted on public opinion as to bring about laws and methods to preserve the ducks. Nobody familiar with the history of game conservation could deny this fact.

A proportion of the people want wild fowl preserved, not for sport or food, but because of their enjoyment of wild life and of the beautiful in nature—a feeling shared also by sportsmen.

It is clear, however, that preserved up to their maximum numbers adjusted to the limits of their food supply, ducks will always provide a field of opportunity for nature lovers as great as that for sportsmen.

HOW MANY DUCKS MUST BE PRESERVED?

A breeding stock sufficient to produce each year a surplus in full numbers up to the limits of their food supply. This surplus, after allowing for loss for natural causes, should be used for sport and for its economic value to the people.

On the department rests the responsibility for so administering the ducks as to maintain a breeding stock which will produce this surplus.

HOW DID THE DEPARTMENT ACT?

In 1913 it made a study of the situation. It appointed an advisory board composed of individuals experienced on this subject, representing all sections of the country, to advise it.

The country was divided into sections and a restricted open season eliminating spring and summer shooting was assigned to each.

Regulations were issued prohibiting other chief factors which had decimated the duck supply by killing—sale, which eliminated market

shooting, killing from motor boats, and after sundown and before sunrise, the hours of the day most favorable for shooting, and other minor practices. It established bag limits in 1918.

In the United States there are 33 Federal refuges frequented by ducks, comprising about 3,433,600 acres, where shooting is prohibited. Ten of these have been established since 1913.

Likewise there are 76 State refuges, comprising more than 3,337,000 acres, 65 of them established since 1913.

Owing to a northern climate, the conditions in Canada are for the most part different from those farther south. In Canada, however, killing has been restricted as much as in the States.

Canada has approximately 85 national reservations, including 1,173 square miles of water, frequented by ducks, and also 25 principal game reserves.

THE RESULT

The number of wild fowl have so increased since 1913 as to astonish the country.

THE FEDERAL BAG LIMIT

In 1918 the Federal bag limit was made 25 a day, not as a final, but as a test limit most convenient to the States for a maximum one within which each could adjust restrictive killing to its own local conditions.

The table in this study demonstrates that most of the States have acted to restrict killing more or less below the Federal limits.

The purpose of these Federal limits is generally misunderstood.

They were made as a test to preserve wild fowl and at the same time insure, so far as consistent, State rights.

A portion of the public has been led to believe that the amount of duck killing is determined by the daily bag limit. This is not true. The main question to be considered is restrictive killing. To achieve this, the daily bag limit is only one of several methods.

A part of the public further believes that final bag limits were fixed in 1918 and have remained unconsidered up to the present. This is another mistake.

Each year, after a careful study of the status of the ducks and of all factors bearing on their maintenance, the department reaches conclusions as to changes in regulations necessary to conserve them.

Among all the pertinent factors it reconsiders bag limits. But in so doing, it must consider only the national supply of ducks and therefore only the average national daily bag limit. This, as has been shown, is approximately 15 per day.

The advisory board then meets; recommendations are laid before it for discussion and advice, which the department considers before issuing new regulations.

The Federal bag limit, therefore, is annual. As such it can be adjusted annually as conditions may require.

WHEN SHOULD THE DEPARTMENT FURTHER REDUCE SHOOTING?

The only reason that would justify further restriction of killing would be a conclusion that legal shooting, or some other cause, is reducing the number of ducks below their available food supply.

THE DEMANDS TO REDUCE FEDERAL BAG LIMITS

Owing to lack of knowledge of the facts and of the proper conception of responsibilities in the use of Federal power, demands from some sections, in one case even reaching the stage of a public campaign, have been made on the department to reduce the Federal bag limit to 15 ducks a day.

In ignorance of the fact, as shown, that this is already the average national bag limit, it is asserted that such Federal action will be the one panacea for saving the ducks.

The main reasons given for these demands are the following:

1. Ducks are decreasing and therefore need immediate restrictions on killing.

2. The bag limits should be made uniform throughout the country.

3. Since the department has the final responsibility for preserving the ducks, it should not permit the States to share it. The department should retain exclusive responsibility and alone reduce the bag limit.

4. Under increasing population ducks will be destroyed at the present rate of killing. The future dangers should be discounted now.

5. No sportsman "ought" to kill 25 ducks a day. He should be satisfied with 15.

PRESENT SUPPLY OF DUCKS

Ducks exist in enormous numbers throughout the continent north of Central America. We must think of them in terms of tens of millions and not feel alarmed that several millions are killed each year. They are very prolific.

The supply can only be approximately determined by a detailed study of continental conditions by trained men. Uncertain in their habits, shifting in their annual flights, their appearance or absence controlled in some degree by weather and water, their temporary habitats varying according to changing conditions, driven to concentration by progressive drainage of marsh lands and by the lowering of water levels in some of the States, the problem of estimating their increase or decrease is very complex.

The department has in the Biological Survey the only organization competent to solve these problems.

At the request of the President in 1924, the National Conference on Outdoor Recreation was organized. The conference appointed a committee on game, composed of most experienced men from different sections of the country.

The question of wild-fowl conservation was thoroughly discussed, particularly the Federal reduction of bag limits. The committee included among its members the leaders of those who believed that Federal limits should be immediately reduced. As a result, the committee unanimously voted a resolution advocating reduction of bag limits "where necessary."

The committee on birds, composed of leading ornithologists, also discussed the question and voted unanimously "measures regulating hunting seasons and bag limits should be determined only after careful consideration of local conditions."

Both resolutions were indorsed by the conference.

Was it "necessary" to reduce Federal bag limits? The first act of the executive committee of the conference was formally to request the Secretary of Agriculture to make a complete investigation to determine the status of the waterfowl.

The Biological Survey started a methodical investigation and extended it over 20 months. It reported the results to the conference in 1926, "Special report: Our migratory wild fowl and present conditions affecting their abundance." This may be obtained from the Biological Survey.

The conclusion is that the wild fowl supply is at present maintained. There is no present necessity for the department further to restrict the killing.

The report does, however, enumerate serious dangers to the future of wild fowl, quite independent of and other than those of killing.

In view of such an investigation, of what value are reports to the contrary based on limited or local observations?

UNIFORMITY

Glance at the table and note the difference in State methods of restricting killing by daily, weekly, or season limits, reduced seasons, excluded Sundays, rest days, county regulations.

This is the result of the exercise of State rights specially conferred on them by Congress. Each State must and should have the right, so far as consistent, to adjust its own regulations. Under the law no change in Federal regulations could bring any result even approaching uniformity.

Uniformity could, however, be obtained by getting Congress to withdraw these rights from the States and transfer them exclusively to the department. Then the same regulations could be applied to every State without any one of them having the right to change them. Congress would not, and ought not, thus to destroy State rights.

The department has, however, compelled uniformity in vital factors—prohibition of spring and summer shooting, nonsale of ducks, and by other regulations already mentioned.

SHOULD THE DEPARTMENT ALONE BE RESPONSIBLE FOR REDUCING BAG LIMITS?

Under the Federal law the department is responsible only for maintaining the national supply of ducks.

It can make bag limits. But it can not prevent States from reducing those bag limits. Most of the States in one way or another have reduced them.

How can the department, therefore, alone be responsible for bag limits? Only by an act of Congress withdrawing those rights now enjoyed by the States.

The responsibility of the department includes regard for all factors involved in protecting wild fowl. Among them are bag limits, and here the department must consider the results of the actions of the States which establish under the law the legal bag limits when they are below those fixed by the department.

The national average is approximately 15 per day.

INCREASING POPULATION—DISCOUNTING THE FUTURE NOW

There is no ground whatever for alarm. This is the first and the simplest question considered by the department.

It has complete power of restrictive regulation, in each and every detail, in all States. It can completely prohibit killing.

Its power can be exerted annually.

Thus, so far as killing is a factor, the department has complete control.

THE ASSERTION THAT NO SPORTSMAN "OUGHT" TO KILL MORE THAN 15 DUCKS A DAY

This is a debatable question. Even some of the best sportsmen differ about it. However, it is a question of sportsmanship, taste, conduct, or whatever term may be applied.

It is an ethical question, and as such the department has nothing to do with it.

Its only responsibility is to maintain a surplus of ducks and, so far as consistent, State rights. This surplus must be delivered to the people. It can not issue regulations governing the ethical use of it. We would rebel against such a misuse of Federal power.

Each sportsman may decide this for himself. A majority in any State may, if they think it wise, attempt State regulation in this ethical field.

The Federal Government, never.

HOW TO RESTRICT KILLING—FACTS

Killing can only be effectively reduced by methods which can be reasonably enforced. In sections of duck concentration and in other places where good shooting is possible neither daily, weekly, nor seasonal limits can be enforced. In all sections they are only feebly enforced.

The Federal Government has only obtained four or five convictions for bag-limit violations since 1918. All States have had similar experiences. Bag limits are effective only as hunters voluntarily respect them. These are well-known facts.

Reduce bag limits below what sportsmen believe necessary and reasonable, and disregard of game laws will be general. They will be more or less nullified. Increasing indifference to game laws would be a serious danger to all game conservation.

Yet duck bag limits, scientifically adjusted, should continue as a method of restrictive killing. Their existence reduces recklessness and indifference. They have a moral effect.

The only effective methods to reduce killing are reducing open seasons or the hours of shooting or establishing rest days, where practical, when ducks can not be shot. All these methods make for the welfare of the ducks, since they provide periods of undisturbed resting and feeding.

Such regulations can be and have been enforced. The firing or even the carrying of a gun invites attention to the violation.

Who can doubt this? If necessary to restrict killing, why not stress the importance of this rather than that of unenforcible bag limits?

SCIENTIFIC ADMINISTRATION OF DUCK CONSERVATION

We know that hordes of ducks migrating through sections of the country form separate groups more or less independent of, and unrelated to, each other.

We do not yet know most of the facts. Before we can learn them different breeding areas must be visited for the purpose of banding ducks. Since sufficient funds for such purposes have not been appropriated to the Department of Agriculture, study in this direction has been limited.

We do know, however, that the ducks of the Pacific coast are a group wholly separate from that on the Atlantic coast. Conditions, population, habitats widely differ in both regions.

Therefore it is bad administration and unscientific to make uniform, blanket Federal regulations covering two groups of ducks so widely separated. It would be as intelligent as to make the same regulation apply both to the deer of California and to those of New York. They should be regulated independently.

When we know the facts and can determine the other independent migrating groups, each must receive special treatment.

If our ducks are to be correctly administered, the importance of determining this problem is obvious.

THE REAL DANGERS

At present ducks are probably at or beyond their food supply. Progressive drainage of marsh areas throughout the country and the lowering of the water level in some States have restricted their fall and winter habitats. They have been forced to concentrate in other areas and reduce their available food. These causes have led to disease and to the dangers of starvation—in some cases to forced change of feeding habits which have become a menace to crops.

Oil-polluted and alkali waters annually destroy great numbers. Disease has been increasing. Adverse conditions on their breeding grounds have been destructive to ducks; how much we do not know and can not know until the breeding grounds shall be visited at the breeding time. Destruction of the food supply and methods of preserving and of increasing it, droughts, an international treaty with Mexico, more systematic study of natural enemies; there are other serious factors.

This is the field that needs concentration and attention. In it bag limits are insignificant factors. The agitation about them only diverts attention and work from being directed toward the vital problems.

THE FUNDAMENTAL PROBLEM

The maintenance of our wild fowl depends on correct administration, both scientific and practical, and on increased funds available for that purpose.

Congress has given complete administrative power to the Department of Agriculture, acting through the Biological Survey. To solve this continental problem there can be no substitute for this bureau.

It has fulfilled its responsibilities and produced satisfactory results.

The fundamental dangers that threaten our ducks are campaigns of irresponsible criticism directed against this bureau and bills in Congress to curtail its necessary powers and cripple its administrative capacity.

The fundamental necessity on which depends the future conservation of our ducks is the strengthening of the administrative capacity of this bureau by the confidence and active cooperation of the public, including sympathetic constructive criticism when believed to be necessary.

If distrust of and agitation against this bureau, prompted by lack of knowledge of the facts and of the problems, shall continue to the point where political pressure will force the Department of Agriculture to base its administrative methods on uninformed clamor rather than on scientific practical facts, our ducks are doomed.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. Yes; I am through. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington has the floor in his own right.

Mr. DILL. Mr. President, I understand that it is the purpose not to proceed with the migratory bird bill at this time.

Mr. NORBECK. It is not.

Mr. DILL. I can not refrain from commenting on the fact that it is only 20 minutes after 1 o'clock, and that yesterday we were told that the migratory bird bill was being filibustered to death. Yet we are to adjourn over until Tuesday, though those of us who are interested in the bird bill are willing to go ahead with it and dispose of it as soon as it can be disposed of in the ordinary course of discussion. I merely wish to make this comment in the light of the fact that we are told here that the bill can not be acted upon because of a filibuster.

Mr. NORBECK. The Senator is aware of the fact that we have not had a quorum here this morning and have not at this time.

Mr. McKELLAR. Mr. President, I do not think we are aware of that fact. I counted the number of Senators on the floor a few moments ago, and I think there were 43 present at that time. I am quite sure we have a quorum, and there is no reason why we can not go on with this bill. I do not understand why the Senator does not press the bill for a speedy determination. I am informed by the Senator from Washington [Mr. DILL] that he desires to make a speech on the subject; that he is ready to proceed, and I see no reason why we should not go on with the bill.

Mr. NORBECK. I wish to say to the Senator from Tennessee that nothing would please me better than to go on with the bill; I have been very desirous of going on with it, but one Senator after another came to me to say that he could not be present this afternoon.

Mr. McKELLAR. Mr. President, it seems to me that this bill is being allowed to be used as a cat's-paw to defeat other measures. I think that the Senator ought to press the bill; he ought to secure a vote on it, so that the Senate may proceed to the consideration of more important business before us. I hope he will insist upon an early determination of his bill.

Mr. DILL. Mr. President, I wish to remind the Senator of the fact there has been a cloture petition filed here and that it will come up before the Senate for action on Tuesday. It is proposed that we adjourn at this time for the day, and then it is proposed that further discussion on the bill shall be cut off. I have taken some care to go through the RECORD and estimate the time spent on this bill.

Mr. NORBECK. There is nothing to prevent the Senator from Washington speaking on the bill at this time and as long as he wants to do so.

Mr. DILL. If the bill is not going to be taken up and considered the Senator from Washington is not going to speak on it. The Senator from Washington wants to talk about the bill and has some things to say about the bill which he thinks are important.

Mr. NORBECK. Several Senators have said that they have appointments. They want to attend the exercises to be held at 3 o'clock this afternoon, and it is impossible for them to remain here. The Senator from Washington and I discussed the matter this morning, and I also discussed it with other Senators, and the conclusion was that if there were to be no speeches, perhaps, we could take up and pass the bill. Then, the Senator from Washington said he wanted to make quite a long speech. There is not this afternoon sufficient time for a long speech and also for action on the bill; so I assured the Senator from Arkansas [Mr. CARAWAY], who is interested in the bill, that I saw no way of going ahead with it to-day; and he left the Chamber with that understanding.

Mr. DILL. I expect to speak about 30 minutes. That is what I informed the Senator. I am not going to press for action, but I made my comment in regard to the procedure

on this bill because I wanted to show that those of us who are fighting the bill are not responsible for the failure to discuss it and proceed with it to-day.

Mr. NORBECK. I will ask the Senator if he did not tell me within the last half hour that there was one Senator who would object to action on the bill?

Mr. DILL. I said that that was my understanding.

Mr. NORBECK. He has objected to it a dozen times, and what is the use of trying to go ahead with it now?

Mr. McKELLAR. If we shall continue in the way we have been proceeding, we will have this bill before us for a long time.

Mr. NORBECK. Mr. President, I am not asking for any delay on the bill. I have merely stated the situation as it is.

Mr. DILL. If the Senator wants to go on and fight the bill through, let us take it up and go on with it. I am prepared to discuss it, am prepared to vote on any amendment that may be presented, and to have a vote on the final passage of the bill as soon as we can get to a vote.

Mr. JONES of Washington. Mr. President, I ask for the regular order, which I understand is the unfinished business.

Mr. DILL. And the pending amendment, as I understand, is that of the Senator from Arkansas [Mr. CARAWAY].

Mr. CURTIS. Mr. President, may I ask the Senator from Washington if he has an amendment which he desires to offer?

Mr. DILL. No; the amendments I have to offer to the bill have already been presented and printed. I have, however, some matter I desire to have inserted in the RECORD in regard to the bill.

At this point I ask unanimous consent to have printed in the RECORD a statement from the Biological Survey showing the amount of fees received in the various States for hunting licenses for the past year and also a resolution adopted by the Western Association of State Game Commissioners at Salt Lake City, Utah.

The PRESIDING OFFICER. Is there objection to the request? There being none, it is so ordered.

The matter referred to is as follows:

HUNTING LICENSES SWELL STATE REVENUES

More than 5,000,000 hunting and fishing licenses were taken out during the season 1924–25 by sportsmen and anglers throughout the United States, including Alaska, and the returns to State treasuries amounted to more than $6,400,000. Detailed figures for the season, just compiled by the Biological Survey of the United States Department of Agriculture, show increases in the numbers of licenses issued and fees received over the two years preceding. Two years before the licenses numbered 4,341,498, and the fees paid were $5,385,489. One year later 4,395,038 hunters paid for their licenses a total of $5,594,982. During the season 1924–25 the license figures were 5,039,834, and the fees totaled $6,423,276.87. Pennsylvania, with 504,130 licenses and fees of $613,939.30, headed the list both in licenses and returns to the State treasury. The complete figures are giving in the following table:

State	Resident	Nonresident	Alien	Angling	Money returns
Alabama	45,256	138	----------	83	$67,136.61
Arizona	26,485	170	----------	----------	36,479.00
Arkansas	3,926	203	----------	----------	8,561.90
California	224,601	920	890	----------	245,591.00
Colorado	96,844	382	----------	6,632	218,294.50
Connecticut	32,399	380	----------	----------	36,199.00
Delaware	1,502	250	----------	----------	4,002.00
Florida [1]	----------	----------	----------	----------	----------
Georgia	29,030	151	----------	----------	40,598.75
Idaho	[2]60,780	542	1	6,232	136,336.80
Illinois	265,064	1,478	----------	----------	213,578.00
Indiana	163,607	258	----------	12,452	180,363.20
Iowa	[2]144,729	273	----------	----------	147,459.00
Kansas	109,720	110	----------	----------	100,226.00
Kentucky	80,774	391	----------	----------	71,160.03
Louisiana	110,778	337	----------	----------	124,656.25
Maine	[2]33,853	3,625	71	422	49,212.95
Maryland	60,516	1,791	----------	----------	109,524.37
Massachusetts	75,484	802	217	----------	122,936.25
Michigan	282,328	2,015	----------	----------	282,016.26
Minnesota	162,824	608	----------	----------	217,787.75
Mississippi [3]	----------	----------	----------	----------	----------
Missouri	174,699	1,208	----------	----------	191,922.87
Montana	64,584	154	10	2,958	144,510.50
Nebraska	[2]140,922	[2]483	----------	2,496	161,129.00
Nevada	3,350	15	----------	----------	5,175.00
New Hampshire	[2]58,100	[2]2,550	----------	20,000	170,254.54
New Jersey	[2]138,948	[2]1,491	----------	5,552	240,584.00
New Mexico	15,200	535	----------	8,524	43,426.75
New York	317,394	3,152	----------	10,725	345,969.75
North Carolina [3]	----------	----------	----------	----------	----------
North Dakota	34,784	277	----------	----------	55,539.40
Ohio	362,730	66	----------	----------	454,402.50
Oklahoma	[2]101,135	322	----------	535	108,398.75
Oregon	53,484	638	----------	----------	199,490.00

[1] Department of game and fresh-water fish created 1925.
[2] Combined hunting and fishing license.
[3] No State commission.

State	Resident	Nonresident	Alien	Angling	Money returns
Pennsylvania	501,572	2,558	----------	----------	$613,939.30
Rhode Island	11,179	174	74	----------	14,029.00
South Carolina	80,442	889	----------	4,318	139,672.90
South Dakota	63,295	2,205	----------	----------	75,391.94
Tennessee	50,806	425	----------	----------	138,295.70
Texas	71,842	449	----------	214	97,481.00
Utah	[2]53,840	[2]1,066	----------	28,816	76,434.10
Vermont	[2]38,050	[2]939	4	712	140,789.40
Virginia	85,888	1,876	207	3,083	186,561.00
West Virginia [4]	44,850	106	----------	----------	46,440.00
Wisconsin	180,000	592	----------	----------	206,600.00
Wyoming	[2]22,266	3,755	35	19,740	73,644.75
Alaska [5]	----------	60	26	----------	6,964.00
Total	4,862,889	41,316	1,535	134,094	6,423,276.87

[2] Combined hunting and fishing license.
[4] For six-month period only.
[5] No resident hunting license required.

RESOLUTION ADOPTED BY THE WESTERN ASSOCIATION OF STATE GAME COMMISSIONERS, JANUARY 17, 1922

The several commissioners and game wardens of the game and fish departments of the States of Arizona, Colorado, Montana, New Mexico, Oregon, Utah, and Wyoming, in conference assembled at Salt Lake City, Utah, this 17th day of January, 1922, having carefully considered United States Senate bill No. 1452, entitled "The Federal public shooting ground and game refuge act," do unanimously adopt the following resolution:

Whereas we appreciate the need for the establishment of public shooting grounds and game refuges in various parts of the United States for the benefit of the public at large and for the protection of migratory birds; and

Whereas we, through our several game and fish departments in the States which we represent, have given our full support and cooperation to the efforts of the Federal Government to successfully administer the present Federal migratory bird laws and regulations; and

Whereas we approve of the purpose and aims of the Federal Government as evidenced by the present migratory bird law and are in favor of such additional legislation as may further such purpose; and

Whereas, on the other hand, we are not unmindful of the inherent sovereignty of the several States as recognized in the decision of the Supreme Court of the United States in its determination that the game and fish within the confines of each State are the property of such State, and therefore under the jurisdiction and control of State authority; and

Whereas we disapprove of the centralization of control in the Federal Government of the game, birds, animals, and fishes which find their range within the confines of any State; and

Whereas the purport of said Senate bill No. 1452 is not, in our opinion, as indicated in its title, but, on the contrary, is designed to and will result in an unwarranted encroachment by the Federal Government upon the rights of the various States in the protection of their fish and game and in the administration of their fish and game laws: Now, therefore, be it

Resolved, That we protest against the enactment into law of United States Senate bill No. 1452 for the reasons as set forth in the foregoing preambles and more specifically because:

1. Said Senate bill, although in its title "Providing for establishing shooting grounds for the public; for establishing game refuges and breeding grounds; for protecting migratory birds and requiring a Federal license to hunt them," nevertheless, in the body thereof, purports to give authority in no wise indicated in the title, and delegates power to the Department of Agriculture and a committee consisting of the Secretary of Agriculture, the Attorney General, the Postmaster General, two Members of the Senate, and two Members of the House of Representatives, giving said commission complete legislative powers to make rules and regulations which will have the force of laws governing and controlling not only the migratory birds and game animals but also the fishes that may be found in their natural state or introduced into any of the lands or waters upon any game preserve secured under said act, either by gift, lease, or purchase.

2. We do not approve of creating a Federal organization of game wardens which, in the enforcement of said act, will largely duplicate the work of the State organizations for the protection of fish and game, thereby increasing the operating expenses necessary to the enforcement of the law and tending to create conflicting authority between State and Federal game wardens and to disrupt the harmony and unity of purpose now existing between the State and Federal departments.

3. We object to the Federal Government assessing a license fee against citizens of a State for the privilege of hunting and fishing within the confines of his own State.

And

Whereas we believe that the enforcement of the migratory bird law is of sufficient importance to justify a direct appropriation from Congress for that purpose: Be it further

Resolved, That we favor a direct appropriation from Congress for the purpose of enforcing the migratory bird treaty act and the establishment of public shooting grounds and game refuges under the direction of the Biological Survey.

It has been determined to express the foregoing ideas in resolution form for the purpose of conveying to the Congress of the United States a concrete expression by the fish and game officials of the above-named States who are primarily interested in legislation, be it State or Federal, which will be most suitably designed to accomplish the protection and increase the fish and game of the country and to avoid submerging a laudable common purpose in disputes and conflicts (intensified possibly by a sense of unjust assumption of Federal control) between officials and employees of departments of Government with overlapping coordinate authority.

D. H. MADSEN, *President*.
J. W. TINGEY, *Secretary*.

Mr. CURTIS. Mr. President, I move that——

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CURTIS. Only for a question.

Mr. TRAMMELL. Mr. President, I thought possibly we could take up Senate Resolution No. 31 this afternoon, if the Senate has run out of anything to do.

Mr. McNARY. Mr. President——

Mr. CURTIS. Mr. President, I decline to yield for the purpose of taking up any measure.

Mr. McNARY. I thought that the unfinished business had been laid by the Chair before the Senate.

The PRESIDING OFFICER. That has not technically been done, but in order that it may be done the Chair lays before the Senate the unfinished business, because that has been twice requested.

Mr. TRAMMELL. Mr. President, will the Senator from Kansas permit me to make a brief statement for about two or three minutes?

Mr. CURTIS. I yield for that purpose.

Mr. TRAMMELL. Mr. President, I have had Senate Resolution No. 31, to investigate the rapid increase in the prices of gasoline, kerosene, and other petroleum products, pending for the last week or two. The Senate is just jogging along, killing time, when the people of the country are suffering as a result of the situation which has been brought about; and it seems to me that, instead of the Senate loafing on the job all afternoon, we could take up the resolution and either pass it or defeat it. I believe a majority of the Senators are favorable to the resolution. I do not feel that it ought to be merely stifled and action on the resolution absolutely prevented when the Senate has nothing else to do.

Mr. CURTIS. Mr. President——

Mr. TRAMMELL. The Senate seems to have run out of anything to do, and I had hoped we could take up the resolution this afternoon. The American people are complaining, and they feel that this question ought to be investigated. The Standard Oil Co., which controls price fixing, is becoming more monopolistic not only in its practices but in gobbling up the independent oil companies of this country, as I will demonstrate when I get an opportunity to discuss this question; yet there seems to be a determination not to let this resolution be considered. I ask unanimous consent for the immediate consideration of the resolution.

Mr. CURTIS. Mr. President, so far as I am personally concerned, I should like to see the resolution considered, but the Senator from Oklahoma [Mr. HARRELD] and the Senator from New Jersey [Mr. EDGE] are not here. It was understood that only the migratory bird bill would be taken up this afternoon. I move that the Senate do now adjourn.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his motion?

Mr. McKELLAR. I ask for the yeas and nays on the motion, Mr. President.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Kansas yield?

Mr. CURTIS. I yield to the Senator from Oregon if it is not his intention to ask for the consideration of a bill.

Mr. McNARY. Mr. President, I do not think it is necessary for me to state in advance that which I am about to state.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. CURTIS. The Senator will have to state the purpose of the interruption if he desires me to yield.

The PRESIDING OFFICER. The Chair must know whether or not the Senator from Kansas yields.

Mr. CURTIS. I wish to know for what purpose the Senator from Oregon desires me to yield to him.

Mr. McNARY. I merely wish to appeal to the Senator from Kansas and to enter a protest against adjourning this afternoon at this time. Those who favor farm relief legislation have been very patient; I have had numerous Members of the Senate appeal to me to displace the unfinished business, but owing to my high regard for the Senator from South Dakota [Mr. NORBECK] and my wish not to hamper his efforts to have his bill passed, I have resisted those importunities. It is now Saturday, and it occurs to me that we might go forward and get a vote on the pending bill this afternoon. I hope, Mr. President, that on Tuesday of next week I may have a few minutes to address myself to the subject of farm relief legislation and properly to place it before the Senate for further consideration.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. CURTIS. I yield to the Senator from Washington.

Mr. JONES of Washington. I wish to make a suggestion. I understand the Senator from South Dakota, who is in charge of the pending bill, has advised another Senator, at his request, that he will not press the bill to-day, but the Senator from South Dakota will be fully relieved if the Senate itself shall decide to go on with the bill; and that is what I think we ought to do.

Mr. McNARY. I am in accord with that. I merely wish to say a word further, and I shall then be through. I appreciate the courtesy of the Senator from Kansas in yielding to me for just a moment.

Mr. President, we enter next week, the next session beginning on Tuesday, without any assurance that the migratory bird bill will be disposed of. There is a point when patience ceases to be a virtue. I have not in this body done a discourteous thing, to my knowledge; but if this bird bill does not come to a final vote early next week, I shall move to displace it. Therefore I think the precious hours this afternoon might well be spent in the further consideration of this bill, and I appeal to the Senator from Kansas that it may go forward.

The session is drawing to a close. The House has nearly completed its business. If the farmer is going to get any relief, it must start in this body, and the House must be given sufficient time to consider it.

Mr. President, I again appeal to my distinguished friend, and the friend of the farmer, from Kansas that we may go on this afternoon.

Mr. CURTIS. Mr. President, the Senator knows that I am just as anxious to have farm legislation taken up as he is. He also knows that the bill was placed upon the program for consideration, and at that time the Senator was not ready to take up the matter and wanted consideration in the Senate delayed until farm legislation was disposed of in the House. In the meantime another measure has been laid before the Senate, and a notice for cloture has been served and will be taken up on Tuesday. I do hope we will get a vote on the pending bill on Tuesday without having to invoke cloture. I have assurances from some of those who have been opposing the pending measure that they hope a vote may be had Tuesday.

Mr. DILL. Mr. President, I want to say to the Senator——

Mr. BLEASE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. To whom does the Senator from Kansas yield?

Mr. CURTIS. Let me make the statement and then I will yield.

The Senator knows that there are a number of exercises on this afternoon. A number of Senators who were here left a half hour ago with the understanding that nothing would be done this afternoon. The Senator in charge of the pending measure has stated that he promised one Senator who has several amendments pending that nothing else would be done this afternoon on the measure.

Mr. NORBECK. Mr. President, let me interject there——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Dakota?

Mr. CURTIS. I do.

Mr. NORBECK. I did that after being told by the Senator from Washington [Mr. DILL] that we could not get a vote on the bill to-day because one Senator objected.

Mr. DILL. We can adopt some of the amendments.

Mr. CURTIS. Mr. President, in view of the circumstances I move that the Senate adjourn.

Mr. McKELLAR. On that I call for the yeas and nays.

Mr. COUZENS. I suggest the absence of a quorum.

Mr. McKELLAR. Let it be determined whether or not the yeas and nays are ordered.

The PRESIDING OFFICER. Just a moment. The yeas and nays are ordered, a sufficient number of hands having been raised; but the Senator from Michigan has asked for the presence of a quorum.

Mr. COUZENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The present occupant of the chair holds that the motion to adjourn is not to be displaced by asking for a quorum. The question is on the motion of the Senator from Kansas that the Senate adjourn. On that motion the yeas and nays have been ordered. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PEPPER]. As I understand that he would vote on this question as I shall vote, I feel at liberty to vote. I vote "yea."

Mr. GEORGE (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. Being informed that he would vote on this matter as I shall vote, I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. GILLETT]. As he is absent, I withhold my vote.

Mr. WARREN (when his name was called). I will ask if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The PRESIDING OFFICER. The Chair is advised that the junior Senator from North Carolina has not voted.

Mr. WARREN. I have a general pair with that Senator, and withhold my vote.

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I transfer my general pair with the Senator from Oklahoma [Mr. HARRELD] to the Senator from South Carolina [Mr. SMITH], and will let my vote stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Jersey [Mr. EDGE] with the Senator from Missouri [Mr. REED];

The Senator from West Virginia [Mr. GOFF] with the Senator from New York [Mr. COPELAND];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD];

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Maryland [Mr. WELLER] with the Senator from West Virginia [Mr. NEELY];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Montana [Mr. WALSH];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Colorado [Mr. MEANS] with the Senator from Montana [Mr. WHEELER];

The Senator from North Dakota [Mr. NYE] with the Senator from Iowa [Mr. STECK];

The Senator from Ohio [Mr. FESS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Illinois [Mr. DENEEN] with the Senator from Virginia [Mr. SWANSON];

The Senator from Kentucky [Mr. SACKETT] with the Senator from Georgia [Mr. HARRIS]; and

The Senator from Kentucky [Mr. ERNST] with the Senator from Louisiana [Mr. RANSDELL].

The PRESIDING OFFICER. Before making the announcement, the Chair feels it his duty to state that he is now of opinion that the suggestion of the absence of a quorum by the Senator from Michigan [Mr. COUZENS] was in order; so, as far as the Chair can make amends, he now does so.

The result was announced—yeas 21, nays 20, as follows:

YEAS—21

Blease	Ferris	King	Watson
Butler	George	McMaster	Williams
Cameron	Gerry	Pine	Willis
Capper	Hale	Pittman	
Couzens	Jones, N. Mex.	Robinson, Ind.	
Curtis	Kendrick	Schall	

NAYS—20

Ashurst	Gooding	McKellar	Sheppard
Bratton	Heflin	McNary	Simmons
Cummins	Johnson	Mayfield	Stanfield
Dill	Jones, Wash.	Norris	Stephens
Frazier	La Follette	Oddie	Trammell

NOT VOTING—55

Bayard	Fess	Means	Shipstead
Bingham	Fletcher	Metcalf	Shortridge
Borah	Gillett	Moses	Smith
Broussard	Glass	Neely	Smoot
Bruce	Goff	Norbeck	Steck
Caraway	Greene	Nye	Swanson
Copeland	Harreld	Overman	Tyson
Dale	Harris	Pepper	Underwood
Deneen	Harrison	Phipps	Wadsworth
du Pont	Howell	Ransdell	Walsh
Edge	Keyes	Reed, Mo.	Warren
Edwards	Lenroot	Reed, Pa.	Weller
Ernst	McKinley	Robinson, Ark.	Wheeler
Fernald	McLean	Sackett	

So the motion was agreed to; and the Senate (at 1 o'clock and 40 minutes p. m.) adjourned, the adjournment being under the order previously entered, until Tuesday, June 1, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 29 (legislative day of May 26), 1926

APPOINTMENTS IN THE ARMY

GENERAL OFFICERS

Lewis Atterbury Conner to be brigadier general, Medical Reserve.

William Holland Wilmer to be brigadier general, Medical Reserve.

APPOINTMENT BY TRANSFER IN THE ARMY

Stanton Louis Bertschey to be captain, Field Artillery.

PROMOTIONS IN THE ARMY

Daniel Whildin Hand to be colonel, Field Artillery.

George Watkins Ewell to be lieutenant colonel, Quartermaster Corps.

Frank Elmer Parker to be major, Finance Department.

Edwin Fairbrother Ely to be major, Finance Department.

Raymond George Moses to be major, Corps of Engineers.

PROMOTIONS IN THE NAVY

TO BE COMMANDERS

Timothy J. Keleher.

Howard B. Mecleary.

TO BE LIEUTENANT COMMANDERS

Donald M. Dalton.

William S. Popham, jr.

TO BE LIEUTENANTS

John E. Canoose.

Joseph P. Tomelty.

Felix L. Johnson.

David A. Hughes.

Jesse G. Johnson.

Andrew T. Lamore.

Ralph P. Noisat.

TO BE SURGEONS

William S. Leavenworth.

William D. Davis.

TO BE CHIEF MACHINIST

Ralph M. Jeffries.

TO BE CHIEF PAY CLERKS

Howard N. Walling.

John Ermerins.

John G. Connolly.

MARINE CORPS

TO BE SECOND LIEUTENANTS

Austin Kautz, jr.

Lee N. Utz.

POSTMASTERS

ALASKA

John W. Stedman, Wrangell.

FLORIDA

Algernon Keathley, Brooksville.

Hattie M. Flagg, Lake Wales.

Jennie L. Cooley, Lynn Haven.

Elizabeth Manners, Watertown.

IDAHO

George F. Clark, Paul.

MISSOURI

Arthur Rice, Alton.
Berry Crow, Licking.
Mary E. Blackburn, Malta Bend.
Philip G. Wild, Spickard.

NEBRASKA

James E. Schoonover, Aurora.
Carroll C. Colbert, Wauneta.

NEW JERSEY

Selina L. Caruth, East Paterson.
Erwin K. Kenworthy, Millington.
William J. Caswell, Washington.

NEW MEXICO

Ernest A. Hannah, Artesia.
Morgan P. Harvey, Clayton.
John C. Lukart, Clovis.
Florence E. Knight, Dexter.
Joseph H. Gentry, Fort Stanton.
Annie C. Garcia, Gibson.
Nora A. Keithly, Hot Springs.
Roy H. Smith, Tucumcari.

PENNSYLVANIA

Ellis D. Keyes, Ariel.

RHODE ISLAND

Jonathan Bateman, Manville.

WISCONSIN

William H. Fieweger, Kimberly.
Edith Best, Prairie Farm.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 29, 1926*

The House met at 11 o'clock a. m., and was called to order by the Speaker pro tempore, Mr. TILSON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of our fathers, Creator of our beings, and Savior of our souls, we lift our voice to Thee because our hearts are filled with gratitude. For the glorious past of our country, we praise Thee; for the precious heritage bestowed upon us by the sacrifice and service of our forefathers, we thank Thee; and we bless Thee for a united citizenship that preserves and makes secure the integrity of our Republic, which is the miracle of the centuries. O Lord, our God, as we approach the sacred Memorial Day—a day set apart and dedicated to our heroic dead—may our souls listen; for where there is a listening soul, there God is. Merciful Father, in the midst of the patient moments, as the heart of the North and the heart of the South are dissolved, as the tears of the Gray and the tears of the Blue are mingled above the hallowed sod of their heroes, O may we behold one flag, one Nation established in unity and with honor to all. When the day is ended, out of life's western windows may we see the gleam of the setting sun and let us feel the divine hush as it falls from the slopes of paradise. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SETTLEMENT OF THE FRENCH DEBT

Mr. GREEN of Iowa. Mr. Speaker, I desire to submit a unanimous-consent request. On yesterday I was given leave to have until midnight to-night to file a report on the French debt settlement. I find in consequence of there being a holiday on Monday that it will not be possible to get the printed report in separate form in the hands of Members on Monday, as I hoped to do, and we expect to take it up on Tuesday. I therefore ask unanimous consent that the body of the report may be printed in the RECORD to-day so that Members may have it on their desks to-morrow.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the report on the French debt settlement may be printed in the RECORD. Is there objection?

Mr. HOWARD. Reserving the right to object, I would like to ask the gentleman if the report is in harmony with the settlement of the Italian debt.

Mr. GREEN of Iowa. I do not know what the gentleman means by being "in harmony" with it.

Mr. HOWARD. Does it give away as much money to the French as we gave away in the settlement of the Italian debt?

Mr. GREEN of Iowa. I hope my friend will allow me to object to his use of the term "give away" with reference to something that we never had. There is not as large percentage of reduction made in this French settlement as in the Italian debt settlement.

Mr. HOWARD. That is the best news I have heard in reference to these damnable settlements, and I do not object. [Laughter.]

Mr. COLLIER. Reserving the right to object—and I shall not object—will not the gentleman from Iowa make it a part of his request that the report be printed in the usual type of the RECORD, and not in small type?

Mr. GREEN of Iowa. The report is rather extensive.

Mr. COLLIER. I want to say that we on the minority side have not seen the report and did not know anything about it until yesterday afternoon, when the gentleman from Connecticut [Mr. TILSON] asked unanimous consent to have the report filed not later than midnight to-night.

Mr. GREEN of Iowa. Does the gentleman think that many more Members would read it if printed in the larger type?

Mr. LEHLBACH. If the gentleman will yield, I understand the printing of documents in the finer type is under a law that we passed, and the Printing Office takes the position that the House of Representatives by unanimous consent can not repeal or amend a law. So the request is always ignored and is useless.

Mr. CRAMTON. If the gentleman will yield, he is in part correct. It is not a law, but a rule adopted by the Joint Committee on Printing. I have felt personally that it is ridiculous that the House should be in such a position as the gentleman states—that we can not order these documents printed as we want them. The gentleman is correct that under the ruling of the Joint Committee on Printing the Public Printer refuses to follow the direction of the House.

Mr. LEHLBACH. That is the point I want to make—that all this is futile because the Printing Office will not acquiesce.

Mr. UNDERHILL. Will they not acquiesce to a request from the Joint Committee on Printing?

Mr. COLLIER. I did not know that the Public Printer could overrule Congress whenever he wanted to, but we have learned many things in the last three or four years, and are learning new things every day, some of which are amazing. I was voicing the request of a number of Members. The whole thing is unusual, the report ought to have been made several days in advance. Here is a four billion proposition which comes up with only one legislative day between the filing of the report and taking it up in the House, as Sunday and Monday will not be legislative days.

Mr. GREEN of Iowa. Members will have a better chance to read the report if it is printed in the RECORD.

Mr. COLLIER. I simply made the request that the report be printed in a form that will be easy for Members to read. I made it at the request of several of my colleagues, but if they will not do it I shall not object to the unanimous-consent request, as I feel that we ought at least to see the report before the bill comes up in the House.

Mr. GREEN of Iowa. I will try and get it printed in the larger type.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The report is as follows:

(House Report No. 1338, Sixty-ninth Congress, first session)

SETTLEMENT OF THE INDEBTEDNESS OF THE FRENCH REPUBLIC TO THE UNITED STATES

Mr. GREEN of Iowa, from the Committee on Ways and Means, submitted the following report to accompany H. R. 11848:

The Committee on Ways and Means, to whom was referred the bill (H. R. 11848) to authorize the settlement of the indebtedness of the French Republic to the United States of America, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

After protracted negotiations the World War Foreign Debt Commission has negotiated a settlement of the French debt to this country. The President has approved this agreement and in his message to Congress has recommended that it be ratified. It has not yet been approved by the French legislative assemblies, but the time for adjournment of this session of Congress is approaching; and if final action thereon is taken by both Houses of Congress before adjournment, it would seem to be necessary that approval by the House should be no longer postponed.

The World War Foreign Debt Commission, shortly after its creation and organization, invited the foreign nations indebted to this country by reason of the loans made to their respective governments to send representatives to Washington for the purpose of funding their indebtedness. The validity of these debts and the necessity of funding them was repeatedly urged, and settlements have already been made with England, Belgium, Italy, Rumania, Esthonia, Latvia, and Czechoslovakia. Last year France sent a commission to this country for the purpose of negotiating with reference to its debt, headed by M. Caillaux, then the Minister of Finance of that country. After protracted discussions the two commissions failed to agree upon any settlement or adjustment. The principal cause of the failure was the insistence of the French commissioners upon what has been called the safeguard clause, which was in substance a provision making the payments which were then proposed on behalf of France dependent upon the receipt by France of reparations payments in accordance with the Dawes plan. The American commissioners absolutely refused to agree to this proposition, and negotiations for some time ceased.

This year negotiations on behalf of the French Government were resumed, and, as before stated, an agreement was reached, subject to the approval of the legislatures of the two Governments.

In determining the question of whether this settlement ought to be approved, it is necessary to review at some length the financial condition and resources of France. France is not a poor country, as compared with many other countries of Europe, although its national wealth is not one-quarter that of this country and not one-half that of England. In agricultural resources France stands well, and in the way of actual necessities is practically self-sustaining. It has large deposits of iron ore since the return of Lorraine—probably the largest deposits in Europe—but it must import coal and coke. Of other minerals, it has none of any importance, except potash, which it acquired when Alsace became once more a part of its domain. There are extensive opportunities for water power which are gradually being developed, and as European countries go it is well supplied with timber. It should also be noted that in respect to foreign trade there has been for some time a balance favorable to France, which will make possible the transfer of funds for the purpose of settling foreign debts.

Much has been said with reference to the French colonial possessions, which, in Africa, are of enormous extent; but none of this territory is at present a source of any considerable revenue. On the contrary, it is a constant drain on the treasury. Whether any of the colonial possessions may eventually be turned into an asset is not now important, for it is quite evident that that day is so far in the future that it is not necessary at this time to be taken into consideration.

France has a thrifty and industrious population, which is now actively employed, and, on the surface, business generally might seem to be prosperous. But it is necessary to go below these surface conditions in order to ascertain the real situation in France.

Before the war France was burdened with an enormous debt, aggregating, in round numbers, 33,637,000,000 francs, or, in dollars, $6,492,000,000. The Great War fell with crushing force upon France, more than upon any other nation. Its territory was devastated, its cities razed to the ground, its mines blown up and flooded, its railroads, canals, and bridges destroyed. It is true that the portion so devastated was but a comparatively small part of France, but it contained the most active of its manufacturing regions and was a region that produced a large part of its revenue. The rebuilding and restoring of these regions laid an immense post-war burden upon France which no other nation sustained. France also lost enormously in its man power. Out of a population of 39,600,000 it lost in killed and missing in the army and navy 1,365,735 men, or 1 dead or missing for every 28 inhabitants, compared with 1 in 66 for Great Britain and Ireland, and 1 in 99 in Italy. This does not include the deaths among the civil population as a result of the war, nor the invalid wounded, which would enormously increase the losses. It is true that by virtue of the return of Alsace and Lorraine to France 1,700,000 inhabitants were added, but only about 400,000 of these are able workers. It is also true that the workers lost have been to a large extent replaced by immigration, mostly from Italy; but while this has enabled France to carry on its operations, if the experience with reference to Italian workers in this country is any guide, it must constitute a large drain upon the resources of France by reason of remittances to the former home of the immigrants. The Reparations Commission found that damage amounting to 136,582,000,000 francs had been suffered by France in the devastated territories, or, at the rate of exchange in 1921, when the finding was made, nearly $10,000,000,000.

France began the war burdened by a debt larger than that of any other nation in the world. Whether wisely or unwisely, that country did not levy heavy taxation during the war. Its representatives claim that it could not, by reason of the devastation of its territory, drain on its man power, and the fact that so often during the war its existence as a nation seemed to be trembling in the balance. It is useless to now discuss this policy. France heavily increased its taxes after the war, and has continuously, year after year, increased them, up to and including the time the last budget was established. Notwithstanding this, for a number of reasons, among which might be mentioned the enormous amount of interest required upon its national debt, the expenses of reconstructing the devastated regions, the care of the dependents of the dead and of the disabled among the survivors of the war, each year has shown a deficit against the treasury, and its internal debt has increased, until in August, 1925, it amounted to 282,166,000,000 francs; and it had in addition an external debt to foreign nations of 147,554,000,000 francs, or at the then prevailing rate of exchange on the franc, $7,013,000,000.

These deficits necessitated continual borrowing, and the borrowing, in turn, brought about the issuance of an additional amount of paper currency, with the inevitable result of a depreciation of the franc, which at present is valued at less than 3 cents. Proceeding in the same vicious circle, the fall of the franc to this low figure caused enormous losses to those whose incomes depended upon bonds or securities in a fixed amount; and to make their situation worse, as well as that of all of the people of the country, prices of all articles rose correspondingly.

With continuing depreciation of the franc, the income of the Government also was lessened, and it became more and more difficult to meet its expenses. Successive cabinets framed budgets which increased taxation, with the expectation that the budget would be balanced, but this expectation has never been realized. Even the budget of 1926 in the final outcome, when all expenditures are included, will show another large deficit.

It is sometimes thought that France is lightly taxed. This is an error. It is difficult to make any comparison of its rates of taxation with those of England, the United States, or even Italy. The French system of taxation is so complex and it has so many different kinds and varieties of taxes, each levied in a different way, with different rates and different exemptions (or sometimes no exemption), that any direct comparison is impossible. Comparisons may be made, however, of the percentage of the national income which is taken by taxation in France with the percentage thereof taken in other countries with which we have made settlements. In 1924 the National Industrial Conference Board found that the percentage of the total taxes as related to national income was: In the United States, 11.5 per cent; in Great Britain, 23.2 per cent; in France, 20.9 per cent; in Belgium, 17 per cent; in Italy, 19.2 per cent. Since that year there has been in Great Britain a slight decrease in taxation; in France a considerable increase, so that the percentage of income taken by taxes is probably not less than 22 per cent; in Italy there has also been an increase, but it is probable that the ratio between France and Italy is still about the same. While it would appear that the rate in proportion to the national income is somewhat less in France than in England, it must be remembered that the per capita income in England is very much higher than in France and, being higher, the margin for subsistence left after taxes are paid is much larger for the citizens of England than for those of France.

It is quite obvious that if the French national finances are to be put on a sound basis that three things must be done: First, the budget must be balanced; second, the franc must be stabilized at some point; third, a settlement of its foreign debt should be effected on some basis so that there may be a reasonable expectation that payment could be made. These matters are so interlocked that a failure in one respect is almost certain to bring failure in the others.

It is easy to say that the way to bring about these results is to raise more funds by taxation, but France is faced with two difficulties in these matters. There are two general methods of raising revenues—one, by direct taxation, such as the income and inheritance taxes; the other, by indirect taxation, such as sales taxes, turnover taxes, license taxes, and others. But the rates of direct taxation are already so high that France has suffered from a flight of capital, and, in spite of most drastic and severe penalties, it is well known that large amounts of funds have been taken beyond its boundaries.

If France turns to indirect taxation, we find that it already has a sales tax, a turnover tax, a luxury tax, stamp taxes, customs taxes, license taxes, and other kinds too numerous to mention here. Doubtless there are other forms of indirect taxes that still may be levied, but even indirect taxes can not be imposed without limit. Indirect taxes are always shifted to the ultimate consumer, and in the present state of France's inflated currency it has been found that prices are pyramided thereby. Even the necessaries of life do not escape these taxes in France, and they bear heavily on the poorer classes. Prices being already inflated, with each additional levy there is a tendency on the part of the buyers to lessen their purchases for the reason of lack of funds, and revenues do not increase in proportion to the increase in rates of taxation. Careful investigators from countries outside of France have expressed the opinion that France can not raise any considerable amount of additional revenue by an increase of rates in the direct taxes, although some have thought that a more efficient system of collection would produce a much larger amount of revenue. The additional taxes levied in France by the last two budget bills have

considerably increased the percentage of taxes in relation to national income, and French authorities claim that it is now above 23 per cent and in excess of the rate paid in Great Britain. As before stated, it is probable that it is now above 22 per cent. The chairman of the committee visited France about a year ago, and at that time made an extensive examination into the condition of the French national finances and with reference to the system of taxation in force in that country. His conclusion was expressed in an article published in a leading weekly magazine that it was impractical to raise the rates of direct taxation then in force in that country, and that more could be accomplished through greater efficiency in the collection of taxes and possibly by utilizing some forms of revenue where certain industries and occupations were less heavily taxed, thereby tending to equalize the burdens of taxation.

The insurmountable obstacle to large payments at an early date lies with France's inability to balance her budget. This is a situation which exists up to the present hour. While it is impossible to get accurate figures there is little doubt that the French budgetary deficit for the present year will be not less than 5,000,000,000 francs. As long as there is a deficit it is obvious that the French Government has not available the funds with which to purchase dollars to meet its obligations to this country or to stabilize the franc. If this condition continues the inevitable effect will be a further depression of the franc and an indefinite postponement not merely of debt payments but of economic rehabilitation in general.

It ought to be clear that the condition of France is worse than it was a year ago; and that if undue pressure is put upon it, if it should be rendered unable to take the measures which will be necessary to balance its budget and stabilize the franc, it would be idle to expect anything whatever to be paid on the debt owing this Nation. If it is compelled to make further issues of paper currency, instead of restricting them, the franc will inevitably take the same course as the German mark, and financial chaos will follow.

There are, however, favorable factors which make it possible to prophesy that a budget balance can be reached within the next few months if the creditor nations will exercise reasonable leniency. As already stated, in so far as France's industrial and agricultural productive capacity is concerned and its ability to transfer payments, the situation is by no means unfavorable. In these respects, while inferior to Great Britain, France's capacity to pay is substantially superior to that of Italy. In the field of taxation we find the administrative procedure improving and that the French tax yield has steadily increased, rising by some 10,000,000,000 francs in the course of the last three years, an increase which will probably continue. The conclusion of the Moroccan war will permit a reduction of military expenditures; and it ought to be possible, by the use of strict frugality, to reduce civil expenditures. The French internal debt includes 44,000,000,000 francs of short-term obligations and a floating debt of 86,000,000,000 francs, carrying high interest rates. With the budget balanced, the foreign debts settled, and the franc stabilized, no difficulty should be experienced in funding these obligations into those having a longer term at a lower interest rate, resulting in very substantial savings, and the Dawes payments from Germany should, if all goes well, aggregate this year approximately 3,500,000,000 francs. If the French Government is permitted to derive the full benefit of all of these favorable factors the budget could be balanced and a surplus made available for the payments to the United States, as contemplated in the settlement herewith submitted. It seems equally obvious that should the United States and Great Britain demand payments in excess of those recommended by the debt commission an almost insuperable obstacle to the early rehabilitation of France's finances will have been raised, and the possibility of any payments on its foreign debt will be so remote as to make the case practically hopeless.

The statement of the Secretary of the Treasury, contained in an appendix to this report, shows that in comparison with the settlements which we have made with other countries France will pay us under the agreement a much larger per cent of its budget expenditures, of its foreign trade, and of its national income than either England, Belgium, or Italy. These items constitute the basis of ability to pay. In fact, they put a limit upon the amount which a nation can pay, assuming, as has been shown with reference to France, that the taxation imposed in framing the budget will be all that can reasonably be expected.

The Debt Commission went over all these matters and examined an almost infinite amount of detail on other points. It did not, and this report does not, accept as a basis for action the statement of interested parties, but an effort was made to verify every controlling fact. After having made this examination, the commission found that the settlement, under all of the circumstances, was just and fair, and in accordance with the ability of France to pay, and therefore accepted it. In this finding and conclusion the majority of the committee concur.

PROVISIONS OF BILL

The bill provides for the approval of the settlement of the indebtedness of the French Republic to the United States made by the World War Foreign Debt Commission and approved by the President. The amount of the indebtedness to be funded, after a cash payment of $386,686.80 to adjust to round figures, is $4,025,000,000. Of this amount, $3,340,000,000 is principal and $685,000,000 the accrued interest to the date of the agreement.

The total payments to be received from France on account of the $3,340,000,000 originally loaned is $6,847,674,104.17. The present value of these payments on a 4¼ per cent basis is $2,008,122,624.

It is provided that France will repay the principal of the indebtedness on a fixed schedule over a 62-year period with interest at specified rates after the fifth year. The indebtedness bears no interest for the first five years, but provides for payments of $30,000,000 each for the first two years, $32,500,000 each for the next two years, and $35,000,000 for the fifth year, to be applied on account of the principal.

France is given the option of postponing, after June 15, 1926, and prior to June 16, 1932, so much of any payment of principal or interest, or both, as is in excess of $20,000,000 in any one year for a period not exceeding three years distant from its due date to any subsequent June 15 or December 15. After June 15, 1932, it may postpone, at its option, any payment on account of principal only for a period of three years to any subsequent June 15 or December 15. In case France takes advantage of this option for the three-year period it can not postpone any further payments until the payments due previous thereto have actually been paid. All postponed payments are to bear interest at the rate of 4¼ per cent per annum payable semiannually.

France agrees to issue bonds for the indebtedness funded, which shall bear no interest until June 15, 1930; but after that date such bonds shall bear interest at the rate of 1 per cent per annum from June 15, 1930, to June 15, 1940; 2 per cent per annum from June 15, 1940, to June 15, 1950; 2½ per cent per annum from June 15, 1950, to June 15, 1958; 3 per cent per annum from June 15, 1958, to June 15, 1965; and 3½ per cent per annum thereafter until paid.

Like all other settlements, France also is given the option of making any payment of interest or principal in obligations of the United States Government issued after April 6, 1917, such obligations to be taken at par and accrued interest to the date of payment.

MINORITY VIEWS OF HON. HENRY T. RAINEY, MEMBER OF CONGRESS FROM ILLINOIS

I quote with approval a statement made by Secretary Mellon on page 4 of the hearings: "Public officials, whether in the legislative or executive branch of the Government, are essentially trustees * * *. They are not free to give away the property of the beneficiaries of the trust." I am therefore unable to give my support to the settlement which has been concluded with France.

For some reason, which is not apparent in the hearings, this settlement is being railroaded through Congress. There have been no hearings except the very brief statement of Hon. Andrew W. Mellon, Secretary of the Treasury and chairman of the World War Foreign Debt Commission. He read his statement from a carefully prepared manuscript to the committee. It occupies less than five printed pages. In addition to this, the cross-examination of Mr. Mellon brought out some important facts not mentioned in his statement. There is also in the hearings a very brief corroboration of Mr. Mellon's statement by Mr. F. G. Blair, of the war-loan staff of the Treasury Department, which added nothing of value to the statement made by Secretary Mellon. Hon. THEODORE E. BURTON, a member of the World War Debt Commission, and Hon. CHARLES R. CRISP, another member of the World War Debt Commission, submitted brief statements of not over two pages each. These brief hearings were not even printed and available until to-day.

CAPACITY TO PAY

In none of these statements can there be found the slightest evidence as to the capacity of France to pay, although Secretary Mellon advises us on page 5 of his testimony that "The settlement with France is but another application of the principle of capacity to pay." I challenge any member of the Committee on Ways and Means to call attention to any evidence the committee had before it as to the economic condition of France or the capacity of France to pay. On the contrary, Secretary Mellon correctly advises us on page 6 that "France is the last of our large debtors. Her future is bright. She has been and is one of the great nations of the world. Her people are able, hard working, and frugal." The evidence shows (p. 13) that if the commitments under the Reparations Commission are carried out in the future France will receive $250,000,000 annually. In 37 years, under the Dawes plan, France will receive over $6,000,000,000. (Id. p. 14.)

In 62 years France will pay us in principal and interest about as much as she will receive in 37 years under the Dawes plan. In addition to the amount France will receive in the way of reparations in 62 years, she receives in territory Alsace-Lorraine and the great Cameroon district in South Africa, which is adjacent to the French Congo. With the above evidence before us we are asked to scale the indebtedness of France to us by 50 per cent. If the French Government should pay us according to the settlement we obtained with the British, she would ultimately pay us nearly $10,000,000,000. The sacrifice we

made in the settlement with Great Britain was great, indeed, but if we could accept that as the character of a settlement that ought to be made with France we would get $3,200,000,000 in 62 years more than we will get if this settlement goes through.

WE ARE ASKED TO RATIFY IN ADVANCE OF RATIFICATION BY FRANCE

We have now concluded debt settlements with 13 nations. Every settlement we have made so far, except the Belgian settlement, has been ratified by the other nations before the Congress of the United States ratified the settlements. We made an exception in the case of Belgium. Belgium bore the brunt of the war. She held back the invader until the other nations were able to get their armies in the field. We therefore ratified the Belgian settlement without waiting for her ratification. If we should ratify this settlement with France and France should refuse to ratify it, the incident would be most humiliating. We are told, however, that the object is to force this settlement through Congress on Tuesday of next week, and then have hearings in the Senate as to the capacity of France to pay. If we agree with Secretary Mellon in his statement that public officials are essentially trustees and are not free to give away the property of the beneficiaries of the trust, and I think we can all agree upon that proposition, then I can not see how a Member of Congress under his oath can vote to give away the enormous amount of money we are asked to give away in this settlement.

GENEROUS TO FRENCH FARMERS

Our farmers have so far been refused any relief, but this administration and its advisors and its representatives on this floor can be generous indeed to the farmers of France. So far this Congress has refused to permit the farmers of the United States to charge against themselves an equalization fee and pay their own losses, in order to establish equality for agriculture with other industries, but they do not hesitate to railroad through a proposition which will give to France over $3,000,000,000. There is not the slightest evidence as to the taxes France is paying, or can pay, in this record, except the statement of Secretary Mellon to the effect that during the war and after the war French taxation could not be heavy (p. 5). We, however, are advised in the hearings that there are 646,000 men at the present time in the French armies (p. 9). I have not seen the report which will be signed by the chairman of this committee and which we were advised in committee this morning was voluminous. I do not know who prepared it. No one will be permitted to see it until to-day's CONGRESSIONAL RECORD makes its appearance to-morrow morning—Sunday morning. After this report makes its appearance, one legislative day will intervene between that date and the time when it is proposed to take this settlement up and force it through Congress. If the report is "voluminous," it will contain matter and statements which do not appear in the evidence.

A LOAN TO FRANCE

It has been reported in the newspapers that as soon as this settlement is ratified by France a loan of $300,000,000 will be placed by the Morgan bank and allied banks in the United States. This loan will probably run 20 years and will probably draw interest at the rate of 7½ per cent. More interest will be paid on this loan in the next 10 years than France will pay to the United States during that period of time on the $4,025,000,000 she owes us. It has seemed to me always that these debt settlements are being made and these tremendous sacrifices of the money which belongs to the taxpayers of the United States are being consummated in order that the clients of the New York banks may have opportunities to invest their money in foreign securities, which will yield 2 per cent more than any similar investment they could make in the United States.

The Italian loan has become a scandal. We rushed through the Italian debt settlement, and immediately the Morgan bank and its allied banks placed $100,000,000 worth of Italian bonds in this country at 94½. The record shows that the banks took the loan at 90. The banks therefore made $4,500,000 in commissions in a remarkably short space of time. The bonds were "supported" until recently and always apparently sold on the New York stock market at 94½, until finally it became evident that the entire issue was placed and the Morgan bank and the allied banks quit "supporting" the bonds, they then dropped almost immediately to 89½. The Italian loan was a "gold brick" handed by the Morgan bank and its allied banks to those people in the United States who could be induced by them to believe that the loan was safe. The purchasers of these bonds have now, according to present market values, lost $5,000,000. This is high finance, aided by this administration. This is "big business," and we are now asked to railroad through this settlement in order that the bankers of New York may again reap enormous commissions in negotiating another foreign loan in the United States. As soon as this settlement goes through an item will appear in all the newspapers giving details of the ability of France to pay and giving reasons why the new French loan is an excellent and a safe investment, but these reasons and these facts will be held back until we have sacrificed in this settlement more than $3,000,000,000 of the money of which, according to Secretary Mellon, we are trustees.

THE ELECTIONS ARE APPROACHING

The record this Congress has made so far in the interest of "big business" ought to be sufficient. The elections are approaching, and it would seem to me to be advisable for those of us who realize that we are essentially trustees and that we are not "free to give away the property of the beneficiaries of the trust" to consider this matter well before we vote in favor of this enormous debt cancellation. Most of the money we are giving away in this settlement has not yet been collected in taxes from the people of the United States. We have borrowed the money we are now asked to give away, and we are paying 4½ per cent interest on it. We therefore still expect to collect in taxes from the people of the United States the amount of money we are now sacrificing. If the commissions received by the New York bankers on the French loan, which will soon be advertised, are computed as they were in the case of the Italian loan, the New York bankers will receive in commissions within the next few weeks $13,500,000. This administration has been subservient, indeed, to the Wall Street interests. Perhaps Members of Congress who vote for this settlement can defend this situation in their campaigns which are just opening. I would not know how to do it, however. I propose to carry out my obligations as a trustee of money which belongs to the people of the United States. I shall vote against this settlement.

HENRY T. RAINEY.

Dated May 29, 1926.

DEPARTMENT OF ECONOMICS—MILITARY ACADEMY

Mr. JAMES. Mr. Speaker, I call up the conference report upon the bill (H. R. 4547) to establish a department of economics, government, and history in the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," and move its adoption.

The SPEAKER pro tempore. The gentleman from Michigan calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: At the end of the Senate amendment, strike out the period, insert a colon, and the following: "*Provided*, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps; and the Senate agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,
Managers on the part of the House.
RALPH H. CAMERON,
FREDERICK HALE,
DANIEL F. STECK,
Managers on the part of the Senate.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report.

The SPEAKER. Is there objection?

There was no objection.

Mr. JAMES. As the House conferees wished to make certain that the sons of enlisted men would receive one-half of the appointments, we suggested the following amendment to the Senate amendment which was adopted:

Provided, That one-half shall be appointed from among the sons of officers and one-half from among the sons of warrant officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps.

The President had had the appointment of men to West Point and Annapolis for many years.

The following shows that only two sons of enlisted men have been appointed to West Point in six years, and only two sons of civilians in the same period of time.

WEST POINT, N. Y., *May 21, 1926.*

Hon. W. FRANK JAMES,
Acting Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. JAMES: I am in receipt of a letter from the clerk Committee on Military Affairs, House of Representatives, in which a request is made that I furnish to you a statement showing the number of officers and enlisted men who were killed while serving in the United States Army during the World War and a list of the names and addresses of all persons who have been appointed to West Point by the President since 1920.

According to a recent compilation of World War casualty statistics, based upon the official records on file in the War Department, altogether 119,568 individuals, including 276 Army nurses, lost their lives while serving in the United States Army during the period between April 6, 1917, and July 2, 1921. The total number of deaths among officers and enlisted men, classified by cause, is shown as follows:

	Officers	Enlisted men	Total
Killed in action	1,624	35,191	36,815
Died of wounds received in action	599	12,937	13,536
Died of disease or other causes	2,384	66,557	68,941
Aggregate	4,607	114,685	119,292

The 276 Army nurses died of disease or other causes.

The foregoing figures do not include the number of deaths which may have occurred among those individuals who had become separated from the service during the period from April 6, 1917, to July 2, 1921, by reason of discharge, demobilization, or expiration of term of service. The records of the War Department afford official information concerning the personnel of the Army prior to its separation from the service only.

A list of the names and addresses of West Point cadets who have been admitted to the United States Military Academy since and including the year 1920 from the United States at large is inclosed.

If any further information is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

List of West Point cadets admitted to the academy since 1920 from the United States at large, showing the address at time of appointment and whether son of Army or naval officer or otherwise

Name	Address	Son of Army officer	Son of naval officer
1920			
Charles Day Palmer	2022 Hillyer Place, Washington, D. C.	Grandson of Army officer.	
William Henry Kendall	578 East Fourteenth Street, Portland, Oreg.	Yes	
Heyward Bradford Roberts	Edgewood, Del.	Yes	
Frederick C. Pyne	Care of Miss Caroline F. Pyne, 1702 S Street NW., Washington, D. C.		Yes.
Charles Van Way, jr	3305 Sacramento Street, San Francisco, Calif.	Yes	
William Harry Bertsch, jr	2760 Broderick Street, San Francisco, Calif.	Yes	
George Thomas Summerlin, jr.	Care of Gen. John A. Johnston, 2111 Massachusetts Avenue, Washington, D. C.	Yes	
Marcus B. Stokes, jr	The Lonsdale, Washington, D. C.	Yes	
Merrow Egerton Sorley	1827 Belmont Road, Washington, D. C.	Yes	
James F. Howell, jr		Yes	
George Dakin Crosby	1519 Rhode Island Avenue, Washington, D. C.	Yes	
G. Arthur Hadsell, jr	Plainfield, Conn.	Yes	
Maxwell Wood Tracy	1316 New Hampshire Avenue, Washington, D. C.	Yes	
Thomas Duval Roberts	1315 Farragut Street NW., Washington, D. C.	Yes	
Henry Coates Burgess	122 Park Street, Brookline, Mass	Yes	
Leslie Alfred Skinner	215 Fort Sam Houston, Tex	Yes	
Russell A. Baker	Fort Slocum, N. Y.	Yes	
Briant H. Wells, jr	2311 Calvert Street, Washington, D. C.	Yes	
James E. Macklin, 2d	2848 Harrison Street, Kansas City, Mo.	Yes	
George M. Kernan	1821 M Street NW., Washington, D. C.	Yes	
Phillip M. Kernan	do	Yes	
Eugene B. Ely	The Farnsboro, Washington, D. C.	Yes	
Ralph Pulsifer	511 Middle Street, Leavenworth, Kans.	Yes	

***List of West Point cadets admitted to the academy since 1920 from the United States at large, etc.*—Continued**

Name	Address	Son of Army officer	Son of naval officer
1920—Continued			
Russell Leonard Moses	1519 Rhode Island Avenue, Washington, D. C.	Yes	
Val Evans	56 B, Apartment 9, Washington Barracks.	Yes	
David Sloane Stanley	21 Washington Terrace, St. Louis, Mo.	Yes	
Francis Elmer Kidwell	4504 Sixteenth Avenue NE., Seattle, Wash.	Yes	
Peter C. Haines, 3d	818 Eighteenth Street, Washington, D. C.	Grandson of Army officer.	
George Dunbar Pence	1862 Mintwood Place, Washington, D. C.	Yes	
Monro MacCloskey	2400 Sixteenth Street NW., Washington, D. C.	Yes	
Walter Schuyler Reaney	University of Texas (El Paso Branch).	Yes	
Hubert Whitney Ketchum, jr.	San Quentin, Calif.	Son of enlisted man, United States Army.	
Arthur L. Bump, jr	Care of United States Infantry Rifle Team, Camp Perry, Ohio.	Yes	
Meredith Cornwall Noble	Marblehead Apartment, III, East Front Street, Jeffersonville, Ind.	Yes	
1921			
Joseph Blair Daugherty	2459 Ashland Avenue, Indianapolis, Ind.	Yes	
Charles Hare Mason	Fort Monroe, Va.	Yes	
Conrad Stanton Babcock, jr.	1519 Rhode Island Avenue, Washington, D. C.	Yes	
Theodore Anderson Baldwin, 3d.	1608 K Street NW., Washington, D. C.	Yes	
Warrington Dorst	Care of Mrs. E. A. Dorst, Warrenton, Va.	Yes	
James Graham Smith	Care of Maj. James G. Smith, 326 Third Avenue, Leavenworth, Kans.	Yes	
Alexander McNair Willing	120 Pleasant Street, Brookline, Mass.	Yes	
Hubert Merrill Cole	Care of Col. W. E. Cole, Camp Eustis, Va.	Yes	
1922			
George Elliott McCormick, jr	Marion, Ohio	No	No.
George A. Smith, jr	Apartment No. 48, Paramount Apartments, Denver, Colo.	No	No.
Parker M. Reeve	1842 Sixteenth Street NW., Washington, D. C.	Yes	
Hardin B. Price	Washington Barracks, D. C.	Yes	
Wallace Douglas McNamara	Columbia Preparatory School, 1444 Rhode Island Avenue, Washington, D. C.	Yes	
Elvin Regnvald Helberg, 2d	1212 Eighteenth Street NW., Washington, D. C.	Yes	
1923			
Alexander Macomb Miller, jr.	The Dupont, 1717 Twentieth Steet NW., Washington, D. C.	Yes	
Robert Campbell Alee	Office of recruiting officer, Army Base, Boston 9, Mass.	Yes	
Fred L. Thorpe	Quarters 8, Fort Wayne, Mich.	Yes	
Richard Sanford McBride	1862 Mintwood Place NW., Washington, D. C.	Yes	
Paul Jones Mitchell	2006 Columbia Road, Washington, D. C.	Yes	
Thomas Frank Trapolino	Care of Warrant Officer Gregario Trapolino, Twelfth Infantry, Fort Howard, Md.	Yes	
Edward P. Mechling	1454 Rhode Island Avenue, Washington, D. C.	Yes	
Joseph Howard Gilbreth	Care of Col. J. L. Gilbreth, Army Building, Omaha, Nebr.	Yes	
William Perry Pence	1862 Mintwood Place, Washington, D. C.	Yes	
Julius Deane Conrad	The Highlands, Connecticut Avenue and California Street, Washington, D. C.	Yes	
Herman Walter Schull, jr	1901 Columbia Road, Washington, D. C.	Yes	
Antulio Segarra	1202½ Main Street, Columbia, S. C.	Yes	
Frederick Funston, jr	1444 Rhode Island Avenue NW., Washington, D. C.	Yes	
Henry Gordon Douglas	53 Broadway, Bel Air, Md.	Yes	
Thomas Kessler McManus	Care of Col. George H. McManus, G. S., Fort McPherson, Ga.	Yes	
John Leonard Hines, jr	New Mexico Military Institute, Roswell, N. Mex.	Yes	
George W. Shillock	Care of Lieut. T. McGregor, Field Artillery, Presidio of Monterey, Calif.	Yes	
1924			
Richard Wetherill, jr	Lanham, Md	Yes	
Montgomery Breck Raymond.	Fort Randolph, Canal Zone	Yes	

List of West Point cadets admitted to the academy since 1920 from the United States at large, etc.—Continued

Name	Address	Son of Army officer	Son of naval officer
1924—Continued			
Douglas Clem Ludlam	Quarters 112 East, Fort Monroe, Va.	Yes	
Norris Brown Harbold	New York Military Academy, Cornwall on the Hudson, N. Y.	Yes	
William Mattingly Breckenridge	474 West Third Street, Lexington, Ky.	Yes	
Eric H. F. Svensson, jr	Care of Warrant Officer Eric H. F. Svensson, Fort Banks, Mass.	Yes	
Robert John Fleming	Phillips Exeter Academy, Exeter, N. H.	Yes	
James Chester Cramond	Columbia Preparatory School, 1444 Rhode Island Avenue, Washington, D. C.	Yes	
James Lowman Hathaway	Care of Lieut. Col. C. E. Hathaway, Cavalry, Fort Meade, S. Dak.	Yes	
Brendan McKay Greeley	Care of First Lieut. M. N. Greeley, Quartermaster Corps, Scott Field, Ill.	Yes	
John Kauffman Bryan	1454 Rhode Island Avenue, Washington, D. C.	Yes	
Roscoe Charles Wilson	Army and Navy Preparatory School, 4101 Connecticut Avenue, Washington, D. C.	Yes	
Frank J. Coleman	1701 Oregon Avenue, NW., Washington, D. C.	Yes	
Alvord Van P. Anderson, jr	Care of Col. A. V. P. Anderson, Cavalry, Fort Leavenworth, Kans.	Yes	
Seibert Strayer	Toronto Apartments, 2002 P Street NW., Washington, D.C.	Yes	
Maury Spotwood Cralle	Care of Col. G. Maury Cralle, Infantry, Fort Leavenworth, Kans.	Yes	
William Ross Currie	202 Pacific Avenue, Piedmont, Calif.	Yes	
Davit Andrew Watt, jr	Apartment 31, 1907 Fifteenth Street NW., Washington, D.C.	Yes	
John Severin Knudsen	1444 Rhode Island Avenue NW., Washington, D. C.	Yes	
Edmund Koehler Daley	922 North Highland Avenue, Pittsburgh, Pa.	Yes	
Douglas Crevier McNair	3345 Emerson Avenue, South Minneapolis, Minn.	Yes	
John Ambrose Geary	Care of Col. John T. Geary, Coast Artillery Corps, Fort Amador, Canal Zone.	Yes	
Harding Palmer	1849 Lamont Street NW., Washington, D. C.	Yes	
Robert Scott Israel, jr	Care of First Lieut. Robert S. Israel, Infantry, Schofield Barracks, Hawaii.	Yes	
Elmo Stewart Mathews	2233 Eunice Street, Berkeley, Calif.	(1)	
John Craig Banta	7968 Norton Avenue, Hollywood, Calif.	Yes	
Marion H. Ely	1722 Lamont Street NW., Washington, D. C.	Yes	
Theodore Scott Riggs	1835 Sixteenth Street NW., Washington, D. C.	Yes	
John S. Upham, jr	3725 S Street NW., Washington, D. C.	Yes	
James Gallagher Bain	4202 River Road, Washington, D. C.	Yes	
1925			
Frederic Harrison Smith	3411 Quebec Street NW., Washington, D. C.	Yes	
William Miller Vestal	1627 Nineteenth Street NW., Washington, D. C.	Yes	
Horace P. Sykes, jr	Care of Lieut. Col. H. F. Sykes, A. G. D., Schofield Barracks, Hawaii.	Yes	
John Knox Poole	Care of Maj. Francis H. Poole, Marine Corps, Mitchell Field, Long Island, N. Y.	Yes	
Harry Gage Montgomery, jr	Care of First Lieut. H. G. Montgomery, A. S., Aberdeen Proving Grounds, Md.	Yes	
John Nicholas Stone	2829 Twenty-ninth Street NW., Washington, D. C.	Yes	
John Spencer Nesbitt	1748 F Street NW., Washington, D. C.	Yes	
Charles Randolph Kutz	3537 Michigan Avenue, Cincinnati, Ohio.	Yes	
George E. Lynch	Care of Maj. George A. Lynch, Infantry, Fort Snelling, Minn.		
Walter King Wilson, jr	Care of Maj. W. K. Wilson, Coast Artillery Corps, Fort Ruger, Hawaii.	Yes	

[1] Son of enlisted man, United States Army.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, May 24, 1926.

Hon. W. FRANK JAMES,
Acting Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In response to your request, which was transmitted by Mr. H. P. Sedgwick's letter under date of May 19, 1926, you are informed that the files of the department contain the following statistics:

Fatalities among enlisted men of the United States Navy and United States Naval Reserve Force during the World War, April 6, 1917, to November 11, 1918

Disease	5,352
Enemy action	384
Accidents, etc	1,193
Total	6,929

Fatalities among officers of the United States Navy and the United States Naval Reserve Force during the World War, April 6, 1917, to November 11, 1918

Disease	284
Enemy action	38
Accidents, etc	116
Total	438

The information you requested concerning appointees to the Naval Academy is inclosed.

Sincerely yours,

L. W. EBERLE,
Acting Secretary of the Navy.

(Inclosure No. 30324.)

LIST OF MIDSHIPMEN AT LARGE, WITH ADDRESSES, APPOINTED BY THE PRESIDENT FROM 1920 TO 1926, INCLUSIVE

1920

Bass, Arthur Wentworth, 526 North Fifty-eighth Street, Philadelphia, Pa.

Birmingham, William, United States Soldiers' Home, Washington, D. C.

Carlson, Richard Pierce, 56 Huntington Street, New London, Conn.

Karns, Franklin D., jr., 1971 Biltmore Street NW., Washington, D. C.

McGregor, Frank Alexander, jr., 714 West One hundred and seventy-ninth Street, New York, N. Y.

Moss, Richard Stanley, 38 West Main Street, Norwalk, Ohio.

Phelps, Woodward, 48 West Fifty-ninth Street, New York, N. Y.

Ransom, Harry, 2136 South Dorrance Street, Philadelphia, Pa.

Read, Henry Tucker, Hendersonville, N. C.

Rhea, Fitzhugh Lee, 311 South Asaph Street, Alexandria, Va.

Winslow, Cameron McRae, jr., 145 Bay State Road, Boston, Mass.

Wood, John William, jr., 97 Market Street, Annapolis, Md.

Woodward, Joseph Janvier, Hotel Warwick, Newport News, Va.

Wright, Joseph Martin Pickett, Charleston, S. C.

1921

Brian, Henry Thomas, 1244 Columbia Road, Washington, D. C.

Carney, Kenneth Bostwick, The Gregson, Santa Barbara, Calif.

Craven, Thomas Tingey, jr., care of Capt. Thomas T. Craven, United States Navy, Jamestown, R. I.

Gibbs, Robert Henry, care of Lieut. Col. George S. Gibbs, United States Army, General Staff, War Department, Washington, D. C.

Johnson, Theodore Woolsey, jr., 55 Franklin Street, Annapolis, Md.

Latrobe, William Claiborne, care of Maj. Osmun Latrobe, headquarters Western Department, United States Army, San Francisco, Calif.

Lemly, Frederick von Windegger, 1863 Wyoming Avenue NW., Washington, D. C.

Perrill, Harlan Knox, Point Loma, Calif.

Reeves, Isaac Stockton Keith, jr., care of Commander I. S. K. Reeves (Marine Corps), United States Navy, United States Naval Academy, Annapolis, Md.

Sarfield, Eugene Sylvester, 2505 South Garnet Street, Girard Estate, Philadelphia, Pa.

Standley, William Harrison, jr., care of Capt. W. H. Standley, United States Navy, Naval War College, Newport, R. I.

Wales, William Wyatt, care of Mrs. William Henry Beck, No. 215, The Portner, Washington, D. C.

Weeks, Charles Stillman, care of Lieut. Col. C. W. Weeks, General Staff, United States Army, Washington, D. C.

1922

Bierer, Bion Barnett, jr., 1717 Kenyon Street NW., Washington, D. C.

Campbell, Gordon, 60 Glen Road, Jamaica Plain, Boston, Mass.

Greenslade, John Francis, care of Capt. J. W. Greenslade, United States Navy, Naval Proving Grounds, Indianhead, Md.

Hains, Hamilton, 818 Eighteenth Street NW., Washington, D. C.

Hamberger, DeWitt Clinton Ellis, care of Lieut. W. F. Hamberger (C.C.), United States Navy, Bureau of Construction and Repair, Navy Department, Washington, D. C.

Lee, Fitzhugh, 2d, 2019 Nineteenth Street NW., Washington, D. C.

Lyman, Charles Huntington, 3d., Santiago, Dominican Republic.

Miller, William, jr., 1467 Chapin Street NW., Washington, D. C.

Olsen, Karl Kenneth, 189 Ridgland Avenue, Waukegan, Ill.

O'Shea, John, jr., care of Col. John O'Shea, Cavalry (D.O.L.), United States Army, office of depot officer, Army Reserve Depot, Schenectady, N. Y.

Phares, Jesse Lewis, 160 F Street SE., Washington, D. C.

Pryor, William Lee, jr., care of Commander W. L. Pryor, United States Navy, first naval district, office of commandant, navy yard, Boston, Mass.

Sarsfield, Eugene Sylvester, 2505 South Garnet Street, Philadelphia, Pa.

Stirling, Yates, 3d, care of Capt. Yates Stirling, 2d, United States Navy, Philadelphia Navy Yard, Philadelphia, Pa.

Taylor, John McNay, Quarters No. 4, Fort Howard, Md.

1923

Chamberlain, Leonard Cornelius, care of Chief Gunner Joseph Chamberlin, United States Navy, navy yard, Puget Sound, Wash.

Duffill, Monroe Barrows, 566 Newbury Street, Boston, Mass.

Garcia, Edmund Ernest, 2334 South Twenty-first Street, Philadelphia, Pa.

Harrell, Raymond Lee, McRae, Ga.

Heald, Wilton Stewart, 1601 Prentis Avenue, Portsmouth, Va.

Mechling, Wallace Bristol, 17 Taylor Avenue, Clarendon, Va.

Murphy, John William, care of Capt. John F. Murphy, Marine Corps, United States Navy, United States Naval Hospital, Parris Island, S. C.

Murphy, Joseph Nathaniel, care of Commander Joseph A. Murphy, Marine Corps, United States Navy, Naval Hospital, San Diego, Calif.

Pyne, Charles Crosby, 29 Scotland Road, Elizabeth, N. J.

Shaw, George Joseph, jr., care of Lieut. George J. Shaw (C.C.), United States Navy, via commandant, United States Navy Yard, New York, N. Y.

Todd, David Wooster, jr., care of Capt. D. W. Todd, United States Navy, via commandant, United States Navy Yard, New York, N. Y.

Van Orden, George Owen, care of St. Johns School, Manlius, N. Y.

Zahm, John Crawford, Jamestown, R. I.

1924

Bierer, James Shadel, 1717 Kenyon Street NW., Washington, D. C.

Brown, Chesford, 1022 Adella Avenue, Coronado, Calif.

Carlson, Donald Edward, care of Commander C. A. Carlson (CEC), United States Navy, Naval Station, Pearl Harbor, Hawaii.

Hardenbergh, Raymond Waite, jr., care of Maj. E. W. Hardenbergh, Infantry, United States Army, Fort Leavenworth, Kans.

Heil, John Joseph, care of Lieut. Joseph Heil, United States Navy, Naval Powder Factory, Indian Head, Md.

Irwin, Vincent Glendon, 106 Market Street, Annapolis, Md.

Moffett, George Hall, care of Rear Admiral W. A. Moffett, United States Navy, Bureau of Aeronautics, Navy Department, Washington, D. C.

Morris, Robert Lee, 1110 Loma Avenue, Coronada, Calif.

Pierce, John Reeves, care of Senior Surg. C. C. Pierce, United States Public Health Service, Chicago, Ill.

Pope, Earl Hallett, care of Capt. Ralph E. Pope, United States Navy, U. S. S. *Galveston*, care of Postmaster, New York, N. Y.

Pye, William Satterlee, jr., 2939 Macomb Street, Washington, D. C.

Ramsay, Francis Munroe, care of Severn School, Boone, Md.

Rittenhouse, Basil Norris, jr., 2830 Filbert Street, San Francisco, Calif.

Wood, Robert Winthrop, care of Col. W. S. Wood, Quartermaster, Marine Corps, apartment 24, The Oakland, Washington, D. C.

Young, Edwin James Stephens, 2500 South Twenty-second Street, Philadelphia, Pa.

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Arwine, John S., III, 97 Lenox Avenue, East Orange, N. J.

Beadle, Roger Welles, care of Lieut. Col. E. R. Beadle, United States Marine Corps, Headquarters United States Marine Corps, Washington, D. C.

Clark, Robert Nicholson Scott, care of Lieut. Col. John A. Clark, (Marine Corps) United States, Fort Slocum, N. Y.

Dye, Williston Lamar, Garrett Park, Md.

Ely, Chester Dodge, care of Mrs. C. F. Ely, 1714 Q Street NW., Washington, D. C.

Geary, Jerome Pendleton, care of Col. John T. Geary (Coast Artillery), United States Army, Sixty-fifth Coast Artillery, Fort Amador, Canal Zone.

Kent, Thomas Everett, jr., care of Chief Pharmacist Thomas E. Kent, United Stated Navy, United States Naval Hospital, Norfolk, Va.

Keyes, Raymond Stedman, jr., care of Mrs. Louise F. Jersey, 300 Robinson Avenue, San Diego, Calif.

McAlpin, John Volney, jr., The Swavely School, Manassas, Va.

McGregor, Rob Roy, care of Chief Gunner F. A. McGregor, United States Navy (retired), Naval Hospital, Brooklyn, N. Y.

Patrick, Goldsborough Serpell, care of Capt. B. R. Patrick (ChCO), United States Navy, United States Fleet, Battle Fleet, U. S. S. *California*, San Pedro, Calif.

Pryor, Knight, 1860 Columbia Road, Washington, D. C.

Schwable, Frank Hawse, care of Severn School, Boone, Md.

Shute, Corben Clark, care of Lieut. Commander I. C. Shute, United States Navy, U. S. S. *Vestal*, Navy Yard, Norfolk, Va.

Todd, Donald Whiley, care of Severn School, Boone, Md.

The following midshipmen at large appointed by the President for 1926 have not yet entered the Naval Academy but will enter by the middle of June if found physically qualified:

Moreno, John A., care of Lieut. Col. Aristides Moreno, General Staff, United States Army, Operations and Training Division, War Department, Washington, D. C.

Wadsworth, Alexander Scammel Cameron, care of Lieut. Col. C. Burner, United States Army, Room 394, State, War, and Navy Building, Washington, D. C.

Bradman, Frederic Cushing, Swavely School, Manassas, Va.

Robinson, Frank Laedlein, care of Commander F. M. Robinson, United States Navy, United States Navy Recruiting Station, 234 Market Street, Newark, N. J.

Reeder, Frederick Martin, Fort Monroe, Va.

Marix, George Elliott, care of Col. A. T. Marix, United States Marine Corps, Marine Barracks, Navy Yard, Mare Island, Calif.

Arwine, Shryock Mandville, Severn School, Boone, Md.

Harrell, W. L., care of George H. Harris, attorney at law, Merchants Bank Building, McRae, Ga.

Hindreiet, Albert Francis, care of Marion Institute, Marion, Ala.

Ostrom, Charles Howard, 2121 Seventieth Street, Brooklyn, N. Y.

Bertolette, Calvin Meigs, 714 G Avenue, Coronado, Calif.

Drake, Nels D'Arcy, care of Lieut. Nels Drake, United States Navy, Naval Operating Base, Hampton Roads, Va.

Morris, Wilson Sims, care of Lieut. Col. S. J. Morris (Medical Corps), United States Army, Headquarters Panama Canal Department, Quarry Heights, Balboa Heights, Canal Zone.

Moses, McDonald, Severn School, Boone, Md.

Moffett, William Adger, jr., 2019 Massachusetts Avenue NW., Washington, D. C.

PRINTING A REPORT IN 8-POINT TYPE

Mr. CRAMTON. Mr. Speaker, did the consent request granted the gentleman from Iowa [Mr. GREEN] in respect to the printing of the report on the French debt settlement include the printing of that report in the ordinary RECORD 8-point type? If it did not, then I prefer a unanimous-consent request that it be so printed, so that it will be the request of the House.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the report referred to be printed in the RECORD in 8-point type. Is there objection?

Mr. OLDFIELD. Mr. Speaker, I do not think that will have anything in the world to do with the way it will be printed. That is a matter that will have to be taken up with the Joint Committee on Printing.

Mr. CRAMTON. My purpose is this: It is a subject of great importance and this report should be printed so that we can read it. I make this request, and I hope it will not be objected to. Then, if the report does not appear in the 8-point type of the RECORD, the House will have had a forcible example of the unreasonable strictness of the rule of the Joint Committee on Printing, and then I hope the Joint Committee on Printing will take care of such a situation.

Mr. OLDFIELD. If the matter were taken up now with the Joint Committee on Printing, the joint committee might see that it is done. Otherwise it will not.

Mr. CRAMTON. There would be nothing to prevent the Joint Committee on Printing from taking any action it wants to take.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BURTON. Mr. Speaker, I trust nothing will be done in the way of granting a unanimous-consent request which will prevent the printing of this report in the RECORD; that is, if the Public Printer does not see fit to print the report in the larger type, I hope that we shall nevertheless have the report printed.

Mr. CRAMTON. Mr. Speaker, my request is entirely separate from the request of the gentleman from Iowa.

The SPEAKER pro tempore. The request has already been granted to have the report printed in the RECORD. Is there objection to the request of the gentleman from Michigan, that it be printed in 8-point type? [After a pause.] The Chair hears no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River; and

H. R. 11175. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested;

S. 2302. An act for the relief Elisha K. Henson.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 10942. An act to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark.; and

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9966) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. NORBECK, Mr. FERNALD, and Mr. WHEELER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7906) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. NORBECK, Mr. FERNALD, and Mr. WHEELER as the conferees on the part of the Senate.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10089. An act granting the consent of Congress for the construction of a bridge over the Columbia River at a point within one mile upstream and one mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; and

H. R. 11607. An act granting the consent of Congress to the Red River Parish Bridge Co. (Inc.) to construct a bridge across the Red River at or near the town of Coushatta, in the parish of Red River, in the State of Louisiana.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2302. An act for the relief of Elisha K. Henson; to the Committee on Claims.

RIVER AND HARBOR BILL

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HOWARD. Mr. Speaker, I rise to a question of privilege. Yesterday morning the House awarded me permission to speak for 10 minutes immediately upon the retirement of their Swedish Majesties from the House, my intended address being upon the subject of needed remedial legislation in behalf of agriculture. As the Speaker will recall, yesterday I demanded my right, and the gentleman from Ohio [Mr. BURTON] was speaking. When I thought his time had expired I asked for my right, but he wanted to speak a little longer, and out of courtesy to him I yielded, but did not surrender my right. Now is the next opportunity that I have. Again I state to the Speaker I do not want to stand in the attitude of an obstructionist, but to speak now for 10 minutes is my right, it having been accorded me. I am going to yield my right this morning, not because anybody seeks to deny me, but I have a friend who wants to make a speech here to-day under peculiar circumstances, and I am not going to demand my high privilege now; at the first opportunity I shall, and I want the understanding to be clear that I am going to insist upon my right, guaranteed to me by action of the House. I am not preferring any request or demand now.

Mr. SABATH. The gentleman is merely reserving his right.

Mr. HOWARD. Oh, yes; always reserving the right.

The SPEAKER pro tempore. The gentleman from Nebraska reserves all his rights. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for further consideration of the river and harbor bill, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman and members of the committee, the question now before the House is serious indeed. The city of Chicago for some years, in order to carry its sewage out through the Chicago River into the Illinois River, has been taking from Lake Michigan a large quantity of water. The withdrawal has been so great that the level of the Great Lakes has been lowered 6 inches below their natural level. For every inch that the Great Lakes are lowered there is a loss in revenue to the vessel owners amounting to $500,000 a year, because the boats can not carry full loads without striking the bottom of the Lakes where the channels are shallow. Since Chicago's withdrawal of water for the purpose of carrying away its sewage, has already lowered the level of the Great Lakes to the extent of 6 inches, the revenue loss to the vessel owners alone amounts to six times $500,000, or $3,000,000, a year. That, however, is a small part of the total loss, because the freight that would otherwise be shipped, if the vessels could sail fully loaded, must be carried by the railroads at a cost ten times greater to the general public than if the ships could have carried that additional freight. So a very reasonable estimate of the general loss to those surrounding the Lakes is over $30,000,000 a year. These figures show to some extent the damage which has been done by Chicago, and I shall not trouble you with more details. I sometimes think that the labored effort we make in citing facts and figures does more to confuse and befuddle the minds of men than it does to clarify them. The fact is that by reason of the withdrawal by Chicago, of large quantities of water from the Great Lakes, property and property rights of the people of one community, the communities near the shores of the Great Lakes, are taken from them and given to people of another community. Rights which belong to one group of people are taken forcibly and given to another group.

They claim now, however, that the water taken out of the Lakes at Chicago is to be used to aid navigation on the Illinois River. They say that the water taken out at Chicago will be used to increase the depth of the Illinois River, and thereby make it possible to sail river boats from Chicago down the Illinois River and finally into the Mississippi River. It is admitted, of course, that the water taken from the Lakes to the Illinois River does not come back to the Lakes. It is clear also that the freight that could then be carried on the Illinois River would be nothing compared to the amount of freight that could be carried on the Lakes if the water were left in them.

They tell us, however, that the people living near the Great Lakes can afford to give some of their advantage in cheaper transportation to the people of the Mississippi Valley. Do you realize that the people living on the shores of the Great Lakes—yes, and for many miles back from the shores—went there because the Lakes were there; because nature had placed the Great Lakes where they are now located? Do you realize that families have built their homes in the lake cities; men have established their business there; great industries have been developed there, because of the advantage they would have in cheaper transportation. In early days men risked their lives and their fortunes in order to reach the shores of the Lakes, where they might seek the welfare of themselves and their descendants. They calculated the benefit of that great waterway, the Lakes, and sacrificed to reach the land surrounding it. They built their homes, their factories, and developed industries on the shores of the Lakes. And why? Because they counted on the continuance of what nature had placed there, namely, the Great Lakes, to furnish cheap transportation. Oh, but it is said that down in the Mississippi Valley they need cheaper transportation, too. I can not understand how men can even attempt to justify the robbing of one group of people, one community, for the benefit of another, on the ground that those for whom the robbing is done need what is taken from others. I remember that, down in the eastern Ohio country, a farmer had on his farm a little lake or pond adjoining the boundary line of his neighbor's farm. I wonder what the people of the neighborhood would have thought—I wonder what the courts would have said—if the man owning the adjoining farm had attempted to cut an opening at the boundary line to enable him to draw, to his own farm, the water from his neighbor's lake? What would people have thought if he had said that he needed the water for his cattle and to water his crops? What would the courts have done? The courts would have stopped him as soon as the case could have been brought before them.

Let me give another illustration. Down in that same country, a coal country, the farmers sometimes opened little coal mines on their farms. From these mines they supplied themselves with coal and furnished coal to their neighbors and thereby earned some extra money to add to the incomes derived from their farms. They built little railroad tracks upon which to haul the coal from their mines to the highway where the buyer received it into his wagon and sometimes these tracks adjoined the boundary line of the neighbor's farm. The building of these small tracks cost the farmer much of the little money he had saved. Suppose now that his neighboring farmer had hitched a chain and tractor to the track and pulled it onto his farm to use it to take out coal from his coal mine. What would the farmer who built the track have said? "Outrageous! I will not permit it." That is exactly like what is proposed when they ask to have the Lakes moved into the Illinois River so that they can sail boats on that river and thereby get cheaper freight rates. It is not as they claim, a request to Congress to regulate interstate commerce. That would not be regulating commerce. It would be taking, from the lake cities, the track upon which commerce had moved from one part of the country to another, because, as they claim, it would help the part of the country to which they proposed to move the track. Can anyone defend action of the kind proposed on the basis of principle and justice? No, my friends; they can not so justify it, and about the only explanation they can give is found in Wordsworth's lines:

> That they should take, who have the power,
> And they should keep who can.

That states their real claim. They say that it is to their self-interest to take water from the Lakes to the Illinois River and that they will take it if possible.

We are supposed to consider legislation from the standpoint of right and wrong, and yet we are told that notwithstanding the fact that millions of people have invested all that they had, in homes and industries on the land surrounding the Great Lakes because of the benefit to be had from the use of the Lakes, now that benefit must be transferred to the people of Illinois. This great resource which nature has placed in the northern part of our country, the Illinois people insist must be given up and taken into the Mississippi Valley.

Let me say that if it were proposed, on the contrary, to divert the headwaters of the Mississippi River into the Great Lakes in order to help navigation, I would be among the first to protest, no matter how much it might help the Great Lakes region, because it would be unjust to the people of the Mississippi Valley and indefensible.

If there is any satisfaction, gentlemen, in serving here, it is in the feeling that we are doing something not to encourage selfishness but, rather, that we are helping to give effect to the rule of right, which benefits all and makes for the happiness of all.

You can not make any sound defense for the proposal to rob the Great Lakes. Do not tell me that if this bill should become law that that would make the withdrawal right. The passage of this bill would not make right the withdrawal of water but it would indicate only that those demanding authority to take the water had the votes and hence the power to take it.

The supporters of this bill hardly try now to justify Chicago in lowering the lake level to get water to carry its filth down to the Illinois valley. They almost apologize for Chicago now. They believe that it is less offensive and that it will appeal to a larger section and therefore get more votes to say: "We are going to establish navigation on the Illinois River by taking water from the Great Lakes."

It was wrong to let Chicago take the water for the purpose of carrying away its sewage and it would be even more indefensible to take the waters from the Lakes to the Illinois River to make it possible to operate boats on the river. Chicago was wrong in letting it become necessary to take water for purposes of sanitation. It should otherwise dispose of its sewage. [Applause.]

But because of Chicago's neglect it was threatened with pestilence and disease unless it were allowed to take water from the Lakes to carry its sewage away. That would have endangered the whole country. Only because it is necessary for the protection of Chicago and the rest of the country from disease, Congress should say to Chicago, "You will be given a certain length of time to provide modern sewage-disposal plants during which time you will be allowed to take enough water to carry away your sewage and then you will be prohibited from taking water from the Lakes to such an extent as to lower their level. If at the end of the time given you to build sewage-disposal plants you have failed to do so, the Government of the United States will compel compliance with its laws."

My friends, I oppose the proposition to lower the lake level for the benefit of navigation on the Illinois River. I oppose the withdrawal of water by Chicago except as a temporary help which it must have. To permit Chicago and Illinois to withdraw, from the Lakes, the water they demand, would cause a continuance of the present low and an even lower lake level. That would mean that much more freight would have to be carried by the railroads. It costs ten times as much to ship by railroad as it does to ship freight by water. These higher freight costs would be added to the price of almost everything used by the people living near the Great Lakes. The lower the level of the Lakes becomes, the higher the freight costs which the people must pay. The higher the cost of freight, the more the people must pay for food, coal, hardware, and so forth. It was in order that they might have cheaper transportation, lower freight costs, that the people now living around the Great Lakes established their homes and business there. It would be the worst form of injustice to take away from them the natural resource, the Lakes, which caused the people to go there. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CHALMERS. Mr. Chairman, I yield to my friend from Missouri [Mr. LOZIER].

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. LOZIER. Mr. Chairman, time for general debate on this rivers and harbors bill being limited, I will not be able at this time to discuss the measure in detail, but when the bill is read by paragraphs I will have something further to say. I desire now to answer some of the criticisms leveled against this bill by the gentleman from Wisconsin [Mr. FREAR], who is having a succession of spasms over some of the provisions of this bill, especially the paragraph which deals with the Missouri River. My colleague from Wisconsin is an experienced and able legislator, and for him I entertain a profound respect and hold him personally in high esteem. He is a convincing talker when he discusses matters with which he is familiar, but he is out of his element and wholly at sea when he attempts to discuss the Missouri River and its navigation possibilities. May I say in all kindness that what he does not know about the Missouri River and its possibilities for navigation would make several comprehensive encyclopedias.

My colleague is allowing himself to be, unconsciously, I think, influenced by local considerations and local interests. He is suffering from a malignant Wisconsin complex. In his analysis of the pending measure his usual perception is neutralized by provincial astigmatism. He should learn the facts in relation to the Missouri River and its navigation possibilities before he attempts to diagnose the situation or prescribe a remedy.

And may I say in passing that the gentleman from Wisconsin is not in a very strong position when he characterizes the expenditure of public money for the improvement of the Missouri River as wasteful and extravagant. I grant you that some of these expenditures have not been wisely made, but that is true of the improvement of every river and harbor in the United States and is also true in reference to public buildings and other governmental activities in which public funds have been invested. I will remind the gentleman from Wisconsin that his State has been the beneficiary of prodigal and wasteful Federal appropriations for the construction of wagon roads, canals, and other local improvements in that State.

By an act of June 18, 1838, the Federal Government donated one-half million acres of public land to the State of Wisconsin (then a Territory) for the construction of a canal between the Rock River and Lake Michigan, a project of insignificant proportion and essentially local in character. By an act of April 10, 1866, the Federal Government donated to the State of Wisconsin 200,000 acres of public land to aid in the construction of a canal to connect the waters of Green Bay with those of Lake Michigan, another purely local, unpretentious, and insignificant project of local interest only. By an act of August 8, 1846, Congress donated 683,722 acres of public lands to aid in improving the navigation of the Fox and Wisconsin Rivers in the Territory of Wisconsin and to construct a canal to unite the two little insignificant water courses, another project of local interest and minor importance. By an act of March 3, 1863, Congress donated 302,930 acres of public land to the State of Wisconsin to build a wagon road from Copper Harbor, Mich., to Green Bay, Wis., and at the same time donated 221,013 acres of public land to the State of Michigan for the building of this wagon road. By an act of June 21, 1864,

Congress donated to the State of Wisconsin odd sections for 6 miles on each side of said proposed road. This project was without merit, and the State never availed itself of the benefit of this grant.

Thus we find that the Federal Government has been wasting some of its assets by improvident grants for the benefit of the people of Wisconsin, and from which grants no substantial returns were possible. In these four grants the Federal Government dissipated 1,686,281 acres of our public domain worth a sum infinitely more than has been or will be expended in the improvement of the Missouri River. And may I say in passing that the State which the gentleman so ably represents has received as bounties and subsidies from the United States Government 6,219,970 acres of public land, largely for local and State purposes. It does not lie in the mouth of the gentleman from Wisconsin to criticize the expenditures made and to be made for the Missouri River. Men who live in crystal palaces should not propel irregular formations of granite.

But the gentleman from Wisconsin says that there is scarcely any traffic on the Missouri River. I concede this. But it is because the Government has never carried out any systematic plan for the improvement of the Missouri River for the purposes of navigation. In early years practically all the money that was spent on the river was for the construction of dikes and revetment at places here and there, up and down the river, and these works were not connected with similar improvements, being largely local and temporary and not coordinated with similar improvements under a general plan for the improvement of the entire river for the purpose of navigation and commerce. However, a very considerable part of the improvements made 25 and 30 years ago under the old slipshod method have stood the test of time and are intact to-day and adjacent to which are long stretches of the river with a channel navigable at all times except during the winter season. However, some of these works installed under the old plan and disconnected with other improvements were flanked by the changing channels and destroyed or injured to a greater or less extent. But much of this temporary work yet remains and can be utilized under the present plan.

In 1912 the War Department and Congress definitely committed the Nation to a program for the improvement of the Missouri River. Since then the Missouri River improvement has been an approved project, on the same basis as the project for the improvement of the Ohio and Mississippi Rivers. The plan formulated by the Army Engineers contemplated the expenditure of $2,000,000 per year for a period of 10 years, the estimated cost being $20,000,000. The Board of United States Army Engineers found that the improvement of the Missouri River for the purposes of navigation was practical and feasible and that the traffic that would move up and down the river between Kansas City and St. Louis would more than justify the cost of the improvement. Congress in good faith started out to appropriate $2,000,000 annually for the improvement of the Missouri River, but the World War coming on, the annual appropriations were at first reduced and then discontinued for a long term of years, during which time the works already constructed naturally deteriorated.

If Congress had kept faith with the people of Missouri and adjoining States and appropriated $2,000,000 annually for 10 years, the Missouri River would have been completed and made ready for navigation in 1922, with a 6-foot channel between Kansas City and St. Louis, and as a result of such improvement that stretch of the Missouri River would now be carrying an immense traffic and fleets of boats and barges would be plying that stretch of the Missouri River, bearing in their bosoms a commerce inconceivable in value.

Before embarking on this plan for the improvement of the Missouri River, pressure was applied by the Government on the business interests of Kansas City and a substantial assurance required that the river would be utilized for transportation purposes after the Government completed the proposed improvement. Indicating confidence in the Missouri River for transportation purposes and as an evidence of a mature and well-considered purpose to use the river for transportation purposes and to assure the Federal authorities that if the river was improved it would be used for traffic purposes, the business interests of Kansas City organized the Kansas City Missouri River Navigation Co., with a cash capital of $1,220,000, to operate a barge line between Kansas City and St. Louis and for the utilization of the Missouri River for transportation purposes as rapidly as the conditions would permit and the work of the improvement of the river progressed under the approved plan.

In good faith and believing that the Government would consummate the approved plan, the barge-line company invested several hundred thousand dollars in boats and barges and proceeded to navigate the river and to carry thereon a very considerable commerce. The operation of this barge line was attended with serious difficulties because of the slow progress made by the Government in the consummation of its plan to render the river navigable. But notwithstanding these difficulties, these barges were operated to their full capacity and a heavy traffic on the river was built up. During this period the greater portion of the river could easily be navigated, but here and there were "crossings" where the river spread out, sometimes a mile or more in width, which meant a radical reduction in the depth of the channel and made navigation slow and exceedingly difficult through these places. However, of the 390 miles between St. Louis and Kansas City at least 350 miles have at all times had a sufficient depth of channel to enable the boats and barges to float rapidly and without hindrance.

Anyone familiar with river navigation knows that a channel is only as deep as its shallowest place, and these comparatively few miles of shallow channel prevent the Missouri River from being navigable at all times. The proposed improvement consists in making these comparatively short stretches of river navigable by confining the channel in narrow limits which will obviously increase the depth and make the entire stream navigable at all times except in winter.

Of the $20,000,000, the estimated cost of the proposed improvement between Kansas City and St. Louis, only $7,362,870 have been expended for new works, and under the present plan the new works are continuous, systematic, and connected with other permanent works, instead of at isolated portions of the river, as under the old plan in years gone by. Starting from a given point, under the present plan, the improvements are continuous and connected and not scattered here, there, and everywhere. The present plan is scientific and sensible and reduces deterioration to a minimum.

The business of the Kansas City barge line, to which I have referred, grew by leaps and bounds and soon exceeded the carrying capacity of the barges. The barge line was compelled to turn over to the railroads an immense tonnage that the barge line did not have sufficient facilities to carry. The maximum capacity of the barge line was 10,000 tons a month, and the barges were operated from 9 to 10 months a year. Almost every day the barge line was compelled to divert some of its tonnage to the railroads, such diversion running as high as 55 carloads in one day.

Although the Government failed to carry out its part of the program and neglected to continue the appropriations for the improvement of the Missouri, the traffic continued to increase until the World War came on. Then the Government took charge of the barges that had been plying the Missouri River and put them on the Mississipip River, where there was greater depth of channel, paying the barge line company the appraised value of these barges, approximately $450,000. This was done as a war measure.

The four years these barges were operated on the Missouri conclusively demonstrated the feasibility, practicability, wisdom, and economic necessity of the Missouri River for transportation purposes, although during such period of operation only a comparatively small proportion of the river had been improved in accordance with the approved plan. The Kansas City Missouri River Navigation Co. now has approximately one and one-quarter million dollars capital invested in United States Government bonds, and this company is keeping its organization intact and conserving its large cash capital for investment in boats and barges for traffic on the Missouri River as soon as the Government has completed these improvements for the maintenance of a 6-foot channel between Kansas City and St. Louis.

The business interests and commercial organizations of Kansas City, with a commendable breadth of vision, are looking forward to the time when countless fleets will ply the Missouri River between Kansas City and St. Louis—yes, between Fort Benton, Sioux City, Omaha, St. Joseph, Kansas City, and St. Louis, carrying in their bottoms millions of tons of farm commodities from that boundless and matchless western empire to the great Middle West, and through connecting waterways to the great centers of wealth and population in the East, North, and South.

I shall vote and work for the adoption of a plan for the improvement of the Missouri River, not only from St. Louis to Kansas City, but from Kansas City to the headwaters of navigation in the far-flung Northwest. It is a penny wise and pound foolish economy to deny to the great West a system of waterways by which the products of the farms, fields, forests, mountains, mines, and plains of the great trans-Mississippi, trans-Missouri empire may be transported expeditiously and economically to the great centers of wealth and population and to the hungry hands beyond the seven seas.

Gentlemen, by your shortsighted, dim-visioned, ill-considered, and selfish opposition to a great system of inland waterways, you may delay, but you can not defeat, these projects. It is manifest destiny that we should and will use our splendid system of inland waterways. I can conceive of no greater economic waste than that which results from our stupid failure to utilize our great rivers which are God's most valuable gift to the people of the United States.

But opponents of the Missouri River point to the fact that it is at present carrying but little commerce, and they ask, "Why don't you navigate the Missouri River and utilize it for transportation purposes?" An obvious answer to this inquiry is that you can not satisfactorily and economically navigate a river and utilize it for commercial purposes until it has been made navigable by creating and maintaining a channel at least 6 feet in depth, with an ultimate increase to 9 feet in depth. No business men, cities, or communities will invest large sums of money in boats and barges to operate on a river that the Goverument has failed to keep in a navigable condition.

It is the duty of the Government to create and maintain a navigable channel, and when this is done no one but a fool will assert that the river will not thereafter be navigated. The great business interests in the cities of Kansas City and St. Louis realize not only the importance but the absolute necessity of using the Missouri River for transportation purposes. Such use will mean lower freight rates, which will inevitably be reflected in greater profits to the shipper without increased cost to the consumer. The only reason hundreds and thousands of boats and barges are not plying the Missouri River now is because the Government has failed to maintain an open navigable channel between St. Louis and Kansas City, and countless fleets of boats and barges will make their appearance on the Missouri River just as soon as the present plans for the creation of a 6-foot channel are consummated.

The same argument used against the improvement of the Missouri River, namely, that the present traffic does not justify the outlay incident to making the river navigable, was used against the improvement of the Ohio and Mississippi Rivers and was used against the construction of the Pacific Railroad. For 30 years before the Pacific railroads were constructed the selfish interests, many newspapers, and many able men in and out of Congress strenuously argued that there was not sufficient traffic between the Missouri River and the Pacific coast to justify the building of the Pacific railroads.

It was contended that in a half century sufficient tonnage would not be developed in the great West to pay operating expenses of these Pacific railroads after their construction. It was said that the great West was not sufficiently productive to justify the building of these railroads and that their operating expenses would far exceed their income from freight and passenger service. They said, in substance, that these railroads would stretch for 2,000 or more miles over a wild, inhospitable, arid, and nonproductive region that would not be settled in a century and would not produce sufficient commodities to support even a scant population.

These men were shortsighted and without vision, but there were men like Thomas H. Benton who had vision and who could foresee the wonderful possibilities of this great empire stretching from the Missouri River to the Golden Gate. These men realized that settlements and development would follow the building of these railroads; that this vast region was one of unlimited productivity and inconceivable wealth; that with the building of the railroads and the settlement and development of that region traffic and tonnage would quickly develop, which would tax to the uttermost the carrying capacity of these great transcontinental railway systems. These far-sighted men knew that traffic and tonnage follow and do not precede the building of railroads or the making of rivers navigable.

The agricultural commodities produced in the regions tributary to the Missouri River are more than sufficient to furnish traffic and tonnage far in excess of the capacity of the Missouri River to handle when the river is made navigable and hundreds of boats and barges move upstream and downstream on this by odds the greatest of all our great rivers in the United States.

The agricultural communities of the great West are as vitally interested in a great national waterway system as the cities and business interests. Water transportation means lower freight rates on the commodities from the American farms, and this will mean increased profits to the agricultural classes. Cheap water transportation will do much to enable the farmer to balance his budget and dig out from under the economic handicap from which he has suffered in recent years.

The Missouri River carries more water than any of our other inland waterways. Even as far up as Sioux City the Missouri River at low-water stage carries more water than the normal average flow in the Ohio River at Cincinnati. At all times, 12 months in the year, the Missouri River carries an abundance of water all the way from Fort Benton to the Mississippi for the purposes of navigation, and for four-fifths of this great distance the Missouri River has a navigable channel for nine months in the year. It is only for about one-fifth of this distance, divided up in short stretches here and there, that the channel of the Missouri River is not sufficiently deep for navigation, and the only problem is to so control the width of the channel that the depth may be uniform, and this done your problem is solved.

I assert that, relatively speaking, better results are obtained for the money expended on the Missouri River than for expenditures on any other river in the United States. I am weary of all this misrepresentation and slander of the Missouri River. I am tired of the "rot" that the selfish representatives of other projects are constantly vomiting out on this floor and through the public press. The Missouri River project is a safe, sane, rational, and workable project. The cost of making the Missouri River navigable between Kansas City and St. Louis is less per mile than the cost per mile of making any other great river in the United States navigable.

The people of Missouri and the great West are worthy of and entitled to consideration at the hands of this Congress and from other sections of our country. We are not crawling on our bellies, kissing your feet, and begging bounties at your hands. In an upstanding, forward-looking, and self-respecting attitude we are demanding our rights, one of which is the improvement of the Missouri River. We will go along with you and vote with you for a comprehensive development of our harbors and inland waterways. We will not oppose any worthy project included in the pending bill, but we do demand that the Missouri River be no longer discriminated against, no longer misrepresented, and no longer ostracized. In short, we demand for the Missouri River the same consideration that is given to other great inland waterways. [Applause.]

Mr. Chairman and gentlemen, I wish I had time in which to discuss this matter in more detail. Time will not permit, however; and I ask unanimous consent that I may revise and extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. EATON] five minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes.

Mr. EATON. Mr. Chairman and gentlemen, there seems to be general agreement that the bill now before the House contains many provisions of sound, constructive value which are calculated to advance the safety, convenience, and prosperity of the whole country. It represents an immense amount of toil and thought on the part of the Committee on Rivers and Harbors. The distinguished chairman, Mr. DEMPSEY, has presented his views with unusual adroitness and force. The debate has been instructive, if not always convincing.

I am in favor of most of the proposals in the bill, especially the provision for the improvement of the Passaic River in my own State of New Jersey. The proposed deepening of the Passaic River is much more than a local improvement to navigation. It is an important step in one of the greatest economic and engineering undertakings.

The problem of the port of New York, which, of course, includes the New Jersey side of the Hudson, is a problem of acute transportation congestion. And this congestion affects injuriously every section of the country which ships merchandise to or from these ports. It is a fact for farmers and manufacturers to ponder that it now costs as much to get a package of goods from the terminals on the Jersey side of the Hudson to its destination on Manhattan Island or Brooklyn as it does to carry the package over the mountains from Pittsburgh.

To meet these conditions so disastrous to producer and consumer alike the New Jersey and New York Port Authorities are organizing a great comprehensive scheme of port development which will go far toward solving this acute problem of congestion and in which the proposed improvement of the Passaic River constitutes an important link.

There are two proposals in this bill which if retained in their present form I must oppose. One is the Illinois River development, the other is what the gentleman from New York [Mr. DEMPSEY] describes with the unction of authorship as the "all-American route."

In and of itself I can see no sound argument against improving the Illinois River as an integral part of the Mississippi system. I am and always have been an ardent advocate of

river transportation. I am in full sympathy with the general aims of the Mississippi Valley Association.

For my own information I have studied that great system of waterways from its rise in the State of Minnesota to the Gulf of Mexico, and I believe it must eventually become one of the most important sources of economic gain, not only to the Mississippi Valley itself, but to the country as a whole.

I have no criticism to offer against the ambition of Chicago to enjoy and employ the advantage of both the Lake system and the Mississippi Valley system of waterways. If it can be done without disregarding the rights or depreciating the prosperity of other sections and cities, it should be done. Nor can I see anything essentially unsound in the general idea of connecting two great systems of waterways any more than in connecting two systems of railway transportation.

While admitting all this, it must be evident to every Member of this House that there is something radically wrong with the Chicago proposal as it appears in this bill. Where there is so much smoke there must be some fire. When you see the representatives and people of great States like Wisconsin, Michigan, and Ohio stirred to profound antagonism against what seems to be an innocent proposal by the city of Chicago and the State of Illinois, you must believe that the proposal is not as innocent as it appears. There is a gentleman of dusky hue concealed somewhere about the woodpile.

The facts are plain. They have been presented here with courage and candor by many speakers, chief among them being the learned and high-minded gentleman from Ohio [Mr. BURTON]. All the witnesses against the Chicago proposal agree that lake transportation lies at the very foundation of the commercial prosperity of the Lake States. They agree, and no one denies it, that lake levels have fallen in recent years to a point which imperils the vast shipping industry of the whole region. And they also agree that in spite of and in face of this almost desperate situation Chicago has been for years unlawfully diverting lake water for domestic, commercial, and sanitary purposes, and now proposes, mainly for her own advantage, to continue this diversion in whole or in part for navigation purposes as well.

Based upon these facts there has been excited a feeling of moral outrage and resentment which in its devastating effects will far outweigh any small commercial advantages which might accrue to Chicago.

The Illinois River proposal and the all-American route are under present conditions economically, morally, and psychologically unsound. They ignore or deny a great fundamental fact, which with crushing force will continue to assert its authority over the whole situation. That fact is that lake transportation constitutes by its very nature a great unity and community of interest. Its program and policy must include all peoples and cities and sections upon a common level of rights and in a common engagement of opportunity.

If this is true of the lake system it is true in a larger sense of the problems of getting to the sea, which Mr. DEMPSEY would solve by his "all-American route." In my judgment the gentleman errs in his conception of the situation because he ignores the fact that it is a continental problem, and the whole question will remain unsettled and uncertain until it is approached from this larger point of view. I venture, therefore, to hope that these two proposals will be eliminated from the bill until they can receive separate and adequate consideration upon these higher and broader grounds.

Chicago can wait for her canal. The distinguished gentleman from Illinois [Mr. MADDEN] told us that in his lifetime he has seen Chicago grow from 100,000 to 3,000,000 souls. If she has done this without the help of the Illinois River she certainly will not be slowed down to any appreciable degree by waiting a little longer and by joining with her sister communities in solving the pressing problem of lake transportation as a whole. Chicago must for the present choose between the canal and the Lakes.

If she were to choose the canal with a thousand or two cubic feet of flow it would be like trading a grand piano for a mouth organ or putting a Rolls Royce car out in the weather in order to make room for a wheelbarrow in the garage. Why cripple the great navigation interests of the Lakes to create a comparatively unimportant traffic on the Illinois River?

In closing I venture to call the attention of the distinguished advocate of the "all-American route" to one or two realities which must be faced.

There can never be an "all-American route" for lake shipping. The Lakes are international, the Niagara River is international. Any shipping originating on the Lakes would have to be contaminated by contact with international waters before taking its purifying bath in the sacred waters of the "all-American route." And even the waters of such a canal would have to come from the polluted international Lakes.

This "all-American" phrase is most unfortunate in this connection. The normal outlet—in fact, the only practical outlet—for the Lakes to the sea is the St. Lawrence River. This vast natural waterway is now open for deep-draft traffic for nearly 2,000 miles from the Gulf of St. Lawrence to Duluth, except 120 miles between Ogdensburg and Montreal.

If it is good for both countries to have this vast system open all but 120 miles, it certainly will be better to have it open all the way.

I am for opening the St. Lawrence River and letting the sea commerce of the world come up to Montreal, Rochester, Toronto, Buffalo, Cleveland, Detroit, Chicago, Duluth, and all the other cities along the way.

The St. Lawrence River is the natural highway from the interior of our continent to the sea. It is capable of developing four to five million horsepower of electric energy, 1,200,000 of which belongs of right to our country and the rest to Canada. This power will do more to enrich New England and New York than a dozen "all-American" canals built at enormous cost in defiance of natural laws.

Canada for many years has been either our first or second largest customer. We have billions invested there. All our economical currents are continental in direction and scope.

Now, in face of these and many other facts is it not the part of wisdom not only for Illinois to line up with the 40,000,000 people interested in the Great Lakes as a waterway but also for this country to encourage and cooperate with Canada in joint development of the mutual interests of both nations in our common heritage in the St. Lawrence and Great Lakes?

The St. Lawrence River is the only truly all-American route from the Lakes to the sea, for it belongs to the people of the continent, whose destiny is one and whose duty it is to cooperate in peace and amity for mutual good.

Mr. CHALMERS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MCLAUGHLIN]. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a great deal might be said, and there is a great deal I would like to say, about this Illinois River project, but I shall speak very briefly, and therefore I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, as I have just said, a great deal might be said and there is much I would like to say about this Illinois River project, but I shall speak briefly about two or three of the salient features, those concerning which there is controversy as to fact and conclusion.

It is true that on the face of this provision in the bill it provides only the adoption of an improvement on the Illinois River. Its proponents say it has no relation whatever to diversion of water from the Great Lakes. We take the position that this provision will have the effect of legalizing the present diversion of water from Lake Michigan; that this provision is intended for that purpose; and that if there is to be no diversion this improvement is worse than an idle gesture on the part of Congress.

Mr. McDUFFIE. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. McDUFFIE. I want to assure the gentleman that there was no such intention, although the gentleman says this provision was intended for that purpose.

Mr. McLAUGHLIN of Michigan. I wish to say that without reflection.

Mr. McDUFFIE. I happen to have drawn this provision and there was no such intention involved and it will not have any such effect.

Mr. McLAUGHLIN of Michigan. I will qualify that by saying that as to some of the members of the committee, including the distinguished gentleman who has just made a statement, there was evidently no intention of that kind, but I can not say that as to all the the members of the committee.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I prefer not to yield, because I have such a very short time.

Mr. WILLIAM E. HULL. What part——

Mr. McLAUGHLIN of Michigan. I do not wish to yield. The gentleman knows the rules of the House. Living as I do on the Great Lakes and being quite familiar with the situation and deeply concerned about the interests of that section, I might occupy a great deal of time in discussing this question,

but I am permitted only a few minutes, so I think I am justified in asking not to be interrupted.

In support of my contention that adoption of the Illinois River improvement will have the effect of legalizing the present diversion of water from the lake at Chicago and continue permanent diversion of water in large volume, permit me to quote statements made and opinions expressed by prominent gentlemen of this House who testified before the Committee on Rivers and Harbors. One of the most prominent is the gentleman from Illinois [Mr. RAINEY], and confident as he evidently was that this provision would be approved by the committee and be a part of the bill, and speaking of the purpose and effect of it, he said (p. 161 of the hearings):

Mr. RAINEY. Now, Mr. Chairman, you are about to legalize the flow from the Lakes. It does not make any difference whether it is going to be 2,000 or 10,000 cubic feet; you are legalizing now the amount that actually exists. The Mississippi River now takes its head in the Great Lakes, because there is always going to be a diversion from the Lakes.

In the next paragraph, on page 162, Mr. RAINEY urges that the Illinois River be included with the Mississippi River, and speaks of the benefit of appropriations made and to be made for construction and maintenance of levees in the Mississippi River system. He said:

Now, since you are making a new river by legislation I want the committee to extend that allotment (the Mississippi River levee allotment) to the Illinois River.

Am I justified in saying that this provision means a diversion of water, a continued diversion in large volume, from Lake Michigan? Read the questions by the gentleman from Texas [Mr. MANSFIELD], the ranking Democrat on the committee, on page 166, in which he practically says there can be no navigation on the Illinois River without diversion of water from Lake Michigan.

I was making a statement before the Committee on Rivers and Harbors and was questioned by the gentleman from Texas [Mr. MANSFIELD].

Here are his questions and my answers as they appear on page 166 of the hearing:

Mr. MANSFIELD. Mr. MCLAUGHLIN, suppose this committee would recommend the adoption of this report and Congress should approve it, then, as Chicago hereafter puts in her appliances for taking care of the sewage and the diversion from time to time is lessened by the Secretary of War, and eventually wiped out altogether, then it would leave no water in that river for navigation at all, would it?

Mr. MCLAUGHLIN. No.

Mr. MANSFIELD. If it is entirely cut off?

Mr. MCLAUGHLIN. Quite right.

This, I think, justifies me in saying that Mr. MANSFIELD believes, as all members of the committee know, that there is to be some diversion of water from Lake Michigan, and unless such diversion be permanent and adequate for navigation there can not possibly be navigation of the Illinois River.

In this connection it is interesting to read a brief statement made by the gentleman from Pennsylvania [Mr. STRONG], a member of the committee, as it appears on page 168 of the hearings. Mr. STRONG said:

When we were holding hearings two years ago on the diversion of water at Chicago, I advanced the proposition that neither the American Congress nor the Canadian Parliament has any right or any legal authority for authorizing or creating a diversion from any boundary water. I did not receive very much sympathy with reference to that proposition. Do I understand now that you agree with that?

Mr. MCLAUGHLIN. Yes, sir; if you mean the Great Lakes.

Mr. STRONG. I want to add in this connection that I am very much in favor of the 9-foot channel on the Illinois. I have not yet heard, with all my pains to listen, any declaration that we might have a 9-foot channel on the Illinois without any diversion.

What is the natural flow of the Illinois River, and what would it be if not supplied with water from Lake Michigan? That question is answered by Mr. Horace P. Ramey, assistant engineer of the Sanitary District of Chicago, in his testimony before the Rivers and Harbors Committee at its hearings between April 15 and May 27, 1924. On page 1570 of the hearings Mr. Ramey says:

The natural flow of the Illinois River at Peoria has apparently been as low as 200 to 300 cubic-foot-seconds.

Another official statement appearing in the hearings is that the normal flow of the Illinois River is 500 cubic-foot-seconds. Taking this higher estimate of 500 cubic feet, the Illinois improvement provision of this bill is made on the basis of a diversion of 8,250 cubic feet; that is, if this portion of the bill becomes law, the diversion from Lake Michigan would be forty-five times as much as the natural flow of the Illinois River, and are we not fully justified in saying that there can not be, never will be, a navigable channel along the Illinois River without diversion of a large volume of water from Lake Michigan? And I repeat that the report of the Chief of Engineers, which this bill proposes to adopt and enact into law, is based on the present diversion of 8,250 cubic feet.

Mr. MANSFIELD. Will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Another statement by the engineer for the Sanitary District of Chicago states that the flow of the Illinois River normally is about 500 cubic feet.

Mr. MANSFIELD. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman can not raise a question of personal privilege while the gentleman from Michigan has the floor.

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I decline to yield.

I have not time to go into these matters further. I have given you some references and you can look them up yourself.

The position of the Chicago people is well expressed by the gentleman from Illinois [Mr. MADDEN] in one of the hearings:

This is the position we take. The position we take on the water under the treaty is that we have a definite, positive, uncontroverted right to take 10,000 cubic feet per second.

That is their position, and they are going to adhere to it and follow it out. Before I go into that further, I wish to refer to something said by the chairman of the committee [Mr. DEMPSEY] in answer to something I said when I appeared before the committee. When I made the statement that the adoption of this report would legalize the diversion of water, Mr. DEMPSEY said:

It will not legalize the diversion of water, but to stop the existing diversion later congressional action will be necessary.

Mr. DEMPSEY. What page?

Mr. MCLAUGHLIN of Michigan. Page 172. Others of the committee have said the same thing. Does not this mean diversion? Does it not mean permanent abstraction of a large volume of water from Lake Michigan? Is this not an attempt to legalize it? Do we not by this bill legalize the existing diversion of 8,250 cubic feet, if it be true, as Chairman DEMPSEY says, that that volume of diversion will, by virtue of this bill, be legal and will continue unless and until the Congress shall enact a law changing or forbidding it?

The gentleman from Illinois [Mr. MADDEN] bases his statement on the treaty and the negotiations that led up to its making. I have only time to say that if you wish an interpretation of the treaty, read what high officials of Canada say about it and what is said in the Canadian Parliament. Read what our own Secretary of State has said about it. Read the decision of the Supreme Court of the United States when it affirmed the decision of the lower courts in the recent suit in which it determined that Chicago was violating the law. That decision is based partly upon the treaty, and the court says that in its decision it is observing and carrying out our obligations under that treaty. The Supreme Court denies the claim of Chicago the right to divert water in such volume as it pleases; it finds Chicago guilty because more than 4,167 cubic feet, the limit permitted by the Secretary of War, was being taken.

I have time to speak of only one other thing. A very earnest and tearful appeal has been made to you for the city of Chicago and the sanitary district, and you have been told with what diligence and at what great expense the city of Chicago is undertaking to comply with the demands of the situation and construct sewage-disposal works. Read the history of it, and you will say with me that it has been everything but diligent or prompt or expeditious in its efforts to provide sewage-disposal plants; you will say with me that it has been dilatory and, in fact, has not always shown good faith in the matter. Neither the city of Chicago nor the sanitary district took any action whatever looking to the construction of works or made any material progress toward real construction until absolutely compelled to do so. Read what Mr. Justice Holmes said about their attitude. In his decision he speaks of the various defenses presented or relied upon by the sanitary district, and one after another he brushes them aside as entirely without merit, and all testimony offered in support of them as absolutely immaterial. He goes on to say that finally, after Chicago and the sanitary district had presented every possible excuse and sought refuge in all possible schemes to evade the terms of the order of the Secretary of War, they "took the bull by the horns." Those are his own words—they "took the bull by the horns." To me those words, when used by a Justice

of the Supreme Court of the United States, are significant—that Chicago and the district "took the bull by the horns" and proceeded to do just what they pleased. The suit begun against the city of Chicago and the district to require them to confine themselves to the 4,167 cubic feet permitted by the Secretary dragged its weary way through the district court at Chicago for 16 years. Mr. Justice Holmes comments on that, and without laying the blame directly upon anybody says the long delay was evidently for the advantage of the defendants, the city and sanitary district. This is a very significant statement, coming, as it does, from the Supreme Court of the United States.

There is another thing; from one-third to one-half of the sewage which this canal, made by diversion of water from Lake Michigan, carries away is the foul waste and sewage from the stockyards, from the Corn Products Co., and from a number of tanneries. Chicago has been trying to induce the packing companies and others to construct their own sewage-disposal works. Many years ago engineers of the sanitary district began investigations to advise and assist these companies to find a method of disposing of their sewage.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CHALMERS. Mr. Chairman, I yield the gentleman the balance of my time—seven minutes.

Mr. McLAUGHLIN of Michigan. In 1911, even earlier than that, although that is the date given as the time, the engineers and these companies began experiments to learn a method. A suitable method was found, but the stockyards and other companies would not put it into operation. The city of Chicago or some authority out there began suit to compel them to do it. That suit was begun many years ago, but it has not been pressed.

One of the great engineers employed by the Sanitary District of Chicago, vouched for as a man of experience, ability, and wisdom, testified before the Committee on Rivers and Harbors on that subject. He was asked:

> What progress have you been making by way of bringing about the construction or compelling the construction of these sewage-disposal works by the stockyards and the products company?

Read his answer. He said:

> Well, in 20 years we have finally made them admit that there is a way by which their sewage can be taken care of without dumping it into the Chicago River.

Does that show expedition; does that show anything but selfishness and greed on the part of Chicago and utter disregard of the rights of others? It is true they are spending a great deal of money, but they did not begin to spend it until absolutely necessary. I think their record justifies us in doubting whether they are carrying it out expeditiously.

Mr. MADDEN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. No; the gentleman has had plenty of time to discuss the matter. I am quoting from the record and I know what I am talking about. I am talking about the "good faith" on the part of Chicago. Read the decisions of the Supreme Court; read the statements made by the engineers that from one-third to one-half of the waste and rotten refuse stuff that goes into the canal and has to be carried off comes from the stockyards and the products company, and the officials of Chicago submitted to it and submit to it yet, although pleading that they have for 20 years tried to do something about it.

That against the packers and the Corn Products Co. suit was begun many years ago, but it has not been pressed. Evidently both parties to that suit, the city and the companies, being beneficiaries of the immense diversion of water from the lake and particeps criminis in this illegal diversion, have agreed to permit the suit to drag along without effort to bring it to trial. This eminent sanitary engineer was Mr. Langdon Pearse, one of the engineers of the sanitary district. In speaking of investigations and experiments on which the demand upon the stockyards, Corn Products Co., and tanners that they provide for taking care of their immense sewage was based, Mr. Pearse, after saying that the packers have refused to enter into any agreement, said (p. 1648):

> The experiments did, however, lead to this, that the packers, for the first time in their history, as a collection of individuals and collectively as a body, acknowledged that there was a process of sewage treatment applied by us that was capable of handling their waste.

That was in 1919. Investigations and experiments began many years before that time. He says they would not admit that on the first report; they did on the second report, and we felt that we had accomplished something; that in twenty-odd years we had at last shown how to handle their waste.

Is there anything in Mr. Pearse's statement, is there anything in the hearing, to excuse us for accepting the plea in behalf of the city of Chicago or the sanitary district that they are and always have been willing to provide modern, suitable methods of sewage disposal, or that they have been proceeding diligently and in good faith to provide for sewage disposal without turning it all into the canal or so-called waterway provided for them at the expense of the Great Lakes interests? There is nothing in the record—no record can be made—which justifies or excuses the statements made here by their friends to the effect that they have been proceeding expeditiously, with dispatch, and as rapidly as possible. Official records and well-known facts show conclusively nothing but selfishness and greed on the part of Chicago and the sanitary district, deliberate and long-continued violation of law, and utter disregard of the rights of others. It is true they are now spending, or have available for spending, a great deal of money, but they did not acquire this money or begin to spend it until compelled to do so by the order of the Secretary of War.

The State of Michigan has begun a suit which denies altogether the right of any authority to divert water on the Great Lakes. Read the decisions of the Supreme Court upon which that is based. Read the brief of the attorney general of Michigan and you will see that in similar cases the Supreme Court has said that a State has a proprietary interest in and is entitled to waters within its borders.

The Supreme Court in previous cases has said that when the original thirteen Colonies achieved their independence each one of them became practically a separate and independent country, and as such owned all the waters within its borders, to be controlled by itself, and that in subscribing to the Constitution of the United States these Colonies transferred no right, nor did they surrender any right, over their waters to the Federal Government except as the authority acquired by the Government is expressly set forth in the Constitution. The Constitution gives the Government authority to regulate and control commerce and navigation of navigable streams, but it has no authority to take waters from one State and transfer them to another. But that suit is pending and will soon be determined by the Supreme Court, and those who are now opposing the Illinois improvement provision of this bill are urging that no legislation of any kind be enacted until the decision of the court in that case shall be known.

The international situation is serious and challenges our attention. The gentleman from Minnesota, Rev. Mr. KVALE, spoke a day or two ago and quoted from speeches made in the Canadian Parliament where it was said the city of Chicago, the Congress of the United States, and even our State Department were playing football with the treaty of January 11, 1909, and making it a scrap of paper; that we have not been treating the Canadian Government respectfully.

There was some excuse, if not full justification, for those statements in the Canadian Parliament. Day before yesterday, when the gentleman from Minnesota undertook to read excerpts from speeches made in the Canadian Parliament, there was laughter, jeering, interruptions, noise, and confusion in such a manner and to such an extent that the presiding officer found it necessary, more than once, to rap for order and admonish those present in the House that they must preserve order and permit the gentleman from Minnesota to proceed with his remarks.

I say there is some excuse for the feeling of antagonism toward us and the criticisms made by the members of the Canadian Parliament. Read the letters written by the Canadian authorities to the State Department. They do not indulge in the language used by members of Parliament, but they ask pointed, straightforward questions—what are you doing about the diversion of water at Chicago; what do you propose to do about it; what are you doing by way of observing the treaty of January 11, 1909?

Then read the answers by our Secretary of State to the Premier of the Canadian Government and to Sir Esme Howard, the British ambassador. After reading these answers you will have a better understanding of the attitude of members of the Canadian Parliament and perhaps more sympathy for them. You will at least say that the situation in which our Government finds itself is not an agreeable one, due to the extremely unfortunate state of affairs respecting the diversion of water from Lake Michigan at Chicago. You will, I believe, determine also that no legislation such as is proposed by the bill now before us should be enacted into law, because it would further embarrass an already disagreeable international situation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DEMPSEY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman, in the discussion of the pending rivers and harbors bill, the purpose of which is to authorize new and extend existing projects deemed necessary for the completion of a comprehensive national waterway program, I simply desire to call attention to certain phases of the problem which, in the final analysis, are essential if the system is to render successful service to the public.

The country has, with generous approval, accepted the action and policy of Congress in entering upon a definite program for the improvement to completion and the utilization of the Nation's waterways as all-the-year dependable channels of commerce.

But we should realize now that the needs of agriculture and industry for cheaper transportation will not be supplied in a satisfactory way simply by the completion of the waterway program of channel improvement alone. That is only one important step in the right direction and leading to the end long sought by advocates of water transportation. A further step is necessary. Public attention must be directed to this and our responsibility realized. I refer to modern transportation equipment and up-to-date wharf, terminal, and interchange facilities.

If we turn back a few pages to the time when traffic on our rivers flourished, it can be clearly seen that it flourished because the steamboat—the river packet—was the cheapest and most efficient carrier of inland commerce then existing. It prospered for purely economic reasons. It is equally clear why the railroad supplanted the river steamboat. That was also based upon economic causes. It is only necessary here to indicate why river transportation has been slow to revive: It has faced a situation quite different from that of the former days. Traffic once grooved in established channels is not easily diverted; the unimproved waterways were not dependable; the old-type steamboat could not compete successfully due to interruptions and delays caused by inadequate channels and out-of-date designs and construction of craft. Therefore, as the channels are improved new carriers must be designed that will enable their users to meet competition now and in the future.

Many recent attempts to establish steamboat service upon our improved rivers have come within my observation. In almost every instance the attempt was doomed to failure from a business standpoint, if for no other reason than because the ton-mile transportation cost by the old-style packet boat is too high to meet the present conditions and yet yield a satisfactory profit from operations.

A new carrier, a more efficient one, was and is an absolute necessity. The answer is furnished by the barge system, using a specially designed towboat to handle a large number of barges which are themselves without motive power. This system of carriage can operate on our inland waterways with a lower ton-mile cost than any other means of transportation. For the past year, 1925, the Inland Waterways Corporation, operating on the Mississippi and Warrior Rivers, has handled its traffic at a transportation cost of 1¼ mills per ton-mile.

Recently a tow of oil amounting to approximately 245,000 barrels was handled on the Mississippi River. This oil was carried in 19 barges handled in one tow by one towboat having engines of about 2,200 horsepower. To have handled this 245,000 barrels of oil over the railroads would have required 10 full trainloads and 10 freight locomotives with an aggregate horsepower of 35,000. To have handled this tow of oil in seagoing tankers would have required at least four average-size tankers. The total displacement of this tow of oil was approximately 55,000 tons, or slightly more than the displacement of the *Leviathan*.

The development of the carrier is not the complete solution of the entire problem; it is but one phase of it. The question of modern wharf, terminal, and interchange facilities is equally important.

When the Inland Waterways Corporation began operations in 1923, it is substantially true that it had no modern wharf and loading equipment and was without interchange facilities. In that year 45 per cent of the corporation's gross revenues went to pay terminal costs. Such a ratio of terminal costs to gross revenues was unbearable as a permanent thing. The corporation and the cities which it serves have been engaged in the improvement of wharf and interchange facilities and in new construction work intended to reduce the terminal costs. The results of this work are becoming apparent now, as shown by the fact that in 1925 the terminal costs of the corporation were reduced to 29 per cent of the gross revenues.

Many large corporations have recognized the advantages and cheapness of this system of water transportation and have themselves built or purchased towboats and barges to handle their raw materials and finished products in order to reduce their costs and broaden their available markets. These companies are not, however, common carriers.

On the Ouachita River in Louisiana and Arkansas, where a lock-and-dam system has been completed by the Government, the Louisiana & Arkansas Barge Service, a corporation privately financed, put a barge service into operation in 1925. This service follows sporadic efforts to maintain service by packet boats. This barge service has met with even greater success than its backers expected, and the company is continually adding to its equipment and facilities in order to care for the steadily increasing volume of traffic offered.

There are many problems to meet in the expansion of inland commerce on our waterways, along with and after the completion of channel improvement, insuring possibilities for uninterrupted traffic. The two most important things are economic and suitable equipment and modern wharf, terminal, and interchange facilities. Without these it is doubtful if there can be material growth and progress of this commerce on a permanent basis.

The progress of the Inland Waterways Corporation and of the private companies that have undertaken this work, and whose experience is justifying our every argument and contention, seems to place upon us the obligation of doing that which lies within our power to promote the completion of the waterway program authorized and to encourage in every way possible the recognition of the prime necessity for the installation on our waterways of the most modern equipment and facilities. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I yield myself the remainder of the time. We are nearing the end of the general debate on the river and harbor bill. The time has been devoted almost entirely to one subject, and yet this bill contains a great many projects that are of tremendous importance to the Nation. Practically all of the time has been devoted to the discussion of a question that is not in point at all.

What is the question as to the Illinois River and how does it come here? The question as to the Illinois River is simply and solely this. Shall we dig deep enough down from Utica to Grafton to have a 9-foot channel? There is no question here at all about diversion of water at Chicago, and there could be no question if there was no proviso in this project in the bill on any just or reasonable construction of the language adopting the provision; but to make doubly sure that there should be no question of diversion, to satisfy the interests on the Great Lakes so that they would have no fear, I prepared the proviso that the whole question of diversion should remain and be unaffected by the act, and the gentleman from Alabama [Mr. McDUFFIE] interpolated the words "by sanitation, navigation, or otherwise whatsoever." So we safeguarded the question beyond peradventure of doubt.

This is not a new question. The question of the improvement of the Illinois River has been agitated for many years. It reached its culmination in the 1924 platforms of the two parties.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. In a moment. Here is the platform of the Democratic Party:

> We favor and will promote deep waterways from the Great Lakes to the Gulf and to the Atlantic Ocean.

There is no way to get a deep waterway from the Great Lakes to the Gulf except through the Mississippi River, and you can reach the Mississippi River only through the Illinois River. So we have the Democratic Party in 1924 committed by a solemn declaration in its platform to this project.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a question?

Mr. DEMPSEY. As soon as I have finished this, and it will not take very long. Then we come to the Republican Party and let us see what they say:

> Fully realising the vital importance of transportation in both cost and service to all our people, we favor the construction of the most feasible waterways from the Great Lakes to the Atlantic seaboard and the Gulf of Mexico.

So the investgation of the all-American route and the improvement of the Illinois River are both covered by both national platforms, and both parties are irrevocably committed to what we are doing, which is simply to carry out the wishes as declared in the national conventions of both parties by unanimous vote, and that is how the Illinois River project is here. Then let us come a second step on the Republican side. We come

now to the declaration of President Coolidge, following similar declarations of other Presidents, and I read you now what he said in December last:

A modern channel connecting Chicago, New Orleans, Kansas City, and Pittsburgh should be laid out and work on the tributaries prosecuted.

He did not say we should wait; he did not say we should delay until a lawsuit is terminated; he did not say we should wait until the State of Illinois had finished with its construction work above or north of Utica.

He simply followed and made an effort to perform the promise made in the platforms of both parties. He had been elected upon a platform adopted by his party, and the Democratic Party had asserted the same thing throughout the canvass, and at the end of the election, having succeeded, the President comes to the Congress and says in his annual message that we should honestly and fairly carry out the thing we had promised to do, to carry out and do the thing we had said upon the stump here and there and everywhere throughout this broad land of ours that we would do. And so the Committee on Rivers and Harbors, responding to the plank of the two platforms, obeying the behest of the leader of the party, its titular head, the President of the United States, to follow promise by performance, undertook this thing. But we went a good deal farther than either of the platforms or the message of the President dictated we should go. We felt that on the Great Lakes there is a great commerce; that the Great Lakes should be protected; we saw that we could improve the Illinois in a way so that we could insure that the question of diversion shall not be touched at all; and we determined to do it, but to do it so that the Great Lakes will be protected. And so we put in a proviso that the whole question of diversion—which was not involved in any way—should not be touched or affected by this bill, but should remain just as if this act had not passed. What more could we have done? We are committed to improving the Illinois. We knew that both parties had demanded and pledged themselves to improve it. We knew the President had indorsed and demanded it in his annual message.

Mr. CHALMERS. Now will the gentleman yield?

Mr. DEMPSEY. We felt that we ought to respond to this pledge in the platform, advocated in the message of the President; we felt that we owed this as a duty, and we felt that we should carry out that duty in the way we promised to carry it out; and we thought that in fairness, in decency, we ought to do that which we have done; and then we safeguarded all interests by providing that the whole question of diversion remain and be unaffected by what we do. [Applause.]

Mr. CHALMERS. I am sure my chairman does not want to refuse to yield to a question?

Mr. DEMPSEY. What does the gentleman want to question, please? Does he question whether I have read the language of the two platforms correctly; does the gentleman question whether I have read the message of the President as it is; does the gentleman question that the adoption of the plank in the platform and the insertion of the clause in the message were deliberately done; does the gentleman question the fact that the two conventions were unanimous; is there any doubt about the two Democratic and Republican conventions representing the parties; is there any question about our always adopting platforms and going to the people upon those platforms as containing promises upon which the people can depend after the election?

Mr. CHALMERS. I will answer the question of the gentleman. I say this, that the Republican platform or the President of the United States did not recommend the adoption of the so-called all-American canal or the Illinois project.

Mr. DEMPSEY. Well, I have simply read what the President said. I have read what the platforms of the two parties contain. They are plain, they do not need interpretation; all you have to do is to take them at their face and plain value.

Mr. CRAMTON. Is the gentleman ready to yield now?

Mr. DEMPSEY. This whole discussion of the Illinois River project has been really an attempt to discuss things that are not here. There has been an attempt at interpretation when an interpretation was not needed. Let me read the language of the President again, and I will ask you if this language needs an interpretation?

A modern channel connecting Chicago, New Orleans, Kansas City, and Pittsburgh should be laid out and work on the tributaries prosecuted.

Is not that plain? Can anybody interpret that in any way except in a plain sensible way, or say that it means anything except what it says? And it means nothing less than what it says. The Committee on Rivers and Harbors ask you to do that which the two platforms commanded us to do.

Mr. CRAMTON and Mr. BURTON rose.

Mr. DEMPSEY. I yield to the gentleman from Ohio first.

Mr. BURTON. The gentleman from New York has stated that there is no way to connect Chicago with the Mississippi River except by the Illinois River.

Mr. DEMPSEY. No practical way, no way that is useful, no way than anyone has in mind. The trouble is that the gentleman from Ohio conjures up things in saying that there is some other way; that there is a way by the Hennepin Canal, which he says you can consider just as he has imagined that there is a bugbear in this Illinois River provision. There is no practical way other than the Illinois River; and there is not a sensible man in the United States who will contend that the two parties had in mind in their platforms anything except the Illinois River; and there is not a sensible man in the United States who for one moment will contend that the two parties, or either of the parties, had in mind, either one of them, or that the President had in mind and none of us have in mind to-day, anything except that the Illinois River as the route connecting Chicago and the Mississippi, to connect the Great Lakes with the Gulf, and we had in mind, too, that we should investigate the merits of the all-American route from the Lakes to the sea. [Applause.]

Mr. BURTON. The gentleman from New York has indulged in a very long statement, but he has not answered my question.

Mr. DEMPSEY. I said that no one except those who had imagined and had conjured up a certain state of facts which is not in the mind of the average sensible man could say that any other stream than the Illinois River was intended in either of the two party platforms or in the the annual message. I think the gentleman will agree with me.

Mr. BURTON. No; the gentleman will not agree. For 20 years that Mississippi canal was considered the best link between the Illinois River and the Mississippi River.

Mr. DEMPSEY. Oh, no. No one for 15 years, at least, has even imagined that the Hennepin Canal would be a logical, sensible, practical, or usual way to connect Chicago with the Mississippi and the Great Lakes with the Gulf. If you asked a thousand men, you would not get a response from one to the effect that he had in mind the Hennepin Canal. Every one would tell you that he had in mind a natural stream created in the beginning of the world, existing since the country has endured, a part of its natural objects, a great stream furnished by nature, not an artificial stream created by man. That is what everybody has had in mind—the Illinois River. The Illinois River has figured in our history from the time history began. It has figured in the history of Congress throughout the history of Congress. It is one of the great historic streams like the Hudson or the Oswego River, forming parts of the all-American route from the Great Lakes to the Atlantic. [Applause.]

Mr. BURTON. With the highest respect, the gentleman from New York is in error.

The CHAIRMAN. According to the resolution under which this bill is being considered, supplemented by a unanimous-consent agreement, the committee will now rise.

Thereupon the committee rose; and Mr. HAWLEY, as Speaker pro tempore, having assumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

SUBSISTENCE EXPENSES OF CIVILIAN EMPLOYEES

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7889, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to take from the Speaker's table the bill H. R. 7889, with a Senate amendment, and concur in the Senate amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Let us first have it reported.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7889) to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS, MINN.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 11357, a bridge bill, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 11357, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11357) extending the time for the completion of a bridge across the Mississippi River in the County of Hennepin, Minn., by the city of Minneapolis.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

Mr. YATES, by unanimous consent (at the request of Mr. KING), was granted leave of absence, for five days, on account of important business.

ADJOURNMENT

Mr. DEMPSEY. Mr. Speaker, I move that the House do now adjourn; and in putting that motion, Mr. Speaker, I will say that I think we should adjourn in honor of Capt. John Ericsson, the great designer of the *Monitor*, which did so much in the Civil War and in that disastrous conflict. I move that we do now adjourn in honor of that great American, and that we adjourn until Tuesday morning—although I do not think it is necessary to add that.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MOORE of Virginia. I understand that we are not to be in session on Monday. Can the gentleman give us any idea of the business on Tuesday?

Mr. DEMPSEY. Yes. The French debt is to be taken up on Tuesday, and this bill will come after that.

Mr. CRAMTON. Has the gentleman authority to say what will be done on Tuesday? I understand there is no set program.

Mr. DEMPSEY. I do not wish to get into a colloquy about that.

The SPEAKER pro tempore. The gentleman from New York [Mr. DEMPSEY] moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned, pursuant to the order previously made, until Tuesday, June 1, 1926, at 12 o'clock p. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, June 1, 1926, as reported to floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health (H. R. 11768).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia (H. Res. 228).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

Extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma (S. J. Res. 96).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year ending June 30, 1926, for enlarging the city jail in accordance with the act approved May 22, 1926, $300,000, and for a final judgment against the District of Columbia, $24.50; in all, $300,024.50 (H. Doc. No. 402); to the Committee on Appropriations and ordered to be printed.

535. A communication from the President of the United States, transmitting a proposed draft of legislation affecting an existing appropriation for the War Department for the fiscal year ending June 30, 1927, for incidental expenses of the Army (H. Doc. No. 403); to the Committee on Appropriations and ordered to be printed.

536. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1927, amounting to $260,000 (H. Doc. No. 404); to the Committee on Appropriations and ordered to be printed.

537. A communication from the President of the United States, transmitting a proposed draft of legislation extending the use by the Department of Agriculture of an existing appropriation (H. Doc. No. 405); to the Committee on Appropriations and ordered to be printed.

538. A communication from the President of the United States, transmitting a proposed draft of legislation affecting an existing appropriation for the War Department for barracks and quarters, fiscal year 1926, to provide for the acquisition of a water supply for Camp Knox, Ky. (H. Doc. No. 406); to the Committee on Appropriations and ordered to be printed.

539. A letter from the Secretary of War, transmitting a report of the Chief of Engineers on preliminary examination and survey of Oakland Harbor, Calif. (H. Doc. No. 407); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BACON: Committee on the Library. H. J. Res. 266. A joint resolution providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes; with amendment (Rept. No. 1336). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 11848. A bill to authorize the settlement of the indebtedness of the French Republic to the United States of America; without amendment (Rept. No. 1338). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.; without amendment (Rept. No. 1337). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 10251) for the relief of Charlotte Robenalt, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEAL: A bill (H. R. 12519) for the relief of certain retired officers of the Navy and Marine Corps called into active service in the World War from April 17, 1917, to November 12, 1918; to the Committee on Naval Affairs.

By Mr. SABATH: A bill (H. R. 12520) to repeal the national origin provision and amending sections 4, 6, and 11 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. SMITH: A bill (H. R. 12521) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested; to the Committee on the Public Lands.

By Mr. SUTHERLAND: A bill (H. R. 12522) to amend an act entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for the district," approved March 3, 1899, as amended; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 12523) granting an increase of pension to Mary A. Samuels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12524) granting an increase of pension to Clara L. Poffenholz; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 12525) for the relief of Lieut. Commander J. A. Guthrie, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. KIRK: A bill (H. R. 12526) granting an increase of pension to Kizzie Rader; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 12527) authorizing the Court of Claims of the United States to hear and determine the claim of James Luker; to the Committee on Naval Affairs.

Also, a bill (H. R. 12528) authorizing the Court of Claims of the United States to hear and determine the claim of Giacomo Uzzolino; to the Committee on Naval Affairs.

By Mr. SUTHERLAND: A bill (H. R. 12529) to extend the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," to Albert Trana; to the Committee on Claims.

By Mr. TAYLOR of New Jersey: A bill (H. R. 12530) for the relief of John Gartland; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2318. By Mr. CHALMERS: Petition of the Ohio State Association of Builders' Exchange opposing Chicago in their attitude on the water situation; to the Committee on Rivers and Harbors.

2319. By Mr. W. T. FITZGERALD: Petition of Dr. N. F. Ratherman and 682 members of St. Michael's parish, Fort Loramie, Ohio, protesting against the deportation of Archbishop Caruana from Mexico as a violation of his rights as an American citizen and asking that the injustice be rectified; to the Committee on Foreign Affairs.

2320. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the United States, favoring the passage of legislation for a permanent association of international road congresses; to the Committee on Roads.

SENATE

TUESDAY, *June 1, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our heavenly Father, in Thy good providence we are permitted to enter another month. We can not recall the past or change any of its issues, but we do ask Thee for Thy guidance as we enter upon the duties and meet the manifold engagements before us. Guide our thoughts, influence our conduct, and so may we measure life as in Thy sight and in view of the life to come. We humbly asks in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, May 26, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

JOSÉ LOUZAU

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2820) for the relief of José Louzau, which were, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government," and on the same page, in line 6, to strike out "$5,000" and insert "$2,000."

Mr. MEANS. I move that the Senate concur in the amendments of the House of Representatives. A word of explanation is probably necessary. The principal amendment reduces the amount from $5,000 to $2,000. I move that the Senate concur.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. TYSON presented resolutions which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA DEPARTMENT,
DISABLED AMERICAN VETERANS OF THE WORLD WAR,
543 Munsey Building, Washington, D. C.

Resolution adopted by the District of Columbia Department of the Disabled American Veterans of the World War in convention assembled May 22, 1926:

"Whereas there has been presented to every Congress since the signing of peace for the World War legislation having for its purpose the retirement of disabled emergency Army officers of the World War for disability incurred in the line of duty; and

"Whereas Regular Army officers, regular and emergency naval officers, and regular and emergency marine officers have been granted by Congress the privileges of retirement for disability incurred in the line of duty; and

"Whereas such legislation has twice passed the United States Senate: Now, therefore, be it

"*Resolved*, That the Department of the District of Columbia Disabled American Veterans of the World War strongly urge the early enactment of this long-pending legislation before the adjournment of the present session of Congress; and be it

"*Resolved*, That copies of this resolution be immediately forwarded to the President of the United States Senate, the Speaker of the House of Representatives, the chairmen of the steering committees of the Senate and House, to the chairman of the Rules Committee of the House, and to every veteran of the World War who is now serving in the Congress of the United States; and be it further

"*Resolved*, That the Disabled American Veterans in this manner wish to reaffirm the stand which has been repeatedly taken in favor of this legislation and do now desire the enactment of the Tyson-Fitzgerald measure by Congress prior to the adjournment of the present session."

[SEAL.] GEORGE R. MARTIN,
Commander.

Mr. WILLIS presented a telegram in the nature of a memorial, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Postal Telegraph-Commercial Cables]

CLEVELAND, OHIO, *May 29, 1926.*

FRANK D. WILLIS,
United States Senate, Washington, D. C.

The members of the Annunciation Church of Cleveland, in an open mass meeting held at Moose Hall, Cleveland, Ohio, on May 23 authorized the chairman of said mass meeting and the Hon. Harrison W. Ewing, judge of common pleas court, to submit by a telegram to the Senators of Ohio a resolution passed by that meeting unanimously, in the presence of more than 900 persons, that they are opposing the ratification of the Lausanne treaty and request the Senators of Ohio to use their influence to prevent the ratification of said treaty.

JUDGE HARRISON EWING,
C. A. TSANGADAS, *Chairman.*

Mr. BINGHAM presented resolutions adopted at the one hundred and thirty-fourth annual meeting of the Connecticut State Medical Society at New Haven, Conn., protesting against the passage of pending legislation intended to strengthen the so-called Harrison Narcotic Act, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Hartford, West Hartford, and Talcottville, in the State of Connecticut, praying for the passage of the bill (S. 3646) granting pensions to certain blind children over the age of 16 years, and for other purposes, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4227) to add certain public lands to the Washakie National Forest, Wyo., reported it with an amendment and submitted a report (No. 966) thereon.

Mr. MEANS, from the Committee on Claims, to which was referred the bill (H. R. 10161) for the relief of the owners of the barge *McIlvaine No. 1*, reported it without amendment and submitted a report (No. 967) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 4344) to provide for the permanent withdrawal of Memaloose Island, in the Columbia River, for the use of the Yakima Indians and Confederated Tribes as a burial ground, reported it without amendment and submitted a report (No. 968) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4043) to permit the

sale of small or inaccessible tracts of public grazing lands, reported it with amendments and submitted a report (No. 969) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 4223) to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims, reported it without amendment and submitted a report (No. 971) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the enrolled bill (S. 1895) to correct the military record of George Patterson, deceased.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4376) granting an increase of pension to Grace G. Dillingham (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4377) to increase the clothing and cash gratuity furnished to persons discharged from prisons; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 4378) granting a pension to Louisa F. Holcomb (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4379) granting a pension to Elizabeth Neel; to the Committee on Pensions.

A bill (S. 4380) for the relief of Allen Nichols; to the Committee on Military Affairs.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. CAMERON submitted an amendment proposing to appropriate $50,000 to be used by the Bureau of Entomology in the investigation, control, and eradication of the so-called Thurberia cotton weevil that is said to have found its way from Mexico into the southeast section of Arizona, intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

BOUNDARIES OF THE YELLOWSTONE AND OTHER NATIONAL PARKS

Mr. GOODING submitted the following resolution (S. Res. 237), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the Committee on Public Lands and Surveys, or any duly authorized subcommittee thereof, is authorized to investigate the advisability of changing the boundary of the Yellowstone National Park and of other national parks, with respect to which changes in boundaries have been proposed. For the purpose of this resolution such committee or subcommittee is authorized to hold hearings and to sit and act at such places and times; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of such committee or subcommittee shall be paid from the contingent fund of the Senate. The committee or subcommittee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

DUNCAN F. EDWARDS—WITHDRAWAL OF PAPERS

On motion of Mr. NEELY, it was—

Ordered, That the papers filed with the bill (S. 6214, 64th Cong., 1st sess.) for the relief of Duncan F. Edwards be withdrawn from the files of the Senate, no adverse report having been made thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4547) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes."

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. REES, and Mr. UNDERWOOD were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.; and

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 7889. An act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business;

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes; and

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1895. An act to correct the military record of George Patterson, deceased;

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes";

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota;

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11175. An act granting the consent of Congress to the Missouri State Highway Commission to construct a bridge across Current River; and

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis.

INSPECTION OF BATTLE FIELD OF PEA RIDGE, ARK.

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "$2,000" and the Senate agree to the same.

J. W. WADSWORTH,
F. E. WARREN,
MORRIS SHEPPARD,
Managers on the part of the Senate.

W. FRANK JAMES,
HARRY M. WURZBACH,
HUBERT F. FISHER,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORBECK. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. NORBECK, Mr. DALE, and Mr. GERRY conferees on the part of the Senate.

CAPITAL STOCK OF BIDDERS FOR MUSCLE SHOALS PROJECT

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, Senate Resolution 236, by Mr. MCKELLAR.

Mr. CURTIS. Mr. President, I ask unanimous consent that the resolution may go over without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOME CARE FOR DEPENDENT CHILDREN

The VICE PRESIDENT. Under the agreement entered into at the close of the session Thursday evening last the Chair lays before the Senate House bill 7669.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7669) to provide home care for dependent children in the District of Columbia.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. BRUCE. Mr. President, I desire to offer as an amendment to the bill the amendment which was taken up last Thursday evening at the night session of the Senate.

The VICE PRESIDENT. The amendment will not be in order until the bill is reported to the Senate.

Mr. BRUCE. I understood the Chair to say that the bill is open to amendment at this time.

The VICE PRESIDENT. The amendment to which the Senator refers was voted down as in Committee of the Whole. It will be in order to offer it again when the bill is in the Senate.

Mr. COPELAND. Mr. President, is the matter open to debate at this time?

The VICE PRESIDENT. It is open to debate under the five-minute rule.

Mr. COPELAND. Mr. President, I was absent the other night when this matter was considered. I understand there was considerable discussion over the pros and cons of the amendment proposed by my colleague the senior Senator from New York [Mr. WADSWORTH]. Criticism has been raised at various times about the amendment proposed by the senior Senator from New York being "the New York plan" and therefore a thing to be despised, perhaps. Let me say a word about the amendment.

It so happens that I was chairman of the subcommittee of the Committee on the District of Columbia which gave consideration to the bill. The subject of mothers' pensions has been studied and considered for a long time in New York. Miss Loeb, one of our citizens, went abroad and studied the problem in Europe. During the very able service of my colleague in the Legislature of New York there was enacted a mothers' pension bill for the State of New York. In New York City it has been one of the most popular and one of the most useful movements that I know of in the social field. Miss Loeb came on to Washington to give enthusiastic support to the bill which was presented to the Senate by my colleague [Mr. WADSWORTH] and to the House by Representative MILLS. Somehow or other the idea prevailed that because so many New York Members were interested the bill ought to be defeated.

Of course it is a measure of interest to everybody in the District of Columbia who has any heartfelt devotion to the welfare of widows and their dependent children. We found after long experience in New York that it was very unwise to have this work associated with the ordinary charity institutions. This is not a charity, Mr. President. We are seeking here to avoid the very suspicion of charity. We want these children to be brought up in an atmosphere that makes them believe and makes them know that they are self-respecting individuals who are going to become useful citizens. I think it would be very unwise, Mr. President, to let any other idea prevail.

I wish that Senators might be influenced by what I have said from a study of the problem at very close range, as my official duties made me give study to it. I think it would be a great pity to have these widows and children brought under the direction of a board given over to charity and delinquency and to the many phases which must come under the general welfare board of the District. I appeal to every Senator. I think we ought to have this voluntary board of kind-hearted persons who will devote themselves to this one thing, to help these children, to help these mothers, to keep from them the stigma of charity. With all my strength I urge Senators, in approving the general purposes of the measure, to approve it by having the administration under a board directed to the one object, the care of the widows and children who are to be benefited by the measure.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Missouri?

Mr. COPELAND. Certainly.

Mr. WILLIAMS. Does the Senator from New York understand we are considering the House bill or the Senate bill?

Mr. COPELAND. The House bill.

Mr. WILLIAMS. That is the text that is proposed to be inserted in lieu of the text stricken out on the first page?

Mr. COPELAND. The House bill is identical with the Capper bill which was presented in the Senate, except that instead of having the administration under the Board of Charities, the administration is to be under a special board devoted to this one object.

Mr. WILLIAMS. A board of public welfare?

Mr. COPELAND. No; not the board of public welfare. The board of public welfare was incorporated in the provision of the Capper bill. The bill which we are now considering is the House bill, which is identical in language with the Capper bill, except that the administration is in a separate board and not under the board of public welfare.

Mr. WILLIAMS. There is no one opposed to the principle of the bill, as I understand it?

Mr. COPELAND. I do not think so. It is simply a question of administration. I am making the plea that this administration be not put under the board of general welfare, not put where delinquency and other similar matters go, but that there shall be a separate board organized for this one purpose to care for widowed mothers and their children.

Mr. WILLIAMS. Does the Senator regard the bill as a measure intended for the relief of widows?

Mr. COPELAND. No; I do not.

Mr. WILLIAMS. The title would seem to indicate that it is so intended.

Mr. COPELAND. No; I do not so regard it.

Mr. WILLIAMS. I was wondering what the Senator's point of view is with respect to what mothers' aid is. Does he not think that is the very question under consideration?

Mr. COPELAND. Yes; I do.

Mr. WILLIAMS. It is not intended for the relief of widows, is it?

Mr. COPELAND. Not at all.

Mr. WILLIAMS. It is wholly for the relief of children.

Mr. COPELAND. That is true.

Mr. WILLIAMS. I would not object to the House bill if the name of the board were changed. I think the name is very unfortunate as indicating the basic purpose for the relief.

Mr. WADSWORTH. Mr. President, could the Senator suggest a name?

Mr. WILLIAMS. I will give the Senator a suggestion in just a moment.

Mr. CAPPER. Mr. President, I want to ask the junior Senator from New York [Mr. COPELAND] what he is going to do with the 600 or 700 orphan children, not derelicts or delinquents in any sense of the word, who are under the supervision of the board of public welfare, or, as he calls it, the Board of Charities, and who, I think, are in every way just as deserving of friendly consideration as are those children with parents who come under the provisions of the mothers' aid bill.

Mr. COPELAND. I would say at once that I would like to have them under this new board, where they might have the privileges other children will have.

Mr. CAPPER. But the supporters of the amendment offered by the Senator from New York are insisting that the mothers' aid law be under a separate board that is in no way connected with any other welfare work in the city of Washington.

Mr. COPELAND. I do not think the Senator got the full significance of my reply. If the children mentioned by the Senator from Kansas—orphans—can be taken care of in homes,

that is all right, but if they are full orphans the purpose of the dependent aid bill could not be carried out to apply to them. The purpose of the bill is to maintain homes. The father dies, the breadwinner dies, the mother is so situated that if she is not assisted in some way then the children must be farmed out to institutions. Everybody believes that children are better off in homes, and the purpose of the plan is to help the mother maintain the home so the children may be brought up under parental guidance. That is the purpose of the bill.

Mr. CAPPER. No one differs on that question. Everyone is in favor of the principle of mothers' aid. It is only a question of administration and whether it is wise to have a separate board for this comparatively small group of children. The people of the District do not believe that it is wise, and I think they are right. Here we have in the District of Columbia 26 boards and commissions of one kind or another. After two years of careful thought and study the welfare organizations of this city and the welfare commission appointed to draft and to suggest to Congress legislation came to the conclusion that there are too many boards in this city. They worked out a plan by which there should be a consolidation of all these welfare agencies. They come here with a unanimous report backed by the District Commissioners, backed by every welfare organization in this city, backed by every civic organization in this city, and ask that all these welfare activities be consolidated under one board. That is the sensible and economical way to handle it. I have here a report from the Board of Children Guardians, in which they say they have had in the past year some 1,500 children under their care. Less than one-fourth of these children will come under the direction of the separate board proposed by the New York folks.

The VICE PRESIDENT. The Senator's time has expired.

Mr. BRUCE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRUCE. In the case of amendments to the bill under the five-minute rule will five minutes' debate be allowed on each amendment and also on the bill?

The VICE PRESIDENT. The five-minute rule applies on each amendment and also on the bill. If there be no further amendments to be offered, the bill will be reported to the Senate.

Mr. WILLIAMS. I ask unanimous consent to offer an amendment to the bill. I move, on page 1, line 4, to change the name of the proposed board from "mothers' aid board" to "children's aid board."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. CAPPER. I ask for a separate vote in the Senate on the amendment reported by the committee.

The VICE PRESIDENT. The amendment will have to be offered in the Senate in order to have a separate vote thereon.

Mr. CAPPER. I shall reoffer in the Senate the amendment which was reported by the Committee on the District of Columbia.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole. The second amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. On page 1, after line 5, strike out the words:

> Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CAPPER. The amendment just stated was agreed to.

The VICE PRESIDENT. Without objection, the amendments made as in Committee of the Whole are concurred in. The bill is in the Senate and open to amendment.

Mr. WADSWORTH. Mr. President, the Senator from Kansas, as I understand, desires a separate vote on the amendment referred to by him.

Mr. BRUCE. Let the Senator from Kansas reoffer the amendment in the Senate.

Mr. WADSWORTH. It is not an amendment to be offered in the Senate. The Senator from Kansas has asked for a separate vote in the Senate on the amendment agreed to as in Committee of the Whole.

Mr. BRUCE. It is the same thing.

Mr. WADSWORTH. But, of course, the yeas and nays will be turned right around the other way.

The VICE PRESIDENT. The amendment was rejected as in Committee of the Whole and will have to be reoffered in the Senate in order to secure another vote thereon.

Mr. CAPPER. I reoffer the amendment in the Senate and ask for a vote on it.

The VICE PRESIDENT. The Senator from Kansas reoffers the amendment. The question is on agreeing to the amendment.

Mr. BRUCE. I should like to address myself to the amendment.

Mr. President, the fact that the junior Senator from New York [Mr. COPELAND] has come to the aid of this so-called Wadsworth proposition is merely another illustration of the fact that the present controversy is nothing but a contest between New York influences and local influences.

Mr. WADSWORTH. Mr. President, will the Senator from Maryland permit an interruption?

Mr. BRUCE. I have only 10 minutes in which to speak; otherwise I should be glad to yield to the Senator from New York.

Mr. President, as I look at the matter, that is all that there is to it. In 1897 a joint committee of the House and Senate reported that the public-welfare organizations of this city were in a chaotic condition. Later a commission on public-welfare legislation in the District of Columbia was appointed by the District Commissioners. It was composed of 16 persons of the highest standing for character and ability. Its president was Justice Frederick L. Siddons, of the Supreme Court of the District of Columbia. That commission reported that all the different public-welfare organizations in the District of Columbia, some 11 in number, grouped under three capital heads, should be consolidated in order to bring the existing chaos to an end; and Congress at this very session has consolidated those organizations and brought them all under the supervision of the public-welfare commission.

When the public welfare commission bill was pending there was also this bill, approved by the people of the District, bringing this proposed home relief for dependent children under the supervision of the public-welfare commission; in other words, carrying out the fundamental idea of the commission which recommended the consolidation. Now Miss Sophie Irene Loeb, from New York, and a body of New York retainers turn up and suggest that this particular form of home relief for dependent children should be brought under the supervision of a single board instead of under the general board of public welfare which was created for the very purpose of consolidating the administration of the public-welfare agencies of the District of Columbia. That proposition is opposed almost with perfect unanimity by the people of the District. The only exception of which I know that is worth speaking of is Father O'Grady, and, of course, he is an exception that must be mentioned with respect; but Father O'Grady aside, there seems to be a unanimous sentiment on the part of the people of the District, men and women, that this home relief for dependent children should also be brought, as all other public-welfare work has been brought, under the supervision and control of the newly created board of public welfare.

So the question really is whose will is to prevail. Is it to be the will of the people of the District of Columbia or is it to be the will of the people of New York, speaking here, of course, through their two Senators, as they have a perfect right to speak, and speaking over in the House of Representatives through the very large delegation which New York has in that body? I say that the will of the people of the District should prevail. It is time that this thing of using the District as a sort of corpus vile, a sort of cadaver, on which to make all kinds of social experiments should cease.

The District has become a sort of testing station. This good lady comes here and says, "I am not concerned about the District; but I want to get through a model piece of legislation in the District, and then I am going to take that model legislation and go to the legislatures of the different States and ask them to enact similar measures."

I never in my life heard a more impressive presentation of a case than the one that has been made in this matter by the people of the District, men and women—such women as Miss Mabel Boardman, and such gentlemen as Judge Frederick L. Siddons, of the District Supreme Court.

The only objection I have heard that calls for serious attention is the suggestion that to bring this relief under the board of public welfare might work contamination to the dependent child. At the present time, however, dependent children that receive outdoor relief—that is to say, relief in institutions and in homes other than those of their parents—are subject to the jurisdiction of this board. I call the pointed attention of the

Senate to that significant fact. Why, therefore, should this other class of children—that is, the children that do not receive outdoor relief, but who receive relief in the homes of their mothers—not also be brought under the supervision of the board of public welfare?

Unless the wishes of the people of the District are to be ruthlessly trampled under foot, unless no heed is to be paid to their wishes and their desires at all, I submit that a separate board for the supervision and care of dependent children in the home of the mother should not receive the approval of this body. I inquire how much time I have left, Mr. President.

The VICE PRESIDENT. The time of the Senator on the amendment has expired. The Senator has five minutes on the bill.

Mr. BRUCE. I will take my seat and use the five minutes on the bill later.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas.

Mr. COPELAND. Mr. President, I desire to call the attention of Senators to the recommendation made by the President in his message of 1925 on mothers' aid. In that message he said:

> The Government ought always to be alert on the side of the humanities. It ought to encourage provisions for economic justice for the defenseless. It ought to extend its relief through its national and local agencies, as may be appropriate in each case, to the suffering and the needy. It ought to be charitable.
>
> Although more than 40 of our States have enacted measures in aid of motherhood, the District of Columbia is still without such a law. A carefully considered bill will be presented, which ought to have most thoughtful consideration in order that the Congress may adopt a measure which will be hereafter a model for all parts of the Union.

I wish to call particular attention to the last line:

> a measure which will be hereafter a model for all parts of the Union.

Of course, no project proposing to place the widows and the dependent children under a board of charities could be a model. It would be doing in the District what is being done everywhere. The humane method and the plan which is generally recognized as the way to deal with this great social problem is to have such a board as is proposed by the Wadsworth bill. I think that if we are to make the bill a model we should have a separate sort of board, such as has been worked out by these great experts who have studied the question.

I am in hearty sympathy with what the Senator from Kansas has said and what the Senator from Maryland has said about consolidation of the existing boards. I served on the subcommittee which considered that question, and am in hearty accord with such consolidation; but here is a matter which is entirely aside from the other problems which are dealt with by the general welfare board.

Mr. SACKETT. Mr. President——

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. SACKETT. I wish to ask the Senator from New York if he can tell me how many persons serve on the board in the city of New York?

Mr. COPELAND. I think nine.

Mr. SACKETT. And does the Senator know how many mothers are aided?

Mr. COPELAND. About 30,000 children are aided.

Mr. SACKETT. Does the Senator know approximately how many will be aided in the District of Columbia?

Mr. COPELAND. A few hundred.

Mr. SACKETT. Two or three hundred?

Mr. COPELAND. I should think three or four hundred.

Mr. SACKETT. And there is a board of five provided in this bill to take care of three or four hundred children in the District, whereas a board of nine takes care of 30,000 in the city of New York?

Mr. COPELAND. Yes, sir. The problem is the same regardless of number.

Mr. WILLIS. Mr. President——

Mr. COPELAND. I yield to the Senator from Ohio.

Mr. WILLIS. Mr. President, I merely wish to remind the Senator that this is to be an unpaid board. The members of the board are to render the service entirely without compensation.

I want also to remind the Senator that there are 40 States in the Union that have mothers' pension and mothers' aid laws, and there are only 10 of them which provide that such aid shall be administered under the authority that has charge of the poor laws. I want to act with the majority rather than the minority in this matter.

Mr. CAPPER. Mr. President, let me remind the Senator from Ohio that there are only four States in the Union that have adopted laws authorizing the appointment of separate boards. In the Senator's own State of Ohio the same proposition was put up to the legislature of that State that is put up to Congress in the case of the District of Columbia and the legislature of the State of Ohio declined to accept this program.

Mr. WILLIS. I know that, and I think the legislature made a mistake in so doing. The Senator will not deny the statement which I just made, however, that there are 40 States which have enacted mothers' pension legislation and there are only 10 of them which have put the administration of the law in the hands of the board of charities. Is not that the fact?

Mr. CAPPER. Twenty-one of the States have put the administration of the law under the juvenile court along with all other matters pertaining to delinquent and dependent children. So the proposal here is just exactly the same as that put up to the State of Ohio.

Mr. WILLIS. I know that, and I think they made a mistake. I admit that. It is not my legislature. I think they are wrong.

Mr. CAPPER. But why should the people of the District of Columbia have something thrust on them that they do not want, when all other States have declined this program?

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. SHIPSTEAD. Mr. President, I should like to have one matter cleared up. I have been under the impression that the question was involved here whether the child should be taken care of in its home by its mother or sent to an institution. People who are interested in this legislation came to me before this bill came before the Senate and said that if the committee amendment prevailed children would be more likely to be sent to an institution for care, and that if the amendment of the Senator from New York prevailed they would be more likely to be taken care of in the home.

I should like to have the Senator from Kansas or anyone else clear up that matter and let us know whether that question is in controversy here.

Mr. CAPPER. That question is not in issue here at all. Every one is agreed that the mothers' aid principle should be adopted, and that it should be adopted in a way that will mean care of the children in the home. It is simply a question now of whether we should place this small group of children under the care of a separate board, while hundreds of other equally deserving dependent and unfortunate children, not derelicts or delinquents, children who have no parents but who need assistance from the District of Columbia, will be under another board called the board of public welfare. The question is whether a distinction is to be made between equally deserving groups of children.

Mr. SHIPSTEAD. Whether a distinction should be made between children who have parents and children who are orphans?

Mr. CAPPER. Yes. There are hundreds of dependent orphans, not incorrigible or derelict, children with no parents, who must be cared for and who are not eligible to receive mothers' aid. Heretofore they have been cared for by the Board of Children's Guardians. Under the law which passed Congress about five or six weeks ago they will come under the jurisdiction of the board of public welfare. The New York or Wadsworth bill, however, proposes to segregate a small group of children, less than 300, and set up another board to deal with them. After two years' work on the part of the welfare organizations of this city, the District Commissioners, and the civic societies, and after a unanimous report from the Senate District Committee on the District Commissioners' bill for the consolidation of all the welfare activities of Washington, we now propose to fly in the face of the people of the District and overturn the action of Congress of five or six weeks ago by starting another welfare board for carrying on mothers' aid work legislation.

Mr. SHIPSTEAD. May I ask another question? Is it the intention of Congress under the committee amendment to draw a line of demarcation between delinquent children and dependent children?

Mr. CAPPER. It is not; there is nothing in this bill on that subject.

Mr. SHIPSTEAD. I think there should be a line drawn there.

Mr. CAPPER. That is not the intention of the amendment proposed by the Senator from New York, because at least two-thirds of these delinquent children, though equally deserving, will come under the care and jurisdiction of this new board

of public welfare; but the few hundred who have a mother and who apply for mothers' aid will be separated and placed under a dual board.

Mr. SHIPSTEAD. I may be oversensitive on that point. Delinquent children, as I understand, are children who have committed some minor wrong, who are incorrigible, who need special training. I, myself, should be very sorry to see dependent children put in the same category before the law. It seems to me that even under the Senate amendment that line of demarcation could be drawn. A child who is marked with the stigma of incorrigibility under the jurisdiction of a court unfortunately carries that stigma and that brand sometimes through life. A dependent child who has committed no wrong may be of the finest character. I should like to see dependent children segregated, and not branded in a way that they would be if put in the same category with incorrigible children.

The VICE PRESIDENT. The time of the Senator from Minnesota has expired.

Mr. COUZENS. Mr. President, in connection with this bill I have great sympathy with the views of the Senators from New York. Having had considerable experience in administrative matters, it seems to me that their point is well taken; but I submit that there is an administrative difficulty which can not be overcome by the creation of a new board to take care of this very desirable work. If there is a dual agency dealing with the needs of people, no matter from what source, there are going to be abuses, and these abuses may defeat all efforts to help the needy.

I can visualize a mother appealing to this public welfare board for assistance as a result of illness, for the payment of the rent to prevent ejectment, and receiving it, and at the same time, under another name, going to the mothers' aid board, if you please, and securing aid for minor children. There must of necessity be some clearing house, some head where these activities can be harmonized and abuses prevented. So, with all of the sympathy that we may have for the mother, as embodied in the provision advocated by the Senators from New York, I believe that the amendment of the Senate committee should prevail for purely administrative purposes.

That is not a difficult matter to arrange. A bureau could be established even in a separate building under this public welfare board and the same result obtained as though we established a separate and distinct board. So I hope that the Senate committee amendment will prevail.

Mr. WADSWORTH. Mr. President, I hesitate to inflict myself upon the Senate upon this question.

Mr. REED of Missouri. Mr. President, will the Senator pardon me for a parliamentary inquiry? I understand that at 1 o'clock we are required to vote on the question of cloture. Is that question debatable now except under the limitation of five minutes?

The VICE PRESIDENT. Only under the five-minute rule.

Mr. REED of Missouri. I protest against any situation which proposes to fasten cloture upon the Senate and then the adoption of a unanimous-consent agreement which practically cuts off all debate upon that proposition. It seems to me that by unanimous consent the pending bill ought to be laid aside, so that we can have the few minutes that are left to discuss the question whether or not we ought to adopt cloture on the bird bill.

Mr. CAPPER. I will say to the Senator from Missouri that I believe we can reach a conclusion within a very few minutes. I hope the Senator will not insist on that suggestion.

Mr. REED of Missouri. But there are only 20 minutes left before we vote on cloture, as I understand. Am I not correct?

The VICE PRESIDENT. The Senator is correct. The special order was made by unanimous consent before the motion for cloture was filed.

Mr. WADSWORTH. I shall not desire to speak then, Mr. President. I hope we will have a vote on the amendment of the Senator from Kansas.

Mr. CAPPER. Mr. President, I move to strike out all of lines 3 to 12, both inclusive, on page 1, and all of lines 1 to 20, both inclusive, on page 2. That is the amendment that was rejected as in Committee of the Whole.

Mr. REED of Missouri. Mr. President, for the purpose of having some little chance to discuss the question of proposed cloture, I ask unanimous consent that the pending bill be laid aside until the vote is had on the question of cloture.

Mr. CAPPER. I hope that will not be done. We can come to a vote here immediately.

The VICE PRESIDENT. Is there objection?

Mr. CAPPER. I object.

The VICE PRESIDENT. Objection is made. The question is on the amendment offered by the Senator from Kansas.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WALSH. Mr. President, I ask that the amendment which is about to be voted on be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. The Senator from Kansas moves to strike out the following words:

That there is hereby established in the District of Columbia a board to be known as the mothers' aid board, hereinafter referred to as the board, to be composed of five members appointed by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation.

The terms of office of the members first taking office shall expire, as designated by the commissioners, two at the end of the second year, two at the end of the fourth year, and one at the end of the sixth year, after the date of the enactment of this act. The terms of office of all successors shall expire six years after the expiration of the terms for which their predecessors were appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor, and any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

The board shall, at least biennially, designate a member to act as chairman.

Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the members in office shall constitute a quorum for the transaction of the business of the board.

No person shall be appointed as a member of the board unless he has been a bona fide resident of the District of Columbia for at least three years immediately preceding the appointment. Members of the board shall not be entitled to receive compensation for their services on the board.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SACKETT (when his name was called). On this subject I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. In his absence, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and allow my vote to stand.

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. In his absence, and not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. HARREL]. In his absence, not knowing how he would vote, I transfer that pair to the senior Senator from Georgia [Mr. HARRIS] and allow my vote to stand.

Mr. JONES of New Mexico (after having voted in the negative). I have already voted, but I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I understand that he has not voted; and being unable to obtain a transfer of my pair, and not knowing how the Senator from Maine would vote on this question, I withdraw my vote.

Mr. JONES of Washington. I desire to announce that the junior Senator from Delaware [Mr. DU PONT] has a general pair with the senior Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 36, nays 37, as follows:

YEAS—36

Bingham	Gillett	Means	Robinson, Ind.
Bruce	Goff	Metcalf	Shortridge
Butler	Gooding	Neely	Steck
Cameron	Jones, Wash.	Norbeck	Underwood
Capper	Keyes	Oddie	Walsh
Couzens	King	Pepper	Watson
Deneen	La Follette	Phipps	Weller
Ernst	McLean	Pine	Wheeler
George	McMaster	Reed, Pa.	Williams

NAYS—37

Ashurst	Edge	Hale	McNary
Blease	Edwards	Harrison	Mayfield
Bratton	Ferris	Heflin	Norris
Caraway	Fess	Howell	Overman
Copeland	Frazier	Johnson	Pittman
Dill	Glass	Kendrick	Ransdell

Reed, Mo.	Shipstead	Swanson	Willis
Robinson, Ark.	Simmons	Trammell	
Schall	Stanfield	Wadsworth	
Sheppard	Stephens	Warren	

NOT VOTING—23

Bayard	du Pont	Harris	Nye
Borah	Fernald	Jones, N. Mex.	Sackett
Broussard	Fletcher	Lenroot	Smith
Cummins	Gerry	McKellar	Smoot
Curtis	Greene	McKinley	Tyson
Dale	Harreld	Moses	

So Mr. CAPPER's amendment was rejected.

MIGRATORY-BIRD REFUGES

Mr. REED of Missouri. Mr. President, I desire to offer an amendment to Senate bill 2607, the so-called bird bill. I do not ask that it now be read, but I want to have it printed and to lie on the table.

The VICE PRESIDENT. It will be necessary to get unanimous consent to dispense with the reading of the amendment or it will not be in order under the rule.

Mr. REED of Missouri. It is a long amendment, and in order to save time I ask unanimous consent that the reading of the amendment be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The amendment will be printed and lie on the table.

Mr. DILL. Mr. President, I do not want to interefere with the passage of the mothers' aid bill, but I do want to discuss this proposal to vote cloture on the bird bill, because I do not believe that many Senators realize how little time has actually been used in discussing the bird bill.

I have gone through the RECORD, and I find that the bird bill was made the unfinished business of the Senate on May 18 and about two hours and a half were taken that day in discussing it.

On May 19 we discussed the Pennsylvania election, and the Senator from Oregon [Mr. STANFIELD] brought up the civil service retirement bill. No time was taken on the first bill.

On May 20 we passed the retirement bill, and no debate on the bird bill was had whatsoever.

On May 21 the Senator from Idaho [Mr. GOODING] talked on farm relief, the Senator from Nevada [Mr. ODDIE] talked about good roads, and the Senator from Maryland [Mr. BRUCE] talked about prohibition. There was no discussion of the bird bill.

On May 22 we were in adjournment.

May 24 the Senator from Utah [Mr. KING] talked about two hours on the bird bill, the Senator from Arkansas [Mr. ROBINSON] talked on prohibtion, and the Senator from North Dakota [Mr. NYE] talked on farm relief.

May 25 the Senator from Montana [Mr. WALSH] talked on prohibition, and the Senator from Indiana [Mr. WATSON] talked on farm relief. There was no discussion of the bird bill.

May 26 the Senator from Iowa [Mr. CUMMINS] talked on farm relief, and the Senator from Florida [Mr. TRAMMELL] talked about the oil resolution. There was no discussion of the bird bill.

May 27 the Senator from Tennessee [Mr. MCKELLAR] talked about farm relief, I talked about the referendum on prohibition, and about one hour was taken on the bird bill.

May 28 about four hours were taken on the bird bill, and more of that time was taken by those in favor of the bill than by those against it. In all, there has been about 10 hours' debate on the bird bill.

This bill proposes to set up a system of Federal licensing of the hunters of the Nation that is to continue, not for a year, not for five years, but, in the terms of the popular song, "Always, always." Because we have had about nine hours' debate on the bill, and because the friends of the bill wanted to talk about something else—farm relief or prohibition—so much more than they did about the bird bill, Senators come here with a proposal to vote cloture.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. PITTMAN. I do not want to vote cloture, but during the 14 or 15 days that this bill has been the unfinished business there was nothing to prevent any Senator who wished to talk against it. The fact that no one was talking for it amounts to nothing.

Mr. DILL. I want to say just a word. When Senators on the majority side induced the Senator in charge of the bill to lay it aside and allow the Senate to take up farm relief, how could anyone have an opportunity to talk about the bird bill?

Mr. PITTMAN. It has never been the custom in the Senate to compel a Senator to talk about the bill before the Senate. I am opposed to a good many provisions in this bill, and am ready to vote against them, but if the Senator is willing to agree on any time for a vote, I do not care if it is a month off, I will not vote for cloture.

Mr. DILL. I want to say to the Senator that we could have passed the bird bill Saturday afternoon if the Senate had stayed here and taken a vote. There has been no filibuster on the bill as such. If there has been any filibuster it has been by those who have been talking about farm relief and prohibition, and most of the Senators who discussed those subjects were friends of the bill. All I ask is that the Senate take up the bird bill and consider it. I think there ought to be some fair play for those of us who oppose this legislation. I think we have a right to present arguments against it and have the Senate consider them. I do not think this bird bill ought to be put in a class with the Versailles treaty and the World Court measure, the only two propositions as to which the Senate has ever adopted cloture.

Mr. NORBECK. Mr. President, I want to say to the Senator from Washington that the bill would have been passed Saturday except for the fact that he told me it would be objected to and could not be passed.

Mr. DILL. I said one of the Senators said he would not allow a final vote.

Mr. NORBECK. Exactly so. Then why say to-day it could have been done?

Mr. DILL. I pleaded with the Senator to take up the amendments and vote on them, but the Senator agreed that the bill might be laid aside.

Mr. NORBECK. The junior Senator from Arkansas [Mr. CARAWAY] had gone away with the assurance that the bill would not be taken up. I pleaded with the Senator to take up the amendments, and he said he wanted to speak on the bill.

Mr. DILL. I wanted to discuss the amendments.

Mr. HEFLIN. Mr. President, will the Senator from Washington yield?

Mr. DILL. I yield.

Mr. HEFLIN. I suggest to the Senator from South Dakota that he ask now unanimous consent to have a vote on this bill to-morrow afternoon at 4 o'clock.

Mr. NORBECK. That would be satisfactory to me.

Mr. DILL. This petition for cloture has been filed. If the Senate wants to close debate and have no more discussion on a proposal that will centralize the collecting of license fees here, that is all right; but I propose to exercise every right I possess to prevent the passage of this bill, except filibuster. I have not filibustered, and I do not intend to filibuster, but I do intend to insist that this bill be completely discussed.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. CURTIS. Would the Senator object to a unanimous consent——

Mr. DILL. I will not agree to any unanimous-consent agreement at this time.

Mr. NORBECK. At the end of two weeks, that is the answer we get. Then we are forced to take up cloture.

Mr. REED of Missouri. Mr. President, of course it is too late now to discuss unanimous consent. I am perfectly willing——

The VICE PRESIDENT. The Senator from Missouri will suspend. The hour of 1 o'clock having arrived the Chair, in accordance with Rule XXII, lays before the Senate the motion filed on Friday last for cloture on Senate bill 2607, the so-called migratory bird bill, and directs the Secretary to call the roll for the ascertainment of the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Schall
Bingham	Frazier	McNary	Sheppard
Blease	George	Mayfield	Shipstead
Borah	Gillett	Means	Shortridge
Bratton	Glass	Metcalf	Simmons
Broussard	Goff	Neely	Stanfield
Bruce	Gooding	Norbeck	Steck
Butler	Hale	Norris	Stephens
Cameron	Harris	Oddie	Swanson
Capper	Harrison	Overman	Trammell
Caraway	Heflin	Pepper	Tyson
Copeland	Howell	Phipps	Underwood
Couzens	Johnson	Pine	Wadsworth
Curtis	Jones, N. Mex.	Pittman	Walsh
Deneen	Jones, Wash.	Ransdell	Warren
Dill	Kendrick	Reed, Mo.	Watson
Edge	Keyes	Reed, Pa.	Weller
Edwards	King	Robinson, Ark.	Wheeler
Ernst	La Follette	Robinson, Ind.	Williams
Ferris	McLean	Sackett	Willis

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The Chair, in further pursuance of the rule, submits to the Senate the question, Is it

the sense of the Senate that the debate shall be brought to a close? Upon that question the Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I am unable to obtain a transfer of that pair. Under the circumstances I shall have to withhold my vote. If I were privileged to vote, I should vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES] who, if present, would vote as I intend to vote. I therefore vote. I vote "nay."

Mr. SIMMONS (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. HARREID]. I transfer that pair to the senior Senator from Delaware [Mr. BAYARD] and let my vote stand.

Mr. JONES of Washington. I desire to announce that the Senator from Delaware [Mr. DU PONT] has a general pair with the Senator from Florida [Mr. FLETCHER].

I also desire to announce that on this question the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Illinois [Mr. MCKINLEY] are paired with the Senator from South Carolina [Mr. SMITH]. If present the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Illinois [Mr. MCKINLEY] would vote "yea" and the Senator from South Carolina [Mr. SMITH] would vote "nay."

I also desire to announce the necessary absence of the Senator from New Hampshire [Mr. MOSES], who, if present, would vote "nay."

The roll call resulted—yeas 46, nays 33, as follows:

YEAS—46

Ashurst	Gillett	Metcalf	Shortridge
Bingham	Goff	Norbeck	Stanfield
Bruce	Gooding	Norris	Steck
Butler	Hale	Oddie	Tyson
Capper	Harris	Pepper	Underwood
Couzens	Jones, Wash.	Phipps	Walsh
Curtis	Kendrick	Pine	Warren
Deneen	Keyes	Pittman	Watson
Edge	McLean	Reed, Pa.	Weller
Ernst	McMaster	Robinson, Ind.	Willis
Ferris	McNary	Sackett	
Fess	Means	Schall	

NAYS—33

Blease	Frazier	Mayfield	Stephens
Borah	George	Neely	Swanson
Bratton	Glass	Overman	Trammell
Broussard	Harrison	Ransdell	Wadsworth
Cameron	Heflin	Reed, Mo.	Wheeler
Caraway	Howell	Robinson, Ark.	Williams
Copeland	Johnson	Sheppard	
Dill	King	Shipstead	
Edwards	La Follette	Simmons	

NOT VOTING—17

Bayard	Fletcher	Lenroot	Smith
Cummins	Gerry	McKellar	Smoot
Dale	Greene	McKinley	
du Pont	Harreid	Moses	
Fernald	Jones, N. Mex.	Nye	

The VICE PRESIDENT. The yeas are 46, the nays 33. Two-thirds of the Senators not having voted in the affirmative, it is not declared to be the sense of the Senate that the debate shall be brought to a close.

HOME CARE FOR DEPENDENT CHILDREN

The Senate resumed the consideration of the bill (H. R. 7669) to provide home care for dependent children.

Mr. BLEASE. Mr. President, I wish to give notice that on to-morrow I shall move to reconsider the vote by which the Capper amendment to the mothers' aid bill was defeated.

Mr. WADSWORTH. May I ask how the Senator is recorded on the vote?

Mr. BLEASE. I voted in the negative and I have the right to move to reconsider, which I do.

PERSONAL EXPLANATION—MISUSE OF FRANKING PRIVILEGE

Mr. REED of Pennsylvania. Mr. President, I rise to a question of personal privilege. I have received from Iowa an envelope of the usual type printed in the Government Printing Office headed "Senate of the United States" and carrying my signature for franking privileges. With the envelope comes a copy of a speech which I delivered in the Senate in the Steck-Brookhart contest on April 8 last, that also was printed by the Government Printing Office. Also, there is a four-page circular, headed in large black type "Brookhart's voice is the voice of Iowa," and then purporting to give his senatorial record on various issues and stating at the bottom of the first page "Published by the Brookhart campaign committee, 806 Observatory Building, Des Moines, Iowa."

I have also received a telegram from Montezuma, Iowa, addressed to me, reading in part as follows:

MONTEZUMA, IOWA, *May 1, 1926—12 m.*

Senator DAVID REED,
Washington, D. C.:

Below send copy of affidavit secured by myself to-day:

AFFIDAVIT

State of Iowa, Poweshiek County:

We, Frank Bechly and E. L. Simmons, and each of us being duly sworn, depose and say that on the 31st day of May, 1926, we each received through the United States mail at Montezuma, Iowa, under the frank of Senator REED of Pennsylvania, a copy of the speech delivered by Senator REED of Pennsylvania, in the United States Senate upon the Steck-Brookhart contest, and inclosed in the same envelope, upon which there was no postage paid, was a pamphlet entitled "Brookhart's Voice Is the Voice of Iowa," and which pamphlet stated that it was prepared by Brookhart headquarters.

(Signed) E. L. SIMMONS,
(Signed) FRANK BECHLY.

Subscribed and sworn to before me this 31st day of May, A. D. 1926.
[SEAL.] CLYDE MCFARLIN,
Notary Public.

Fred Car also signed a similar affidavit. Other persons also received these pamphlets under your frank.

CLYDE MCFARLIN.

Mr. President, about a month ago, as I recall, the Senator from Wisconsin [Mr. LA FOLLETTE] came to me and asked my permission to mail out under my frank a number of copies of the speech that I made in the Steck-Brookhart contest; that is, the Senator from Wisconsin asked permission not for himself but for those interested in Senator Brookhart's campaign. I replied that anybody who wanted to send out any speech of mine on any subject could always do it with my permission, provided he printed all of the speech and did not use garbled extracts of it. I understand that in accordance with that permission some 23,000 or 30,000 copies of the speech referred to made by me have been put out by the Government Printing Office for this purpose.

However, Mr. President, the Senator from Wisconsin I know did not have in mind, and I know that he would not acquiesce in, the abuse of the frank by sending out a campaign circular prepared by a campaign committee in behalf of anybody's candidacy. The request which the Senator from Wisconsin made of me was entirely proper, and I was glad to accede to his request, but the permission which he then secured and his action as well as mine have evidently been abused by somebody. The act of June 26, 1906, provides:

> Hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association: *Provided*, That this provision shall not apply to any committee composed of Members of Congress.

I take it that under that act it would be illegal for me to sanction the use of the frank to issue the pamphlet referred to, and that it is clearly illegal under the old law of 1875 for any other person to use the frank for that purpose.

I wish to say here and now, publicly and promptly, that the use of my frank for this purpose has been absolutely unauthorized; that it makes it appear that I, in some way, am recommending Mr. Brookhart's selection at the Iowa primary, which is contrary to the fact; and that I want to go on record now here as saying that I not only did not sanction this action but I emphatically disapprove it.

Mr. LA FOLLETTE. Mr. President, I desire to corroborate what the Senator from Pennsylvania has said with regard to the request which I made of him. It was solely for the purpose of obtaining his permission for the ordering, printing, and franking of the speech which he made in the Senate in the Brookhart-Steck contest. I desire to say, however, Mr. President, that it seems to me, in all fairness, judgment should be suspended as to whether or not this misuse of the frank has been made either by Senator Brookhart or by his duly authorized campaign manager or agent. I am reminded by this incident that during the 1922 campaign in Wisconsin, when I happened to be manager of my father's campaign for reelection, a similar charge was made. Prior to the inception of the campaign and during the campaign speeches which he had made in the Senate were being franked and sent out, as is the case with many Senators when they are candidates for reelection. A charge was then filed with the Post Office Department by an individual in the State of Wisconsin that he had received in an envelope with my father's speech under frank and without postage a campaign circular. We insisted upon a thor-

ough investigation of the matter, and as the result of that investigation it was disclosed that the statement made by the individual was false and that the circular had not been received under the franked envelope.

I desire to state that I shall at once communicate the nature of this charge, made on the floor of the Senate, to Senator Brookhart, with the request that he submit any statement which he may desire to make.

Mr. ROBINSON of Arkansas. Mr. President, I think it should be noted that a strict construction and application of the language of the statute renders it doubtful whether a Senator or Representative in Congress may lend his frank to some one else to send out his speeches. I am not, however, making any suggestion that the Senator from Pennsylvania [Mr. REED] or the Senator from Wisconsin [Mr. LA FOLLETTE] should be penalized for anything they may have done in connection with this matter.

Mr. LA FOLLETTE. Mr. President, if the Senator from Arkansas will refer to the postal regulations which are issued by the department with regard to the use of franks, I think he will find that it is entirely within the spirit and the letter of the regulations for franked matter to be remailed at the direction of the Senator or Representative who has the franking privilege.

Mr. ROBINSON of Arkansas. Mr. President, I have no intention to raise an issue about the matter, but the postal regulations, of course, can not nullify the statute. The language of the statute is plain; and if given its natural effect, it would raise a doubt in my mind as to whether or not one Senator can consent to the use by another of his frank for the purpose of sending out speeches, although the statute has just been called to my attention, and such franking has frequently been done. The language of the statute quoted by the Senator from Pennsylvania is as follows:

> Hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association: *Provided*, That this provision shall not apply to any committee composed of Members of Congress. (Act, June 26, 1906.)

Mr. OVERMAN. Mr. President, may I inquire the date of the statute which the Senator has just read?

Mr. ROBINSON of Arkansas. The law was approved June 26, 1906.

Mr. President, my suggestion has no significance in my own mind except that I think there has been among Members of Congress a lack of information concerning that statute and its provisions, and it may have been violated in some instances.

Mr. NORRIS. Mr. President, I think we all know of the custom in connection with this matter. I am not saying that it may not be illegal——

Mr. OVERMAN. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. OVERMAN. I should like to ask if the Senator does not recollect that at about the time the statute of 1906 was passed there was a certain document issued by the Senate in mailing which the Sugar Trust used a Senator's frank, resulting in a cost to the Government of about $50,000?

Mr. NORRIS. Something of that kind occurred.

Mr. OVERMAN. The Senator remembers that.

Mr. NORRIS. Yes.

Mr. OVERMAN. I think the statute was passed because of that incident and the fact that a Senator lent the use of his frank to the Sugar Trust.

Mr. NORRIS. That may be, but, Mr. President, in a campaign, and often when there is not a campaign, there are numerous speeches sent out, as the speech was sent out in this particular instance. A speech is printed at the order, perhaps, of the Senator who delivered it, although I think anyone else can order it printed. Any other Senator could order printed anything that is a public document and send such matter out in quantities. Speeches so reprinted are addressed and mailed to different places in the United States. That is the universal custom in the campaign.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. ROBINSON of Arkansas. There is not any doubt that the Senator from Nebraska may send out a speech of mine under his frank, as I think he ought to do sometimes [laughter]; but I do not believe——

Mr. NORRIS. The only reason I do not do so is because I do not have sufficient funds to pay for the printing. It would perhaps be a good thing if I did circulate the speeches of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. But I do not believe that under a strict construction of the statute another Senator can send out a speech of mine under my frank, even though I consent to it. I think there is at least grave doubt about it.

Mr. NORRIS. Mr. President, I speak of it now because if there has been an error committed in the past, I myself plead guilty to having committed it many times. On occasions after reading a speech which I had delivered, desiring to see it circulated, individuals have written me requesting permission to send it out. I have always said, as the Senator from Pennsylvania said in this instance, "I will have no objection to circulating it." So I would give the order; the person making the request paid for the printing; I turned the copies over to him and he addressed them. That has been done in all campaigns by various committees, and many people in the United States receive copies of such speeches. However, it does not follow, of course, that the practice is legal. Since this matter has been called to the attention of the Senate, if it is illegal, of course it ought to be stopped, and the necessary steps ought to be taken to stop it.

HOME CARE FOR DEPENDENT CHILDREN

The Senate resumed the consideration of the bill (H. R. 7669) to provide home care for dependent children in the District of Columbia.

Mr. WADSWORTH. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER (Mr. FESS in the chair). The bill is in the Senate and open to amendment.

Mr. WADSWORTH. Very well.

The PRESIDING OFFICER. If there be no further amendment, the amendments will be ordered to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. CURTIS. Mr. President, did not the Senator from South Carolina give notice that he would file a motion to reconsider the vote by which the amendment reported by the committee was rejected?

Mr. BRUCE. The Senator from South Carolina filed a motion for a reconsideration.

Mr. WADSWORTH. That, however, does not operate to stop the passage of the bill.

The PRESIDING OFFICER. It does not. The Senator from South Carolina can make such a motion to-morrow.

Mr. WADSWORTH. Yes; he can move to reconsider to-morrow.

Mr. BLEASE. I make the motion——

The PRESIDING OFFICER. The question is on the passage of the bill. If the Senator wishes to move a reconsideration, that will come up after the bill has been passed.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state his parliamentary inquiry.

Mr. REED of Pennsylvania. If the Senator from South Carolina moves to reconsider this interlocutory vote, certainly that motion to reconsider should be voted on before the final passage of the bill.

The PRESIDING OFFICER. Does the Senator from South Carolina make a motion to reconsider the vote by which the amendment was rejected?

Mr. BLEASE. I gave notice that I would make a motion to-morrow, but I will make the motion now and ask that the consideration of it be postponed until day after to-morrow, because several Senators have just come to me and said that they will have to be absent to-morrow and that they desire to be here to vote on that question. If none of them had left the Chamber, the situation would be different.

Mr. REED of Pennsylvania. Is the Senator willing to have a vote now on his motion to reconsider?

Mr. BLEASE. The Senator from Kansas [Mr. CAPPER] has left the Chamber, I understand. I should like him to be present when the vote on the motion to reconsider is taken.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Shipstead
Bingham	Frazier	Mayfield	Shortridge
Blease	George	Means	Simmons
Borah	Gillett	Metcalf	Stanfield
Broussard	Glass	Neely	Steck
Bruce	Goff	Norbeck	Stephens
Butler	Gooding	Norris	Swanson
Cameron	Hale	Oddie	Trammell
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Underwood
Copeland	Heflin	Pine	Wadsworth
Couzens	Howell	Pittman	Walsh
Cummins	Johnson	Ransdell	Warren
Curtis	Jones, Wash.	Reed, Mo.	Watson
Deneen	Kendrick	Reed, Pa.	Weller
Dill	Keyes	Robinson, Ark.	Wheeler
Edge	King	Robinson, Ind.	Williams
Edwards	La Follette	Sackett	Willis
Ernst	McLean	Schall	
Ferris	McMaster	Sheppard	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. BLEASE. Mr. President, I will state that if this motion prevails and we pass this bill I shall vote for the bill. Then I shall move to reconsider the vote whereby the bill was passed, and if that vote is reconsidered I shall move to reconsider the vote whereby this amendment was adopted; so I do not see where any time will be gained by passing the bill now pending the motion for a reconsideration of the other vote, because it would simply mean a motion to reconsider the vote whereby the bill was passed.

The PRESIDING OFFICER. The parliamentary status is that it will be necessary to reconsider the vote for the engrossment and third reading of the bill, and then reconsider the vote by which the amendment was adopted.

Mr. BLEASE. Then I give notice now that if the bill is passed I shall move to reconsider day after to-morrow.

The PRESIDING OFFICER. Is there objection the reconsideration of the engrossment and third reading of the bill?

Mr. BLEASE. I object.

The PRESIDING OFFICER. Then the question is on the passage of the bill. [Putting the question.] By the sound the noes seem to have it.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator rise to ask for a division of the vote?

Mr. WADSWORTH. No. Debate is in order, is it not?

The PRESIDING OFFICER. The Chair has not yet announced the decision. Debate is in order.

Mr. WADSWORTH. Mr. President, it is perfectly apparent that quite a number of Senators have left the Chamber, and that a viva voce vote is scarcely a reliable indication of the opinion of the Senate on the final passage of a bill establishing a mothers' aid system in the District of Columbia.

I am a little confused as to what the Senator from South Carolina [Mr. BLEASE] desires to do. I understand that he himself objected just a moment ago to a reconsideration of the engrossment and final reading of the bill, and himself thereupon, by doing that, brought the bill up to the question of final passage.

Mr. BLEASE. I gave notice that to-morrow I should move to reconsider the vote whereby the Capper amendment was rejected. After I gave that notice two Senators came to me who wanted to be away to-morrow, and asked me if I would carry my motion to reconsider over until day after to-morrow. I said surely; that it did not make any difference to me. Then the Chair was about to put the question on the passage of the bill, and I gave notice that if that question was put I should vote for the passage of the bill, and then, day after to-morrow, move to reconsider the vote whereby the bill was passed. I think that is plain.

Mr. GLASS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLASS. Is debate in order pending the announcement of the Chair as to the result of the last vote?

The PRESIDING OFFICER. It is not if any Senator objects. The Chair was unable to decide the vote upon the response that was made when the question was put.

Mr. BRUCE. Mr. President, if there is any uncertainty about the vote, though I have been one of the most eager champions of this proposition of the Senator from Kansas, so far as I am concerned I am perfectly willing that there should be a fair vote of the Senate. I understand that the Chair said that in his opinion the noes had it.

The PRESIDING OFFICER. The Chair stated that it appeared that the noes had it.

Mr. BRUCE. If there is any doubt about it I should like to have that doubt removed, so far as I am concerned, by a perfectly fair vote on the question.

Mr. McNARY. Mr. President, it would not be competent for the Senator from South Carolina to move to reconsider on day after to-morrow the vote by which the Capper amendment was rejected. He could only give notice of a motion to reconsider the vote by which the bill was passed or defeated. I think the parliamentary situation should be understood. I hope to be able during the afternoon to have the agricultural bill made the unfinished business, and I do not want a lot of awkward hiatuses appearing on the road toward a final vote.

The PRESIDING OFFICER. The question is on the final passage of the bill. Those in favor of the passage of the bill will rise to their feet and be counted.

Mr. WADSWORTH. Mr. President, just a moment. The bill is still debatable, is it not?

The PRESIDING OFFICER. The bill is not debatable if any Senator objects.

Mr. WADSWORTH. I ask unanimous consent to make a statement, in view of the fact that I gave up making a statement on the plea of the Senator from Missouri [Mr. REED] that a few moments should be left before 1 o'clock to discuss the question of cloture. I had the floor at that time, and was about to make a statement.

Mr. KING. I have no objection, but I shall ask a similar privilege for some Senator who is opposed to the views of the Senator from New York, if any Senator desires to avail himself of that opportunity.

Mr. WADSWORTH. There will be no objection on my part.

The PRESIDING OFFICER. Without objection, the Senator from New York will proceed for five minutes.

Mr. WADSWORTH. Mr. President, certain observations have been made in the course of this debate concerning the origin of the idea that this law should be administered by a separate board. The Senator from Maryland [Mr. BRUCE] particularly has stated, at least upon two occasions, that it is a New York idea. He has characterized this as an attempt on the part of some person or persons in New York to impose something upon the people of the District of Columbia. Perhaps it will not be amiss for me to say a word or two as to the origin of the legislation looking toward mothers' aid in the District of Columbia with a separate board.

There is an organization, nation-wide in its extent, known as the National Child Welfare Committee. It has representatives in every State of the Union. For something like 15 years, if my recollection is correct—at least for 10 years—it has urged upon the several States mothers' aid legislation. It has had some one at its head, and a board of governors or trustees, whatever they are called; I forget just now. It has assisted State legislatures and people locally in drafting State legislation. I venture to say that a very large proportion of all the legislation on this subject which is now upon the statute books of the several States has emanated from this national organization. It is not merely a New York crowd. Every State in the Union is represented in its make-up.

Last summer I went into conference with some of the representatives of this national organization, having been familiar with the legislation in some of the States, including my own. In discussing this matter it was noted by some of them that while something like 40 States had a mothers' aid law the District of Columbia, right here at the National Capital, had none. As a result of that first conference this national organization, consulting its members all over the United States as to their experience in this kind of work, drafted a bill. I consulted with them several times as to the features of the bill.

When the bill was drafted it was criticized by men and women all over this country who have had the widest kind of experience in this matter. I introduced the bill, I think, on the first day of the session; and the President's message contained the paragraph read by my colleague, the junior Senator from New York [Mr. COPELAND], urging legislation of this kind. Up to that moment nothing had been heard from anybody in the District of Columbia, officially or otherwise, urging mothers' aid legislation here. It turns out that some organizations of good people here in the District had also been working on a general welfare board proposal, and a bill for that purpose was introduced under their auspices in both Houses. Some days later a mothers' aid bill was introduced here at the instance of District of Columbia people by the Senator from Kansas [Mr. CAPPER], representing the Committee on the District of Columbia, and I think was also introduced in the House.

The House bill, which passed after an extended hearing before the House committee, contains in effect the same conditions as the bill which I introduced here on the first day of the session and which emanated from this national organization that has studied this matter for years and whose members

believe it is right. It is not an attempt on the part of any local group outside of the District of Columbia to impose its will upon the people here; but it comes from people who have studied this thing infinitely more than anybody in the District has studied it. The House committee believed that that was the proper solution and passed the bill in that form.

The PRESIDING OFFICER. The five minutes of the Senator from New York have expired.

Mr. BRUCE. I think the Senator has five minutes more under the ruling.

Mr. WADSWORTH. On the amendment and on the bill?

Mr. BRUCE. Yes. I think he has five minutes more.

The PRESIDING OFFICER. Does the Senator desire additional time?

Mr. WADSWORTH. I do, because I realize the influences that are being brought to bear here to persuade Senators to change their votes on the theory that this is an imposition on the District of Columbia when, as a matter of fact, this proposal comes from the best thought on this subject in the United States, from people who have studied it for years and years. The documents that were presented and quoted from the other night when we had a debate on this measure show that in State after State the heads of the child-welfare work urge that such work be completely separated from charity work, correctional work, delinquency work, and all poor relief.

I spoke on this question the other night, and I am not going to repeat the arguments having to do with the tender sensibilities of the mother who desires to apply for aid under such a law and the injury it is to her self-respect when she is compelled, if she is to be so compelled, to come to an authority that has to do with delinquencies and truancies and corrections and orphan asylums and poorhouses and penitentiaries.

That is what this public welfare board is going to do in this District, and I contend, as these other people have contended and as the House committee believes, that the self-respecting mother who is working hard to earn money enough to keep her home together and keep her child with her will hesitate to go to such an agency in application for relief of this kind, whereas she will not hesitate, as experience has proven in many other jurisdictions, to go to an agency which has no other function to perform but to take care of her children.

Let no Senator believe that this is a suddenly brought up thing sought to be imposed upon the people of the District. This suggestion which comes from the House is based upon experience, and its support is voiced by men and women all over this country, not only the good woman mentioned by the Senator from Maryland, who quite unnecessarily, I thought, endeavored to create the impression that she represented no one but herself, or perhaps two or three others. She was the head of this whole organization and was sent by it abroad to study this problem to see what other countries had done. She has studied it, and others have studied it. Mr. August Heckscher has been the head of it, and many other people have been associated with it; and wherever they have studied it, with no ax to grind whatsoever, they have reached the conclusion that this work should be administered under a separate board.

Mr. BRUCE. Mr. President, I am sure that the Senator from New York did not desire to create the impression that the people who took up this matter on behalf of public sentiment in this District were not fully instructed. The commission that recommended that the form of relief under discussion should be brought under the supervision of the board of public welfare was composed of 16 citizens of the very highest standing, headed, as I have said, by Justice Siddons, of the District Supreme Court. Moreover, they were assisted in their deliberations by a gentleman from New York of very high repute in public-welfare circles; that is to say, Mr. William Hodson, one of the directors of the Russell Sage Foundation, of New York City. He gave up two or three months to consultation with that commission, and he is heartily in favor of the idea of this form of dependent relief being also brought under the jurisdiction of the board of public welfare.

There is nothing in the claim that contamination might result to a child from the mere fact that the jurisdiction of the board of public welfare created by Congress at this session extends over a great many other forms of public-welfare work. It extends over all of them in the District of whatever nature, whether of a penal or eleemosynary character.

I myself, as I said the other night, was a member for years of the board of estimates of Baltimore city, under whose jurisdiction came appropriations not only to ordinary forms of public-welfare work, but to the city jail and to the city almshouse. To clinch my argument, dependent children in the District who get outdoor relief—that is to say, whom it is not proposed to relieve in the home of the parent—are under the jurisdiction of this board of public welfare now.

In my humble judgment, this controversy is nothing but a conflict, as I said, between the people of this District and a little group of foreign enthusiasts, who have one shoe for every foot, one Procrustean bed for every form, and who want to override the wishes and convictions of the people of the District of Columbia.

I think that the people of the District ought to have their way about this matter. I think that it is their wishes which should be consulted, and that there should be an end of the experiments of one description or another, of mere theorists or enthusiasts who come here and use the District of Columbia as a sort of experiment station.

Mr. WADSWORTH. Mr. President, surely the Senator would not say that this was an experiment. It has been tried again and again and found perfectly successful.

Mr. BRUCE. Of course, there can be one system or the other, and one system might suit one community better than it would suit another. I do not mean to say that there are insuperable objections to the single-board plan.

Mr. WADSWORTH. There is nothing experimental about it.

Mr. BRUCE. The insistence on this idea reminds me of the efforts of the fellow who came up from the mountains of Tennessee not long ago and appeared before the Senate Committee on the District of Columbia with a bill proposing to impose all kinds of narrow-minded restrictions on Sunday observance. Within reason, I am just as good a sabbatarian as anybody, but I am utterly opposed to the fastening of such extreme restrictions on a people against their will. And here is Miss Loeb, coming from New York, just as that fellow came up from the mountains of Tennessee, to fasten a totally extraneous idea on the people of this District.

Mr. CAPPER. Mr. President, it is unjust to the people of the District of Columbia to even intimate that they have not been interested in this mothers' aid legislation. It is unfair to intimate that the proposal which comes before the Senate in the form of an amendment of the Senate District Committee is an afterthought on their part. The truth is that the people of the District of Columbia generally, and especially those who have been concerned in the welfare problems of this city for many years, have for the past two years been giving the greatest attention to the mothers' aid legislation now before Congress.

A strong and representative commission, known as the public welfare commission on legislation, was appointed by the District Commissioners. It included practically all the leaders in welfare work in this city, among them Miss Mabel Boardman and Justice Siddons. They sent a special committee to various cities for the purpose of obtaining the best information as to the experiences of other cities. They particularly sought the best methods of administering mothers' aid legislation.

After extensive investigations, that committee came back and reported to a meeting attended by nearly 1,000 of the best citizens of the District that, first, there should be a consolidation of the various welfare boards. They had been doing business here with three boards. This caused overlapping of work, confusion, and duplication. This committee recommended a consolidation under one board, to be known as the "board of public welfare." In their report they included a recommendation that the Congress be asked to enact mothers' aid legislation as quickly as possible and that it be administered by this board of public welfare.

The District Commissioners received that recommendation from this group of more than a thousand of the representative citizens of the District of Columbia, as I have said. The corporation counsel drafted a bill embodying the idea of a consolidated board. Another bill was drafted setting up a mothers' aid program under the direction of this new welfare board. The District Commissioners brought it to Congress, asked the chairman of the District Committee of the Senate and the chairman of the District Committee of the House to introduce these two bills. They were introduced within a few days after the Senator from New York introduced his bill. The District Committees of both Houses held extensive hearings, and never was there more unanimity of support for any measure affecting the interests of the District of Columbia than that exhibited by the representative citizens who appeared before the Committee on the District in the Senate in behalf of mothers' aid legislation to be administered under the new board of public welfare.

It is a reflection on the intelligence of the people of the District of Columbia, who are unanimous in demanding this legislation, when Congress attempts to overthrow the judg-

ment and override the wishes of the people here, arrived at after careful study and full investigation. I say it is an outrage on the voteless and voiceless people of the District of Columbia when we deliberately disregard their recommendations supported unanimously by all the citizens.

There are to-day 26 boards in the District of Columbia; too many of them. The District Commissioners have attempted to simplify government by wiping out some of those unnecessary boards and commissions, but the first thing we do after creating this consolidated board of public welfare is to set up another board to handle a small group, not to exceed 300 children. It is wrong from every standpoint.

There are several hundred other orphan children, not delinquents or incorrigibles, who will have to be considered by this board of public welfare. Why make a distinction as between that group and the mothers' aid group?

The PRESIDING OFFICER. The Chair has permitted this debate to proceed out of order. The Senate was divided, and the decision had not yet been reached. The Chair will now put the question on the final passage of the bill by calling for a rising vote.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Shipstead
Bingham	Frazier	Mayfield	Shortridge
Blease	George	Means	Simmons
Borah	Gillett	Metcalf	Stanfield
Broussard	Glass	Neely	Steck
Bruce	Goff	Norbeck	Stephens
Butler	Gooding	Norris	Swanson
Cameron	Hale	Oddie	Trammell
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Underwood
Copeland	Heflin	Pine	Wadsworth
Couzens	Howell	Pittman	Walsh
Cummins	Johnson	Ransdell	Warren
Curtis	Jones, Wash.	Reed, Mo.	Watson
Deneen	Kendrick	Reed, Pa.	Weller
Dill	Keyes	Robinson, Ark.	Wheeler
Edge	King	Robinson, Ind.	Williams
Edwards	La Follette	Sackett	Willis
Ernst	McLean	Schall	
Ferris	McMaster	Sheppard	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present. The Chair lays before the Senate the unfinished business, which is Senate bill 2607.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges, etc.

Mr. CURTIS. Mr. President, I wish to submit a unanimous-consent request, at the suggestion of the junior Senator from Kansas [Mr. CAPPER], in charge of the mothers' aid bill which was pending before 2 o'clock, and at the suggestion also of the Senator from New York [Mr. WADSWORTH]. I ask unanimous consent that at the conclusion of routine morning business day after to-morrow morning we resume consideration of the mothers' aid bill, without further debate on the motion to reconsider, as submitted by the Senator from South Carolina [Mr. BLEASE], and also on the passage of the measure itself.

Mr. BLEASE. That is satisfactory to me.

Mr. McNARY. That is upon the theory that we will adjourn to-morrow evening?

Mr. CURTIS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. McNARY. Just a moment. I want to have an understanding. I thought the unanimous-consent request of the Senator from Kansas was that to-morrow following morning business we should proceed to vote upon the mothers' aid bill without further debate.

Mr. CURTIS. Day after to-morrow, because the Senator from South Carolina said there are some Senators who would not be here to-morrow, who want to be here when the bill is voted upon.

Mr. McNARY. The request applies only to the vote?

Mr. CURTIS. Yes.

Mr. McNARY. I have no objection.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. KING. Will the unanimous-consent request submitted by the Senator from Kansas permit a vote upon the so-called Wadsworth amendment?

Mr. CURTIS. I asked for unanimous consent to vote upon the motion to reconsider and upon the passage of the bill.

Mr. McNARY. Mr. President, one further inquiry of the Senator from Kansas. Does that contemplate not only a vote on the so-called Wadsworth amendment but also on the final passage of the bill?

Mr. CURTIS. It does.

Mr. McNARY. With no debate on either the bill or the amendment?

Mr. CURTIS. That is correct.

Mr. GLASS. Mr. President, is even a unanimous-consent request in order in the midst of taking a division on a question? The Chair submitted the question as to the passage of the bill. There has been a vote on it. The Chair has announced that one side seemed to have it. It seems to me it is not in order even to submit a unanimous-consent request.

The PRESIDING OFFICER. That order was vacated when the hour of 2 o'clock was reached and the unfinished business was laid before the Senate. Is there objection to the request of the Senator from Kansas?

Mr. BRUCE. Mr. President, nothing was said about any further discussion of the matter. I think we have had about all the discussion we really should have, but at the same time the character of the views of the Senate shifts so from day to day that it is hard to get the entire Senate indoctrinated on any proposition. However, I waive the point and have no objection.

The PRESIDING OFFICER. The Chair hears no objection, and the unanimous-consent request of the Senator from Kansas is granted.

The order was reduced to writing, as follows:

Ordered, by unanimous consent, that at the conclusion of the routine morning business on Thursday, June 3, 1926, the Senate proceed to vote without further debate upon the motion of the Senator from South Carolina [Mr. BLEASE] to reconsider the vote rejecting the Capper amendment to the so-called mothers' aid bill (H. R. 7669) and upon the bill through its further parliamentary stages to and including final passage.

MIGRATORY BIRD REFUGES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes.

Mr. NORBECK. Mr. President, every Senator here realizes the impossibility of further consideration of the migratory bird refuge bill at this time. I want to make a few remarks, after which I desire to ask unanimous consent that this bill be laid aside for the purpose of taking up the pending agricultural legislation, for which there is urgent need. The only reason the bird bill was taken up first was that the Senators in charge of the agricultural bills were not ready to go ahead.

The bird refuge bill has technically been before the Senate about two weeks, but it has been impossible so far to get a vote on it, owing to the serious opposition of one Senator. This may prove that we are gradually getting to a situation where it is impossible to get a vote during the last half of the session on any measure if there is objection on the part of one Senator.

I want to call attention more especially to the unfair statements by the Senators who oppose the bird refuge bill. This seems to be one instance where there has been such an absence of good argument that it was necessary for them to resort to all sorts of unfair statements. During the debate we have been frequently reminded of the fact that the Izaak Walton League is opposed to this measure. Mr. Dilg, the former president, who has for years been recommending this measure, has, since he lost control of the league, been here in Washington lobbying against the legislation he previously recommended, and which the league has consistently supported. I have repeatedly challenged the opposition to produce the resolutions passed at the annual meeting of the league, in order that such resolutions could be printed in the RECORD. I have had no response. The opposition evidently felt that it was not advantageous for them to have this record published. I have now secured copy of the resolutions adopted at the national conventions of the Izaak Walton League held annually. These show for themselves that the league has been for this measure all along and is supporting the bird refuge bill at the present time, notwithstanding the misrepresentations of a former, discredited official. I ask

unanimous consent that these resolutions be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolutions are as follows:

Resolution passed by the Izaak Walton League, under the presidency of Mr. Will H. Dilg, at its annual meeting in April, 1924:

"Whereas there is now pending in Congress a bill H. R. 745, known as the public shooting grounds and game refuge bill: Now, therefore, be it

"'*Resolved*, That this league is committed to the principle and precedent of this bill and hereby dedicates itself to the enactment of this vital legislation by Congress at the earliest possible date.'

"Whereas the so-called public shooting grounds and bird refuge bill now pending before Congress places the entire burden of purchasing or leasing game and fish refuges, and of maintaining same, solely upon the sportsmen of this country, with no expense whatsoever to the public; and

"Whereas there is a crying need to conserve for posterity these places of the wild, to set them aside for the boys and girls of to-day and to-morrow, so that extermination of our fish, our game, and our song birds and of the animals of the woods and marshes shall not come to pass: Be it, therefore,

"*Resolved*, That we urge the men and women of our Nation and our Representatives in Congress unitedly to support this bill, to the end that there be saved for all America the lakes, the woods, the waters, and beauty spots of our great out of doors." (Quoted from the official organ of the Izaak Walton League, Outdoor America, for June, 1924, p. 64.)

A careful search of Outdoor America, the official organ of the Izaak Walton League, covering its annual meetings for 1925 and that of 1926 fails to show any action of the league at these annual meetings reversing the policy set forth in the foregoing resolution. Furthermore, at the annual meeting in 1926 the executive committee of the league reaffirmed this action by indorsing and extending its full support to the measure now before Congress.

Resolution passed by the Izaak Walton League, under the presidency of Mr. Will H. Dilg, at its annual meeting in April, 1924

"*Now therefore be it resolved*, That this league, with every means and agency at its command, will protest against continued or further leasing of any public lands for grazing purposes." (Quoted from the official organ of the Izaak Walton League, Outdoor America, for June, 1924, p. 52.)

Mr. NORBECK. On Saturday last the Senator from Washington [Mr. DILL] stated that the State of Pennsylvania was opposed to this measure. I was not able to refute the statement then, but I now have a telegram from the president of the Pennsylvania Game Commission, which I ask may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read the telegram, as follows:

HARRISBURG, PA., *June 1, 1926.*

Senator PETER NORBECK,

United States Senate, Washington, D. C.:

Learn from CONGRESSIONAL RECORD that Senator DILL, on May 28, while discussing Federal refuge bill stated Pennsylvania Game Commission is opposed to this measure. This statement was in error. Pennsylvania has accomplished wonderful results with game refuges surrounded by public hunting grounds, and urges the immediate passage of the bill now before the Senate.

H. J. DONALDSON,
President Pennsylvania Game Commission.

Mr. NORBECK. Mr. President, in the speech of the Senator from Utah [Mr. KING], as shown on page 9909 in the CONGRESSIONAL RECORD of May 27, it was again alleged that there exists an understanding between Dr. E. W. Nelson, Chief of the Bureau of Biological Survey, and John B. Burnham, president of the American Game Protective Association, as to which lands should be purchased for game refuges if this bill should become a law. Such charges are almost too ridiculous to entitle them to serious denial, for it is not the Biological Survey or the Agricultural Department that decides which lands shall be purchased.

First, this question is up to the legislature of each State, and no purchases can be made until recommended by the commission created under this bill, which commission consists of members of the Cabinet and Members of the Senate and the House hereafter to be selected. Of course, no one knows who they are going to be; therefore the alleged collusion is ridiculous. But the charges are unfair reflections upon honest and sincere men who have devoted years of their lives to game and bird conservation. I regret that any such insinuations were made on this floor. A Senator, of course, can not be held responsible for his utterances in the Chamber. The Constitution protects him against prosecution, even if the charges are false or malicious. I suggest the courageous thing to do is for the Senator to make these statements in the newspapers or otherwise outside the Chamber, and I will promise the Senator that he will have a chance to answer in court.

I want to say further that I have no complaint over the action of the Senate. A large majority of the Senators are loyally supporting this measure. They have done the best they could under existing rules. I have been shown every courtesy by Members of both sides of the Chamber. Neither have I any complaint over the fact that the motion for cloture failed to receive a two-thirds vote. It did receive a splendid majority. But if we are to follow such a practice as we are doing I suggest that we should change our rules to conform to the practice. If a Senator wants to go away for a week or two to try lawsuits or for other purposes, the rules might specify that if such a Senator objects to certain legislation it shall be laid aside. I intend to offer such an amendment to the rules.

Mr. DILL. Mr. President, I want to say in answer to the statement of the Senator from South Dakota about the Izaak Walton League that I based my statements upon the telegram which was introduced into the RECORD by the Senator from Ohio [Mr. WILLIS] from Mr. Dilg, who was president of the league at the time when he said the 1,400 delegates voted against the license fee. The Senator from South Dakota, I know, does not want to be unfair when he says that those of us who oppose the bill had seen the resolutions and had them in our possession. I want to say to the Senator that I have never seen them or read them. I considered that the information furnished by Mr. Dilg, who had been president of the league when he said the action was taken, was reliable. I have no apology to offer for having made the statement that the 1,400 delegates voted unanimously against the license fee, because I based that statement on the telegram placed in the RECORD by the Senator from Ohio.

As to the statement regarding the Pennsylvania Game Commission, I confess I was not as well buttressed in my statement, because I took that from a journal which was supposed to have given the statements of the various game commissions that were opposed to the measure. I simply want to say that as an explanation and reason for my statement.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. WILLIS. I simply want to say to my friend from Washington, since he referred to me in the matter, that he understands, of course, I assumed no authority for the telegram. All I know about it is the telegram itself.

Mr. DILL. I think every Senator had a similar telegram, but I was explaining that, if it were not true, then we were all to blame, or one was equally to blame with the other, because the statement was made by the man who was president of the league.

Mr. NORBECK. Mr. President, I ask unanimous consent that the migratory bird bill be returned to the calendar and that the agricultural relief bill be made the unfinished business or the regular order.

Mr. TRAMMELL. Mr. President, I move to amend that by providing that Senate Resolution 31 be taken up for consideration.

The VICE PRESIDENT. The question first is on the unanimous-consent request of the Senator from South Dakota. Is there objection?

Mr. TRAMMELL. Is the request of the Senator from South Dakota merely to lay aside the migratory bird bill?

The VICE PRESIDENT. The request was to lay aside that bill and place the agricultural bill before the Senate as the unfinished business.

Mr. TRAMMELL. That is what I understood, that he coupled the two propositions together. In that case I offer as a substitute the motion that the Senate take up Senate Resolution 31.

Mr. WILLIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIS. Can there be two requests for unanimous consent pending at the same time? The Senator from South Dakota has submitted a request for unanimous consent, which can not be amended, as I understand it.

The VICE PRESIDENT. There is no rule providing for amendment of unanimous-consent requests. The Chair will hold that such requests must be disposed of one at a time and not by amendment. The Senator from South Dakota submits the unanimous-consent request. Is there objection?

Mr. TRAMMELL. Mr. President, I object.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Do I understand the Senator from Florida has objected to the unanimous-consent request of the Senator from South Dakota?

Mr. TRAMMELL. Let us understand what the unanimous-consent request is.

The VICE PRESIDENT. The unanimous-consent request is that the migratory bird bill be temporarily laid aside and that the agricultural bill be made the unfinished business.

Mr. TRAMMELL. That is what I objected to.

Mr. NORBECK. My request was that the migratory bird bill be returned to the calendar and that the agricultural legislation be taken up.

Mr. BRUCE. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

COOPERATIVE MARKETING

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of House bill 7893, known as the agricultural relief bill.

Mr. TRAMMELL. I move as a substitute that the Senate proceed to the consideration of Senate Resolution 31.

The VICE PRESIDENT. Under the rule the motion is not amendable. The question is on the motion of the Senator from Oregon.

Mr. TRAMMELL. Have I not the right to offer as a susbtitute a motion to take up another measure in place of the one proposed by the Senator from Oregon?

The VICE PRESIDENT. Not upon a motion of that kind—to proceed to the consideration of a particular bill.

Mr. REED of Missouri. What is the motion?

The VICE PRESIDENT. The motion is to proceed to the consideration of House bill 7893, the agricultural bill.

Mr. TRAMMELL. Mr. President, I desire to be heard on that motion. Discussion is in order, is it not?

The VICE PRESIDENT. The motion is debatable. The Senator from Florida is recognized.

Mr. TRAMMELL. Mr. President, I do not know that I shall oppose the farm relief bill and I wish it distinctly understood that I have no object of that character in view; that my effort to obtain a hearing for Senate Resolution 31 is not based upon any opposition to a consideration of the farm-relief measure. I think that measure should be considered by Congress and that Congress should work out some suitable and appropriate farm relief; but I have a resolution that has been pending here for several days. I have tried time and time again to have it considered. We had a vote on it a few days ago and the question arose at that time as to whether or not we should displace the migratory bird bill. A number of Senators voted against considering the resolution upon the explanation and some of them upon the excuse that it would interfere with the consideration of the migratory bird bill and displace that bill.

Of course, if the farm relief bill shall be taken up and then an effort is made to take up the resolution it will be said the resolution is in antagonism to the farm-relief proposition. The farm relief bill is going to consume in its consideration anywhere from one to three weeks in the Senate. I will vouch that it will take at least one week or more. My resolution providing for an investigation into the practices of the oil companies and their periodical advancing of prices in all probability will not require three or four hours, because I do not believe that over three or four Senators are going to oppose the resolution, and those Senators will not occupy more than one or two hours in discussing it; I am confident that they will not occupy as many as three hours in discussing the resolution. So it would not interfere with the consideration of the farm relief bill in the least, and Senators know that it would not interfere with the consideration of that measure; yet, under different excuses, the effort will be made to put off the hearing and consideration of this resolution.

Mr. GOODING. Mr. President——

Mr. TRAMMELL. I yield to the Senator from Idaho.

Mr. GOODING. Mr. President, I have heretofore voted with the Senator from Florida to take up his resolution, and I shall vote with him again, but not to-day. I am sure that the Senators who have been asking here for legislation looking to farm relief have been very patient for some time.

Mr. TRAMMELL. Yes; I think so.

Mr. GOODING. And I think that legislation ought to be presented to the Senate. I hope the Senator from Florida will not insist on delaying in any way the taking up of what I consider the most important legislation that has been before the Senate at this session.

Mr. TRAMMELL. Mr. President, the Senators in charge of farm legislation have been very patient; they have been so patient that they have waited until the last four or five days to bring in their bill; they have let the entire session go by without pressing their measure, which practically everybody considers of great importance and agrees that it should be passed at this session of Congress.

My resolution for an investigation of the conduct of the oil companies would not have been appropriate a month ago or even three weeks ago; it was only appropriate when those companies again started in on their periodical advances of the prices of gasoline, and yet Senators have sat around here for five or six months and have not sought to have considered a bill for the relief of the farmers. Now, all at once they become very zealous in the interest of the farmers. They say the Senate has got to consider the farm relief bill; that we can not take even three hours to consider a resolution involving an investigation of the conduct of the oil companies and their periodical advances of the price of gasoline.

Senators forget that farmers are interested in the question of the price of gasoline, of the price of coal oil, and the prices of other petroleum products. I have heard from about as many farmers or from more on that question than I have upon the question of so-called farm relief bills. If there is anyone who is interested in that question, certainly the farmers of the country are interested in it who are using gasoline, kerosene, and petroleum products. Every spring as they begin to need these products the price automatically, without any excuse, rhyme, or reason, is advanced anywhere from 4, 6, to 8 cents per gallon. It is well known that the Standard Oil Co. dominates and controls the price fixing.

Of course I know there are certain of the Senators who are with me who will vote for almost any other bill in preference to the consideration of the resolution, and there are certain other Senators who do not want to make any effort whatever to investigate the conduct of the Standard Oil Co. and the monopolistic tendencies of the oil companies. Of course it is very convenient to have some place in which to take refuge, and they will take refuge behind the question of being the farmers' friend. I dare say that if we shall get a vote on taking up this resolution there will be certain Senators who will vote against the motion who are going to vote against the farm relief bill.

If the consideration of the resolution were going to occupy a week or even two or three days, then I could see some reason for not giving us a hearing upon the question, but it is not going to do that. The Senator who is handling the agricultural relief bill, who has been "asleep on the job" for four or five months, and so far as taking care of the interests of the farmer is concerned, has not been doing anything for them for four or five months, gets very zealous here all at once, and when we are about to reach a determination of the question of agricultural relief other Senators will begin to try to set the stage so that some other measure may be taken up instead of taking up my resolution. I say we can consider the question involved in the resolution as well as that involved in agricultural relief. That is what I desire done.

Mr. REED of Missouri. Mr. President, to what does the resolution of the Senator from Florida relate?

Mr. TRAMMELL. It is a resolution calling for an investigation of recent advances of gasoline prices, to ascertain whether or not there is any concerted action on the part of the Standard Oil companies or any combinations which are in violation of the antitrust law. The prices of oil have recently been advanced about 6 cents a gallon; that has been done within the last few weeks.

Mr. President, we had this same proposition up one year ago. The oil companies started the pyramiding of prices about three or four weeks before Congress adjourned, and their same friends at that time pleaded that this, that, or the other measure of such great importance to our country was pending that we could not consider this question, and then the first thing we knew we were within a few days of adjournment and we had to adjourn. They could not have been more servile to the Standard Oil interests and other oil companies' interests if they had been upon their pay rolls than they were in using such tactics as that.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oregon?

Mr. TRAMMELL. I yield.

Mr. McNARY. There is a motion pending at this time, but I wish to assure the Senator from Florida that there will be no disposition on the part of the Senator in charge of the agricultural relief bill to prevent a vote on his resolution. Personally I favor his resolution, but I desire to have the status of the agricultural relief bill fixed. Then during the time when we are debating the question, at some convenient hour or opportunity, long before the session shall adjourn, I

shall give the Senator from Florida an opportunity to have a vote on his resolution. That ought to satisfy any reasonable man.

Mr. TRAMMELL. Why can we not do that to-morrow? The Senator is not going to secure the passage of the agricultural relief bill for several days.

Mr. McNARY. I will state to the Senator from Florida, as I stated to the Senator from Connecticut [Mr. BINGHAM], who has, indeed, been patient, for, under the action of the steering committee, he had the right of way and priority over the agricultural bill for the consideration of a bill in which he is interested; that after the agricultural bill shall have been made the unfinished business I shall cheerfully ask that it may be temporarily laid aside, so that he may to-day secure consideration for House bill 10827. I entertain very strong hope that he will be able to secure the passage of his bill to-day; and if to-morrow the agricultural bill shall be under consideration and for the day or two following there shall be a lagging in the debate on it, I shall be very happy, indeed, to consent that the Senator from Florida may have an opportunity to have considered the resolution in which he is interested.

Mr. TRAMMELL. That is very kind of the Senator, and I appreciate his generosity, but on to-morrow when I call up the resolution the Senator from Connecticut will probably say that it will interfere with his bill, and, forsooth, on some other day some other Senator will say that to consider Senate Resolution 31 will interfere with a bill in which he is interested. It is very strange that whenever an effort is made to have the Senate consider a measure that is going to conflict with the big trust interests of this country it is necessary to fight like tigers even to get it considered or to get a vote on it when there is no great number of Senators who are going to stand up on the floor and oppose the resolution. It will not take over two, or three, or four hours. I appreciate the way the Senator from Oregon feels about it, but on to-morrow some other Senator will be opposing the resolution.

Mr. President, I wish to read an editorial in relation to the subject matter of my resolution. I am not thinking about the political aspects of the case at all, but I wish to read an editorial which is rather expressive of the sentiment which prevails all over this country on this subject at the present time. My mail is full of letters expressing a sentiment somewhat of the same character as set forth in this editorial. The Richmond-Times Dispatch on yesterday printed this editorial:

IS THE SENATE AFRAID?

Possibly there are a few people who do not believe price fixing is practiced by the Standard Oil Co., its various subsidiaries, and other oil companies. If there be such people, then they must be almost wholly confined to the Republican membership of the United States Senate or to that circle of dominant party leaders who are looking forward to the 1928 campaign and have no desire to increase their number of political worries. For the United States Senate has just said by overwhelming vote that it does not believe price fixing exists. It has not said so in those words, but no other interpretation can be put on its refusal to order an investigation of the charge which is being so freely and stridently laid at the door of the oil companies. When the ballot was taken on the motion of Senator TRAMMELL, a Democrat, of Florida, that the Federal Trade Commission investigate the charge of price fixing, the division was along party lines. Only 4 Republicans were willing that the light of publicity be let into the operations of the oil companies, while 24 Democrats were eager for the investigation. Almost as one man the Republicans voiced their protest against it, and only three Democrats opposed the suggested probe. Wherefore, if there be price fixing, which should come within the purview of the Federal Trade Commission, it will be permitted to continue without let or hindrance in so far as this Congress cares.

With the refusal of the Republican Congress to order an investigation there disappears the hope, intimated rather than expressed, of Governor Byrd that the arm of the Federal Government might be outstretched to hold down the price of gasoline if, indeed, that price were found to be too high. The governor promised publicity for gasoline prices in Virginia to the end that the consumer might know when he was being gouged and when he was being charged the proper price under the new State tax. He has kept that promise. Only recently he caused to be printed the prices at which gasoline is being sold at wholesale to Virginia dealers. Beyond that the governor has no power to go, and he suggested that if extortionate prices were being charged to Virginia dealers it was a matter for the Federal Government to determine. That there is price fixing is the common belief; that the price of gasoline is not controlled by the law of supply and demand is reasonably certain. That the gasoline consumer is being compelled to pay higher prices than he should pay is freely admitted. But it is another of those things, like the weather, about which much is said and little is done. The Republican Senate is satisfied to let gasoline matters take their course. After all, it is the consumer who pays. The one sure way to bring action, it seems, is to convince the Republican leaders that each gasoline consumer is a potential voter.

The investigations that have taken place heretofore demonstrate that the conduct of the Standard Oil Co. as the leader in price fixing has reached a point where it is practically as effective as it was before the company was disbanded or divided into different units under the decision of the court.

Mr. HARRIS. Mr. President——

Mr. TRAMMELL. I yield.

Mr. HARRIS. It is more effective than it was before the dissolution decree, because now one of the many Standard Oil companies can raise or lower the price and put competition out of business and not be violating the law. Before the Standard Oil Co. dissolved they could not lower the price in one territory without lowering it in every part of the United States. Now when an independent company reduces the price of gasoline, say, in Ohio, the Standard Oil Co. of Ohio can reduce the price in that territory so as to destroy competition, and at the same time raise the price all over the United States except this small section. If any of the independent companies in Indiana or Illinois or Kentucky lower the price now they can be driven out of business by the Standard Oil Co. in whose territory they lower it without hurting the Standard Oil Co. in all the other parts of the United States. A few years ago only 16 people owned over 51 per cent of all the stock of all the Standard Oil companies and elected the directors and managers of all the companies. A comparatively few people owned 75 per cent of all the stock when I was chairman of the Federal Trade Commission, and the price of gasoline kept going higher, as it has been recently and without any reason, at my suggestion the commission made an investigation of all the Standard Oil companies and we found there was no competition. We recommended certain changes in the law that we thought would curb the Standard Oil companies, but Congress took no action. Afterwards when I became a Member of this body I introduced an amendment that would bring competition among all the Standard Oil companies, and it passed the Senate, but the House defeated it.

Mr. TRAMMELL. Yes; that is very true. They can make more effective their competition and understanding and control and domination and price fixing. Of course that is not the only thing that the Standard Oil companies are doing. The Standard companies are gradually buying up all of the oil companies in this country. The biggest companies that they have had as competitors heretofore are being purchased by the Standard.

During 1925 and the early part of 1926 the Standard Co. bought up and obtained control of the Pacific Oil Co., which was one of the two companies known as the Pacific and Associated Oil companies, and owned by the stockholders of the Southern Pacific Railroad. Then either their companies directly or their subsidiary companies bought up the Pan American Co., which, I believe, is the Doheny company. In other words, they have been buying up independent companies during the last 8 or 10 months, their purchases amounting to something like four or five hundred million dollars. The independent companies which they have not been able to drive out of business they are very largely buying up, and unless action is taken by somebody representing the people of this country of course they are going to become even more bold and brazen in their price fixing and advancing of prices. Every time a little additional capital is desired to buy another independent company, or every time in one locality they want to crush out a small company, they will advance their prices in another locality to make up for the losses.

I think this matter is worthy of investigation by the Trade Commission. The Trade Commission was established for the very purpose of investigating matters of this character. I view with some alarm the fact that matters have gotten to a point in this country where it seems to be very difficult to have a special interest investigated as to its operations or as to its probable violations of the antitrust law. Never within the history of the country has there seemed to be a time when so many seemed to stand in fear and trembling when it comes to a question of going into the conduct of companies which are attempting to monopolize, to dominate, to control a certain field of industry, and doing that in an improper way and in violation of the spirit, if not the letter, of the antitrust law of this country.

I know that there are several Senators who are favorable to my resolution who will vote to take up other bills; and of course there are some who would like very much not to have it considered, and they will always vote to take up other

bills. The Senator in charge of the agricultural bill is not present. I should like to ask for just two hours in which to have this resolution considered, either to-day or to-morrow.

Mr. HEFLIN. Mr. President, it seems to me that that is a reasonable request. The Senator from Florida suggests that he would like to have two hours, and at the end of that time to have a vote on this resolution. I hope Senators will agree to that.

Mr. TRAMMELL. I ask unanimous consent to take up the resolution now and consider it until 4.30, and to vote on it at 4.30; and I will not occupy 15 minutes of the time.

Mr. BINGHAM. Mr. President, is there not a motion pending?

The VICE PRESIDENT. There is a motion pending.

Mr. BINGHAM. Would a unanimous-consent agreement be in order?

The VICE PRESIDENT. A unanimous-consent agreement is in order at any time, unless objection is made.

Mr. BINGHAM. Mr. President, I hope the Senator will not press this request. I hate to object to the consideration of his resolution. I shall probably vote for it when it comes up. I have been waiting here now for about two months to get an opportunity to consider a national measure, the Army aviation bill, which was put on the first list recommended by the steering committee of the majority party. It has been patiently waiting here for some time; and it was my understanding with the Senator from Oregon that after his motion to take up farm relief should pass, if it should pass, he would then yield and allow it to be temporarily laid aside in order that we might consider the Army aviation bill, which I believe will not take more than two hours.

I hope the Senator will not press his request for a vote at this time. We voted on the matter the other day.

Mr. TRAMMELL. I know, of course, that the bill referred to by the Senator from Connecticut is an important bill. That bill, however, can only get through the Senate at this session. There are certain Senators here who are afraid of going into the operations of the Standard Oil Co. and would like to keep staving off this resolution until an entire session of Congress goes by without having it considered. I only ask for two hours for the consideration of this resolution.

Mr. BINGHAM. May I say to the Senator also that he knows the very great interest which the senior Senator from Oklahoma [Mr. HARRELD] has in this resolution. He is absent from town this afternoon, but is expected to return this evening. I know that the Senator would not want to debate the matter when he is not here, and that if he were here he would not be willing to give unanimous consent for the consideration of the resolution at this time. In view of the fact of his absence I hope the Senator will withdraw the request.

Mr. TRAMMELL. I think the Senator ought to stay here. I have been staying here to try to get this resolution up.

Mr. BINGHAM. I will say to the Senator that I am informed that the Senator from Oklahoma is coming back later this evening.

Mr. COPELAND. Mr. President, may I say to the Senator from Florida that I have a bill that I want to bring up, too. Ten days ago, a week ago last Friday, it was said that the steering committee would meet and arrange a time when the coal bill might be considered. I am sure that the Senator from Florida, even though he comes from a balmy State where they do not need any coal, realizes that it is a matter of great importance to this country that we should have action on that bill; and I should like to ask the Senator from Kansas [Mr. CURTIS], the leader of the majority, what hope there is of the coal bill being given early consideration?

Mr. CURTIS. Mr. President, as I promised the Senator, when the steering committee met last week I presented his request, together with the requests of a number of other Senators. The chairman of the steering committee is arranging the program now and hopes to call the steering committee together within a day or two and arrange a program for the rest of the session. The Senator's bill was presented to the committee by me as one of the bills to be taken up by the committee with a view to putting it on the list. I can not say, of course, what they will do.

Mr. COPELAND. I thank the Senator. I think I understood the Senator from Oregon to say that if the time came within the next few days when there seemed to be a favorable opportunity he would give way in order that the bill to which I refer might be given consideration.

Mr. McNARY. Mr. President, I stated to the Senator that if there is a lag in the debate and requests are made for opportunities to prepare arguments I would gladly yield for the purpose of having the Senator ask for the consideration of his resolution for a short time.

Mr. COPELAND. I thank the Senator. I feel that every Senator here realizes how important this coal problem is and how necessary it is that we should take action; so I am going to rely upon the Senator from Kansas and the Senator from Oregon making good on the fair and generous promises they have made to-day.

Mr. REED of Missouri and Mr. NEELY addressed the Chair.

Mr. TRAMMELL. I yield to the Senator from Missouri.

Mr. REED of Missouri. I want to suggest to my colleagues, with the permission of the Senator from Florida, how useless it is just to cling to one particular course of conduct. The Senator from Oregon [Mr. MCNARY] wants to get up the agricultural bill, and I am in favor of taking it up and disposing of it. The Senator from Florida [Mr. TRAMMELL] wants to take up a resolution that ought to be passed by the Senate in 10 minutes.

Mr. TRAMMELL. I am willing to limit its consideration to 10 minutes.

Mr. REED of Missouri. Why not take it up and get it out of the way, then take up the agricultural bill? There ought to be no opposition to this proposition to find out whether or not people are being robbed through a combination on gasoline. The resolution only proposes to authorize the Federal Trade Commission to find out the facts; but we can stand and debate it for an hour or 2 hours or 10 hours, just as we are debating it, without any action.

I beg to suggest that we be allowed to take up this matter, and then I will gladly support the proposition to take up the farm relief bill.

Mr. McNARY. Mr. President, it is always a pleasure to follow the advice of the Senator from Missouri [Mr. REED]. I find myself many times following him. I can not however, withdraw this motion. For a number of days, even weeks, I have sought an opportunity to make it, and would have made it before this time had it not been for the feeling of consideration I had for the Senator from South Dakota [Mr. NORBECK].

I have said to the Senator from Florida, and I will repeat it to him and to the Senator from Missouri, that if this bill is made the unfinished business—and I propose to persist in staying here until it is—at some convenient time to them and to the bill I shall be happy to give way in order that they may have a vote on their matters. Furthermore, I feel that this session of Congress is not going to adjourn until the Senator's resolution is voted upon; and, for one, I will stay here until midsummer, if need be, to pass the legislation which is now pending before the Congress and is worthy of consideration during the summer. I think that is an assurance that ought to satisfy the Senator from Florida, and I think it will satisfy my good friend from Missouri; but I shall have to insist upon this motion that House bill 7893 be made the unfinished business, and then I will exhaust every effort to find an opportunity and a place and a time when we may have a vote upon the resolution of the Senator from Florida.

Mr. TRAMMELL. Mr. President, I ask unanimous consent to vote immediately upon Senate Resolution 31, without debate.

The VICE PRESIDENT. Is there objection?

Mr. PINE. I object.

The VICE PRESIDENT. Objection is made.

Mr. TRAMMELL. Mr. President, relying upon the assurances of the Senator, I will to-morrow, or at least very soon, ask unanimous consent for about two hours in which to consider this resolution.

Mr. McNARY. Mr. President, I do not know that I can grant that request to-morrow. I make no promise as to any specific day. A great many speeches have been made on the agricultural relief bill. I reported it from the Agricultural Committee, and I have not had an opportunity to say a word for the bill. I propose to-morrow, if opportunity is given, to give my views upon the mechanism of this bill and the reasons why I think it should be enacted into law; so I can not, and the Senator must not expect me to, agree to his request to-morrow.

Mr. TRAMMELL. All right. I do not like to occupy the rest of the afternoon and delay the Senate for four or five hours on the agricultural-relief proposition. If the Senator's promise amounts to nothing, and as soon as I am ready to agree to it the Senator assures me that he does not mean much by what he said, we probably can not get the resolution up at all. The Senator has already promised another Senator that he will allow him to take up his proposition. He has also promised another Senator that he would allow him to take up his proposition.

Mr. McNARY. Yes; if the Senator can understand common language, I said he could have an opportunity, that I would grant him time.

Mr. TRAMMELL. Yes; and the Senator frankly stated he would not permit it if there was any opportunity to keep from getting it up.

Mr. McNARY. The Senator from Connecticut [Mr. BINGHAM] was given a place by the steering committee. The Senator from New York [Mr. COPELAND] has had his resolution here for a long while, and I told him I would do the best I could to give him an opportunity when this bill was made the unfinished business, and I repeat it to the Senator, if that means anything.

Mr. TRAMMELL. Mr. President, I am glad to see the aroused interest, as the session of Congress draws to an end, in behalf of the farmers of our country. We convened in December. The late autumn passed away, the winter months of January, February, and March came along, and spring came, and the farmers of the country began to plead and plead for relief and began to realize that it looked very much as though they were going to get no relief through Congress. But finally, after four months of apathy and four months of doing nothing, the committees decided to bring in some bills for the relief of the farmers.

I have always been for the farmers' interests, and it may be that I will support the particular bill now pending. I do not know whether I will or not. I am not going to support some features of it if its proponents pick out just a few of the farmers of this country and seek to extend relief to one particular class and deny relief to a lot of other farmers of the country who deserve it and need it just as much as the others do. Of course, I could not support any such measure as that. But I do think the subject is worthy of consideration, and the farmers should be given relief if we can work out some measure which will give them that relief in a spirit of justice to the people of the entire country and so as not to show favoritism to one class that will have to be paid for by the consumers of the country through price fixing, and so on. I have no objection to farm relief being considered; I want it considered immediately, but I do not care to have this other relief for the farmers sidetracked.

The question of gasoline prices and kerosene prices, and matters of that character, is something that is bearing down heavily upon the farmers to-day, and if we should spend two hours in an attempt to get an investigation of that subject we would not jeopardize in the least the opportunity for a consideration of farm relief. That is the plea I am making, nothing in opposition to the farm measure, because I have always been a friend of the farmer, in that I think relief should be given to him.

I do not want to delay this proposition; I was just joking about that. But I am going to call this resolution up again to-morrow and the next day and the following day. I want to get a record vote. I want the people of this country to know what Senators favor the investigation and those who do not favor it. Those who do not favor it should not be regretful of the idea of having it made a matter of public record that they do not. Those who do favor it naturally would like to have the public know that they are willing to have the investigation.

Mr. BINGHAM. Mr. President, I call for the regular order.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon that the Senate proceed to the consideration of House bill 7893.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

AIR CORPS OF THE ARMY

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of House bill 10827.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. BINGHAM. Mr. President, by unanimous consent we are now to consider House bill 10827, a bill for the reorganization of the Army Air Service. At the request of certain Senators, I shall make a brief explanation of some features of the bill and shall be glad to be interrupted at any time for a question.

In the first place, the bill changes the name of the Army Air Service to "Air Corps." That is one of the recommendations of the President's aircraft board. There is no other branch of the Army that has the word "service" in its name. On the other hand, we have the Quartermaster Corps, the Engineer Corps, the Signal Corps, and so forth. The Army Air Service not only serves the Artillery by observing fire, which was its original business, but it also fights on its own account, through its pursuit squadrons, its attack squadrons, its bombing squadrons, and so forth. It was believed to be more in accordance with the customs of the service to get away from the word "service" and introduce the word "corps."

In section 2 we alter the national defense act, section 13-a, by adding two brigadier generals. Heretofore there has been but one. The President's aircraft board recommended this at the request of the Chief of the Air Service. With the size of the air corps what it now is, three brigadier generals are really necessary. The Quartermaster Corps, with a smaller personnel, has three brigadier generals.

It is proposed to use these three brigadier generals in the following manner: One, as now, to take the chief's place when he has to go away on inspection tours, as he frequently does; one as the head of the service of supply in the Air Service, a very special and very complicated service; and one as the head of the training schools, possibly to be placed in charge of all training. There are near San Antonio, as Senators know, two very large schools; one at Brooks Field, where preliminary training takes place; and one at Kelly Field, where advanced training takes place. Both are in charge of field officers. A general officer is needed there to coordinate and oversee the entire training program.

The bill further provides at page 2, lines 17, 18, and 19, that at least 90 per cent of the officers in the Air Service must be flying officers, at least two of the brigadier generals must be flying officers, and that the Chief of the Air Corps must be a flying officer.

Senators will realize that it is extremely bad for the morale of a service to have the man at the head of it unable to perform the ordinary functions of officers in it. It would be unthinkable to have as Chief of the Cavalry Corps a man who had never ridden a horse and was afraid to ride a horse. Consequently it seems reasonable that the Chief of the Air Corps must be a flying officer.

There is a new provision with regard to officers authorized for detail in the Air Corps from other branches of the service for the purpose of learning flying, which provides that they shall not remain detailed to the Air Corps for a longer period than one year, or be permanently commissioned therein unless they qualify as flying officers, or are specifically recommended by the Chief of the Air Corps for longer detail or for permanent commission therein.

The bill as it passed the House did not have that proviso in it. Your committee believed that it was wise for the Air Corps to have that provision in order that certain officers who had a great deal of interest in flying and an inability to learn to fly might be retained in the service in nonflying positions.

An amendment has been offered for section 3, on page 5, which I will ask to have read.

The PRESIDING OFFICER (Mr. SIMMONS in the chair). The clerk will read.

The LEGISLATIVE CLERK. On page 5, line 9, to strike out all after the period to and including the words "are temporarily appointed" in line 15, and insert the following:

> The Secretary of War is hereby authorized to assign, under such regulations as he may prescribe, officers of the Air Corps to flying commands, including wings, groups, squadrons, schools, and important air stations, which assignment to command shall carry with it temporary rank, including pay and allowances appropriate to such command, as determined by the Secretary of War, for the period of such assignment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, in section 4 provision is made for a study of the correction of the promotion lists. Senators will realize that during the course of the war certain officers came in after long delay. Certain others came in very promptly, and those who are now in the service, with virtually the same length of service, are far down on the promotion list. The Air Service suffers because certain honor graduates of ground schools were detained for a long time in France before

they completed their training. It is hoped that this study of the promotion list will bring about certain changes which may obviate this difficulty and cure this injustice.

In section 5 the provision for flying pay has been amended so as to make it impossible for flying pay to be given unless flying is actually done. Under this section the provision for a limit of one-half of 1 per cent of the officers of the other branches of the service is changed to 1 per cent. At the present time the provision fixing one-half of 1 per cent means that only 60 officers of the Army can receive flying training. Making it 1 per cent will mean that 120 officers can receive flying training and receive flying pay.

In section 6 we change the provision for the appointment of the Chief of the Air Corps and his assistants, making it possible for a period of seven years to appoint them from officers of any grade of not less than 15 years' commissioned service.

After seven years have gone by we believe that appointments should be made according to the present law. At the present time, due to the newness of the service, it is difficult to find colonels who fly. After seven years we hope that condition will be cured and we can go back to the law as it is at present.

I present an amendment to be inserted on page 9, line 4, in the committee amendment, and ask that it be read.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 9, line 4, to strike out the words "the approval of this section," and insert "July 1, 1926," so that the amendment as amended will read:

That during the period of seven years immediately following July 1, 1926, any appointment as Chief of the Air Corps shall be made from among officers of any grade of not less than 15 years' commissioned service, and as assistants from among officers of any grade of not less than 15 years' commissioned service.

Mr. BINGHAM. In explanation of that I will say that the language as originally put in was somewhat doubtful. It was believed that the actual date, July 1, 1926, had better be inserted instead of "the approval of this section."

Mr. OVERMAN. Mr. President, I notice that in this section it is provided that any officer may be appointed Chief of the Air Service. The law now is that he must be of the grade of colonel. Does the Senator think that is proper?

Mr. BINGHAM. I will say to the Senator that the situation is this: At the present time in the Air Service there are only two colonels. Neither of them is an airplane pilot. Both of them are balloon pilots. The appointment of neither of them as Chief of the Air Service would conduce to the morale of a service containing chiefly airplane pilots. As I said a few moments ago, this is a provision for only seven years. It is believed that at the end of that time, due to normal promotion, it would be possible to do away with the provision. This is only temporary.

Mr. OVERMAN. Under this provision any sort of a pilot might be appointed as Chief of the Air Service, whether he is an officer or not.

Mr. BINGHAM. No, Mr. President. The Senator will see that the bill provides "from among officers of any grade of not less than 15 years' commissioned service."

Mr. OVERMAN. But a man with 15 years of service with no rank at all could be appointed Chief of the Air Service under this provision.

Mr. BINGHAM. It would be presumed that the Secretary of War would pick out the man of highest rank whom he believed fitted to hold that position.

Mr. OVERMAN. Let us make it the law and not the Senator's presumption. Let us make the law what it ought to be. Would the Senator accept a proviso that would read:

Provided, there is no other officer of the rank of colonel or general fitted for the position?

Mr. BINGHAM. The Senator will realize that we did not begin to use airplanes normally and regularly in the Army until just about the time of Pershing's expedition into Mexico in 1916. About that time a number of graduates of West Point went into the Air Service. They have now had only 10 years' service in that branch. Few of our military aviators have had more than 15 years' commissioned service.

Mr. OVERMAN. It looks to me as though this is done for the purpose of getting a promotion for somebody. The Senator strikes out the language which the House incorporated, which provided that they should have not less than 22 years' service. It looks to me as though this provision is being made for some particular person. It is not the way to legislate.

Mr. BINGHAM. The Senator will realize that the only change in the wording "among officers of not less than 22 years' commissioned service" is to make the choice from among officers of not less than 15 years' commissioned service. The House provided 22 years, which was the provision in the law when the new national defense act was first passed, providing for the selection of chiefs of branches.

Mr. OVERMAN. The law now provides that he shall be of the grade of colonel.

Mr. BINGHAM. But as I have explained, there are only two colonels from whom he could be chosen, and this amendment would permit the Secretary to have a wider choice.

Mr. OVERMAN. Is there no one in the Army of the rank of colonel who is fitted for this position?

Mr. BINGHAM. That is not the implication. The Senator will realize that it would not be wise to make Chief of Cavalry a man who had never ridden a horse, even though he were a colonel. The committee does not believe that is the way to choose the head of the Air Service. The committee does not believe it wise to choose a colonel who has never been in an airplane and put him in the position of Chief of the Air Service. The Senator will realize it has been the law for some time that no one should command a flying unit except a flying officer. Consequently there are no colonels in the Army in command of aviation units except flying colonels.

Mr. OVERMAN. There are none in the Army? What about the flyers? Where is Patrick?

Mr. BINGHAM. General Patrick was a flying officer.

Mr. OVERMAN. Was he a flyer?

Mr. BINGHAM. He was not at the time he was made Chief of the Air Service.

Mr. OVERMAN. He is not a flyer now, is he?

Mr. BINGHAM. Yes; he has his wings. He is the oldest flyer in the Army.

Mr. OVERMAN. Does he ever fly?

Mr. BINGHAM. Yes, sir; he does quite frequently.

Mr. OVERMAN. We made him Chief of Air Service when he had never flown at all.

Mr. BINGHAM. He had been, however, in command of the Air Service in France during the war and as such had a very great deal of experience.

Mr. OVERMAN. I suppose we could find plenty of good men in France, members of the Flying Corps, who never flew and yet who have the ability to make good executive officers. The Chief of Staff ought to be a good executive officer. If we put a boy in there, it looks to me like it is a mistake when we could appoint a general or a colonel. It rather looks to me like a case of favoritism.

Mr. BINGHAM. The Senator realizes that he is not to be Chief of Staff, but the chief of a branch.

Mr. OVERMAN. Chief of the Air Service. It is as important position as there is in the Army.

Mr. BINGHAM. For the morale of the Air Service it is absolutely necessary that the officer should be a flying officer. It is not possible at the present moment to get an officer who is suitable to command the Air Service and who is a colonel and a flying officer, but this condition will take care of itself in a few years.

Mr. OVERMAN. Why is that? If there are colonels, are they inefficient?

Mr. BINGHAM. There are only two, and neither of them ever learned to fly an airplane.

Mr. OVERMAN. Did not one of them exhibit some heroic conduct in getting out of the *Shenandoah* when it fell?

Mr. BINGHAM. The Senator refers to Colonel Hall, who has been trained as an airship pilot but not as to flying an airplane.

Mr. OVERMAN. He knows all about it, does he not? He has been in the service for a number of years, has he not? Was he not in France in the Air Service?

Mr. BINGHAM. The Senator will realize it is difficult to discuss personnel matters when we are not in executive session.

Mr. OVERMAN. I am not discussing Colonel Hall. I am discussing the principle of the thing. Why change the law so that a boy or young fellow who may understand the flying may be appointed Chief of Staff, which is a very important position, it seems to me?

Mr. BINGHAM. It is not the Chief of Staff.

Mr. OVERMAN. Chief of the flying corps.

Mr. BINGHAM. We have now a provision whereby that might happen. The present Assistant Chief of Air Service is only a lieutenant colonel, and in the absence of the Chief of Air Service he becomes the Acting Chief of Air Service. Under the law we would appoint as assistant chiefs officers of only 15 years' standing, and it was at the suggestion of the senior Senator from Texas [Mr. SHEPPARD] that the requirement for Chief of Air Service was changed from 22 years to 15 years, because he felt if we were going to allow officers of 15 years' standing to be assistant chiefs of Air Service and that one of them could act as Chief of Air Service in the

absence of the Chief of Air Service that we ought to allow officers of only 15 years' standing to be appointed Chief of Air Service.

Mr. OVERMAN. Is this a unanimous report from the committee?

Mr. BINGHAM. Yes; it is a unanimous report.

The PRESIDING OFFICER. Does the Senator desire action upon the amendment just offered?

Mr. BINGHAM. I should like to have it voted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to offer the following amendment on page 11.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, line 10, strike out the words "less than six months or" and in line 12 strike out the words "less than one or," so as to make the sentence read:

Ninety per cent of whom shall serve for periods of more than one year and 10 per cent for periods of not more than two years.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BINGHAM. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 13, in the committee amendment, strike out lines 7 to 20 and insert in lieu thereof the following:

To aid the Secretary of War in fostering military aeronautics and to perform such functions as the Secretary may direct, there shall be an additional Assistant Secretary of War who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the classification act of 1923. He shall, under the direction of the Secretary of War, be charged with the supervision of the Air Corps and the coordination of its activities with other governmental agencies and, in addition, such other duties as may be assigned to him by the Secretary of War. There shall be detailed to his office from the Air Corps such number of officers and civilian employees as may be authorized by the Secretary of War.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to. Without objection, the committee amendment as amended is agreed to.

Mr. BINGHAM. Mr. President, I ask that the bill be read now for action on the committee amendments.

The PRESIDING OFFICER. The clerk will read the bill for action on the committee amendments.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 2, line 14, after the word "provided," to strike out the words "that at least 90 per cent of the officers in each grade below that of brigadier general, and at least two brigadier generals," and to insert in lieu thereof "that, in time of peace, the Chief of the Air Corps, at least two brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general," so as to make the provision read:

Provided, That, in time of peace, the Chief of the Air Corps, at least two brigadier generals, and at least 90 per cent of the officers in each grade below that of brigadier general shall be flying officers.

Mr. ROBINSON of Arkansas. Mr. President, what is the amendment under consideration?

Mr. BINGHAM. The first committee amendment on page 2, lines 14 to 19.

Mr. CURTIS. Mr. President, will the Senator from Connecticut yield to me to submit a unanimous-consent request?

Mr. BINGHAM. Certainly.

CODIFICATION OF THE LAWS

Mr. CURTIS. Mr. President, I have spoken to the leader upon the other side, the Senator from Arkansas [Mr. ROBINSON], to the Senator from Maryland [Mr. BRUCE], and other members of the Committee on the Revision of the Laws, and I ask unanimous consent for the consideration of the order which I send to the desk.

The PRESIDING OFFICER. The clerk will read the proposed order.

The legislative clerk read as follows:

It is agreed by unanimous consent that at the conclusion of routine morning business on to-morrow the Senate proceed to the consideration of House bill 10000, being a bill to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925, and that the same shall be considered until not later than 2 p. m. of said day.

The PRESIDING OFFICER. Is there objection?

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Kansas when he thinks we will have an opportunity to take up the calendar under Rule VIII?

Mr. CURTIS. I want to submit a unanimous-consent request to the Senator from Arkansas [Mr. ROBINSON] some time this afternoon for a session on Thursday night and also Friday night for the consideration of bills on the calendar. My intention is to ask a call of the calendar on Thursday night for unobjected bills, and then, if we finish before 11 o'clock, to take up the calendar under Rule VIII, and on Friday night for the calendar under Rule VIII. I am going to submit that request to the Senator from Arkansas this afternoon for his consideration.

Mr. ROBINSON of Arkansas. With respect to the proposed unanimous-consent agreement just submitted by the Senator from Kansas, the bill codifying the laws is a very important measure. There has been great necessity for codification, and I believe the measure ought to be considered, if possible, during the present session of Congress. I have no objection to the request of the Senator from Kansas.

Mr. McNARY. Mr. President, I should like to have the request reported.

Mr. CURTIS. It only runs until 2 o'clock. It does not interfere with the unfinished business.

Mr. McNARY. I did not hear it read at all, I will say to the Senator from Kansas.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

It was again read.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Is there objection? The Chair hears none, and it is so ordered.

AIR CORPS OF THE ARMY

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the pending amendment be reported.

The PRESIDING OFFICER. The clerk will report the pending amendment.

The LEGISLATIVE CLERK. On page 3, line 5, after the word "officers," insert "or as specifically recommended by the Chief of the Air Corps for longer detail or for permanent commission therein."

Mr. ROBINSON of Arkansas. Is that the committee amendment?

Mr. BINGHAM. It is the first committee amendment.

Mr. ROBINSON of Arkansas. I will ask the Senator to state the effect of the amendment. I have not been able to follow it very readily.

Mr. BINGHAM. On page 3 the committee amendment is in italic in lines 5, 6, and 7.

Mr. ROBINSON of Arkansas. But the other amendment was not agreed to. I want to make some observations on the other amendment.

Mr. BINGHAM. I have no objection to it being reconsidered. I do not understand the other amendment had not been passed on.

Mr. ROBINSON of Arkansas. That is where the confusion arose.

The PRESIDING OFFICER. The present occupant of the chair is informed that it had not been announced that the first committee amendment was agreed to.

Mr. ROBINSON of Arkansas. That is my understanding, so the pending amendment is found on page 2.

Mr. BINGHAM. So I understand.

Mr. ROBINSON of Arkansas. My understanding is that the effect of the Senate committee amendment as it is now written is to permit the Chief of the Air Corps and all of his assistants in the grade of brigadier general to be nonflying officers in time of war. Is that correct?

Mr. BINGHAM. That would be implied. It specifically provides that in time of peace they must be flying officers.

Mr. ROBINSON of Arkansas. If there is necessity for these officers to be flying officers in time of peace, it appears there is more necessity for them to be flying officers in time of war. The effect of the amendment would be to cause the Chief of the Air Corps and at least two or three brigadier generals of the Air Corps to be flying officers both in time of peace and

in time of war, in accordance with the amendment proposed by the Senate Committee on Military Affairs. I propose the amendment that I have just referred to, in line 16, to strike out the words "in time of peace," and in line 18, after the word "and," insert the words "in time of peace."

Mr. BINGHAM. Mr. President, I am unable to accept the amendment for this reason: The matter was considered by the committee, although in the absence of the Senator from Arkansas, and the committee unanimously recommended this wording. The reason for it, I believe, is that in time of peace it is perfectly possible to look ahead far enough to see that the time is coming when an appointment must be made and to look over the field and see that officers are trained and qualified for that appointment. In time of war this might not be possible. The Senator will remember that during the World War in France the Chief of Air Service was at one time Gen. Benjamin Foulois, the oldest flyer in the Army in length of time of flying service; in fact, I believe he was the first officer in the Army to fly. The commander in chief of the American Expeditionary Force in France, General Pershing, not being satisfied with his conduct of the Air Service, placed over him an engineer officer, General Patrick, and made him Chief of the Air Service, although General Patrick had not ever had anything to do with the Air Service. It was necessary under the emergency to select a man whom the general in command felt was the one person needed at that moment to straighten out the difficulties in which the Air Service found itself, and he did so. If such a provision as that contained in the amendment proposed by the Senator from Arkansas had been in existence at that time it would have been impossible for General Pershing to have made that change.

Mr. ROBINSON of Arkansas. Mr. President, I have already stated that the effect of the amendment which I propose will be to cause the Chief of the Air Corps and at least two of the three brigadier generals of the Air Corps to be flying officers in both peace and war, and it will not otherwise change the Senate committee amendment.

Mr. BINGHAM. But the Senator from Arkansas will realize that it will require the Secretary of War to appoint a flying officer Chief of the Air Service in time of war, even though he felt that in the emergency it was necessary to appoint some officer who was not a flyer.

Mr. ROBINSON of Arkansas. Does not the Senator from Connecticut believe, and does not the Senate believe, that the Chief of the Air Corps in time of war should be a flying officer?

Mr. BINGHAM. The Senator from Connecticut believes that it is always advisable, and in time of peace it is always practicable, to make the Chief of the Air Corps a flying officer, but in time of war it does not seem to the Senator from Connecticut that the hands of the President and the Secretary of War should be tied in the matter. An emergency might arise, as it did arise in the Great War.

Mr. ROBINSON of Arkansas. Of course, Mr. President, when we went into the Great War we had practically no flying officers. In 1916, when the Senate Committee on Military Affairs investigated conditions in the Air Service, there were only a very few officers who were able to fly. That condition does not exist now and never again will occur. In my opinion the Chief of the Air Corps ought to be at all times a flying officer, and at least two of the brigadier generals of the Air Corps ought to be flying officers. So I am going to ask for a vote on the amendment.

Mr. WADSWORTH. Mr. President, this is a matter that has been discussed at considerable length in the committee and in other gatherings. In my mind there can be no doubt that in time of peace, when the Army is living a normal peace-time existence, for the purpose of keeping up the morale of the Air Service and for insuring as well as possible its proper training, the Chief of the Air Corps should be a flying officer; and I assume that in 9 wars out of 10 the Chief of the Air Corps during those wars would be a flying officer; but, Mr. President, it is a very dangerous thing to tie the hands of the Commander in Chief by a statute which will prevent him selecting the man he deems best fitted to command a great branch of the Army in the presence of the enemy.

Theoretically, he should be a flying officer, and I venture to prophesy that in 9 cases out of 10 the President would select a flying officer; but let us remember that occasions have arisen in former wars, and they may arise in wars to come, where the ranking flying officers may turn out to be incompetent or not up to the standard required by the peculiar conditions which may confront the Army and the country in that war. In that event the law should not stand in the way of the President, the Commander in Chief, selecting the man who, in his judgment, is best fitted for the responsibilities and duties of the office.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. I yield for a question.

Mr. ROBINSON of Arkansas. Mr. President, the insertion of the amendment which I propose would not stand in the way of the Commander in Chief selecting an additional officer for Chief of the Air Corps. It is inconceivable to me that the Senator from New York should base an argument on the theory that the United States would be engaged in war with an incompetent, inefficient Chief of the Air Corps. If we are to enact and carry out legislation designed to promote the efficiency of the Army Air Service——

Mr. WADSWORTH. I yielded for a question. I should like to finish my own statement.

Mr. ROBINSON of Arkansas. I can not understand the basis for the argument that the Army Air Service should be under the control of flying officers in peace, but should be under the control of somebody who can not fly when fighting time comes.

Mr. WADSWORTH. I did not say it should be under the control of a nonflying officer in time of war. I said that we ought not to say to the President that he should not appoint the best man, in his judgment.

Mr. ROBINSON of Arkansas. And, in my judgment, by the adoption of my amendment we should not say that.

Mr. WADSWORTH. That is what the Senator's amendment means.

Mr. ROBINSON of Arkansas. I do not agree with the Senator from New York as to the effect of the amendment.

Mr. WADSWORTH. It proposes to strike out the words "in time of peace"——

Mr. ROBINSON of Arkansas. Yes.

Mr. WADSWORTH. With respect to the appointment and qualification of the Chief of the Air Service.

Mr. ROBINSON of Arkansas. Yes; but I would make the commander of the Air Service a flying officer both during peace and during war. That would be the effect of the amendment if adopted.

Mr. WADSWORTH. The Senator would do that if he were certain that he had the right officer; but if he felt that there were a better officer——

Mr. ROBINSON of Arkansas. The Commander in Chief would be able to place any flying officer in charge whom he desired to have in command.

Mr. WADSWORTH. But supposing he did not find one who met his desires?

Mr. ROBINSON of Arkansas. Such a supposition is so discreditable to the Army and to its organization that, in my judgment, it is not worthy of serious consideration.

Mr. WADSWORTH. It has happened many times.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to just another suggestion?

Mr. WADSWORTH. To another question?

Mr. ROBINSON of Arkansas. It is not a question. It is a statement.

Mr. WADSWORTH. Very well.

Mr. ROBINSON of Arkansas. To say that we are to spend millions and hundreds of millions of dollars in building up an Army Air Service and that we are to anticipate the probability or even the possibility that when fighting time comes we shall not have a flying officer capable of exercising command, is to discredit the service itself. That is all the statement I care to make.

Mr. WADSWORTH. Very well. We have had exactly this kind of experience in the past in more than one branch of the Army. A law has never been enacted in such terms as to deprive the Commander in Chief of his discretion in time of war with respect to the selection of responsible officers in any field of activity. At the outbreak of the last war there were found at the head of two very important branches of the service officers who, under the strain and stress of that immense emergency, could not keep up with the work. There was no qualification placed upon them that they should have been members of the respective corps.

There was, however, a provision in the statute that the chiefs of those branches should serve for a term of four years, and so the President was denied the opportunity and the right to relieve them of their offices, even though the Great War had overtaken us and it was found that they could not perform the duties. What happened? I venture to say that it cost the taxpayers of this country scores of millions of dollars because the President's hands were tied. He had to give those officers some other duty to perform and name acting chiefs of those two branches. He selected as the acting chief of one of those branches an officer who had never served in that branch,

but who turned out to be the greatest quartermaster general that this country has had in years. I refer to General Goethals.

The amendment of the Senator from Arkansas would by statute restore that same situation which the national defense act has attempted to get rid of, a situation in which the Commander in Chief finds his hands tied.

As I said a moment ago, I think in nine cases out of ten the Chief of the Air Corps in time of war would be a flying officer. We all thought when we went into the last war that the chief of every branch of the Army would be a member of that particular branch, but by the time the war ended we found that the Commander in Chief had deemed it wise and necessary to pick the best men in every instance, and in some instances he had to pick men who were not members of the branch at the head of which he placed them.

The amendment of the Senator from Arkansas simply says to the President of the United States, "No matter who is in the Air Corps at the time, no matter who is Chief of the Air Corps or who is assistant chief, no matter how inefficient they may turn out to be in the great strain of war, you can not appoint anybody over them," for the law would read, as it does now, that the Chief of the Air Corps must have had 22 years' commissioned service; but the Senator from Arkansas proposes that even in time of war he should have had that service practically all in the Air Corps. That eliminates all discretion from the Commander in Chief. No other branch of the service is treated in that way; and why make this distinction?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

The amendment was rejected.

The PRESIDING OFFICER. The question is now on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 3, line 5, after the word "officers" and the comma, to insert "or are specifically recommended by the Chief of the Air Corps for longer detail or for permanent commission therein," so as to make the proviso read:

Provided further, That hereafter in time of peace in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity to so qualify, the Secretary of War is hereby authorized to detail to the Air Corps officers of all grades and such officers shall start flying training immediately upon being so detailed, but hereafter such officers shall not remain detailed to the Air Corps for a period in excess of one year or be permanently commissioned therein unless they qualify as flying officers, or are specifically recommended by the Chief of the Air Corps for longer detail or for permanent commission therein.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. ROBINSON of Arkansas. Mr. President, I propose the following amendment: On page 3, line 3, after the words "excess of," to strike out "one year" and insert "two years," and in lines 5 to 7 to strike out the words in italics as follows:

Or are specifically recommended by the Chief of the Air Corps for longer detail or for permanent commission therein.

Mr. BINGHAM. Mr. President, I hope that the amendment offered by the Senator from Arkansas will not prevail. In the first place, it ought to be perfectly proper for the Air Service to say whether or not an officer detailed for the purpose of learning to fly could learn to fly within one year, so that there is no reason for changing one year to two years. In the second place, if the amendment proposed by the Senator from Arkansas were to prevail, and the portion printed in italics should be stricken out, it would be impossible for the Chief of the Air Corps to secure for permanent commission in the Air Corps high-grade men, deeply interested in aeronautics, able to learn a certain amount of flying but not sufficiently born fliers to enable them to do the higher forms of "acrobacy" to enable them to qualify as airplane pilots. They would then be forced out of the Air Corps and into some other branch of the service, when by remaining in it as part of the 10 per cent nonflying officers permitted in the Air Corps they would be able to render the very greatest service to that corps. The words in italics which the Senator from Arkansas has moved to strike out permit the Chief of the Air Corps to recommend their longer detail or permanent commission when he finds a highly desirable type of man unable to qualify as an airplane pilot. I hope the amendment of the Senator from Arkansas will not prevail.

Mr. ROBINSON of Arkansas. Mr. President, it is my thought that in time of peace every officer permanently commissioned in the Air Corps should, if practicable, be a flying officer, for that is the most efficient way to be prepared for war with our small peace-time Army. It is admitted by military authorities that the first action in any war in the future will be in the air, and the peace-time Air Corps should, therefore, be instantly available and effective in so far as Congress is able to make it so. The best way to accomplish this is for all officers permanently commissioned in time of peace in the Air Corps to be flying officers.

General Groves, an English officer, said:

War, if it should come again, will begin with an aerial phase which may in itself be decisive.

And Marshal Foch declared:

The potentialities of aircraft attack on a large scale are almost incalculable; but it is clear that such attack, owing to its crushing effect on a nation, may impress public opinion to the point of disarming the government, and thus become decisive.

In order, however, to provide for those few specialists who may be required under a nonflying status, the provision for their detail to the Air Corps should they not qualify as flying officers is changed in my amendment from one year to two years, in order to make more liberal the application of this provision.

I believe that the amendment should be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas, which is to strike out "one year" in line 3, page 3, and insert "two years," and disagree to the committee amendment.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment.

The amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 3, line 15, after the word "aircraft," to strike out "and who has flown in heavier-than-air craft a total of not less than 150 hours, 75 of which must be alone, or who has flown in lighter-than-air craft a total of not less than 100 hours and has successfully completed the course prescribed by competent authority," so as to read:

Wherever used in this act a flying officer in time of peace is defined as one who has received an aeronautical rating as a pilot of service types of aircraft—

And so forth.

Mr. ROBINSON of Arkansas. Mr. President, I propose the following amendment: Insert after the word "aircraft" in line 15 the following:

and who has flown in heavier-than-air craft a total of not less than 150 hours, 75 of which must be alone, or who has flown in lighter-than-air craft a total of not less than 100 hours and has successfully completed the course prescribed by competent authority.

And in line 21, after the word "observer," insert a colon and add:

Provided, That all officers of the Air Corps now holding any rating as a pilot shall be considered flying officers as defined by this act.

I will make a brief statement of the justification for the amendment, unless the Senator from Connecticut is prepared to accept it.

If it is desirable that Congress should define what it means by a pilot, we find in the bill reported to the Senate from the Naval Affairs Committee that a naval aviator or an aviation pilot is required to have to his credit 200 hours in the air, not less than 75 of which must be flown alone in aircraft, before he receives his rating. The conditions in the Army are such that the flying schools produce qualified pilots in about 175 hours' flying, of which approximately 100 hours are alone. This definition, then, does not cause any additional burden to be placed upon the Air Corps, but does insure that officers who are rated as pilots must be fully competent to act as combat flyers in event of an emergency.

We must have in time of peace all the combat flyers that can be procured. In time of war they will be our leaders in the air, and consequently their training must be nothing short of the minimum that years of experience at the flying schools has demonstrated to be necessary. In an emergency much shorter flying courses will, of course, be given; but such a procedure would not be warranted in time of peace.

The definition in the amendment proposed relates only to peace times. On account of the difficulties that might be encountered in locating the flying records of officers now rated as pilots in the Air Corps, it seems desirable that the provision that such officers be considered flying officers be inserted. These officers are generally of long experience in the Air Corps, with hundreds of hours of flying, and in many cases with distinguished war records.

The PRESIDING OFFICER. The Chair understands that the Senator from Arkansas desires to disagree to the amendment of the committee striking out certain language, and then, after the word "observer," in line 21, to insert a proviso.

Mr. BINGHAM. That is the effect of the amendment offered by the Senator from Arkansas—to disagree to the committee amendment, and then in line 21 to add certain words after the word "observer."

Mr. ROBINSON of Arkansas. Yes; that is right.

The PRESIDING OFFICER. The Chair wanted to understand it.

Mr. BINGHAM. Mr. President, I hope the amendment of the Senator from Arkansas will not prevail.

In the first place, this business of saying that a flying officer in time of peace is a man who has flown in heavier-than-air craft a total of not less than 150 hours implies that flying is a mechanical thing, in which, if you take a certain number of hours of it, just as though you took a certain number of hours of a course in college, you have a certain amount of ability. The Senator knows that flying comes very easily to some men and very hard to others. In my own experience I have known a man to be able to fly alone at the end of only four or five hours of instruction, whereas another man could not fly alone until he had had 30 hours of instruction. Some people seem to be born with the ability to learn to fly very soon, and it ties the hands of the Chief of the Air Corps and of the Secretary of War to limit it to men who have flown not less than 150 hours.

Furthermore, with regard to the words which the Senator proposes to insert, "75 of which must be alone," the Senator must realize that flying alone is a matter which concerns chiefly only one kind of pilot of the four kinds that the Army recognizes.

In the Army we have attack aviation, pursuit aviation, observation, and bombardment. The pursuit aviator is the only one who flies alone. The attack aviator usually has a man at the back seat to defend him from attack. The observer, the man flying an observation plane, always has an observer in the back seat, and the bomber nearly always has one, two, or sometimes three others in the plane. A trained bombing pilot of long experience has practically never flown alone, except for the few hours at flying school, when he was doing his preliminary training. In the same way, a man with long experience as an observation pilot would never have flown alone, but always with an observer, and to retain this language which the committee struck out, and which was put in on the floor of the House without much consideration, it seems to me to be very unfortunate.

I hope the amendment will not prevail.

The PRESIDING OFFICER. The question is on the committee amendment striking out after the word "aircraft," in line 15, page 3, to the word "authority," in line 20.

The amendment was agreed to.

The PRESIDING OFFICER. Now, the question is on the amendment in lines 20 and 21, striking out the word "one" and inserting "an officer."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Arkansas, which will be stated.

The LEGISLATIVE CLERK. On page 3, line 21, after the word "observer," it is proposed to insert a colon and the words:

Provided, That all officers of the Air Corps now holding any rating as a pilot shall be considered flying officers as defined by this act.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 4, line 4, after the word "President," to strike out: "and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section."

Mr. KING. Mr. President, I was necessarily absent from the Chamber when this bill was brought up for consideration. It is a very important bill, and unless the Senator has explained it—and if he has I shall pretermit making any inquiry—I should be very glad if he would state the cost of this to the Government and the additions in the personnel, not only in officers but in the subordinate personnel, that it will entail.

Mr. BINGHAM. Would the Senator be willing to postpone his question until we reach the five-year Air Corps program?

Mr. KING. Yes.

Mr. BINGHAM. Then I shall be very glad to comply with his request.

Mr. ROBINSON of Arkansas. Let the amendment be restated.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

Mr. ROBINSON of Arkansas. Mr. President, I wish the Senator from Connecticut would state what it is the purpose of this amendment to effect, as he understands it.

Mr. BINGHAM. There is no reason for the words stricken out, and, as a matter of fact, the use of the words "this section" makes the provision apply only to the changes in requirements for flight pay in this section, whereas there is another section in the national defense act, which the Senator will find amended a little later on in this bill on pages 6 and 7, to which it should also apply. The committee believed that there was no necessity for the words; that they were simply unnecessary verbiage.

Mr. WADSWORTH. It is all covered in section 5.

Mr. ROBINSON of Arkansas. What changes are carried in the House provision?

Mr. WADSWORTH. No changes with respect to flying pay are made by the Senate committee in the House section.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 4, line 8, after "1929," to insert "and in time of peace," so as to read:

On and after July 1, 1929, and in time of peace, not less than 20 per cent of the total number of pilots employed in tactical units of the Air Corps shall be enlisted men, except when the Secretary of War shall determine that it is impractical to secure that number of enlisted pilots.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to strike out:

Enlisted men of all grades in the Air Corps who have demonstrated their fitness and shown that they possess the necessary technical qualifications therefor and are engaged upon the duties pertaining thereto may be rated as air mechanic, first class, or air mechanic, second class, under such regulations as the Secretary of War may prescribe. Each enlisted man while holding the rating of air mechanic, first class, and performing the duties as such shall receive an increase of 40 per cent of the pay of his grade, and each enlisted man while holding the rating of air mechanic, second class, and performing the duties as such shall receive an increase of 20 per cent of the pay of his grade: *Provided*, That such number as the Secretary of War may determine as necessary, not to exceed 14 per cent of the total authorized enlisted strength of the Air Corps, shall be rated as air mechanics, first class, or air mechanics, second class, and that the number of enlisted men rated as air mechanics, first class, shall be to the number of enlisted men rated as air mechanics, second class, approximately in the ratio of 1 to 2.

Mr. ROBINSON of Arkansas. Mr. President, that was the amendment that I had in mind when I asked the Senator from Connecticut to make his statement.

Mr. BINGHAM. The amendment at the bottom of page 4?

Mr. ROBINSON of Arkansas. Yes; commencing at line 13.

Mr. BINGHAM. Does the Senator desire to have the committee amendment rejected?

Mr. ROBINSON of Arkansas. Yes.

Mr. BINGHAM. Does the Senator wish to give his reasons for that desire?

Mr. ROBINSON of Arkansas. I shall be very glad to do so. I thought the Senator might feel disposed to explain the reasons which prompted the committee to propose the amendment. If he prefers not to do so, however, I will make my statement at this time.

Mr. BINGHAM. The Senator has no objection to doing so.

The reasons can be briefly stated. This provision in the House bill changes the entire policy of the Army and Navy. It is based on the theory that an able mechanic in the Army or in the Navy or in any one of the special branches thereof should be given pay corresponding to the pay of mechanics of his ability in civil life. It is to prevent the man in civil life who is running a factory or a machine shop from being able to attract mechanics out of the Army by offering them the higher pay given in civil life. In the Army they get less pay.

The House provision which the Senate committee struck out would permit an airplane mechanic to receive a very high rate

of pay. It would permit the airplane mechanic of great ability and of high standing, and also performing flying duty, as most of them do, to receive a pay greater than that of a captain in the Army. Furthermore, if it should be applied in the Air Service, it would have to apply in the Signal Corps and the other technical branches of the Army. It would also have to apply in the Navy. Personally, it seems to me that the Army should be a school of training for enlisted men, and that it should not endeavor to keep men in the standing Army all of their lives and compete with men in civil life. It seems to me that if a man learns a good trade in the Army, and can get a good job out of the Army, it is to the advantage of the Government that he be permitted to be enticed out of the Army by that higher pay and to go into civil life, for the reason that when we get into war he may then be called back to the colors to serve in the Army, as he would be likely to do and would be inclined to do. This provision, however, would tend to solidify and stratify the Army by keeping mechanics in it for a long period of time, and giving very few others that training in the Army which these mechanics receive. It is a matter which, while not involving a great deal of additional expense so far as the Army Air Service is concerned—perhaps only two or three hundred thousand dollars additional per annum—would, if it were applied, as it ought then to be applied, to the technical branches of the Army and of the Navy, involve a very considerable expense and a complete change of our national policy.

Mr. ROBINSON of Arkansas. Mr. President, the subject matter of this provision in the bill which is stricken out by the committee is of considerable importance, and many difficulties are undoubtedly associated with it. The Air Service has experienced great difficulty in retaining efficient mechanics. As stated by the Senator from Connecticut, they are constantly being taken out of the service into more profitable civilian employment. The loss to the Air Service is so serious as to be one of the possible causes of casualties to flying personnel.

It is of first importance that efficient mechanics be secured and retained. The possible consequences of having mechanics who are not of the highest type and who are not capable of rendering the best service possible can readily be conceived. Consequently, it is urgent that Congress provide some recognition for the skill and ability of enlisted men maintaining aircraft. The granting of ratings as air mechanics, first class, with a 40 per cent and 20 per cent increase in pay, respectively, although not meeting the high rates of pay offered in civilian occupations, is believed to be a corrective measure, helpful in the present situation.

The select committee of the House which investigated the operations of the Air Service found a decided necessity for providing an adequate number of competent mechanics with proper pay. Their recommendation is:

> That additional compensation necessary to secure an adequate number of competent mechanics to maintain aircraft in efficient operation be provided; that such mechanics should be relieved of routine military duty.

The provision, as passed by the House, is the wording submitted by the War Department to take care of this situation. The Secretary of War, when appearing before the committee, stated:

> I think it is important that some plan be worked out by which mechanics can be paid an adequate sum in the Air Service. * * * I think that this is particularly important, however, in the Air Service, where the safety of the fliers themselves depends upon having experienced mechanics.

That is found on page 45 of the hearings held on May 10, 1926.

The additional cost of this House provision, which the Senate committee proposes to strike out, will be, as stated by the Senator from Connecticut, something like $250,000 annually.

It will increase, with the program contemplated by the bureau, to approximately $500,000. But it is believed that this additional cost will be saved several times over by the preservation of valuable property, the reduction in the loss of lives, and the decrease of schooling, recruiting, and administration entailed in constantly securing replacements for men who find it more attractive outside of the Army.

The Deputy Chief of Staff appeared before the committee and suggested that the air mechanics' ratings be limited to the sixth and seventh grades and that they receive the pay of the second and third grades, respectively. That is found on page 85 of the hearings, May 10, 1926.

This Senate committee amendment appears as an economy, at first glance, but in fact it would cost more than two and a half times as much as the House provision. With an increase of air mechanics and a decrease in noncommissioned officers the cost of this provision will also decrease. It is believed that this will be a logical consequence of the administration of this proposed legislation.

This language is simply an authorization, not in any sense mandatory, as in line 16, page 4, the provision is "may be rated."

If the President decides this provision will cost too much, he need only direct the Secretary of War to make the necessary limitation. It seems to me desirable to establish the principle of air mechanics' ratings now and, of course, the execution of these ratings will have to wait upon appropriations. In view of the fact that the Secretary of War recognizes the importance of this matter, it is suggested that the provision for rating enlisted men as paid mechanics be retained in the bill.

I do not know that I can add anything further to the discussion. It is a question which the Congress must determine. It does seem to me that some arrangement ought to be effected for securing and keeping first-class mechanics in the service. I can not think of any more disastrous policy than that of imperiling the lives of the men who fly by placing their equipment under the supervision of incompetent mechanics or of mechanics who are not thoroughly tested and trained.

I do not think that the difference in cost justifies striking out this provision. It does seem to me that it is a meritorious proposition and that it should be retained in the bill if we are in good faith trying to make the Army Air Service highly efficient.

There has been a strange and, to me, unaccountable indifference in military circles to the necessity for efficiency in the air. In 1916, after the war in Europe had been in progress for almost two years, and after it had been demonstrated that this new arm of military service was destined to become of first importance, the United States was doing little or nothing, the Army was making little advancement in the organization, training, and equipment of an efficient Air Service.

It was disclosed before the Military Affairs Committee of the Senate that the officer in charge, who was himself not a flying officer, instructed the commandant of the flying school at San Diego, Calif., to make up and furnish the Chief of the Signal Corps, General Scriven, with a false list of flyers. He said, "Give him a list. It does not matter whether they can fly or not. General Scriven will never know, but make up and furnish him with a list of flyers."

So a false list was furnished to the officer in charge of the Signal Corps and in charge of the flying service, and he, not being a flying officer, and himself perhaps not realizing the constantly growing importance of efficiency in the air, came away from the flying school with the belief that there were numbers of men at San Diego who were capable of flying, when the number of actual flyers was limited to less than a half dozen.

If we want an efficient Air Service, we ought to give to the men who fly the confidence and security that comes from the knowledge that the men who are handling their machines, the mechanics who test them and who supervise the repairing of them, are the very best to be found. We should not hesitate to make this arrangement because it costs $250,000 or $500,000 a year more than the provision which the Senate committee seeks to have incorporated in the bill.

If we are ever going to wake up to the value of a strong and efficient Air Service, the dawn has come, and we ought to become aroused. There is a half-heartedness about building up and strengthening and making efficient the Air Service that is to me unaccountable. It is to be found in military circles and it is to be found in the Congress, in one branch of it, at least.

I do not wish to give undue importance to this feature of the proposed legislation, but it occurs to me that we should not be niggardly in making provision for first-class mechanics, and I suggest to the Senate that unless it is going to follow throughout the recommendations of the very powerful committee in charge of this bill, the Military Affairs Committee of the Senate, it ought to reject this amendment and stand by the House provision.

The committee that has jurisdiction of this subject in the body at the other end of the Capitol has given close and prolonged study to these questions, and they inserted this provision in the bill after hearings upon the question and after considering every phase of the controversy. I do not want it stricken out merely because somebody in the War Department, and the Senate Committee on Military Affairs reflecting the

views of some one in the War Department, has proposed to strike it out. I want the question determined on its merits.

Mr. WADSWORTH. Mr. President, it may be interesting to Senators who are good enough to stay here and listen to this discussion to know some of the features of the pay schedule applicable to enlisted men in the Army.

A man of the first grade whose military title is that of master sergeant at the end of 16 years of service draws monthly $151.20. He also gets all his food, all his clothing, his shelter, and medical attention. If he is not housed in public quarters he draws a rental allowance for himself and family. So the $151.20 is net to him over and above normal living expenses.

Let us take a master sergeant in the Air Service. If he is a flyer—which he can be under the existing law, and which he is encouraged to be under a certain provision of this bill—he will get 50 per cent added to that, which is $75, in round figures, giving him $225 a month.

The amendment which the Senator from Arkansas has been discussing would authorize the War Department to add another 40 per cent on to that, giving him something like $60 more. I am not so quick at figures, Mr. President, but in that event the man would receive more pay than a captain in the line of the Army. He would get considerably more pay than a first lieutenant and a great deal more pay than a second lieutenant.

It may be said that these air mechanics' ratings would not be given to the enlisted men in the upper grades who draw the high base pay with their longevity pay added, but the fact is that a considerable percentage of the mechanics now in the Air Service, whom the War Department want to keep, are in the upper grades. The way it is proposed to keep them in is to give them more pay than is given to an officer.

I am not quite so pessimistic about the condition of the Air Service as is the Senator from Arkansas. I think man for man we have the most efficient Air Service in the world to-day. Our men hold more records than those of any other national service for speed, endurance, and height. If my information is correct in recollecting as I think I do the testimony of General Patrick himself, the reduction achieved in recent years in casualties resulting in death per thousand of hours flown has been extraordinary and the number of casualties per thousand hours flown by the Army Air Service is going down on the whole steadily.

The Senator from Connecticut may correct me if I am wrong, though I think I am right, in saying that the figures now show that the men in the Army Air Service fly in greater safety judging by the number of accidents per thousand hours flown than the men in any other army air service. So there is no crisis facing the Army Air Service in respect to the maintenance of the machines in good repair. The records show that the machines are kept in very good repair. The records show that many of these men leave the service after they have become trained mechanics. That is true in every branch of the Army. It is true in the Signal Corps. The Signal Corps has extraordinarily technical work to do. The members of the Signal Corps personnel have to run radio outfits. The enlisted men of the Signal Corps have to know how to set up radio instruments—both sending and receiving sets—and know all about their construction and operation. It is perfectly true, as Signal Corps officers have testified before the Committee on Appropriations, that almost as fast as we train men to be expert radio operators in the Signal Corps some private corporation hires them away after their term of enlistment has expired.

There is just as much reason for increasing the pay of men in the Signal Corps as there is in the Air Service. In this same connection it will be found that it is true in the Ordnance Department, where the men are trained to handle high explosives and know a good deal about chemistry, and in the Chemical Warfare Service. If anyone will go to Edgewood Arsenal and see the enlisted men working there under the most difficult circumstances and with far greater threat to their lives or health than the enlisted men in the Air Service contend with, they would see instantly that if it is to be done for the Air Service it will have to be done for every other branch of the service, for the rest of the Army, and for all the Navy. There is a naval aviation bill pending to bring about certain reforms with respect to naval aviation, but there is no such provision in it as this for the mechanics in naval aviation. They have not asked for it, or if they have the committee have not given it to them and they have no testimony on that subject. It is perfectly true the Secretary of War did say that he hoped some scheme could be worked out to enable the Army to have a rating on which it could put its good mechanics. It was a general observation, and when he appeared before the Committee on Military Affairs he could not help seeing the extraordinary figures of pay which would result from the adoption of this amendment giving pay to an enlisted man which would amount to double that given a second lieutenant.

We simply can not do it. We have to work out some other way. Once we change the pay schedule in one branch of the service, either by creating a new rating in the branch alone or by raising the pay of the existing ratings in the branch alone, we upset the pay through the whole service, and Congress will be bombarded from then on to have all the other branches and the Navy and the Marine Corps and the Coast Guard brought in and given the same pay or higher schedules, either by an increase of rating or increase in the amount of money paid. We can not pick one group of men out of the military service and say to them, "We will give you more pay than your first lieutenant gets, but we will not do it for anybody else." It is an impracticable proposition, and I venture the assertion again that there is no crisis facing the Air Service which demands that it be done. The Air Service, while it has its difficulties just as the other branches have in keeping mechanics, is going along pretty well.

Mr. BINGHAM. Mr. President, suspecting that the argument used by the Senator from Arkansas [Mr. ROBINSON] might come up during the debate, I had placed upon the wall some days ago a chart showing the military airways established by the Army Air Service since June, 1922, together with the proposed extensions under the program now before us. The most interesting thing about the chart, to my mind, is the safety of this flying, notwithstanding the fact that the Army flies over these military airways every week several thousand miles, and in the course of the year more than 300,000 miles. This flying must be done every week regularly, in winter and in summer, and is not always done by experienced pilots who know the route but by officers on a duty list. A great many different officers get the assignment in the course of the year. But notwithstanding these facts, and notwithstanding the fact which the Senator from Arkansas so ably brought out that our Air Service mechanics are not as well paid as mechanics in civil life, the miles flown since June, 1922, up to last week, when the map was put up, amounted to 1,085,453, and in all that time there has been only one fatality. Up to last December about 1,000,000 miles had been flown with no fatality. It also should be borne in mind that the planes used are the old Army D–H 4's, which have been so frequently referred to in the public press as "flying coffins," "flaming coffins," and other delectable terms. They have been using the very same planes over the military airways across country, facing all the dangers of unfavorable weather conditions and the varying conditions of the terrain over which the flying is taking place, and only one life has been lost in over a million miles flown. That is a safer and better record than the railroads of the country can show. There, I am informed, the passenger-miles per fatal accident are something under 1,000,000 miles.

The Army Air Service naturally wants to keep its best mechanics, but I submit we are on the verge, now that the air commerce bill has become a law, of an increase and expansion in commercial aviation. I believe that commercial aviation is the foundation of aviation for the national defense. We desire commercial aviation to be a success. We know that commercial aviation can not be a success unless the civilian companies can get adequate mechanics. If we put the pay of mechanics in the Army up to such a prohibitive point as is proposed, and make it almost impossible to hire mechanics out of the Army, we make it just that much more difficult for commercial aviation to be successful. As the Senator from New York has pointed out, this would be a change in the national policy. It would make it necessary to have this increase in the Navy. We could not increase the pay of every air mechanic in the Army and not make a similar increase in the other branches. We make it necessary to increase the pay of the specialists in the other branches of the Army. For these reasons I hope the amendment of the Senator from Arkansas will not prevail.

Mr. ROBINSON of Arkansas. Mr. President, I am, of course, delighted to see the progress that is being made and that is contemplated in commercial aviation, but I do not feel called upon to deny to the Army Air Service sufficient mechanics in order that some may go out of the Army Air Service and accept civilian employment.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BINGHAM. With regard to civilian employment, the Senator realizes that our Air Service follows a different policy from the British air service in regard to its major repairs. In the British Army all the major repairs on an airplane which go to make it safe fundamentally are done by enlisted

men and frequently not done as well as if done by trained civil mechanics. But in our Army the great repair depots, where we do our fundamental repairing, our general overhauling, use civilian employees. The mechanics who are employed in rebuilding and in repairing and in general overhauling our airplanes and airplane motors are at the present time civilian mechanics on a civilian pay basis. Only those mechanics who are engaged in maintenance jobs from day to day are in the enlisted service.

Mr. ROBINSON of Arkansas. The statement made by the Senator from Connecticut is true, and at the same time it is to my mind of first importance that the best mechanics reasonably procurable be kept at that work. It is interesting and gratifying to know that the progress being made in Army aviation is minimizing danger and reducing the number of accidents that have occurred among the flyers. But certainly no one will contend that that is justification for relaxing the utmost vigilance pertaining to the subject. I am proud of the present personnel of the flying service in both the Army and the Navy. I think it is true that we have the greatest flyers to be found. I want to throw about them every possible protection and security in order not only that their lives may be safeguarded but that others who are capable may be encouraged to enter the service.

I do not know that any profit would result from a prolongation of the discussion. I shall insist upon a vote upon the Senate committee amendment.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 6, to strike out section 5 in the following words:

SEC. 5. Air sections of the General Staff: That section 5 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, be, and the same is hereby, amended by adding the following paragraph at the end thereof:

"There is hereby created in each of the divisions of the War Department General Staff an air section, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division."

Mr. ROBINSON of Arkansas. Mr. President, I believe that the language of the House text should be retained, that the committee amendment be rejected, and I therefore desire to perfect, if I can, the House provision before the committee amendment is acted upon. I propose to insert at the beginning of line 12, page 6, the words "until July 1, 1934."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 12, insert the words "until July 1, 1934," so the paragraph would read:

Until July 1, 1934, there is hereby created in each of the divisions of the War Department General Staff an air section, the duties of which shall be to consider and recommend proper action on such air matters as may be referred to such division.

Mr. ROBINSON of Arkansas. The Aircraft Board, of which the Senator from Connecticut was a brilliant and helpful member, among other things, made this declaration:

It seems desirable to give to aviation some special representation on the General Staff.

Omitting a portion of the language, and continuing:

We therefore recommend that the Secretary of War create, administratively, in each of the five divisions of the War Department General Staff an air section.

Then omitting other language from the report, and continuing further on:

This plan may seem inconsistent with one of the fundamental principles of the General Staff, namely, that no member represent any particular service. We think the good to be gained, however, justifies departure from the general rule.

I do not know just how far the Senator from Connecticut is willing to go in repudiating the report of the Aircraft Board in order to justify the proposed action of the Senate committee in this matter, but I call the Senator's attention to the fact that the retention of the language inserted in the House and the incorporation of the amendment which I have suggested will be in substantial conformity to the recommendation of the President's Aircraft Board.

Since the organization of the Army Air Service as a separate branch in 1920 there has been a very small number of officers who have completed the course at the Army War College and thus become eligible for assignment to the War Department General Staff; in fact, the representation on the staff has never exceeded three Air Service officers, although the proportion for the Air Service is much higher. There are 93 officers, I believe, on the War Department General Staff at present; three of these are from the Air Service; three more will be detailed during the present calendar year. It seems, however, that by July 1, 1934, a sufficient number of Air Corps officers will be graduated from the Army War College to make available a sufficient number eligible for the War Department General Staff, so as to give the Air Corps its proper representation. Until that time the creation of air sections in the General Staff is required to take care of the situation, and it is believed this matter should be given legislative status until the Air Service stands on a comparatively equal footing in this respect with other branches of the Army.

I do not know, but it may be that the Senator will accept the suggestion and approve of retaining the provision.

Mr. BINGHAM. Mr. President, I trust the motion of the Senator from Arkansas will not prevail. His reflections on the Senator from Connecticut having changed his position since he signed the report of the President's Aircraft Board show that in depending upon the notes which he is using at the present time he is overlooking the fact that the War Department has already issued an order tending toward the carrying out of the recommendation made by the President's Aircraft Board. The board did not recommend any legislation in this regard. As a matter of fact, the organization of sections in the General Staff is not statutory; it is under Executive order and under the orders of the Secretary of War. As soon as the President approved the recommendations of the Aircraft Board, the Secretary of War started in to make provision to carry out this particular recommendation which the Senator from Arkansas has so earnestly urged and which he would like to see embodied in the statute.

As a matter of fact, Mr. President, the theory of the General Staff is not that an officer should be brought in from the Infantry to handle Infantry problems in the General Staff. That was, perhaps, the original theory, but when two or three fairly young Infantry officers of field grade were brought into the General Staff to pass on Infantry problems, and the Chief of Infantry, a major general, discovered that his recommendations were being passed upon by three or four junior officers in his own corps, who were overruling his recommendations, he did not like it, and protested against it. Consequently, that was changed, and officers were brought into the General Staff after being trained at Leavenworth and in the Army War College and assigned for general duty without regard to the branch to which they might belong.

However, in view of the very recent organization of the Air Corps, the youth of the officers in it, and the necessity of their spending a great deal of time in specialization, it is true that they had not had time to qualify for the General Staff. There were only two or three officers in the whole Air Service who were qualified for positions on the General Staff. It was also felt that there was a certain amount of jealousy among the other branches; that there was a certain amount of hard feeling, so that the recommendations of the Chief of the Air Service did not get quite that sympathetic attention from the General Staff that they deserved. The Chief of the Air Service said to the president of the Aircraft Board that the Air Service was treated like the stepchild of the Army. Consequently the Aircraft Board recommended that an Executive order be issued to provide that there should be aviation sections in the General Staff.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. What is the objection to requiring by statute the action which the Aircraft Board recommended be taken by Executive order? What is the reason for insisting upon this being accomplished by Executive order? I do not know, or if I did it has escaped me, that the order had been issued to create these air sections. I knew that it had been recommended that this be done; but I ask again if it is proper that the recommendation be made to the Secretary of War, why should not the Congress direct him to create these air sections? Why justify or base such action solely on an Executive order rather than upon a statute?

Mr. BINGHAM. I am glad the Senator from Arkansas has asked that question, because it brings out this fact: It is believed by those who have studied the matter most thoroughly that the first person who will object to the carrying out of this order will be the Chief of the Air Service. The Chief of the Air Service, a major general, when he finds his recommendations which have to be passed on by the General Staff are turned down by young men in his own corps, whom he has put there, is likely to be the first person to object to the system as

it works out. To place this provision in the statute is merely to freeze the situation and make it impossible of adjustment. It is believed that in the course of time, as the Army becomes more and more accustomed to aviation, as it is possible to aerify the General Staff instead of to suffocate it, as some people have proposed, by taking all aviation out of the Army, it will not be necessary to have this provision; but so long as it is necessary we believe that the Secretary of War will carry it out; and he actually is carrying it out. To put it in the statute would make a very unfortunate situation, for the statute does not require sections for any other branch of the Army and does not direct how those sections shall be filled or with what personnel they shall be filled.

Mr. ROBINSON of Arkansas. Mr. President, I merely want to say that that answer is to me entirely inconclusive of the issue. The Senator insists that the recommendation of the Aircraft Board is a proper one; he implies, if I understood him correctly, that the Air Service has not had necessary and just representation on the Army General Staff. Now, who is responsible for that condition? How does it happen that that is the case, and why should it be left to the authority that is responsible for the failure to give the Air Service proper representation to carry out the arrangement? It seems to me, if it is admitted that an air section should be created, that it is advisable to do so by statute.

Mr. BINGHAM. Mr. President, may I call the attention of my distinguished friend from Arkansas to the exact words of the recommendation of the Aircraft Board on page 20 of their report:

> We therefore recommend that the Secretary of War create administratively in each of the five divisions of the War Department General Staff an air section—

And so forth.

Mr. ROBINSON of Arkansas. I myself read that.

Mr. BINGHAM. But the Senator has been arguing as though the board recommended that legislation be passed to that effect.

Mr. ROBINSON of Arkansas. No; I do not think so; if I have I have been unfortunate in my explanation. I have insisted, and still insist, that the President's Aircraft Board recognized the necessity for better representation of the Air Service on the Army General Staff. I read the very language just quoted by the Senator from Connecticut to establish that fact; and it was suggested by me, in view of the conditions that exist, and in view of the fact that they are due to the failure of those in authority in the War Department to give the Air Service proper representation on the General Staff, that it would be well for the Congress, in dealing with the subject, to deal with it in a mandatory way rather than in a permissive way.

Mr. BINGHAM. Mr. President, I should be very glad to accept the suggestion and motion of the Senator from Arkansas, were it not for the fact that the Secretary of War has not disregarded the suggestion of the President's Aircraft Board, but has actually taken steps to put that recommendation into effect. I hope the amendment will not prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the House text.

The amendment was rejected.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment.

Mr. ROBINSON of Arkansas. Mr. President, I do not understand if the House provision is to be retained that there is serious objection to the insertion of the words "until July 1, 1934." I think the House text should be perfected by the incorporation of those words, and then that the vote should be taken on the amendment as amended.

The PRESIDING OFFICER. The Chair will put the question again on the amendment of the Senator from Arkansas to the text of the House bill.

Mr. BINGHAM. Mr. President, a parliamentary inquiry. Should not the question be put on the amendment proposed by the committee striking out section 5?

The PRESIDING OFFICER. The Senator from Arkansas desires to perfect the House text before the question comes on striking it out. The question is on the amendment of the Senator from Arkansas to the House text.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment striking out section 5.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 5, line 16, after the words "limited to," to strike out "one grade" and insert "two grades,"

Mr. BINGHAM. Mr. President, when another occupant was in the chair, and another reading clerk at the desk, section 3 was entirely changed by an amendment which was adopted earlier in the afternoon.

The PRESIDING OFFICER. The clerk has that amendment. The amendment, however, just stated, as the Chair understands, is not covered by the change already made.

Mr. BINGHAM. The Senator from Connecticut begs the Chair's pardon.

The PRESIDING OFFICER. The question is on the amendment reported by the committee on page 5, line 16, striking out the words "one grade" and inserting the words "two grades."

Mr. KING. Mr. President, I inquire whether that amendment is for the purpose of creating two higher ranks instead of one, or of elevating all automatically in the lower grades two grades more?

Mr. BINGHAM. No, Mr. President; I will say to the Senator that it provides merely for what we do now when we take a lieutenant colonel of Cavalry and appoint him temporarily brigadier general, Assistant Chief of Cavalry, or when we take a colonel of Infantry and appoint him temporarily major general, Chief of Infantry. It permits the temporary appointment to be two grades instead of only one grade. This has been the practice for a long time with regard to temporary appointments.

Mr. KING. I ask for information, are those only temporary appointments?

Mr. BINGHAM. They are only temporary.

Mr. KING. And the officers are relegated, then, to the lower grades after the occasion for the temporary advancement has passed?

Mr. BINGHAM. Certainly; they go back to their regular grades as soon as they cease to do the work for which they have been given the temporary grade; or, to reverse it, as soon as they are given another position which does not, in the opinion of the Secretary of War, require that grade, they revert to their regular grade. The situation, as the Senator will realize, is that, due to the youth of many of the officers in the Air Service, we have lieutenants attempting to command squadrons; we have majors attempting to command enormous schools which in the Infantry or the Cavalry would be commanded by a brigadier general. This proposal will enable them to accomplish their duties better than they otherwise could. It so happens, due to the psychology of human nature, that very often a poor captain with the title of captain can command a company better than a good lieutenant who has only the title of lieutenant.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, has the amendment on page 8 been agreed to?

The PRESIDING OFFICER. The clerk advises the Chair that that amendment was modified and agreed to.

Mr. BINGHAM. Mr. President, I desire to offer another amendment on page 5.

The PRESIDING OFFICER. The Senator from Connecticut offers an amendment, which will be stated.

The CHIEF CLERK. On page 5, line 21, it is proposed to strike out the words "such assignment" and to insert in lieu thereof the words "the duty requiring the increased rank," so as to read:

> Unless the Chief of the Air Corps certifies that no officers of suitable permanent rank are available for the duty requiring the increased rank.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, what was done with the amendment on page 8, beginning on line 21, and going down to line 8 on page 9? Was that agreed to? We had it up once before, and I made some inquiry with reference to it, and the name of Colonel Hall was mentioned.

I know Colonel Hall very well. He is a splendid man, and has a splendid record. He is from my State. He is a great man, a graduate of West Point. He went to France and became eligible for promotion, and has been promoted time and time again, until now he is a colonel. I do not want him put in any position that he is not capable of filling. I know nothing about his efficiency or the efficiency of Colonel Anybody Else; but it seems to me that if we strike out the word "shall" and insert the word "may" it will give some discretion.

I hope the Senator will accept that amendment. It would not make any particular change, except that the language would not be quite so drastic.

Mr. BINGHAM. Mr. President, there is nothing in the section, the way it reads, that would prevent the President or the Secretary of War from selecting Colonel Hall, as has been suggested by the Senator from North Carolina.

Mr. OVERMAN. I am not advocating Colonel Hall for this place, except that I said that striking out this language and putting in the provision suggested by the committee looks like legislating against somebody and for somebody, which the Senator would not agree to, I think.

Mr. BINGHAM. In merely increases the number of officers from whom selection may be made. Colonel Hall has had more than 15 years' standing, and so could be selected perfectly well under that amendment; but if the Senator's amendment should prevail and the word "shall" should read "may," it would then be possible for the Secretary of War or the President to select officers of less than 15 years' commissioned service.

Mr. OVERMAN. No; then it would read:

Any appointment as Chief of the Air Corps may be made from among officers of any grade of not less than 15 years' commissioned service.

I do not see why the Senator will not accept the amendment.

The PRESIDING OFFICER. The Chair understands that this amendment has been agreed to.

Mr. OVERMAN. Then it would have to be reconsidered in order to permit that change.

Mr. ROBINSON of Arkansas. I ask unanimous consent that the vote whereby the amendment was agreed to be reconsidered, and that it go over until to-morrow.

Mr. BINGHAM. Can we not settle it now?

Mr. ROBINSON of Arkansas. I do not think so. There are one or two other matters involved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the vote whereby this amendment was agreed to will be reconsidered; and the amendment is pending. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 9, after line 10, to strike out:

SEC. 8. Encouragement of commercial aviation. For the purpose of encouraging the development of commercial aeronautics in the United States, its Territories and its possessions, the Secretary of War is authorized to make available War Department facilities for aviation and to cooperate with the owners or operators of private or commercial aircraft, under such regulations as may be prescribed by him. This cooperation may include, in emergencies, the sale at cost, plus 10 per cent, of fuel, oil, equipment, and other necessary supplies and the furnishing, at rates to be determined by him, of services and temporary storage space. All money received under the provisions of this section shall be paid into the Treasury of the United States, and an amount equivalent to the amount received shall be credited to the current appropriation or appropriations from which the property sold or services rendered was authorized to be supplied at the time of the transaction, and such credits to appropriations shall be available for expenditure throughout the current fiscal year and the fiscal year following.

Mr. WADSWORTH. Mr. President, I think there is a little confusion. We have reconsidered the vote whereby the amendment commencing at the bottom of page 8 and going over on page 9 was agreed to in order to give the Senator from North Carolina a chance to offer an amendment changing the word "shall" to the word "may," on line 5 of page 9.

The PRESIDING OFFICER. The Chair understood that there was also a request that that should go over.

Mr. WADSWORTH. That it should go over?

The PRESIDING OFFICER. Yes.

Mr. WADSWORTH. Until when?

Mr. ROBINSON of Arkansas. I asked that it go over until to-morrow.

Mr. WADSWORTH. The whole amendment?

Mr. ROBINSON of Arkansas. Yes; the whole amendment. I asked that that go over. I have no objection to the amendment of the committee commencing on line 11, striking out section 8, or the amendment following that striking out section 9, and as far as I am concerned they may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out section 8.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 10, after line 4, to strike out:

SEC. 9. Prohibited areas: The President is hereby authorized to fix and determine, for military reasons, prohibited areas in the United States, its territories and its possessions, over which aircraft shall not fly. He shall prescribe and publish such rules and regulations as may be necessary in regard to such prohibited areas, including suitable descriptions and maps when necessary.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Now, Mr. President, we have reached what is known as the five-year program. I ask unanimous consent that the amendments incorporated in section 10 of the House bill, beginning on page 10, down to line 15 on page 11, be passed over until to-morrow.

Mr. BINGHAM. What page?

Mr. ROBINSON of Arkansas. Pages 10 and 11. That is the five-year program.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and that section of the bill will be passed over until to-morrow.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 11, line 18, after the word "airplanes," to strike out "10 airships," so as to read:

Equipment: The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed 1,800 serviceable airplanes, and such number of free and captive balloons as he may determine to be necessary for training purposes—

And so forth.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Now, Mr. President, I wish to propose an amendment which I think, perhaps, will be accepted. On line 19, page 11, after the word "of," I move to insert the words "airships and," so that it will read:

The Secretary of War is hereby authorized to equip and maintain the Air Corps with not to exceed 1,800 serviceable airplanes, and such number of airships and free and captive balloons as he may determine to be necessary for training purposes—

And so forth. The House provision contained the words "10 airships," and they were stricken out by the amendment of the committee just agreed to. The language which I propose to insert would give the Secretary of War discretion and permit him to construct such number of airships as he may determine to be necessary for training purposes. It is not mandatory, as I construe it; but without this amendment he would have no authority whatever to construct airships for training purposes. With the amendment he would not be compelled to construct them for training purposes, but he would be permitted to do so; and I suggest that the amendment ought to be agreed to.

Mr. BINGHAM. Mr. President, I regret to have to oppose this amendment.

Mr. ROBINSON of Arkansas. The Senator is evidently in the steam-roller frame of mind. I have submitted to the steam-roller process, but I do not believe that the Secretary of War ought to be denied the privilege of constructing airships for training purposes, as the bill will do if this language is not incorporated in it.

Mr. BINGHAM. Mr. President, I regret very much the position just taken by the Senator from Arkansas; but it seems to me that the time has come for us to recognize the fact that airships, while well suited for use over water, are not suited for use over land.

An airship over water can make three times the speed of an ocean liner or a battleship. It does not have to land when its engines are in trouble. It has certain facilities which the airplane has not, and it should be promoted by the Navy, and the Navy should be given a free hand—as free a hand as the Congress sees fit to give it, and as free a hand as possible—in the construction and maintenance of airships; but for us to continue to believe that an airship is something which the Army should use over land seems to me to be to close our eyes to the developments of the last few years.

An airship at its best makes only 60 or 70 miles an hour, with no wind. If there is wind opposed to it, it makes just that much less speed over the ground. An express train can beat an airship normally over land. A fast motor car can beat an airship normally over land. Furthermore, an airship has to wait for days for the wind to subside so that it can get out of its hangar.

I will say to the Senator from Arkansas that I was just as keen about airships as he is now when I first came out of the Army. I believed that they had great possibilities for the Army, and I so expressed myself in print. However, after having made a careful study of the subject, and having had the opportunity of spending 24 hours on the *Los Angeles*, taking a trip and studying the actual situation with regard to dirigibles, I learned, as the Senator would learn if he were to go through that experience, how very impractical over land an

airship is. I learned how an airplane can always put it all over an airship on land. For the Secretary of War to fool away any more money in the construction of airships or their equipment or for the training of Army personnel to fly in airships seems to me—and the committee agreed with me on its vote—an absolute waste of time and money.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Connecticut states that his mind has undergone a process of change, due to studies that he has made of this subject. Perhaps, after he studies it a little more, his mind will make some more changes and he will get back to the point where he started, which is a sane viewpoint.

Who can look into the future and adequately foretell the possibilities of the development of airships? It is true that the Senator from Connecticut is something of an expert on the subject of aviation, and I have great respect for his judgment. It is undoubtedly true that experiments made do not justify the belief that airships will be employed very extensively in military activities over land.

I again point out the fact that this provision merely gives discretion to the Secretary of War. It does not require him to construct a single airship, but unless it is incorporated, no matter how great he may find the necessity to be, he can not construct an airship or airships for training purposes. I believe, notwithstanding the very superior knowledge of the Senator from Connecticut touching this and kindred subjects, the discretion which this amendment vests in the Secretary of War should be granted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. ROBINSON].

On a division the amendment was agreed to.

Mr. CURTIS. Will the Senator from Connecticut yield while I ask unanimous consent for a couple of night sessions?

Mr. BINGHAM. I yield.

Mr. CURTIS. I submit the following unanimous-consent agreement——

Mr. ROBINSON of Arkansas. I think there ought to be a quorum present when a unanimous consent like this is sought. I suggest to the Senator from Kansas that he resubmit it at the meeting of the Senate to-morrow.

Mr. CURTIS. I would just as soon do that.

Mr. ROBINSON of Arkansas. It seems to me that with the comparatively small number of Senators here, some one might be greatly inconvenienced if we should now enter into such an agreement.

Mr. CURTIS. I was about to submit it now because I had spoken about it earlier in the day and some Senators have asked me about it.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, on page 11, line 21, after the word "supplies," to insert a comma and the word "hangars."

The amendment was agreed to.

The next amendment was, on page 12, line 3, to strike out the words "and airships."

Mr. ROBINSON of Arkansas. Mr. President, that question has been contested, and I see no occasion for present discussion of it. Let the amendment be submitted. I shall vote against the amendment, but I do not care at this time to enter into a further discussion.

Mr. BINGHAM. There is no objection to withdrawing it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 12, line 5, to strike out the word "tests" and insert the word "tests" and a comma.

The amendment was agreed to.

The next amendment was, on page 12, line 14, to strike out "1926" and insert in lieu thereof "1927."

Mr. ROBINSON of Arkansas. Mr. President, I understand that this amendment relates to the time when the five-year program shall go into effect. Is that correct?

Mr. BINGHAM. That is correct.

Mr. ROBINSON of Arkansas. I suggest that this go over with the other amendment that has already been passed over, so that the whole subject may be considered and acted upon to-morrow.

Mr. BINGHAM. I have no objection.

Mr. ROBINSON of Arkansas. And that the other amendments, down to the end of line 3, on page 13, be also passed over.

Mr. WADSWORTH. Mr. President, surely the Senator does not want to ask to have put over the amendment commencing on line 17, page 12, and going on down to line 21. That is very obvious. The provision as it passed the House is an attempt to compel the President of the United States to perform an executive act.

Mr. ROBINSON of Arkansas. I think that might as well go over. I do not know whether I shall have any objection to the amendment or not.

Mr. WADSWORTH. I am not authorized to speak for the President—far from it—but I do not see how any President of the United States could sign the bill with that language in it.

Mr. ROBINSON of Arkansas. I suggest that it go over as a part of the subject matter relating to the five-year program.

Mr. WADSWORTH. Very well.

Mr. ROBINSON of Arkansas. It may be that some one would want to offer an amendment for the committee amendment, though I am not apprised that there is any amendment to be proposed. The other amendments might be disposed of, as far as I am concerned.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On page 13, after line 20, insert:

SEC. 9. Hereafter, when in the opinion of the Secretary of War the interests of the United States will be best served thereby, aircraft, aircraft engines, aircraft accessories and equipment may be purchased without competitive bidding. That in placing contracts for any or all of such material preference shall be given to contractors who maintain engineering and design staffs of reasonable size and keep them active: *Provided*, That the Secretary of War may purchase at an agreed price proprietary or unpatentable design rights, or in placing contracts for such articles the value of such proprietary or unpatentable design rights may be considered as an additional item over and above the production price of such material and the contractor may be paid an agreed sum to cover the value to the United States of such rights. In all cases the decision of the Secretary of War shall be final and conclusive in the absence of fraud or collusion.

Mr. ROBINSON of Arkansas. That is a new and important provision. I think the Senator in charge of the bill should explain it. He may do so either now or to-morrow.

Mr. BINGHAM. In view of the lateness of the hour, and in view of the fact that the Senator has asked that other amendments go over until to-morrow, I think this matter might as well go over. But I am perfectly willing to explain it now.

Mr. ROBINSON of Arkansas. I think the Senate is about ready to suspend legislative business.

Mr. KING. Mr. President, I shall not be here to-morrow morning, and I hope the Senator from Connecticut will explain the reason for vesting in the War Department the power to purchase patents without any restrictions. It seems to me it is a very unwise provision to say to the Secretary of War, "You may purchase any patents you may deem necessary, and there is no restriction upon the amount which you shall pay. You are authorized to fix any price you please." I regard that as a very dangerous proposition. I regret I shall not be here in the morning.

Mr. ROBINSON of Arkansas. I did not understand that the Senator was to be absent; but if he is going away, I would be very glad to have the Senator from Connecticut or the Senator from New York make the explanation now. I think the provision will provoke considerable discussion.

Mr. KING. I shall be entirely satisfied to have my colleagues on this side look after the matter.

Mr. McNARY. Mr. President, to-day when House bill 7893 was made the unfinished business, I consented, indeed asked, that the bill be temporarily laid aside for the purpose of considering the bill now before the Senate. At that time I entertained the hope and the belief that its consideration could be finished this afternoon. I do not feel that we should adjourn at 4.50 o'clock. I have heard expressions fall from the lips of the Senator from Arkansas to the effect that he wanted certain amendments to go over and that they would provoke considerable discussion to-morrow. I want to take up the unfinished business to-morrow.

Mr. ROBINSON of Arkansas. The Senator may take up the unfinished business now. The truth of the matter is that it is only by courtesy that the Senate permits two bills to be before it at one time. There has been no delay in the consideration of the Air Service bill. The Senate has been very busy in disposing of amendments.

If the Senator from Oregon wants to go on with the farm relief bill, he is entirely at liberty to do so, of course. But he can not make a measure the unfinished business and then determine just what measures shall be considered while his favorite bill is before the Senate and just what length of time shall be devoted to the measure he permits to come forward. The Senator is within his rights when he refuses to permit a bill to be taken up while the farm relief bill is the

unfinished business, but he is not within his rights when he undertakes to determine how long the Senate shall remain in session for the consideration of other measures than the one in which he is directly interested. If he wants to go on with the farm relief bill, I suggest that he do so.

Mr. McNARY. I am not asking for suggestions. However, I always treat them kindly. I am only expressing the hope that we may go forward a little while. I am trying to get an understanding as to about how much time this Air Service bill will occupy to-morrow. It is not my purpose to limit the discussion on the bill.

Mr. ROBINSON of Arkansas. It is not possible for the Senator in charge of the bill or for anyone else to tell the Senator from Oregon just what length of time will be required to complete the Air Service bill. It is an important measure. We have been hastening through a number of very important amendments this afternoon, and there has certainly been no disposition to delay.

Mr. McNARY. None at all.

Mr. ROBINSON of Arkansas. I again suggest to the Senator from Oregon that instead of attempting to control the action of other committees and of other Senators on extraneous bills, that he take up the measure under his charge and proceed with it. As a matter of fact, it is rather bad practice to take up a bill and then immediately lay it aside and take up some other bill. I wonder why the Senator from Oregon does not go on with his own bill.

Mr. McNARY. Mr. President, I am following a practice not established but frequently followed by the Senator from Arkansas. I have been in the Senate a great many years, and it has been the practice, based upon the courtesy and consideration that one Senator owes to another. I am not asking anyone to lecture me on what to do or what not to do.

Mr. ROBINSON of Arkansas. The Senator should refrain from lecturing other Senators on what they shall do. I have not the slightest feeling about this matter, but I do not know why the Senator should insist that the Senate go on with the Air Service bill this afternoon, and for my part I do not expect it to do so. I expect the Senate to discontinue the consideration of the Air Service bill very soon.

Mr. McNARY. I am not going to ask for a discontinuance of the consideration of the Air Service bill. I am willing to go on with it for a reasonable time to-morrow. I am as anxious to have a full discussion and elaboration of the various provisions of the bill as is the distinguished leader on the Democratic side.

Mr. ROBINSON of Arkansas. The Senator can not put me in the attitude of obstructing the consideration of any measure. It is not fair to attempt to do so, and if that is the Senator's object he will fail in it.

Mr. McNARY. There is no use in being hypersensitive.

Mr. ROBINSON of Arkansas. I as not in the least sensitive. I wonder just what the motive of the Senator from Oregon is in attempting to lecture Senators about the length of time they shall proceed, or just why the Senator from Oregon finds it consistent to lay aside his bill and insist upon the Senate going on with some other measure.

Mr. McNARY. Mr. President, if I may be permitted to proceed without further interruption, I only rose for the purpose of making an inquiry as to about how long the Senator from Connecticut or the Senator from Arkansas thought they would need in order to complete the consideration, and full consideration, of the pending measure; also to express the hope that we might expedite matters so that to-morrow we could take up and consider the unfinished business. I am willing to agree that we may go forward with this bill a reasonable length of time to-morrow—perhaps all afternoon; I do not know—but if we can go along a little while this evening and let the Senator from Connecticut make the explanation requested by the Senator from Utah, I would suggest that as the proper procedure. I hope the Senator from Connecticut will explain the pending amendment.

WATERS OF SNAKE RIVER IN IDAHO AND WYOMING

Mr. KENDRICK. Mr. President, I ask unanimous consent out of order to report back favorably without amendment from the Committee on Public Lands and Surveys Senate bill 4348, and I submit a report, No. 970, thereon. I ask also unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. KENDRICK. If I may offer a word of explanation, the bill authorizes the two States of Idaho and Wyoming to enter into compacts for the division of water in which those two States are entirely and exclusively interested. I have no idea there will be any objection to the bill, otherwise I would not ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4348) granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Idaho and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Snake River and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE COAL SITUATION

Mr. COPELAND. Mr. President, I have just received a letter from Secretary Hoover referring to a newspaper account of his testimony which I had printed in the RECORD on the 18th of May. The Secretary tells me that there was some confusion in the newspaper article. In order that no injustice may be done him I ask unanimous consent that his letter to me may be printed in the RECORD and that immediately following the letter there may be printed pages 526 and 527 of the committee hearings which cover Secretary Hoover's testimony referred to in the letter.

The VICE PRESIDENT. Without objection it is so ordered. The letter and testimony are as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 27, 1926.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR MR. SENATOR: At your request there was published in the CONGRESSIONAL RECORD of May 18, pages 9600 and 9601, a newspaper abstract quoting liberally from my recent testimony on pending coal legislation before the House Committee on Interstate and Foreign Commerce. By some mistake, probably in the make-up of the newspaper article referred to, a large part of the testimony attributed to me was not mine at all but presumably that of another witness on the same occasion, Mr. George Otis Smith, Director of the Geological Survey.

There were also several other mistakes and omissions. For example, the number of men employed in the coal industry was set at 620,000,000, which obviously should be 620,000. I should appreciate it if this letter could be published in the RECORD by way of correction. The full text of my statement is, of course, available in the printed hearings.

Yours faithfully,

HERBERT HOOVER.

[Extract from testimony of Secretary Hoover before House Committee on Interstate and Foreign Commerce]

If, however, we are to have periodic strikes or lockouts, with their accompanying coal famines and profiteering, the public does need protection on these occasions. I do not believe that anything in the nature of compulsory arbitration is a remedy for failure of industrial relations. No one can compel either employee or employer. The only thing that we have so far discovered that helps in such situations is mediation by some outside agency, and most coal suspensions have been brought to an end sooner or later by such mediation. Every single bituminous dispute of importance in recent years has ultimately been thrust up to the President for some action. It is impossible for the President himself to successfully carry on such negotiations. He must delegate action to somebody. The national coal commission recommended and the President has asked that he should be given authority to appoint a mediation board in such emergencies as are likely to bring about nation-wide suffering.

I believe it desirable that such a mediation board should not be permanent but of emergency order, as it is best to bring new minds and new men on the scene in such emergencies. In order that it may function promptly and effectively it must be armed with the basic economic facts as to the industry. They can not be collected in emergency—there should therefore be continuous collection and publica-

tion of fundamental statistics upon production, distribution, stocks, consumption, wages, and average prices. If the industry could furnish these facts regularly and reliably of its own volition, it would be better that it do so than to put the Government to the expense.

If the mediation board fails to secure solution, and the suspension is widespread enough, then the emergency of famine inevitably follows. In most of our great bituminous suspensions hitherto supplies have degenerated to the point where public utilities and other essential services have become endangered. There has always been a considerable portion of nonunion production of bituminous coal. Out of this production the public services of the country can be protected by a careful distribution of the supplies available. Therefore it seems to me that it is desirable to arm the Government through the Interstate Commerce Commission with power to control distribution during such emergencies.

Thus it seems to me there are three things to be considered by the committee at the present time: An emergency mediation board, an emergency authority to the Interstate Commerce Commission in coal distribution, and in failure of provision by the industry a more effective service as to primary facts. This is not regulatory legislation, and would come into action only in failure to maintain production.

Such measures as are here discussed, of course, simply deal with symptoms of much more deep-seated diseases. A much wider and deeper question is the cause of the unhealthy economic condition of the bituminous industry which results in these periodic difficulties. Diagnosis of these diseases is easy enough. It has been performed a score of times but the remedy is by no means plain, and certainly there is no agreement on the part of any two important bodies in the country as to solution.

A short summary of the fundamental ills of the bituminous industry will show that they center around two main causes—two many mines and the seasonal character of the industry.

1. There are about 9,000 different mines in about 90 different districts, probably 5,000 operators having a total production capacity of 900,000,000 annual tons against a maximum requirement of a rate of 600,000,000 tons annually. There are about 620,000 men employed in the industry which is about 200,000 more than would be necessary if the required portion of the mines were employed to their utmost capacity. The overexpansion is the result of many causes into which all the following enter:

(a) War stimulation.

(b) Economies in use of coal through more efficient use under boilers; through more economical metallurgical processes; through electrification; through by-product coke, oil, etc.

(c) Increasing capacity of nonunion fields due to the lower wage range always maintained there, thus tending to duplicate equipment in the union fields.

(d) Great profits during famines arising from strikes, lockouts, and car shortages, which induce people to enter or remain in the industry in hopes of such recurrent profitable periods.

(e) The effect of the Sherman Act in preventing the organization of larger units of production and distribution which would in effect retire the less economic mines to reserves and thus more regular operation to the more economic mines.

(f) Periodic car shortages (less important than formerly).

2. The industry is to some degree seasonal in demand and therefore in production.

The net result of all this is that we have part-time operation of too many mines and the final consequence that most workers, especially in the commercial mines, are only employed part time, and while the daily wage is usually very high it does not for some fraction of their number constitute even a decent annual living. The bituminous industry is in long view a losing business in the periods between famines, and no unprofitable industry can give satisfaction either to consumer, worker, or operator. From all these causes arise most of our labor friction.

LAND IN BALDWIN COUNTY, ALA.

Mr. HEFLIN. Mr. President, a few days ago I asked unanimous consent for the consideration of House bill 8489 relating to the title to some land in Baldwin County, Ala. At that time the bill had not been referred to the Committee on Public Lands and Surveys. The Senator from Kansas [Mr. CURTIS] asked that that be done and I consented and the bill was referred. It has been favorably reported and is now on the calendar. It is approved by Secretary of the Interior Work. I received a telegram to-day from gentlemen interested in the matter asking that I have the bill passed at the earliest possible time. I, therefore, ask unanimous consent for its immediate consideration.

Mr. JONES of Washington. Mr. President, may we have the bill read?

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill (H. R. 8489) to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to section 42, all in township 5 south, range 2 east of St. Stephens meridian, Baldwin County, Ala., containing 202.65 acres, as shown on a plat of survey made by James Dowell, deputy surveyor, approved on February 25, 1830, by William Brown, principal deputy surveyor of public lands, and segregated thereon as the claim of Thomas Durnford be, and the same is hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided*, That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever; the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the equitable owners of said lands, by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of Alabama, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COST OF PRODUCING ONIONS

Mr. GOODING. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 235.

Mr. ROBINSON of Arkansas. Is the resolution on the Senate Calendar?

Mr. GOODING. It calls on the Tariff Commission for investigation of the cost of production of onions in competing countries.

The VICE PRESIDENT. The resolution is on the table and will be read for information.

The resolution (S. Res. 235) submitted by Mr. GOODING May 28, 1926, was read as follows:

Whereas the large, rapidly increasing importations of onions have resulted in a decline in the prices of onions in many portions of the United States, so that now these prices are at times below the cost of production: Therefore be it

Resolved, That the United States Tariff Commission is hereby requested to investigate, under the provisions of section 315 of the tariff act of 1922, the cost of production of onions in the United States and the principal competing foreign countries, and to report its findings to the President of the United States.

Mr. ROBINSON of Arkansas. Mr. President, I do not believe the resolution should come up at this time. I suggest that it go over.

The VICE PRESIDENT. The resolution will go over under objection.

ADDRESSES AT ARLINGTON

Mr. BINGHAM. Mr. President, yesterday at Arlington the President of the United States delivered a very remarkable address and the senior Senator from Ohio [Mr. WILLIS] also delivered a splendid address. I ask unanimous consent that the two addresses may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The addresses are as follows:

ADDRESS BY PRESIDENT COOLIDGE

This Nation approaches no ceremony with such universal sanction as that which is held in commemoration over the graves of those who have performed military duty. In our respect for the living and our reverence for the dead, in the unbounded treasure which we have poured out in bounties, in the continual requiem services which we have held, America at least has demonstrated that Republics are not ungrateful. It is one of the glories of our country that so long as we remain faithful to the cause of justice and truth and liberty this action will continue. We have waged no wars to determine a succession, establish a dynasty, or glorify a reigning house. Our military operations have been for the service of the cause of humanity. The principles on which they have been fought have more and more come to be accepted as the ultimate standards of the world. They have been of an enduring substance which is not weakened but only strengthened by the passage of time and the contemplation of reason.

Our experience in that respect ought not to lead us too hastily to assume that we have been therefore better than other people, but certainly we have been more fortunate. We came on the stage at a later time, so that this country had presented to it, already attained, a civilization that other countries had secured only as a result of a long and painful struggle. Of the various races of which we are composed substantially all have a history for making warfare which it is oftentimes hard to justify, as they have come up through various degrees of development. They bore this burden in ages past in order that this country might be freed from it. Under the circumstances it behooves us to look on their record of advance through great difficulties with much compassion and be thankful that we have been spared from a like experience, and out of our compassion and our thankfulness constantly to remember that because of greater advantages and opportunities we are charged with superior duties and obligations. Perhaps no country on earth has greater responsibilities than America.

NOT WARLIKE NATION

Notwithstanding all the honor which this country has bestowed upon the living and all the reverence that has marked its attitude toward the dead who have served us in a military capacity, we are not a warlike Nation. As a people we have not sought military glory. Because of our fortunate circumstances, such wars as we have waged have been for the purpose of securing conditions under which peace would be more permanent, liberty would be more secure, and justice would be more certain. It was this principle that peculiarly characterized the forces who acknowledged as their Commander in Chief Abraham Lincoln.

While this day was legally established many years ago as an occasion to be devoted to the memory of our country's dead, it can not but each year refresh the sentiment of respect and honor in which our country holds their living comrades. Of those great armies that maintained the long struggle from 1861 to 1865, which ranked in size with any the world had ever before seen, but a few shattered ranks now remain. The old valor yet lives. The old devotion to country, the old loyalty to the flag, remain. But the youth and physical vigor which caused them to be characterized the boys in blue are gone from these heroes of a former generation.

But the spirit which they so nobly represented two generations ago has not departed from the land. It was resurgent in the days of 1898 and in 1917, and finds a lineal succession in the three branches which make up the land and sea forces of the present day and in the public opinion of the people. Our country has never had a better equipped Army or a more efficient Navy in time of peace than it has at the present time. The Air Service is being perfected, better quarters are being provided, and our whole Military Establishment is being made worthy of the power and dignity of this great Nation. We realize that national security and national defense can not be safely neglected. To do so is to put in peril our domestic tranquillity and jeopardize our respect and standing among the other nations.

Yet the American forces are distinctly the forces of peace. They are the guarantics of that order and tranquillity in this part of the world which is alike beneficial to us and all the other nations. Every one knows that we covet no territory; we entertain no imperialistic designs; we harbor no enmity toward any other people. We seek no revenge; we nurse no grievances; we have inflicted no injuries; and we fear no enemies. Our ways are the ways of peace.

APPEAL TO COMMON SENSE

We are attempting to make our contribution to the peace of the world, not in any sensational or spectacular way, but by the application of practical, workable, seasoned methods and an appeal to the common sense of mankind. We do not rely upon the threat of force in our international relations or in our attempt to maintain our position in the world. We have seen force tried, but the more people study its results the more they must be convinced that on the whole it has failed. Conditions sometimes arise where it seems that an appeal to arms is inevitable, but such conflicts decide very little. In the end it is necessary to make an appeal to reason, and until adjustments are reached by covenants which harmonize with the prevailing sense of justice a final solution has not been found.

Ever since the last great conflict the world has been putting a renewed emphasis, not on preparation to succeed in war, but on an attempt by preventing war to succeed in peace. This movement has the full and complete approbation of the American Government and the American people. While we have been unwilling to interfere in the political relationship of other countries and have consistently refrained from intervening except when our help has been sought and we have felt that it could be effectively given, we have signified our willingness to become associated with other nations in a practical plan for promoting international justice through the world court. Such a tribunal furnishes a method of the adjustment of international differences in accordance with our treaty rights and under the generally accepted rules of international law. When questions arise which all parties agree ought to be adjudicated but which do not yield to the ordinary methods of diplomacy, here is a forum to which the parties may voluntarily repair in the consciousness that their dignity suffers no diminution and that their cause will be determined impartially, according to the law and the evidence. That is a sensible, direct, efficient, and practical method of adjusting differences which can not fail to appeal to the intelligence of the American people.

But while we put our trust not on force but on a reign of law and the administration of justice, yet we know that the maintenance of peace can not but to a large extent be dependent upon our sentiments and desires. In spite of all the treaties we may make and all the tribunals we may establish, unless we maintain a public opinion devoted to peace we can not escape the ravages of war. A determination to do right will be more effective than all our treaties and courts all our armies and fleets. A peaceful people will have peace, but a warlike people can not escape war.

ECONOMIC CONDITIONS CAUSED WAR

Peace has an economic foundation to which too little attention has been given. No student can doubt that it was to a large extent the economic condition of Europe that drove those overburdened countries headlong into the World War. They were engaged in maintaining competitive armaments. If one country laid the keel of one warship, some other country considered it necessary to lay the keel of two warships. If one country enrolled a regiment, some other country enrolled three regiments. Whole peoples were armed and drilled and trained to the detriment of their industrial life and charged and taxed and assessed until the burden could no longer be borne. Nations cracked under the load and sought relief from the intolerable pressure by pillaging each other. It was to avoid a repetition of such a catastrophe that our Government proposed and brought to a successful conclusion the Washington conference for the limitation of naval armaments. We have been altogether desirous of an extension of this principle and for that purpose have sent our delegates to a preliminary conference of nations now sitting at Geneva. Out of that conference we expect some practical results. We believe that other nations ought to join with us in laying aside their suspicions and hatreds sufficiently to agree among themselves upon methods of mutual relief from the necessity of the maintenance of great land and sea forces. This can not be done if we constantly have in mind the resort to war for the redress of wrongs and the enforcement of rights. Europe has the League of Nations. That ought to be able to provide those countries with certain political guaranties which our country does not require. Besides this there is the World Court, which can certainly be used for the determination of all justiciable disputes.

We should not underestimate the difficulties of European nations nor fail to extend to them the highest degree of patience and the most sympathetic consideration. But we can not fail to assert our conviction that they are in great need of further limitation of armaments and our determination to lend them every assistance in the solution of their problems. We have entered the conference with the utmost good faith on our part and in the sincere belief that it represents the utmost good faith on their part. We want to see the problems that are there presented stripped of all technicalities and met and solved in a way that will secure practical results. We stand ready to give our support to every effort that is made in that direction.

While we are thus desirous of the economic welfare of other countries in part because of its relation to world peace, we ought to remember that our own Government owes a great duty to the American people in this direction. It is for this reason in part that I have insisted upon a policy of constructive economy in the national administration. If we can make the circumstances of the people easy, if we can relieve them of the burden of heavy taxation, we shall have contributed to that contentment and peace of mind which will go far to render them immune from any envious inclination toward other countries. If the people prosper in their business, they will be the less likely to resort to the irritating methods of competition in foreign trade out of which arise mutual misunderstandings and animosities. They will not be driven to the employment of sharp practices in order to support and maintain their own position. Being amply supplied with their own resources, they will not be so inclined to turn covetous eyes toward the resources of other nations.

DISCHARGED OBLIGATION

Such a condition will likewise give opportunity to devote our surplus wealth, not to the payment of high taxes but to the financing of the needs of other nations. Our country has already through private sources recognized the requirements in this direction and has made large advances to foreign governments and foreign enterprises for the purpose of reestablishing their public credit and their private industry. By such action we have not only discharged an obligation to humanity but have likewise profited in our trade relations and established a community of interests which can not but be an added security for the maintenance of peace. In so far as we can confirm other people in the possession of profitable industry, without injuring ourselves, we shall have removed from them that economic pressure productive of those dissensions, discords, and hostilities which are a fruitful source of war.

It has been in accordance with these principles that we have made generous settlements of our foreign debts. The little sentiment of "live and let live" expresses a great truth. It has been thought wise to extend the payment of our debts over a long period of years, with a very low rate of interest, in order to relieve foreign peoples of the

burden of economic pressure beyond their capacity to bear. An adjustment has now been made of all these major obligations, and they have all but one been mutually ratified. The moral principle of the payment of international debts has been preserved. Every dollar that we have advanced to these countries they have promised to repay with some interest. Our National Treasury is not in the banking business. We did not make these loans as a banking enterprise. We made them to a very large extent as an incident to the prosecution of the war. We have not sought to adjust them on a purely banking basis. We have taken into consideration all the circumstances and the elements that attended the original transaction and all the results that will probably flow from their settlement. They have been liquidated on this broad moral and humanitarian basis. We believe that the adjustments which have been made will be mutually beneficial to the trade relations of the countries involved and that out of these economic benefits there will be derived additional guaranties to the stability and peace of the world.

SITUATED DIFFERENTLY

But if we are to maintain our position of understanding and good will with the nations abroad we must continue to maintain the same sentiments at home. We are situated differently in this respect from any other country. All the other great powers have a comparatively homogeneous population, close kindred in race and blood and speech, and commonly little divided in religious beliefs. Our great Nation is made up of the strong and virile pioneering stock of nearly all the countries of the world. We have a variety of race and language and religious belief. If any of these different peoples fall into disfavor among us, there comes a quick reaction against the rest of us from the relatives and friends in their place of origin which affects the public sentiment of that country, even though it may not be actually expressed in the official actions of their government. Such misunderstandings interfere with our friendly relations, are harmful to our trade, and retard the general progress of civilization.

We all subscribe to the principle of religious liberty and toleration and equality of rights. This principle is in accordance with the fundamental law of the land. It is the very spirit of the American Constitution. We all recognize and admit that it ought to be put into practical operation. We know that every argument of right and reason requires such action. Yet in time of stress and public agitation we have too great a tendency to disregard this policy and indulge in race hatred, religious intolerance, and disregard of equal rights. Such sentiments are bound to react upon those who harbor them. Instead of being a benefit, they are a positive injury. We do not have to examine history very far before we see whole countries that have been blighted, whole civilizations that have been shattered by a spirit of intolerance. They are destructive of order and progress at home and a danger to peace and good will abroad. No better example exists of toleration than that which is exhibited by those who wore the blue toward those who wore the gray. Our condition to-day is not merely that of one people under one flag, but of a thoroughly united people, who have seen bitterness and enmity which once threatened to sever them pass away and a spirit of kindness and good will reign over them all.

AT PEACE WITH WORLD

The success with which we have met in all of these undertakings is a matter of universal knowledge. We are at peace with all the world. Those of this generation who passed through the World War have had an experience which will always cause them to realize what an infinite blessing peace is. We are in an era of unbounded prosperity. The financial condition of our National Government is beginning to be more easy to be borne. While many other nations and many localities within our own country are struggling with a burden of increased debts and rising taxes, which makes them seek for new sources from which by further taxation they can secure new revenues, we have made progress toward paying off our national debt, have greatly reduced our national taxes, and been able to relieve the people by abandoning altogether many sources of national revenue. We are not required to look altogether to the future for our rewards and find in our lot nothing but sacrifices for the present. Now, here, to-day, we are all able to enjoy those benefits which will come from universal peace and nation-wide prosperity.

As these old soldiers, the living descendants of the spirit of Washington that made our country, go down toward the setting sun, representing the spirit of Lincoln, who saved our country, they will have the satisfaction of knowing that they are leaving behind them the same spirit, still undaunted, still ready to maintain in the future a more abiding peace and a more abounding prosperity, under which America can continue to work for the salvation of the world.

ADDRESS BY SENATOR FRANK B. WILLIS

This day is set apart by national custom as a solemn festival of the heroic dead.

It is fitting that the President of the United States, speaking the patriotic sentiments of a great Nation, should here amidst these sepulchers of silence pledge anew and afresh the firm resolve of every real American that these dead shall not have died in vain and that the principles they sustained in life shall be maintained and defended to latest time by us, the beneficiaries of their heroic sacrifice.

Human speech here utterly fails to express the sentiment that enthralls our souls. But if the voices forever stilled by saber stroke and bullets' scream and cannon roar could once more speak, what a story they could tell!

Over yonder are the graves of Union soldiers—their voices could tell of constitutional compromise, a generation of bitter debate, and finally titanic civil strife—the conflict of the mightiest armies whose tread had ever shaken the planet. They would speak of Bull Run and Shiloh, of Chickamauga and the Wilderness, of Vicksburg and Gettysburg, and finally of Appomattox—a consummation honorable to vanquished and victor and beneficial to generations yet unborn.

Their note of triumph would be blended into the softer tones of praise and thanksgiving for the preservation of the Nation's life.

May it not be that if our ears were properly attuned we could hear the spirits of the mighty dead in friendly communion with their erstwhile foes resting yonder in the Confederate plot—each justly proud of the unblemished record of American military valor and devotion to sense of duty—both and all rejoicing in the progress and peace of a common country under a single stainless flag defended in later struggles by the sons of Union soldiers, fighting side by side with the sons of the men who wore the gray.

A reunited country, an indissoluble Union, a common heritage, and a common hope—this is the message that would come to us from both Blue and Gray—a message from hearts beating in patriotic unison too strong to harbor hate.

Fail not to hear the plaintive voice of the unknown dead, whose resting place is marked by yonder little pitiful square posts—no name, no company, no regiment—but let them not be forgotten. Some mother sent him away to the grand wild music of war to die for his country; all we know of him is that he made the supreme sacrifice and now rests in peace on fame's eternal camping ground.

As we would listen in yonder direction we would hear solemn voices from the Maine and hoarse cries for stern retribution from those who in the Spanish-American War gave their lives that others might be free.

Their service was as voluntary as it was vicarious; they and their country sought no recompense other than that which comes from the consciousness of national duty well performed. They drove Old World tyranny into the sea and put a new flag in the air and a new star in the sky of freedom.

As we listen there would come from yonder slope the thrilling young voices of the boys who died in the World War. They would speak to us of battles fought and victories won that free government among men might be preserved and insolent autocracy overthrown. Aye, and from Flanders field they would challenge us in the silver tones of one of their comrades and say:

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly,
Scarce heard amid the guns below.

"We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved; and now we lie
In Flanders fields.

"Take up our quarrel with the foe!
To you, from failing hands, we throw
The torch. Be yours to hold it high!
If ye break faith with us who die,
We shall not sleep, though poppies grow
In Flanders fields."

And in the eloquent words of Charles B. Galbreath, an Ohio father of a World War soldier, we may reply:

"In Flanders fields the cannon boom
And fitful flashes light the gloom,
While up above, like eagles, fly
The fierce destroyers of the sky;
With stains the earth wherein you lie
Is redder than the poppy bloom
In Flanders fields.

"Sleep on, ye brave. The shrieking shell,
The quaking trench, the startled yell,
The fury of the battle hell
Shall wake you not; for all is well.
Sleep peacefully; for all is well.

"Your flaming torch aloft we bear,
With burning heart an oath we swear
To keep the faith, to fight it through,
To crush the foe, or sleep with you
In Flanders fields."

The three great wars whose heroes we here to-day especially memorialize all involved the same great world-wide, universal problem—free government.

The Civil War preserved free government against assault from within and proved for all time that in this Republic there can be no successful appeal from the ballot to the bullet.

The Spanish-American War extended free institutions and drove hateful feudal tyranny from our western world.

The World War saved free government from brutal extermination.

These three great conflicts exemplify the lesson of history that crises sometimes come that only an appeal to arms can settle. We have not yet reached the stage where the element of force can be safely banished from consideration.

A wafture of the hand will not abolish war. Peace among nations can not be secured by complicated international machinery. The world can not be reformed by the adoption of a resolution. Strife can not be exterminated by a spray of rose water.

Nobody wants war; all desire peace; yet momentous hours come when some will make war on an institution or a nation rather than let it live, and others will accept war rather than let the nation die.

If comb'ned international force under any name intervenes in such a case, it provokes and makes inevitable the very thing sought to be avoided.

A war against war is war.

There is a difference between peace and pacifism.

Abandonment of preparation for national defense would invite insult and lead to war. America is for peace, but it must always remain free. It will help others voluntarily, but not under compulsion. It will never surrender its sovereignty as a Nation to any world government. So far as peace can be promoted by conference, by discussion, by law America has aided and will aid in such promotion; but it will at all times maintain its own independence of action unfettered and unafraid.

It does not underestimate or fail to appraise and appreciate the good in other nations and their contributions to the world's progress, but it believes in its own destiny, and proposes to carve out that destiny in its own way. Those who come to us from beyond the sea must become Americans in the fullest sense. How many or whether any shall come is purely an American problem to be solved by our own Government. No foreign citizen has on his own part any inherent right to cross America's threshold. This Republic shall not be Asiaticized or Europeanized. America must always be American.

At Gettysburg Lincoln said:

"The world will little note nor long remember what we say here, but it can never forget what they did here."

On this commanding eminence looking down on the Capitol of the mightiest, freest, and best Republic beneath the stars, let us consecrate ourselves to the lofty principles of these heroes who all about us sleep beneath a wilderness of flowers. Let us keep alive our sense of obligation to the American soldier and sailor—without their sacrifice we would now have no flag, no country, no Government. They gave all in their country's cause—we are the beneficiaries of their toil and privation and suffering and death.

These flowers—the souls of nature—are fragrant, but not so fragrant as the memory of their valiant deeds; yon sturdy oak is strong, but stronger still are the abiding truths for which they bade good-by to life. And when this marble amphitheater—a patriotic sermon in stone—shall have crumbled back into dust and this everlasting hill shall have sunk beneath the sea the courage, character, and conscience of our soldier dead will yet be an inspiration and a benediction to generations yet unborn.

Sleeping soldiers of the Republic—hail and farewell!

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 2, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 1, 1926

SPECIAL DEPUTY COMMISSIONER OF INTERNAL REVENUE

Pressly R. Baldridge, of Dubuque, Iowa, to be special deputy commissioner of internal revenue. New office created by section 1201 (b) (3) of the revenue act of 1926, approved February 26, 1926.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Medical Reserve

Brig. Gen. Frederick Fuller Russell, Medical Corps Reserve, from November 4, 1926.

POSTMASTERS

ALABAMA

James W. Maddox to be postmaster at Elba, Ala., in place of S. E. Rowe. Incumbent's commission expired December 21, 1925.

ARKANSAS

Perry W. Hampton to be postmaster at Glenwood, Ark., in place of P. W. Hampton. Incumbent's commission expires June 5, 1926.

Charlie C. Cherry to be postmaster at Hoxie, Ark., in place of C. C. Cherry. Incumbent's commission expires June 5, 1926.

Maie Pierce to be postmaster at Manila, Ark., in place of Maie Pierce. Incumbent's commission expires June 5, 1926.

Isaac J. Morris to be postmaster at Mountain Home, Ark., in place of I. J. Morris. Incumbent's commission expires June 5, 1926.

Herschel Neely to be postmaster at Paragould, Ark., in place of Herschel Neely. Incumbent's commission expires June 5, 1926.

Hubert C. Hallowell to be postmaster at Pocahontas, Ark., in place of H. C. Hallowell. Incumbent's commission expires June 5, 1926.

Nannie L. Connevey to be postmaster at Bauxite, Ark., in place of Adine Dimmig, resigned.

CALIFORNIA

Cynthia P. Griffith to be postmaster at Wheatland, Calif., in place of C. P. Griffith. Incumbent's commission expires June 3, 1926.

Adeline M. Rogers to be postmaster at Centerville, Calif., in place of F. T. Hawes, resigned.

CONNECTICUT

Francis W. Chaffee, jr., to be postmaster at Eagleville, Conn., in place of F. W. Chaffee, jr. Incumbent's commission expires June 6, 1926.

Walfred C. Carlson to be postmaster at Washington Depot, Conn., in place of W. C. Carlson. Incumbent's commission expires June 6, 1926.

GEORGIA

John T. Cagle to be postmaster at Ball Ground, Ga., in place of A. A. Spence. Incumbent's commission expired February 20, 1926.

James H. Foster to be postmaster at Cornelia, Ga., in place of J. H. Foster. Incumbent's commission expired March 17, 1926.

Robert T. Broome to be postmaster at Danielsville, Ga., in place of R. T. Broome. Incumbent's commission expired April 17, 1926.

Maggie Clarke to be postmaster at Milan, Ga., in place of J. R. Studstill. Incumbent's commission expired March 9, 1926.

Jett M. Potts to be postmaster at West Point, Ga., in place of J. M. Potts. Incumbent's commission expires June 2, 1926.

ILLINOIS

Frederick H. Meyer to be postmaster at Deerfield, Ill., in place of L. L. Meyer, resigned.

INDIANA

Ella S. Shesler to be postmaster at Burnettsville, Ind., in place of E. S. Shesler. Incumbent's commission expires June 26, 1926.

William J. DeVerter to be postmaster at Cayuga, Ind., in place of W. J. DeVerter. Incumbent's commission expires June 3, 1926.

George H. Thomas to be postmaster at Fortville, Ind., in place of G. H. Thomas. Incumbent's commission expires June 6, 1926.

Fred S. Huffman to be postmaster at Lapel, Ind., in place of F. S. Huffman. Incumbent's commission expires June 17, 1926.

Hugh A. Fenters to be postmaster at Macy, Ind., in place of H. A. Fenters. Incumbent's commission expires June 8, 1926.

Clyde H. Fee to be postmaster at Waterloo, Ind., in place of C. H. Fee. Incumbent's commission expired January 18, 1926.

IOWA

Gust A. Hall to be postmaster at Colo, Iowa, in place of G. A. Hall. Incumbent's commission expires June 6, 1926.

Samuel J. Stites to be postmaster at Crawfordsville, Iowa, in place of H. L. Shaffer. Incumbent's commission expires June 6, 1926.

John Geiger to be postmaster at Minden, Iowa, in place of John Geiger. Incumbent's commission expires June 6, 1926.

George A. Redenbaugh to be postmaster at Tabor, Iowa, in place of R. G. Laird. Incumbent's commission expired January 18, 1926.

Walter H. Vance to be postmaster at Winterset, Iowa, in place of W. H. Vance. Incumbent's commission expired February 15, 1926.

KENTUCKY

Chester Roach to be postmaster at Dundee, Ky. Office became presidential January 1, 1925.

MINNESOTA

Asa R. Woodbeck to be postmaster at Brookpark, Minn., in place of A. R. Woodbeck. Incumbent's commission expires June 5, 1926.

Emil Kukkola to be postmaster at Finlayson, Minn., in place of Emil Kukkola. Incumbent's commission expires June 5, 1926.

Lawrence J. Nasett to be postmaster at Robbinsdale, Minn., in place of L. J. Nasett. Incumbent's commission expires June 5, 1926.

Harry M. Logan to be postmaster at Royalton, Minn., in place of H. M. Logan. Incumbent's commission expires June 5, 1926.

NEBRASKA

Marie A. Lybolt to be postmaster at Brunswick, Nebr., in place of M. A. Lybolt. Incumbent's commission expires June 6, 1926.

Herbert M. Hanson to be postmaster at Clay Center, Nebr., in place of H. M. Hanson. Incumbent's commission expires June 6, 1926.

Bessie R. Adams to be postmaster at Palmer, Nebr., in place of B. R. Adams. Incumbent's commission expired February 24, 1926.

NEW JERSEY

Lillie A. Trumpore to be postmaster at Califon, N. J., in place of H. K. Trumpore. Incumbent's commission expired March 18, 1926.

Matilda M. Hodapp to be postmaster at Spotswood, N. J., in place of M. M. Hodapp. Incumbent's commission expires June 2, 1926.

NEW YORK

Harry L. Carhart to be postmaster at Coeymans, N. Y., in place of H. L. Carhart. Incumbent's commission expired December 22, 1925.

James E. McDonald to be postmaster at Cohoes, N. Y., in place of J. E. McDonald. Incumbent's commission expired March 16, 1926.

John C. Sweeny to be postmaster at Hartsdale, N. Y., in place of Frederick Theall. Incumbent's commission expires June 2, 1926.

Clarence M. Herrington to be postmaster at Johnsonville, N. Y., in place of C. M. Herrington. Incumbent's commission expires June 2, 1926.

Dana J. Duggan to be postmaster at Niagara University, N. Y., in place of T. A. Gorman. Incumbent's commission expired March 23, 1926.

Violet Breen to be postmaster at Roslyn Heights, N. Y., in place of Violet Breen. Incumbent's commission expires June 3, 1926.

Everett S. Turner to be postmaster at Haverstraw, N. Y., in place of G. H. Howarth, deceased.

NORTH CAROLINA

Roscoe C. Jones to be postmaster at Manteo, N. C., in place of R. C. Jones. Incumbent's commission expires June 3, 1926.

OKLAHOMA

William C. Yates to be postmaster at Comanche, Okla., in place of W. C. Yates. Incumbent's commission expired May 16, 1926.

PENNSYLVANIA

Otto W. Petry to be postmaster at Elk Lick, Pa., in place of O. W. Petry. Incumbent's commission expires June 2, 1926.

Donald C. Mapel to be postmaster at Greensboro, Pa., in place of D. C. Mapel. Incumbent's commission expired May 31, 1926.

William H. Scholl to be postmaster at Hellertown, Pa., in place of W. H. Scholl. Incumbent's commission expires June 5, 1926.

Albert D. Karstetter to be postmaster at Loganton, Pa., in place of A. D. Karstetter. Incumbent's commission expires June 5, 1926.

Harriett S. Earnest to be postmaster at Mifflinburg, Pa., in place of C. W. Steese. Incumbent's commission expired February 2, 1926.

E. Howard Gilpin to be postmaster at Upland, Pa., in place of J. H. Dalton. Incumbent's commission expired March 7, 1926.

SOUTH CAROLINA

Ralph W. Wall to be postmaster at Campobello, S. C., in place of R. W. Wall. Incumbent's commission expires June 5, 1926.

TENNESSEE

Nona C. Armstrong to be postmaster at Martel, Tenn. Office became presidential January 1, 1925.

TEXAS

Bert J. McDowell to be postmaster at Del Rio, Tex., in place of B. J. McDowell. Incumbent's commission expires June 2, 1926.

Daisy M. Singleton to be postmaster at Marble Falls, Tex., in place of D. M. Singleton. Incumbent's commission expires June 2, 1926.

Claud C. Morris to be postmaster at Rosebud, Tex., in place of C. C. Morris. Incumbent's commission expires June 5, 1926.

Clinton J. Farrell to be postmaster at Vernon, Tex., in place of C. J. Farrell. Incumbent's commission expires June 5, 1926.

Ada A. Ladner to be postmaster at Yorktown, Tex., in place of A. A. Ladner. Incumbent's commission expires June 2, 1926.

UTAH

Clark Allred to be postmaster at Delta, Utah, in place of Clark Allred. Incumbent's commission expires June 6, 1926.

VERMONT

Marion C. White to be postmaster at Cavendish, Vt., in place of M. C. White. Incumbent's commission expires June 2, 1926.

VIRGINIA

Grace S. White to be postmaster at Ballston, Va., in place of G. S. White. Incumbent's commission expired October 20, 1925.

Charles B. Graves to be postmaster at Chester, Va., in place of C. B. Graves. Incumbent's commission expired April 10, 1926.

Annie G. Davey to be postmaster at Evington, Va., in place of A. G. Davey. Incumbent's commission expires June 5, 1926.

Winter Owens to be postmaster at Haymarket, Va., in place of Winter Owens. Incumbent's commission expired April 17, 1926.

Missouri S. Harmon to be postmaster at Melfa, Va., in place of M. S. Harmon. Incumbent's commission expires June 5, 1926.

Mollie H. Gettle to be postmaster at Rustburg, Va., in place of M. H. Gettle. Incumbent's commission expires June 5, 1926.

WASHINGTON

Harry E. Stark to be postmaster at Okanogan, Wash., in place of H. E. Stark. Incumbent's commission expired April 11, 1926.

Katherine Irving to be postmaster at Dryden, Wash., in place of A. F. Farris, resigned.

Hilda G. Mitchell to be postmaster at Malden, Wash., in place of J. R. Patterson, removed.

WEST VIRGINIA

Charles J. Parsons to be postmaster at Sabraton, W. Va., in place of C. J. Parsons. Incumbent's commission expires June 3, 1926.

Ruferd E. Gillespie to be postmaster at Man, W. Va., in place of J. W. Thornbury, resigned.

WISCONSIN

James W. Simmons to be postmaster at Sturtevant, Wis., in place of J. W. Simmons. Incumbent's commission expired March 29, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1, 1926

POSTMASTERS

KENTUCKY

Robert L. Jones, Morganfield.

MARYLAND

Ernest G. Willard, Poolesville.

MICHIGAN

William H. Florian, Grand Junction.
Minnie E. Allen, Leslie.

NEW YORK

Emma P. Shutts, Mexico.

OHIO

Reno H. Critchfield, Shreve.

SOUTH CAROLINA

Richard F. Smith, Clio.
John E. Folger, Easley.

HOUSE OF REPRESENTATIVES

TUESDAY, *June 1, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal are Thy mercies, Lord, and we praise Thy excellent name. How marvelous are the wisdom, power, and love which all Thy works declare. O Thou who fillest the heavens with glory and the great earth with goodness, we humbly bow in Thy presence in acknowledgment of our absolute dependence. Enrich our minds with knowledge, fill our hearts with love, that with all diligence we may perform our whole duty. May the wisdom of popular government be demonstrated through the decisions of these the chosen servants of our land. May their labors be an incentive to the people to deal justly and to do good. O God of the rose, of the lily's cup, of the bird's wing, of the wild flower, and the roadside weed, give us of the beauty, the glory, and the condescendence which Thy love bestows. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, May 29, 1926, was read and approved.

THE PASSING OF LINCOLN

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein some brief correspondence with Corpl. James Tanner regarding the death of Lincoln.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, several days ago it was my privilege to have a highly interesting interview with Corpl. James Tanner, once commander of the Grand Army of the Republic, a man who lost both legs in the Civil War, and an able, rugged, forceful man to-day, who cares nothing for titles nor honors beyond the plain name of "corporal," which he earned when a boy of 17 in the Army, and when so frightfully wounded in battle. Corporal Tanner is honorably known throughout every State of the Union he once helped to save, so no words of introduction are necessary.

He was called upon by Secretary Stanton and others as a stenographer to be present on that terrible night when Lincoln was assassinated. The facts related by Corporal Tanner immediately surrounding the events of that night are of such widespread interest and supply a chapter that may not have been preserved elsewhere, that I have asked the privilege to place in the RECORD his recent letter to me and his statement of what transpired within his own knowledge on the night of April 14, 1865.

In doing this let me further say it is also at the request of my father, now living, aged nearly 92 years, former commander District of Columbia Grand Army of the Republic, a veteran of the Second Wisconsin Cavalry, who served three years and six months during that great war and who also fought under Lincoln to save the Union. On this day, following the impressive memorial exercises held throughout the land yesterday, I feel the time and circumstance is opportune for their insertion in the RECORD:

A LETTER FROM CORPORAL TANNER

REGISTER OF WILLS, UNITED STATES COURTHOUSE,
Washington, D. C., May 7, 1926.

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

MY DEAR MR. FREAR: Thanks for your very complimentary communication. While I would not desire to be thought as seeking publicity because of my accidental participation in the supreme tragedy of this Nation and all of its history, I have no objection to what you propose, of placing that article in the RECORD of Congress, for I can readily see that the matter is of very general interest to all our millions of inhabitants. This, not at all because I wrote it, but because of their interest in the towering subject of what I wrote. It has never been in the RECORD. In one way or other, the subject matter has been printed, but never collectedly, to illustrate:

As I told you, for 50 years I have attended the annual encampments of the Grand Army of the Republic; never missed one since I began in 1876. Well, it was generally known that I had been in that death group and the reporters would come for an interview, and generally, they would mangle what I gave them, plenty of misstatements, and whatever they got they would cut it to suit their cloth, and the "cloth" was the space they could give it, and even after I wrote this article some years ago, I would take a copy or two along to the national encampment, and when they would come at me about this matter, hand them this statement, they would take it, but they would measure what space they had in their paper and invariably cut it, and never once gave it in full, and I never felt more like hitting a man in cold blood (though I guess I was suddenly hot under the collar) as when a sprig of a reporter tackling me about it, said, "So you were really at Mr. Lincoln's deathbed?" I said, "Yes; there's my account of it. Don't pour more questions on me," and with a smirk, he remarked, "It must have been an interesting occasion." I certainly would have smote him if I had had the physical ability.

You are at perfect liberty to do whatever you see fit with it.

Cordially yours,

JAMES TANNER.

THE PASSING OF ABRAHAM LINCOLN

Among all the characters who loomed large in the public mind from 1861 to 1865, one came to stand apart and alone in supremacy, finally recognized almost unanimously the world over as without a peer. It took the perspective of many years to enable us to get a correct view of the greatness of his character, his transcendent intellectual endowment, the utter unselfishness of his purpose, his absolute devotion to the interests of the Nation, which had called him to its leadership and the great agony endured by his loving, gentle heart as he staggered under his awful burden, an agony never equaled since the Savior of mankind passed the night in the Garden of Gethsemane.

Our people have shown in a thousand ways, and particularly in his recent centennial, that every atom relating to the life of Abraham Lincoln is of intense and continuous interest to them, and because of this and because of the fact that I was a spectator of the final scene of the supreme tragedy of that time on the morning of April 15, 1865, I pen these lines.

At that time I was an employee of the Ordnance Bureau of the War Department and had some ability as a shorthand writer. The latter fact brought me within touch of the events of that awful night. I had gone with a friend to witness the performance that evening at Grover's Theater, where now stands the New National. Soon after 10 o'clock a man rushed in from the lobby and cried out, "President Lincoln has been shot in Ford's Theater." There was great confusion at once, most of the audience rising to their feet. Some one cried out, "It's a ruse of the pickpockets; look out!" Almost everybody resumed his seat, but almost immediately one of the cast stepped out on the stage and said, "The sad news is too true; the audience will disperse."

My friend and myself crossed to Willard's Hotel and there were told that Secretary Seward had been killed. Men's faces blanched as they at once asked, "What news of Stanton? Have they got him, too?" The wildest rumors soon filled the air.

I had rooms at the time in the house adjoining the Peterson house, into which the President had been carried. Hastening down to Tenth Street, I found an almost solid mass of humanity blocking the street and the crowd constantly enlarging. A silence that was appalling prevailed. Interest centered on all who entered or emerged from the Peterson house, and all of the latter were closely questioned as to the stricken President's condition. From the first the answers were unvarying—that there was no hope.

A military guard had been placed in front of the house and those adjoining, but upon telling the commanding officer that I lived there I passed up to my apartment, which comprised the second story front of the house. There was a balcony in front, and I found my rooms and the balcony thronged by the other occupants of the house. Horror was in every heart and dismay on every countenance. We had just about a week of tumultuous joy over the downfall of Richmond and the collapse of the Confederacy, and now in an instant all this was changed to the deepest woe by the foul shot of the cowardly assassin.

CORPORAL TANNER CALLED TO TAKE NOTES ON THE ASSASSINATION

It was nearly midnight when Major General Augur came out on the stoop of the Peterson House and asked if there was anyone in the crowd who could write shorthand. There was no response from the street, but one of my friends on the balcony told the general there was a young man inside who could serve him, whereupon the general told him to ask me to come down as they needed me. So it was that I came into close touch with the scenes and events surrounding the final hours of Abraham Lincoln's life.

Entering the house I accompanied General Augur down the hallway to the rear parlor. As we passed the door of the front parlor the moans and sobs of Mrs. Lincoln struck painfully upon our ears. Entering the rear parlor, I found Secretary Stanton, Judge David K. Carter, chief justice of the Supreme Court of the District of Columbia, Hon. B. A. Hill, and many others.

I took my seat on one side of a small library table opposite Mr. Stanton, with Judge Carter at the end. Various witnesses were brought in who had either been in Ford's Theater or up in the vicinity of Mr. Seward's residence. Among them were Harry Hawk, who had been Asa Trenchard that night in the play, Our American Cousin, Mr. Alfred Cloughly, Col. G. V. Rutherford, and others. As I took down the statements they made we were distracted by the distress of Mrs. Lincoln, for though the folding doors between the two parlors were closed, her frantic sorrow was distressingly audible to us.

She was accompanied by Miss Harris, of New York, who, with her fiance, Major Rathbone, had gone to the theater with the President and Mrs. Lincoln. Booth, in his rush through the box after firing the fatal shot, had lunged at Major Rathbone with his dagger and wounded him in the arm slightly. In the naturally intense excitement over the President's condition it is probable that Major Rathbone himself did not realize that he was wounded until after he had been in the Peterson House some time, when he fainted from loss of blood, was attended to, his wound dressed, and he taken to his apartments. He and Miss Harris subsequently married.

Through all the testimony given by those who had been in Ford's Theater that night there was an undertone of horror which held the witnesses back from positively identifying the assassin as Booth. Said Harry Hawk, "to the best of my belief, it was Mr. John Wilkes Booth, but I will not be positive," and so it went through the testimony of others, but the sum total left no doubt as to the identity of the assassin.

SECRETARY STANTON GAVE THE ORDERS

Our task was interrupted very many times during the night, sometimes by reports or dispatches for Secretary Stanton but more often by him for the purpose of issuing orders calculated to enmesh Booth in his flight. "Guard the Potomac from the city down," was his repeated direction. "He will try to get south." Many dispatches were sent from that table before morning, some to General Dix at New York, others to Chicago, Philadelphia, etc.

Several times Mr. Stanton left us a few moments and passed back to the room in the ell at the end of the hall where the President lay. The doors were open and sometimes there would be a few seconds of absolute silence when we could hear plainly the stertorous breathing of the dying man. I think it was on his return from his third trip of this kind when, as he again took his seat opposite me, I looked earnestly at him, desiring, yet hesitating to ask if there was any chance of life. He understood and I saw a choke in his throat as he slowly forced the answer to my unspoken question—"There is no hope." He had impressed me through those awful hours as being a man of steel, but I knew then that he was dangerously near a convulsive breakdown.

During the night there came in, I think, about every man then of prominence in our national life who was in the Capital at the time and who had heard of the tragedy. A few whom I distinctly recall were Secretaries Welles, Usher, and McCulloch, Attorney General Speed, and Postmaster General Dennison, Assistant Secretaries Field and Otto, Governor Ogiesby, Senators Sumner and Stewart, and Generals Meigs and Augur. I have seen many asserted pictures of the deathbed scene and most of them have Vice President Andrew Johnson seated in a chair near the foot of the bed on the left side. Mr. Johnson was not in the house at all, but in his rooms in the Kirkwood House, and knew nothing of the events of that night until he was aroused in the morning by Senator Stewart and others and told that he was President of the United States.

With the completion of the taking of the testimony, I at once began to transcribe my shorthand notes into longhand. Twice while so engaged Miss Harris supported Mrs. Lincoln down the hallway to her husband's bedside. The door leading into the hallway from the room wherein I sat was open and I had a plain view of them as they slowly passed. Mrs. Lincoln was not at the bedside when her husband breathed his last. Indeed, I think it was nearly, if not quite, two hours before the end when she paid her last visit to the death chamber, and when she passed our door on her return she cried out, "O my God, and have I given my husband to die!"

WORSE SUFFERING THAN FOUND ON BATTLE FIELDS

I have witnessed and experienced much physical agony on battle field and in hospital, but of it all nothing sunk deeper in my memory than that moan of a breaking heart.

I finished transcribing my notes at 6.45 in the morning and passed back into the room where the President lay. There were gathered all those whose names I have mentioned and many others, about 20 or 25 in all, I should judge. The bed had been pulled out from the corner and owing to the stature of Mr. Lincoln he lay diagonally on his back. He had been utterly unconscious from the instant the bullet ploughed into his brain. His stertorous breathing subsided a couple of minutes after 7 o'clock. From then to the end only the gentle rise and fall of his bosom gave indication that life remained.

The Surgeon General was near the head of the bed, sometimes sitting on the edge thereof, his finger on the pulse of the dying man. Occasionally he put his ear down to catch the lessening beats of his heart. Mr. Lincoln's pastor, the Reverend Doctor Gurley, stood a little to the left of the bed. Mr. Stanton sat in a chair near the foot on the left, where the pictures place Andrew Johnson. I stood quite near the head of the bed and from that position had full view of Mr. Stanton across the President's body. At my right Robert Lincoln sobbed on the shoulder of Charles Sumner.

Stanton's gaze was fixed intently on the countenance of his dying chief. He had, as I said, been a man of steel throughout the night, but as I looked at his face across the corner of the bed and saw the twitching of the muscles I knew that it was only by a powerful effort that he restrained himself.

The first indication that the dreaded end had come was at 22 minutes past 7, when the Surgeon General gently crossed the pulseless hands of Lincoln across the motionless breast and rose to his feet.

"HE BELONGS TO THE AGES NOW"

Reverend Doctor Gurley stepped forward and lifting his hands began, "Our Father and our God"—I snatched pencil and notebook from my pocket, but my haste defeated my purpose. My pencil point (I had but one) caught in my coat and broke, and the world lost the prayer—a prayer which was only interrupted by the sobs of Stanton as he buried his face in the bedclothes. As "Thy will be done, Amen," in subdued and tremulous tones floated through that little chamber, Mr. Stanton raised his hand, the tears streaming down his cheeks. A more agonized expression I never saw on a human countenance as he sobbed out the words, "He belongs to the ages now."

Mr. Stanton directed Maj. Thomas M. Vincent of the staff to take charge of the body, called a meeting of the Cabinet in the room where we had passed most of the night, and the assemblage dispersed.

Going to my apartment, I sat down at once to make a second longhand copy for Mr. Stanton of the testimony I had taken, it occurring to me that I wished to retain the one I had written out that night. I had been thus engaged but a brief time, when hearing some commotion on the street, I stepped to the window and saw a coffin containing the body of the dead President being placed in a hearse, which passed up Tenth Street to F and thus to the White House, escorted by a lieutenant and 10 privates. As they passed with measured tread and arms reversed, my hand involuntarily went to my head in salute as they started on their long, long journey back to the prairies and the hearts he knew and loved so well, the mortal remains of the greatest American of all time, bar none.

JAMES TANNER,
Late Corporal, Company C, Eighty-seventh Regiment New York Volunteers, Kearney's Division, Third Corps, Army of the Potomac.
Commander in chief, Grand Army of the Republic, 1905 and 1906.

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. FREAR) Mr. PEAVEY was granted an indefinite leave of absence on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes";

H. R. 11175. An act granting the consent of Congress to the Missouri State Highway Commission to construct a bridge across Current River;

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Missouri River in the city of Minneapolis, in the State of Minnesota;

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River in the county of Hennepin, Minn., by the city of Minneapolis;

S. 1895. An act to correct the military record of George Patterson, deceased; and

H. R. 7889. An act to regulate subsistence expenses of civilian officers and employees while absent from their designated posts of duty on official business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4547. An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes";

H. R. 10771. An act granting the consent of Congress to the Northern Pacific Railway Co. to construct a bridge across the Mississippi River at Little Falls, Minn.;

H. R. 10895. An act granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota;

H. R. 10975. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River;

H. R. 11175. An act granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Current River; and

H. R. 11357. An act extending the time for the completion of a bridge across the Mississippi River, in the county of Hennepin, Minn., by the city of Minneapolis.

CIVIL WAR PENSIONS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 8815, a bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of sailors and soldiers of said war, and agree to the Senate amendments.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 8815 and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, will the gentleman give us the figures as to how much the bill will carry, including the Senate amendments?

Mr. ELLIOTT. I shall be glad to do that. This bill when it left the House had in it 34 original pensions for soldiers and 3 increases; 234 original pensions for widows and 523 increases; for helpless children, original pensions, 76, and increases 8; for widows who were married after June 27, 1905, original pensions, 158, increases 2; remarried widows, for original pensions, 16, increases 41; making a total of 935. The cost of the bill as passed by the House amounted to $259,512 annually. The Senate committee disagreed with the House on 189 items in the bill, some of those items, however, relating to people who had died, which would reduce the cost of the bill $52,596, but added as amendments to the House bill 220 Senate bills, carrying a total annual cost of $58,344, and making the cost of the bill as reported by the Senate committee $265,260 annually.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BLACK of Texas. I understand the gentleman to state that the House has receded on all of the Senate amendments?

Mr. ELLIOTT. The House committee met on last Friday and went over this matter and directed me, as the ranking majority member, to take the action I have taken to-day. This bill has not been in conference and we thought it was not advisable to go to conference.

Mr. BLACK of Texas. Did the Senate in rejecting certain items in the House bill adopt any rule of measurement, or was it just an arbitrary rejection of certain items included in the bill?

Mr. ELLIOTT. Well, I would say it was more an arbitrary matter rather than a rule.

Mr. BLACK of Texas. That is what I suspected, and it seems to me there is no justification for a procedure of that kind, to have an item cut out just because the Senate arbitrarily wants to do it and not for any good reason. It seems to me the House conferees ought to insist on the House bill unless some valid objection can be urged against a particular item.

Mr. ELLIOTT. There has been no conference in the matter, and I will tell you why the committee did not want to go to conference. There are about 800 bills contained in the bill for people who are in destitute circumstances, and many of them are helpless and sick; this bill has been pending now for more than two years, and if we go to conference in the matter the chances are that no bill will be put forward in this session for their relief. Now, here is the situation: All of these other bills can be reintroduced by the Members and then they will get action probably as quickly as if we should go to conference.

Mr. BLACK of Texas. I will ask one more question. I recall that I had an item included in the omnibus bill for one of my constituents, and I do not think there was a more meritorious one in it. I wish the gentleman would give me some information as to whether it was eliminated by the Senate. It was the case of Mrs. Martha Wilcox. Can the gentleman tell me about that case?

Mr. ELLIOTT. I do not know whether I can do that very quickly or not, because there are 935 different measures.

Mr. BLACK of Texas. If the Senate has arbitrarily cut that out, I intend to protest.

Mr. ELLIOTT. I do not know whether that individual case was cut out or not. Every Member of Congress has had an opportunity to look out for his particular case. I do not recall anything about that particular case.

Mr. BLACK of Texas. That is the only one I had in the bill, and it is absolutely meritorious. Mrs. Wilcox is 82 years of age and is totally disabled.

Mr. ELLIOTT. As I say, I do not know whether it has been cut out or not.

Mr. CRAMTON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CRAMTON. In the last Congress this same thing was done. The House passed a bill; the Senate cut out a number of House items and added everything they wanted. We accepted every item they put in the bill and consented that all of the House items be cut out. As the gentleman from Indiana says, we have the privilege of reintroducing bills and waiting two years more, and in connection with this bill we have the same program presented to us. I do not know that I have been injured in this bill, but I do know that an old lady, helpless, paralyzed, and blind, is injured in another bill that has just been mutilated by the Senate; and if the program initiated to-day is to be followed as to that bill, that old lady must wait two years and then have the same thing done again. I join the gentleman from Texas.

I contend that the two Houses are coordinate and equal and the Senate has not the right to strike out over 100 items from a House bill and then insert several pages of new items of its own; have them undergo no scrutiny whatever by House conferees, expect them to be accepted en bloc, and then expect us to agree to everything they have taken out of the bill. I do not believe that either committee on pensions ought to come to this House and ask us to submit to any such shameful procedure.

Mr. BLACK of Texas. Let me say also that the very bill I have referred to passed the House two years ago at a former session and I had to reintroduce it at this session. If I can be shown that in any way it is not a meritorious bill I will not make any complaint at all. But until I am shown that, I will insist on its passage.

Mr. ELLIOTT. If the gentleman knows the number of his bill he can find out very readily about it.

Mr. BLACK of Texas. I do not recall the number.

Mr. ELLIOTT. I can not take 935 cases here on the floor of the House and tell offhand whether any particular one of them is in this bill or out of it.

Mr. CRAMTON. Does the gentleman from Indiana state to the House that the Senate takes the position that we must accept these pension bills as they mutilate them or go without; is that the situation? If so, it is time the House called a halt and stopped the procedure.

Mr. ELLIOTT. In answer to the gentleman from Michigan I desire to say I have no defense whatever to offer for the Senate action in this matter, but I do say there are 800 helpless people who will get their pensions under the terms of this bill, if we act upon it now, who may not get them until next year or never get them if we do not act now.

Mr. CHALMERS. Will the gentleman yield to me?

Mr. ELLIOTT. Yes.

Mr. CHALMERS. I want to say to the acting chairman of the committee that I have a bill that I know is a meritorious bill which is not in this omnibus bill. I am not going to object, on account of the fact that there are 800 or 900 helpless, sick pensioners who need this money. I am going to reintroduce this meritorious measure at the next session of Congress, and it does not seem to me that on a mere technicality we ought to hold up these deserving pensioners and prevent them from getting their portion.

Mr. KING and Mr. SIMMONS rose.

Mr. ELLIOTT. I yield to the gentleman from Illinois.

Mr. KING. Can the gentleman tell us how many of these pension cases were cut out by the Senate?

Mr. ELLIOTT. Yes; if you will just give me a moment I can read the statement of the Clerk.

The House passed H. R. 8815 February 26, 1926, with a total of 935 special bills included. Eighteen of the proposed beneficiaries died while the bill was being considered by the Senate Committee on Pensions. The Senate Committee on Pensions

recommended striking out, aside from the number removed by death, 161 items and recommended reductions of rate in 10 additional cases.

The Senate rejected three of the proposed amendments, reducing the number of items stricken out of the House bill to 158 out of a total of 935 private bills. The Senate Committee on Pensions refused to approve House bills providing for increase in pensions of widows where it was shown by evidence that such widows were not yet 70 years of age. At the same time the Senate Committee on Pensions recommended increase in pensions of widows who were under the 70-year age limitation in 16 Senate cases.

Mr. BLACK of Texas. Will the gentleman agree to let this go over for a while, so that we can look into it further?

Mr. KING. If the gentleman from Texas will yield just a moment, I think I have the floor. It seems to me the trouble is that this pension matter has become a matter which has been left entirely to the clerks of the committees. The clerk of the Senate committee is a perfect tyrant, nothing else in the world, and he is the man who dictates which ones shall receive pensions. I believe—and I feel I am stating the truth—very little attention is paid to these particular cases, and the gentleman says now there will be no conference meeting. There are meritorious cases before the conferees, why should they not have a conference meeting and thrash this matter out between them?

Mr. ELLIOTT. For the reason we can get all these cases back to the Senate and save these 800 cases here now, and we will get action on the others just as quick. The chances are if you do not take this action then these 800 people will not get relief.

Mr. JACOBSTEIN. What does the gentleman mean by getting these cases back to the committee?

Mr. ELLIOTT. What I mean is that if any of the Members who had cases in the bill that were cut out will reintroduce them the committee will promptly report them for passage.

Mr. JACOBSTEIN. At the next session?

Mr. ELLIOTT. Yes.

Mr. JACOBSTEIN. How soon can we find out the 161 items that have been cut out?

Mr. ELLIOTT. The gentleman can find that out in a very few moments if he will get one of the reports.

Mr. SIMMONS. The CONGRESSIONAL RECORD shows all that information as of the date the Senate passed the bill.

Mr. JACOBSTEIN. What was that date?

Mr. ELLIOTT. Or the gentleman can get a copy of the report of the Senate committee.

Mr. JACOBSTEIN. I understand 17 per cent of all the items were cut out by the Senate.

Mr. ELLIOTT. I do not know the exact percentage.

Mr. JACOBSTEIN. In other words, 161, excluding the ones they did cut out.

Mr. CRAMTON. Cut out under a rule that no House bill would be accepted giving an increase to a widow under 70 years of age, but putting in 16 Senate bills where the widows were under 70; in other words, imposing one rule on the House and freeing themselves from it.

Mr. JACOBSTEIN. Will not the gentleman withhold his request until we have a chance to examine the items that have been eliminated?

Mr. ELLIOTT. Mr. Speaker, a parliamentary inquiry. Could this come up to-morrow, Calendar Wednesday, at noon?

The SPEAKER. By unanimous consent.

Mr. ELLIOTT. I am willing to let the matter go over until to-morrow if that will suit the membership of the House, but I do hope the House will not object to this.

Mr. SNELL. Will the gentleman yield for one brief question?

Mr. ELLIOTT. Yes.

Mr. SNELL. Did I understand the gentleman to make the statement there was to be no conference on this matter?

Mr. ELLIOTT. That is what we are trying to avoid.

Mr. CRAMTON. Why not have a conference?

Mr. SNELL. I want to say that personally I am opposed to that procedure. I think we should have a conference on this proposition the same as everything else, and if they have cut out 161 items we should find out the reason.

Mr. CRAMTON. I will say now that while I have no objection to its going to conference, I shall have to object to accepting the Senate proposition under these conditions.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER appointed as conferees Mr. ELLIOTT, Mr. BEERS, and Mr. UNDERWOOD.

AN ESTIMATE OF CONGRESS, BY ROBERT M. GATES

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to speak out of order for one minute.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, among all the splendid and able newspaper representatives in Washington I am sure there is none more loved and honored by the southern Representatives than is the capable and genial Bob Gates, of the Memphis Commercial-Appeal. Under the date of May 29 he contributed an article to his paper in which he has made some most sane and pertinent and yet kindly observations about this Congress and about the mental attitude of the public generally toward Congress and its Members.

Mr. Gates has had some 20 years' experience as a newspaper correspondent in Washington. With this long observation and with his splendid ability and insight he is certainly something of an authority upon the subject which he discusses. I am sure that every Member of this House who reads his recent article will feel grateful to him and will realize that he has done a real service to both the Congress and the country in the protest which he makes against the growing tendency to "knock" the Congress and the Government. I ask permission to include in my remarks some quotations from him, and I am sure that when my colleagues have read these remarks they will feel grateful to the author and will realize the importance of promoting such sentiment among the people:

"WASHINGTON, May 29.—That old saying to the effect that "the only good Indian is a dead Indian" might not inappropriately be applied to the American Congress, which has to adjourn sine die to win the plaudits of the populace. The end of the Sixty-ninth Congress is near, and, like its predecessors, it will go out with the smiling approval of most of the people who elected its Members. All Congresses go the same way; so this one, now about to take its final leave, need feel neither grieved nor grateful for the emotion its exit will evoke.

A similar fate awaits the Seventieth Congress and its successors. So fastidious are the American people about their Congresses that they berate them in life and bless them in death. Like men, "the evil they do lives after them, and the good is oft interred with their bones." Unfortunately, Congress has come to be looked upon by too many people as a sort of necessary evil that must be endured at constitutionally prescribed intervals.

Regrettable as it may be, knocking Congress seems to have become a popular American pastime. If all the unkind things, the disparaging things, the false and unjust things uttered indiscriminately about our Congress were said and constantly repeated about a private business or institution that business or institution would sink under the weight of the calumny. Fortunately, however, Congress is so constituted as to keep on going in spite of the knockers and their knocking.

MEMBERSHIP OF CONGRESS SNUBBED

Congress, the same as any business or profession, has its little men, its unadmirable men, its narrow men, its selfish and greedy men, and at times, not often, so-called bad or unworthy men are elected to its membership, but the latter instances are rare, and when they do occur either the Congress itself or the people who sent them to Washington correct the mistake. There is not a business or a profession that has not a representative to shame it, and this will be the case so long as human nature is as it is. Congress is neither composed of saints nor supermen, but the men who make up its membership, as a rule, are fairly representative of the leading, if not the best, active thought and sentiment of their respective districts or States. A Member of the House may be a very small man or a very vulnerable man to those who want to find fault with him for the purpose of discrediting him, but, after all, he must have some redeeming qualities of heart or mind, he must have been able to convince a majority of his voting constituents of some worthiness; he must have some standing back home, else he would not be where he is. A Senator may appear a very inferior sort of man to those who would detract from him to satisfy a craving for loose criticism.

In order to attain usefulness as a Member of either House is it necessary that the Member's name be attached to some piece of legislation popularly regarded as important or outstanding? Too frequently thoughtless critics of Members dismiss them from favorable consideration on the ground that their names are not connected with such legislative acts. If only men who have attained such distinction were entitled to a seat in the House or the Senate congressional representation might well be reduced to a "baker's dozen," for only one or two men in the life of a single term of Congress stamp their names upon a legislative act. Many of the most brilliant and constructively useful

men who ever served in either House were never so distinguished, but at the same time they rendered a public service of the highest order.

Who recalls a Conkling Act or a Blaine Act or a Vest Act or a Vance Act or a Williams Act in the Senate or a Clark Act or a Kitchin Act or a Cannon Act in the House? Yet these Senators and Representatives of another day loomed large on the horizon of American statesmanship. The average Senator and the average Representative is a private in the ranks of our law-making body, and so long as he is patriotic in his concept of public duty, grounded in morals, with a reasonable capacity for understanding and discriminating between that which is good and that which is bad, united with the courage to align himself with the good he is qualified for legislative service though opportunity to write his name across the back of an act may never present itself.

If every Member of the Sixty-ninth Congress should be defeated in the approaching elections the Seventieth Congress would be the unhappy heir of its anathema and abuse.

Two years ago in the closing days of the Sixty-eighth Congress I made some remarks to the House along a similar line. I ask also your indulgence to put into the RECORD the closing remarks of my speech made on that occasion:

The people need, it seems to me, to learn two things especially. First, legislation and government can not work miracles. Many things that are seriously needed are beyond the reach of government, and to demand them of the Government is to work perversion. Second, public officials, like private citizens, are in this confusing whirl. Like private citizens, they differ honestly on political questions and may be honestly wrong. But it is a mistake to blindly discredit and abuse the Congress or the administration at a time like this, because hard conditions are not immediately corrected.

All public officials are selected by the people and from among the people, and, like the people who select them, they are just folks, neither wholly bad nor wholly good. Bill Arp quotes a southern negro just out of the penitentiary:

"You see, boys, in de penitentiary it's des like it is ever'whar else. Dey's some good folks, and dey's some bad folks. I'se seed some jest 'bout as mean folks in de penitentiary as I ever seed anywhar in my life."

I may say here that I find the American Congress much like the penitentiary in that respect. We are not saints nor devils; just plain folks. Yet it would be a sad reflection on the people to say that the public officials whom they select are as a lot weak and dishonest. I resent such a charge against the intelligence and the integrity of the American people. My three years of constant and close association with our national legislators and other Federal officials has convinced me that, regardless of party, they measure up to a high level of honesty and ability.

Frank Mondell, after serving for 26 years in this House and attaining the leadership of his party, said:

"I can not close a service of more than a quarter of a century in this House without an expression of my high appreciation of the honor and dignity of service here and of the splendid character of the men whom American constituencies have sent to represent them on this floor. * * *

"In expressing my view of the men with whom I have served in this body I am not honoring them more than the people who sent them here. If they were not honest, conscientious, and faithful public servants, devoted to the interests of their constituents, what a sad, sorry reflection on their constituencies. When I express my faith and my confidence in the American House of Representatives I but express faith and confidence in the people. * * *

"My respect and my affection for the membership has grown with the passing years. My confidence in this Chamber in the hands of whose membership rest the destinies of the Republic has grown firmer with the passing of time."

At the close of this present session we have two distinguished Members retiring to accept high judicial positions—the gentleman from Illinois [Mr. Graham] and the gentleman from North Dakota [Mr. Young]. Both have taken occasion to express similar estimates of the integrity of their associates here.

If this be the cool judgment of large men who have served long in the American Congress, there must yet be honor in the State and safety for our country. We, the Representatives of the people, are to return home soon to mix with our constituencies. Again I am reminded, as I was two years ago, that a campaign year is a time of serious responsibility to men in public life. While we should not cover up the evils and abuses that exist, yet we should not magnify these evils to the exclusion of hope and confidence. We have yet in America the best government known to history and the best conditions that now obtain anywhere on the face of the earth. Millions of people in war-stricken and famine-stricken lands are turning longing eyes toward our happy shores and would risk their lives for but half the liberty, peace, and plenty we enjoy.

Let us go to our fellow citizens of this good land which God has given us, not with expressions of despondency and bitterness, but with messages of cheer and good will.

FOURTH COMMONWEALTH CONFERENCE AT IOWA CITY, IOWA

Mr. LETTS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Commonwealth conference, to be held at Iowa City under the auspices of the State University of Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa as indicated?

There was no objection.

Mr. LETTS. Mr. Speaker and gentlemen of the House, in view of the fact that there is a lively interest in the subject of local self-government throughout the United States at this time, it has occurred to me that it would not be inappropriate to call attention to the program for the Fourth Commonwealth Conference to be conducted under the auspices of the State University of Iowa, at Iowa City, Iowa, beginning on Monday, June 28, of this year.

LOCAL SELF-GOVERNMENT

The general subject for consideration is that of local self-government. A conference has been arranged by a committee of which Benjamin F. Shambaugh, the superintendent of the Iowa State Historical Society, is chairman. Other members of this committee are Henry C. Jones, dean of the college of law; Paul C. Packer, dean of the college of education; Charles H. Weller, director of the summer session; and Edward H. Lauer, director of the extension division.

The purpose of the conference is to consider, to weigh, and to discuss, rather than to decide, conclude, and resolve—to stimulate creative interest in Commonwealth problems but not to formulate political conclusions. The conference is not intended as a school of instruction for specialists and experts. Accordingly the discussions, as far as possible, will be kept free from technical minutiæ.

THE PROGRAM

The conference will be addressed by many eminent men, one being Mr. Arnold B. Hall, president of the University of Oregon. The subject "Toleration in politics" will be discussed by Mr. Charles A. Beard, president of the American Political Science Association. Mr. Walter A. Jessup, the beloved and eminently successful president of the university, will talk on the subject, "University assembly." The general topics will be "Systems of local self-government," "Principles and problems of local self-government," "The Commonwealth and local self-government," "The county and local self-government," and "The municipality and local self-government."

Great interest is promised in connection with the several round tables. The printed program is something more than it purports to be. It is a pamphlet of 48 pages, suggesting topics for discussion, queries and opinions calculated to stimulate thought and provoke debate both at and outside the conference.

In connection with the conference it is proposed to give national scope to the subject of local self-government. It is the plan to give currency through the columns of the newspapers and through broadcasting stations to views and opinions of some of the leaders in public affairs.

Many interesting contributions will be made to this general subject, which is so widely debated in political and legislative circles to-day. I extend an invitation to my colleagues to participate in the conference by their personal presence, or by written communication to Dr. Benjamin F. Shambaugh on the subject of local self-government in general, or stating their views on some particular aspect of the subject. Such expression of opinion would be greatly appreciated by the conference committee and would become a public declaration of opinion, because the proceedings of the conference will be put in print for general distribution. The great purpose is to stimulate independent thought in the minds of men interested in government and the systems of government.

BOUNDARY WATERS BETWEEN UNITED STATES AND CANADA

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I have received from the Acting Secretary of State pertaining to the treaties now in force between this country and Great Britain on the border waters between the United States and Canada.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHALMERS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

DEPARTMENT OF STATE,
Washington, D. C., March 3, 1922.

The Hon. WILLIAM W. CHALMERS,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of February 23, 1922, by which you ask in connection with House Joint

Resolution No. 262, Sixty-seventh Congress, second session, whether the treaties concluded between the United States and Great Britain on August 9, 1842 (Webster-Ashburton treaty), June 5, 1854 (reciprocity with Canada), May 8, 1871 (treaty of Washington), and January 11, 1909 (boundary waters between the United States and Canada), are in force, and for a statement concerning all treaty provisions which are in force between the United States and Great Britain touching the navigation of the Great Lakes and the St. Lawrence River.

The Webster-Ashburton treaty and the boundary water treaty of 1909 are in force. The provisions of Article VII of the Webster-Ashburton treaty are to be considered in connection with provisions on the same subject contained in the treaty of 1909, particularly Article I thereof. The reciprocity treaty of 1854 ceased to be operative on March 17, 1866, notice of termination thereof at the expiration of 12 months having been given by the United States on March 17, 1865, and acknowledge by the British Foreign Office on the same day.

The provisions of the treaty of Washington of 1871 relating to arbitration of claims (Articles I to XI, XII to XVII, and XXXIV to XLII) appear to have been fully executed. By notice given by the United States and accepted by the British Minister for Foreign Affairs Articles XVIII to XXV, XXX, and XXXII were terminated July 1, 1885. It would appear also that Articles XXVIII, XXIX, and XXXIII have ceased to be operative. A discussion of this subject is found in President Harrison's Message to Congress of February 2, 1893 (Richardson's Messages and Papers of the Presidents, Vol. IX, p. 335). Articles XXVI, XXVII, and XXXI of the treaty of Washington of 1871 appear still to be in force.

The British Government has maintained that treaties concluded by it with the United States before the War of 1812 were terminated by that war, while the United States has taken the position that the War of 1812 did not necessarily terminate those treaties. Subject to this and other explanations above the following treaty provisions between the United States and Great Britain pertaining to navigation of the waters of the St. Lawrence River and the Great Lakes are set forth below:

TREATY OF AMITY, COMMERCE AND NAVIGATION (JAY TREATY), SIGNED NOVEMBER 19, 1794

ARTICLE III

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea ports, harbors, bays, or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea." * * *

EXPLANATORY ARTICLE TO THE THIRD ARTICLE OF THE TREATY OF NOVEMBER 19, 1794, SIGNED MAY 4, 1796

"They, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce, and navigation, to the subjects of his Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation."

CONVENTION AS TO BOUNDARIES, SUPPRESSION OF SLAVE TRADE, AND EXTRADITION (WEBSTER-ASHBURTON TREATY), SIGNED AUGUST 9, 1842

ARTICLE VII

"It is further agreed that the channels in the river St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the river Detroit on both sides of the island Bois Blanc, and between that island and both the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties."

TREATY OF WASHINGTON, SIGNED MAY 8, 1871

ARTICLE XXVI

"The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

"The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory not inconsistent with such privilege of free navigation."

ARTICLE XXVII

"The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States."

CONVENTION CONCERNING THE BOUNDARY WATERS BETWEEN THE UNITED STATES AND CANADA, SIGNED JANUARY 11, 1909

ARTICLE I

"The High Contracting Parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

"It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof."

In connection with the treaty provisions pertaining to the navigation of the waters of the Great Lakes and the St. Lawrence River it may also be of interest to notice the following:

TREATY CONCERNING FISHERIES IN UNITED STATES AND CANADIAN WATERS, SIGNED APRIL 11, 1908

ARTICLE II

"It shall be the duty of this International Fisheries Commission, within six months after being named, to prepare a system of uniform and common international regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV of this convention, which regulations shall embrace close seasons, limitations as to the character, size, and manner of use of nets, engines, gear, apparatus, and other appliances; a uniform system of registry by each government in waters where required for the more convenient regulation of commercial fishing by its own citizens or subjects within its own territorial waters or any part of such waters; an arrangement for concurrent measures for the propagation of fish; and such other provisions and measures as the commission shall deem necessary."

ARTICLE III

"The two Governments engage to put into operation and to enforce by legislation and executive action, with as little delay as possible, the regulations, restrictions, and provisions with appropriate penalties for all breaches thereof; and the date when they shall be put into operation shall be fixed by the concurrent proclamations of the President of the United States and the Governor General of the Dominion of Canada in Council.

"And it is further agreed that jurisdiction shall be exercised by either Government, as well over citizens or subjects of either party apprehended for violation of the regulations in any of its own waters

to which said regulations apply as over its own citizens or subjects found within its own jurisdiction who shall have violated said regulations within the waters of the other party."

ARTICLE IV

"It is agreed that the waters within which the aforementioned regulations are to be applied shall be as follows: (1) The territorial waters of Passamaquoddy Bay; (2) the St. John and St. Croix Rivers; (3) Lake Memphremagog; (4) Lake Champlain; (5) the St. Lawrence River, where the said river constitutes the international boundary; (6) Lake Ontario; (7) the Niagara River; (8) Lake Erie; (9) the waters connecting Lake Erie and Lake Huron, including Lake St. Clair; (10) Lake Huron, excluding Georgian Bay, but including North Channel; (11) St. Marys River and Lake Superior; (12) Rainy River and Rainy Lake; (13) Lake of the Woods; (14) the Strait of San Juan de Fuca, those parts of Washington Sound, the Gulf of Georgia, and Puget Sound lying between the parallels of 48° 10′ and 49° 20′; (15) and such other contiguous waters as may be recommended by the International Fisheries Commission and approved by the two Governments. It is agreed on the part of Great Britain that the Canadian Government will protect by adequate regulations the food fishes frequenting the Fraser River. * * *"

TREATY IN REFERENCE TO RECIPROCAL RIGHTS FOR UNITED STATES AND CANADA IN THE MATTERS OF CONVEYANCE OF PRISONERS AND WRECKING AND SALVAGE, SIGNED MAY 18, 1908

ARTICLE II

"The High Contracting Parties agree that vessels and wrecking appliances, either from the United States or from the Dominion of Canada, may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled, or in distress in the waters or on the shores of the other country in that portion of the St. Lawrence River through which the international boundary line extends, and in Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, and Lake Superior, and in the rivers Niagara, Detroit, St. Clair, and Ste. Marie, and the canals at Sault Ste. Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific coasts within a distance of thirty miles from the international boundary on such coasts.

"It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the customs, coasting, or other laws or regulations of either country shall restrict in any manner the salvaging operations of such vessels or wrecking appliances.

"Vessels from either country employed in salving in the waters of the other shall, as soon as practicable afterwards, make full report at the nearest customhouse of the country in whose waters such salving takes place."

The treaties and conventions concluded by the United States with foreign countries are published in the several volumes of the Statutes at Large of the United States. The treaties and conventions concluded up to the year 1913 may also be consulted in the compilation entitled "Treaties, conventions, international acts, protocols, and agreements between the United States and other powers," in three volumes, which is published by the Government Printing Office. A copy of each treaty to which reference is herein made is inclosed.

I have the honor to be, sir,

Your obedient servant,

HENRY P. FLETCHER,
Acting Secretary of State.

VIADUCT ACROSS THE MAHONING RIVER, TRUMBULL COUNTY, OHIO

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3931 and consider the same. This bill has been reported from the Committee on Interstate and Foreign Commerce of the House. It is an emergency measure, a bridge bill, which is holding up the construction of a very important highway in the State of Ohio.

The SPEAKER. The Chair is informed that the bill is not on the Speaker's table, but is on the calendar. Is there objection to the present consideration of the bill S. 3931, of which the Clerk will report the title?

The Clerk read as follows:

An act (S. 3931) granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. COOPER of Ohio to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

DISPOSITION OF LAND NO LONGER NEEDED FOR NAVAL PURPOSES

Mr. MAGEE of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10312) to authorize the disposition of lands no longer needed for naval purposes, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 10312 and agree to the Senate amendments. Is there objection?

There was no objection.

MEMORIAL DAY ADDRESS

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech by my colleague, Mr. PRALL, delivered at Hero Park, Staten Island, before the American Legion on yesterday.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. PRALL. Mr. Speaker, under leave to print in the RECORD the Memorial Day address delivered by me last Sunday, I submit the following address at the Memorial Day exercises held at Hero Park, Staten Island, N. Y., Sunday, May 30, 1926, under the auspices of the American Legion of Richmond County and the Staten Island Chamber of Commerce:

I am pleased to be present on this occasion and participate in a small way to do honor to the memory of the brave men who proved their devotion to the Nation by laying down their lives for its cause.

As time passes we perhaps realize and appreciate more what it means to have made the supreme sacrifice. It is days like these that bring back vividly to our minds the stirring days of 1861, of 1898, and last, but by no means, least, of 1917.

As we gather together the historical facts attending the great Civil War, which many of us were too young to personally remember; as we recall the Staten Island men who voluntarily enlisted their services in the Spanish-American War, and then later the men who enlisted in the great World War, a feeling of unusual pride rises in our breasts at the bravery of our own Staten Island men who have gone down in history earning the plaudits of the Nation. It is then we must ask ourselves, What are we as American citizens doing for the future preservation of the Nation which these brave men whom we honor to-day made safe for us?

What may we do, what should we as American citizens do, to mark our appreciation in a manner that will merit the gratitude of the soldiers who came safely through the conflict and to hold in reverence the memory of those who paid the price with their lives?

This Republic is endangered not so much by the activities of the open and secret enemies of American institutions as by the indifference of millions of people, inheritors of the traditions and opportunities of this, the greatest of all nations, to their own duties and responsibilities.

Half of our citizens do not even take the trouble to vote. Most of the remainder consider their duty to their country discharged when they have cast their ballots and go about their business during the intervals between political campaigns giving little or no thought to the national welfare.

Elements antagonistic to American institutions are not so indifferent or so idle. They are ceaselessly at work in the open and under cover. They are never off the job of undermining the faith of the people in their country, in spreading unrest, in arousing discontent, in stimulating prejudice, envy, and hatred—those passions out of which revolutions are fashioned.

George Washington expressed the hope that the United States of America would not follow "the usual course of nations." The usual course of nations has been that of the tide in its daily movements to rise and then to fall. We, in our day, have seen nations totter, then fall. Nations which we considered adamant in structure and impregnable to attack. This Nation can not escape the usual fate of governments except through the vigilance of its citizens.

It is human nature to take an inheritance for granted; to accept it as a matter of course; to deem it unnecessary to defend that which others have fought for, that it might be ours. And so, with so many voices raised in criticism of American institutions, American traditions, and American ideals, few think it worth while to call attention to the incalculable value of these institutions, traditions, and ideals. How is a new generation to learn that there is anything worth while in them?

This is a Government of laws and not of men. Just so long as we respect the laws of the land our future is safe.

But when legislative bodies of the States, or of the Nation itself, impose upon the people of the land laws taking from them their personal liberties, rights, and privileges, they merit just criticism of our acts. Our country is in a continual state of evolution; our development of growth is followed by changes in custom.

Laws must be made to cope with conditions. Conditions where personal liberty is concerned can not always be changed by the enactment of law.

Therefore, when we impose laws which deprive the people of their personal liberties and which are oppressive, we invite contempt for other laws.

When we impose laws upon the people which deprive them of their personal liberty, we forget that the Declaration of Independence and the Constitution of our Government were made necessary by reason of the oppressive laws imposed upon the people by the English Crown.

Laws that have not won, and can not gain the respect of the majority, should never have been enacted, because they encourage contempt rather than confidence in our form of government.

To fight for one's country when its life is threatened by violence is noble and heroic; to stand for it in peace time is a virtue quite as necessary. And unless there be such virtue in citizenship our traditions will be forgotten, our ideals neglected, and our institutions will eventually crumble.

What is more important to every citizen of this Republic than the perpetuity of the institutions which protect his life, his liberty, his pursuit of happiness, and his property? What is of more priceless value than the national ideals and traditions which have given this Nation its proud place in history? Yet how little thought the average man or woman gives to this most vital of all questions affecting the most precious things in life.

Institutions, governments do not preserve themselves. They can be preserved only by the vigilance of those to whose guardianship they have been committed. Upon you as citizens of the Republic rests the responsibility which can not be shirked without danger to your country. Its future is worth something of your thought, and the very memory of those whom we honor to-day not only deserves but demand it.

FRENCH DEBT SETTLEMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11848) for the settlement of the French debt, and pending that motion I want to ask the gentleman from Mississippi if we can come to some agreement with reference to time for general debate.

Mr. COLLIER. I will say to the gentleman from Iowa that we have a bill before us involving something more than $4,000,000,000, and there is no disposition on the part of this side to delay the consideration of the bill. I think if we let the debate run along to-day—I suppose it will not be taken up to-morrow on Calendar Wednesday—we can finish it on Thursday.

Mr. GREEN of Iowa. I think if we can not finish the bill to-day we will try and obtain Wednesday.

Mr. TILSON. If the gentleman will yield, I wish to say that it is important to get this bill over to the Senate as quickly as possible. I should like for the committee and the House to use every effort to get it over there as quickly as possible, and certainly not later than to-morrow.

Mr. COLLIER. Mr. Speaker, why the haste in getting it over to the Senate?

Mr. TILSON. So that the Senate may consider it.

Mr. COLLIER. The gentleman from Ohio [Mr. BURTON] stated that the Senate would not be expected to consider this bill until after France had acted upon it.

Mr. TILSON. But it has to go to the Committee on Finance in the Senate and that committee has to consider it in committee and report it back to the Senate. Then, as a rule, it takes a little longer in the Senate than it does in the House to consider a bill. I should like very much to see it go over to the Senate not later than to-morrow.

Mr. COLLIER. I agree with the statement of the gentleman from Connecticut that it takes longer in the Senate to consider a bill than it does in the House.

Mr. GREEN of Iowa. Mr. Speaker, do I understand that the gentleman from Mississippi at this time is unable to fix any time for general debate?

Mr. COLLIER. The reason I am unable to fix the time is not owing to the great amount of requests that I have had for time, but the fact that I have not been able to determine from one or two of the Members who have asked for time how much they want. I do not anticipate a great demand for time on this side.

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RUBEY. Why is it necessary for this House to take up this matter for consideration before the Senate acts?

Mr. GREEN of Iowa. The gentleman does not mean that, does he?

Mr. RUBEY. Yes; I do. Is it necessary for the House to act upon this before the Senate acts?

Mr. GREEN of Iowa. It is my position that the Senate has no business to act on this revenue matter at all until we dispose of it.

Mr. RUBEY. But I do not think it is a revenue measure at all.

Mr. COLLIER. Oh, I am inclined to agree with the gentleman from Iowa on that.

Mr. RUBEY. I have conferred with a number of gentlemen, members of the gentleman's committee, who state that they do not believe we ought to act on it until the Senate acts.

Mr. GREEN of Iowa. I think the gentleman is mistaken. I do not think he found one member of the committee saying anything of that kind.

Mr. RUBEY. At least we ought not to be placed in a position of acting upon this matter until France acts herself.

Mr. GREEN of Iowa. I shall discuss that later on.

Mr. CARTER of Oklahoma. Mr. Speaker, I think the gentleman from Missouri [Mr. RUBEY] is right. Certainly we can not determine whether this is a revenue measure until we find out whether we are going to get anything out of it.

Mr. TILSON. Mr. Speaker, I now ask unanimous consent that if consideration of this bill is not finished to-day, Calendar Wednesday business, in order to-morrow, be set aside until this bill is concluded.

Mr. SCHAFER. Mr. Speaker, I object to that.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that general debate be confined to the bill, that the time for general debate be controlled by the gentleman from Mississippi [Mr. COLLIER] and myself, each having one-half of the time, with the understanding that the gentleman from Mississippi take care of gentlemen on his side, whether they are for or against the bill.

Mr. COLLIER. I shall do that.

Mr. TILSON. Mr. Speaker, will the gentleman yield? I give notice now that to-morrow if this bill is not finished, I shall move that Calendar Wednesday business be dispensed with and that the House proceed with the consideration of this bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. CRAMTON. The gentleman from Connecticut states it a little differently than he did when he asked unanimous consent. As I understand it, his purpose would be to dispense with Calendar Wednesday until the debt settlement is disposed of and to then take up Calendar Wednesday business.

Mr. TILSON. That would be my disposition in case I get unanimous consent.

Mr. CRAMTON. In case the motion is made to-morrow.

Mr. TILSON. I shall make the same motion, that we dispense with Calendar Wednesday business until this bill is concluded. Mr. Speaker, I now renew my request for unanimous consent that if this bill is not completed to-day, Calendar Wednesday business to-morrow be set aside until the bill is completed.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that if this bill is not completed to-day, Calendar Wednesday business may be set aside for the time necessary to complete the bill. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, is it understood that there shall be one day for the consideration of Calendar Wednesday business?

Mr. TILSON. If it is set aside by vote, of course, it simply goes over one day.

Mr. MADDEN. I shall object to the request if it is understood that that would involve the transfer of Calendar Wednesday to Thursday.

Mr. TILSON. I did not make that request.

Mr. MADDEN. That is what the gentleman from Michigan stated.

Mr. TILSON. My request is that if the French debt bill is not completed when the House adjourns to-night business in order to-morrow, Calendar Wednesday, be set aside to-morrow for such time as may be necessary to complete the consideration of the French debt bill.

Mr. SCHAFER. What committee has the call to-morrow?

Mr. TILSON. Public Lands, but that committee will have time later on.

Mr. LaGUARDIA. Suppose we go on at 3 o'clock and consume the rest of the day; would that be counted as one day?

Mr. TILSON. I think that the House would be fair and give the Committee on the Public Lands time to make up the lost time if that committee needs it.

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, in order to get some information from the gentleman from Connecticut, when is it contemplated to take up the Consent Calendar?

Mr. TILSON. Next Monday, which is the regular day.

Mr. KINCHELOE. It will be taken up then?

Mr. TILSON. There is no provision for setting it aside.

Mr. CRAMTON. Does the gentleman expect to have a call of the Private Calendar on Friday?

Mr. TILSON. I doubt it.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. MAPES. Mr. Speaker, reserving the right to object further, I think the House ought to understand whether or not if all to-morrow shall be consumed in the consideration of the French debt settlement legislation we are to have Calendar Wednesday business considered on Thursday.

Mr. TILSON. I shall not ask that it be considered on Thursday. I think that we should not try to include too much in one request.

Mr. MAPES. I am only trying to get a definite understanding. I understand, then, the request of the leader does not include a consideration of Calendar Wednesday business this week unless by chance the French settlement legislation should be considered in time to-morrow to give some time to Calendar Wednesday business, therefore the request is equivalent to dispensing with the considering of Calendar Wednesday business this week?

Mr. TILSON. The gentleman states it accurately.

The SPEAKER. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I have a question I would like to ask the floor leader. I am sure it will not delay things. Could the floor leader tell us at the present time what arrangements have been made for the consideration of remedial legislation in behalf of agriculture?

Mr. TILSON. So far as I can answer, all that has really been done is that the gentleman from Nebraska has reserved all his rights along that line. [Laughter.] On yesterday morning he reserved all his rights on this question.

Mr. HOWARD. Mr. Speaker, I desire to say to the gentleman if I could exercise all my rights now I would object to his request for unanimous consent, but I am not exercising them now.

Mr. TILSON. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. COLLIER. Mr. Speaker, I would like to get the request in a concrete form; there have been so many amendments——

The SPEAKER. The gentleman from Connecticut asks unanimous consent that if this bill, the French debt settlement bill, is not concluded to-day that so much of Calendar Wednesday to-morrow be dispensed with so as to give the portion of time necessary for the completion of this bill. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11848, and, pending that, he asks unanimous consent that the time for general debate be evenly divided between himself and the gentleman from Mississippi. Is there objection?

Mr. MONTAGUE. Mr. Speaker——

The SPEAKER. And to be confined to the bill.

Mr. MONTAGUE. That is what I wished to know.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11848, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11848, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11848) to authorize the settlement of indebtedness of the French Republic to the United States of America.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. HOWARD. Mr. Chairman, I rather think I object.

The CHAIRMAN. Objection is heard, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the settlement of the indebtedness of the French Republic to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 102, Sixty-ninth Congress, first session, is hereby approved in general terms, as follows:

The amount of the indebtedness to be funded, after allowing for certain cash payments made by France, is $4,025,000,000, which has been computed as follows:

Principal of obligations held for cash advanced under Liberty bond acts	$2,933,405,070.15	
Accrued and unpaid interest at 4¼ per cent to Dec. 15, 1922	445,066,027.49	$3,378,471,097.64
Principal of obligations given for surplus war supplies purchased on credit	407,341,145.01	
Interest at 4¼ per cent from the last interest-payment date prior to Dec. 15, 1922, to Dec. 15, 1922	6,324,940.79	413,666,085.80
Total indebtedness as of Dec. 15, 1922		3,792,137,183.44
Accrued and unpaid interest at 3 per cent per annum on this amount from Dec. 15, 1922, to June 15, 1925		284,410,288.75
Total indebtedness as of June 15, 1925		4,076,547,472.19
CREDITS		
Payments received on account of interest between Dec. 15, 1922, and June 15, 1925	$50,917,643.13	
Payments on account of principal since Dec. 15, 1922	230,171.44	
Interest on principal payments at 3 per cent per annum from date of payment to June 15, 1925	12,970.73	51,160,785.30
Net indebtedness as of June 15, 1925		4,025,386,686.89
To be paid in cash upon execution of agreement		386,686.89
Total indebtedness to be funded into bonds		4,025,000,000.00

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule. France will pay the following annual principal installments during the first five years:

June 15, 1926	$30,000,000
June 15, 1927	30,000,000
June 15, 1928	32,500,000
June 15, 1929	32,500,000
June 15, 1930	35,000,000

The amount of the principal installment due the sixth year shall be $1,350,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installment shall be $113,694,786.64, the aggregate principal installments being equal to the total principal indebtedness to be funded into bonds.

France, at its option, upon not less than 90 days' advance notice to the United States, may postpone so much of any payment on account of principal and/or interest falling due in any one year after June 15, 1926, and prior to June 16, 1932, as shall be in excess of $20,000,000 in any one year, to any subsequent June 15 or December 15 not more than three years distant from its due date; and upon like notice France, at its option, may postpone any payment on account of principal falling due after June 15, 1932, to any subsequent June 15 or December 15 not more than three years distant from its due date, but any such postponement shall be only on condition that in case France shall at any time exercise this option as to any payment of principal and/or interest, the payment falling due in the third succeeding year can not be postponed at all unless and until the payment of principal and/or interest due three years, two years, and one year previous thereto shall actually have been made. All such postponed payments shall bear interest at the rate of 4¼ per cent per annum, payable semiannually.

France shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 of any year upon 90 days' advance notice.

The bonds to be issued shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of 1 per cent per annum from June 15, 1930, to June 15, 1940; at the rate of 2 per cent per annum from June 15, 1940, to June 15, 1950; at the rate of 2½ per cent per annum from June 15, 1950, to June 15, 1958; at the rate of 3 per cent per annum from June 15, 1958, to June 15, 1965; at the rate of 3½ per cent per annum after June 15, 1965, all payable semiannually on June 15 and December 15 of each year.

Any payment of interest or principal may be made at the option of France in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. GREEN of Iowa. Mr. Chairman—— [Applause.]

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I will be obliged to the Chair if I can be notified when I have used 25 minutes, and in the meantime in making my opening statement I shall have to decline to yield to anyone. After I get through with the main statement I shall be pleased to answer any questions any Member desires to ask me.

Mr. Chairman, just about a year ago at Paris I sat with the French Minister of Finance, Mr. Caillaux, just across the table from me. We were in a large room in a great building, the faded splendors of which suggested to my mind it might possibly have been one of the old palaces of France. For some time we discussed the general condition of French finances, especially the national finances. Mr. Caillaux was not to be envied, for he had been wrestling for some time with most difficult problems, and attempted to solve them through a budget bill which he had presented to the French Chamber of Deputies.

In the course of the conversation I said to him: "Mr. Minister, I hope you will pardon the observation of a foreigner in the way of suggestions, but it seems clear to me that if the French national finances are to be put upon a sound foundation that three things are absolutely necessary. First, you must raise sufficient revenue to meet your expenses in order to balance your budget; second, the franc must be stabilized at some point; and third, some sort of adjustment be made with your foreign creditors. If you do not do this," I said, "it is quite plain to me that you will be unable to arrest the depreciation of the franc, that its downward flight will continue until it follows the course of the German mark, and that all of your finances, both governmental and private, will eventually fall into chaos." The conversation had at that time was in a measure semiconfidential. It, perhaps, would not be proper for me to state at this time or any time what the French Minister of Finance said to me. But I became absolutely satisfied that he thoroughly understood the situation.

Subsequently he headed a commission that came to this country for the purpose of making a settlement of the indebtedness of France to the United States. That commission did not succeed, principally for the reason that at that time the French commissioners insisted that all payments should be conditional upon France receiving the payments from Germany that were provided under the Dawes plan. He went back home. The ministry soon passed out of power. Mr. Caillaux had been surrounded by circumstances over which he had no control. The budget was not balanced; the franc was not stabilized. The ministry had failed, not so much through any fault of its own, but because, like the Israelites of old, it had been called upon to make bricks without straw and to provide a constructive program without anything in the way of material with which to make it.

The French people at that time did not fully understand the situation in which they were placed, for reasons which I shall hereafter state. Possibly they were somewhat excusable. A nation is seldom ready to take drastic remedies when on the surface everything seems to be prosperous, but the settlement recently agreed to would indicate that at last there was a realization in France of what was necessary for it to do to put their finances upon a sound foundation.

I want to state to you as briefly as I may the conditions which prevail in France, so different from what has been generally understood to be the case. In the first place, France is not a poor country, if we present the case fairly to you, as we should; and yet I suppose all of you know that its national wealth is not one-fourth of that of this country or one-half that of England. I ought to say in this respect that in speaking of national wealth I am not speaking of wealth after national debts are deducted, for I shall refer to the debt of France hereafter.

Agriculturally France is practically self-sustaining, or would be under normal conditions and when her agricultural territory is fully restored to production. It produces ordinarily sufficient wheat and sufficient other agricultural products to feed all its population. The northern part of France is a great plain, almost as level as the prairies of my own State and almost as productive. In that respect France is better situated than England and far better situated than Italy, but not perhaps quite as well situated as Belgium.

France has large deposits of iron ore, probably since the acquisition of Lorraine the finest in Europe. It has large deposits of coal, but it is obliged to import both coal and coke, for it has no coking coal. Of other minerals it has none of any importance except potash, which it has acquired since Alsace again became a part of its dominion. There are also possibilities of water power provided France has what she has not now—sufficient capital to develop them.

The colonial possessions of France are often spoken of. Under the treaty which followed the settlement of the war it acquired large dominions in Africa. But none of those colonial dominions have been of any particular value as an asset to France, and most of them have been a mere liability, costing it immense sums and bringing in no revenue.

In foreign trade France presents a good showing. For some time its exports have been greater than its imports, and the balance of trade has been in its favor until very recently. This condition, however, is not as favorable to France as it might seem, as it probably resulted from the depreciation of the franc.

To one traveling in France it appears that France has a thrifty and industrious population, and to the outsider everything seems prosperous.

Looking on every side, he can see there is practically no unemployment, and the whole country seems to be a hive of industry. But this prosperity is simply of outward appearance; beneath it are conditions which are sapping the financial life of France. Industry is proceeding at a high pace, but we must look below the surface to see the real conditions which prevail in France. The finances of France, the whole business situation, is built on a foundation of quicksand, the foundation of a highly inflated currency. It has stimulated business and increased exports and produced this false appearance of prosperity.

When I was in France last summer the franc was worth 5½ cents. To-day it is worth less than 3 cents.

Mr. BURTON. Three and nineteen-hundredths is the very latest quotation.

Mr. GREEN of Iowa. I thank the gentleman from Ohio. He says that 3.19 is the latest quotation. It seems to have risen just a little of late, probably because it is hoped that this settlement will go through; and if it does, undoubtedly it will tend to stabilize the franc.

The conditions I have described can not continue. Like all other cases where the business of a country is based upon a great inflation of the currency, there is a continual demand for further issues, and with each further issue of paper money it is inevitable that the value of the franc will depreciate still more. Prices are high. There is constant complaint about the high cost of living. Wages, while seeming to rise, in reality have fallen in purchasing power, as the franc continued to depreciate. Ever since that day on which I sat with Mr. Caillaux in his office the financial strength of France has weakened, and its situation is far worse now than it was at that time. As I predicted it has become more and more difficult to stabilize the franc and make payments to foreign creditors.

Now let me state some of the difficulties under which France labors.

France went into the war burdened with an enormous debt of over six and one-quarter billion dollars, if put in our currency. No other country on the face of the globe was burdened with such a tremendous debt. The war fell with crushing effect upon France. No other nation that engaged in it suffered to such an extent. Its cities were razed to the ground; its railroads and canals were destroyed; its bridges were blown up and even its farms were ruined by long lines of barbed wire and entrenchments without end.

In the spring after the armistice, in company with a number of Congressmen, I traveled through the northern part of France, and I must say that it is utterly impossible for one who has not seen the extent of the destruction that was inflicted upon France to form any realization of it. Large cities were leveled to the ground, so that nothing but the débris that was scattered over it told that there had once been a great manufacturing center there. Of the railroads and canals the ruin was complete. Everywhere were long lines of barbed wire and deep ditches dug for entrenchments and great shell holes. In some instances large forests were cut down. The Reparations Committee, in 1923, estimated that the damage done to France aggregated $10,000,000,000 as a result of all this destructiveness, so that France had a heavy postwar burden levied upon it in attempting to restore this country.

Now, France lost tremendously in man power. No other nation that engaged in the war suffered to anything like the same extent. France lost, in killed and missing alone, 1 man out of 28 of all of its population; England lost only 1 in 66; and Italy 1 in 91. This takes no account of the immense number—many times the number I have already stated—of men who were disabled, either completely or partially, to such an extent that they must be cared for now, and you can imagine the extent and the number of the dependents of various kinds, either of killed or of those who have been disabled, with which France is burdened and of which she must take care at this time.

France did not levy heavy taxation during the war, and I doubt whether it could. It suffered to such an extent from the devastation of its territory, it lost so enormously in its man power, and at times, as everyone knows who was here during the war time or who gave any thought to the matter, the very fate of France trembled in the balance and it was not in a position at that time to levy heavy taxes and it did not.

But after the war it immediately began to increase its taxes. Each year it has added more and more levies, and successive cabinets have endeavored to balance the budget by adding additional taxes. Nevertheless, at this very hour the budget is not balanced. They have not been able to accomplish it, even by the large additional taxes in the budget of 1925 and 1926.

I hold in my hand a list of the additional taxes that were imposed by the French Parliament in 1925 and 1926. I will not burden the House with reading it, because we would probably not get through to-day if I read the list of all of these taxes and explained them to the House. I will, however, make a statement from which you will understand something with reference to the amount of the French taxes and the comparative burdens of France.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I can not yield.

Mr. LINTHICUM. I want to give the gentleman a little data on that point.

Mr. GREEN of Iowa. I am sorry, but I can not yield at this point. I want to complete this statement and I do not want to take up too much time.

I spent considerable time in France in going over the tax situation there in company with French tax experts, and also I made some independent investigation on my own part, and I came to the conclusion that the French tax system was quite imperfect. This is, of course, to some extent true of all tax systems. We all know that our own is not perfect, and I think the English system is not perfect; in fact, I thought that the French system of taxation was more or less a lot of patchwork. I found some taxes that were put on the statute books first during the time of the French Revolution with but very little modification. There are so many different kinds of taxes in France that there is no way of making any comparison with those we have here in this country. The income tax proper was not put on the statute books until 1914. We have in this country two classes of income taxes, and two only, a personal income tax and a corporation income tax. We think we have complexities enough with only those two, but France has an income tax, and superimposed upon that no less than eight other kinds of taxes that are based, to a certain extent, upon income. It has, first, a tax on the income from improved real estate; a tax on the income from unimproved real estate; a tax on the income derived from industrial and commercial profits; a tax on commercial profits exceeding 1,000,000 francs; a tax on agricultural profits; a tax on the income derived from professional incomes; and a tax on the income derived from transferable securities. Then it has so many different kinds of excise taxes, license taxes, and taxes of that nature that the few we have in this country seem almost inconsiderable in comparison.

While I am unable to make any direct comparisons of the French taxes, with some of our own of something of a like character, I can say this, that the National Industrial Conference Board found in 1924 that the total taxation in this country amounted to 11.5 per cent of the national income; in Great Britain, 23.2 per cent of the national income; in France, 20.9 per cent; in Belgium, 17 per cent; and in Italy 19 per cent. Since then taxes have been increased in France to such an extent that it is probable that at least 22 per cent of the national income is taxed, and probably more.

Mr. JACOBSTEIN. Will the gentleman yield for just a question? I do not want to debate it; but will the gentleman tell us whether the people of large incomes are paying their taxes proportionately, as in this country?

Mr. GREEN of Iowa. I will come to that question later on. As I stated, I made considerable investigation into the French system of taxation, and the rates in France run up very high—up to 60 per cent in 1925. My authority for these statements is the document which I have here, prepared by the legislative reference service of the Library of Congress and ordered printed by the Senate.

Notwithstanding the high rates of this tax, there are superimposed the other taxes upon incomes that I have already stated.

I came to the conclusion while I was in France that there might be much improvement in the efficiency of the collection of taxes. I also came to the conclusion at that time that they were improving in that respect, and recent figures as to the amount of taxes collected there would indicate they are still improving. They have added a number of provisions to their laws which would tend to help in the collection of taxes.

The rate of taxation upon inheritances and legacies that the French legislature has seen fit to put a stop limit of 80 per cent in order that not more than 80 per cent may be taken of any one estate.

I do not think at this time—and my opinion, as I have stated, is based upon a somewhat extensive study of this matter—that France can raise its rates of direct taxation—that is, its rates on incomes and inheritances—and get any substantial increase in revenue by reason thereof. I do believe it is possible by a more efficient system of taxation to collect a larger amount; but this fact ought to be kept in mind in that connection. Already there has commenced a flight of capital from France. Money and property of various kinds has been leaving France, by reason of the high rate of taxation; and when once a nation gets that far in its levy of taxes it has reached the danger point, beyond which it is not safe for it to go, and beyond which there is no advantage in proceeding.

I would like to have some gentleman who thinks the ills of France can be remedied by the levying of additional taxation tell me, if he can, how additional revenue can be raised in France, what changes would be made, what can be done beyond the additional levies and the changes which have already been made in efficiency in the collection of taxes. I do not know where any revenue of large amount can be obtained.

Members, perhaps, will ask, if that is the case, how, then, is France to carry out the terms of this agreement? Largely, I think, through a more strict enforcement of its laws and an efficient collection of its taxes, a work which is now in progress. Drastic provisions have been adopted in France to prevent the flight of capital. I think they will be successful and I think that the taxes due from men of wealth and from large estates will be more thoroughly collected. Then there is also the reparations which Germany is to pay under the Dawes plan.

France is one of the few nations that has reduced its military expenses so that they are lower than they were before the war. The Moroccan war, fortunately for France, has now come to an end. It ought to be able to make large reductions in its military expenses by reason of this fact. It may be able to make further reductions, as they are endeavoring to do, in the number of employees and in the expense of carrying on the government.

Mr. SCHAFER. Will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. SCHAFER. What is the size of the French Army to-day?

Mr. GREEN of Iowa. I can not give the number of men, but I can state the expense.

Mr. BURTON. Six hundred and forty-six thousand men.

Mr. SCHAFER. Will the gentleman yield for a further question?

Mr. GREEN of Iowa. Yes.

Mr. SCHAFER. If France would stop its war of agression and persecution against the Riffs and the Syrians in Damascus, perhaps they would have a little more capacity to pay their debt to us.

Mr. GREEN of Iowa. If my friend was a little better informed, he would know that that war is practically stopped by reason of the success of the French and the surrender of the leader of the Riffs. The expense will soon cease.

Mr. SCHAFER. Yes; but it cost some money to carry on that war.

Mr. GREEN of Iowa. Undoubtedly it did.

Mr. SCHAFER. And if they had not carried on that war they would now have more funds to pay their debt to our country.

Mr. GREEN of Iowa. But we must discuss the situation as we find it.

Mr. CRISP. If the gentleman from Iowa will yield, was not France acting in that war under a mandate from the League of Nations placed upon her to preserve order?

Mr. GREEN of Iowa. Whether my friend is correct about that or not I could not say. In the Syrian expedition France is under a mandate to take care of that matter, and, of course, the expenses that were incurred in that direction were incurred by reason of the charge laid upon France by the Leauge of Nations.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa yield for a question?

Mr. GREEN of Iowa. I will.

Mr. COOPER of Wisconsin. The gentleman has made a most interesting and, to me, instructive address. The gentleman spoke, I thought, with special force of the depreciation of the franc. Does the gentleman think that speculation in francs, or what amounts to a selling short of francs by great interests in this country, has anything to do with its depreciation or fluctuation?

Mr. GREEN of Iowa. Yes; I think it may have had something to do with it.

Mr. COOPER of Wisconsin. Let me ask the gentleman another question in order to get his view as a statesman,

because that is what I think the gentleman is. Ought a government like the United States of America to permit capital in this country to speculate or sell short the circulating medium, the money, of another country with which it is at peace?

Mr. GREEN of Iowa. Certainly not, as a moral matter, but as a practical matter I do not know how it could be prevented.

Mr. COOPER of Wisconsin. Suppose we were to enact a law making it a felony for any citizen or any alien resident in the United States of America in any wise to speculate in or to sell short the circulating medium, the money, of a country with which we are at peace.

Mr. GREEN of Iowa. Offhand, I think there might be some constitutional difficulties about Congress doing that.

Mr. COOPER of Wisconsin. Why?

Mr. GREEN of Iowa. I would not care to take the time to enter upon a discussion of that.

Mr. COOPER of Wisconsin. I should think upon the ground of highest public policy there ought to be such a law, because such speculation is making war upon a country with which we are pretending to be at peace. If you speculate in the circulating medium of another country, if by your speculations or your selling short you make its value fluctuate, you harass and often do irreparable injury to, and to that extent make war upon, the people of that country.

Mr. GREEN of Iowa. I will not pursue that discussion further, but I wish to say that I think France is making a splendid effort to rehabilitate its finances. The Government is intending to complete this settlement, and it ought to have the support of this House and the approval of this country in completing it.

Mr. SCHAFER. Will the gentleman yield?

Mr. GREEN of Iowa. I am sorry to say I can not yield further. There has been another remedy proposed, that of a capital levy in order to bring the necessary funds, but I doubt whether any gentlemen of the House, even my Socialist friend who sits in front of me [Mr. BERGER] would advocate that.

Some gentlemen are demanding larger payments in the future, but how can we get them? How can France raise them? The only hope of this country of receiving anything is by leniency at this time—by approving this settlement, so that the French Government can obtain from private parties a loan with which to stabilize the franc.

Mr. RATHBONE. Will the gentleman yield?

Mr. GREEN of Iowa. I am sorry to say I can not yield. Some gentlemen say the settlement ought to be put off. It has been put off, but in the meantime the situation has become worse, and every day it is put off further, it will continue to get worse and worse. Further delay simply means that in all probability we will lose all.

So far I have presented the case as to France's ability to pay, but so far as I am personally concerned I do not care to decide the question in that manner. From a painting on this wall there looks down on you the portrait of Lafayette, who as a young man risked his life and his fortune in the Revolutionary War that this country might be free and its liberties might be preserved. I do not care to discuss whether that debt has been paid or not. It is not to be weighed in dollars and cents. Neither do I think that this matter ought to be considered solely from a monetary standpoint. We came into the war too late, later than the calls of duty demanded. We were slow in getting our troops over there. In the meantime the magnificent bravery of the French soldiers held the Germans in check. They told them at Verdun that they should not pass, and they held them at the Marne until our troops could come to the rescue.

If they had not it would not have been long until our troops would have been contending there alone on foreign soil, with little chance of victory.

Side by side the French soldiers fought with ours. Side by side they "went over the top," and together many sleep their last eternal sleep on the soil of France. France owes us much. We owe France much. We can well afford to err in the way of leniency.

I hope and trust, France and America having been allies in war by virtue of this agreement, by virtue of the spirit of this country, after having been allies in war, will still be friends in peace. [Applause.]

Mr. COLLIER. Mr. Chairman, it is with the utmost reluctance that I find myself unable to agree with the majority in the acceptance of the French debt settlement. There are many reasons which impel me to oppose it. Were sentiment alone the only guide to my official action I would gladly favor the proposition now before the House. Sentimental reasons may actuate one in giving away his own money, but when it comes to giving away the money of others sentiment must yield to justice. We are asked to surrender over $2,000,000,000 of the American taxpayers' money. It is not our money we are giving away. As Secretary Mellon has said:

> We are the trustees of the American people—

And he further made before the committee, in his carefully prepared written address, this admirable statement—

> That they—

Meaning these trustees—

> are not free to give away the property of the beneficiaries of the trust.

And yet, notwithstanding this admirable platitude, in the next instance the Secretary asks these trustees to give away to one of the great powers of the world over $2,000,000,000 of the money rightly belonging to the beneficiaries of the trust.

But, says the Secretary, this settlement is the best one that can be made and is based on the capacity of France to pay. No evidence has been produced before the committee to justify that statement. In other settlements there was laid before the committee voluminous documents tending to show the capacity of the debtor nation to pay, but no such evidence was produced in this instance.

We have nothing before us but the unsupported statement of the Secretary of the Treasury that this settlement is based alone upon France's capacity to pay. But I want to be fair; we did have additional testimony in the statement of the gentleman from Ohio, who backed up the Secretary of the Treasury.

I do not for one moment doubt the sincerity of the Secretary of the Treasury nor that of the gentleman from Ohio [Mr. BURTON] when they tell me of things that they know personally. I bow with belief; but when they give me an opinion based upon matters upon which men well may differ, I want some facts and figures to justify the conclusions they have drawn. These facts and these figures have not been given us.

They tell us with assurance that this settlement is based on France's capacity to pay, and yet they did not know either how many men France had in the field in Africa nor could they even approximate the cost of two foreign wars France was engaging in for conquest in another continent.

The gentleman from Georgia [Mr. CRISP], who was in conference with the French Debt Commission when they came over last year to make their settlement, stated that he believed that this was the best settlement that could be made. He stated further that he believed that if we did not accept this settlement perhaps we would get nothing at all, and then later on in the committee, upon being questioned, Mr. CRISP stated that he was not satisfied in his own mind from the evidence that had been produced that this was the best settlement that could be made.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes. I do not want to misquote the gentleman.

Mr. CRISP. I am sure the gentleman does not. I did not state before the committee that I thought you could get a better settlement than this. I did state to the committee that I was not satisfied from the evidence that this was the full capacity of France to pay.

Mr. COLLIER. That was what I intended to convey, that the gentleman from Georgia stated before the committee that he was not satisfied that this was the full capacity of France to pay.

Mr. CRISP. As I understood the gentleman, he stated that I said that we could get a better settlement.

Mr. COLLIER. In the gentleman's first statement my recollection is that he stated that he believed that if we did not accept this settlement the chances are that we would get nothing.

Mr. CRISP. I did, and I reiterate that. I think it is this settlement or nothing. As I understood the gentleman, when he was quoting me he stated that I said before the committee that I did not know whether we could get a better settlement than this. I never made any such statement as that, and that is the only reason that I rose.

Mr. COLLIER. The gentleman from Georgia knows that I have the highest opinion of him in every way and would not want to misquote him in the least. We all recall that during the Italian settlement the distinguished gentleman from Georgia was pretty well convinced then, and he laid document after document upon this table to convince the House, and by the vote on the settlement he evidently succeeded in doing that, but we do not see the gentleman from Georgia rushing forward to defend this settlement.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. GREEN of Iowa. The gentleman is aware that we get only about 26 per cent of the debt when it is reduced to its present value from Italy and that we get 50 per cent of the debt when it is reduced to its present value at 4½ per cent from France; that France is paying a larger per cent in taxes of its national income, and in every respect she will be burdened more heavily than Italy, and yet we are getting a very much larger per cent from France.

Mr. COLLIER. I am very grateful to the gentleman that at this late day he gives us that information. When the Debt Commission came here and told us they knew what France's capacity to pay was, we asked them how much it cost France to conduct two wars of conquest in foreign countries, and they could not answer that. The gentleman from Iowa [Mr. GREEN], chairman of the committee, tells us this morning that the colonial possessions of France are a liability instead of an asset. In 1919 the general trade of the colonial possessions of France amounted to seven thousand million francs, and if the trade of a country amounting to seven thousand million francs is more of a liability than an asset, that is indeed a strange state of affairs.

For aught we know we are wasting our time here in considering this matter at this time. We do not know whether France is going to accept this settlement. We may in a few days present to the world the ridiculous spectacle of the House of Representatives rushing headlong into an agreement to settle with France at 50 cents on the dollar and then learn that France has refused to accept the proposition. I see from the press that certain patriotic societies in France are bitterly denouncing the terms of the settlement. A propaganda against the settlement is now going on in France.

In our settlements with all the other nations in Europe, with the exception of Belgium, we had at least the good sense to wait and see what the foreign governments would do before we acted. But what is the plan as outlined by the distinguished gentleman from Ohio [Mr. BURTON] before the Committee on Ways and Means? When I asked him the question whether it would not be awkward and ridiculous for us to rush in headlong and ratify an agreement reducing the debt one-half without knowing what the other country thought of it and why we did not wait until France had acted, his reply was that all that could be obviated by letting the House act now and then letting the Senate wait until after France had acted.

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. In a moment. It is all right for the House of Representatives to make itself ridiculous and let the Senate wait a reasonable time. The distinguished gentleman from Ohio is fortunately for him and unfortunately for us in a kind of dual capacity. He has advantages the rest of us have not. He has spent a great deal of time here in the House, and he has also spent a great deal of time at the other end of the Capitol. Now, if one-half of my friend, the half that is now in the House, should be humiliated and be made ridiculous, why he still would have his senatorial side to fall back on. The rest of us are not in that position. We will be in the attitude of rushing forward without consideration and hastily accepting a settlement, and then have France repudiate it. What will the repudiation mean? If we ratify at 50 cents on the dollar, that gives aid and comfort to the propagandists over there who are opposing the settlement, and after France has turned it down it means that all future negotiations will of necessity be based upon not the original debt of $4,000,000,000, but on the 50 per cent proposition that we have already passed. I yield to the gentleman from Illinois.

Mr. RATHBONE. In the judgment of the gentleman, is it not a fact that there is a very large opinion, perhaps a majority opinion, in France itself against this settlement, and is not that shown by the newspapers and by resolutions passed, and an overwhelming amount of evidence? It is doubtful if the French themselves want it.

Mr. COLLIER. My information, which I get from the press, coincides with that.

I have not had the good fortune to hear all the hearings, as I am not a member of the Debt Commission. I did not have the good fortune to go to France as my good friend the chairman of the committee did and see at first hand. I did not have the privilege of going to France and advising the French minister in reference to the stabilization of the franc and how his country could get out of debt, as the gentleman from Iowa [Mr. GREEN] has done; but I do want to say to my good friend from Iowa because a French minister two years ago refused to take his advice is no reason why we should make the American people lose $2,000,000,000 on a settlement.

Mr. GREEN of Iowa. I entirely agree with the gentleman, but can the gentleman give us any advice? The trouble with the gentleman is that he has no plan whatever.

Mr. COLLIER. I regret that France did not take the gentleman's advice. I myself have gotten in trouble once or twice by taking it, but in the main I have gotten along very well.

Mr. SCHAFER. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. SCHAFER. For some information. This debt settlement is absolutely supposed to be based on the capacity of France to pay. On December 31, 1916, the allied governments had already floated in the United States over $2,000,000,000 worth of private loans and the French Government had floated $695,000,000 in private loans. Has the committee of the Debt Funding Commission investigated so as to present to this House what capacity France had to pay to these private international bankers?

Mr. COLLIER. Neither that nor the fact that they were engaged in war. There was some little reference to the standing army and the expenses were to be cut down in that regard, but the committee had no evidence whatsoever.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. WAINWRIGHT. If we ratified what we think is a fair and just settlement how can we be humiliated by any action the French Parliament should take?

Mr. COLLIER. Well, that is a matter, I will say to the gentleman from New York, something like this debt settlement, it is a matter each one must decide for himself, but I want to say in reference to this debt settlement right now that it is not a partisan matter. It is not a political matter. It is a matter which each and every Member must settle for himself. If I believed from the evidence that this was France's utmost capacity to pay it would be my duty to vote for this settlement. It may be France's utmost capacity to pay; I do not know. It may be all that that great and powerful country can pay, but as one of the trustees of the American people I have a right to be satisfied that it is, and my complaint to-day is that we have had no evidence, no testimony beyond the bare statement of the Secretary of the Treasury and the gentleman from Ohio. I have the highest regard as to their opinions—and I want to yield all deference and respect to them—but I want the concrete facts and some documents so that when I get home to defend my vote I can tell the people why I agreed to surrender $2,000,000,000 of their money.

Mr. BYRNS. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. BYRNS. Is not one answer to the question of the gentleman from New York the one made by the gentleman a while ago in his remarks, that if this Government ratifies this settlement and then France should reject it, will not we, as the gentleman said a while ago, be limited in future negotiations to this settlement and not to the whole debt?

Mr. COLLIER. We will have to commence new negotiations on whatever lies before us——

Mr. WAINWRIGHT. If the gentleman will permit me again, what of that?

Mr. COLLIER. The discussion may be academic, the whole debt may be academic, but I do not believe so. I have as high regard for the great country of France as the gentleman. I believe she is the third, certainly if not the third at least the fourth, greatest power in the world, and will be able in 50 years—I will put it this way, my friends—I do not believe the third, and if not the third the fourth, world power in the next 60 years will be unable to meet its obligations except at 50 cents on the dollar.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. CARTER of Oklahoma. While gentlemen are asking questions, has anybody given any good reason why we should cancel 50 per cent of the debt?

Mr. COLLIER. They tell us that is all France can pay.

Mr. CARTER of Oklahoma. What guaranty have we that they can or will do it any better than the one we now have?

Mr. COLLIER. We have got the same guaranty.

Mr. BYRNS. Will the gentleman yield for one other question?

Mr. COLLIER. I will.

Mr. BYRNS. Then, aside from those who favor this settlement, and those who favor it on the ground that it is necessary to stabilize the French franc and the economic condition of France—of course, this country and the whole world are greatly interested in it; the gentleman from Iowa expressed some great concern about that in his remarks a while ago—but what I want to ask the gentleman is this, whether our

country is more interested in that than France itself, and whether this country should rush in without sufficient information and without, as the gentleman says, any information as to the capacity of France to pay and settle this debt in advance, or ratify this debt settlement in advance of action upon the part of France itself?

Mr. COLLIER. The gentleman's question answers itself.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman permit one question?

Mr. COLLIER. Yes; I will.

Mr. WAINWRIGHT. Does the gentleman think it is entirely right to refer to a settlement that involves the repayment of the entire principal and a reduced rate of interest over a period of 62 years as a settlement on the basis of 50 cents on the dollar?

Mr. COLLIER. You will find from the report by the chairman of the committee that it is $4,000,000,000, and we are going to get back $2,000,000,000. If that is not 50 per cent, I do not know what is. But I want to say to the gentleman from New York, in further answer to his question, What is the loss to the United States in this transaction?

The loss to the United States is the difference between the amount of interest we have to pay on American securities that we had to issue in order to get this money to lend to France and the amount France pays us. If we lent France $4,000,000,000 and she pays us back $5,000,000,000, and we borrow $4,000,000,000 and pay $7,000,000,000, including interest, we are out $3,000,000,000.

Mr. WAINWRIGHT. But long before the payment of all this debt we shall probably have refunded all these bonds at a much lower interest rate than they are drawing now.

Mr. RATHBONE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. RATHBONE. The rate of interest, as stated by Mr. Mellon, that we would receive on the loan to France, is 1.64, and that is all.

Mr. COLLIER. Yes.

Mr. MILLS. Mr. Chairman, if the gentleman will yield, I want to say that that is not all. If you include the interest already agreed to, the rate is almost 2 per cent; 1.61 in compound.

Mr. COLLIER. I think that computation would be fair in reference to the interest that we have already got.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. SCHAFER. The distinguished chairman of the committee [Mr. GREEN] painted a pretty prosperous picture of the agricultural people of France. In view of the fact that it does not square with the agricultural people of America, especially in his State of Iowa, does not the gentleman think we ought to be making arrangements to lower the interest on the loans of Iowa and the western farmers by the farm-loan bank before we consider this proposition here, before the French Parliament acts?

Mr. COLLIER. I will say to the gentleman that that question is going to be asked many time between now and next November.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. LOZIER. The gentleman understands, of course, that the total external debt of France is about $7,000,000,000. The gentleman has overlooked the fact that according to Ambassador Berenger in his pamphlet as to the capacity of France to pay it is said that the annual income of 1924 of France, expressed in dollars, was $6,675,000,000, a sum just a little less than the total external debt of France.

Mr. COLLIER. Yes.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. Yes; I always like to yield to the gentleman from Georgia.

Mr. UPSHAW. Is the gentleman informed as to the nature of the propaganda, the protest of patriotic societies in France, to which he has referred?

Mr. COLLIER. I am not fully informed. I read in one of the leading papers, the name of which I do not now recall, that one organization was a wounded veterans' organization. Not having been in France, as the gentleman from Iowa and others were, I can not say precisely.

Mr. UPSHAW. Are they against the terms they propose or the terms American proposes?

Mr. COLLIER. They are opposed to the terms France makes to us. The debt is $4,025,000,000. For five years they will not pay us any interest at all. That is the policy pursued with respect to other countries. Then they are going to pay us in the first year $30,000,000, and in the second year $30,000,000, and in the third year $32,500,000, and in the fourth year $32,500,000, and in the fifth year $35,000,000, which makes a total of $160,000,000. That is France's capacity to pay us.

Mr. LINTHICUM. Has the gentleman forgotten the fact that they can give 90 days' notice and reduce that to $25,000,000?

Mr. COLLIER. No; I have not overlooked that. They are going to get gold, not coal, as in the case with Italy, but gold from Germany. In the next five years they will get $250,000,000 a year. Therefore at the end of five years France will receive from Germany $1,250,000,000, whereas we will receive only $160,000,000.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I see the gentleman shaking his head. I will yield to the gentleman.

Mr. MILLS. I want to say to my friend that France will not receive the $250,000,000 that he mentions until the Dawes payments are received in full, and that that will not happen until 1929. France last year, for instance, for the year 1925 received approximately 600,000 gold marks, which is on the Dawes payment a long way from $250,000,000.

Mr. COLLIER. If the Dawes arrangement is carried out for 37 years, France will get $250,000,000 a year. Does the gentleman deny that?

Mr. MILLS. Yes; because the Dawes agreement itself does not provide that the maximum amount will be paid until 1929.

Mr. COLLIER. If they carry out the agreement will they not receive $250,000,000 a year? I think you will find from Mr. Winston that it is about $7,000,000,000, which is $3,000,000,000 more than France owes America to-day. Through the courtesy of my friend from Illinois [Mr. RAINEY], who has just handed me a report of the committee hearing, I will read:

> The Dawes plan provides for a maximum annuity during the standard year of 2,500,000,000 gold marks against which there are at the present time prior charges amounting to approximately 500,000,000 gold marks, leaving 2,000,000,000 gold marks annually available for distribution on account of reparations. France's share of the reparation receipts is 52 per cent, or approximately 1,000,000,000 gold marks annually on a basis of the maximum annuities of a standard year.

I skip a small paragraph.

> Assuming, therefore, that France will receive from Germany the maximum amount to which she is entitled each year and that the Dawes annuities run for an additional period of 37 years, France would receive approximately 1,000,000,000 gold marks, or equivalent of $250,000,000 annually for this period, or an aggregate of $9,250,000,000.

Mr. GREEN of Iowa. Does the gentleman expect France to pay all of that to us and nothing to England? Does not the gentleman realize that England has an equal claim?

Mr. COLLIER. I want to finish reading this paragraph, because it would be misleading if I did not read the last line.

> The present value of the annuities on a basis of 4½ per cent, payable annually, is $4,621,290,000.

I am reading from the hearings. Now, what was the question of the gentleman from Iowa?

Mr. GREEN of Iowa. The gentleman does not expect that France is going to pay all of that to us and nothing to England, to which it is equally obligated?

Mr. COLLIER. The gentleman asks whether I expect France to take all of that $9,000,000,000 and pay to us the $4,000,000,000 she owes us. No; I do not expect her to pay us twice as much as she owes us, but she could take a part of it and pay us and then we would not have to settle at 50 cents on the dollar, as we are now settling.

Mr. CRISP. Will my friend yield?

Mr. COLLIER. I will.

Mr. CRISP. The $9,000,000,000 of reparations which France will receive if the Dawes annuities are paid is not payable now, but payable over a period of 37 years. France owes Great Britain $3,000,000,000, and the amount France owes and is to pay the United States under the settlement is $6,800,000,000. Therefore the annuity she would receive from Germany during that period will not be sufficient to pay England and the United States the amount she owes which France borrowed to aid in the prosecution of the war. And this is also, in my judgment, a material fact: That the Reparations Commission decided that the war damages to the devastated areas in France amounted to $10,000,000,000. Therefore France will not receive from Germany, even if all the German reparations were paid, a sum equal to the amount of the war damages sustained by France in the devastated areas.

Mr. WAINWRIGHT. Will the gentleman from Georgia yield to me?

Mr. CRISP. I have not the floor, but I will be glad to yield if the gentleman from Mississippi consents.

Mr. COLLIER. I yield.

Mr. WAINWRIGHT. May I ask the gentleman from Georgia if he does not consider there is a pretty big "if" involved in the payments under the Dawes plan?

Mr. CRISP. I think there is a question, just as I think there is a question whether these payments over 62 years under our settlement will all be made. They are on all fours. You have got to assume that all of these nations are going to keep their obligations and make the payments, however.

Mr. RATHBONE. Will the gentleman from Georgia yield to me?

Mr. CRISP. I have not the floor, but I will be glad to yield.

Mr. COLLIER. I will give the gentleman from Georgia five minutes.

Mr. CRISP. I do not care for the time as I may have something to say later, but I am perfectly willing to answer to the best of my poor ability any questions that my colleagues may ask me.

Mr. COLLIER. This is all very interesting, as we are getting some information. We could not get it before the committee and probably we can get it here.

Mr. RATHBONE. Will the gentleman from Georgia kindly answer this question: If it is not a fact, when the gentleman speaks of the devastated regions, that the acquisition of Alsace-Lorraine by France fully covers all the possible cost of devastation; that it is a wonderful acquisition and a great asset. Is it not true that the one would fully offset the other?

Mr. WAINWRIGHT. Alsace-Lorraine was hers anyway.

Mr. CRISP. I think the acquisition of Alsace-Lorraine, of course, added very much to the national wealth of France, but the acquisition of that property did not proportionately add to the revenues of France to meet her obligations. The only asset, so far as meeting her indebtedness is concerned, is the revenue she receives from that territory, and let me say further to the gentleman from Illinois that there were 1,700,000 people in the territory involved in Alsace-Lorraine, but that only about 400,000 of them were people able to engage in industry or produce wealth.

France in the prosecution of the war lost 1,365,000 soldiers killed and 388,000 totally disabled. If you take the man power that France lost in the war and subtract it from the number of men she gained in Alsace-Lorraine, France is still short of man power capable of earning anything, something like 936,000 men.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRISP. I will.

Mr. SCHAFER. If France would take a great many hundred thousand men out of her military forces to-day and put them at work, would they not be of greater value to France?

Mr. CRISP. I am not a militaristic man, but I do say that France, with her military situation, is different from ours. I will say for France that before the war came on the expenses of her army amounted to $349,000,000 a year in our money, while the expenses of the army of France to-day is variously estimated at from $180,000,000 to $200,000,000, and the United States to-day is spending three times as much for its Army and Navy as France, and the pay of a general in the French Army is fifteen hundred and some odd dollars.

Mr. COLLIER. I must decline to yield further, but I will give the gentleman time later on.

Mr. CRISP. Gentlemen, you understand I am willing to answer, but my friend declines to yield further.

Mr. COLLIER. It is always a pleasure for me to yield, and I do not believe I have ever refused to yield to anybody when I had the time. In this instance it is very interesting, because we are getting more information here than we got before the committee. However, I must really ask gentlemen not to interrupt me for a few moments, and I will try to get through.

At the end of 37 years France will have received from Germany, in gold, $9,250,000,000, which is considerably over twice the amount she owes us.

This is not all that France received as a recompense for her part in the war. She received Alsace-Lorraine, two of the richest provinces in Europe.

Alsace-Lorraine has a population of over a million and a half. By the acquisition of this territory France became the largest iron-ore producing country in Europe. The annual output of iron ore is 429,000,000 tons. There are 50 iron mines in Lorraine alone, which have produced in one year over 21,000,000 tons. The Lorraine salt mines have produced, in one year, over 50,000 tons of salt.

Alsace, in 1920, produced over 1,220,000 tons of potash, and the Encyclopedia Britannica of 1922, recites that an annual yield between 5,000,000 and 6,000,000 tons of potash is expected.

Alsace is a great petroleum-producing country, and it is rich in agriculture. In 1920 there was produced in Alsace alone over 160,000 tons of wheat, over 1,000,000 tons of potatoes, over 44,000 tons of sugar beets, and one-eighth of the hop supply of the world. The value of the vintage of Alsace-Lorraine in 1920 was over 124,000,000 francs.

Now, mark you, all this has been added to France since the war, for her sons bought with their blood the iron-veined lands of Lorraine and the fertile fields of Alsace.

But this was not all the peace treaty gave to France. She received a great strip of territory in Africa, adjacent to the French Congo.

France now owns over one million and a half square miles of African territory with a population of over 11,000,000 people. But this is not all. France owns lands in the West Indies, as well as in Africa.

We do not know what France's capacity to pay is; but, aside from France itself, she owns colonies and has mandates over colonies nearly twenty times larger than France itself, and the general trade of these colonial possessions in 1919 amounted to over 7,000,000,000 francs.

It might be interesting to some of you to learn that about 25 per cent of this debt or over $900,000,000 was borrowed after the war was over. Certainly the money France borrowed after hostilities had ceased should be funded at the prevailing rate of interest.

But, say some of the gentlemen who are advocating this settlement, over $4,000,000 of that postwar debt was for supplies sold to France by the United States. That is true. About $407,000,000 of the postwar debt was for supplies France purchased from us at about one-third the cost of what we paid for them. Is that any reason why we should not be recompensed for them? If France needed supplies, and we sold them to France at one-third of their cost, and instead of receiving cash from them we added the amount to the loan France already owed us, what difference did that make to France? What is the difference in the status of the debt if we had given France the money to buy the supplies elsewhere?

When the British settlement was made I opposed it. However, that was the fairest and the best settlement we have made. The distinguished gentleman from Ohio [Mr. BURTON], who had charge of that settlement, stated on this floor that 3½ per cent interest was the rate we charged Great Britain, and that 3½ per cent interest would be the rate we would follow in all the succeeding settlements. We followed that rate in the Poland settlement, we followed it in the Finland settlement, in the Czechoslovakia settlement, in the Hungary settlement, in the Latvia settlement, and in the Rumanian and several other settlements. And yet when it comes to the two great powers of Italy and of France we charge one of them, after giving them 5 years' interest free, one-eighth of 1 per cent, and the other, after giving them 5 years' interest free, only 1 per cent for the first 10 years.

Is the great Republic of France, with colonial possessions larger in area than the United States from Canada to Mexico, from the Atlantic to the Pacific, is that great country less able to pay 3½ per cent on its obligations than Hungary and Poland? Is that great power unable to pay as much as the little country of Finland, with the great Russian bear continually growling at her doors?

The Secretary of the Treasury stated before the committee that—

> the future of France is bright. She has been and is one of the great powers of the world. Her people are able, hard working, and frugal.

I am not going to take up much more of the time of the House. I do want to say this is not a sentimental matter; it is a business matter. No reparations on earth could ever repay France for those heroic men who, at the Marne, at Verdun, and a hundred other battle fields, met the red storm of German fire and blood and steel, "like bridegrooms stepping to a marriage feast." No reparations can ever compensate France for the loss of the hundreds of thousands of her brave sons who made the supreme sacrifice and are now sleeping in the soil of their native land. France's heroic resistance to the invader will stand out until the end of time as one of the greatest achievements in all the world. [Applause.]

I would not take from that great country one jot or one tittle of the fame she is entitled to. France needs no eulogy from any one here. For over 100 years, for over 1,000 years, the pages of the world's history have been illumined by the

brightness and the glory of the deeds of her sons. Because we should differ on a business proposition, because we should do now what the gentleman from Ohio and the gentleman from Georgia and the Secretary of the Treasury did six months ago, say to France we are not satisfied with this settlement, is no reason why we should be told that we are casting obloquy upon the great ally which we all think so much of here in America.

Why, my friends, there is only about 15 per cent difference between the settlement we have here to-day and the settlement that was spurned by the American Debt Commission last fall. They said to France, after France has doubtless told them that the offer then made was their capacity to pay, "Get you back and make us another settlement." There is only about 15 per cent difference between this settlement and the one they rejected. Is it possible, can it be true, that 15 per cent is the difference between exalted generosity and base ingratitude sharper than a serpent's tooth?

Mr. CRISP. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. CRISP. I desire to say to my friend that the great and insurmountable stumbling block between the settlement by the American Debt Commission and the Caillaux commission was that the Caillaux commission insisted on a safeguard clause; they would make no settlement unless it was conditioned upon the fact that if France failed to receive the German reparations, or if there was any internal trouble in France, the settlement was to be abrogated. The American Debt Commission absolutely refused to make any settlement that was not a settlement, and, in my judgment, that was the insurmountable barrier to a settlement between the American commission and the Caillaux commission.

Mr. COLLIER. I have no fault to find with the statement of the gentleman from Georgia [Mr. CRISP]. I simply made my statement to show that it is unfair and is not right to place us who now oppose this settlement in the position of being ungrateful, in the position of forgetting the memory of the beloved Lafayette, in the position of forgetting the memory of the great services which France rendered to us during the Revolutionary War. It is unfair to attempt to place us in that position simply because we want more information on this settlement, when the Debt Commission six months ago did the same thing that we are so severely criticized for doing now. Where was your patriotic loyalty and remembrance and gratitude and affection then? Where it ought to have been. This is a business proposition. I am not criticizing the Debt Commission for asking for better terms six months ago, and I do not think we should be criticized for wanting to know something more about this settlement.

I hope to-day, my friends, I have not said one word that would hurt the sensibilities of the greatest admirer of France in this country. If such words fell from my lips it was not my intention. The chairman of the committee has pointed to the portrait of Lafayette and asked us to remember his services. I revere the name of Lafayette as much as those who are so loudly asking us to pass this settlement. We on this side who want to find out more about the facts of this settlement recall as well as you on the other side of this question that in the hour of our greatest need, when everything was dark and gloomy like a night without a star, when it seemed that Paul Revere had ridden in vain and that shot fired at Concord Bridge and heard around the world was all but useless, we recall that that gallant young Frenchman, no knight errant who was seeking adventure, but inspired by love of liberty, gave up country, family, and friends to dedicate his life upon the altar of American independence.

The chairman of the committee has said that gratitude can not be measured. I agree with him. Gratitude can not be measured; it can not be weighed. Gratitude is above such sordid accounting. It has been a century and a half since the gallant Lafayette dedicated his life to American independence, and during that time there have been many changes. The infant Republic he came over here to assist is now the undisputed world power of to-day.

In Europe thrones have fallen from their foundations, crowns have been torn from the heads of autocratic monarchs, and military autocracy has almost perished. France is now and has been for over half a century the leading Republic in the Old World.

But it was not much more than a decade ago when a power-crazed military despot, forgetting all teachings of the past, all lessons of history, dreamed of world empire and set in motion forces which in their intensity shook civilization to its very foundations and almost rocked the universe itself.

The imperishable principles of free government were in peril. Belgium lay prone, prostrate, exhausted, helpless, and bleeding under the iron heel of a ruthless invader. A part of France was devastated and the invading army, flushed with the intoxication of repeated successes, enriched by the plunder of conquered towns, and thrilled with eager anticipations of an early sack of the gayest capital in Europe, rushed on toward Paris.

When it looked as though constitutional liberty would perish from the face of the earth and it seemed that France—great, generous, powerful as she was—might soon become a conquered province, then it was that the mighty young Republic of the West, arousing like a lion from his lair, crossed the seas and paid the debt America owed to France. [Applause.]

We can not weigh these debts of gratitude. France helped America in the hour of her greatest need. America helped France in the hour of her greatest need. The relations between the United States and France for a century and a half have been close, have been cordial, and have been friendly. I sincerely trust that for many centuries yet to come they will continue so, and the fact that the Congress may not be satisfied with the provisions of this settlement, even as the Debt Commission last fall was not satisfied with the provisions of that settlement, is no reason why the friendly relations which for so many years have existed between these great powers should not continue. I want to repeat that if sentiment were the guide of our official conduct here in this House I would vote to forgive the debt entirely, but as one of the trustees of the American taxpayers I feel that I have a right to satisfy myself that this is the best settlement that can be made. The moment I am satisfied that this is the best settlement, it will be my duty, it will be my pleasure, to support it. But until I am so satisfied, as a trustee of those who taxed themselves to the bone to raise the money we loaned to France, my duty is plain, my course is clear. [Applause.] I reserve the balance of my time.

Mr. GREEN of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN (Mrs. ROGERS). The gentleman from Ohio [Mr. BURTON] is recognized for 30 minutes.

Mr. BURTON. Madam Chairman and members of the committee, I am not altogether sanguine that I can convince the gentleman from Mississippi that the facts are such that this settlement is a proper and a desirable one, but I ask the indulgence of the committee while I place before you some figures which to my mind are conclusive that the capacity of France is strained to the utmost in this settlement and that our settlement with her as proposed by the commission is quite as severe as that with any other country.

To begin with, I wish to say a few words about the work of the Debt Commission. Its labors are nearly closed. It was created in February, 1922. Different countries had become indebted to the United States in the principal sum of $10,338,000,000. The commission labored under very serious disadvantages at the beginning. Scarcely a step had been taken by our Government for the collection of this enormous debt.

The European countries were in a serious condition, due to the failure to balance their budgets and to the depreciation of their currency. Rehabilitation was slow and somewhat ineffective. There was a large party in our own country who favored the entire or at least the partial cancellation of these debts as not only an act of grace for our debtors but as one helpful to ourselves.

There was a very strong feeling in Europe against the payment of the debts. Many politicians found it a very popular issue then, as they do to-day, to oppose settling this indebtedness.

Nevertheless the commission has succeeded in negotiating settlements which, when the French and the Yugoslavian agreements are ratified, will amount to something over $22,000,000,000—$11,522,000,000 in funded principal and $10,621,000,000 in interest.

Payments have been commenced. Our debtor England, without taking advantage of any option granted in the way of leniency, complies with her obligations and is making payments both of principal and interest with great regularity.

Now, let me go right to the question—the facts of this settlement with France. Again I ask the attention of the House while I give a number of figures which are not always very attractive.

It is not an agreeable task to recount the disadvantages and the disabilities of a friendly country, but I can not detail to you the capacity of France to pay without giving certain facts and figures which show—I will not say poverty and not by any means will I say reluctance to meet obligations—but which will show disabilities of a very serious nature. First I call attention to the debts of France in figures that will differ somewhat from those given by the gentleman from Iowa [Mr. GREEN], partly because of adopting a different basis and partly because my figures are derived from different sources and relate to a different time.

Mr. GREEN of Iowa. I think that the last cause is the reason that they differ.

Mr. BURTON. Very likely. Let us consider the situation from the standpoint of the condition of France in 1913, a year before the war, when their debt amounted to 32,594,000,000 francs, the largest debt of any nation in the world. The equivalent of this in currency of the United States was $6,290,000,000. Our own debt was less than $1,000,000,000. That of Great Britain was about $3,500,000,000. On April 30, 1925, the internal debt, the debt that France owed her own citizens, amounted to 286,000,000,000 francs.

It is quite unsatisfactory to give the equivalent of this in the currency of the United States, because the value of the franc has so shifted from year to year. It is a singular fact that until 1919 the franc held up its gold value very well. In 1913 and 1914 it was in accordance with the ordinary par, but by 1926 it had fallen to 3 cents and a little more for a franc instead of 19.3, the ordinary par. On Friday last the value of the franc was 3.19 cents. Let us take the 286,000,000,000 of francs on that basis, and it amounts to nearly $9,000,000,000 even then. Some say it may be of benefit to France if by the depreciation of the franc the whole debt would be wiped out; but bear in mind that means poverty, that means the taking away of the wealth and the resources of millions of Frenchmen, from the richest and most fortunate to the poorest peasant farmer, and so no benefit can come to France as a country by the depreciation of the franc. At this point I ask unanimous consent to extend and revise my remarks in the RECORD. I particularly wish to insert here a table giving the equivalent of the French franc every year, beginning in 1913:

Average value of French franc in currency of the United States 1913 to 1926 and current quotations

	Cents		Cents
1913	19.29	1923	6.08
1914	19.52	1924	5.23
1915	17.97	1925	4.76
1916	16.96	January, 1926	3.77
1917	17.30	February, 1926	3.68
1918	17.80	March, 1926	3.58
1919	13.68	April, 1926	3.39
1920	7.04	May, 1926	3.15
1921	7.45	May 28, 1926	3.19
1922	8.20		

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BURTON. The external debt of France as of April 30, 1925, was 153,000,000,000 francs. Bear in mind that this must be paid in gold, amounting approximately to $7,400,000,000. There you have an aggregate debt of $16,000,000,000, even counting the franc at its present depreciated value—a staggering burden never carried by any civilized country in the world. Let that be the first point that I desire to make. Of that vast indebtedness, $4,025,000,000 is due to the United States and about £695,000,000 to England, amounting, say, to $3,400,000,000, with much smaller amounts to the Netherlands, Argentina, Uruguay, Canada, and Egypt.

Let us give some comparison of the wealth of France with other countries. The aggregate wealth of the United States, according to the latest and best estimates, is $355,000,000,000, that of England about $97,000,000,000, that of France variously estimated at from $52,000,000,000 to $67,000,000,000, but let us say $60,000,000,000. Mr. Blair, one of the experts of the Treasury Department, the other day gave it at $57,000,000,000 to $59,000,000,000.

Let us now look at the income. The income of the United States is estimated at $60,000,000,000 a year, that of Great Britain at approximately $19,000,000,000 a year, that of France $8,800,000,000 a year, and those who follow these figures carefully will notice that the rate of return on the wealth of France in the form of income is much less than it is in the United States and Great Britain. What is the reason for that? Because France lacks the complicated and very enlarged industrial system of the United States and of Great Britain, has a much less development in manufacturing, and then there is another phase of it. Seven or eight million people in France live upon small farms, and their living is largely furnished from the produce of the soil that they cultivate, and their income, because they consume a very large share of it for their support, does not amount to any such figures as in Great Britain or the United States. I may say in passing that the estimated income of Italy is about $4,000,000,000 per annum.

Let us consider first the comparison of taxation with income in France. In this I have not followed the figures given by the French experts or by Ambassador Berenger. Perhaps the latest word on this subject is an article in the journal of the Royal Statistical Society by Professor Shirras for July, 1925. I have relied very largely upon that and on his book published last year. The budget just adopted in France for 1926 amounts to 37,000,000,000 francs, and that, according to the estimates, is 21.7 per cent of the national income. The gentleman from Missouri [Mr. LOZIER] in the course of this discussion interjected into the remarks of the gentleman from Mississippi [Mr. COLLIER] a statement that the national income of France is $6,675,000,000. Place it even larger than that $8,800,000,000, and does not everyone realize that out of that national income you must feed and clothe 40,000,000 people, that you have there an allowance for each one of them infinitely less than $600 apiece, or the $550 apiece which is the income of the American people? The income of the average American is $550 to $600, but on the basis of $8,800,000,000, larger than the figures given by the gentleman from Missouri, the income of the average Frenchman would not be over $220 per year.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. LOZIER. The statistics which I gave, based on a pamphlet published by the French ambassador, were for the year 1924. The gentleman is correct as to the income of the year 1925 being in excess of $8,000,000,000, but I did not have it included in that, and for that reason I gave the statistics for 1924.

Mr. BURTON. But let us see how fallacious this argument is. Will you let the Frenchman starve? Will you cut out that which he needs for his very life and pay it over to his creditors?

Mr. BERGER. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I would rather not yield for the present, but will be glad to do so in the course of time. Twenty-one and seven-tenths per cent of the national income is devoted to taxes in France, an unprecedented situation. In addition, a sum of $4,700,000,000 was required for local purposes. In Great Britain the percentage was 17.9 per cent for national uses, and in the United States 5.3 per cent for the Federal Government, the latter being a little more than one-quarter of the percentage in France. When we come down to hard facts and business considerations, does not this make a very emphatic showing in regard to the capacity of France to pay? There is a national wealth of $355,000,000,000 in our country and of $60,000,000,000 in France. The national income in this country is $60,000,000,000, and the national income in France is $8,800,000,000. The percentage for national purposes on that enormous income of the United States is only 5.3 per cent, while it is 21.7 per cent in France.

It is significant to note that in 1924, 53.8 per cent of all the revenues of France was required to pay interest and debt charges; in 1925, 57 per cent. No other country makes such a showing, and yet the $37,000,000,000 of taxation does not furnish a balanced budget. Most essential services must be abandoned. In 1914 France spent $75,000,000 for public improvements; in 1925, $29,000,000. It is declared in a recent statute that 65,000 public employees must be dismissed.

Can we fly in the face of those figures? But I want to give you the benefit of some figures in the way of income taxes.

Mr. WEFALD. Will the gentleman yield?

Mr. BURTON. Not yet, by and by; this is part of a consecutive argument.

Mr. WEFALD. Will we be allowed to ask questions later?

Mr. BURTON. Yes; but this is part of a consecutive argument. The income tax law was passed in France in 1914–15. It was not effective until 1917. Let us compare the capacities of the two countries in the payment of income taxes, France and the United States. The total number of declarations in France in 1917—that is, those who made returns for income—was 367,000. Of that number approximately one-half were of incomes from $600 to $1,600. The number of declarations in the United States was 3,472,000, fully nine times as many, and more than one-half were of incomes over $2,000.

Incomes over $30,000 in France were 3,050. That looks pretty small, especially when you come to compare it. The total number of reported incomes over $30,000 in the United States was 38,914. The total reported income subject to taxation in 1917 in France was $1,170,000,000, no inconsiderable sum, but let us put that beside our own of $13,652,000,000, more than 12 times as great in the same year. Now I wish to show by another comparison the capacity of France to pay. Prior to the war in France there were 7,500,000 landowners, nearly 19 per cent of the population, and notwithstanding the movement to the cities it is thought that the number has increased since the war. The average farm of the Frenchman is 29.54 acres. In Great Britain the percentage of land owners was only one-half of 1 per cent, and the average land ownership was 410 acres. Now, let us analyze that a little bit and see what condition is created by it. Those 7,500,000 farmers

make up maybe the most independent, stalwart peasantry in the world, but you can not make the winnings or earnings of the capitalist out of 29 acres of land. They earn a bare subsistence, comfortable, perhaps for themselves and their families, but there is only a very small surplus over and above that which is subject to taxation. Indeed, under our theory as to exemption you would wipe out entirely and take off the list the whole farming population of France. I have had some familiarity with French peasantry, for I first visited that country 46 years ago. They are wonderful in their thriftiness. Some have a characteristic of many of the least provident of our own people. They are anxious to make investments which pay a high rate of interest without carefully considering the security. One favorite investment is national bonds, and in the statistics prior to the war there were 1,320,000 owning national bonds. Many of them own bonds of only 100 francs, and of those owning stock in the Bank of France a considerable number own only one or two shares. I say this to you to show the diffusion of property in France, how different it is from conditions in our own country, and how much more difficult it is to raise a large revenue there.

Now let me pass to some of the exceptional burdens of France. If there is a country that ever suffered in war, that ever suffered from famine and pestilence, that country was France, when the northern and northeastern portions were overrun by the enemy. The enemy burned those great iron mills. The coal mines, before the invader left, were flooded. Every effort was made to destroy those mills and coal mines and put France out of competition in the industrial life of Europe for years to come. I do not believe the present Government of Germany would approve of any such course as that, but that was what was done. As has already been stated in this discussion the estimate was a damage of $10,000,000,000, far away more than any reparation that ever will be paid by Germany. What has France already paid out for reparation of the damage? Early in the war a law was passed that the Government would indemnify her citizens for losses because of war.

That is almost unprecedented in the history of warlike operations, for ordinarily the only recourse of the citizen injured is in the way of collecting damages from the enemy. The Government does not stand as sponsor for those who suffer loss. There has already been expended for reparations over 63,000,000,000 francs, and there remains to be paid 20,000,000,000 francs. When you talk about German indemnity, bear these amounts in mind. Now let us take the list of pensions. The aggregate burden of pensions in France this year, 1926, is 4,000,000,000 francs. Now let us see how the pensions they pay compare with ours.

What is the number? Four million five hundred and thirty thousand applied for pensions, but 640,000 were rejected, and not all claims have been examined. But there is on the pension roll of France to-day a list of 3,745,000 pensioners because of the World War.

What do they pay in comparison with what our grateful country pays to our soldiers? For 1925, for complete disability, including blindness, the amount paid was 3,400 francs per annum, or, at the exchange rate, less than $15 a month. Widows received 800 francs, or about $40 per year; parents from 400 to 800 francs. It is true these rates were increased in 1925 by 80 per cent, and they may be increased further by 1927. But the increase does not amount to much more than the depreciated value of the franc.

I must give a statement somewhat different from that given by the chairman of the Committee on Ways and Means [Mr. GREEN] in his report. He was using the latest figures then reported when he said the balance of trade is in favor of France. From 1870 to 1923 there was a balance of trade in favor of France in only two years, in 1872 and in 1873. But in 1924 and 1925, taking the whole years, there was a balance of exports.

I have not here the latest figures. They are only down to March 1. But beginning in November last there was an excess of imports, which in February amounted to 836,000,000 francs, or nearly $30,000,000 in that one month. That would be at the rate of over $300,000,000 a year in adverse balance of trade. But it is not altogether an indication of the financial strength of France that there was in the years 1924 and 1925 a favorable balance. Why was it? It was because commodities are so cheap, with the exchange rates so largely against France, as to make it possible for exporters to come in and buy very largely for shipment to other countries.

Last summer in one of the outlying sections of France I found that gent's furnishing goods and other articles of that kind were so cheap that I was almost ashamed to buy them. Professor Gide, one of the best French economists, says that the prices of rural farms, notwithstanding the drop of the franc down to nearly 3 cents, had increased very slightly, and urban property had increased even less, not more than 80 per cent. It is conceded by every one familiar with the situation, that the value of the real estate of France has experienced a very serious drop. Notwithstanding the great rush of tourists to France, there has not been a great hotel constructed in Paris for some years. One hotel, a large one, with very considerable patronage, was abandoned, to be used as a banking institution.

All of this shows that the apparent prosperity that one would think was indicative of great wealth is not real. There are, however, some bright spots. It is said that manufacturing industry in France has increased 15 per cent since the war.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. BURTON. Certainly.

Mr. GREEN of Iowa. When the gentleman was in Paris did he see any new business houses? I myself did not.

Mr. BURTON. No; and no new residences.

Mr. GREEN of Iowa. Only a few new residences out in the suburbs?

Mr. BURTON. Yes.

The industrial and manufacturing activity has probably increased 15 per cent since the war. But there is a shadowy feature in this. True there is no unemployment. Why is there no unemployment? It is not because of the construction of new enterprises for the future. It is in the recovery, the rehabilitation of the damage that was done. And there is this further shadowy side: There are 780,000 foreigners who have come into France to labor, and a very large share of their wages, as is the case with some of our temporary immigrants here, goes out of France into other countries.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BURTON. Tourists spend, perhaps, $225,000,000 a year in France, but that is not all clear profit. When a man puts up at a hotel or a boarding house, or when he buys an article, there is a certain price in connection with that accommodation or in connection with that article which must be paid by the person who furnishes the accommodation or the article. It may be that half of the sum named is of real profit to France. We Americans spend more than half of that amount, although there are a great many more Englishmen visiting France than there are Americans, the difference being, however, due to the fact that they make shorter stays. Then there is a certain amount paid for freight in French ships, a certain amount paid for marine insurance and for freight shipped across France, say, from England to Switzerland or Italy. But all of these amounts are really trivial.

I will call attention to their trade with us. Our exports to France are nearly twice as great as our imports. In the first 11 months of last year there was a balance of 2,611,000,000 francs in our favor, easily equal to a balance of from $80,000,000 to $100,000,000. The military outlay in 1924–1925 was $262,950,000, a decrease of 41 per cent as compared with 1913–1914, and a considerable share of this was the result of international agreements, such as under the mandate in Syria, the maintenance of a force on the Rhine, the maintenance of order in the Saar region, and other agreements.

Now, we regret, no doubt, the war of France with the Riffians; but it was perfectly manifest that unless that war was continued and that insurrection was subdued the whole area of French possessions in Africa, the possession of Algiers, and the concessions in Morocco were threatened, and that France must subdue the Riffians. Happily, that insurrection, which had largely a religious phase—the Mohammedan against the Christian—seems to have been subdued, and that source of expense will be done away with. In Syria, as I have already said, the action of France was in accordance with a mandate and agreement with other nations. Now, have we not expended some considerable money in the Philippines and elsewhere? Where the American flag floats at home or abroad we expect that that flag will not come down. [Applause.] And if there is an insurrection against it we fight and we send troops across the sea. Well, can you blame France for taking the same position?

I dwelt at very considerable length on the German reparations in my remarks in regard to the settlement with Italy. I assure you, my fellow Members, that if we had been at all sure that those German reparations would be paid to France we could have gotten a bargain far and away more favorable to the United States than that which we did obtain, but the

uncertainty in regard to it—which must impress any student of the situation—made us refuse to allow a safeguarding clause to be put into the agreement under which they had the right to revise the settlement in case those payments failed.

Now, just one more word. Our relations with every country in the world should be friendly. Put our wonderful position of overflowing wealth beside that of France. Place the fact that though we were engaged in the war our sufferings were so slight as compared with that country, where mourning must be in every home. Place our abounding growth of wealth alongside that of a country which has not the favorable position which it enjoyed before the war. The 1,700,000 from Alsace-Lorraine, men, women, and children, does not meet the situation; indeed, it does not meet it when you take into account the vast number of strong young men who were lost to France during the war. Consider the fact that our sales to France were made at a time when prices were at the top; enormous profits were realized by our own people; great amounts of taxation from excess profits and otherwise poured into the coffers of the Federal Treasury by reason of our doing that business with France, and that being so must we play the part of selfishness at a time like this? I say no. Let the distinction of our country be that it has due regard for the disability and for the suffering of other lands. Let us first of all be generous, as we have been in the past. [Applause.]

I could compare this settlement with others. I think it more favorable to us than the settlement with Italy. It is, in the first place, 50 per cent as against 26 per cent and it is 50 per cent as against 81 per cent with Great Britain, a country that has a very large income from abroad.

Now if there is time I shall be glad to answer questions.

Mr. WEFALD and Mr. SCHAFER rose.

Mr. BURTON. I will first yield to the gentleman from Minnesota. What is the gentleman's interrogatory?

Mr. WEFALD. The gentleman spoke about the uncertainty of the German reparations. Why is there that uncertainty? Is it because they are above the ability of Germany to pay? Then will the gentleman please discuss conditions in Germany a little?

Mr. BURTON. I do not like to go into that question, but I will say in a word that I think it exceedingly doubtful—and I said the same thing in the discussion about Italy—whether Germany will be able to meet those payments, indeed, the arrangement under the Dawes plan contemplates that it is not only the ability of Germany to raise the necessary taxes but it is to take care of the exchange situation. As I said in the discussion about Italy, a country may be prosperous, but it can not transfer money to another country unless there is a favorable balance of trade, an income from abroad or for services at home, gold mines, or something of that kind.

Mr. BERGER. I would like to know whether the gentleman could enlighten us as to the percentage of France's expenditure for militarism, army, and navy, particularly the army. No doubt the commission knows about that?

Mr. BURTON. As I said, it has diminished 41 per cent.

Mr. BERGER. I know, but how much is the percentage rate?

Mr. BURTON. I would not want to make an estimate without a little more careful computation, but I think it is between 20 and 30 per cent of her total expenditure.

Mr. BERGER. The gentleman, of course, is aware that France to-day has the biggest standing army the world has ever seen anywhere.

Mr. BURTON. Oh, no; not as large as the army Germany had. My friend has visited Germany and has seen that army.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BURTON. The standing army of France is not at all like the standing army of Germany or the standing army of Russia. The gentleman has seen them both.

Mr. BERGER. I have not seen the large standing army of Russia.

Mr. BURTON. I congratulate the gentleman.

Mr. BERGER. I have been in Europe about five times and have been in this country for about 50 years. I am somewhat a student of history, and I know that the largest standing army Germany has ever had was 440,000.

Mr. BURTON. Oh, no.

Mr. BERGER. And that was just before the war.

Mr. BURTON. What does the gentleman mean by standing army? Does the gentleman mean those that are in the barracks all the while?

Mr. BERGER. That is what I mean by a standing army.

Mr. BURTON. Does the gentleman include those that can be called up overnight?

Mr. BERGER. Of course, if you take the entire army, the German Army was larger, but by standing army I mean those in the barracks.

Mr. BURTON. Even on that the gentleman is wrong. I do not care to continue the discussion, however, because I do not think it has much bearing.

Mr. BERGER. France to-day has a standing army of 646,000.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. SCHAFER. In regard to capacity to pay, did the Debt Funding Commission or the Ways and Means Committee of the House, in considering this debt settlement, investigate to ascertain the capacity of the French Government to pay the millions of private loans floated in America prior to December 31, 1916?

Mr. BURTON. What were those—what do you say?

Mr. SCHAFER. The total loans were approximately $695,000,000.

Mr. BURTON. Where does the gentleman get those figures?

Mr. SCHAFER. I got them from the CONGRESSIONAL RECORD, page 368, first session of the Sixty-fifth Congress, and, as indicated in the RECORD, they are supposed to be from the records kept by the Wall Street Journal.

Mr. BURTON. If there was any such amount owing to private parties at that time, there is no such amount at this time. There was a loan jointly made to France and Great Britain of $500,000,000 that is not in existence now. There is a loan of $89,000,000, that being the net proceeds, recently made to France by the House of Morgan.

Mr. SCHAFER. But France has capacity to pay the international bankers on private loans.

Mr. BURTON. Oh, do not get confused about that. That is perfectly clear. The war debts were advances made by us years ago. They were advances made not for any constructive purpose, but to maintain the armies of France in destroying. They have gone downstream in a way. This $89,000,000 is to bolster up France, to do something constructive, to aid her in maintaining the franc. Now, do not confuse your mind by putting the two on the same level.

Mr. SCHAFER. No; but from 1914 until December 31, 1916, when America was prosperous, as the gentleman has stated, and we had large incomes, the French Government was negotiating private loans over here, and the money which they received on those loans was expended with American manufacturers, and what I want to find out is whether the French have paid those loans.

Mr. BURTON. Yes.

Mr. JACOBSTEIN. I would like to ask the gentleman from Wisconsin a question if the gentleman from Ohio will permit.

Mr. BURTON. Yes.

Mr. JACOBSTEIN. I would like to ask the gentleman from Wisconsin whether the gentleman is advocating that we urge France to repudiate those loans. It seems to me that is what his statement amounts to.

Mr. SCHAFER. No; I want to find out whether she had the capacity to pay the loan negotiated through the international bankers.

Mr. JACOBSTEIN. Suppose she has capacity to pay the interest on those loans; what has that to do with her capacity to pay a Government loan?

Mr. SCHAFER. It has a whole lot to do with it.

Mr. JACOBSTEIN. I do not see any connection whatever.

Mr. CRISP. Will the gentleman from Ohio yield to me for a question?

Mr. BURTON. I yield to my good friend from Georgia.

Mr. CRISP. Is not this the case, during the time my friend from Wisconsin speaks of, when France and England were floating these private loans, the United States had not declared war, and we were not a party to the conflict. Our allies had borrowed this money, paying 7 or 8 per cent interest, in order to get money to purchase war supplies. After we entered the war and it became our war, we made them these loans, and a part of the money that they borrowed, and which is included in this settlement, was used to liquidate some of the private loans.

Mr. BURTON. To pay off those private loans; yes.

Mr. RATHBONE. Will the gentleman yield for a question?

Mr. BURTON. Yes.

Mr. RATHBONE. I am very anxious to get the gentleman's judgment upon one point. The gentleman knows the very high regard I have had for him for many years. In view of the small population in France and the fact it is dwindling and in view of the fact she is the second greatest colonial empire in

the world, is it the gentleman's judgment it is for the benefit in the long run, either of the French people or of humanity, that France should endeavor to keep up this great empire which she is unable to colonize and which is always a liability rather than an asset? I would like the gentleman's judgment upon that point.

Mr. BURTON. I do not like to engage in criticisms of foreign countries any more than I have to. I do not like it except when something of interest to our own country is involved, and I shall not answer the question of the gentleman further than to say I think the gentleman is right in stating that these colonies are a burden rather than an asset. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COLLIER. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I shall endeavor to finish my remarks in less than 30 minutes. What we do not know about this French settlement would fill a very large library of books. [Laughter.] We are advised by the Secretary of the Treasury in the paper he read to the Ways and Means Committee that this debt settlement is based upon the capacity of France to pay, and in my minority views which were printed in the RECORD together with the majority report, I challenged any member of the Ways and Means Committee to point out any testimony or any evidence, however slight, before the Ways and Means Committee as to the capacity of France to pay. It is not there; you can not find it. One member of the Debt Commission, in whose integrity I have great confidence and in whose sincerity of purpose I have unbounded confidence [Mr. CRISP], frankly stated to the Ways and Means Committee, and as frankly again reiterated that statement on the floor a while ago, that he was not satisfied as to the evidence of the capacity of France to pay presented to the Debt Commission. Therefore, I am assuming that the Debt Commission had little evidence as to the capacity of France to pay. Certainly the Ways and Means Committee had none, and no evidence produced before the Debt Commission was submitted to the Ways and Means Committee. We had absolutely nothing upon which to base our report except the brief statement of the Secretary of the Treasury, who was also the chairman of the Debt Commission, which occupies less than five pages of the hearings. The cross-examination occupied some four pages more than that. The gentleman from Ohio [Mr. BURTON] and the gentleman from Georgia [Mr. CRISP] made brief statements corroborating what the Secretary of the Treasury had stated, but submitted no additional facts.

But how easy these gentlemen speaking for this settlement have made it now for us to obey the invisible government which from some source reaches out and tells this Congress what to do in these matters and in other matters. How clear they have made it now. The statement of the chairman of the committee is that his conclusion was based to a considerable degree upon a conversation he had in an old French palace with an ex-Minister of Finance of France. The gentleman from Iowa does not speak French and the minister to whom he refers does not speak English, and therefore the conversation must have been particularly enlightening, and no wonder the gentleman has reached the conclusion he has reached. [Laughter.]

Mr. GREEN of Iowa. Will the gentleman yield? The minister to whom the gentleman refers does speak English.

Mr. RAINEY. He speaks it indifferently well. Of course, this makes it perfectly clear, and then the gentleman from Iowa advises us that he has been in France and the whole country is apparently a seething hive of industry. He says that somewhere there is something that threatens the future of France. They are all at work; they are all busy on their farms and in their factories. They are a frugal, hard-working, saving kind of people; but after all there is no capacity to pay that will enable them to pay more than half as much as they owe us.

Of course, that statement is so clear as to the capacity of France to pay that all of us who have the slightest scruples can now put them aside and obey the invisible government which with a hand of steel reaches out and tells this Congress what to do.

We scrutinize every claim against this Government with the greatest care. The committees of this House have hearings extending through the entire session, and sometimes through the vacations, investigating claims against this Government, investigating the ability and capacity of our own taxpayers to pay the taxes which we expect them to pay. The Committee on Appropriations and the Budget Committee carefully examine every proposed charge against this Treasury and spend their time in paring it down; and yet the Committee on Ways and Means had hearings lasting not over 2 hours and 15 minutes as to the question of the capacity of France to pay, and they say that is the only question in any of these debt settlements, and no evidence whatever was produced as to the capacity of France to pay. Then we report out, or the majority of the committee reports out, a bill which sacrifices $3,000,000,000 of the money of the taxpayers of this country—money that we have not yet collected.

But how easy the gentleman from Ohio [Mr. BURTON] makes it for us to vote for the settlement. He has been in France. He was a member of the Debt Commission, and he tells you that the capacity of France to pay is determined by the fact that she lost a great many workers on the fields of battle, that some of her cities were destroyed and some of her farms were destroyed, and therefore we ought to cancel this debt, because, in addition to that, we are a great, rich, and powerful people, that our resources and our wealth are almost limitless, and therefore without considering capacity to pay we ought to give her $3,000,000,000. And so because we are prosperous, because we have ample taxes to keep our Government going, because our national wealth is great, because our national income is great, therefore we ought to give France $3,000,000,000. Of course, that presents it as a legal proposition, I presume, and we are legally bound because we are prosperous to make this enormous sacrifice.

Then, how easy he makes it for all of us who recently voted against the proposition of the farmers of the country to tax themselves to pay their own losses! He was one who voted against that proposition. Pathetically and with an evident attempt at oratory, which was absent in the discussion on the farm bill last week, he calls attention to the fact that seven or eight million farmers live on the farms of France, and the farms are not large, he says, and they support themselves out of their farms. After they have done that they do not have very much left, and therefore we ought to cancel this debt. We have about that many farmers in the United States living on their farms with their families, and of course that makes a larger farm population than seven or eight million. The evidence presented by the farm board committee, and which never has been denied, is to the effect that these farmers of ours, some six or seven million—6,700,000 of them—earn an average annual income of $750 each. Of that amount they figure against them $634 which they dig out of their farms, leaving them less than $100 a year as a cash income upon which to maintain themselves and their families—in addition to what they take out of their farms. I doubt whether the seven or eight million farmers in France are any worse off than that. If they are, God help them! But because they are as bad off as our farmers here, and because they do not make any more money than our farmers make, therefore we ought to give France $3,000,000,000, all of which must ultimately through the years be dug out of our farms and added to our national wealth by these farmers of ours who are working for about the same annual income that the farmers of France get. How easy that makes it for all of us to vote to cancel this enormous debt!

The hearings did not amount to anything. There is nothing in the hearings that will square any man with his conscience in voting for this cancellation. Do the statements made on the floor this morning make it perfectly easy for any man to go out in the approaching elections and defend his vote in favor of this kind of a settlement?

As soon as this goes through, if France approves it, the New York commercial papers and the other metropolitan dailies in New York will contain a full-page advertisement signed by the National City Bank and other banks advertising a loan to France of $300,000,000. We are going to loan France more than we have loaned any of these other nations with which we have perfected settlements, and, therefore, this hurry to get this through. The report of the committee made its appearance in the CONGRESSIONAL RECORD of Saturday last. The CONGRESSIONAL RECORD of Saturday last made its appearance on Sunday morning, when Members of Congress, of course, do not work but attend church. Monday was Decoration Day, when Members of Congress were filling engagements in various places or attending the ceremonies in the various cemeteries in this locality. Therefore we have not had one legislative day's interval in which to study this report between the time it was presented and the present moment. It is printed in small type in the CONGRESSIONAL RECORD. This morning members of the press who follow most carefully everything this Congress does called me up, four or five of them, and they did not know, they had not found out that this report was printed in the CONGRESSIONAL RECORD of Saturday last, which made its appearance on Sunday. Therefore, you have not had any time to speak of

in which to study this question, and these enlightening statements as to the reasons for this settlement you have listened to on the floor to-day will, of course, be of tremendous assistance.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield

Mr. RAINEY. Yes.

Mr. GREEN of Iowa. I must say the members of the press to whom the gentleman from Illinois refers are not very enterprising members of the press. A notice was published in the press gallery Saturday morning that the report would be in the CONGRESSIONAL RECORD of Saturday. How they could have avoided finding it out I do not know.

Mr. RAINEY. They did not know it, and the gentleman knows and I will ask him to admit now for the RECORD that not a single legislative day has elapsed since the report made its appearance and 12 o'clock to-day.

Mr. GREEN of Iowa. Legislative day! I suppose the gentleman never works except on legislative days.

Mr. RAINEY. No; I worked on this on Sunday.

Mr. GREEN of Iowa. I shall put the gentleman's admission along with mine. His statement is correct as to when the report appeared, but it also is a matter of common knowledge that the Members of the House had all day yesterday in which to examine the report.

Mr. RAINEY. Yes; those who did not go to church, and there may be some who did not, but most of the Members of this Congress do not work on Sunday.

Mr. SCHAFER. And those who did not go to memorial services yesterday.

Mr. RAINEY. Yes, on Monday; but the fact remains that there has been not one second of time since the report was printed and the meeting of the present session of Congress at which we took it up.

Mr. WEFALD. Would not that be the best way of passing this bill?

Mr. RAINEY. Oh, I presume so.

> If it were done when 'tis done, then 'twere well
> It were done quickly.

I have not any advance knowledge of the advertisement to which I refer, nor have I seen a copy of it, but I know what it will contain just as much as if it had now made its appearance. It will be signed by various bankers and will offer from two hundred and fifty million to three hundred million dollars at 7½ per cent interest, priced to yield 8 per cent.

The statement will go on describing the economic capacity of France, describing her ability to pay. It will call attention to the fact upon which the statement of the Secretary of the Treasury is absolutely silent, that France has just added to her domain the rich territory of Alsace-Lorraine, 1,700,000 people, with all of the industries that go with those great Provinces. She has just added that to her domain, and that adds to her ability to pay. Then it will call attention to the fact that by virtue of the war France obtained the Cameroon district in Africa. It has been stated upon the floor that that is rather a detriment than anything else to France, but you will find that the advertisement will go into details about the wonderful resources of the Cameroon district of Africa.

Do you know how big it is; how many acres there are in it? I do not. There is nothing in this evidence to show what it produces. So far as the evidence appears before you you do not know and neither do I.

Mr. RATHBONE. If the gentleman will yield, I think I can give him some figures.

Mr. RAINEY. Thank you.

Mr. RATHBONE. May I interrupt long enough to give the gain in territory and population as a result of the war? Alsace-Lorraine, area, 5,605 square miles; population, 1,709,749. Africa, added area, 170,270 square miles; population, 1,000,000 people. Togoland, 21,200 square miles; population, 480,000 people. The Cameroons, 166,489 square miles; population, 1,500,000 people. Syria mandate, 60,000 square miles; population, 3,000,000 people, or a total area added of 360,564 square miles with a total population acquired of 7,694,749 human beings.

Mr. WAINWRIGHT. If the gentleman will give way, in regard to the suggestion of the gentleman from Illinois, does the gentleman think it fair and right to take Alsace-Lorraine as a war gain to France in view of the fact that very territory was simply restored to France, of which she had been deprived in 1870?

Mr. RATHBONE. Is the gentleman asking that question of me?

Mr. WAINWRIGHT. Of the gentleman from Illinois.

Mr. RAINEY. Yes, I do. That was part of the Imperial German Government for half a hundred years of time.

Mr. BERGER. One hundred years before——

Mr. WAINWRIGHT. It has nothing to do with the capacity to pay, and they have said the capacity to pay is the basis of this settlement——

Mr. RAINEY. Yes; but Alsace-Lorraine has been a part of Germany during the entire capitalistic period of this world which commenced really about 60 years ago when the real industrial development of the world along modern lines commenced. During all that period of time, half a hundred years, Alsace-Lorraine belonged to Imperial Germany, it was a distinct acquisition when France got them back, and that is something that ought to be considered in the estimate as to indicate her capacity to pay. That is the point about all this. Secretary Mellon insists that this settlement is based on capacity to pay, and the gentleman's question is based on the ethical proposition of whether or not we ought to consider that after all Alsace-Lorraine is coming back to France after half a hundred years. Therefore, this being an ethical question, we ought not to take that into consideration in determining the capacity to pay of France. Why those two Provinces now add materially to the wealth of France and her capacity to pay and her national income. They are now a part of France—acquired as a result of the war.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. SCHAFER. The gentleman from New York has been stressing so much about Alsace-Lorraine going back to France. Was not the war of 1870 and 1871 a war of aggression which France precipitated and started, and she lost that, did she not? That was through her own fault in a war which she declared.

Mr. RAINEY. I am not going to discuss that war in settling this question, and I am not discussing the ethics of the situation. I am discussing the capacity to pay of France.

Mr. LOZIER. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. LOZIER. Is it not true that the iron-ore reserves of Alsace-Lorraine are estimated by competent statisticians at more than 2,000,000,000 tons, and will not the acquisition by France of these great iron fields augment immensely the natural wealth of France, add tremendously to her industrial resources, and enormously increase her capacity to pay?

Mr. RAINEY. It is the greatest iron district in Europe, and in this iron age iron is the valuable thing which makes for a nation's wealth.

Mr. RATHBONE. Will the gentleman yield for one other question?

Mr. RAINEY. I will.

Mr. RATHBONE. The authorities state that it adds approximately 45 per cent to the mineral wealth of France, nearly half as much again.

Mr. RAINEY. Yes; I understand that.

Mr. RATHBONE. Besides taking over and developing a plant for the manufacture of iron and steel.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. RAINEY. Yes; in one moment. My colleague from Illinois is proceeding, however, upon an improper assumption.

In this case when we obey the invisible government we are not supposed to pay any attention to facts.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield there?

Mr. RAINEY. Yes.

Mr. MANSFIELD. Is it not a fact that France, since the acquisition of Alsace and Lorraine, is now the greatest producer of potash?

Mr. RAINEY. Yes; that is also true. And I will say to my friend from Texas that we can search these hearings in vain to find that fact which he has now put in the RECORD. I am trying to confine myself to the hearings if I can, but I thank the gentleman from Texas for his contribution.

The reason for the concealment of these economic facts as to the ability of France to pay I can not understand any more than I can understand why this proposition is being railroaded through by the Secretary of the Treasury and those who have cooperated with him.

In further replying to the gentleman from Texas [Mr. MANSFIELD] I might call attention to a bulletin just issued from the Bureau of Foreign and Domestic Commerce of the Department of Commerce, which contains the very latest information on the subject of potash. The bulletin is known as No. 33 of the trade-promotion series. From page 60 with reference to the Alsatian deposits, which, of course, now belong to France, I read:

AVAILABLE POTASH CONTENT—ACTIVITY UNDER FRENCH OWNERSHIP

It has been estimated that the cubic content of the two beds totals about 700,980,000 cubic meters of potash salts, which equals about 1,472,058,000 metric tons of salt. * * * which, at pre-war con-

sumption, would fill world requirements for about 275 years. * * * But since their acquisition by the French a wondrous activity for the developing of these new possessions and the turning of them to good account has set in. Judging by the continuous growth in output these efforts have been eminently successful. All of the mines now belong to the French Government, with the exception of the Kali-Sainte-Therese, which, having been formed in 1910 with French, and what was then Alsatian capital, is a private concern. * * * All are now adequately equipped, to which the unremitting increase in output amply testifies.

None of this information is contained in the hearings. None of it has been referred to in any way in estimating the "capacity to pay" of the French Republic. The farmers of France will soon be amply supplied with the cheapest and the best fertilizing material in the world. For some reason the country is at the present time being kept in dense ignorance of the wonderful activities going on in France at the present time and the remarkable and continued increase in the "capacity to pay" of that country.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WAINWRIGHT. The gentleman was so generous with gentlemen on the other side that I thought he would yield to me. The gentleman yielded once to me. Did not Alsace and Lorraine belong to France and belong to her territory for 200 years and before 1871?

Mr. RAINEY. I have answered that. I am not going to answer any more.

Mr. BERGER. Mr. Chairman, will the gentleman yield right there?

Mr. RAINEY. Yes.

Mr. BERGER. Is it not a fact that Alsace and Lorraine belonged to Germany for a thousand years before France took it in the year 1683—for about a thousand years? [Applause.]

Mr. RAINEY. The historical information of the gentleman from Wisconsin is a thousand times better than the historical information of the gentleman from New York [Mr. WAINWRIGHT].

Mr. LOWREY. The gentleman spoke of the Congressman who works in his office on Sunday instead of going to church. I want to suggest to the gentleman from Ohio that I think the claim that France has had on Alsace and Lorraine for the past 50 years was a little like this Congressman's claim on a better world, a sort of vague possibility on which there was not much prospect of ever realizing. [Laughter.]

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. LOZIER. I hope the gentleman will not neglect to mention the acquisition by France of the Saar Valley, the coal deposits of which are estimated at 12,000,000,000 tons and the annual production of which is 12,000,000 tons.

Mr. RAINEY. Yes; making France the richest coal-producing country of Europe, in addition to the greatest iron-producing country in Europe.

Mr. RATHBONE. I will ask the attention of the gentleman from Missouri to this: You understand France has not acquired the Saar Valley. There will be a plebescite some time, but for the present France has the use of it.

Mr. LOZIER. Yes; under the Versailles treaty France is given the right to control and exploit this region for 15 years, after which there is to be a plebescite to determine whether this rich coal field will remain under the French flag or be returned to Germany. I simply wauted to refer to what is regarded as a practical acquisition of this rich Saar Valley region by France, as after 15 years' occupation by France it is not probable that a plebescite would ever return the Saar region to Germany.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COLLIER. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes more.

Mr. RAINEY. I want to say that the gentlemen who are interrupting me are putting in all the facts we have so far had in this case.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. TILSON. In case we should not accept this settlement when, in the judgment of the gentleman, would he expect to get any substantial payment?

Mr. RAINEY. That is the trouble as to all these settlements. No facts are produced as to any of them except this: The Debt Commission said to the debtor nations, "Can you not pay us so much money?" And the debtor nations said, "We can not." Then the Debt Commission said, "Can you then pay us so much?"—naming about a billion dollars less. And the debtor nation says, "We can not do that either." Then the Debt Commission said, "What can you pay us?" The other nation then stated what it was willing to pay, and that settled it. Then they come before this Congress, trustees of the money of the people of the United States, and say, "This was all we could get. If you do not take this, you may get nothing. How are you going to get more?"

Now, may I suggest to the gentleman from Connecticut how we could get more, and what would have been a scientific method of effecting these debt settlements, what would have satisfied the people of the United States? As was expressed to President Wilson on his return from France, some gentlemen who returned with him, have advised me as to what he said. They said to him, in effect: "We have now loaned immense sums of money to our allied nations. How are we going to get back those sums? After the war their capacity to pay will not be what it was before the war, and how are we going to effect a settlement with them?" And President Wilson replied: "I expect to advise Congress to select a commission which shall determine how much these debtor nations can pay and ought to pay during a period of five years; that commission, or a subsequently appointed commission, to meet again at the expiration of five years and determine upon their capacity to pay and how much they could pay during the next five years, and then the commisison to meet again at the expiration of that five years and determine that, and so on, until these debts were paid."

That would have been a scientific method of doing it. But a scientific method of doing it would not have made it possible for the clients and customers of the New York banks to get 8 per cent on their investments, 2 per cent more than they can hope to get on similar investments here. Only by sacrificing the enormous sum of $5,000,000,000 or $6,000,000,000 in all; only by sacrificing that much, which belongs to the people of the United States, can we make it possible to float these bonds to yield 8 per cent in the countries of Europe. Only in that way can we make it possible for them to yield a return to our investors of $700,000,000 a year. Only in that way can we make it possible for us to get as much for the money we sell abroad as we ever got in all our history as a Nation for the goods we sold abroad.

We have reached the turning point in our career as a Nation. Already our favorable balance of trade under a high protective tariff has disappeared, as we said it would disappear. There is no favorable balance of trade in any month of this calendar year, and it will go on the same way inevitably in the future. But the favorable balance of trade as it comes to us now consists in the money sold abroad, not the goods we manufacture in our great industrial establishments and the wealth we produce on our farms in this country.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned that President Wilson had a scientific plan. I think the gentleman said he recommended it.

Mr. RAINEY. No; I did not.

Mr. NEWTON of Minnesota. I have no information to the effect that President Wilson made a recommendation of that kind, or any recommendation, as to the settlement of the foreign debts.

Mr. RAINEY. No; he never made any recommendation, but that is what he said he would recommend.

Mr. NEWTON of Minnesota. But he did not do so?

Mr. RAINEY. No, sir. He was assailed on all sides by calumny; he was attacked in all parts of the United States and misrepresented by the colleagues of the gentleman who has interrupted me until finally, when this great battle he was waging was at its height, he fell, a casualty of the war [applause] and ceased to become an important factor, and from that day to this out from Wall Street reaches a hand of steel and controls the conduct of this Government and of the gentleman and of his colleagues.

Mr. KVALE. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. KVALE. The gentleman has spoken of an invisible government pushing this debt settlement, and I entirely agree with him. Will the gentleman state what he thinks is the reason why this invisible government is unwilling to postpone this settlement until such time as France may be better able to pay than she is now?

Mr. RAINEY. Because in the elections which will come this fall those Members of Congress, who are the trustees of this tremendous fund which has been given to them to dispose of and be controlled by them, are going to answer to their constituents, and a great many of them may not come back, and enough of them may stay at home to interfere hereafter with the future control of this country from Wall Street.

Mr. BERGER. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. BERGER. The gentleman spoke about a hand of "steel" coming out of Wall Street. How does the gentleman spell that word?

Mr. RAINEY. Well, I think it can be spelled—I am somewhat of a mind reader—as the gentleman thinks it ought to be spelled, and I agree with him.

Mr. RATHBONE. Would the gentleman have any objection to yielding for a moment?

Mr. RAINEY. No.

Mr. RATHBONE. Regarding the question put to the gentleman by the gentleman from Connecticut [Mr. TILSON] as to what could be done to enable France, as I understood it, to make a better settlement, might I ask this question: The President of France receives a salary of 48,000 British pounds, or 1,200,000 francs, and another 1,200,000 francs for expenses.

Mr. MANSFIELD. What is that in dollars and cents?

Mr. RATHBONE. I do not know. The franc fluctuates so much that it would be difficult to say.

Mr. TILLMAN. But the gentleman mentioned British pounds.

Mr. RATHBONE. Well, this is from the Statesman's Yearbook, and I assume the salary has not been changed; at least I have not heard of it being changed. The salary at that time was 1,200,000 francs per annum and an equal sum for expenses. Does not the gentleman think that by cutting down that salary to some extent that would assist France in paying some of its debt?

Mr. RAINEY. It would aid very materially. And may I also call attention to the fact in that connection that France is to get for 37 years, or perhaps 40 years, $250,000,000 a year from Germany on account of the adjustment made by the Dawes Commission, and if she gets that money, at the end of 37 years, devoting that fund to the payment of her debt to England and the United States, it would just about pay her total debt to England plus her total debt to the United States.

Mr. CARSS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CARSS. Has the gentleman any figures showing the amount of money that France has spent in her war in Morocco?

Mr. RAINEY. I do not have that, but France maintains an army of 646,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COLLIER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. CARSS. I understand that the war in Morocco has cost her about $1,000,000 a day.

Mr. RAINEY. I should think that would be a conservative estimate.

Mr. CARSS. And that war has been carried on against a people who seem to feel they have the right to be free in their own country, as nearly as I can find out.

Mr. ANDREW. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. ANDREW. Is it not true that the total expenditures of France for her army and navy for the past year have been $187,000,000?

Mr. RAINEY. I do not know.

Mr. ANDREW. Those are, I think, the facts, $187,000,000 for the army and the navy for the entire year, one-third of our own expenditures.

Mr. BEEDY. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BEEDY. I am sure the gentleman is sincere in his position, and I am always interested in hearing the gentleman's statements. I am interested in having the gentleman state to me how he would propose that France should pay this country any amount upon which we can agree as a basis of settlement.

Mr. RAINEY. I have just indicated that I think the suggestion made by President Wilson on his return from France would have been a scientific solution of this question and would have resulted in the payment of these amounts due us in full, "when and as" our debtor nations were able to pay, using a Wall Street term which I see frequently in these advertisements, and which will be in this $300,000,000 advertisement.

Mr. BEEDY. May I follow that up, please? Our trade balance with France is favorable to ourselves by the ratio of about two to one.

Mr. RAINEY. Yes.

Mr. BEEDY. It would necessitate a reversal in that trade balance, would it not?

Mr. RAINEY. It might to a certain extent.

Mr. BEEDY. And France could not make any payment unless the trade balance was favorable to herself?

Mr. RAINEY. Favorable to France?

Mr. BEEDY. Exactly.

Mr. RAINEY. Well, if France gets $250,000,000 a year out of Germany and out of the Dawes plan adjustments, I think she could pay us a good deal more than they say she can pay us. She does not pay us any interest for the next five years.

Mr. RATHBONE. If I understand the gentleman from Maine correctly, he finds difficulty in payment on account of the transfer of goods back and forth. Is that it? The payment has to be made eventually in goods—is that the idea?

Mr. BEEDY. I know of no way by which France could realize the money to maintain herself else she sold goods to somebody, somewhere, and somehow.

Mr. RAINEY. Those balances are arranged by credits, of course.

Mr. RATHBONE. What I fail to understand is this: Suppose, for the sake of argument, we cancel half of the debt and then lend her the same amount of money over again, so that she still owes us the same amount, how is it going to be any easier for her to pay us then through a transfer of goods; what difference would that make?

Mr. RAINEY. I would not know how to answer that question.

Mr. LOZIER. Will the gentleman yield in order that I may correct a statement of the gentleman from Massachusetts [Mr. ANDREW]? I call the attention of the gentleman from Massachusetts to Mr. Blair's testimony on page 10 of the hearings, in which he said, in reference to the expenditures by the French Government for military purposes, that in 1925, when they first began to feel the effects of the Moroccan war and the Syrian difficulty, they spent $268,000,000, and he further states that the budget for 1926 calls for 6,414,000,000 francs, which Mr. MILLS says, amount to $180,000,000.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. RAINEY. Yes; I yield.

Mr. SCHAFER. The proponents of this debt settlement practically shed crocodile tears with reference to the balance of trade being against France; could they not materially assist in curing that condition if they removed some of the high protective tariff duties which are working in the interests of the great, big capitalists of the East mainly?

Mr. RAINEY. Of course, on account of the policy of high protection for which the gentlemen who want to sacrifice this money are responsible, our entire balance of trade has disappeared.

Mr. RATHBONE. Will the gentleman yield to me?

Mr. RAINEY. Yes.

Mr. RATHBONE. Coming back once more to the question of the gentleman from Connecticut, I will ask the gentleman whether in his opinion, in view of the fact that France has a large naval building program which she is carrying on and which is to be completed in 1928, consisting of six cruisers of 10,000 tons each, three of 7,880 tons each, 52 submarines, 36 destroyers, 21 flotilla leaders, together with the largest airplane flotilla in the world, whether or not a reduction along those lines in the coming disarmament conference would not greatly assist France in her ability to pay this debt?

Mr. RAINEY. Yes; but it will then be too late under this settlement to make her pay any more. [Applause.]

Mr. ROMJUE. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. ROMJUE. Will the gentleman state what the Dawes Commission recommends to be paid by Germany to France?

Mr. RAINEY. France gets 52 per cent of the entire reparations?

Mr. ROMJUE. How much is that annually?

Mr. RAINEY. It will amount to $250,000,000 a year for France when it commences, which will be at the time France commences to pay us interest, four or five years from now.

Mr. ROMJUE. What is the judgment of the gentleman as to the probability of Germany making these payments to France?

Mr. RAINEY. I will answer that by saying that we have pending before the Ways and Means Committee a bill known as the Mills mixed claims bill. This bill attempts to compel the taxpayers of the United States to pay for the sinking of the

Lusitania, and to pay $52,000,000 to the Marine Insurance Companies on ship and cargo losses during the war, when those marine insurance companies had no losses.

Mr. CRISP. And had a premium of 42 per cent.

Mr. RAINEY. They had a 40 per cent premium and made the biggest profits they had ever made and had no losses, but these claims and others have all been allowed as claims against Germany by the Mixed Claims Commission. We are asked to pay them now out of the Treasury of the United States, and Secretary Mellon has said that that bill is perfectly proper and ought to pass, and he says the President is in favor of it, and the reason it is proper and ought to pass is that under the Dawes plan we are going to get, they say, $11,000,000 a year for 80 years in the future, and those payments will be made by Germany and, therefore, after a period of 80 years we will not lose anything. Therefore, Germany, according to the Secretary of the Treasury, who is the chairman of this war-debt commission, and according to the President of the United States, is going to make these Dawes payments to us and to everybody, and if we are to accept the position taken by the proponents of this legislation, then these Dawes payments will be paid and they can not deny it on that side of the House.

Mr. ROMJUE. If Germany pays France in full what the result of the war agreements provide, of course, that would be a circumstance that would enter into the capacity of France to make these payments.

Mr. RAINEY. Yes; France then could pay us in full and pay England also in full. Secretary Mellon says that Germany will make these payments and so does the President of the United States, if he is correctly quoted by Secretary Mellon. Therefore, France will get enough money out of Germany to pay everything she owes England and everything she owes us; in addition to that she gets this immense territorial concession in Africa, and in addition to that she gets Alsace and Lorraine with 1,700,000 people and the coal and iron and potash deposits there.

Mr. ROMJUE. Does the gentleman know whether or not since the Dawes plan went into effect Germany has made its payments to France according to the provisions of that plan?

Mr. RAINEY. The payments have been very light and I think some of them have been postponed. The real payments have not yet commenced.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. COLLIER. Mr. Chairman, I yield 10 minutes additional to the gentleman from Illinois.

Mr. WEFALD. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WEFALD. Many of the leaders in this House who are in favor of this legislation, when the Haugen bill was before the House said that bill was unsound. Do they now consider this legislation to be sound legislation?

Mr. RAINEY. Oh, they consider it to be sound.

Mr. WEFALD. How can they defend it?

Mr. RAINEY. Well, I want to hear some of them defend it on the stump in the approaching elections if they can. I would not know how to do it.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SCHAFER. The distinguished floor leader, the gentleman from Connecticut [Mr. TILSON] in discussing the Haugen bill called the attention of the House to the fact that the Treasury could not stand the drain if the appropriation therein involved was passed. Does not the gentleman think it rather peculiar that the Treasury could not stand a drain of a few million dollars to pay the farmers of our own Nation and yet can stand a drain of billions of dollars to pay a foreign debtor nation that is armed to the teeth at present?

Mr. RAINEY. The gentleman is making a tremendous mistake; the gentleman is not in harmony at all with the invisible government which reaches out and controls this body.

Mr. BERGER. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BERGER. In answer to the question asked by the gentleman from Missouri I want to say that an English expert at Versailles in making public some financial paper stated that the payments of Germany was at a fair value $8,000,000,000 of rolling stock and raw materials, which the French took right after the war.

Mr. TILSON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. TILSON. My friend from Wisconsin is laboring under the delusion that this money is already in the Treasury of the United States. I wish the gentleman from Illinois would try to illuminate the mind of the gentleman from Wisconsin with the facts that the money which France owes is not yet in the Treasury.

Mr. RAINEY. No; but we are going to collect in taxes yet to be levied on the people of the United States the money we are giving away to her and the other debtor nations.

Mr. TILSON. We can not give it away until we get it.

Mr. RAINEY. The gentleman's attitude and other leaders on this debt question is absolutely plain. We can understand what it is. The gentleman's attitude is this: This administration has wrecked the ship, and what are you going to do about it? Let us save as much of the wreckage as we can.

Mr. SCHAFER. Will the gentleman further yield?

Mr. RAINEY. Yes.

Mr. SCHAFER. If this administration would be firm and tell these debtor nations where to head in instead of listening to the cry of the financial bankers, they could compel these payments.

Mr. RAINEY. Oh, the gentleman is misinformed again. He is mistaken so often that I wish he would post himself better. The administration has a firm policy, and it is perfectly understood what that policy is.

Mr. SCHAFER. It is the policy of the international bankers.

Mr. RAINEY. Let me tell the gentleman what it is, and I doubt whether he will approve of it. The administration has a policy which is absolutely plain. It is a policy which makes for the concentration of wealth in the hands of a few people; it is a policy which means that a hundred million people shall bow reverently and in suppliance to the invisible arm of steel which reaches out from Wall Street. That is the policy of this administration.

Mr. SCHAFER. I agree with you. [Laughter.]

Mr. HUDSPETH. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HUDSPETH. If we should pass this bill, is there any assurance that France will ratify it and pay us on this basis?

Mr. RAINEY. That may be one of the reasons for pressing it, that France will refuse to ratify it, and then this Debt Commission and this administration will come back and say, "France would not accept what we said we would take, and therefore let us give away some more." That will be the argument they will make.

There is a way to compel nations without resorting to war which statesmen understand, but you gentlemen on the Republican side do not. [Laughter.] This is the way. Nations in this age of the world and since the World War can resort to the economic blockade. We have done it, we are doing it now with Russia, we have done it with Mexico, and we are doing it with Germany. We could simply say to them, "Pay us what you owe us or quit doing business with us. We are the greatest and wealthiest Nation in the world and we will have no trade relations with you unless you keep your agreements, unless you pay us what you owe us."

That would settle it. That is a complete answer to the statement so often made on the floor that if you do not take the salvage that is left out of this wreck the Republican administration has made, what are you going to get?

A competent administration would collect this debt, an administration which organized an Army of 4,000,000 men out of nothing, which built a Navy out of nothing, which sent 2,000,000 men across the seas, which could reduce the war taxes $9,000,000,000 in one year, when it has taken this administration five years to reduce war taxes $3,000,000,000, an administration like that could collect this debt without any sacrifice.

Mr. SCHAFER. Let me ask the gentleman. This administration does not fund the debt that the farmers owe the Federal Farm Loan Board over a period of many years and practically cancel 50 per cent of what is due, does it?

Mr. RAINEY. No; our farmers make about as much as the farmers of France, according to the statement of the gentleman from Ohio; they make no more than the farmers of France, but we are going to make them pay every dollar they owe. We are generous, indeed, to the farmers of France.

Of course, there are other farmers, 7,000,000 of them, the gentleman from Ohio says, who live across the seas on little farms and do not make any more money than our farmers are making, and therefore they are given $3,000,000,000.

Mr. HUDSPETH. I agree with the gentleman that we have a way of collecting this debt. We did collect the debt which they were disposed to repudiate in Jackson's time.

Mr. RAINEY. I thank the gentleman for the contribution to my speech. At that time France was willing to pay rather than lose the friendship of this Nation. We can always in our progress as a Nation look back with profit to the Jackson period, when affairs were honestly administered and when a great banking trust was crushed in this country. [Applause.]

Mr. SCHAFER. Will the gentleman yield further?

Mr. RAINEY. Yes.

Mr. SCHAFER. The chairman of the Committee on Ways and Means [Mr. GREEN] pictured the condition of the farmers in France, and it appears to me that the farmers in France are in far better shape than the farmers in the United States or the farmers in the State of Iowa, who have been denied benefits of legislation under this present administration.

Mr. RAINEY. Oh, yes; that is absolutely true, and the gentleman from Ohio [Mr. BURTON] agrees with me. There is not any doubt about that; but again the gentleman is out of harmony with the invisible government in this country.

Mr. BERGER. And with his own party.

Mr. RAINEY. Mr. Chairman, I have talked longer than I expected to talk, but I have conducted the only hearings that have been conducted on the French debt settlement. [Laughter and applause.] I have brought out the only facts that have been brought out. The only facts that you have gotten as to the settlement and the capacity of France to pay you have obtained from the discussion this afternoon of the gentleman from Mississippi [Mr. COLLIER] and my discussion and the hearings that we both have here conducted. Somebody ought to do it, and now you have got the facts and the country has the facts, and the elections are approaching, and every one of you can do as you please.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WEFALD. It was stated on this floor during the debate on the Haugen bill that the farmers of this country have paid for the war, that they have lost $40,000,000,000. Is it reasonable to ask them for any more now?

Mr. RAINEY. I do not think so. I thank you for the attention you have given me. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. MILLS]. [Applause.]

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I congratulate my friend from Illinois [Mr. RAINEY] on his modest statement that he has made the only contribution to this discussion. He made two suggestions of a constructive character. The first was that we could collect this entire debt by applying to France the nonintercourse policy which we have pursued in regard to Russia and Mexico, though he carelessly failed to tell us the amounts we have received from those two countries as a result of that policy. He also suggested that the only scientific method of collecting these debts was to appoint a commission, to leave the size of the debt undetermined, and to revise the amount we should ask for every five years. He stated that was what President Wilson had suggested. Why, Mr. Chairman, that was the very policy pursued by the Allies with reference to Germany from 1919 to 1924. My recollection is that they well-nigh ruined Germany, but did not collect much cash; and that it was only when the so-called scientific policy of the gentleman from Illinois had proved to be a complete failure that they turned to this country, accepting the suggestions of the American business men, and the Dawes plan was born. So the only constructive contribution of the critical gentleman from Illinois [Mr. RAINEY] to the solution of this problem is to return to the policy adopted by the Allies after the war, which they themselves were compelled to repudiate as a complete failure.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I must ask my friend from Georgia to permit me to complete my statement without yielding.

Mr. Chairman, we are taking up to-day the last of the settlements of the debts to our Government arising from the Great War. When these have been agreed to, there will have been funded obligations aggregating over eleven and a half billion dollars, and agreements will have been made providing for the payment to the United States Government of an amount in excess of $22,000,000,000. While these agreements necessarily differ in detail, they all have two features in common: The repayment of the principal in full, together with accrued interest up to the date of settlement; and the capacity of the debtor nation to pay as the basic factor controlling the interest rate.

The American people are under a debt of gratitude to the American Debt Commission for the patience, industry, and vision which have characterized their labors, and made possible this truly remarkable achievement, which I believe to be a real contribution to the economic restoration of the world. The House of Representatives has every reason to be proud of its representatives on the Debt Commission, the gentleman from Ohio [Mr. BURTON] and the gentleman from Georgia [Mr. CRISP], who, in the old-time phrase, have deserved well of the Republic for the devotion and high patriotic purpose which they brought to this difficult task; and I want to take this opportunity to pay to them my tribute of admiration and of gratitude.

In the time allotted me I can but sketch the outline of the main features of the problem and give the House the benefit of such conclusions as I have reached, based on more detailed study. I propose to speak with complete candor, neither emphasizing the difficulties nor minimizing such favorable conditions as may exist, speaking not as an advocate—though I hold strong opinions—but rather as a reporter honestly endeavoring to paint the picture as he sees it.

In the consideration of the settlement now before us it seems unnecessary to emphasize that approximately 1,300,000 Frenchmen in the prime of manhood gave up their lives in defense of their country, and that during the course of the war France saw the population of her 10 northern departments reduced from 4,690,000 to 2,075,000; some 750,000 houses entirely destroyed; 23,000 factories and workshops completely wrecked; over 8,000,000 acres, or approximately 7 per cent of the area of France, entirely devastated; her coal mines flooded; and the cattle, horses, and other farm animals of that region disappear. Over a million and a quarter dead, scores of thousands crippled for life, two million and a half homeless, and 10 of the richest and most prosperous departments turned into a hideous wilderness in which for four years there were heard only the roar of guns and the beat of the wings of the angel of death! It is unnecessary to emphasize these facts, not because they are not tragically relevant but because they are but too well known.

When discussing the Italian debt settlement I pointed out that there were three main factors which determined a nation's capacity to pay debts to a foreign government—first, its productive capacity; second, the ability of its government to collect in taxes over and above the amount required for its own fiscal needs a sum sufficient to meet the payments on the foreign debt; and, third, its ability to transfer this surplus, consisting of its own currency, to the foreign debtor in the latter's currency or in bills of exchange payable in that currency.

In so far as the first and the third factors are concerned, the situation of France is by no means unfavorable.

The French people have ever been frugal and industrious, whether on the farm or in the factory. They are good artisans, able merchants, and hard-working farmers, with an almost religious devotion to the soil on which they labor and which, generally speaking, has been handed down from father to son for generations. They were prosperous before the war. In spite of the colossal handicaps under which they labor at present, I expect to see them reasonably prosperous again. While their losses were colossal, and while their present financial burdens are staggering, their fundamental economic resources, particularly their industrial resources, are larger than before the war.

France's immense losses in man power have been partly made good by the addition of the Alsace-Lorraine population of 1,700,000 and by at least 1,200,000 foreign workers who have taken up their abode in France. Iron ore productive capacity has been doubled, the annual coal output has been largely increased by the accretion of the Lorraine mines and by the usufruct until 1935 of the Saar coal. Immense deposits of potash salts have been added to her mineral resources, while the oil fields in Alsace produce annually about 70,000 tons of oil. Immense new resources in electric energy are being developed. In 1913 the power obtainable was 850,000; it now exceeds 2,700,000. The railway systems have been thoroughly overhauled, rolling stock has been increased and improved, and the electrification of two of the principal trunk lines is well on its way.

Manufacturing capacity has been notably augmented, not only by the addition of the highly developed metallurgical, engineering, chemical, textile, and food and drink industries of Alsace-Lorraine but also by the thorough reconstruction in the devastated areas of practically the entire range of textile industries and of the bulk of the mining, metallurgical, engineering, glass, and miscellaneous industries. In this connection it is to be noted that the general equipment of the new factories built in the devasted areas, as well as the new and enlarged factories outside of these areas, are of the most modern type, capable of meeting the demands of efficient production. The natural-silk industry has become stronger, while the artificial-silk industry has witnessed a remarkable development. In the field of dyestuffs France can now produce the bulk of her requirements and carry on a considerable export trade, truly a remarkable advance having been made in the way of large-scale production of heavy chemicals. Moreover, high customs tariffs

or depreciated exchanges, or both, have led to the settlement in France of numerous foreign manufacturing firms, which add materially to her productive capacity.

Under the initiative of the French Government the development of an organization for foreign trade has made real progress, and the French people, under the economic pressure to which they are subjected, are developing the highly specialized methods and the banking facilities abroad which have been used with marked success by such great mercantile nations as the United States, England, and Germany.

A reliable estimate shows that France's industrial output in 1924 was 105 per cent of that of 1913, and that, generally speaking, it can be stated that her industrial resources as a whole are at least 25 per cent greater than they were in the pre-war days.

The agricultural situation is by no means as favorable. While French agriculture as a whole has steadily improved since the end of the war, the output in 1924 was still below that of 1913, while the livestock losses had not by any manner of means been made good, in spite of the addition of Alsace-Lorraine livestock.

All told, however, all of the data that I have examined indicates that France's fundamental economic position is stronger than ever before; and this means, of course, that if there were no other factors involved, her capacity to meet her foreign obligations would indeed be satisfactory.

The same is true, though to a less extent, when we come to examine France's ability to transfer payment. This is largely a question of foreign trade, supplemented, of course, by the so-called invisible debit and credit items. The foreign-trade returns of recent years have shown a progressively satisfactory state of affairs. The exports of manufactured goods, measured by weight, were in 1924 the highest on record and greater by over two-thirds than the average quantity of exports from 1909 to 1913, while since 1921 raw-material exports have been in excess of the relevant five-yearly average. At the same time French manufacturers seem to have been solidifying their hold on the home market. Thus, exports of manufactured goods for the period from 1909 to 1913 were 2,159,000 metric tons, but had increased to 3,646,000 metric tons in 1924, while imports of manufactured goods had increased from 1,274,000 metric tons to only 1,477,000 in 1924, and the first six months of 1925 showed a still lower rate of annual imports.

Before the war France had almost continuously an unfavorable trade balance, which, however, was more than balanced by the so-called invisible items, the income from services and foreign investments, so that for the decade prior to the war the net income available for new foreign investment averaged a billion and a quarter gold francs per annum. Incidentally, this favorable balance permitted the French to build up foreign investments, estimated at the outbreak of the war at approximately 45,000,000,000 gold francs, from which if we deduct about 7,000,000,000 francs invested by foreigners in France, there remains a net total of French pre-war foreign investments standing at 38,000,000,000 francs. From one cause or another these have to a large extent vanished or been rendered valueless. And while France still has a substantial amount of money invested abroad it is more than counterbalanced, exclusive of the political debt of the government, by obligations held by foreigners.

In so far as net interest on investments is concerned, France then is nothing like as favorably situated as she was before the war. But, even so, there seems to be no reason to anticipate any real difficulty in transmitting payments, provided the French Government can obtain the money to transmit. From 1920 onward the excess of imports over exports steadily diminished, until in the years 1924 and 1925—due, it is true, to a large extent to the depreciation of the currency—there was an excess of exports over imports aggregating, in 1924, 1,322,000,000 francs and, in 1925, 1,433,000,000 francs, to which must be added such important invisible items as marine freight, tourist expenditures, which this year may run as high as 5,000,000,000 paper francs, and reparation receipts, which are more or less uncertain, less, of course, immigrant remittances, which are becoming increasingly large, interest on foreign loans to national governments, and interest for municipal and commercial debts and on investments of foreigners.

There are no strictly accurate figures as to international income, and estimates are, therefore, to a large extent, theoretical, even the theoretical estimates being necessarily subject to wide fluctuations due to future events impossible to foretell. A number of these are available, and after comparing them, it is my opinion, though it is nothing but an opinion, that in all probability the net international income of France in the future is not likely to be much less than it was prior to the war, that is, a billion and a quarter gold francs a year, or approximately six to seven billion present-day paper francs.

France's general economic situation, including foreign trade, has been well summarized in a report published by the British department of overseas trade, which I want to quote in part:

> The present general economic position of France on its static side may therefore be summed up in the statement that she has considerably reinforced her permanent capacity as a producer of important raw materials for industry, including coal and hydraulic energy; that she is improving definitely her capacity as an agricultural producer; that she is freeing herself in rapidly increasing measure from undue dependence on foreign countries for many raw materials, such as coal and coke, by increased production of both as well as of electric energy; that she is acquiring a wider and more penetrating hold upon her home market for a large number of manufactured products; that by virtue of her improved equipment of her larger-scale production, of the developed practice of combination or consolidation in several of her great industries, of her acquisition of knowledge of numerous manufacturing processes, of her enhanced comprehension and realization of active foreign trade methods, she possesses now greater industrial capacity, skill, and competitive power as regards foreign trade. Already the principal world's purveyor of fine quality and so-called luxury goods, which by their constantly changing designs, fancifulness, taste, quality, or finish of execution, have attracted the wealthier or more fastidious and discriminating classes in most lands, and which still constitute the greater part of the value of her exports, France is now developing with no mean rapidity in many trades large-scale and standardized production of the ordinary goods of general consumption, and is approaching more closely than at any previous period to the level of the three principal industrial and exporting nations. She is still far behind them in the sum total of her industrial power, although superior to Germany and to Great Britain in respect of certain essential raw materials and of potential energy from water power.
>
> On the other hand, the economic position of France on its dynamic side has been profoundly influenced by certain nonpermanent aids to industrial prosperity that for nearly four years have kept her industries at high pressure. The two principal ones have been a depreciated currency and the immense credits set in motion through loans for the reconstruction of her war-destroyed areas. Depreciation of the franc in relation to the currencies of Great Britain, America, Canada, Holland, and other countries stimulated production for these strongly absorbent markets; and the loans for reconstruction gave great buoyancy and purchasing power to the home market. It must be uncertain at the present time how far, after the eventual passing away of these adventitious aids to industrial expansion and to prosperity, the reconstruction of the financial position, the heavy burdens in store in redeeming and meeting the charges on home and foreign debts, the rising world tendency toward higher protection of national economic areas, will leave French industry with that international competitive capacity that will enable it to occupy to its full producing power that industrial fabric which within the last six years has been, not wholly recreated, but greatly strengthened in its bases, reequipped and reorganized in very considerable measure, and quickened by a fresh commercial inspiration.

But we are not going to determine France's ability to pay us by satisfying ourselves as to her productive capacity or studying her international balance. The key to the French debt problem is the French budget. Until the budget is balanced, no French Government will have the francs wherewith to purchase the dollars we are to receive, and the plain truth of the matter is that the French budget has not been balanced since the war, and is not balanced to-day. Thus, in 1921, approximately 46,000,000,000 francs were expended as against 18,000,000,000 of receipts; in 1922, 38,000,000,000 as against 19,000,000,000 of receipts; in 1923, 38,000,000,000 as against 21,000,000,000; in 1924, 41,000,000,000 as against 26,000,000,000; and in 1925, 35,000,000,000 as against 28,000,000,000. Moreover, on the expenditure side, it seems probable that these figures do not include certain special accounts which would largely increase them, and which in 1925 were not less than two and a half billion francs. France's inability to balance the budget is due to her huge internal debt, which, on the whole, seems to have been inevitable. During the war no nation was able to finance itself by means of taxation alone, and after the war France found herself confronted with the gigantic problem of financing the restoration of the devastated regions at a time when their nonproductiveness deprived her of one-fifth of her taxable capacity.

In any event, every year since 1914 has witnessed the piling up of indebtedness, until the internal debt has reached the colossal sum of 286,000,000,000 francs, and the external debt, estimating the franc at 3 cents, 210,000,000,000 francs, or 37 per cent of France's total national wealth. If we include annuities to railroads, amounting to 720,000,000 francs, and

war pensions, the fixed charges in the budget of 1926 aggregate 21,033,000,000 francs, while the 1925 tax receipts, taking into consideration the most recent increases in rates of December, 1925, do not exceed 33,700,000,000 francs, leaving but 12,000,000,000 francs, or $400,000,000 for all governmental expenditures.

Mr. BERGER. And to lend money to Yugoslavia and Poland.

Mr. MILLS. Oh, the gentleman is entirely mistaken. These so-called loans to Poland were simply disposing of surplus war property and taking notes for it. They did not involve a single franc from the French Treasury.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. No.

Is it any wonder that, confronted with these conditions, French statesmen have, up to the present, found it impossible to solve the budgetary problem, while each successive failure to balance her present budget resulted in making more difficult the balancing of future budgets? Given an unbalanced budget, a government must either issue bonds or resort to bank borrowings. Either alternative means inflation, depreciation of the currency, increased prices, and a larger deficit, since increased tax receipts do not keep pace with increased costs.

In so far as external payments are concerned, as deficits increase, the possibility of purchasing foreign currency becomes more remote, while, as the currency depreciates in value, the cost of purchasing such currency rises. Thus, to-day it will take more than a billion francs to pay the $30,000,000 the first year, as provided for in this settlement, whereas to pay the $40,000,000 offered by France last year would have taken only something over 800,000,000.

But I have heard it said that the French people are not taxed. This is sheer nonsense. I am not going to enter into an elaborate discussion of rates or attempt a comparison between the complex French tax system and that of Great Britain and our own. Suffice it to say that last year the French people actually contributed 22 per cent of their national income in taxes, and when that point has been reached we are very close to maximum tax-paying capacity. Further squeezing would simply result in the drying up of the source, stagnation of commerce and industry, and decreased returns.

These facts may be unpalatable to our "make them pay the last red cent" men, but they are facts nevertheless, and they lead to the inevitable conclusion that large payments in the early years are simply out of the question. To demand them might conceivably ruin France if she attempted to meet the demand, but what is infinitely more likely, would simply result in our not receiving anything. France must balance her budget and stabilize her currency, which are interdependent operations. The latter can not be accomplished until her external obligations are settled, nor can the former be brought about if they are settled on too onerous a basis.

But if we are moderate—and I think the present terms are moderate—the situation is by no means hopeless. While the 1926 budget is, in my judgment, not balanced, I believe that a balance can be reached in the not distant future—not as the gentleman from Illinois [Mr. RATHBONE] suggests, by cutting the $40,000 salary of the French President and applying that to the payment of the American debt, but by intelligent pruning right down the line. There is room for a moderate cut in civil expenditures, while the end of the Moroccan War will lower the cost of the military establishment; it should be possible to postpone further expenditures on the devastated regions; tax receipts have shown a gratifying increase from year to year, an increase which may be expected to continue as the effects of the most recent rates are felt, as well as the results of improved methods of collection; while the restoration of the devastated regions brings a valuable accretion to tax resources. With the budget balanced and the franc stabilized, it should be possible to fund at lower rates of interest some 124,000,000,000 of short-term and floating indebtedness, thus effecting a real saving. While from now on, Dawes payments should yield substantial amounts.

I expect to see France balance her budget very shortly. With the budget balanced, I expect during the next few years to see her surplus sufficiently large to permit the payments contemplated in this agreement, and in view of the strong basis upon which the economic, if not the financial, structure of France rests—if I may be permitted to distinguish them—I think there is every reason to hope that France will meet without too great difficulty the maximum annual payments beginning in the seventeenth year. But in spite of the industry and frugality of her people, the productivity of her land, the strength of her industrial establishment, and the growth of her foreign commerce, with 37 per cent of her national wealth mortgaged it is idle to hope that either this year or 20 years from now these payments can be made without real sacrifice on the part of the French people.

This is an element which I for one can not overlook. I can not neglect the fact that all of these obligations were incurred after April 6, 1917, and arose from an enterprise in which our fortunes were fully as involved as those of our debtor. [Applause.] In this connection it seems pertinent to remind you that while we entered the war on April 6, 1917, we first actively participated when the First Division took Cantigny just eight years ago last Friday, on May 28, 1918, or 13 months after our official declaration of war. Whether it was the fault of our leaders or of the natural optimism of the people themselves, the fact is we entered the greatest war of all time completely unprepared, as a result of which for 13 long months our associates held the battle line and maintained the rampart behind which we prepared ourselves to fight. [Applause.] During those 13 months—every one of which we were at war—293,000 Frenchmen lost their lives and 526,000 were wounded, holding the line which we were to occupy. During that same period the French Government expended 55,000,000,000 francs, or $11,000,000,000. Every life sacrificed, every franc expended during this period was given just as much in our cause as it was in their own, a statement which can not be disputed by anyone who cares to stop to consider how colossal the task of winning the war would have been if the French and the British had been driven from the field at any time during the year 1917. [Applause.] And yet there are men who insist that a debt so incurred should be treated as if it were a strictly commercial one.

I do not say that the present settlement can not be justified on a strictly commercial basis; in fact, everything that I have said indicates that it can, but if anyone has any doubt on this score let him throw in the scale those spiritual values which are as essential to the life of a nation as they are to that of an individual, and without which might alone will control the relations and destinies of nations. [Applause.]

No one is more vitally interested than we are in the peace and prosperity of the world; no one desires them more fervently and sincerely. Fair play, open dealing, and mutual trust, respect, and understanding are the forces we rely on. And yet to-day we ourselves are in danger of being misunderstood, and because of this misunderstanding of losing that moral force and influence that belong to the righteous nation as to the righteous man.

In the discussion of this settlement we all have stressed almost exclusively the money value, and some of us, using the theoretical formula of present value, question whether 52 per cent satisfies our requirements, while, on the other hand, the Frenchman sees only that having borrowed some three billion in a common cause he and his children's children must repay over six billion. Two different views of the same problem, and we and our old friends find ourselves staring hard eyed over a gulf of doubt and misunderstanding. Statistics can not bridge it. A candid statement of our real belief and aims may.

Our talk centers on capacity to pay, as if the maximum amount were our only concern. We speak in the name of the American taxpayer as if the Americans were taxpayers and nothing more, solely interested in lightening their own burdens and contemptuous of the fate and future of our oldest friend among nations. This picture is not fair to ourselves or to those we represent. Friendship, loyalty, and remembrance of the past are as strong with us as ever. Our conscience and not a counter is still our guide. For us equities are still superior to bare rights, and the letter of the bond does not obscure our spirit of gratitude, generosity, and justice. We do not seek to bleed those who have bled for us or to oppress a land where our own dead sleep. What sacrifices we make are not made grudgingly, but willingly and gladly. And I speak for America when I say that the American people will ratify this settlement not simply because it is just to us, but because in their heart and conscience they believe it to be fair to France. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, the distinguished gentleman from New York [Mr. MILLS] is running true to form in supporting the policy of big business and the international bankers for a present substantial cancellation of the European war indebtedness to the United States and looking ultimately to a complete cancellation of such indebtedness. In listening to my New York colleague to-day I was reminded of my first impression of him when I first heard him speak on the floor of the House, shortly after I became a Member of this body. I then listened to him with more than passing interest. I was fascinated by his versatility, poise, resourcefulness, and enthusiasm with which he presented his arguments. However, as he proceeded, my first favorable impressions were materially modified as I followed his arguments, and soon realized that his legisla-

tive vision was appallingly defective because of his economic myopia and that he was reflecting the views of big business, defending the interests of the ultrarich, and seemingly trying to protect great fortunes from paying their just proportions of the expenses of this Government—stupendous fortunes, many of which had been accumulated as the result of war-time profiteering or unethical business methods. In attempting to make a just appraisal of my colleague there came into my mind a statement of Lord Macaulay, who in referring to the early political activities of William E. Gladstone said that he, Gladstone, "was the rising hope of the stern and unbending Tories." You gentlemen will remember that Mr. Gladstone entered public life an ultra-Tory, while Benjamin Disraeli, afterwards Earl of Beaconsfield, entered public life as an extreme Liberal.

Each of these great men changed his political viewpoint, Mr. Gladstone becoming an extreme Liberal and Mr. Disraeli becoming an ultra-Tory. But it was during the early period of his parliamentary career that Lord Macaulay referred to Mr. Gladstone as "the rising hope of the stern and unbending Tories," meaning that his impulses were all reactionary and ultraconservative; that he was never influenced by any liberal thought; that no liberal policy appealed to him; and that he stood sponsor, spokesman, and able advocate of the aristocratic classes in Great Britain. Fortunately, for the world and for his place in history, Mr. Gladstone soon realized the error of his way and became "the great commoner" and the most consistent and aggresive champion of the masses in English history.

My first impression of the gentleman from New York was that he is the rising hope of the stern and unbending Tories in the United States, the most versatile and resourceful advocate of the privileged classes, the most resourceful champion of class legislation, the most arrogant apostle of big business, and the most unsympathetic Member of this House in matters designed to promote the general welfare of the common people. This impression, based on his arguments and attitude toward important public problems, still abides. Whenever his voice resounds in this Hall it is in defense of special privilege, in defense of the money power, in defense of class legislation, and in defense of those who are exploiting the great mass of common people for the special benefit of the favored few. [Applause.] I repeat that the distinguished gentleman from New York is the rising hope of the stern, stubborn, unbending, and greedy special interests of this Nation. He is the plumed knight of plutocracy. He willingly reflects the selfish interests of big business and predatory wealth, believing that he is serving his country when he serves big business.

Personally he is a man of strict integrity and honesty, yet nevertheless his training, environment, and personal interests have unconsciously warped his mind tremendously in favor of great combinations of capital and the special-privilege classes. My New York colleague is a brilliant yet pathetic victim of chronic economic astigmatism, which makes it impossible for him to consider any proposition from the standpoint of the common people. If you would learn the attitude of predatory wealth on any public question, you have but to read the utterances of the gentleman from New York [Mr. MILLS]. His great talent, his unusual genius, his mastery of fallacious reasoning, and his wealth of words are all consecrated to the god of wealth and dedicated to the service of the boldest band of economic buccaneers that ever scuttled a ship of state or exploited a patient and defenseless people. And to-day his great influence is being exerted to secure the ratification of the French debt settlement, which absolutely cancels more than $2,000,000,000 of the French indebtedness to the United States, and which means the inevitable imposition of $2,000,000,000 additional taxes on the American people.

The French and Yugoslavian debt settlements are now being rushed through Congress, making 13 foreign debts funded, with substantial portions canceled, by the present administration. Let us take stock and see the extent to which the Harding-Coolidge administrations have remitted and canceled the indebtedness due from foreign nations to the United States. The following table will furnish a graphic illustration of the tremendous cancellations that have been made.

Table showing funded debt of 13 nations to the United States, present value of settlement on the basis of 4¼ per cent interest, and amount of debt canceled

Country	Funded debt	Present values on basis of 4¼ per cent interest rate	Amount of debt canceled
Belgium	$417,780,000	$225,000,000	$192,780,000
Czechoslovakia	115,000,000	91,964,000	23,036,000
Esthonia	13,830,000	11,392,000	2,438,000

Table showing funded debt of 13 nations to the United States, etc.—Con.

Country	Funded debt	Present values on basis of 4¼ per cent interest rate	Amount of debt canceled
Finland	$9,000,000	$7,413,000	$1,587,000
France	4,025,000,000	1,996,509,000	2,028,491,000
Great Britain	4,600,000,000	3,788,470,000	811,530,000
Hungary	1,939,000	1,596,000	343,000
Italy	2,042,000,000	528,192,000	1,513,808,000
Latvia	5,775,000	4,755,000	1,020,000
Lithuania	6,030,000	4,967,000	1,063,000
Poland	178,560,000	146,825,000	31,735,000
Rumania	44,590,000	35,172,000	9,418,000
Yugoslavia	62,850,000	20,030,000	42,820,000
Total	11,522,354,000	6,862,285,000	4,660,069,000

The foregoing amounts are taken from a table furnished by Secretary Mellon and printed on page 26 of the hearings. In that table, the present worth of the French settlement is given as $1,996,509,000, while in his testimony on page 3 of hearings, Mr. Mellon stated that the present worth of these payments is $2,008,122,624 or $11,613,624 more than shown by the table submitted by Mr. Mellon. But in view of the fact that more than $4,600,000,000 of the European war debt is being canceled, the discrepancy of $11,000,000 is inconsequential. Inasmuch as President Coolidge, Secretary Mellon, and this Congress are canceling four and two-thirds billion dollars of the European war debts, why should anyone worry over the little insignificant sum of $11,000,000?

From the foregoing figures which are official, we find, first, that the 13 European nations with whom settlements have been negotiated owed the United States $11,522,354,000; second, that the present value or present worth of these 13 settlements is $6,862,285,000; third, that in those 13 settlements is $6,862,069,000; third, that in those 13 settlements, $4,660,069,000, or 41 per cent of such indebtedness has been canceled. The canceled portion of the European war indebtedness will average $40.52 for every man, woman, and child in the United States, $121.56 for every family in the United States. It will average $10,712,802 for every congressional district in the United States, and it will average $97,084,770 for each of the 48 States in the Union. By canceling $4,660,069,000 of the European war indebtedness, the administration and Congress are imposing upon the American people an additional burden of taxation equal to that portion of the debt canceled, to wit, $4,660,069,000. This is the most stupendous rape of the United States Treasury that was ever perpetrated in the life of the Republic. Future historians will pause in amazement and wonder how it was possible for the American people to be so badly deceived and overreached in these settlements. These settlements will constitute the most outstanding and unjustifiable sacrifice of American resources in the entire history of the Nation.

I am unwilling to give my assent to this French debt settlement, because it absolutely remits and cancels $2,016,877,376, or more than one-half of the amount due from the French Republic to the American people. This cancellation means ultimately an additional average tax of $17.53 for every man, woman, and child in the United States; an average additional tax on every American family of $87.65; an additional average tax on each of the 48 States of $42,018,278; an average additional tax on each of the 435 congressional districts of $4,636,499. These amounts are based on the present worth or present cash value of that portion of the debt that is being canceled. On the deferred-payment plan embodied in this settlement, the cancellation in the 62-year period will mean an average additional tax of $52.59 on each man, woman, and child in the United States; an average additional tax on each family of $262.95; an average additional tax per State of $126,054,834; an average additional tax on each of the 435 congressional districts of $13,909,497.

On the basis of the percentage or proportion of income taxes paid to the Federal Government from the several States, this $2,000,000,000 cancellation will cost the several States as follows:

State	Per cent	Amount
Missouri	2.4	$48,000,000
California	5.2	104,000,000
Illinois	9	180,000,000
Michigan	5.7	114,000,000
Massachusetts	5.6	112,000,000
New Jersey	3.7	74,000,000
New York	28	560,000,000
Ohio	5.4	108,000,000
Pennsylvania	10	200,000,000

I have made these computations hurriedly, but I think you will find them substantially correct. This table shows the enormous contribution that nine of our States will be compelled to make to the Federal Government as a result of this settlement of the French war debt to the United States. I have not had time to compute the contribution that the remaining States would inevitably make in the form of taxes if this settlement is approved, but every State will of necessity contribute proportionately to make up this $2,000,000,000 needlessly remitted on the indebtedness of the French Republic to the United States.

Mr. Mellon in his testimony before the Ways and Means Committee stated that under the terms of this settlement France is only required to pay 50 per cent of her indebtedness to the United States and that the present worth or present value of the obligations we are to receive under the pending settlement will be about $2,000,000,000 and this means a cancellation of the other $2,000,000,000 due us by France.

This settlement transfers the payment of $2,000,000,000 of the French war debt from the people of France to the people of the United States. Whatever we remit to France in this settlement must be recouped and covered into the Treasury of the United States by taxation of the American people. When we relieve France of paying this $2,000,000,000, we impose on the American people the inescapable burden of contributing $2,000,000,000 more to the cost of the World War. When we reduce the obligation of France one-half, to that same extent we increase the obligations of the American taxpayers.

The United States borrowed the money it loaned to France. For this money we issued Liberty bonds. These Liberty bonds and this borrowed money must be paid. If France paid back the money she borrowed with interest, such payments would be sufficient to pay all the Liberty bonds issued by the Government. But if France only pays back half of the money she borrowed, such payment will only liquidate one-half of the Liberty bonds issued by our Government to get the money to lend to France. Therefore, Mr. Chairman, from a careful examination of the pending bill for the settlement of the war indebtedness of France to the United States, I am convinced that it is my duty to oppose a ratification of the proposed settlement on the ground that it cancels too large a proportion of the debt and means a substantial sacrifice of our national interests and resources. The amount of this debt which this settlement remits would have to be made up by taxation on the American people who are already carrying a tax burden that is driving them to the verge of bankruptcy.

The net indebtedness of the French nation to the United States, as of June 15, 1925, is $4,025,386,686.89. This includes interest at the rate of 4¼ per cent from the date of loans to December 15, 1922, and 3 per cent interest from December 15, 1922, to June 15, 1925. France offers to pay only $386,686.89 in cash. The original obligation given by France to the United States when these loans were made bore interest at the rate of 5 per cent, but inasmuch as our Liberty bonds which were issued for the money we loaned France were only bearing 4¼ per cent interest, the World War Foreign Debt Commission, in computing the present indebtedness, only charged 4¼ per cent from the date of the loans until December 15, 1922, and 3 per cent interest from December 15, 1922, to June 15, 1925. By this generous reduction of interest, we made France a gift of many millions of dollars for which she was legally and morally liable, and in the proposed settlement, we are canceling at least one-half of the present indebtedness due from the French nation to the United States Government.

The settlement negotiated by the World War Foreign Debt Commission and approved by President Coolidge, and which will be forced through Congress by the Republican leaders, viewed from any standpoint, cancels one-half of what France owes the United States. No one will deny this. Those who are pushing this settlement admit it. Secretary Mellon, in his testimony before the Ways and Means Committee, said:

> The present value of these payments on a 4¼ per cent basis is $2,008,122,624, or practically 50 per cent of the debt funded, as compared with the Italian settlement of 26 per cent. (Hearings, p. 3.)

In other words, it is admitted that the present worth of the new bonds we are to get from France (if they have any value) is only one-half of the principal and interest now due from France to the United States, and, in plain English, we are asked to cancel a present debt of $4,025,000,000 in exchange for new bonds, which, assuming that they will be paid, have only a present worth or value of $2,008,122,624, which means a clear loss of $2,016,877,376, or a fraction over one-half of the total amount due us. The vital question is not how much France will pay us in the next 62 years but what is the present worth or value of the securities offered us in this settlement, and when this mathematical and economic rule is applied we find that instead of getting what is due us we get a lot of notes, bonds, or promises to pay stretched out over a period of 62 years, the present value of which is a little less than one-half of what is due us from the French Republic.

But, gentlemen, the settlement is camouflaged in such a manner as to conceal from the plain American people the enormous cancellation of the principal and interest due on this war indebtedness. I assert that when this settlement is analyzed it means a total cancellation of all the principal and a substantial part of the interest, because all the payments to be made in the entire period of 62 years do not equal the interest computed at 4¼ per cent, which is the interest rate we pay on Liberty bonds which were issued by the United States to get the money to lend France.

Secretary Mellon, in the hearings on this bill, testified that the average interest rate paid by the United States is 4 per cent. While the present French bonds bear 5 per cent interest, and while we are paying 4¼ per cent interest on the money we loaned France, let us assume, as did Mr. Mellon, President Coolidge, and the Foreign Debt Commission, that 4 per cent is a reasonable rate, and let us ascertain the net results accruing to the United States on this basis. Let us see what the United States is offered under the proposed settlement.

Four per cent interest on $4,025,000,000, the amount of the indebtedness to be refunded into bonds, is $161,000,000 annually. At no time and in no instance does the annual payment to be made by France equal the interest on the present indebtedness computed at 4 per cent. Remember this fact, please, that in no year will the payment made that year equal the interest for that year on a 4 per cent basis. As the payments never equal 4 per cent interest on the principal, obviously nothing will ever be paid on the principal, as a matter of fact. Until the interest is paid no part of the annual payments can rightfully be considered as a payment on the principal.

The settlement refers to payments on the principal, but it is quite apparent to the most unsophisticated that, in truth and fact, no payments will be made on the principal, because the payments that are to be made from year to year are in every instance much less than 4 per cent interest on the principal for such year or years. These payments in the aggregate in the 62 years do not equal the aggregate interest accruing from year to year on the admitted indebtedness on a 4 per cent basis.

Accepting 4 per cent as a reasonable rate of interest, the annual interest on the debt of $4,025,000,000 will be $161,000,000, which in 62 years will amount to $9,982,000,000, while the aggregate of the 62 annual payments proposed by France is only $6,847,674,104.17.

It follows, therefore, that all the payments to be made by France in the entire 62 years amount to $3,134,325,895.83 less than 4 per cent interest on the present indebtedness for said period of 62 years. It makes no difference whether you call the installments payments on the principal, payments on the interest, or payments on both principal and interest, we are confronted by the outstanding fact that can not be evaded, that the sum total of all payments to be made under this settlement is more than $3,000,000,000 less than 4 per cent interest on the present admitted indebtedness for said 62-year period.

Now, as a plain, common-sense proposition no one will seriously contend that the pending settlement calls for the payment of a single dollar on the principal of the French indebtedness, because the payment made each year during the 62-year period is less than 4 per cent interest on the principal for that year, and under the proposed agreement this interest deficit or delinquency is never paid.

The contract for the settlement of the French debt is camouflaged in terms of high finance, seemingly intended to conceal from the general public the true character of the transaction. I have taken the time to analyze the proposed French debt settlement so that common people can understand the real nature of the proposed settlement. I now submit the following table:

Table showing annual interest at 4 per cent on French debt of $4,025,000,000; the annual payments under the pending settlement; the amount each payment falls short of discharging such annual interest; the total amount of interest accruing in the 62-year period on basis of 4 per cent; the total payments to be made during such period; and the amount the total payments fall short of total interest accruing on a 4 per cent basis during said 62-year period

Payments to be made June 1 each year	Annual interest on present debt at 4 per cent	Annual payments to be made by France	Amount payments fall short of discharging interest on 4 per cent basis
1926	$161,000,000.00	$30,000,000.00	$131,000,000.00
1927	161,000,000.00	30,000,000.00	131,000,000.00
1928	161,000,000.00	32,500,000.00	128,500,000.00
1929	161,000,000.00	32,500,000.00	128,500,000.00
1930	161,000,000.00	35,000,000.00	126,000,000.00
1931	161,000,000.00	40,000,000.00	121,000,000.00
1932	161,000,000.00	50,000,000.00	111,000,000.00
1933	161,000,000.00	60,000,000.00	101,000,000.00
1934	161,000,000.00	75,000,000.00	86,000,000.00
1935	161,000,000.00	80,000,000.00	81,000,000.00
1936	161,000,000.00	90,000,000.00	71,000,000.00
1937	161,000,000.00	100,000,000.00	61,000,000.00
1938	161,000,000.00	105,000,000.00	56,000,000.00
1939	161,000,000.00	110,000,000.00	51,000,000.00
1940	161,000,000.00	115,000,000.00	46,000,000.00
1941	161,000,000.00	120,000,000.00	41,000,000.00
1942	161,000,000.00	125,000,000.00	36,000,000.00
1943	161,000,000.00	125,000,000.00	36,000,000.00
1944	161,000,000.00	125,000,000.00	36,000,000.00
1945	161,000,000.00	125,000,000.00	36,000,000.00
1946	161,000,000.00	125,000,000.00	36,000,000.00
1947	161,000,000.00	125,000,000.00	36,000,000.00
1948	161,000,000.00	125,000,000.00	36,000,000.00
1949	161,000,000.00	125,000,000.00	36,000,000.00
1950	161,000,000.00	125,000,000.00	36,000,000.00
1951	161,000,000.00	125,000,000.00	36,000,000.00
1952	161,000,000.00	125,000,000.00	36,000,000.00
1953	161,000,000.00	125,000,000.00	36,000,000.00
1954	161,000,000.00	125,000,000.00	36,000,000.00
1955	161,000,000.00	125,000,000.00	36,000,000.00
1956	161,000,000.00	125,000,000.00	36,000,000.00
1957	161,000,000.00	125,000,000.00	36,000,000.00
1958	161,000,000.00	125,000,000.00	36,000,000.00
1959	161,000,000.00	125,000,000.00	36,000,000.00
1960	161,000,000.00	125,000,000.00	36,000,000.00
1961	161,000,000.00	125,000,000.00	36,000,000.00
1962	161,000,000.00	125,000,000.00	36,000,000.00
1963	161,000,000.00	125,000,000.00	36,000,000.00
1964	161,000,000.00	125,000,000.00	36,000,000.00
1965	161,000,000.00	125,000,000.00	36,000,000.00
1966	161,000,000.00	125,000,000.00	36,000,000.00
1967	161,000,000.00	125,000,000.00	36,000,000.00
1968	161,000,000.00	125,000,000.00	36,000,000.00
1969	161,000,000.00	125,000,000.00	36,000,000.00
1970	161,000,000.00	125,000,000.00	36,000,000.00
1971	161,000,000.00	125,000,000.00	36,000,000.00
1972	161,000,000.00	125,000,000.00	36,000,000.00
1973	161,000,000.00	125,000,000.00	36,000,000.00
1974	161,000,000.00	125,000,000.00	36,000,000.00
1975	161,000,000.00	125,000,000.00	36,000,000.00
1976	161,000,000.00	125,000,000.00	36,000,000.00
1977	161,000,000.00	125,000,000.00	36,000,000.00
1978	161,000,000.00	125,000,000.00	36,000,000.00
1979	161,000,000.00	125,000,000.00	36,000,000.00
1980	161,000,000.00	125,000,000.00	36,000,000.00
1981	161,000,000.00	125,000,000.00	36,000,000.00
1982	161,000,000.00	125,000,000.00	36,000,000.00
1983	161,000,000.00	125,000,000.00	36,000,000.00
1984	161,000,000.00	125,000,000.00	36,000,000.00
1985	161,000,000.00	125,000,000.00	36,000,000.00
1986	161,000,000.00	125,000,000.00	36,000,000.00
1987	161,000,000.00	117,674,104.17	43,325,895.83
Total interest, 4 per cent for 62 years	9,982,000,000.00		
Total payments in 62 years		6,847,674,104.17	
Excess of interest (4 per cent over total payments to be made by France)			3,134,325,895.83

The foregoing table conclusively demonstrates, first, that France pays no part of the principal of her debt to the United States; second, that at the end of 62 years the principal of the debt is canceled without France in reality having paid a penny on the principal; third, that while France, under the pending agreement, is to be relieved of the entire principal of her debt, she is only required to pay a low rate of interest on what she owes us for 62 years, at the end of which time her obligations cease and no further payments are required; that 4 per cent interest on what France owes the United States would in 62 years amount to $9,982,000,000, of which sum France agrees to pay in the aggregate $6,847,674,104.17, which is over $3,000,000,000 less than 4 per cent interest on the indebtedness for 62 years. In fact, France under the Coolidge-Mellon-Crisp settlement will in fact escape the payment of anything on the principal and is required to pay less than 3¼ per cent interest on what she owes us, stretched out over a period of 62 years, as I will proceed to show. I submit the following exhibit:

Table showing annual interest at 3¼ per cent on French debt of $4,025,000,000; the annual payments under the pending settlement; the amount each payment falls short of discharging such annual interest; the total amount of interest accruing in the 62-year period on basis of 3¼ per cent; the total payments to be made during such period; and the amount the total payments fall short of total interest accruing on a 3¼ per cent basis during said 62-year period

Payments to be made June 1 each year	Annual interest on present debt at 3¼ per cent	Annual payments to be made by France	Amount payments fall short of discharging interest on 3¼ per cent basis
1926	$130,812,500.00	$30,000,000.00	$100,812,500.00
1927	130,812,500.00	30,000,000.00	100,812,500.00
1928	130,812,500.00	32,500,000.00	98,312,500.00
1929	130,812,500.00	32,500,000.00	98,312,500.00
1930	130,812,500.00	35,000,000.00	95,812,500.00
1931	130,812,500.00	40,000,000.00	90,812,500.00
1932	130,812,500.00	50,000,000.00	80,812,500.00
1933	130,812,500.00	60,000,000.00	70,812,500.00
1934	130,812,500.00	75,000,000.00	55,812,500.00
1935	130,812,500.00	80,000,000.00	50,812,500.00
1936	130,812,500.00	90,000,000.00	40,812,500.00
1937	130,812,500.00	100,000,000.00	30,812,500.00
1938	130,812,500.00	105,000,000.00	25,812,500.00
1939	130,812,500.00	110,000,000.00	20,812,500.00
1940	130,812,500.00	115,000,000.00	15,812,500.00
1941	130,812,500.00	120,000,000.00	10,812,500.00
1942 to 1986, 45 years, $130,812,500 paid annually for 45 years	5,886,562,500.00	5,625,000,000.00	261,562,500.00
1987	130,812,500.00	117,674,104.17	13,138,395.83
Total interest, 3¼ per cent for 62 years	8,110,375,000.00		
Total payments, 62 years		6,847,674,104.17	
Excess of interest (3¼ per cent) over total payments to be made by France			1,262,700,895.83

From the foregoing it will be seen that on the basis of money being worth only 3¼ per cent, at that rate the interest on the indebtedness of France to the United States would amount in 62 years to $8,110,375,000. In that same period France agrees to pay us 62 annual installments aggregating $6,847,674,104.17, which is $1,262,700,895.83 less than 3¼ per cent interest on the French debt for 62 years. These amounts include no payments on the principal, because the payments every year are less than the interest for that year would be computed on a 3¼ per cent basis. While on the basis of money being worth 3¼ per cent only, France in the 62 years will have paid no part of the principal and one and one-quarter billion dollars less than the interest, this agreement provides that all obligations of France shall cease at the end of the sixty-second year, which is nothing more nor less than a cancellation of the principal.

I again call attention to the fact that the agreement we are expected to ratify cunningly refers to payments on the principal, but under the admitted facts, either on a 4 per cent or a 3¼ per cent basis, the aggregate payments to be made by France do not equal the interest that would accrue from year to year and nothing remains to credit on the principal. Moreover, if these payments should be considered as credits on the principal, the amount of delinquent interest would be augmented and in the end France will inevitably be relieved of an obligation, in dollars and cents, equal to the amount of the principal of her debt.

To state the proposition in plain English, the proposed settlement divides the entire debt, principal and interest, into 62 annual installments. Every one of these installments is less than 4 per cent interest on the amount due; yes, less than 3¼ per cent interest on the indebtedness. Call these payments principal, interest, or "what not," the fact remains that no annual payment is equal to either 3¼ or 4 per cent interest on the amount France owes the United States. We can not escape the fact that the aggregate of the 62 annual payments will be $3,134,325,895.83 less than 4 per cent interest on the present indebtedness, and the aggregate of the 62 annual payments is $1,262,700,895.83 less than the interest that would accrue on the indebtedness in the 62 years at 3¼ per cent. It is easier to understand and explain the Einstein theory than to prove that any part of the principal of the French debt will be paid under the pending settlement.

But it is argued that we must take into consideration the capacity of France to pay. I grant you, my friends, that this is a prime factor in the equation, and I have considered that phase of this question. What about the national wealth of France and her capacity to pay her obligations? What is the national wealth of France as compared with other nations? First, let me say that all statements as to the wealth of nations are largely estimates. The present wealth of the prin-

cipal nations engaged in the World War is approximately as follows:

United States	$350,000,000,000	Italy	$26,000,000,000
Great Britain	89,000,000,000	Germany	36,000,000,000
France	68,000,000,000	Belgium	12,000,000,000

The New York World Almanac and Book of Facts for 1926 gives the national wealth of France in 1922 as $90,000,000,000. Contrary to the general understanding, the wealth of the war-torn nations, even after the tremendous war wastage, is much greater now than before the World War. Between 1912 and 1925 the wealth of the United States increased from $186,000,000,000 to something like $350,000,000,000. The national wealth of Belgium was $5,800,000,000 in 1912, while her present national wealth is estimated at $12,000,000,000. According to a statement made by an English crown minister in Parliament, the wealth of the British Empire in 1917 was $130,000,000,000. The wealth of the United Kingdom was approximately $70,500,000,000 in 1912, and according to a semiofficial statement in Parliament it was $80,000,000,000 in 1917 and $120,000,000,000 in 1922. The national wealth of Italy was $22,000,000,000 in 1912 and $35,000,000,000 in 1922. Germany suffered the greatest reduction in national wealth as a result of the World War. In 1908 her national wealth was estimated to be $77,800,000,000, while according to figures published by Doctor Luther, the German Finance Minister, the present national wealth of Germany in 1924 was approximately 150,000,000,000 gold marks, or $40,000,000,000. In 1908 the national wealth of France was $55,000,000,000; in 1912, $58,500,000,000; and at the present time between $68,000,000,000 and $90,000,000,000.

Permit a further observation as to the national wealth of France. Mr. Blair, on page 11 of the hearings, testified that the present estimated wealth of France is from $57,000,000,000 to $59,000,000,000, and this amount has been frequently mentioned in debate as the approximate national wealth of France. It is very evident that this is a substantial undervaluation of the national wealth of France. The Treasury Department in April, 1924, issued a statement estimating the national wealth of the United States, Great Britain, France, Italy, and Belgium in 1922, and comparing the wealth of these nations in 1922 with their wealth in 1912. The pre-war and post-war money value of these six nations, as estimated by the Treasury Department in 1924, was as follows:

	1912	1922
United States	$186,299,664,000	$320,803,862,000
Great Britain	70,500,000,000	120,000,000,000
France	58,500,000,000	90,000,000,000
Italy	21,800,000,000	35,000,000,000
Belgium	5,800,000,000	11,000,000,000

The foregoing estimates are taken from a summary of the Treasury statement published in the Economic World, April 12, 1924, page 518. They show that the United States Treasury Department in 1924 estimated the wealth of France in 1922 at $90,000,000,000 and not at $59,000,000,000 as estimated by Mr. Blair, of the Treasury Department, when he was testifying in favor of the pending French debt settlement. In 1924, when the Treasury Department made this estimate, no agreement had been reached for the funding of the French war debts. There was no reason in 1924 why the Treasury should have overstated the national wealth of France, and we are justified in accepting $90,000,000,000 as the national wealth of France in 1922; and, of course, every one will concede that her national wealth has substantially increased since 1922 and 1924. This variance of $30,000,000,000 in estimating the national wealth of France very strongly supports my contention that the President, the Debt Funding Commission, and this Congress are underestimating the national wealth and resources of France.

From the standpoint of gold reserves, France is far from bankruptcy, and in possession of more gold than any other nation, except the United States. The following table shows the gold reserves of European nations, expressed in dollars, June 3, 1926:

Great Britain	$743,861,530	Switzerland	$83,785,000
France	1,109,698,745	Sweden	63,635,000
Germany	372,910,250	Denmark	58,100,000
Spain	507,385,000	Norway	40,900,000
Italy	178,550,000		
Netherlands	180,095,000	Total	2,925,148,095
Belgium	54,770,000		

Of the $1,109,689,745 of gold reserves of France, $736,834,565 are held in French banks and $372,864,180 deposited abroad. It will be observed that France now has $365,837,215 more gold than Great Britain, three times as much gold as Germany, double the gold of Spain, six times as much gold as Italy, six times as much gold as the Netherlands, more than twenty times as much gold as Belgium, thirteen times as much gold as Switzerland, seventeen times as much as Sweden, nineteen times as much as Denmark, and twenty-seven times as much gold as Norway.

Of the total gold holdings of 11 leading nations in Europe, France has 37 per cent, as against 63 per cent owned by the other 10 nations. And when we take into consideration the gold reserves of all the European nations, France has approximately 25 per cent of all the gold in Europe. This clearly indicates that France has sufficient gold to stabilize her financial system and that she has much greater capacity to pay than she has revealed to the world. From a careful study of all of her resources, I am driven to the conclusion that France has greater capacity to pay than willingness to pay. Her financial problem could be solved without very much difficulty if she would deliberately go about setting her own house in order.

It should be understood that there is no official or accurate data as to the actual wealth of foreign nations. All we have are estimates. None of these estimates are based on a census of property such as is taken in the United States, but are mostly estimates made by bankers and statisticians. In appraising the capacity of France and other European nations to meet their obligations, we should not forget that nations, like individuals, when heavily in debt and being pressed by their creditors, are naturally disposed to minimize their assets in an endeavor to secure the best possible terms of settlement.

Since the armistice the European nations largely indebted to us have been following this practice and have utilized every agency to create the impression that they are bankrupt and unable to discharge even a substantial part of their obligations to the United States. They have conducted a systematic campaign at home and abroad, and particularly in the United States, to create a conviction in the minds of all peoples that these debtor nations are on the brink of insolvency and that they can not now or hereafter liquidate their national obligations. I am sorry to say that great combinations of capital and business in the United States have actively promoted and disseminated this propaganda and have used their very great influence to create a public sentiment for the present partial cancellation and the ultimate total cancellation of these European war debts.

Moreover, gentlemen, in determining the question as to the ability of France and other nations to meet their obligations to the United States, we are not confined to their present capacity, but should take into consideration their future or potential wealth and the improvement that must inevitably come in their national finances. France is not a poor nation. It is one of the most resourceful of all nations. France has 212,659 square miles of European territory, tremendously productive, highly developed, and intensely cultivated. Her people are exceedingly industrious and economical. For the last two years her exports have exceeded her imports. Her chief exports are textiles, steel products, wines, raw silk, wool, leather, and manufactured commodities of many kinds. The French are great tradesmen. They now enjoy, have always enjoyed, and always will have the largest tourist trade of any nation in the world. American tourists spend many, many millions of dollars annually in France. This is a great source of income and will always contribute materially to the wealth of France.

The resources of France while highly developed and profitably exploited have scarcely been scratched. The potential hydroelectric power of France is conservatively estimated to amount to more than 9,000,000 horsepower, of which less than one-third has as yet been utilized. France has one-sixth of the developed and one-tenth of the potential water power of Europe. Four great projects for the generation of hydroelectric power are being promoted with governmental assistance, namely, on the Rivers Rhone, Dordogne, Truyere, and Rhine. The estimated cost of the Rhone project is 3,250,000 francs. This project contemplates 16 stations capable of generating 1,156,000 horsepower. The Dordogne plan includes four power stations capable of generating 250,000 horsepower. The estimated cost of this project is 2,900,000 francs. The Truyere project will generate 110,000 horsepower and cost 210,000 francs. Under the fourth plan the Rhine River will be turned into a great power plant, with eight stations at each of the eight sluices of the Rhine Lateral Canal, with a total average power of 450,000 kilowatts. In a few years an almost unlimited quantity of hydroelectric energy will be developed in France at a cost much less than the cost to produce hydroelectric power in the United States. Cheap power will tremendously augment the industrial possibilities of France, enabling her to materially reduce the cost of manufacturing commodities, which will give her a great advantage in the world markets. The development

of hydroelectric power in France will add billions of dollars to her national wealth within the next quarter of a century, and this increase will continue for all time. The hydroelectric power possibilities of France are perhaps greater than those of any other nation.

The potential water power in the French colonial possessions is enormous. In French Indo-China it is 4,000,000 horsepower, or one-seventeenth of the total water power of Asia. In French Guiana, South America, it is 500,000 horsepower; in Morocco, Algeria, and Tunis, it is 480,000 horsepower. In Senegal, 250,000 horsepower; in French Kongo, 35,000,000 horsepower; in Cameron, 13,000,000 horsepower; in Ivory Coast, Dahomey, and Togo, it is 2,850,000 horsepower. In French Guiana, 2,000,000 horsepower; in French Sudan, 1,000,000 horsepower; and in Madagascar, 5,000,000 horsepower. In the French colonial possessions in Africa, the potential water power amounts to 59,580,000, or about one-third of the total water power of the African Continent. It is impossible to conceive the value of this enormous quantity of hydro-electric energy when developed and utilized as it will be in the next 50 or 100 years.

The potential wealth of France has hardly been scratched. We can scarcely conceive the wealth that France will develop and acquire in the next half century. Six hundred million francs are appropriated annually for electrical development in rural communities, which substantially offsets the shortage of farm labor caused by the depletion of man power during the war. The agricultural classes of France are prosperous. According to Mr. Berenger, French ambassador to the United States, the net profits of the French farmers were $149,000,000 in 1912, $879,000,000 in 1918, and $173,000,000 in 1924, which is a more favorable condition than that in which American agriculture finds itself.

As a result of the World War, France acquired Alsace and Lorraine Provinces, with a territory of 5,605 square miles and with a population of 1,709,749, making the domiciled population of France approximately 40,000,000 people. The unlimited areas of coal and iron of almost inconceivable value will ultimately make France the greatest iron master of the world. In 1924 the Province of Lorraine produced 27,372,398 tons of iron ore and 5,269,132 tons of coal. This output was 6,000,000 tons in excess of the iron production in 1913 and one and one-half million more tons of coal than was produced in 1913. The iron ore reserves in Lorraine are estimated at over 2,000,000,000 tons. Alsace is rich in potash deposits, which were discovered in 1904 and which gave to Germany a monopoly of the product. This monopoly by the treaty of Versailles was transferred to France. The output of potash under French hands in 1923 was 1,578,731 metric tons. The petroleum wells near Wourth in Alsace produced 72,000 metric tons of oil in 1924.

Under the treaty of peace with Germany, France was given possession of the Saar Valley for a period of 15 years, with the exclusive right of exploiting the coal mines of that rich valley and as a compensation for the destruction of the coal mines in the north of France during the period of German occupation while the World War was in progress. The Saar Valley, lying north of Lorraine, contains 503 square miles of territory, with a population of 749,397 in 1923. This is one of the richest deposits of coal in the world. The pre-war production was 12,000,000,000 tons a year. Under French occupation the Saar Valley produced in 1922, 11,240,003 tons of coal. This output was from the mines operated by the French state and is exclusive of the Frankenholz mine, which has an output of 1,000 tons daily. It is estimated that the Saar Basin will yield not less than 12,000,000,000 tons of coal, and Bulletin No. 703, issued by the United States Geological Survey, fixes the coal deposits of the Saar Basin at 16,548,000,000 tons—a quantity of almost inconceivable volume and of inconceivable value. The profits accruing to France in three years from the operation of the Saar Valley mines was 250,000,000 francs, and which profit will obviously rapidly increase with the stabilization of the French system of currency.

I neglected to state that the Saar Valley in 1924 produced 1,340,000 tons of pig iron and 1,470,000 tons of steel. Under the Versailles treaty a plebiscite will be held in the Saar district to determine whether this rich region will continue as a part of France or revert to Germany, but in the light of past experience it is not probable that France will ever lose this rich possession, and even now it may very properly be considered as an integral part of France for all time.

France has enormous coal and iron deposits in addition to those in Lorraine and the Saar Basin acquired as a result of the World War. The combined French coal fields at the present time have deposits of over 20,000,000,000 tons, while the total iron deposits of France are approximately 5,000,000,000 tons. When the coal and iron are mined these values are multiplied several times over. The pre-war price per ton for coal was $4 in France, $3.20 in the Saar field and Belgium, and $3 in the Westphalian field.

The Saar Valley coal is very similar to the coal in the Connellsville, Pa., district, and on the basis of a royalty of 15 cents per ton for unmined coal, the coal deposits in the Saar Basin are reasonably worth $1,800,000,000. On the same royalty basis 20,000,000,000 tons of coal deposits owned in France are worth $3,000,000,000. These values are for the unmined coal.

About the time the United States Steel Trust was formed it contracted to purchase of James J. Hill and the Great Northern Iron Co., a subsidiary corporation of the Great Northern Railway Co., a large area of Minnesota land rich in iron ore deposits, on the basis of $1 per ton in the ground. The steel company forfeited the contract, claiming that the royalty or price of the unmined iron was excessive. Mr. Hill, however, contending that $1 per ton was not an excessive price for these iron deposits. For experimental purposes the Bureau of Mines paid 40 cents per ton royalty for unmined iron. With what is practically a monopoly on the iron deposits of continental Europe, on a royalty basis, the unmined iron ore in Lorraine, acquired by France from Germany, is reasonably worth $2,000,000,000, while the entire iron deposits of France, approximately 5,000,000,000 tons, are reasonably worth $5,000,000,000. While these coal and iron deposits are privately owned, they are in French territory, and add materially to her national wealth and income, and are sources of great revenues.

It is difficult to comprehend the wonderful wealth that has come to France by the acquisition of the Saar Valley and the Provinces of Alsace and Lorraine. As a result of the war, the coal and iron monopoly in Europe was transferred from Germany to France when France was given the Saar Basin and the two rich Provinces of Alsace and Lorraine. With the transfer of these rich coal and iron deposits from Germany to France went the industrial supremacy of Europe. Those who are familiar with current events know that negotiations have been pending between France and Germany for the formation of a great iron and steel combination which will challenge the preeminence of the United States Steel Trust in the markets of the world. This combination of German coke, genius, and industry with French coal, iron, genius, and industry will equal in proportion the great steel octopus of the United States and will be able to hold its own in even the strongest competition in the iron and steel markets of the world.

From henceforth iron and steel will exercise a more potential influence in the industrial and commercial world and will more largely influence the destiny of nations than ever before. More minerals have been used since 1900 than in all the preceding recorded history of the world, and more steel has been produced since 1910 than in all the previous history of the world. The possession of an adequate supply of coal, iron, and oil is of the greatest importance, and no nation without these essential minerals can ever become a world power politically, industrially, commercially, or financially. No nation possessing a large supply of coal, iron, and oil can be kept in a position of economic inferiority. An abundant reserve of these basic minerals means prosperity in business and power and victory in war. The value of iron, steel, and coal is being realized more and more each year. In point of development and production the iron and steel industry is largely confined to three great fields, one in the United States, one in England, and the third on the border lands of Germany, France, Belgium, and Luxemburg. These three fields produce practically 93 per cent of the world's supply of steel, the United States producing more than the other two combined and about one-half of the total production of the world.

At the conclusion of the Franco-Prussian War in 1870, Germany realizing the immense value of the iron deposits of Lorraine, proceeded to annex that and other territories. At that time it was not known that the Lorraine iron deposits extended far over into France. France at that time fooled Germany as to her capacity to pay. It was supposed at the time that the iron deposits existed only along the outcrops where ore had actually been mined, so Bismarck proceeded to annex all that portion of Lorraine that he thought was rich in iron ore deposits. The Great Chancellor did not realize the potential volume and value of the iron deposits in the French territory adjoining that annexed by Germany, and in the course of time, the French, by going to lower levels in their own territory, discovered iron deposits as rich, if not richer than those taken over by their German conquerors. The possession by France of these vast iron deposits that had been overlooked by Germany in 1870, contributed mightily to the defeat of Germany in the World War. Germany, to her sorrow, was badly fooled in 1870 as to the capacity of France to pay, just as the American people are being fooled

as to the present capacity of France to pay her war indebtedness. As a result of the World War, the vast iron deposits of Lorraine are restored to France, leaving Germany only 7 per cent of the iron reserves of Europe, while France now has 48 per cent of the European iron reserves, which gives her virtually a monopoly on the iron mining industry of continental Europe.

By the loss of the Lorraine iron ore Germany can not continue to be a power in the metallurgic industry, unless she enters into a working agreement with France, by which the vast German supply of coking coal in Wesphalia can be utilized by France for the smelting of her immense iron deposits. In my opinion, the time is not far distant when there will be a merger of the coal, iron, and steel interests of France with the iron and coal interests of Belgium and Luxemburg, and the iron, steel, coal, and coke industries of Germany. This combination would control approximately 57 per cent of the iron and steel production of Europe, including Great Britain. An organization of this character will successfully compete with the United States steel industry and probably divide the markets of the world on a 50-50 basis. But, in any arrangement that is made, the major portions of the profits will inevitably accrue to France, because of her ownership of 48 per cent of the European iron reserve. This will mean a tremendous industrial development in France with enormous profits which will necessarily result in the rapid and enormous growth in the national wealth of the French people.

The iron content of the Lorraine ore ranges from 24 to 41 per cent, or about an average of 33 per cent. This is lower than in other European districts, but the tremendous supply makes up for the lower grade ore in the Lorraine fields. The iron content of the Mesabi and other Lake Superior ore is approximately 50 per cent, while in the Birmingham district the average is about 35 per cent.

According to Alfred M. Brooks, of the United States Geological Survey, within 150 miles of the Lorraine iron district are six coal fields which have a total known reserve of about 86,000,000,000 tons of coal, 40 per cent of which is suitable for coking, and under present metallurgic practices there is in that district fourteen times as much coking coal as will be required to smelt the entire iron reserve of the Lorraine field. Seventy-four per cent of this coking coal is in the Westphalian fields of Germany.

The iron resources of France are 5,000,000,000 metric tons, as against Germany's 1,270,000,000 tons and England's 1,300,000,000 tons.

In France a tax is levied against the mineral that comes from the mines, but an additional and heavier tax is assessed on the profits accruing from the commodity mined, and the tax is also based on the estimated capacity of the mines. Under this plan enormous revenues will be derived by the French Government from the exploitation of her iron, coal, and other mineral deposits.

I refer those who are interested in obtaining accurate information in relation to the coal and iron deposits of the Lorraine district to Bulletin No. 703, United States Geological Survey, by Alfred H. Brooks and Morris F. La Croix, entitled "The Iron and Associated Industries of Lorraine, the Saar District, Luxemburg, and Belgium," issued in 1920; also to Bulletin No. 706, of the United States Geological Survey on "The Iron-Ore Resources of Europe," by Max Roesler, issued in 1921; also to an article by C. K. Leith on "The world iron and steel situation in its bearing on the French occupation of the Ruhr," published in Foreign Affairs, an American quarterly review, issue of June 15, 1923. These articles contain a wealth of accurate and well-digested information in relation to the coal and iron industries of Europe and particularly feature the future preeminence of France in these industrial activities.

It would be exceedingly difficult for anyone at this time to accurately appraise or estimate the potential wealth of Alsace and Lorraine and the Saar Valley which have added 45 per cent to the mineral wealth of France. All things considered, the industrial possibilities, economic growth, and potential resources of France are as great as those of any other nation, territory and population considered. There are a few low-hung clouds at the present time in the French financial horizon, but in a brief period these will be dissipated and after a few years financial stability will be attained and future prosperity assured.

Contrary to the general understanding, the national income of France is greater now than in pre-war times. Her national income in 1913 was $6,675,000,000, while her income in 1925 was $7,775,000,000, or a billion dollars more in 1925 than in 1913, in spite of her depreciated currency and her systematic effort to avoid the payment of her just obligations to the United States.

Now, let us see what is the financial condition of France? Her internal debt (see p. 9 of hearings) amounts to 286,000,000,000 francs, which counting 3 cents for the franc, would be in our money $8,600,000,000. This sum represents the internal debt of France at this time.

Mr. RATHBONE. Mr. Chairman, would the gentleman care to yield for a question?

Mr. LOZIER. Certainly I yield to my good friend from Illinois.

Mr. RATHBONE. If France is willing to do with her internal debt what she is asking us to do with her external debt, namely, scale it down about one-half, would not that insure the solution of the whole problem?

Mr. LOZIER. I am coming to that phase of the question now. There has been in France for two or three years a movement to cancel outright one-half of the French internal indebtedness. This movement has been growing rapidly, especially during the last four months. Many thoughtful French financial students believe that this should be done. If the internal debt of France is paid it will have to be paid by levying taxes on the French people, and those taxes would in the end amount to practically one-half of the present internal French debt. So it would be as broad as it is long and a quicker method of settlement to automatically cancel one-half of the internal debt of France, and it would avoid the circumlocution, expense, and time incident to the collection of $4,000,000,000 in taxes and the payment of said sum back to the holders of French internal securities, because, after all, the greater part of these taxes would be paid by those who hold these internal French loans.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there for a question?

Mr. LOZIER. Let me first finish the line of thought I am now presenting. The present total internal and external debt of France is as follows:

External debt:	
Due the United States	$4,025,386,686.89
Due Great Britain, approximately	3,000,000,000.00
Total external debt	7,025,386,686.89

Under pending settlements, France would be able to discharge her entire external or foreign debts by the payment of the following sums:

To the United States	$2,000,000,000
To Great Britain	1,500,000,000
Total to discharge external debts	3,500,000,000

In other words, under the pending settlements France would be able to discharge her external debt of $7,000,000,000 by the payment of one-half of that amount, or $3,500,000,000, which is practically one-half of her external debt. Of course, in this statement I am dealing with the present value of the securities France offers to give the United States and Great Britain in settlement of her external indebtedness.

Now, it is not improbable that France will cancel one-half of her internal debt or securities held by her own people. This internal debt of $8,600,000,000 would be settled if this plan should be adopted for $4,300,000,000. The amount of the indebtedness of France, internal and external, would then stand as follows:

External debt	$3,500,000,000
Internal debt	4,300,000,000
Total debt, internal and external	7,800,000,000

On this basis the entire internal and external indebtedness of France would be but a fraction more than her national income for the year 1925.

I do not mean to say that the French people could apply or should apply all of their annual income at any time for the payment of their internal and external obligations. Obviously, a very considerable part of this income will be required for the support of the population and for the expenses of government, as well as for necessary outlays for the extension of their business activities. But I am calling attention to the amount of the national income of the French people in order to emphasize the fact that they have greater capacity to pay than this settlement would seem to indicate. A great nation like France, with its wonderful resources and with an income of approximately $8,000,000,000 annually, is certainly not very close to bankruptcy, especially in view of the fact that her people are employed full time, her industries thriving, her trade and commerce growing, and her potential continental and colonial resources so enormous that they can scarcely be overestimated.

Mr. GREEN of Iowa. Mr. Chairman, now will the gentleman yield?

Mr. LOZIER. I gladly yield to the distinguished chairman of the Ways and Means Committee.

Mr. GREEN of Iowa. I call the attention of my friend from Illinois——

Mr. LOZIER. I am from Missouri. [Laughter.]

Mr. GREEN of Iowa. In reply to the gentleman from Illinois [Mr. RATHBONE], who asked the question, and partly in reply to the gentleman from Missouri, to the fact that by depreciation of the franc, France has canceled about 80 per cent of her debts. I hope the gentleman does not want to cancel the 20 per cent also.

Mr. LOZIER. If the gentleman from Iowa were in France to-day he would quickly ascertain that there is now, and has been for quite a time, a rapidly growing sentiment, in fact, a national movement to cancel one-half of the French internal debt by legislative action or fiat, which is but another method of taxing the people who hold these internal French bonds to get the money with which to pay the bonds. Moreover, the great bulk of the present internal debt of France was made after the bottom had fallen out of French finances and after the franc had depreciated to a point where it was only worth 3, 4, or 5 cents in American money. Let me tell you what is the principal trouble with France——

Mr. RATHBONE. Inasmuch as the inquiry was put to me by the gentleman from Iowa, I would appreciate it very much if the gentleman from Missouri will permit me to reply to the gentleman from Iowa.

Mr. LOZIER. I yield to the gentleman from Illinois.

Mr. RATHBONE. My position is that held by a number of authorities of the highest standing, which I shall be glad to put in the RECORD. They hold that inasmuch as this involves the scaling down of the interest paid by France to the United States that France should scale down not the debt but the interest on its internal debt.

Mr. GREEN of Iowa. It has already scaled that down and it has paid it in depreciated francs.

Mr. LOZIER. I regret that I can not yield further. The internal French debt is the obligation of the French people. To pay the French internal debt France will have to tax the French people. Under this formula France would be traveling in a circle, levying taxes and collecting money from her own people to pay what she owes to her own people. In other words, the people would be taxing themselves to pay what they owed themselves, and under these circumstances the net results of the cancellation or a partial cancellation would be no different from the results that would follow a heavy and continuous taxing of the French people to pay to the French people the obligation of the French Government.

The principal trouble with France is that her Government has not had the courage to meet this situation and remedy it in a common-sense and practical way. The French Government and the French people have been sidestepping the payment of their obligations, procrastinating and putting off from time to time the day of reckoning. Both Germany and England have displayed more statesmanship, more common sense, more good judgment, more business ability, and more courage in meeting and settling their financial problems than France. At no time since the end of the World War has France been willing to make the financial sacrifice and contribution that are inevitably necessary to secure financial and economic stability. Unfortunately for France and the world time-serving politicians have had charge of the French Government much of the time since the armistice and French statesmen of vision, courage, and outstanding ability have not been permitted to work out and put into operation a plan for the rehabilitation of the financial and economic structure of France. In the language of a well-informed student of French affairs—

> The Bank of France has no confidence in the French Government and therefore withholds its gold reserves. French capitalists have no confidence in the French Government. French investors who own national-defense bonds, victory bonds, or any other security issued by the Government, seize any opportunity to sell their holdings in Amsterdam, London, or Switzerland. Foreigners who have been accustomed to carry money on deposit in Paris banks make haste to withdraw their funds, converting francs into foreign currency. If unsound political conditions were eliminated, there would be a strong return flow of capital into France, and the franc would rise naturally in accordance with the law of supply and demand. The Socialists who dominate the French Government have no understanding of the economic principles relating to money and credit.
>
> Meanwhile, M. Berenger, French Ambassador in Washington, is returning to France with the debt settlement arranged with Secretary Mellon. Many of the French Socialists are bitterly opposed to paying the country's debts.

Here, gentlemen, is the milk in the coconut. Here we find the reason why France does not balance her budget. A group of able men may be called to power in France, but just as soon as they formulate and submit a sound and workable plan to balance the national budget and to rehabilitate the financial affairs of the nation they are cast out of office by representatives of the people who are opposed to any financial plan that will tax French people for the payment of the internal and external obligations of France. Ministry after ministry has been overthrown. Why? Because the Socialists constitute the majority political party in France, and every time an effort is made to stabilize French finances and meet French obligations the ministry or governing body is overthrown and driven from power. The French politicians and many of the French people do not want any financial plan that will tax them to pay their internal and external obligations.

One trouble with France is that she is dominated by several rival political parties, none of which really want to make a settlement of the French debts and do not want to balance the French budget by taxation of the French people. I am sorry to say that there is a large party in France who do not want to materially improve national finances at this time for fear such condition will hasten the time when the Republic of France will have to meet her obligations. I am glad to say, however, that this sentiment is confined very largely to the political leaders of France and does not represent the real sentiment of the French people who, I believe, are willing to pay their debts just like the people of other nations want to meet their financial obligations. The French politicians have led the French people into a wilderness of financial perplexity and into a series of economic disasters. The time is near at hand when the French people will do what the German people and English people have already done, namely, turn the politicians out of office and set their own national house in order.

If this settlement should be approved, it will not take the wily Frenchman very long to balance his budget. No, no. When the French Government gets this settlement behind them, the stabilization of French financial affairs will be quickly attained. But the politicians who are in control of the French Government want to create the impression that France is unable to meet her obligations, so as to induce the United States to cancel at least one-half of what France owes the American people.

The trouble with France is not her inability to pay, but her unwillingness to pay. I have no ill-will toward the French Republic or the French people. I want France, Germany, and all other nations to recover quickly from the effects of the World War, and I hope that each may work out a great destiny.

There is room and need in Europe for both France and Germany. There is room and need in the world for both France and Germany. Each has made valuable contributions to the progress, civilization, and culture of the world. But I am nevertheless constrained to declare that France has not done her whole duty in trying to stabilize her finances and to extricate herself from the unhappy conditions in which she found herself at the close of the war, conditions which are not necessarily permanent but only temporary. France has temporized, hesitated, quibbled, and sidestepped too much and too often in negotiating with her creditors and in meeting and settling her financial affairs.

After the Franco-Prussian War, in which Germany defeated France, which gave Germany military primacy among the nations of Europe, it was generally believed that France was so completely crushed politically, industrially, financially, and economically that she could not be rehabilitated short of 50 or a hundred years. Then, as now, the world was fooled as to the extent of the resources of France and her capacity to pay. Then, as now, the potential resources of France were underestimated. Then, as now, the capacity to pay of France was underestimated. Then Germany, victorious and all powerful, was badly fooled by France as to the latter's capacity to pay. Germany levied an indemnity which she believed was far beyond the capacity of France to pay in a generation, an indemnity which Germany and the world believed would tax France to the uttermost and reduce her to a condition of industrial, political, commercial, financial, and economic servitude, and under the treaty which Bismarck and William I dictated to conquered France the military forces of Germany were to occupy French soil until France paid her war indemnity of $1,000,000,000 to Germany.

This German occupation of France was not only humiliating to the proud French nation but it was a badge of her political and economic servitude to her traditional enemy, the Teutons. Though prostrate at the feet and at the mercy of their conquerors, the French succeeded in fooling Bismarck, that master of intrigue, that farseeing statesman, that "man of blood and iron," and actually convinced the Prussian war lords that France was bankrupt and that she did not have the capacity to pay anything like the amount demanded by Germany as an

indemnity for having, without provocation, brought on the Franco-German War. When we compare the national wealth of France in 1871 with her national wealth now, the indemnity of $1,000,000,000 levied by Germany against France in 1871 was as heavy a burden relatively as her present indebtedness.

So after having obtained from Germany the best possible terms, France got busy and proceeded to pay this war indemnity to Germany. The French people went down into their stockings, into their tills, into their safes, and in two years paid this enormous indemnity to Germany which Germany and the rest of the world believed could not be paid by France in a generation or half century. And when France gets the pending debt settlements approved by the United States and Great Britain, when she talks the United States out of $2,000,000,000 and talks John Bull out of $1,500,000,000, then France will have no trouble in balancing her budget. She will then get busy and set her financial house in order. Her hidden gold and her hidden resources will then be brought out of their strong boxes and utilized to stabilize French finances and meet internal and external obligations. In the pending negotiations, France is quibbling and trying to drive a hard bargain and get every possible reduction on her indebtedness. She has much greater capacity to pay than she is willing to admit. In order to secure the cancellation of a large part of her just obligations, France has persistently and studiously magnified her liabilities and minimized her resources or capacity to pay. As soon as she succeeds in having these debt settlements approved and whenever she is convinced she is not going to get any further reduction, she will "play ball," get down to business, set her economic house in order, balance her budget, and restore normal conditions throughout the French Republic.

But I have not mentioned many of the resources of France. I have scarcely begun the appraisal of her national wealth and capacity to pay. May I at this time call your attention to what France has received and will receive from Germany by way of war indemnity? Up to March 31, 1926, France had received from Germany, before and after the Dawes plan became effective, approximately $734,000,000 by way of reparation. Under the reparations agreement and the Dawes plan France is to get 52 per cent of all reparation payments made by Germany in the future. These payments made by Germany to France will approximate $250,000,000 annually for 37 years, or approximately $9,250,000,000. (See pp. 13 and 14 of hearings.) This sum exceeds the total debt of France to Great Britain and the United States by more than $2,000,000,000. In other words, in estimating the capacity of France to pay we must not overlook the fact that in reparation and indemnity payments France will get from Germany $2,000,000,000 more than she will pay the United States and Great Britain under the pending settlements.

The present value or worth of the bonds France offers the United States and Great Britain under the pending settlements is approximately $3,500,000,000, while the present worth of the payments to be made by Germany to France in the next 37 years is $4,621,290,000. (See p. 14 of hearings.) That is to say, the present worth of the German payments to France is one and one-half billion dollars more than the present worth of the payments France offers to the United States and Great Britain in settlement of her obligations to those two nations. There can be no reasonable doubt as to Germany meeting her reparation payments to France.

The Germans are thrifty, industrious, and progressive people. The German masses are doing everything possible to rehabilitate the German nation, pull it out of the mire and disaster into which the German war lords plunged it, and to restore Germany to her rightful and honored position in the family of nations. Germany has met her adversities with commendable fortitude. They have made tremendous sacrifices in order to set their financial house in order. They are not looking backward to the mistakes of the past, but forward, to work out their national destiny in the paths of peace.

If France would but imitate the example of Germany, her financial and economic troubles would be quickly solved. I have faith in the Republic of Germany keeping her obligations and making the reparation payments for which she is obligated under existing treaties. And in appraising the capacity of France to meet her international obligations, we find that France will ultimately receive from Germany more cash than she will be required to pay Great Britain and the United States under the terms of the pending proposal. In truth and fact, France will get from Germany a sufficient sum to enable her, if she were so disposed, to pay the United States and Great Britain all she owes them, dollar for dollar.

Think of it, gentlemen, France collecting from Germany $250,000,000 annually and paying the United States only $30,000,000 annually for the next five years, and then increasing these payments slightly from year to year until the aggregate annual payments to the United States reach $125,000,000, or only one-half of the cash payment from Germany to France. Mark my prediction: France will liquidate her obligations to the United States and Great Britain out of the funds she collects from Germany, leaving her enormous national resources untouched and undiminished. And yet, you prattle and cackle about France's capacity to pay.

How many of you have given careful consideration to this question? How many of you will vote blindly on this proposal to cancel at least one-half of the French debt to the United States? How many of you have investigated the potential wealth, resources, and capacity of France to pay what she owes? How many of you can go before your constituents and make a reasonably accurate showing as to the potential wealth and national resources of France and her immense colonial possessions?

The national wealth and resources of France were tremendously increased as a result of the World War. She acquired the Saar Valley with its rich coal deposits, worth billions of dollars to France. She acquired Alsace and Lorraine, with their enormous iron, coal, potash, and bauxite deposits, worth billions of dollars to France. Through a mandate she acquired the Togo and Cameroon districts in Africa, which eventually, when developed, will add billions of dollars to the wealth of France. Through a mandate she acquired Syria and Lebanon in Asia, a region of immense potential wealth and from the exploitation of which France will draw to her coffers in the next 50 years billions of dollars. In other words, the actual and potential value of the territory acquired by France as a result of the World War exceeds many, many times the total internal and external indebtedness of France.

In this connection I submit a table showing the colonial domain of France:

French colonies	Year of acquisition	Area in square miles	Population
In Asia:			
India	1670	196	272,427
Annam	1884	39,738	5,731,180
Cambodia	1862	67,550	2,449,771
Cochin-China	1861	26,476	3,978,389
Tonking	1884	40,530	6,850,453
Laos	1892	82,604	850,000
Syria	1922	60,000	3,000,000
In Africa:			
Algeria	1830-1902	222,180	5,802,464
Tunis	1881	48,300	2,095,090
Senegal	1637-1889	74,112	1,225,523
French Sudan and Upper Volta	1893	648,480 154,400	2,474,389 3,015,057
Guiana	1843	92,640	2,026,321
Ivory coast	1843	121,976	1,545,680
Dahomey	1893	42,460	842,243
Mauritania	1893	347,400	284,399
Niger	1912	404,914	1,149,564
Congo	1884	982,040	2,845,936
Cameroon	1919	166,489	1,500,000
Togo	1919	21,893	762,208
Reunion	1649	970	172,190
Madagascar	1643-1896	224,721	3,613,341
Mayotte	1843	790	110,000
Somali coast	1864	5,790	208,000
In America:			
St. Pierre and Miquelon	1635	93	3,918
Guadaloupe	1634	688	229,839
Martinique	1635	385	244,439
Guiana	1626	34,740	44,202
In Oceania:			
New Caledonia and dependencies	1854-1887	8,548	57,209
Tahiti, etc	1841-1881	1,520	31,655
Total square miles		4,922,652	
Total colonial population			53,416,595

The foregoing table is from the Statesman's Yearbook for 1925. However, the same authority states that the colonies and dependencies of France, including Algeria and Tunis, have an area which is given officially as about 10,255,510 square kilometers, or 3,958,626 square miles, with a population of 55,631,184.

Morocco, with an area of 223,000 square miles and with a population of 5,500,000, is omitted from the foregoing table, I know not for what reason, for France has just concluded a successful war against the tribesmen of Morocco, as a result of which that vast, valuable, and very important strategic region remains permanently under the control of France. The World Book of Facts for 1926 gives the French colonial possession as follows:

	Square miles	Population
In Asia	317,074	23,012,619
In Africa	5,245,727	35,604,820
In America	33,166	522,398
In Oceania	9,170	82,263
Grand total, all colonies	5,605,137	59,222,300

So, without attempting to reconcile the discrepancies in these tables, it is sufficient to say that the colonial possessions of France have an area of nearly 6,000,000 square miles, with an approximate population of 60,000,000 people. The combined domestic and colonial population of France is approximately 100,000,000, or only about 25,000,000 less than the population of continental United States and her dependencies.

France, with 212,659 square miles of territory in Europe and with nearly 6,000,000 square miles of colonial possessions, owes $4,025,000,000 to the United States, which has 3,000,000 square miles of home territory and 700,000 square miles of colonial possessions. France, with about 40,000,000 home population, plus 60,000,000 colonial population, owes $4,025,000,000 to the United States, which has a home population of about 115,000,000 and a colonial population of about 10,000,000; and when we take into consideration the present wealth and potential resources of France by no process of reasoning can she be assigned to the class of bankrupt nations, nor can it with reason be contended that she is unable to pay her entire indebtedness, if she had a willingness so to do and would set herself sincerely to the accomplishment of that task.

Her mighty colonial empire, inconceivably rich in natural resources, the development of which has just begun. These French colonies constitute probably the richest undeveloped portions of the earth. Their natural resources are diversified and in quantity practically exhaustless. These colonies furnish an outlet for the surplus French population, a market for French commodities, and a source from which unlimited supplies of raw material with which the industrial development, prosperity, and preeminence of France are assured. Every thoughtful student will admit that these French colonies have a future or potential value so great as to almost stagger human comprehension.

Where is much of the future wealth of Europe to come from? From the colonies. Why do nations reach out into the remote places of the world and establish colonial possessions? Because they know that these colonies will be their principal source of wealth in the future, which will absorb their surplus commodities, supply them with an inexhaustible quantity of raw material, and furnish a fruitful field for the development of mighty nations which will be tributary to the motherlands and mightily augment their economic supremacy.

With farsighted vision England, for several hundred years, has realized that ultimately the wealth of Europe would be drawn from the remote corners of the world, and with that greed and ruthless exercise of power that has always characterized her land-grabbing activities for a thousand years she has reached out and managed to acquire a majority of the great strategic points in the world, as well as more than 13,000,000 square miles, or about one-fourth, of the earth's surface, a domain surpassed by that of no other nation. The future wealth of Great Britain, as well as the future wealth of France, will be furnished largely by their colonies. France wants colonies. Germany wants colonies. England wants colonies. Holland wants colonies. Other nations want colonies, because every thoughtful person knows that when these colonies are developed their contribution to the world's wealth will be so great that it will be scarcely susceptible of computation.

In appraising the capacity of France to pay her war debts, we must take into consideration her rich and immensely productive, far-flung colonial empire. It is a false formula which looks only at her present financial conditions without taking into consideration her vast undeveloped resources that are slumbering at home and abroad awaiting the skillful touch of French industry and initiative.

Mr. MANSFIELD. Will my friend yield for a question?

Mr. LOZIER. I gladly yield to my distinguished friend from Texas.

Mr. MANSFIELD. Is it not a fact that England through her colonial possessions has obtained a corner on the rubber market of the world?

Mr. LOZIER. Yes; I am glad the gentleman has made this suggestion. He always contributes something worth while to every discussion in which he participates. It has been claimed by Secretary Hoover, Representative HULL, and others that Great Britain, by increased profits resulting from her rubber monopoly, will in a very few years collect from the people of the United States a sum much larger than will be required to pay her war indebtedness to the United States. And, by the way, the French Government and people are participating in the benefits of the British rubber monopoly. While Great Britain's control of the rubber industry is greater than that of France and Holland, nevertheless both France and Holland are getting a part of the loot and enjoying the profits resulting from the crude rubber monopoly that was created by the Stephenson Act.

In Cochin China, one of the Asiatic French colonies, more than 100,000 acres of plantation rubber are producing or coming into the tapping stage. Large areas of land in this French colony is admirably adapted to the growing of the hebea tree which is the principal source of crude rubber. Practically all plantation rubber is produced in the Middle East, in Ceylon, India, Burma, Malayn, Java, Sumatra, Borneo, and Indo-China. These rubber-growing districts are very largely owned or controlled by the British, French, and Dutch. Of the total world production of rubber in 1924, 414,703 tons, only 28,000 tons was wild rubber, and 386,703 tons was plantation rubber, coming from the colonies of Great Britain, France, and Holland.

As a result of the enormous increase in the price of rubber in 1925, the people of the United States paid several hundred million dollars tribute to Great Britain, France, and Holland on rubber produced in the Middle East. Rubber is only one of the valuable productions of these colonies which are adding so materially to the wealth of Great Britain, France, and Holland. Indeed, the rubber supply of the world must inevitably come from the British, French, and Dutch colonies in southern Asia and the islands in the East Indian Archipelago. The value of the rubber that is being produced in these colonies illustrates the potential wealth and almost unlimited resources of these colonial possessions.

Mr. RATHBONE. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. RATHBONE. Of course, only the territory and population acquired by France through this war have been brought out here?

Mr. LOZIER. Yes; the gentleman is entirely correct.

Mr. RATHBONE. We have not debated or discussed the great empire she possessed before the war.

Mr. LOZIER. My good friend, the gentleman from Illinois [Mr. RATHBONE], as usual, is quite right, and makes an interesting and valuable suggestion. Of the five and one-half million square miles of French colonial possessions, only Togo, Cameroon, and Syria were acquired as a result of the World War. These three colonies contain in the aggregate 248,382 square miles of territory, with a population of 5,262,208. The most valuable French colonies, embracing more than 5,000,000 square miles of territory, were acquired before the World War. Cochin China, where the French are producing crude rubber to sell to Americans at monopolistic prices, is an old territorial acquisition of France, having come under the French flag in 1861. I am mentioning these matters as prime factors in the equation of the capacity of France to pay her war indebtedness, and because the present and future wealth, productivity, and resources of the immense French colonial possessions should be considered in taking stock of the assets of the French Republic and in determining her capacity to pay.

Mr. SCHAFER. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. SCHAFER. With respect to rubber, this administration will not give very much consideration to the French rubber plantations because, after Carmi Thompson comes back from the Philippines, and we enact legislation to turn over great areas of land in the Philippine Islands to the Rubber Trust, we will not have to worry about rubber.

Mr. LOZIER. I do not care to discuss that matter now. I do not want to give this discussion a partisan coloring. I am discussing this French debt settlement from a business, economic, common sense, and ethical standpoint. I am trying to bring home to the House the fact that there has been no accurate, reasonable, fair, and comprehensive analysis or appraisement of the present and future resources of France and of her capacity to pay.

The French are probably the most frugal people in the world. You could go over to France now, and if you had the hardihood to make the exploration, you would no doubt find in the stockings of the peasant women, probably as much as a hundred million dollars in gold. The German, English, and American people habitually keep their money in banks, while the great mass of French people keep large sums in their stockings, trunks, strong boxes, safes, and concealed or buried about their premises. This practice is reflected in many of the

great French romances. The payment of money by check is not generally followed by the great mass of French people. They keep money on their persons and about their homes in much larger quantities than by people in other nations. The notary in France for generations was the custodian of the funds of his neighbors and clients, a private banker, holding funds for years for simple-minded and confiding people.

It is not unreasonable to assume that there is in hiding in France at the present time at least $500,000,000 in gold coin. This is characteristic of the French people. The experiences during the World War period stimulated the practice, and the unsettled condition of French finances emphasized the necessity of the French people keeping their funds under their individual control. Millions of dollars in gold and currency were withdrawn from the banks and horded. Considering the frugality, industry, business ability, and resources of the French people, it is a libel upon them to charge that they only have capacity to pay one-half of their indebtedness to us.

In France there is a large part of the population that are working to secure the cancellation in toto of all the French indebtedness. There is in the United States a large, wealthy, and influential group of people who also favor the cancellation of the French and other war debts. Two headquarters or bases of operation are maintained by Americans and Frenchmen who are working for a cancellation of war debts. One of these headquarters is in Paris and the other is in New York. These groups have flooded the United States and Congress with propaganda favoring the cancellation of all war debts. During last session of Congress, in debating the foreign loan problem, I called attention and quoted from a bulletin issued by the National City Bank of New York in which it was said that it was inconceivable to think for one moment that the United States Government would insist upon the payment of the obligations it held against European nations so as to in any manner delay the payment of or impair the private obligations held by private capitalists in America for moneys loaned abroad.

Something like $9,000,000,000 of American money have been withdrawn from productive industry and from the channels of trade and commerce, sent overseas and invested in foreign lands, in frozen securities, that will probably not be liquidated for a third or a half century, and possibly never paid at all. This propaganda for the cancellation or reduction of these war debts is not only backed by the socialist and other discordant elements of France, who want to evade the payment of their just obligations, but the cancellation propaganda was deliberately incubated and disseminated by the great international bankers of New York City, who in recent years have sold more than $9,000,000,000 worth of frozen, slow-maturing, long-time foreign securities to their American customers. These international bankers realize that the less money the European nations are required to pay to Uncle Sam, the more money these nations will have to apply on the private loans made by them to said nations. A year or two ago a member of the House of Parliament, in discussing the flood of American money that had been sent overseas to finance foreign nations, foreign provinces, foreign cities, foreign railroads, foreign public-service corporations, and foreign industries, said in substance (I quote from memory):

> We are very glad, indeed, to have the United States finance the nations and business of the world. It is our duty and purpose to concentrate our liquid capital, convert it into cash, and hold it in reserve, so it may be available when needed, and so we will be able to go out and take possession of the markets of the world in the great business and commercial revival which is sure to come and rapidly approaching.

And I say it with sadness, that the European nations have been gradually regaining many of the world markets that we captured during the World War period.

Moreover, France has pursued a policy of militarism since the treaty of Versailles was signed. She wrongfully invaded the Ruhr Province of Germany, which she stubbornly held for a long time, and which involved the expenditure of several hundred million dollars that might well have been applied on her indebtedness. For two years she has been engaged in an expensive war of conquest in Morocco to subject the Riffs to the French yoke of bondage. For two years France has carried on a bloody and expensive war in Syria to subject the Druses tribes to French authority, under a mandate of the League of Nations. Both of these wars are wars of conquest to deprive liberty loving races of their God given freedom and to subject them to greedy French exploitations. In 1925, France expended $268,000,000 in prosecuting the Moroccan and Syrian wars. This sum is more than France offers to pay the United States the first seven years, under the terms of the proposed settlement. The present French budget for 1926 called for the expenditure of approximately $200,000,000 for military purposes for the current year.

So it seems that France is able to find plenty of money to carry on her military operations for the conquest of free races, but supinely pleads her poverty and inability to discharge her debt to the United States for money loaned in the hour of her greatest peril and without which she could not possibly have maintained her national existence. If the money expended by France resulting from her reckless invasion of the Ruhr and from her wars of aggression in Syria and Morocco, had been paid to the United States on the French war debt, this debt would have been tremendously reduced and its payment, without reduction made possible. France should and must curb her military impulses and ambitions. Her prosperity and the attainment of her great destiny will come only if she pursues the ways of peace, curbs her military impulses, lives on friendly terms with her sister nations, and exemplifies the principles that—

> Peace hath her victories, no less renounced than war.

I admit that the national indebtedness of France is enormous, yet all of this debt is not the result of the World War. In 1913, the year before the World War began, the French national debt was $6,346,129,000, which, with the franc worth about 20 cents at that time, amounted to 30,000,000,000 French francs, while at the present value of the French franc the total internal and external debt of France is approximately $15,000,000,000, or about one-fourth more than in 1913. Of the $15,000,000,000 French indebtedness at the present time, $7,000,000,000 represents her external debt to the United States and Great Britain. If the pending settlements are approved, the $7,000,000,000 external or foreign indebtedness will be partially canceled and reduced to $3,500,000,000, which, added to the present internal French indebtedness, would make the total internal and external French indebtedness $12,300,000,000, or practically the amount of the French internal and external obligations in 1913 before the war. I tell you, gentlemen, in all candor, that when these French debt settlements are consummated France is going to be relatively in a much better condition financially than she was before the war, because her national wealth has been increased so enormously.

The shipping and navigation interests of France are in a prosperous condition. On June 30, 1924, France had a merchant marine of more than 1,700 steamers and motor vessels, with a tonnage of 3,674,000, and 365 sailing ships with a tonnage of 287,000. In 1922, 1923, and 1924 new ships were built and launched in France with a tonnage of 360,838. In 1923, 20,747 vessels of 41,764,014 tons register entered French ports with cargoes, of which 8,850 vessels, of 11,686,258 tons register, were French, while in 1924, 28,078 vessels, of 42,575,399 tons register, entered French ports with cargoes, 9,112 of which vessels, of 12,411,031 tons, were French.

The French shipping interests must necessarily grow rapidly and add materially to the national wealth of France. Her immense colonial possessions, her intense industrial development, and her vast commercial activities will both justify and require an ever expanding merchant marine, through the operation of which her commodities may be profitably sold in distant markets and immense volumes of raw material brought from the remote corners of the globe to supply the ever increasing demands of her manufacturing industries. Moreover, France has a fishing fleet of 21,340 vessels and the value of her fisheries products in 1921 (the latest available statistics) was 512,513,000 francs.

The industrial future of France is exceedingly promising. On July 1, 1924, France had 135 blast furnaces in active operation. Her industrial power has been very greatly increased since the World War. In the devastated areas the industrial reconstruction has practically been completed. Twenty-two thousand factories have been reconstructed and new and larger factories are everywhere gradually replacing those destroyed. The equipment installed in the new factories is far superior to that with which the old factories were operated before the war. The industrial population is fully employed. France has no idle population. The output of coal, iron ore, pig iron, steel, and potash in million tons in the last four years was tremendous, as the following table will show:

	Coal	Iron ore	Pig iron	Steel	Potash
1921	28,960,000	14,717,000	3,417,000	3,102,000	.....
1922	32,581,000	20,862,000	5,228,000	4,471,000	845,000
1923	38,543,000	23,423,000	5,431,000	5,109,000	1,096,080
1924	44,984,000	29,000,000	7,693,000	5,900,000	1,173,080
Total metric tons	145,068,000	97,872,000	21,769,000	19,573,000	3,044,080

The agricultural situation in France is prosperous. In 1924 France produced 7,684,000 metric tons of wheat and large

quantities of rye, barley, oats, maize, buckwheat, potatoes, sugar beets, and other valuable agricultural commodities. The total area of France is approximately 136,000,000 acres. About 100,000,000 acres were under crops in 1920, while about 25,000,000 acres were under forests and about 11,000,000 acres moorland, or uncultivated. The quantity of cultivated land has materially increased since 1920.

France is a great wine-producing nation, which is a source of immense profit. In 1924 the vintage was 1,749,800,000 gallons of wine and 576,356,000 gallons of cider. The production of other fruits was as follows: Apples, 144,188 metric tons; pears, 52,067 tons; olives, 72,613 tons; cherries, 27,476 tons; plums, 20,904 tons; peaches, 19,511 tons; apricots, 8,344 tons; oranges, 983 tons; tangerines, 516 tons; lemons, 580 tons; strawberries, 7,374 tons; currants, 1,199 tons; chestnuts, 165,557 tons, in addition to a large yield of other fruits, grains, vegetables, and nuts. Of course, the agricultural products of France fall far below those of the United States, but in France the land is intensely cultivated and the yield per acre higher than in the United States. I have mentioned the agricultural products of France to emphasize the proposition that the French people are not on the verge of bankruptcy, but they have abundant resources with which to rehabilitate their war-torn nation and to bring about national prosperity in a few years.

In the production of silk, France surpasses any other nation. The sale of her silk products adds annually many million dollars to the wealth of France.

France has seven great railway systems with a mileage of 25,766. Six of these lines with, a mileage of 24,382, were constructed under concessions which will expire between 1950 and 1960. After which these roads revert to the French Government. The six lines cost approximately 25,000,000,000 francs. The seventh line, or the Alsace-Lorraine system, with a mileage of 1,384, is operated by the State, as is the Ouest-Etat, one of the six great systems just mentioned, with a mileage of 5,599.

The electrification of all the French railway systems is under way. The operation of these seven great railway systems of France showed a net surplus of 400,000,000 francs in 1923. In estimating the capacity of France to pay her obligations we should not overlook the fact that in a few years France will own all of her seven great railway systems, with a total mileage of 25,766, as the installment cost of these railroads was approximately $5,000,000,000.

Another source of French wealth and income is her extensive deposit of bauxite, estimated at 60,000,000 metric tons. Next to the United States, France is the largest producer of bauxite. In 1924 France produced 340,000 tons of bauxite, of which 202,534 tons were exported. Bauxite is the principal source of aluminum, a very valuable and exceedingly scarce commodity. In 1923 the United States produced 522,690 long tons of bauxite, valued at $3,156,610. Of the total American production of bauxite, 493,880 tons came from Arkansas. The scarcity of this metal makes it comparatively easy for it to be controlled by monopoly, in view of which the 60,000,000 metric tons of bauxite in France has not only a tremendous present value but an almost inconceivable future or potential value, which should be considered in appraising the present and future capacity of France to pay her debts. In the United States the domestic price of bauxite is from $6 to $9 per ton.

The textile industries in France have been brought to a very high and profitable state of development. In 1923 France had 10,593,000 spindles placed and in operation; 176,000 mechanical looms and 25,000 hand looms. In that year France produced 220,000 metric tons of cotton yarn and 11,200,000 pieces of cloth averaging 109 yards in length. The excellence and commercial value of French textiles is recognized in all the markets of the world and, all things considered, the textile industry of France is in a much better and more prosperous condition than before the war.

Much has been said about the devastation and destruction of French property during the period of German occupation during the war. Unquestionably this loss was exceedingly great and constitutes one of the most pathetic incidents of the World War. But there is always a disposition to exaggerate losses of this character. It is quite evident that the devastations in France were greatly overestimated. It has been stated on this floor that the destruction of French property in the war areas of France amounted to more than 10,000,000,000 francs. I call your attention to some official, historical, and accurate facts and statistics in reference to the cost of reconstructing the war-devastated regions of France. The Banque Nationale Francaise du Commerce Exterieu in its monthly review for August, 1925, said that the reconstruction of these devastated areas had practically been completed and their economic activity almost completely reestablished. It estimated the material damage done at about 101,450,000,000 francs, divided as follows:

	Francs
Indemnities due to war sufferers	85,000,000,000
Interest on same	3,000,000,000
Direct enterprises of the State	5,500,000,000
Rebuilding of railways	2,650,000,000
Reorganization of public services	2,700,000,000
Different forms of aid	1,400,000,000
Administration expenses	1,200,000,000
Total	101,450,000,000

The commission in making a valuation for damages had up to January 1, 1925, examined 3,020,779 demands out of a total of 3,065,032, leaving only 44,253 demands unadjusted. On the 3,020,779 claims adjusted damages were found and indemnities allowed aggregating 71,545,000,000 francs, and it was estimated that the damages on the remaining 44,253 demands would probably not exceed 12,000,000,000 francs, making a total damage and indemnity allowance of 73,545,000,000 francs.

Of the 71,545,000,000 francs paid out for reconstruction and indemnity purposes, 58,104,000,000 francs were paid out for indemnities, 13,000,000,000 francs were paid for the reconstruction of railways, reconstruction of public buildings, enterprises, and purchases made by the state, and about 2,500,000,000 absorbed by the payment of interest. Including interest, administration charges, and miscellaneous expenditures, this commission estimated that about 73,000,000,000 francs would be required to restore the ruins and about 36,000,000 francs to reparations to individuals.

Assuming that the total cost of reconstruction will be 101,450,000,000 francs, such cost in United States money, counting the French franc worth 5 cents, would be $5,072,500,000.

But we have some later official figures. According to the testimony of Mr. Blair, on pages 14 and 15 of the hearings, it is estimated that the total cost of reconstructing the devastated areas will not be more than 77,550,000,000 francs, or less than $4,000,000,000, even if we count the franc worth 5 cents in our money, when in reality it is worth less than 3¼ cents. The payments made by France on the reconstruction account to October 31, 1925, amount to 63,200,000,000 francs, or about four-fifths of the total cost of reconstruction. This leaves unpaid on the reconstruction account the sum of 14,300,000,000 francs. At the present value of the franc the unpaid portion of the reconstruction cost would be $456,170,000, while allowing a valuation of 5 cents for the franc, the unpaid portion of reconstruction cost would be $715,000,000. It should be borne in mind that the present French debt includes the francs that were issued in payment of the cost of reconstructing the devastated areas.

And as reconstructed, this region is in far better condition than before the war. Of the 9,332 industrial establishments destroyed during the German occupation, 8,166 had been reconstructed up to January 1, 1925. The remaining 1,166 consisted of small establishments which had been replaced by or amalgamated with larger units in reconstruction, or eliminated by removal, abandonment of business, or death of former masters. That is to say, the 8,166 reconstructed plants were larger, better equipped, more valuable, and more productive than the 9,332 establishments which were destroyed during the German occupation. So at the present time, from an industrial standpoint, the 10 French Provinces that were overrun by the German Army are in better condition than before they were occupied by the German Army. The population of the 10 invaded departments is now practically the same as before the war. Two hundred damaged or destroyed mines are now producing a coal output on a pre-war basis. Up to January 1, 1924, 34,381 permanent brick dwellings had been built by the government in the invaded region, 3,218 more were in process of construction, and 16,719 planned. The mining companies have constructed approximately 30,000 dwellings for their workmen. Of the 866,844 dwellings and farm buildings that were damaged or destroyed, the greater part have been reconstructed or repaired. All railroads and highways have been completely restored in their essentials. The ravages in France of the World War have been almost entirely healed. The physical property of France is now as valuable as before the war. When we take into consideration her national resources to which I have referred, it seems to me that France has capacity to pay a much larger proportion of her debts to the United States than is represented by this settlement.

An appraisal of the products, present resources, and potential wealth of the French colonial possessions will conclusively demonstrate that the capacity of France to pay her obligations in the near future can hardly be overestimated. The colonial empire founded by France is second only to that of Great Britain. These French colonial possessions include almost limitless areas of the richest and most productive regions in the world, and when developed they will yield to France wealth and treasure far exceeding the dreams of avarice. These productive lands will not be left unexploited and when developed

will produce agricultural commodities, fruits, food supplies, and minerals that will rapidly and materially augment the national wealth of France.

The exploitable iron-ore deposits of Algeria and Tunis are estimated at 150,000,000 metric tons. Morocco, Algeria, and Tunis produce ivory, copper, iron, lead, oil, sulphur, silver, gold, antimony, phosphates, agricultural commodities, livestock, lumber, olives, oranges, lemons, and cotton in large commercial quantities. The struggle of the nations for the mineral and other wealth of North Africa almost precipitated war in July, 1911, when Germany dispatched a warship, the *Panther*, to Agadir. Previously, in 1906, the international conference of Algeciras checked the race of greedy nations for these rich North African possessions.

The Cameroon French possessions are covered with forests of ebony, redwood, palm, and other valuable forests. This colony has rich gold and iron deposits and wonderful agricultural possibilities.

The products of French West Africa are fruits, nuts, oil, rubber, cotton, cacao, and timber. French Equitorial Africa contains 30,000 square miles of tropical forests, rich in commercial timber and rubber. Palm oil, copper, lead, and zinc are the chief exports. Tobacco, palm oil, coffee, and ivory are freely exported from the Cameroon possessions, while French Somaliland supplies large exports of hides, coffee, and ivory. Madagascar, which is about the size of Texas, has over 4,000,000 acres of exceedingly fertile land under cultivation, rice, manioc, beans, vanilla, corn, coffee, cloves, tobacco, sugar, cane, and cocoa being the chief exports. The forests of Madagascar are rich in cabinet and tanning wood, resins, raffia, gums, and beeswax. Agriculture and stock raising are extensively followed, and the island yields considerable gold.

From Reunion sugar, coffee, manioc, tapioca, vanilla, and spices are exported. French India has rich agricultural lands. French Indo-China is a very fertile agricultural region, being the second largest rice-producing country in the world. The other exports are cotton, hard coal, limestone, cement, zinc, and plantation rubber. The rubber output in 1926 will be about 8,000 tons. In this colony 75,000 acres are planted to rubber, there being over 8,300,000 rubber trees of the producing age. This French territory is destined to produce hundreds of millions of dollars' worth of rubber in the next generation. The French colonies in America—Guadeloupe, Martinique, and St. Pierre—produce sugar, coffee, cacao, bananas, and vanilla in very large quantities for export. St. Pierre, in 1923, exported fish valued at 141,167,222 francs.

The French colony of Martinique was the birthplace of Empress Josephine.

The French colonies of Oceania, New Caledonia, and Tahiti export large quantities of copra, mother of pearl, vanilla, cocoanuts, oranges, nickel, chrome ore, and manganese. I have mentioned some of the principal products of the French colonies to show the fertility, productivity, and diversified resources of these vast colonial possessions. These regions have not yet been developed, but development can not be long delayed. The restless millions of people in the old-established and highly developed nations are hungry for land and anxious to exploit these rich regions which are destined to contribute immense sums to the wealth of the world. Every decade will add very materially to the wealth and productivity of the territorial possessions of France. They possess unlimited natural resources. There is no reason to doubt that vast supplies of iron, copper, oil, and precious metal will be discovered in these colonies, or in some of them, in no distant day, because the greatest natural resources are being uncovered in remote corners of the earth.

But at the present time the imports into and the exports from the French colonial possessions have attained a very considerable magnitude, as the following tables will disclose:

Imports and exports of French colonies

	1923	
	Imports, francs	Exports, francs
Algeria	1,225,800,000	2,060,600,000
Senegal	271,100,000	195,600,000
Indo-China	332,600,000	416,100,000
Tunis	302,700,000	425,400,000
Madagascar	158,800,000	113,800,000
Morocco	122,200,000	486,300,000
Other colonies	673,700,000	363,300,000
Total	3,086,900,000	4,070,100,000

Excess of exports over imports colonial possessions in 1923, 983,200,000 francs.

	1924	
	Imports, francs	Exports, francs
Algeria	1,632,100,000	2,503,900,000
Senegal	388,700,000	313,300,000
Indo-China	322,400,000	571,200,000
Tunis	298,100,000	540,300,000
Madagascar	280,800,000	182,400,000
Morocco	225,800,000	680,300,000
Other colonies	917,600,000	508,600,000
Total	4,066,100,000	5,300,000,000

Excess of exports over imports, colonial possessions in 1924, 1,233,900,000 francs.

With the restoration of normal conditions in Europe, the commerce between France and her colonial possessions will be rapidly increased, the net result of which must inevitably be a substantial increase in the national wealth of France.

Practically all of the French colonies are self-supporting, having a combined budget of more than one and one-fourth billion francs annually. It will not do to undervalue the French colonial empire. As a result of the Seven Years' War France lost Canada and Hindustan. Great Frenchmen have differed as to the value of colonial possessions. Voltaire, in a letter to Chardon, contemptuously referred to Canada's "acres of snow," while Barrere, in 1793, declared, "without a fleet you can possess no colony, and without colonies there can be no commercial prosperity." While the French have not the genius of the English for colonization, the French colonial possessions are so well located, have such tremendous natural resources, and are susceptible of such profitable exploitation that undoubtedly these colonies will be developed and become the source of additional national wealth to France. The population of the highly developed nations is growing very rapidly. The next century will witness an unprecedented development of regions as yet but lightly touched by the hand of man. The nations are entering into a titanic struggle for the control of the wealth of hitherto undeveloped regions. I am therefore justified in insisting that in appraising the resources of France and her capacity to pay we should not only consider her present wealth and developed resources but her potential wealth and undeveloped resources, which in a few decades will yield tremendous financial returns to the French people and enormously accentuate their national wealth and resources.

With the colonial empire covering 5,000,000 square miles of the earth's most productive regions, capable of intensive development, no one can deny that France is destined to be one of the richest nations, vigorously contending with the United States, Great Britain, and Russia for industrial, commercial, and financial preeminence. By no process of reasoning can we reach the conclusion that France is a bankrupt nation. I grant you that she is temporarily financially embarrassed, but under any just and reasonably accurate appraisal her resources will be found to be very largely in excess of her liability. All France needs is 15 or 20 years of peace and stable government. Long before the last of the 62 annual payments to the United States fall due the American people will express their amazement and indignation that this Government in 1926 allowed itself to be fooled so completely in its effort to discover the capacity of France to pay her indebtedness to the United States. The financiers of France are "laughing in their sleeves" over their success in fooling this administration and this Congress as to the capacity of France to pay her debts.

Believing that the President, the Debt Funding Commission, and Congress have not with reasonable accuracy appraised the capacity of France to pay, and being unwilling to cancel one-half of the French indebtedness to the United States I am constrained to oppose this settlement and cast my vote against the approval of the proposed funding agreement. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GREEN of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman, the question before the House to-day not only concerns dealings of vast magnitude, but it concerns the relations which will exist between two friendly countries for generations to come and long after every one of us are dust and ashes. It concerns conditions about which, because of distance and difference of language, the people of both countries are largely uninformed and misinformed.

I intend to vote for this settlement, but I shall do so with no glowing sense of pride.

Our Debt Funding Commission has succeeded in negotiating what everyone conversant with the situation must regard as "a very good bargain with a distressed and bankrupt debtor." They have succeeded in exacting from France pledges of, roughly, $6,850,000,000, which is considerably more than double the amount originally borrowed. We are to recover the principal of the loans plus $3,500,000,000 of interest. This is doing pretty well considering that the loans when authorized were regarded by the spokesmen of both parties in both Houses of Congress as primarily subsidies to our partner in the war in view of our then state of unpreparedness. The settlement reveals all the more the expertness of our negotiators if one recalls the comparative situation of the two countries.

THE SIZE OF FRANCE

France in size, numbers, and material wealth is a little country. Her total area is far less than that of our single State of Texas. She has a population only a third of that of the United States. The wealth which she has accumulated through the centuries is estimated as only about a seventh of our own. An old country and thickly populated, her relative situation so far as wealth is concerned is not likely to rise in the future.

THE DEVASTATION OF FRANCE

Except that the world forgets so quickly, it would seem unnecessary to recall that during the last decade France suffered destruction of property to an extent that the human mind can scarcely grasp. We have experienced terrible disasters in the United States. The great fire, for example, that swept over Baltimore a generation ago destroyed some 1,500 buildings; but you would have to multiply that catastrophe six hundred times to measure the destruction wrought by four years of war on the soil of France. Nearly 900,000 of her homes and buildings were reduced to ruins and débris, some by the enemy guns but probably more by the allied guns, including our own. She has as yet received virtually no assistance in repairing that devastation.

The indomitable people of France have had to rebuild all of these ruins at their own expense. In all history there has been no parallel achievement within so brief a time. If one drives to-day through those 500 miles from the Channel to Switzerland, only the expert eye would know that any disaster had ever happened. You will see here and there long stretches of torn, uneven, desolate land, thickly overgrown with brush, out of which now and then protrudes a wooden sign with the words "Here was Fleury," or "Here was Rouvroy," or the name of some other town that once existed but which will never be rebuilt. To the usual tourist this looks like ordinary waste land. You will pass by many groups of little one-room huts made of roofing paper or rough boards, but they are surrounded by gardens and overgrown with roses or vines, and you might easily suppose that they belonged to new settlers in the region. All the more so, if you note the words over the doors, "Maison de Bonne Esperance," "Villa du Cœur Joyeux," "Villa des Roses," and the like. But you will also see hundreds and hundreds of new towns and cities with new factories and stores, new bridges, new farmhouses and barns, and everywhere fresh scaffolding. Where seven years ago was only desolation, one finds now what looks like 500 miles of prosperous new land-development enterprises somewhat resembling those on the east and west coasts of Florida. The desperate financial situation of France to-day is largely due to this prodigious undertaking.

THE WEALTH OF FRANCE

Notwithstanding this miracle of perseverance and courage, which is not yet appreciated by foreigners generally, one striking fact reveals the sad reality. Of all the countries associated with us in the war, France is the only one whose wealth, estimated in dollars, is less to-day than when the World War began. Our wealth, measured in dollars, has increased by 72 per cent, and the wealth of England, on the same basis, is estimated to have increased by nearly 70 per cent. The dollar value even of Italy's and Belgium's wealth has increased. That of France alone has diminished. Allowing for changes in the purchasing value of the dollar, the estimates indicate that the real wealth of the United States has increased by 16 per cent, while that of France has decreased by more than 40 per cent.

FRENCH FINANCES

As for the financial situation of the French Government, it is all very well to say that France ought to have carried on the war by taxing her people rather than by issuing bonds and paper money, but it is also only fair to remember that 10 of her richest Departments were invaded, were not only economically impotent, but were in process of complete destruction throughout the period, and that 6,000,000 of her men—all who were able bodied—were withdrawn from productive pursuits. Only the women and children were left to till the fields and to work in factories and stores. There was not much to be hoped for from taxes under those conditions, and so the Government carried on the war by borrowing from the savings of her people. It borrowed nearly 200,000,000,000 francs in this way, and when that proved insufficient it paid the further costs of the war by issuing paper money.

After the war, although the Government gradually raised its taxes to one-fifth of the total income of her people, all of this was needed to meet current expenses and to pay the interest on the monstrous debt. In order to reconstruct the devastated regions, it had besides to borrow another 100,000,000,000 from its citizens, and—from necessity or unwisely, who shall say—it issued billions more of paper money.

Whether or not the war could have been prosecuted otherwise is certainly doubtful. Whether the reconstruction of the devastated area could have been accomplished by any other means is very questionable. No matter what anyone may think about this, the situation exists. The inevitable has happened. The money of France has sunk to the lowest value in its history. The franc, which a decade ago was worth more than 19 cents, now has a current value of little more than 3 cents.

THE FALL OF THE FRANC

The dwindling value of the franc has plunged great masses of the French people in extreme distress. It means that every citizen of France who patriotically bought Liberty bonds or Victory bonds, or any of the other loans issued to help in the prosecution of the war or in the reconstruction of the devastated regions, has seen those bonds evaporate before his eyes to about one-sixth of their original value. The people of France had bought bonds up to nearly 300,000,000,000 francs of a rough approximate par value of $60,000,000,000. This was more than the estimated value of the total wealth of the whole country. One had to be patriotic or optimistic or both to hope that they could ever be repaid. But the people of France wanted their country preserved, and they turned over all that they had or could borrow to their government. Of this vast investment in bonds, five-sixth of the value, or about $50,000,000,000, has already disappeared through the falling exchange.

Consider what this fall in the value of government bonds involves. It means that educational endowments, funds established for laboratories, professorships, and scholarships, and for charitable purposes of every sort, the heritages of widows and orphans, the life-time accumulations of those retired from active life, as well as the accounts of people of small means in savings banks have been wiped out except for a small fraction of their original value.

Not only have the savings of the vast majority of the French people been scaled down to a sixth of their former value, but the incomes of all salaried classes have suffered a like collapse. The stipends of scientists, scholars, and teachers, the salaries of government officials and clerks, of officers and men of the army and navy, and their retiring allowances and pensions have withered into comparative insignificance.

Some of the leading professors in the University of Paris thus to-day have incomes of only $60 per month. Their laboratories are without supplies or new equipments; in many cases have fallen into miserable ill repair. Their scientific periodicals have had to be abandoned. I was shown the other day a list of 18 French scientific reviews which have had to suspend publication for lack of funds. I have had letters from French officers whom I knew in the war—university men—then apparently well to do, but now denuded of fortune, living on salaries so shrunken that their families lack the bare necessities of life. One, a naval commander now stationed in the Ministry of Marine, in Paris, supports a family of five on a salary of $47 per month, but he eks out his income by driving a taxi at night. The Premier of France, M. Briand, to-day receives a salary of less than $3,000. Marshal Foch, who less than a decade ago led the armies of half the world to victory, is now rewarded with a salary of less than $2,500.

WAR PENSIONS

Perhaps I can bring home to you most strikingly what it all means by showing you what the disabled and mutilated soldiers of France receive in the way of compensation. A French soldier who lost both legs in the war, or both eyes, or is otherwise totally disabled, receives to-day for his sacrifice the munificent compensation of $177 per year—less than 50 cents per day. If he has to have the constant care of an attendant, he is allowed $45 more per year. I will insert at this point in the RECORD a comparative table showing in parallel columns the compensation of French and American disabled veterans, scaled according to different degrees of disability. You will see that, despite the very great increase in the pension allowances voted by the French Parliament less than a year ago, those pensions are still less than a seventh of our own.

Comparative table showing compensation granted disabled veterans in France and the United States

[Yearly compensation according to degree of disability]

Percentage of disability	France			United States
	Act of 1919	Act of July 1, 1923		
	Francs	*Francs*	*Dollars*	*Dollars*
10	240	432	14	120
15	360	648	22	180
20	480	864	29	240
25	600	1,080	36	300
30	720	1,296	43	360
35	840	1,512	50	420
40	960	1,728	58	480
45	1,080	1,944	65	540
50	1,200	2,160	72	600
55	1,320	2,376	79	660
60	1,440	2,592	86	720
65	1,560	2,808	94	780
70	1,680	3,024	101	840
75	1,800	3,240	108	900
80	1,920	3,456	115	960
85	2,040	4,172	139	1,020
90	2,160	4,488	149	1,080
95	2,280	4,904	163	1,140
100	2,400	5,320	177	1,200

Mr. RATHBONE. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. RATHBONE. Is it not a fact that war organizations have declared against this settlement and are doing all they can to prevent France from entering into it?

Mr. ANDREW. Yes; but is it strange?

The compensation of war widows and war orphans has declined in similar proportions, so that the widow of a soldier who died of wounds incurred in the war to-day receives less than $50 per year, and an orphan under age or a dependent mother receives the same. *Is it altogether surprising that some of the organizations of these pitifully pensioned victims of the war have resented their Government's settling its foreign debts before it has been able to make a better settlement with them?*

Mr. RATHBONE. Will the gentleman yield?

Mr. ANDREW. Yes; for a question.

Mr. RATHBONE. Inasmuch as there is a large element on both sides of the Atlantic opposed to this settlement, why urge it through?

Mr. ANDREW. Because any settlement is better than none at all. To proceed, if you will remember that France lost in the war in killed or hopelessly mutilated as many youths as made up our whole expeditionary forces, you can easily realize how heavy a total even these limited pensions involve for the Government of France. The number of pensions claimed under these provisions amounts to 4,250,000, and the annual expense involved to the Government for those already granted reaches nearly 4,500,000,000 francs per year.

OUR SETTLEMENT WITH FRANCE

With such facts in mind as I have so cursorily sketched, it is safe to say that our agents of the Debt Commission can at least congratulate themselves on having made as successful a bargain as was possible under the circumstances. We shall get more than double what we loaned to France, and nearly three times what we are asking from Italy.

It was obviously impossible for the Debt Commission to secure the largest payments during the earliest years. Nevertheless, they have made an arrangement by which France before 1930 will have paid to the United States nearly eleven times what Italy will have paid. And, recognizing that before long, the French people will be constrained to accept a virtual cancellation of five-sixths of the internal debt through the devalorization of their currency, the commission has successfully arranged to take advantage of this elimination of the Government's debt to its own people, and of the possibly better capacity to pay us which will result therefrom by demanding larger payments from future generations.

REPARATIONS AND THE SETTLEMENT

Although under the Dawes plan, France has agreed to terms which virtually relinquish the capital value of reparations promised by Germany, accepting in lieu thereof 2 per cent interest for a series of years without ultimate payment of principal; we shall succeed under our agreement with France in getting back all of the principal which we loaned and more than 1½ per cent interest in addition. Under the settlement which we are now ratifying and the settlement being negotiated with Great Britain, France will pay to the United States and Great Britain four-fifths of all that she may receive from Germany on reparations account, as long as Germany continues to pay; and if Germany ceases to pay, we have insisted that France shall continue to pay to us the same amount notwithstanding.

I think that you will agree that this appears to be a very good bargain from a purely business point of view.

AMERICAN IDEALISM

Most of you will also agree that one of the distinguishing features of American history in which we have legitimate ground for pride is our country's matchless record of fair and generous dealing with other peoples. We are happy to remember our country's treatment of Cuba and the Philippines, of Venezuela—yes, of Haiti and Santo Domingo and of China. Who that was present at the closing session of the arms conference four years ago has forgotten the burst of applause which greeted the last speaker, the minister of Portugal, when he pointed to that "shining example of a nation, which, after being the deciding factor in the greatest war the world has ever known, retired from the struggle empty handed, with not one advantage to show for the tremendous sacrifices she had made."

We feel, and rightly feel, that the Stars and Stripes have become the very symbol of international justice and generous good will. We like to think that there never has been a people more unselfish or more generous than our own. Considered in this light, many will question whether the settlement with France in her hours of trial reflects either America's best traditions or the real spirit of her people. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11848, the French debt settlement, and had come to no resolution thereon.

BATTLE FIELD OF PEA RIDGE, ARK.

Mr. JAMES. Mr. Speaker, I present a conference report upon the bill (H. R. 9636) to provide for the inspection of the battle field of Pea Ridge, Ark., for printing under the rules.

PRESBYTERIAN CHURCH SERVICE PENSION PLAN

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address upon the Presbyterian Church service pension plan made by Hon. Will H. Hays, former Postmaster General, at the dinner given for the moderator of the Presbyterian Church at the Baltimore Club, Baltimore, Thursday, May 27, 1926.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is here printed, as follows:

Two hundred and ten years ago to-day, somewhere, Presbyterians were meeting to discuss this same subject matter.

For more than two centuries our church has had a pension system. It has been as much the policy of the Presbyterian Church to try to care for its disabled and aged servants by means of a pension of some kind as it has been to have Sunday service.

The Presbyterian Church was the first pension-paying agency on the North American Continent. Several generations before a soldier of the Revolutionary War received the first pension from the Government, the Presbyterian Church created "The Fund for Pious Uses." And I like that term as describing best the fund we seek to amplify.

To those who for 200 years have pursued a purpose, it would seem that no suggestions are necessary as to its wisdom and justice. The idea of a pension, which was so long ago made a subject of consideration by the Presbyterian Church, is now an established practice in business. There were last year more than 200 industrial pension systems in the United States. It is being made an accomplished fact, too, in government, in education, in many religious denominations. And not entirely, indeed, from any sentimental or humanitarian standpoint is this relief afforded, but also for the calm and practical reason of efficiency. Real service can not be given except by those who have at least a fair share of contentment in the present and a fair prospect for contentment in the future. It is not work, it is worry that kills.

There is no confusion between the word charity and the word pension. Pensions are not charity. Pensions are a form of profit-sharing, if you will, after the service has been rendered which has made the profit possible. They are a form of withheld pay, given in an altogether equitable and businesslike way by the employer to the employee by reason of a mutual understanding existing between them from the beginning until the end of the service which has been rendered.

Our new service pension plan, adopted by the general assembly, for the inauguration of which the sum of $15,000,000 is needed, is in accord with the best principles of the pension retirement systems of industrial, financial, and transportation enterprises, as well as of other denominations, educational foundations, and institutions, and civic, governmental, and humanitarian bodies.

In brief, this plan provides for a pension for every worker in the service of the church (who is eligible according to the definition of service as contained in Article I) at the age of 65 without regard to retirement. For 35 years of service, this pension will amount to approximately one-half of the average annual salary through that period. This pension will be provided by annual premium payments of 10 per cent of the salary of the minister, missionary, or other servant of the church. Two and one-half per cent of this 10 per cent is to be paid by the person receiving the salary, and 7½ per cent is to be paid by the church or other organization paying the salary. The adoption of the plan by at least 4,000 churches and 4,000 ministers is a condition precedent to the actuarial soundness of the system and is being concluded. The minimum pension will be $600 and the maximum pension will be $2,000, and it is hoped that both of these amounts may be increased as soon as it is actuarially safe so to do.

A disability pension amounting to 40 per cent of the salary during the five years prior to disability, with a minimum of $600, will be paid to those compelled to cease active service before the age of 65. A widow's payment of one-half her husband's pension, with a minimum of $300, and an orphan's pension of $100 for each minor up to the age of 21 years are also provided.

While the service pension should be self-sustaining when finally established (say, in 15 years), the sum of $15,000,000 is necessary to provide for those ministers and missionaries who become eligible to receive its benefits before the inauguration of the plan, those ineligible because of having reached the age limit before such inauguration, and also because of sundry moral obligations assumed by the church and the existing sustentation committee.

The system now operative provides for an annuity of $500 a year, payable at the age of 65 or 70 years. Toward this annuity the minister or missionary is called upon to pay one-fifth of the annual premium necessary, while the church at large covenants to pay the other four-fifths. The difficulty has been that the church at large has found it impossible to fulfill its obligation, and there exists a shortage of approximately $2,000,000 in the funds needed to meet this specific obligation. The result has been that hundreds of ministers have received on an average only $375 per year, while 1,000 widows received no more than an average pension of $244.

It is estimated that it will require approximately $5,000,000 to meet in full these obligations; that $3,000,000 will be necessary to provide for those who are ineligible because of having reached the pension age at the operative date of the new plan, and $7,000,000 to provide pensions for those who have earned eligibility prior to its inauguration. The fund also will provide means for meeting the allowances made for disabilities. Thus in undertaking the task of raising the money for the inauguration of the new service pension not only is assumed the duty of carrying out the future obligations of the church to provide a fair and just pension for the ministers and missionaries, but also the redeeming of a moral obligation of the past which the church has been unable to fulfill.

The plan has been worked out with that thought and care which measures its importance. This is true as to the method of raising the fund as well as to its administration. We can not levy a tax upon all the communicants of the church.

It seems to be a clear case of the duty of the more prosperous men and women of the denomination to subscribe this fund. During the past 10 years the board of ministerial relief and sustentation has put on an extensive campaign for funds. They have in that time added $8,000,000 to their resources in the form of reserve and endowment. This $8,000,000 has, for the most part, been contributed by the rank and file of the church. There are 300,000 individual contributors to this total. With a very few exceptions the wealthy men and women of the denomination have not contributed to it, or if they have contributed have given only nominal sums. It therefore seems proper and just to expect the men and women of larger means to assume this $15,000,000 obligation. All contributions are to be made to the treasurer of the laymen's committee, Hon. Andrew W. Mellon, who will account for all funds. Thereafter the fund will be administered by the board of pensions of the Presbyterian Church, incorporated under the laws of the State of Pennsylvania.

I want also to mention here, in passing, the pleasing fact that all of each dollar contributed each year by the church for this purpose goes directly to the pensioners. The small overhead is cared for by the incomes of the legacies and endowments for administration purposes. Further, all the money collected for this fund will go into the fund itself, as the expenses incident to the collection of the fund have been provided by A. W. Mellon, R. B. Mellon, and William B. McKinley.

The plan is, of course, an immense advance over anything that our church has been able to do for its ministers and missionaries. But, no matter how good it is, no matter how wise and safe it may be, it can never be put into operation and bring the consequent solution of the whole pension problem of the church unless the laymen of the church get squarely behind it. It is a layman's job. It always has been, and it always will be.

I believe it can be done. I have long ago decided that any job that really ought to be done is doable. The church has been clamoring for years to have its pension problem solved. It has been keenly alive to the injustice done the old minister and missionary. Pensions we have paid always, but the pensions have been inadequate and that fact has been one for which the church has long been compelled to apologize.

With a plan now which has been studied as carefully as any pension plan ever devised, and pronounced as nearly perfect as it is possible to have it by the best authorities available; with the recognized want and need, it ought not be difficult to get, within the church and without it, the support necessary for its successful accomplishment. It will solve every pension problem of the church, and when it is self-supporting, it will no longer need a place in the budget of the church. It is impossible to measure the gains that will accrue. I can easily see the possibility of a great spiritual revival as a resultant.

It is what I believe to be the next imperative step in the progress of the church. I am interested as a matter of sheer justice to the servants of the church. I am interested in it as an essential step in the preservation and development of the world's one essential industry—for religion is the one essential industry in the world. I am interested in it as a part of what must be a greater movement for the establishment of the minister's proper place in the sun. We simply must, not as a matter of charity in any sense, not indeed as a matter of justice—essential as justice is—but as a matter of sheer common sense and good judgment, if we would have the world's most essential activity endure, if we would have the church of Jesus Christ preserved as the holding thread in our moral, social, and commercial fabric and the one impelling element of causation in our progress, if we are to progress—we simply must take hold of this matter of the underpaid preacher and adjust it. Let no one mistake its importance.

For a life of service the average material compensation of preachers in America is less than that paid our day labor. This situation, long endured, is an economic and moral crime. We discuss and cry from high and low places for this and that readjustment. We spin theories of political economy, we cry for fuller freedom and more rigorous regulation, and in all the reaching for this and that we have managed and will manage to lift yet higher and higher; but the reconstruction and readjustment of our people made necessary by the advance of civilization, the right use of our increased prosperity, power, and influence in the world can only be assured if the spirit of Christianity is incarnated in our people through the preaching and work of the church; and our new and necessary social adjustments must be in line with its teachings or they will not endure.

The situation is important for to-day, but it is more important for to-morrow. There is no breaking down of religion. There is nothing breakable in it. But it is no secret to any of us that the number of young men willing to-day to devote their lives to the church and the spiritual aid of their fellows is growing smaller and smaller with each passing year. The church is divine in its Genesis and eternal in its Revelation, but its usefulness and indeed its survival are in the hands of administrators. Those administrators are human men and women. They are asked to serve not in heaven but on earth, not in paradise but in New York and Chicago and Baltimore and Sullivan, Ind., and in 10,000 towns where milk costs so much a quart, eggs so much a dozen, and meat so much a pound.

There are those who still say, "The services the clergy render can not be paid for and should not be measured in terms of dollars and cents." Fine; but also rank cant and hypocrisy! An artificially pious official complained to our preacher concerning his request for an increase in salary: "Why, Doctor," he said, "I thought you were preaching for souls." The clergyman quickly responded, "I can not live on souls; and if I could, it would take a thousand the size of yours to make one square meal."

The thinning ranks of prospective ministers should make us pause. We are expecting too much of human nature when we ask men to dedicate themselves and their families to present needs and future hardships. Were they not men of strong character, reconciled to devoting their lives to the service of God and their fellowmen at immeasurable personal sacrifice, the attractions to them in commercial life where intellectuality is bound to find its place, would already have demoralized the effective preaching of the Gospel.

It is not wise, nor is it Christian, to add financial care to a minister's other burdens, and to his other anxieties to add that of his family's welfare if he should die or that of his helpless old age. We provide for our own old age. We speak with scorn of those who fail so to provide and become a public charge or who allow their dependents to become public charges after their death. But those who fulfill what is at its best the highest function in a community which any man can fulfill we give to those a pittance, without hope of provision for the future.

If you would realize what the minister means to the individual or to the community, try to imagine what existence would be without him—no worship, no sacraments, no baptism, no marriage ceremonies, except the signing of a contract; at the grave, the lowering of the coffin in silence, with no word of to-morrow. We could not bear it a week. We would starve. We could not exist as a Nation if we did not have among us, working early and late, interpreters of God, reminding us in days of prosperity as in days of adversity that in the last analysis the eternal things are the only things that count. To keep him, his wife, and his family clothed, fed, and educated we pay him about $30 a week, scarcely more than the wage of the garbage collector, one-half the wage of a carpenter, one-third the wage of a mason, for the builders of the walls of the temple one-third the wage of the bricklayers on an apartment house.

The first phase of the whole problem and the one for immediate performance, the one most important now, is this provision for an adequate pension for our own Presbyterian ministers. There can be no failure. A thing like this, which may very possibly be even an essential step in the whole future of the individual, of the community, of the State, of the Nation, of religion itself, can not fail. It is not a panacea, of course, for all the evils that are about, nor is it the only thing necessary to do; but it is not the length of the step but the direction of the step that is important in anything in this life. There is nothing confronting us to-day as important as that which has to do with religion. From all sides comes the challenge. The call is to us here and now to do this particular thing. It is this particular trench that is to be taken. It is a vital part of the whole advance of the greatest campaign of all time, the most marvelous undertaking mankind is ever to experience, launched when the Leader of leaders commanded "Go ye forth and preach the Gospel."

The responsibility is upon us. This may be the choicest opportunity ever given to any of us to do something directly for the Lord. I am convinced that that thought has been the impelling force in bringing you here to undertake this work—a work for God and for all time. I have complete faith in its fulfillment. It is a service, and "Service is the supreme commitment of life."

BUREAU OF COMMERCIAL ECONOMICS

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the work of the Bureau of Commercial Economics.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, the eyes of the world are now on the United States, and the people of America are eagerly seeking more information about all nations. Nothing has been so helpful in stimulating and developing this interest of all peoples than the work of a private American institution, the Bureau of Commercial Economics. For 23 weeks of this past winter each of my colleagues has been invited to the Wardman Park Theater by this bureau to meet a new nation whose films, orators, and music it presented.

INTERNATIONAL SUNDAY EVENINGS

Our Library of Congress has a motto on its walls:

We taste the spice of Araby, but feel not the burning sun which brought it forth—

And this motto may well be assigned to this bureau, because it has given all the Members of the Senate and the House, of the President's Cabinet, and the Diplomatic Corps and official and social Washington opportunities to see, without any expense to themselves whatever, the motion pictures of the world, to travel to the remotest village of Thibet or to unexplored Ellsmere Island or to the populous cities of the Orient or the national parks of America, without missing a roll call. On these "international Sunday evenings" we have had—

"The Epic of Mount Everest," in honor of his excellency, Sir Esme Howard, the ambassador from Great Britain.

"Whale Hunting Among the Fjords of America," by Mr. L. O. Armstrong.

"Through the Grand Canyon in a Boat," by Col. C. H. Birdseye.

"The Foreign Service of the United States of America," by the Assistant Secretary of State, Mr. J. Butler Wright.

"The Romance and Resources of Esthonia," by his excellency, Mr. Antonius Piip, minister of foreign affairs of Esthonia.

"The Romantic Uses of Motion Pictures," by the Hon. Robert L. Owen.

"Life's Steeplechase," in honor of his excellency, Baron Ago Maltzan, ambassador from Germany.

"Our Naval Flight Toward the North Pole," by Lieut. Com. Richard E. Byrd, of the United States Navy.

"The Land of Athletes, Forests and Lakes, and Music," by his excellency, Mr. Axel Leonard Åström, the minister from Finland.

"We, the Indians," by Chief Buffalo Child Long Lance.

"Navy Night," featuring the United States Navy and its band.

"The Land of Latvia," by his excellency, Mr. Charles Seya, the minister from Latvia.

"Czechoslovakia," in honor of his excellency, Mr. Zdeněk Fierlinger, the minister from Czechoslovakia.

"Marine Corps Night," with the Marine Band.

"France," in honor of his excellency, Senator V. H. Berenger, the ambassador from France.

"Switzerland," in honor of his excellency, Mr. Marc Peter, the minister from Switzerland, with the Swiss yodlers.

"Army night" and the Army Band.

"Utah night," by Senator REED SMOOT, of Utah.

"Treasury night," in honor of the Secretary of the Treasury, Mr. Andrew Mellon, featuring the Coast Guard and the Navy Band.

"Mexico," in honor of his excellency, Señor Don Manuel C. Telles, the ambassador from Mexico, when Señor Carlos Barrera spoke.

"Australia—Melbourne and Victoria State," by Mr. R. Tom Sawyer.

"Japan, the Land of Cherry Blossoms," in honor of his excellency, Mr. Tsuneo Matsudaira. Mr. Sawada told us of Japan.

"The United States Shipping Board," by Mr. Vice Chairman E. C. Plummer, and the Navy Band again delighted us.

What other organization has ever brought together such distinguished speakers in such a series of lectures? What other institution has so won the sympathy of the world by its free presentations? What other private institution sheds the rays of its beneficence over all the earth, for the purpose of this bureau is to introduce nations to each other, to promote international amity. It has neither political nor commercial aims nor tendencies.

EDUCATIONAL MOTION PICTURES FREE

Through its own avenues entirely the Bureau of Commercial Economics reaches colleges, learned societies and academies, universities, museums, chambers of commerce, churches, and schools. To all of these centers and to many more it sends its free films of scenery, industry, the social, and intellectual life of all nations—free but for the carrying charges. This bureau is incorporated not for profit but for educational purposes; it is without capital stock and is supported entirely by memberships and voluntary contributions.

AVAILABLE IN THE UNITED STATES

Your State and mine for more than 13 years has had the privilege of availing itself of this bureau's services. Your people and mine have been able to see how things in common use are made and produced all over the world; of visiting the greatest scenic wonders of earth or the twilight zones of civilization. The Bureau of Commercial Economics is purely a labor of love, and was founded some 14 years ago by the late Francis Holley and the present director, Miss Anita Maris Boggs. Her brother, Mr. Randolph M. Boggs, is associated with her as the dean. Miss Boggs, through this bureau, sends American and foreign educational films, free, all over the world. Some noted man or woman of the country in which the films are being shown will often give a series of talks with the films, illustrating our ways and ideals, and telling the audiences about America—thus do our American ideals spread around the earth.

On the other hand, during the past winter this bureau gave 350 motion-picture lectures in 200 cities and towns of the United States, before the most influential audiences in each place—lectures similar to those we enjoyed here—all free to the invited public. In addition to the motion-picture lectures, the bureau has thousands of films in circulation without speakers, whose audiences total millions. Every Senator and every Congressman may avail himself of this service for his constituents by applying to the Washington office of this bureau, at 1108 Sixteenth Street NW.

A VALUABLE CONTRIBUTION TO HUMANITY

Former Senator Robert L. Owen has characterized this wonderful work as "one of the most valuable contributions to humanity of our time," and speaking of the use that this bureau makes of its motion pictures as "obviously the most efficient method of bringing about an interchange of ideas and ideals, not excepting the radio." The radio is practical only when the broadcaster and listener speak the same language. That is why music is so universal in its appeal. The Bureau of Commercial Economics never seeks anything for itself. It has always urged that all credit go to the local institutions. It is too modest. Miss Boggs and her brother are extremely bashful about any personal publicity. The bureau is always seeking quietly to help the world to understand itself, and we who have attended its "international Sunday evenings" know how successfully it accomplishes anything it sets out to do.

JOHN ERICSSON MEMORIAL

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein

the addresses delivered on Saturday last by the President of the United States and His Royal Highness the Crown Prince of Sweden, at the dedication of the John Ericsson Memorial.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, in accordance with the permission heretofore granted I insert in the RECORD the following addresses of the President of the United States, the Hon. Calvin Coolidge, and His Royal Highness Gustaf Adolf, the Crown Prince of Sweden, upon the occasion of the dedication of the John Ericsson Memorial in Potomac Park, Washington, D. C., on May 29, 1926.

The matter referred to is here printed, as follows:

ADDRESS OF THE PRESIDENT

Friends and fellow citizens: It is one of the glories of our country that we all have the privilege of being Americans. Some of us were born here of an ancestry that has lived here for generations. Others of us were born abroad and brought here at a tender age, or have come to these shores as a result of mature choice. But when once our feet have touched this soil, when once we have made this land our home, wherever our place of birth, whatever our race, we are all blended in one common country. All artificial distinctions of lineage and rank are cast aside. We all rejoice in the title of Americans. But this is not done by discarding the teachings and beliefs or the character which have contributed to the strength and progress of the peoples from which our various strains derived their origin, but rather from the acceptance of all their good qualities and their adaptation to the requirements of our institutions. None of those who come here are required to leave any good qualities behind, but they are rather required to strengthen and fortify them and supplement them with such additional good qualities as they find among us.

While it is eminently proper for us to glory in our origin and to cherish with pride the contributions which our race has made to the common progress of humanity, we can not put too much emphasis on the fact that in this country we are all bound together in a common destiny. We must all be united as one people. This principle works both ways. As we do not recognize any inferior races, so we do not recognize any superior races. We all stand on an equality of rights and of opportunity, each deriving just honor from their own worth and accomplishments. It is not, then, for the purpose of setting one people above another that we assemble here to-day to do reverence to the memory of a great son of Sweden, but rather to glory in the name of John Ericsson and his race as a preeminent example of the superb contribution which has been made by many different nationalities to the cause of our country. We honor him most of all because we can truly say he was a great American.

Great men are the product of a great people. They are the result of many generations of effort, toil, and discipline. They do not stand by themselves; they are more than an individual. They are the incarnation of the spirit of a people. We should fail in our understanding of Ericsson unless we first understand the Swedish people both as they have developed in the land of their origin and as they have matured in the land of their adoption.

Sweden is a country where existence has not been easy. Lying up under the Arctic Circle, its climate is tinged with frost, its landscape is rugged, its soil yields grudgingly to the husbandman, so that down through the centuries its people have been inured to hardship. These external conditions have contributed to the strength, the greatness, and the character of that little nation which even now numbers scarcely 6,000,000 people. Independence, courage, resourcefulness have marked the race since we read of them in Tacitus and Ptolemy. The meagerness of their soil drove them to the sea; their natural characteristics drove them to adventure. Their sea rovers touched all known shores and ventured far into the unknown, making conquests that have had a broad influence upon succeeding European history. At an early period they were converted to the Christian faith and their natural independence made them early responsive to the Protestant Reformation, in which their most famous king, Gustavus Adolphus, "The Lion of the North," was one of the most militant figures in the movement for a greater religious freedom. It was under this great leader that plans were first matured to establish a colony in this country for purposes of trade and in order that the natives, as was set out in the charter, might be "made more civilized and taught morality and the Christian religion * * * besides the further propagation of the Holy Gospel."

While it was under a new charter that a Swedish colony finally reached the Delaware in 1638, they never lost sight of their original purpose, but among other requests kept calling on the mother country for ministers, Bibles, and psalm books. Forty-one clergymen came to America prior to 1779. One of the historians of this early settlement asserts that these colonists laid the basis for a religious structure, built the first flour mills, the first ships, the first brickyards, and made the first roads, while they introduced horticulture and scientific forestry into this Delaware region.

It was not until after 1843, when the restrictions on leaving their own country were removed, that the large movement of Swedish immigrants began, which with their descendants are now estimated at nearly 2,000,000 people. Stretching into our Northwestern States they have cut down the forests and brought the wide prairies under cultivation over an area of more than 10,000,000 acres. The building of nearly 2,000 churches and nearly as many schools stands to their credit. They have established about 20 higher institutions of learning; set up a large number of charitable organizations and more than a thousand societies for public welfare and mutual benefit; written thousands of books and published hundreds of newspapers, among which are some of the leading journals of the country. Always as soon as they have provided shelter for themselves they have turned to build places of religious worship and founded institutions of higher learning with the original purpose of training clergymen and teachers. Augustana College, Gustavus Adolphus College, and Bethany College are seminaries of learning which stand to their credit.

Though few in numbers during the period of our Revolutionary War, they supported the colonial cause and it has been said that King Gustavus III, writing to a friend, declared "If I were not King I would proceed to America and offer my sword on behalf of the brave Colonies." One of the signers of the Declaration of Independence was John Morton or Mortonson, and it has been claimed that Betsy Ross was of Swedish descent. No less than 14 Swedish officers served our cause either in the Army or in the French fleet which took part in the Revolutionary campaigns. After the close of the war the Swedish minister at Paris called upon our representative, Benjamin Franklin, and offered to negotiate a treaty of commerce and amity, thus making Sweden the first European power which voluntarily and without solicitation tendered its friendship to the young Republic. This treaty was ratified by Congress in July, 1783. The title of "President of the United States in Congress Assembled" was first held by John Hanson, of Maryland, in 1781, who afterwards installed George Washington as the first President who was chosen under the Constitution.

As these Americans of Swedish blood have increased in numbers and taken up the duties of citizenship, they have been prominent in all ranks of public life. They have been distinguished in the public service of the States, filling many of the offices from the governorship down. I shall name but one of the public officials of the Swedish race who have served our country so faithfully as representative of the great legion whose names spring to our thoughts, a learned lawyer, blessed with great ability, possessed of high character, a seasoned parliamentarian with a record of prominent leadership in the legislature of his own State and in the Congress of the United States, a man endowed with the old Norse spirit, a true American, the senior Senator from Wisconsin, IRVINE L. LENROOT. Others of the race have sat in the National House and Senate and been prominent at the bar and on the bench.

Their painters were among the earliest and have produced pictures of great merit; but of all the arts they have been most proficient in music. Inspired by Jenny Lind and Christina Nilsson, they have as a people given great attention to vocal music, maintaining famous choral clubs and producing noted opera singers, displaying also a high degree of talent as composers.

When Lincoln began his great struggle for the integrity of the Union this strain was becoming increasingly numerous, and Dr. Amandus Johnson declares that 16½ per cent of all Americans of Swedish blood volunteered for service in the Federal Army. Among those who reached a high command were General Stolbrand and Rear Admiral Dahlgren, while the rank and file maintained the record of fame for the fighting qualities which from time immemorial have characterized the race. Such is the background and greatness of the Swedish people in the country of their origin and in America that gave to the world John Ericsson. They have been characterized by that courage which is the foundation of industry and thrift, that endurance which is the foundation of military achievement, that devotion to the home which is the foundation of patriotism, and that reverence for religion which is the foundation of moral power. They are representative of the process which has been going on for centuries in many quarters of the globe to develop a strain of pioneers ready to make their contribution to the enlightened civilization of America.

The life of this great man is the classic story of the immigrant, the early struggle with adversity, the home in a new country, the final success. Born in the Province of Varmland in 1803, at the age of 17 he entered the army. But the urge for a wider opportunity for his talents possessed him, and at 23 he went to England. He entered an engineering firm and always preferred to be considered an engineer rather than an inventor. The development of power interested him, and within a year his fertile mind had begun improvements of far-reaching extent upon boilers and engines. With that boundless energy which was to characterize him through life he soon designed the fire engine and developed the screw propeller for marine use. It was this new invention which brought him to America in 1839. His hopes to

interest the Federal Government in this method of navigation were not immediately realized, but he began constructing propeller boats on the Great Lakes and started a fleet on the canal between Baltimore and Philadelphia, which caused the railroad to cut its fare in two, and where the boat service still keeps the name of the Ericsson Line. He was soon building a small steamboat, called the *Princeton*, which was the first man-of-war equipped with a screw propeller and with machinery below the water line out of reach of shot. In 1876 he described this vessel as "the foundation of the present steam marine of the whole world. She revolutionized naval vessels." President Tyler and his Cabinet made a trial trip down the Potomac on this boat, which, although marred by a fatal accident caused by the bursting of a gun, demonstrated the desirability and success of this type of warship.

It was therefore no novice but a seasoned and practical shipbuilder who responded when the Secretary of the Navy, alarmed at reports of a Confederate ironclad, advertised for armored ships. This great mechanical genius wrote to President Lincoln offering to "construct a vessel for the destruction of the hostile fleet in Norfolk and for scouring southern rivers and inlets of all craft protected by southern batteries." He further declared:

"Attachment to the Union alone impels me to offer my services at this frightful crisis—my life if need be—in the great cause which Providence has caused you to defend. * * * It is not for me, sir, to remind you of the immense moral effect that will result. * * * Nor need I allude to the effect in Europe, if you demonstrate that you can effectively drive hostile fleets away from our shores."

This offer was accepted, and as a result a strange new craft, sometimes described as a cheese box on a raft, steamed into Hampton Roads late after dark on the day of March 8, 1862. It arrived none too soon, for that morning the Confederate ironclad *Virginia*, reconstructed from the *Merrimac*, began a work of destruction among the 16 Federal vessels, carrying 298 guns, located at that point. The *Cumberland*, with 24 guns, was battered to pieces, losing 117 of its 300 men. The *Congress*, with 15 guns, was grounded and set afire, and the *Roanoke* and *Minnesota* were badly damaged and run ashore.

The result was consternation among the Federal authorities. A Cabinet member is said to have exclaimed that a shell from this new engine of destruction might be expected to fly into the White House at any time. In the South expectations were entertained of a complete destruction of the northern ships, the raising of the blockade, the capture of Washington and other cities, recognition of the Confederacy by Europe, and ultimate victory.

When the ironclad *Merrimac* went out on the morning of March 9 to complete its work of destruction it was at once surprised and challenged by this new and extraordinary naval innovation. Speaking before the Naval Institute in 1876, Admiral Luce said that the *Monitor* "exhibited in a singular manner the old Norse element in the American Navy." He pointed out that it was Ericsson "who built her," Dahlgren "who armed her," and Worden "who fought her." And well might he add:

"How the ancient scalds would have struck their wild harps in hearing such names in heroic verse. How they would have written them in immortal runes."

After a battle lasting four hours, in which the *Monitor* suffered no material damage except from one shell which hit the observation opening in the pilot house, temporarily blinding Lieutenant Worden, the commanding officer, the *Merrimac*, later reported to have been badly crippled, withdrew, never to venture out again to meet her conqueror.

The old spirit of the Vikings, becoming American, had again triumphed in a victory no less decisive of future events than when it had hovered over the banner of William the Conqueror. It did for the Union cause on the sea what the Battle of Gettysburg later was to do for it on land. If some of the European countries had any serious thought of joining with the South, such intentions were speedily abandoned. That engagement revealed that in the future all wooden navies would be of little avail. The London Times stated that the day before this momentous battle England had 149 first-class warships; the day after she had but 2, and they were iron plated only amidships. Naval warfare had been revolutionized. The great genius of Ericsson had brought about a new era in naval construction. Naval authorities now recognize the armored vessel which he sent into action as "the germ of the modern battleship" and behold in "the modern dreadnought the glorified *Monitor*."

Great as were these achievements, they are scarcely greater than those which marked the engineering and inventive abilities of this great man, which were to benefit the industry, commerce, and transportation of the country. He was a lover of peace, not war. He was devoted to justice and freedom and was moved by an abiding love of America, of which he had become a citizen in 1848. He had a peculiar horror of slavery. In 1862 he wrote to a United States Senator:

"Nothing could induce me to accept any remuneration from the United States for the *Monitor* once presented by me as my contribution to the glorious Union cause, the triumph of which freed 4,000,000 bondmen."

Ericsson continued his labors in his profession with great diligence, even into his eighty-sixth year, when he passed away at his home in New York City on the 8th of March, 1889, the anniversary of the arrival of the *Monitor* in Hampton Roads. At the request of the Royal United Kingdoms of Sweden and Norway, all that was mortal of the great engineer was restored to his native land during the following year. Although he had not returned during his lifetime, he always remembered with the keenest affection the people of his native land. The high estimate he placed upon their character led him at one time to say:

"It is with true satisfaction I now recall to memory the time when I associated and exchanged thoughts with the energetic youth of Norrland. Without disparaging other nations, I must say that the perseverance, sense of right, and clear heads of these youths place them far beyond the young men of the working class in the other countries. I estimate the Swedish vigor and innate good sense as beyond that of other nations."

The high opinion he held of them was no less than the high opinion they held of him. Because of the fidelity and generosity which he had exhibited toward Sweden and Norway, and his helpful service to the United Kingdoms, a captain of the Swedish Navy wrote to him:

"If there is in heaven a special dwelling place for patriots, your place will certainly be in the State Apartments."

He was borne to his last resting place with appropriate honors by the cruiser *Baltimore*, under the command of Admiral Schley. Desiring to give expression to the cordial and fraternal ties that unite a kindred people, the President of the United States caused to be issued the following order:

"In recognition of this feeling and of the debt that we owe to Sweden for the gift of Ericsson, whose genius rendered us the highest service in a moment of grave peril and anxiety, it is directed that at this other moment, when we give back his body to his native country, the flag of Sweden shall be saluted by the squadron."

Crowned with honor by the land of his birth and the land of his adoption, he sleeps among the mountains he had loved so well as a boy. But his memory abides here.

Both nations unite again to-day in dedicating another memorial to the memory of this illustrious man. His Royal Highness Crown Prince Gustaf Adolf and Her Royal Highness Crown Princess Louise have most graciously come from Sweden to be present on this occasion and join with us in paying tribute to a patriot who belongs to two countries. It is significant that as Ericsson when he was a young soldier had the friendship and favor of the crown prince of that day, so his memory has the marked honor of the crown prince of to-day.

This memorial, by which we rededicate America to the spirit which Ericsson represented, stands most fittingly by the bank of the river on which floated the first craft with which he undertook to benefit this Government, in the shadow of the majestic temple which has been reared to the fame of the immortal Lincoln, whose cause he served, and within sight of the lofty monument that recalls the name of Washington, whose country he helped to save. As the ceaseless throng of our citizens of various races shall come and go, as they enter and leave our Capital City in the years to come, as they look upon their monuments and upon his and recall that though he and they differed in blood and race they were yet bound together by the tie that surpasses race and blood in the communion of a common spirit, and as they pause and contemplate that communion, may they not fail to say in their hearts, "Of such is the greatness of America."

ADDRESS OF HIS ROYAL HIGHNESS, THE CROWN PRINCE OF SWEDEN

Mr. President, Mr. Chairman, Ladies, and Gentlemen: My heartfelt thanks to you and through you to all your countrymen for the very kind welcome accorded to the Crown Princess and to myself. We esteem it an honor to be present at this occasion, and wish to express our sincere appreciation of the courteous invitation which we have received. Let me also take this opportunity to say how deeply moved we are by the wonderful reception given us on this our first visit to the United States of America.

My father, the King of Sweden, has commissioned me to express his very cordial greetings and best wishes to you, Mr. President, and to the people of the United States. He also wants you to know the keen interest he takes in every circumstance connected with the creation and erection of the John Ericsson Memorial. His thoughts are with us to-day, and especially with those who by birth or descent are connected with the country of which he is the sovereign.

It is indeed an honor for me to represent Sweden in this commemoration of the greatest man who ever came from our shores to America. In your beautiful Capital there are erected worthy monuments and memorials to many of the great men who since the founding of your country 150 years ago have built up the mighty power which the United States represents to-day.

Foremost of them all was he who gave this city his name—the father of your country—George Washington. Great indeed that successor of his, whom it was John Ericsson's fortune to serve, Abraham Lincoln. In the shadow of these great memorials we pay homage to the memory of a man born in Sweden, who became a true and loyal

American citizen. The country of great resources and unlimited possibilities gave to this genius the opportunity to develop to the full his abilities for the benefit of mankind.

The debt of gratitude which he owed this Nation he was enabled to repay in a manner that came to be of vital importance for the unity of your country.

We of Sweden rejoice in the unveiling of this mighty symbol, erected by the people and Government of the United States to perpetuate their recognition of what Capt. John Ericsson achieved not only at the crucial moment but during a lifetime of unremitting creating.

We are happy to know that so many Americans of Swedish origin have contributed to the completion of this monument, acknowledging as their ideal the life of John Ericsson, dedicated in gratitude to the country of his birth, and in loyal devotion to that which he made his own.

To us Swedes this celebration of John Ericsson's memory is expressive of something more significant than his great contributions to modern science. John Ericsson is the incarnation of our desires and hopes for an unbroken friendship with America.

He is both a promise and a fulfillment. In him are represented the common aims and aspirations of two free peoples, imbued alike with democratic ideals.

On this occasion, Mr. President, may I be permitted as a representative of Sweden to convey a very sincere greeting from John Ericsson's native country and from his birthplace.

There has just come from the people of Filipstad, the home town of John Ericsson, in the Province of Vermland, Sweden, a radio message which in translation reads as follows:

"John Ericsson's birthplace asks to be permitted to extend its warm greetings to the magnanimous American Nation which made possible the full development of his creative genius to which America is now paying its high tribute in this memorial."

We of Sweden wish to give vent to our cordial feelings for your enlightened and thrifty people, whose high ideals are well known all over the world. And we wish to express our admiration for your great and prosperous country, so full of resources of all kinds.

It is our fervent hope that the bonds of friendship uniting the United States of America and Sweden shall constantly be strengthened for the mutual benefit of both nations.

May John Ericsson's monument forever remain an unbroken seal on the ties joining together so closely those two countries dearest to his heart—the United States of America and Sweden.

HOUR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, in order that some of the Members who would otherwise not have an opportunity to speak may have more time to-morrow I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, what is the gentleman's idea of the length of time this debate will continue to-morrow?

Mr. GREEN of Iowa. I think a little over three hours.

Mr. COLLIER. Mr. Speaker, I think that we can get through to-morrow in about three hours and a half. I would like to have one hour and 45 minutes.

Mr. GREEN of Iowa. I will give the gentleman that much time.

Mr. COLLIER. Mr. Speaker, how does the time stand now?

The SPEAKER. The gentleman from Iowa has used 2 hours and 29 minutes and the gentleman from Mississippi 2 hours and 18 minutes.

Mr. CRAMTON. Mr. Speaker, I reserve the right to object to the request of the gentleman from Connecticut. It is probable that the rest of the week may be rather strenuous, and his request that we should have these early sessions does not appeal to me.

Mr. TILSON. This will not be very strenuous. It is general debate, and it is made in order to lengthen the time for general debate.

Mr. COLLIER. The gentleman is surely not suggesting that it is strenuous to listen to these speeches.

Mr. TILSON. It will have no effect on any succeeding legislation except to let the Public Lands Committee come in to-morrow afternoon.

Mr. CRAMTON. It will be hardly fair to that committee. At best the general debate will not be finished before half past 2 or 3 o'clock, and then a roll call on the bill will take until about 4 o'clock. The other day the Public Lands Committee had a little over half a day only.

Mr. TILSON. We thought we would make that up to them to-morrow.

Mr. CRAMTON. Does the gentleman mean to give them Thursday?

Mr. TILSON. Oh, no; to give them to-morrow.

Mr. CRAMTON. And the whole of the succeeding Calendar Wednesday?

Mr. TILSON. Yes.

Mr. CRAMTON. The gentleman would not consider, then, that they will have had two days, with the time they have to-morrow?

Mr. TILSON. I should not think so.

Mr. CRAMTON. Mr. Speaker, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. WILLIAMS of Texas, indefinitely, at the request of Mr. LANHAM, on account of important business.

Mr. CELLER, indefinitely, on account of illness.

LIMITING GENERAL DEBATE ON THE FRENCH SETTLEMENT BILL

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that all debate upon the bill H. R. 11848, the French debt settlement bill, be limited to 3 hours and 20 minutes.

The SPEAKER. Is there objection?

Mr. O'CONNOR of Louisiana. Mr. Speaker, reserving the right to object, is it the purpose of the gentleman from Iowa [Mr. GREEN] to make the usual request at the end of the debate to grant permission to those who do not participate in debate to extend their remarks in the RECORD?

Mr. GREEN of Iowa. If the gentleman desires I shall be very glad to do that.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADJOURNMENT

Mr. GREEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 38 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Wednesday, June 2, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 2, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Private bills.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce (H. R. 11422).

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate the Northern Pacific land grants.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

Preliminary survey of the Oakland (Calif.) Harbor (H. Doc. No. 407).

EXECUTIVE COMMUNICATIONS, ETC.

540. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1926, pertaining to the Office of the Supervising Architect, $5,656 (H. Doc. No. 408), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 2033. An act to provide for the advancement on the re-

tired list of the Navy of Milton F. Nicholson; without amendment (Rept. No. 1339). Referred to the Committee of the Whole House.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. S. 3647. An act to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy; without amendment (Rept. No. 1340). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 7119. A bill for the relief of James Golden, chief master at arms, United States Navy, retired; without amendment (Rept. No. 1341). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 8279. A bill for the relief of Jesse W. Boisseau; without amendment (Rept. No. 1342). Referred to the Committee of the Whole House.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 8784. A bill for the relief of Bertha M. Leville; without amendment (Rept. No. 1343). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 9030. A bill for the retirement as ensign of Hampton Mitchell; with amendment (Rept. No. 1344). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 9803. A bill for the relief of Frank Stinchcomb; without amendment (Rept. No. 1345). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10485. A bill for the relief of William C. Harllee; without amendment (Rept. No. 1346). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 12531) providing an appropriation for the reconditioning of the frigate *Constitution;* to the Committee on Appropriations.

By Mr. LEATHERWOOD: A bill (H. R. 12532) granting pensions to certain soldiers who served in the Indian wars from 1859 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 12533) to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims; to the Committee on Indian Affairs.

By Mr. TOLLEY: A bill (H. R. 12534) making eligible for retirement under certain conditions persons commissioned in the military forces of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during a national emergency; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 12535) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. CLEARY: A bill (H. R. 12536) to authorize the Secretary of War to grant an easement to the city of New York, State of New York, to the land and land under water in and along the shore of the narrows and bay adjoining the military reservation of Fort Hamilton in said State for highway purposes; to the Committee on Military Affairs.

By Mr. McDUFFIE: A bill (H. R. 12537) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Jackson, in the county of Clarke, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER of Alabama: A bill (H. R. 12538) granting the consent of Congress to William H. Armbrecht to construct, maintain, and operate a bridge and approaches thereto across the Tombigbee River at or near Gainesville, in the county of Sumter, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 12539) to establish an agricultural relief board to effect orderly marketing against surplus farm commodities and for the relief of the agricultural industry; to the Committee on Agriculture.

By Mr. BRAND of Georgia: A bill (H. R. 12540) to provide for a farmers' loan corporation, and for other purposes; to the Committee on Agriculture.

By Mr. CHALMERS: Joint resolution (H. J. Res. 268) providing for the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Joint resolution (H. J. Res. 269) authorizing a joint committee of both Houses to consider the purchase of the right to an unrestricted use of the Harriman geographic code system under patents issued, or that may be issued, and also the unrestricted use of all copyrights issued, or that may be issued, in connection with the products of the Harriman geographic code system for all governmental, administrative, or publication purposes for which the same may be desirable; to the Committee on Rules.

By Mr. TINKHAM: Resolution (H. Res. 276) directing an investigation of the payment of money by the Anti-Saloon League to Members of Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 12541) granting a pension to Matilda Klopping; to the Committee on Invalid Pensions.

By Mr. BOX: A bill (H. R. 12542) granting an increase of pension to Elizabeth Blood; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12543) granting an increase of pension to Carrie A. Mendenhall; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 12544) granting an increase of pension to Celia Gouge; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 12545) granting an increase of pension to Thelma Rose Smith; to the Committee on Pensions.

By Mr. BURTON: A bill (H. R. 12546) granting an increase of pension to Deborah Sampson; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 12547) granting an increase of pension to Mary E. Holliday; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 12548) granting an increase of pension to Margaret J. Baird Mount; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12549) granting an increase of pension to Jennie A. Rossiter; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12550) granting a pension to Elizabeth Laland; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12551) for the relief of Fidelity & Deposit Co. of Maryland; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 12552) granting an increase of pension to Mittie Van Bibber; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 12553) granting a pension to Willie Herschel Meek; to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 12554) granting an increase of pension to Margaret Hogan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12555) granting an increase of pension to Elvirda L. Lightner; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12556) granting an increase of pension to Amanda A. Osborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12557) granting an increase of pension to Harriet M. Brown; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 12558) granting an increase of pension to Ella H. Wheeler; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12559) granting an increase of pension to Annette E. Calkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12560) granting an increase of pension to Matilda A. Gardner; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 12561) granting a pension to Henry Hurley; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12562) granting a pension to Francis J. Boyer; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 12563) for the relief of Walter B. Avery and Fred S. Gichner; to the Committee on Claims.

Also, a bill (H. R. 12564) granting a pension to Mary Ann Dwyer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2321. By Mr. CARTER of California: Petition of the Southern Hardware Jobbers Association, protesting against the Federal inheritance tax; to the Committee on Ways and Means.

2322. By Mr. CELLER: Petition of Brooklyn Chamber of Commerce, with reference to postal rates; to the Committee on the Post Office and Post Roads.

2323. By Mr. ROY G. FITZGERALD: Petition of Ohio State Medical Association's president, protesting against enactment of House bill 11612 as not striking drug evil and hampering physicians in lawful practice; to the Committee on Ways and Means.

2324. By Mr. KELLY: Petition of the Presbyterian Church of Edgewood, Pa., urging strict enforcement of the eighteenth amendment and the Volstead law; to the Committee on the Judiciary.

2325. Also, petition of the First Presbyterian Church of Braddock, Pa., favoring strict enforcement of prohibition laws; to the Committee on the Judiciary.

2326. Also, petition of the First Presbyterian Church of McKeesport, Pa., protesting against any effort to weaken prohibition laws; to the Committee on the Judiciary.

2327. By Mr. MACGREGOR: Petition of Buffalo Council No. 50, Junior Order United American Mechanics, in reference to immigration; to the Committee on Immigration and Naturalization.

2328. By Mr. STEPHENS: Petition branch of National Council of Catholic Men of St. Patrick's Church, north side, Cincinnati, Ohio, protesting against the expulsion from Mexico of Archbishop Caruana, an American citizen; also branch of National Council of Catholic Men of St. John Church, of Harrison, Ohio, protesting against the expulsion from Mexico of Archbishop Caruana; to the Committee on Foreign Affairs.

2329. By Mr. TEMPLE: Petition of number of residents of Burgettstown and Washington, Washington County, Pa., in support of legislation increasing the rate of pension to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2330. By Mr. TINKHAM: Petition of Massachusetts Society, Sons of the American Revolution, adopted at the annual meeting of the society held in Faneuil Hall Monday, April 19, 1926, looking toward adequate national defense; to the Committee on Military Affairs.

